Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FIFTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LVI



48017

WASHINGTON
GOVERNMENT PRINTING OFFICE
1918

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



Congressional Record.

SIXTY-FIFTH CONGRESS,
SECOND SESSION.

VOLUME LVI, PART 5.

MARCH 29 TO APRIL 18, 1918.

PAGES 4253 TO 5322.

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS SECOND SESSION.

SENATE.

FRIDAY, *March 29, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee upon this day set apart and remembered by the whole Christian world as the day of supreme sacrifice, a day which touches the foundation of our civilization, a day that invites us into the immediate presence of God through an atonement acceptable in Thy sight. We pray that the spirit of the day may enter upon us, and that we may go forward in our work under its inspiration, bearing in mind that the success of our work must come through our sacrifice, and that service to mankind at the cost of suffering is the highest service that Thou dost permit Thy children to render to their kind. Hear us in this our prayer to-day. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. THOMAS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Gerry	Nelson	Smoot
Bankhead	Gronna	New	Sterling
Beckham	Henderson	Norris	Stone
Borah	Johnson, S. Dak.	Overman	Sutherland
Chamberlain	Jones, N. Mex.	Page	Thomas
Colt	Jones, Wash.	Poindexter	Thompson
Culberson	Kellogg	Reed	Tillman
Cummins	Kendrick	Saulsbury	Trammell
Curtis	Kenyon	Shafroth	Vardaman
Dillingham	Kirby	Sheppard	Wadsworth
Fall	Knox	Sherman	Warren
Fletcher	McKellar	Shields	Watson
France	McLean	Smith, Ga.	Wolcott
Frelinghuysen	McNary	Smith, Md.	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent due to illness in his family.

Mr. SUTHERLAND. My colleague [Mr. GOFF] is absent on account of illness.

Mr. GERRY. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from Kentucky [Mr. JAMES] are detained on official business.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3401. An act to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy; and

S. 3404. An act to authorize the President to drop from the rolls any naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense punishable by confinement in the penitentiary by the civil authorities, and prohibiting such officer's reappointment.

PETITIONS AND MEMORIALS.

Mr. STERLING. Mr. President I send to the desk a concurrent resolution adopted by the Legislature of the State of South Dakota touching the question of equal suffrage, which I ask may be read.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary read as follows:

Whereas the House of Representatives of the United States has passed a proposed amendment to the Constitution of the United States extending equal suffrage to the women of our Nation; and

Whereas the proposed amendment is now before the Senate of the United States for consideration; and

Whereas the Legislature of South Dakota at its last regular session passed a full suffrage amendment submitting the same to a vote of the people at the next regular election: Therefore be it

Resolved by the House of Representatives of the State of South Dakota (the Senate concurring therein), That we urge upon the Senate of the United States to pass at once the Federal amendment establishing at home that democracy for which the men of this country have been called to fight for abroad; be it also

Resolved, That our Senators in Congress be requested to vote for the equal-suffrage amendment.

Resolved, That the resolution be sent to the President, the Vice President, and to our Senators.

[SEAL.] FRANK M. ROOD,
Secretary of State.

Mr. STERLING. I simply want to say with reference to the resolution that I shall not occupy the time of the Senate now, but a little later I hope to have the opportunity of addressing the Senate briefly on the subject matter of the resolution.

Mr. KENYON presented the petition of Rev. F. B. Nixon, pastor of the Whitfield Methodist Episcopal Church of Sioux City, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of the Congregation of the Stone Presbyterian Church, of Brown City, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 1566, Patrons of Husbandry, of Ann Arbor, Mich., praying for the enactment of legislation fixing the prices on all commodities during the war, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (S. 1760) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama, reported it with amendments and submitted a report (No. 337) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1889) revoking authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak. (Rept. No. 338); and

A bill (S. 3392) for furnishing water supply for miscellaneous purposes in connection with reclamation projects (Rept. No. 339).

LAND IN PORT ANGELES, WASH.

Mr. SHAFROTH. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 5351) providing for the disposal of certain lands in block 32 in the city of Port Angeles, State of Washington, and I submit a report (No. 336) thereon. I wish to call the attention of the Senator from Washington [Mr. JONES] to the bill, so that he can take such action as he desires in calling it up.

Mr. JONES of Washington. I will say that this is a bill of only about half a dozen lines. It is purely local and has been indorsed by all the departments. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That all lots in block 32 in the city of Port Angeles, State of Washington, now reserved for Government purposes under an act entitled "An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes," approved March 16, 1912, except lots 1, 8, 9, 10, 16, and 17, shall be disposed of under and pursuant to the provisions of said act of March 16, 1912, and the Secretary of the Interior is hereby directed to proceed at once to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FALL:

A bill (S. 4213) to correct the record of John W. Braden, alias Harry Milford (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4214) granting a pension to Albert Grimes; and

A bill (S. 4215) granting a pension to Louis H. Roberts; to the Committee on Pensions.

By Mr. KELLOGG:

A bill (S. 4216) conferring jurisdiction on the Court of Claims to hear and determine the validity of the expenditures of the appropriations from the principal trust fund of the Chippewa Indians; to the Committee on Indian Affairs.

By Mr. SMITH of Maryland:

A bill (S. 4217) to provide for the redistribution of general taxes and special assessments due and payable on real estate in the District of Columbia, in cases of subdivision or sales of land therein; to the Committee on the District of Columbia.

By Mr. KING:

A bill (S. 4218) for the relief of purchasers from the State of Utah of lands in sections 2, 16, 32, and 36 in said State; to the Committee on Public Lands.

A bill (S. 4219) prescribing the manner in which laborers or mechanics to be engaged in work upon public contracts may be procured, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of Washington:

A bill (S. 4220) to provide identification tickets and to compel their issuance to street railway passengers within the District of Columbia under certain conditions; to the Committee on the District of Columbia.

LIST OF NONCOMBATANT OFFICERS.

Mr. NELSON. I submit a resolution and ask that it be read.

The Secretary read the resolution (S. Res. 220), as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to furnish to the Senate, as soon as practicable, a list of the men to whom commissions in the Army have been issued and who are not now and who have not heretofore been placed in command or had charge of any troops in the service of the United States either here or abroad; the branch of the service in which such men have been commissioned.

Mr. NELSON. I ask that the resolution be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The resolution will be printed and referred to the Committee on Military Affairs.

STANDARDIZATION OF WAGES.

Mr. KING. I ask that Senate resolution 174, directing the Committee on Education and Labor to inquire into the subject of labor having to do, directly or indirectly, with Government work, and report upon the advisability of establishing standards of wages for laborers employed in such work, be taken from the table and referred to the Committee on Education and Labor.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Education and Labor.

PROSECUTION OF THE WAR.

Mr. FRANCE. Mr. President, I desire to give notice that on next Tuesday, April 2, at the close of the morning business, if it meets with the approval of the Senate, I shall submit certain observations upon the imperative necessity of a better organization of the Nation for the successful prosecution of the war.

WAR-RISK INSURANCE—CONFERENCE REPORT.

Mr. SMITH of Georgia submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

JOHN SHARP WILLIAMS,
HOKE SMITH,
REED SMOOT,
Managers on the part of the Senate.

T. W. SIMS,
SAM RAYBURN,
A. E. WINSLOW,
Managers on the part of the House.

Mr. GALLINGER. I ask the Senator from Georgia if this report is a substitute for the resolution which the Senator submitted several days ago.

Mr. SMITH of Georgia. It is a substitute for the resolution.

Mr. GALLINGER. Very well.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on March 29, 1918, approved and signed the following acts:

S. 3129. An act to provide for the disposition of the effects of deceased persons in the naval service;

S. 3130. An act to amend section 1570 of the Revised Statutes of the United States;

S. 3445. An act to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes;

S. 1546. An act to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers; and

S. 3689. An act authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, at Kansas City, Mo.

AIRCRAFT PHOTOGRAPHS—OFFICIAL BULLETIN.

Mr. WADSWORTH. Mr. President, a certain matter deserves being brought to the attention of the Senate, and by way of introducing it I send to the desk a copy of the Official Bulletin issued under date of Thursday, March 28, which reached the public this morning. I ask the Secretary to read the article marked upon the last page of the Bulletin.

The PRESIDENT pro tempore. Without objection, the Secretary will read. The Chair hears no objection.

The SECRETARY. From the Official Bulletin, Thursday, March 28, 1918, reading the last article in the Bulletin, on page 8:

WAR PHOTOGRAPHS FOR RELEASE.

A partial list of photographs, released March 30, by the division of pictures, Committee on Public Information, herewith is presented.

A complete list of all photographs may be had upon application.

Copies of these pictures may be obtained for private-collection purposes, at 10 cents each, by application to Division of Pictures, Committee on Public Information, 10 Jackson Place, Washington, D. C. In writing, order by number and inclose coin well wrapped.

Stereopticon slides of photographs listed below may be obtained at 15 cents each.

6858. Aeroplane Bodies Ready for Shipment "Over There": These aeroplane bodies, the acme of engineering art, are ready for shipment to France. Though hundreds have already been shipped, our factories have reached quantity production, and thousands upon thousands will soon follow.

6859. The Result of Long Experiment: Scientists and engineers have worked long in our aeroplane factories before perfection was attained, and now that success has crowned their efforts, the factories have been put on a quantity-production basis, and many thousands of these efficient machines will be sent to France.

6860. Speeding up Aeroplane Production: These cylinders for our perfect aeroplane engine are the product of the best engineers and scientists in this country, and now that perfection finally has been attained, the engine factories have been placed on a quantity-production basis. Huge amounts will be turned out to supply our ever-increasing air fleet in France with motive power until victory is ours.

6861. Building Airplane Bodies: These carriages are models of efficiency and are built along the models furnished by the best engineers of this country. They are now being manufactured by the thousands and rushed to France to become a part of our ever-increasing air fleet.

Mr. WADSWORTH. Mr. President, it must be apparent to every Senator, as he listened to that article being read, that those captions which were attached to photographs fairly bristle with misinformation. Furthermore, the Committee on Public Information has been completely informed that those captions are utterly inaccurate, and still persists in publishing them to the American people under the seal of the Government.

On Wednesday morning last there came into my possession a copy of this release containing the four captions just read by the Secretary, each caption descriptive of a photograph to be sent to the press for publication and to be placed upon sale to private individuals or for collections.

I immediately called up the Committee on Public Information and discussed the matter with the director of the division of pictures, under whose charge this matter falls. I called his attention to the grossly misleading statements, particularly that hundreds of airplanes have already been shipped to France when we know that only one has gone. He admitted the information was misleading. He said his understanding was that these particular captions applied only to training planes. The Committee on Military Affairs looked that matter up and further corroborated the well-known fact that no training planes have been sent to France.

We then sent for the director of the division of pictures and had him before the Military Committee. We called his attention to this grossly inaccurate statement. He admitted before the committee in open session that it was misleading and flamboyant. This was on Wednesday afternoon. He laid a part of the blame upon one of his subordinates, a gentleman by the name of Maurice Strunsky, who he said wrote those captions. We had him, Strunsky, brought before us to find out where he got any such information as is contained in those captions, and he could give us no satisfactory explanation whatever.

The chief of the division of pictures informed the Military Affairs Committee that he would stop the publication of those captions. It was to be done at our request, and yet, Mr. President, here we are two days later witnessing the publication of these falsehoods in the Official Bulletin, upon which the people of the United States rely for correct information.

I do not know what the Senate can do about such things. We have no direct jurisdiction over the Committee on Public Information. That organization knew that those statements were misleading, to use the most charitable term, and yet they persist in giving this misinformation to the American public at a time like this.

I think it is well worthy of the attention of the Senate, and, as I have said on a former occasion, it is time that the Committee on Public Information was censored.

Mr. KNOX. May I ask the Senator a question?

Mr. WADSWORTH. I yield to the Senator from Pennsylvania.

Mr. KNOX. Is it not a fact that the justification for the existence of the Official Bulletin is that the public is apt to be misinformed if it relies upon the secular press, and that they are entitled to the absolute facts, and hence the Official Bulletin?

Mr. WADSWORTH. Of course that is the theory upon which the Committee on Public Information was formed. I doubt if it is conducted in that spirit.

Mr. THOMAS. Mr. President, I was as much surprised this morning as was the Senator from New York when I saw on the last page of the Official Bulletin of March 28 this article. The Committee on Military Affairs had good reason to congratulate itself that by the merest accident one of its members secured a copy of these so-called bulletins in time to investigate their origin and to stop their general publication. Immediately upon his receipt of it, or very soon afterwards, the Committee on Military Affairs assembled and considered it, with the result as stated by the Senator from New York [Mr. WADSWORTH]. The two men who seem to have been responsible for it are a Mr. Rubel, the head of the division of pictures, and Mr. Maurice Strunsky, whose business is to write bulletins. These bulletins, generally speaking, after they have been composed by Mr. Strunsky, are submitted to Mr. Rubel for his inspection before they are sent upon their mission to the various newspapers of the country. In this instance Mr. Strunsky acted evidently upon his own responsibility, and prepared and mailed the bulletins without consulting his superior. Why, I do not know, unless it be that they were of such tremendous importance that it was necessary to get them into the mail and on their way upon the instant.

Mr. President, the characterization which the Senator from New York made of these bulletins was extremely mild. With the exception of some matters of detail which relate to the efforts of men to perfect the airplane engines and perhaps some parts of ships, they are absolute and unmitigated falsehoods. I might go further and use what was once known as "the shorter and uglier term." The only justification for them was the furnishing to Mr. Rubel by Col. Deeds, of the aviation section, four pictures, which were evidently taken in the factory rooms where machines are being manufactured and which disclose the assemblage of a large number of uncompleted and some completed training machines, engines, and parts of engines. The pictures make a very attractive showing and justify the assertion of the aviation section that it has an abundance of training planes. The rest is largely the work of the imagination.

Mr. Strunsky, 31 years of age, says that when these pictures were received by him—and I do not pretend to give his exact words—he drew partly from his imagination and partly from his construction of an announcement of the Secretary of War upon the 21st day of February the conclusions which he places here as facts. It is all imagination, showing that Mr. Strunsky has a very highly imaginative mentality, partly Oriental and partly American [laughter] the combination of which results in bulletins of this character.

My condemnation of this incident I want to concentrate upon its appearance in the Official Bulletin after the positive assurance of these gentlemen that it would not appear at all. If an "official bulletin" is good for anything, it should be because of its name and what the name implies. That which is official is generally considered to be reliable; it ought to be reliable under all circumstances. Those receiving this bulletin will very properly regard the statements made here as true, and very naturally their disappointment will be extremely great when they learn that they are not only untrue, but that the untruth is stated in an official document which they are taxed to support.

Mr. President, there can be no justification whatever for this. The Bulletin spreads, in this instance at least, among the people four statements upon an extraordinarily important subject which are not true. I think Congress should have something to say about publications of this character at this time. We are confronted at present with a crisis of extraordinary magnitude.

Mr. SMITH of Georgia and Mr. NEW addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Colorado yield; and if so, to whom?

Mr. THOMAS. Just a moment. The subject of the statements is so interwoven with success or defeat, one upon which the sentiment and expectation of the people are so keen, that the communication of false information is bound to react upon the morale.

Now, I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Did the Senator from Colorado bring out clearly the fact—I was diverted for a moment—that the man at the head of that bureau in the Signal Service went before the Committee on Military Affairs and admitted that this statement was untrue?

Mr. THOMAS. He is not in the Signal Service.

Mr. SMITH of Georgia. In what service is he?

Mr. THOMAS. He is in the Public Information Service.

Mr. SMITH of Georgia. But he was the agent of the Public Information Service over at the Signal Service Bureau, was he not?

Mr. THOMAS. No.

Mr. SMITH of Georgia. Well, who was it that had charge of this publication, who admitted that the description contained in this paper was untrue; apologized for it; and said he had never seen it, or else steps would have been taken to prevent it being sent out?

Mr. THOMAS. Mr. President, this gentleman, Mr. Rubel, admitted that the accounts were flamboyant. I think perhaps he could have gone further——

Mr. NEW. Mr. President——

Mr. THOMAS. Just a moment. But he disowned direct responsibility for their production. When we called his attention to the facts he admitted their untruth; gave us his word that the Bulletin should not be published; and that he would instruct every newspaper in the country to which they had been mailed not to publish them.

Now, I yield to the Senator from Indiana.

Mr. NEW. Mr. President, the Senator has just, in effect, answered the question I rose to ask. I merely rose to ask him if he did not think that this was primarily a direct fraud upon the press of the country?

Mr. THOMAS. Primarily, secondarily, directly, and indirectly. [Laughter.]

Mr. President, we asked Mr. Strunsky where he was born and what his business was. He was born and raised in the city of New York; he is 31 years of age; and his chief recommendation for the place was that he was connected with a magazine at one time. I can not state the name of it accurately, but I think it is the Universal Animated Weekly. [Laughter.] He also gave the names of a few of those who had recommended him, and stated that his application for employment was to Mr. Rubel. I asked him if he had any connection with Mr. Creel in the matter of his employment, and it seems that he has never met Mr. Creel, the head of the bureau, which discloses the fact that subordinates in the Bureau of Information are hiring other subordinates in the Bureau of Information and endowing them with authority of the most extraordinary character, without even so much as consulting the head of the bureau.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I yield.

Mr. REED. I want to ask the Senator if he does not think in this instance that that is an advantage rather than a disadvantage? [Laughter.]

Mr. THOMAS. Well, I will not contend with the Senator very strenuously upon that subject; but the serious side of it is this: This man says that his business is to write bulletins, and that recently he has been writing hundreds of them.

Mr. WADSWORTH. Twenty a day.

Mr. THOMAS. Yes; some 20 a day; so that his output of bulletins may have had something to do with the processes of his imagination concerning the output of airplanes; in any event, if we could only have one airplane for every bulletin that this man grinds out on his own responsibility there would be no question about the result on the French front in this crisis.

Mr. President, he writes bulletins upon all subjects; and when written by this inexperienced young man they pass the supervision of one scarcely older than himself before finally going to the press, give to these two obscure and irresponsible individuals a power of disseminating information, both true and false, that seems to have no limitation whatever, in consequence of which, through the machinery of the Bureau of Information, it is difficult to place an estimate upon the extent to which the people can be deceived and deluded, whatever the motive inspiring the statements.

Mr. SMITH of Georgia and Mr. POINDEXTER addressed the Chair.

Mr. THOMAS. I yield, first, to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator criticizes the unknown or irresponsible men lower down for this work. What better could be expected from them when the Official Bulletin prints this story after it has been developed and admitted that it is utterly false?

Mr. THOMAS. Mr. President, the Senator merely anticipated me. I was about to say that the indictment after all must be laid against those who are at the head of the bureau and who develop such almost unprecedented lack of organization and such a general loose system of operation of the affairs of the bureau.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I yield.

Mr. POINDEXTER. Did the committee when this Mr. Maurice Strunsky was before it inquire of him whether or not it is German propaganda that he is getting out?

Mr. THOMAS. No; the committee did not ask him that.

Mr. POINDEXTER. It seems to me, Mr. President, if the Senator will pardon me, that it would have been an entirely relevant inquiry. The country is more or less familiar with the tremendous efforts that the Germans have made in spreading German propaganda among the people of their enemy countries. I can not myself for the moment imagine any German propaganda that would be of more benefit to Germany than to misinform and deceive the American people as to the extent and nature of their preparations for carrying on this conflict. If the American people are led to believe that we have airplanes when we have not any airplanes at all, it is manifestly crippling the power of this country, for the country is not going to make any effort where no effort seems to be necessary.

Mr. THOMAS. Mr. President, if I may so term it, we tried to take Mr. Strunsky's pedigree; we inquired of him the names of those who had recommended him to the bureau, their place of residence, and their business, having in view the probability of going further in that direction. It is a very grave thing, Mr. President, to charge anybody at this time with inciting German propaganda. That there is a multitude of it every one knows; that it should be suppressed goes without saying; but to fasten, especially in an incomplete official investigation, the charge upon any citizen, however humble, would, in my judgment, be a mistake. We do not want to do injustice to anyone. We have the material for further investigation. I will say very frankly to the Senator that when I first read this bulletin—and I read it again and a third time—I suspected it was the work of German propaganda. I will say that very frankly.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I am through, as a matter of fact; but I yield to the Senator.

Mr. POINDEXTER. Mr. President, I merely want to disclaim any purpose of making any charges against this young man. I do not know anything of him at all.

Mr. THOMAS. I think the disclaimer is entirely unnecessary.

Mr. POINDEXTER. But I do want to state, in order to make clear the point that the information which he is publishing, lulling the people into false security, is in the interest of Germany, and is the very kind of thing that Germany is trying to do and paying out a great deal of money to accomplish.

Mr. THOMAS. I did not misunderstand the Senator. I know that he had no such intention; but I quite agree with him that, whether designed for that purpose or not, it will have that effect, and hence the greater reason that something should be done to prevent its repetition.

Mr. CHAMBERLAIN. Mr. President, I ask for the regular order. I hope to get up Senate joint resolution 124 as soon as the morning business is over.

EXPENDITURE OF PUBLIC MONEYS FOR PROPAGANDA.

Mr. REED. Mr. President, in connection with the criticism this morning of the expenditure of public moneys for the purpose of giving out information and conducting bureaus, I desire to call attention to the fact that we have another bureau that is engaged in carrying on propaganda at the expense of the Government, and doing it without the slightest authority of law.

I hold in my hand two bulletins that were sent to the press. I read the headlines:

Excerpts from the speech of the Hon. ANDRIEUS A. JONES, of New Mexico, in the United States Senate. Released for publication when delivered, probably on Friday afternoon, March 22.

It will be remembered that on Friday the Senator from New Mexico [Mr. JONES] delivered a very interesting address in which he defended the Fuel Administration. That he had a perfect right to do, and for the making of that speech I would be the very last to raise a single word of criticism; but I want to ask by what authority the Fuel Administration takes the money of the people of the United States to prepare bulletins to send to the newspapers advance copies of the speeches of Senators because those speeches happen to be pleasing to the Fuel Administration?

There is a CONGRESSIONAL RECORD that records what is said here; and if any individual, at his own expense, wants to furnish the newspapers with advance copies of what he desires to say here I make no complaint. I want to know, however, when it has happened in this Government that administrators and departments have been given authority to expend the people's money to conduct a newspaper propaganda in their defense, and to give out those things which they want given out?

If there are to be such bureaus, they ought to be run in the interest of all the Members of the Senate. In the interest of fairness they ought to state what is said upon both sides; and so the Government has provided such an instrumentality in the CONGRESSIONAL RECORD. But Mr. Garfield's bureau, when something is said that suits them, take the public moneys and send out the speech or send out the information. It is utterly abominable, and it ought not to be tolerated.

The other publication or statement given to the press is:

Excerpts from the speech of the Hon. ANDRIEUS A. JONES, of New Mexico, in the United States Senate. Released for publication when delivered.

The opening line I read:

In discussing Senator LODGE'S views of economics in his speech on the coal and sugar shortage investigation, Senator JONES said:

"Given that there was a shortage of sugar, the economic problem naturally arises, Is the distribution of sugar to be placed upon the basis of the highest bidder?"—

And so forth. Then follow excerpts from this very interesting speech.

I do not know whether the Food Administration prepared this and sent it out at the expense of the public, or whether it was done by the Fuel Administration, or whether it was done by the Creel bureau; but I have grown so familiar with this newspaper "dope" that is sent out that I can tell the typewriting at the end of a city block. There are literally tons of information and misinformation being sent out in this way, but this is the first time that it has come to my attention that these bureaus are engaged in disseminating the speeches of Congressmen and Senators that happen to be on the side that suits them, and I suppose, of course, carefully refraining from disseminating any speech that might be upon the other side. Of that I make no complaint, although it does seem to me that if they were going to give out the speech of the Senator from New Mexico answering the Senator from Massachusetts they ought to have given to the public the speech of the Senator from Massachusetts. But the real point of the matter is that we have a lot of gen-

tlemen down here who never were elected to an office in their lives, who were picked up and appointed to office, who are undertaking to conduct bureaus to control the public opinion of the United States. Some of these gentlemen came out of the night of obscurity, and will enter it again as soon as they are separated from the positions which at present they disfigure. Some of them, of course, are men of a different type and class, but I insist that the time has come in this body when, in making appropriations, we ought to specify the purposes for which the money is to be used, and that the millions and hundreds of millions and thousands of millions of dollars that are being wrung from the American people ought not to be indiscriminately thrown around by a lot of men who are responsible, apparently, to nobody.

It is high time this sort of thing was stopped. It is high time that the people knew the uses to which their money is put. I had occasion to call attention recently to some of the expenditures in the Food Administration. I shall not at this time go further into that question. I am calling attention to this speech in no spirit of criticism of the Senator who delivered it. I apprehend he was in no way responsible for the method of its giving out. He had a right to make the speech, and he had a right to give it out, but no bureau of the Government down here had the right to spend our money in preparing it for the press and in sending it out in this way.

REGISTRATION FOR MILITARY SERVICE.

Mr. KIRBY. Mr. President, I had hoped that we might be able to take up this morning the Military Affairs Committee joint resolution providing for the registration of the young men coming of age since the last draft, and that we might go on and complete the organization of our Army. Instead of that, we have spent five or six days here in the sort of discussion that we have had this morning.

What difference does it make, when we need men on the western front, whether this representation here in the Official Bulletin about the air service is a trifle flamboyant and misleading or not? What difference does it make whether the speech of the Senator from New Mexico [Mr. JONES] has been published by an official bureau or not? The thing we need is men yonder on the western front in France.

The War Department has insisted day after day for a month and a half that this registration be proceeded with. The Military Affairs Committee reported this joint resolution more than a month ago, and we have stood insistently upon the floor of this body demanding attention, and it has not yet been accorded.

This Military Affairs Committee of ours has seemed to develop into a hypercritical body and association. They have insisted here this morning that we have no air service, and that we have nothing done, in effect, toward completing or perfecting one. I do not know what the fact may be exactly, but I do know what the report yesterday in executive session was, and I do know there is substantial basis for some of the publications and headlines which have been sent out; and if they are not absolutely true they do reflect a condition that is reasonably in prospect and has to some extent been developed.

What difference does it make about the actual fact whether we have 97 planes this month and 397 next month and 29 squadrons in July, and things of that kind? These things are all in prospect, reasonably so, in esse, almost in fact. Now, let us get down to this joint resolution, and let us have it passed here this morning. Let us get this Army completed—the organization of it, at least—and get it where we can use it effectively. The war is going to be over some of these days, and unless America shall bestir herself more than she has in the past, and unless the Senate gets down to business, the war will be over before we have gotten into it properly. Let us get up this joint resolution.

I ask unanimous consent now that Senate joint resolution 124 be taken up and either passed or defeated to-day.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the Senate proceed to the consideration of Senate joint resolution 124. Is there objection?

Mr. JONES of Washington. I ask for the regular order. We will be through with morning business in just a minute.

The PRESIDENT pro tempore. Objection is made. Concurrent and other resolutions are in order.

OPENING OF STREETS AND ALLEYS IN THE DISTRICT.

Mr. JONES of Washington. I offer a Senate resolution, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 219) was read, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to advise the Senate what proceedings have been instituted for the opening, extension, widening, or straightening of alleys and minor streets in the city of Washington since the approval of the District appropriation act, March 3, 1917, in which additional authority was given in the matter of the condemnation and assessment of damages, and if no proceedings have been taken thereunder, why not; and if any proceedings are contemplated, what they are and when they are to be taken.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KIRBY. I object.

The PRESIDENT pro tempore. Objection is made, and the resolution will lie over under the rule. If there be no further morning business, the morning business is closed.

REGISTRATION FOR MILITARY SERVICE.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of Senate joint resolution 124.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from Indiana [Mr. NEW].

Mr. JONES of Washington. Mr. President, I desire to ask the chairman of the committee two or three questions, for information.

I want to ask the chairman of the committee whether or not the Commander in Chief of the Army and Navy has recommended or urged the passage of the proposition embodied in the amendment of the Senator from Indiana [Mr. NEW] as a war measure?

Mr. CHAMBERLAIN. Mr. President, there has not come down from the Commander in Chief to the committee any request or information whatsoever upon the subject.

Mr. JONES of Washington. I want to ask the chairman of the committee whether or not the Secretary of War has urged this proposition as a necessary war measure, or whether he has indicated to the committee any different opinion from that expressed in his report?

Mr. CHAMBERLAIN. The Senator now refers to the amendment of the Senator from Indiana?

Mr. JONES of Washington. Yes.

Mr. CHAMBERLAIN. There has been no advice from the Secretary of War. If his last report can be applied to this joint resolution, I should infer that he is opposed to it.

Mr. JONES of Washington. I want to ask the Senator, who is the chairman of the Military Affairs Committee, whether or not the proposition embodied in this amendment was considered by the Military Affairs Committee in connection with the joint resolution that is now pending; and if so, what decision did the committee take with reference to the necessity, as a war measure, of embodying it in this joint resolution?

Mr. CHAMBERLAIN. The question was not argued at great length in the committee. I do not think the merits of universal military training or other training were generally discussed or discussed in detail. Practically the only question considered by the committee in connection with this amendment which was offered before the committee was as to whether it was good policy at this time to attach it to the joint resolution in question. I think the majority of the committee, and even some of those who favor military training, were rather of opinion that it might retard the passage of the joint resolution, so that it left the individual members of the committee to do as they pleased.

Mr. JONES of Washington. But the committee apparently did not believe it was wise to attach it to this particular measure?

Mr. CHAMBERLAIN. I think the majority of the committee felt that way. I have advocated military training so seriously and so ardently since I introduced the bill on the subject in 1915 that as an individual I could not vote against this amendment as it is to-day, not that it is universal military training but it is a step in that direction. For that reason I have felt disposed to support the amendment. It may make some difficulties in the War Department in the way of training these young men, but, Mr. President, we are having difficult times,

and I do not think it will encumber the machinery of the War Department very much more than it has been encumbered.

Mr. NEW. Mr. President——

Mr. JONES of Washington. I wish to ask the Senator another question. I ask the Senator if the Chief of Staff of the Army has recommended the incorporation of this amendment into the joint resolution as a war measure at this time?

Mr. CHAMBERLAIN. I do not think anyone connected with the Military Establishment has recommended it or urged it except possibly Gen. S. B. M. Young, who is a retired Army officer, but is a very capable officer. I believe he favors it.

Mr. JONES of Washington. Does he favor it as an immediate essential war measure for the present war?

Mr. CHAMBERLAIN. I do not know about that.

Mr. JONES of Washington. That is what I am trying to get at.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES of Washington. I will yield for a question.

Mr. NEW. I should like to say, in further answer to the question the Senator from Washington addressed to the chairman of the committee, that there was no formal action of any character taken in the committee upon this amendment. The matter was generally discussed and authority was given me by the committee to present the matter on the floor of the Senate as it has been presented.

Further, as far as a recommendation from the Commander in Chief of the Army or the Secretary of War or the Chief of Staff is concerned, there have been no communications either for or against the amendment, so far as I know or have heard. In further answer, however, as to the opinion held by members of the Staff——

Mr. JONES of Washington. I did not ask for their opinion.

Mr. NEW. Will the Senator permit me to add, then, of my own motion, that I have talked to many of them and I have not found a single military man in the city of Washington who is not in favor of the adoption of this amendment.

Mr. JONES of Washington. Mr. President, I wish to ask the chairman of the committee if it is not extremely urgent and important that the joint resolution which is pending shall be passed without delay?

Mr. CHAMBERLAIN. The Judge Advocate General or Provost Marshal General is urging with a good deal of persistence that it ought to be acted on as speedily as possible in order that he may get the machinery of the War Department necessary to apply it.

Mr. JONES of Washington. I will ask the Senator, Is it not a fact that the proposition embodied in the amendment is not involved in any of the terms of the joint resolution that is pending?

Mr. CHAMBERLAIN. No; the amendment has nothing to do with the resolution itself. It could be attached with as much propriety to almost any other measure.

Mr. JONES of Washington. Then, Mr. President——

Mr. CHAMBERLAIN. Just a moment. Let me say to the Senator I think probably the Senator from Indiana stated what the committee did with greater accuracy than I. I was laboring under the impression that we had acted on it and possibly so stated. I do not remember now positively since the statement made by the Senator from Indiana whether we voted on it or not. I think probably the Senator is right. He announced then that he would introduce his amendment to the joint resolution in the Senate and the committee assented.

Mr. JONES of Washington. But he offers it not as a committee amendment but as an individual amendment.

Mr. CHAMBERLAIN. Not as a committee amendment.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. JONES of Washington. I yield for a question.

Mr. FRELINGHUYSEN. I simply want to make a statement. Mr. President, I think this amendment is both timely and appropriate in connection with this joint resolution. The joint resolution provides——

Mr. JONES of Washington. I do not want to yield for a discussion of the matter.

Mr. FRELINGHUYSEN. I will make it very brief if the Senator will bear with me.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. JONES of Washington. I yield.

Mr. FRELINGHUYSEN. The joint resolution provides that men who have become 21 years of age since the draft was imposed shall be included in the draft. The amendment of the Senator from Indiana provides that the men between 19 and 21, previous to their becoming subject to the draft, shall have a moderate military training. The importance of this is seen in the fact that the men who have come to the camps from private pursuits are more subject to illness by reason of the great amount of pneumonia that is found in the camps. Therefore, in connection with the joint resolution I consider it very timely and proper that the Senate at this time should consider and act upon the subject.

Mr. JONES of Washington. Mr. President, regardless of what my views may be with reference to universal military training in time of peace, I want to say that I agree with many Senators who are in favor of universal military training; that it is very unwise to present this proposition at this time; that every effort that this country can bend toward the prosecution of the immediate war that we have on our hands should be exerted, and every measure that those in charge of the conduct of the war deem necessary ought to have, and I have no doubt will have, our earnest and hearty support. Every measure they deem essential will have my support, anyway.

This proposition ought to come up on its merits. It ought not to be forced through upon a measure to which there is absolutely no objection and which can be passed within one minute by the Senate, and if the amendment were out of the way it would be passed within one minute. All that may be said in behalf of military training may be admitted, and yet the injection of this amendment would not be justified. This is not a universal military training measure. It simply places all responsibility on the President to do this or not, without making any provision to carry it out. If we are for universal military training, let us do it. Let us make provision to carry it out in the proper way and let the President execute it. As a general rule, I am opposed to motions to lay on the table, but I think the conditions fully warrant such a motion. I shall be glad to consider a real measure providing for universal military training, but it ought to be considered on its own merits. It has no place here, even in this very imperfect form, and so, Mr. President, I move that the amendment be laid on the table, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Gerry	Knox	Sherman
Beckham	Harding	McKellar	Shields
Borah	Henderson	McLean	Smith, Ariz.
Calder	Hitchcock	Nelson	Smith, Md.
Chamberlain	James	New	Sterling
Cummins	Johnson, Cal.	Norris	Sutherland
Curtis	Jones, N. Mex.	Nugent	Thomas
Dillingham	Jones, Wash.	Overman	Townsend
Fall	Kellogg	Page	Trammell
Fletcher	Kendrick	Poindexter	Vardaman
France	Kenyon	Saulsbury	Wadsworth
Frelinghuysen	King	Shafroth	Warren
Gallinger	Kirby	Sheppard	Wolcott

Mr. GALLINGER. I will take the liberty of stating that the Committee on Finance is having an important hearing and certain members of that committee are detained in the committee room.

The PRESIDENT pro tempore. Fifty-two Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from Washington to lay the pending amendment on the table.

Mr. GALLINGER. Mr. President, having been detained in the room of the Committee on Finance, I am ignorant of what the amendment is, and I should like to have it read.

The PRESIDENT pro tempore. It is the so-called New amendment, proposed by the Senator from Indiana [Mr. NEW].

Mr. GALLINGER. That is satisfactory.

The PRESIDENT pro tempore. The question is on the motion to lay the amendment of the Senator from Indiana on the table.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. WARREN (when his name was called). Has the Senator from North Carolina [Mr. OVERMAN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. WARREN. I withhold my vote, having a pair with him.

The roll call was concluded.

Mr. BANKHEAD (after having voted in the affirmative). I have a pair with the senior Senator from Connecticut [Mr.

BRANDEGEE]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and let my vote stand.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WOLCOTT (after having voted in the affirmative). Has the senior Senator from Indiana [Mr. WATSON] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. WOLCOTT. I transfer my general pair with that Senator to the Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. CURTIS. I have a general pair with the Senator from Georgia [Mr. HARDWICK], which I transfer to the junior Senator from Maine [Mr. HALE] and vote "nay."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. By an arrangement with the Senator from Missouri [Mr. REED] I transfer my pair to the senior Senator from Michigan [Mr. SMITH] and vote "nay."

Mr. REED. Under the arrangement just announced I vote "yea."

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. MCNARY] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

Mr. LODGE. My colleague [Mr. WEEKS], if present, would vote "nay." He is paired with the senior Senator from Kentucky [Mr. JAMES].

Mr. WARREN. I wish to announce my general pair with the Senator from North Carolina [Mr. OVERMAN]. I have been unable to secure a transfer and so withhold my vote. If permitted to vote, I would vote "nay."

The result was announced—yeas 32, nays 35, as follows:

YEAS—32.

Bankhead	James	Shafroth	Thomas
Beckham	Jones, N. Mex.	Sheppard	Thompson
Culberson	Jones, Wash.	Shields	Tillman
Fletcher	Kirby	Simmons	Trammell
Gore	McKellar	Smith, Ariz.	Underwood
Gronna	Norris	Smith, Md.	Vardaman
Henderson	Nugent	Stone	Williams
Hitchcock	Reed	Swanson	Wolcott

NAYS—35.

Baird	Frelinghuysen	Knox	Saulsbury
Borah	Gallinger	Lodge	Sherman
Calder	Gerry	McCumber	Smith, Ga.
Chamberlain	Harding	McLean	Smoot
Cummins	Johnson, Cal.	Myers	Sterling
Curtis	Kellogg	Nelson	Sutherland
Dillingham	Kendrick	New	Townsend
Fall	Kenyon	Page	Wadsworth
France	King	Poindexter	

NOT VOTING—28.

Ashurst	Hardwick	Overman	Robinson
Brandegee	Hollis	Owen	Smith, Mich.
Broussard	Johnson, S. Dak.	Penrose	Smith, S. C.
Colt	La Follette	Phelan	Walsh
Fernald	Lewis	Pittman	Warren
Goff	McNary	Pomerene	Watson
Hale	Martin	Ransdell	Weeks

So the Senate refused to lay Mr. NEW's amendment on the table.

Mr. MCKELLAR. I offer the amendment which I send to the desk, and I ask that it be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. It is proposed to add at the end of the amendment of the Senator from Indiana [Mr. NEW] the following:

Provided further, That attendance by those subject to the provisions of this section of not less than six months upon military schools, under regulations made by the Secretary of War, shall be deemed a compliance with the provisions of this section.

Mr. KNOX. Mr. President, I listened with the most intense interest to the fervid appeal made by the Senator from Arkansas [Mr. KIRBY] during the morning hour for unanimous consent to take up this measure and for its passage. I agree with him, as I think the entire Senate does, that this measure should receive immediate consideration, and I congratulate him that within perhaps five minutes from the time that he pressed for unanimous consent, which was objected to only, as I understand, because we wanted the routine business of the Senate completed, the Senate is now considering that measure. But I do not wish to have it appear only as a matter that may be deducted from the reading of the RECORD that the Senate immediately took up the measure, but I wish that it shall affirmatively appear that within that short period, after it was apparently turned down by the refusal of unanimous consent, the measure came up upon the motion of the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN], which motion preceded the motion of the Senator from Arkansas.

There is one thing, Mr. President, however, that I should like to say in addition, and that is in respect to one of the reasons assigned by the Senator from Arkansas as to why this measure should be taken up, or rather as to why we should not be indulging in any discussions which seem to temporarily impede the consideration of this measure. I shall only refer to one thing, and that is the reference made by the Senator from Arkansas to a matter brought to the attention of the Senate by the Senator from New York [Mr. WADSWORTH] and elaborated to a much greater extent by the Senator from Colorado [Mr. THOMAS]. I understood the Senator from Arkansas to ask, "What difference does it make in respect to those things," or, in referring to the article read from the Official Bulletin by the Senator from New York as being flamboyant, what difference does it make in respect to that matter in this great crisis?

Mr. President, the charge made by the Senator from New York, and which was repeated by the Senator from Colorado and sustained by the record that was read, makes this not a matter of flamboyancy—it makes it a matter of direct misrepresentation; and it seems to me that the question of what difference does it make whether the truth is told or not depends altogether upon the source from which it comes. Had it come from a publication for which certain gentlemen are individually responsible, I would say that it practically made no difference whatever; but coming, as it does, from the Official Bulletin of the Committee upon Public Information, I say, Mr. President, that it makes a very great and a very serious difference.

Mr. President, what is this Bureau of Information and what relation to the bureau does the Official Bulletin sustain? I hold in my hand a communication addressed to the President of the United States under date of January 7, 1918, and signed by George Creel, chairman, which purports to answer both those questions. It purports to lay before the President officially the nature of the activities of the Bureau of Information and the relation of the Official Bulletin to those activities. The first sentence in this letter is, Mr. President—

As will be seen by the accompanying report, the Committee on Public Information has grown to be a world organization.

"A world organization" for what purpose, Mr. President? Let us inquire into this official communication:

Not only does it touch every part of the great machinery that coordinates the forces of America for victory, but it carries the meanings and purposes of America to all peoples, making the fight for public opinion in every country.

"A world organization" for the purpose of creating world-wide public opinion; does it make no difference whether its statements are false or true?

Besides the daily war news—

He goes on to say—

which it issues for the whole press of the country, it supplies some 30,000 newspapers with feature articles, a weekly news service, and governmental publicity material of all sorts.

Does it make no difference whether the information that is furnished 30,000 newspapers and reaches every family in the land is true or untrue? In addition to this—

It sends to foreign countries motion-picture exhibits showing America's social, industrial, and war progress.

Does it make no difference as to whether foreign countries receive the truth as to these material matters, or whether it receives misrepresentation?

It issues an official daily newspaper—

And here the director states specifically the relation of the Official Bulletin to the Bureau of Public Information—

It issues an official daily newspaper for the Government with a circulation of 90,000 copies a day.

* * * * * * *

It prepares and distributes, advises upon, and censors photographs and moving pictures to the number of more than 700 a day.

And finally, Mr. President, he says:

From a thousand sources we hear of the wonders of German propaganda, but my original determination has never altered. Always do I try to find out what the Germans are doing, and then I don't do it. Even if the very loftiness of our war aims did not command honesty at every point, I have the conviction that corrupt methods work their own destruction.

Now, Mr. President, if I understand the statement made by the Senator from New York and affirmed by the Senator from Colorado, it amounts to this: That not only was there a timely pointing out of the errors and misrepresentations contained in these statements to those who are officially connected with the

Bulletin, but these officials were brought before the committee, and the committee advised them of the inaccuracy of these proposed statements; they admitted the inaccuracy of these proposed statements, and said that they would not appear, and yet, notwithstanding the committee's conception of the necessity for truth in the columns of the Official Bulletin, and notwithstanding the precautions taken by the committee to keep falsehoods out of its columns, they have appeared and appeared in all of their naked untruthfulness.

Mr. KIRBY and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. KIRBY. Mr. President, I do not wish to be understood as saying—and I do not think my language is susceptible of any such construction—that it made no difference whether the American public was furnished true or false information. I asked, "What difference does it make about getting our men on the battle line in France that some of these statements about aeroplane service may possibly be flamboyant, optimistic, or a trifle exaggerated?" I repeat that question here and now, and I ask any Senator who has made complaint to stand up and say wherein this statement is not substantially true? Let the members of the committee stand up and say whether we have not all the aeroplanes that we can use in training; whether we have not 126,000 men in the Aeroplane Service—more than we can ever get the schools for. Let members of the committee stand up and say if we have not so many fighting planes already in France. Let some Senator on the other side get up and say that we have not three squadrons yonder on the American front of the best battle planes in the world.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. KIRBY. Yes.

Mr. POINDEXTER. I am not a member of the committee, but if the Senator will allow me to answer his question I will stand up and say that we have not thousands of fighting planes in France; we have not one fighting plane manufactured by the Aeroplane Construction Board, either in France or anywhere else, and the plans of the Aeroplane Construction Board are not to manufacture any fighting planes.

Mr. KIRBY. There is not a single word said in this statement about fighting planes being manufactured here. Read the statement as it stands. I do not appear as an apologist for Creel; I do not know him; and I do not think he is authorized, under any consideration, to deceive or to send out untrue information to the public.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. KIRBY. Certainly.

Mr. HITCHCOCK. I do not know whether the Senator from Arkansas was present all the time when the committee investigated this matter, but the witness was compelled to admit that this statement was absolutely false. It says:

> Though hundreds have already been shipped, our factories have reached quantity production, and thousands upon thousands will soon follow.

He was compelled to admit that only one airplane had been shipped to France.

Mr. KIRBY. How many engines did he say had been shipped?

Mr. HITCHCOCK. I am talking about airplanes; that is what this statement refers to.

Mr. KIRBY. The whole four statements are published together, and it is stated that the planes are being shipped separately and that the engines are being shipped separately.

Mr. HITCHCOCK. No; the Senator——

Mr. KIRBY. And we have three squadrons yonder.

Mr. HITCHCOCK. The Senator is entirely mistaken. Let me read the language, and I am sure the Senator will then recognize his mistake.

Mr. KIRBY. I do not care about quibbling over it.

Mr. HITCHCOCK. No; there is no quibbling; it is an absolute plain fact.

6858—

That was the number of the caption—

> Airplane bodies ready for shipment "over there." These airplane bodies, the acme of engineering art, are ready for shipment to France.

Mr. KIRBY. Is not that true?

Mr. HITCHCOCK. They are not ready for shipment to France; and they are not going to ship them to France. They are the training planes.

Mr. KIRBY. Well, does the statement say they are not training planes?

Mr. HITCHCOCK. The statement, furthermore, says:

> Though hundreds have already been shipped—

Yet only one has been shipped. The witness admitted that this was an absolutely false statement calculated to deceive the American public. I am amazed that the Senator now raises any question here regarding it.

Mr. KIRBY. I say that it makes no difference about putting an army on the French front whether or not a hundred of those things have been shipped.

Mr. HITCHCOCK. I am talking about——

Mr. KIRBY. Here is what I am talking about myself. These engines have been manufactured in the quantity they say they have been manufactured, and no member of the committee denies it. I say that yonder in France we have bought so many planes, and others are to be constructed; the raw material has been furnished by us, and they are being constructed. I say that three squadrons are upon the American front now—battle planes—do you deny that?

Mr. HITCHCOCK. There is no statement to that effect here.

Mr. KIRBY. No; but the whole matter has been that the American people have been misled about the airplane service.

Mr. HITCHCOCK. I rose in response to the Senator's invitation to any member of the committee to question his statement. Now, I say that the statements here made were admitted to be false by the witness before the committee. The statement did not relate to the airplanes that had been bought in France; it related to airplanes made in the United States, and falsely stated to have been shipped to France. The Senator will remember, if he was present, that when the committee demanded of this witness that he give his authority, he produced a statement, a prophecy, made by Secretary Baker last February as his authority for saying that the airplanes had been shipped, whereas it was only a prophecy that they would be shipped.

Mr. KIRBY. Now, Mr. President——

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Florida?

Mr. KIRBY. I yield.

Mr. FLETCHER. To be entirely fair, I think it should be stated that 16,000 tons of material for building airplanes, and foremen, superintendents, and mechanics have been sent to France to construct airplanes.

Mr. HITCHCOCK. That is not the issue. Of course, material has been sent to France; but this bureau was sending out pictures of completed airplane bodies, and it is declared in the caption of the statement that hundreds had been sent to France. That statement was false, and it was calculated to deceive the American people; and for that reason the committee thought the Government should not send out that statement with the Government stamp.

Mr. JONES of Washington. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. KIRBY. Mr. President, there seems to be some difference about whether the committee understood when airplanes were mentioned whether they were fighting planes or were not fighting planes. As I understand it, we have shipped engines——

Mr. HITCHCOCK. That is not the question. The Senator is in error. We have not shipped any fighting planes nor training planes to France—not one of them——

Mr. KIRBY. We have sent engines to France.

Mr. HITCHCOCK. I was talking about airplanes.

Mr. KIRBY. We have sent the planes to France to be attached to the engines. No; they have not been shipped complete, and they never will be shipped complete.

Mr. HITCHCOCK. This is not a question of engines, Mr. President. It is a question of fighting-airplane bodies.

Mr. KIRBY. I will concede, if the Senator insists upon it, although I did not hear the witness say it, that they have not shipped hundreds of the completed machines to France; but that has got nothing to do with the question as I see it.

Mr. HITCHCOCK. There is a witness who stated how many engines had been sent.

Mr. KIRBY. Yes; I heard the witness, and I heard how many squadrons we had and how many would be supplied.

Mr. HITCHCOCK. We have shipped 10 engines to France. That is the number.

Mr. KIRBY. Yes; and how many to England?

Mr. HITCHCOCK. Six to England and four to——

The PRESIDENT pro tempore. Let the Chair suggest that Senators must address the Chair and receive permission to interrupt from the speaker.

Mr. KIRBY. Very well.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. KIRBY. Yes; I yield.

Mr. POINDEXTER. With the permission of the Senator, I just want to put in the RECORD three or four lines of a statement on this subject.

Mr. KIRBY. Very well.

Mr. POINDEXTER. The other day there was a debate here as to whether or not the Aircraft Production Board, notwithstanding the lapse of a year since we became engaged in this war, had manufactured a battle plane; also, as to whether or not they intended to manufacture any, or expected to rely upon our allies to produce battle planes for us. On the following day there appeared in the New York Evening Post an article by Mr. David Lawrence, an apologist and defender of the Aircraft Production Board, so I assume that what he says certainly does no injustice in any way to the administration. Here is what he says on that subject:

Indeed, it was on Gen. Pershing's recommendation that the manufacture of single-seated planes—

That is, the battle plane—

was discontinued, because he believed he could get enough of these from the French So America concentrated on two and three seated combat planes.

I am not going again into the discussion of the misleading term that is given to these bombing planes—why they are called combat planes, or whether or not it is with the intention of deceiving the public. They are not battle planes.

This writer goes on to say as follows:

It turns out, however, that there is more need of the single-seated machines. All these facts will come out when the board appointed recently by President Wilson to investigate the air-production program completes its inquiry.

Mr. KIRBY. Mr. President, I have no objection to that being read into the RECORD. I am not apologizing for the Aircraft Production Board, although I believe it would be good for the public to know of the statement that was made by the head of the Aircraft Production Board in executive session yesterday. I am not going to state it here, because it was made in executive session. I do not care anything especially about this particular production here. You are criticizing and delaying the legislation because you complain of a certain thing having been done by a bureau that you say is unauthorized. Why not fix it so that the bureau can not make this sort of a statement, or say that the bureau is not authorized, and suppress it?

Now, let us get down to the point that is at issue here. Here is a joint resolution the necessity for which has been recognized by the War Department. Here is a joint resolution the necessity for which has been recognized by the Military Affairs Committee. Here is a joint resolution which has been unanimously favorably reported by the Military Affairs Committee, after the amendment was offered and refused to be considered in the committee, on the suggestion that it would confuse the matter and ought to be presented here, and the Senator from Indiana [Mr. NEW] was given permission to present it here.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. KIRBY. Yes.

Mr. NEW. I think the Senator is in error in saying that the Military Affairs Committee refused to consider the amendment.

Mr. KIRBY. I mean it was withdrawn. The Senator knows he withdrew it after objection was made to it.

Mr. NEW. No; I beg the pardon of the Senator; I think he is again in error. I did not withdraw it from consideration there.

Mr. KIRBY. The committee recommended the joint resolution for passage without it.

Mr. NEW. It was simply taken by unanimous consent of the committee that I should present it on the floor here without any recommendation from the committee. I think the other members of the committee will sustain me in that statement.

Mr. KIRBY. I do not want to have any dispute with the Senator, but the committee recommended the joint resolution without the amendment, and gave the Senator from Indiana permission to introduce his amendment here. That is exactly the condition, and I understand that nothing more is expected here. What I want to do is to have the Senate pass upon this matter one way or the other, and I say if it is necessary to increase the age limit it ought to go above 31 instead of down below 21.

I say there is no necessity on earth for the present amendment being attached to this joint resolution. If you are going to train the soldiers to fight that are so imperatively needed on the battle front, if the Government is straining its resources both in money and in places for training and in officers for training to actually take care of the men who are to be soldiers when the training period is finished, then why bother about registering boys 19 years of age, and requiring them to be trained two years before they can be put into battle, when they are to be drafted only after they are 21?

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. KIRBY. Yes.

Mr. NEW. The amendment does not require that they shall be trained for two years. I think the Senator is again in error in his statement of the facts.

Mr. KIRBY. I understood that it provided that we should register boys 19 years of age, and that we should train them at least six months of the year until they became 21 years old, and that they could not be drafted and put into the fighting front until after they were 21 years old.

Mr. NEW. Why, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas further yield to the Senator from Indiana?

Mr. KIRBY. Yes.

Mr. NEW. For the better information of the Senator, I will state that the amendment reads as follows:

That all registered male persons who have attained the age of 19 years shall be subject to military training in accordance with regulations to be prescribed by the President.

Nothing is said as to time. Under an amendment which was offered by the Senator from South Dakota [Mr. STERLING] six months in the aggregate was required for the two years.

Mr. KIRBY. If the Senator had gone on with the amendment, he would have come to these words:

But shall not be called for active service until they have attained the age of 21 years.

Mr. NEW. Oh, yes.

Mr. KIRBY. Here is another amendment providing that they shall be trained six months, at least, a year in those two years. That is the condition. We have over 3,000,000 men already registered, as I understand, that have been accepted. We have a million and a half men in training now, and it is thought that we will need these other men who have come of age since last June—another 670,000 to 1,000,000 men. The War Department says this amendment will confuse the plans. Every man knows that if we have only room enough to train the man who is necessary for fighting, we do not need to waste time in training the man who may be called on to fight two years after he is trained, and can not be called sooner.

Why spend money on such a man now, why take a place in the camp for him, and why waste the time of the officers who are needed for the other purpose of training soldiers on this particular man? Why take him out of the industries, why take him out of school, until he can be used, when the Government demands that he shall be used?

You say it is necessary to have universal training that we may have an army. When we have finished this organization for training and the perfection of it, we will have, in my opinion, at least 5,000,000 men in the Army, and probably 10,000,000 in camps before the war is over; and certainly that will be a sufficient army to protect the interests of the United States until you can institute this universal military training, if it is regarded necessary to do it.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. KIRBY. Certainly.

Mr. NEW. I should like to ask the Senator where he is going to get the 10,000,000 men of whom he speaks?

Mr. KIRBY. There are a good many million men between 30 and 45 years of age, and the Germans have them up to 54 in their army.

Mr. NEW. Mr. President, those men certainly are not included in the draft age.

Mr. KIRBY. They are not—certainly not.

Mr. NEW. The total number of those who are included in the enumeration made under the supervision of the Provost Marshal General was ten million, from which must be deducted all exemptions.

Mr. KIRBY. That is true; but, I presume, there is no incapacity on the part of Congress for lack of power to increase the age and extend it up to 45 years. My judgment is that you are going to have something like that done before the war is over and if it is found necessary to go down to 19 years of age, that, too, may be done. But if it is found necessary to go down

to 19 years of age, then when the man is trained he ought to be made a soldier and put into the battle front like the other soldiers. The necessity has not yet come for that, and I do not believe that any man should be drafted and put into the Army and sent yonder across the sea until he has at least had the right to have a voice in his own affairs at home, until he is recognized as a man.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. KIRBY. Certainly.

Mr. NEW. The necessity for soldiers was not recognized until after the 6th day of April, 1917. Had it been recognized earlier and provision made for providing those soldiers, our condition to-day would not be what it is.

Mr. KIRBY. I am not taking issue with any statement of that kind, but this joint resolution has been here, recommended for passage, more than a month and a half, and it is time that it is fought out and passed or defeated, one way or the other. I insist that we ought not to confuse our system of raising our army with this universal military training idea, which will be ineffective for any purpose under existing conditions.

Mr. STERLING. Mr. President, a word in regard to the amendment of the Senator from Indiana [Mr. NEW] and the amendment which I proposed to his amendment, and which he so graciously accepted.

I am thoroughly in accord with the principle involved in the amendment of the Senator from Indiana—the principle of universal military training—and if this amendment of the Senator from Indiana, standing alone, were nothing more than a declaration of a policy, I should favor it. I should favor it whether we were in war or not. I should favor it if the chances of war were never so remote. I should favor universal military training because of its relation to the moral welfare, because of its relation to the physical welfare of our young men, and because of its educational value. I should favor universal military training because of the spirit of national unity and of patriotism which it would inculcate. I should favor it because of its great value in doing away with all sectional feeling and all sectional interests in the United States and making a thoroughly united American people. I think that universal military training would be the very triumph of democracy itself, and so I shall favor the proposition of the Senator from Indiana.

But, Mr. President, I introduced an amendment providing that the period of training during the two years between 19 and 21 should, in the aggregate, be not less than six months. I am not sure, Mr. President, that that amendment should be adopted under the present conditions and circumstances. A period of six months during those two years may, under present conditions, be too great a drain on certain industries in the land, and especially on the industry of agriculture, which, of course, we all recognize now as one of the most important and one, too, greately in need of men. Hence, on reflection and because of the division of opinion in regard to this matter, I have concluded to ask leave to withdraw my amendment to the amendment of the Senator from Indiana.

The PRESIDENT pro tempore. The Chair is informed that the amendment offered by the Senator from South Dakota has been accepted by the mover of the amendment.

Mr. STERLING. With the consent of the mover of the amendment, the Senator from Indiana [Mr. NEW], I ask leave to withdraw it.

The PRESIDENT pro tempore. That can not be done, because the Senate has agreed to the amendment to the amendment, as the Chair is informed. The Senator from Indiana can modify his amendment before a vote is taken on it.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry. Would not a motion to reconsider be in order?

The PRESIDENT pro tempore. The Chair thinks so.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. How was the amendment modified?

The PRESIDENT pro tempore. The Chair will have to ask the Secretary to read the modification.

Mr. WILLIAMS. That is what I wish—to have it read as modified.

The SECRETARY. The original amendment offered by the Senator from Indiana [Mr. NEW] reads as follows:

SEC. 5. That in addition to the persons subject to registration and selective draft under the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, all male persons between the ages of 19 and 30, both inclusive, shall be subject to registration and draft in accordance with the provisions of said act: *Provided*, That all registered male persons who have attained the age of 19 years shall be subject to military training in accordance with regulations to be prescribed by the President, but shall not be called for active service until they have attained the age of 21 years.

Then comes the portion accepted by the Senator from Indiana, as follows:

Provided further, That the period of training between the ages of 19 and 21 years shall be in the aggregate not less than six months.

Mr. STERLING. Mr. President, I move that the vote whereby my amendment to the amendment of the Senator from Indiana was adopted be reconsidered.

The PRESIDENT pro tempore. There is a motion to amend already before the Senate. The Chair will recognize the Senator from South Dakota, but will say that the Senator from Indiana may modify his amendment, if he desires, before a vote is taken on it. The Chair possibly did not clearly express himself before. The question now pending is on the amendment of the Senator from Tennessee [Mr. MCKELLAR] to the amendment of the Senator from Indiana.

The PRESIDENT pro tempore. There is a motion to amend his amendment, as it stands now, by eliminating therefrom the amendment offered by the Senator from South Dakota.

The PRESIDENT pro tempore. The Chair will take it by unanimous consent that that is agreed to, unless there is objection. The Chair hears none.

Mr. WILLIAMS. Mr. President, I want to say a few words upon the point at issue.

I think it very unfortunate, indeed, that the Senator from Indiana should have offered this amendment at this time. This is, in essence, a question which must be determined upon the battle field, which ought not to be determined now by us. If we lose this war, if Germany wins this war, or if a patched-up peace is made, amounting simply to an armistice, and not a lasting and enduring peace, then it goes without saying that we as a nation must become and must remain armed cap-a-pie indefinitely. We will have had full notice of Germany's intention to make a world conquest and to exercise world dominion, and we would be fools, indeed, if we did not prepare to prevent that when "the next war" breaks out—"the next war" concerning which the Prussian junkerthum and the military caste are already talking in Germany, and for which they are already making their plans. I have seen some right extensive plans advocated for "the next war." Prussia has made up her mind that unless she is whipped she will regard the next peace as an armistice for further preparation for further world-conquest lust.

Now, Mr. President, if she wins, of course, we must remain in arms, cap-a-pie, no matter what it costs the people in the subtraction of money from education and progress and industry. If we have self-respect we must remain armed. But if upon the other hand we win the war, as I rather imagine we will sooner or later, then we will hope to rid the American people of the menace of universal military conscription, a curse, although it may at times be the less of two evils, but in itself a curse to civilization, to nationality, to progress, to humanity, and to education. Speaking for myself, one of the reasons why I am so ardently in favor of waging this war to a successful termination is that I hope to put an end not only to the menace and threat of universal military compulsory service in the United States but to put an end to it all over the world.

The PRESIDENT pro tempore. The Senator from Mississippi will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate the executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. KIRBY. I ask unanimous consent to lay aside the unfinished business temporarily until we finish this joint resolution.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the unfinished business be laid aside temporarily. Is there objection? The Chair hears none; and the Senate, as in Committee of the Whole, resumes the consideration of Senate joint resolution 124. The Senator from Mississippi will proceed.

Mr. WILLIAMS. Mr. President, if we win this war, it will be a most unfortunate thing to have upon the statute books a national pledge for universal military compulsory service, for which we are neither prepared by our past history nor invited by our ideals as to the future. A nation which lives in peace times under universal military compulsory service is a nation of slaves to exactly that extent.

Now, there are two ways of having peace. One is to let Germany dominate the world and give us instead of the old Pax Romana a new Pax Teutonica, where none of us dare complain, and where all that any of us dare to do will be efficient in making a living for himself. That is one way.

Another way is to whip Germany, to whip the Teutonic junkerbund, to whip the military caste and the House of Hohenzollern, if possible; and then to be able to say to the entire world, "The world is not only safe for democracy but it is safe for liberty; it is safe for progress; it is safe for individual initiative; and not only is it safe for democracy but we have made democracy safe for the world, which is a bigger job than making the world safe for democracy."

Mr. President, to put upon the statute books a sort of a pledge that no matter how this war comes out we people of these United States are going to sink to the level of Prussians and Austrians and Bulgarians, to the level of the condition of the continent of Europe, living in armed camps, one against the other, suspecting one another every day, prepared to pounce upon one another every week, I say is going too far.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. WILLIAMS. One word and I will. I repeat, it is a very unfortunate thing that this great question which must be left to be determined upon the battle field, if we win to be determined in one way and if we lose to be determined in another way, should now be presented to this body with the danger and peril of misunderstanding in every vote that is cast.

I for one am not prepared to pledge myself that these United States will become an armed camp with universal compulsory military service, subtracting the resources and the money and the manhood of the Nation from progress and peace and civilization for all time to come. Now I yield to the Senator.

Mr. NEW. Mr. President, I wish to ask the Senator if he does not think that instead of sinking to the level of the Prussians and Austrians we might well rise to the level of America and prepare to defend our existence and our national honor?

Mr. WILLIAMS. Mr. President, if that question were worthy of an extended reply, I might make it, but it hardly is. America does not have to rise She has already risen years ago. She already stands upon a plane of civilization and progress and enlightenment and liberty unequaled by any other part of this world in the past or now. She has very largely risen to that level because she has in peace prepared for more peace rather than spending her energies in peace preparing for war. We have, like our English cousins across the water, found that our past policies left us unprepared for Prussian efficiency when the war came, but like them we too may say, as they ought to say, that we are glad of the fact that hitherto during the ages that have gone ringing down toward eternity we have devoted our energies to peace and civilization and humanity and progress, and not to war.

We have thus far up to date in France and Flanders proven that in spite of our unpreparedness, in spite of the fact that we had to muddle through as best we could, we are still the peers, if not the superiors, of men who have been raised under a military caste, who have had no thought except for "the next war."

The Senator may think that America would "rise." If America went to the platform that she was going to spend the balance of her existence thinking about the next war, I rather imagine she would "fall" and that her future would be unworthy of her past.

The thing to do now is to win this war and, if we win this war, to put an end, not only here but all over the world, even in Prussia itself, to universal compulsory military service, to make mankind recognize the common fatherhood of God and the common brotherhood of man, and to quit thinking about cutting one another's throats and begin to think about helping one another as the common children of God, entitled to the heritage which God has given us. America fall! The Senator asks me. Shall America rise to this great Prussian opportunity? He reminds me of something I heard some years ago. Somebody said in the House one day that if certain New England mechanics down in Florida could not get away they might fall to the level of "the common white trash by whom they were surrounded," and I said, "Mr. Speaker, if they fall, they will violate all the laws of gravitation, because in order to reach that level they would have to rise." So when the Senator asks me whether we shall rise to the level of supporting American honor and the balance of it my answer is we have already risen to it. We have been rising to it all the time and we have rerisen to it lately.

We have had a new Easter of American patriotism. The god of justice and of righteousness and of American patriotism has been resurrected once more. Shall we rise to the level indicated by the Senator from Indiana? What level? The level of barbarians; the level of war seekers; the level of institutions and societies founded upon a military caste, seeking throughout all the years of peace to prepare itself for war provoked by itself. Whenever you turn a people into an armed camp, you at once give them the ambition to provoke war in order to show how well prepared they are for it.

Fight this war out; resort to compulsory universal military service in order to defeat compulsory military universal service all over the world forever. Resort to war in order to put an end to war. As far as we can see, between a universal law Teutonic, while living forever in a state of suspicion and hatred and hostility toward the whole world, thinking about somebody's throat that you want to cut and national disaster, there is, to my mind, very little choice.

Shall you rise to the level of Americanism? Have not those boys risen to it "over there"? Have not these boys in the training camps risen to it?

All we have got to do, Mr. President, is to obey the injunction of Charles Kingsley—those of us who are not fit for service—and that is "to hold our hearts up higher for those who are fighting afar," and not to forget while we are doing this, under the strain of circumstance, the traditions and ideals of the American Republic and of American democracy—a republic and a democracy whose every salient, keystone strength has consisted in the fact that they were constantly and always preparing during peace for still better and more enduring peace.

Mr. GRONNA. Mr. President, I am very glad, indeed, to find myself in perfect accord with the Senator from Mississippi [Mr. WILLIAMS]. He has said what I should like to say much better than I could hope to say it. To say that America should rise above its present condition in military efficiency would simply seem to me to mean that we indorse Prussian military autocracy and acknowledge our own inefficiency and inability to win against an organized military force consisting of a comparatively small number of people.

Mr. President, I have talked with many people who came from Prussia. I have talked with a great number who were subjected to military service in that country, and I never have found a single one of those people who did not say that the Prussian military autocracy ought to be dispensed with.

It seems to me, Mr. President, that to acknowledge that it is necessary for the American people to establish a compulsory military system is to acknowledge that Christianity is a failure.

After this war shall have been concluded, and after a victory shall have been won by the lovers of peace, by the people of America and their allies, to say that we shall fasten upon the people of this country and other nations a compulsory military system is simply to indorse the system which we are now fighting.

Mr. President, I will be glad to sacrifice my own life at any time in order to crush any autocratic military system, no matter where it may be found. I acknowledge that we must fight fire with fire. I know that under present conditions we must train our boys in order to meet the enemy, but let us hope that this will be a victory for humanity. Let us hope that when this war shall have ended it will mean that the people of the country will not be compelled to keep their young men in compulsory military training and service, but that they may be engaged in other pursuits or other business.

I indorse what the Senator from Mississippi said, that if the Prussian military system shall prevail, if it should so happen that they should be the victors, then, of course, we must see to it that our young men are trained until such a time that it is possible for us to do away with that system. But I do not believe, sir, that we should at this time place upon the statute books laws which we do not wish to enforce after peace shall have been concluded.

We are hoping now, Mr. President, that we shall win the war. We believe that we shall win this war in the hope that this system of military autocracy shall be crushed and that every nation on the face of the globe shall subscribe to certain rules, regulations, and agreements that they will disarm to a minimum. If that shall not be done, we can not say that we have won a real victory, as the Senator from Mississippi said, a victory that will not only be safe for democracy but a victory that will mean liberty to all people.

Mr. President, I shall vote against the amendment of the Senator from Indiana [Mr. NEW], because I do not believe that this is an opportune time for such legislation. Let us pass such laws as are necessary to meet the needs of the hour. Let us subdue the enemy as quickly as possible. Let us crush this foe of all humanity, the military, autocratic system. Unless we do that I do not believe we can say that we have won a real victory.

Mr. FRELINGHUYSEN. Mr. President, the joint resolution in charge of the Senator from Oregon [Mr. CHAMBERLAIN] provides that all men who have become 21 years since the

draft was imposed shall be registered for military service. I think there are about 600,000 men who have become of age since the draft was imposed and who have come into the zone of eligibility. It is perfectly proper that those men should be included in the registration.

The Senator from Indiana [Mr. NEW] has introduced an amendment which provides that all registered male persons who have attained the age of 19 years shall be subject to military training up to 21 years of age. It is not mandatory. It provides that the Persident shall prescribe regulations if he believes that these men should have this preliminary military training.

I am in favor of this amendment. When it was introduced the other day I doubted the advisability of putting it on this joint resolution, because it is highly important that immediately this draft shall be completed so that we can perfect the call and provide the man power to make up the wastage that is now being caused by reason of our men going to the other side and by reason of sickness here. Three thousand men died in cantonments here on this side previous to the shipment on the other side of our troops. Since the troops have been sent over the casualties, according to the roll of honor of the Evening Star, now amount to some 2,100 or 2,200 men. When we hear of the result of the engagement of American troops—and I understand that American troops are engaged over there, although the reports at the present time are very meager—undoubtedly that casualty list will be greatly increased.

The problem that we have now is to fill the wastage that will naturally come by reason of the fact that our Army must take part in the attack and is, or will be, one of the important factors in the months to come on the other side.

Now, what does this amendment provide? A simple method of training these men preliminary to their call for the draft, that from 19 to 21 these men shall have a preliminary training—not an expensive system, but an economical system—that will enable them to learn the elementary military principles to prepare them for the draft.

I am told that the loss in one camp alone from pneumonia amounts to three or five men a day. The reason for that is that the men come directly from their homes, from their business, from the factories, and they are not in a physical condition to stand the exposure of this training. If they had the manual training under some universal military system, undoubtedly those men would be more physically fit for the exposure and for the extensive training necessary to make them American soldiers.

Gen. Wood said the other day that by reason of the fact that these men came from all walks of life it was a democratic Army, and that the National Army would give an account of itself which would be probably equal if not superior to that of the trained troops of Europe.

Mr. President, there is another reason why I believe this is a wise provision. Many of the Senators remember a statement that I think was sent to all the Senators by the Secretary of the Interior, showing that in the registration under the conscription act of the 10,000,000 men there were 700,000 men who were illiterate, and I think that in the draft which followed there were 200,000 men who could not read or write, and that in all the cantonments, in addition to the military training, they were holding night schools to teach the men to read and write, to teach them how to perform the ordinary duties of the soldier, the duties of a sentry, to read the bulletin boards and the orders, on the theory that an intelligent soldier makes a good soldier. What a reflection on our educational system in this country is the fact that there are so many illiterates in our National Army! Have we not neglected our duty in this country? We have boasted of America as the melting pot of nations and yet the fires of patriotism have been burning low. These men have come from European countries, and we have allowed them to retain their ideas, their customs, and national instincts; in fact, we have allowed them to continue the use of their own language and to print their own papers, instead of forcing them into night schools and under a compulsory system of training. As a result, there is a German propaganda in this country the extent of which we can not estimate. In my State we have had casualty after casualty resulting in great catastrophies and causing the loss of life and of property. The time has come when these men must be dealt with severely. Taking German propagandists and pro-German sympathizers in our laps and feeding them sugar plums is not a good national policy. If we had a blank wall and a shooting squad, such depredations would soon stop.

Mr. President, as an educational advantage for our young men, the amendment of the Senator from Indiana [Mr. NEW] will be a great benefit.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. FRELINGHUYSEN. I yield.

Mr. GALLINGER. I desire to say that two days ago I received a short letter from a colonel in the United States Army, a man who was educated at West Point, who went through the Philippine war, and who is now in command of a camp in the South. In that letter he wrote as follows:

> I wish you could take a few days off and visit this place and see the work we are doing with these men. As I look back on the conditions as they were when troops began to arrive and look at these wonderful husky youngsters now, the improvement in physique, morale, discipline, and bearing, I feel that, even if we were never to use them in the great cause, the work put on them would be of the utmost value to the country and to themselves.

Mr. President, those young men, coming from all parts of the country and from all walks of life, have been in camp but a few months. We know exactly what kind of soldiers they were at that time, but a few months' training has put them in the condition which this distinguished soldier describes to me in the letter which I have read.

Mr. FRELINGHUYSEN. Mr. President, that is only one instance of thousands of instances of which I have heard.

Mr. OVERMAN. Will the Senator yield to me to ask a question?

Mr. FRELINGHUYSEN. Yes.

Mr. OVERMAN. How many boys are there between 19 and 21 years of age in the country who would be subject to this registration?

Mr. FRELINGHUYSEN. Taking the estimate that there will be five or six hundred thousand men who have come into the draft age during the past year, if this bill passes I should say that the number who would be subject to registration would be from 750,000 to a million.

Mr. OVERMAN. That number would be registered?

Mr. FRELINGHUYSEN. That number would be registered.

Mr. OVERMAN. Has the Senator from New Jersey any estimate of how much it would cost?

Mr. FRELINGHUYSEN. Mr. President, the military history of this country shows that we have fought our wars and maintained our Military Establishment at great cost. We were not ready in the Spanish-American War, and it therefore probably cost us twice as much to fight that war as it would have done if we had then had some simple system of military training.

Take the shipping question alone. We were short of ships at the beginning of the Spanish-American War. Both political parties in this country had pledged themselves to a merchant marine. Up to 1865 the American merchant marine carried 90 per cent of the exports and imports of this country, but from that date the commerce of the seas was taken away from us; our commerce stopped at the water's edge. When the Spanish-American War broke out we had no ships, and we went out into the highways and the byways and bought them, paying for them twice as much as they were worth. I remember one old vessel, the *Vigilancia*, for which we paid $67,000, and she was sold to a Chicago junk company for $3,000 after the war. We spent $18,000,000 for our merchant fleet with which to transport troops, and at the end of the war we sold the vessels of which it was composed for $307,000. That is what failing to have some military policy in this country has cost us.

When Villa crossed the border at Columbus we were unprepared; we refused to accept the lesson of an invasion by a Mexican bandit; and when Germany declared war we made no preparation, although there were then men in this country with wisdom and with vision who advised us at that time to prepare. However, we failed to do so. I attribute that to the fact that we were a great peace-loving Nation, and war was repugnant to us. Had we prepared at that time, or had we had a universal system of military training, we would not now be preparing for war at inflated prices.

Mr. OVERMAN. I do not disagree with the Senator on that question; but I merely wanted to be informed of the fact about what it would cost the Government to train these boys, if he has any estimate of it.

Mr. FRELINGHUYSEN. Well, Mr. President, all I can say in regard to that is that Switzerland, which has a system of universal military training and a population, I believe, of only 4,000,000, trains and maintains an army of 500,000 men, with only 230 paid instructors, at an annual cost of $9,000,000.

Mr. THOMAS. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Colorado.

Mr. THOMAS. I desire to inquire of the Senator from New Jersey whether, if this amendment passes and takes effect now, the Government will not be obliged to build additional canton-

ments for the men, to furnish them with uniforms and arms for training, food supplies in sufficient quantity—which will, of course, be enormous—and, in addition, require the services of some forty or fifty thousand officers, none of whom we can at present spare, plus transportation, which at present is so congested as to demand the use of all of the rolling stock we have, while at the same time we must go on with the training of the drafted men with which to increase our Army and repair its wastage, and whether he has considered what the enormous cost of such an undertaking would be?

Mr. FRELINGHUYSEN. Mr. President, I have considered the money cost; but I am also considering the tremendous cost that we are now paying by reason of our unpreparedness. I believe that some simple plan can be formulated which will provide for the training of these men in the localities where they will be registered, so that a limited training, probably of a month or two weeks a year, may be afforded them, so that during this period they may be trained by officers who, unfortunately, will be wounded or maimed.

Mr. WOLCOTT. Mr. President, will the Senator from New Jersey yield to me?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Delaware?

Mr. FRELINGHUYSEN. I do.

Mr. WOLCOTT. I desire to ask the Senator from New Jersey if he thinks a military training of two weeks or of a month a year will go very far toward making a soldier?

Mr. FRELINGHUYSEN. Mr. President, answering the Senator from Delaware, I can only say that the military training at Plattsburg for a month in a year has worked wonders; and, as the records show, in the officers' training camps one of the questions that was first asked was whether the man had had any military training at any military camp; and men that had such training were always preferred over the men who had not.

Mr. WOLCOTT. Will the Senator from New Jersey yield further?

The PRESIDING OFFICER. Does the Senator from New Jersey yield further to the Senator from Delaware?

Mr. FRELINGHUYSEN. I do.

Mr. WOLCOTT. As I understand the New amendment, this training is to last only during the war. I take it, therefore, that the New amendment is designed to assist in the contribution of men to the Army in this war. I want to ask the Senator if he thinks that a training of anything short of three or four months will be of material assistance in the making of soldiers for this war?

I quite agree that two weeks' or a month's training in a military training camp, such as they had at Plattsburg, would be of great benefit to men; but would it go far toward making a soldier? If the New amendment is of any value at all, it must be in the way of making soldiers for this war, because its operation ends with the war.

Mr. FRELINGHUYSEN. Mr. President, a young man who is ordered to a training point at 19 years of age for one month's training will during his time of training have at least three months' training previous to his being subject to the draft. I firmly believe that three months' training will be of great benefit to any man and make him better mentally, physically, and morally than if he had had no training; he will be a better soldier when the draft is imposed upon him.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. FRELINGHUYSEN. I yield.

Mr. McKELLAR. What effect would the adoption of this amendment have upon the military schools of the country? According to my information the number of schools and the attendance upon those schools has been increased very largely in the last year or two, and it is very natural that that should be the case. What effect would the passage of a bill like this have upon such schools? Does not the Senator from New Jersey think—to come down to what I want to know—that there ought to be a provision in the amendment, if it should be adopted, to the effect that those in attendance or who may be in attendance upon the military schools of the country should be excused from such training?

Mr. FRELINGHUYSEN. I think some such amendment might be a very wise one.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Mexico?

Mr. FRELINGHUYSEN. I yield.

Mr. FALL. Is not what the Senator from Tennessee suggests provided for in this amendment?

Mr. McKELLAR. No; it is not. I have, however, offered an amendment to the amendment providing for it in terms.

Mr. FALL. As I read this amendment, Mr. President, the matter of the exemption of the young men who are in attendance on military schools, or failing to call them, would be entirely in the hands of the President. I frankly say to you that I object to the amendment as it stands, because it does not go far enough, in my judgment, in providing the rules and regulations which I think it is the constitutional duty of Congress to provide.

Mr. McKELLAR. I also think that is an objection, and I so stated. I offered the amendment, if the Senator is referring to me.

Mr. FALL. I call the attention of the Senator to the fact that now, under this amendment, the rules with reference to military training are to be entirely prescribed by the President, so that these men may not be called from their schools unless the President sees fit to call them.

Mr. McKELLAR. I do not think it is broad enough in its scope to permit that kind of exemption.

Mr. FALL. I am afraid that it will prove to be so.

Mr. McKELLAR. I am merely submitting the suggestion to the Senator for his consideration. I hope he will vote for the amendment.

Mr. FRELINGHUYSEN. Mr. President, I am for universal military training. Undoubtedly military training in schools and colleges is of great benefit; but that kind of training only reaches a certain class of men. The pending proposal is for universal compulsory training, not compulsory service; that all men in every walk of life, after they reach a certain age, shall for a certain period be trained by the Government in military tactics. The men attending military schools and colleges are men whose parents can afford to send them there. Such training no doubt has been of benefit, as demonstrated by the fact that the men who were at the second training camp at Fort Myer coming from a famous southern military academy, proved by their experience in military knowledge and science to be far better equipped than the men who had simply been trained in the National Guard or elsewhere. I believe that an amendment exempting those men who take military training in schools and colleges would be wise. The spirit, however, of this proposal is to make military training universal, so that if America calls on these men they will have sufficient preliminary training, and we will not have to go to the expense of drilling them and training them in the primary grades of military knowledge before they are called upon to undergo more intensive training and discipline.

Mr. President, I think for the Senate at this time to go on record against universal military service is unwise. Pass this amendment to-day, and it will be a message to the boys in the camps and the boys "over there" that America intends to supply from the young men of the country the reserves to take the place, when necessary, of the boys who have gone to the other side. It will be a message to the allies that we mean business and that all the young men of America will be ready for the call to the colors. The only source we have for our Army in this country are the men who will become of age in the next 16 years; they must fight the battles of the future. The Senator from Florida [Mr. FLETCHER] some days ago said that this war would be over in six months. If he is right and the war should terminate in six months, it is going to be a German victory, and we must fight on; and if it is not terminated in six months we will fight for two or three years, because we will not stop until German militarism has been beaten down.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. I yield.

Mr. KING. I understood the Senator from New Jersey to state a moment ago that the defeat of this amendment would be construed as a disapproval of universal military service. Does not the Senator think that he states the proposition a little too baldly in making that statement? Speaking for myself, I am in favor of military service, but I am not quite satisfied, in view of the immense drafts that are to be made upon the Government in men and in treasure within the next few months and years, that it would be the part of wisdom to adopt this amendment. We have no place for the training of the young men; the cantonments will be required to take care of the thousands and hundreds of thousands, and even millions, in my judgment, that must be called into military service; and there are many other objections which will readily occur to the

able Senator. Does not he think, in view of those facts, that the statement is too strong, that to defeat this amendment is a registering of opposition to military service?

Mr. FRELINGHUYSEN. I think it would be very unwise at this time to defeat any measure that provides for universal military service or training in this country. I will say to the Senator from Utah that when we passed the conscription act there were grave doubts in the minds of many whether it could be imposed and whether it would be successful. It has created one of the greatest armies—limited, it is true, to a million and a half of men—that has ever been raised; and there is no question about the success of the draft.

Mr. KING. If the Senator will yield further——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KING. I want, speaking for myself, to say that I never had any doubt about the success of the draft law.

Mr. FRELINGHUYSEN. If the Senator will permit me to finish my sentence, I will be very glad to suffer an interruption. Since we passed the conscription act and raised our Army the situation has changed. Russia has broken down, Germany has advanced far into France, and the allies' lines are threatened. It is up to America now to consider future military preparation.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. FRELINGHUYSEN. I yield.

Mr. NEW. I will ask the Senator if he does not know from the news of this morning that the present Government of Russia is advocating immediate universal military training for that country?

Mr. BORAH. That must be encouraging news for the whole world.

Mr. FRELINGHUYSEN. I understand that such a statement was in the papers this morning. All that I can say is that Russia is beginning a little late.

Mr. President, I certainly believe that it is our duty, as a Senate, to say to the country that the young men of 19, 20, and 21 years shall be trained preliminary to the draft. I believe it is our duty at this time to pass this measure. It will be a message to Germany that the limit of our Army is not a million and a half men; that we have other resources.

Mr. President, in closing, I simply want to cite a little incident that happened to me. When about to vote for the declaration of war there came into my office a number of worthy women who were pacifists and who urged me to vote for preparedness, but against the declaration of war. They said, "Do not send our boys to be cannon fodder," and I must say that their appeal made an impression upon me. I came over to the Senate, and as I entered the Chamber a message was handed to me which contained a letter from a patriotic woman of New Jersey 70 years old. In that letter were three verses which give, I think, the most eloquent description of America's position in this war that I have since read. I have long wanted to put those three verses in the RECORD, and in my closing remarks and in my appeal to the Senate to vote for this amendment I am going to recite them to the Senate:

There came to us this edict, "Ye must not sail the sea
Except as I shall order and in the path prescribed by me."
Then, like a fire that smouldered and at a touch outblazed,
The deep voice of the Nation in protest loud was raised.

We want no conflict; we have seen its horror from afar,
Stripped of all the nakedness of a ruthless, cruel war.
But a united Nation sends answer back to-day,
"The sea is free and we shall go unhindered on our way."

From North and South and East and West rings out the same refrain—
The heritage our fathers gave to us we will maintain.
Be steady, oh, my country, for the men you bred will stand
A bulwark firm forever to guard the sea and land.

Mr. WOLCOTT. Mr. President, before the Senator from New Jersey takes his seat I should like to ask a few questions, thinking, inasmuch as he is a member of the Military Affairs Committee, that he can give me the information I want. Will the Senator advise me how many men are yet available under the present draft law for field service?

Mr. FRELINGHUYSEN. I understand that the first draft was about 175,000 short, and that 75,000 additional men have been called, and that there are about 100,000 more to be called.

Mr. WOLCOTT. I think perhaps the Senator misunderstands my question. How many men are there subject to the present draft liable to be called for active service if desired?

Mr. FRELINGHUYSEN. The draft act provides for about 1,500,000 men. I understand in the first draft about 687,000 were called. So I presume that the next draft will contain over 600,000.

Mr. WOLCOTT. Still I have not made myself clear. I want to know how many men are embraced in the terms of the present draft law and what percentage of them are fit for fighting? That is putting my question in another way.

Mr. FRELINGHUYSEN. As I understand, the Senator's question means, How many men are now registered between the ages of 21 and 31?

Mr. WOLCOTT. That is right; and not in active service.

Mr. FRELINGHUYSEN. I understand the estimate is about 10,000,000 men.

Mr. NEW. It is short of that.

Mr. FRELINGHUYSEN. Well, over 9,000,000, I understand.

Mr. WOLCOTT. Can the Senator tell me the estimate of the number of men the Chamberlain resolution, now pending, will produce per year?

Mr. FRELINGHUYSEN. The draft at the present time classifies the men into four classes, and it will call, it is estimated, between 500,000 and 700,000 men, divided into the four classes provided by the registration. I should estimate probably 250,000 or 300,000, as a guess.

Mr. WOLCOTT. In the first class, does the Senator mean?

Mr. FRELINGHUYSEN. The first class—less, rather than more.

Mr. WOLCOTT. And about 600,000 in all classes?

Mr. FRELINGHUYSEN. From 500,000 to 600,000; yes.

Mr. WOLCOTT. Will the Senator tell me how many men are available under the present law registered in class 1?

Mr. FRELINGHUYSEN. I do not know.

Mr. WOLCOTT. Does the Senator know, or have any of the advocates of this bill estimated, how many men the present cantonments of the country will accommodate?

Mr. FRELINGHUYSEN. Well, Mr. President, answering that question, I think that I can satisfy the Senator that there will be plenty of accommodations for the entire drafted army that we may choose to train.

Mr. WOLCOTT. I assume that.

Mr. FRELINGHUYSEN. We are sending men out of the country very rapidly and there is plenty of capacity in the cantonments. There are also, of course, many large encampments where tentage could be used.

Mr. WOLCOTT. I am not questioning that the number of men required for training to fight this war can be accommodated in the training camps and cantonments; but, still, I should like to know how many men can be accommodated in these cantonments?

Mr. NEW. Mr. President——

Mr. KIRBY. About a million.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. FRELINGHUYSEN. Not yet; I intend to answer the question of the Senator from Delaware, if I can. At the present time there are, as I understand, in the camps and cantonments of the country about 1,200,000 men, less the number of men who will be transported to the other side. The capacity of the cantonments probably in the next six months will be largely increased, because 400,000 or 500,000 men will be transported.

Mr. WOLCOTT. The capacity of the cantonments will not be increased unless more are built. Their capacity, as I understand the Senator to say, is about 1,200,000.

Mr. FRELINGHUYSEN. We are sending men to the other side and some of them are being transported to camps where tents are used.

Mr. WOLCOTT. Yes; I understand that; but the capacity of the cantonments remains the same whether men are in them and whether men have been moved out or not.

Mr. FRELINGHUYSEN. Not necessarily so. There are some cantonments capable of housing 60,000 men, which are now accommodating only 20,000 or 30,000 men.

Mr. WOLCOTT. The capacity of that cantonment would be 60,000 men.

Mr. FRELINGHUYSEN. Possibly, or it might be 80,000 with additional tentage. Will the Senator tell me what he is driving at, and I will try to answer his question?

Mr. WOLCOTT. I think I have, Mr. President, made it as plain as I can make it. I asked the question of the Senator, who is a member of the Military Affairs Committee, What is the capacity of the cantonments of the United States? I do not care how many are in them. "Capacity" is a very well-defined term.

Mr. FRELINGHUYSEN. I should say the capacity was about a million and a half men.

Mr. NEW. Mr. President, if the Senator will permit me, I think I may be able to throw a little light on the subject of the cantonments. No one of the cantonments is at present taxed to its capacity. My understanding, my information, is that they

could accommodate now about 40 per cent more men than they have. I do not state that as an absolute fact, but that is my understanding of the situation, and as I believe it to be. Now, Mr. President, it is also a fact that a large number of men—I think substantially all of them—are to be withdrawn from those cantonments in the very near future, leaving them comparatively open to new occupants.

Mr. WOLCOTT. Still the Senator who rose to answer the question has not as yet answered it. What is the maximum capacity of the cantonments?

Mr. NEW. I tried to answer that question by saying that the cantonments now had about 40 per cent more capacity than they are called upon to provide, and they are now housing something like 1,250,000 men.

Mr. WOLCOTT. Then the total capacity would be 40 per cent more than that, would it?

Mr. NEW. That is what I meant to say—about 40 per cent more than that.

Mr. TOWNSEND. Mr. President, may I ask the Senator another question in that connection? Does the Senator from Indiana propose to use any of these military cantonments, that are now used for the training of the actual soldiers, for training these boys within the next two years?

Mr. NEW. That will be entirely at the option of the War Department. I should think they would be used in part, at least.

Mr. WOLCOTT. I should certainly think so.

Mr. NEW. Now, Mr. President, in further explanation of the amendment, I should like to call attention to the fact that the amendment provides that these men may be called under regulations to be prescribed by the President. No definite time is fixed for it; and many men could be taken care of at auspicious seasons of the year, under canvas, if necessary, without detriment to their health or anything of the sort, if the time of year is properly selected.

Mr. WOLCOTT. Mr. President, will the Senator yield to me?

Mr. NEW. Certainly.

Mr. WOLCOTT. Has not one of the complaints been that these tent camps have been productive of disease in the Army, more so than the cantonments?

Mr. NEW. I think the complaint has been that the tent camps were used at a time of year when they were not suited for the occupancy of troops.

Mr. WOLCOTT. May I ask the Senator another question? I profess to no particular knowledge of military questions; but is it not true that a cantonment is far superior to a canvas camp as a place in which to accommodate soldiers?

Mr. NEW. I certainly think it is; and, in addition to that, Mr. President, I will state that if additional cantonment accommodations are necessary for the care of these troops they should be built, and would be built, I take it. I do not mean to say for a moment that it is contemplated to take care of these men under canvas. I say that it can be done in part without detriment to the health of the men, provided the element of season and locality is taken into account, as it may be under the wording of this joint resolution.

Mr. WOLCOTT. Will the Senator, who is the author of this amendment, undertake to answer another question? In the Senator's judgment, how many officers will be needed to train these men from 19 to 21 years of age?

Mr. NEW. That would depend entirely upon the rapidity with which those men were called, and it is impossible to answer that question.

Mr. WOLCOTT. The Senator who is the author of the amendment, I suppose, has a general outline of the plan in his mind. According to the Senator's notion, how many officers would be required to train these men in the fashion in which he thinks they should be trained?

Mr. NEW. Oh, Mr. President, that is a question that I could not definitely answer, and I do not think anybody else could; but that it would require a large number of officers goes without saying.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. NEW. I do.

Mr. JONES of New Mexico. I should like to ask the Senator from Indiana if he believes that in the event this amendment should be adopted the President should use any discrimination as between the young men who would be subject to this draft? Does he believe that the President should have the right to select a few, and such few as he might designate, to take this training and exempt the others?

Mr. NEW. No. I never have thought and never intended that there should be discrimination in the mere matter of taking the men. I have intended that all should be made subject to military training, but that the time of year and the conditions under which they may be trained shall be left to the option of the President.

Mr. JONES of New Mexico. Then, Mr. President, does not the Senator realize that if this amendment be adopted it will be necessary, in the interest of fairness to all, to make such a provision as will provide for equal training of all the young men within the respective ages?

Mr. NEW. I think the amendment does make provision for that, Mr. President.

Mr. JONES of New Mexico. And does the Senator believe that at this time we should provide facilities for training this large number of men, in addition to the enormous task which we already have upon our hands?

Mr. NEW. That is just exactly what I mean, Mr. President.

Mr. JONES of New Mexico. As I take it, between these ages we will find somewhere between twelve and fifteen hundred thousand men.

Mr. NEW. I think that is approximately correct.

Mr. JONES of New Mexico. And these men will be coming of age every day, some of them, reaching the point where they are not subject to training under this amendment, and, of course, then they become subject to the general draft; but others will be coming in all the time. I should like to know whether or not any estimates have been made as to the cost of assembling all of these young men, the cost of equipping them, and the cost of giving them this instruction? Has there been any estimate made of the cost of the operation of this amendment, assuming that is shall be fairly and generally applied?

Mr. NEW. Mr. President, I have made no estimate as applied to these men. I take it that the cost of training these men will be comparatively small. It will cost no more and no less, perhaps, to train a boy between 19 and 21 than to train one between 21 and 23.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. NEW. I do.

Mr. NORRIS. Did the committee take any evidence on this proposition?

Mr. NEW. No.

Mr. NORRIS. Did they call anyone from the department to give them an estimate as to how many men there are in the country between the ages of 19 and 21?

Mr. NEW. No. They called no one for that particular purpose, but the committee had the benefit of estimates.

Mr. NORRIS. What were those estimates of the total number of men in the country between the ages of 19 and 21?

Mr. NEW. It is estimated that something less—not a great deal less—than 1,000,000 men reach the age of 21 years in this country each year. I take it that about as many reach the ages of 20 and 19. From them, of course, must be deducted those who are exempted for various causes.

Mr. NORRIS. Yes; but the exemptions would not be as great as the exemptions that take men out of the regular military service, because one of the objects would be to fix up men who are not in good shape.

Mr. NEW. That, I think, is one of the strong arguments for the adoption of this amendment.

Mr. NORRIS. Yes; probably. Now, I want to ask the Senator if anyone gave an estimate of the cost based on a service of six months in the year of all these men?

Mr. NEW. Not with direct reference to this amendment. As I say, it has been assumed—and I think the assumption a fair one—that the cost of training men between the ages of 19 and 21 will not materially differ from the cost of training men of any other age.

Mr. FALL. Mr. President, may I ask the Senator from Indiana a question before he takes his seat?

Mr. NEW. I yield.

Mr. FALL. I think possibly the question asked by my colleague, the junior Senator from New Mexico [Mr. JONES], was directed at the question which I asked first, and which provoked the colloquy between the Senator from Tennessee and myself.

Mr. VARDAMAN. Mr. President, I want to call attention to the fact that if we take it one at a time, probably the debate will last longer. We can not hear what is said.

Mr. FALL. I am talking by myself.

The PRESIDING OFFICER. The Senator from New Mexico is talking, the Senator from Indiana having yielded to the Senator from New Mexico.

Mr. FALL. The Senator yielded for a question, which I am putting to him, with reference directly to the Senator's amendment.

Mr. NEW. The Senator desired to ask me a question.

Mr. FALL. I stated that, in my judgment, the amendment would allow the President of the United States to exempt from immediate draft boys who are in attendance upon military schools. My colleague [Mr. JONES of New Mexico] has asked if, in the opinion of the Senator who introduces the amendment, there should be any discrimination. Now, is it not within the knowledge of the Senator that there have been exemptions, perfectly proper exemptions, from the general operation of the rules and regulations in the matter of students in attendance at colleges and schools?

Mr. NEW. Yes.

Mr. FALL. Is it not in the discretion of the President now, and would it not remain in his discretion, for example, to do as the Secretary of the Navy did with reference to enlistments in the Marine Corps and in the Navy—to notify the boys that, while they had been accepted, they would not be called, if they chose to remain in school, until the next six months, or the expiration of their term?

Mr. NEW. Mr. President, by way of a general answer to that question, I think that very broad latitude is given to the President under the language of the amendment.

Mr. FALL. Is he not pursuing and has he not been pursuing that course with reference to the present law?

Mr. NEW. Exactly.

Mr. FALL. That is all that I wished to ask.

Mr. BORAH. Mr. President, I voted this morning against laying this amendment on the table; but I did so for the reason that I did not think it was the parliamentary way, in fairness, to dispose of the amendment. It seemed to me that it was fair to have some expression of opinion more than had been had in regard to the amendment before it was finally disposed of. I did not, however, vote against laying it on the table because I was in favor of the amendment; and very briefly I desire to state why I am opposed to it at this juncture of affairs.

I do not propose to discuss the merits or demerits of universal military training. I doubt very much if that question is before us, when we consider the form and the meager provisions of the amendment. Whatever may be the merits or demerits of the system, to my mind it should be disposed of in a different way and at a different time by the Senate. I do not conclude myself therefore on the question of universal military training by my opposition to this amendment. It seems to me that all our policies at this time must necessarily be controlled to some extent by the supreme exigency which now confronts us. Our policies must necessarily take into consideration the fact that there is an immediate situation to meet, and that anything which subtracts from our efforts in any particular line in the meeting of that situation should be considered in shaping our policies.

We have at this time, according to the information which I have been able to gather from supposedly reliable sources, some 300,000 men in the Navy, some 250,000 men in the Regular Army, some 650,000 men in the National Army, and available under the present draft law as it now exists two and a quarter million men. This resolution, if adopted, will make available for training a million more of the young men of the country. It is the belief of those who have investigated the matter that about a million boys come of age each year. Then if we adopt the New amendment we will take out of our industries and agricultural life about 2,000,000 more for at least a portion of the year. By such a program we will break down our productive industries, both agricultural and manufacturing.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. SMITH of Georgia. Does it not really classify the men between 19 and 21, under the language used, just as the balance, except that they can not be sent to active service? Does it not, therefore, justify their being sent to cantonments and kept in cantonments at once? That is my serious objection to it.

Mr. BORAH. That is one of the objections; but I was going to say that we have this army, or available army, the figures of which I have just given; and if this amendment should be adopted we would draw from the industries and the agricultural interests of the country two million more, provided and assuming that the law is going to be executed.

Mr. President, the first objection that I have to this amendment, assuming now that one favors universal training, is that the Congress is not doing its duty in regard to the measure by leaving the entire matter to the discretion of one who has already declared himself against it. The Secretary of War in his report has stated plainly that in his judgment this is not the time to invoke universal military training; and yet we would be engaged in passing a measure which would leave it entirely to his discretion—as I assume that his discretion in this respect is the discretion of the President, and his judgment is that of the President—one who thinks it is unwise at this time to adopt universal military training, or to call these boys into the cantonments for the purpose of putting them in condition to meet their future obligations as soldiers. The amendment is wholly inadequate. It provides no machinery, makes no provisions for the carrying out of this most important program, and finally leaves the whole thing to be executed or not to one who is entirely against the plan. Congress is not meeting the situation at all.

This amendment says:

Provided, That all registered male persons who have attained the age of 19 years shall be subject to military training in accordance with regulations to be prescribed by the President, but shall not be called for active service until they have attained the age of 21 years.

If universal military training is worthy of the consideration of the Congress of the United States at this time certainly the Congress should go far enough to prescribe the manner in which this training should be had, and make it obligatory. I would not want, myself, to deal with so important a matter by leaving it entirely to the discretion of one who has been frank enough to state that he is opposed to its execution at this time. So, Mr. President, whether you view it as an advocate of universal miltiary training or whether you are opposed to it, to my mind the amendment wholly fails to meet the situation as it should be met.

The able Senator from New Jersey [Mr. FRELINGHUYSEN] stated that he thought the passage of this amendment would be notice to Germany of which Germany would have to take consideration; that it would notify the German people that we were preparing to meet this situation in accordance with the best rules of military preparation. Now, no doubt it would be a matter of great disturbance to Germany, and to Hindenburg particularly, to know that the Congress had passed a joint resolution leaving the training of its young men to a Secretary of War who has declared against the proposition in advance of the passage of the joint resolution. Viewing it from this standpoint, it seems to me that we ought to meet the situation as becomes the Senate in regard to such a matter, if we are going to take it up at all.

But to my mind, Mr. President, that is not the most serious objection to the adoption of this amendment at this time. If we shall assume the statute would be executed, let us look at the matter from another standpoint. There is very much in this war aside from getting men in uniform or sending them to the cantonments and training them. We have got to take care of our industrial and agricultural interests as we go along, and we have already drained those two walks of life far beyond the point of safety. I see no reason why we should take the young men of 19 and 20, in this exigency, under these circumstances, away from the industries of life where they are absolutely needed in order to sustain the war quite as much as they are in the cantonments.

A few days ago the President issued an address asking the young men of the cities and those who were not already engaged upon the farm to volunteer to go out upon the farm and to assist in raising the food which is absolutely essential to the maintenance of our part in this struggle. I think it is absolutely essential, and I think if that call is not properly answered other steps will have to be taken to meet the exigency. I presume that I am in no different position from that of many other Senators upon the floor, perhaps all Senators; but our mail is deluged with letters from those in the agricultural regions, stating that they are compelled to cut out their acreage, reduce their acreage, and reduce their crops, because of the want of labor. I know that so far as the State is concerned which I represent here in part, the only help left upon the farm is the boys 19 or 20 years of age. The others, of course, are subject to draft and subject to call; and the only ones left upon whom you can rely, who are there as permanent factors, whom you can depend upon throughout the year, are the ones who will be called under this amendment.

Does the able Senator from Indiana [Mr. NEW] believe that it would be wise, even if we could, to go into the agricultural regions of Indiana, onto the farms of Indiana, and draw away the boys of 19 and 20 from the farms and put them into a training camp? I do not think it is a wise thing to do; and that is the supreme reason why I could not support his amendment, even if I were in favor of universal military training.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. NEW. In answer to the question put to me by the Senator from Idaho, I will say that I have tried to obviate that

objection as far as possible by giving the President as much latitude as has been given him in prescribing the time of the year when these men may be taken. It has been my thought that the men who come from the farms may be taken at one time of the year and that the men in Idaho may be taken at a different time of year from the men in Florida, under such regulations as the President may prescribe. I recognize as well as the Senator from Idaho or as anybody else that farmers are short of help, just as everybody else is short of help; and I would go just as far as it is possible to go in meeting that objection.

Mr. BORAH. Mr. President, the proposition as stated by the Senator shows the impossibility of putting into execution at this time universal military training without interfering with the efficient conduct of the war—that is, if you are going to have universal military training, if you are going to have anything except theory and the most scanty and inadequate enforcement of it, you must necessarily invade the domain of the farmer and the industries of the country generally.

Mr. NEW. Mr. President, will the Senator yield to me?

Mr. BORAH. Just a moment. Let me say to the Senator, Mr. President, that it may be a little different in his State, where a particular crop is raised and disposed of. It might be possible there to draw away boys at a certain time of year, but it is not possible at this time to take the boy of 19 and 20 from the farm in diversified farming at any time of year without interfering with the production of food.

Mr. NEW. Mr. President, you must invade somebody's domain every time you make a soldier.

Mr. BORAH. Exactly, Mr. President; but we must have due regard to the supply of labor which is necessary. For instance, the Senator would not be willing to draw all labor from the industries and all labor from the farm. We must take that into consideration. Now, when you take into consideration the fact that we have made subject to draft every boy between 21 and 31, and when you take into consideration the fact that by this joint resolution you are adding a million more, are you not overstepping reason when you undertake to go further and take 2,000,000 more boys from these same industries and from these sources of supply? In other words, Mr. President, it seems to me you are giving too much consideration to the mere question of equipping men, and not enough consideration to the feeding of these men after they are equipped, which in my judgment is going to be the supreme question in this war before it shall be finally decided.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. NEW. I think that if you are to take the boys from 19 to 21 it will allow the exemption of more men than would otherwise be allowed to be exempted of ages beyond, say, 29 to 31. It would permit the exemption of a greater number of older men, skilled mechanics, trained farm laborers, and so on, than could be permitted if the younger men were to be left out of all account.

Mr. BORAH. It seems to me apparent, Mr. President, that the able Senator from Indiana, while very much in favor of the principle, and with that I am not arguing with him at all, has overlooked the practical operation of the amendment at this time.

Mr. STERLING. Mr. President——

Mr. BORAH. In just a moment I will yield. I have on my desk here, which I shall not take the time of the Senate to read—I had intended to do so, but I do not wish to delay this measure—a great number of letters from all parts of the country which I have culled out with reference to the situation upon the farm, and I am sure that this amendment would only create additional disturbance and disconcert additionally the men who are striving to meet the President's call and the country's call to produce in order to feed the men who have already been drafted. Does the Senator from Indiana expect to see the army which is now available under the draft law in place in their training camps in this country?

Mr. NEW. Mr. President, I think that all the army that is provided for by the draft, and possibly many more, may be required before much time has elapsed for the prosecution of the war on the part of the United States.

Mr. BORAH. I yield to the Senator from South Dakota.

Mr. STERLING. The question occurs to me whether there are not two or three months in every year when farm help will not be engaged in the planting and sowing of crops or cultivating crops, of the thrashing or caring for crops, which two or three months might be spent in military training. If the Senator will bear with me, I have in my mind, of course, the farming region of the Northern and of the Northwestern States. It simply occurred to me that there were those months during which there is little demand for farm labor, and the boys from the farm might spend that time in military training.

It might, if the Senator will permit me, cause some inconvenience during the winter season, but we can hardly put this upon the ground of simple convenience. It will require some sacrifice in some cases, but as a general proposition there will in the farm region of the North Temperate Zone be two or three months during the year, or, I should say, from two to four months during which there is little farm work being done.

Mr. BORAH. My observation and my experience with reference to northwestern farming would lead me to say that if the Secretary of War or the administration at Washington should undertake to conform its rules and regulations to the desires and needs of the farmer as to when he would particularly need his help or his boy upon the farm, you would find that the farmer would lose out in the contest every time.

Mr. STERLING. If the——

Mr. BORAH. Just a word. The Senator is well acquainted with the fact that there has been a special request from all over the country that the next draft except those who are on the farm, and there seems to be a disposition to do that. In fact, it has been stated upon the floor of the Senate that that would be the policy. In view of the fact that we have reached a point where the farm is already depleted of its labor to such an extent that the law now upon the statute books can not be put in operation, is it wise to call for additional men from the farms and to put them in a position where they can not be of service to those who are engaged in agricultural interests?

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. NEW. I think objection is made by every man engaged in the industry of agriculture or of any other description to have men taken by the draft. I get letters every day from manufacturers in the State which I in part represent, who complain of the shortage of labor, and they are pleading for all sorts of congressional enactments which would leave their men free from military service, which would prevent them from being drawn from the particular towns in which the manufacturing industries are located to be sent to other places for other forms of labor, and all that sort of thing. I think we will find objection from the manufacturer who is depending upon men just as much as the farmer to about as great an extent as we will from the farmer.

I recognize fully that there are many objections to taking men, but——

Mr. BORAH. I think the Senator accentuates the strength of my argument. I am not so familiar with the manufacturing interests, and therefore I have spoken with reference to the farm; but I have no doubt that the same depletion of labor forces exists in the manufacturing industries. It is one of the serious questions now with reference to railroading. One of the causes of the embarrassment in railroading is the scarcity of labor, and this will draw away from railroads, it will draw away from the manufacturing industries, it will draw away from the farms.

Mr. WOLCOTT. Mr. President——

Mr. BORAH. Just a moment. So I say, Mr. President, this policy of universal military training must necessarily conform at this time to the exigency which confronts us. We can not declare ourselves in favor of universal military training outright and put it into effect without taking into consideration at this particular time in this particular emergency that there is need for these boys in other places. I yield to the Senator from Delaware.

Mr. WOLCOTT. I was going to call the Senator's attention to the fact that whereas the Senator from South Dakota [Mr. STERLING] may with some plausibility, though not with any merit, argue that there are times in the year when farm labor can be taken from the farm without prejudicing the work going on upon the farm, the fact, nevertheless, remains that there is not a day in the year when labor can be taken from the manufacturing industry without doing it an injury. Therefore, if the farmer only will be taken because there are certain months in the year when he will not have to work and be subjected to this training and the industries left every day at work, will we not come to a pass two years hence when the young men undergoing training under the New amendment will reach the draft age, and is it not the logical thing to do, if the policy of the amendment is carried out, to call the men to train who are on the farm and leave the men in the industries to work in the industries from day to day?

Mr. BORAH. I referred a moment ago to the fact that the President had made a special plea to the young men of the country to take up work upon the farms, and I notice in a paper that came to me this morning a statement from ex-President Roosevelt to the same effect. He, I understand, is very earnestly in favor of universal military training, and has been for some time. He says:

> I wish to express my hearty and unreserved support of the boys' working reserve to include the boys between the ages of 16 and 21 who ordinarily would not be in productive labor and who can be turned into workers on the farm. The farmer has been prompt to recognize that the strong, healthy boy is a tremendous help at this time. One of the great benefits conferred is that of making the boy realize that he is a part of Uncle Sam's team, that he is doing his share in this great war, and that he holds his services in trust for the Nation.

Now, what we would do if we put this into effect is to turn the boy back who has started for the farm and send him to the camp and train him. It is to direct his attention to another point, and that is to military training, instead of helping in the industries of the country.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. NEW. If the Senator will yield further, recognizing as I do the shortness of labor on the farm, but at the same time realizing what I feel is the necessity for training soldiers in this country in the present tremendous emergency, I wish to say that I think it is high time there should be enacted here some kind of a draft measure that would take every loafer in this country—and by that I mean a man who is not actually and actively employed in some way that contributes to the public good—and send that man to the farm, to send every man who is not engaged in some useful enterprise to the farm, and draft men for that purpose exactly as men are drafted to go as soldiers. I think the first industry that should be regarded in the enactment of that form of draft should be the agricultural interests.

Mr. BORAH. Mr. President, I do not think the Senator and I are very apart on this proposition. The Senator seems to think there will be a practical way to put it into operation without interfering with the industries or the farm. I do not think so, and that is the difference between us. I think it would render the situation so uncertain and hazardous that it would reduce the acreage in this country and reduce the farmer's efforts tremendously just to know that his boy was subject to a call at any time if the administration here would see fit to call him.

Mr. FALL. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. FALL. I have no desire to make a speech myself, but I want to ask the Senator a question. The Senator's objection, as I understand it, which he is now urging is based upon the assumption that the present rules and regulations with reference to drilling and training will prevail if this amendment passes, and that of the men whom it is sought now to place in semimilitary service will be subject to draft under the present rules and regulations. I think that is the base of the Senator's objection.

Mr. BORAH. I assume they will be called into training.

Mr. FALL. Would not the same objection apply if it is left in the discretion of the President of the United States? I do not think that should be allowed. I think Congress should perform its constitutional duty. Would not the same objection apply if the old National Guard system were adopted? We are told that half the troops now available of the force are of the National Guard. They were trained at night, one day a week possibly, and yet practically half the men we have in France are National Guardsmen.

Mr. BORAH. I do not understand, although I may be in error, that the training which the National Guard received at the night training was regarded as very much of an asset.

Mr. FALL. I simply point to the newspaper reports of the very gallant fight the Sixty-ninth New York recently made in France.

Mr. BORAH. Exactly; but the Sixty-ninth New York had a vast amount of training on the Mexican border.

Mr. FALL. They were on the Mexican line, undoubtedly.

Mr. BORAH. My understanding is that the National Guard was rendered effective by the training upon the Mexican border or the training which came along after the call to arms.

Mr. FALL. This is the point I wish to direct the Senator's attention. Suppose, for instance, that upon a farm in his State it was the policy of the Government to send a private or noncommissioned officer to that farm to train the men who are subject to the draft, and right there one afternoon in the week or one day in the week train them. Make the farmer pay the expense. The Government is not to bear the expense. The only way we should give military training to those men is to train them in squads. It is the modern system to train in squads and platoons. A great advantage of German soldiers, we are now told by the newspapers, in the battle which is now being fought is that they are under the leadership of noncommissioned officers.

Mr. BORAH. Mr. President, we then come to the proposition of getting officers by which to conduct these training schools, which would be a tremendous strain, it seems to me, upon our official life in the Army.

Mr. FALL. I do not think we should take the officers. As a matter of fact, we could let them go and take privates or noncommissioned officers for the purpose of training the squads.

Mr. BORAH. Mr. President, I revert back for a minute to the amendment because I want to ask the Senator from Indiana if he will enlighten me as to the proviso. I understand the Senator from South Dakota has now withdrawn his amendment.

Mr. STERLING. It was understood that it was withdrawn.

Mr. BORAH. This proviso reads:

> That all registered male persons who have attained the age of 19 years shall be subject to military training in accordance with regulations to be prescribed by the President, but shall not be called for active service until they have attained the age of 21 years.

Does not the Senator know that the administration is, whatever may be its ultimate view with reference to universal military training, opposed to putting it into effect during the war?

Mr. NEW. I do not know that positively. I apprehend that it is true.

Mr. BORAH. Does not the Senator think, in view of the fact that the President is being constantly deluged from all parts of the country to secure labor, to bring labor to this locality and that locality, and in view of the predilection which he entertains with reference to this matter, that undoubtedly this never would be put into effect during the war?

Mr. NEW. I do not know that.

Mr. BORAH. Of course, the Senator does not know it, but there is sufficient information upon which he might base his judgment, in my opinion.

Mr. NEW. Under this provision, at least, the President may use his discretion; and I fear, Mr. President, that the occasion will arise when the President will have to exercise that discretion in carrying out the terms of the amendment.

Mr. BORAH. Mr. President, I have occupied more time than I expected. I shall simply conclude by saying that regardless of the merits or demerits of universal military training I am opposed to putting it into effect or attempting to put it into effect either in this way or at this time. I do not believe the amendment would aid the prosecution of the war, but hinder it. There is no more serious problem connected with this whole vast war program than that of feeding our soldiers and our allies. We must not call a single man from the farm or from the industries of the country who is not being trained for immediate service. The merits of this great question will be taken up when this exigency is past, and then Congress can dispose of it with detail and with a fullness commensurate with the importance of the subject.

Mr. NORRIS. Mr. President, I shall not at this time discuss the question of compulsory universal military training. That is a question which has two sides, and a great deal can be said on both sides. To my mind, important as that question is, the particular proposition before the Senate does not properly involve it. Of course, if we adopt the amendment it will be assumed by its adoption that we are in favor of it, but if we do not vote for it, it does not follow by any means that at the proper time and under the proper circumstances Senators who vote against it now would vote against it then. Personally I do not see how I can tell which way I want to vote on that question until I know what kind of a peace is the result of the present great conflict. It is to be hoped that when peace comes it may be such a peace that the world will not, under the treaty that will be agreed on then, be permitted to hold itself under arms during all the years that will follow. It is to be hoped that we will have a peace that will make universal training, large navies, and large standing armies absolutely useless. If there should be a peace that does not settle that question I should favor, and I presume we would be under the necessity of favoring, a large standing army and a continual preparation for war. If as a result of this conflict there must be armed troops and preparation immediately begun for the next conflict that must follow, then compulsory universal training may be necessary. I hope that may not be.

But we are in a struggle now, Mr. President, where we want to exert and are exerting every power to bring about success and victory. It is not contended very seriously at least that this

amendment if adopted will add anything in our efforts to bring victory to our arms in the present struggle. Very few people believe that the war is going to last for two years more, but even conceding that we have a long struggle, to get very much benefit out of the amendment the war would have to last longer than two years.

Now, we are in a struggle. We are told every day that food will win the war, that fuel will win the war; and we know that food and fuel are necessaries in order that we may win it. We know that a great many of the industries must go on. We must manufacture ammunition, guns, and cannon and other things necessary to keep our Army at the front. We must make clothing and we must produce food in greater abundance than we are producing it at the present time unless we ourselves go with less to eat and less to wear.

That is the condition confronting us, and here we come with a proposition that will not materially aid the war; but what will it do? It will take out of the industries and off the farms of this country 2,000,000 men in the prime of life. Various estimates have been given, but I think it can be said that around a million men become 21 years old every year, another million become 19, and another million become 20. So if we take two years we are taking in round numbers 2,000,000 men now engaged in all the industries of the country to keep our Army in line and to supply them with food and material necessary to carry on the war.

We are taking the men out of these industries without being able to put them in the trenches. If we took them out and put them in the Army it would be a different thing. We are only going to train them for use two years hence or three or four or five years hence. That is the proposition which confronts the Senate. I think when the country understands it, no man who favors, for instance, universal military training would be censured if he voted against this amendment under the circumstances.

To my mind, Mr. President, we injure our Army, we take away our resources, we deprive ourselves of one of the material methods by which we can bring victory if we pass this amendment. I know it is said the men will not be taken away all the time, but suppose they are taken away six months in the year or three months in the year.

Mr. STERLING. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. STERLING. If the Senator will permit me to correct his statement, in all probability they would not be taken for six months in the year.

Mr. NORRIS. I am coming to that a little later on. Nobody knows what the period will be.

Mr. NELSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. Does not the Senator think it would be a good plan if the farmer's boy in the North got off four months in the wintertime and was sent down to a southern cantonment and given military drill for that period? They would come back in the spring better fitted to work on the farm and do spring work than if they stayed at home hanging around stoves during the winter, especially in a prairie country, where they have not any work to do in the winter on the farm.

Mr. NORRIS. After the draft has been supplied there are mighty few farms in this country from which you can take the boys from 19 to 21, even in the wintertime, without injuring the agricultural production of the country.

Mr. FALL. Will the Senator yield?

Mr. NORRIS. I yield.

Mr. FALL. I should like to ask the Senator by what process of reasoning he arrives at the conclusion that there will be a greater proportion of the boys selected under this amendment than have been taken out under the draft?

Mr. NORRIS. That is a fair question and I will answer the Senator. When we select the men to go into the Army under the draft there are a great many exemptions. Certain rules and regulations are provided, and if a drafted man does not come up to those in all respects he is rejected.

I understand all those who have here advocated universal compulsory military training have always claimed—and I think there is something in it, I am not saying it is not true—that one of the benefits which will come from universal training will be that men who are deficient in many respects will be cured of the disability by this training. So when we are selecting these men for training undoubtedly we will not apply the same rule that was applied when we were selecting men to go into service in the Army. So there will not be as many exemptions from this class as there were from those who were selected under the draft.

Mr. FALL. I think the Senator has answered frankly the question as he understood it. I do not think, however, he exactly caught my point. We have now approximately in a year 600,000 men out of 10,000,000 men, and out of 2,000,000 that may be taken, if the same percentage were selected for training under this measure, I see nothing to prevent calling 122,000 out of the total of 2,000,000; in other words, about 61,000 out of a million.

Mr. NORRIS. That is, taking everybody out, as is done in the draft.

Mr. FALL. As we do now.

Mr. NORRIS. I did not have any idea that that would be done. I do not think it ought to be done. As the Senator from Washington suggests, it would not be universal military training.

Mr. FALL. That is largely my objection to the amendment.

Mr. NORRIS. Mr. President, the proposal is objectionable not only as it affects the farmer—for there might be seasons in the year, as the Senator from Minnesota has suggested, when the farmer could be taken away without so much damage to him—but as it affects the man in the factory who is making munitions, the man who is making clothing for the soldier, and men in a hundred other occupations that are necessary to be kept up. You can not take those men out for military training in the winter time or the summer time or the autumn or the spring without interfering with their work. Suppose you take a man out for three months. What does it mean to the industry in which he is employed? It is not only the loss of that man for three months, but it interferes with the whole machinery; it interferes with the whole plan. If 2,000,000 men in this country are taken out of necessary industries and off the farms of the country, I want to tell you that we shall be short of food, we shall be short of ammunition, short of guns, and short of everything that is necessary to win this war——

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I want to make a suggestion for the consideration of the Senator, because as he has been speaking a thought or two combatting his view, arose in my mind. The Senator knows that in the wintertime there are high schools, universities, colleges, and other educational institutions which are then being conducted as well as at other periods of the year. In those universities, schools, colleges, and other institutions of learning are a great many thousands and hundreds of thousands of young men. Suppose that this amendment were so amended as to permit the President to designate institutions of learning or schools or colleges as the places where military training might be given, provided they adopted such standards of training as might be prescribed, why could not the requisite military training be obtained in those institutions of learning at the same time that the boys were at school?

Mr. NORRIS. I rather think that to a great extent it could. Of course it is not by any means the proposition which is now pending before us, but, as it seems to me, a plan of that kind would do less damage to our war activities than this would do.

Mr. KING. And, if the Senator will pardon me further, might not some of the evils, which unquestionably this amendment would produce, be mitigated and ameliorated by regulations that would authorize local training—training at night? There will be unquestionably—and we, of course, deplore it—many officers wounded and returning from beyond the sea. They might be utilized in training the boys at home, in these colleges and schools, and thus meet, to some degree, the objection which is made to the lack of officers.

Mr. NORRIS. I think that would meet the objection in some degree, although it would not entirely meet it.

Mr. NEW. Will the Senator from Nebraska yield to me?

Mr. NORRIS. If the Senator from Utah [Mr. KING] has concluded, I yield to the Senator from Indiana.

Mr. KING. I have finished.

Mr. NEW. The Senator from Utah, I think, has gone a long way by his suggestion toward meeting the objection that we shall not have sufficient officers for training purposes. Mr. President, I understand that before this recent drive there were more than 60,000 English officers who had been invalided back home during this war. In time to come, and to come shortly, I fear, we shall find large numbers of our officers being invalided back to this country. Those officers, while no longer able to take their place at the front, would be available for service in the training of these young men, as has been suggested by the Senator from Utah.

Mr. NORRIS. Mr. President, I think we could probably utilize the services of those officers, and to the extent that it is possible it ought to be done, perhaps. Although that would not relieve the proposition of its great expense, it would partially do so. But, Mr. President, 2,000,000 men must be paid while they are in training; we must provide places for them; we should have to spend many millions and hundreds of millions of dollars in preparing those places and pay hundreds of millions of dollars for transportation. Even if you only trained them for a month those things would have to be done. We should have to provide, or we ought to provide at least, guns for their training. We ought to make provision to provide uniforms for the men while they are engaged in training; and has anybody figured out how much that would cost?

I offer this argument now, but not as one of the main arguments against the amendment, for if it would accomplish anything in the war the cost would be a secondary consideration, I concede; but if it is not going to do something toward putting men in the trenches and keeping them there and sustaining them there, then we ought to consider the cost as one of the important items, because the cost of the war is one of the burdens which, if the war continues long enough, will break down civilization. Civilization can not continue against the increasing cost and sustain it indefinitely, and everybody knows that. So we ought to consider the cost. This amendment, in my judgment, means not merely millions or hundreds of millions of dollars in expenditure but billions of dollars if it is to be carried on very long.

Mr. President, I want to come to the amendment itself and discuss it very briefly. I am not complaining against the man who claims that we ought now to have universal military training. But it seems to me that it is not right to put it on this joint resolution. It is not a joint resolution that anybody objects to, but everybody wants to see it passed; the administration wants it passed; it is a military measure which should be expeditiously passed. But here it is proposed to put on this amendment, which was never considered in committee, which has no committee report behind it. When the author of the amendment was asked on the floor of the Senate about the items of expense, the men, and so forth, he could only give estimates. The experts have not been called upon to give us the information. The amendment was offered first in the committee, and if not formally rejected, at least it was found that it could not pass the committee, not because the committee was not in favor of the principle involved but because they saw what I am trying to show here, that this is not an opportune time to do it, and so the proposition was offered on the floor of the Senate and comes before us in this way. It is as important a proposition as any that can ever come before Congress, and we are asked to put it on a joint resolution without any other consideration than it has had here in the Senate.

Mr. NEW. Mr. President——

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. NEW. As to the matter of estimates, Mr. President, no estimate was made——

Mr. NORRIS. I so stated.

Mr. NEW. My recollection is that no estimate was made of the expenditures which would be involved in putting the draft law into effect. I do not think that any estimate which could have been made would have been at all accurate and worthy of consideration as to that law, and I think no estimate can be made as to this proposed amendment, except such an estimate as is based upon the experience we have had in the last year in training the men who have been brought in under the draft law.

Mr. NORRIS. Mr. President, the fact that there has been no estimate—and the Senator himself admits it—is one of the objections to the amendment; it is one of the reasons why it is immature and has not received proper consideration. Because there was no estimate made as to the draft law is no reason why there should not be one made about this amendment. As the Senator from Indiana says——

Mr. NEW. Mr. President——

Mr. NORRIS. I should like to finish the sentence first, and then I will yield to the Senator.

As the Senator from Indiana says, the experience under the draft law would enable the officers to make an estimate—I think a rather accurate estimate—so that we could have been told all about it. If the amendment would take the regular course that legislation usually takes, all that would have come out in the hearings before the committee, which would have been printed and Senators could have read them here.

Now I yield to the Senator from Indiana.

Mr. NEW. Mr. President, I was just about to say what the Senator from Nebraska has in substance himself said, that the experience we have had in training men during the last year is better than any estimate that could have been made in advance, and I think we can tell with substantial accuracy what this will cost by simply taking into account what it has cost within the last year to train an equal number of men who have been brought in under the draft law.

Mr. NORRIS. I fully agree with the Senator from Indiana, but that has not been done. This amendment has come in here with such little consideration that nobody has even tried to make the estimate. That is another illustration of why, it seems to me, the amendment should not be put on now. A great proposition of this kind, affecting all of the country and affecting everybody in it, ought at least to have had sufficient consideration so that there could have been an estimate made, when one could have been made so easily. The officials of the department, if called upon, could have undoubtedly given, as the Senator says, rather accurate information in the way of estimates about its cost; but they did not suppose this was going to be tried here. The military men realize that this will accomplish practically nothing so far as putting soldiers into this war is concerned, unless the war lasts more than two or three years.

Mr. President, let us see whether this amendment is fair. That is another reason why, in my judgment, it should not be adopted now. If we had passed a law for universal military training Congress ought to take upon its shoulders the responsibility that properly belongs to Congress and ought to provide by statute just how the training should be brought about, how much it should be, when it should be, how the Army should be officered, and as much detail as to that Army as of the Army that we have raised by the draft or the Regular Army. But what does this amendment say?

Provided, That all registered male persons who have attained the age of 19 years shall be subject to military training in accordance with regulations to be prescribed by the President, but shall not be called for active service until they have attained the age of 21 years.

In my humble judgment, if we adopt that kind of a proposition we have abrogated our duty and turned the responsibility over to the President. We give the President full power to say whether the training shall be for 1 day or 2 days, 1 month, 6 months, 9 months, or 12 months. The Congress ought not to do that; it seems to me we ought not to go that far either in shifting responsibility from our shoulders or in giving power to the President that properly belongs to the legislative department of our Government. Not only can the President fix the time of training, but he can fix everything else; he can fix the pay; he can say that the men shall serve for 10 cents a day or that they shall receive a hundred dollars a month; he can do anything that is necessary to carry out the purpose of the amendment. I take it that he would carry it out in some way, and if he did he would have, as every one must concede, an enormous task on his hands.

I understood the Senator from Indiana to say that we have about 1,500,000 now in the cantonments. Is that right?

Mr. NEW. About 1,200,000.

Mr. NORRIS. About 1,200,000. Well, we would have that many in round numbers in the additional army which it is proposed to train, and we would pretty nearly have to duplicate the facilities we have now. Mr. President, if we are going to do that we ought to provide by law how it shall be done. If we are going to have universal military service, either now or at any other time, I am sure that we ought to provided by the law just how it shall proceed, instead of turning all our powers over to the President and saying nothing whatever with regard to any of the details or any of the arrangements for carrying out the provisions of the law.

Then, Mr. President, under the terms of the amendment the training is to cease with the termination of the war. I thought the other day, when I asked some questions about it, that it was the intention to have this as a permanent provision of law, but I find the amendment tacked on to a joint resolution that by its terms is to terminate when the war is over.

Mr. VARDAMAN. Mr. President, will the Senator pardon an interruption?

Mr. NORRIS. I yield.

Mr. VARDAMAN. It is my firm conviction that it is the purpose of the proponents of this measure to make it the beginning——

Mr. NORRIS. I understood so; yes.

Mr. VARDAMAN. To make it the beginning of a permanent system of universal military training. I think this is the entering wedge, from which I fear no good will come.

Mr. NORRIS. It is intended to be the entering wedge. I will ask those who believe in that policy, and believe in it earnestly, as I concede they do, is it fair to put it on a joint resolu-

tion which by its terms is to expire when the war is over? If it is to be the entering wedge is not that a sort of legislative camouflage, as a Senator suggests? Ought we not to meet the question fairly and squarely, and let it be passed on its merits?

If it is a good thing, if we want to have universal military service, why confine it to the war when the soldiers who will be trained will in all probability not be used in this war? It seems to me, Mr. President, that tacking the proposal on to a proposed law that is going to expire when the war is ended is worse than camouflage.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. VARDAMAN. I think the merit of the system of universal military training is not the question of paramount importance in the consideration of this measure. I realize as every other Senator must realize that the United States Government is confronted with a stupendous problem. It will test the metal of our men and try the endurance of our people. We do not know when the end will come; we do not know how many men it will require to finish the terrible undertaking, but we do know that the work itself can not be successfully accomplished without adequate food and clothing for our people at home, our soldiers abroad and our allies in foreign lands. There is scarcely a mail that does not bring to my office dozens of letters complaining of the scarcity of labor—labor for the farms and for other industrial enterprises. A Senator asked me a few moments ago how many months of the year it required to raise a cotton and corn crop in the South. My answer to him was, That it takes about 13 months of the year. If we take these men away from the industrial pursuits we will find ourselves short of foodstuffs and material with which to clothe and feed our people.

I will tell you, Mr. President, that the war can not be won with bullets alone. There must be the combined use of both bullets and bread. Battles can not be fought and won on empty stomachs. Men will find their courage failing when they know their wives and mothers and daughters and sons are at home starving, and when they themselves are suffering from the pinch of hunger. I beseech Senators to think on this phase of the problem. The world is crazed with a blood lust and the spirit of war has warped our judgment. We have more men, and will raise more men for service at the front under the present law, together with the amendment which the Senator from Oregon has proposed to the present law, than we will have ships to carry to the front in the next three years. If I had my way about it, I should send every bona fide farmer now in the Army back to his farm with the commission to raise a crop to sustain our women and children and our allies across the seas. I trust the Senate will see the importance of this suggestion and act favorably upon it before it is everlastingly too late.

Mr. NORRIS. Yes; and if we take——

Mr. VARDAMAN. If the Senator will indulge me further, I wish to say that if we take these men away from their farms and put them in cantonments and permit the land to lie fallow, we will find ourselves at the end of the year in desperate straits for the necessaries of life.

Mr. NORRIS. And while we are doing everything we can and straining every muscle and every nerve to build more ships, if we take away from shipbuilding activities all the young men between 19 and 21, even though we take them away for only three months in a year—and military training to be of any account, it seems to me, would have to extend over at least that length of time, and most people think the period ought to be six months—we would not only lose the time during which they are taken away, but we would have to have producers to support them when they become consumers instead of producers, and we would disarrange the entire shipbuilding program. Perhaps the men who will be taken may not be engaged directly in shipbuilding, but they will be located where they are supporting men and keeping men who are employed in shipbuilding. They can not be taken away without the whole superstructure being affected. It seems to me that it is a dangerous thing to do.

Mr. President, I am sorry that this amendment is pending. I know the time may come—I hope it will not, but it may come—when I would feel as though I were required to vote for this kind of a proposition; but that times is not here yet. I hope that the time will come—and come at the close of this war—when such a peace will prevail that such a proposition as that now under consideration will be unnecessary in any civilized country in the world.

Mr. McKELLAR. Mr. President, when this amendment was offered some days ago by my friend Senator NEW I was a little inclined to think that it would be a proper piece of legislation, and I had expected to vote for it. I am rather inclined to think that this country will come to universal military training when this war is over and we get our bearings again, but just now I do not think that our energies ought to be diverted from the main purpose of defeating our enemies, and upon somewhat more mature reflection I believe this amendment will unquestionably have that effect.

In the first place, it would take out of our industrial, commercial, and agricultural life about 2,000,000 of our young men. Those 2,000,000 men would be taken out of the producing class and put into the consuming class. Ought we not to go a little slow about it under those circumstances? A serious situation confronts us. At one step to take 2,000,000 men from the class of producers and turn them into the class of consumers is a matter that should be very carefully weighed before it is enacted into law.

Another reason why this legislation should not be adopted at this time is that it has not had that careful consideration which a measure of such scope and possibilities ought to have. The Military Affairs Committee has not reported it; it has not considered it during this session. It ought to be carefully considered by that committee. Every question that arises in connection with it should be carefully weighed; the cost should be carefully considered; the effect upon the production of the country should be carefully weighed and considered before we step off, as it were, into this new venture.

I am not arguing against universal military training, because I believe it is to come. The events of the last few years have shown us that in the future we must take a different course than that which this Nation has followed in the past in reference to military training; but this amendment does not provide for universal military training; it merely provides for universal military training of boys between 19 and 21 during the years of this war and no longer. That is all it does.

What effect is it going to have? What is the situation that confronts us? Do we need man power? Senators, we have now available all the man power, and more man power, than any other nation in the world. We have several million young men who are already subject to draft into the Army and who are ready to be trained at any moment. There is no reason in the world why the young men who have already been drafted can not be trained for our Army. Why are they not now inducted into service if we intended to have a larger Army for the protection of our country. It is because we have not the officers to train them; we have not the arms with which to equip them, and we have not the materials with which to clothe them while they are being trained.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. McKELLAR. I yield with pleasure.

Mr. SMITH of Georgia. If we have not the officers to train them, and if they ought to be trained, I desire to ask the Senator what legislation has been brought to our attention through which we may hope provision will at once be made for the training of a large additional force of officers?

Mr. McKELLAR. We are training officers now in large numbers under the legislation that has already been provided by Congress at this session and at the last session.

Mr. SMITH of Georgia. Progress seems to be very slow.

Mr. McKELLAR. I do not think it has been slow. In the last year we have added to our officers more largely than any other nation. We are training them as rapidly as they can be trained; we have training camps for officers in almost every State in the Union. We are training by scores of thousands. We are training them quite as rapidly as we can equip them, and faster than we can ship them to France.

Mr. VARDAMAN. Mr. President, if the Senator will permit me to make a suggestion——

Mr. McKELLAR. I yield to the Senator.

Mr. VARDAMAN. We are training and we have men now ready for service at the front far beyond our capacity to send them there.

Mr. McKELLAR. Of course——

Mr. VARDAMAN. And what is the necessity for sending men to cantonments and taking them away from the fields of industry, where they can produce something to support our people at home and our allies? What is the necessity for doing that when, under the present system, we will have more men ready for service at the front for the next two years than we will be able to get ships to carry? It is more ships that we need just now, not more men.

Mr. McKELLAR. The Senator is correct about that. It is estimated that we have between 3,000,000 and 4,000,000 young men in this country to-day already drafted and subject to be inducted into the service at any time, and whom we can train whenever we have the necessary equipment, arms, and officers with which to train them. We are going forward in that matter

and making gigantic strides toward mobilizing our man power. It is not man power that we need, but we need materials of war; we need the officers with which to train the men; we need ships to carry our armies to the seat of war, and our energies should not be diverted to securing greater man power in the Army when it is not power that we are lacking. Additional men are not necessary now; we all know that. Why should we divert our energies and our money to prepare men that we can not use and whom it is not proposed to use for two years?

Have Senators thought about the cost of this matter? Has any estimate of cost been made? Can any Senator say whether this proposed amendment will cost $100,000,000 or $1,000,000,000 or even $2,000,000,000? The plan proposed can be put into operation in such a way as to cost this country at this time when we are at war $2,000,000,000 annually, because everyone knows that a soldier never costs less than $1,000 a year, taking all of the elements of cost into consideration.

This is a serious matter, serious not only because of the item of cost, but serious because at this time, at all events, it is necessary that we should have greater production, because the purpose to be accomplished does not justify the outlay, because this is not where our lack is, because our every energy and our every resource should be devoted to winning this war. What will it do? Senators representing farming States of the Union have told us what the adoption of this amendment is going to do for the farming interests, how many men it will take from their States who ought to be producers, and who are our best producers. Other Senators from industrial States have pointed out how many men it is going to take from industry, and others from commercial States have indicated how many men it will take from the commercial pursuits of life. We need men to-day, Senators, a great deal more in agriculture, in commerce, and in industry than we need to have these youngsters drafted into our Army, because we have not actually inducted into the service more than one-third, nay, not more than one-fourth or one-fifth of the men who are now on the rolls and subject to draft, and it is proposed to draft another million under this joint resolution even without the amendment.

I am quite sure, as I have said heretofore, that we have got to come to a system of universal military training, and my present intention is to favor a proper system; but we ought not to allow ourselves to be diverted at this time to any other purpose than the purpose of winning this war and preparing our men—not merely training them in schools—but preparing them as fast as we can get the officers, as fast as we can get the guns, as fast as we can get the materials of war with which to train them.

Notice the wording of the amendment. I want to call the attention of the Senate to it:

That all registered male persons—

That means all of them, Senators. It means the maimed and the halt, the blind, the deaf, and the dumb, the physically fit and unfit; it means everyone between those ages, whether we can use them in war in the future or not; whatever we may do with them, it means all of them. Why should we spend this immense amount of money for the purpose simply of training them in this kind of a way? That is why I say, Senators, that before we adopt or even think of adopting a measure like this it ought to be given the most careful consideration by a proper committee.

We do not even know what this amendment means. No one can tell, if we adopt it just as it is, what it will do. For instance, suppose we had adopted it without an amendment? I have just offered an amendment that will permit our boys in the military schools, in colleges where military training is given, in our universities where military training is given, to be exempted from this particular kind of training. Without such an amendment, what would the new amendment do? Why, it would break up all our military schools and our universities, or a large number of them, and absolutely put them out of business. Would you want to do that? It is just an illustration of what will sometimes be done by legislation that has not been carefully considered and gone over time and again.

For these reasons, I am constrained to believe that this body ought not to pass this amendment just as it is without chart or compass, without limitation or direction, merely a blanket instruction to the Executive to put it in force, without an estimate of cost, without a knowledge of what is going to be the result of it, without the arms or equipment necessary to make it effectual. Where will we get the arms to train these young men—even rifles? We need every rifle that we can manufacture for the training of our troops who are going to fight the enemy or for actual fighting. Where are we going to get the rifles to train these boys? Are we going to train them with broomsticks? If so, what will it amount to? Are we to spend vast sums of money, perhaps thousands of millions of dollars, in an attempt at military training of young boys who will most likely not be used in this war, when we have not the guns, or camps, or uniforms, or other equipment with which to train them? How would they be trained with pistols when we are short of pistols already? How would they be trained with artillery when we are short of artillery already? Or with machine guns when we are straining every nerve to get our machine guns to train the men that are already drafted in the Army?

Senators, I ask you not to adopt this amendment. If we are to adopt it, let it come later, when we can consider all these matters, consider what it means, consider what its effect will be, consider where we are going when we undertake to adopt it. It is not necessary. There is nothing that requires that it should be done now. We are training our men as fast as we can get the materials and the officers with which to train them. Why go off chasing rabbits, so to speak, at such a time as this?

Now, Mr. President, I have offered an amendment to the amendment, which I wish to perfect. I can not believe that we are going to adopt the amendment of the Senator from Indiana [Mr. NEW] at this time, but I offer this amendment to it in order to save one of the bad situations which I have pointed out should the New amendment carry, and which is just one that has occurred to me. Probably other amendments have occurred to other Senators which are absolutely essential. I see here my friend from an agricultural State, Mr. GRONNA. There ought to be some provision there by which the producers on the farms can be exempted in some way. Other Senators are here from industrial States. There ought to be some provision to protect young men engaged in industry.

Mr. GRONNA. Mr. President——

Mr. McKELLAR. I will yield to the Senator in a moment. Surely we ought not to pass this legislation. But if we are going to pass it, before we vote on it I want to submit this amendment. I have corrected it, and I will ask the Secretary to take it as I have corrected it:

Provided further, That attendance by those subject to the provisions of this section under 21 years of age upon military schools, colleges, or other educational institutions where military instruction is given under standards, rules, and regulations prescribed by the President shall be deemed a compliance by such students with the provisions of this section.

I offer that amendment for this reason: I do not think we ought to adopt such an amendment as that offered by the Senator from Indiana with only a few hours' consideration, with no committee report, with no examination, with no attempt to get the effect or the cost of it. I think we ought not to disturb the great educational institutions of this country as this will disturb them. At almost every State university they have military training to-day. Why, you are just going to cut them down at one fell swoop by the passage of this amendment. Almost every college in this country has military training. Many of our high schools have military training. You are just going to cut them down—put them out of business, to use a slang expression—by the adoption of this amendment unless further amendment is had.

I now take pleasure in yielding to my friend from North Dakota.

Mr. GRONNA. Mr. President, I am very much interested in the argument the Senator makes, and in the main I agree with him. I said this morning that I do not believe we should fasten a military system upon our Government unless we shall find that it is necessary to keep large military forces in order to protect ourselves; but what I wanted to call attention to was this:

I think it is generally conceded that a large percentage of the young men on the farms have been drafted, and that many of them have already been taken away, and many more are to follow. Practically the only help that the farmers have is the boys between the ages of 19 and 21. If we are to take away those boys now, the result will be that we will starve the boys whom we already have in the camps.

Mr. McKELLAR. I do not know that I agree that we will starve them; but I will say to the Senator that in my judgment production on the farms in this country will be immeasurably lessened by the adoption of this amendment, and I do not think we ought to do it. I am willing at any time to join Senators in considering such a bill if it is brought before the committee of which I have the honor to be a member. I shall be glad to give it consideration at any time if it is the will of the Senate to have such a measure passed at this time. I am not opposed to universal military training. Under present conditions or under anything like present conditions we will have to adopt

some such measure. As I stated in the beginning, I am rather inclined to favor it. But just now, it seems to me, is not the time to embark on a scheme like this temporary makeshift when we are using our every energy to make real soldiers with the means that we have at hand.

Mr. THOMPSON. Mr. President, before voting on the pending proposition, with all due deference to the venerable Senator from New Hampshire [Mr. GALLINGER], I desire to make a brief statement in order that my vote may not be misunderstood.

Mr. GALLINGER. Mr. President, I will not make the same request of the Senator from Kansas, if his statement is to be brief.

Mr. THOMPSON. I assure the Senator that all my statements in this body are brief; and usually I try, at least, to make them to the point.

I am in favor of the joint resolution presented by the Military Affairs Committee, requiring the young men of this country, when they become of age, to register under the selective-draft system which we have invoked during this war; but I am opposed to the amendment offered by the distinguished Senator from Indiana [Mr. NEW] providing for the registration of all the young men of the country when they attain the age of 19 years, and subjecting them to the provisions of the selective-draft law except active military service.

Mr. President, I have believed for some time, in view of recent events which have transpired, that some kind of universal military training for the young men of the country has become necessary; but as to just the exact system required for this country I have not yet fully made up my mind, and I do not believe that we can come to any well-established policy until the close of the war. I know that during the war it is impracticable to enter upon any settled plan. I know we all hope that when the war ends it will result in universal peace and disarmament of all nations, but our wish may be the father of the thought. I have felt that some plan should be devised by which the young men of the country should receive the necessary military training for the purposes of our Government in connection with their general education. I am opposed, except as a last resort, to taking the young men of this country from the schools and colleges and from the varied business and productive pursuits of life—minors who have no voice in the Government and no legal right to speak for themselves—and forcing them into active military service for a long period of time; for I believe that such a system would tend to lead to the very militarism against which we are fighting to-day. If a change should be necessary in order to secure more men, I would increase the maximum age to 45 years rather than reduce the minimum a single year. The young men of the country who are not born with silver spoons in their mouths have enough difficulty to get started in life without adding any additional burden.

I recognize the fact that in this day and age and under existing conditions some better system of preparation is necessary. A thorough course in military tactics should be added to the courses of study in the schools and colleges of the country, and each young man should be required to take the course, not only for his own good but for the good of the country. During the summer, commonly called the vacation season, all young men between the ages of 16 and 21 should be required to devote a few weeks' time to outdoor military training and receive instruction and actual experience in army camp life. This would give them a vacation from their regular pursuits in life and at the same time teach them that they owe something to their Government and give them an opportunity to render some service to that Government. This would permit the young men of the country to receive a course in military training without interfering with their educational or business pursuits.

Military training for young men now seems essential, not alone that they may be better prepared to defend themselves and the country in a great crisis like the present, but in order to conserve their health and to secure proper physical development, that they may be better enabled to fight the battles of civil life in times of peace. There is no better exercise or means for physical development, which all young men require, than military training. It is better than baseball, football, golf, tennis, or any other outdoor sport, and it serves a better purpose, because it not only gives the young man the necessary physical exercise but also an experience and a knowledge which may become most useful to himself and to the country at some future time.

As I view it, at least for the present, there is no need in this country for taking the young men out of the schools and colleges and the business and productive pursuits for any great length of time for the purpose of devoting all their time and energy simply to military training. I can not agree to take from the farm the boys of the ages of 19 and 20 at this time, when the outcome of this war is to depend largely upon the products of the farm, especially when I can see no good to be accomplished by taking them from the ranks of labor. Neither can I agree to taking them from the shops, where skilled labor is doing so much toward winning the war. Therefore I am opposed to the amendment offered by the Senator from Indiana [Mr. NEW], for it proposes to do this for at least two years. It also subjects every young man in the country over 19 years of age to the provisions of the selective-draft law except that of active service, and is a long step in that direction, for under the circumstances it would, no doubt, lead eventually to that very end, for there are but few young men in the country who, after receiving some military instruction and being led from their usual avocations in life, would hesitate to enlist and go to the front even before they attain the age of 21; and once in the service at the age of 19, they are their own masters. There is scarcely a young man now 18 years old but who wants to go to the front, regardless of his immaturity, but his parents and older people know it is not best for him or the country. While it is true that they make good fighters, yet they also make good workers at home, and while minors they need the home influence, guidance, and protection of their parents.

There is a practical reason why this amendment should not be adopted. The training camps are full of young men of draft age, waiting for the necessary training before proceeding to the front. If all the young men of the country of the ages of 19 and 20 were put into the camps, estimated at about 2,000,000, as proposed by this amendment, it would necessarily force out the young men already there before they are really prepared, and would prevent many new young men of draft age entering the camps for some time, and thereby cause great delay in getting our men to the front, expedition in which is becoming more and more necessary every day. It would also take the time of the officers to train these young men who should give all their time to training men who are ready to fight. Therefore it seems to me that the amendment of the Senator from Indiana is out of place at this time, and should not become a part of this bill. It is not matured legislation on the subject of universal training, which should be carefully treated in a separate bill. I feel that under the present situation of affairs it would result in more harm than good, by causing great confusion and delay, and would defeat the real objects of the legislation.

There are in this country 1,000,000 young men who reach the age of 21 years every year, which, with our present facilities, is all that we can possibly take care of, especially in view of the fact that there are over two and a half million young men now of draft age anxiously waiting for the proper training to go to the front, where they are most needed. I will therefore vote against the amendment, but will vote for the bill requiring registration year by year as the war proceeds when the young men become of age.

Mr. SMITH of Georgia. Mr. President, I voted against laying this amendment upon the table; but up to that time I had not carefully read the amendment, and I hoped it was in different shape than I find it to be.

I think it would be eminently wise to undertake as thorough training as possible of all the young men under 21 in schools and colleges. Also, I would be gratified to see even those at home organized and trained there. I am entirely opposed to taking them to the cantonments before they are 21. They are not to serve until they are 21. There are ample men who are 21 to fill all the cantonments and receive the training we can give there.

This amendment will treat the men under 21 just as the men under 31 and over 21, so far as the draft is concerned. They are placed in the same class for draft. The proviso leaves it to the President to determine the extent to which they shall be subject to drill, or subject to be sent to cantonments, and limits their service in the field to that period of life after they reach the age of 21. I object to that broad plan of handling these young men. I am unwilling to vote for a measure which would go further than train them, as I said before, in schools and colleges and at home.

The suggestion was made that we had not the officers even for this training. Mr. President, I believe we should make our plans now for an Army of 5,000,000 men. To make an Army it is first necessary to have trained officers. To prepare munitions it is first necessary to have factories erected and properly

equipped and ready to manufacture the munitions. It is necessary to have experts in those factories.

I think a proper vision of the work of the War Department required that before the declaration of war was made, with the condition of the world at war, the General Staff should have been ready to draw from their desks complete plans for the organization of an army, complete plans for the immediate construction of fighting airships, complete plans for the erection of buildings, and the construction of the character of guns that would have been needed for 2,000,000 or more men, as we might need them, complete plans for the erection of plants to manufacture powder for an army of that size. I think, Mr. President, to have taken almost 12 months to find out what we need to organize the Army is not evidence of that forethought, of that broad preparation, which an able General Staff, or whatever constitutes the organizing force for our Army, ought to have shown.

I mention this, Mr. President, not to criticize the past, but in the interest of our future. I would have the General Staff now, if they have charge, work out a plan for the immediate training of officers sufficient to command 5,000,000 men. I would have them work out a plan for the completion of factories in which to manufacture all the ammunition required to arm 5,000,000 men, and I would have the preliminary machinery completed so that when we call the additional men to the colors we will be ready to put them in shape in the shortest possible time to use them if the necessity arises; for, if it does arise, time will be of the utmost importance, and its waste inexcusable. No civilian can do this work intelligently, be he Secretary of War or chairman of a war industries board. A civilian can act as merchant to buy, but military experts must do the planning. I hope we may rely upon the President to see that intelligent plans are made at once and no new occasion disclose a lack of forethought, a lack of that complete preparation which the President and the Secretary of War should require from military experts.

Mr. GALLINGER. Mr. President, I ask for the yeas and nays on the amendment.

Mr. FALL. Mr. President, I can not say that I am very enthusiastically in favor of the adoption of this amendment. At the same time, I can not agree with very many of the objections which have been directed to it, or directed to what apparently some of the objectors thought it meant.

As I understand the amendment, it simply adds to those who are subject to registration now the boys 19 and 20 years of age. That is the second proposition involved, the first being that, instead of the draft law being directed solely to citizens of the United States, this applies the draft law to all parties. The second provision, as I have said, simply decreases the age limit and provides for the registration of the boys 19 and 20 years of age in addition to those from 21 to 31. By the proviso it is distinctly stated that these boys, until they reach the age of 21, shall not be subject to the provisions of the draft law. Then it is provided that the President of the United States, in his discretion, may provide rules and regulations for the training of every man who is not drafted, not in the cantonments, not drafted as a soldier; that he may provide for the training of every man, not only those of 19, 20, and 21, but of all those who are not drafted but who are registered, the entire nine or ten million; that they are subject to the orders of the President of the United States as to training. That is all that the amendment provides, as I understand it.

All this alarm that the President may or will take these men from their occupations and put them in cantonments, where we say there is no place for them, is rather premature. It is assuming that the President of the United States will simply disorganize all the industry of the country—to my mind, rather a violent assumption. I do not think any sensible man would undertake to do it. I would rather assume that the President of the United States would take some advice from some men who knew something about military affairs and as to the necessities of preliminary training, and, in issuing his rules and regulations providing for the training of these men between 19 and 31 who are not in the draft, he would have due respect for what he recognizes as strongly as anyone else does—the necessity of producing foodstuffs and carrying on the business of the country.

It may be a violent assumption, but I indulge in it, that the President would take, as I have said, the advice of those who could best advise him as to how we could best train these men without interfering in any way whatsoever with the business of the country. I agree thoroughly with the Senator from Georgia.

I think that to-day the Military Committee, with due respect to that great committee, should be engaged in formulating plans immediately for getting 5,000,000 fighting men ready. I have heard or read the call of Lloyd-George, as has every other Senator here, for reinforcements on the fighting line. Some of us know something about the number of men who are going to France now and recently and something of the transportation system which is conveying them to France. We are only sorry that that transportation has not been availed of before to get these men to France. All the exclamations of alarm directed, as I said, to the provisions of this joint resolution, to my mind, are entirely misdirected, unless the Senator from Tennessee and others who agree with him think that the President of the United States is going deliberately to interfere with all the business of the United States. As I said, I do not engage in any such violent assumption.

Mr. McKELLAR. Mr. President——

Mr. FALL. If the Senator will pardon me, the President of the United States, as I said in the first place, can do exactly what the Senator provides that he must do in the event the joint resolution passes by the amendment which he offers. There is nothing in the world to prevent his doing it, and the presumption is he will do just as he has done with the men actually drafted in the military service of the United States. I yield to the Senator from Tennessee.

Mr. McKELLAR. I can only say to the Senator that my understanding of the President's position, but I have had no talk with him, is that he does not think this legislation is necessary at this time.

Mr. FALL. And one of the objections that I have to it is that it does not compel the President of the United States to act. It is true, as the Senator from Idaho [Mr. BORAH] said, he and the Secretary of War may not choose to avail themselves of it. This fear is based upon exactly the same ground, I presume, as that of some of us, which proved to be verified, when the Congress of the United States provided for volunteers in the draft. The President of the United States did not choose to avail himself of the provision. It may very well be that he will not choose to put the men between 19 and 21 who are not drafted under any system of military training. The responsibility then is his. Congress at least has provided that he could do so, and I have no doubt the President will assume the responsibility. He does not seem inclined to shirk it at all.

Mr. President, I would very much prefer seeing a bill drafted and brought from the Military Committee to provide for fighting men, and 5,000,000 of them at once. In my judgment, it is a perfectly simple proposition. I know, of course, I will be laughed at by many of the military experts in this body, and also that what I may say will be the subject of very much greater amusement, possibly, in the War Department.

Mr. CHAMBERLAIN. If I may interrupt the Senator, it becomes an administrative matter rather than a legislative matter; and I am in thorough accord with the Senator. I think the greatest mistake Congress is making now and has made for the past two years is in assuming that this is going to be a short war. If I had my way, 5,000,000 men would be in the course of training now.

Mr. FALL. The reason why I make the statement is that I think the Military Committee should make such a provision, because it is the duty of Congress under the Constitution, as I read it, not only to provide for raising an army but to provide rules to govern them and for their training and not to leave it to the executive department of the Government. Under the constitutional provisions, as I read them, it is the duty of Congress, and Congress should not leave it simply to the Military Department. It is the duty of Congress—

To raise and support armies.

I read section 8, the general clause:

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

* * * * * * *

To provide for organizing, arming, and disciplining the militia, for governing such part of them as may be employed in the service of the United States.

I think under those provisions of the Constitution it was and is clearly the duty of the Congress of the United States to provide an army and to provide it immediately. I know to say it is a simple matter to begin necessary training at once, and not a costly matter, will be a subject of amusement. My military experience has been very limited in character, Mr. President, but there is not an Army officer who will not, I think, vouch for the truth of the statement that I am now going to make.

The soldier in the Army is made by the noncommissioned officer. The fighting man is made in the squad. The squad leader is the leader upon the gory battle field to-day in Europe.

During the almost four years, while the great generals may have outlined the plans of campaign, the soldiers in the field—at least in the German service—have been led not by their commissioned officers but by their squad and their platoon leaders. Yesterday we had the news from England that the victorious onslaught of the German soldiers in the field has been due to the magnificent leadership of their noncommissioned officers. The captain of a company or the lieutenant of a company does not undertake to drill the soldier in the matter of the step and the command nor in the matter of the manual of arms and handling of the rifle. Sir, I may say to you that my experience is limited, but in my company I had a first sergeant who was better equipped to handle men and to lick them into shape and do actual fighting than was any officer in the entire regiment, including the Regular Army officer. I say this knowingly. In making fighting men the squad leaders, the corporals, the sergeants, and the noncommissioned officers are the men who teach the men and make soldiers of them.

You do not need a cantonment until you order the men into companies of 250 or into battalions or into regiments. You can go to the ranches in New Mexico. I am a farmer, and I may enlighten the Senator from Mississippi [Mr. WILLIAMS] by saying I am also a cotton farmer in the State of Texas. I am employing labor not only in actual farming operations but in producing meat stuffs. There are now 15 men in my employ subject to the draft. One noncommissioned officer sent to my ranch in New Mexico could within two or three months, drilling one day a week or half an hour a day during the week, make soldiers of those men, make them perfectly competent to go into any extended drill of company, battalion, regiment, or army. He can teach them with one rifle the use of the rifle. He can teach them the manual of arms. He can teach them the use of the bayonet. He can teach them all the rudiments of military training. He can give them the setting-up exercise exactly as well as a major or a lieutenant colonel or a colonel, and he need not interfere with my business at all. I am perfectly willing, as any other farmer would be willing to see that his men, within the time which he pays for, shall have an opportunity one day in the week or a portion of every day in the week to have this training brought to them by some noncommissioned officer or some private who understands the rudiments of military training.

In my judgment, some such plan as that should be adopted, because we will never get the necessary number of men through the cantonments here to win the war in Europe. Plans such as I have suggested have heretofore been the military policy of the United States. I objected to a change when the distinguished Senator, the chairman of the Military Committee, brought in the draft bill. I said to him and to all Senators then that it was not intended as an emergency measure, that there was not an emergency provision in it except the word "emergency" written in the preamble. I stated to you then, Senator, that France was being bled white, and you needed troops there, and that the measure was neither a sufficient measure nor was it intended to be a measure to provide for an immediate and an effective offensive upon the part of the United States in joining its allies. Whether I was correct in that assumption, I leave the result to you gentlemen to judge. You know how many men you have in France. You know how many you had there just before the great German drive took place. You have hundreds of thousands of them yet drilling, and what have they learned aside from the trench warfare which Gen. Bridges, of the British Army, said to certain Senators, myself included, required 11 weeks' drill? Aside from that everything they learn there could have been learned on the farm or at the factory from a noncommissioned officer. It is unnecessary to disorganize the great business of the country.

If I had my way, I would go further. I would pass a military draft law drafting into the service of the United States Government every able-bodied male and female citizen in the United States between the ages of 18 and 45, and assigning them to their place in winning this war, so many of them to military duty and so many to semimilitary duties within this country; and until you do something of this kind you are not going to render effective assistance, in my judgment, to the allies, who so greatly need it.

Mark my prediction, gentlemen, and I am no military expert. Halt this great onrush now as it will be halted, in my judgment, and then look to Italy and look to Salonica. Look there for your next break and your next drive. The great military power of the United States Government, in my judgment, is not used, and almost entirely Great Britain will be compelled to depend upon her fleet in a very short time for the defense of her own territory.

In my judgment every British or allied soldier will be driven from Palestine and Persia back to the borders of India. Yet we are wasting time in cantonment drill when we have at our service the English and the French soldier transports through which millions of men have been transported from the far corners of the earth to the blood-stained soil of France.

Mr. President, the measure here pending is comparatively of an unimportant nature. I do not agree with any of the objections which have been offered to it except the fundamental objection that it is the duty of Congress to provide for the training of these men rather than to shirk the duty and hand the power to the President of the United States. I do not oppose it except that I fear that under the advice which the President of the United States has been receiving at second or third hand he will not avail himself of the authority which is vested in him by this amendment if it becomes a law.

Mr. MYERS obtained the floor.

Mr. CHAMBERLAIN. May I interrupt the Senator from Montana for just a moment?

Mr. MYERS. Certainly.

Mr. CHAMBERLAIN. I was in hopes that we would get a vote on this amendment and on the joint resolution itself this evening, but if we are unable to do it I am going to ask for a recess until to-morrow at noon. If we could vote on it to-night, I would move an adjournment until Monday.

Mr. GALLINGER. I ask the Senator if he will not give the Senate a little more time. I believe we will get a vote on the amendment and on the joint resolution. We ought to vote on it this evening.

Mr. CHAMBERLAIN. I hope so.

Mr. OVERMAN. I think we ought to stay here even if it takes until 7 o'clock. Senators have other business for to-morrow. There are a good many committee meetings and there are conference committees to meet.

Mr. GALLINGER. If the Senator from Montana will give me one moment, I will say that I had it in mind to make a speech of two or three hours' length on this amendment, but I have concluded not to do it in the hope that we would get a vote on the amendment and on the joint resolution to-night. The committees are very busily employed, and I think if we could pass the joint resolution we might give to-morrow to committees.

Mr. CHAMBERLAIN. I will say to the Senator that is what I want to do. If we can vote to-night I shall move an adjournment until Monday, so that committees may complete their work. If the joint resolution is not finished this evening, I shall feel it my duty to move a recess until to-morrow.

Mr. GALLINGER. I think the Senator is right about that.

Mr. MYERS. Mr. President, I had it in mind to make a speech of two or three minutes' length on the amendment, and I have still the same mind. I believe it is always the privilege of the affirmative to close the debate, and I will proceed to do that very briefly, in behalf of the amendment offered by the Senator from Indiana [Mr. NEW].

I have not had the benefit of hearing all the debate on this amendment, but I am so profoundly impressed with the wisdom of the amendment that I can not forego the privilege of speaking a few words in its behalf. I think it is the best piece of military legislation offered in this body since the enactment of the draft law.

I believe the war in which we are engaged will undoubtedly last several years longer, probably five years. We might just as well realize that we have undertaken in this war the most gigantic task which has ever been undertaken by the son of man since God's sun began to shine. I agree with former President Taft that we will have to put 5,000,000 men in Europe before the war is won, and it is high time we were beginning to do it.

This amendment is a step in the right direction. It is at least a beginning. Where are we to get the men? We must get them wherever we can. If it is proposed to put more men in the field, it is objected that they will be taken from the farms, from the shops, and from manufacturing industries. So they will be drawn from all, but we must have men in order to win this war. "We can not eat our cake and have it, too." We can not put large numbers of men in the fighting field in Europe and have them on the farms and in the shops and factories at the same time. We must have soldiers and at the same time have our farms tilled. Both are necessary. Germany has millions of men in the field; France has millions of men in the field; Great Britain has millions of men in the field; and yet they are cultivating their farms and are furnishing food to their armies. Who is cultivating their farms? Every man,

woman, and child who is not in arms and who can be spared from any other vocation. We shall have to do the same thing.

One objection that has been made to this amendment is because of the fact that it will take some young men from the farms in the great farming States of the Northwest. As to that objection, I have to say that Montana is one of the great farming States of the Northwest and I have received very few complaints about young men being taken from the farms there. The few complaints I have received are inconsequential and negligible in number. The people there are not complaining.

Furthermore, with all that has been said about the lack of care and neglect of our young men in training camps and cantonments, of all the letters written by fond parents, complaining that their sons are not getting the same treatment and comforts in camps and cantonments that they received at home, I am proud to say that I have received but two complaining letters on that score from Montana. One letter was from a father whose son was in camp at Spokane, Wash., who complained of a shortage of clothing; another letter came from a man who was evidently an extreme pacifist, a peace-at-any-price man, a man who was opposed to all war, who complained of everything in connection with the war. Those are the only two complaining letters that I have received from Montana since we entered in the war about the treatment of our soldiers in camps, and I am proud of it.

The people of Montana are not complaining to any great extent of the young men being taken from the farms or the shops or the mines. I read from the Helena (Mont.) Independent of the 19th instant, as follows:

MONTANA STILL LEADS NATION IN THE PER CENT OF VOLUNTEERS.

WASHINGTON, *March 18.*

Adjt. Gen. McCain's report to-day showed that Montana is still leading the Nation in percentage of volunteers in the Regular Army to population. The State's quota was set at 752, and 5,826 have volunteered. This is only for the Regular Army and does not include the National Guard, National Army, Marine Corps, or Navy.

That is the spirit of the people of Montana. They are in favor of this war and are behind the administration in the prosecution of it. If they have to give up some of their young men from the farms, they will do it ungrudgingly, I am sure, and in a spirit of patriotism, believing that it is necessary in order that we may win this war for democracy.

The amendment of the Senator from Indiana would take the young men from 19 to 21 years of age, and in two years or less time would make a magnificent trained army of them, ready to put into the field in Europe, without waiting to be trained after they were drafted and put into the Army. We would have a ready-made army in two years from now, and, upon my soul, I believe it will be needed, too, two years from now, and even later; probably three, four, and five years hence. We can not win this war without soldiers.

I believe there is much wisdom in the amendment; I believe it is necessary; and I believe the people of the United States would respond to it in the same patriotic spirit in which it is offered. I say, here and now, we will need millions more of men under arms before victory comes to our cause in this awful war, and now is the time to begin providing them, and this is as good a way as any. Let us begin. I hope the amendment of the Senator from Indiana may be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee [Mr. MCKELLAR] to the amendment proposed by the Senator from Indiana [Mr. NEW].

Mr. NEW. Mr. President, before the vote is taken I should like to ask unanimous consent for permission to perfect my amendment.

Mr. GALLINGER. The Senator has a right to do that.

The PRESIDING OFFICER. The Senator will state the modification of the amendment he desires to make.

Mr. NEW. I send it to the desk to be read, and I would state also that the amendment consists in restoring my amendment to its original form and eliminating the amendment which was offered by the Senator from South Dakota [Mr. STERLING], which was accepted by me. This is a perfection of my amendment and eliminates that.

The PRESIDING OFFICER. The Secretary informs the Chair that that has already been done.

Mr. NEW. I did not so understand.

The PRESIDING OFFICER. The amendment as it now stands is in its original form, and the pending question is on the amendment to the amendment which has been offered by the Senator from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. President, may the amendment to the amendment be read before the vote is taken? It is very short.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment of the Senator from Indiana which has been proposed by the Senator from Tennessee.

The SECRETARY. It is proposed to add at the end of Mr. NEW's amendment the following proviso:

Provided further, That attendance by those subject to the provisions of this section under 21 years of age upon military schools, colleges, or other educational institutions where military instruction is given, under standards, rules, and regulations prescribed by the President, shall be deemed a compliance by such students with the provisions of this section.

Mr. NEW. Mr. President, I accept the amendment to my amendment which has been offered by the Senator from Tennessee.

The PRESIDING OFFICER. Then the question is on the amendment as modified.

Mr. NEW. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. WOLCOTT. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WOLCOTT. What is the question?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. NEW] as modified by the amendment of the Senator from Tennessee [Mr. MCKELLAR].

Mr. NEW. I suggest the absence of a quorum.

Mr. SMOOT. I hope the Senator will not do that.

Mr. MCKELLAR. The roll call will develop whether or not there is a lack of a quorum.

The PRESIDING OFFICER. The roll call has been ordered.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], which I transfer to the junior Senator from Maine [Mr. HALE], and vote "yea."

Mr. JAMES (when his name was called). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. CHAMBERLAIN (when Mr. MCNARY's name was called). My colleague [Mr. MCNARY] has been called from the Senate on official business.

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is unavoidably detained from the Senate, but he is paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. If he were present, my colleague would vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut, which I transfer to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. TILLMAN. I have a general pair with the Senator from West Virginia [Mr. GOFF]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote. I vote "nay."

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD]. I desire to transfer that pair to the Senator from Nevada [Mr. PITTMAN], and I vote "nay."

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence I transfer the pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. KELLOGG (after having voted in the affirmative). I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Oregon [Mr. MCNARY], and will let my vote stand.

Mr. GRONNA. I desire to announce the unavoidable absence of the Senator from Wisconsin [Mr. LA FOLLETTE]. If present, he would vote "nay."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Rhode Island [Mr. COLT] and vote "yea."

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. SHIELDS] on official business.

The result was announced—yeas 26, nays 36, as follows:

YEAS—26.

Calder	Frelinghuysen	Myers	Sterling
Chamberlain	Gallinger	Nelson	Sutherland
Cummins	Gerry	New	Wadsworth
Curtis	Johnson, Cal.	Page	Warren
Dillingham	Kellogg	Poindexter	Watson
Fall	Kenyon	Sherman	
France	King	Smoot	

NAYS—36.

Bankhead	Johnson, S. Dak.	Robinson	Thomas
Beckham	Jones, N. Mex.	Saulsbury	Thompson
Borah	Jones, Wash.	Shafroth	Tillman
Fletcher	Kirby	Sheppard	Townsend
Gore	McKellar	Smith, Ariz.	Trammell
Gronna	Norris	Smith, Ga.	Underwood
Henderson	Nugent	Smith, Md.	Vardaman
Hitchcock	Overman	Stone	Walsh
James	Reed	Swanson	Wolcott

NOT VOTING—33.

Ashurst	Harding	McLean	Shields
Baird	Hardwick	McNary	Simmons
Brandegee	Hollis	Martin	Smith, Mich.
Broussard	Kendrick	Owen	Smith, S. C.
Colt	Knox	Penrose	Weeks
Culberson	La Follette	Phelan	Williams
Fernald	Lewis	Pittman	
Goff	Lodge	Pomerene	
Hale	McCumber	Ransdell	

So Mr. NEW's amendment as modified was rejected.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF ESPIONAGE ACT.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women. The bill, which has been reported unanimously by the Judiciary Committee, makes a slight amendment to the statute in relation to alien enemies by simply leaving out the word "male." so that it will apply to women as well as to men.

Mr. OVERMAN. I ask that the unfinished business be laid before the Senate. Then I will yield to the Senator from Minnesota.

Mr. NELSON. I yield for that purpose.

Mr. OVERMAN. I ask that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OVERMAN. I now ask that the unfinished business be temporarily laid aside in order that the Senator from Minnesota may secure action upon the bill which he has in charge.

The PRESIDING OFFICER. Without objection, the unfinished business is temporarily laid aside.

Mr. NELSON. I renew my request for unanimous consent for the present consideration of House bill 9504.

Mr. HITCHCOCK. Mr. President, we are reaching a point over here where we desire to have an adjournment. I should like to ask the Senator whether the bill for which he asks consideration will take any time?

Mr. NELSON. It is very important that the bill should be passed immediately. I have here a memorandum from the Department of Justice, from which I will read two paragraphs, as follows:

> The department is daily receiving complaints, some of them well founded, against the activities of German-born women who are at present not subject to internment but who ought to be interned.
>
> The various intelligence services of the Government are greatly hampered by the present situation and are unanimous in urging the immediate passage of this measure.

As I have stated, the only change the bill makes in the existing statute is to strike out the word "male," so that the law will apply to both men and women. In addition a proviso has been reported by the committee that the act shall not apply to native-born loyal American women who are married to foreign husbands.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 6, after the word "is," to strike out "declared," and, in the same line, after the article "a," to insert "declared," so as to make the section read:

> That section 4067 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:
>
> "SEC. 4067. Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of 14 years and upward, who shall be within the United States and not actually naturalized shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert a new section, as follows:

> SEC. 2. That this act shall not apply to native-born women loyal citizens of the United States, married to aliens, and residing in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. NELSON. I ask unanimous consent that the memorandum from the Department of Justice, to which I have referred, may be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum referred to is as follows:

> Memorandum for Senator NELSON, in re H. R. 9504.
>
> MARCH 29, 1918.
>
> Hon. John Lord O'Brian, the special assistant to the Attorney General for war work, on yesterday wrote to Senator CULBERSON inclosing the following memorandum with reference to the bill H. R. 9504, now on the Senate calendar, having been reported by Senator NELSON from the Committee on the Judiciary favorably with amendments:
>
> "The department is daily receiving complaints, some of them well founded, against the activities of German-born women who are at present not subject to internment, but who ought to be interned.
>
> "The various intelligence services of the Government are greatly hampered by the present situation and are unanimous in urging the immediate passage of this measure, which was introduced February 4, 1918."

ADJOURNMENT TO MONDAY.

Mr. HITCHCOCK. I move that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 1, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 29, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Oh Thou, who hast ever been our dwelling place and upon whom our fathers relied in all the exigencies of life for strength and guidance, and were not disappointed, turn not Thou away from us, for without Thee we are nothing; with Thee we are all things; for with Thee who can be against us? Strengthen therefore our arm of faith that we may cling to Thee in this hour of extreme peril.

We bless Thee for the grim determination and stern resistance of our allies, who have checked the advance of the overwhelming forces, battling against the civilization of the world.

Give victory to our arms and hasten the day when the hearts of all men shall be inspired with pure and undefiled religion; that a lasting peace may come to bless the world, in the name and spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that after the bill now before the House is completed the omnibus pension bills on the calendar may be in order.

Mr. GARNER. Does that apply to to-day only?

Mr. ASHBROOK. Only to to-day.

Mr. LEVER. Mr. Speaker, when this bill is completed I want to try and send the Agricultural appropriation bill to conference.

Mr. ASHBROOK. I have no objection to taking up the pension bills any time to-day.

Mr. GARRETT of Tennessee. May I suggest that it would be in order to proceed now?

Mr. ASHBROOK. There will be no debate on the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take up the bills now.

Mr. COX. I object.

Mr. GARRETT of Tennessee. The gentleman would have the right to call them up anyway.

The SPEAKER. This is not pension day.

Mr. GARRETT of Tennessee. I beg the Chair's pardon, I thought to-day was pension day, and that he would have the right to take them up.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that on the completion of the bill now before the House and the agreement to send the Agricultural bill to conference, referred to by the gentleman from South Carolina, the omnibus pension bills on the Private Calendar may be taken up.

The SPEAKER. The gentleman from Ohio asks unanimous consent that after the bill now before the House is disposed of and the gentleman from South Carolina has the Agricultural bill sent to conference the omnibus pension bills on the Private Calendar may be taken up. Is there objection?

Mr. GARNER. I have no objection to that arrangement being made to-day, but I want to state that it is the purpose of the Ways and Means Committee to get the bond bill up for consideration to-morrow, and I do not want any unanimous-consent agreement to interfere with to-morrow's business.

Mr. GARRETT of Tennessee. Reserving the right to object, I should like to ask this question: Is it thought that by the passage of the pension bills to-day their final passage will be expedited? I am asking the question in absolute faith, and let me say this to the gentleman from Ohio: There are matters that are deemed of extreme urgency. There is what is known as the housing proposition, for which there appears to be a very great demand, and it seems to be based on great merit—greater than some other measures that are brought in here in my opinion. If passing these bills to-day will expedite their final passage, I do not wish to interfere; but these other matters that I refer to are matters of extreme urgency. Of course pensions never fail; they always get through.

Mr. ASHBROOK. There is no question but that it will expedite the passage of these bills, and I do not anticipate that it will take a very long time to pass them. I have no desire to interfere with more pressing legislation.

Mr. GARRETT of Tennessee. I do not keep up with the pension legislation very closely, but if I understand the situation right there are now in the Senate some three batches of bills passed here at different times upon which no action has been taken.

Mr. LANGLEY. If the gentleman will permit me, I have had a talk with the examiner for the Senate committee, and he says that he is up with his work, which the gentleman knows is necessary before the committee can consider the House omnibus bills. If we hurry these bills over there, he will get through them and have them ready, so that when the Senate meets at its next meeting they will probably pass all the bills.

Mr. GARRETT of Tennessee. I want to say, and I am sure all Members of the House appreciate the situation, that we are getting badly cluttered up with legislative matters. There are matters that appear to be matters of extreme urgency. I am not going to object to this request, on the assurance of the gentleman from Ohio that it will expedite matters. I know pensions are going through, and I do not object to their going through.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman from Ohio to yield, or I will reserve the right to object. How many bills is it intended to call up if this consent is given?

Mr. ASHBROOK. One from the Committee on Invalid Pensions and two small bills from the Committee on Pensions.

Mr. LANGLEY. It will not take more than half an hour if there is no debate.

Mr. WALSH. Will any rights be prejudiced if these measures are deferred until the next regular pension day?

Mr. ASHBROOK. I will say to the gentleman and the House that there is no question but that it will expedite the passage of these bills to send them over to the Senate to-day. The reason that there are a number of bills over there that have not been disposed of is due to the fact that the chairman of the committee, the Senator from New Jersey, died, and for some time there has been no chairman of that committee.

Mr. LANGLEY. And his successor was ill.

Mr. GARRETT of Tennessee. Would it be possible to have an agreement for a night session to consider pensions?

Mr. ASHBROOK. Mr. Speaker, I have no objection to any time in the day—5 o'clock, 6 o'clock, or 8 o'clock.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman permit me to make a request for unanimous consent?

Mr. ASHBROOK. Certainly.

Mr. GARRETT of Tennessee. I ask unanimous consent that there may be a session of the House, beginning at 8 o'clock this evening, for the consideration of the bills referred to in the request of the gentleman from Ohio [Mr. ASHBROOK].

The SPEAKER. The gentleman from Tennessee asks unanimous consent that there shall be a session of the House to-night, beginning at 8 o'clock, running not later than 10 o'clock, for the consideration of these bills mentioned by the gentleman from Ohio [Mr. ASHBROOK], and for no other business. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects. Is there objection to the request of the gentleman from Ohio [Mr. ASHBROOK]?

Mr. ALMON. Mr. Speaker, I reserve the right to object. There are a number of pressing war measures on the calendar of this House. The gentleman from Tennessee [Mr. GARRETT] has just referred to one and I will refer to another. There is a Senate bill on the calendar, under a unanimous report from the Military Committee, providing an amendment to the condemnation law so as to authorize the Government to condemn necessary lands upon which to construct Government nitrate and powder plants.

The President has located two nitrate plants which have been authorized by Congress. They are under process of construction. The Government has not been able to secure some of the lands absolutely necessary for this purpose. Is the Government to be forced to suspend work on any part of these ammunition plants for want of legislation authorizing the Government to acquire necessary lands?

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. ALMON. I can not. I do not suppose there is a Member of this House who would not regret to hear of our boys in France retreating with empty guns for want of ammunition. This may happen if we do not speed up on war legislation and quit talking about pensions and such things.

The chairman of the Military Committee has tried repeatedly to have the bill I have referred to acted upon by the House, and has been forced to ask the Committee on Rules for a rule, and I must not allow, if I can help it, other measures of less importance to intervene and postpone action on it, which will only require a few moments' time when reached under the rules of the House, as I do not suppose there will be a vote against it.

The SPEAKER. Is there objection?

Mr. ALMON. Mr. Speaker, I am forced under the circumstances to object.

Mr. ASHBROOK. Mr. Speaker, I move that following the completion of the bill before the House and the consideration of the conference report referred to by the gentleman from South Carolina, the omnibus pension bills on the Private Calendar shall be in order.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that that motion is not in order.

The SPEAKER. The point of order is sustained.

Mr. CARLIN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. RUBEY. Oh, I hope the gentleman will not do that.

Mr. CARLIN. Mr. Speaker, for the present I withdraw it.

MILITARY TRIBUNALS.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Speaker, within that time I shall ask the Clerk to read the following resolutions which I desire to have in the RECORD.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Rotary Club of Chester, Pa. Resolution.

Whereas the members of this club recognize an almost universal dissatisfaction among patriotic Americans at the immunity from adequate punishment which disaffected and disloyal elements of our population have heretofore enjoyed; and

Whereas it is the sense of this organization that the present emergency requires and demands that treason shall receive quick, certain, and condign punishment, and that avowed disloyalty shall be suppressed: Therefore be it

Resolved, That the Rotary Club of Chester hereby requests and urges the Congress of the United States to create military tribunals in which all offenses aimed with hostile or treasonable intent at the integrity of the Military Establishment or the war efficiency of American industry, wherever committed, shall be tried; and be it further

Resolved, That this club recognizes the right and duty of every patriotic American citizen to expose and resist sedition and disloyalty, and recommends to its members and to this community an individual policy of aggressive and uncompromising opposition to every act or utterance tending to give aid or comfort to the enemy.

The above preambles and resolutions were unanimously adopted at a regular meeting of the Rotary Club of Chester, held March 26, 1918.

Attest:

E. WALLACE CHADWICK, *Secretary*.

Mr. BUTLER. Mr. Speaker, to conclude my two minutes, I desire to indorse the views of my constituents as expressed in these resolutions.

Mr. LANGLEY rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I made that request for the purpose of saying what I had it in my mind to say when I interrupted the gentleman from Alabama [Mr. ALMON] a moment ago, and that was that in my judgment it is very important for us to enact as war measures laws to show to our soldiers and to the world that we recognize to the fullest the debt of gratitude that this Republic owes to the fathers and grandfathers of the boys over there and to those who are yet to go, who are fighting and preparing to fight for the liberties of that Republic which their sires preserved. [Applause.] I am sorry the gentleman used the language he did in referring to these bills we are pressing for the relief of those old fellows, some of whom are doubtless dying at this moment.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to address the House for two minutes on the subject of the resolutions which were just read.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GORDON. Mr. Speaker, I listened quite carefully to the reading of the resolutions submitted by the gentleman from Pennsylvania [Mr. BUTLER], and if I understood the purport and effect of the resolutions it was that Congress immediately proceed to create some military tribunals to try people in civil life.

Mr. BUTLER. The gentleman did not understand them.

Mr. GORDON. Oh, that the military authorities create them? Well, the military authorities of the United States can not do any such thing as that.

Mr. BUTLER. I do not understand that they ask any such thing. They simply ask that all of the authority of the United States might be employed for the purpose of suppressing sedition, and that all utterances and demonstrations of any kind which would interfere with the purpose of the war——

Mr. GORDON. Oh, do not take my two minutes. I want to call attention to the fact that neither the military authorities nor the Congress of the United States has any right to create military tribunals to try people who are not in the Army or Navy. You have got to amend the Constitution in order to do that, and this proposition here is just simply an old thing that was stamped out after the Civil War by the Supreme Court of the United States in Milligan's case. You can not create military tribunals to try people in civil life.

Mr. BUTLER. Mr. Speaker, I do not understand there is any such request.

Mr. GORDON. That is all they ask for.

Mr. BUTLER. They are simply the views of my constituents upon what is commonly known as patriotism, and they are of the highest order.

Mr. GORDON. Oh, yes; we understand that.

SALE OF SEED GRAIN TO FARMERS.

Mr. RUBEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the committee substitute for the bill (H. R. 7795) to appropriate $50,000,000 for the purchase of seed grain and feed for live stock, to be supplied to farmers and stockmen, and to create boards in the respective States to assist in carrying out the provisions of this act.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7795, with Mr. POU in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

SEC. 4. That until the purposes of this act have been accomplished the Secretary of Agriculture shall, as soon as possible after the close of each calendar year, cause to be made to the Congress a detailed report showing all proceedings and transactions under this act during such calendar year. Such report shall, in addition to other matters, contain a statement of all persons employed, the salary or compensation of each, the aggregate amount of loans, advances, or sales, and the total amount thereof unpaid, and all receipts and disbursements under this act. All moneys collected by the United States under this act shall be covered into the Treasury as miscellaneous receipts.

Mr. STAFFORD. Mr. Chairman, I have an amendment which I wish to offer. I move to strike out, in line 4, page 5, the words "until the purposes of this act have been," and, in line 5, the word "accomplished," the last three words of that line, "as soon as," and, in line 6, the words "possible after the close of each calendar year."

Mr. LEVER. All of that?

Mr. STAFFORD. Yes. And, in lines 8 and 9, strike out "during such calendar year" and insert after the word "that," in line 4, the words which I sent to the Clerk's desk to be read.

Mr. BUTLER. How will it read?

Mr. STAFFORD. "That at the opening of the next regular session of Congress the Secretary of Agriculture shall cause to be made to the Congress a detailed report showing all proceedings and transactions under this act," and so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 4, strike out the words "until the purposes of this act have been"; in line 5 strike out the word "accomplished," and, after the word "shall," strike out the words "as soon as"; and in line 6 strike out the words "possible after the close of each calendar year"; and in lines 8 and 9, after the word "act," strike out "during such calendar year"; and after the word "that," in line 4, insert the following: "at the opening of the next regular session of Congress."

Mr. STAFFORD. Mr. Chairman, as I understand this bill, it is merely to provide for the temporary condition existing at the present time and to meet this condition during the present year. The phraseology of section 4 as framed by the committee would embody the idea that it is permanent legislation. The amendment I propose merely provides for striking out that permanent character of perennial report and substituting a report at the opening of the next regular session of Congress.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. McLAUGHLIN of Michigan. The matter of making loans to assist farmers in procuring seed is for this session alone, but there is business connected with this that will extend over into another year, and perhaps still into a further year. It can not be closed up this year, in my judgment, and the words of the bill, as the bill stands, are better to take care of that situation than the wording of the bill as amended by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, if this language remains in the bill as reported by the committee, there will be warrant in future Agricultural appropriation bills for carrying appropriations for the various purposes that are carried in this bill. I do not understand it was the purpose of the committee or those supporting this bill that it was to provide for any other time except for the exigency that is now claimed to be existing in certain sections of the country. The amendment I propose will provide a report by the Secretary of Agriculture of the operations of this fund during the present calendar year, and that he make that report to Congress at the beginning of its next regular session. I hope the amendment will be accepted by the committee, because it is in consonance with the general idea of the bill that it is for the season of 1918.

Mr. LEVER. The gentleman is entirely right in the assumption its use is a temporary measure, but the suggestion of the gentleman from Michigan, a member of the committee, I think has force, and it may be you would not collect all of this money up to the opening of the next session of Congress. There may be some that will never be collected, as a matter of fact.

Mr. STAFFORD. My amendment calls upon the Secretary to make a report of the operations of the law at the beginning

of the next regular session of Congress. If the work is not completed and it is unsettled, the gentleman can bring in a paragraph on the Agricultural appropriation bill requiring a further report. We would like to have at the beginning of the next regular session a report as to the operation of this bill. I can not see any reason for requiring, reaching into the future, reports at the beginning of every calendar year, as the phraseology of the bill requires.

Mr. LEVER. Has the gentleman from Michigan any serious objection to that?

Mr. McLAUGHLIN of Michigan. It seems to me that the bill as it is is better. Of course, it is a temporary matter, the loaning of money and the providing of seeds for this year alone, but everyone knows that the collections will not be made, all of them, this year; that there will be considerable business under the law for some time to come. No one can tell how long it will extend. The gentleman from Wisconsin will provide for a report at the opening of the next regular session of Congress, and there he would stop. This bill provides for a report at the close of this calendar year, which is only two or three weeks after the opening of the next session of Congress, and would call for an annual report as long as business remains on the book, so we will know from time to time just what the status of business is.

Mr. STAFFORD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. It seems to me that while the idea of the gentleman from Wisconsin may be right as to making a report at the opening of the session of Congress, he would stop there. We ought to go further and continue it until the matter is entirely closed up, just as the bill provides.

Mr. STAFFORD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. STAFFORD. Will there be any transactions under the authorization here after the present fiscal year?

Mr. McLAUGHLIN of Michigan. Yes, sir.

Mr. STAFFORD. After the present calendar year?

Mr. McLAUGHLIN of Michigan. Yes, sir.

Mr. STAFFORD. Mr. Chairman, there will not be certainly any advances to be made.

Mr. McLAUGHLIN of Michigan. No.

Mr. STAFFORD. And if we have this report at the beginning of the next session of Congress we will know exactly how this fund has been used, and I can not see any reason for having a further report at the close of every calendar year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. YOUNG of North Dakota. Mr. Chairman, I want to be recognized.

The CHAIRMAN. The gentleman from North Dakota. The question is on agreeing to the amendment.

Mr. YOUNG of North Dakota. Mr. Chairman, if we want to have a businesslike arrangement under this bill, it seems to me we ought to have reports at stated times until all that is collectible is collected.

Mr. McKENZIE. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. McKENZIE. Is it not a fact that if a certain portion of the moneys advanced are not collected during the fiscal year, and the bill provides that the money shall be turned into the Treasury of the United States, that the Treasury would report that annually as the amount collected on this back balance, and the point trying to be arrived at by the gentleman from Wisconsin [Mr. STAFFORD] is to stop the sale?

Mr. YOUNG of North Dakota. That is limited by the first section of the bill.

Mr. McLAUGHLIN of Michigan. For the seeding season of 1918.

Mr. YOUNG of North Dakota. Yesterday reference was made to the position of the President of the United States in respect to this legislation. I wish to say, in response to a letter written by me to the President on March 14, he wrote me, under date of March 18, a letter which I am sure Members of the House will want to hear. I will send both letters to the Clerk's desk.

The CHAIRMAN. The Clerk will report them.

The following are the letters referred to:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 14, 1918.

The PRESIDENT OF THE UNITED STATES,
White House.

Mr. PRESIDENT: The cry will soon be food for a hungry world.

Lord Rhondda's almost frantic appeal to Mr. Hoover indicates that in some portions of the world the pinch of hunger has already come.

Campaign phrases sometimes become so well known that they fail to take hold. "Food will win the war," a tremendously important thing to remember at this planting season, has become such a hackneyed expression it scarcely attracts either the eye or ear.

The President of the board of agriculture of England has expressed it in a new way: "Victory will come to the side which has the last bushel of wheat in its possession."

Three million acres can be planted to wheat this year which would otherwise be barren waste, if Congress will quickly pass a bill now on the House Calendar—H. R. 7795—introduced by Mr. BAER, of North Dakota. It authorizes the Secretary of Agriculture to contract with farmers to grow grain and advance a part of the cost. It also places in his hands a fund for the voluntary mobilization of farm labor. The labor problem upon the farms is one of increasing difficulty. Something must be done and done quickly to replace the farm labor diverted to the factories and the Army.

Mr. Hoover wired the British Government that we had in America 170,000,000 more pounds of meat at the end of 1917 than had been expected, due to the economy in meat consumption by the American people, and meat saving is still increasing, a great testimonial to the work done under Mr. Hoover.

But with bread it is different. Bread is a daily necessity of life the world over. Wheatless days will help, but they will not solve the problem.

Much has been done through publicity campaigns to increase food production, but we have stopped short of actual appropriations to supplement such publicity efforts.

The bill referred to carries $10,000,000, a drop in the bucket as compared with the mammoth war appropriations.

Is not the importance of increased food production being overlooked by reason of the tremendous and all-absorbing activities in other directions?

The seeding of grain has already begun in some of the States. May I suggest that now is the time to act?

Yours, respectfully,
GEORGE M. YOUNG.

THE WHITE HOUSE,
Washington, March 18, 1918.

MY DEAR MR. YOUNG: Pardon me for not having replied sooner to your important letter of March 14. I was waiting to get the views of the Secretary of Agriculture, who is out of town on a departmental errand. You may be sure that the subject matter of your letter concerns me very much and that I shall do everything possible to advance necessary legislation.

Cordially and sincerely, yours,
WOODROW WILSON.

Hon. GEORGE M. YOUNG,
House of Representatives.

Mr. LEVER. Mr. Chairman, I ask for a vote on the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Before the gentleman proceeds, I ask unanimous consent that debate on this amendment and all amendments to the section be closed in 10 minutes.

Mr. STEENERSON. I would like to have five minutes.

Mr. LINTHICUM. And I would like to have some time.

Mr. LEVER. I ask unanimous consent that debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the paragraph and all amendments thereto be closed in 20 minutes, the time to be controlled by the gentleman from South Carolina.

Mr. LEVER. I prefer that the Chair control it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Pennsylvania [Mr. MOORE] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, the letter that has just been read, coming from the President of the United States, is not addressed to the Congress in such cordial terms as might be expected under the circumstances. The President evidently does not go the whole hog on this bill. He has been talking with the Secretary of Agriculture and he has concluded to further such legislation as he thinks desirable, so far as Congress is concerned. Thus far does the President go, but not much further. I do not think there will be a stampede in this House because of this letter which the gentleman from North Dakota produces. I question whether the President is fully informed upon this measure. I doubt whether he has read or will have an opportunity to read, unless he takes up the CONGRESSIONAL RECORD this morning, about the activities of the Nonpartisan League, which is harassing Members of Congress at the present time. The league was organized by a gentleman whose business failed and who did not pay his obligations. He organized the Nonpartisan League on a $16 per annum dues basis so that indigent farmers might get free seed and other things. This organization is having its influence throughout the Northwest just now. But the gentleman who controls it is under indictment for alleged seditious utterances in the State of Minnesota. Is the President of the United States cognizant of these facts? Is it possible in these war times that the President of the United States would urge as a military necessity a bill advocated by a political organizer who is under indictment for seditious utterances?

I endeavored to tell the House something about this bill yesterday. The State of North Dakota is in some trouble about this measure, because the State of North Dakota, through its legislature, undertook to cover the matter of seed distribution. It got angled up with the law and the Government of the United States, in that it provided that while it would take care of its own farmers it wanted to have the first lien over and above the Government lien on what it loaned to the farmers. That is the

trouble with the State of North Dakota. It is not our fault. The bill introduced by the gentleman from North Dakota [Mr. BAER], calling for $50,000,000 to be given to indigent farmers, included certain preferred States. North Dakota, of course, was included. For apparently good strategic reasons Texas was included. They have a good many farmer votes down in Texas, and Texas, working with North Dakota, would make a good team. Whether all the gentlemen from Texas bite or not, I do not know, but certainly some of them did not bite. The bill also included the State of South Dakota, but thereby hangs a tale. South Dakota now comes forward and resents the notion that her farmers are indigent and in need of Government aid. South Dakota insists that she will take care of her own farmers.

I read from a resolution signed by the president of the senate, the secretary of the senate, the speaker of the house, and the chief clerk of the house of the Legislature of South Dakota. It throws a timely light upon this paternalistic bill.

That resolution sets forth:

Be it resolved by the Senate of the Legislature of the State of South Dakota assembled in extraordinary session at the State capital, the House of Representatives concurring:

That whereas there has been a bill introduced in the Congress of the United States (H. R. 7795) to appropriate money for the relief of farmers in procuring seed grain and feed for stock in certain enumerated Northwestern States, of which South Dakota is specifically named as one needing such Government aid;

And whereas South Dakota is now honestly advertising the prosperity of the State: Now, therefore, be it

Resolved, That the legislature now in extraordinary session, with representatives present from all sections of the State, singly and collectively declare that, to the best of their knowledge and belief, the farmers of South Dakota are not asking for Federal aid to procure seed and feed; and that the State is amply able and willing to aid, if necessary, any farmer who needs aid, and that the few individual or isolated cases that may exist, if any, can and will be taken care of either by township or county aid. And further that the advertising South Dakota has received through "H. R. 7795" has done her a great injustice, as South Dakota has never been more prosperous than now, as proved by competent authority; be it further

Resolved, That engrossed copies of this resolution be prepared by the secretary of the senate and delivered by United States mail to the Secretary of the Senate of the United States, to the Chief Clerk of the House of Representatives of the United States, to the Secretary of Agriculture of the United States, and to the Senators and Representatives of South Dakota now serving in the United States Senate and House of Representatives.

W. H. MCMASTER,
President of the Senate.
W. N. VAN CAMP,
Secretary of the Senate.
A. C. ROBERTS,
Speaker of the House.
C. W. GARDNER,
Chief Clerk of the House.

Mr. Chairman, it will be noticed that the bill mentioned in these resolutions, namely H. R. 7795, is the very bill you are asked to pass to-day. The State of South Dakota rejects this bill. South Dakota farmers are too proud and too prosperous to be put upon your $450 free-seed roll. They are willing to pay for their seed, as every other State ought to be willing to pay for its seed. South Dakota rejects this measure.

The Secretary of Agriculture evidently knows these facts. Why does he not come forward and indorse the statement of the gentleman from South Carolina, who places his hand upon his heart and pleads so fervently for the boys in the trenches? [Applause.]

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BAER. Mr. Chairman, I ask unanimous consent for five minutes in which to reply to the gentleman.

The CHAIRMAN. The Chair will say to the gentleman from North Dakota that a unanimous-consent agreement has been entered into, to the effect that all debate on this paragraph and all amendments thereto close in 20 minutes, and the time was all allotted.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman from North Dakota [Mr. BAER] may have the time that I intended to use myself, five minutes.

The CHAIRMAN. The gentleman from South Carolina was to have five minutes. The gentleman from North Dakota will be recognized for five minutes.

Mr. BAER. Mr. Chairman, I want to say, in reply to the gentleman from Pennsylvania [Mr. MOORE], that I do not want to enter into personalities which he is trying to bring into this debate. He has not brought forth one argument against the bill itself. I can not see where prejudice and patriotism mix. There is no partisanship in patriotism. I do not believe there has been sufficient argument brought out on this floor at any time against this legislation to warrant us in throwing this bill down at this time.

I want to say that if the farmers of South Dakota do not need seed I am greatly deceived. The Legislature of South Dakota does not represent the farmers of that State as the Legislature of North Dakota represents the farmers of North Dakota. We have a farmer legislature up there, and they have realized the need, and they have taken care of it as best they could.

From South Dakota I have received resolutions from the Farmers' Equity Society, one of the largest organizations of its kind in the United States. They indorse this bill. They say there are large sections in that State which need aid. I have also received letters from the Farmers' Union and many individual farmers of South Dakota, saying they need aid.

In Texas cattle are starving, and the cradle of our cattle industry is being robbed to-day. Talk about meatless days! Five years from now we will not have any meat at all in this country if we continue to kill off the yearlings and the 2-year olds as we are doing now.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BAER. No; I can not yield.

Mr. RAYBURN. I will say to the gentleman that the Legislature of Texas has done what the Legislature of North Dakota ought to do. It has appropriated $2,000,000 to take care of that.

Mr. BAER. Texas is to be congratulated, and I repeat that North Dakota has done its best. I want to read what several men have said about the Nonpartisan League. The clipping is from the Courier-News, of Fargo, N. Dak.:

ST. PAUL, *March 21.*

"The National Nonpartisan League is the only movement which will save the United States from a revolution," in the opinion of Carl S. Vrooman, Assistant Secretary of Agriculture.

George Creel, chairman of the Committee on Public Information, said: "Despite attacks, I believe intensely in the loyalty of the Nonpartisan League. I have done all in my power to protect it from unfair assaults."

Statements from these two men were read to the great audience attending the Farmers' and Workers' National Nonpartisan League rally at the morning session in the St. Paul Auditorium by Rev. S. R. Maxwell, of Denver, Colo., league lecturer.

Rev. Mr. Maxwell also said he had a personal letter from President Wilson lauding the league, which he said he did not feel at liberty to make public.

Other speakers at the morning session were George D. Brewer, veteran of the Spanish-American War, and Ben F. Wilson, both league lecturers.

"We are going to lick hell out of the Kaiser in Germany," Mr. Brewer said, and, as the cheers subsided, added, "and we are going to lick hell out of the industrial kaisers in this country, too."

R. E. Crane, indorsed by the league as candidate for lieutenant governor of Minnesota, spoke briefly at the afternoon session, as did F. E. Tillquist, indorsed as candidate for railroad and warehouse commissioner.

I could go on and read many other indorsements of men of prominence who say the league is loyal and patriotic.

Now, I am going to read an editorial from this morning's Washington Herald, a Republican newspaper, one of Mr. MOORE'S newspapers. It says:

THE FARMERS' LEAGUE.

It has become more or less popular in some publicity channels to denounce the Farmers' Nonpartisan League as an "anti-American combination of traitors."

This organization of farmers, with a membership of nearly 200,000 in Mississippi Valley and Rocky Mountain States, has been accused of many un-American things. The other day the Minnesota State convention of this nonpartisan league was held. Included in its platform, which declares for Government ownership, were these words:

"We pledge anew our devotion to our country in this supreme hour of trial. We reaffirm our faith in the principles of democracy and pledge our lives, our fortunes, and our sacred honor to the struggle to free the world from autocracy and establish democracy, political and industrial, among the peoples of the earth.

"We declare it to be our solemn conviction that the German military autocracy, revealed in all its horrors by the ruthless rape of Russia, is a menace to the world. We pledge our unqualified support to our Government in the war to free the world from this menace.

"We indorse whole-heartedly the statement of war aims by the President of the United States. We believe that he has stated clearly and unequivocally the real intent in the hearts of the American people and that this statement forms a sure basis for a lasting and democratic peace."

"If this be treason," doubtless Patrick Henry would say, if he were writing this, "make the most of it!" It doesn't look like treason; it doesn't sound like pro-Germanism; it doesn't sound like anti-Americanism.

I could go on and read these resolutions adopted by the Farmers' and Workers' Nonpartisan League at St. Paul, March 19–21, but I hate to take up the time of the House at this time, and I will append them to my remarks, if there be no objection. [Applause.]

Following are the resolutions referred to:

We, organized workers of the farms and the cities of the State of Minnesota, assembled in mass convention in the city of St. Paul on this the 21st day of March, in the year 1918, do hereby resolve and proclaim our sentiments and the principles for which we stand, as follows:

We and each of us hereby renew our pledges of loyalty and devotion to our common country and reaffirm our unalterable determination to work always for its best and highest interests and for the permanent welfare of its people, our fellow citizens.

Our Nation is engaged in a great and terrible war in which we believe its purposes, and the purposes of its people, as given clear enunciation by the President whom we have chosen to direct the administration of our national affairs, to be right and just and worthy the whole-hearted support of every good citizen.

Therefore we pledge our adherence to these purposes, we commend our President for his faithful statement of the intentions which are in the heart of the American people, and we assure him and our fellow citizens of our unqualified support of our Government in its war efforts.

We declare it to be our solemn conviction that the aggressive and lustful purposes and intention of the German military autocracy, as most lately revealed in the ruthlessness with which prostrate and bleeding Russia has been overridden, have imperiled the foundations of government by the people everywhere in the world, and that we can not hope to work out in safety the problems of free and democratic government and equal rights and opportunity until the German military autocracy has been vanquished and this menace thus removed.

This is the issue upon which the peace and liberty loving peoples of the world have taken their stand against a power which makes might its only justification.

We count ourselves one with forces everywhere in the world which are fighting despotism and aggression and seeking to make governments more just and to cause all governments to permit and foster just economic conditions.

We express our abhorrence of the doctrine that militarism is necessary to guarantee peace. On the contrary militarism is one of the inciting causes of war, and it is for this very reason that the interests of all the workers lie in the utmost concentration of effort in this war, which holds in it the possibility of making future great wars impossible.

We adhere to the principle of organization of all workers as a necessary step in the accomplishment of economic justice and as a protection and a safeguard for true democracy.

Therefore we organized workers and organized farmers now stand and will continue to stand side by side for the accomplishment of our common aims, to make democracy more perfect and the division of the fruits of labor more just.

The President of the United States already has asked Congress for further authority to fix prices of products where profiteering is holding sway, and we here demand of Congress that it accede to this request of the President in order that the Nation and its people may be defended against those individuals and corporations who are unjustly preying upon them and interfering with the Nation's progress in the war.

We urge that further authority be given to the Government to act as buyer and distributor, through the parcel post, of the necessities of life in any case where price fixing may not prove to be an adequate remedy for existing evils.

We demand that in those great industries where profiteering in Government supplies holds sway the Government take over the mines, the plants, the machinery, and the tools and operate them with the willing aid of the patriotic workers in those industries. Least of all do we believe in excessive prices on war contracts which build up huge vested interests enriched by wealth taxed from the people of the Nation. We believe that war supplies and the tools of war ought to be manufactured by the Government, and that the necessary factories and machinery for the purposes should be conscripted by the Government.

We indorse the course of organized labor throughout the country in being willing to submit to Federal mediation in all industrial disputes, which is an evidence of the fundamental patriotism of American workingmen. We urge upon the Government that as a necessary complement to its policy of mediation in industrial disputes affecting the war it adopt the course of commandeering those industries where there are disputes between capital and labor which do not promptly yield to mediation, and that all such establishments or industries or contracts thereafter for the duration of the war be operated and carried on by the Government.

The gains achieved for the producers and the consumers by Government regulation which has mitigated the pernicious effects of speculation and profiteering in food products since the war started must not be sacrificed when peace comes. We urge upon the Government that some form of regulation and control of the food markets be continued after the war shall have ended, that speculation in and monopoly of the food markets, by which many millions have been stolen from the producers and consumers of our own State every year, be stopped by the exercise of State and Federal authority. We also call for protection of cooperative buying and selling against the assaults of private interests, and we declare for the principle of direct dealing between producer and consumer in so far as is possible, aided and encouraged by the power of State and Federal Governments.

As a step toward the wiser stimulation and control of farm production we respectfully suggest to the administration that representatives of the producers of agricultural products should be included in the departments of the national administration having to do with the stimulation of production and the control of food products.

The live stock and packing industries of the country are under the absolute control and domination of a closely affiliated group of great corporate interests, commonly known as the Packing Trust. Recent investigation by the Federal Trade Commission has shown that the policies of this great aggregation of capital are such as (1) to oppress the workers in those industries—thousands of them living under insanitary and intolerable conditions and at a level of wages insufficient properly to support human life, (2) to control the retail meat trade and a large portion of the general food trade of the country in such a way as to collect extortionate toll from consumers, and, (3) most important of all, to menace the whole live-stock production of the country by a control over the purchasing markets which makes it almost impossible for the farmers to raise live stock.

These triple conditions of menace to the country must be alleviated. We see no sane remedy but for the Government to take over and operate the properties of the Packing Trust, at least for the duration of the war, calling upon the patriotic workers in the industries operated by the packing and food combine to render their services to the Government as faithfully as they have been rendering them to the private capital which now employs them.

The same conditions of monopoly that exist in the packing industry also exist in the milling industry, and here, too, the workers are underpaid and denied the right of organization, and we think that the same remedy as that asked in the packing industry ought to be employed, namely, that the Government take over and operate these flour mills at least for the duration of the war.

We declare ourselves for the control of the natural resources of the land, including the oil, the mineral, and the water-power wealth, as an asset of the people and in their interest. We indorse the President in his opposition to the bill known as the Shields bill, already passed by the Senate, which proposes to turn over great public wealth to private exploitation without adequate return to the people.

Huge sums of money must be had to finance our fight for democracy, and so much of these sums as can not be had by taxation must be had by bond issues. The bond issues of the Government are a safe and profitable investment. They merely postpone to another day the decision as to how the expense of the war must be met and make it possible to devote all necessary resources at once to the prosecution of the war. Therefore we urge upon all our fellow workers that they lay aside so much of their savings as is possible to invest in the liberty bonds, which are to be our investment in the cause of world freedom.

While we thus do our part, let us continue to urge that the war debt be wiped out as speedily as possible, so that it may not be an intolerable burden upon the future generations of workers, and that in providing for the taxation with which the debt must be paid heavy levies be made upon profits coined out of the war and upon the swollen incomes which represent far too heavy a drain upon the toil and the suffering of the workers.

We believe that conscription of wealth is as necessary and as equitable as conscription of men. We favor increasing the rate of taxation on war profits and incomes beyond the rates levied in the present war-tax bill until they are at least equal to the rates imposed by Great Britain, and we favor continuing these rates of taxes until the debt accumulated by the present war is fully paid.

Our own sons are making the supreme sacrifice for liberty upon a foreign soil and we would be recreant to our natural affection, as well as to our patriotism, if we did not adopt every means possible to make their struggle easier and their lot more tolerable. Therefore we urge all to make regular contributions to the Red Cross, the Young Men's Christian Association, the Knights of Columbus, and the other agencies for giving comfort and aid to the soldier and extending mercy to those who fall wounded.

We urge the attention, both of legislators and of private citizens, to the need of taking care of the families and of the affairs of the men in the national service while they are absent and of providing useful employment for them when they return. Particularly, we urge upon our legislature the need of a soldiers' moratorium law, acting as a stay of all debts of the soldier in service, such as was adopted at the recent session of the farmers' legislature in the State of North Dakota.

Our State has been the scene in recent months of lawless violence committed against citizens of the State, of usurpation of authority by petty officials, of neglect of duty by high officers who have failed and refused to extend the common protection of the law to all citizens. We condemn these individuals and officials who have thus been recreant in their duty as well as all those unscrupulous agitators who have falsely and for political purposes impugned the loyalty of good citizens, and we brand as an act of injury to our Nation these false charges of disloyalty, these acts of mob violence, this connivance at disorder by public officials, all of which have tended to arraign class against class in the State of Minnesota, and to make it appear—falsely—that a majority of the citizens of this State are disloyal.

Yet, while we condemn these derelict officials and these fomenters of disorder, we urge our fellow workers not to be drawn into resistance of authority, and not to make the mistake of opposing violence with violence, but steadily to maintain the dignity of good and peaceful American citizens, while at the same time with firmness they continue to advocate and to uphold those things which they believe to be right, to the end that they, at least, may not be the cause of any embarrassment to the Nation in its time of stress. Thus will the blame for such divisions and disorder as have occurred in the State be placed squarely where it belongs and not with the organized workers or the organized farmers.

We commend organized labor for its course of patriotic support of the Government in the war, a course which we believe serves best the permanent interests of the workers, and we pledge ourselves to cooperation in the problem and the struggle of finding the best means toward industrial justice in the reconstruction period that is to follow.

Finally, we declare our purposes to be, not the selfish advancement of any class, but the common good of all, and we call upon all men, whatever may be their views on the wisdom or the unwisdom of proposed reforms, to remember that the traditional birthright of Americans is tolerance and freedom and to strive always to maintain these ideals unsullied by the resentments of war time and unprejudiced by narrow political desires. We feel sure that only by adherence to these principles can the Nation come with moral triumph out of the stern trial of these times.

In reference to Mr. Townley's arrest, the New York American affirms that each statement which he made was a true statement, a patriotic statement, and a thoroughly American statement.

The fact that the editors of the metropolitan press quote Mr. Townley and assume responsibility, by stating editorially that they are thoroughly in accord with his position, is mathematical proof that the Minnesota incident is purely a case of the opponents of the league trying to use the Minnesota government machinery to pull their political chestnuts out of the fire.

The arrest of A. C. Townley, president of the National Nonpartisan League, looks very much like a trick of politics—of politics of the low sort.

In brief, Mr. Townley makes four affirmative statements:

1. That the Nonpartisan League is opposed to profiteering during the war.

2. That freedom of speech and of the press is the bulwark of human liberty.

3. That one of the causes of this world war was the desire of opposing groups of governments and groups of monopolies to gain financial and commercial supremacy.

4. That the rule of jobbers and speculators must be overthrown in this country as well as in every other country if true democracy is to prevail.

Now, we affirm that each of these statements is a true statement, a patriotic statement, and a thoroughly American statement.

If the president of the farmers' organization in the Northwest, or any other man, can be arrested and indicted and imprisoned for making such statements as those quoted, then the constitutional guaranties have lost all their force and the liberty of no man is safe.

The Nonpartisan League, of which Mr. Townley is president, is a body composed almost entirely of farmers living in Minnesota, South Dakota, Nebraska, Colorado, Utah, and Washington.

During the past few months Mr. Townley and other officers of the Nonpartisan League have worked almost day and night holding patriotic meetings throughout the Northwest, pledging support to the President, and soliciting and receiving large donations to the Red Cross.

The real offense of which Mr. Townley and his associates are guilty is that of making uncompromising and successful war upon the trusts and jobbers and speculators and other extortioners who have exhibited and robbed the wheat growers of the Northwest year after year and who have debauched politics and stuffed public offices with their creatures and tools.

In North Dakota the organized farmers, with the assistance of sympathizers in the towns and cities, have knocked out both the Republican and Democratic rings and have put on the statute books economic legislation which has ended the power of the trusts and monopolies and jobbers and speculators to rob the producers and consumers of that Commonwealth.

In Minnesota, in Nebraska, in Colorado, in Utah, and in Washington the same Nonpartisan League proclaims its intention to repeat the excellent results achieved in North Dakota.

Every day sees a new political organization becoming stronger and stronger and sees the profiteers more and more in panic.

Under these conditions the frightened gangs of profiteers have resorted to exactly such tactics as the Mitchel garg used here in New York. They are trying to hide their own sinister purposes behind a camouflage of patriotism and to discredit the farmers' organization by false accusations of disloyalty.

The whole thing is only another proof of how right old Dr. Johnson was when he defined "patriotism" as the last refuge of a scoundrel.

There is nothing disloyal in the language we have quoted by the president of the Nonpartisan League. There is nothing unpatriotic either in the attitude or the purposes of the Nonpartisan League.

On the other hand, any body of men who propose in any State or in any community to unmask the scoundrelly profiteers who hide their scoundrelism behind the camouflage of patriotism; any body of men banded together to obtain social justice, to put an end to the exploitation of the industrious farmers and workers by the unprincipled extortioners who prey upon both, perform a public service that is in the highest degree patriotic.

We protest against the arrest of President Townley and this attempt to besmirch the organized farmers of the Northwest with the false accusation of disloyalty. It is an indefensible assault upon the constitutional rights and liberties of American citizens.

A nation is only truly free in which every individual is free to speak and to write his opinion upon public affairs—political, social, and economic.

The liberties of all are firmly bound up in the protection of the liberty of each.

Every newspaper in the United States and every public man and every private citizen should speak out loudly and boldly in condemnation of this attempt to fasten the stigma of disloyalty upon the farmers of the great Northwest and to bring the president of the organization to punishment as a criminal because he exercised his undoubted rights as a free American to condemn the extortioners and exploiters who have robbed him and his people, and to point out that the war for democracy will indeed have been fought in vain if these scoundrelly profiteers are to continue after the conclusion of that war to rob and despoil the workers of the land.

In the Nonpartisan League movement the people of this country will not find any conspiracy nor discover any secret-planned sedition. On the contrary, we have presented publicly and openly, without equivocation or illusion, certain principles. A statement of these principles in this public manner precludes the possibility of their being dangerous. Yet that these public statements have driven some to the extremity of wrath and denunciation is the only answer of which they seem as yet capable. The Nonpartisan League is not too radical for progressive men of both parties, and I admit that it is not too conservative for the liberals of all groups. Jefferson says: "Error of opinion can be tolerated where reason is left free to combat it." A man who boldly proclaims a principle, no matter what it may be, can do but little injury. No amount of intellect, learning, or eloquence can make him dangerous. If the principles advocated by the farmers are wrong, they can only be destroyed by reason and argument—not by epithet and abuse. The farmers have set an example. The, have set forth the principles they purpose to maintain calmly, clearly, and openly. These have been proclaimed from platform and through the press, so that all may read and know. There is nothing secret or sinister in their methods—just the plain American method plus pitiless publicity. No injury can come to the Nation from that. On the other hand, benefit can come from it if there should be a fair discussion and criticism of them. Iron sharpeneth iron and discussion brings out much that might be overlooked. Threats of personal violence and of arrest, such as have been made, are not only un-American but actually hurtful, as they prevent the discussion needed to test under the hammer of logic and under the acid of reason the principles put forward by the farmers.

It is time to drop the high-tragedy rôle and get down to common sense. It is time to cease howling and begin thinking. It is time to quit questioning the patriotism of the men who feed, clothe, and sustain us. If the farmers' movement be wrong, we must grant that it is supported by men who are sincere, earnest, and determined. Hard names will not change them and hysteria will not cause them to waver. Only clean-cut argument and sound sense will make an impression on them. If, in the ranks of those opposing, such things may be found, it is time to bring them out.

I extend the following letters and telegrams at the request of Mr. GANDY, of South Dakota, who wanted to be present and vote for this bill:

BISON, S. DAK., *March 8, 1918.*

HARRY L. GANDY, M. C.,
Washington:

In spring, 1912, Perkins County furnished $67,000 worth of seed grain to 1,292 farmers. Of this amount $5,700 is still uncollected; the greater portion of this will be a loss to the county.

A. MICHELSON, *County Auditor.*

STURGIS, S. DAK., *March 8, 1918.*

HARRY L. GANDY,
Washington, D. C.:

Seed grain furnished farmers, Meade County, spring of 1912, 6,300 bushels, at a cost of $9,000; 125 farmers supplied with a loss to county of $680.

FRANK J. MURPHY, *County Auditor.*

RAPID CITY, S. DAK., *March 8, 1918.*

Hon. H. L. GANDY,
Washington, D. C.:

Eight thousand one hundred and ninety-one bushels applied for by 117 farmers; no loss; county still holds a few of the seed-grain notes.

A. D. CLIFF, *Pennington County Auditor.*

BELLEFOURCHE, S. DAK., *March 9, 1918.*

Congressman HARRY L. GANDY,
Washington, D. C.:

Approximately $10,000 spent for seed; about 200 farmers furnished; $1,500 uncollected notes; deficit covered by tax levy of $3,000 in 1912.

N. P. LANG, *County Auditor.*

ISABEL, S. DAK, *February 22, 1918.*

Hon. HARRY L. GANDY, M. C.,
Washington, D. C.

DEAR SIR: I am writing you to ask you to try and get the Baer bill or some measure that will give the farmers an opportunity to get money to buy seed this spring and give us all a chance to do our best to get all of our land in crop this spring, as I do not think one-half of the farmers here in this locality are going to get in a full crop without they get help from the Government. Our crops were so poor last year that we are not able to put in a big crop without help, and you know we must have the crop this year, and I am sure you will do your bit.

Yours, truly,

F. PROUTY.

SIOUX FALLS, S. DAK., *March 1, 1918.*

Hon. HARRY L. GANDY,
Washington, D. C.:

MY DEAR MR. GANDY: It has recently come to my attention that there is now pending before Congress a bill providing for help being extended by the Government to indigent farmers in North Dakota and Montana in buying seed wheat and other seed grains for use this spring, this help being needed on account of the almost total failure of the small-grain crops in the two States mentioned.

Mr. GANDY, if there ever was a bill before Congress that was worthy of your consideration and support it is this one.

I have no ax to grind in asking you, if you can conscientiously do so, to support this bill, but am asking this for the reason that previous to three months ago I traveled in the State of Montana for five years as a salesman selling farm implements. In this line of work I had plenty of opportunity to observe just what the agricultural conditions are in Montana, particularly in the new and undeveloped portions of the State. In that time we saw three almost total crop failures.

If you have never made a close study of the State of Montana in particular, you perhaps have not the least realization of the unlimited possibilities for the agricultural development of that country. There are thousands and thousands and hundreds of thousands of acres of virgin prairie land that with even subnormal moisture conditions will raise the best crops that ever grew outdoors. However, as is generally the case in new countries that are just developing, the settlers are composed of people of limited means—ex-professional men, ex-merchants, ex-clerks—people that are striving honestly and sincerely to better their condition. They are not afraid of work, but they are limited for capital, and the experiences that I have seen some of these people go through have been almost heart-rending. Many a family have gone hungry during the winter on account of their crop of the season before not panning out.

To summarize, Mr. GANDY, all that these people need is a chance and a little help. The banks out there are not always as willing to help with loans as they might be. Were it not for the help and the extensions that have been given merchants of that country by the wholesale houses the country would not be in near the stage of development that it is to-day, but the country is so large that with the help that the Government can give them in getting seed grain for this spring, as said before, even with subnormal moisture conditions the crops they will raise there will be phenomenal. Could you get a map or Government statistics of the new land that has been opened in the Montana country for cultivation even in the last five years you could see without a doubt where even with a large crop, Montana will help in the production of wheat to feed the people of this country and our allies, and, of course, this is what we all want and are straining every nerve to accomplish.

Thanking you in advance for your consideration, and trusting that you may see your way clear to support this bill, I am,

Very sincerely, yours,

W. L. NEWPORT,
Manager Dakota Moline Plow Co.

Mr. LINTHICUM. Mr. Chairman, the thought has been expressed in the House very frequently that men who do not represent agricultural districts are not particularly interested in bills appertaining to agricultural matters, but I take a differ-

ent view from that. I think we Members who represent those people who live in the cities are more vitally interested in what the agriculturists do than are the agriculturists themselves, for the reason that we are entirely dependent upon the farmer for our food and thereby our very existence. We in the city have no way to produce food and we must depend entirely upon the farmers. The cities pay a large part of the taxes of this country, and they are willing to contribute in every way that will insure a full food supply. A sufficient supply is not alone vital to our people, both rural and urban, but to the winning of the war itself. Food! Food! Food! should be the slogan as Ships! Ships! Ships! Now, I do not know anything about matters in South Dakota. I do not know anything about the Nonpartisan League to any extent. Both of which are embraced in the remarks of the gentleman from Pennsylvania [Mr. MOORE]. In our State we have only two parties practically, the Democratic and the Republican, others are infinitismal; and, by the way, let me tell you that they are not very far apart just at this time. They are all working in unison for the winning of this war and not worrying about politics. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. If there was an organization known as the Nonpartisan League, that had a million and a half of dollars in its treasury, which was sending lecturers into the gentleman's district, would he not recognize it?

Mr. LINTHICUM. Certainly I would recognize it; but they do not have to send lecturers into our districts in Maryland. We have such good Democrats and Republicans up there that we can explain political matters to the satisfaction of our intelligent constituents without the assistance of this Nonpartisan League and its lecturers. [Laughter.]

Mr. LOBECK. And you would get their votes if they did come there.

Mr. LINTHICUM. Of course, I would get their votes if they came over there. Why should I not? They might go further and fare worse. [Laughter.]

Mr. MOORE of Pennsylvania. That would be largely on account of the color of the gentleman's necktie.

Mr. LINTHICUM. I do not know whether that would attract the Nonpartisan League, but this tie and what is back of it does attract most of the leagues we have up there in Baltimore. I will say that. [Laughter.]

Mr. Chairman, I am very deeply in earnest about this bill. It is vital to our people that we have a large production of food this year.

I for one am willing to take a chance with the farmer by advance of seed. I know if he can make the crop he will repay the Government. He is willing to advance his labor, his honor, and his character against the advance of seed to him by Uncle Sam. Thousands of individuals take this chance with the farmer and why should not the National Government do the same when it has so much at stake. You have advanced to the munition makers, the shipbuilders, and others; are they more honorable and honest than the farmer? I think not. Do you realize that you must not only produce for the people at home and the soldiers and sailors abroad but you must also produce in such abundance that when the submarines take their dreadful toll that there will be sufficient left. We must not alone produce for consumption but destruction as well, just so long as these terrible pirates of the sea continue their diabolical work.

Now, as to the advance of money to the farmers for seed, I have had business relations with farmers for years, and I have had business relations with farmers who did not have a dollar's worth of real estate, and very little in the way of farm implements, and I tell you that the money you advance to the farmer is generally very safe. The farmer is honest, and honesty and labor are great assets. The farmer has both You lose very little of it in proportion to what you lose in other enterprises. If the farmer can possibly produce a crop and sell it, he is going to pay his debts. One of the first things he does when the season is over is to take the money he gets for his crop and go around and settle his debts. I know it. My father was a farmer, and I have had their association and friendship all my life. I do not believe we are going to lose much money that we advance to the farmers under this bill, and if we do lose half of it, what is the difference, just so we get the wheat to feed the people. Food is the vital thing, cost what it may. That is the thing I am interested in, representing a city district, whose very life depends upon the labor and success of the farmer.

It is not only seed we need to produce this crop. We need farm machinery; and I have always advocated the loaning of money to the farmer to buy farm machinery, because he can put in so many more acres by machinery than he can by mere hand labor. I am very sorry to see the gentleman from Pennsylvania [Mr. MOORE], who has such a bright mind and is usually of wide view, opposing this bill. His city needs food just as much as Baltimore needs food, and he ought to use every effort to see that legislation is passed which will assist in the raising of food. I told the gentleman this morning about a letter I received from my nephew, Lieut. Walter Linthicum, who is at Camp Lee. He fits out the soldiers there, and he tells me that among the very best men who have come to that camp are large numbers who recently came in from Pennsylvania. He says they are some of the finest men who have yet come to Camp Lee. There are also some from West Virginia and a few from Virginia. I am very much surprised that a gentleman representing such a high-class constituency should oppose a bill of this kind, the object of which is to feed the people of the country, the country for which these splendid and intelligent Pennsylvanians are to risk their very lives.

It will be too late to cry out what should have been done if we once run amuck of that grim monster—that monster worse than war—hunger, hunger.

Speaking of machinery, I wish to call to the attention of this House to a most interesting article by C. Bosley Littig, recently published in one of our Baltimore papers, in which he calls special attention to the standardization of farm machinery. No one can well estimate the loss occasioned the farmers by the many makes of farm machinery. What a blessing and saving it would be to standardize this important branch of industry.

Mr. MOORE of Pennsylvania. That Camp Lee compliment is a very worthy one from excellent soldiers to their commander, who is doubtless a worthy commander.

Mr. LINTHICUM. Yes; it is.

Mr. MOORE of Pennsylvania. But I want to ask the gentleman if the people of Baltimore, as well as those of Philadelphia, at the present time are not getting less food and paying more for it than they ever did before in their lives?

Mr. LINTHICUM. Of course we are getting less food and paying more for it, and that is one of the reasons why I want this bill to pass, so we can get more food and pay less for it.

Mr. MOORE of Pennsylvania. One other question. If the gentleman's farmer friend had a tractor such as he refers to, does he think he would have any trouble in getting money to buy his seed?

Mr. LINTHICUM. I think the two things ought to go together. One is seed and the other is farm implements, so we can put in large crops.

Mr. MOORE of Pennsylvania. I agree with the gentleman as to that.

Mr. GORDON. The bill does not provide for money for furnishing farm implements.

Mr. LINTHICUM. No; it does not; but it ought to provide money for furnishing farm implements. That is one of the things I have been advocating.

Seed alone, however, is not the only great aim of this legislation. Section 2 provides for the voluntary mobilization of labor. This is a most important work. Labor must be had upon the farms, and this will give the Secretary of Agriculture the power to provide the men needed. Only 10 days ago the leader or a leader of the Poles of Baltimore told me that there were thousands of his race who would gladly take to the farms if means and homes could be provided. He said the Pole was a natural born farmer, his whole training had been farming, and that he loved the outdoor life and God's beautiful sunlight above all things. He was a denizen of the city from necessity, not choice. I believe this to be true. I know the Pole by close association, his work and his love for the farm. I have seen large numbers employed by my father on his farm in Maryland. They are good, clean, practical farmers. This section will take care of just such cases and many others. It will help the labor situation.

Mr. STEENERSON. Mr. Chairman, my district takes in the Minnesota side of the Red River Valley. For more than 200 miles on the west line lies the district of the gentleman from North Dakota [Mr. BAER], who takes in the Red River Valley on the west side of the river. It is perhaps the greatest wheat-producing region in the world.

The gentleman from North Dakota [Mr. BAER] stated correctly that he was not asking for this relief on account of the needs of his particular congressional district. The conditions there are similar to those prevailing in my section, where the wheat crop last year, though light, was not a failure. I presume it averaged over 10 bushels to the acre. There is no lack of seed wheat there. But in western North Dakota and Montana there was a drouth, and in large areas the wheat crop failed. Although I have no personal knowledge, I have reliable information from people I know, who formerly lived in my district and who have moved to western North Dakota and Montana and

taken up new lands there, as to conditions prevailing in that region. Owing to the failure of the wheat and the lack of banking and credit facilities it is difficult, if not impossible, for some of these settlers to get seed unless the Government steps in and helps.

The fact is that wheat and other grain prices have gone so high that it takes a little fortune to put in a 160-acre farm. I feel that the wheat crop will be reduced in acreage unless this bill passes. The land out there is virgin soil, it is very productive. I have no doubt that if they get a favorable year it will produce 25 bushels to the acre. Wheat at $2.50 a bushel for seed, $7,500,000 will buy 3,000,000 bushels of seed. If wheat produces fifteen or twenty fold, we will raise from forty-five to sixty million bushels of wheat from that amount of seed. That is not a small item. Some years our whole foreign export has not exceeded 60,000,000 bushels.

Now, when we are confronted as we are with the order that we must cut down the bread portion to 2 ounces per day, that we must cut the consumption in order to supply and meet the crying needs of the allies and of our soldiers, in face of the fact that the Government policy of fixing the price of wheat below its market value has discouraged the planting of wheat, in face of the fact that the country districts away from the railroads are now using wheat and compelled to do it as the most economical for the feeding of cattle, and selling the coarser grain, as was shown by Senator NELSON in the recent Senate debate on the Agricultural bill. By reason of these facts the tendency has been to discourage the production of wheat.

Wheat is exhausting to the soil, and it is not profitable to grow it on the same land for a series of years, for the last becomes weedy and the crop dwindles to 8 or 10 bushels to the acre.

Since the bill has been amended so as to include seed corn it will, however, supply a great need in my own State and district. The early frost caught all out corn, so that we have absolutely no seed corn. All must be brought in from outside. I hope this bill will pass.

The proponents of this bill and the committee deserve praise for bringing it up for action. Mr. Chairman, I am in favor of the bill on account of the special emergency, and we want that 45,000,000 bushels of wheat next fall to help feed our people and soldiers and our allies. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, may we have the paragraph read as it will read if amended?

The CHAIRMAN. Without objection, the Clerk will report the paragraph as it will read if amended.

The Clerk read as follows:

SEC. 4. That at the opening of the next regular session of Congress the Secretary of Agriculture shall cause to be made to the Congress a detailed report showing all proceedings and transactions under this act. Such report shall, in addition to other matters, contain a statement of all persons employed, the salary or compensation of each, the aggregate amount of loans, advances, or sales, and the total amount thereof unpaid, and all receipts and disbursements under this act. All moneys collected by the United States under this act shall be covered into the Treasury as miscellaneous receipts.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—44 ayes and 42 nays.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this act shall, upon conviction thereof, be punished by a fine not exceeding $1,000, or by imprisonment not exceeding six months, or both.

Mr. WALSH. Mr. Chairman, I move to amend by striking out the figures "1,000" and inserting "5,000," and striking out "six months" and inserting "five years." In other words, I move to increase the maximum penalty.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 19, after the word "exceeding," strike out "1,000" and insert in lieu thereof "5,000," and in line 20, after the word "exceeding," strike out "six months" and insert in place thereof "five years."

The CHAIRMAN. The question is on the amendment.

Mr. WALSH. Mr. Chairman, this amendment which I propose simply increases the maximum penalty which may be imposed from $1,000 to $5,000 and from 6 months to 5 years. This is a war measure, and I submit that if anybody, a farmer or anybody else, knowingly makes a false representation under the guise of war-emergency legislation, for the purpose of filching money out of the United States Treasury, the court ought to have ample latitude to impose a severe penalty. Simply to say that he may be fined $1,000 or put in jail for 6 months would strike but little terror to some of the so-called farmers who are enrolled in certain organizations whose principles are not founded upon what is best for the United States. I believe that the courts ought to have authority to impose heavy penalties, to deter others from attempting to get any amount of money under false pretenses.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MOORE of Pennsylvania. I would like the gentleman to say whether the thinks we should impose a higher penalty upon a man who can not possibly take advantage of the Government to the extent of more than $450?

Mr. WALSH. I do not think it is a question of money. Why not fine him $450 and the interest, or fine him the amount of the money he procures?

Mr. MOORE of Pennsylvania. He has no money; that is the point.

Mr. WALSH. Then impose the imprisonment sentence along similar lines; but my idea is simply to make this conform to the other criminal statutes that we have passed.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. If the gentleman from Pennsylvania has concluded?

Mr. MOORE of Pennsylvania. Mr. Chairman, I submit to the gentleman that inasmuch as he raised this question during the passage of the War Finance Corporation bill and succeeded in placing a higher term of imprisonment and a larger fine upon those magnate malefactors who might get the better of the Government through the operation of false statements, perhaps it would be fair in proportion to keep the fine and imprisonment down in the case of a man who can only get $450 from the Government in one year. The gentleman will bear in mind that we are not dealing with millionaires or large corporations, and we ought to be fair to the poor farmer, from whatever State he comes, who, having no property whatever, no land, no nothing, can still obtain $450 from the Government.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. STEVENSON. In order to make this conform to the criminal statutes generally, had you not better insert a minimum punishment?

Mr. WALSH. Let me say to the gentleman that I was simply seeking to make it conform to the emergency war legislation which Congress has passed. In nearly all of those acts the maximum is stated.

Mr. STEVENSON. Does it not always carry a minimum penalty?

Mr. WALSH. No; not in most of the war measures.

Mr. RUBEY. Mr. Chairman, I hope this amendment will not be agreed to. In the first place, there is no need of putting a drastic penalty of this sort in this bill, and if you fix a penalty of $5,000 and there are violations you will not get any convictions, because a jury will not bring in a verdict of guilty with such a heavy penalty to be imposed.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. GORDON. Does the gentleman not think there ought to be a minimum punishment imposed here for obtaining money from the Government by false pretenses?

Mr. RUBEY. I am perfectly willing to leave that to the courts, as we have in a great many other cases.

Mr. GORDON. To obtain the $450 by false pretenses is a felony under the laws of every State in the Union.

Mr. RUBEY. The courts will take care of that.

Mr. GORDON. Does the gentleman not think there ought to be a minimum penalty fixed?

Mr. RUBEY. I do not.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes. I gladly yield to the gentleman from Illinois.

Mr. CANNON. It may be $1, or $10, or a hundred dollars, or one day, or no imprisonment. If you increase it it will not do any good, because it is already so high. Does the gentleman not think that no court, taking into consideration everything, would go to the maximum?

Mr. RUBEY. I agree with the gentleman, we should not increase it.

Mr. CANNON. I think we better leave it as it is.

Mr. RUBEY. I think the gentleman is right.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to oppose the amendment. But, first, I desire to appeal to my usually warm-hearted friend from Massachusetts [Mr. WALSH], coming as he does from the rock-bound coast of New England, not to insist upon this harsh amendment. The amount the

Government would lose in individual cases is so small—only $450—that——

Mr. WALSH. Mr. Chairman, in view of the great embarrassment that it would cause the gentleman from Pennsylvania to be compelled to vote on this amendment I ask to withdraw it. [Laughter.]

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

Mr. VOLSTEAD. Mr. Chairman, I desire to offer an amendment to the paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 5, line 18, after the word "act," insert "or shall use money or grain procured under the provisions of this act for a purpose different from that for which the same shall have been obtained or shall, without first repaying the indebtedness incurred for money or seed furnished under this act, secrete or convert or suffer to be converted to his own use or to the use of any other person the crop or other property upon which said indebtedness is then secured by lien or mortgage."

Mr. RUBEY. Mr. Chairman, I will say to the gentleman that this matter has been taken up with the Solicitor of the Agriculture Department, and the committee agrees that this amendment should be adopted in a modified form, and I send to the desk and offer as a substitute for the amendment of the gentleman from Minnesota the following:

The Clerk read as follows:

Amendment offered by Mr. RUBEY as a substitute for the Volstead amendment: Page 5, line 18, after the word "act," insert "or shall use money or grain procured under the provisions of this act for a purpose different from that for which the same shall have been obtained, or shall, without first repaying the indebtedness incurred for money or grain furnished under this act, secrete or convert or suffer to be converted to his own use or to the use of another person the crop or any part thereof or any other property upon which such indebtedness is then secured by lien or mortgage."

Mr. VOLSTEAD. Mr. Chairman, I do not care to say very much in regard to the amendment, as it has been accepted by the committee. I believe such an amendment ought to be made to the bill. It embodies usual provisions for safeguarding the Government, and as such ought to be insisted on. It was suggested by my friend from Massachusetts [Mr. WALSH] that the penalty ought to be made very severe for misusing any of the money which we appropriate—five years' imprisonment. I think that is entirely unnecessary. The section as it stands with this amendment would be in line with the laws that we generally have in our Western States, where mortgage security of this kind is quite often taken.

Now, just a word in regard to the merits of this bill. A great deal has been said against it, and a great many sneers and gratuitous insults have been directed against the farmer. I want to remind my friends upon this floor who have engaged in this sort of sport that you have just arranged for a credit of $4,000,000,000 to banks and industrial concerns. You advanced to them out of the Treasury $500,000,000, and you gave a like amount to the railroads and guaranteed them during the war the highest earnings they have ever received. We all recognize that these advances are hazardous and can not be justified except as war measures. Now, when the farmers in the West, many of whom are homestead entrymen on Government lands, are asking for a smaller amount so they may be enabled to do their bit in this war by raising food, you apparently make a virtue of your prejudices. These men are just as patriotic as those who are to get the billions and their need is much greater, as they had a crop failure last year. Why not make this appropriation? We are not giving it to the farmers. They are not asking a donation. On the other hand, we are demanding security. We are asking that it be returned, just as we do from the men who are to get the billions. A great deal has been said here in regard to the Nonpartisan League. I am not aware that the Nonpartisan League is at all interested in this legislation. Not a word have I received from that organization, though there are a number of them in my own district. Not a kernel of this grain will be used in my State, as far as I am aware. Let me remind you that the Great Northern, the Northern Pacific, and other railway companies have, year after year, been doing this very work. They advanced seed to farmers and hauled labor free for the purpose of building up the country along their lines. They have done it as a business proposition. This country could afford to do the same thing, even in peace times. Is there any sense in abusing farmers who are asking that same sort of relief? You have taken from them the opportunity to get relief from the railroads. The railroads can not do it. They are in the hands of the Government. The wheat must be had; the Government needs it. We ought to be willing to do something to save the situation. [Applause.] This may mean thirty or forty million bushels that can be had in no other way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. SUMNERS. I want to speak to the motion. I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas.

Mr. SUMNERS. Mr. Chairman and gentlemen of the committee, I am very much interested in the pending amendment, but I do not know just what is the disposition of the committee toward it.

Mr. KELLEY of Michigan. The committee accepts it.

Mr. SUMNERS. Then I make the pro forma motion to strike out the last word for the purpose of making some observations upon the bill. As a man representing a southern district, a district where we do not produce one-tenth of the grain we consume, I am going to support this bill dealing with wheat production in the Northwest. [Applause.] My people living in the fifth district of Texas are vitally interested in the wheat production of that section. Their boys are in France and must be fed; they must themselves have bread. There is much opposition to the labor mobilization feature of this bill. I want to say to you gentlemen of the South when that time comes, when the grain farmers of Kansas need labor to save the wheat that you must eat to live and that your boys who are in France must have to win, it is good old-fashioned horse sense to send any labor which we can spare to harvest that grain [applause], just as though it belonged to you.

Mr. VENABLE. Will the gentleman yield?

Mr. SUMNERS. I will yield.

Mr. VENABLE. Is there any surplus labor in the gentleman's district?

Mr. SUMNERS. In the towns there may be some. There come times when we have laid by our crops and there come times in the gentleman's district when his people lay by their crops in the summer time——

Mr. VENABLE. Is that the time to sow wheat?

Mr. SUMNERS (continuing). No; but that is the height of the harvest in the Northwest. It would be a wise policy to have the labor which can be spared sent into that territory to save the wheat—not somebody else's wheat, if we look at it broadly, but the wheat of all of us, the wheat to put the strength into the bodies of your people who are to harvest the cotton of the South and to put the strength into the bodies of our southern boys which will give them a better chance to come back to us. [Applause.]

Mr. VENABLE. Will the gentleman yield for another question?

Mr. SUMNERS. Just for a question.

Mr. VENABLE. Are crops laid by and labor idle when the spring wheat is harvested?

Mr. SUMNERS. Why, no; and there is nothing in this bill and there is nothing in the whole situation to justify the conclusion that labor will be shifted from the country from which it is needed into a place where it is not needed. We have got to credit the men charged with the administration of this bill with practical common sense. I do not think there will be much shifting of labor, but I will tell you what I think will be done under this bill. There are in the towns and villages of this country many men who have been trained on the farm, there are many patriotic boys and girls there, and I believe firmly that with a proper campaign in those villages and towns that are closely associated with the agricultural interests we could mobilize those forces, with a retired farmer possibly at the head of a squad of young patriots, and put them into the fields at the high points of necessity. [Applause.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. SUMNERS. I am sorry I have not the time. I know there comes times in the cotton fields of the South when we have a rainy spell. It becomes then a contest between the weeds, the grass, and the cotton as to which one is to survive. If we could throw a little surplus labor at that time into these fields and clean them out, then the ordinary labor that is engaged in the cultivation of the crops can take care of them.

Mr. RAGSDALE. Will the gentleman yield?

Mr. SUMNERS. I am sorry I can not yield. That is what I think will be done under this bill. But the thing, gentlemen, in this discussion I do not like——

Mr. GORDON. Something for nothing.

Mr. SUMNERS. Get something for nothing! Nobody is to get something for nothing. A lot of folks on the floor of this House think if the Government would loan its money to big city banks and then the big city banks loan it to the little country banks at a profit and the little country banks loan it to the farmer and take a mortgage on everything from his bull

calf to his wheat crop, it would be all right. They could not discover anything paternalistic about that. According to their idea there is no paternalism if there be a large enough number of toll takers between the Government and the man of final destination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS. I shall endeavor to resume under the next section.

Mr. PRICE and Mr. RUBEY rose.

The CHAIRMAN. All debate has been exhausted on this paragraph. If the gentleman will wait until the next paragraph is reached there will be opportunity then.

The question is on the substitute of the gentleman from Missouri [Mr. RUBEY] to the amendment of the gentleman from Minnesota [Mr. VOLSTEAD].

The question was taken, and the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. WALSH. Mr. Chairman, is not there a vote to be had on the amendment offered to the last section? You simply voted on the substitute.

The CHAIRMAN. The Chair considered that the gentleman from Minnesota [Mr. VOLSTEAD], in view of the committee having adopted the substitute, did not desire a vote on the amendment himself. The Chair will be——

Mr. LEVER. I understood the gentleman from Minnesota accepted the substitute and withdrew his amendment.

The CHAIRMAN. The Chair so understood it. The Clerk will read.

The Clerk read as follows:

SEC. 6. That not exceeding $100,000 of the moneys appropriated by this act may be expended for the payment of such administrative expenses, including such rent, the expense of such printing and publications, the purchase of such supplies and equipment, and the employment of such persons and means, in the District of Columbia and elsewhere, as the Secretary of Agriculture may deem necessary for the purposes of this act.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Page 6, line 3, after the word "act," add the following:

"*Provided, however,* That no expenditures or advances shall be made under this act unless and until the Secretary of Agriculture shall determine and by proclamation declare that the same is necessary for the more effectual prosecution of the war."

Mr. GARRETT of Tennessee. Is the gentleman from South Carolina willing to accept that amendment?

Mr. LEVER. I would be glad to have the gentleman's statement on it, and in the meantime I will consult with my colleagues.

Mr. GARRETT of Tennessee. Mr. Chairman, if there be any justification for this measure at all it surely must be based upon the theory that we are at war and that the legislation is necessary for the more effectual prosecution of the war.

Mr. LONDON. Will the gentleman permit a question?

Mr. GARRETT of Tennessee. I will.

Mr. LONDON. Is there any precedent for a proclamation by a member of the Cabinet?

Mr. GARRETT of Tennessee. Well, I do not happen to recall whether there is or not. This, of course, can make a precedent if there is none.

The theory upon which this bill was brought in, as I understood it, was that it was necessary for the more effectual prosecution of the war; that is, to encourage the production of foodstuffs, which encouragement was made necessary by reason of war conditions. This is to put into the law its purpose, and for that reason I offer the amendment. I very much hope that the gentleman from South Carolina [Mr. LEVER], the chairman of the committee, after consultation with other members of the committee, can see his way clear to accept it.

Mr. LEVER. Mr. Chairman, if the gentleman will permit, I have consulted with gentlemen who are vitally interested in this proposition, and they feel that making it necessary for the President to issue a proclamation——

Mr. GARRETT of Tennessee. The Secretary of Agriculture——

Mr. LEVER. For the Secretary of Agriculture to issue a proclamation, conditioned upon his investigation of the facts, will throw around the operation so much red tape as to delay the effectiveness of it, and for that reason I shall feel constrained to vote against it.

Mr. GARRETT of Tennessee. Then, Mr. Chairman, while I deeply regret that the chairman of the committee and the members of the committee can not see the way clear to make the passage easy by accepting it and approving of it, I shall have to appeal to the Committee of the Whole to consider it very carefully and in the hope that they will consider it favorably. The purpose of the bill, as it has been pressed upon us from the beginning to the end, was to protect the Nation's war interests. Is that true or is it not true? Is the war being used as a cloak here to put over a proposition to which no 10 men in this House would agree except placed upon that basis? Do we mean that, which has been laid as the basis of this bill from the beginning until now?

Mr. BURNETT. Will my colleague yield?

Mr. GARRETT of Tennessee. I will.

Mr. BURNETT. Is it not a fact that the chairman of the committee himself stated from the outset that he would not support it except as a war measure?

Mr. LEVER. I do not know as I stated it, but I will state it now.

Mr. BURNETT. You did before.

Mr. LEVER. But, practically, saying so does not make it any more so.

Mr. BURNETT. It does not make it any less so.

Mr. RUBEY. I want to ask the gentleman from Tennessee this, as I realize he is in earnest in this matter: How long do you think it would take the Secretary of Agriculture to make such investigation as he might feel obligated to make under this amendment before he would be prepared to issue his proclamation? And at this time, if we are going to use it at all, we will need it within the next 10 days.

Mr. GARRETT of Tennessee. I take it that he will have abundant time to make that investigation before this bill will pass the Senate. I venture to say that.

Mr. RUBEY. Will he have authority to make it?

Mr. GARRETT of Tennessee. He will be thinking about it.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RAGSDALE. If he keeps in touch with the situation as much as other men will he not be able soon to determine the necessity of this legislation?

Mr. GARRETT of Tennessee. I do not know, but I think he ought to be required to make the investigation.

Mr. GORDON. Is there a single legitimate purpose provided for in this bill that was not included in the legislation brought in here by the Committee on Agriculture a year ago?

Mr. GARRETT of Tennessee. Well, I would rather not answer that question for reasons that the gentleman will understand. Yes; I will answer it. I think the bill that was brought in covered all the necessities.

Mr. GORDON. Both purposes?

Mr. GARRETT of Tennessee. Yes. Now, I have answered the question.

Mr. Chairman, I hope this amendment will prevail. I think it ought to prevail. If it does not prevail, then we have gone into the realm of——

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BANKHEAD. In answer to the inquiry of the gentleman from New York [Mr. LONDON], as to whether or not there was any precedent for the issuance of a proclamation addressed to the people of the United States——

Mr. LONDON. By a member of the Cabinet——

Mr. BANKHEAD. Yes; by a member of the Cabinet, the gentleman from Tennessee replied that he knew of none. I want to ask the gentleman from Tennessee if he does not think it would probably establish a very dangerous precedent to authorize a Cabinet officer to issue a proclamation? If the power is granted at all, should it not apply to the power of the President of the United States instead of a Cabinet officer?

Mr. GARRETT of Tennessee. Well, the answer which I made to the inquiry of the gentleman from New York was that I did not remember whether there was a precedent, and I do not; but inasmuch as the entire operation of the machinery in this bill is placed in the hands of the Secretary of Agriculture, and inasmuch as the President has nothing to do in any sort of way under the terms of the act with its operation, it occurred to me as being proper to permit that official who had the authority under the terms of the act to issue the proclamation. But I would not object to making it incumbent on the President to make the proclamation.

Mr. BANKHEAD. Does not the gentleman think that it would be wiser for the President to make the proclamation?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LEVER. Mr. Chairman, I do not want to close the debate now while anybody wants to speak, but I ask unanimous con-

sent that the debate on this section and all amendments thereto close in 35 minutes. I wonder if gentlemen who have asked for five minutes would not be content with three minutes?

Mr. BUTLER. Two for five.

Mr. GORDON. I would like to have five minutes. I have not yet spoken on the bill.

Mr. LEVER. Mr. Chairman, make it 35 minutes, the Chair to control the time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this section and all amendments thereto conclude in 35 minutes.

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I desire to move at the proper time to strike out this paragraph. I would like to have five minutes on that.

Mr. LEVER. I presume the gentleman can get five minutes.

Mr. MOORE of Pennsylvania. Would not the gentleman's request preclude that?

Mr. LEVER. No; I would not think so.

Mr. BANKHEAD. Mr. Chairman, I want to offer an amendment to the amendment.

Mr. GREEN of Iowa. Would it not be better to give each Member speaking five minutes?

Mr. LEVER. Mr. Chairman, I do not desire to move to close the debate. I have not done it in the consideration of this bill, but I have almost reached the point of physical exhaustion on this floor here for the last three or four days. While I have tried to be liberal, I do not want to be forced to move to close debate, but I shall feel, unless gentlemen are a little bit liberal with me and the committee in charge of this bill, that I shall have to do it. I will modify my request, Mr. Chairman, by asking unanimous consent that the debate on this section and all amendments thereto shall close in 40 minutes, to be controlled by the Chair.

Mr. WALSH. Mr. Chairman, reserving the right to object——

Mr. COX. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection.

Mr. LEVER. Then I move——

Mr. WALSH. If the gentleman moves, I will make the point of no quorum.

Mr. LEVER. Mr. Chairman, the gentleman from Massachusetts is only trying to limit these speeches to three minutes. I wonder if the gentlemen who have requested time will not be willing to accept that proposition?

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this section and all amendments thereto be concluded in 40 minutes, and that the gentlemen speaking during that 40 minutes be limited to 3 minutes each. Is there objection?

Mr. LINTHICUM. I suggest the substitute, that all debate on the bill and all amendments be concluded in 40 minutes.

The CHAIRMAN. The Chair will say to the gentleman that this is the last section of the bill.

Mr. LINTHICUM. Well, people may want to strike out the last word, and all that.

Mr. LEVER. Nobody is objecting.

Mr. LINTHICUM. I withdraw my suggestion.

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman——

Mr. LEVER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 40 minutes, the Chair to control the time, and that the speeches be limited to 3 minutes.

Mr. SAUNDERS of Virginia. Mr. Chairman, I make the point of order that the gentleman can not include in his motion.

Mr. LEVER. Then I withdraw that part of it.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this section and all amendments thereto close in 40 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BANKHEAD. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The gentleman from Maryland [Mr. PRICE] is recognized.

Mr. PRICE. Mr. Chairman, the Committee on Agriculture says in its report that they recognize that the farm-labor situation is the most serious one to the farmers of this Nation. I think that any man who comes from an agricultural section of this country will agree to that proposition. I know that in my own district it is an acute problem, and I want to say that something will have to be done to cure it. While the legislation proposed in this bill is not ideal, yet I propose to support it, because it may, perhaps, accomplish something.

The chairman of the committee stated here yesterday, in answer to a question, that if this bill were passed it would be likely to produce, according to their calculations, some 30,000,000 additional bushels of wheat in this country, and he warned this committee that the time might come when the bread line might be interrupted between this country and France, and where this prospective 30,000,000 bushels might be the deciding factor in this war.

With that idea in mind, Mr. Chairman, it becomes a serious matter to vote against this proposition, however much we may dislike this sort of legislation. The fact is that 1 000,000 bushels of grain might be the deciding factor in this war, and I shall therefore support this bill.

The main point I wish to discuss, however, is farm labor. I saw a statement the other day from Prof. Wood, president of the agricultural college of my State, in which he said that, according to the best estimates that they could get, the farms of Maryland are short 9,000 men. Assuming that one skilled farm laborer can cultivate 20 acres of ground, that would mean 180,000 acres of productive land in my State that will not be tilled. I presume these same conditions exist all over the country. The causes of this are various. One is that the munition factories and governmental activities generally have taken great numbers of farm laborers at high wages away from the farms. Another is that the draft law has operated to the detriment of the farm and has resulted in many places in stripping the farms of labor. It is proposed that another draft of farm laborers be made. I want to say to you that the farms of this Nation can not stand another drain by the draft or from any other cause, if you are to produce the food that is to win this war.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. Certainly.

Mr. CANNON. As it is important to have something to eat at home and abroad, does not my friend believe that the farm laborers will be cared for under existing law, or under a law to be passed before the next draft?

Mr. PRICE. I hope so; but as a matter of fact it has not been done, and it is recognized that there is a defect in that respect, because the War Department has recently modified its rules and regulations to the extent that they are placing farm laborers at the bottom of class 1. I do not believe they ought to be in class 1 at all, and I propose to offer a joint resolution, to bring this matter before Congress, placing farm laborers in a deferred classification.

Mr. BLAND. Does not the gentleman know that we passed a furlough bill for the benefit of farm laborers, to enable those who are in camps and cantonments to go home and help in putting in the crop?

Mr. PRICE. I do.

Mr. BLAND. Does the gentleman know whether it is going to be put in operation or not?

Mr. PRICE. That is simply a recognition that there is something wrong with the system. I fear that before this law can be put into full operation another call will be made further depleting the farms of their labor and the farmers already in camps be sent away, thereby rendering this furlough law of little value. It is evident, therefore, that some additional law or regulations must be passed to meet this very serious situation. I therefore propose to introduce to-day a resolution that will, in my opinion, largely cure the existing trouble should it be acted on favorably by this Congress.

Mr. HARRISON of Virginia. I call the attention of the gentleman to the fact that under the rules and regulations that the Provost Marshal General has adopted shipbuilders and those engaged in the shipbuilding industry are put into a deferred classification and, according to the testimony of Gen. Crowder, that has operated to the very great advantage of that industry.

Mr. PRICE. That is true, and the resolution that I have referred to is intended to treat farm labor in the same way, and I have no doubt will operate with success, the same as shipyard labor. I shall insert the text of the resolution in the RECORD, so that gentlemen may familiarize themselves with its provisions, and at the proper time I shall ask the Committee on Military Affairs to report it to this House for its consideration.

The resolution is as follows:

House Joint Resolution 272.

Joint resolution authorizing and directing the President of the United States to so amend the selective-service regulations as to place in a deferred classification all registrants who are bona fide farmers or farm laborers, including owners and managers of farms and overseers of farm operations and laborers regularly employed thereunder, and to formulate regulations for special "food-producing classification lists" by the local boards and prescribing that the classification of such registrant shall not be changed so long as he shall be engaged in such occupation, except that so long as he remains on the "food-producing classification list" he shall be regarded as not available for military service, and in all respects as though he stood classified in class 5.

Whereas the United States of America is now at war with the Imperial Government of Germany and her ally, Austria, for the successful prosecution of which we have pledged all the resources of the Nation; and
Whereas one of the chief and fundamental resources is the products of the farm; and
Whereas the magnitude of our war preparations has made such an unusual demand upon labor that farm laborers in large numbers have been induced by high wages to abandon their usual occupation on the farm; and
Whereas the operations of the selective-draft act as administered through the selective-service regulations has resulted in a further depletion of farm labor; and
Whereas further depletion of said labor will seriously affect the production of the farm which will prove disastrous to the successful prosecution of the war; and
Whereas the raising of food and the increased production thereof is absolutely necessary to the cause of human freedom to which we have pledged ourselves; and
Whereas the Food Administration is continually calling upon our people to further conserve food, as well as calling upon our farmers for increased production; and
Whereas our allies are constantly reminding us that more American farm products than heretofore supplied will be required to feed them, and our own large and continually increasing Army; and
Whereas the selective-service regulations has made especial provision for workers in shipyards while engaged in the building of ships, which for the successful prosecution of the war is next in importance to food itself, which regulations have resulted in an ample supply of labor for this purpose; and
Whereas we believe some special regulations regarding farm labor will bring equally as good results: Therefore, be it

Resolved, etc., That the President of the United States is authorized and directed to so amend the selective-service regulations as to place in a deferred classification all registrants who are bona fide farmers or farm laborers, including owners and managers of farms and overseers of farm operations and laborers regularly employed thereunder, and that a special "food-producing classification list" of registrants shall be made by the local boards under such regulations as the President may prescribe, and the classification of such registrant shall not be changed so long as he shall be engaged in such occupation, except that so long as he remains on the "food-producing classification list" he shall be regarded as not available for military service, and in all respects as though he stood classified in class 5.

Mr. Chairman, the operation of the draft law has already taken 215,000 men from the farms of the Nation, which is 20 per cent of the total and more than the proper proportion, as less than 13 per cent of the total population of the country are farmers. It is therefore evident, Mr. Chairman, that the farm has contributed more than its proper share to the National Army already raised. In addition to that, Mr. Chairman, it has been estimated that 1,750,000 farmers have been induced by high wages to leave the farms to engage in munition manufacture and other war work, leaving the farms of the Nation already depleted of about 2,000,000 workers. If this estimate is correct, or approximately so, and this shortage can not be replaced, it means that 40,000,000 acres of productive land in America can not be cultivated, and are therefore eliminated from food production. This, too, at a time when we are called upon to feed about two-thirds of the world. Not only that, Mr. Chairman, but when to fail may mean the loss of the war, which means the destruction of all our dearly bought liberties, in fact the destruction of civilization itself. In less than one year of war we have already felt the necessity of food conservation and have in fact realized an actual shortage in some foods. Every day we are warned by the Food Administration of the necessity for cutting down our food supplies, and almost every day our governmental agencies are urging increased food production to make sure the feeding of our soldiers and sailors and our people as well as the feeding of the armies and peoples of our associates in the war.

In the face of these conditions we find large numbers of farm laborers included in class 1 A of the draft uncertain as to the date of their call to service, which further embarrasses the farm operations of the country. This embarrassment and uncertainty should be removed and removed immediately. I have made an investigation in my own district and find from the figures submitted by the local boards that just about 25 per cent of the registrants classified in class 1 are farmers. I presume this is a fair index for the country at large. Should a call for another million be made, that would take another quarter million men from the farms, which in my judgment spells disaster and in all likelihood will be the direct cause of the interruption of the bread line between the storehouses of America and the battle fields of Europe. This is too serious a matter to trifle with or take any chances on, and I warn this House and the country now before it is too late. My mail is filled daily with complaints from farmers setting forth clearly the situation and its dangers, and I urge upon the Members of this House the wisdom—aye, the necessity—for the protection of the farmer in this labor crisis which also means the protection and perhaps the preservation of the Nation.

Mr. BANKHEAD. I move an amendment to the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words "Secretary of Agriculture" where they appear in the amendment and insert the word "President."

Mr. BANKHEAD. I do not see the gentleman from Tennessee on the floor, but he stated to me that he would have no objection to that amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I have an amendment to the section.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 6, line 1, after the word "means," strike out the word "in" and insert "outside," and strike out the words "and elsewhere."

Mr. WALSH. Mr. Chairman, this amendment simply provides that this money, for rent and the employment of labor, shall be expended outside the District of Columbia. I do not think this is a good time to bring more clerks and Government employees into the District or to spend more money for rents here. Furthermore, inasmuch as this work is to be carried on in the wheat-growing States, I submit that the Government can establish its headquarters, for instance, at Bozeman, Mont., where they have a great agricultural college, and the work can be more economically and more efficiently conducted in that part of the country, and the administrative officers can keep in touch with the Department of Agriculture here in Washington and carry on the work just as well as if we brought down a hundred or two clerks, messengers, stenographers, and assistant superintendents and put them here in Washington.

Mr. SEARS. I agree with much of what the gentleman has said, but the gentleman said this was going to be carried on only in certain States. I call attention of the House to the fact that the House amended that, and now we can supply seed wheat to sow anywhere.

Mr. DEMPSEY. I should like to ask the gentleman from Massachusetts a question.

Mr. GORDON. The gentleman yields to me the remainder of his time.

Mr. WALSH. I yield to the gentleman from Ohio.

The CHAIRMAN. The gentleman can not yield his time.

Mr. GORDON. Does the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. GORDON. Does your amendment apply to the amendment that is pending?

Mr. WALSH. My amendment applies to the section.

Mr. GORDON. Then it is not in order at this time. I want to speak on the amendment of the gentleman from Alabama [Mr. BANKHEAD].

Mr. WALSH. I have answered the gentleman's question. Now I yield to the gentleman from New York [Mr. DEMPSEY] for a question, and then I will yield the floor.

Mr. DEMPSEY. What the gentleman says seems to apply solely to the disposition of seed. It does not seem to apply to the mobilization of labor. For instance, his illustration as to headquarters, which he said could be established in Montana, would hardly apply to the mobilization of farm labor.

Mr. WALSH. Oh, no; and you could not mobilize farm labor from an office in the District of Columbia. That, I assume, will have to be done by agents, who will be sent out from the Department of Agriculture. It is unnecessary that they should establish headquarters here in Washington for that purpose. They can be sent out, and I believe are now being sent out by the Department of Labor and the Department of Agriculture, also. What I mean to accomplish by my amendment is to have the headquarters for the loaning of this money and the making of the arrangements to supply the seed at a place within the reach of the States where the aid is going to be given, and not to clutter up Washington with additional clerks, stenographers, and other employees and with the renting of other buildings. Let us keep some of them out there nearer to the scene of the action which the department is going to conduct.

Mr. DEMPSEY. Does not the gentleman believe that the purpose of his amendment could be accomplished better by changing the wording of it?

Mr. WALSH. In reply to the gentleman I do not think that any part of this $100,000 appropriated under this act will ever be used for the purpose of mobilizing labor, because I think that is already being done under the appropriation which the department now has, and that it can be conducted without disturbing this appropriation in any way whatever.

Mr. GORDON. Mr. Chairman, I have listened to all of the debate upon this bill. The impassioned argument of the chairman of the committee yesterday reminded me of a little story

that appeared in Life a few months ago. It was an interview between a landlord and his chef. He called the chef in and says, "You cut the portions in half and I will double the prices, and we will win this war." [Laughter.]

That sums up in the practical effect of the argument of the chairman of the committee. "Why," he said, "you are threatened with the bread line, and there is a great necessity. Mr. Hoover has informed the committee that there is need for an increase in the production of wheat." That is wholly beside the question of the bill. The President's letter says that any necessary and proper legislation to increase the production of wheat ought to be enacted. I agree to that.

The object of this debate is to find out whether or not this legislation is practical and necessary, and whether or not it will accomplish the purpose. The legislation as reported by the committee was a mere scheme to give money to a lot of the "ragtag and bobtail" who do not have any money or credit enough in the community in which they live to borrow any. That is all there was to the bill. Every practical and sensible provision of the bill was included in the Agricultural bill a year ago. There was authority there to mobilize, as far as practicable, farm labor, and to sell seed to the farmers at cost for cash. That is as far as the Government ought to go. This going around and looking for somebody to loan money to for the Government, who can not get trusted where he is known, is disgraceful and will not accomplish anything. It is pandering to a lot of the "ragtag and bobtail" that have no credit—proposing to take Government money and loan it without security to fellows who can not borrow from anybody else, on the pretense that they are going to save us from starvation. [Applause.]

Mr. BAER. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. BAER. Does the gentleman consider that the shipyards and the war industries to which the Government is loaning money——

Mr. GORDON. Oh, we are not loaning any money to them without security, and there is the real point.

Mr. BAER. What kind of security? They have nothing but the "know how."

Mr. GORDON. No; they have plenty of land and other property—millions of dollars' worth.

Mr. SWITZER. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. SWITZER. Under the provisions of the war-finance bill, does not the man have to bring a certificate that the banks will not loan him any money?

Mr. GORDON. That is a different thing. The war-finance bill is based upon a condition created by the Government itself in monopolizing the credits of the country by the sale of Government bonds, and there was a real necessity for that legislation. That legislation does not propose to give anybody anything.

Mr. BAER. It is the same way here.

Mr. GORDON. The only necessity for this legislation is that a lot of fellows who have not got any money or credit or character, who can not borrow any money from individuals, want to borrow it of the Government without security, and that is all there is to this bill. [Laughter and applause.] You have my opinion of the bill. [Laughter.]

Mr. TIMBERLAKE. Mr. Chairman, I have listened to the discussion on this bill for three or four days with a good deal of interest, and am very much surprised in many instances. Especially have I been surprised just now in listening to the remarks of my colleague, the gentleman from Ohio [Mr. GORDON], speaking of those who will be the recipients of the benefits of this bill as the ragtail and bobtail of society and of the country.

I come from a State, while not mentioned in this bill as one entitled to the provisions of the bill, yet we raise a great deal of spring wheat in Colorado, and for the past 30 years I have been intimately and well acquainted with the farmers of that district.

The men who will make application for the provisions of the bill are the homestead farmers, and in my judgment they are men of very high character. Perhaps they may be unable to furnish the security required by banks to buy seed. They are high class in every respect. They are honest and patriotic citizens. They have been reduced by circumstances over which probably they had no control to the condition they now occupy, "that of homestead entrymen," builders of the great West.

Mr. VENABLE. Will the gentleman yield?

Mr. TIMBERLAKE. I will.

Mr. VENABLE. The theory of the bill is that these people who need this aid are not able to borrow $450, or any part thereof, in the local communities where they live. Hence it becomes necessary that the Government should extend to them credit without security. What is the reason that the people in the gentleman's district are in this condition that they are not able to borrow any money at all in the local community?

Mr. TIMBERLAKE. Let me answer that by saying that these people who will perhaps be the beneficiaries under this bill are residing on homesteads to which they have not secured title, and the only security they would be able to offer is that which is contemplated in this bill—a mortgage on their crop, a chattel mortgage which would require in that western country a very high rate of interest, which they ought not to be called upon to pay.

Mr. VENABLE. That is all based upon the property qualification. Why can not they get some loan on character?

Mr. TIMBERLAKE. If there was a plethora of money in that country, as is true in portions of the country which are fully developed, money could be loaned at rates of interest that would probably take care of applicants for loans of that character. There are very large demands for money in the West and the banks are not always able to supply that demand where undoubted security is offered; hence the man who has little security or none to offer can not be or is not taken care of.

Mr. DILLON. Will the gentleman yield?

Mr. TIMBERLAKE. Yes.

Mr. DILLON. Will the gentleman state what rate of interest these pioneers who have no title to real estate must pay?

Mr. TIMBERLAKE. Ten per cent, I will say, usually, and not infrequently 12 to 15 per cent on chattel security. At two different times during my residence in Colorado I have contributed in raising money by subscription in order to furnish seed to homestead farmers. And I want to tell you that we never lost anything. If they were not able to repay the first year they repaid whenever they had a crop that would enable them to do so.

Mr. KEARNS. The gentleman says that they have to pay from 10 to 12 or 15 per cent interest out there?

Mr. TIMBERLAKE. At least that upon chattel security.

Mr. KEARNS. If that condition exists in the gentleman's State, ought it not to be remedied?

Mr. TIMBERLAKE. It is a condition that will regulate very largely itself with development, but when there is a large demand for money, as there is in the development of a new country, it is only reasonable that a high rate of interest should obtain. I am very much interested also in the labor provision of this bill. How labor can be procured I am unable to say, but the demand for labor, if we are going to increase the crop production as we should in that country, needs very careful consideration by this House.

Mr. SUMNERS. Mr. Chairman, it has been stated many times during this debate that it is proposed to have the Government extend its credit without security. There is nothing to justify that statement. The Government is to be secured by every grain of wheat produced by the man who gets the money, and, in addition to that, the Government is to be protected by a criminal provision in the bill under which the borrowers could be sent to the penitentiary if he uses the money or grain furnished for any purpose other than that for which loaned, or sells one grain of the wheat raised before the Government is fully repaid. Let us see if this is not a fair deal for the Government. Out in the northwestern country there are farmers who know how to raise wheat. In that territory the production of wheat is more or less hazardous. They had a drought in some of those sections last year. Many of these farmers are homesteaders. They have no established personal credit. The banks can not supply their necessities if they did have. The Government says to these farmers, "We are engaged in fighting a great war, we need more wheat." Gentlemen, this legislation is not for the benefit of these people who live in that territory; it is for the benefit of the Nation. Under the provisions of this bill the Government says to those people who live up there, "We recognize that the Government must have more wheat than would probably be needed under ordinary conditions, more than the land in prospect of wheat production will probably produce. The Government wants you to do your best to help out this situation. The Government knows you have got to take a chance, and the Government of the United States is willing to bet the cost of the seed wheat that you can raise a crop of spring wheat if you will bet your labor and the use of your land. Do this, and let us see if we can not raise more wheat in America than we now propose to do." Gentlemen, that is all there is to this bill. [Applause.] Just a plain practical trade between a Nation needing a large wheat production and a lot of farmers who, if given a little help, can help meet that need.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS. Yes.

Mr. HUSTED. The necessity for this legislation is based upon the fact that these men have failed to make a crop on these lands, and if that is true, is it not a bad business proposition

in times like these, when dollars are so much needed, to gamble $7,500,000 of the people's money?

Mr. SUMNERS. Let me answer you. The year before last I had a piece of overflow land that I wanted my tenant to plant some wheat on. Wheat was high, labor was high, and the man could not afford to take the whole risk. I told him that I would risk the price of the grain, the seed wheat, if he would risk the labor. By my taking a part of the hazard he was able to take the rest of it and we won. That is this proposition. [Applause.] These men are on their own homes. They will try to raise wheat there or not at all. I understand that that territory is fairly dependable; and if it were not for the fact that the country is new, that it had a drought last year, and wheat is so high now these people would need no help perhaps. But I repeat, gentlemen, this bill is not for those people. It is for the Nation.

Mr. YOUNG of Texas. In this case, instead of asking the landlord to make the gamble, you are asking the Government to take the tax money of the people and gamble it.

Mr. SUMNERS. The Government of the United States is more interested than the landlord is. Besides, many of these people are on their own new-made homes. The Government of the United States, if it be a gamble, is gambling for its life. That is what some of my colleagues from the South do not seem to appreciate. The Nation's life is at stake; and the Nation says, "We must have more bread; we have utilized certain territory for wheat, but we do not have enough; we have got to go out into the territory where men take chances, even where men take big chances." Up in the Northwest, farmers went up against a drought last year and they have not got the money this year to buy seed and make a crop; they can not borrow the money. The United States will put up the wheat if they will go out there on those plains of the West, plant a crop, and harvest it. The Government then says to them: "This is a straight business deal. This is no something-for-nothing proposition. If you sell one grain of that wheat before paying the money you owe the Government, you will be put in the penitentiary." When a man mortgages his grain and his labor in that fashion, you gentlemen of the opposition get up here and talk about the Government having no security. These men hypothecate their liberty and put a mortgage upon their good names as a guaranty of integrity of transaction. They put a mortgage upon every grain of wheat that comes from their honest toil, and yet you talk about no security and denounce this as a paternalistic and socialistic proposition. Where are you going to get the wheat which we have got to have? I want results.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS. No; I can not; my time has almost expired. Just the other day we set aside $500,000,000 to be loaned to private concerns, and one of the conditions provided in the act was that no concern could get any of that money unless its credit was below that of the best commercial institutions. You gentlemen of the opposition practically all voted for that bill. You swallowed it down and did not bat an eye. But when a man who is out in the fields of this country and is willing to help this country win a great war comes here and asks for a little pittance, pledges the use of his land and the strength of his body to repay the debt, you talk about socialism. Mortgages every ounce of the energy in his body from the beginning of the planting season until the thrasher ceases its hum, and you talk about no security! What do you want? He is giving you the best security on earth.

We take some chance; but we take a bigger chance if we refuse to take this chance. I am willing to take the chance with the money, but I am not willing to take the chance of not doing the best I can to insure the maximum of effort to produce the grain necessary to sustain the morale of our people during the trying times upon which we are just entering and to sustain our boys on the other side who to-day, while we debate this bill, are receiving their baptism of fire. [Applause.]

Mr. MORGAN. There is one matter that I presented yesterday that I desire to call attention to again. Section 1 of the bill limits loans to the crop of 1918. The wheat planted this fall—in 1918—will be the crop of 1919. Hence no loans could be made to aid farmers planting wheat this year. I insist that the bill should be amended so as to apply to wheat sowed or crops planted in 1918. To say that we will aid the farmers who sow wheat in the spring of 1918 and not aid those who sow wheat in the fall of 1918, to my mind, is an unjustifiable discrimination. But beyond this, the object is increased wheat production. We should provide for this increased production in both the spring-wheat area and the fall-wheat area. Now, why not amend this bill so it would apply to crops planted in 1918? Certainly the spring-wheat area is very limited. If this bill is worth anything at all, it ought to include the contingency of what might happen this fall. So I appeal to gentlemen from the State of Kansas, to gentlemen from northwestern Texas, to gentlemen from eastern Colorado, to gentlemen from Nebraska, to my colleagues from Oklahoma, and to all of you, to permit this bill to be amended so that it will apply to crops planted in 1918. Do not discriminate against three-fourths of the semiarid regions where one-third of the wheat of the United States is produced from year to year. [Applause.]

The CHAIRMAN. The gentleman from North Dakota [Mr. YOUNG] is recognized for four minutes.

Mr. YOUNG of North Dakota. Mr. Chairman, I wish to call attention to the fact that this amendment is offered at the last moment by an enemy of this bill, and is being supported by men who have said in this debate that this bill would do no good, because it was to be passed so late. It was said there was no use——

Mr. HUSTED. Will the gentleman yield?

Mr. YOUNG of North Dakota. I have but four minutes. That it was no use to pass this bill because it will become a law so late it can not be put into operation until this planting season is over. By offering this amendment it means the adding of red tape to the administration of the bill, with consequent delays, and if those gentlemen were right when they were talking yesterday, that this bill ought not to be passed and the House ought not to take up its time to consider it, because it was too late, then to-day, if they are consistent, they ought not to be in favor of this amendment, which will delay the administration of the act.

Mr. WALSH. The gentleman is not referring to the amendment offered by myself?

Mr. YOUNG of North Dakota. I am talking of the one offered by Mr. GARRETT of Tennessee. What was the amendment offered by the gentleman from Massachusetts?

Mr. STAFFORD. To have the clerical work done outside of the city of Washington.

Mr. YOUNG of North Dakota. That is silly, because there ought not to be any unnecessary restrictions on the administration of this bill. Action by the department will have to be quick if the law is to get seed where it is needed before the planting season is over.

Mr. WALSH. It is right in the bill. They can do it, and I am compelling them to do it; so if it is silly, the committee brought the silliness into it.

Mr. YOUNG of North Dakota. There is nothing in this bill to compel the Secretary of Agriculture to take the administrative force to any particular point of the United States, and ought not to be. It is true that the Department of Agriculture is working on a plan to put this bill in operation. The Secretary has done just as much as he possibly can in that direction, and just as soon as this bill is passed I do not doubt it will be put into operation very quickly if we do not load it down with red tape; if we do not load it down by passing amendments like the one offered by Mr. GARRETT of Tennessee—offered by a man who has shown he is unfriendly to this bill.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. GARRETT of Tennessee. Does the gentleman favor the bill independent of its war character?

Mr. YOUNG of North Dakota. There is no need of raising that question, because there is a war on now and everybody recognizes there is a war necessity for this bill. The author of this bill would never have asked for its consideration had it not been for the need of an increased food supply for our people and for the armies of the United States, France, England, and Italy.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Washington is recognized for two minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I oppose the amendment of the gentleman from Tennessee [Mr. GARRETT]. Efforts have been made to overload the bill with amendments, and some of doubtful value have been added during this consideration of the measure. I am supporting the bill for the reasons ably set forth by the gentleman from Michigan [Mr. CRAMTON] and others. Rather than continued amendments I would have preferred to see the bill tightened to its original purpose, and the section which appropriates $2,500,000 for an Agricultural Department bureau of labor stricken out. However, I did not press such an amendment, as I desired not to delay the bill. In my opinion the new bureau will overlap and run counter to the Department of Labor's Bureau of Labor, produce confusion, unnecessary competition, and additional governmental expenditure. But that section has been retained, so detailed discussion of it now is unnecessary. I have opposed the various amendments, and voted to keep the bill alive when the southern cyclone suddenly sprang up against it and

nearly swamped it the other night. However, one amendment is pending that I think might be adopted, the amendment of the gentleman from Massachusetts. For some time I have thought that additional side-line governmental activities in connection with the war should not be brought into the overcrowded city of Washington. I note that the Shipping Board a while back seriously contemplated moving to Philadelphia, with its thousands of office employees. It should have moved there. This seed-purchase bureau might be in Chicago or Minneapolis rather than here. But I presume that the headquarters of this new activity will prefer to be in Washington, because here we find the headquarters of the new weekly Government publication known as the Seed Distributor, or something like that, a 5 or 6 weeks' old "war baby" published in the interests of——

Mr. SWITZER. Of the borrower?

Mr. JOHNSON of Washington. Not the interests of the borrower. And then there is the United States Employment Service Bulletin—a weekly newspaper. It is another "war baby" and only 8 weeks' old. And there is the Emergency Fleet News—also a "war baby" and about 4 weeks' old. There seems to be dozens of these departmental newspapers being printed by the Government nowadays, when everything is congested, sent out under departmental frank, literally jamming the mails, and all proclaiming themselves house organs, and nearly all of them useless.

Mr. WALSH. When the gentleman said "house organ," did he mean Col. House?

Mr. JOHNSON of Washington. Oh, no; but, of course, there is the Official Bulletin, which is "higher up" than these "seed" publications. I mean house organs in the sense that department stores use the phrase. These Government newspapers call themselves house organs, but in reality they are departmental organs.

I sincerely hope that the liberal sum mentioned in this bill for printing and the like in connection with the putting out of seed in the stricken districts of the Northwest will not, any part of it, be used for another governmental newspaper. Even though the wheat situation entitles this bill to come in as a war necessity, these governmental weekly newspapers are simply masquerading when they pretend that they are necessary to the conduct of the war.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Mississippi [Mr. CANDLER] is recognized for four minutes.

Mr. CANDLER of Mississippi. Mr. Chairman and gentlemen of the House, I hope this amendment proposed by the gentleman from Tennessee [Mr. GARRETT] will be adopted. All the time during consideration of this bill in the Committee on Agriculture it was urged that it was a war measure. It was put at no time on any other ground. It was urged that it was necessary to pass this bill at this time because of conditions existing by reason of the war, and it was conceded, eliminating that view, in normal times there would be no justification for it. Not only was it urged all the time before the committee as a justification and a reason for passing this bill that it was a war measure, but it has been continuously stated and emphasized upon the floor of the House from the commencement of this discussion up to this present moment that it is a war measure, and that was the justification for passing the bill.

Mr. KEARNS. Will the gentleman yield?

Mr. CANDLER of Mississippi. I regret, my friend, I have not the time.

So if that is true, I see no reason on earth why it should not be stated in the bill itself. In all other war measures that have been passed statements, though not exactly similar to this, but sufficient to put them upon war grounds, have been included. Now, the delay which might occur by this provision if put in the bill is not well founded, it seems to me, for the reason that this matter has been under consideration for a considerable length of time. It is stated that arrangements have been made already to put it into effect immediately. If arrangements have been made, if the investigation has already taken place, then no delay can possibly occur. The President can get the facts promptly and act without delay. [Applause.]

Mr. LEVER. Will my colleague yield?

Mr. CANDLER of Mississippi. Always, to the chairman of our committee, with pleasure.

Mr. LEVER. After a reconsideration of the Garrett amendment, I think I am in position to say that, as far as the chairman of the committee is concerned, he has no objection to it.

Mr. CANDLER of Mississippi. I am very much gratified to hear the chairman of the committee make that statement. I call the attention of the House to the fact that now the chairman of the committee [Mr. LEVER] states that upon reconsideration of the amendment, and realizing the force and effect of it, so far as he personally is concerned he will not object to it, but will vote for it. The chairman of the committee being for the amendment, I hope there will be no serious opposition to it. So far as I am concerned, I am always in favor of stating the facts and the truth, no matter what it is, in bills as well as everywhere else, and if it is the fact and it is the truth that the foundation, the reason, and justification for the passage of this bill is that it is a war measure, then there should be no objection on the part of anybody to stating the truth in the face of the bill and putting it upon that ground. I know the adoption of this amendment will bring considerable support to the bill which it does not have now. Its adoption and incorporation into the bill will promptly remove considerable determined opposition to it, and therefore I urge upon the friends of the bill the importance of this amendment and assure them that its adoption will be very beneficial. I hope the amendment will be adopted. [Applause.]

The CHAIRMAN. The gentleman from Michigan [Mr. MCLAUGHLIN] is recognized for four minutes.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am not in favor of the amendment, because it would involve delay that ought not to be made possible. This bill should be passed at once, and the Secretary, without a moment's delay, must enter upon the execution of it, if it is to be of any effect whatever. I am opposed to the amendment for the further reason that it makes the execution of the law depend upon the proclamation of the Secretary of Agriculture. The Congress of the United States, if this bill becomes a law, will itself have declared that it is a war measure, and that it is wise and necessary during the existing emergency, and Congress does not need to wait for the word of the Secretary of Agriculture or any other official. The Congress knows enough itself to determine some of these things. Why should we delegate authority to one after another of the executive officers? Why, one watching legislation, as time goes on, sees bill after bill passed, law after law enacted, to be executed "in the discretion of the Secretary of Agriculture," the "Secretary of the Interior," the "Secretary of War," and so forth. Is Congress losing its power to think and act for itself? We have considered this measure day after day, and we know as much about it as does the Secretary of Agriculture. Everyone who has spoken of it has said that this would never have been suggested but for the war emergency, the need of additional supply of wheat because of the war. We know that. We have declared it. The passage of this act declares it. We do not need to have the Secretary of Agriculture or anyone else declare it and issue a proclamation to that effect.

I trust the House will retain a little bit of its independence and pass this law without referring it to the Secretary of Agriculture.

Mr. LITTLE. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. LITTLE. In any of these other bills that have been passed as war measure has there been any such an amendment.

Mr. McLAUGHLIN of Michigan. Sometimes, I think, but not often.

Mr. LITTLE. The President has announced, with many of them, that they were war measures?

Mr. McLAUGHLIN of Michigan. We have declared them war measures, and we have not left it to be determined by an executive officer whether we were right or wrong in so declaring. And I say that with respect for the Secretary of Agriculture, one of the great men of this administration, an official for whom I have the highest regard. I do not wish Congress to humiliate itself by "passing the buck" to the Secretary of Agriculture or anybody else.

Mr. WALSH. The gentleman knows the amendment has been amended as now to give that power to the President of the United States?

Mr. McLAUGHLIN of Michigan. The Congress is abundantly able to think for itself, and ought to do so in some of these matters, and I object to an amendment of that kind in any form.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] is recognized for two minutes.

Mr. HULL of Iowa. Gentlemen, I want to say a word in regard to this legislation. I do not know that I can inform you any on the matter, but if there is any kind of legislation that I ought to be posted on it is legislation of this kind.

I spent 20 years in buying from and selling grain to farmers, and every spring every grain buyer was confronted with this difficulty of furnishing seed to the farmers. Now, my district, at the present time, I presume, is as independent as any district in this country would be as far as legislation of this character is concerned, and I presume it will not aid them in any way. I will say, however, that I believe that there are places in this country where this character of legislation will be of great

assistance in producing more foodstuffs, and I expect at this time to vote for the measure, and I do it fully conscious that there are some things in the bill that probably ought not to be there. However, I believe, as a whole, the measure is meritorious and ought to receive the support of every Member of this House. [Applause.]

Mr. RUBEY. Mr. Chairman, is there any time left?

The CHAIRMAN. There are six minutes remaining.

Mr. RUBEY. Mr. Chairman, I want to take two minutes just simply to say that I am absolutely and unalterably opposed to the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. I do not think this is a time for this House to say that we are going to pass a bill; that we are going to vote for a bill; but that it shall not go into effect until the President of the United States issues a proclamation saying it is a war necessity. I have unbounded confidence in the President, and I have no objections to his issuing such a proclamation, but this is simply a plan devised by gentlemen here in order that they may put themselves in position where they can support the measure. This amendment is put in here in order to relieve them of any responsibility in voting for the bill. Now, that is all there is to it. That is all the amendment is brought in here for. It is proposed by a gentleman who is absolutely opposed to the bill; has been opposed to it, and is opposed to everything in the bill from beginning to end. He brings this proposition in here in order that those who are opposed to the bill may protect themselves. Put this amendment on here and then they can all answer "yea" when the roll is called on the final passage of the bill. Now, that is all there is to it, and I am unalterably opposed to it. I hope the House will vote it down. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEVER. Mr. Chairman, I desire to say a word.

The CHAIRMAN. The gentleman from South Carolina is recognized for three minutes.

Mr. LEVER. Mr. Chairman, when the amendment offered by the gentleman from Tennessee [Mr. GARRETT] first came to my attention, I felt inclined to be opposed to it. But practically all of the legislation that we have had touching the war has been put upon the basis that it was a war measure in the act itself. I can see no objection to this amendment. I understand that the President must proclaim the necessity. I take it that, inasmuch as the President is in favor of the bill, he must have the facts upon which he forms his opinion. The Secretary of Agriculture has announced himself in favor of the bill, and he likewise must have the facts. So that I can not see that any special delay can be occasioned by writing this amendment into the bill. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. CANDLER of Mississippi. Is it not a fact that all the other legislation along this line has provided for proclamations by the President?

Mr. LEVER. That is very true. I said so in my opening statement. I am satisfied that the bill can not be hurt in its effectiveness by this amendment.

Mr. FARR. Mr. Chairman, may I ask the gentleman how it will be helped?

Mr. LEVER. It will be helped in this way: There are a great many gentlemen in the House who feel that legislation of this kind ought to be predicated upon war necessity, and they would like to say so in direct terms.

Mr. FARR. Do you not think the common sense of those gentlemen ought to rescue them from a different conclusion?

Mr. LEVER. Well, you know there are common sense and uncommon sense, and we will have to deal with both of them.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. BURNETT. And it would take away the idea that it is a precedent for all time to come?

Mr. LEVER. Undoubtedly. This is only temporary legislation. It is not permanent legislation. I would not think for a second of voting for it in time of peace. I am going to vote for it because it is a war measure, and I will be glad to have the President of the United States so declare it to be and issue his proclamation.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. DECKER. Would it not be better for the House of Representatives to state on its own knowledge and information that it is a war measure? Why leave it to a coordinate branch of the administration to make a statement that we ourselves either believe or do not believe?

Mr. LEVER. My answer to that question is that the gentleman from Missouri has not offered an amendment to declare this a war measure. The proposition here is the amendment of the gentleman from Tennessee to declare this a war measure. We are dealing with the proposition as we find it.

Mr. DECKER. I am heartily in favor of the bill, and support it on the ground that it is caused by the needs of the war, and I think that we are the ones that ought to state it in the bill.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. RUBEY. Has the gentleman forgotten that the title of the bill as reported by the committee was "A bill to provide for the national security and defense and further to assure an adequate supply of food"? Is not that so?

Mr. LEVER. That is so.

Mr. GARRETT of Tennessee. That would be entirely true in time of peace.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. RUBEY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 78, noes 49.

So the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 6, line 1, after the word "means," strike out the word "in" and insert the word "outside"; and strike out the words "and elsewhere."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 6, after section 6, add the following as a new section:

"SEC. 7. That the provisions of this act shall be construed to apply to any crop planted during the year 1918."

Mr. LEVER. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Under the rule, I understand, the committee automatically rises, and the previous question is ordered. I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from South Carolina moves that the committee do now rise and report back the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to the motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7795) to appropriate $50,000,000 for the purchase of seed grain and feed for live stock, to be supplied to farmers and stockmen, and to create boards in the respective States to assist in carrying out the provisions of this act, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote on each amendment.

The SPEAKER. The gentleman from Massachusetts demands a separate vote on each amendment. The Clerk will report the first one.

The Clerk read as follows:

Page 3, line 16, strike out the words "in spring-wheat areas."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Massachusetts demands a division.

The House divided; and there were—ayes 97, noes 19.

So the amendment was agreed to.

The SPEAKER. The Clerk wil report the next amendment.

The Clerk read as follows:

Page 3, line 18, after the word "of," and before the word "wheat," insert the word "corn."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 18, after the word "oats," insert the word "rye."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 25, after the word "eighteen," strike out all down to and including the word "therefore," on line 4 of page 4, and insert in lieu thereof the following: "No seed shall be furnished or supplied under the provisions of this act unless the Secretary of Agriculture shall first secure the payment of the price for the same by good and sufficient first lien on all seed so furnished and supplied and upon all crops to be produced therefrom."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 4, after the word "that," strike out the rest of the line; line 5, strike out "accomplished." After the word "shall," strike out "as soon as"; line 6, strike out "possible after the close of each calendar year"; lines 8 and 9, strike out the words "during such calendar year," and insert, in line 4, after the word "that," the words "at the opening of the next regular session of Congress," so that as amended the section will read:

"SEC. 4. That at the opening of the next regular session of Congress the Secretary of Agriculture shall cause to be made to the Congress a detailed report showing all proceedings and transactions under this act. Such report shall, in addition to other matters, contain a statement of all persons employed, the salary or compensation of each, the aggregate amount of loans, advances, or sales, and the total amount thereof unpaid, and all receipts and disbursements under this act. *All moneys* collected by the United States under this act shall be covered into the Treasury as miscellaneous receipts."

The SPEAKER. The question is on the amendment.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 102, noes 29.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-six Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that section 4 of the bill as it now stands may be read for the information of the House, if that may interrupt the roll call. It is very short.

The SPEAKER. The fact has been ascertained that there is no quorum present, and you can not turn a wheel until you get one.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. We vote on the amendment, do we not?

The SPEAKER. Yes; you vote on the amendment that was just read.

Mr. WINGO. Would it not be proper to read the language?

Mr. WALSH. Mr. Speaker, I call for the regular order.

The SPEAKER. After you ascertain that there is not a quorum present, you can not do anything until you get a quorum. The question is on agreeing to the amendment which has just been read. The Clerk will call the roll.

The question was taken; and there were—yeas 184, nays 132; answered "present" 1, not voting 114, as follows:

YEAS—184.

Alexander	Browning	Carter, Okla.	Denison
Aswell	Brumbaugh	Chandler, Okla.	Dent
Austin	Buchanan	Church	Dominick
Ayres	Butler	Clark, Fla.	Doughton
Bacharach	Byrnes, S. C.	Clark, Pa.	Drane
Barnhart	Byrns, Tenn.	Claypool	Dunn
Beshlin	Campbell, Kans.	Collier	Dupré
Black	Campbell, Pa.	Connally, Tex.	Dyer
Bland	Candler, Miss.	Connelly, Kans.	Eagan
Blanton	Cannon	Cox	Eagle
Brand	Cantrill	Crisp	Elliott
Britten	Caraway	Delaney	Emerson
Fairchild, G. W.	Igoe	Moores, Ind.	Snyder
Farr	Ireland	Morgan	Stafford
Fisher	Jones, Tex.	Morin	Steagall
Foss	Juul	Mudd	Stedman
Francis	Kearns	Nicholls, S. C.	Steele
Freeman	Kelly, Pa.	Nichols, Mich.	Stephens, Miss.
Gallagher	Kettner	Oldfield	Sterling, Ill.
Gallivan	Kiess, Pa.	Overstreet	Stevenson
Garland	Kincheloe	Park	Stiness
Garner	Kitchin	Parker, N. J.	Strong
Garrett, Tenn.	Kraus	Phelan	Tague
Garrett, Tex.	LaGuardia	Platt	Taylor, Ark.
Gillett	Langley	Quin	Tilson
Glynn	Lazaro	Ragsdale	Treadway
Gordon	Linthicum	Rainey	Venable
Gray, N. J.	Little	Raker	Vinson
Greene, Vt.	Lonergan	Ramsey	Waldow
Gregg	Longworth	Rayburn	Walker
Hamill	Lufkin	Riordan	Walsh
Harrison, Va.	McAndrews	Robinson	Walton
Haskell	McArthur	Rogers	Watkins
Hastings	McCormick	Romjue	Watson, Pa.
Heaton	McCulloch	Rose	Watson, Va.
Heflin	McFadden	Sanders, Ind.	Weaver
Helm	McKeown	Sanders, La.	Webb
Helvering	McLaughlin, Pa.	Sanford	Welling
Holland	Magee	Saunders, Va.	Whaley
Houston	Mansfield	Shackleford	Wheeler
Howard	Martin	Shallenberger	White, Ohio
Huddleston	Mays	Sherley	Wilson, La.
Hull, Tenn.	Merritt	Shouse	Winslow
Humphreys	Mondell	Sisson	Woodyard
Husted	Montague	Smith, Mich.	Wright
Hutchinson	Moore, Pa.	Snook	Young, Tex.

NAYS—132.

Almon	Fields	Lea, Cal.	Scott, Iowa
Anthony	Focht	Lee, Ga.	Scott, Mich.
Baer	Foster	Lesher	Sears
Bankhead	Frear	Lever	Sells
Barkley	French	Lobeck	Sims
Beakes	Fuller, Mass.	London	Sinnott
Bell	Godwin, N. C.	Lundeen	Slayden
Booher	Goodwin, Ark.	Lunn	Sloan
Browne	Graham, Ill.	McClintic	Small
Burnett	Green, Iowa	McKenzie	Smith, Idaho
Burroughs	Hadley	McLaughlin, Mich.	Snell
Cary	Hamilton, Mich.	McLemore	Steenerson
Cooper, Wis.	Hamlin	Mapes	Stephens, Nebr.
Cramton	Hardy	Mason	Sumners
Crosser	Haugen	Nelson	Sweet
Currie, Mich.	Hawley	Nolan	Switzer
Dale, Vt.	Hayden	Norton	Temple
Dallinger	Hensley	Oliver, Ala.	Thompson
Davis	Hicks	Oliver, N. Y.	Tillman
Decker	Hilliard	Osborne	Timberlake
Dempsey	Hull, Iowa	Overmyer	Towner
Dickinson	Jacoway	Pou	Vestal
Dill	James	Purnell	Voigt
Dillon	Johnson, Ky.	Ramseyer	Volstead
Dixon	Johnson, Wash.	Randall	Wason
Doolittle	Keating	Rankin	Welty
Doremus	Kelley, Mich.	Reavis	Williams
Dowell	Kennedy, Iowa	Reed	Wilson, Ill.
Elston	King	Robbins	Wilson, Tex.
Esch	Kinkaid	Rowe	Wingo
Evans	Knutson	Rubey	Wise
Fairfield	La Follette	Rucker	Woods, Iowa
Ferris	Larsen	Russell	Young, N. Dak.

ANSWERED "PRESENT"—1.

Greene, Mass.

NOT VOTING—114.

Anderson	Edmonds	Kehoe	Rodenberg
Ashbrook	Ellsworth	Kennedy, R. I.	Rouse
Blackmon	Estopinal	Key, Ohio	Rowland
Borland	Fairchild, B. L.	Kreider	Sabath
Bowers	Fess	Lehlbach	Sanders, N. Y.
Brodbeck	Flood	Lenroot	Schall
Caldwell	Flynn	Littlepage	Scott, Pa.
Carew	Fordney	McKinley	Scully
Carlin	Fuller, Ill.	Madden	Sherwood
Carter, Mass.	Gandy	Maher	Siegel
Chandler, N. Y.	Gard	Mann	Slemp
Classon	Glass	Meeker	Smith, C. B.
Cleary	Good	Miller, Minn.	Smith, T. F.
Coady	Goodall	Miller, Wash.	Sterling, Pa.
Cooper, Ohio	Gould	Moon	Sullivan
Cooper, W. Va.	Graham, Pa.	Mott	Swift
Copley	Gray, Ala.	Neely	Talbott
Costello	Griest	Olney	Taylor, Colo.
Crago	Griffin	O'Shaunessy	Templeton
Curry, Cal.	Hamilton, N. Y.	Padgett	Thomas
Dale, N. Y.	Harrison, Miss.	Paige	Tinkham
Darrow	Hayes	Parker, N. Y.	Van Dyke
Davidson	Heintz	Peters	Vare
Denton	Hersey	Polk	Ward
Dewalt	Hollingsworth	Porter	White, Me.
Dies	Hood	Powers	Wood, Ind.
Donovan	Johnson, S. Dak.	Pratt	Zihlman
Dooling	Jones, Va.	Price	
Drukker	Kahn	Roberts	

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. GLASS with Mr. GRAHAM of Pennsylvania.

Mr. KEY of Ohio with Mr. HERSEY.

Mr. LITTLEPAGE with Mr. GRIEST.

Mr. GRAY of Alabama with Mr. LANGLEY.

Mr. FLYNN with Mr. PRATT.

Mr. GARD with Mr. HAMILTON of New York.
Mr. HOOD with Mr. MOTT.
Mr. GRIFFIN with Mr. HAYES.
Mr. OLNEY with Mr. MCKINLEY.
Mr. MOON with Mr. MADDEN.
Mr. MAHER with Mr. MEEKER.
Mr. O'SHAUNESSY with Mr. ZIHLMAN.
Mr. PADGETT with Mr. PAIGE.
Mr. POLK with Mr. PETERS.
Mr. ROUSE with Mr. SANDERS of New York.
Mr. PRICE with Mr. PORTER.
Mr. SABATH with Mr. RODENBERG.
Mr. SCHALL with Mr. SLEMP.
Mr. SHERWOOD with Mr. SWIFT.
Mr. CHARLES B. SMITH with Mr. TINKHAM.
Mr. SULLIVAN with Mr. WARD.
Mr. TAYLOR of Colorado with Mr. WHITE of Maine.
Mr. THOMAS with Mr. WOOD of Indiana.
Mr. LOBECK with Mr. CURRY of California.
Mr. DIES with Mr. KAHN.
Mr. HARRISON of Mississippi with Mr. CHANDLER of New York.
Mr. KEHOE with Mr. MILLER of Minnesota.
Mr. SCULLY with Mr. ROWLAND.
Mr. DALE of New York with Mr. ROBERTS.
Mr. STERLING of Pennsylvania with Mr. SCOTT of Pennsylvania.
Mr. THOMAS F. SMITH with Mr. COOPER of West Virginia.
Mr. BLACKMON with Mr. HOLLINGSWORTH.
Mr. GANDY with Mr. KENNEDY of Rhode Island.
Mr. VAN DYKE with Mr. WARD.
Mr. JONES of Virginia with Mr. COSTELLO.
Mr. TALBOTT with Mr. GREENE of Massachusetts.
Mr. BORLAND with Mr. GOOD.
Mr. ASHBROOK with Mr. COOPER of Ohio.
Mr. BRODBECK with Mr. FORDNEY.
Mr. DOOLING with Mr. CARTER of Massachusetts.
Mr. DENTON with Mr. FULLER of Illinois.
Mr. DONOVAN with Mr. CRAGO.
Mr. CALDWELL with Mr. GOOD.
Mr. DEWALT with Mr. DARROW.
Mr. CAREW with Mr. GOODALL.
Mr. ESTOPINAL with Mr. DAVIDSON.
Mr. CLEARY with Mr. GOULD.
Mr. FLOOD with Mr. BENJAMIN L. FAIRCHILD.
Mr. COADY with Mr. FESS.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. RUBEY as a substitute for the Volstead amendment: Page 3, line 18, after the word "act," insert: "or shall use money or grain procured under the provisions of this act for a purpose different from that for which the same shall have been obtained, or shall, without first repaying the indebtedness incurred for money or grain under this act, secrete or convert or suffer to be converted to his own use or to the use of another person the crop, or any part thereof, or any other property upon which such indebtedness is then secured by lien or mortgage."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. GARRETT of Tennessee: Page 6, line 3, after the word "act," add the following:

"*Provided, however*, That no expenditures or advances shall be made under this act unless and until the President shall determine and by proclamation declare that the same is necessary for the more effectual prosecution of the war."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. DILLON) there were 115 ayes and 78 noes.

So the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MORGAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman on the committee?

Mr. MORGAN. I am not.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MORGAN. I am not.

The SPEAKER. Is there any gentleman opposed to the bill who wants to make a motion to recommit?

Mr. RAGSDALE. Mr. Speaker, I move to recommit the bill with instructions to strike out section 2.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. RAGSDALE moves to recommit the bill with instructions to strike out section 2 of the bill.

Mr. LEVER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RAGSDALE) there were 55 ayes and 197 noes.

Mr. RAGSDALE. Mr. Speaker, I ask for the yeas and nays.

The question on ordering the yeas was taken; and the Speaker announced that 25 Members had risen, not a sufficient number, and the yeas and nays were refused.

So the motion to recommit was lost.

The SPEAKER. The question is on the passage of the bill.

Mr. LEVER. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 67, answered "present" 4, not voting 110, as follows:

YEAS—250.

Alexander	Farr	Lazaro	Sanders, Ind.
Almon	Ferris	Lea, Cal.	Sanders, La.
Anthony	Fields	Lee, Ga.	Sanford
Aswell	Focht	Lever	Saunders, Va.
Austin	Fordney	Linthicum	Scott, Iowa
Ayres	Foss	Little	Scott, Mich.
Baer	Foster	London	Sells
Bankhead	Francis	Lonergan	Shackleford
Barkley	Frear	Longworth	Shallenberger
Barnhart	Freeman	Lufkin	Sherwood
Beakes	French	Lundeen	Sims
Beshlin	Gallagher	Lunn	Sinnott
Bland	Gallivan	McAndrews	Sisson
Blanton	Garland	McArthur	Sloan
Booher	Garrett, Tex.	McClintic	Small
Britten	Godwin, N. C.	McCormick	Smith, Idaho
Browne	Goodwin, Ark.	McCulloch	Smith, Mich.
Browning	Gould	McFadden	Snell
Brumbaugh	Graham, Ill.	McKenzie	Snook
Burnett	Gray, Ala.	McKeown	Snyder
Burroughs	Green, Iowa	McLaughlin, Mich.	Stedman
Butler	Gregg	McLaughlin, Pa.	Steele
Campbell, Kans.	Hadley	McLemore	Steenerson
Campbell, Pa.	Hamill	Magee	Stephens, Miss.
Candler, Miss.	Hamilton, Mich.	Mapes	Stephens, Nebr.
Cantrill	Hamlin	Martin	Stiness
Caraway	Haskell	Mason	Strong
Carlin	Haugen	Mays	Sumners
Carter, Okla.	Hawley	Montague	Sweet
Cary	Hayden	Morgan	Switzer
Chandler, Okla.	Heflin	Morin	Tague
Church	Helvering	Mudd	Taylor, Ark.
Clark, Pa.	Hensley	Nelson	Temple
Claypool	Hicks	Nichols, Mich.	Thompson
Connelly, Kans.	Hilliard	Nolan	Tillman
Cooper, Wis.	Holland	Norton	Timberlake
Cox	Hull, Iowa	Oldfield	Towner
Cramton	Husted	Oliver, Ala.	Treadway
Crosser	Hutchinson	Oliver, N. Y.	Vestal
Currie, Mich.	Igoe	Olney	Vinson
Dallinger	Ireland	Osborne	Voigt
Davis	Jacoway	Overmyer	Volstead.
Decker	James	Parker, N. Y.	Waldow
Delaney	Johnson, Ky.	Phelan	Walker
Dempsey	Johnson, Wash.	Platt	Walton
Denison	Jones, Tex.	Pou	Watkins
Dickinson	Juul	Purnell	Watson, Pa.
Dill	Kearns	Quin	Weaver
Dillon	Keating	Raker	Webb
Dixon	Kelley, Mich.	Ramsey	Welling
Doolittle	Kelly, Pa.	Ramseyer	Welty
Doremus	Kennedy, Iowa	Randall	Whaley
Doughton	Kettner	Reavis	Wheeler
Doweli	Key, Ohio	Reed	White, Ohio
Dunn	Kiess, Pa.	Robbins	Williams
Dupré	Kincheloe	Robinson	Wilson, Ill.
Dyer	King	Rogers	Wilson, La.
Eagle	Kinkaid	Romjue	Wilson, Tex.
Emerson	Knutson	Rose	Wingo
Esch	Kraus	Rowe	Woods, Iowa
Evans	La Follette	Rubey	Young, N. Dak.
Fairchild, G. W.	Langley	Rucker	
Fairfield	Larsen	Russell	

NAYS—67.

Bell	Elston	Hull, Tenn.	Sherley
Black	Fisher	Humphreys	Shouse
Brand	Fuller, Mass.	Kitchin	Slayden
Buchanan	Garner	Lesher	Stafford
Byrnes, S. C.	Garrett, Tenn.	Mansfield	Steagall
Byrns, Tenn.	Gillett	Merritt	Sterling, Ill.
Cannon	Glynn	Moon	Stevenson
Clark, Fla.	Gordon	Moore, Pa.	Tilson
Collier	Gray, N. J.	Nicholls, S. C.	Venable
Connally, Tex.	Greene, Vt.	Overstreet	Walsh
Crisp	Hardy	Park	Watson, Va.
Dale, Vt.	Harrison, Va.	Parker, N. J.	Winslow
Dent	Heaton	Ragsdale	Wise
Dominick	Helm	Rainey	Woodyard
Drane	Houston	Rayburn	Wright
Eagan	Howard	Riordan	Young, Tex.
Elliott	Huddleston	Sears	

ANSWERED "PRESENT"—4.

Ashbrook	Greene, Mass.	Rankin	Wason

NOT VOTING—110.

Anderson	Edmonds	Kennedy, R. I.	Rodenberg
Bacharach	Ellsworth	Kreider	Rouse
Blackmon	Estopinal	LaGuardia	Rowland
Borland	Fairchild, B. L.	Lehlbach	Sabath
Bowers	Fess	Lenroot	Sanders, N. Y.
Brodbeck	Flood	Littlepage	Schall
Caldwell	Flynn	Lobeck	Scott, Pa.
Carew	Fuller, Ill.	McKinley	Scully
Carter, Mass.	Gandy	Madden	Siegel
Chandler, N. Y.	Gard	Maher	Slemp
Classon	Glass	Mann	Smith, C. B.
Cleary	Good	Meeker	Smith, T. F.
Coady	Goodall	Miller, Minn.	Sterling, Pa.
Cooper, Ohio	Graham, Pa.	Miller, Wash.	Sullivan
Cooper, W. Va.	Griest	Mondell	Swift
Copley	Griffin	Moores, Ind.	Talbott
Costello	Hamilton, N. Y.	Mott	Taylor, Colo.
Crago	Harrison, Miss.	Neely	Templeton
Curry, Cal.	Hastings	O'Shaunessy	Thomas
Dale, N. Y.	Hayes	Padgett	Tinkham
Darrow	Heintz	Paige	Van Dyke
Davidson	Hersey	Peters	Vare
Denton	Hollingsworth	Polk	Ward
Dewalt	Hood	Porter	White, Me.
Dies	Johnson, S. Dak.	Powers	Wood, Ind.
Donovan	Jones, Va.	Pratt	Zihlman
Dooling	Kahn	Price	
Drukker	Kehoe	Roberts	

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Miss RANKIN (for) with Mr. PORTER (against).

Mr. BOWERS (for) with Mr. LEHLBACH (against).

Mr. WASON (for) with Mr. TINKHAM (against).

Mr. DARROW (for) with Mr. PAIGE (against).

Mr. LOBECK (for) with Mr. BACHARACH (against).

Mr. COSTELLO (for) with Mr. SABATH (against).

Mr. WARD (for) with Mr. TEMPLETON (against).

Until further notice:

Mr. JONES of Virginia with Mr. RODENBERG.

Mr. DEWALT with Mr. COOPER of Ohio.

Mr. PADGETT with Mr. HERSEY.

Mr. CHARLES B. SMITH with Mr. MCKINLEY.

Mr. SCULLY with Mr. SIEGEL.

Mr. BRODBECK with Mr. SWIFT.

Mr. CLEARY with Mr. COPLEY.

Mr. O'SHAUNESSY with Mr. MADDEN.

Mr. VAN DYKE with Mr. POWERS.

Mr. BLANTON. Mr. Speaker, on the first call of the roll I voted "nay." On account of a letter that I have seen from the President I desire to change my vote from "nay" to "yea."

Miss RANKIN. Mr. Speaker, I should like to be recorded "yea."

The SPEAKER. Was the lady in the Hall listening when her name was called?

Miss RANKIN. No.

The SPEAKER. The lady does not bring herself within the rule.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Would a person who was in the Hall but who did not hear the name called be entitled to answer "present"?

The SPEAKER. Oh, yes. It is a part of the duty to get a quorum here, and the Chair has the right to count Miss RANKIN present.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for the national security and defense and further to assure an adequate supply of food, by authorizing the Secretary of Agriculture to contract with farmers in certain areas for the production of grain through advances, loans, and otherwise, and by providing for the voluntary mobilization of farm labor, and for other purposes."

On motion of Mr. LEVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on March 29, 1918, approved and signed joint resolution and bills of the following titles:

H. J. Res. 154. Joint resolution authorizing the erection of a memorial in Washington to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War;

S. 3129. An act to provide for the disposition of the effects of deceased persons in the naval service;

S. 3199. An act to amend section 1570 of the Revised Statutes of the United States;

S. 3445. An act to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes;

S. 1546. An act to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers; and

S. 3689. An act authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan at Kansas City, Mo.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

S. 3693. An act to prescribe the personnel of the Army Nurse Corps, the qualifications for appointment, and the method of appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired; to the Committee on Military Affairs.

S. 3736. An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct; to the Committee on Military Affairs.

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with or incidental to the prosecution of the war; to the Committee on Military Affairs.

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases; to the Committee on Military Affairs.

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes; to the Committee on Military Affairs.

S. 3982. An act to suspend certain restrictions on the purchase and distribution of military stores and supplies, and for other purposes; to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, Mr. GALLIVAN was granted leave of absence for one week, on account of important business.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9054, an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

Mr. STEENERSON. Mr. Speaker, reserving the right to object——

Mr. MORGAN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Oklahoma objects.

Mr. STEENERSON. Will the gentleman from Oklahoma reserve the right to object, for an explanation? I hope he will reserve the right to object.

The SPEAKER. The gentleman from Oklahoma objects.

HOUSING FOR WAR NEEDS.

Mr. CANTRILL. Mr. Speaker, I have been directed by the Committee on Rules to present a favorable report on House resolution 265, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 265.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10265, entitled "A bill to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs"; that there shall be not to exceed two hours of general debate, to be divided equally between those supporting and those opposing the bill; that at the conclusion of general debate the bill shall be considered under the five-minute rule for amendments, and after the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such amendments and recommendations as the Committee of the Whole may make, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit the bill.

Mr. CANTRILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. To propound a parliamentary inquiry as to whether or not the adoption of this rule would make the measure reported in order under it a continuing order.

The SPEAKER. No; it would not. It is not a continuing order.

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, this bill—House bill 10265—is a bill providing housing accommodations for industrial workers engaged principally in munition plants and in plants directly connected with the manufacture of war supplies. I will state to the House that this bill has had a rather full career before committees of this House. In the first place, the bill was referred to the Committee on Labor of the House, which held extended hearings on the bill. My information is that it was practically the unanimous opinion of the Committee on Labor that the bill should be favorably reported, but before the Committee on Labor reported the bill the House changed the reference of the bill to the Committee on Public Buildings and Grounds. The Committee on Public Buildings and Grounds, of which I have the honor to be a member, held extended hearings on this measure, and it is the unanimous opinion—I believe I state it correctly—of the Committee on Public Buildings and Grounds that this measure should be speedily enacted into law. Then the Committee on Public Buildings and Grounds directed the chairman of its committee to come before the Committee on Rules and ask for a rule to expedite the passage of the bill. The Committee on Rules, contrary to its usual custom, held extended hearings on the merits of the bill. Gentlemen connected with the Department of Labor and others connected with war industries appeared before the Committee on Rules, so I can say to the House that this measure has had extended hearings before three committees of the House, namely, the Committee on Labor, the Committee on Public Buildings and Grounds, and the Committee on Rules, and it is, I believe, the unanimous opinion of all of those committees that this bill is now worthy of immediate consideration, and for that reason I sincerely hope that the House will give it immediate consideration by the adoption of the rule. It is not my intention to go into the merits of the bill at this time, because it is only my business and my purpose to recite these facts, so that the House may adopt the rule, and then give the Committee on Public Buildings and Grounds an opportunity to present the real reasons as to why this bill should be enacted into law. However, it might not be amiss at this time to read to the House one or two sections of the report from the Committee on Rules.

The main object of the bill is to provide, as its title indicates, for the housing of industrial workers who are engaged in industries connected with and essential to the national defense during the continuation of the existing war, and the committee desires to express the opinion that the only justification for the proposed legislation is the condition confronting our country as shown in the hearings.

And I will state in this connection that the bill itself only applies to conditions existing during the actual war in which the country is now engaged.

Mr. SHERWOOD. How much does this bill provide?

Mr. CANTRILL. I will answer the gentleman as soon as I read this section:

This investigation disclosed an alarming condition. It was ascertained that good, skilled, competent workers could be had, but that in many cases houses could not be had, and therefore this vitally necessary work could not be performed as speedily as the exigencies of the situation demanded. Private capital could not, or would not, build on a scale to meet the demand, and therefore it became a governmental problem to house the labor which is absolutely necessary for the full development of our resources to successfully deal with the emergency confronting us.

In answer to the gentleman from Ohio I will say that the bill originally provided for $50,000,000 to build homes for industrial workers in many parts of the United States. Those places and localities will be pointed out in the debate by members of the Committee on Public Buildings and Grounds. The Committee on Public Buildings and Grounds, however, since this rule was reported from the Committee on Rules, has decided to offer an amendment to the bill from the floor adding $10,000,000 to meet housing conditions as they apply to the District of Columbia, making it $10,000,000 for the District of Columbia alone and $50,000,000 for the country at large.

In this connection also permit me to say that England was confronted with exactly the same situation which now confronts this country in the housing of our industrial workers, and England up to this time has appropriated and spent over $700,000,000 to house the industrial workers in her munition plants. And I want to be very frank with the House and state this, that this $60,000,000 is, in the opinion of the committee and the experts who will have the matter in charge representing the Government, but a starter on this proposition if we are to successfully meet the conditions that we will be confronted with probably during the next few years of the war. But there is an absolute demand now for about $60,000,000 in different parts of the country to provide houses for workers to live in who operate these plants. The Government has appropriated money for the plants, they have been built, the men can be procured, but there is absolutely no place for them to live in order to operate the plants. And I submit to the common sense of this Congress that it is utterly useless and worthless expenditure of money to build plants for the manufacture of munitions and war supplies unless homes can be provided in which men can live who make those supplies. [Applause.] One is as important as the other. And with the information that the Committee on Rules and the Committee on Public Buildings and Grounds have, and I happen to be a member of both committees, and in two instances have heard this testimony in detail, it is an immediate, absolute war measure, and it is the duty of the American Congress to immediately pass this bill and provide this relief. I state this fact in order that the committee, I hope, will adopt the rule and give us a chance through the Committee on Public Buildings and Grounds to present the detailed facts to the House for final action.

Mr. TOWNER. Will the gentleman yield before he leaves the floor?

Mr. CANTRILL. Yes.

Mr. TOWNER. I notice in referring to the bill the gentleman spoke about munition factories. Is it intended that this will also meet the demand for housing facilities in the shipyards?

Mr. CANTRILL. No, I will state to the gentleman. It is brought out in the hearings; and I would go into it more in detail, but the gentleman will understand that under the previous question I have but 20 minutes, and I will yield other parts of that time to the other members of the committee. But I am satisfied that the gentleman will get the full detailed information as to the exact points in the country where it is proposed to spend this money and the direct purposes for which it is to be spent. In a general way, however, I will answer the gentleman by saying that this money is not intended to look after the proposition coming directly under the control of the United States Shipping Board. It is principally for munition plants and for finishing plants situated in different parts of the country for munition supplies, like aeroplanes and two or three other things, which absolutely have to be made and made speedily.

Mr. CAMPBELL of Kansas. Will not my colleague state that the principal argument, the concluding argument, for it before the Committee on Rules was by the Shipping Board of the necessity for housing at Hog Island?

Mr. CANTRILL. As I recall it, of course, there is that necessity; but, as I recall the hearings, in the main they would be scattered in different parts of the country to meet this immediate situation. The gentleman has time, and if his recollection is different from mine of course he can present those facts.

Mr. ALEXANDER. Will the gentleman yield?

Mr. CANTRILL. Yes.

Mr. ALEXANDER. We passed a bill nearly 30 days ago appropriating $50,000,000 to provide housing in our shipbuilding plants.

Mr. CANTRILL. I reserve the balance of my time, and the gentleman from Kansas can use a portion of his time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I want to submit a few observations on the situation that confronts us. First of all, there is necessity for housing the employees at the shipbuilding plants and also to the munition and arms-construction plants. There is no question about the necessity for housing those employed in these industries. The most forceful argument made by the Committee on Rules for housing conditions was made in behalf of the Shipping Board. Now the Shipping Board has been provided for. Only $50,000,000 was asked for as a whole when they appeared before our committee some three weeks ago. Fifty million dollars has already been appropriated for housing conditions for that purpose. Now $60,000,000 is asked for housing conditions aside from the Shipping Board.

Mr. Speaker, the thing that strikes me forcibly is not the fact that we must have housing facilities, but the recklessness with which we appropriate millions upon millions of dollars with little consideration or question, and in connection with these appropriations create bureaus and commissions, multiplying them in the Government until Washington can no longer contain them all.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LONGWORTH. The gentleman from Kentucky indicated that this was intended to be only a starter. Can the gentleman give us an idea as to how much is contemplated here?

Mr. CAMPBELL of Kansas. Yes; I think I can give some idea of that.

Mr. LONGWORTH. He referred to England as having spent some $700,000,000.

Mr. CAMPBELL of Kansas. If the war continues, it is estimated that this is but a very small starter; that we will be spending anywhere from $200,000,000 to $300,000,000 a year for these purposes. Now, to men who have come from the several walks of life and from separate parts of this country where industrial enterprises call together large numbers of men, and sometimes suddenly, it seems absolutely reckless to appropriate such enormous sums of money for these housing purposes when it is conceded that they are necessarily temporary.

Mr. PLATT. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather proceed a little while before yielding.

Now, in the first place, let me show you the reckless manner in which those in authority reach their hands into the Public Treasury. We have an organization in the Treasury Department that is essentially the builder for the Government of the United States. The office of the Supervising Architect is equipped with men familiar with making contracts throughout the country and with builders. We have an architect's bureau there well equipped for preparing plans and specifications for any kind of housing facilities that the country requires.

Strange as it may seem, this bureau is entirely ignored, and the Secretary of Labor reaches out and grabs control of the expenditures of this money for housing facilities, and there is created a new bureau in the Department of Labor, which will cost for the first year the sum of $300,000.

Mr. CANTRILL. Mr. Speaker, will my colleague permit me to call attention to one section of the bill which provides that this office force in the Treasury Department shall be utilized for this purpose?

Mr. CAMPBELL of Kansas. Yes. But the utilization contemplated there will not take the place of the $300,000 expenditure which it will cost to create the organization in the Department of Labor similar to that already existing in the Treasury Department, which within the last two years has built but few public buildings, so that this bureau in the Treasury Department is to-day on the pay roll and has its organization without anything to do. Yet it is proposed to create a new bureau at an original expense of $300,000 to do exactly what this bureau could be required to do. That is one of the indefensible provisions of this bill. It is a reckless expenditure of the money which is collected from the people of the United States by taxes, by bond sales and stamp sales, and in other ways for war purposes. It is indefensible that Congress at this time should consent to or permit such wicked waste of public money.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. TOWNER. I understand the gentleman to state that there is now in existence, fully organized, a housing bureau fully capable of meeting all the requirements of housing munition-plant workers and shipping-plant workers, and that this is the creation of another bureau which the gentleman says is entirely unnecessary. Is that the contention?

Mr. CAMPBELL of Kansas. My contention is that the organization now in the Treasury Department, under the control of one of the Assistant Secretaries of the Treasury, is fully equipped for taking charge of all the housing facilities that are required by the Government, and that by placing that work in the hands of that organization the expense of creating this new organization as proposed would be avoided—this new organization which will cost the Government over $300,000, as the testimony shows, in the Department of Labor.

Mr. TOWNER. Does the gentleman contemplate offering an amendment to take care of the situation?

Mr. CAMPBELL of Kansas. When the bill is under consideration for amendment that ought to be done. Now, I do not know what changes have taken place throughout the country since the rule was adopted that make it necessary not only to increase the amount of the authorization from $50,000,000 to $60,000,000, $50,000,000 having already been appropriated for housing laborers in the shipyards, unless it be that the $10,000,000 is necessary to provide housing facilities in Washington for the additional employees that will be required in the Department of Labor and in other departments of the Government that are brought here by reason of the reckless expenditure of these collossal sums of money for employees in Washington. Many of these employees are doing absolutely nothing to earn the salaries that are paid to them.

I stated a moment ago that the principal argument made in behalf of this appropriation of $50,000,000 before the Committee on Rules was the serious condition that confronted those engaged in ship construction, and the necessities at Hog Island was cited as an example. Now, we have provided $50,000,000 for housing laborers in the shipyards, and yet we are asked to authorize $60,000,000 for other purposes.

Gentlemen, pay day will come. We must take account as we go on of the manner in which we are authorizing the expenditure of these hundreds of millions of dollars. There is not a man on this floor who understands the necessity for spending this $110,000,000 for housing facilities throughout the country. It is all asked for in a lump sum; no details are given.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. PLATT. Does not the gentleman think that there is a considerable number of activities in Washington that might just as well be housed elsewhere?

Mr. CAMPBELL of Kansas. Yes; that is true.

Mr. PLATT. For instance, the Food and Fuel Administrations. Why should they be here?

Mr. CAMPBELL of Kansas. I do not know why the Food and Fuel Administrations should be here——

Mr. TREADWAY. Or anywhere else. [Laughter.]

Mr. CAMPBELL of Kansas. Yes; or anywhere else. Neither has stimulated the production of either food or fuel—and the stimulation of production is the all-important thing in both food and fuel—as a matter of fact, the production of food and fuel are limited by the conduct of these two administrations.

Mr. ROBBINS. Does the gentleman think the Shipping Board ought to be in New York?

Mr. CAMPBELL of Kansas. I do not care where these boards are. What I am objecting to is the creation of new bureaus. Every time millions of dollars are appropriated some department of the Government takes advantage of the fact that we are at war, and that we must have the authorization of millions to create new bureaus to provide places for other employees, for other men; I am not going to say that it is to provide places for other "deserving Democrats," because I believe all "deserving Democrats" have been provided for long ago. [Laughter.]

Mr. LUNN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LUNN. A moment ago, in referring to the additional $10,000,000 asked for in the District of Columbia, the gentleman inferred it was possibly for the additional employees to be made necessary in the Labor Department. Am I right in drawing the conclusion that in the gentleman's opinion this bill is not necessary, and that there is no need of additional housing conditions in the District?

Mr. CAMPBELL of Kansas. Oh, no.

Mr. LUNN. That was the inference from the gentleman's argument.

Mr. CAMPBELL of Kansas. But there is made by this bill a necessity for additional housing for the additional employees that are necessarily brought here by the provisions of this bill. Many employees are provided for in this bill who are absolutely unnecessary, and there are thousands of persons on the pay roll here to-day who ought to be at home. They are not needed here.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. I understand that the gentleman does not take a position in antagonism to the housing proposition.

Mr. CAMPBELL of Kansas. Oh, no.

Mr. GARRETT of Tennessee. But that he does object to the creation of a new bureau which is to administer the fund that is to be expended?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Now, may I ask my colleague, in all good faith, just how he would provide for the administration of that $50,000,000 other than as is provided in the bill itself? There has to be some provision for administration.

Mr. CAMPBELL of Kansas. By the Assistant Secretary of the Treasury, who already has an organization. He has been for years the builder for the United States Government when we expended money for public buildings.

Mr. GARRETT of Tennessee. That is architectural, largely?

Mr. CAMPBELL of Kansas. Oh, no; not at all.

Mr. GARRETT of Tennessee. The questions with which this board will have to deal, if I understand the matter correctly, from the testimony given before the Committee on Rules—which I did not follow any more closely than did the gentleman

from Kansas—are not so much questions of architecture, but matters of passing upon titles and the like.

Mr. CAMPBELL of Kansas. All that is provided for in the Treasury Department.

Mr. BRITTEN. Will the gentleman yield for a question right there?

Mr. CAMPBELL of Kansas. Yes.

Mr. BRITTEN. Does not the gentleman refer to the office of the Supervising Architect in the Treasury Department?

Mr. CAMPBELL of Kansas. Undoubtedly.

Mr. BRITTEN. And does not that particular office let contracts for millions of dollars worth of work every year?

Mr. CAMPBELL of Kansas. Yes.

Mr. BRITTEN. Does it not supervise not only the architecture but the construction of the buildings, the title to the land, and everything that would come under this bill?

Mr. CAMPBELL of Kansas. Absolutely everything that is provided for in this bill is now done by the Supervising Architect under the Treasury Department.

Mr. BRITTEN. And the gentleman also will recall that they are not building post offices now, and that this very capable organization could be used in this direction.

Mr. CLARK of Florida. Will the gentleman allow me to ask him just one question?

Mr. CAMPBELL of Kansas. I yield.

Mr. CLARK of Florida. Was the gentleman taking the position that the Supervising Architect's office passes on the title to the land on which public buildings are erected?

Mr. CAMPBELL of Kansas. The Supervising Architect refers the question of title to the United States district attorney's office in the jurisdiction in which the building is to be constructed, which this new organization will do.

Mr. CLARK of Florida. No; the gentleman is mistaken. It goes to the Attorney General, as the chief law officer of the Government, and the title is examined in that department.

Mr. CAMPBELL of Kansas. The district attorney for the district of Florida will pass upon the titles in Florida.

Mr. CLARK of Florida. Absolutely, but could not the Department of Labor make that same reference to the Attorney General?

Mr. CAMPBELL of Kansas. Undoubtedly; or the Assistant Secretary of the Treasury could make it.

Mr. CLARK of Florida. Why, certainly he could make it.

Mr. CAMPBELL of Kansas. Without this $300,000 organization that is to be created immediately upon the passage of this bill in the Department of Labor. Three hundred thousand dollars is a large sum of money to be wasted in this way.

Mr. PLATT. Would the gentleman advocate an amendment to strike out in this bill the words "Secretary of Labor" and insert the words "Secretary of the Treasury"?

Mr. CAMPBELL of Kansas. I would, in order to use the organization already in existence in that department and that is in every way qualified to do the work authorized by this bill. There is no more reason why the Secretary of Labor should put up these housing facilities than there is that he should put up the courthouses and the post-office buildings throughout the country.

Mr. STEENERSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. STEENERSON. Has the Committee on Rules considered the question whether some of these activities could not just as well be transferred to other places, like New York and Philadelphia, where housing facilities are plentiful?

Mr. CAMPBELL of Kansas. There is no reason why that should not be done.

Mr. GARRETT of Tennessee. They would have to have houses there, though.

Mr. CAMPBELL of Kansas. But there are vacant houses in many cities throughout the country where enterprises are engaged in Government work. The thing to which I want to call the attention of the House again is the fact that on such small pretext advantage is taken of the opportunity to create new offices, new bureaus, employing literally thousands upon thousands of young men and women, bringing them out of the activities of civil life, many of them out of the productive walks of life, bringing them here to Washington where they have difficulty in finding places to live, where they will spend all their salaries trying to pay their running expenses, and will return to their homes at the close of the war, or when their term of service here is over, without anything to show for what they have done here except the experience, and who will have rendered absolutely useless service during the time they have been here. Many of them will have just that experience, with just that result.

Mr. DENISON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. DENISON. Will the gentleman state about how much of this $10,000,000 will be required to build houses for the people who will be brought here as employees of this new bureau?

Mr. CAMPBELL of Kansas. I have not the slightest idea. The $10,000,000 have been added to the bill since the hearings were had before the Committee on Public Buildings and Grounds and before the Committee on Rules.

Mr. CANTRILL. Let me correct my colleague there, please. The facts in the case are these, that the Committee on Public Buildings and Grounds at a formal meeting decided to offer this amendment from the floor, because I had the rule on the original bill and stated that since I was a member of the Committee on Public Buildings and Grounds I would not offer the rule if they attempted to amend the bill by making this addition to it in the committee, but that they must offer the amendment from the floor, which would give opportunity for a full discussion.

Mr. CAMPBELL of Kansas. It was since the rule was considered and hearings were had before the Committee on Rules.

Mr. CANTRILL. The Committee on Public Buildings and Grounds has since decided to recommend the addition of $10,000,000 to the bill by an amendment from the floor.

Mr. CAMPBELL of Kansas. Then what I said is true, that this has occurred since the hearing was had.

Mr. CANTRILL. But not added to the bill by the rule.

Mr. HICKS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from New York.

Mr. HICKS. How many men are employed in the Supervising Architect's office, and what are they doing at this time?

Mr. CAMPBELL of Kansas. I do not know how many men are employed there. I know that the Secretary of the Treasury has forbidden building operations, and erecting buildings has been suspended throughout the country except in cases of the most extreme necessity.

Mr. HICKS. These men are still employed in the Supervising Architect's office?

Mr. CAMPBELL of Kansas. They are still employed in the Supervising Architect's office, and are provided for in the legislative, executive, and judicial appropriation bill.

Mr. HICKS. But they are not doing anything as far as the gentleman knows?

Mr. CAMPBELL of Kansas. I do not know what they are doing. I know they are drawing their salaries.

Mr. STAFFORD. Will the gentleman permit me?

Mr. CAMPBELL of Kansas. Yes.

Mr. STAFFORD. That very question was submitted to the subcommittee on the legislative bill in determining the force for the Supervising Architect for the next fiscal year. We examined the Supervising Architect. He went at length into the need of having an organization, to be ready at all times to meet these conditions, and although there was opposition in the subcommittee, the committee decided to give him the same organization that he has for the present fiscal year.

Mr. CAMPBELL of Kansas. And he still has the same organization that he has had right along?

Mr. STAFFORD. The same organization as provided for in the current law.

Mr. CAMPBELL of Kansas. I reserve the remainder of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 5351) providing for the disposal of certain lands in block 32 in the city of Port Angeles, State of Washington.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

HOUSING FOR WAR NEEDS.

Mr. CANTRILL. I yield five minutes to the gentleman from North Carolina [Mr. POU], chairman of the Committee on Rules.

Mr. POU. Mr. Speaker, I shall detain the House but for a minute. It has recently been stated to me by several of our colleagues, on both sides of the Chamber, that the Rules Committee were being criticized for bringing in, as I was told, so many rules. I would like to suggest to gentlemen that the criticism is not deserved, and that if there is anybody deserving of criticism it is not the Committee on Rules. We have only presented such resolutions as we felt were absolutely necessary. It is just as fair to criticize this Congress because the volume of business it must consider is so large.

When the chairman of a great committee comes before the Rules Committee with a resolution from his committee requesting that a special rule be reported, with the statement that there is no other way to bring the matter before the House, what is the Rules Committee to do? I suppose if we sat on the lid they would criticize us because we did not bring in the rule. It seems we are to be condemned if we do and condemned if we do not. The Rules Committee has over 100 resolutions pending at this time.

Mr. CAMPBELL of Kansas. And, if the gentleman will allow me, these resolutions are not introduced by the members of the Committee on Rules.

Mr. POU. Absolutely not; the gentleman is correct. During this session, according to my best recollection, the Rules Committee has not consumed three hours of debate in discussing all the resolutions it has presented to the House.

I am going to conclude by saying that the Committee on Rules is working as a unit, all of the members of the committee, those composing the majority and those composing the minority, are together. They are trying to make the committee an agency to do what it can to speed up the great task before us of winning this war. [Applause.] Because gentlemen insist on discussing measures at considerable length, and because gentlemen get weary hearing long discussions on the floor, I respectfully submit that criticism should not be directed against the Committee on Rules but against those gentlemen who, without adequate reason, are killing time.

If we are not to report resolutions providing for the consideration of measures supported and desired by the great majority of the House, one may well ask why you have a Committee on Rules. In any event, Mr. Speaker, the RECORD will show that our action has been sustained by a large majority in every instance except, possibly, one. Let those who kill time, those who would hinder and delay, if there be such, be criticized if they persist in pursuing such a course; but be careful and put the blame where it belongs. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of House bill 10265.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. KELLY of Pennsylvania in the chair.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. WALSH. I object. The bill ought to be read.

The Clerk read the bill, as follows:

A bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Be it enacted, etc., That the Secretary of Labor, for the purposes of providing housing, local transportation, and other community facilities for such industrial workers as are engaged in industries connected with and essential to the national defense, and their families, only during the continuation of the existing war, is hereby authorized and empowered, within the limits of the amounts herein authorized—

(a) To purchase, acquire by lease, construct, requisition, or acquire by condemnation or otherwise such houses, buildings, furnishings, improvements, local transportation, and other community facilities and parts thereof as he may determine to be necessary for the proper conduct of the existing war.

(b) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land, or any right, title, or interest therein on which such houses, buildings, improvements, local transportation, and other community facilities, and parts thereof, have been or may be constructed.

(c) To equip, manage, maintain, alter, rent, lease, exchange, sell, and convey such lands, or any right, title, or interest therein, houses, buildings, improvements, local transportation, and other community facilities, parts thereof, and equipment upon such terms and conditions as he may determine.

(d) To aid in providing, equipping, managing, and maintaining houses, buildings, improvements, local transportation, and other community facilities, by loan or otherwise, to such person or persons and upon such terms and conditions as he may determine.

The Secretary of Labor may exercise any power or discretion herein granted and may enter into any arrangement or contract incidental thereto, through such agency or agencies as he may create or designate: *Provided*, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable to so construct them: *Provided further*, That whenever it is practicable to use any part of the clerical or field force of the Office of the Supervising Architect of the Treasury Department in or about any of the work contemplated by this act, the Secretary of Labor shall do so: *And provided further*, That every contract for the lease of ground upon which the Government contemplates the construction of a building under authority of this act shall contain a provision giving the Government an option to purchase the same for a stated consideration.

SEC. 2. That whenever the Secretary of Labor shall purchase, lease, requisition, or acquire by condemnation or otherwise such land or right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation, and other community facilities, and parts thereof, he shall make just compensation therefor to be determined by him, and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to such 75 per cent, will make up such amount as will be just compensation therefor in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

SEC. 3. That upon the requisition of or the filing of a petition for the condemnation hereunder of such land, or any right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation, and other community facilities, and parts thereof, immediate possession thereof may be taken to the extent of the interest to be acquired and the same may be occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all real estate acquired hereunder.

SEC. 4. That the word "person" used herein shall include any person, trustee, firm, or corporation.

SEC. 5. That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for and rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war.

SEC. 6. That at the beginning of each session of Congress the Secretary of Labor shall make to Congress a full and detailed report covering all of the transactions of his department with relation to the subject matter of this act, describing each parcel of land purchased, the improvements made thereon, together with the amount of money spent in connection therewith and the disposition of the same; descriptions of all parcels of property sold, to whom, the terms of sale, and the status of the title at the time of the making of such report; description of each piece of property purchased under the terms of this act and still owned by the Government and the estimated value; a list showing the names of all persons who have been employed in any capacity to aid in carrying out the provisions of this act, the service rendered by each and the amount of compensation paid to each, and a full, detailed, itemized statement showing each and every transaction of the department in the execution of the trust herein created; and immediately after the declaration of peace in the existing war the Secretary of Labor shall make a final report to Congress covering in detail all the operations and transactions of his department, under and by virtue of the terms of this act.

SEC. 7. That no work or contract done or made under or by authority of any provision of this act shall be done or made on or under a percentage or "cost-plus" basis.

SEC. 8. That for carrying out the provisions of this act and for the administration thereof the sum of $50,000,000, or so much thereof as may be necessary, is hereby authorized.

Mr. WALSH. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that no quorum is present. Evidently there is not; and the Clerk will call the roll.

Mr. CLARK of Florida. Mr. Chairman, I want to give notice that we are going to try and finish this bill to-night.

Mr. CANNON. Then there is all the more necessity for a full House.

Mr. CLARK of Florida. It is only killing time.

Mr. CANNON. If I may be allowed, I want to say to the gentleman that it is not killing time. I do not know anything about the bill. For the first time I have heard the bill read, and that is the only knowledge I have of it. If it is to be finished to-night with an appropriation of $60,000,000, we ought to have a full House.

Mr. CLARK of Florida. I think so. I am willing to have a full House, but the bill has been printed some time.

The Clerk called the roll and the following Members failed to answer to their names:

Anderson	Chandler, N. Y.	Dale, N. Y.	Fairchild, G. W.
Anthony	Church	Darrow	Fess
Bacharach	Classon	Davidson	Flood
Barnhart	Cleary	Denton	Flynn
Blackmon	Coady	Dewalt	Fordney
Borland	Connelly, Kans.	Donovan	Fuller, Ill.
Bowers	Cooper, Ohio	Doremus	Gallagher
Brodbeck	Cooper, W. Va.	Drukker	Gallivan
Butler	Copley	Edmonds	Gandy
Caldwell	Costello	Ellsworth	Gard
Carew	Crago	Estopinal	Glass
Carter, Mass.	Curry, Cal.	Fairchild, B. L.	Glynn

Godwin, N. C.	Kennedy, R. I.	O'Shaunessy	Slayden
Good	Key, Ohio	Overmyer	Slemp
Goodall	Kitchin	Paige	Small
Gould	Kreider	Parker, N. Y.	Smith, C. B.
Graham, Pa.	LaGuardia	Peters	Smith, T. F.
Green, Iowa	Lazaro	Platt	Snyder
Greene, Vt.	Lehlbach	Polk	Sterling, Pa.
Gregg	Lenroot	Porter	Stiness
Griest	Little	Powers	Sullivan
Griffin	Littlepage	Pratt	Talbott
Hamilton, N. Y.	McCormick	Price	Taylor, Colo.
Harrison, Miss.	McKinley	Ragsdale	Templeton
Haskell	McLaughlin, Pa.	Rainey	Thomas
Hayden	Madden	Roberts	Thompson
Hayes	Magee	Rodenberg	Tinkham
Heintz	Maher	Rouse	Van Dyke
Helvering	Mann	Rowe	Vare
Hersey	Meeker	Rowland	Vestal
Hollingsworth	Miller, Minn.	Sabath	Voigt
Hood	Miller, Wash.	Sanders, N. Y.	Ward
Howard	Mondell	Sanford	Weaver
Humphreys	Moore, Pa.	Saunders, Va.	Webb
Husted	Mott	Schall	Whaley
Johnson, S. Dak.	Mudd	Scott, Pa.	White, Me.
Jones, Va.	Neely	Scully	Wood, Ind.
Kahn	Nicholls, S. C.	Sherley	Woodyard
Kehoe	Norton	Siegel	Zihlman

The committee rose; and the Speaker having resumed the chair, Mr. KELLY of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 10265, had found itself without a quorum, that the roll had been called, and that 275 Members had answered to their names, a quorum, and he handed in the names of the absentees to be recorded in the Journal.

The committee resumed its sitting.

Mr. CLARK of Florida. Mr. Chairman, I want to state to the committee that I shall take but very few minutes to give a general outline of the provisions of this bill. I want to state the situation in order that Members may know just what they are doing when they pursue dilatory tactics to prevent the consideration of this bill. A rule has been reported and has been adopted by the House. That rule provides for two hours of general debate, and it also provides that those two hours shall be divided equally between those favoring and those opposing the bill. Up to this time I have heard of no opposition to the bill itself, and, so far as those of us favoring the bill are concerned, we shall take but a very few minutes to submit the few remarks we may have to make in general debate. To-morrow, I understand, the Committee on Ways and Means will claim the attention of the House on a bond bill. That will take precedence of this bill, and if this bill is not passed to-night it means that it probably can not be considered again by this House under two or three weeks. That is the situation, and I want to call the attention of the committee now briefly to the provisions of the bill and ask if they will not assist us in undertaking to pass this legislation, which is so urgently necessary for the people of this country to carry on the activities which are so essential to our success in the war.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. CANNON. The gentleman has just stated that if the bill does not pass to-day, as the bond bill would come up to-morrow, it would take about three weeks before this bill would be again reached. Will the gentleman be kind enough to say why?

Mr. CLARK of Florida. Because I understand there are a number of other preferential measures to follow the bond bill.

Mr. CANNON. The gentleman does not apprehend that the bond bill will take over a day?

Mr. CLARK of Florida. I do not know how long it will take. If the seed bill is a fair sample, it may take a week or two; but there are other bills to follow that, and I do not care to go into a general discussion. I have stated the facts as they are. If gentlemen want to pursue their dilatory tactics, they are at liberty to do so. I want the country to know who they are.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. For a question.

Mr. WALSH. Does the gentleman contend that the rule under which this bill is made in order requires that general debate shall be confined to the bill?

Mr. CLARK of Florida. I do not think the rule specifically does, but it will be so confined so far as my remarks are concerned.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. For a question. I am going to try to get through with this if I can.

Mr. CRAMTON. This bill having been before the Committee on Labor, which was ready practically to report it when the bill was taken away from it and sent to the other committee, could not this situation have been avoided by awaiting the report from the Committee on Labor and acting upon it some two or three weeks ago?

Mr. CLARK of Florida. How would they have been in any better position to dispose of it than the Committee on Public Buildings and Grounds?

Mr. CRAMTON. For the reason that they had completed their hearings and were practically ready to report, whereas the gentleman's committee has had to hold further hearings.

Mr. CLARK of Florida. They had not completed their hearings, and I will say to the gentleman another thing—he may not appreciate it, but I do—and that is that the committees of this House are entitled to their jurisdiction, if the integrity of the House procedure is to be maintained. I do not yield to the gentleman to ask any more questions.

Mr. CRAMTON. Just simply——

Mr. CLARK of Florida. I do not yield. I want to say this. This is a bill which the administration desires for the expeditious prosecution of the war. The bill provides for the building of houses to take care primarily of industrial workers. It also, by an amendment which we propose to offer at the proper time, proposes to take care of other Government employees who are essential to the activities of the Government in this war time. The bill provides also for the loaning of money at a reasonable rate of interest to manufacturing concerns engaged in manufacturing munitions of war or other essentials of war, to enable them to build these houses. The committee thought, as this is a new departure in Government, that it would be infinitely better to loan the money where it could be done to individuals, firms, or corporations, who would undertake on their own account to build these houses, giving the Government ample security for the return of the money and a reasonable rate of interest.

But where those arrangements could not be made and where the employees had been brought into a community where the housing was insufficient the committee thought that it was just as essential for Congress to appropriate money to build houses to take care of those workers and employees as it was essential to build manufacturing establishments and industrial concerns to manufacture munitions of war. There are thousands of employees in this country to-day in the great manufacturing centers who have been brought in there to labor for the Government who are absolutely without house room. Some of them, married men, have been carried away from their families, and it can not be expected, as patriotic as those men may be, that they will be content to live for weeks, months, and it may be for a year or more separated from their families. It is not right and the Government ought not to expect it, and we ought to make provisions to ameliorate those conditions. Another portion of this bill provides, and the committee thought it would be much better for the executors of this trust wherever it were possible to pursue that course, and it is this: Some of these plants are near large cities, where there is ample house accommodations for these workers. Where plants are located miles away outside the city, but connected by a transportation line of one sort and another, especially trolley lines, it was thought in those cases possibly it would be more economical and better serve the purposes in view to enlarge the transportation facilities by loaning the money to those operating roads or else by taking them over on the part of the Government and enlarge them so as to meet the demands for transportation. And we have thought that in those cases it would be better than building houses, if the houses are ample in the city adjacent to it, to enlarge or build transportation lines, so that the workers may go back and forth from their homes to their daily labor.

Mr. Chairman, in the discussion on the adoption of the rule the gentleman from Kansas [Mr. CAMPBELL], I think, raised one objection to the bill—one main objection, I believe—and that was the fact that the execution of this trust was placed in the hands of the Department of Labor, whereas he insisted it ought to be in the Treasury Department. Now, I want to say this matter has been discussed by the President, by the members of the Cabinet, and by those interested in it, recognizing the urgency of the situation for some time. A Cabinet meeting was held. The President was present. The Cabinet were there, and this whole question was discussed, and at that meeting it was decided that under all the existing circumstances it was better that the administration of this trust be placed in the hands of the Department of Labor. The Secretary of Labor in the hearings before this committee made this statement. Here is what the Secretary of Labor said:

> The President came to the conclusion that the proper method of administering the labor problems, either the war-emergency problems or the other labor problems, was to administer them through the Department of Labor, which had been created for the purpose of dealing with labor problems. And among the problems that were thus, by the direction of the President, headed into the Department of Labor was the housing problem.

He goes on in his statement and says—this is on page 5 of the hearings in the Secretary of Labor's statement:

When the bill had been drafted, in order that there might be no confusion or duplication in connection with it, I took the bill to the President at a Cabinet meeting for consideration, and I learned there that the Secretary of the Treasury had in contemplation the presentation of a bill proposing to create a corporation with $500,000,000 of capital, and authority to loan some billions—four billions, if I recall the figures correctly—and the Secretary of the Treasury at that time thought that possibly that corporation might be the best agency to deal with the problem of housing.

The statement of the Secretary of the Treasury so impressed the President and the members of the Cabinet at the time that the President suggested the holding of a conference, at which the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, the chairman of the Shipping Board, and the chairman of the Senate and House committees handling the shipping bill, proposing to make appropriations for housing for shipping purposes, so that the problem might be worked out in a way where there would be no conflict of jurisdiction and no confusion flowing out of it, and asked that I get in touch with Senator FLETCHER, with a view to having the Senators defer action upon the bill until such conference could be had. I immediately got in touch with Senator FLETCHER, and the Senator advised me that just a few minutes before the bill had passed the Senate and had gone over to the House. It was later referred to the Committee on the Merchant Marine and Fisheries. They took the question up for consideration.

Later on he said:

Two days following the conference I have referred to was held. The President was unable to be present at the conference, because he was still laboring with a bad cold. There was no representative from the Treasury Department present. There was the Secretary of War, the Secretary of the Navy, the chairman of the Shipping Board, the Assistant Secretary of the Navy, Mr. King, of the War Department, and Senator FLETCHER, and Congressman ALEXANDER present at the conference.

And then he goes further and says:

It was the belief at that conference that nothing should be injected that would interfere with the appropriation being made for the Shipping Board to permit it to proceed promptly to furnish the necessary housing, but that the general problem of housing should be headed up into the Department of Labor, because the housing problem and the mobilization of labor, the placement of labor, are closely related problems, and as the Department of Labor is dealing with the mobilization of labor and the placement of labor the problem of housing should be headed into the Department of Labor, and that that should be done with the ultimate object that if Congress furnished the necessary funds, when the Department of Labor had secured the funds and built the organization, and perfected its plans to the point where it could take over the housing problem of the Shipping Board and carry it on without any loss in efficiency, then that part of the housing problem should also be headed into the Department of Labor.

The conference having come to that conclusion, I asked the advisory counsel, which I had created to help me in building the organization for handling these problems, to redraft the bill with a view to making the appropriation to the Department of Labor and placing the authority in the Department of Labor for handling it. The bill was drafted in that form and it was looked upon as being a labor problem.

Showing, Mr. Chairman, that this whole matter was considered in all of its aspects, from every possible point of view, and it was decided by those gentlemen who are conducting all of our movements in this great war, those to whom we must look and whom we must absolutely trust if we are to be successful in the great contest in which we are engaged, and they decided that the Department of Labor was the proper governmental agency to administer this trust.

And I want to say that your committee, taking that view of it, left it where the bill drawn in the Department of Labor put it, but we did this, namely, we provided by an amendment that it should be the duty of the Secretary of Labor, the administrator in this instance, to use the forces of the Supervising Architect's office wherever it was possible to do so. And he intends to do that. The Treasury Department has no building organization. They have a lot of draftsmen and architects and clerks, and that is all. They do not construct buildings. They draw plans and specifications. That is all they do. And they are to help, and their services are to be given, of course, without any further cost than their regular salaries, to the Secretary of Labor in this great work.

Now, I want to say, Mr. Chairman, that we have a number of amendments which we propose to offer from the committee. One is increasing the amount by $10,000,000, so changing the verbiage of the bill as to give the Secretary of Labor the power to provide housing for the employees of any kind in the District of Columbia.

And I want to say right here that I am informed by a good lady in this city who has taken a large interest in this matter that to-day there are 2,000 girls in the city of Washington, brought here under civil-service contests to take positions to help in this war work, who are only lodging temporarily with people who were kind enough to take them in and who are without permanent place of abode. Numbers of them have gone back home rather than to submit to the conditions by which they would be environed here. These people should be provided with some decent, respectable place in which to live if they are to work for the Government; and this bill proposes to do that. And the gentlemen before the committee, giving us a statement of these facts, pointed out a number of places where the demand was urgent for housing. In Bridgeport, Conn., they needed 1,500 additional houses to take care of the overflow. At the Bath Iron Works, at Bath, Me., they are seeking relief for about 600 men engaged in the building of torpedo-boat destroyers. At Fore River, Mass., a force has been built up of from 4,000 to 11,500. At Norfolk, Va., the various Government activities, including the Army and Navy, require approximately the following: Permanent housing for 3,535 white workers, permanent housing for 2,840 colored workers, temporary accommodations for 6,000 white workers, temporary accommodations for 14,025 colored laborers. Portsmouth, N. H., has a transportation problem as well as a housing problem. Permanent housing for the Navy, amounting to about $210,000; temporary housing for the Navy, amounting to about $56,000, will be required. At Hammond, Ind., considerable housing is required. The Signal Corps reports that their demands for housing from Buffalo and Hammondsport, N. Y., Elizabeth, N. J., and Dayton, Ohio, are large. The Ordnance Department is and has been engaged in a systematic investigation of the housing conditions, the prospective housing requirements in connection with its work at Government arsenals. In Watertown, Mass.; Rock Island, Ill.; Watervliet, N. Y.; the Government proving grounds at Aberdeen, Md.—they need help, all of them.

And so on. At numbers of places workers have been brought in by the Government without any shadow of shelter, these men being paid, it is true, but just as patriotic as are the men who are in the trenches with Pershing to-day, just as patriotic as any men who follow the flag, because without them these men in France would be absolutely useless.

Mr. Chairman, this bill is one of the most urgent necessity, one of the most meritorious that has been presented to this House under color of a war measure that I have noticed since I have been in this Hall, and I trust that no gentleman will voluntarily throw anything in its way. If he wants to amend it in order to make it better, the committee welcomes that; but I ask him in behalf of these people who need the housing, in behalf of this Government, in behalf of the boys in the trenches, not to delay it and not to attempt to filibuster upon a bill of such grave importance as this.

How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman from Florida has used 18 minutes.

Mr. CLARK of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. AUSTIN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the House, I occupy somewhat the same position as the gentleman from Virginia [Mr. CARLIN], having been upon both the Committee on Labor and the Committee on Public Buildings and Grounds during the hearings on this important bill.

There seems to be some little disposition to question the necessity of this measure, as well as the propriety of investing the Department of Labor with the duty of carrying out its provisions. Both the Treasury Department and the Department of Labor are organized departments of the Government. The Supervising Architect's Office being under the supervision of the Treasury and the Department of Labor being complete within itself, there is no new bureau to create by assigning the administration of these activities to the Department of Labor instead of the Office of the Supervising Architect in the Treasury. There is nothing in that; and it occurs to me that the Department of Labor is the proper department that should supervise and superintend this great work. It is connected immediately with labor. There is not much of this labor that is to be done in the city of Washington. In fact, I might say that the $50,000,000 carried in the bill, as it is now presented to Congress, is for use entirely outside of the city of Washington.

Who is the man in charge who works under the Secretary of Labor and is to see to the expenditure of this money and the supervision of this work? Mr. Eidlitz, of New York City, who was written to by the President of the United States to come here and take charge of the supervision of this work. Mr. Eidlitz is one of the largest builders, contractors, and architects in the United States. He comes here—not for money and does not receive one cent of compensation—leaving a most lucrative business in the city of New York. To him has been intrusted the construction of these buildings. Somebody must do it.

It is not for putting up buildings entirely. Buildings will only be constructed in those cities where they can not be rented and, where it can be done, street cars will be run back into the cities to accommodate the workmen and no buildings will be constructed. In all instances where it can be done the construction of new buildings will be avoided and this money will

be expended economically, honestly, and efficiently. Still your committee thought that for the purpose of keeping track of the project they should put in a provision requiring at every session of Congress a report to be made by the Secretary of Labor of the money expended, to whom it is paid, and for what it was expended.

I want to say a word about the necessity of this work. My colleagues, we are involved in the greatest war known to history. It is a war not of our own choosing. We were compelled to go into this war or lose our honor and, perchance, our country. This is the most honorable war, on our part, that was ever fought. There was not a principle contended for in any war fought by the United States, from the Revolutionary War down to the present time, but what is involved in this war. We either had to fight or submit to an ignominious surrender.

You may ask me the question that is frequently asked, and that is, How long will this war last? I do not know how long it will last. There is no man who knows that.

I know Germany, our enemy, the most unscrupulous, the most unprincipled, the most barbarous, the most savage, the most inhuman, and dastardly enemy that ever contended on the field of battle, was for 40 years preparing for this war. It may be 40 years after we started in before it is concluded; but, as was said by the President, not until the last drop of blood and the last dollar is gone will we surrender. [Applause.]

We can not fight this war without munitions. We can not get munitions unless they are manufactured. These great companies have put up their plants. Ford, in my own State, has put up a plant occupying many acres of land and will employ many thousands of workmen. That is a sample of the factories. But they all are not so fortunate as he, and it may be that even he will need some of this money. Shall we hesitate at this stage of the war, when our brave boys have devoted there lives and everything they have for the protection and safety of our homes and our country?

Our Nation is at stake. This matter of $50,000,000 may be only a start. It may take several hundreds of millions of dollars, as it has in England. We must not withhold our aid. The munition manufacturers are assisting and helping us to fight this battle, and if we do not win on foreign soil we must win on our own soil. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CLARK of Florida. I yield five minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, the chairman of this committee [Mr. CLARK of Florida] has been good enough to yield to me five minutes, which I will use before I take the 5.45 train. In his remarks he mentioned the Fore River Shipbuilding Co. That happens to be in the city of Quincy; and with its three shifts of employees and the added Victory plant, a duplicate of the plant of the Fore River Co., makes this city the most important shipbuilding city in the United States. When gentlemen talk about men working in three shifts, it is an absolute fact that in the city of Quincy and for 10 miles or so around about that city the beds are actually working in three shifts. So it is most important and necessary that this bill, appropriating $50,000,000 for housing purposes, be passed as soon as possible. I trust that the advice of the chairman of the committee [Mr. CLARK of Florida] will be taken and that this bill will be passed by this House before sunup to-morrow. We can talk ships and think ships, but we must build them, and the men who work in these shipbuilding plants must work, under sanitary conditions. I have received letters showing that by the investigations of the Board of Health in Quincy it has been found that persons were sleeping in rooms at night which were occupied not only by another shift in the daytime but still a third shift. A man, his wife, and baby were found sleeping in a kitchen. Several persons were found in an attic room, and rooms generally there are working overtime. Employees who work in Quincy are going as far south as Taunton, 20 miles away, and to towns near the New Hampshire line on the north, to find sleeping accommodations. Therefore it is most important that this House pass this bill as soon as posible not only for Quincy, but with the added amendment of $10,000,000 for the thousands of girls who are coming to Washington under the civil service to work here to help win the war.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. OLNEY. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. On March 1 a bill became a law which authorized the Shipping Board to spend $50,000,000 for construction to house employees engaged in building ships for the United States. Have they done nothing for the Fore River yard?

Mr. OLNEY. Not a dollar, as I understand. That bill was reported out of the Committee on the Merchant Marine and Fisheries; and, as I understand from Mr. Otto E. Eidlitz, chairman of the housing committee the money to house the employees for the Fore River shipbuilding plant is to come out of the appropriation contained in this bill reported from the Committee on Public Building and Grounds and not out of the appropriation in the bill from the Merchant Marine and Fisheries Committee.

Mr. GREEN of Iowa. There were $50,000,000 appropriated in that bill, and this bill will make $100,000,000.

Mr. OLNEY. Yes.

Mr. GREEN of Iowa. And that other $50,000,000 has gone nobody knows where, has it?

Mr. OLNEY. The money appropriated in the bill which came out of the Merchant Marine and Fisheries Committee is to be devoted to other purposes to which the money appropriated in this bill can not be devoted; for instance, hospital facilities for the munitions plants.

Mr. GREEN of Iowa. That appropriation was not for any such purpose as that.

Mr. OLNEY. Yes; according to Mr. Eidlitz, it is.

Mr. SMITH of Michigan. Let me make a suggestion which perhaps will help the gentleman. The appropriation of $50,000,000 that has already passed is to be used to assist in the building of ships, the most important thing next to aeroplanes that we need.

Mr. GREEN of Iowa. It is for housing.

Mr. SMITH of Michigan. That $50,000,000 is to assist in the building of ships.

Mr. STAFFORD. We have appropriated $750,000,000 for ships.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. AUSTIN. I yield two minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, a few moments ago the chairman of the committee [Mr. CLARK of Florida] made some remarks, the plain inference of which was that because the point of no quorum present was made by me before the discussion began on this measure, dilatory tactics were being indulged in. Now, I did not intend and do not intend to indulge in any such tactics upon this measure, because I realize the importance of some legislation being enacted; but upon the completion of the bill which preceded this a great many Members of the House left this Hall with the understanding that there would be no vote taken upon this measure to-night. I thought it only fair on this important measure, with a very important amendment involving $10,000,000 to be offered, that there should be a larger attendance in the House in Committee of the Whole. I want to assure the gentleman from Florida that it was not done with any intent to obstruct the proceedings of this measure.

Mr. CLARK of Florida. I am very glad to hear the gentleman say that, but the gentleman knows that it is quite unusual to demand the full reading of a bill at the opening of its consideration.

Mr. WALSH. Yes; I objected to dispensing with the first reading, and as it turned out it took four minutes more of the time of the House to have the bill read. I was seconded in my objection by several other gentlemen who had not seen, read, or heard of the bill until it was brought in under a rule. I want to say that there is no intention on this side of the House, as far as I can observe, to indulge in any dilatory tactics or to do anything to give rise to the apoplectic vigor with which gentlemen have urged this measure. I do not know of any measure that ought to be considered in the absence of a quorum.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. CLARK].

Mr. CLARK of Pennsylvania. Mr. Chairman, I am intensely interested in this bill, as I was in the companion bill for housing the employees of the 132 shipyards of the United States. I know that the officials of this Government are exceedingly interested that this bill shall pass. I have had occasion to discuss the matter with some of them. I know that it is true of the housing committee, and I know it is true of the Chief Executive of this Nation.

I want to say that the State of Pennsylvania, which I have the honor in part to represent, is pretty liberally supplied with munition factories. The gentleman from Florida, in naming over the list needing housing facilities, unintentionally forgot to mention my home city, Erie, Pa. For diversified industries there are not more than three or four other cities in the United States exceeding it. There are 25 plants engaged in the manu-

facturing of munitions for the Government. The Government officials have been there and understand the situation; one is there now, or was quite recently, investigating conditions. Mr. Philip Hiss, of the Housing Division of the National Council of Defense, held a meeting the latter part of February in the interest of this housing legislation with the result that the citizens of Erie subscribed more than $700,000 to help this project along. In addition thereto, the General Electric Co. offers to put in $200,000 in cash and $200,000 in land and borrow $1,000,000 from the United States Government, and at the end of three years after the war take the property over at a valuation to be fixed by the Government itself. That is the kind of people out in that section. [Applause.]

I know that some families are leaving the city of Erie because they can not get housing. If we could construct the houses by the waving of the wand and put them there to-morrow there would be a stream of people coming into these factories aggregating 15,000 or 20,000 more. We are making cannon shells, electric motors, automobile supplies, parts for aeroplanes, tanks, boilers, engines, shafting, and other articles for the Government. The Erie Forge Co. is one of the largest contractors in the United States. It has contracts to-day involving something like $63,000,000.

I know that there must be increased housing facilities in order to get a maximum output in the shortest time. The General Electric Co. is at present constructing 700 houses. The American Brake Shoe Co. is constructing 600 or 700 houses. Several real estate firms are also building, but the demand far exceeds the supply.

I can, therefore, accept readily the wish of the gentleman from Florida [Mr. CLARK] that this bill may be hastened to final completion. I am ready now to vote for the bill as it stands, notwithstanding there has been some criticism as to the department that should carry out the administrative features of the bill. That is up to them. The duty rests upon them. If they carry it out well we will be satisfied, but the Department of Labor has the right to bring into use all the facilities to be found with the Supervising Architect of the Treasury and other agencies.

That feature of the bill which gives to the Secretary of Labor authority to carry out the provisions of this proposed legislation has been the subject of careful investigation by those in high official position, by the committee in charge of the bill, and by others, and adopted—let it stand. Plans of operation have in part already been worked out; to turn the business over to new hands would neutralize what has already been accomplished, cause delay and confusion.

Now, if there were a necessity for passing a housing bill for the shipbuilding plants the necessity exists for the passing of this bill to construct houses for the munition factories in my own city, and I judge that the same condition prevails elsewhere. I know that it does at Bethlehem, Bath, Bridgeport, and Fall River, and in many other cities of the United States. We have passed a great many bills on the basis that they are war measures, and any person who has been in this House a few months understands that this is a war measure.

The United States Government would never enter into any such enterprise as furnishing money to construct houses if it were not an absolute necessity.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

By unanimous consent, Mr. CLARK of Pennsylvania was granted leave to extend his remarks in the RECORD.

Mr. CLARK of Florida. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, I intend to support this bill, and I am glad to do so, but through the kindness of the chairman I have been given this brief time in which to present a matter that I wish to call to the attention of the House relating to the proposed change in the draft law. As is perhaps known to the Members, a bill has passed the Senate and has been reported to the House that proposes to change vitally the basis for determining the quota of men to be drafted, changing it from population as at present to the number of men placed in class 1. I have asked the adjutant general of the State of Nebraska to furnish me the figures showing the way and the number of men who have been placed in class 1 in each county in the State of Nebraska by the draft boards, and also the total number of men registered and liable for service, and I have taken 20 representative counties out of the hundred counties and districts in Nebraska that are of nearly the same population and character of citizenship for the purpose of comparison, and I wish to put them in the RECORD in order to call the attention of the House to what will occur if quotas are determined by numbers in class 1 instead of total population or the total number of registrants, as proposed in my amendment. Gen. Crowder has said that if the proposed bill, Senate joint resolution 123, becomes a law he will draw all the men from class 1 before he invades another class, no matter if one district thereby has to furnish the quotas lacking from another because class 1 is exhausted in the latter. To take an example from the table I submit: Seward County, with total draft population of 1,287, will furnish 1,262 soldiers for the trenches, while Antelope would furnish 156 from a total draft population of 1,206. Similar conditions are shown in the other counties compared in the table.

In like manner, if the rule of basing the draft on the number in class 1 is adopted, those States that have placed a large per cent of registrants in class 1 will have to furnish those soldiers lacking from States that have placed a small number in that class. I will say that Nebraska is a representative agricultural State. We were the eleventh State in the Union to furnish the number of men required to fill our quota in the Regular Army, and we had a less percentage of delinquents at the call of the last draft than any other State in the Union except North Dakota. So the conditions in Nebraska are probably those that exist in many other States. I hope that Members will apply to their State authorities and learn how the new rule will affect them. For instance, in Chase County the total registrants classified are 361, and the total number placed in class 1 is 283. In Dundy County, an adjoining county, the total registrants numbered 375 and the total placed in class 1 was 78. In the fourth district, represented by my colleague, Mr. SLOAN, in Seward County the total registrants number 1,287, and the number placed in class 1 by the Seward County board number 1,262, while in Antelope County, with a total registrant population of 1,206, the number placed in class 1 is only 156. And so it goes through the whole State. In other words, if the quota is based upon class 1, the numbers that are to be furnished by some of these counties with similar population will be ten times as many as others.

I ask unanimous consent to extend my remarks in the RECORD by placing therein this table.

The CHAIRMAN. Is there objection?

There was no objection

The table referred to is as follows:

Comparisons of the numbers of registrants placed in class 1 by the draft boards of counties of similar population, both as to numbers and avocations, as shown by report made by the adjutant general of Nebraska.

CONTIGUOUS COUNTIES.

County.	Total registrants in county.	Total placed in class 1.	Appealed to district boards
Chase	361	283	113
Dundy	375	78	1
Hayes	283	251	187
Perkins	295	70	1
Frontier	765	636	322
Furnas	846	88	4
CENTRAL SECTION, ONE NORTH AND ONE SOUTH OF PLATTE RIVER.			
Franklin	809	445	294
Nance	751	107	54
Nuckolls	1,010	615	250
Colfax	1,011	245	28
Gosper	380	260	101
Boyd	574	75	
Seward	1,287	1,262	540
Antelope	1,206	156	
Gage	2,443	1,808	1,014
Buffalo	1,934	425	2
Saunders	1,697	1,327	665
Scotts Bluff	1,539	259	4
LINCOLN, CITY, COMPLETE, AND DIVISIONS 1 AND 2, OMAHA, CITY.			
Omaha (divisions 1 and 2)	5,985	2,268	493
Lincoln (divisions 1 and 2)	4,732	171	13

In entire State an average of 32½ per cent of all registrants classified were placed in class 1.

It will be noted that in counties where the numbers placed in class 1 is large in proportion to the total registrants the appeals to the district board are numerous.

At the time these figures were made up a total of 6,330 appeals were pending in the entire State before the district boards in a total of 33,681 registered and liable to military service.

Nebraska was the eleventh State to furnish its quota of volunteers for the Regular Army and had the lowest per cent of draft delinquents under the previous call of any State in the Union except North Dakota.

Mr. CLARK of Florida. Mr. Chairman, I yield two minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman, I intend to support and vote for the pending measure because it appears to be absolutely necessary in the successful prosecution of the war. But I rose to speak in relation to another matter which in my judgment is even more important in connection with the gigantic struggle in which we are now engaged.

While in every section of our country, in every city, town, and hamlet, our people, all true Americans who honor the flag, and whose hearts are beating in anxious sympathy with the brave boys who have gone and are going to fight the battles of the Republic, to uphold its dignity and to defend its honor, and to make the world safe for America, are making noble and generous response to every call of the American Red Cross, and while the manhood, womanhood, and childhood of the Nation are giving of their time, energies, and means to the support and assistance of this the greatest and most efficient organization for relief work the world has ever known, and while letters and messages are coming daily from the boys at the front in praise of its work, yet knockers in some sections of this country are not even sparing the Red Cross, and statements are made and given circulation to the effect that the major portion of the funds contributed go for salaries and administrative expenses and the minor portion to actual relief.

Gentlemen, these reports are without foundation either in truth or in fact, and I do not propose that they shall longer go unchallenged. I am sure that the patriotic forces who are engaged in securing contributions to the Red Cross will be glad to know that not one cent collected for the Red Cross war fund is used for administrative purposes and that every dollar goes into the work of relief, and that of the immense fund contributed to and used by this organization less than 2 per cent is required for administrative purposes, and this comes out of money paid in as membership dues by members of the organization. I ask to insert in the RECORD and have printed as a portion of my remarks a letter and statement just received from the deputy comptroller of the Red Cross, which furnishes a very definite explanation as to the matters to which I have just referred.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana to extend his remarks in the RECORD in the manner indicated?

There was no objection.

The letter is as follows:

THE AMERICAN RED CROSS,
Washington, D. C., March 28, 1918.

Hon. RILEY J. WILSON,
House of Representatives of the United States,
Washington, D. C.

MY DEAR MR. WILSON: I am very glad to receive your inquiry of the 25th instant about Red Cross funds.

Every dollar subscribed to Red Cross war fund is used for relief work made necessary by the war. All administrative expenses, as well as some relief activities, come out of the portion of membership dues paid over by the chapters to the national organization. No money is paid out of Red Cross treasury except under appropriations authorized by war council or executive committee.

Appropriations for relief activities up to date, chiefly on budgets for the period ending Apr. 30, 1918:		
Out of war fund		$79,700,901.82
Out of other funds		555,265.38
Total for relief		80,256,167.20
Administrative expenses at headquarters and 14 division offices, including cost of membership campaigns, carrying on supply business, enlisting personnel of nurses, etc.:		
Actual for eight months to Feb. 28, 1918	$2,806,769.50	
Estimated for two months to Apr. 30, 1918	900,000.00	
		3,706,769.50
Total		83,962,936.70

This indicates that less than 4½ cents out of the dollar is spent for administrative expense and over 95 cents for relief. But it should be remembered that in "expenses" there are included such activities as enlisting nurses, doctors, and other workers, and especially the considerable cost of conducting a supply business which has transactions of $4,000,000 to $5,000,000 per month. Probably the actual overhead expense of management is less than 2 per cent, and, as stated above, not one penny of this comes out of the contributions for relief purposes.

From what I have said it is clear that any statement to the effect that "ninety cents out of every dollar subscribed is used for administration" is wholly without foundation. As you suggest, such reports are probably circulated with malicious intent and as part of the enemy propaganda.

A complete financial report is in preparation and will be published early in May. I will see that a copy is sent to you, and I will have additional copies sent to any persons you may care to name.

Yours, truly,

LOUIS J. HUNTER,
Deputy Comptroller.

Mr. WILSON of Louisiana. Mr. Chairman, we have just one business as a Nation at this time and that is to win this war, and to do this we must have unity of action as well as of spirit among all patriotic citizens, and there should be no room or place anywhere for the "knocker," the obstructionist, and the disloyal who are hampering the operations of the forces and organizations whose activities are so essential to our success.

A portion of our forces are to-day in the battle line at the front and others are going gladly to join them, placing their all on the altar of liberty in our defense. The very heart of the Nation is with them. In every community loyal and patriotic men and women are giving them undivided and unfaltering support. This is no time for quiet, passive, or inactive patriotism. The only man who can classify himself as a genuine American is he who comes forth openly and aggressively into the discharge and performance of whatever duty or service he can best render to his country now. [Applause.]

Mr. AUSTIN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, there will soon come before this House for consideration, in connection with the conference report on the Agricultural appropriation bill, the regulations for grading of potatoes recently forced upon the farmers of the country generally and of Michigan particularly by arbitrary, unwise, and unwarranted action of a section of the Food Administration. The regulations in question, mandatory in their operation, have been represented by the authorities as in the interest of potato growers and satisfactory to them. Such is not the case.

During the pendency of the Agricultural appropriation bill in the Senate the following amendment was adopted, it having been presented by the Senator from Michigan [Mr. SMITH], it being No. 41 of the Senate amendments to said bill:

That act No. 41, Sixty-fifth Congress, approved August 10, 1917, be amended by adding the following at the end of section 14 of said act: "*Provided*, That no part of the money herein appropriated or any unexpended balance heretofore appropriated shall be used to defray the expenses of the Food Administration or any other department of the Government in the work of grading potatoes, and no regulation shall be made therefor: *Provided further*, That it shall not be lawful to grade potatoes as to size or otherwise interfere with the marketable value thereof when such products are free from blight, dry-rot, and other disease harmful to the public health."

I hope that amendment will be concurred in by the House conferees and by the House; and, as expressive of the views of the potato growers of Michigan and, I think, also of other States, I desire to call the attention of the House to the following resolutions adopted unanimously at the annual convention of Michigan potato growers held at the Michigan Agricultural College a few days ago:

Whereas the United States is engaged in the greatest war of history, involving the freedom and democracy of the world, the preservation of our Nation and the safety of our homes. We fully realize that the successful prosecution of the war and the welfare of our boys across the seas depend upon the united strength of the Nation's man power and the coordination and cooperation of all its commercial and agricultural interests. The farmers of the Nation have heeded the pleas of President Wilson that they put forth their utmost endeavors to increase the food products of the Nation that the wants of our soldiers, the allies fighting by their side, and the citizen population may be supplied; and

Whereas in complying with the pleas of the Federal Government in these respects the farmers of Michigan last spring planted the largest acreage of potatoes in their history, paid the highest prices of years for seed, labor, and fertilizer, tended the crop through a most discouraging season, and because of circumstances outside their control secured a most disappointing yield for their labor; and

Whereas when the farmers took their potatoes to market expecting that they would be graded and sold in the same manner as in previous years, they were required by the buyers to conform to a grading system which in practical operation resulted in a classification that placed in a so-called No. 2 grade having little if any market value from 25 to 35 per cent of sound edible potatoes that in previous years had found a ready market under grading rules as accepted and established by the trade; and

Whereas the grading rules so suddenly promulgated were not extended to include all potato-growing sections of the country; neither were any established rules or requirements demanded of retail dealers or distributors, thus enforcing grading rules upon the farmer without following the product to the consumer in an effort to create a demand for such grades; and

Whereas the establishment of these grades has resulted in huge financial loss to the farmers of all States, paralyzed the movement of the crop during the normal marketing season, resulted in an overabundance of potatoes at the source of supply and a shortage at the consuming markets, forced the farmers to hold their crop of No. 1 stock for much higher prices than would have been necessary to have paid the cost of production had they been able to place on the market a larger percentage of their crop as in former years; and

Whereas the lack of a market for the so-called No. 2 stock has resulted in an enormous and criminal waste of precious food, in direct contravention to the teachings and efforts of the Food Administration to conserve food products; and

Whereas the President has said, "No law can last long * * * which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed"; and

Whereas the farmers of the State of Michigan have been arbitrarily compelled by virtue of the very nature of the marketing and distributing machinery of potatoes, controlled by the organized shippers

of the State, to have their potatoes graded in a manner contrary to their wishes and detrimental to their interests, having had absolutely no voice in the matter whatsoever: Therefore be it

Resolved, That we, loyal citizens and farmers of the State of Michigan, in convention assembled, do hereby pledge our utmost support to the prosecution of this great war for the cause of humanity, and to do all in our power to produce the greatest amount of foodstuffs required to win the war; and were the present method of grading potatoes in any manner a measure destined to assist us in our direct benefit to those most vitally concerned, the producer or consumer, we would cheerfully, gladly abide by its provisions; be it further

Resolved, That we protest against the indiscriminate waste of food resulting from the double grading of potatoes, and to request the immediate abolishment of all obnoxious rules governing the production of food that will in any way have a tendency to reduce or curtail such production, and that the Government do all in its power to assist the farmers in this effort; and be it further

Resolved, That we particularly condemn the double grading of potatoes as now being employed by the shippers of this State, and demand its immediate abolishment, in the interest of our common cause; and be it further

Resolved, That this convention of representative potato growers of Michigan go on record as favoring the principle of grading potatoes as regards to quality, which principle, in fact, has been observed for many years by the producers and by buyers in all terminal markets; but we are unalterably opposed to further interference in the matter of grades, through which neither producer nor consumer is benefited, fully believing that the discussion and determination of such regulations may, with justice to all and injury to none, be left until the close of the war.

FORREST A. LORD,
Mount Clemens.
LAWRENCE SIPLE,
Greenville.
DAVID E. BURNS,
Beulah.
ELMER COMPSON,
Remus.
A. M. SMITH,
Lake City.

LANSING, MICH., *March 7, 1918.*

Mr. AUSTIN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON of Pennsylvania. Mr. Chairman, it was not my purpose to speak on this bill when I came in this afternoon, because I did not know that this measure was to be brought in the House to-day. Within 6 miles of my home there is a shipyard that has cost the Government $14,000,000, but there are no homes there for the workmen. There will be about 4,000 to 5,000 men employed and, with their families, there will be something like 16,000 or 17,000 people. In a talk I had with one member of the Shipping Board the other day he informed me there were only 185,000 men employed in the 150 shipyards that are now under the control of the Government, and they wanted 300,000 more men in order to have three shifts of eight hours a day, and that it was impossible to obtain them, because of the lack of housing, and on the average a married man would not remain longer than five months at any shipyard without his family. At Bristol, on the Delaware, where the Shipping Board intends to expend some $2,000,000 in building homes, they will also erect hospitals as well as hotels and places of amusement.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WATSON of Pennsylvania. Yes; I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Is it not a fact that at Bristol they are using boats in the river in order to accommodate workmen?

Mr. WATSON of Pennsylvania. They have one large boat which was used as an excursion steamer that is tied up to the wharf, and the men are obliged to sleep on board of it in order to have a place to remain at Bristol and perform their work. The men and women who are employed in our military industries must be regarded as human beings, and their comforts be looked after, as well as those who fill high official positions. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. I yield half a minute to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the report of the general secretary of the Interstate Inland Waterway League on the intercoastal canal.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to print in the RECORD the report indicated. Is there objection?

Mr. ELSTON. Mr. Chairman, reserving the right to object, how long is the report?

Mr. LAZARO. It is very short.

Mr. ELSTON. About how many words?

Mr. LAZARO. It is very short.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

THE INTERCOASTAL CANAL FROM THE MISSISSIPPI TO THE RIO GRANDE.

[From the report of the general secretary Interstate Inland Waterway League at the thirteenth annual convention. Revised to Mar. 1, 1918.]

Interstate Inland Waterway League of Louisiana and Texas: C. S. E. Holland, president, Victoria, Tex.; Henri Gueydan, vice president, Gueydan, La.; G. J. Palmer, vice president and treasurer, Houston, Tex.; Leon Locke, general secretary, Lake Charles, La.; Roy Miller, assistant secretary, Corpus Christi, Tex.

EXECUTIVE COMMITTEE.

Texas: C. S. E. Holland, Victoria; G. J. Palmer, Houston; A. B. Davidson, Cuero; J. H. P. Davis, Richmond; W. P. H. McFaddin, Beaumont; Walter Gresham, Galveston; Jan van Tyen, Port Arthur; G. B. Culver, Matagorda; John W. Gaines, Bay City; J. S. Cullinan, Houston; Arthur Mathis, Rockport; A. E. Masterson, Angleton; R. Givens, Corpus Christi; L. Cobolini, Brownsville; F. H. Farwell, Orange; Lindsay Waters, Harlingen; Duncan Ruthven, Palacios; Willett Wilson, Port Lavaca; S. W. Pipkin, Beaumont; Homer D. Wade, Freeport; Roy Miller, Corpus Christi.

Louisiana: Henri Gueydan, Gueydan; Leon Locke, Lake Charles; E. A. Pharr, Morgan City; H. B. Hewes, Jeanerette; J. G. Medlenka, Crowley; W. B. Reed, Morgan City; T. Cheney Lawless, Garden City; C. O. Mouton, Lafayette; L. H. Marrero, Gretna; J. A. Wakefield, Cameron; Horace H. Harvey, Harvey; C. S. Williams, Patterson; Martin Behrman, New Orleans; B. B. Myles, New Orleans; A. M. Dupont, Houma; Paul F. Jahncke, New Orleans; John L. Henning, Sulphur; Wilbur H. Kramer, Franklin; Walter Lemann, Donaldsonville; Rene F. Clerc, New Orleans; H. A. King, New Iberia.

The Intercoastal Canal, of Louisiana and Texas, is a part of a continuous inland waterway, already surveyed and partly constructed, reaching from Boston, Mass., along the Atlantic and Gulf coasts to the Rio Grande, Tex. The section which concerns us immediately is the Mississippi to the Rio Grande, and the Interstate Inland Waterway League was one of the first organizations to take up a plan for coast inland waterway development.

An act of Congress of March 3, 1873, ordered a survey with a view to connecting the Mississippi with the Rio Grande by cuts and canals, joining the lakes, bays, bayous, and lagunas along the margin of the Gulf of Mexico. The survey was conducted by Maj. C. W. Howell, and a report with estimates made on a cost of 25 cents a cubic yard for construction was submitted, but no appropriation was made at that time.

The project being revived by Texas and Louisiana interests, a new survey was authorized by the act of March 3, 1905, and the examination from the Mississippi River at Donaldsonville, La., to the Rio Grande was made by Maj. Edgar Jadwin, whose report is printed in House document No. 640, Fifty-ninth Congress, second session. Subsequently the Donaldsonville exit was changed to Plaquemine by reason of the locks at that place.

A general interest in waterways prompted Congress to order in the act of March 3, 1909, a survey of the entire intracoastal waterway from Boston, Mass., to the Rio Grande, Tex. To a special board of engineers composed of Lieut. Col. Lansing H. Beach, Maj. H. Jervey, Capt. J. C. Oakes, Capt. H. B. Ferguson, and Capt. A. E. Waldron was assigned the section from St. Georges Sound, Fla., to the Rio Grande, and the report of the board is printed in House document No. 610, Sixty-third Congress, second session. Location of routes and estimates are given in this report under date of January 15, 1914. No action on this report has yet been taken by Congress.

The engineers subdivide the Mississippi-Rio Grande waterway as follows: Mississippi River to Bayou Teche, Bayou Teche to Mermentau River, Mermentau River to Sabine River, Port Arthur to Galveston Bay, Galveston to Brazos River, Brazos River to Pass Cavallo, Pass Cavallo to Aransas Pass, Aransas Pass to Brazos Santiago, Brazos Santiago to Rio Grande.

Despite the efforts of the league and the attitude of the Army Engineers, Congress continues to treat each of these sections as a separate project. Recognition of the waterway in its entirety is demanded.

The section between the Mississippi River and the Sabine River embraces practically all of southern Louisiana and lies well within the region of alluvial deposit made by the Mississippi River. It consists of wide areas of marsh, numerous cypress swamps, and many lakes, which are from one-half to 30 miles in length. Many bayous, having a general north-and-south direction, intersect, and these bayous are all deep, most of them having 20 to 30 feet for miles in succession. There are no elevations, and it is possible to construct a tide-level canal across the entire section. For the purpose of preserving some fresh-water basins for irrigation, especially in the rice region, locks are located in places where the canal crosses some lake or bayou. Although the bayous are deep, the bays and lakes are usually shallow, usually from 6 to 10 feet in depth. The league, therefore, is urging a construction inland around those bays in order that a channel may be maintained and that navigation may be free from the dangers of open waters and of being left on a shoal after a prolonged blow from the north.

MISSISSIPPI TO TECHE.

This is the center of the sugar region of Louisiana and skirts the great cypress areas. The lower part, near the Gulf, has a large fish and oyster trade and is the location of many canneries. Some of the principal streams, all of which are navigable, are the Barataria, Des Allemands, Lafourche, Terrebonne, Little and Grand Caillou, Boeuf, Black, and the mighty Atchafalaya. There are also numerous lakes, among which may be named Salvador, Catouache, Des Allemands, Field, Long, Verret, Palourde, and Grand Lake, this last being a widening of the Atchafalaya. This river and lake is joined by a network of bayous and lakes with Plaquemine Bayou and connects with the Plaquemine locks, and commerce from the Atchafalaya, the Teche, and westward passes through these locks 110 miles above New Orleans.

With the construction or improvement of a short link—Lafourche, Terrebonne, Bayou Black—communication could be made with New Orleans from the west through one or both of the privately owned canals extending from the Mississippi opposite that city. The Harvey Canal connects with the river at Harvey through a lock 30 feet in width, a length of 150 feet, and a depth of 7 feet over the sills. This canal extends to Bayou Barataria and enters Lake Salvador through Bayou Villars, thence through Harvey Canal No. 2 to Bayou Lafourche. It is probably the intention of the owners of this canal to extend it still farther west, if it is not taken over by the United States to form a part of the intracoastal waterway. The other canal, known as the "Company Canal," by reason of its having been constructed about 1830

to 1850 by the Barataria & Lafourche Canal Co., is at present owned by Mr. R. R. Barrow. This canal connects with the Mississippi River at Westwego by a lock having a 25-foot width, 160-foot length, and a 6-foot depth. The route of this canal is through Bayou Segnette, Lake Salvador, and enters the Lafourche at Lockport. From this point it passes through the swamp and through Lake Field and Lake Long to Bayou Terrebonne, about 8 miles below Houma. The special board recommended a canal in this section and advised an initial appropriation of $300,000, with a view of purchasing, ultimately, one or both canals if it was found practical. These canals are extensively used.

BAYOU TECHE TO MERMENTAU RIVER.

This section is in the sugar and rice country, and provision was made for it as a project in the act of March 2, 1907, on a 5-foot depth, a bottom width of 40 feet. The route is a dredged canal, known as the Lanson Canal, which connects the Teche with the Bays of Cote Blanche and Vermilion, thence through Schooner Bayou to the canal dredged to White Lake and through three small lakes to Grand Lake. This section was completed in 1911 and is in extensive use. A lock at Schooner Bayou 36 feet wide, 300 feet long, and 9 feet in depth serves to prevent the pollution of White Lake by the salt waters of the connecting bays. This lake, being fresh, has long served as a reservoir for water used in rice irrigation, this particular district being the greatest rice-producing section in the United States. The special board has recommended a route inland around these bays and lakes to avoid the shallow waters and recommends a depth of 7 feet with an adequate bottom width, but no action on this has been taken by Congress. An alternative route in the eastern end of this section often used is from the lower Atchafalaya through Wax Bayou and to East Cote Blanche Bay around Point Chevreuil.

Appropriations made by Congress for the foregoing section total $314,203.

MERMENTAU TO SABINE.

An appropriation of $100,000 was made for this section in the act of June 25, 1910. The engineers were asked to use this money on the western end of the section lying between Calcasieu River and Sabine River, it being figured that this amount would complete that connection on the prescribed basis of 5 by 40. In order to have a direct line avoiding a tortuous bayou, thereby better serving the agricultural and other interests, a new line was surveyed, and the cost in excess of the estimate of the United States engineers was figured at $27,450, which sum was contributed by the communities asking for the new route. Of this amount $14,183.03 was returned upon completion of the work. On this stretch are located shipyards, sulphur mines, oil fields, rice plantations, and mills and lumber plants. By reason of the need for war and commerce of the enlargement of this part of the canal two wards of the parish of Calcasieu voted bonds in the amount of $250,000 and asked the United States Engineers to recommend the improvement of the stretch to a 9-foot plus depth and a 100-foot bottom width, conditioned on the community, through the bond issue mentioned, contributing one-half the cost. The recommendation was made and the act of August 8, 1917, appropriated $230,000 for the work. A modification of this section is carried in the bill pending at this time, March, 1918, to a 90-foot bottom width and such depth as the funds will secure, presumably more than 12 feet. The act of last August also contained authority to construct that part of the section between the Mermentau and Calcasieu Rivers on a 7 by 75 foot basis, provided it could be done with the funds available, which amount to about $260,000, secured by appropriations made in previous acts. Appropriations and contributions for the entire section total $898,000. Hydraulic dredges are at work in the Calcasieu-Sabine section and work in the Mermentau-Calcasieu stretch will soon begin.

SABINE RIVER TO GALVESTON BAY.

This route begins at the head of Sabine Lake and follows the Sabine-Neches Canal to Port Arthur, completed with a depth of 25 feet. From Port Arthur the route along the north shore, by way of Salt Bayou, thence to East Galveston Bay, has been approved on a basis of 9 by 100, but no appropriation has been made by Congress. This is one of the most important links of the canal, and it would be deplorable if the interested communities suffered it to be omitted from the pending bill without a vigorous protest. The same applies to the New Orleans-Morgan City section.

GALVESTON BAY TO BRAZOS RIVER.

In 1851–1853 the Galveston & Brazos Navigation Co. constructed a canal 6 feet deep and 100 feet wide between the mouth of the Brazos River and West Galveston Bay. This canal, 10 miles in length, was extensively used for many years in carrying cotton and other commodities. In 1859 the State of Texas made some improvement by dredging, but the storm of 1875 practically obliterated the channel on its old depth. The canal was taken over by the United States in 1892 at a cost of $30,000, and is now a part of the section adopted in the act of March 2, 1907. This act provided for a 5 by 40 construction, appropriating the sum of $133,829 for the waterway on the coast of Texas and authorizing the expenditure of $300,000 more, all of which has been used. Included in this were Pass Cavallo to Aransas Pass and the Guadalupe to Victoria.

BRAZOS RIVER TO PASS CAVALLO.

This section, included in the appropriations above, has been completed on a basis of 5 by 40. The only actual land dredging on the coast of Texas was the stretch between West Galveston Bay and Matagorda Bay. All the other work has been through open waters. The section between Port Arthur and Galveston Bay will pass inland, as there are no sheltering islands on that part of the coast. Another inland cut will be the Brazos Santiago to Rio Grande section, at the Brownsville end of the project. The river and harbor act of June 25, 1910, appropriated $200,000 for this stretch between the mouth of the Brazos and Matagorda Bay. The work has been completed, but, in addition to the need for a greater depth, it is essential that some work be done to provide a way of communication from the canal to points on the immediate coast. Improvements in the Brazos Channel and Harbor near Freeport, where the second great sulphur mines are located, add to the importance of the contiguous sections of the inland waterway.

PASS CAVALLO TO ARANSAS PASS.

This section of the canal passes through Espiritu Santo Bay back of Matagorda Island and connects with the Guadalupe River through San Antonio Bay. There is also connection with Port Lavaca through a channel 7 feet deep and 80 feet wide from Pass Cavallo.

ARANSAS PASS TO BRAZOS SANTIAGO.

A part of this stretch is covered by the existing project for improvement of Turtle Cove Channel between Aransas Pass and Corpus Christi, which contemplates a depth of 12 feet, the work being in progress. At present Corpus Christi is the western end of the project so far as the completed and approved sections are concerned. The remaining part of the section is through Laguna Madre, which has a varying depth of from 1 to 8 feet. The development of the southern part of Texas and of the fertile valley of the lower Rio Grande will soon compel recognition of this stretch.

BRAZOS SANTIAGO TO RIO GRANDE.

This section, 8 miles long, extending from Point Isabel has been recommended by the special board on a regulation depth of 9 feet and a bottom width of 100 feet. This is a needed improvement of itself, and the completion of the intercoastal canal will make its construction imperative. It is probable that the efforts of the people in that section will result in securing deep water to Brownsville within a very few years.

Summarizing, the status of the inland waterway is as follows: Mississippi River to Mermentau River completed with a ruling depth of 5 feet, reached either through Plaquemine Locks to the Atchafalaya, or through one of the privately-owned canals opposite New Orleans and described herein.

Mermentau River to Sabine River, work in progress; depth Mermentau-Calcasieu Stretch, 7 feet; Calcasieu-Sabine, 12 feet.

Sabine to Port Arthur and Port Sabine, 25 feet.

Sabine to Galveston, approved on a depth of 9 feet; now before Congress.

Galveston to Corpus Christi, completed on 5-foot depth.

Corpus Christi to Brownsville, not yet undertaken.

The object and advantage of the waterway becomes plain when one remembers the dangers in the open waters of the Gulf, especially to small craft. There is a dread also of tropical hurricanes.

With the completion of the canal all the markets on the Mississippi and its navigable tributaries can be reached safely and cheaply, and the communication afforded opens to the Mississippi more than a thousand miles of the navigable rivers of Louisiana and Texas. The commercial need of the waterway has been well established; its military value is obvious.

The canal will reach places in the coast country where railroad construction would be so costly that it could hardly be undertaken. The best proof of the practicability and need of the canal may be found in the fact that many private canals exist and are in constant use, serving a triple purpose—transportation, irrigation, reclamation. The last feature has been greatly stimulated by the intercoastal, and in southern Louisiana there are more than 50 extensive reclamation districts embracing a total area of over 300,000 acres.

Rights of way are furnished without cost to the United States, and these are usually obtained without much difficulty by reason of the value and use of the canal. Occasionally, however, it takes time and patience to secure a gift of a strip of land 300 feet wide, and some time to perfect the titles.

The appropriations thus far made total over $2,000,000. It is estimated that $10,000,000 will be required to complete the project on the basis urged by the league, 9 feet deep and 100 feet wide.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. MANSFIELD.]

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, as stated by the chairman of the Committee on Public Buildings and Grounds a few moments ago, this is a war measure. It came before that committee with the assurance that it had the approval of the President of the United States and of the entire Cabinet. It is different from the appropriation which was recently made for shipbuilding purposes. While a portion of the money will be used at the shipyards, it has other objects and other purposes in view. It also makes provision for the housing of employees of munition plants at the places where they are manufacturing the big guns, aeroplanes, engines, and everything of that kind. It also, by an amendment which will be offered at the proper time, will carry $10,000,000 for the housing of employees here in the city of Washington.

Mr. Chairman, I consider this one of the most important war measures that has been brought before the House at the present session. Our armies which we are raising and training will be of no avail to us unless we have the ships to place them upon the battle front in Europe and provide them with something to defend themselves with after they are placed there. The shipping question is the most serious proposition before us to-day, as events now going on in France demonstrate. It is more important that we get a few hundred thousand men over immediately than it is to do anything else that I can conceive of at this time. Mr. Chairman, objection has been made to this bill for the reason that it is to be handled under the Department of Labor. In my judgment that is the proper department of the Government to handle this proposition. They are in touch with the whole labor situation. They know the needs; they are familiar with every detail of it; and they have got it now at their fingers' ends and are ready to commence operations just as soon as authority is given by act of Congress. The Treasury Department, where some think the authority should have been placed, is not in a position to take immediate charge of it. The Secretary of the Treasury, with the $20,000,000,000 of railroads of the country in his hands and all the billions of bond issues, and everything of that kind, has all he can attend to just at

this time. Now, these appropriations are not excessive. We have the assurance that England has expended $700,000,000 for housing purposes for the laborers at the shipping yards and munition plants. This bill and the one that has heretofore been passed both together will only aggregate a little over $100,000,000.

That is a small sum compared with the results that we hope to obtain. I will repeat that I consider this the most important war measure that has been brought before us at the present session, and I sincerely hope that the bill will be passed at the earliest possible time. [Applause.]

Mr. Chairman, events of the greatest moment now taking place on the battle fields in France emphasize the emergency of this proposition. Under the able and efficient management of the Secretary of War we have succeeded in building up an admirable army of a million and a half men, who have been selected, mobilized, trained, and equipped in less than 12 months from the time of the declaration of war; we have great manufacturing plants in operation hourly turning out vast quantities of munitions for ourselves and our allies; our almost boundless fields of agriculture are being planted to food-producing crops; but, Mr. Chairman, these men, these munitions, and these foods can not help us win the war unless we can reach the Continent of Europe with them in time to prevent our allies from being overwhelmed by a vastly superior force.

In northern France the destiny of the civilized world hangs suspended in the balance because of the difficulties we must encounter in order to send relief before it is too late. The cry for relief comes to us from every quarter; the shipyards and munitions plants are congested on account of the inadequacy of the housing facilities for the workmen now engaged, and many additional thousands must be employed to carry on this work; the clerical force here at the National Capital can not be suitably lodged at this time, and thousands more must come; the shipyards, the powder and gun works, the motor truck and aeroplane factories, all tell a similar tale. The labor necessary for the successful operation of all these industries can be secured as soon as suitable living quarters can be provided, but without such quarters they can not be operated to their full capacity in this most critical period. Mr. Chairman, the fate of the world and our future destiny are largely dependent upon this legislation.

I sincerely hope that it may be put through with the least possible delay. [Applause.]

Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. Mr. Chairman and members of the committee, in modern times wars are not won in a single battle or by any one line of effort. Modern warfare has developed into a science where the mobilization of men and munitions is only a part of the great game.

Industries, finances, and practically all the walks of life must be readjusted and protected from the encroachment of unusual and unnatural conditions. Other things being equal, the side wins to-day who can best and most efficiently mobilize not only its military strength and power but its natural resources and industries.

The financial strain of a modern warring nation is tremendous, and it can not be withstood if industrial life is paralyzed and the earning capacity and the means of earning the livelihood of its citizens is interfered with.

Every individual in this Republic should be busy at something; if not engaged in so-called "war activities" he should be engaged in a profit-making pursuit of some kind in order that we may make the most of our powerful industrial strength from which may be drawn the revenue to sustain the financial strain of the war.

At the outset of these remarks, Mr. Chairman, I am willing to concede that there may be a few classes of industries of the United States that could well suspend, or practically so, until the war is over. If there be such industries they are the ones whose employees can be readily set to other tasks. I find a very wide difference of opinion not only among Members of Congress but among others connected with the administration of public affairs in this country to-day as to the advisability of declaring certain industries "nonessential" to the winning of the war and discouraging them in their operation and development.

The Secretary of the Treasury, the Hon. William Gibbs McAdoo, on whose shoulders rests largely the responsibility of financing this war, on February 5, 1918, gave out the following statement:

> Because of the interest of the Treasury Department in the conservation of capital and credit during the period of the war, I have received several inquiries as to whether building operations of one kind and another should be discouraged. With regard to plans for public buildings under the control of this department, I have stopped letting contracts except in cases where they were absolutely necessary.
>
> Home building is an excellent thing in normal times, but at present, unless there is a real shortage of houses for war workers, I strongly advise that materials, valuable labor, and credit be not utilized for this purpose. Whether homes should be built should be determined strictly by the urgency of the need.

Also, on February 27 the same gentleman, in explanation of his statement of February 5, directed a letter to Frank W. Conner, Esq., Washington, D. C., which is as follows:

> You have asked me for an elaboration of my statement concerning the desirability of restricting at this time unnecessary building operations.
>
> It is only by subordinating local and personal interests to the general welfare, and by enforcing the most rigid economy in matters of public and private enterprises, as well as in matters of personal expenditure, that the United States can hope to bear its part of the financial burden of the war and to release sufficient labor and materials for war purposes without depletion of our own resources.
>
> It is impossible to lay down a hard and fast rule as to what every patriotic citizen should do in order to live up to his duty in this connection. Things that are necessary for the life and health of the people must, of course, be procured. So it is with the building of homes. It is obvious that it is unnecessary for me to elaborate the point that building operations absorb the very materials and the very class of labor and the very kind of money that the Government requires most urgently at this time.
>
> Where it is a question of building a new home simply because it would afford greater comfort, the operation should not be undertaken. Where it is a question of need—be it on account of sanitary conditions or because without such new construction other operations essential at this time for the welfare of the country would suffer—there is no doubt that the work should be undertaken. This applies equally to construction work in cities and towns and in farming districts.
>
> Everybody should weigh conscientiously in his own mind whether or not it is his own comfort and convenience or the national welfare that moves him in his purposes. If that is done honestly, I do not think there will be any doubt as to the proper course to be pursued in each case.

I am also informed that the Capital Issues Committee of the Federal Reserve Board, with which the Secretary of the Treasury is affiliated, advised all Federal reserve banks, as well as all banking institutions, to husband their financial resources for war credit and war purposes to the extent of discouraging loans and financial assistance for all building and other so-called "nonessential" projects.

If it is essential to the winning of this war, and if our chances of winning it would be increased by the carrying out of these suggestions, I do not think that any patriotic man or class of men should be heard to complain, because, gentlemen, we can not overlook anything that is essential to our success in this great struggle.

It is therefore not my purpose to indulge in criticism of anyone connected with the present governmental activities, but to briefly call your attention to the effect that these orders or suggestions have had upon the industrial life of the country and to especially direct your attention to their effect upon the great limestone industry of the State of Indiana, a large part of which is in the district which I have the honor to represent.

The oolitic limestone industry of Indiana is one of the great industries of this Republic, and is practically limited to the counties of Lawrence and Monroe, in the State of Indiana. In those two counties it represents a direct investment of $10,000,000 and consists of 42 firms operating quarries and mills. The annual output in normal times from these two counties alone is from 20,000 to 30,000 carloads of limestone, and they normally employ about 5,000 men.

Indiana limestone has for many years enjoyed nation-wide markets. This Government has for a generation or more favored Indiana limestone in 75 per cent of all its permanent building operations, because from long tests and actual experience it has been demonstrated that the limestone of this district is superior in quality to any competing stone, considering its availability and price.

I here desire to insert in the RECORD as a part of my remarks a table prepared by the Government Geological Department showing the States and Territories into which the product of the quarries of this district have gone during the year 1917 and the value of such production:

	Cubic feet sold by mills (who buy rough stone).	Value.	Cubic feet sold by quarrymen (rough stone and stone milled by the quarrymen).	Value.	Total cubic feet.
Canada	2,700		154,008		156,708
Alabama	1,218		21,712		22,930
Alaska					
Arizona					
Arkansas	525		2,784		3,309
California			232		232
Colorado	2,241		9,258		11,499
Connecticut	3,887		26,702		30,589
Delaware	1,158		2,100		3,258
District of Columbia	98,989		79,313		178,302
Florida	7,541		1,304		8,845
Georgia	7,495		34,716		42,211
Hawaii					
Idaho					
Illinois	55,804		818,554		874,358
Indiana	130,688		2,808,723		2,939,411
Iowa	36,735		71,937		108,672
Kansas	2,951		17,247		20,198
Kentucky	2,578		11,059		13,637
Louisiana	17,280		22,584		39,864
Maine			1,617		1,617
Maryland	6,580		8,923		15,503
Massachusetts	6,723		149,850		156,573
Michigan	106,305		217,723		324,028
Minnesota	13,275		79,814		93,089
Mississippi			320		320
Missouri	63,064		39,524		102,588
Montana			2,119		2,119
Nebraska	34,080		69,614		103,694
Nevada					
New Hampshire	802		15,090		15,892
New Jersey	8,120		77,723		85,843
New Mexico					
New York	133,405		1,197,597		1,331,002
North Carolina	62,971		17,856		80,827
North Dakota	5,400		10,269		15,669
Ohio	247,206		180,827		428,033
Oklahoma	8,531		17,913		26,444
Oregon			57,448		57,448
Pennsylvania	217,709		326,493		544,193
Rhode Island	2,700		28,271		30,971
South Carolina	6,127		17,502		23,629
South Dakota	13,660		9,558		23,218
Tennessee	1,350		20,419		21,769
Texas	37,784		11,747		49,531
Utah					
Vermont					
Virginia	11,841		29,172		41,013
Washington					
West Virginia	31,381		25,942		57,323
Wisconsin	16,305		62,004		78,309
Wyoming	936		41		977
Total	1,408,036	$1,751,758	6,757,609	$3,342,992	8,165,645

From this it will be observed that there are but 7 States out of the 48 that did not use Indiana limestone during last year.

While Indiana is a great consumer of limestone, the large amount sold in Indiana, as is shown by the above table, is in part due to the fact that it was sold by quarrymen to independent mill operators within the State.

I also desire to insert as a part of my remarks another table prepared for me by the Government Geological Department, showing additional facts and figures as to the amount of limestone produced in each of the counties of Monroe and Lawrence, in the State of Indiana, in both of the years 1916 and 1917:

Production of limestone in Lawrence and Monroe Counties, Ind., in 1916 and 1917.

County.	Rough blocks or rough sawed.		Dressed.		Total.		Other.		Total value.
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	
1916.	*Cubic feet.*		*Cubic feet.*		*Cubic feet.*		*Short tons.*		
Lawrence	3,690,973	$831,219.00	2,249,082	$1,688,471.00	5,940,055	$2,519,690.00	187,270	$89,548.00	$2,589,238.00
Monroe	2,155,591	536,835.00	439,888	337,050.00	2,605,479	873,885.00	24,966	17,403.00	891,288.00
Total	5,856,564	1,368,055.00	2,688,970	2,025,521.00	8,545,531	3,393,576.00	212,236	86,949.00	3,480,525.00
Average price		.23		.75		.40		.41	
1917.									
Lawrence	3,578,058	1,169,768.00	1,442,475	1,360,839.00	5,020,533	2,530,607.00	164,583	88,935.00	2,619,542.00
Monroe	1,149,692	444,529.00	321,320	268,971.00	1,471,012	713,500.00	45,740	34,068.00	747,568.00
Total	4,727,750	1,614,297.00	1,763,795	1,629,810.00	6,491,545	3,244,107.00	210,323	123,003.00	3,367,110.00
Average price		.34		.92		.50		.58	
Percentage of increase or decrease	−19.3	+18.0	−34.4	−19.5	−24.0	−4.4	−0.9	+41.4	−3.3

From this it will be observed that during the year 1917 there was a decrease in production but an increase in value over the year 1916. This condition is largely due to the increased cost of labor and machinery.

Picture, if you can, gentlemen, these 42 mammoth mills and quarries, employing their thousands of men, dotting the beautiful hillsides of this great portion of the State so wonderfully blessed by nature! Picture the thousands of happy, contented homes, where, owing to steady employment at good wages, the head of the house was enabled to not only shelter, feed, and clothe and educate his children, but to enjoy all the comforts and many of the luxuries of life, and incidentally to be able to buy liberty bonds and in a hundred ways contribute to the revenues of the Government that are required to finance this war. That was the condition in this prosperous community prior to the time that the production of stone, except in certain excepted lines, was declared as "nonessential." The business of these communities depended upon the pay rolls of the quarries and mills; the laborers built their homes in the building and loan, and I am glad to say that most of them own their own homes. A more thrifty, intelligent, industrious, and patriotic class of men never lived than the stone quarrymen of this district. They met the first calls of this Government for war purposes heroically.

To-day 2,000 men, I am informed, have left this community, trying to find work, work no doubt that they are not suited for. Many of them have spent a lifetime in becoming efficient in this particular line of duty and it is difficult for them now to be torn away from their life-long pursuits and to become accustomed to new avocations of life. Probably not more than a thousand men are now employed in the stone business in this field. The quarries and mills are probably running 20 per cent capacity. There are at least, I am informed, 2,000 idle men who refuse to leave their homes and families and go out into the world of uncertainty to start life anew. The loan associations must foreclose their mortgages, because they must pay the banks or the banks must fail; the merchant must discontinue credit to his customers who have always been able to pay. I am told that bread lines and soup houses, if not there now, are only avoided by the splendid charity of public-spirited citizens.

Some one in bitterness has said that it is apparently the intention of some men in charge of governmental affairs to-day to conscript capital by taxation and to conscript labor by starvation. I do not believe this statement; I do not think there is a man connected with this Government to-day who seriously entertains such views or would dare to even attempt to put them into practice. The high cost of living has been a terrible problem to the laboring man. I have studied his condition closely and I am one of those who rejoices to-day in the splendid patriotism and sacrifices of the toilers of the Nation. If you will give him a chance to make a living for himself and his family and "keep the wolf from the door," he will help you "whip the

Kaiser"; but, frankly, I would fear the consequences if hunger were permitted to gnaw the vitals of the great laboring class who produce the wealth of this Nation.

This stone in this district is for the most part quarried and milled by hydroelectric power. Very little fuel is required in this industry. The Government is now erecting a great many permanent buildings other than post-office buildings. The manufacturers of imitation stone, terra cotta, and brick have the ear of those in charge of Federal building operations. The terra cotta fellows seem to be the favorites. Terra cotta and imitation stone require the use of a great amount of fuel, since both products are baked in ovens. The Indiana limestone mills can produce building blocks or building bricks of uniform size quicker than any of those competitors can produce either of the other products. There can be no comparison in the durability of the material and but inconsequential difference in the price.

The other day, in seeking relief for this distressed condition of the people of my district, I sought the help of Secretary McAdoo. He was patient and kind; he was, no doubt, astonished at the havoc the "nonessential" propaganda was creating in this great industrial center. Mr. McAdoo expressed his deep regret for these conditions, reexpressed his faith in the soundness of the "nonessential" principle, and at the same time expressed the hope that "the poise of industry would be maintained"; and then he asked, "What can I do to help them?" I replied that a modification of the declarations made was not only proper but absolutely essential. I do not contend that it is of first importance that jewelry shall be manufactured; that sporting goods be produced; that fancy luxuries be indulged in; or that building operations or credit essential to these luxury-making enterprises be encouraged; but I do take the position that hundreds of different building operations necessary and essential in peace times are likewise essential and important in time of war and that credit and money and labor so employed is not wasted, but, on the contrary, opens up an avenue for Federal taxation and strengthens the industrial life of the country, which I regard as essential to the winning of the war.

Yesterday I called upon the director of housing, who will probably spend the money provided for in this bill. He is now building homes for employees at Trenton, N. J., and at Hog Island, Pa. He states that they are using brick, but that they will probably use limestone from this district for the door and window sills. Now, the manufacture of ordinary brick occasions the use of fuel in great quantities, while the quarrying and sawing of stone in this district is largely done by hydroelectric power.

If this bill passes, and I hope it will, it should be seen to that Indiana limestone is used wherever it is practicable.

In the consideration of this problem it must be understood that a territory devoted to quarrying of limestone is not fitted for agriculture, and it is also true that, for the most part, the entire population of the cities of Bedford and Bloomington, which are the beautiful county seats of Lawrence and Monroe Counties, respectively, and much of the surrounding community, is absolutely dependent upon the stone industry. An expert stonecutter or quarryman, as I am informed, is rarely fitted for any other pursuit. This makes the blow fall heavily upon this community. Brick, terra cotta, and artificial stone, being manufactured products, are not limited to any particular community. It certainly should be the aim of those in charge of building activities of the Government to use the product of this quarrying district where it is at all practicable, and it is largely for the purpose of impressing this important fact upon the minds of you gentlemen and others to whom this information may go that I have spoken so much at length at this time.

In addition to my efforts in the direction spoken of, I have walked many miles through the labyrinth of corridors and oak-desked war offices in the multitude of war-activity buildings in this District trying to induce the various War Department heads to locate some kind of war activity in this stricken district or to let a contract for the making of some kind of war materials to some of the enterprising people of this community, but I have discovered that most of the war activities have gone South and the war contracts have gone South or East.

In desperation the owners of these large, idle mills, some of them nearly a thousand feet long and a hundred feet wide, equipped with derricks and cranes for moving heavy materials, have appealed to the Quartermaster General's Department and other departments for the privilege of leasing these mammoth sheds to the Government for storage purposes. I am not even hopeful that this will be done, and, in my opinion, whatever relief is to come to these people must come in the way of using Indiana limestone for Government building purposes and in the broadening of the policy of the Government with reference to a modification of its present attitude on "nonessential" industries.

I am conscious of the fact that the "nonessential" propaganda effort, if it may be so styled, has not only affected the Indiana limestone district but has paralyzed the building trades of the whole Nation. I do not have at hand the figures as to the number of men out of employment in the United States at this time, when labor is reputed as being so scarce and so valuable and high priced, but I have heard an estimate of the number so unemployed and it is truly appalling.

We are told that from actual experience abroad it has been ascertained that it requires seven persons in industry to support one soldier at the front. In the case we have a United States Military Establishment of 3,000,000 men it would mean 21,000,000 men mobilized in our industrial army. What do you intend to do with those who are so unfortunate as not to be able to participate in war activities? Will it not eventually pauperize and bankrupt the Nation? Should it be our aim to run this war on moneys already earned, or should we have as a source of revenue supply a great, active industrial army of prosperous, busy people? England and Germany have not paralyzed their industries, but are permitting them to run at full blast with labor not required for war service, and then they tax these industries to the very limit, having regard only for the continued life and tax-paying ability of these institutions.

Another view of this whole industry-destroying situation:

Some day, and we hope in the near future, this war will be over, and we will be called upon to return to the pursuits of peace. Industrial conflict and competition between the enemy and allied nations, unequaled in all history, will be the great problem of the world. What chance will we have in this conflict if our mills and factories have rotted to the ground; if their army of intelligent, skilled employees, through necessity, have wandered away from where they can give the best account of themselves? I am not contending that industries not directly connected with producing war equipment should be preferred, but it is my contention that it is essential, not only to the winning of the war but to the future welfare of our Nation, that these great wealth producers should be kept in motion.

Some days ago I received a petition signed by some of the leading and best business men of the counties of Lawrence and Monroe, representing most of the great industries affected by the present deplorable condition, and I desire at this point to make the same, together with the signatures, a part of my remarks upon this subject:

Whereas the communities of Monroe and Lawrence Counties, Ind., are in effect entirely dependent on the Indiana limestone industry so far as their existence and welfare is concerned; and
Whereas the curtailment of commercial building activities has all but annihilated the opportunities of said industry to continue its ordinary activities, thereby depriving thousands of men of their means of earning a livelihood, thus reducing to a negligible point the ability of these communities to sustain themselves; and
Whereas the labor in these communities is not generally in a position to transfer its efforts to other localities, nor the employers, merchants, and direct as well as indirect commercial establishments, as a result, in a position to guard against threatened disintegration; and
Whereas the public welfare demands that in a measure circulation in commercial channels be reestablished, which it is believed can be brought about by activities contributing to the success of our war operations: Therefore be it

Resolved, That the undersigned organizations, through their duly accredited representatives, do hereby urgently pray the Senators of the State of Indiana, the Congressmen representing Monroe and Lawrence Counties, as also the entire congressional delegation of the State of Indiana, to intercede in behalf of these communities, to the end that their needs be recognized without delay and opportunity extended either to assist in the prosecution of the war by manufacture of war supplies or by enabling the Indiana limestone industry to secure for its product a reasonable percentage of the permanent construction work for which vast sums are now being expended by practically every department of the Federal Government.

Bedford, Ind., February 26, 1918.

Ira A. Conell, Oolitic Belt Conference, representing Stonecutters' Union; Harry J. Campbell, Stone Planermen's Union; W. E. McCormick, president Bedford Chamber of Commerce; E. C. Turner, representing bankers of Bedford; E. L. Bender, president Bloomington Chamber of Commerce; Roy O. Pike, representing bankers of Bloomington; Stanley T. Chrisler, representing Merchants' Association of Bedford; C. G. Creighton, secretary of Retail Merchants' Bureau of Bloomington, Ind.; A. E. Dickinson, president Bedford Stone Club and Bedford Stone Club Auxiliary (Inc.); Thos. J. Vernia, president Indiana Limestone Quarrymen's Association; C. M. Lemon, representing the milling interests of Bedford; J. A. Karsell, representing the milling interests of Bloomington; Frank R. Allen, representing the wholesale grocers of Bedford.

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. GRAHAM of Illinois. Mr. Chairman, this bill is one that meets with my hearty approbation. I think, however, that there should be some changes made in it in order to accomplish a purpose that I have in mind. I understand from the chairman of this committee, in private conversation, that there is an amendment that will be offered by the committee that will no doubt include the things I have in mind.

I think the language of the bill should be broad enough to cover arsenals and other permanent plants of the United States having to do with Army and Navy activities, and I understand from the chairman of the committee that such amendments will be offered.

The reason I think this is true is on account of some personal experience I have had lately that impressed this on my mind. The district I represent lies in the western part of Illinois, along the Mississippi River. In the northern end of the district is the county of Rock Island, and in this county is located the great arsenal of Rock Island. It is one of two arsenals in the United States where small arms are made, the other one being at Springfield, Mass. This arsenal is ideally located on an island in the Mississippi River. When this war broke out we had working there about 1,600 men. As soon as the war broke out and the appropriations were made, so that the institution could develop, it began to develop.

We have appropriated in this Congress for the use of that institution over $8,000,000, and it is being used, and much of it has been expended there. We are also contemplating in the Army appropriation bill large additional sums to be expended there.

Around this island are three cities. Over in Iowa, in Mr. HULL'S district, is the city of Davenport, a city of 50,000 population. On my side are the cities of Rock Island and Moline, cities of about 25,000 inhabitants each.

Under ordinary circumstances, before the war broke out, these cities were able to house the employees that were there. They were small cities, compactly built, with adequate room for expansion, it is true, but at that time there was no particular reason for extraordinary expansion. But from the time the war broke out up to this time, gentlemen, the employees and laborers at that island have increased from 1,600 to approximately 16,000, and there are to-day on this island working from day to day something between 15,000 and 16,000 men.

There is no place to take care of them. Men come in there day after day and walk the streets trying to find some place to live in, and where they do not find some place to live they go back to the community from which they came, and immediately the word gets out that there is no place at Rock Island for these workers, and consequently the thing that the Government has tried to do is not accomplished, because you can not get these men in there on account of a lack of places in which they can live.

Now, those men have got to be taken care of. Plans are on foot now for the increase of that establishment up there until they can work on the island approximately 20,000 men. These men are making all kinds of necessary war munitions. They are making leather goods of all kinds; they are making mess kits of all kinds; they are making Springfield rifles; they are making guns for the Field Artillery; they are making projectiles for the field guns, and starting a large plant for the manufacture of small-arms ammunition. It is very essential that this institution, in the center of the country, in an ideal location for an institution of this kind, be built up, and it ought to run at full blast. As I have told you, it is one of the two places where the United States Government can make its own guns, the other being Springfield, Mass.

Now, I want to impress upon the gentlemen of this committee, if such a thing is necessary, the absolute necessity of taking care of these workmen. I am advised, and I think properly so, that arrangements have already been made by the Department of Labor for the doing to some extent of this thing that we are trying to do by this bill. In other words, the Department of Labor has plans that it has outlined and its agents have been making investigations, going around through the cities of Rock Island and Moline and Davenport getting information, trying to find out about these things, and these reports have come in to the department and the plans are perfected. That is one reason, and I think the best reason that could be advanced, why I believe the Department of Labor ought to have control of this situation. It is largely a temporary matter, and yet I want to call the attention of the committee to one fact. I do not know whether this suggestion is wise or not, but it seems to me that it may be. It seems to me it would be a good thing to amend this bill so as to include arsenals or permanent institutions of the United States, and to provide that the buildings that those places shall be permanent where the Government establishment is permanent. It seems to me that in such cases the Secretary of Labor ought to have the right to make these buildings permanent, so that they may be used by the Government in the future. Take the case of the arsenal at Rock Island. There is not a single housing place on the island, which consists of about 1,000 acres. There is no place there for the housing of employees.

Mr. CLARK of Florida. If the gentleman will permit me, I will state that the bill does provide for the construction of permanent buildings where the community is a permanent one.

Mr. GRAHAM of Illinois. Perhaps that language has escaped my notice. I observed particularly the language that the buildings should be temporary. If the bill is broad enough, so that the buildings may be made permanent where the establishment is permanent, then my criticism is unfounded. As a matter of fact, the Secretary of Labor ought to have the power to use his judgment about that sort of thing. He can conserve the financial part of it by making the buildings permanent in places where they ought to be permanent, as, for instance, at Rock Island. There are a few barracks for soldiers there, but in ordinary times there are only 100 or 200 soldiers there, while now there are several thousand of them, besides all these employees working there.

To illustrate the hardships that are entailed by this influx of men who are trying to work there, where they have not adequate housing facilities and where they can not get back and forth, the gentleman from Illinois [Mr. MCCORMICK] recently mentioned on the floor of the House the situation that had arisen concerning the means of transportation, where the Army had used a large number of the cars in getting the employees back and forth to and from the island. Of course, they all have to go on street cars or jitney busses in getting back and forth.

The Navy, in order to take care of the employees of an institution that is making guns at East Moline, came in and requisitioned a large number of the cars, and took possession of them. As a consequence there was a great conflict of authority, and nobody knew from day to day how the men were to get back and forth. That is all occasioned by this condition of congestion that I speak of.

I suggest that buildings ought to be put up there to take care of these men, so that they can be housed when they come, and so that they will come there. The principal trouble is that they will not come when they learn that there are no facilities there for taking care of them. We could get plenty of men there to work in the manufacture of these necessary things if we had some place to take care of them. I know that propositions have been made by our chambers of commerce in those towns to the Government departments that the people there will even pay a part of the expense of the housing in those communities, if the Government will take hold of the thing promptly and appropriate the necessary balance.

Now, I do not want to weary the House, I have stated what I wanted to say about it in as few words as I could. I want to impress on the committee the necessity and importance of hurrying up this thing and doing something about it and doing it soon. Instead of spending two days haggling over a seed bill, which, if it passes, may be too late to do any good, you ought to do something of this kind which is important, something that will help win the war instead of wasting our time on trivialities. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, how much time has been used on both sides?

The CHAIRMAN. The gentleman from Tennessee has 23 minutes remaining and the gentleman from Florida 28 minutes.

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose and the Speaker having resumed the chair, Mr. KELLY of Pennsylvania, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill H. R. 10265, and had come to no resolution thereon.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that immediately on the passage of the bond bill this bill (H. R. 10265) be taken up and be made a continuing order until disposed of.

The SPEAKER. The gentleman from Florida asks unanimous consent that at the conclusion of the bond bill this bill be

taken up and made a continuing order until completed. Is there objection?

Mr. GILLETT. Reserving the right to object, may I inquire what the purpose of the gentleman is? Is it to take up this bill to-morrow or Monday?

Mr. CLARK of Florida. I understand that the bond bill will be taken up to-morrow and possibly be disposed of to-morrow, and this bill will follow that.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none.

THIRD LIBERTY LOAN.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to be allowed to file the report of the Ways and Means Committee on what is known as the third liberty bond authorization by 12 o'clock to-night.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to file the report on the bond bill by 12 o'clock to-night. Is there objection?

Mr. STAFFORD. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. STAFFORD. Is the bill to be reported by the committee available to Members at the present time?

Mr. KITCHIN. It will be at 9 o'clock to-morrow morning. It is an amendment to the present bond act.

Mr. STAFFORD. Has the gentleman any objection to incorporating the bill with the report in the RECORD, so that Members may have it before them?

Mr. KITCHIN. No; and I will ask unanimous consent to do that.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to file his report by midnight. Is there objection?

There was no objection.

The SPEAKER. The second request of the gentleman is that the bond bill with the report may be printed in the RECORD. Is there objection?

There was no objection.

A bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes."

Be it enacted, etc., That the first section of the act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes," be, and is hereby, amended to read as follows:

"That the Secretary of the Treasury, with the approval of the President, is hereby authorized to borrow, from time to time, on the credit of the United States for the purposes of this act, and to meet expenditures authorized for the national security and defense and other public purposes authorized by law, not exceeding in the aggregate $12,000,000,000, and to issue therefor bonds of the United States, in addition to the $2,000,000,000 bonds already issued or offered for subscription under authority of the act approved April 24, 1917, entitled 'An act to authorize an issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend credit to foreign governments, and for other purposes': *Provided*, That of this sum of $3,063,945,460 shall be in lieu of that amount of the unissued bonds authorized by sections 1 and 4 of the act approved April 24, 1917, $225,000,000 shall be in lieu of that amount of the unissued bonds authorized by section 39 of the act approved August 5, 1909, $150,000,000 shall be in lieu of the unissued bonds authorized by the joint resolution approved March 4, 1917, and $100,000,000 shall be in lieu of the unissued bonds authorized by section 400 of the act approved March 3, 1917.

"The bonds herein authorized shall be in such form or forms and denomination or denominations and subject to such terms and conditions of issue conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding 4¼ per cent per annum, and time or times of payment of interest, as the Secretary of the Treasury from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States gold coin of the present standard of value.

"The bonds herein authorized shall from time to time first be offered at not less than par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury from time to time, as will in his opinion give the people of the United States as nearly as may be an equal opportunity to participate therein, but he may make allotment in full upon application for smaller amounts of bonds in advance of any date which he may set for the closing of subscriptions and may reject or reduce allotments upon later applications and applications for larger amounts, and may reject or reduce allotments upon applications from incorporated banks and trust companies for their own account and make allotment in full or larger allotments to others, and may establish a graduated scale of allotments, and may from time to time adopt any or all of said methods, should any such action be deemed by him to be in the public interest: *Provided* That such reduction or increase of allotments of such bonds shall be made under general rules to be prescribed by said Secretary and shall apply to all subscribers similarly situated. And any portion of the bonds so offered and not taken may be otherwise disposed of by the Secretary of the Treasury in such manner and at such price or prices, not less than par, as he may determine. The Secretary may make special arrangements for subscriptions at not less than par from persons in the military or naval forces of the United States, but any bonds issued to such persons shall be in all respects the same as other bonds of the same issue."

SEC. 2. That the last sentence of section 2 of said act approved September 24, 1917, be, and is hereby, amended to read as follows:

"For the purposes of this section there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,500,000,000, and in addition thereto the unexpended balance of the appropriations made by section 2 of said act approved April 24, 1917, or so much thereof as may be necessary: *Provided*, That the authority granted by this section to the Secretary of the Treasury to establish credits for foreign Governments, as aforesaid, shall cease upon the termination of the war between the United States and the Imperial German Government."

SEC. 3. That section 4 of said act approved September 24, 1917, is hereby amended by adding two new paragraphs, as follows:

"That holders of bonds bearing interest at a higher rate than 4 per cent per annum, whether issued (a) under section 1, or (b) upon conversion of 4 per cent bonds issued under section 1, or (c) upon conversion of 3½ per cent bonds issued under said act approved April 24, 1917, or (d) upon conversion of 4 per cent bonds issued upon conversion of such 3½ per cent bonds, shall not be entitled to any privilege of conversion under or pursuant to this section or otherwise. The provisions of section 7 shall extend to all such bonds.

"If bonds bearing interest at a higher rate than 4 per cent per annum shall be issued before July 1, 1918, then any bonds bearing interest at the rate of 4 per cent per annum which shall, after July 1, 1918, and before the expiration of the conversion period prescribed by the Secretary of the Treasury, be presented for conversion into bonds bearing interest at such higher rate, shall be deemed to have been converted on the dates for the payment of the semiannual interest on the respective bonds so presented for conversion, last preceding the date of such presentation, and no adjustment of accrued interest shall be made in respect thereof."

SEC. 4. That the last sentence of section 5 of said act approved September 24, 1917, be, and is hereby, amended to read as follows:

"The sum of such certificates outstanding hereunder and under section 6 of said act approved April 24, 1917, shall not at any one time exceed in the aggregate $8,000,000,000."

SEC. 5. That section 7 of said act approved September 24, 1917, be, and is hereby, amended, by adding two new paragraphs, to read as follows:

"In determining the value of the shares of any national bank, State bank, trust company, or other banking institution, for the purpose of taxation by any State, or any of the possessions of the United States, or any local taxing authority, the par amount of any bonds or other interest-bearing obligations of the United States owned by such bank, trust company, or banking institution shall be deducted from its assets.

"If any part of this section shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this section but shall be confined in its operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered."

SEC. 6. That section 8 of said act approved September 24, 1917, be, and is hereby, amended to read as follows:

"SEC. 8. That the Secretary of the Treasury, in his discretion, is hereby authorized to deposit, in such incorporated banks and trust companies as he may designate, the proceeds, or any part thereof, arising from the sale of the bonds and certificates of indebtedness and war-savings certificates authorized by this act, and arising from the payment of income and excess-profits taxes, and such deposits shall bear such rate or rates of interest, and shall be secured in such manner, and shall be made upon and subject to such terms and conditions as the Secretary of the Treasury may from time to time prescribe: *Provided*, That the provisions of section 5191 of the Revised Statutes, as amended by the Federal reserve act, and the amendments thereof, with reference to the reserves required to be kept by national banking associations and other member banks of the Federal Reserve System, shall not apply to deposits of public moneys by the United States in designated depositaries. The Secretary of the Treasury is hereby authorized to designate depositaries in foreign countries with which shall be deposited all public money which it may be necessary or desirable to have on deposit in such countries to provide for current disbursements to the military and naval forces of the United States and to the diplomatic and consular and other representatives of the United States in and about such countries until six months after the termination of the war between the United States and the Imperial German Government, and to prescribe the terms and condition of such deposits."

SEC. 7. That said act approved September 24, 1917, is hereby amended by adding three new sections, to read as follows:

"SEC. 14. That any bonds of the United States bearing interest at a higher rate than 4 per cent per annum (whether issued under section 1 of this act or upon conversion of bonds issued under this act or under said act approved Apr. 24, 1917), which have been owned by any person continuously for at least six months prior to the date of his death, and which upon such date constitute part of his estate, shall, under rules and regulations prescribed by the Secretary of the Treasury, be receivable by the United States at par and accrued interest in payment of any estate or inheritance taxes imposed by the United States, under or by virtue of any present or future law, upon such estate or the inheritance thereof.

"SEC. 15. That the Secretary of the Treasury is authorized, from time to time, until the expiration of one year after the termination of the war, to purchase bonds issued under authority of this act, including bonds issued upon conversion of bonds issued under this act or said act approved April 24 1917, at such prices and upon such terms and conditions as he may prescribe. The par amount of bonds of any series issued before April 1, 1918, which may be purchased in the 12 months' period beginning April 1, 1918, and in each 12 months' period thereafter, shall not exceed one-twentieth of the amount of bonds of such series outstanding at the beginning of such 12 months' period. In the case of any series of bonds issued after April 1, 1918, the par amount of bonds of such series which may be purchased in the 12 months' period beginning on the date of such issue, and in each twelve months' period thereafter shall not exceed one-twentieth of the amount of the bonds of such series outstanding at the beginning of such 12 months' period. The average cost of the bonds of any series purchased in any such 12 months' period shall not exceed par and accrued interest.

"For the purposes of this section the Secretary of the Treasury shall set aside, out of any money in the Treasury not otherwise appropriated, a sum not exceeding one-twentieth of the amount of such bonds issued before April 1, 1918 and as and when any more such bonds are issued he shall set aside a sum not exceeding one-twentieth thereof. Whenever, by reason of purchases of bonds, as provided in this section, the amount so set aside falls below the sum which he deems necessary for the purposes of this section, the Secretary of the Treasury shall set aside such amount as he shall deem necessary, but not more than enough to bring the entire amount so set aside at such time up to one-twentieth of the amount of such bonds then outstanding. The amount so set aside by the Secretary of the Treasury is hereby appropriated for the purposes of this section, to be available until the expiration of one year after the termination of the war.

"The Secretary of the Treasury shall make to Congress at the beginning of each regular session a report including a detailed statement of the operations under this section.

"SEC. 16. That any of the bonds or certificates of indebtedness authorized by this act may be issued by the Secretary of the Treasury payable, principal and interest, in any foreign money or foreign moneys, as expressed in such bonds or certificates, but not also in United States gold coin, and he may dispose of such bonds or certificates in such manner and at such prices, not less than par, as he may determine, without compliance with the provisions of the third paragraph of section 1. In determining the amount of bonds and certificates issuable under this act the dollar equivalent of the amount of any bonds or certificates payable in foreign money or foreign moneys shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury, in pursuance of the provisions of section 25 of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes.' The Secretary of the Treasury may designate depositaries in foreign countries with which may be deposited, as he may determine, all or any part of the proceeds of any bonds or certificates authorized by this act, payable in foreign money or foreign moneys."

SEC. 8. That the short title of this act shall be "Third liberty bond act."

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[House Rept. No. 428, 65th Cong., 2d sess.]

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to whom was referred the bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes," having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

At the present time our expenditures for the fiscal year ending June 30, 1918, are estimated to be $16,116,591,347.72 and our estimated receipts for the like period from all sources now provided by law are estimated to be $12,549,539,022, thus leaving a deficit at the close of the fiscal year of $3,567,052,325.72. It is also deemed necessary to provide for additional credit to our allies of $1,500,000,000 to enable the Government to extend them credit at the rate of $500,000,000 per month during the months of July, August, and September of the next fiscal year. There will therefore be required an additional bond authorization of $5,067,052,325.72, if the expenditures for the fiscal year 1918 are as great as the estimates and if we provide for the additional credit of $1,500,000,000 for our allies during the first three months of the next fiscal year, which seems necessary.

Your committee believes that the additional bond authorization of $4,461,054,540 carried by this bill, together with the authority granted the Secretary of the Treasury to issue short-term certificates of indebtedness, will be sufficient to provide the necessary funds for the present fiscal year and to extend credit to our allies as above indicated.

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THE PROPOSED BOND BILL.

SECTION 1.—BOND AUTHORIZATION.

This section amends section 1 of the bond act of September 24, 1917, to increase the bond authorization under that act from $7,538,945,460 to $12,000,000,000. In other words, this proposed bill provides an additional authorization of $4,461,054,540. There are $3,666,233,850 of bonds authorized and available to be issued during the fiscal year 1918, under the authorization of September 24, 1917, so that the total amount of bonds available to be issued during the fiscal year 1918, under the act of September 24, 1917, as amended by this bill will be $8,127,288,390. It must be borne in mind that this amount does not include $63,945,460 of bonds authorized to be issued and applied in the fiscal year 1919 to redeem the loan of 1908–1918.

The act of April 24, 1917, as amended by the act of September 24, 1917, authorized the issue of $2,000,000,000 of bonds. The act of September 24, 1917, authorized the issue of $7,538,945,460 of bonds, in addition to the $2,000,000,000 authorized by the act of April 24, 1917.

The proposed bill authorizes the issue of $4,461,054,540 of bonds. If this bill becomes a law in its present form, the total bond authorizations since the declaration of war will amount to $14,000,000,000.

Under the act of April 24, 1917, $1,986,615,316.81 of bonds have been issued, and under the act of September 24, 1917, $3,808,766,150 of bonds have been sold. Of this amount $3,807,724,858.73 had been paid into the Treasury on March 27, 1918. The total bonds sold to date, under the acts of April 24, 1917, and September 24, 1917, aggregate $5,795,381,466.81.

Section 1 of the proposed bill amends section 1 of the bond act of September 24, 1917, as follows:

1. By increasing the bond authorization from $7,538,945,460 to $12,000,000,000, or $4,461,054,540. For the third liberty loan the Secretary of the Treasury proposes to issue $3,000,000,000 of bonds, reserving the right to allot oversubscriptions. The proposed increase in the issue will make it possible to allot all subscriptions in full upon the third liberty loan and leave a substantial margin of bonds for a future issue.

2. By increasing the maximum interest upon the bonds to 4¼ per cent.

SECTION 2.—CREDITS TO FOREIGN COUNTRIES.

This section amends the last sentence of section 2 of the bond act of September 24, 1917, by increasing the appropriation for loans to the allies from $4,000,000,000 to $5,500,000,000, or $1,500,000,000.

The existing appropriation of $4,000,000,000, together with the appropriation of $3,000,000,000 in the act of April 24, 1917, was calculated to provide the requirements of the allies in this country to the end of the current fiscal year; that is, the year ending June 30, 1918. Such requirements of the allies will be within the estimates. The proposed additional appropriation would provide for their requirements at the same rate for the months of July, August, and September.

In the acts of April 24, 1917, and September 24, 1917, we appropriated $7,000,000,000 for loans to the allies, and this bill proposes to add to that amount $1,500,000,000, thus authorizing total loans to the allies amounting to $8,500,000,000.

The following table shows the credits and loans made to foreign countries to and including March 26, 1918:

Loans to foreign Governments to and including Mar. 26, 1918.

[Acts of Apr. 24, 1917, and Sept. 24, 1917.]

Country.	Credits established.	Loans made.	Balances under established credits.
Belgium	$104,600,000	$85,900,000	$18,700,000
Cuba	15,000,000		15,000,000
France	1,440,000,000	1,405,000,000	35,000,000
Great Britain	2,520,000,000	2,480,000,000	40,000,000
Italy	550,000,000	480,000,000	70,000,000
Russia	325,000,000	187,729,750	137,270,250
Serbia	6,000,000	4,200,000	1,800,000
Total	4,960,600,000	4,642,829,750	317,770,250

NOTE.—In addition to the above, a credit of 250,000,000 francs or approximately $44,000,000 in favor of the Greek Government has been agreed to but not yet formally established, and a credit of $8,663,666 was arranged in favor of the Roumanian Government, the precise status of which and the drafts thereunder is not definitely determined.

SECTION 3.—BOND CONVERSION.

This section amends section 4 of the bond act of September 24, 1917, by adding two new paragraphs which provide that the holders of bonds bearing interest at a higher rate than 4 per cent shall not have the privilege of conversion, but that the provisions of section 7 of the act of September 24, 1917, relating to tax exemption shall extend to them.

In order to prevent trouble in connection with the conversions which will result from the issue of 4¼ per cent bonds, and because of the impossibility of making these conversions promptly at the date of the issue of the new bonds of the third liberty loan, it is proposed in this section to treat all conversions made within the six months' period prescribed for conversions by the Secretary of the Treasury as though they had been made on May 15 in the case of the bonds of the second liberty loan or on June 15 in the case of the conversion bonds of the first liberty loan. Inasmuch as the holders of the bonds of both of these issues have everything to gain and nothing to lose by the conversion, it may be assumed that all of them will wish to make the conversion and to make it promptly. By virtue of this section they would lose nothing by waiting a month or two to present their bonds for conversion. This provision will greatly relieve the burden that would be thrown upon the banks and trust companies of the country, the Treasury Department, and the Bureau of Engraving and Printing if all conversions had to be made contemporaneously with the issue of the bonds of the new loan.

There are out now more than 20,000,000 separate bonds, and one can imagine what the conversion of those into the new issue will mean, and therefore it is deemed important not to restrict the Secretary of the Treasury in such a way that those conversions must be placed upon a given day or within a limited period of time.

The 4 per cent bonds are now convertible into a subsequent issue bearing a higher rate, and the 3½ per cent are also convertible. This proposed 4¼ per cent bond will not be convertible.

SECTION 4.—THE ISSUE OF CERTIFICATES OF INDEBTEDNESS.

This section amends the last sentence of section 5 of the bond act of September 24, 1917, by increasing the limit upon the amount of certificates of indebtedness that may be outstanding at any one time from $4,000,000,000 to $8,000,000,000.

The amount of Treasury certificates now outstanding is about $3,200,000,000. The existing authorization of $4,000,000,000 will, therefore, be exhausted by the middle of April. While there is no reason to anticipate that so large an amount as $8,000,000,000 of Treasury certificates will be required to provide for the necessities of the Government before another loan can be advantageously offered, nevertheless it is apparent that the Treasury ought to be placed in a position where it can provide for the current needs of the Government from month to month for a reasonable period in advance. These certificates can not run for more than a year, and the money raised by the issue of them can not be spent except for purposes approved by Congress.

These certificates of indebtedness are issued only to bridge over the interval between the liberty loans, and as soon as the liberty loan is placed Treasury certificates are retired, or they are issued in anticipation of taxes which are payable in June, and the moment the taxes are paid in, these certificates are retired, so that they are not an outstanding indebtedness all the time; they are merely means employed, and an essential means, of temporarily financing the needs of the Treasury.

In view of the above it is evident that in speaking of our authorized bonded debt, it is not proper to add to the $14,000,000,000 of bonds authorized since the declaration of war, the certificates of indebtedness authorized, since they can not be issued for a longer period than one year, and since the only purpose that they serve is to bridge over the periods between liberty loans or the payment of income and excess-profits taxes.

SECTION 5.—INDIRECT TAXATION BY STATES OF LIBERTY BONDS.

All the liberty-bond acts have provided that the bonds shall be exempt from State and local taxation. Your committee is advised that notwithstanding this provision certain States are indirectly taxing these bonds by including the value of such bonds in determining the value of the capital stock for taxation purposes. This condition raises a very serious question, because if the States are permitted to tax Government bonds, when the Federal Government can not tax municipal and State bonds, the Federal Government will soon be placed in a position where it can not provide the necessary money to finance this war.

It has been suggested that States ought not to be deprived of taxes they are enjoying on Government bonds already issued. As a matter of fact, the States have not had that source of revenue heretofore, and

it has never been supposed they would get anything from the taxation of Government bonds, and they are not being deprived of anything to which they are entitled. Your committee believes that we ought to make it perfectly clear that the States must not begin to derive revenue from the taxation of Government bonds or certificates of indebtedness in order that there will be no difficulty in the future about it.

To meet this situation this section amends section 7 of the bond act of September 24, 1917, by adding the following paragraph:

"In determining the value of the shares of any national bank, State bank, trust company, or other banking institution for the purpose of taxation by any State, or any of the possessions of the United States, or any local taxing authority, the par amount of any bonds or other interest-bearing obligations of the United States owned by such bank, trust company, or banking institution, shall be deducted from its assets.

SECTION 6.—PERMISSION TO DEPOSIT INCOME AND EXCESS-PROFITS TAXES WITH QUALIFIED DEPOSITARY BANKS AND TRUST COMPANIES.

This section amends section 8 of the bond act of September 24, 1917, to provide for the deposit of the income and excess-profits taxes with qualified depositary banks and trust companies in the same manner as the proceeds of liberty bonds. Your committee believes that the enactment of this provision will go a long way toward relieving the fear of a money disturbance which the banks feel in connection with the large payments of these taxes, which must be made on or about June 15. The machinery for dealing with the deposit of liberty-bond payments has been completed, and about 4,000 banks and trust companies have qualified as depositaries.

SECTION 7.—ESTATE TAXES PAYABLE WITH 4½ PER CENT BONDS.

This section provides that a new section 14 shall be added to the act of September 24, 1917, so that 4½ per cent bonds shall be acceptable in payment of United States estate or inheritance taxes at par and accrued interest, if owned by a decedent, for at least six months prior to the date of his death. Your committee believes that this provision will be a very substantial attraction to induce the purchase of these bonds, and that it will give assurance to every bondholder that in case of his death his estate will contain assets which the United States will accept at par, whatever be the market conditions at the time, in payment of the taxes upon the estate.

Your committee believes that this provision will also have a very beneficial effect upon the general market for Government bonds, because it will then keep in the market a constant demand for them.

SECTION 7.—TO STABILIZE THE MARKET FOR GOVERNMENT BONDS.

This section also provides for the addition of another new section (sec. 15) to the act of September 24, 1917, to provide a means to create a sinking fund to buy Government bonds issued or converted since September 24, 1917, in order to stabilize the market for Government bonds. Your committee believes that this Government must do what each of the warring countries have done in one form or another, and prepare itself to support the market for its bonds.

This new section provides that the Secretary of the Treasury shall set aside, out of any money in the Treasury not otherwise appropriated, a sum not exceeding one-twentieth of the amount of bonds issued or converted since September 24, 1917, and before April 1, 1918, and as and when any more bonds are issued that he shall set aside a sum not exceeding one-twentieth of the amount of such bonds issued.

This section further provides that whenever by reason of purchases of bonds the amount so set aside falls below the sum which the Secretary of the Treasury deems necessary, that he may set aside such amount as he shall deem necessary, but not more than enough to bring the entire amount so set aside at such time up to one-twentieth of the amount of bonds issued or converted since September 24, 1917.

This section appropriates the amount so set aside for this purpose, to be available until the expiration of one year after the termination of the war.

This section also provides that the par amount of bonds of any series issued before April 1, 1918, which may be purchased in the 12 months' period beginning April 1, 1918, and in each 12 months' period thereafter, shall not exceed one-twentieth of the amount of bonds of such series outstanding at the beginning of such 12 months' period, and that in the case of any series of bonds issued after April 1, 1918, the par amount of bonds of such series which may be purchased in the 12 months' period beginning on the date of such issue, and in each 12 months' period thereafter, shall not exceed one-twentieth of the amount of the bonds of such series outstanding at the beginning of such 12 months' period. The average cost of the bonds of any series purchased in any such 12 months' period can not exceed par and accrued interest.

If all the 3½ per cent bonds were converted to 4s as the 3½ and 4 per cent bonds now sold aggregate $5,796,000,000, the most that could be set aside for the purpose of this sinking fund at the present time would be $289,800,000.

SECTION 7.—PERMISSION TO ISSUE BONDS AND CERTIFICATES OF INDEBTEDNESS IN FOREIGN MONEYS.

This section also provides for the addition of another new section (sec. 16) to the act of September 24, 1917, to permit the issue of bonds payable in foreign moneys. This provision, it is believed, will make it possible for the Secretary of the Treasury to take steps to rectify the position of dollar exchange in those neutral countries where the dollar is at a disadvantage to-day.

The theory is that if we can sell some Government bonds in foreign countries, especially in those neutral countries where the balance is against us and where our exchange position is disadvantageous, we may be able to correct it or modify it to our advantage.

This section also permits the Secretary of the Treasury to sell bonds or certificates of indebtedness payable in foreign moneys without offering them as a popular loan in the United States and to deposit in foreign countries with depositaries the proceeds from any such bonds or certificates. Your committee believe that this provision will greatly facilitate the negotiations which the Treasury Department must enter into in order to relieve foreign exchange problems.

SECTION 8.—SHORT TITLE OF THE ACT.

This section provides that the short title of the act shall be "third liberty bond act."

APPENDIX A.—*Summary of estimated receipts and disbursements for the fiscal year 1918.*

Balance in the Treasury June 30, 1917, free of all current obligations		$1,066,983,361.00
Ordinary receipts	$3,856,800,000.00	
Panama Canal receipts	6,000,000.00	
Public debt receipts (exclusive of war-savings certificates and bonds authorized but not yet issued)	4,357,607,312.00	
Total estimated receipts		8,220,407,312.00
		9,287,390,673.00
Ordinary disbursements	9,568,029,726.72	
Panama Canal disbursements	24,338,889.00	
Public debt disbursements	334,222,732.00	
Special disbursements	6,190,000,000.00	
Total estimated disbursements		16,116,591,347.72
Estimated deficit in general fund June 30, 1918		6,829,200,674.72
Deficit as above		6,829,200,674.72
Necessary balance in general fund June 30, 1918		500,000,000.00
Total estimated necessary issue of bonds and war-savings certificates during the remainder of the current fiscal year, based upon departmental estimates of expenditures		7,329,200,674.72
Estimated receipts in fiscal year 1918 from war-savings certificates and bonds already authorized but not yet issued (exclusive of $63,945,460 to be applied to the redemption in the fiscal year 1919 of the loan of 1908–1918)		4,329,131,710.00
Estimated authorization of bonds necessary, exclusive of cost of issue		3,000,068,964.72
To provide loans to the allies, first three months of next fiscal year		1,500,000,000.00
Cost of issuing said bonds		9,000,137.93
Estimated authorization of additional bonds necessary, including expense of issue		4,509,069,102.65

FISCAL YEAR 1918—ESTIMATED RECEIPTS.

Ordinary receipts:		
From customs		185,000,000
From internal revenue—		
Miscellaneous	$973,000,000	
Excess-profits tax	1,226,000,000	
Income tax—		
Corporations	535,000,000	
Individuals	666,000,000	
		3,400,000,000
From sales of public lands		1,800,000
From miscellaneous sources (including $40,000,000 increased postage)		270,000,000
Total estimated ordinary receipts		3,856,800,000
Panama Canal, estimated receipts from tolls, etc.		6,000,000
Public debt:		
First liberty loan of 1917 (less amount thereof received in 1917	$520,280,222	
Second liberty loan of 1917	3,808,766,150	
One-year Treasury notes	23,540,000	
Deposits to retire Federal reserve bank notes and national bank notes	4,000,000	
Deposits for postal-savings bonds	1,020,940	
Estimated public-debt receipts		4,357,607,312
Total estimated receipts (exclusive of war-savings certificates, Treasury certificates of indebtedness, and bonds authorized but not yet issued)		8,220,407,312
Estimated receipts from war-savings certificates, fiscal year 1918	$663,200,000	
Additional bonds authorized but not yet issued (exclusive of $63,945,460, to be applied to the redemption in the fiscal year 1919 of the loan of 1908–1918)	$3,666,233,850	
Less postal-savings bonds issued Jan. 1, 1918	302,140	
	3,665,931,710	
Total estimated receipts from war-savings certificates and bonds authorized but not yet issued less postal-savings bonds of Jan. 1, 1918		4,329,131,710
Grand total receipts		12,549,539,022

APPENDIX B.—*Statement of appropriations for 1918, of estimates of appropriations pending and proposed, and estimated expenditures in 1918.*

	Appropriations, 1918.	Estimates pending.	Estimates proposed.	Total.	Estimated expenditures.
Legislative:					
Senate and House of Representatives	$7,350,643.57			$7,350,643.57	$7,225,000.00
Library of Congress and Botanic Garden	746,905.00	$5,000.00		751,905.00	750,000.00
Public printing and binding	7,456,915.00	1,974,208.26		9,431,123.26	9,306,022.77
Miscellaneous	424,915.00			424,915.00	300,000.00
Total	15,979,378.57	1,979,208.26		17,958,583.83	17,581,022.77
Executive:					
Executive Office	193,780.00			193,780.00	190,000.00
Bureau of Efficiency	65,000.00	50,000.00		115,000.00	128,000.00
Civil Service Commission	380,910.00			380,910.00	[1] 650,910.00
National Security and Defense	100,000,000.00			100,000,000.00	[2] 56,186,978.28
Alien Property Custodian		279,000.00		279,000.00	[1] 459,000.00
War Trade Board		1,018,331.00		1,018,331.00	[1] 3,053,831.00
Government for Danish West Indies	100,000.00			100,000.00	100,000.00
Trading with the enemy act	450,000.00			450,000.00	(*)
Tariff Commission	300,000.00			300,000.00	250,000.00
Miscellaneous	32,000.00			33,000.00	20,000.00
Total	101,522,690.00	1,347,331.00		102,870,021.00	61,038,719.28
State Department:					
Salaries and expenses	607,980.00	117,000.00		718,980.00	[1] 740,000.00
Foreign intercourse	5,980,746.66	1,327,856.72		7,188,603.38	[1] 8,265,603.38
Permanent appropriations	106,000.00			106,000.00	106,000.00
Total	6,588,706.66	1,444,856.72		8,913,583.38	9,111,603.38
Treasury Department:					
Salaries and expenses	4,249,821.67	329,445.00		4,579,266.67	[1] 4,400,000.00
Customs Service—					
Regular	9,955,000.00	300,000.00		10,255,000.00	[1] 10,471,752.00
Permanent	17,710,400.00			17,710,400.00	18,000,000.00
Internal Revenue Service—					
Regular	14,714,270.00			14,714,270.00	[1] 14,700,000.00
Permanent	3,052,600.00			3,052,600.00	3,052,600.00
Public Health Service	4,263,770.00	957,200.00	$2,000,000.00	7,220,970.00	5,466,530.00
Coast Guard	6,731,086.00	30,500.00		6,761,586.00	6,731,086.00
Engraving and printing	4,203,400.00	500,000.00		4,703,400.00	4,703,400.00
Independent Treasury	655,740.00			655,740.00	650,000.00
Mints and assay offices	1,215,080.00	900,800.00		2,115,880.00	2,115,000.00
War-Risk Insurance Bureau	221,400,000.00	2,245,656.00		223,645,656.00	71,737,800.00
Farm Loan Bureau	260,000.00			260,000.00	256,000.00
Public buildings, including maintenance	20,005,768.68	7,401,500.00		27,407,268.68	[1] 19,361,000.00
Miscellaneous	2,551,673.38			2,551,673.38	[1] 2,500,000.00
Total	310,968,609.73	12,665,101.00	2,000,000.00	325,633,710.73	164,145,138.00
Director General of Railroads	500,000,000.00			500,000,000.00	200,000,000.00
War Finance Corporation		500,000,000.00		500,000,000.00	200,000,000.00
Independent offices:					
United States Shipping Board	1,040,517,500.00			1,040,517,500.00	[1] 1,034,273,040.97
Food and Fuel Administrations	152,500,000.00	2,000,000.00		154,500,000.00	[1] 107,235,000.00
Interstate Commerce Commission	5,466,666.66		150,000.00	5,616,666.66	5,616,000.00
Smithsonian Institution and National Museum	583,000.00	5,674.00		588,674.00	588,674.00
Federal Trade Commission	772,920.00			772,920.00	[1] 1,520,000.00
Federal Board for Vocational Education	1,860,000.00			1,860,000.00	1,660,950.00
Council of National Defense	500,000.00	300,000.00		800,000.00	[1] 1,130,000.00
Other boards and commissions	1,239,792.32	316,923.29		1,556,715.61	1,325,000.00
Total	1,203,439,878.98	2,622,597.29	150,000.00	1,206,212,476.27	1,153,348,664.97
War Department:					
Salaries and expenses	8,765,312.00	5,248,897.25		14,014,209.25	12,664,929.17
Quartermaster Corps	3,012,083,304.48	382,616,153.49	900,000,000.00	4,294,699,457.97	2,763,753,680.00
Provost Marshal General, registration and selection for military service	6,658,413.00	8,476,490.00		15,134,903.00	15,134,903.00
Ordnance Department	3,202,995,040.00	551,190,450.00		3,754,185,490.00	2,040,034,185.09
Medical Department	130,830,000.00	22,500.00		130,852,500.00	98,857,846.25
Signal Service, including Aviation	744,383,766.00	200,000,000.00	250,000,000.00	1,194,383,766.00	458,941,417.45
Engineer Department	349,037,000.00	70,175,000.00		419,212,000.00	307,067,231.00
Rivers and harbors	38,295,850.00			38,295,850.00	30,000,000.00
National Guard	13,512,000.00			13,512,000.00	700,000.00
Military Academy	1,374,646.18			1,374,646.18	393,584.42
Miscellaneous, military	5,747,783.00	2,000.00		5,749,783.00	2,582,460.80
Miscellaneous, civil	12,651,601.80	3,305,022.99	10,000.00	15,969,624.79	12,199,671.38
National security and defense					10,335,000.00
Total	7,526,337,716.46	1,221,036,513.73	1,150,010,000.00	9,897,384,230.19	5,752,664,908.56
Navy Department:					
Salaries and expenses	1,834,278.00	436,435.00		2,270,713.00	2,170,713.00
Aviation	62,283,000.00			62,283,000.00	51,000,000.00
Enlistment, transportation, and training	21,090,641.84	4,100,000.00		25,190,641.84	[1] 19,700,000.00
Emergency fund	215,000,000.00			215,000,000.00	165,550,000.00
Ordnance	393,137,506.50	19,983,500.00		413,121,006.50	332,458,500.00
Public works	68,188,755.01	43,606,935.00		111,795,690.01	[1] 72,240,000.00
Expenses of the fleet	145,746,280.00			145,746,280.00	136,000,000.00
Medicine and surgery	9,645,478.00			9,645,478.00	6,000,000.00
Pay of the Navy	126,732,518.57			126,732,518.57	124,000,000.00
Supplies, fuel, etc	85,989,355.85			85,989,355.85	52,800,000.00
Naval Academy	1,007,919.20	55,000.00		1,062,919.20	1,055,000.00
Marine Corps	43,440,148.78	9,930,000.00		53,370,148.78	44,930,000.00
Naval Militia	1,863,117.70			1,863,117.70	1,800,000.00
Increase of the Navy	417,702,323.00			417,702,323.00	351,720,787.00
Miscellaneous	3,210,073.00	150,000.00		3,360,073.00	[1] 4,375,000.00
Total	1,596,931,455.45	78,261,870.00		1,675,193,325.45	1,365,800,000.00
Interior Department:					
Salaries and expenses	5,162,845.00	16,000.00		5,178,845.00	5,200,000.00
Public Lands Service	2,406,000.00			2,406,000.00	2,750,000.00
Reclamation Service	8,227,000.00			8,227,000.00	8,250,000.00

[For footnotes see end of table.]

APPENDIX B.—*Statement of appropriations for 1918, of estimates of appropriations pending and proposed, and estimated expenditures in 1918*—Con.

	Appropriations, 1918.	Estimates pending.	Estimates proposed.	Total.	Estimated expenditures.
Interior Department—Continued.					
Geological Survey	$1,850,520.00	$250,000.00	$100,000.00	$2,200,520.00	$1,850,000.00
Bureau of Mines	1,167,070.00	150,000.00		1,317,070.00	[1] 1,500,000.00
Alaskan Railway	14,500,000.00			14,500,000.00	11,500,000.00
Colleges for agriculture	2,500,000.00			2,500,000.00	2,500,000.00
Miscellaneous, beneficiaries, national parks, etc	2,136,917.57	36,448.10		2,173,365.67	2,170,000.00
Permanent appropriations	742,500.00			742,500.00	742,500.00
Indian service	18,821,631.97	254,000.00		19,075,631.97	21,184,000.00
Pensions	160,060,000.00	23,000,000.00		183,060,000.00	183,060,000.00
Total	217,574,484.54	23,703,448.10	100,000.00	241,380,932.64	240,705,500.00
Post Office Department:					
Salaries and expenses	1,943,260.00	15,000.00		1,958,260.00	[1] 1,922,000.00
Department of Agriculture:					
Salaries	5,555,380.00			5,555,380.00	5,405,080.00
Bureau of Animal Industry	7,214,956.00			7,214,956.00	5,154,456.00
Bureau of Plant Industry	2,774,250.00	6,000,000.00		8,774,250.00	4,752,250.00
Forest Service	5,374,475.00	775,000.00		6,149,475.00	4,949,475.00
States Relations Service	5,052,580.00			5,052,580.00	4,030,000.00
Weather Bureau	1,555,240.00			1,555,240.00	1,551,820.00
Bureau of Roads	11,603,240.00			11,603,240.00	6,000,000.00
Bureau of Markets	1,520,755.00			1,520,755.00	1,472,745.00
Eradication of cotton bollworm	250,000.00			250,000.00	250,000.00
Food survey, etc	11,345,400.00			11,345,400.00	9,000,000.00
Miscellaneous	4,639,290.60			4,639,290.60	3,605,486.00
Purchase and sale of nitrate of soda	10,000,000.00			10,000,000.00	9,000,000.00
Total	66,889,546.60	6,775,000.00		73,664,546.60	55,172,312.00
Department of Commerce:					
Salaries and expenses	307,500.00	7,000.00		314,500.00	307,000.00
Bureau of Standards	1,302,900.00	630,450.00		1,933,350.00	[2] 2,330,450.00
Census Bureau	1,383,460.00			1,383,460.00	1,400,000.00
Coast and Geodetic Survey	1,401,970.00	33,015.82		1,434,985.82	1,808,012.82
Lighthouse Service	6,639,189.00	370,000.00		7,009,189.00	8,370,000.00
Bureau of Fisheries	1,195,560.00	102,500.00		1,298,060.00	1,502,500.00
Miscellaneous	1,375,365.00	17,000.00		1,392,365.00	1,617,000.00
Total	13,605,935.00	1,159,935.82		14,765,900.82	17,334,962.82
Department of Labor:					
Salaries and expenses	1,116,836.00	329,203.34		1,446,091.34	[1] 1,393,180.98
Detention of interned aliens	1,000,000.00			1,000,000.00	830,000.00
Immigration Service	2,773,300.00			2,773,300.00	3,153,295.00
Employment Service	250,000.00	1,325,000.00		1,575,000.00	[3] 969,000.00
New services		485,451.64		485,451.64	[4] 497,023.75
Miscellaneous	312,650.75			312,650.75	300,000.00
Housing Government employees		50,000,000.00		50,000,000.00	25,000,000.00
Total	5,452,836.75	52,139,659.98		57,592,493.73	32,130,499.73
Department of Justice:					
Salaries and expenses	1,975,420.00	15,750.00	5,000.00	1,996,170.00	1,963,670.00
United States courts	7,662,396.00	192,876.77	533,000.00	8,388,272.77	8,311,272.77
Miscellaneous	1,536,400.00	600,000.00	1,750.00	2,138,150.00	[2] 2,308,210.00
Permanent appropriations	175,500.00			175,500.00	175,500.00
Total	11,349,716.00	808,626.77	539,750.00	12,698,092.77	12,758,652.77
District of Columbia:					
Salaries and expenses	15,318,430.85	909,078.40		16,227,509.25	15,000,000.00
Interest on the public debt, including interest on liberty bonds and certificates of indebtedness	235,789,617.00			235,789,617.00	235,789,617.00
Cost of bond issues (to June 30, 1918)	18,525,125.44			18,525,125.44	[4] 18,525,125.44
Increase of compensation	15,000,000.00			15,000,000.00	15,000,000.00
Panama Canal	23,593,290.00	745,590.00		24,338,889.00	24,338,889.00
Total	292,908,041.44	745,590.00		293,653,631.44	293,653,631.44
Public debt: Certificates of indebtedness outstanding July 1, 1917	285,632,732.00			285,632,732.00	285,632,732.00
One-year Treasury notes	23,540,000.00			23,540,000.00	23,540,000.00
Retirement of bank notes	25,000,000.00			25,000,000.00	25,000,000.00
Miscellaneous redemption of debt	50,000.00			50,000.00	50,000.00
Total	334,222,732.00			334,222,732.00	334,222,732.00
Special:					
Purchase of obligations of foreign Governments (less $885,000,000 paid in fiscal year 1917)	6,115,000,000.00			6,115,000,000.00	6,115,000,000.00
Purchase of farm-loan bonds	100,000,000.00			100,000,000.00	75,000,000.00
Total	6,215,000,000.00			6,215,000,000.00	6,190,000,000.00
Grand total	18,433,013,419.03	$1,905,616,847.07	$1,152,799,750.00	21,494,430,016.10	16,115,591,347.72

[1] Includes payments from allotments from "National security and defense."
[2] The balance of the appropriation of $100,000,000 for "National security and defense" has been allotted to other departments and bureaus; expenditures from allotments are included in the expenditures of the various departments and offices.
[3] This appropriation was allotted to departments and offices, and is included in their estimated expenditures.
[4] This figure includes the estimated expense of loans authorized but not yet issued, but does not include the cost of any issues yet to be authorized.

NOTE.—In certain cases where the estimated expenditure exceeds the total estimated appropriations, the difference is due to expected payments from balances of appropriation brought forward from prior years.

TREASURY DEPARTMENT, *March 23, 1918.*

Mr. KEATING. Mr. Speaker, I have been requested by the gentleman from West Virginia [Mr. NEELY] to state that he is detained at home by important war work; that if he had been here to-day when the so-called Baer bill was under consideration he would have voted for the bill.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 133. Joint resolution authorizing the granting of insurance under the act entitled "An act to authorize the

establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Saturday, March 30, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes," reported the same without amendment, accompanied by a report (No. 428), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the clerk, and referred to the Committee of the Whole House, as follows:

Mr. HARRISON of Virginia, from the Committee on Military Affairs, to which was referred the bill (H. R. 1218) for the relief of Alfred E. Lewis, reported the same without amendment, accompanied by a report (No. 425), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4057) for the relief of Edward Johnson, reported the same without amendment, accompanied by a report (No. 426), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3682) for the relief of Asbury Scrivener, reported the same without amendment, accompanied by a report (No. 427), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 11121) to reimburse the city of Richmond, Va., for expenditures incurred in the preparation and equipment of grounds for the mobilization and encampment of certain organizations of the National Guard of Virginia in pursuance of the order of the Secretary of War, and for housing and caring for certain soldiers or troops of the United States; to the Committee on Appropriations.

By Mr. JONES of Texas: A bill (H. R. 11122) to amend section 4 of the act to regulate commerce, passed February 4, 1887, and subsequent amendments thereof; and to abolish what it known as water-competition rates; to the Committee on Interstate and Foreign Commerce.

By Mr. KITCHIN: A bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes; to the Committee on Ways and Means.

By Mr. TREADWAY: Resolution (H. Res. 296) requesting certain information from the Postmaster General; to the Committee on the Post Office and Post Roads.

By Mr. PRICE: Joint resolution (H. J. Res. 272) authorizing and directing the President of the United States to so amend the selective-service regulations as to place in a deferred classification all registrants who are bona-fide farmers or farm laborers, including owners and managers of farms and overseers of farm operations and laborers regularly employed thereunder, and to formulate regulations for special "food-producing classification lists" by the local boards and prescribing that the classification of such registrant shall not be changed so long as he shall be engaged in such occupation, except that so long as he remains on the "food-producing classification list," he shall be regarded as not available for military service, and in all respects as though he stood classified in class five; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 11124) granting a pension to Emma Chandonia; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 11125) granting an increase of pension to William D. McLaughlin; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 11126) granting a pension to Ella Forbes; to the Committee on Pensions.

Also, a bill (H. R. 11127) granting an increase of pension to John T. Burton; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11128) granting an increase of pension to Jesse Hallcome; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11129) granting an increase of pension to Thomas Thacker; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 11130) granting a pension to Thomas G. Cockings; to the Committee on Pensions.

By Mr. VARE: A bill (H. R. 11131) granting an increase of pension to Dennis P. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting an increase of pension to Christopher C. Olewiler; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 11133) granting an increase of pension to James A. Brown; to the Committee on Invalid Pensions.

By Mr. EMERSON: Joint resolution (H. J. Res. 271) to pay damages to Roberta McKenzie Osborne; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerks' desk and referred as follows:

By the SPEAKER (by request): Petition of International Association of Fire Fighters, indorsing all efforts to further democracy; to the Committee on Military Affairs.

Also, petition of Methodist Episcopal Church of O'Fallon, Mo.; members of Red Cross of Kirkman, Iowa; and Woman's Christian Temperance Union of Wright City, Mo., favoring war prohibition; to the Committee on the Judiciary.

Also (by request), petition of Narrow Grove Cooperative Farm Club of Gorin, Mo., and members of Walker Farm Club, of Macon County, Mo., against lowering the price of corn; to the Committee on Agriculture.

By Mr. CARY: Resolution of the Wisconsin Furniture Dealers' Association, protesting against the passage of House bill 9683; to the Committee on Labor.

Also, petition of the Wisconsin Conservation Commission, favoring the passage of the Graham bill to prohibit the sale of game in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALE of New York: Petition of the Crockery Board of Trade of New York, opposing discontinuance of pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, resolutions of the National Society, Daughters of the American Revolution; the Wednesday Morning Club, Cranford, N. J.; and the Central Marin Chamber of Commerce, San Rafael, Cal., urging the repeal of the second-class postage provisions of the war revenue act; to the Committee on Ways and Means.

By Mr. EMERSON: Resolution of the mayor's advisory war committee of the city of Cleveland, asking that the charter of the German-American Alliance be rescinded; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Affidavits to accompany House bill 11061, for the relief of Orrin F. Strickland; to the Committee on Military Affairs.

By Mr. HILLIARD: Petition of Mrs. Emma Savage, Earl Temple, Ellen Brown, and 22 others, all citizens of the State of Colorado, praying for immediate war prohibition; to the Committee on the Judiciary.

Also, petition of 600 members of the Rocky Mountain district of the Woman's American Baptist Foreign Mission Society, praying for the passage of the bill for the payment of the Ellen M. Stone ransom fund; to the Committee on Claims.

Also, resolutions adopted by the Central Marin Chamber of Commerce, of San Rafael, Cal., protesting against increased

postage rates on periodicals; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of 62 citizens of Lonsdale, R. I., urging passage of legislation for prohibition during the war and six months after peace has been declared; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: Petition of citizens of Carlton County, Minn., against exempting manufactured substitutes for butter from the tax of 10 cents; to the Committee on Ways and Means.

By Mr. RAKER: Resolution of the Medical Symposium Society of California, in re creation of advanced rank for military corps; to the Committee on Military Affairs.

Also, resolution adopted by the United Irish Societies of Chicago, in re freedom of Ireland; to the Committee on Foreign Affairs.

Also, resolution of the Associated Chambers of Commerce, in re proposed naval base on Pacific coast; to the Committee on Naval Affairs.

Also, resolution adopted by the board of directors of the Board of Trade of San Francisco, in opposition to repeal of the bankruptcy act; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of Cumann na 'm Ban (Inc.) (the Irish Women's Council), of New York City, asking recognition of the new Irish Republic; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Madison Avenue Christian Church, of New Castle, Pa., for war prohibition as a military necessity; to the Committee on the Judiciary.

Also, petition of J. A. Katzenmeyer and the Standard Engineering Co., opposing House bill 2878; to the Committee on Coinage, Weights, and Measures.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 30, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the blessed hope, the glorious anticipation, confirmed by the resurrection of Christ, in the unbroken continuity of life, which promises the adjustment of all wrongs, the clearing up of all misunderstandings, the union of all hearts, and the growth of our spiritual being. For it is written: "Eye hath not seen nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love Him."

May the Easter Sunday bring solace to the thousands who are mourning the loss of their dear ones on the field of carnage. Help them to look forward to that day when God shall wipe away all tears from all faces.

May we live this day and through all the days to follow, that we shall be prepared for the change which waits upon us all, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had just passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3426. An act to empower the President to requisition for war purposes timber and timber products, rights of way and logging equipment, to construct and operate logging roads and sawmills, and fixing a penalty for the violation thereof; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 5351. An act providing for the disposal of certain lands in block 32 in the city of Port Angeles, State of Washington.

AMERICAN ARMY IN FRANCE.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Speaker, I read in yesterday's newspapers the statement that Gen. Pershing had placed the entire American Army in France at the military disposition of that brilliant French strategist, Gen. Foch, and that he made the request in his own name and in the name of the American people that their services be utilized in the present battle. I understand that that action was taken by direction of the President of the United States. I rise, Mr. Speaker, to express my personal appreciation of the splendid patriotism of that action. [Applause.] I believe it reflects not only the sentiment and wishes of the American Army in France, but of every loyal American father, of every loyal American mother, who has a boy in that Army. Our sole regret is that we have not ten times as many American soldiers in France to help win this great battle for human liberty and for human rights. [Applause.]

PAY OF RETIRED WARRANT OFFICERS.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the table the bill (S. 3400) to regulate the pay of retired warrant officers and warrant officers on active duty, with the House amendment, and to further insist upon the House amendment and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill S. 3400, with a House amendment, to further insist on the House amendment, and to agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. PADGETT, Mr. TALBOTT, and Mr. BUTLER.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill (H. R. 9054), with Senate amendments, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the Agricultural appropriation bill, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee a question. The Senate amendment No. 40, on page 100, increases the guaranteed price for wheat at the local elevators to $2.50 a bushel. The House never having had any opportunity to pass upon that question, we would like to know whether the managers on the part of the House would be able to give to the House assurance that before the matter is disposed of, after they have compromised their differences with the Senate managers, they will bring it back to the House for a decision upon the merits, instead of disposing of it in the conference report?

Mr. LEVER. Mr. Speaker, as I understand the gentleman's question, it is this, that unless the conferees can reach a satisfactory agreement among themselves, the gentleman from Minnesota [Mr. STEENERSON] would desire that the whole matter in its present form be brought back to the House for a separate vote.

Mr. STEENERSON. Of course, we are under this difficulty here. The House never having passed upon it, I presume that without any instructions the managers on the part of the House would act upon the theory that it was their duty to oppose everything that the Senate had proposed. There is a very large number in the House here who believe that the guaranteed price of wheat now existing is unjust and that it tends to decrease the spring-wheat crop, especially because the seeding is now about to begin, and judging from the numerous protests coming in from the farmers I believe that there is quite a sentiment in the House that there is merit in that claim. I do not expect that the conferees will be able to say now just what they favor, but I think that the friends of a higher guaranteed price of wheat ought to have an opportunity to present the matter to the House. Of course, I would be entitled now, if I withdrew

this reservation of objection, to present a motion to instruct the conferees to agree to the Senate amendment. I believe that would be in order. The gentleman concedes that?

Mr. LEVER. No; I do not.

Mr. CANNON. Mr. Speaker, what the gentleman desires, I think, is this, that unless the Senate amendment can be agreed to, as it has not been considered by the House, the House shall have an opportunity, if it so desires, to concur in the Senate amendment.

Mr. LEVER. I thought the gentleman's question did not quite go to that extent.

Mr. STEENERSON. That expresses it.

Mr. LEVER. I thought the gentleman's question involved this, that if the conferees of the two bodies can not agree either upon this proposition as the Senate has written it, or upon some compromise proposition, we will give opportunity to the House to vote upon whatever proposition was agreed upon, in a separate vote.

Mr. CANNON. But it seems to me the House ought to have the right, not having considered it, at some stage to consider it. It will be in order to move to instruct the committee when it comes before the House, if there is no unanimous consent, that the House concur in that amendment, but it seems to me the House ought to have the privilege unless it is agreed to.

Mr. LEVER. I do not hesitate to say to the gentleman from Minnesota, the gentleman from Illinois, and the gentleman from Oklahoma, all three of whom have shown a good deal of interest in this matter, if we may go to conference uninstructed, unhampered, that, as far as I am concerned, and I think as far as our conferees are concerned, I am perfectly willing to bring the matter back to the House and have a separate vote on this proposition.

Mr. CANNON. It seems to me that is what you desire.

Mr. LEVER. And have a separate vote on the Senate proposition.

Mr. STEENERSON. Mr. Speaker, I wanted in a very brief way to indicate to the House and the conferees that so far as I am individually concerned I would prefer the proposition that I advocated before the committee; that is, the $2.75 price at the terminal markets as prescribed by law now. This Senate amendment provides for fixing the price at the various local elevators, which would bring a differential between North Dakota and New York of 25 cents, so $2.75 would not be any more under the present law at the interior final market as provided by law than the Senate amendment, and I was simply going to call the attention of the conferees and the House to that change because unquestionably the Senate amendment does increase the guaranteed price.

Mr. LEVER. Undoubtedly.

Mr. STEENERSON. And we wanted to have the assurance that the chairman now gives.

While the Senate amendment on its face increases the guaranteed price fixed by the President from $2.20 to $2.50, it bases it on No. 2 instead of No. 1, which means 3 cents additional, and on the local instead of "the principal interior primary markets," which would add the cost of transportation. My idea is that we should increase the price to $2.75, but keep No. 1 and the principal interior primary market as the basis. I would propose this amendment to the Senate provision—Gore amendment.

Strike out that part of lines 20, 21, 22, 23, 24, and 25, on page 100, which reads as follows:

> The guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 2 northern spring or its equivalent at not less than $2.50 per bushel at the local elevator or the local railway market where such wheat is delivered from the farm where produced.

And insert in lieu thereof the following words:

> The guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 1 northern spring or its equivalent at not less than $2.75 per bushel at the principal interior primary markets.

This would not increase the Senate figure, so far as the region west of Minnesota is concerned.

Mr. Datus C. Smith, one of the leading wheat growers of the West, sent me the following suggestion, which I submit is a very moderate one:

> Permit me to suggest for your consideration the following change in your proposed amendment:
>
> In view of the great extent of misapprehension as to the added cost of a barrel of flour under the Gore resolution, as it stands, as compared with the present price of wheat, I would favor making the price $2.67 per bushel for No. 2 wheat, with the use of the primary markets now established, as you proposed. The reason I suggest $2.67 is that this gives the farmer just 50 cents advance over the present price for No. 2 wheat, allowing 3 cents deduction per bushel for the difference between No. 1 and No. 2.
>
> Now, this rate of $2.67, which provides an actual increase of 50 cents per bushel to the farmer, instead of making an added cost of $3 or $4 per barrel of flour, as has been so freely stated in the press, would amount to just $2.16. I figure this as follows: Two hundred and sixty-four pounds of wheat are required by the rules to make a barrel of flour of 196 pounds, leaving 68 pounds for by-products. The 264 pounds of wheat at 50 cents per bushel extra cost would be $2.16. The by-products, at the established prices, would be worth 4 cents, giving the net added cost of a barrel of flour $2.12.
>
> I do not see, Mr. STEENERSON, how they can possibly get around these figures, because they eliminate every consideration, as I see it, except the simple cost of 50 cents a bushel added to the price.
>
> DATUS C. SMITH,
> *Blanchard, N. Dak.*

The Food Administration has been carrying on an extensive propaganda against any increase in the price of wheat and have employed two arguments: One is that it would unreasonably increase the price of bread and the other that it would help speculators who might buy up present stocks.

Mr. Smith shows that under present conditions a 50-cent increase in wheat means only $2.16 added to the price of a barrel of flour, less than two thirds of a cent per day for a year. Now, Government employees who receive, say, $1,000 are to be increased 20 per cent, or $200 per annum. The pay roll of the railroads for their employees is $1,400,000,000, and the average per annum will be about $800. The President and Mr. McAdoo have appointed a commission which proposes, according to reports, to increase the pay roll by $375,000,000 per annum, which is 25 per cent.

So a railroad employee who receives $800 will get $200 increase. The wage earners in all employments have been given increases, in some cases greater than these. Now, if a laborer, if you please, or a Government clerk, receives $200 additional yearly wage, should he object to allowing the farmer a little more for his wheat?

The per capita consumption of wheat in normal times is about 5 bushels, but now Hoover cuts it by substitutes to one-half of that. A family of five will consume 12½ bushels in a year, on which it will pay, say, $12.50 more than before the war. Would it be unreasonable to require the man whose yearly wage has been increased $200 to pay $12.50 or even $15 more to the farmer who furnishes his principal food? Is it not because of the increased cost of living that wages are increased? Should not, therefore, the man who furnishes the "living" have an increase also?

I refuse to believe that either organized or unorganized labor, or those engaged in gainful employment outside of agriculture, will seriously demand that their wage shall be increased but deny a proportionate increase to the men and women on the farm who toil to supply them with the food they eat. Even flour at $14.60 a barrel and consumption unrestricted by wheatless days would only cost 4 cents per day to each individual.

One nickel cigar a day costs more than all the wheat flour a grown man consumes in a year. We should be fair. The farmer who produces the wheat has to pay more for everything now. Not only that, but he has to pay in taxes the salary increases soon to be made to Government employees and increased rates to the railroad workers. In England the Government used to pay market price for wheat and sell it at a loss so as to guarantee a cheap loaf. They expended $400,000,000 this way until Hoover came along and saddled the loss on the American wheat growers. The same can be said of the other allies.

Are not our allies fighting for us all? Why, then, should the burden of furnishing a cheap loaf to their people be thrown upon the American wheat farmer alone? But that is not all. They are not only required to do this, but, in addition thereto, to bear the burden of furnishing a cheap loaf to our own people, also, who charge them extra wages because of the high price of living. Are not the growers of wheat as meritorious as the planters of cotton, for instance, who are now enjoying a free market and receiving 35 cents per pound for their product, as against 8 or 10 cents before the war? There is no answer to these questions except that you want to single out the man who produces the staff of life as a special object for injustice. Such a course is absolutely indefensible.

The argument that a higher guaranteed price for the 1918 wheat crop might benefit speculators, who would buy up and hold present stocks, is untenable, because such a proceeding would be illegal and punishable as a crime under present laws. Besides, the proclamation of the President fixing the price of the 1918 crop contains this language:

> Upon condition that said wheat is harvested in the United States during the year 1918 and offered for sale before the first day of June, 1919, to such agent or employee of the United States or other person as may be hereafter designated.

A similar provision may be added to this clause in the Senate amendment and severe penalties prescribed for its violation.

Such an amendment to the Senate provision would be a complete answer to argument referred to.

I submit that in all fairness the injustice that has been done to our farmers by forced price of wheat should be speedily righted.

Mr. LEVER. I would be very glad to assure the House I will be pleased to have the House take a separate vote on this proposition at the proper time.

The SPEAKER. Has anybody got any suggestion to offer?

Mr. MORGAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a few questions. In addition to the suggestions already made there is one which I think is very important. As suggested by the gentleman from Illinois [Mr. CANNON] this is a new amendment added to this bill in the Senate. The House never has considered it. The House has never considered the proposition of fixing a definite price for wheat. When the food-control bill went through the House last summer we did not discuss the question of price. The price provision was put on in the Senate and discussed there for weeks. Now, when the Agricultural appropriation bill went through the House there was no provision in it relative to the price of wheat. When the bill passed the Senate it contained a provision increasing the guaranteed price of wheat from $2 to $2.50 per bushel. The Senate had a prolonged and thorough discussion——

Mr. LEVER. Long, I will admit that, but not the other proposition.

Mr. MORGAN. And finally put on this amendment. Now, the House has never had an opportunity to discuss this question, and in view of the national importance of this question, and especially the possible effect which an increase in the price of wheat may have in stimulating increased production of wheat, and also taking in consideration the financial interest the wheat growers and the people generally of the wheat-growing sections of the United States have in this amendment, I feel that the gentleman ought to give us some assurance that we shall have ample time and opportunity not only to vote separately upon this proposition but that we shall have ample time to discuss it.

Mr. LEVER. I will say to the gentleman from Oklahoma I recognize the importance of this amendment, and as far as I am concerned I can assure the gentleman I will be perfectly willing to agree to a reasonable time.

Mr. MORGAN. Will the gentleman suggest what he thinks will be a reasonable time on this great question?

Mr. LEVER. Well, I would not want to do that——

Mr. DYER. Mr. Speaker, I shall ask for the regular order, if the chairman of the Committee on Agriculture is compelled to declare himself——

Mr. MORGAN. I have the floor.

Mr. DYER. But I can ask for the regular order.

Mr. HAMILTON of Michigan. The gentleman from South Carolina has agreed to everything.

Mr. MORGAN. I object.

Mr. LEVER. Then, Mr. Speaker, I withdraw my request.

The SPEAKER. The bill is referred automatically to the Committee on Agriculture.

Mr. STEENERSON. Mr. Speaker, I would like to extend my remarks.

Mr. DYER. Mr. Speaker, I withdraw the demand for the regular order.

The SPEAKER. Does the gentleman from Oklahoma withdraw his objection? The gentleman from Missouri has withdrawn the demand for the regular order.

Mr. MORGAN. Mr. Speaker, I was cut off——

Mr. LEVER. I did not cut the gentleman off.

Mr. MORGAN. I know you did not.

The SPEAKER. The gentleman from Missouri withdraws his demand for the regular order. Does the gentleman withdraw his objection?

Mr. MORGAN. I withdraw my objection for the time being.

Mr. SLOAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. SLOAN. I desire to reserve the right to object. There are other amendments——

Mr. CANNON. I would like to finish my inquiry.

The SPEAKER. The gentleman from Oklahoma has the floor.

Mr. MORGAN. Now, just a word to the gentleman from South Carolina. He says he will give a reasonable time. I think we ought to know what that reasonable time is.

Mr. LEVER. What does the gentleman think would be a reasonable time?

Mr. MORGAN. In view of the importance of this question to the Nation and to the wheat sections, and the fact that this question has never been discussed in the House and that we are dealing with an entirely new question, I think we ought to have six hours' debate on this proposition.

Mr. DENISON. Mr. Speaker, if the gentleman is going to make that kind of a request, I will call for the regular order.

Mr. FOSTER. Why not make it three weeks?

Mr. LEVER. I can say to the gentleman from Oklahoma [Mr. MORGAN] that I do not want to bind myself absolutely to hours, but I think the gentleman knows me well enough to know that when I say "reasonable" I mean a reasonable time.

Mr. MORGAN. Do you think that four hours would be reasonable?

Mr. LEVER. I do not like to bind myself absolutely.

Mr. MORGAN. What is the impression of the gentleman as to what the committee would agree to?

Mr. DYER. Regular order, Mr. Speaker.

Mr. LEVER. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman withdraws his request, and the gentleman from North Carolina [Mr. KITCHIN] is the regular order.

THIRD LIBERTY LOAN.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11123, known as the third liberty bond authorization bill.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11123.

Mr. KITCHIN. And pending that, I ask unanimous consent that general debate be confined to one hour, half an hour to be controlled by myself and half an hour by the gentleman from Michigan [Mr. FORDNEY]. I will say in that connection that there is no disputed point so far as the committee goes, and the bill itself is an amendment of the act of September 24, 1917, and that act is amended in about five particulars. I shall call attention to them briefly in my statement. So all the arguments that were used for and against that act need not be repeated as to this bill. I am very anxious to get the bill through to-day, because it is necessary for it to become a law, I would say, at least, by the 4th of April. The liberty-bond campaign begins April 6. The Treasury Department must have the act before it can get out the necessary literature. Some is printed except leaving blank places in which to insert the terms of the bonds according to the bill.

Mr. GILLETT. Will the gentleman permit an interruption?

Mr. KITCHIN. Certainly.

Mr. GILLETT. If any point should come up unexpectedly that will require debate, I suppose the gentleman would be liberal under the five-minute rule?

Mr. KITCHIN. Under the five-minute rule; yes.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union the gentleman from North Carolina asks unanimous consent that general debate be confined to one hour, and that he control half of it and the gentleman from Michigan [Mr. FORDNEY] the other half. Is there objection?

Mr. FORDNEY. Mr. Speaker, there are some gentlemen near me here who have suggested that we make the time one hour and a half. Whatever time we use in general debate will shorten the time under the five-minute rule. Will the gentleman extend the time to one hour and a half?

Mr. KITCHIN. I will agree to that, and I will modify my motion.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on going into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11123.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11123, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11123, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes."

The CHAIRMAN. Without objection, the further reading of the bill will be dispensed with.

There was no objection.

Mr. KITCHIN. Mr. Chairman, this bill is very simple in its terms. We need not argue the necessity for it. We all know it. We need not discuss whether or not the amount of taxes bears the proper relation to the amount of bonds, because we need this money before we can possibly have another tax bill, even if the House was inclined to write another one at this session.

This bill is simply an amendment of the bond act of September 24, 1917, and if gentlemen will take the bill and follow me I will point out the differences section by section. With the exception of such differences the sections of the bill are in the exact language of the bond act of September 24, 1917. In section 1 there are only two changes made. One appears on page 2, line 6. We strike out of the section, in the act of September 24, the figures $7,538,945,460 and substitute $12,000,000,000. We authorized by that act an issue of bonds of $7,538,945,460. It is necessary to increase the authorization $4,461,054,540, so we make the total authorization $12,000,000,000 instead of $7,538,000,000. The other change in this section will be found on page 3, line 7. We change the interest rate from "not exceeding 4 per cent" to "not exceeding 4¼ per cent."

Mr. SMITH of Michigan. Is the $7,000,000,000 included in the $12,000,000,000.

Mr. KITCHIN. Yes. Instead of seven we make it twelve.

In section 2 of this bill we increase the appropriations made in the act of September 24, 1917, from $4,000,000,000 to $5,500,000,000.

In other words, we increase the appropriation to loan to the allies $1,500,000,000, and it is for this purpose that we increase it: The $4,000,000,000 appropriation will carry the loans to the allies throughout this fiscal year and the $1,500,000,000 will carry the allies for the months of July, August, and September of the next fiscal year. The loan requirements of the allies are at the rate of $500,000,000 a month. Congress will not be in session then, perhaps, and we will have to make this appropriation now for the next fiscal year.

That is the only change in that section. Section 3 is entirely a new section. All the language is new. It relates to the convertibility feature of the bonds. We provide in this bill that all bonds issued under the bond acts of April 24, 1917, and September 24, 1917, may be converted into the 4¼ per cent bonds provided in this bill, but we provide that bonds bearing 4¼ per cent shall not be convertible. That is, this is the last act that will contain the convertibility feature. The 3½ per cent bonds, the converted fours, and the fours issued under the bond act of September 24, 1917, may be converted into four-and-a-fourths, but, excepting the three-and-a-halfs, lose the convertibility feature thereafter, and the 4¼ per cent bonds will have no convertibility privilege.

It will be remembered that the 3½ per cent bonds issued under the act of April 24, 1917, contain a contract with the holders of those bonds to the effect that they shall be converted at all time thereafter during this war into bonds bearing a higher rate of interest, if bonds bearing a higher rate of interest are issued, so we can not, therefore, take the convertible feature away from the bonds bearing 3½ per cent. The act of September 24, 1917, contained a provision to the effect that if before the termination of the war bonds bearing a higher rate of interest should be issued that such bonds should be convertible into bonds bearing that higher rate. The act of September 24, 1917, further provided that if the privilege of conversion so conferred should once arise and should not be exercised with respect to any convertible bonds within the period prescribed by the Secretary of the Treasury, then such privilege should terminate as to such bonds and should not arise again, though again thereafter bonds be issued bearing interest at a higher rate or rates.

Mr. GILLETT. Mr. Chairman, would the gentleman prefer to yield to me now or later?

Mr. KITCHIN. I would prefer to answer the gentleman's question now.

Mr. GILLETT. I understand the gentleman to say that this bill provides that if during the war we should issue bonds at a higher rate, these bonds would not be convertible into those bonds?

Mr. KITCHIN. Yes.

Mr. GILLETT. I understood as to the last issue that the position which the committee took was that it was only fair that the men who took Government bonds then at the low rate should, if the Government issued bonds afterwards at a higher rate, be on an equality with the men who had withheld their subscription until it was attractive and who got those high rates; that it was only fair that those who bought them early should stand on the same footing as those who subscribed later at the higher rate. That is the way I understood it was written. I wondered if the gentleman could explain why it was changed, or if I had misunderstood the original argument.

Mr. KITCHIN. No; the gentleman did not misunderstand the original argument.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I will answer the gentleman from Illinois just as soon as I have answered the other gentleman. We did make that argument, as the gentleman from Massachusetts stated. We provided in the bill, however, that that convertibility feature should cease even as to those bonds if the privilege of conversion should once arise and not be availed of.

Now, the reason why we think that the time has come when we should put this nonconvertibility feature into the bill is that we shall have out, when these bonds are sold, $14,000,000,000 of bonds, and if we continue this convertibility feature in them individuals and corporations holding the $14,000,000,000 worth of bonds will be interested, with the other investors who want a higher rate, in piking the rate and holding the Government up to a higher rate at every authorization, because if the higher rate is given to the next issue of bonds the interest rate on the $14,000,000,000 will automatically go up. They will be interested in bearing the market on the bonds and pushing the bonds down below par in order to force the Government to issue bonds at a higher rate. We therefore thought we had better take a stand now and cut out the privilege of conversion hereafter.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. RAMSEYER. Has it been the purpose in making this feature to prevent future bond issues at a higher rate?

Mr. KITCHIN. Yes. We thought—and I believe and you gentlemen and every other patriotic man in the United States who has any confidence in this Government believes—that a Government bond bearing 4¼ per cent interest is worth par and always will be actually worth par, though manipulation may some time depress the market value below par. It is a splendid, safe, gilt-edged investment.

Mr. GARLAND and Mr. BRITTEN rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. KITCHIN. I will yield first to the gentleman from Illinois, as he asked me to yield a moment ago and I could not at that time; then to the gentleman from Pennsylvania.

Mr. BRITTEN. Just along that line, does not the repurchase provision in the bill protect the early patriotic purchaser? Having the repurchase provision in the bill, that sets aside a fund?

Mr. KITCHIN. Yes. The gentleman is correct. Now I yield to the gentleman from Pennsylvania.

Mr. GARLAND. Perhaps that is the same question that I wanted to ask in another form.

Mr. KITCHIN. We have a sinking fund to protect the holders of those bonds, which we hope will keep them at par in the market all the time.

Mr. BRITTEN. I was saying that the patriotic fellow of today who buys his bonds is protected in any future issues, because he may sell back his holdings to the Government and repurchase at a higher rate?

Mr. KITCHIN. Yes; to the extent of the sinking fund.

Mr. GARLAND. There are those who bought the 3½ per cent bonds who later converted them into 4 per cent bonds. Now, then, although they are converted into 4 per cent bonds, if bonds were issued bearing a higher rate than 4¼ per cent would they still be admissible to further conversion into future issues of bonds?

Mr. KITCHIN. The persons who bought the 3½ per cent bonds and who have already converted them into fours would not be able to convert the fours into bonds bearing a higher rate than 4¼ per cent; but if bonds bearing more than 4¼ per cent should be issued, those holding 3½ per cent bonds would be able to convert them into the bonds bearing the higher rate. That is put into the contract.

Mr. GARLAND. He can not convert those converted three-and-a-halfs into higher rates?

Mr. KITCHIN. They have already been converted into fours, and such fours can be converted into the 4¼ bonds provided for in this bill, but not into other bonds bearing a higher rate.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. DENISON. I noticed a difference in the quotations of the first issue and second fours. What is the explanation of that? In other words, the 3½ per cent bonds that have been converted into fours are called what?

Mr. KITCHIN. They are "converted fours."

Mr. DENISON. There is a difference in the market value of the ones that were converted from three-and-a-halfs into fours and the fours.

Mr. KITCHIN. I did not know of that.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GARNER. Is there not some question as to what the rates of the three-and-a-halfs may be with reference to future conversion? What the gentleman is talking about is the original fours and the three-and-a-halfs that were converted into fours. Those he speaks of as being of a different market value. I think there has been some discussion throughout this country as to whether the holders of the first 3½ per cent bonds, having the right to convert to any future issue at a higher rate, may not still have that right, whereas the holders of the second fours have the right to only one conversion.

Mr. KITCHIN. I had not heard that discussed at all. I can see no good reason why there should be a difference.

Mr. DENISON. I can not either.

Mr. KITCHIN. I am glad the gentleman called my attention to that. I will look into the question.

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. WALSH. I call the gentleman's attention to the statement he made in the debate on April 13, 1917, when we were considering the first liberty loan, in the discussion of which he stated:

> It it provided further that if before December 31, 1918, Congress should authorize an issue of bonds with a greater rate of interest than 3½ per cent, then the Secretary of the Treasury, at the option of the holder, can convert the bonds already issued under this act into bonds bearing a higher rate of interest.

Now, if we should have another bond issue in September or October of this year and the bill which is now under consideration passes in its present form, the 3½ per cent bonds could not be substituted for the later issue, as I understand the gentleman?

Mr. KITCHIN. Referring to the statement which the gentleman from Massachusetts [Mr. WALSH] has quoted, the bill as first presented to the House which I was then discussing did provide that any series of bonds issued under authority of sections 1 and 4 of this act may, under such terms and conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than the rate at which the same were issued if any subsequent series of bonds shall be issued at a higher rate of interest on or before December 31, 1918.

Mr. SNYDER. I should like to say that the purchasers of the 3½ per cent bonds claim that they will have the right to convert to a higher issue at any time.

Mr. KITCHIN. They have.

Mr. SNYDER. They have the right to convert the original 3½ per cent bonds at any time that some other bond is issued at a higher rate.

Mr. KITCHIN. That is as I stated at first. The statement to which the gentleman from Massachusetts [Mr. WALSH] called attention was made by me in discussing the bill as it was introduced in the House before it went to the Senate. As the bill became a law it provided that any series of bonds issued under authority of sections 1 and 4 of this act may, under such terms and conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than the rate at which the same were issued if any subsequent series of bonds shall be issued at a higher rate of interest before the termination of the war between the United States and the Imperial German Government, the date of such termination to be fixed by a proclamation of the President of the United States.

Mr. SNYDER. Personally, I believe the holders of the 3½ per cent bonds have the right to convert into a higher rate at any time.

Mr. KITCHIN. They have that right.

Mr. MOORE of Pennsylvania. May I call the attention of gentlemen to page 3 of the report? If they will look at that, I think the whole matter may be cleared up.

Mr. KITCHIN. I will say again, the 3½ per cent bonds have no limitation as to conversion, and can be converted into any bonds issued during the war bearing a higher rate.

Mr. ALMON. The gentleman does not think the fact that a 3½ per cent bond has been converted into a 4 per cent bond would have any effect on the right to future conversion, does he?

Mr. KITCHIN. The 4 per cent bond could not be converted except into the bonds authorized by the pending bill should it become law, but the 3½ per cent bond could be converted into bonds of any higher rate that may be issued during the war.

Mr. GARRETT of Texas. Is the gentleman now discussing the bill by sections?

Mr. KITCHIN. I am discussing it by sections; yes. This matter arose under section 3.

Mr. DENISON. If the gentleman can answer this question I would like to ask him, if a man who held the first 3½ per cent bonds has converted them into fours of the second issue, can those fours then be again converted into the subsequent issues?

Mr. KITCHIN. According to this bill here only into the 4¼ per cent issue, but not thereafter.

Mr. ALMON. The gentleman does not think any action of Congress now could affect the vested rights of the first bondholders?

Mr. KITCHIN. Not of the holders of the 3½ per cents.

Section 4 makes this change in the act of September 24, 1917. In that act we provided for an amount not to exceed $4,000,000,000 of certificates of indebtedness to be outstanding at any one time, and to be payable not more than one year from the date of issue. We have increased that limit from $4,000,000,000 to $8,000,000,000. It sounds like a mighty big increase, but we did that in order to avoid a larger authorization of bonds at this time, and therefore the sale of a larger amount of bonds at one time. The certificates of indebtedness under the $4,000,000,000 limit will become exhausted before the fiscal year is out. In fact, we have now outstanding of these certificates of indebtedness in round number $3,200,000,000, and we will have to go over the $4,000,000,000 mark before the present fiscal year expires.

We use this provision to furnish money to tide the Government over until the excess-profit and income taxes are payable, and also during the periods between the sales of bonds. When the taxes are paid and the bonds are sold these certificates of indebtedness are taken up, but others must at once, from time to time, be issued.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. SMITH of Michigan. What rate of interest will the certificates of indebtedness draw, and how long will they run?

Mr. KITCHIN. No certificate of indebtedness can have a maturity more than one year after the date of issue, and under this bill not more than $8,000,000,000 can be outstanding at any one time.

Mr. SMITH of Michigan. And what will be the interest rate?

Mr. KITCHIN. There is no limit on the interest rate on the certificates of indebtedness. Such a provision is in the act of September 24, 1917. We discussed that on the floor of the House when that bill was under consideration. On these short-time loans sometimes they may have to pay a little more than on longer time loans. The Secretary of the Treasury paid as high as 4½ per cent and as low as 3½ per cent. It depends on the condition of the money market at the time when the money is borrowed on the certificates. When they issue certificates of indebtedness they need the money to expend in order to meet the appropriations. While this seems to be a large amount, we must understand that there is in a way a legal limit; that is, the Secretary of the Treasury can not expend a dollar more of the receipts from these certificates, or from bonds, or from any other sources, than Congress appropriates. So he is kept, of course, within the appropriations.

Mr. SMITH of Michigan. Can the gentleman give us any idea how many of the bonds heretofore authorized are still unsold in the hands of the Government and how many have been taken up?

Mr. KITCHIN. The gentleman means how many under the existing law the Government is authorized to issue?

Mr. SMITH of Michigan. Yes.

Mr. KITCHIN. Three billion six hundred and sixty-six million dollars, plus the $63,000,000 to take up the bonds that will become due in the next fiscal year.

That $63,000,000 is an old bond issue of 1908. The proceeds from the $63,000,000 of bonds must be used to retire the loan of 1908–1918, which becomes due in the fiscal year 1919. In addition to the $63,000,000, we now have authority to sell for war purposes to meet public expenditures, as I stated, $3,666,000,000 of bonds.

Mr. DILLON. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. DILLON. Can the gentleman tell us what the total expenditures of all the departments of the Government, including the loans to the allies, will amount to for the fiscal year ending June, 1918?

Mr. KITCHIN. Sixteen billion one hundred and sixteen million dollars.

Mr. DILLON. That does not include the loans to the allies?

Mr. KITCHIN. Yes; it does.

Mr. GILLETT. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GILLETT. What is the interest on the certificates of indebtedness?

Mr. KITCHIN. Some have been issued bearing 4½ per cent, but more have been issued bearing a lower rate.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. HUDDLESTON. What is the expense for the fiscal year for carrying on the war, exclusive of loans to the allies, expected to be?

Mr. KITCHIN. During the fiscal year 1917 we loaned the allies $885,000,000. This fiscal year we expect to loan them $6,115,000,000. Deducting $6,115,000,000 from the $16,116,000,000 will give you what it is.

Mr. HUDDLESTON. The statement was made last year when we were considering the war-tax bill that it was expected to pay by taxation substantially one-half of the expenses of the war. Has that idea been abandoned?

Mr. KITCHIN. I will say to the gentleman that that statement was made when we were considering the first bond bill of April 24, 1917. Of course, the administration and the departments did not dream that the demands on the part of the allies or the demands on the part of this Government for the prosecution of the war would be anything like the amount that we now know we will have to have.

Mr. HUDDLESTON. What part of the war expense do we now expect to pay by taxation and what part by bond issues?

Mr. KITCHIN. The administration started out with an idea of 50-50—that is, 50 per cent taxation and 50 per cent bonds—but the expenditures on our part on account of the war and the loans to the allies grew so enormously that they have abandoned that suggestion as being impracticable, if not impossible.

Mr. HUDDLESTON. What is the present idea?

Mr. KITCHIN. Of the administration?

Mr. HUDDLESTON. Of the administration and of the gentleman from North Carolina.

Mr. KITCHIN. I do not know what the present idea of the administration is, and I would not like to say definitely what my idea is now, but I will say to the gentleman that it will become absolutely necessary for us to have a good deal larger collection from taxes if the bond issues continue, and in all probability they will. I hope at a later and more proper time to give to the House my mature and definite opinion with respect to the raising of revenue by taxation and bond issues.

Mr. HUDDLESTON. When may we expect the increase in the taxes?

Mr. KITCHIN. I can not give the gentleman any definite time. It depends on the situation. Personally I feel that we ought to raise more taxes.

Mr. HUDDLESTON. There are a few Members of the House who want to support the Government in all necessary ways, but who are unwilling to vote for bond issue after bond issue indefinitely when the rate of taxation is much lower than it might well be and much lower than it is in foreign countries that are carrying on the war. Speaking as one of those I would like to know how much longer I am expected to vote for bond issues. I am willing to vote to give the Government all the money that it needs, but I am unwilling to burden future generations by these bond issues and leave rich men of the present generation to enjoy many advantages with but little suffering from the pains of the war.

Mr. KITCHIN. I am in sympathy with the idea that we should fasten as little burden as possible on future generations and raise as much now by taxation as is reasonably possible, considering the necessities for keeping the industries going and not seriously crippling them.

Mr. HUDDLESTON. We are sorely burdened by the tremendous increase of prices of articles of all kinds and by an artificial and unnecessary stimulation of business. All this has been greatly aggravated by the constant bond issues. A higher rate of taxation would act as a curb on these prices.

Mr. KITCHIN. I am going to give the gentleman some facts here that may for the moment satisfy him to some extent. Exclusive of the loans we make to the allies, after we shall have issued the total amount of bonds authorized in this bill, to wit, $12,000,000,000, adding to that the $2,000,000,000 that we have sold and issued, we shall by taxation raise more than 50 per cent of the total bond issues which this Government has used for its own expenses. In other words, this bill authorizes $12,000,000,000.

We have already authorized and sold in round numbers under the first bond act $2,000,000,000. To be more exact, it is one billion nine hundred and eighty-six million, but call it two billion. Thus the total, after every dollar of bonds authorized under this act is sold and the bonds sold heretofore, we shall have issued $14,000,000,000 in bonds. Eight billion and a half dollars worth of bonds are provided for loans to the allies, upon the assumption that their bonds are as good as ours and that they will pay them back. That leaves five billion and a half dollars worth of bonds that we have issued for the expenditures of our Government, and we will collect in taxes this year over three and one-half billion dollars.

Mr. LONGWORTH. Three billion eight hundred million dollars and odd.

Mr. KITCHIN. It may possibly reach those figures; but to be safe, I put it at three and a half billions in taxes, so that on this basis for all our expenditures we are collecting nearly 40 per cent in taxes.

Mr. SNYDER. Is it not fair to assume that in view of the taxes that have been received so far the estimate of the tax to be collected is a good deal too small? I believe it will run far over $3,800,000,000.

Mr. KITCHIN. Some say so, but I fear they are mistaken. The Treasury Department has had some few returns in, and I think the experts there estimate that our excess-profits tax will yield about the same that we estimated it was going to raise when I presented the conference report. They tell me that they do not believe that it is going to vary substantially at all from our estimates made beforehand, and the same may be said in regard to the income tax.

Mr. HUDDLESTON. Will the gentleman allow me to ask how much increase would there be in tax collections if we levied the same rate on profits as the English are levying?

Mr. KITCHIN. If we levied the same rate on excess profits that Great Britain does and had our provisions in the present bill and levied the same normal income tax as Great Britain does, keeping our surtaxes the same as we have on incomes of $200,000 and up, we would raise some two and a half or three billion dollars more.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes; but I would state in that connection that while Great Britain does levy some few local taxes, it has nothing like the enormous tax levies of our States, counties, and municipalities. The taxes that our people pay in the States, and the local tax subdivisions, road districts and school districts, and so forth, I would say, but it is almost a guess, are five or six times more. We must take that into consideration, of course, when we compare the English rate with our rate.

Mr. HUDDLESTON. Does the gentleman mean to say that the profits taxes in England are not 30 or 40 per cent greater than in this country? We levy taxes in this country on real estate and various other subjects.

Mr. KITCHIN. Yes. The excess-profits tax in Great Britain is that much greater than the excess-profits tax in the United States. But when we consider this and other Federal taxes and the State and local taxes that one here must pay, the amount of the taxes paid by one in England is not so much larger than that paid by one here. Her national tax or tax rate is higher than ours; her local tax or tax rate is much smaller than here.

Mr. HUDDLESTON. But as I understand it, the English rate reaches about 80 per cent of excess profits.

Mr. KITCHIN. Yes; it is 80 per cent.

Mr. HUDDLESTON. There is nothing like that in this country.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LONGWORTH. I want to call the attention of the gentleman to the fact that the statement of the gentleman from Alabama [Mr. HUDDLESTON] as to the proportion of taxes as compared with bonds in foreign countries is entirely erroneous, not, of course, intentionally so.

Mr. HUDDLESTON. I did not make any statement on that subject.

Mr. LONGWORTH. The gentleman said that we were raising much more by bonds than foreign countries were.

Mr. HUDDLESTON. Oh, no; I did not say that.

Mr. LONGWORTH. I so understood the gentleman.

Mr. KITCHIN. I think we ought to raise more taxes than we are now when our incomes and profits are so much larger than ever before and much larger than they will be after the war, but this is not the time to increase them. That is a matter that will come up in the future, probably not at this session, and possibly not at this term of Congress, but it is bound to face us. We can not continue to go on making enormous, fabulous profits, three or four times—and in many cases ten times—more than before the war, even after deducting the present income and excess-profits taxes, and levy no more taxes but continue the tremendous bond issues to fasten on future generations to pay.

Mr. LONGWORTH. Assuming that we shall loan all these other amounts to the allies this fiscal year, we will be raising by taxes as compared by bonds more than 30 per cent of the

total cost. Now, that is a very much larger proportion than any of the foreign governments raise.

Mr. KITCHIN. No; not quite that per cent. Our total expenditures for this fiscal year, including loans to allies, are estimated at $16,116,000,000. Thirty per cent of that would be $4,834,000,000, while we will collect, in round numbers, from taxes $3,500,000,000. This is less than 25 per cent of our total expenditures for this fiscal year, including loans to allies.

Mr. LONGWORTH. If this report is correct, and we are to raise and expend $12,000,000,000, we are raising $3,800,000,000.

Mr. KITCHIN. Yes; but the expenditures will be $16,000,000,000. The gentleman, perhaps, is thinking of the amount of bond issues. We are raising by taxation an amount equal to 30 per cent of the amount of bonds. His figure is substantially correct in this view.

Mr. DYER. Will the gentleman yield?

Mr. KITCHIN. I have only 10 minutes; but I yield.

Mr. DYER. Just upon the question of whether or not the present generation are paying sufficient taxes at this time I want to ask the gentleman if the committee or the gentleman himself has at any time given consideration to preparing a statement showing where the taxes really are paid at the present—from what section of the country—and whether it is not a serious burden upon business and industries which are paying the taxes and that are compelled to buy the bonds also?

Mr. KITCHIN. I would say the committee has all those facts and the gentleman ought to have, too. I suggest to the gentleman that if he will just write to the Commissioner of Internal Revenue he will send him a printed statement giving every one of those facts.

Mr. DYER. Does the gentleman object to putting that in his statement?

Mr. KINCHELOE. Will the gentleman yield?

Mr. KITCHIN. I have only 10 minutes, but I will yield to the gentleman.

Mr. KINCHELOE. It is in regard to the 3½ per cent convertibility bonds, and the question I desired to ask was: Suppose a man had $100,000 that he had carried six months and collected 3½ per cent interest and later on he desired to convert them into the 4½ per cent bonds. Could he go back and collect the difference?

Mr. KITCHIN. No.

Mr. KINCHELOE. Can not go back and collect a dollar of it?

Mr. KITCHIN. Only from the time of the payment of the semiannual interest. That is, if the semiannual interest was payable on June 1 and the bond is converted in August, under the provisions of this bill he would receive interest from June 1.

Mr. KINCHELOE. As I understood the gentleman in his opening statement, I understood him to say you could convert the 3½ interest bond into a 4 per cent, but that you could not convert that into a higher rate of any subsequent rate?

Mr. KITCHIN. Yes; he can convert the converted 4 per cent into 4½ per cent, as provided in this bill, but not into a bond of higher rate. The holder of a 3½ per cent bond can convert into the higher-rate bond if issued during the war, as I have before explained.

Mr. KINCHELOE. That is the gentleman's opinion. Is not there a mooted question? Is not there a difference of opinion?

Mr. KITCHIN. I should not think so. If there is a mooted question about it, the moot part of the question is in order to bear down the bonds. I do not think there should be any difference of opinion.

Mr. KINCHELOE. I meant by people who are supposed to be experts on the question.

Mr. KITCHIN. No; I have not heard of it.

Mr. HILLIARD. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. HILLIARD. As I understand, the original plan was to make it fifty-fifty.

Mr. KITCHIN. It was not presumed or believed then, when we first entered the war, that our expenditures would even approach the staggering figures they now reach. You will recall when I presented the first bond bill, appropriating $3,000,000,000 for our allies and $2,000,000,000 for our expenditures, that, in my opinion, instead of $2,000,000,000, we would require over $5,000,000,000 before the end of this fiscal year. I said I thought the departments had underestimated by many times the cost of the expenditures that we would have to incur on account of the war. Gentlemen now know how true was that prediction.

Mr. HILLIARD. I remember the gentleman said that. But the fifty-fifty meant that every time you borrowed a dollar you should raise a dollar by taxes.

Mr. KITCHIN. Yes.

Mr. HILLIARD. It did not mean, as I infer is the view of some gentlemen who have been interrogating the gentleman from North Carolina, that we would raise some indefinite sum by bond issues and then collect through taxation a sum equal to 50 per cent of such bond issues.

Mr. KITCHIN. No. It did not mean that. One thing is certain, that the larger our bond issue, the longer must the war-tax legislation remain on the statutes. War taxes will not stop when the war stops. The gentleman from Illinois [Mr. CANNON] will bear me out when I say that from the tax measures during the Civil War for the prosecution of the war, a larger part was raised for the period of three years after the war than for a period of three years during the war.

Mr. SHERLEY. If the gentleman will permit, the result of it was to inflate prices tremendously and to make the war cost more by the consequent inflation of prices.

Mr. KITCHIN. There was too little being taxed during the war.

Mr. SHERLEY. Too much borrowed and too little taxed.

Mr. KITCHIN. The gentleman is right. The point I wanted to make is that when we levy these taxes we do not expect them to end just as soon as the war terminates. If we do not collect more by taxation now when the people from their enormous profits and incomes are more able to pay, but continue to issue bonds, piling up hundreds of millions—and it will reach a billion or more—of interest to be paid yearly by taxes, the tax rate on incomes and profits and other property will have to be increased to produce sufficient revenue to take care of current expenses and the annual interest charge at a time when the amount of incomes and profits will necessarily decrease.

Mr. HUDDLESTON. Is not the Civil War pointed to as a "horrible example" of failure in war financing?

Mr. KITCHIN. I have studied the financing by the Government for the prosecution of the Civil War, and I believe that up to that time it adopted the wisest methods that could be adopted. I think there is a better method now, because we are more enlightened upon economics; we are more enlightened as to where to put the money burden and how to get it.

Mr. KEATING. How are you going to tax war profits unless you tax them now? How can you wait until after the war in order to tax war profits?

Mr. KITCHIN. We are now taxing excess profits—which include, of course, war profits—to the amount of about one and a quarter billions. There will be two or three years after the war when there will be large profits.

Mr. KEATING. But that will not be from profits out of this war.

Mr. KITCHIN. They will be excess profits, whether war or other kinds of profits. The actual war industries—the powder makers, the shell makers, the shipbuilders for the war—I do not imagine will have profits equally as large after the war as they have now. But, as I have said frequently before, we must have more collections from incomes and excess profits.

Mr. OSBORNE. I desire to call the gentleman's attention to the fact that there has been a great deal of uneasiness throughout the country due to the discounting of the former bond issues, and I wish to inquire if the provision in section 15 is intended to stabilize prices?

Mr. KITCHIN. That is the purpose of it; yes, sir.

Mr. COOPER of Wisconsin. I would like to ask just one question.

Mr. KITCHIN. All right.

Mr. COOPER of Wisconsin. Has the gentleman any idea of what influence it was that depreciated the value of these 3½ per cent bonds?

Mr. KITCHIN. I think there were several influences that combined to do it. I think a part of it and a large part of it was manipulated in order to force the Government to a higher rate of interest.

Mr. COOPER of Wisconsin. Has the gentleman the slightest doubt it was manipulation in order to force the Government to the higher rate?

Mr. KITCHIN. That, in my opinion, as it is the opinion of the gentleman, is the principal factor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Will the gentleman from Michigan give me 10 minutes more?

Mr. FORDNEY. I can not do it on account of the demand for time.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from North Carolina be extended for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from North Carolina be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. The next provision, section 5, is a new provision entirely. This provision prevents the State from taxing, indirectly, the bonds of the Government held by the State banks

and national banks. In the national banking act of 1864, now section 5219 of the Revised Statutes, the States were given the right to tax the shares of national-bank stock, part of whose value was represented by the value of the bonds the bank owned. This gave the States the right to tax indirectly Government bonds in the hands of such banks. This was a discrimination against banks. We desire to prevent this indirect tax on Government bonds—the liberty bonds. We provide, therefore—and as an inducement for the banks to take the liberty bonds—that, in the States where they tax shares of stock, either in State or national banks, in determining the value of such shares they shall deduct from the assets of the bank the amount of Government bonds owned by the bank.

In other words, that proportion of the value of the share of stock in a national or State bank which is represented by or given to it by the amount of bonds it owns shall not be taxed, but the proportion of the value of the share of stock represented by or given to it by its assets other than Government bonds will still remain subject to State taxation.

Mr. PLATT. Will the gentleman yield?

Mr. KITCHIN. I can not yield right now. I wish I had the time. As the Secretary of the Treasury said, all the liberty-bond acts have provided that the bonds shall be exempt from State and local taxation. Notwithstanding this provision, certain States are indirectly taxing these bonds by including the value of such bonds in determining the value of the capital stock for taxation purpose. This condition raises a very serious question, because if the States are permitted to tax Government bonds, when the Federal Government can not tax municipal and State bonds, the Federal Government will soon be placed in a position where it can not provide the necessary money to finance this war.

Mr. CANNON. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. CANNON. Suppose the stock of a national bank is $1,000,000 and the surplus is $1,000,000, that is subject to tax?

Mr. KITCHIN. Yes; that is, the value of the shares is taxed.

Mr. CANNON. Suppose they have $1,000,000 of these bonds, would that million be deducted from the $2,000,000?

Mr. KITCHIN. Some might construe the letter of this provision that way, but it is not the proper construction. We propose to exempt from the tax only that proportion of the value of the share of stock given to it by the amount of bonds it owns.

Mr. DOMINICK. I would like to ask the gentleman from North Carolina [Mr. KITCHIN] if there were any extended hearings held on this section?

Mr. KITCHIN. No, sir. The Secretary of the Treasury fully went into the matter before us, and the committee gave most careful consideration to it.

Mr. DOMINICK. Can you tell us about the amount of liberty bonds and United States bonds that are now owned by these banks and trust companies?

Mr. KITCHIN. No. But I would, if I was going to make a guess about it, guess that more of them were owned by State banks and trust companies and savings banks than by what we call national banks.

Mr. DOMINICK. You think there are more?

Mr. KITCHIN. Yes.

Mr. DOMINICK. Just at this point——

Mr. KITCHIN. The gentleman is going to have time, and I will see that he gets it, and I had rather not yield further at this time, as I am anxious to conclude my remarks in the time allotted to me.

Mr. JOHNSON of Washington. Let us get some extension of time in which to discuss this, because every Member, when he goes to his district, will have to meet the question of State taxation. They are going to ask about it, and we need the details from the chairman.

Mr. DOMINICK. Will the gentleman yield for just a moment?

Mr. KITCHIN. Not unless I can get time.

The CHAIRMAN. The gentleman declines to yield.

Mr. KITCHIN. I do not decline if I can have more time.

Mr. DOMINICK. My question is just this, Mr. Chairman, and that is that this section in this proposed bill is one that changes the law that has been in effect almost since the national-banking act was instituted, and since then, and it is really to that extent probably the most important section of this bill. The other matters that have been discussed here are matters that were included in the other bond act, but this is an entirely different matter, and I think it ought to be fully discussed. I would like to hear the gentleman on that section.

Mr. KITCHIN. The gentleman is quite right. It should be fairly and fully discussed. We can do this under the five-minute rule. It is very important to the sale of the bonds and also to the States, as the gentleman says. I do think the States should not have the right to tax these liberty bonds, directly or indirectly. The question has been raised whether Congress has the power to prevent the States taxing indirectly, as through the tax on the value of shares of stock, United States bonds held by State banks as a part of their assets.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Not now. Unless the Supreme Court has squarely met the case and decided to the contrary—and I do not recall such a case—I would give the decided opinion that Congress undoubtedly has that right. This provision is in the interest, first, of selling these bonds and getting the banks, State and National, to take as many of them as possible, and, second, in including the State banks within the provision, they are put on an equality with national banks in the purchase of liberty bonds. If we left the State banks out and put the national banks in, the national banks would have a great advantage in the purchase and ownership of liberty bonds, and it would be a favoritism to them.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I can not yield unless my time is extended.

Mr. GARRETT of Texas. Just a moment. I will ask that the gentleman's time be extended. I concede that the point that the gentleman makes is well taken, but suppose an individual has property valued at $25,000, on which he can borrow $10,000, and he invests that $10,000 in municipal bonds. The State and county and municipality are going to tax the bonds just the same.

Mr. KITCHIN. A State generally exempts from taxation its bonds, and some of the States exempt the bonds of their municipalities. But we will concede what the gentleman says.

Mr. GARRETT of Texas. He could not get any deduction on the $10,000.

Mr. KITCHIN. The gentleman will recall that the bonds of States, counties, and municipalities are exempt from all Federal taxes.

Mr. GARRETT of Texas. But the question I raised is why should not the same protection be given to the holder of that $10,000 municipal bond?

Mr. KITCHIN. He has the same protection, so far as the Federal Government is concerned. His municipal bonds are exempt entirely, and there is neither a direct nor an indirect tax upon them

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. McFADDEN. Does the gentleman say that the national banks are exempt now in the amount of Government bonds they hold?

Mr. KITCHIN. No. They are not exempt under existing law from the indirect taxation, which I have explained. By this section we prevent the State from imposing the indirect tax on bonds permissible under the act of 1864 as amended. The States, by virtue of that specific act, have the right to tax shares of stock part of whose value is represented by Government bonds. The States by that specific provision of the act of 1864 can by increasing the tax on shares in banks, if they desire to do so, drive every liberty bond out of the national banks and make it so unprofitable that no bank could buy any liberty bonds. If we provide that bonds can not be taxed indirectly when held by the national banks and do not make the provision apply to State banks, the State could tax State banks so high that the State banks could not deal in liberty bonds. And in any event State banks would be discriminated against in favor of national banks in the purchase and holding of liberty bonds.

Mr. McFADDEN. I understand from the gentleman's statement that it will deprive the State of Pennsylvania of $3,000,000 annual income?

Mr. KITCHIN. I do not know about that; I am confident that it would not approach anything like such a figure; in fact, if we confine the exemption section to liberty bonds, and it should be so amended as to apply only to bonds issued during the war, the State of Pennsylvania would lose nothing, as it has never collected, indirectly or directly, any tax on liberty bonds. Without this section it would stand to make money out of the millions of liberty bonds we must issue, as it could and no doubt would levy this indirect tax on all the bonds held by the banks. We wish to prevent that.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. DOMINICK. Is it not a fact that in case of bonds now being held by the banks under the national-bank act those bonds now are actually exempted?

Mr. KITCHIN. No. They are not exempt from the indirect tax if held by banks.

Mr. DOMINICK. They are taxed to the shareholders according to the value of their shares, but as to the capital stock of the bank they are not taxed?

Mr. KITCHIN. Yes; the value of the shares is taxed though a part of that value is given to it by Government bonds. The States know that they can not tax the bonds directly, but they tax the value of the shares, and part of that value is represented by the amount of bonds the banks have. If you tax the value of shares and part of that value is of Government bonds then the bonds are in reality taxed.

Mr. PLATT. Mr. Chairman, will the gentleman permit one question?

Mr. KITCHIN. Yes; one short question. I must make haste. I have a conference on the war finance corporation bill which I must attend.

Mr. PLATT. Should not this be amended by putting in the bill, on page 7, line 2, after the word "States," the words "during the present war"? There is no reason why they should be allowed to deduct the value of the 2 per cent bonds held for circulation.

Mr. KITCHIN. The gentleman refers to interest-bearing obligations owned by such banks?

Mr. PLATT. Yes.

Mr. KITCHIN. Does he mean to confine it to the bonds held by the bank and issued since April 24, 1917, and during the war?

Mr. PLATT. Yes.

Mr. KITCHIN. Yes; that should be done. That was the intention of the committee. If the gentleman will offer such an amendment we will accept it, or we will offer it.

Mr. JOHNSON of Washington. Issued during the period of the war?

Mr. KITCHIN. Yes. The gentleman means bonds issued during the period of the war?

Mr. JOHNSON of Washington. Yes.

Mr. KITCHIN. Section 6 is only changed in this respect: We permitted the Secretary of the Treasury under the act of September 24, 1917, to deposit the proceeds of liberty bonds in banks throughout the country, regardless of whether they were members of the Reserve System or national banks or State banks or trust companies. We simply add to that provision "proceeds arising from the payment of income and excess-profit taxes." We permit the Secretary to deposit that money in the same way as he is permitted to deposit the proceeds from the sale of bonds. A good many of us are interested in the extension of the payment of the income and excess-profits tax beyond June 15 on the installment plan. This provision put in the bill will to a large extent enable citizens and corporations throughout the United States to make better arrangements with the banks in their own communities for such relief. Instead of getting the money and sending it to the Government, to be deposited in the Treasury or special depositories, as now, the banks will be more ready and will be more able to serve them if they felt that the money so loaned to pay taxes will be deposited for the most part with them. This will amount practically to a transfer of credit. More than 4,000 banks throughout the United States, State as well as National, receive deposits of proceeds of liberty bonds—a bank in almost every community in the United States. These and more will also receive under this provision proceeds of collections from income and excess-profits taxes.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. KITCHIN. Let me have two minutes more, as I wish to take up the other differences.

Mr. SMITH of Michigan. I ask unanimous consent, Mr. Chairman, that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KITCHIN. That will not take any of the time on the other side. Section 7 adds three new sections to the act of September 24, 1917, numbered 14, 15, and 16, respectively. Section 14 added to such act provides that if a person owns the 4¼ per cent United States liberty bonds six months prior to his death, his estate taxes after his death can be paid in those bonds. That will be a great inducement for the rich to invest in these bonds, because when they die, instead of having their assets sold and converted into money or having to hoard up large amounts of money to meet such taxes—and some of them will have to pay estate taxes amounting to many million dollars—they will buy these bonds from time to time and keep the bonds on hand, drawing interest, and after they die their estate taxes can be paid in these bonds without liquidating other assets. I think we will all agree that that is a very wise provision.

Section 15 added to such act provides that there shall be a sinking fund of not to exceed an amount equal to 5 per cent of the outstanding bonds issued or converted since September 24, 1917, to assist in stabilizing the market for outstanding liberty bonds. The gentleman from Tennessee [Mr. HULL] will explain that provision when we get under the five-minute rule, because I must conclude my remarks and go to the conference.

Section 16 permits the Secretary of the Treasury to issue these bonds to be sold in foreign countries, expressible in foreign money. That is to help bring up our parity of exchange and may, to a large extent, help generally our foreign commerce.

Mr. LONDON. Will the gentleman yield for a question?

Mr. KITCHIN. Yes.

Mr. LONDON. Of course, this provision for paying estate taxes in bonds owned for six months prior to a person's death will discourage the desire to die for six months after anyone purchases these bonds.

Mr. KITCHIN. Oh, yes; it will tend to prolong human life. [Laughter.]

Mr. RUSSELL. One short question.

Mr. KITCHIN. Yes.

Mr. RUSSELL. The bill we passed before provided that the bonds up to $5,000 held by any one person would be exempt from taxes. Is that provision of the law still preserved?

Mr. KITCHIN. Yes; that applies to bonds authorized by this bill. We make no change in that. In fact, the whole act of September 24, 1917, remains intact, with the exception of these amendments to which I have referred.

Mr. SMITH of Michigan. Can the gentleman tell how many bonds issued by the Government remain unsold at the present time?

Mr. KITCHIN. Under the act of September 24, 1917, $3,808,766,150 of bonds have been sold. Of this amount $3,807,724,858.73 had been paid into the Treasury on March 27, 1918.

Mr. WALDOW. The gentleman, in speaking about the first issue of bonds, said that these bonds "shall be converted." What the gentleman meant was that they may be converted, was it not?

Mr. KITCHIN. Yes; at the discretion of the holder.

Now, gentlemen, the House conferees on the War Finance Corporation bill have to meet and straighten out the odds and ends. We have practically agreed, and I am going to ask the gentleman from Tennessee [Mr. HULL] to take charge of this bill in my absense. [Applause.]

Mr. FORDNEY. Mr. Chairman and gentlemen, I hope the House will be as generous to our side as it has been to my good friend from North Carolina [Mr. KITCHIN]. He has occupied one hour and five minutes, although the total time allotted to each side was 45 minutes. So please do not call time on us at the end of 45 minutes. I am not finding fault with the gentleman from North Carolina at all.

Mr. KITCHIN. I will not even let the gentleman have the appearance of finding fault. The gentleman knows I would have gotten through in 15 minutes, if gentlemen had not asked me so many questions.

Mr. FORDNEY. I know that.

The CHAIRMAN. Does the gentleman from Michigan ask unanimous consent that his time be extended?

Mr. FORDNEY. No; I do not ask that. I am going to try to conclude. I have five requests from our side, besides my own speech, and I will try to finish within the time limit. It has been stated by the gentleman from North Carolina [Mr. KITCHIN] that the amount of money raised by direct taxes in proportion to our total expenditures this year is not greater than the amount raised by other countries. He is in error in that respect. If the gentleman's statement is correct that the profits of the people during this war are two, three, and four times as great as heretofore, the money that will be raised by taxes this year under existing law will reach $5,000,000,000 or more; because the taxes to be collected this year has been estimated on a comparison based on normal conditions before war was declared, that the amount of money to be raised this year by direct taxes will amount to more than $4,300,000,000, out of a total expenditure of something over $12,000,000,000. Last fall I obtained information as to the percentage of money raised in Great Britain by direct taxes in proportion to the amount of money spent. Out of a total expenditure of $23,000,000,000 the sum of $4,000,000,000 had been raised by direct taxes, or 17.8 per cent of their total expenditure, the balance by borrowed money. The money raised by the United States Government this year by direct taxes will exceed 30 per cent of our expenditures, the greatest amount ever raised by any country in the world in time of war from direct taxes in proportion to the total expenditure. During the Civil War for every dollar raised by direct

taxation we provided $5.09 raised from loans; that is, money borrowed on Government bonds. The gentleman states that there was a greater amount of money raised in the two or three years after the Civil War than had been raised during the time of the war. That is true, for this reason: Until the Congress of the United States began repealing the revenue laws after the Civil War, the country being in a more prosperous condition, and the receipts from internal revenue taxes being larger, there was a greater amount of money raised, because of the prosperity of the country after the war. Again, some of the tariff laws were not enacted until about the middle of the Civil War, and our imports during the war were not as great as they were a little later. Consequently a greater sum of money was raised in that way immediately after the Civil War. That is why the tax receipts were greater after the war than during the Civil War. Internal taxes doubled up.

Mr. NORTON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. NORTON. While the gentleman is on that subject, can he state why he thinks it would not be better to raise 50 per cent of our expenditures by direct taxes?

Mr. FORDNEY. Yes. I have been asked that question several times. The good Speaker of the House interrupted me in my remarks on this floor on a previous occasion and said, "Would you send the boys to the trenches and have them fight the battles of this war and then come back home and help pay the taxes?" and there was great applause on the Democratic side of the House.

I say yes; I do not want the boys to go to the trenches and fight the battles of this country and pay taxes at the same time, because, after this war is over, these long-time bonds that are to be issued for 30 or 40 years will come due when the population of this country has 200,000,000 people who will pay these taxes as against 100,000,000 at a time when we are carrying on the greatest war that the world has ever known. I say it is not just to the people at the present time to exact from them such heavy taxes at a time when people are called upon to meet the high cost of living as they never were before.

Mr. SHERLEY. If the gentleman will yield, does not the gentleman realize that the more you borrow the more you add to the high cost of everything? That is the history the world over.

Mr. FORDNEY. That is true, too, but when you have two people to pay the debt where you only have one now, the burden will be lightened.

Mr. SHERLEY. But the high cost of living is at the present.

Mr. FORDNEY. It is going to last as long as unsettled conditions continue.

Mr. SHERLEY. But the point is the more you borrow the more you inflate prices, and the history of the world shows it.

Mr. FORDNEY. The interest account amounts to a great deal of money. Now, wait a minute. I do not agree with the gentleman from Kentucky. The interest account adds to the public debt, but when the time comes you have two people to pay the debt as against one now, and there is no comparison as to the percentage of cost per capita.

Mr. SHERLEY. If the gentleman will permit, I am not talking about interest cost; I am talking about what every student of finance knows, that when you add to the amount of the bonded indebtedness of the Nation you help to inflate values.

Mr. FORDNEY. Only, my good friend, to the extent of the amount of interest that that indebtedness draws. If you draw all the money in the country to pay taxes each year, what will our industries do for money?

Mr. SHERLEY. I think the gentleman is mistaken.

Mr. FORDNEY. It may be that I am, but I do not think so.

Mr. NORTON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. NORTON. The gentleman says he does not want the boys who are going to the trenches to do the fighting and then come back here and pay the expenses of the war.

Mr. FORDNEY. Not to pay them now, I say.

Mr. NORTON. I agree with the gentleman; but does not the gentleman think that the boys who have gone to the war and are fighting are the ones who are the owners of the property in this country who will pay the taxes?

Mr. FORDNEY. There is just as great a percentage of rich boys in the war as there are poor boys, and no man has a right to make a statement to the contrary, because it is not true. No man is exempt; every man in the war must pay taxes. Only last evening I was in consultation with some gentlemen now in the war who have already paid their taxes. Everybody in the war and out of the war are called upon to pay taxes now—no exemptions—and they are paying them cheerfully when they have the money, and if they do not have an income they do not pay any tax.

Mr. NORTON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. NORTON. Does the gentleman think that the present taxes being levied are burdensome on the part of the population that have an income of over $500,000 a year?

Mr. FORDNEY. No; it would be silly to claim anything of that kind. A man with an income of half a million dollars a year can pay taxes; but the income tax, gentlemen, has this in its favor, that unless you have the income you do not pay a tax, and if you do have the income you have the money to pay it and do pay it.

A man came to me a few days ago and asked me how much tax he would have to pay. He said, "I am president of a corporation with a capital of $25,000, and my firm made $125,000 during 1917." I said to him, "My friend, the law intends to tax heavily war profits. What business were you in?" He replied, "I was building cantonments for the Government on a cost-plus-profit basis. I received 7 per cent above cost and did $2,000,000 worth of business. We made $140,000 and had to spend about $15,000, leaving $125,000 profit." I asked, "Would you have been in the business, and could you have engaged in any other business, if it had not been for the war, on which you could make 500 per cent profit on your capital?" He answered, "No." "Then you go home and pay your taxes and do not complain. You will have 200 per cent left on your capital after you have paid your tax." He bade me good-by, and said, "I will go home and pay the taxes and say nothing more about it." His taxes are about $75,000, and they ought to be.

Mr. JOHNSON of Washington. That ought to be well known, that if they make large profits on cost-plus contracts they will have to pay high war taxes.

Mr. FORDNEY. Here is a cost-plus contract. It applies to Hog Island. You have heard something about Hog Island before, I believe. [Laughter.] Here are the cost-plus charges. I received this from a man engaged there—received it at first hand:

Hauling 7 pieces of timber, 10 by 16 inches square, 32 feet long, one-half a mile, $98.

On that they received 10 per cent plus the cost. That charge did not include overhead expenses.

Here is the detail: Thirteen men employed at $4.20 each in hauling the timber—3,000 feet board measure of lumber in these seven sticks—half a mile, and the charge is $98.

Mr. SMITH of Michigan. When a good team could easily have hauled it at one load.

Mr. FORDNEY. Two checkers, two timekeepers, at $4.20 each, $8.40. They were timekeepers of the men that were hauling the sticks. One auto and a truck trailer, $35, for hauling 3,000 feet of lumber half a mile. Here is another one at Hog Island: Hauled 16 loads of gravel, about 10 cubic yards, at a cost of $106, or $10.60 per cubic yard for hauling the gravel one-half mile—a plus-cost contract. Here is the best part of it: Twenty laborers employed, 7 foremen over those 20 men; 1 laborer employed, 1 foreman over this one man; 14 laborers employed, 11 foremen. There is a total of 35 men employed and 19 foremen over those 35 men—a plus-cost contract.

Mr. JOHNSON of Washington. Mr. Chairman, that means that these payments are made to subcontractors; they get that money, any old amount, and the fellow with the cost-plus contract gets his profit on the amount paid them; so that the more of this stuff, the more plus there is to it; and that is the plus subject to war tax, while the loose expenditure is all along the line.

Mr. FORDNEY. It means this, that the taxpayers of this country are called upon to pay that money into the Treasury of the United States, and that those cost-plus contracts are robbing the taxpayer beyond all expression.

Mr. FOCHT. Who is responsible for all of that?

Mr. MOORE of Pennsylvania. Mr. Chairman, I know that my friend from Michigan will permit me to say that the conditions at Hog Island are very much improved.

Mr. FORDNEY. I hope they are since the investigations, but I have seen no report of either one of the investigations. God knows if the conditions at Hog Island do not improve, and the Government goes on paying such penalties as I have mentioned, we will not only be called upon to tax the people from twelve to fifteen billion dollars a year, but every taxpayer in the country will be robbed.

Mr. JOHNSON of Washington. How can the condition improve under the cost-plus system?

Mr. FORDNEY. It can not, for the reason that every man engaged in producing something for the Government on a cost-

plus contract is making that contract cost just as much as he can, because the greater the cost the greater his profit.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. It is highway robbery. I yield to the gentleman from Nebraska.

Mr. SLOAN. Speaking of Hog Island, is that the original name of the place, or has the name been applied to it on account of the reputation which it has recently earned?

Mr. MOORE of Pennsylvania. Mr. Chairman, I will answer that if the gentleman from Michigan will permit. The name has been there since the forefathers of the gentleman from Nebraska left Pennsylvania to go out into the wild and woolly west.

Mr. FORDNEY. You tell me when a pig becomes a hog and I can tell you how many thieves there are at Hog Island. [Laughter.]

Mr. MOORE of Pennsylvania. But they are cleaned out now. We have no more thieves there, if there ever were any.

Mr. FORDNEY. I am not casting any reflections upon Pennsylvania. I presume that some of the men employed at Hog Island came from Texas or some other great State in the Southwest.

Mr. MOORE of Pennsylvania. The cost-plus system came from some other point than Philadelphia, and the contractors are from elsewhere. I shall not reflect upon any other part of my glorious country by referring to the place whence they came.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HOWARD. The gentleman speaks of the cost-plus system as being a system of highway robbery. Does not the gentleman think that the Government, by putting a maximum fee that could be earned by these contractors, put a safety valve on the system? For instance, for the entire 16 cantonments constructed in the United States the average profit was 2.6 per cent to the contractor by the actual statistics presented by the War Department.

Mr. SEARS. From actual or inflated cost?

Mr. HOWARD. I am talking about the expenditures, the cost of construction. They netted the contractors 2.6 per cent. That is the testimony before the Committee on Appropriations.

Mr. BRUMBAUGH. Is that official?

Mr. HOWARD. Yes.

Mr. FORDNEY. I do not know about these things, but I do know that I have a letter in my possession, and that I afterwards interviewed the gentleman, who had been at Hattiesburg, Miss., and he stated that, in the construction of camps there, for every 10 men employed there was 1 timekeeper who received $5 a day. In the business in which I am engaged 1 timekeeper keeps the time of 400 men, and keeps it correctly.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HENSLEY. What does the gentleman think of the loyalty of any man or set of men who will take advantage of the Government under such circumstances and in that fashion? Does the gentleman think there is any loyalty in those fellows?

Mr. FORDNEY. No; loyalty does not enter into their system.

Mr. AUSTIN. Is it not a fact that the record shows that the cost of construction at Hattiesburg camp was less than at any other camp?

Mr. FORDNEY. I do not know that, but I know the statement of the gentleman that was there, who was engaged there. He wrote me a letter, and I afterwards saw him and interviewed him. He said he was there and investigated, and there was 1 timekeeper for every 10 men employed, and that the timekeeper received $5 a day.

Mr. HOWARD. Mr. Chairman, I am very much interested in that, because I know that no such practice was carried on at the cantonment that was constructed in my district. Would the gentleman mind putting the name of this informant into the RECORD so that we could run that down?

Mr. FORDNEY. No; I would rather not.

Mr. HOWARD. Because fugitive statements made by men who are not responsible, or who are talking to hear themselves blow off, do a great deal of harm at this time, and I think if such practices were carried on we ought to know it, and we ought to know the authority for the information. It is due to these officers.

Mr. FORDNEY. Will the gentleman permit me to say——

Mr. HOWARD. Yes, sir.

Mr. FORDNEY. I ask him to take my word upon my honor. I am not in the habit of blowing off——

Mr. HOWARD. I know the gentleman is not. If the gentleman makes this statement on his own responsibility, I accept it.

Mr. FORDNEY. The gentleman who gave me the information is a high-class gentleman whom I know very well, and I believe what he told me, and I ask the gentleman to accept it.

Mr. HOWARD. That a timekeeper was paid $5 a day for keeping the time on 10 men at the Hattiesburg job?

Mr. FORDNEY. For every 10 men employed there was a timekeeper.

Mr. HOWARD. At $5 a day. I understand it.

Mr. FORDNEY. Now, gentlemen, much has been said, and let me divert for a minute, about the collection of money throughout the country for these income taxes; that being all collected in June it is going to be a very great burden upon the people to pay all this money at that time, because there will be, in round numbers, $3,000,000,000 of internal revenue taxes paid this year during June. That will equal one-half of all the money in circulation in the United States, and to take that money out of the banks and deposit it in the Treasury of the United States is going to lessen the amount of money in the country to be loaned to the great industries of the country; yet that situation has been and is being somewhat relieved. For instance, the Government will now accept from anybody who wishes to pay taxes their money at a discount of 3 per cent. Further, anyone who wishes to pay their taxes and knows about how much those taxes are going to be can go to the Treasury of the United States and purchase a certificate of indebtedness due on the 25th of June and receive 4½ per cent interest upon that certificate from the time of its purchase until the 25th of June. Already there has been sold, to be redeemed in taxes, in round numbers, one and a quarter billion dollars of certificates of indebtedness, so that the situation is being relieved as much as possible.

My friends, all I have to say is this: Of late I have been greatly concerned about the success of the American boys in France. Since Russia withdrew from the battle I have been alarmed that England, France, and the United States could not withstand the battering ram of Germany on the battle field of France, but of late I have been encouraged. This great battle that is going on over there now is the supreme test, in my opinion, and if Germany does not break through the lines of the English, French, and American soldiers in this battle, the Germans, beyond a doubt, are whipped. [Applause.] They have reached their maximum of strength. We have not; we are only getting ready to fight. To-day the Government is doing everything, I believe, in its power to send men and supplies over there to aid our allies. We are greatly handicapped in many ways, especially in our ships on the high seas. We have been greatly handicapped for supplies, but only yesterday I obtained from the Pacific coast this information, that the Government wants this year, in round numbers, 60,000,000 feet of spruce timber to construct aeroplanes.

The demand upon the lumbermen of this country has been made, and they are responding to the extent that to-day the lumber concerns of the Pacific coast have produced more than 30,000,000 feet of the lumber needed this year, and it is estimated that the total 60,000,000 feet of spruce lumber will be furnished to the Government by July 1. Two thousand feet of spruce lumber is required in the construction of one aeroplane; therefore 60,000,000 feet of spruce lumber will enable this Government to construct 30,000 aeroplanes of the largest and most efficient size. So that we are coming to the front in furnishing supplies and building ships. Every sawmill in this country is running to its fullest capacity to supply to the Government every stick of timber or lumber requested by the Government, and that to their fullest capacity, both the mills on the Pacific coast and in the South. Shipping timber is demanded from Douglas fir, found only on the Pacific coast, in the States of Oregon and Washington and in British Columbia, and the long-leafed pine from the South, found in many of the Southern States. I say the mills all over the country are running to the utmost to supply the Government, as also the manufactories of ammunition and guns are running to their fullest capacity. The labor question is a very troublesome one to-day, and the Government is sending to the lumber camps of the Pacific coast, in the States of Washington and Oregon, about 10,000 men, who have been distributed among the lumber camps aiding the proprietors in getting out spruce lumber. The coming of the soldier in soldier's uniform has made the I. W. W. flee like fleas from a dog when you pour tobacco juice on him. [Laughter.]

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. JOHNSON of Washington. I have been asked a great many times about the pay that these soldiers in the lumber camps receive. While he is on the subject, will not the gentleman say that they receive their pay from the lumbermen?

Mr. FORDNEY. The soldiers in the lumber camps and in the sawmills on the Pacific coast are paid the wages paid to other men for that class of work. The wages in the lumber camps—and I speak advisedly—to-day range from $4 to $7 a day. One dollar of the soldier's wages is paid by the proprietor

to the Government, and in turn paid by the Government back to the soldier, and the remainder of his daily pay is paid by the man for whom he works.

Mr. JOHNSON of Washington. Will the gentleman yield again?

Mr. FORDNEY. And they are most efficient. Yes.

Mr. JOHNSON of Washington. I would like to say, inasmuch as the gentleman has mentioned the great activity in the north Pacific coast States in the way of obtaining spruce and ship timbers, that our people out there, and especially the people of the district which I have the honor to represent, will greatly appreciate the statement he has just made. Our people have prosecuted the work on a large scale, with fast work and good organization. The millmen and the timbermen have placed themselves and their plants absolutely at the disposal of the Government. All have shown, just as the gentleman from Michigan [Mr. FORDNEY] has shown in his large plant out in my district, that they are in the great work to win and not to embarrass the Government in any way. [Applause.] I can say one thing more, if the House will induge me. I would like to say that among the thousands of soldiers who have been sent into the woods is the son and namesake of the distinguished gentleman from Michigan. That boy enlisted as a private, and after seeing some service in the ranks was sent where his ability counts as that of a dozen men. [Applause.] And so every soldier does his bit. [Applause.]

Mr. FORDNEY. Now, gentlemen, I have taken entirely too much time, more than I intended; but let me say, in conclusion, that the expense of the United States Government to-day in equipping and supplying our Army, including our loans to our allies in Europe, is more than $30,000,000 per day. Our actual cost, my good friends, at the present time is, in round numbers, $25,000,000 a day, and we have only about 1,500,000 men under arms and in training. But we are spending large sums of money in other ways—in the purchase of supplies, in the building of ships, and so on; and the people of this country ought to feel encouraged with the bravery displayed by our beloved sons now in the trenches in France, and every man should to his full capacity, physically, financially, mentally, contribute his utmost to the success of this great war [applause], and after this war is over settle our financial and our political differences here. But now it is our duty as a unit—Republicans, Democrats, Socialists, Progressives, or whatever you may call them—to march up like men and do our utmost to aid this administration and to aid our Army on the battle field in the success of this great war. I thank you. [Applause.]

I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I shall use little of the committee's time. Nearly all of it is exhausted now. I shall discuss one feature of the bill in which I am interested. That is the nonconvertibility feature of this bill. I have some little personal satisfaction in that departure. I am not gloating over it when I mention it. From the beginning, in committee and on the floor of the House, I opposed the convertibility feature of the former bond bills. I regarded it as a mistaken policy from the beginning. The trouble was that our financiers adopted the convertibility theory right off the bat when England started to try it. Before we got it into operation Great Britain had discarded it. Notwithstanding that fact, which I brought before the committee on several occasions, and on every bond discussion we have had here, it has been adhered to up to this time. I am very much pleased that we have gotten back to what is a sound and proper policy.

Mr. MORGAN. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MORGAN. I understand that while we put this provision as to nonconvertibility in subsequent Congresses can repeal that?

Mr. SLOAN. They can, and I am glad the committee has done what it has. It is a matter of gratification so well as vindication to me. The following is taken from the debate on the last bond issue, on September 5, 1917, which, considered with this measure and to-day's debate, is interesting:

"Mr. SLOAN. Mr. Chairman, I offer the following amendment.

"The CHAIRMAN. The Clerk will report the amendment.

"The Clerk read as follows:

"Page 6, line 23, strike out section 4.

"Mr. SLOAN. Mr. Chairman, throughout this bill in various sections there are references to the conversion or the convertibility of the low-rate interest bonds into higher rate of interest bonds. Section 4 being entirely related to that subject, I move to strike it out, and I desire to give the reasons. This provision following the law of April 24 is that in the issuing of bonds for war purposes that those issued at a low rate of interest when it came time to issue another series of bonds and that series should bear a higher rate of interest, then automatically the bonds issued at the lower rate would become convertible into the later bonds issued at the higher rate. Now that was an entirely new proposition in American finance; it was an entirely new proposition in world finance. The first we heard about it was when it was sought to issue a set of bonds amounting to about $150,000,000 in the latter part of the last session of the last Congress. The reason given by the Secretary of the Treasury at that time and by those favoring the proposition was that it was the system which Great Britain and Canada had found absolutely necessary in order to float their bonds and finance their war. That was defeated by the Committee on Ways and Means, and that defeat was concurred in by the House, it having been passed with the convertibility feature in the Senate. Now, as I stated, the reason given for it was that it was found necessary by Great Britain and Canada to adopt it. The facts were at that time and the history of the transaction now is that at that time Great Britain had itself rejected the conversion system. For the first period of the war this system was not adopted by Great Britain, but it was later adopted by that country, and issues of bonds at a lower rate were made convertible into those bearing a higher rate of interest.

"But whatever may have been their experience, the last issue of bonds by Great Britain—which were issued, I think, in February, 1917; in fact, a little before this first discussion came up—the bond-issuing authorities abandoned the conversion system and the last issue of bonds were not sold with the convertible feature therein. I am informed that Canada has done the same thing. I am not certain about that, but inquiring from those better informed than myself I am convinced of that fact.

"Now, the importance of this will be readily understood, especially when Members of this House recall that but an hour or two ago an amendment was voted down which sought reasonably to limit the time for which any bond should run. I submitted it for 30 years when as a matter of fact under the bill they may be issued for 50 years or 100 years, but in any event the longer the limit possible left in the hands of the Secretary of the Treasury, whoever he may be, the greater may be the loss.

"Now, while I move to strike out this section, I in no wise would interfere with the convertible feature of the $2,000,000,000 of bonds that have been issued and sold, because the law of April 24 takes care of those bonds and they are convertible. Assuming that this bill should pass with section 4 stricken out, there would be still in force a provision of the act of April 24, which provides the two billion of bonds already sold to the American people could be converted at the option of the holders into these 4 per cent bonds.

"Now, then, we will just see what the effect of that convertibility has been. Assuming that 30 years will be the period, and that is the lowest probably thought about, it makes a difference on those $2,000,000,000 of one-half per cent a year. For the 30 years which the bonds were to run it would make a difference of 15 per cent of the principal. Fifteen per cent of $2,000,000,000 is $300,000,000. That convertibility, which added perhaps nothing, or not very much, to induce the sales, has saddled upon the American people for the next 30 years on the first issue of bonds an additional tax burden of $300,000,000.

"Mr. MADDEN. Will the gentleman yield for a question?

"Mr. SLOAN. I will.

"Mr. MADDEN. Does not the gentleman in making that statement forget that the bonds which we propose to issue under the authority of this bill are to carry surtaxes and excess-profits taxes and war taxes, while the other bonds will not carry any taxes except the estate taxes?

"Mr. SLOAN. I will say to the gentleman I did not forget that, and I am pleased to have him suggest it, in order that I may explain it. It is not within reason that this war will last more than a year or two years, or, say, three. It is within reason to presume that when this war closes these surtaxes, excess-profits taxes, and war taxes will all be repealed, so that there will not be even one-tenth of the bond period within which the exception to which the gentleman refers to may obtain. Now, let us see what effect it would have on the $7,000,000,000. We are talking about issuing these bonds at 4 per cent instead of 3½ per cent. Why are we doing so? The Secretary could not give us any tangible reason, only his judgment, which was based on general observation. I suppose his judgment is good, but the only tangible proof before the American people is the sale of these 3½ per cent bonds. Where were they sold?

"Just a few of them have been sold in the last few weeks in New York. And sold by whom to whom? Nobody knows here, at least. But they were depressed below the 100 per cent. Why? We have been expecting a new bond issue in this country. Bond-

holder A of this country could very easily sell a little block of bonds to B, and B sell a little block of bonds at 99½ per cent, and that being the only market established, the Secretary of the Treasury would be compelled to say, 'I can not issue a new or other set of bonds at 3½ per cent. I must increase it to 4 per cent.' Which is precisely what he proposes to do. More than that, every bondholder in the United States would be interested at this time. We are all patriotic, it is true, but we are all somewhat given to gain and desirous of increasing our stores wherever we can and would desire to obtain a higher rate of interest on our holdings. How could they get it? By allowing the quotations to go out to the country of under 100 per cent. And here and now before their bonds are issued to them or come into their hands, they can come up and say, and have a right to say, and all the purchasers of the bonds, and perhaps every man on this floor will, as he has a right to, go up and say, 'I want new 4 per cent bonds.'

"The CHAIRMAN. The time of the gentleman has expired.

"Mr. SLOAN. Mr. Chairman, I ask unanimous consent for five minutes more.

"The CHAIRMAN. Is there objection?

"There was no objection.

"Mr. COOPER of Wisconsin. Will the gentleman permit one question?

"Mr. SLOAN. I shall be pleased to do so.

"Mr. COOPER of Wisconsin. Speaking of that depreciation of 3½ per cent bonds on the New York Stock Exchange, was there anything in the financial condition of this Republic, anything in the outlook anywhere, which would account for that depreciation of those bonds of a country so financially strong as this, except deliberate bond manipulation for bond purposes?

"Mr. SLOAN. I should not like to say that that was the only reason, but it is sufficient reason for me to urge that we do not allow the American people to become its victims. [Applause.]

"Now, what effect would it have on the $7,000,000,000? If the $7,000,000,000 should be issued at 4 per cent and we include the $2,000,000,000 being converted, 10 months from now, at the end of the fiscal year for which we are providing in this bill—and it is not pretended we are providing for any later period—another bond issue will be necessary. The same power, the same conditions, the same manipulation, followed by the same necessary judgment of the Secretary of the Treasury, would say that the new bonds probably would have to bear 4½ per cent before they would sell. What would be the effect? The new bonds would bear 4½ per cent, and under this the old bonds, $7,000,000,000 of them, would be entitled to bear 4½ per cent. What would that amount to? Assuming that they would be given a period of life of 30 years, it would amount to, for $7,000,000,000, one-half per cent per annum for 30 years on $7,000,000,000. That one-half per cent for 30 years on $7,000,000,000 of bonds would amount to an additional burden on the American people of $1,050,000,000 in interest.

"Now, then, we adopted this system—new and strange—for the sole reason that we were profiting by the mistakes of Great Britain and Canada. When this bond issue was up that finally ripened in the act of April 24 there was a statement made that it was necessary for this to be done. The statement was made by several eminent financial authorities among the Members of this body. I then challenged the correctness of the statement that it was Great Britain's policy and Canada's policy. After a fine lifting of the superior eyebrows, it was indicated that I was almost in contempt of court and guilty of lese majeste for questioning it. Just recently, in the Committee on Ways and Means, one of the eminent members of that committee, Judge HULL, who, perhaps, makes as close if not a closer investigation of these particular facts than any other Member of the House, called it to the attention of the committee, citing the authority upon which I based in part my remarks.

"Now, it seems to me, Mr. Chairman, that if we follow Great Britain and Canada off in their error it would be perfectly safe for us to correct our course. It seems to me that, by starting out and saying that this Secretary of the Treasury or his successor shall have the right to issue bonds at 10, 20, 30, 50, or 100 years with this convertibility feature in it during the life of the probable bonds we will have to issue, we will be placing an unnecessary burden of from one to two billion dollars in interest charges upon the American people. I think we ought to strike out this section. It will not deprive those purchasers of the first $2,000,000,000 of bonds of the right of conversion which it secured them.

"We do not repeal the act of April 24, 1917. We have made a contract, so far as the $2,000,000,000 of bonds are concerned. We ought to, and would be, compelled to live up to it. But, under the circumstances, now I think we should abandon the convertibility theory of these bonds.

"The CHAIRMAN. The time of the gentleman from Nebraska has expired.

"Mr. KITCHIN. Mr. Chairman, I trust the gentleman's amendment will not prevail. I am confident, and I believe the business men of this House—I am not a business man myself, however—will agree with me and with the Secretary of the Treasury and many of the experts of the Treasury Department and others outside of the Treasury Department who assisted in the sale of the last bonds in the opinion, that if we do not put the convertibility feature into the bonds we shall never be able to sell the $7,000,000,000, or even $3,000,000,000, of the bonds. The conversion theory is that the man who now comes forward willingly and readily at the first demand of the Government and puts his money into these bonds, to help the Government out, ought to get the same rate of interest that is paid by the Government to the financial slacker who will hold back until the Government in its distress is forced to issue bonds bearing a higher rate of interest and then buys at such higher rate. Now, the proposition in the bill is to give the man who puts his money in at first at the lower rate the right to convert his bond into a bond bearing as high a rate as the bond issued to the man who comes in last. The gentleman's amendment denies him that right.

"Mr. SLOAN. Mr. Chairman, will the gentleman permit a question?

"Mr. KITCHIN. Yes.

"Mr. SLOAN. Is it not a fact that Great Britain in its last issue of $5,000,000,000 bonds successfully sold that issue without the convertibility feature in it?

"Mr. KITCHIN. But she raised the rate of interest to 5½ or 5½ per cent. We could sell these bonds at 5½ or 5 per cent easily without the convertibility feature. But the Government should not give such a high rate. We can not sell this 4 per cent bond, subject to the estate and inheritance tax and subject to the supertaxes and excess-profits or war-profits taxes without this conversion privilege.

"I believe it is right to pay me the higher rate if I now put my money into bonds at 4 per cent in order to help the Government out in its war struggle if the Government hereafter issues bonds at 5 per cent to Tom, Dick, and Harry, who are unwilling now to put up their money to help it but hold back waiting for the Government to be forced to issue bonds at 5 per cent. It seems only just that I should have my 4 per cent bond converted into the 5 per cent bond which the financial slackers get. If we do not put this conversion privilege into the act, thousands who are able to take these bonds would hold back in the hope that the Government would get into more stringent financial circumstances and would be forced to pay a higher rate of interest on bonds hereafter issued. With the conversion privilege in it, everyone would know that whatever may be the rate in the bond purchased he would have the right of converting it into a bond of the higher rate if the Government should thereafter issue bonds of a higher rate, and there would be no incentive to hold back.

"I realize that there is much force in the argument of the gentleman and much reason to sustain his position, but he is basing his argument and his position upon the theory that the Secretary of the Treasury has the right hereafter to make the rate of interest higher than that carried in this bill. The Secretary is given no such authority.

"There can be no rate higher than 4 per cent, the rate carried in this bill, unless Congress hereafter, when it authorizes other issue of bonds, shall authorize a higher rate. The right and opportunity will be given then to defeat any effort to make a higher rate. It is not in the discretion or power of the Secretary of the Treasury, or of the President, or anyone to allow on any bond authorized in this bill a higher rate than 4 per cent. It is in the discretion only of Congress; and before any of these bonds can be converted into bonds bearing a higher rate than 4 per cent, as carried by this bill, Congress must pass an act making the rate higher than 4 per cent. I myself can not conceive how this great Government, with its untold billions of wealth and resources, can ever be compelled to pay a higher rate than 4 per cent. I can not conceive how a patriotic people like the American people will ever force its Government to sell its bonds at a higher rate than 4 per cent; and I believe that if this war lasts two years or three years or five years or more it will never be necessary for the United States to issue bonds at a rate higher than 4 per cent. Why? The millions of people of small, modest incomes, not large enough to pay supertaxes, will consider 4 per cent, free of all State, county, and municipal taxes, and free of all other taxes except estate taxes, and supertaxes and excess profits, which they will not have to pay because their incomes are not large enough, a splendid investment. They will get a larger net return for such investment than they do in loaning out their money on other

security, but subject to all taxes of all kinds—Federal, State, county, and city. Take my State, for instance, where the 6 per cent interest rate prevails. A person living in any city or town in my State who loans out his money at 6 per cent only gets a net return of 3¼ or 3½ per cent. He can put his money in a Government bond, now or hereafter at 4 per cent, and receive larger net return than he can by loaning it out at 6 per cent.

"They say the wealthy man will not take these 4 per cent bonds if they be made subject to the estate tax, supertax, or excess-profits tax. If I were Secretary of the Treasury, I would know how to make him take his share of bonds.

"I would go to the big, rich man who refuses to put his money into 4 per cent bonds when the Government needs the money to defend its life in this war, and I would say to him, 'We can raise the money to finance this war, to continue this struggle to ultimate triumph, in only two ways, one by taxation and the other by the issuance of bonds. If you invest your money in these bonds, we will give you an opportunity to get back all you put in with interest at 4 per cent; but if you refuse to help your Government out in this way and force it to raise the money by taxation, we will see to it that it forces you to pay these taxes out of your incomes and profits, and you will get nothing in return.' [Applause.] If we take that position, no bond will ever be issued at more than 4 per cent, and the rates which the gentleman anticipates will never be authorized. I do not believe the Secretary of the Treasury or Congress will ever be forced to that position, because I am confident that there are patriotic men among the wealthy who will readily respond to the needs of the Government.

"But remember, if the rate on the bonds issued under this bill is made more than 4 per cent, Congress will have to do it. If such an attempt shall ever be made here, we and you will have an opportunity to oppose it then. [Applause.]

"The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

"The question was taken; and on a division (demanded by Mr. SLOAN) there were—ayes 11 and noes 70.

"So the amendment was rejected."

Now to-day, March 30, 1918, the chairman of the Ways and Means Committee stood on the floor and plead for the passage of this bill with the convertibility feature stricken out. He used precisely the same arguments I used less than seven months ago, the only difference of importance worth mentioning being that he used better language, and the result was a unanimous vote to keep out the convertibility feature, or, rather, it passed that way without objection.

Note, the chairman said: "If we take that position no bond will ever be issued at more than 4 per cent. * * * I do not believe the Secretary of the Treasury will ever be forced to that position." Well, the present bill calls for bonds at 4¼ per cent.

I mention these facts that the history of this war-bond policy may be "kept on straight," not for any victory to myself, because I am convinced that it was the experience of the Treasury Department which brought conviction, and not my arguments. I shall present one other feature of this bill, not so much of what is in the bill, but the manner in which this bill is presented to the House and to the country. You know that I am a pretty good partisan myself, and under almost any circumstances good, healthy partisanship especially appeals to me. Strong, responsible partisanship in time of peace is good for the public, and moderate partisanship constructively conducted in ordinary war times is wholesome and the country is better for it. But there are brief periods in the history of our country when partisanship should be absolutely eliminated. Such a period we have just had during the last nine days, while there has been waged the great unnamed battle, a battle to be named only when its full scope, magnitude, and final results shall suggest to philosopher or poet an expressive title. This period has been one when men have usually ignored the smaller considerations of life to think large and do large acts. Real nobility is apt to be revealed in such a crisis; the lack of it is quite as liable to be discovered.

The presentation of this measure, supported by every member of the Ways and Means Committee, to the House of Representatives, there to receive the vote of every Member is a fact worthy of a place in history when the world is dealing only in superlatives. The measure comes from the committee after vigorous though not acrimonious discussion. Out of that discussion came many safeguards to the colossal fund we hereby draw upon the American future. If there is faction or partisanship in this country, they had no access to our committee.

This procedure represents one of the best phases of our national life. The bill comes forward when the progressive forces of civilization are in death grapple with the enraged might of modern barbarism on the fields of France. The superb form, clean-limbed, bright-eyed, quick-brained American nobility are there in time to stem the Hun tide of savagery. They bring their militant manhood to aid the stubborn, resistant Briton and headlong, valorous Gaul. Together they constitute a wall of civilization against which the hordes of animated cupidity, hate, cruelty, and crime led by inordinate ambition will beat and break and beat and break again until in billows of their own dark blood they shall be swept back to redden the Rhine. [Applause.]

The multiplied American thousands moving majestically to victory or death are entitled to believe that the united prayers of their 100,000,000 countrymen are invoking the god of battles to their aid. They have a right to believe that in the camp, on the march, upon the sea, under its waters, or yet in the upper air, wherever war-clad Americans are, their eyes are turned toward France and their hearts follow their vision. [Applause.]

They are entitled to know that in this hour those who toil with hand or brain shall object to neither hours or wage; that wealth shall not stickle for profit nor struggle to save capital; and that all our resources—industrial, financial, and martial—shall mobilize with power, precision, and dispatch.

They have a right to know that the American people are whole heartedly for St. George and against the Dragon; for the cross and against the crescent; for Pershing and against Hindenburg. [Applause.]

They have a right to know just now, when the British Empire is menaced, the French Republic is battling for existence, and America is threatened, that those who sit in either Chamber of deliberation in this great Republic as well as those who execute the laws and direct our armed forces shall speak words of zeal to inspire, confidence to unify, and authority to command, that the people's purpose may be united, courage steeled, and arms strengthened. [Applause.] They have a right to know that no note of discord shall be sounded and no partisan word uttered to weaken our national will or reduce our power.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. SLOAN. Yes.

Mr. SMITH of Michigan. I would like to inquire whether or not it is not as essential for the people that are behind the Army to furnish the incentive and sinews of war as it is for the people that are fighting the battles, inasmuch as they are engaged in the same work and should be as much interested and absorbed for that purpose?

Mr. SLOAN. There is but one answer, and that is the universal American "aye."

These are our battling brothers' rights. They should have them in bounteous measure while they undergo their acid test. No true test was ever based upon promise or profession. It is reserved for performance and execution. [Applause.]

To the chairman and members of the Ways and Means Committee, dismissing my own small part in the several days of deliberation and deliverance, let me say you have done well.

To the American people you have shown how patriots should proceed under the spell of the mightiest martial event of all time. Let mankind know that we provide fifteen hundred millions of the peoples' credits to further finance the war, and to aid the allied powers and sustain their battling hosts—fifteen hundred million more. Let our enemies read in the unity and harmony with which this measure is presented our determination for victory. [Applause.]

To me it shows that when our national life is reduced to its primal elements and they swell into gigantic proportions, the voice of the House of Representatives is the true voice of the Republic.

The CHAIRMAN (Mr. FOSTER). The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. The time has been fixed by the House.

Mr. SMITH of Michigan. The other side had twice as much time as this side.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is the Chair's interpretation of the question of time?

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] used 1 hour and 5 minutes, 20 minutes more than the gentleman from Michigan [Mr. FORDNEY] had.

Mr. JUUL. I am sure the Members would like to hear the balance of the speech of the gentleman from Nebraska.

Mr. MOORE of Pennsylvania. I understand the Chair to hold that there are 20 minutes remaining at the disposal of this side?

The CHAIRMAN. Without objection the Chair will so hold.

Mr. MOORE of Pennsylvania. Then I yield to the gentleman from Nebraska five additional minutes, or so much thereof as he may need.

Mr. SLOAN. I thank the gentleman.

It should be a proud fact that during this great "battle of the ages" no voice in authority in this House has uttered a partisan charge and no discordant note has been sounded. It is gratifying to recall that this, the first division of the three divisions of our Government formed by the great convention to make or execute our laws, in this crisis takes and deserves its true station. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, it is necessary that this bill should be passed, and doubtless it will be passed with such modifications as to details as the House might, in its judgment, see fit to make. The Secretary of the Treasury has submitted a report from which it appears that the estimated disbursements for this fiscal year, including the loans to allies, are something over $16,000,000,000. You will understand, of course, that the appropriations are much larger, but all of the appropriations in certain lines will not be spent. It is expected that the Treasury will acquire from what is called "ordinary receipts," which is largely made up of customs and taxes, $3,856,800,000. The receipts for the bonds sold, savings certificates, and so forth, will bring the grand total of receipts to a little over twelve and a half billions. To keep a balance in the Treasury of five hundred millions as is necessary in war time, and provide a billion and a half to loan to our allies, it is considered necessary to authorize three billions of additional bonds. As we have failed to raise the money by taxation, it is plain that there is nothing left but another bond issue. It has been thought best to provide for this by increasing the amount of the bonds now authorized by the act of September 24, 1917, to $12,000,000,000. This, with the $2,000,000,000 of the first liberty loan, would make the total bond authorizations since the declaration of war $14,000,000,000. It is somewhat singular that upon the occasion of consideration of a bill authorizing the issuance of four and a half billions of bonds the attendance of Members should be so light, and when the bill providing for the expenditure of about $10,000,000 to furnish seed and credit to the farmers the attendance should have been so full. Either Members do not understand the importance of these bond bills, or else they imagine that their attendance is unnecessary because the bills will in any event pass.

It is true that we have passed all bond bills and appropriation bills by a nearly unanimous vote. It is also true that revenue bills—that is, bills which levied taxes to pay for the war—have met with strenuous opposition in some quarters. Many seem to have considered that it was sufficient evidence of their patriotism that they should vote bonds, forgetting that the money must be paid some time and overlooking the dangers of relying too largely on the credit system.

Of course it is easy to pass bond bills. They go through with a hurrah every time. It is difficult to pass bills levying heavy taxes, and a chorus of protests against them rises the moment they are presented. It is popular to favor bond bills. It is unpopular to press tax measures to a conclusion, but in this respect I am compelled to take the unpopular side. The task of the Ways and Means Committee in financing the war increases every day, and every bond bill we pass adds to its difficulties. No one seems to stop for a moment to consider anything but supplying the immediate needs of the Government. The future is not considered at all. There was a time when, like the gentleman from Alabama [Mr. HUDDLESTON], I was anxious on account of the tremendous burden we were laying upon succeeding generations. Serious as this thought was and is, there are more serious matters about which we should now be anxious. Gentlemen of the House, we are traveling in a vicious circle. Each one of these huge bond issues causes an inflation of credit, which in turn brings about an inflation of prices. With each issue the cost of living rises; next there is a demand for an increase of wages in proportion. As wages increase the cost of production increases; prices again rise and we again make the rounds of the circle. Nor is this all. As prices continue to rise the Government is compelled to pay double and even treble the prices which prevailed before the war for material necessary to carry it on, and this rise in prices, in fact, causes our bonds to be issued at a heavy discount, and this increases the burden of the future.

These are matters to be seriously considered, but in this terrible crisis of our affairs, when the greatest battle ever known in history is now raging; when in that valley of destruction across the sea the shadow of death passes over a hundred thousand men every day; when we observe our allies, battling desperately and valiantly, compelled each day to yield to the enemy, there are other matters far more important. It is time we realized that we can not win this war simply by passing bond bills and making appropriations. We have been spending money recklessly, so recklessly that in many instances it seems as if department officials put no check upon waste or extravagance. We have satisfied our patriotism by paying the cost without complaint and have deceived ourselves into thinking that we were winning the war by making prodigious appropriations, when in fact we have so far made no impression on it. Although we have been in the war more than a year, we have not yet made our efforts felt.

Mr. Chairman, the war can not be won without money, but war can not be won with money alone. If the money is used to no good purpose it is worse than wasted. When this war began Congress pledged to its support all of the resources of this country, and its resources included not merely money but the service and labor of the citizens. We have not used a tithe of our resources. If we had we would not now be destitute of ships, of artillery, of airplanes, of material in hundreds of other respects; nor are these deficiencies entirely due to mismanagement. Instead of devoting our strength and our power to meet the exigencies of this mighty conflict we have attempted to do everything the easiest way, to try and live in ease and comfort, to make profits, to continue all the luxuries which we have heretofore enjoyed. Every day we are told by some one who is thoughtfully considering the future that the Nation must work and economize, abandon luxury and unnecessary production, and devote all its strength to those things which are needed to win the war. Is anybody doing it? Have the expenses for luxuries decreased? Have unnecessary industries been abandoned? Everyone knows they have not. Nor has there been, so far as I can see, any attempt to economize on the direct expenditures of the war. We appropriate fifty millions one day, five hundred the next, and perhaps a billion the next, without any real, substantial, or determined effort to obtain the same or better results with less money.

As to labor, the situation is perhaps worst of all. With hundreds of thousands of men idle simply from choice, there are localities where work halts because of want of workmen and the construction of our ships has repeatedly been delayed by strikes. It is intolerable where success in the war depends so much on ships that we have not got them and are not finding a way to produce them. The plain fact is that we are using only half of our resources and not half of our man power, yet we are in danger of losing the war for want of materials and workers. In the meantime the fate of nations trembles in the balance. Too late the allies have always been; too late, as I have said before, in Belgium; too late in Serbia; too late in Roumania; too late at the Dardanelles. To-day we are too late to cooperate in any extensive manner in what may be the decisive battle of the war. If this crisis should be passed so that another opportunity should be given us, it is not merely folly but it is criminal to proceed as we have been doing. Every day that the war is prolonged will cost us thousands of lives and millions of money. Every day that it is prolonged increases the chances that a decision may be against us. We are contending with an enemy that stops at nothing. With untiring energy, with unexampled efficiency, with remorseless criminality, it has been pressing the war and devoting to it every resource. Willingly or unwillingly, the German people make every sacrifice in support of the war, and an inflexible despotism has brought their labor to the highest state of efficiency.

I can not believe that the American people are incapable of sacrifices that are necessary or that their patriotism is not of the loftiest order. They do not realize the necessities of the hour and that only by the use of the sternest of measures can we be saved from the German yoke. They are not aware of the peril that confronts us, while waste and extravagance are unchecked, and inefficiency presents our sending aid to our hard-pressed allies. It is time they were told the truth and roused to exertions that will meet real conditions, lest this Nation perish from the earth. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. EMERSON].

The CHAIRMAN. The gentleman from Ohio is recognized for three minutes.

Mr. EMERSON. Mr. Chairman, I am in favor of this bond measure, and intend to vote for it, as I have voted for all war measures, and intend to vote for all measures that are necessary for the successful prosecution of this war.

As sure as war follows peace, peace will follow war. I have introduced a resolution providing for a commission of three Democrats and three Republicans to study these questions and recommend to Congress at its next session proper legislation to bring about the passage of this country from a state of war to a state of peace with the least disturbance to business and the least inconvenience to this country.

Since the Civil War this country has devoted its time exclusively to the making of money, forgetful of the great lesson of

unpreparedness taught us by that great war. Even after the outbreak of this great war we dreamed on and made no preparation for the great war into which we eventually were drawn.

Are we going to dream through this war and be unprepared for peace, when peace comes, as we were unprepared for war? I am for preparedness, whether it means preparedness for peace or for war.

Thousands of lives will be lost in this great war, and billions of dollars' worth of property has been diverted from the paths of industry to the pursuits of war. There will be a great readjustment when peace comes. What preparation are we making for this readjustment? We should be prepared for it so that we can pass from a state of war to a state of peace with the least disturbance to business and the least inconvenience to the people of this country and to the industries of this country.

While we are fighting to make the world safe for democracy, some of the other countries are fighting to make the commerce of the world safe for themselves. We are now manufacturing millions of dollars' worth of articles that we never manufactured before the war. Why can not we manufacture them after the war?

If we get prepared for peace, we will not have to go through a long period of business disturbance, reconstruction, and readjustment after the war is over. It is costing us billions of dollars to prepare for war, because we were not prepared before the war, and made no effort to prepare. It is possible, if we had been prepared for war, we may not have gotten into the war. It pays always to be prepared, either for peace or war, for twice armed is he who is prepared.

I believe in the great toast proposed by Commodore Decatur, "My country, may she always be right; but right or wrong, my country." I stood for preparedness for war before this war began. I am now going to stand for preparedness for peace, for I know peace will follow war as sure as night follows day and day follows night.

After the war this country will be so greatly in debt that we will have to tax all the industries of this country to pay the interest on this debt and create a reserve fund to pay off the principal. We should encourage industry; we should encourage manufacturing; we should encourage labor; we should encourage commerce. We will have thousands of tons of shipping after the close of this war. What use can be made of it? We may have thousands of crippled soldiers after this war. What can they best do to help their country in times of peace? And what will we do to help them take their stations in life?

How are we going to care for the widows and orphans? This question and many others must be met and we should prepare to meet them now. What are we doing to prepare for these conditions that will certainly arise after this war is over? All manufacturing, agriculture, mining, and other industries must be encouraged so that the greatest efficiency in production will prevail.

If we do not do this, we may suffer an awful panic in business, an awful disturbance in financial conditions, and great suffering among the people. Let us draw wisdom from past experiences and prepare ourselves for peace. Other countries are preparing themselves for peace. Japan is doing it; France is making ready for peace; and Great Britain is always preparing to extend her commerce. The South American countries are now studying these problems of peace. Why should this country not profit by their examples and not be found soundly sleeping at the switch when peace comes? I want to see my country prepared at all times for any emergency that may arise. I ask you to pass this bill. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for three minutes.

Mr. PLATT. Mr. Chairman, I am heartily in favor of this bill, as I have been of all measures for the prosecution of the war. I merely want to talk about two possible amendments to the bill.

As to one of them the gentleman from North Carolina [Mr. KITCHIN], chairman of the Committee on Ways and Means, has already indicated that he would have no objection to it. That is an amendment to section 5 which provides for a deduction of the value of United States bonds in exempting bank stock from State taxation. That section should be amended, I think, surely, so that only bonds issued during the present war should be deducted. The national banks have long had bonds to secure circulation, and it certainly would not help the sale of liberty bonds any to let them deduct for purposes of State taxation the value of the 2 per cent bonds they have had for many years in their vaults. If they were allowed to deduct those bonds, no State taxes at all would be paid on their stock in many cases and the States would lose a considerable revenue.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. PLATT. I will for a question, but not for a speech.

Mr. DOMINICK. I do not propose to make a speech at this time. Is the gentleman a member of the Committee on Banking and Currency?

Mr. PLATT. I am.

Mr. DOMINICK. I would like to ask if this same proposition has not been pending before the Committee on Banking and Currency, and have not hearings been had on it a couple of times, and has not the committee refused to report the bill to the House?

Mr. PLATT. A similar proposition was before the Committee on Banking and Currency, and we had the Comptroller of the Currency before us. He explained his reason for wanting it adopted. The committee twice postponed action on it, and finally decided not to report it; but I think I violate no confidence in saying that the committee suggested to the Comptroller of the Currency that it ought to be in this bill rather than a separate national-bank bill.

Mr. McFADDEN. I simply want to remind the gentleman that the bill the Banking and Currency Committee considered applied only to exempting national banks, while this bill includes State banks as well.

Mr. PLATT. Yes. Now, one other matter, and that is in regard to the Federal taxation of liberty bonds. The present law provides that $5,000 of the 4 per cent bonds can be owned by an individual or association free of any tax. They are only subject to surtaxes, anyway.

It seems to me that section 7 of the act of September 24, 1917, might well be amended to read something like this: "But any individual, partnership, association, or corporation may own, free of all taxes, an amount of bonds the interest on which does not exceed the minimum sum exempted from income tax under section 3 of the act of October 3, 1917, entitled 'An act to provide revenues and defray war expenses, and for other purposes.'"

Under such a provision, if the rate of interest were 4 per cent, an individual or partnership or association could own $25,000 worth of bonds. If it were 4¼ per cent, such a party could own $23,529. If it were 4½ per cent, the amount that could be owned would be $22,222. If it were 5 per cent, $20,000. So that as the rate rises the amount that could be held would be less. The Government will lose very little revenue from such an amendment, but the psychological affect would be great, especially among the small taxpayers who pay only small surtaxes, and it would very greatly promote the sale of the bonds, in my opinion.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, do I understand we have six minutes remaining?

The CHAIRMAN. The gentleman has 12 minutes remaining.

Mr. MOORE of Pennsylvania. I yield five minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. McFADDEN. Mr. Chairman and members of the committee, it is true that a bill providing for practically the same thing as section 5 of this bill was considered by the Banking and Currency Committee. This provision was sent up to that committee by the Secretary of the Treasury, and the committee, after considering the provisions of it, refused to report the bill, notwithstanding the fact that the Comptroller of the Currency appeared and urged that it be favorably reported out of committee——

Mr. GARNER. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. GARNER. Did you have a vote on it in your committee?

Mr. McFADDEN. I think we did; yes.

Mr. GARNER. That is not my understanding.

Mr. McFADDEN. We usually do. We have to put the Democrats on record sometimes.

Mr. GARNER. I should like to see the record of that vote.

Mr. McFADDEN. I will say to the gentleman that I voted against the measure, if that is what he is driving at.

Mr. DYER. I make the point of order that the gentleman from Texas is out of order, and so is the gentleman from Pennsylvania, in revealing what took place in the committee. Surely the gentleman from Texas, who is one of the most able and distinguished parliamentarians in this body, is very familiar with that rule.

Mr. GARNER. If the gentleman will permit, "the gentleman from Texas" did not ask him anything about that. He asked merely if they had a vote in the committee. The gentleman from Pennsylvania had already said that the committee declined to report the bill, and I made the inquiry whether there was a vote in the committee. I do not think that is unparliamentary.

Mr. McFADDEN. I want to direct my special attention to this section of the bill—section 5—and to point out some things in regard to it that seem to me to be a little unjust. I do not want to belittle the effect that this provision is going to have in the way of stimulating the sale of liberty bonds. I am not saying what I have to say in the way of criticizing at all, but I want to point out, if I can, in these few minutes just what this section means to the various States in loss of taxes.

Now, section 5 of this bill provides in a practical, working way for the exemption from taxation of National and State banks by the various States. For instance, take either one of these classes of banks in the State of Pennsylvania, with a capital, we will say, of $500,000 and a surplus of $250,000 and total assets of $10,000,000. An institution of this kind is exercising the various functions which are given to that bank through its charter, granted by the State.

Mr. SNYDER. I should like to ask the gentleman if he believes, as a banker and a member of this Banking Committee, that if this bill could be amended in such a way as to embody the features of the bill that the gentleman has presented with regard to deferring payments of taxes on incomes and corporation excess-profits taxes it would assist in this liberty bond sale that is now facing us?

Mr. McFADDEN. I think it would, very materially; yes.

Mr. SNYDER. As a member of that committee, does the gentleman think that this bill could be amended so as to include something like the bill that he presented?

Mr. McFADDEN. It could be.

Mr. SNYDER. I want to ask a further question. If it is found that that can not be done, would it not assist the sale of liberty bonds, and would it not assist the banks of this country greatly if the bill should be amended so that the Secretary of the Treasury could order checks drawn on banks which now have a Government credit to be returned immediately to those banks for deposit in the banks in which the Government now has a regular Government deposit?

Mr. McFADDEN. There is such a limited provision in the bill. I think it would be very helpful to the banks and would encourage the sale of these bonds.

Mr. SNYDER. If there is any way in which this bill can be amended so as to embody your measure, it should be done, not only in the interest of the banks but of all of the people of the country who have to pay these taxes.

Mr. McFADDEN. I thank the gentleman for that favorable reference to my bill.

Now, I say a bank in Pennsylvania with a capital of $500,000 and a surplus of $250,000 and total assets of $10,000,000, exercising all the various functions which its charter gives it, will by investing $750,000 in United States bonds, or the value of its shares, be exempt from State taxation, or under this section the States will be deprived of the right to tax these banks. Pennsylvania will be deprived of at least $2,000.000 annual income and the banks, or their stockholders, will be saved this amount of taxes. Looking at this as a stimulant for the sale of liberty bonds it is fine; but from the standpoint of the State's revenue it is a serious question. I can see also where the banks, or their shareholders, more properly, would be relieved of large taxes; but the question of providing the losses in State revenue would then fall upon the entire people or the remaining taxing resources of the State. The United States would be the gainer to the extent of finding in these banks a market for the sale of liberty bonds to the extent of the market value of all shares of the National and State banks—less the amount of the present holdings of United States bonds. The capital and surplus of national banks alone last June 20, 1917, was over $2,300,000,000. I have not the figures for the State banks.

On the other hand, the States would be out the amount of money or taxes that these banks would be relieved of the payment of, and would have to curtail the State's expenses this amount or collect from the taxpayers the amount that would otherwise be collected from that well-to-do class of bank-stock holders. I also seriously question the right of Congress to take away the power from the States to tax their own chartered institutions, to say nothing about the right given them by this Congress in 1864 to tax the value of stock in national banks, which has never been questioned till now.

I do not want it understood that I would in any way interfere with the source of a sale of liberty bonds, but I would point out that the banks are not seeking this legislation, but it is insisted upon by the Secretary of the Treasury as an inducement to the banks to buy liberty bonds. I want to show you what you already know—that the National and State banks need no "hypodermic." They have proven their patriotism in the matter of the sale and purchase of these liberty bonds and certificates, including war savings stamps, and will continue to make good in the future each time their country is in need of the kind of service they know so well how to render whether this section is left in or out.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to put into the RECORD a few facts with regard to this bill, tending to show what the United States has thus far done in a financial way in support of the war, aside from levying taxes directly upon the people.

We hear a great deal about what the other countries are doing, and sometimes it is said the United States should do more than it has done up to the present time. We have been in this war approximately one year, and the Secretary of the Treasury has happily selected the anniversary of our entrance into the war, April 6 next, as the time for starting the third liberty loan drive. That brings up anew the question of our finances. Why should there be a third drive to sell liberty loan bonds? The answer is patent to anyone who sits for a few minutes with the Commitee on Ways and Means and observes the income and outgo of the Government resources. The fact is we are up against the necessity of raising more funds to support our war program. What have we done since our entrance into the war, April 6, 1917? To begin with we issued $2,000.000,000 of bonds. The act of April 24, 1917, authorized that issue.

The act of September 24, 1917, authorized an issue of $7,538,945,460. The present bill brings forward all bond issues heretofore made and groups the preceding laws authorizing bonds for war purposes and raises the limit of bonds issued and to be issued to the staggering aggregate of $14,000,000,000.

That does not include the authorized issue of $2,000,000,000 of thrift stamps. Including the thrift stamps, our total bond obligations, if this bill passes, will mount up to $16,000,000,000. Apart from the bonds already issued, and to be authorized by this bill aggregating a total of $16,000,000,000, we have authorized and will authorize by this bill an issue of certificates of indebtedness, which are short-term loans, to an aggregate of $8,000,000,000. It may not be necessary to issue so many; but, in the opinion of the committee, it was deemed wise to authorize the Secretary of the Treasury to make an issue of that amount if he deemed it necessary in the national interest.

That makes the stupendous total of $24,000,000,000 for which the Government of the United States has thus far, or will by the passage of this bill, involve itself this year for the purpose of supporting the war, sustaining our armies abroad, and assisting the allies. Not all of that money is applied to the purposes of the United States exclusively. A large proportion of it is loaned to our allies. We have provided thus far for an issue of bonds amounting to $7,000,000,000 to be loaned to our allies. Thus far we have loaned to them—and they include Belgium, Cuba, France, Great Britain, Russia, and Serbia—a total of $4,960,600,000, and we are providing here for additional loans to them. That is an answer to the question, What has the United States thus far done to support the war? We have not only levied taxes upon our people to an enormous extent, piling up excess taxes upon normal taxes; we are not only prepared to go still further and pile up these taxes directly upon the people, but we have made provision up to this time, and will have made provision by the passage of this bill, for raising by loans and certificates of indebtedness the aggregate of $24,000,000,000, of which seven billions and more are to go to our friends across the water before the coming winter. That seems to me to be doing pretty well to date.

Mr. Chairman, to show more accurately the situation, I insert here an extract from the testimony of the Secretary of the Treasury before the Ways and Means Committee in answer to some questions by myself (pages 31 to 33 of the hearings):

Q. I want to cover the bond-issue transactions for the purpose of the record. The act of April 24, 1917, authorized an issue of $2,000,000,000 of bonds; the act of September 24, 1917, authorized the issue of $7,538,945,460. This bill would increase the issue $4,461,054,540, making a total issue of $14,000,000,000. That is correct?—A. Including the $2,000,000,000 that was issued under the first law.

Q. That includes all. Everything is brought up to date and covered by the $14,000,000,000 that would be authorized, if this bill should pass?—A. Precisely.

Q. That does not include the $2,000,000,000 of thrift stamps authorized?—A. No.

Q. That would make $16,000,000,000 altogether?—A. Yes.

Q. That does not include the certificates of indebtedness authorized up to date to the extent of $4,000,000,000 and by this bill increased to $8,000,000,000?—A. No.

Q. There have been sold of the bonds thus far authorized, under the act of April 24, 1917, $1,986,774,655.19, and under the act of September 24, 1917, $3,808,766,150, making a total bond issue up to date of $5,795,540,805.19, leaving available for issue within the discretion of the Secretary, if this bill passes, a total of $8,204,459,194.81.—A. That is substantially correct.

Q. Now, as to our foreign loans, how much has been loaned thus far to the allies? We authorized, I understand, $7,000,000,000.

The CHAIRMAN. If you have a list there, Mr. Secretary, put it in the record.

Secretary MCADOO. We have been authorized to loan to the foreign countries, as you know, a total of $7,000,000,000—$3,000,000,000 under the first act and $4,000,000,000 under the second. Up to date credits have been established aggregating for all the allied governments a total of $4,960,000,000. I shall put this in the record.

Q. Is that a statement of your transactions with the allies?—A. Yes; each Government is indicated here. I will give you the total, and shall put this in the record. The credits established were $4,960,000,000; the loans actually made were $4,642,829,750. The balance under established credits, the balance to their credit now, is $317,770,250.

Q. Will you put the date in?—A. This is to March 26, 1918.

Q. A day or two ago?—A. Yes. That may be put in the record.

The matter referred to is here printed in full, as follows:

Loans to foreign Governments to and including Mar. 26, 1918.

[Acts of Apr. 24, 1917, and Sept. 24, 1917.]

Country.	Credits established.	Loans made.	Balances under established credits.
Belgium	$104,600,000	$85,900,000	$18,700,000
Cuba	15,000,000		15,000,000
France	1,440,000,000	1,405,000,000	35,000,000
Great Britain	2,520,000,000	2,480,000,000	40,000,000
Italy	550,000,000	480,000,000	70,000,000
Russia	325,000,000	187,729,750	137,270,250
Serbia	6,000,000	4,200,000	1,800,000
Total	4,960,600,000	4,642,829,750	317,770,250

NOTE.—In addition to the above, a credit of 250,000,000 francs, or approximately $44,000,000, in favor of the Greek Government has been agreed to, but not yet formally established, and a credit of $6,666,666 was arranged in favor of the Roumanian Government, the precise status of which and the drafts thereunder is not definitely determined.

Q. You now have available to loan how much?—A. We have about $2,000,000,000 of authorized credits that are still available.

Q. And you expect that to carry them how far, Mr. Secretary?—A. That, we figure, would carry them to the end of the fiscal year ending June 30, 1918, and the billion and a half we are proposing to have made available under this bill for extension of credits to the allies would carry them until the 1st of October, at the estimated rate of $500,000,000 per month.

Q. You would be in position to take care of them until that time?—A. Until the 1st of October, if this bill passes.

Q. I want to get in this question. These figures you have just quoted are up to and including the end of the fiscal year 1918?—A. Yes. I have given you the actual established credits up to March 26, 1918, and from that date the estimated amounts carry us to the end of the fiscal year 1918, and with an authorization of the one and a half billions, as proposed in this bill for foreign credits, that will carry us, at the present estimated rate, to the 1st of October, 1918.

Q. All that as to foreign loans?—A. Yes; as to foreign loans.

Q. As to the increased amount asked for in this bill, bringing the total of bond issues or money to be derived therefrom up to $14,000,000,000 plus, how far is that going to carry us, on the estimated expenditures of the Government?—A. That will carry us for all the estimated expenditures of the Government for the remainder of this fiscal year.

Q. Only?—A. Only. That is based on the estimates of the other departments to the Treasury.

The CHAIRMAN. In other words, it will carry us up to the end of the fiscal year, and the one and a half billions will carry us for three months longer for foreign loans?

Secretary MCADOO. Yes.

Q. Then, if this bill passes and this new loan is authorized, you will not likely ask for another loan until some time subsequent to July?—A. No.

Q. Is it possible that you will ask for another loan before the expiration of the present year?—A. It may be possible that we shall have to ask for another issue before Congress adjourns, because these issues would not carry us during the entire calendar year 1918.

Mr. MONDELL. Mr. Chairman, the passage of this act is essential to the conduct of the activities of the United States in the prosecution of the war. Therefore I am for it.

We are again called upon to provide for a great bond issue, and thereby reminded of the tremendously expensive character of the mighty struggle in which we are engaged.

If this bill becomes a law in its present form the total bond authorization since the beginning of the war will be $14,000,000,000.

At the present time our expenditures for the fiscal year ending June 30, 1918, are estimated to be $16,116,591,347.72, and our estimated receipts for the like period from all sources now provided by law are estimated to be $12,549,539,022, thus leaving a deficit at the close of the fiscal year of $3,567,052,325.72. It is also deemed necessary to provide for additional credits to our allies of $1,500,000,000, to enable the Government to extend them credit at the rate of $500,000,000 per month during the months of July, August, and September of the next fiscal year. There will therefore be required an additional bond authorization of $5,067,052,325.72 if the expenditures for the fiscal year 1918 are as great as the estimates and if we provide for the additional credit of $1,500,000,000 for our allies during the first three months of the next fiscal year.

It is believed that the additional bond authorization of $4,461,054,540 carried by this bill, together with the authority granted the Secretary of the Treasury to issue short-term certificates of indebtedness, will be sufficient to provide the necessary funds for the present fiscal year and to extend credit to our allies as above indicated.

Stupendous as these sums are, the American people are prepared to furnish them, if necessary, as they seem to be, for the successful conduct of the war, for they are determined it shall be prosecuted vigorously to a victorious conclusion.

The people expect, however, and have the right to expect, that, making all due allowances for the inevitable wastes and extravagances of war, the sums they are called upon to contribute shall be expended as judiciously and economically as possible, and that the work of preparation for the conflict shall be pressed with energy and dispatch.

Unfortunately we can not truthfully say that these reasonable expectations have up to this time been met. Waste and extravagance have been the rule rather than the exception, and there has been a woeful lack of any successful or concerted effort to protect the Public Treasury against plunderers.

All this might be overlooked if out of these tremendous expenditures we were securing results in providing the material and equipment necessary and essential to the winning of the war, but, alas, we are not.

We have been in the conflict for more than a year. From the beginning we have known that the first prime need was ships, but our shipping program lags woefully, and its progress has been through scandalous extravagance.

From the first we have known that artillery and airships were among the first essentials to victory, and yet, to-day we have no airplanes in France, and we are still dependent on the French for artillery.

On the other hand, we find that vast expenditures have been made or authorized for plants and purposes not essential to the war or authorized, at least not contemplated, by Congress, and which can not be completed in years.

I have no desire to dwell on these things or to go into detail in regard to many matters properly subjecting those in authority to the severest criticism. I only make this brief mention of some of our most glaring and patent faults and shortcomings in the hope that from now on we shall find the executive machine better managed and our essential war program speeded up. We would not be honest with or faithful to the people, who furnish the sinews of war if, knowing of these things, we did not call attention to them in the hopes that publicity will at least help, if it does not entirely cure.

We all wish the third liberty loan the greatest success, and we have abiding confidence that the patriotism of our people will rise magnificently to the test.

[By unanimous consent the following Members were given leave to extend their remarks in the RECORD: Mr. SMITH of Michigan, Mr. HEFLIN, and Mr. DYER.]

The CHAIRMAN. General debate is closed, and the Clerk will read the bill.

The Clerk read as follows:

SEC. 2. That the last sentence of section 2 of said act approved September 24, 1917, be, and is hereby, amended to read as follows:

"For the purposes of this section there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,500,000,000, and in addition thereto the unexpended balance of the appropriations made by section 2 of said act approved April 24, 1917, or so much thereof as may be necessary: *Provided*, That the authority granted by this section to the Secretary of the Treasury to establish credits for foreign governments, as aforesaid, shall cease upon the termination of the war between the United States and the Imperial German Government."

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understood the chairman of the committee, the gentleman from North Carolina reporting the bill, that the basis of calculation for the increased authorization of the amount to be loaned to the allied governments, $4,000,000,000, now extended to five and one-half billion dollars, is that the average rate of expenditure is $500,000,000 a month, and that the four billion heretofore authorized would be utiiized by the end of the present fiscal year; that with this additional one billion and a half the Government would be provided with funds to advance to the allied governments until October?

Mr. HULL of Tennessee. During the next three months of the next fiscal year.

Mr. STAFFORD. I did not want to interrupt the gentleman at the time, but the query arose in my mind if Congress should not be in session from October 1 to December, where are funds to meet the needs of the foreign governments during that time to come from?

Mr. HULL of Tennessee. In the first place, we hope by that time they may not find themselves confronted with the same necessities, but before Congress adjourns the matter can be given further consideration in the event circumstances should indicate the necessity for it.

Mr. STAFFORD. I understood the bond issue was, so far as this provision was concerned, to take care of conditions until

the convening of another session of Congress, and there arose in my mind the query that if it were as much as $500,000,000 a month the average amount that is being advanced the allied government at the present time and for some time past, there would be no funds whatever after October 1.

Mr. HULL of Tennessee. The gentleman is quite correct in case the advances should be continued during each month of the present calendar year, but the Treasury did not feel justified in asking for any provision beyond the first three months of the next fiscal year.

Mr. STAFFORD. Can the gentleman furnish the amount of funds furnished the respective allied governments up to date?

Mr. HULL of Tennessee. The gentleman will find that given on page 3 of the committee's report.

Mr. STAFFORD. Up to March 26 I notice there have been loans made to a total amount of $4,642,000,000. So the chairman of the committee, when he said there would be only $4,000,000,000 advanced by the end of the fiscal year, was not basing his statement upon the tabulation showing the amounts that have been advanced to the respective governments, as stated in the report?

Mr. HULL of Tennessee. All the money has not actually been paid out of the Treasury. Credits have been established to the amount of $4,960,000,000 up to March 26.

Mr. STAFFORD. And loans made up to that date amount to $4,642,000,000.

Mr. HULL of Tennessee. That is quite true, and the disbursements will come along from day to day under the terms of the credits which have been established and agreed to already.

Mr. STAFFORD. Then if the average basis of advance is $500,000,000 a month, by the end of the fiscal year there will be more than five and a half billion dollars which is authorized in this act already advanced, and with the war going on at the pace it is at the present time, and our Government coming to the aid of the allies as it has done, I can not see the basis for the statement of the gentleman from North Carolina [Mr. KITCHIN] that the one and a half billion of this five and a half billion was to provide for the advances from July 1 to October 1.

Mr. HULL of Tennessee. Mr. Chairman, if the gentleman will keep in mind the fact that Congress has authorized $7,000,000,000 for loans to our allies, and also this clause which is inserted in the present bill carrying an additional authorization of $1,500,000,000 for the first three months of the next fiscal year, he will see the total for the entire period to which I have referred.

Mr. STAFFORD. Then, as I understand the gentleman, there have been authorizations including this amount of two billion more.

Mr. HULL of Tennessee. Yes.

Mr. STAFFORD. That might be availed of for advances to the allied Governments, and which was covered in the act of last April.

Mr. HULL of Tennessee. Yes.

Mr. STAFFORD. And not included in the five and a half billion dollars, so that the total authorizations with the five and a half billion dollars for utilization for advances to the allied Governments would be eight and a half billion dollars.

Mr. HULL of Tennessee. Yes.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Then I wish to inquire whether the eight and a half billion dollars are included in the $12,000,000,000 authorized in section 1 of this act? As I read the report and heard the statement of the gentleman from North Carolina [Mr. KITCHIN], the $12,000,000,000 was the total authorization of bond issues up to the present moment, exclusive of the authorization in the first bond act.

Mr. HULL of Tennessee. The one and a half billion dollars is a part of the $12,000,000,000, if I understood the gentleman.

Mr. STAFFORD. I think the House will be interested if the gentleman in a few words will state what will be the total bonded authorization by the passage of this bill, both for our own purposes and for advances to foreign allied governments.

Mr. HULL of Tennessee. I will say to the gentleman that there was printed in the RECORD the precise statement that he calls for, and the most that any gentleman could do would be to read that over again. It is very brief.

Mr. STAFFORD. I thought the gentleman had the power of concise statement to such extent that he could in one sentence tell us what is spread over the RECORD in a number of paragraphs.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MOORE of Pennsylvania. The Secretary of the Treasury, in his statement before the Committee on Ways and Means, said that the foreign credits established were $4,960,600,000; that the loans actually made were $4,642,829,720; and the balance, under established credits, to their credit now is $317,717,250.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. And he still has available under existing law $2,000,000,000.

Mr. STAFFORD. Will the gentleman inform the committee as to the total bonded authorization that will be made when we pass this bill?

Mr. MOORE of Pennsylvania. Yes. The total will be $14,000,000,000, plus $2,000,000,000 already authorized.

Mr. STAFFORD. That will make $16,000,000,000 as a total?

Mr. MOORE of Pennsylvania. That is correct.

Mr. STAFFORD. Of the $16,000,000,000, as I understand it eight and a half are for the purpose of advances to foreign governments.

Mr. MOORE of Pennsylvania. That is correct. Seven billion dollars available under existing law, one billion and a half out of the new loan to go to carry the allies up to October, 1918.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Pennsylvania to reconcile his statement with what is found in the report of the committee on page 2, that if this bill becomes a law in its present form the total bond authorizations since the declaration of war will amount to $14,000,000,000.

Mr. GARNER. That is correct.

Mr. COOPER of Wisconsin. But the gentleman just said $16,000,000,000.

Mr. CRISP rose.

Mr. STAFFORD. I yield to the gentleman from Georgia.

Mr. COOPER of Wisconsin. The gentleman said $14,000,000,000 in addition to $2,000,000,000 already authorized.

Mr. MOORE of Pennsylvania. I will say that the two billion extra referred to the $2,000,000,000 of thrift stamps.

Mr. COOPER of Wisconsin. Then it is fourteen billion dollars instead of sixteen?

Mr. MOORE of Pennsylvania. Fourteen billion plus two for thrift stamps.

Mr. CRISP. Mr. Chairman, the gentleman from Pennsylvania has just answered what I desire to call attention to to harmonize the two statements. Under the first bond act there were sold $2,000,000,000 of bonds. This bill, if it becomes a law, authorizes the issuance of $12,000,000,000 in addition to the $2,000,000,000 already sold, which makes $14,000,000,000 of bonds authorized. The former act also authorized $2,000,000,0000 of thrift stamps, and counting those as bonds, it makes a total of sixteen billion.

Mr. MOORE of Pennsylvania. Exactly; and that is the statement of the Secretary.

Mr. STAFFORD. The gentleman has furnished the information that I was seeking.

Mr. MORGAN. Mr. Chairman, I would ask the gentleman from Tennessee if he will return to section 1 in order that I may have the opportunity of offering an amendment. I happened to be out when the reading of that section was concluded.

Mr. HULL of Tennessee. The gentleman can read the amendment, and if the committee is disposed to agree to it we can go back.

Mr. MORGAN. I want to move to strike out the words "and one-quarter," so that the interest will be only 4 per cent instead of 4¼ per cent.

The CHAIRMAN (Mr. ALEXANDER). What is the gentleman's request?

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to return to section 1 in order that I may offer an amendment and have the usual five minutes' time.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to section 1 to offer an amendment. Is there objection?

Mr. HULL of Tennessee. Mr. Chairman, reserving the right to object——

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is this to be read for information, or is it a bona fide amendment offered to a section which has already been passed?

Mr. DYER. The gentleman asked to return to offer an amendment, and I submit he ought to have the privilege, as the section was passed hurriedly.

Mr. MOORE of Pennsylvania. I submit it is very unusual to do that.

Mr. DYER. It is done every day, practically.

Mr. LONGWORTH. On a bill of this importance I do not see how I can fail to object to such a proposition. I would be very glad to hear the gentleman's argument.

Mr. HULL of Tennessee. Mr. Chairman, reserving the right to object, I would like to inquire whether there will be over five minutes' time. Does the gentleman desire over five minutes?

Mr. MORGAN. I would be willing to take three minutes.

Mr. HULL of Tennessee. With that understanding I desire to couple with the request for unanimous consent that debate on this amendment be concluded at the end of three minutes.

Mr. MORGAN. I will consent to that.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to section 1 for the purpose of offering amendment, and the gentleman from Tennessee asks that debate on the amendment be concluded at the end of three minutes, the gentleman from Oklahoma to occupy that time. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 7, after the word "four," strike out the words "and one-quarter."

Mr. MORGAN. Mr. Chairman, I appreciate the courtesy the committee has extended me. I assume, of course, the Secretary of the Treasury has recommended that these bonds be issued at 4¼ per cent, and of course the great Committee on Ways and Means has reached the same conclusion. My views ought not to bear very greatly as against the weight of such high authority. When we had before us the bill to provide for the second liberty loan I presented an amendment to strike out "four" and insert "three and a half," because I believed it was the wrong policy to raise the rate of interest above 3½ per cent. I made a brief argument supporting my views. I have not changed my opinion. I have not time to go into a lengthy argument at this time. But what is the situation to-day? The 3½ per cent liberty bonds are selling higher in New York markets than do our 4 per cent bonds.

Mr. CRISP. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. CRISP. The gentleman, I am sure, is aware of the reason for that. The 3½ per cent bonds are not subject to any tax while the 4 per cent bonds are subject to the supertax.

Mr. MORGAN. I understand that is one reason—perhaps the main reason—but my judgment is that we had better leave the bonds untaxable, as we did the bonds we issued at 3½ per cent.

Mr. REAVIS. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. REAVIS. Can the gentleman suggest any other reason than that suggested by the gentleman from Georgia why the 3½ per cent bonds should sell at a higher rate than the 4 per cent bonds?

Mr. MOORE of Pennsylvania. If the gentleman will permit, for one reason if you hold the 3½ per cent bonds they are convertible up to any figure to which the rate of interest may go.

Mr. MORGAN. I understand that. Now, the Government bond fixes the standard of interest, and when you raise the rate of interest upon Government bonds you increase the rate upon every other security, and when that rate is fixed by contract it reduces the value of the security. By the Government's policy of increasing the rate of interest on its bonds from 3 per cent to 3½ per cent and then to 4 per cent we have taken hundreds of millions of dollars in value away from railroad bonds, industrial bonds, public-utility companies' bonds, and various other kinds of securities. Our citizens have suffered great losses thereby. As against the judgment of the committee I hardly expect my amendment to carry, but I wish to record myself as being opposed to this increased rate of interest upon the bonds to be issued under this act.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. KEATING. Mr. Chairman, I shall vote for this bill, but I do not like to do it, and I do not feel that I should vote for it without making a statement for the RECORD which will show my reasons for voting for it.

Our boys are now on the battle line. It is necessary to sustain them with all the resources of this Nation. It is necessary to provide money in order that they may be equipped; that they may be furnished with food and clothing; that they may have all those things that are required to conduct war. If the Congress of the United States refuses to raise that money through taxation then we must sell bonds. I am voting for this bond bill not because I think it expedient to issue more bonds but because I must either vote for this bond bill or refuse to provide the money needed to prosecute this war. I refuse to be placed in the latter position.

I believe we are committing a monumental blunder when we continue to issue bonds instead of levying taxes. When we entered upon this war we were assured by influential leaders that we would endeavor, in so far as our expenditures were concerned, to raise at least 50 per cent through taxation and not more than 50 per cent through bond issues. That promise has been forgotten, and there is no reason why it should have been forgotten. The chairman of the Committee on Ways and Means stated this morning, as he has repeatedly stated upon the floor of this House, that if we were to adopt the rates imposed by Great Britain on incomes and excess profits we could add to the revenues of the Government between $2,000,000,000 and $3,000,000,000. That sum, added to what we are now raising through taxation, would approximate 50 per cent of the expenditures of this Government, excluding the advances to the allies. But gentlemen urge that if we impose such a tax we will burden business to a point where we may have a collapse. Upon what do they base that statement? England, war worn and weary, after having been in this struggle for almost four years, does not hesitate to levy a tax of 80 per cent on war profits, and just a few months ago increased the tax on war profits in the shipping industry to 88 per cent.

Surely if English industry at the end of four years of war can stand the strain, American industry, strengthened by three years of unexampled profits, could afford to pay the tax.

Mr. PLATT. Will the gentleman yield?

Mr. KEATING. Yes; I will yield to the gentleman.

Mr. PLATT. The gentleman knows that England levies 80 per cent on profits above a certain percentage, and not on all war profits.

Mr. KEATING. The gentleman understands the basis on which England levies taxes. The gentleman from New York [Mr. PLATT], if he was in the Hall, heard the statement of the chairman of the Ways and Means Committee that by adopting the English rate we would add between two and three billion dollars to our total revenues.

Mr. REAVIS. On that thought of the gentleman with reference to burdening business: Is it not a fact that the Government by preempting the credits of this Nation through enormous bond issues instead of raising a part of the money by taxation, has been forced to provide other means of loaning money to save certain classes of business?

Mr. KEATING. We have entered upon a vicious circle, and we are adding burdens to the burdens already imposed in a most reckless fashion.

Mr. REAVIS. Just a word further.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. If we had proceeded on the fifty-fifty basis, then the credit of the Nation would not have been so preempted by these bond issues that the Government would have had to come to the rescue of business by providing other means of loaning money.

Mr. KEATING. The gentleman is quite right. If you raise the money through taxes it will not be necessary to issue the same amount of bonds. And not only that, but taxation, my friends, would compel the American people to economize. I venture the assertion now that never in the history of this country has there been such reckless expenditure throughout the Nation as there is to-day. And why? Because certain men and certain interests that are making unconscionable profits are setting the pace. You can go into any Washington hotel or any New York hotel and see at once the result of this policy. It is unbridled extravagance. As my eloquent friend from Georgia [Mr. HOWARD] so happily phrased it, "everyone seems to be on a joy ride." Imposition of heavy taxes on incomes and excess profits would not only fill the National Treasury but would make it unnecessary to float these great bond issues, and would bring the blessings of thrift and sane living in its train.

Now, Mr. Chairman, in making these remarks I merely want the RECORD to show my own position. I do not question the patriotism of my fellow Members. I think that any man who has sense enough to come in when it is wet knows that Republicans are as patriotic as Democrats, and that Democrats are as patriotic as Republicans. So it is not a question of impeaching anyone's patriotism or anyone's love of country, because I am

quite sincere, my friends, when I say that in my judgment every Member of the American Congress—at least, everyone with whom I am at all acquainted—is 100 per cent American. But there is a great issue here, my friends, and one which should be presented to the people of this country.

I sometimes despair that the issue will ever be properly presented before the war is over. It seems to me that the American newspapers are willing to discuss everything except this vital issue of how we shall pay for this war. And sometimes I think that my colleagues are prepared to attend the sessions of the House and to discuss almost every other issue except this one issue of financing the war. To my mind it overshadows every other issue, and it is one upon which, if the American people had an opportunity to express themselves, there would be singular unanimity. The American people believe that taxes for this war should be levied in proportion to the ability of the individual to pay those taxes.

Gentlemen talk about the details of the English system and the details of the French system and the details of other systems. Some of these discussions serve to obscure the issue rather than clarify it. My friends, you have only to state one proposition to show that we are not levying adequate taxes. It is only necessary to show that the great Steel Corporation last year, after having paid all taxes, State and Federal, including the excess-profits taxes, had left for distribution among its stockholders five times the amount that it considered an adequate earning in peace times.

How can gentlemen deprecate the farmers' demand for $2.50 wheat? How can gentlemen protest against labor demanding higher wages, when gentlemen by their failure to use the taxing power of this Nation permit the Steel Trust, through excess profits, earned largely out of Government contracts, to earn five times the amount in war times that it was satisfied to earn in peace times? And why do we permit the owners of the Steel Trust to pocket these unexampled profits? Who will attempt to answer that question to the satisfaction of the American people?

You will pass this bond bill, and the American people will buy the bonds, because they are determined, come what will, to provide the money needed to take care of the boys who are now in the trenches. But I hope before this Congress adjourns we will permanently discard this disastrous policy and levy adequate taxes on incomes and excess profits.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word.

Mr. PARKER of New Jersey. Mr. Chairman, I rise to oppose the gentleman's motion.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH], a member of the committee, is recognized.

Mr. HULL of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending section and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Ohio is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman, what the gentleman from Colorado [Mr. KEATING] has said is absolutely true—that responsible leaders did say at the outset that it was contemplated to proceed on a fifty-fifty plan for financing the war.

In fact, the recommendations which came to the Committee on Ways and Means for raising the funds necessary to finance the first year of the war were the recommendations of the Secretary of the Treasury that $2,000,000,000 should be raised by bonds and that approximately two billions should be raised by taxation.

But let me remind gentlemen of the committee that the total amount estimated at that time for all our expenses during the first year of the war was $4,000,000,000, whereas as a matter of fact we appropriated last year more than $21,000,000,000. Of course it is a question of the very greatest importance and one which has concerned all the nations when at war—this question as to how much of the expenses of war ought to be borne by the existing generation and how much should be postponed for posterity to bear. The figures which I will give you may not be absolutely accurate, for some time has elapsed since I obtained them, but they are approximately correct, of the systems pursued by the nations other than the United States since this war began. England, in spite of her very large taxes, which the gentleman from Colorado [Mr. KEATING] referred to, is not financing more than about 20 per cent of the entire cost of the war to her by taxation.

Mr. KEATING. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. KEATING. Is not that fact due to the other fact that England, compared with the United States, lacks the wealth on which to levy taxes? England has gone up to 80 and 88 per cent, and of course if England has not war profits to tax she can not get the revenue.

Mr. LONGWORTH. Well, whether that be true or not, they have never attempted, and no other nation has ever attempted, since this war began to raise more than 20 per cent of the cost of the war by taxes on the present generation. France has not levied taxes in excess of about 16 per cent.

Italy has not levied more than 15 or 16 per cent. Germany has been from the outset—and we need not debate the efficiency of the German financial system—financing not to exceed 11 per cent of her war expenses by taxation. Russia, before she went to pieces, was not financing more than about 10 per cent of her war expenditures by taxation. Canada is financing less than 10 per cent. To-day—assuming that our revenues will be those estimated by the Treasury Department, $12,000,000,000 for this fiscal year—we are to-day, exclusive of our loans to our allies, financing about 45 per cent by taxation; and including our loans to our allies, more than 30 per cent by taxation. In other words, we are proceeding to-day toward financing by taxation a great deal more than any European nation is doing to-day or has ever done.

Mr. KEATING. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. KEATING. I am interested in the gentleman's figures. The gentleman a moment ago called attention to the fact that we had appropriated $21,000,000,000.

Mr. LONGWORTH. Yes.

Mr. KEATING. As I understand, we are raising by taxation less than $4,000,000,000?

Mr. LONGWORTH. About that.

Mr. KEATING. Now, if we have appropriated $21,000,000,000, how does the gentleman figure that $4,000,000,000 is 45 per cent of $21,000,000,000?

Mr. LONGWORTH. The gentleman will recall that a great deal of that appropriation has not been spent, and that much of it was in authorization for future expenditure.

Mr. KEATING. But is not the gentleman in error when he states that $21,000,000,000 is the amount of our war expenditure?

Mr. LONGWORTH. I did not say "expenditure."

Mr. KEATING. What is our war expenditure?

Mr. LONGWORTH. This year it is estimated to be about $16,000,000,000—the actual expenditure that must be supplied in cash.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. KEATING. I do not want to heckle the gentleman.

Mr. LONGWORTH. I understand. This is merely a debate on the policy of war financing.

The CHAIRMAN. The time has been fixed.

Mr. SLAYDEN. It can be extended.

The CHAIRMAN. The gentleman was yielded 5 minutes. Is 10 minutes desired?

Mr. LONGWORTH. I did not know that anybody else desired to be heard.

The CHAIRMAN. The Chair thought the gentleman from New Jersey [Mr. PARKER] desired to be recognized next. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KEATING. Will the gentleman yield further?

Mr. LONGWORTH. Yes.

Mr. KEATING. I will say to the gentleman, by way of elucidating my figures, that if we are spending $16,000,000,000 for war purposes, and raising $4,000,000,000 by taxation, the latter figure would represent 25 per cent of our outlay. The gentleman referred to appropriations of $21,000,000,000 and stated we were raising 45 per cent by taxes. The gentleman now states that our war expenditures will aggregate $16,000,000,000. How much of that are we raising by taxation?

Mr. LONGWORTH. About $4,000,000,000; and I say that we are to-day, at the present rate of taxation, raising about one-third of our total war revenue by taxation, which is more than any European nation is doing to-day or has ever done. The gentleman from Michigan [Mr. FORDNEY] to-day called attention to the fact that the entire expenses of our Civil War were financed not to exceed 20 per cent by taxation.

Mr. KEATING. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. KEATING. Can the gentleman give the House any figures showing the relative income of the American people and the English people? I suggest that for the purpose of determining whether, if we levied the same rate as other countries, we would produce a sufficient revenue to make a 50-50 proposition feasible?

Mr. LONGWORTH. I will answer the gentleman in this way: It is estimated that we shall need, to meet the total disbursements for 1918, sixteen billion and some odd million dollars. To raise 50 per cent of that by taxation would necessitate a tax of something over $8,000,000,000. Now, according to the figures the gentleman quoted, given by the gentleman from North Carolina [Mr. KITCHIN] this morning, even the imposition of the rates now provided in England would fall short of raising 50 per cent of our expenditures.

Mr. KEATING. Will the gentleman pardon me again?

Mr. LONGWORTH. Yes.

Mr. KEATING. The original understanding, as stated by the chairman of the committee, was that our expenditures—the expenditures that we were making to finance the American Army—would be met "fifty-fifty." It was always understood that we were not to count the loans to the allies; and when I said this morning that by adopting the English rates we could produce sufficient to pay 50 per cent of our war expenditures, I meant the amount needed by the American Army, which the gentleman states will be $16,000,000,000.

Mr. LONGWORTH. I have stated that the total estimated revenues this year would be $12,000,000,000, of which $4,000,000,000 would be derived from taxation. I stated that our total expenditures are expected to be $16,000,000,000.

Mr. KEATING. Fifty per cent of which would be $8,000,000,000?

Mr. LONGWORTH. Yes. Fifty per cent of that would be $8,000,000,000. Would the gentleman from Colorado advocate the raising of over $8,000,000,000 by taxation immediately?

Mr. KEATING. I think under the figures submitted by the gentleman from North Carolina [Mr. KITCHIN] it is perfectly clear we can take the English figures and add three billions more. I would be perfectly willing to go that far.

Mr. LONGWORTH. According to that, we would be imposing heavier taxes here after one year of war than England is after three years of war.

Mr. KEATING. Are we not in a better position to do so?

Mr. LONGWORTH. Gentlemen, we are not in a better position. To inflict on the American people such a tremendous taxation as that in the first year of the war, when expenditures are running to these enormous figures, might well result in the absolute crippling of the industries of this country. It might result in our failure to proceed as we should proceed in speeding up the conduct of this war. More than any other nation in the world we are justified in postponing the payment of a major part of our war expenses to the succeeding generation, because this country will double in population within the next 20 years.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time on this section has expired.

Mr. PARKER of New Jersey. I ask unanimous consent to proceed for five minutes on this subject.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I wish to speak here and now because the figures that have been referred to impress every Member of this House with the fact that even the boundless wealth of this country could not stand a continuance for many years of expenses at this rate.

I shall vote for this bill. I shall vote for any bonding bill or any tax bill that will help this country win this war. But I submit that the Committee on Ways and Means, which asks the House to tax the country in this way, has the responsibility to satisfy itself that the money granted has produced and produces results. In the report on this bill is a schedule which shows that under the War Department in the Aviation Corps there have been nearly $800,000,000 expended and that $1,000,000,000 are to be expended in this year. The war began a year ago, and as far as we can learn not one single fighting plane has been constructed, and that they are not being constructed because our bureau would not follow foreign models or foreign engines, and what they have made will do for what is called bombing planes or to carry ordnance, but not for the swift fighting plane, of which we have absolutely none to protect our boys in Europe.

We find in that same schedule over $3,000,000,000 for ordnance, to be increased to nearly $4,000,000,000. If we are good housekeepers we should inquire whether America has yet, after the lapse of a year, furnished a single cannon of any kind—not to speak of large cannon—to the American Army. At the beginning of the year our Ordnance Bureau were furnished with samples of the French 75-millimeter gun, the very best gun in the world for ordinary use. They delayed seven months with experiments, to see whether they could better it, and then adopted it after all; but those precious months are lost, and in the five following months we have completed none, and the guns which our troops have abroad are borrowed from our friends.

We know the need of ships and over $1,000,000,000 have been granted to the Shipping Board, and we do not know but some other funds have been used in shipping construction. These ships are expected to carry food to our boys, as well as to our allies, and in order to do that they must be faster than any 17-knot submarine, so that the submarine may not view them by day, steam ahead of them till day is over, and wait for them by night. The fast vessels of the American Line have gone without escort from the beginning of the war without difficulty. Slow ones are sunk. The submarine has a speed of 17 knots, and these new standard vessels are planned to make from 12 to 14 knots only, so that without convoy they are absolutely useless. Do we or not want ships that will carry our troops and our supplies in safety?

Eight hundred million dollars for aeros, and none made; thousands of our boys in aviation abroad and at home without planes to train in or fight. No artillery! Troops coming from crack cavalry squadrons in camps have been dismounted and their horses given to men who can not ride, while they have been told they were machine-gun men, and they have no machine guns with which to practice and only one to take to pieces.

It is time to know the facts and for pitiless publicity.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The Clerk will read.

The Clerk read as follows:

SEC. 3. That section 4 of said act approved September 24, 1917, is hereby amended by adding two new paragraphs, as follows:

"That holders of bonds bearing interest at a higher rate than 4 per cent per annum, whether issued (a) under section 1, or (b) upon conversion of 4 per cent bonds issued under section 1, or (c) upon conversion of 3½ per cent bonds issued under said act approved April 24, 1917, or (d) upon conversion of 4 per cent bonds issued upon conversion of such 3½ per cent bonds, shall not be entitled to any privilege of conversion under or pursuant to this section or otherwise. The provisions of section 7 shall extend to all such bonds.

"If bonds bearing interest at a higher rate than 4 per cent per annum shall be issued before July 1, 1918, then any bonds bearing interest at the rate of 4 per cent per annum which shall, after July 1, 1918, and before the expiration of the conversion period prescribed by the Secretary of the Treasury, be presented for conversion into bonds bearing interest at such higher rate, shall be deemed to have been converted on the dates for the payment of the semiannual interest on the respective bonds so presented for conversion, last preceding the date of such presentation, and no adjustment of accrued interest shall be made in respect thereof."

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I am amazed by the suggestion advanced by the gentleman from Ohio [Mr. LONGWORTH] that increased rates of taxation would cripple business. It would seem to me that his suggestion can not be reconciled with the profits that big business and big industry have been pocketing for the past two or three years.

The current report of the Commissioner of Internal Revenue shows that corporations returned for the year ending June 30, 1916, taxable net income of $5,184,442,389.17 and for the year ending June 30, 1917, $8,693,841,327.21, so that during the last fiscal year corporations had a net taxable income of $3,509,378,938.04 in excess of the previous year. These figures do not include the incomes of individuals and firms, nor do they show incomes used for paying expenses, interest, taxes, or replacements or extensions of plants, so that the grand total would be an incredibly stupendous sum. The past two years has been the time for heaping up vast fortunes—for the creation of millionaires and multimillionaires. We now have 206 persons in the United States who admit to yearly incomes of over $1,000,000, there are 10 who have yearly incomes of over $5,000,000, while 53,569 of our citizens admit to and pay taxes on incomes exceeding $20,000 per year, and 14,000 of the latter are millionaires and better. It is stated that the past two years has seen the American millionaire class multiplied more than three times.

During the years 1912, 1913, and 1914, 48 American industrial and trading corporations now engaged in war trafficking averaged net annual profits aggregating $255,050,567. For 1915 their net profits were $412,348,513; for 1916, $900,301,596. These corporations made in 1916, $640,083,669 in excess of the prewar average of 1912, 1913, and 1914. In other words, the net earnings of these companies applicable to dividends in 1916 were more than three times the average net earnings of the prewar period. These companies have, for the most part, not only made gigantic war profits applicable to dividends but have paid for ex-

tensions to their plants, so that their actual earnings are really much greater than stated. These figures do not include the big powder companies nor others of the most greedy of the war contractors, and are merely illustrative of a general situation.

Complete figures are not available; however, such reports as we have indicate that war profits were very much greater for 1917 than for 1916. For instance, in 1916 the Central Leather Co. netted $15,489,201; it is estimated that in 1917 it netted over $24,000,000. In 1916 the Republic Iron & Steel Co. netted $14,789,163; it is said to have made over $22.000,000. In 1916 the United States Steel Corporation netted $271,531,730; it probably made over $550,000,000 this year. In 1916 the Granby Consolidated Mining, Smelting & Power Co. netted $3,819,295; in 1917 it made about $5,000,000. In 1916 the Ray Consolidated Copper Co. netted $12,084,166; in 1917 it probably made $14,500,000. In 1916 the Chino Copper Co. netted $12,527,948; in 1917 it made about $13,600.000. In 1916 the Lackawanna Steel Co. netted $12,218,234; in 1917 it probably made $24,000,000. There is every indication, therefore, that 1917 was a bumper year, in which America's profiteers accumulated from the war sums of money unparalleled in financial history. It is estimated that American corporations engaged in making war profits made in 1917 war profits of $3,600,000,000 in excess of their average profits during prewar years. These calculations show a situation at once shocking and deplorable.

Yet these poverty-stricken corporations can not stand additional taxation. The multiplication of millionaires is going on now. It has gone on steadily since war was declared. Since our country entered into this terrible struggle it has gone on with increasing momentum. The people who are making money out of this war ought to be made to pay for it, so far as they are able. No man has a right to come out of this war richer than he went into it. When men are laying down their lives in defense of that flag, when men are pouring out their blood for America, the idea that we shall have in our land a lot of swivel-chair profiteers who are heaping up profits and fattening their fortunes out of the distress of our country is intolerable and a stench in the nostrils of every patriot.

But it is not alone that feature of the matter. It is that in order to save the men who are making millions that we are putting burdens on generations yet unborn. and maybe for a thousand years. The gentleman from Iowa suggests that he has lost sight of the debt that we were incurring. Mr. Chairman, that is one of the most important things; one that we must keep always in mind. All men must die. It is a small thing to die. We have all got to die some time. It is a sweet thing to die for one's country——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. I ask unanimous consent for five minutes more.

Mr. HULL of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending section close in——

Mr. MOORE of Pennsylvania. I would like to say a word about the paragraph itself.

Mr. HULL of Tennessee (continuing). In 10 minutes, to be occupied by the gentleman from Alabama and the gentleman from Pennsylvania. And further, reserving the right to object to the gentleman's request, although it is against my individual desire, if we get this bill through the House this afternoon we will be obliged to confine the discussion to the section and amendments.

Mr. HUDDLESTON. I want to call the gentleman's attention to the fact that there has been no debate on this side except that which was taken up by the committee.

Mr. HULL of Tennessee. I concur with the gentleman, and I am listening to his remarks with interest and approval.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HUDDLESTON. It is sweet to die for one's country—in the service of one's country. I do not know of any way a man might better choose to die. But it is not sweet to destroy one's country; it is not sweet to lay taxes on babes yet unborn. It is not sweet to jeopardize the future welfare of our country for a hundred years. That is what it means when we go on with interminable bond issues. That is what it means when we incur debts that a dozen generations can not pay. Those that are to come after us have their rights. They will commit their follies; it may be they will have their wars. They must suffer for their own folly and misdeeds. It is not right that we should anticipate and lay upon them the burdens of this generation and punish them for the folly, cowardice, and selfishness of this generation.

So, as I say, that it is with great reluctance that I vote for this bond issue as long as the rate of taxation is kept where it is.

It is with great reluctance that I vote for the issuance of bonds when I see vast fortunes being piled up in the coffers of men who do not need the money, but get it merely for the pleasure they gain by the getting. I hate to vote for a bond issue under any such circumstances. I want to say that the time is near at hand when I for one shall refuse to further burden the future. I say that because it is the best way I have to protest against such a policy. I want to give the Government all the money it needs to carry on the war. I am willing to strip myself to the bone and give my last cent. I am anxious that we should do everything necessary to carry on the war, but I am not willing that we should jeopardize the future of our country by a reckless and suicidal financial policy that will lead to the financial ruin and bankruptcy of the future.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. GREEN of Iowa. I think the gentleman could not have carefully listened to my remarks, for what I hoped to make plain was that I was in favor of a larger taxation and a smaller bonded indebtedness. What I did say was that I was not so anxious about the interest as I was that in the future we might win this great battle.

Mr. HUDDLESTON. As it is necessary, every Member will vote for it. But what I am pointing out is that it is a crime against the country to continue to issue bonds when there are idle and selfish dollars in the pockets of the rich that should be put into the war alongside of the boys in the trenches. We are fighting for the honor and dignity of our country. Let property make its sacrifices as well as the humble citizen. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to speak briefly on the convertibility clause under consideration and to show the steps by which we have arrived at the rate of 4¼ per cent interest. The act of April 24, 1917, provided a rate of 3½ per cent. In section 5 it provided that—

> Any series of bonds issued under authority of sections 1 and 4 in this act may, under such terms and conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than the rate at which the same were issued, if any subsequent series of bonds shall be issued at a higher rate of interest before the termination of the war—

And so forth.

That was the beginning. The rate of interest was fixed at 3½ per cent by this act of April 24, 1917, with the understanding, written into the law, that if there were any subsequent issues of bonds at a higher rate of interest than 3½ per cent those bonds might be converted to the higher rate. That condition still holds in regard to the 3½ per cent bonds if they have not been converted. If at any future time a higher rate than 4¼ should be agreed upon by some other Congress, the three-and-a-halfs, as such, would be convertible at the higher rate. Many holders have already availed themselves of the opportunity to convert the 3½ per cent bonds into 4 per cent bonds under the act of September 24, 1917. That act, which marks the second step in interest fixing, provided for such conversion, but limited the process as follows:

> *Provided*, That if the privilege of conversion so offered under this act shall once arise and shall not be exercised with respect to any convertible bonds, within the period so prescribed by the Secretary of the Treasury, then such privilege shall terminate as to such bonds, and shall not arise again, though again thereafter bonds be issued bearing interest at a higher rate or rates.

In practice that means that if you take advantage of the opportunity to convert a 3½ per cent bond into a 4 per cent bond you are limited to the 4 per cent rate, or if you convert a 4 per cent, as authorized under this act of September 24, 1917, to a higher rate of interest, there could be but one such conversion, and then the limit would be reached.

The Secretary evidently has had some difficulty in the matter of conversion certificates. It is stated in the hearings that no less than twenty million separate certificates have been issued. Converting these bonds from a lower to a higher rate of interest would mean an amount of manual and clerical labor the volume of which can scarcely be estimated. It would mean expensive delay, it would mean interference with the regular course of business; but apart from that phase of the question the Secretary of the Treasury seemed to think that the time had come when, in order to sell bonds, and to prevent people holding off for future higher rates of interest, that it had better be written into the law once for all "this is where we stop." That is what this new law does. It provides that the rate of interest shall be 4¼ per cent, and that when you get to 4¼ per

cent you will get no further. That is the meaning of the new provision in this law. The rate of interest is to be 4¼ per cent, with notice to speculators or hoarders that it is useless to hold off expecting to get a higher rate of interest.

We have permitted bonds at 3½ to be converted to 4 per cent, so that all might be upon an equality, and now comes the suggestion that the 4 per cent shall go up to 4¼ per cent. But here we stop. Those who have not converted the 3½s can go to 4¼ and those who have 4s can go up to 4¼, but that is the end. It is notice to all that the promptest purchases of bonds at the new and final rate will be the most patriotic.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read as follows:

SEC. 5. That section 7 of said act approved September 24, 1917, be, and is hereby, amended, by adding two new paragraphs, to read as follows:

"In determining the value of the shares of any national bank, State bank, trust company, or other banking institution, for the purpose of taxation by any State, or any of the possessions of the United States, or any local taxing authority, the par amount of any bonds or other interest-bearing obligations of the United States owned by such bank, trust company, or banking institution shall be deducted from its assets.

"If any part of this section shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this section, but shall be confined in its operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered."

Mr. PLATT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 7, line 2, after the words "United States," insert the words "issued during the present war."

Mr. PLATT. Mr. Chairman, inasmuch as the gentleman from North Carolina [Mr. KITCHIN], the chairman of the Committee on Ways and Means, has indicated that he has no objection to this amendment, I do not care to occupy any time in discussing it.

Mr. HULL of Tennessee. I would like to inquire whether the gentleman has read the statement of the Secretary commenting on this provision?

Mr. PLATT. I have; and I have heard the Comptroller of the Currency argue in favor of this provision before the Committee on Banking and Currency, and I think neither of them had any serious objection to this amendment, which simply provides that liberty bonds shall be the ones deducted from the value of assets of a bank for taxation, and not their old 2 per cent bonds, the bonds they have held for a long time and under which they have secured circulation.

Mr. HULL of Tennessee. I am frank to say to the gentleman that so far I have not seen any substantial objection to his amendment.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. STAFFORD. Would the wording of the amendment of the gentleman cover obligations of the Government issued during the existence of the war, but in redemption of bonds under prior authorizations before the war began? The gentleman merely provides in his amendment that this exemption shall only apply to bonds, interest-bearing obligations of the United States, issued during the present war. I assume that the Government is from time to time issuing bonds and issuing new bonds under prior authorizations.

Mr. PLATT. I think the gentleman is mistaken about that.

The refunding of bonds is a financial operation carried on at a time when interest rates are falling, but the Government would hardly redeem any 2 per cent bonds and issue 4 per cent bonds in their place. I do not think that sort of thing is being done now. I have no objection to changing the wording of my amendment and putting in the dates of the issues, though I do not think it is necessary.

Mr. STAFFORD. I thought perhaps such phraseology as "issued under authorizations during the present war" would limit it merely to the bonds issued and authorized during the present war.

Mr. PLATT. I have no objection to that, if the committee thinks it is better.

Mr. MERRITT. Would the purpose not be accomplished if the gentleman added to his amendment language to the effect the "bonds now used for purposes of circulation" should not be deducted? Those are the bonds you do not want to exempt. As a matter of fact, all of the States have been taxing without regard to the United States bonds held as a basis for circulation, and the States ought not to be penalized now in connection with those bonds which have been held for years and which have not affected State taxation.

Mr. PLATT. That is the exact reason why I put in the words "issued during the present war."

Mr. MERRITT. I know, but I think the gentleman could make it more certain by putting on a further limitation.

Mr. PLATT. Well, I hardly think it is necessary, it makes the amendment more complicated, and I do not think that any bonds issued before our declaration of war should be deducted.

Mr. MERRITT. Panama bonds.

Mr. PLATT. Bonds issued during the present war will be naturally bonds issued for the purpose of the war. Other wording can be inserted if thought best. I have no pride of authorship; I want to make the amendment accomplish the purpose, to shut out bonds which were long held by banks for the purpose of securing circulation, or for the purpose of securing United States deposits, or for investment. The purpose of the section is to aid the sale of liberty bonds and to give some relief to banks which have been compelled to tie up their funds in liberty bonds or Treasury certificates in order to do their part toward winning the war.

Mr. CANNON. Mr. Chairman, I must confess I am not clear what this means. I have great confidence in the gentleman from Tennessee, as well as the Members of the House generally. I put the question to the chairman of the committee and he has given me an answer. I take it, if the capital of a bank was a million dollars and it held a million dollars in Government bonds, why, it would not have any taxation to pay if this provision remains in the bill.

Mr. PHELAN. I can answer the gentleman that question——

Mr. CANNON. Very well.

Mr. PHELAN. If the gentleman will change his question a little bit. It should be capital, surplus, and undivided profits. If a bank holds an amount of Government bonds equal to the amount of its capital, surplus, and undivided profits, roughly speaking, there will be no tax by the State under this provision.

Mr. CANNON. Of anything?

Mr. PHELAN. There will be no taxation on the shares of stock in the bank, I should have said. I want to be accurate about it, that is all.

Mr. CANNON. The gentleman wants to be accurate. Well, I do not know but that will raise the devil with the revenues of the States if enacted into law.

Mr. PHELAN. I am not arguing; I have answered the gentleman's question. I have looked into this thing very carefully.

Mr. CANNON. Does the gentleman from Tennessee agree with my friend's statement?

Mr. HULL of Tennessee. I will say to the gentleman, upon the statement made by the Secretary of the Treasury and from such information as I have from other sources, that has been my impression of the purposes of this amendment.

Mr. CANNON. Then there will be no taxation of any national bank or State bank, provided they own liberty bonds equal to their capital, surplus, and undivided profits if this bill should become a law?

Mr. SNYDER. Will the gentleman yield for a question?

Mr. CANNON. I am trying to find out what it means.

Mr. SNYDER. I just want to see if we can not get some information about that——

Mr. CANNON. I have just had it answered, and I want to verify it a little further.

Mr. SNYDER. I want to find out if these certificates that are now issued previous to the bond issues could be considered as bonds in that same calculation.

Mr. STEVENSON. That are convertible into bonds?

Mr. SNYDER. Yes; to see if they would be considered the same as bonds for the purpose of taxation.

Mr. PHELAN. Certainly.

Mr. HULL of Tennessee. As they are interest-bearing obligations of the Government.

Mr. CANNON. I do not believe I am for this provision if the gentleman is correct. It bothers me. Every dollar of capital evidenced by shares of stock, every dollar of surplus, every dollar of undivided profits in my State, when most other property is assessed about one-third of its value, is assessed at its par value and collected. If a bank invests the amount of its surplus and undivided profits in these bonds, it goes scot free of all taxation.

Mr. LAZARO. And State taxation?

Mr. CANNON. Yes; and State taxation.

Mr. TOWNER. Will the gentleman yield?

Mr. CANNON. Why, yes.

Mr. TOWNER. I will say to the gentleman that I think that he is hardly correct as he now states it.

Mr. CANNON. I have stated it in another way, just as I put it to the gentleman from Tennessee.

Mr. TOWNER. Perhaps they did not understand it; if they did I do not think they answered correctly. As now stated, if

a bank holds national bonds equal to the amount of its capital stock and surplus it follows that its capital stock and surplus would be exempt. That is not true unless its capital stock and surplus is represented by United States bonds. If all its capital stock and surplus were invested in United States bonds it would be all exempt. The fact is that every Government obligation is exempted. There is nothing in the bill and there is nothing in the law that allows any person or corporation to be exempt from property other than Government bonds. In taxing capital stock or in taxing the surplus or in taxing shares of stock to a bank they must be excluded and exempted; but you can not say because a bank owns a lot of national bonds that therefore to the extent of those national bonds their capital stock, which is not national bonds, shall be exempt from taxation. That is not true. It is only the national bonds themselves that are exempt from taxation.

Mr. CANNON. Most of what little I have is in two or three little country national banks, and, of course, I would go absolutely scot free of taxation provided——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. I ask that the gentleman have five minutes more.

The CHAIRMAN. Does the gentleman from Illinois desire more time?

Mr. CANNON. I can come again if I can not find out what this means.

Mr. DOMINICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on this amendment I think that it might be well for all of us to try to understand exactly what it means. There seems to be some difference of opinion as to exactly what will be the effect of this amendment as proposed in section 5 of the bill.

Under section 5219 of the Revised Statutes provision is made by which States are allowed to tax the shares of national banks, the principal restriction being that in taxing those shares the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State. That was put in the act in 1864, and almost from the beginning of the time it was put there it has been before the Supreme Court of the United States, and from time to time has been affirmed and reaffirmed, until to-day, Mr. Chairman and gentlemen, it is practically elementary law. Under the case of Van Allen against The Assessors, in Seventieth United States, the Supreme Court of the United States sustained the scheme of taxation by the States and did not permit any deductions on account of National Government bonds held by a national bank. That was a case from New York, where a $100,000 bank had $100,000 in Federal bonds. They claimed that their shareholders were entitled to a deduction on account of that $100,000 in bonds. The Supreme Court of the United States said that they were not; that in a corporation there are four elements of taxation, either one of which, or all, may be taxed, namely: First, the franchise; second, the capital stock in hands of the corporation; third, the shares of the stockholders; fourth, corporate property. The taxation of the capital stock of the bank and the taxation of the shares of the shareholders is an entirely different and distinct interest in the eyes of the law.

That proposition is supported and reaffirmed in Cleveland Trust Co. against Lander, in One hundred and eighty-fourth United States, and all along down until the most recent decisions of the Supreme Court along this line. What is the reasoning of it? I will read from one of these cases, which sets it out as succinctly, I think, as it can be set out. I will read from the leading case, the first case, Van Allen against the assessors:

> A State possesses the power to authorize the taxation of the shares of national banks in the hands of the stockholders whose capital is wholly invested in stocks and bonds of the United States. The tax on shares is not a tax on the capital of the bank, but upon a distinct, independent interest or property held by the shareholder.

Now, the court says:

> The interest of the shareholder entitled him to participate in the net profits earned by the bank in the employment of its capital during the existence of its charter in proportion to the number of his shares, and upon dissolutions or termination to his portion of the property that may remain in the corporation after the payment of its debts. This is a distinct, independent interest or property held by the shareholder like any other property that may belong to him. It is this interest which the act of Congress has left subject to taxation by the States under the limitations, as will be seen by referring to the sections passed by Congress allowing States to tax shareholders in national banks. This case has been affirmed and reaffirmed time after time.

Mr. Justice Peckham, in the case of Bank of Commerce against Tennessee, says:

> The capital stock of a corporation and the shares into which such stock may be divided and held by individual shareholders are two distinct pieces of property. The capital stock and the shares of stock in the hands of the shareholders may both be taxed, and it is not double taxation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOMINICK. Now, Mr. Chairman and gentleman, that is the law as made by the act of 1864, by section 5219 of the Revised Statutes, and as construed by the United States Supreme Court. And I will say, furthermore, that my investigation of this subject has been that that same construction has been followed by every jurisdiction in this country with the sole exception, so far as I can find, of the courts of Connecticut and New Jersey. Now, under that, what may we do? Under that authority our States have been taxing the banks. They have taxed the State banks, and, as is stated here in the report of the Ways and Means Committee, they have indirectly been taxing national banks, and they ought to have done it. The Ways and Means Committee, though, says that the States have not had the source of revenue heretofore, and it has never been supposed that they would get anything from the taxation of Government bonds, and they are not being deprived of anything to which they are entitled. Why, Mr. Chairman, I do not know who could have penned that report and made such a statement, because under the laws of practically every State they have such provisions in them for the taxation of banks, and the States of this counttry have been collecting taxes from the shareholders of national banks as well as from their own State banks.

Mr. MOORE of Pennsylvania. The language to which the gentleman refers is the language of the Secretary of the Treasury.

Mr. DOMINICK. Well, he certainly was not advised of the law in the case when he penned it. And I understand, Mr. Chairman, that this same proposition in a modified form, referring only to national banks and not the State banks, has been before your Banking and Currency Committee, and they have had two hearings on it, and that committee, after looking into the matter thoroughly, have failed to report it to this House; and yet they come in here now and try to get this proposition through under whip and spur in a bill that we are all going to vote for, and repeal a law that has been in existence since 1864, after 10 or 15 minutes of discussion.

What will be the effect of the passage of this act? Where will it put us? The gentleman from Pennsylvania has risen in his seat this afternoon and stated that if it passes his State will be deprived of $3,000,000 in taxes.

Mr. McFADDEN. Will the gentleman yield?

Mr. DOMINICK. Certainly.

Mr. McFADDEN. Does the gentleman think this Congress has the right to deprive the State of the right to tax its own chartered institutions?

Mr. DOMINICK. No, sir; I do not. But at the same time they have the power to put this as one of the conditions in these bonds. They have that power. I think that is undoubted. Some States have that provision in their bonds, and such provisions have been construed and sustained by the Supreme Court of the United States. Now, what is the effect in case this section stays in the bill? The gentleman from Illinois [Mr. CANNON] in his understanding of this section, as to its real meaning, was absolutely accurate in his understanding. If you have a bank, under this act, with $500,000 capital and $750,000 in surplus and undivided profits and that bank owns $1,250,000 of United States bonds, the shareholders of that bank will be credited with an exemption of that amount of bonds and they will pay not one single dollar of State, county, or municipal taxes.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. DOMINICK. Yes, sir.

Mr. McFADDEN. Will not this mean that the banks, including both the State and National banks, will buy these bonds for the purpose of avoiding taxation?

Mr. DOMINICK. They are bound to do it. You can not keep them from it.

During the bonding campaigns, I have done my share and assisted in every way possible to make these campaigns a success. I was glad to do this. It is my duty as well as my pleasure to do everything possible that is necessary for the proper carrying on and winning of this war. They have said that they want to make these bonds popular; they want to bring them to the

people. The last loan that was floated was subscribed by 9,000,000 of people.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STAFFORD. Mr. Chairman, does the gentleman desire more time?

Mr. DOMINICK. I hate to impose upon the committee, but I would like to have probably 10 minutes more.

Mr. STAFFORD. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PLATT. Mr. Chairman, will the gentleman yield for a question?

Mr. DOMINICK. I would be glad to.

Mr. PLATT. Is it not the fact that there are some States where the banks are allowed to deduct, just as this section provides, as to State bonds?

Mr. DOMINICK. Yes, sir.

Mr. PLATT. Is it fair that they should deduct State bonds and the Federal Government should not do it?

Mr. DOMINICK. I do not say that the Federal Government has not the power to do this. I am talking about the justice of it. What is it going to do and what effect is it going to have on the States and counties and municipalities? We are in this situation at the present time: As the gentleman from Pennsylvania [Mr. McFADDEN] says, his State will lose $3,000,000 in taxes this year on account of it. Every State in this Union will be affected by it. Practically every State legislature of every State in this Union has now adjourned for this year. They have had their tax budgets made up. They have their levies fixed. They have their appropriations made to run their schools, to build their roads, and to carry on their war activities and to carry on their ordinary governmental functions. If you are going to break in on them in this way, what is going to be the result?

When my time was up a moment ago I was about to say that the last liberty loan was subscribed to by about 9,000,000 people. To-day we want to float a $3,000,000,000 issue of bonds. We have floated $2,000,000,000 in one issue and we have floated $3,000,000,000 and odd in another issue, and now an issue of three billion more is to come. How were those two issues subscribed? The first issue of bonds was oversubscribed by 52 per cent. The second issue of bonds was oversubscribed by 54 per cent. Does that look as though there is need of any stimulation now and special favors and privileges to banks and banking corporations in order to float this one? You are going to work and in this act you are giving them 4½ per cent interest on their bonds, gentlemen. Is not that enough? Are you going to present them with the whole business right here and give them larger interest and at the same time exempt them from taxation?

Gentlemen is it right, is it fair, is it reasonable to the States? Let us not forget, just because we are engaged in war legislation, that we have certain statutes, certain governmental affairs, that have got to be carried on notwithstanding the war.

There are over $600,000,000 of these liberty bonds now owned by the national banks alone. The chairman of the Committee on Ways and Means stated this morning, in response to my question, that probably the savings banks and the State banks owned much more of bonds than the national banks. There are $1,104,000,000 in old style Government bonds now owned by the national banks. With one fell swoop you will take all this tax money away from every State in this country.

Are you going to cripple your States, are you going to cripple your counties, are you going to cripple your schools in order to do this? Does the Committee on Ways and Means come in here and say it is necessary to have this legislation in order to sell these bonds? Oh, no. Does it come in here after hearings? No; just with the bare statement that we have got to provide against something which seems not to be existing at this time.

Mr. LONGWORTH. If the gentleman will pardon me there, there were various hearings on this subject with the Secretary of the Treasury.

Mr. DOMINICK. I understood the gentleman from North Carolina [Mr. KITCHIN] to say that there were no hearings on that subject.

Mr. MOORE of Pennsylvania. If the gentleman will permit, I will state that on pages 16, 17, 18, 19, 20, and 21 of the hearings the Secretary of the Treasury goes fully into his reasons for asking for this legislation.

Mr. KITCHIN. If the gentleman will pardon me, I understood him to ask me if there had been extended hearings, supposing he meant of people coming in from different States, giving their views on that question, and I answered "No." I did not mean that the Secretary of the Treasury did not mention it.

Mr. DOMINICK. I misunderstood the gentleman.

Mr. KITCHIN. I did say that the Secretary of the Treasury recommended exempting the State banks.

Mr. McFADDEN. I have read the statement of the Secretary of the Treasury, and I think he failed to answer the question that the gentleman is now raising.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. DYER. Mr. Chairman, I ask that the gentleman may have a minute more, if he desires it.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. DOMINICK. Yes.

Mr. DYER. According to the hearings as I read them, the Secretary of the Treasury stated that the States now had no legal right in effect to tax bonds of the National Government, and that the Government did not have the right to tax municipal bonds.

Mr. DOMINICK. When the Secretary of the Treasury stated that the State governments had no right to tax the shares of the shareholders in the national banks, so far as these bonds are concerned, he made a statement utterly at variance with the law as laid down by the Supreme Court of the United States, because the States have that right, without allowing any exemption or deduction on account of the bonds that are being held.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. KEATING. If the States did not have that right, all that would be necessary would be for the corporation to go into court?

Mr. DOMINICK. Yes; and in South Carolina we licked them out in it.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. BANKHEAD. Is it the intention of the gentleman to offer an amendment to correct the evils of which he complains?

Mr. DOMINICK. Yes. At the proper time I will sumbit an amendment to strike out the entire section.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. PHELAN. When the gentleman stated that some of the States went into court, what did he mean?

Mr. DOMINICK. Some of the banks went into court to get exemption on account of Government bonds held and owned by the banks.

Mr. PHELAN. But the gentleman concedes this, that the power of the State to tax the shares of banks is derived from specific provision by Congress, and the Congress has the power to change that if it so desires, and it has the power to change this provision if it so desires?

Mr. DOMINICK. Yes.

Mr. PHELAN. And that Congress has the right to do that if it so desires.

Mr. DOMINICK. There is no doubt about that.

Mr. PHELAN. And it has the power to pass this provision if it so desires.

Mr. DOMINICK. Yes. I am trying to ask the House not to do that.

Mr. McFADDEN. Does not the gentleman feel that if this section is left in the bill it would be entirely consistent to include insurance companies and railroads and other corporations that hold bonds?

Mr. DOMINICK. If you are going to include one class of corporations, I think you might as well cut a melon and pass it around and let all the corporations have a share of it.

A few days ago, in providing for the sale of enemy-owned docks at Hoboken, a great deal of sympathy was expressed for that city on account of the fact that when the Government takes over these docks the city of Hoboken will be deprived of about $140,000 in taxes each year, the reason given being that it will probably set a precedent that may not come in handy some of these days when Government ownership of railroads and other public utilities is appearing so large on the horizon. But now we are coming in through the Ways and Means Committee, not to establish a precedent, but flying in the face of a precedent—nay, not a precedent, but flying in the face of a law that has been enacted by Congress, that has been upheld and declared to be

just and right by our Supreme Court—and asking this Congress to take from the States, from the counties, from the municipalities millions and millions of dollars in taxes for this year and for years to come.

I sincerely hope that when my motion to strike out the section is offered it will be carried.

Before concluding my remarks I ask leave to insert as a part of my remarks a portion of a brief which collates the authorities on this question, this brief having been prepared by myself when assistant attorney general of the State of South Carolina.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

The principal question involved in these two cases, and the questions in each case are practically identical, is as to the power of the State in taxing the shares of the shareholders in banks to include in the value of such shares such amounts of nontaxable bonds as may be owned by the bank itself.

The method of taxation of banks in South Carolina and in practically all of the States is as provided in sections 341 to 358 of the Code of Laws of South Carolina, Volume I, 1912. From a reading of these statutes it will be seen that no property belonging to a corporation or bank is taxed whatever and no taxes paid on corporate property, except the real estate owned by the banks. All other taxes are paid, based on the value of the shares belonging to the shareholders.

Section 341 provides that these shares shall be listed at their true value in money, and that the words "true value in money" shall be so construed as to mean and include all surplus or extra moneys, capital, and other species of personal property of value owned or in possession of any such bank. These same words are used in section 5 of Article X of the Constitution of 1895, and it is thus seen that it is contemplated, both in the statutes and in the Constitution that all personal property of whatever nature or kind shall be included in making up the value of the shares in banking institutions.

It is contended in these cases, however, that the bonds which are in question in the cases at bar are not subject to taxation on account of a provision in said bonds exempting them from all State, county, and municipal taxation. This position can not be maintained, and it has been so often decided by the courts contrary to the contention of the plaintiffs, it seems now to be a question requiring no argument whatever.

As is well known, all bonds issued by the National Government contain such a clause exempting them from taxation. The Supreme Court of the United States, and other authorities, have time and again held that such exemption in such bonds does not go to the extent of allowing an exemption on the value of the shares belonging to the shareholders in said bank.

The leading case on this question is the case of Van Allen *v.* Assessors, 70 U. S., 229; 18 Law Ed., 229. The syllabus in that case says: "A State possesses the power to authorize the taxation of the shares of national banks in the hands of the stockholders whose capital is wholly invested in stocks and bonds of the United States. The tax on shares is not a tax on the capital of the bank, but upon a distinct, independent interest or property held by the shareholders.

"This was a case where the whole of the capital stock of the bank consisted of stocks and bonds issued by the United States under various acts of Congress and it was insisted that the shares of the bank held by the stockholders were not subject to assessment and taxation under said authorities. The court held that the State possesses the power to tax the whole of the interest of the shareholders in the shares held by them. The tax on the shares is not a tax on the capital of the bank. The corporation is the legal owner of all the property of the bank, real and personal, and within the powers conferred upon it by the charter and for the purposes for which it was created, can deal with corporate property as absolutely as a private individual can deal with his own. This familiar law will be found in every work that may be opened on the subject of corporations.

"The interest of the shareholder entitled him to participate in the net profits earned by the bank in the employment of its capital during the existence of its charter in proportion to the number of his shares, and upon dissolutions or termination, to his portion of the property that may remain in the corporation after the payment of its debts. This is a distinct, independent interest or property held by the shareholder like any other property that may belong to him. It is this interest which the act of Congress has left subject to taxation by the States under the limitations, as will be seen by referring to the sections passed by Congress allowing States to tax shareholders in national banks. This case has been affirmed and reaffirmed time after time."

In the case of the Cleveland Trust Co. *v.* Lander (184, U. S., 111; 46 Law Ed., 456) it is said that a tax on shares is not equivalent to a tax on the property of the corporation, and therefore the shareholders are not entitled to have a deduction upon the value of the shares of the amount of capital stock of the bank which is invested in United States bonds.

"If the statute requires that the shares of incorporated banks shall be listed for taxation at their true value in money, the value of the United States bonds held by a bank is not to be deducted from the capital stock in fixing for taxation the value of the shares held by its stockholdeds." (Cooley on Taxation, Vol. I, 709.)

"Nor is it an unlawful discrimination against the national banks that that portion of their capital stock which is invested in United States bonds, or their nontaxable securities, is not deducted in valuing the holdings of their shareholders since the tax is levied not on the capital so invested which is the property of the bank, but upon the shares of stock which are the property of the stockholders." (37 Cyc., 839. Supported by numerous State and Federal decisions in footnote.)

"The question has frequently arisen whether or not an exemption of the capital stock and property of a corporation will relieve the individual stockholders from taxation upon their shares of stock, and the decided preponderance of authorities supports the view that it will not, but the contrary doctrine prevails in Connecticut and New Jersey." (2d A. E. & L., Vol. XXII, p. 356.) Footnote.—"The same rule has been applied in cases where the exemption on capital stock arose from the fact that it was invested in national securities which are exempt from taxation, or that the corporation was a national bank." Citing any number of and numerous cases from the United States Supreme Court, Alabama, Indiana, Kentucky, Louisiana, Maine, Maryland, New York, North Carolina, Tennessee, and Texas.

The syllabus in the case of People *v.* Commissioners (71 U. S., 244; 18 Law. Ed., 344) says: "Taxation on the share of a shareholder in a national bank is not illegal because the tax commissioners in the valuation of the share refused to deduct the amount of capital of the bank invested in United States securities." "It is not illegal as being at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens, upon the ground that allowance was made to individuals on account of United States securities held and owned by them, when at the same time the deduction was disallowed to the shareholders."

In the case of Farrington *v.* Tenn. (95 U. S., 687; 24 Law Ed., 558) the court says: "One other thing it appears to me should be regarded as settled beyond doubt, which is, that a tax upon a corporation proportionate to the capital stock or to the number of shares of its capital stock is a different thing from a tax upon the individual shareholders of stock in the corporation. The capital stock and shares of that stock in the hands of stockholders are different properties and consequently distinct subjects for taxation. An exemption of the one is not of itself an exemption of the other, nor is the taxation of the one a tax upon the other in such a sense as to interfere with any exemption of the latter made for other taxation."

In the case of Tennessee *v.* Whitworth (117 U. S., 129; 29 L. Ed., 830) it is stated: "It is no doubt true that the legislature may make a difference for the purpose of taxation between the capital stock of a corporation in the hands of the corporation itself and the shares of the same capital stock in the hands of the individual stockholders. That has often been done, and the cases are numerous where the exemption of shares has been claimed because of a charter exempting all capital stock. Notably this was the case with national banks. The capital stock of such banks invested in United States securities is not taxable by the State, but the shares of the stock in the hands of the individual stockholders may be taxed without deduction on account of such an investment. This has been held from the beginning." Citing Van Allen *v.* Assessors (70 U. S., 229); Bradley *v.* People and People *v.* Commissioners (71 U. S., 344); Lyonberger *v.* Rouse (76 U. S., 721).

"The capital stock in the hands of the bank is exempt because invested in securities which are not to be taxed, but the shares in the hands of the stockholders are by the very terms of the banking act put for the purpose of said taxation on the same footing as other moneyed capital. This, it was said, showed the intention of Congress to exempt the bank for what was invested in Government securities, but to charge the stockholder. In all cases of this kind the question is as to the intent of the legislature, the presumption being against any surrender of the taxing power."

In corporations four elements of taxable value are sometimes found. First, franchises; second, capital stock in hands of corporation; third, corporate property; and, fourth, shares of the capital stock in the hands of the individual stockholders.

Each of these is, under some circumstances, a separate subject of taxation and it is no doubt within the power of a State, when not restricted by constitutional limitations, to tax them in such a way as to subject the corporation or stockholders to double taxation. Numerous cases along this line may be cited, but, in our opinion, the principles as announced in the Van Allen case and other decisions are conclusive. In addition, however, to the authorities cited, the attention of the court is respectfully directed to the elaborate and well-considered notes upon this subject to be found in Fiftieth L. R. A., pages 513–527, under State Board of Equalization *v.* The People of Illinois, ex rel. Grogian et al. (195 Ill., 528); also note of L. R. A. 1915C pages 386–389, under First National Bank of Hillsboro *v.* Board of Commissions of Traill County (25 N. Dak., 625).

The distinction here made has been generally recognized and followed, as shown in a note in L. R. A. 1915C, 389:

"It is quite generally held that in assessing the value of corporate stock for purposes of taxation a deduction should be made of the amount invested in national securities and other property owned by the corporation that is exempt from taxation when the tax is upon the corporation, but when the tax is upon the shares in the hands of the stockholders, or is assessed against the corporation as agent of the shareholder, to be deducted from the dividends, no deduction is to be made."

The distinction is based upon the doctrine that capital stock or property and assets of the corporation, and the shares of stock in the hands of individual stockholders, are separate properties for the purpose of taxation.

In fixing the value of shares of stock of a national bank or other corporation for purposes of taxation, no deduction is made on account of the capital of the corporation invested in United States bonds, State bonds, and other securities which are exempt from taxation. This proposition is sustained by cases cited in note in Forty-fifth L. R. A., 757, and the following cases: Home Insurance Co. *v.* New York (134 U. S., 594; 33 L. Ed., 1025; 10 Sup. Ct. Rep., 593); Palmer *v.* McMahon (133 U. S., 660; 33 L. Ed., 772; 10 Sup. Ct. Rep., 324); Cleveland Trust Co. *v. Lander* (184 U. S., 111; 46 L. Ed., 456; 22 Sup. Ct. Rep., 394, affirming 62 Ohio Stat., 266; 56 N. E., 1036); Charleston National Bank *v.* Melton (171 Fed., 743); Ex parte State (— Ala., —; 66 So., 1); Batterson *v.* Hartford (50 Conn., 558); National State Bank *v.* Burlington (119 Iowa, 696; 94 N. W., 234; First L. R. A., 1915C); National Bank *v.* Independence (123 Iowa, 482; 99 N. W., 142); First National Bank *v.* Board of Reviewers (41 La. Ann., 181; 5 So., 408); Home Insurance Co. *v.* Board of Assessors (42 La. Ann., 1131; 8 So., 481); Parker *v.* Sun Insurance Co. (42 La. Ann., 1172; 8 So., 618); Board of Liquidation *v.* Thomas (42 La Ann., 605; 8 So., 482); Bank of Oxford *v.* Oxford (70 Miss., 504; 12 So., 203); Mechanics' National Bank *v.* Baker (65 N. J. L., 113; 46 Atl., 586, affirmed on other grounds in 65 N. J. L., 549; 48 Atl., 582); Pullen *v.* Corporation Commission (152 N. C., 548; 68 S. E., 155).

The North Dakota court, discussing this question in the case of the First National Bank of Hillsboro (24 N. Dak., 635; L. R. A., 1915C, 386–391), said:

"This argument of double taxation has frequently been made under these same circumstances in behalf of banks and the holders of shares of bank stock. It has not been allowed by the better considered or modern cases. Its basis is untenable. It proceeds upon the theory that the bank and its shareholders are one. Counsel in this case have argued at great length, and presented an array of figures to demonstrate that the bank pays upon its shares upon a valuation largely in excess of their par value. This is all wrong. The bank does not pay a penny of taxes upon the shares except as agent for the stockholders, and for all money so paid it reimburses itself from the dividends or other property belonging to such shareholders. The shareholders pay no tax upon the real estate. That is the property of the bank. The shareholders and the bank are as distinct for purposes of taxation as separate individuals. In law the bank is an entity, a person, with its

individual assets and individual liabilities. Among these individual liabilities is its obligation to pay to its stockholders the face value of the shares of stock held by them. True this obligation may not mature until the bank ceases to do business; but it is no less a sacred obligation. If, then, the property of the bank be sufficient as between the creditors of the bank, the law, for reasons of public policy, makes the shareholder a deferred creditor, but he is none the less a creditor. His certificates of stock constitute the evidences of the bank's indebtedness to him. He can not object that such evidence of indebtedness is taxed, because the law says it shall be taxed. He can not object that the real estate of his debtor, the bank, is taxed, because the law says it shall be taxed. Taxation is the rule; exemption from taxation is the exception. He who claims exemption must be able to put his finger upon the law creating the exemption. True it is that the contract of the shareholder with the bank is such that he is entitled to share in the net profits made by the bank. It is this feature that brings his stock above par; and the value of his stock is dependent, in a measure, upon the earning capacity of the bank; or, in other words, upon the amount of net profits to be divided. Of course, every item of necessary expenses paid by the bank reduces this amount, but the stockholder has no more legal right to say that the bank shall not pay its indebtedness to the State than it has to say that it shall not pay its hired clerk.

In the case of Van Allen *v.* Assessors (Churchill *v.* Utica) (3 Wall., 573; 18 L. Ed., 229), it is said: "The corporation is the legal owner of all the property of the bank, real and personal, and within the powers conferred upon it by the charter, and for the purposes for which it was created, can deal with the corporate property as absolutely as a private individual can deal with his own." And again: "The interest of the shareholder entitles him to participate in the net profits earned by the bank in the employment of its capital, during the existence of its charter, in proportion to the number of his shares; and, upon its dissolution or termination, to his proportion of the property that may remain of the corporation after the payment of its debts. This is a distinct, independent interest or property, held by the shareholder like any other property that may belong to him. Now, it is this interest which the act of Congress has left subject to taxation by the States, under the limitations prescribed." In that case it was held that while the capital stock of the bank was invested in United States bonds that were exempt from taxation, nevertheless the shares of stock in the hands of shareholders were subject to taxation. To same effect is New York *v.* Tax and Assessment Commissioners (4 Wall., 244; 18 L. Ed., 344), Palmer *v.* McMahon (133 U. S., 660, 33 L. Ed., 772; 10 Sup. Ct. Rep., 324).

In Farrington *v.* Tennessee (95 U. S., 687; 24 L. Ed., 560) it is said: "The capital stock and the shares may both be taxed, and it is not double taxation," and many authorities are cited to support the proposition. Further, Mr. Justice Swayne enumerates in that case as taxable property, in addition to the capital stock: (1) The franchise to be a corporation, etc., citing Hamilton Manufacturing Co. *v.* Massachusetts (6 Wall., 632; 18 L. Ed., 904; Wilmington & Western Railroad Co. *v.* Reid (13 Wall., 264; 20 L. Ed., 568). (2) Accumulated earnings. State ex rel. Mutual Benefit Life Insurance Co., prosecutors, *v.* Utter (34 N. J. L., 493; St. Louis Mutual Life Insurance Co. *v.* Charles (47 Mo., 462). (3) Profits and dividends. Attorney General *v.* Bank of Charlotte (57 N. C. (Jones Eq.), 287). (4) Real estate belonging to the corporation and necessary for its business. Wilmington & Western Railroad Co. *v.* Reid (13 Wall., 264; 20 L. Ed., 568); Bank of Cape Fear *v.* Edwards (27 N. C. (5 Ired.), 516).

In Tennessee *v.* Whitworth (117 U. S., 129; 29 L. Ed., 830; 6 Sup. Ct. Rep., 645) Mr. Chief Justice Waite, after referring to the national-bank cases already cited, says: "In corporations four elements of taxable value are sometimes found: (1) Franchise, (2) capital stock in the hands of the corporation, (3) corporate property, and (4) shares of the capital stock in the hands of the individual stockholders." Again, in Bank of Commerce *v.* Tennessee (161 U. S., 134; 40 L. Ed., 645; 16 Sup. Ct. Rep., 456), Mr. Justice Peckham says: "The capital stock of a corporation and the shares into which such stock may be divided and held by individual shareholders are two distinct pieces of property. The capital stock and shares of stock in the hands of the shareholders may both be taxed, and it is not double taxation."

The Second Ward Savings Bank *v.* Milwaukee (94 Wis., 587; 69 N. W., 359) is identical in principle with the case at bar. The plaintiff in that case was a State bank, but it does not affect the principle. In that case the court said: "It is contended that to tax the bank upon the value of this real estate is, under the circumstances, double taxation—first, in taxing the shares of its stockholders; and, second, in taxing the real estate of the bank, the legal owner of it. Now, the tax on the shares of stock which are owned by the stockholders is not a tax on the capital or capital stock of the bank, nor is it a tax on the real estate of the bank." And, after fully citing the authorities, the court concludes: "The objection that the taxation complained of is double taxation, and therefore illegal, can not be sustained. Double taxation is defined as the 'requirement that one person or known subject of taxation shall directly contribute twice to the same burden, while other subjects of taxation, belonging to the same class, are required to contribute but once.'" (Cooley, Taxation, 2d Ed., 225.) Here there is a diversity of person as well as of subject of taxation. The shares of stock are the legal property of the stockholders, and, although the value of the stock is founded upon and dependent upon the value of the property of the corporation, they are nevertheless a species of property altogether separate and distinct in character and ownership from the capital or property of the bank. The shareholders, as such, are not the owners of the capital or property of the bank, the title to which is vested in the bank itself. It can not, therefore, be said that the case presented is one of double taxation, either as to person or subject."

"These authorities we regard as overwhelming, and their reasoning is very satisfactory. It follows that neither the plaintiff bank nor its shareholders were doubly or unjustly taxed."

In Alderman *v.* Wells (85 S. C., 518), this court said:

"There is much room for discussion and difference of opinion as to what really amounts to double taxation. But the weight of authority and reason sustains the taxation of shares of stock in a corporation to the holder thereof, notwithstanding the corporation has paid taxes on its property and also on its franchises. The rents and profits derived from real estate, and the products of the farm may be taxed, though the land from which they are derived has also been taxed. The profits of a business may be taxed, though the property in the business, bought on credit, has been taxed to the owner, and the debt he owes therefor has been taxed to the creditor; and the property covered by mortgage may be taxed to the owner, and the mortgage thereon to the mortgagee. (Cooley on Taxation (3d ed.), 387, et seq.)

"These may be instances of double taxation in one sense, yet they are not within the rule of uniformity and equality prescribed by the Constitution, which forbids the taxation twice of the same property for the same purpose, while other property, under similar circumstances and conditions, is taxed only once.

"There is no constitutional inhibition against such taxation, and in the absence of constitutional restriction the power of the legislature to tax is limited only by its own discretion and its responsibility to its constituents. It has been said the power to tax is an inherent right of sovereignty, necessary to its existence, and limited only by its necessities. Judge Cooley, in his works on Taxation, at page 392, says: 'We make out, therefore, no conclusive case against a tax, when we show that it reaches twice the same property for the same purpose.' This may have been intended, and, in many cases at least, is admissible."

Mr. HULL of Tennessee. Mr. Chairman, I desire to state to the committee what was in my mind, and what I think was in the minds of the Ways and Means Committee, and possibly in the mind of the Treasury Department in suggesting this provision of the bill. My view, at least, was that the purpose of this provision was to provide that in determining the value of shares of stock for the purpose of State taxation the values of Federal bonds should be excluded. If you include them you must in the calculation exclude them in determining the value of the shares of stock for the purpose of State taxation. Persons may figure the matter under this rule in different ways, but that was the purpose in the minds of at least some of us in the consideration of this provision.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. HULL of Tennessee. Yes.

Mr. GARRETT of Texas. I will state a hypothetical case. Suppose a bank has a capital stock of $100,000, and that it has assets aggregating $400,000. It possesses $100,000 worth of Government bonds on the day that the assessment is made. How much could be levied against that bank for State, county, or municipal purposes?

Mr. HULL of Tennessee. I am not sure that I understand all of the gentleman's question.

Mr. GARRETT of Texas. My proposition is this: A bank with $100,000 capital stock owns $100,000 of the 4½ per cent Government bonds, or any other denomination, but it has assets, including capital, surplus, loans, and all of those things, aggregating $400,000. Now, when you assess that bank under this bill, how much will be left there, if anything, for the State, county, and municipality to assess for taxation?

Mr. HULL of Tennessee. I would say to the gentleman that the bill provides the rule which I undertook to state. Anyone can apply it to the several sets of figures the gentleman has stated. But keeping in mind the fact that if he once includes the value of these Federal securities he must, before he completes his calculation, exclude those values, and he can then determine the value of the shares of stock from the remainder.

Mr. GARRETT of Texas. But the value of the stock is $100,000. The bonds are $100,000. If the bank had no other assets except those, it would pay no taxes whatever. But if the bank has other assets, how are you going to reach those other assets, to tax them for State, county, or municipal purposes? Will not the bank contend, under this law, that having only $100,000 of capital stock, and having $100,000 worth of Government bonds, it has nothing to render for taxes, and that they shall not inquire into its other assets?

Mr. BARKLEY. Will the gentleman yield there for a suggestion?

Mr. HULL of Tennessee. Yes.

Mr. GARRETT of Texas. I understand the gentleman to answer "yes" to my question.

Mr. HULL of Tennessee. I am yielding to the gentleman from Kentucky.

Mr. BARKLEY. The gentleman from Texas overlooks the fact that this deduction is made from the total aggregate assets and not from the capital stock, and in the case he mentions the total aggregate assets would be $400,000, and the deduction for Government bonds would be $100,000, and there would be left $300,000 on which to levy for State, county, and local taxes.

Mr. HULL of Tennessee. It gets back exactly to the statement I first made, that you must exclude the value of whatever amount of Federal bonds were embraced, and then you can make the computation on the value of the other assets as you see fit.

Mr. GARRETT of Texas. I understand the point made by the gentleman. He is trying to equalize the burdens; but how about other individuals, of whom there are millions in the country that are buying these bonds? When their property is assessed for taxation there is no deduction made on account of bonds they own. For instance, a man has $10,000 worth of property located in a State and he mortgages the property and buys $5,000 worth of bonds. When the tax assessor comes around he would say to him, "You assess the property at $5,000,

because I own $5,000 of bonds"; but they will assess it at $10,000 just the same.

Mr. HULL of Tennessee. Mr. Chairman, unless the rule I stated is correct, various views and objections might arise. If I am correct in the statement of the proposition, gentlemen are free to apply it to any taxpayer according to the nature of his assets and taxable property.

Mr. PHELAN. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. PHELAN. The gentleman will concede that if any bank has a sufficient amount of bonds the State will have no power to tax the shares of that bank stock at all, will he not?

Mr. HULL of Tennessee. That might be possible if there are no other assets of value to be looked to.

Mr. PHELAN. The owners of the shares of the bank stock would not be required to pay any tax at all under this provision.

Mr. HULL of Tennessee. That might be possible in the manner I have stated.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HULL of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for three minutes without interruption.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DOMINICK. May I ask the gentleman one question?

Mr. HULL of Tennessee. Yes.

Mr. DOMINICK. Would the gentleman object to giving the committee the reason for limiting the exemption to national banks, State banks, and trust companies, and not making the exemption apply to other corporate stocks.

Mr. HULL of Tennessee. First I desire to say that the committee found this situation: It found that there existed in the country four and a half billion dollars in State, county, and municipal securities, most of them tax free. Most of that huge amount is tax free both as to Federal, State, and local taxes. They are being offered on the market against our Federal securities, which are subject to super, income, and other taxes. The committee also found that banks holding these Federal bonds and subject to State taxation as to shares of stock in certain respects were being penalized to such an extent that, according to the Statement of he Treasury Department, they could not undertake to purchase and hold these bonds to any great extent.

Now, if States and counties are to be allowed to keep on the market four and a half billion of tax-free bonds, with no right on the part of the Federal Government to touch them, when the Federal Government comes, in turn, for the purpose of financing the war, to issue the requisite number of billions of dollars of Federal bonds, which shall be tax free as to States, counties, and municipalities, the committee thought, as the Treasurer thought, that it was only just to the Government that these bonds should have immunity from State and local taxation, just as the State and other localities demand immunity from Federal taxation of their securities. If the tax hand of the State is not laid on these bonds, then there is no complaint on the part of gentlemen; but if the States are undertaking to impose another tax, in addition to the present Federal tax, on the Federal bonds when purchased by the bank, I insist that the matter is deserving of serious and immediate consideration on the part of Congress while this emergency exists.

Mr. DOMINICK. In regard to the statement as to the difference between the tax-free State bonds and the tax-free Federal bonds, is it not a fact that under the acts authorizing bonds that have been issued by the Federal Government there will be three or four times as many Government bonds in existence, and that three-quarters are in the hands of individuals which will be tax free without any further legislation?

Mr. HULL of Tennessee. There will be billions of Federal bonds, and unless the Government should issue billions, in order to fight and win the war, the bonds of the States themselves will be worth nothing.

Mr. PLATT. Mr. Chairman, should not a vote be taken on my amendment first, before a motion to strike out the whole paragraph is entertained?

The CHAIRMAN. All debate on the amendment of the gentleman from New York is exhausted.

Mr. DOMINICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Carolina stated that there would be liberal debate, and the Chair has indulged Members somewhat. The gentleman from Iowa is recognized.

Mr. TOWNER. Mr. Chairman and gentleman of the committee, I think, if the committee will follow me for just a few moments, this matter may be cleared up in so far as the law is concerned, and I shall not discuss any other proposition. Under existing law every dollar of bonds which is held by any State or national bank is exempt from any form of taxation against that bank. To illustrate: A bank has a capitalization of $100,000. Half of it is held in Government bonds. You can not tax that bank more than $50,000 in any State in the Union. If a bank has $100,000 capital and has $100,000 surplus, you can not tax a single dollar of that surplus if it be invested in Government bonds.

Mr. DOMINICK. Mr. Chairman, I would like to ask the gentleman where he gets his authority for that statement?

Mr. TOWNER. There is the authority of the United States Supreme Court. The taxation is against the bank itself. There is no authority that holds that the part that is represented by Government bonds is not exempted from taxation, and there are a hundred decisions of the Supreme Court that recognize that proposition.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Not now. I shall pretty soon, if I get the time.

Mr. WINGO. I wanted to know if I understood the gentleman. Does the gentleman mean the capital stock or the stock certificates?

Mr. TOWNER. I am speaking now, and speaking only, of capital stock and surplus of the banks. There has never been any exception to the rule that, in so far as the capital stock was represented by bonds or the surplus was represented by bonds, the bank had the right in any taxation against it to have those bonds exempted, and that is the law now.

I want to speak now about the exception. There grew up this character of exception, which was referred to by the gentleman from South Carolina. A State may tax shares of stock of a bank in the hands of the stockholder, without deducting in determining their value the United States bonds held by the bank. That was the decision in the case of Van Allen *v.* Assessors (3 Wall., 584), quoted by the gentleman. There were many subsequent cases on that same proposition. This was true as to both National and State banks. This was true even in cases where the State law taxed the shares to the individual owner, but compels the national bank or the State bank to pay the tax and make the tax a lien on the stock and dividends of the bank. That was justified for this reason: The Supreme Court made the distinction that it was taxing or endeavoring to tax the value of the shares of the individual shareholders, but still holding to the proposition that when it came to the taxation of the banks every dollar of bonds was exempt from State taxation, and that rule has never been varied in the United States. But now when it comes to a question of taxing in any form the shares of the bank in the hands of the individual owners of the bank, then the Supreme Court has always held since its first decision that they were not allowed to take into consideration any part of the capital stock of the bank that was represented by United States bonds.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. In a moment. We come now to this consideration of the proposition that gentlemen seem to be so much bothered about. They say here that if a bank has $400,000, represented by $100,000 in capital, and $100,000 of surplus in bonds, that that exempts the capital, and therefore it escapes all taxation. That is not true. If all of the capital is represented by bonds, all of the capital would be exempt, and every dollar of the surplus would be subject to taxation. If $100,000 of the surplus was represented by bonds, then that $100,000 would be exempt, and the other $300,000 would be subject to taxation. There is no exception to that proposition. It is the bonds in the hands of the bank or the persons who own the bonds that always are exempted from taxation and have been always, from the commencement down to the present time. I now yield to the gentleman from South Carolina.

Mr. DOMINICK. I want to ask the gentleman if it is not a fact that the general system of taxation is not practically in all of the States, taxation of the banks by taxation on the shares of the shareholders?

Mr. TOWNER. I think there are a good many, I will say to the gentleman, and I want to say to the gentleman that I am not discussing the advisability of this legislation, but I am trying to clear up the situation with regard to the law.

I will now yield to the gentleman from Texas who interrupted me a moment ago.

Mr. GARRETT of Texas. I want to ask the gentleman this: Where the bank has $100,000 capital stock and $200,000 surplus and undivided profits and $300,000 worth of Government bonds, what would be subject to taxation?

Mr. TOWNER. The $300,000 of bonds would make the bank worth $600,000. Every dollar of it represented by bonds would be exempt from taxation, but when you come to tax the shares

of that stock in the hands of individual owners, then there would be no exemption from Government bonds.

Mr. GARRETT of Texas. I do not think the gentleman understood my question.

Mr. TOWNER. I think so.

Mr. GARRETT of Texas. I said the bank is worth $300,000 in capital stock, surplus, and undivided profit——

Mr. TOWNER. Yes.

Mr. GARRETT of Texas. And bought $300,000 of Government bonds, and now that is all the deposits it has——

Mr. TOWNER. The gentleman says the bank bought $300,000 of Government bonds. Does the gentleman mean by that that they use their entire capital stock and entire surplus in the purchase of bonds? Then, so far as the tax against the national banks was concerned you could not tax a dollar against the national banks, but under existing law the State could tax the shares held by individual owners against the individual owners even though every dollar of it was represented by United States bonds. That is the distinction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHELAN. Mr. Chairman, I think there is some confusion existing in the minds of some as to what this means. This is what I understand it to mean, and we have gone over the thing very carefully in our committee room: Suppose a bank has $300,000 of capital, surplus, and undivided assets. Suppose a bank has United States bonds among its assets to the amount of $300,000. Then, this provision will mean that no State can put any tax on that bank.

Mr. BARKLEY. Will the gentleman yield?

Mr. PHELAN. Not just now; I shall in a minute. Let us see how it is taxed to-day. Here is what the States do, roughly speaking, and see if it is not the logical thing for them to do. Take the amount of the assets—suppose they are $1,300,000—and then take the amount of the liabilities, say $1,000,000, what is the value of the stock? The value of the stock is $300,000, and all that any State can tax any individual shareholder of that stock is his proportionate amount of that $300,000. I repeat, the assets are $1,300,000, the liabilities are $1,000,000, the value of the bank stock is $300,000. I realize that capital is considered a liability, and I am not perhaps entirely accurate, but broadly speaking, the case I put represents the method. That is just as plain as anything can be. Now, this says that in determining the value of bank shares, held by individuals of bank stock, the amount of liberty bonds shall be deducted from the bank's assets. That means you deduct the $300,000 held by the bank in United States bonds from the $1,300,000 and you get the assets remaining of $1,000,000. You have a million dollars liability, and therefore, for taxing purposes the stock is worth nothing. I think that is as clear as can be. I have taken it up with some members of the Treasury Department, and they say that is so.

Mr. TILSON. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. TILSON. What about a case where the State taxes according to the market value of the national-bank stock—that is, taxes the stockholders according to the market value of the stock?

Mr. PHELAN. I understand that that will not make but little difference for this reason—it may make a difference, but the difference will be this: In order to determine what the market value is you are going through practically the same process as to what the assets and liabilities are.

Mr. TILSON. You go and sell it.

Mr. PHELAN. Just a minute. You find out what the difference is. Now, that difference represents roughly the value of that stock. In the opinion of some men it might be worth a little more, and in the opinion of somebody else, worth a little less; but for our purposes it is just as I have stated it; hence it is possible under this provision that the holder of bank stock will not be required to pay any tax. In speaking I may have been a little confusing and I may have said something about taxing the bank. Let me explain so that I will not cause any misapprehension. Under the existing law States can not tax a national bank. They can tax by provision of the national law the shares in the hands of individual owners; and customarily in many States, although the individual shares owned by individuals are taxed, the banks, as a matter of practice, pays the tax Under our law, however, the States can not tax the national bank itself.

Mr. TILSON. I can not understand why the market value of the stock will be any less because a greater or less amount is invested in Government bonds.

Mr. PHELAN. That is the provision, and here is the point of the thing: The market value does not change in the slightest degree; but for the purposes of taxation the value does change, and that is what this deals with. This has nothing to do with the market value or the real value. It says just as plainly as can be that for the purposes of taxation the amount of bonds held by the banks shall be deducted, and it is just as I have stated.

Mr. TILSON. The State law says that the taxes shall be determined according to the market value of the stock. Now, if the investing in Government bonds does not affect the market value of the stock at all, and it sells just as high after you have invested in Government bonds as before——

Mr. PHELAN. I do not want to yield too much time. It will work out that way, regardless of market value. I want to speak about the provision itself.

We had this bill before our Committee on Banking and Currency. I want to be absolutely frank with the Members and say that I was opposed to the provision in the Banking and Currency Committee when it first came in there. At the present time I think the only justification for this provision is the justification for so many other things—the fact that we are at war. At the present moment I am in favor of this provision and I am going to vote for it, but I think it can be defended simply as a war proposition. Now let me explain why that is.

We must distribute these United States bonds through this country. The best means we have to-day of taking care of these bond issues is through our banks. If our banks do not take these bonds we are going to have trouble in getting them distributed to the public. Mention has been made just now about how much they have been oversubscribed. That is true. But why have they been oversubscribed? Because the banks have oversubscribed for them, and at this very moment the banks are large holders of these bonds.

If we are going to continue to put out these bond issues and if we are going to continue to place the burden upon our banks of carrying along this kind of asset, a kind of asset which they ought not to carry in normal times to any great extent, because they ought to be doing commercial business, then we have got to take care of the banks while we are asking that duty of them. The whole trouble comes down to this—the country is not in as good a position as it ought to be to absorb all the bond offerings of this country. The country has not yet waked up to a realization of the fact——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Texas. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. I want to ask him a question.

Mr. PHELAN. I would like to have a few minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PHELAN. The fact is, the country has not realized to the full extent how necessary it is for every individual in the Nation to save money to finance this war. [Applause.] The banks can not finance this war; the Government can not finance this war; all the corporations of this country can not finance this war, unless every individual in the country does his part, and to do that part he has got to save.

There are two things that are necessary to carry on this war successfully from a financial point of view—just two things. Those are increased production and increased saving. Up to the present time the people of this country have not been in the habit of saving sufficient money to absorb this great bond offering. As a result, the banks have been obliged temporarily—and I hope the time will be as short as possible—to carry along these bonds. Since we are putting that burden upon the banks, I think we may give them this privilege. I think it is a great privilege, and I think it is a privilege I would be reluctant to give them in normal times; but I think we may give them this privilege now to encourage them at this time to carry bonds and buy bonds as issued by the United States Government. Under normal conditions I should not want to see the banks invest to any great extent in bonds of any kind, even Government bonds. As a matter of banking business, I should prefer to see their funds otherwise invested. This, however, is war time. The emergency apparently demands the purchase of liberty bonds in large volume by the banks. The all-important thing now is the success of the liberty-bond sale. This provision offers an inducement to the banks to purchase liberty bonds at a time when we must be assured of the certain success of our liberty-bond flotation. This, to my mind, is the justification for this provision.

Mr. GARRETT of Tennessee. I want to remind the gentleman that this bill does not provide that this shall be only for the war. It goes beyond the war.

Mr. STEVENSON. That is a point that I wanted to call to the gentleman's attention.

Mr. PHELAN. I agree with the gentleman; and if I had my way, I would limit it. But I will not quibble as to that, and although I may not agree in full with everything and although I may think that all the provisions of the bill in normal times would not do, I am not going to hesitate at the present time. There is some difference between making this exemption in favor of banks and making it in favor of other corporations. I will say frankly that, logically, when we exempt State and National banks in this way it might be perfectly proper to exempt other corporations. But there is a decided difference. That is that these other corporations are not bearing the burdens that the banks are bearing relative to our United States bonds.

The corporations have been generous and patriotic it is true, and they have been buying these bonds and helping all they can, but the great burden has been on the banks; discrimination may well be made in favor of the banks in this bill.

There has been reference made to the State bonds. There are some States—the State of New Hampshire, for instance—that have this provision in their law, that any State bank that holds State bonds shall have a privilege similar to this. In other words, a bank in the State of New Hampshire holding State bonds will be permitted to have a deduction made equal to the amount of those bonds for taxation purposes. In those respects and in some other respects the State bonds have an advantage over the national or Federal bonds. We are taxing United States bonds in some cases and not taxing State bonds under our income tax laws.

All that enters into this question. As I said at the beginning, however, I went into this matter in the beginning opposed to the proposition, but I say the justification for it is that we are at war, and we have to use the banks to distribute these bonds and carry them along. That is the justification, and under the present conditions I think it is sufficient justification for the passage of this provision in this act.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield there?

Mr. PHELAN. Yes.

Mr. STEVENSON. I wanted to ask the gentleman if his proposition to approve this is based on the exemption of banks for all bonds held, or simply bonds issued during this war?

Mr. PHELAN. So far as I am concerned, I do not believe I would make any discrimination.

Mr. STEVENSON. The $800,000,000 that they have now for circulation purposes would be included.

Mr. PHELAN. I might say this: The thing I am interested in is to give the banks this preference, so that they may have additional inducement to carry these bonds until the time shall have arrived when the people of this country have found out that it is their duty to save their money and can absorb the great volume of bonds that is now being distributed in this country. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. HULL of Tennessee. Mr. Chairman, has the gentleman from South Carolina [Mr. DOMINICK] offered his motion to strike out?

Mr. DOMINICK. I sent it up to the desk, but it has not yet been reported.

Mr. HULL of Tennessee. I suggest that the amendment of the gentleman from New York [Mr. PLATT] be first acted upon.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PLATT].

Mr. WINGO. Mr. Chairman, I understand the committee has no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. DOMINICK: Strike out section 5.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from South Carolina.

Mr. WINGO rose.

Mr. GREEN of Iowa. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa will be recognized. He is a member of the committee.

Mr. GREEN of Iowa. Mr. Chairman, if there is anything that is disheartening at a time like this, when we are not only carrying on a great war but have reached one of the most momentous crises in our affairs ever known in the whole history of the country, it is to have gentlemen arguing here that some particular section of the country is going to pay extra taxes by reason of bills that we present. Yet it has often been the case. Gentlemen forget that war inevitably makes hardship and always creates some inequalities. When we brought out the war finance corporation bill we were told that some sections of the country would not get their share of the money to be furnished by the corporation if certain provisions were retained in the bill, just as if it were a pork-barrel proposition that had been submitted.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield. The gentleman had more than 15 minutes.

Mr. DOMINICK. I was just going to ask the gentleman a question.

Mr. GREEN of Iowa. I decline to yield to the gentleman. He had more time than I shall ask for.

The CHAIRMAN. The gentleman declines to yield.

Mr. GREEN of Iowa. When we had the war-revenue bill before the House there were gentlemen continually before us stating that their particular sections of the country would be injured by that bill, and they would not be able to carry on their line of business; that they were willing to do their share, and that they were patriotic, but when it came to that particular provision they were not willing to accept it.

Now, we have a provision here that is most important in financing this loan. Its purpose is to make it so that a bank will not be penalized by virtue of buying these liberty bonds. The ordinary purchaser can buy these bonds and not be taxed by reason of it, but if a man owns these bonds through the medium of a national bank, as the law stands a tax will be indirectly assessed upon them on account of it, and the banks will not take any more of them than they can avoid.

As the gentleman from Massachusetts [Mr. PHELAN] very well stated a little while ago, we have got to put the burden, in the first instance, of carrying these loans on the banks. They have to furnish the money for them. The checks are to be drawn upon them. They must carry a large amount of them, and if they are going to be penalized you may be assured that, no matter how patriotic their officers are, they will not rush to take them.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. LONGWORTH. And certainly the States will not be worse off than they were before.

Mr. GREEN of Iowa. No; the States will not be any worse off than they were before, and if the amendment is passed the provision will not continue in force after the war. The States will continue to collect all the taxes that they received before the war, as the bonds issued prior to the war are excepted from this provision. There is no danger that the banks will buy or keep too many of these bonds, for it would be unprofitable for them to do so. They do not want 4½ per cent bonds which do not have the circulation privilege when they can loan their money at 6 to 8 per cent. If they buy them, it will be through patriotic motives. The motion to strike out this provision ought not to prevail. If the provision is stricken out, the owners of the stock of the banks and the men interested in the banks have got to pay an extra amount of taxation by reason of the purchase of these bonds. Why should they be placed in a worse position than the individual who buys the bonds?

Therefore I say that at this particular time such a motion as this ought not to be urged and ought to be voted down.

Mr. WINGO. Mr. Chairman——

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. KITCHIN. Mr. Chairman, since all the debate on this section has been confined to the proposition of the gentleman from South Carolina [Mr. DOMINICK] to strike out the section, and has taken about an hour, I ask unanimous consent that we limit the debate on this to 15 minutes.

Mr. FORDNEY. Make it 10 minutes.

Mr. KITCHIN. I would rather have it 10 minutes. I want 5 minutes myself.

Mr. WINGO. I should like to have 10 minutes, because two of the speakers have absolutely overlooked existing statutes.

Mr. KITCHIN. Then I ask unanimous consent that all debate on this section and amendments thereto close in 20 minutes. I would like to have 10 minutes, and I suggest that the gentleman from South Carolina [Mr. DOMINICK] have the other 10 minutes to distribute.

Mr. CALDWELL. Reserving the right to object, does the gentleman from North Carolina intend to take the gentleman from Arkansas off the floor?

Mr. KITCHIN. Oh, no; certainly not.

Mr. CALDWELL. The gentleman's request for 20 minutes is after the gentleman from Arkansas concludes?

Mr. KITCHIN. Yes.

Mr. WINGO. I should like 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this section and all amendments thereto be concluded in 25 minutes, of which the gentleman from Arkansas is to have 5 minutes, the gentleman from North Carolina 10 minutes, and the gentleman from South Carolina 10 minutes. Is there objection?

Mr. FORDNEY. Mr. Chairman, I want to say that we are not going to finish this bill to-night unless we go on with it. Everybody is ready to vote on this question.

Mr. WINGO. I appreciate that; but this matter has been up five times in the last five years in committees of this House, and gentlemen who have discussed it, who are just as sincere as I am, have shown an absolute lack of knowledge of existing statutes.

Mr. FORDNEY. I should like to give all Members all the time they want, but——

Mr. WINGO. I have not taken any time on these banking and currency propositions, that really should have come from the Committee on Banking and Currency, and which have come up in this way because they could not come from the Banking and Currency Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. DOMINICK. I will yield to the gentleman from Arkansas five minutes in addition to the five minutes which he already has.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, in order to save time, I understand that the gentleman from South Carolina [Mr. DOMINICK] will yield to me 5 minutes, so that gives me 10 minutes.

The CHAIRMAN. Yes.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. SHOUSE].

Mr. SHOUSE. Mr. Chairman, I have listened with a good deal of interest to the gentleman from Arkansas [Mr. WINGO], a member of the Banking and Currency Committee, and I want to make two things very plain to this Committee of the Whole. In the first place, the gentleman has contended that this particular provision was killed in the Committee on Banking and Currency. That is not a fact. The bill that was sent to that committee by the Secretary of the Treasury sought to amend the section of the national-bank act dealing with the methods of State taxation, and it was on my motion that the——

Mr. WINGO. Will the gentleman yield?

Mr. SHOUSE. Excuse me just a moment; let me finish, and I will yield. It was on my motion that that bill was killed in the Committee on Banking and Currency by an overwhelming vote. That would have drawn the most distinct contrast between the State bank and the national bank. It would have given the opportunity for the national bank to invest its capital and surplus in liberty bonds, and thereby exempt itself from taxation. There is no question about that. This will give both the State bank and the national bank the same right.

Mr. WINGO. Will the gentleman yield?

Mr. SHOUSE. No. I will not yield yet. When I get through I shall be glad to yield, if I have the time. This puts the two on a parity and that is the necessary thing and the fair thing and the right thing to do.

Mr. WINGO. It is on that point that I want to ask a question.

Mr. SHOUSE. The gentleman seems to think that it is an awful thing to give the bank what he calls this opportunity to exercise subterfuge and to dodge behind a liberty bond issue, and come here——

Mr. WINGO. Mr. Chairman, I protest; I did not say the bank, I said the stockholder.

Mr. SHOUSE. If the gentleman will wait, I think I will make it very clear——

Mr. WINGO. But the gentleman has made a statement attributing to me a statement which I did not make.

Mr. SHOUSE. I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHOUSE. We all know that the banks of the country in practically every State in the Union to-day are not taxed. The gentleman from Arkansas does not pretend to believe that States tax banks, their capital or their surplus. The State taxes the shareholders of the bank in an indirect way, and the taxes paid by the bank—all of us know that, and all of us know, too, whether we vote for or against this, that if this section is left in the bill it will result in doing away temporarily, perhaps, with the present method of State taxation on bank stock. I am perfectly frank to admit that, and I am strongly for this section of the bill, but I do not think it is going to do away with the State's right to tax bank stock. I do not think this is going to take away from the State any privilege, but I think you are going to have the States devise a different method of taxing. What? Not liberty bonds, because you will not allow the capital and surplus to be taken into consideration if invested in liberty bonds, but the State will tax the franchise of the bank to do business. That is a perfectly proper tax. I do not believe you are going to deprive a State of one particle of its right to tax the shareholder of the bank on his investment.

Mr. SHERLEY. What would the gentleman say of the ability to change its law in the next year or two to meet the situation?

Mr. SHOUSE. The gentleman raised a question which is a serious question. It means either an extra session of the legislatures of the various States or would mean for a time the States are going to be asked to levy a greater tax on everything to make up for the deficits that will be caused by this exemption.

Mr. WINGO. Will the gentleman yield?

Mr. SHOUSE. But I will say the State ought to be willing to make the same sacrifice in this emergency that the individual is required to make, and if the State be deprived temporarily of some source of revenue that the State ought to be willing to cooperate with the National Government to supply from other sources the revenue that is taken away from it on the bank stock. I now yield to the gentleman.

Mr. WINGO. In the beginning of the gentleman's statement he said he was against this in the Committee on Banking and Currency.

Mr. SHOUSE. No, not this; I beg the gentleman's pardon.

Mr. WINGO. Against the proposition.

Mr. SHOUSE. I was absolutely opposed to the bill presented to the Banking and Currency Committee.

Mr. WINGO. The bill presented used the same language from line 22 down to and including the word "bank" on page 3, line 7, but the gentleman says the difference in this is that it also gave State banks and trust companies exemption.

Mr. SHOUSE. Yes.

Mr. WINGO. Does the gentleman want this House to believe that as a lawyer he tells them——

Mr. SHOUSE. I am not a lawyer. I defer to the gentleman from Arkansas in all matters of constitutional law.

Mr. WINGO. I am asking the gentleman a serious question. Does the gentleman contend that Congress can exempt the stock of these State banks from taxes upon——

Mr. SHOUSE. I will let the gentlemen answer that question himself to his own satisfaction.

Mr. WINGO. They can not do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOMINICK. Mr. Chairman, I will not impose on the committee by using my entire time, as the committee has been so generous to me when I made my argument a few minutes ago. The only thing I have to say now is that we must bear in mind one thing, and that is that the total resources of all the national banks and of all the State banks and trust companies of this country are about $67,000,000,000, which is about one-fourth of the entire estimated wealth of this country. With all of that wealth owned by them they will start to buying these bonds under this section, and it will be only a short while before all of these bonds will be owned by the banks and trust companies, and their present assets will be entirely free of State, county, and municipal taxation.

Now, it has been urged by the gentleman from Iowa [Mr. GREEN] that there is always sectionalism bobbing up in these discussions. I resent any imputation as to any sectionalism on my part in this matter. My argument is that if this section is stricken out it will not only prevent injury to my own State of South Carolina, but this is a matter affecting the entire country—all of the States, proportionately—the States containing the great money centers, as well as the smaller and less favored States in this particular. Certainly anyone coming from a litfle State like mine could not be fairly accused of sectionalism in this.

Mr. PLATT. Will the gentleman yield for a question?

Mr. DOMINICK. Gladly.

Mr. PLATT. Is not the gentleman assuming it is going to be to the interest of the bank to buy bonds and escape 1 per cent taxation when they can make 2 per cent by not buying bonds and using the money in other ways?

Mr. DOMINICK. The banks will want to buy these bonds to escape taxation?

Mr. PLATT. The taxation they want to escape is not as much as they can make by using money in other ways.

Mr. DOMINICK. The banks down my way, when the State had a double exemption in her bonds, were glad to get those bonds.

Mr. WINGO. The banks are now exempt.

Mr. DOMINICK. The banks do not pay one dollar in taxation under the present law, except upon their real estate. The tax is paid by the shareholder by levying that tax on the value of his share.

Now, some one has suggested that the State would still have the power of taxation of banks even if this section remains in the bill. Why, certainly they would have the power of taxation of banks, as they have now, but with this difference: When they have these United States bonds and tax the shares they will deduct the value of those bonds from their capital stock and surplus and undivided profits, from which they fix the value of the shares, and thereby they will escape taxation.

Now, Mr. Chairman, that is the case in a nutshell. I do not know that I have anything to add to what I have already said in this matter. I hope that my amendment will prevail and that this section will be stricken from the bill. [Applause.]

The CHAIRMAN. All debate is closed on this amendment. The question is on agreeing to the amendment.

The question was taken, and the chairman announced that the noes seemed to have it.

Mr. DOMINICK. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 79.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment:

On line 22, page 6, before the word "in," insert the following: "During and until one year after the close of the present war."

Mr. KITCHIN. I understood that the amendment of the gentleman from New York [Mr. PLATT] was voted on, and that that said "the bonds issued during the war."

Mr. RAKER. That is right, "bonds issued during the war," but this provision allows the deduction to continue forever.

Mr. KITCHIN. Nobody would buy them if they knew that as soon as the war was over bonds running for 30 years would be taxed.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 6, line 22, before the word "in" insert the words "during and until one year after the close of the present war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question being taken, on a division (demanded by Mr. DYER) there were—ayes 22, noes 79.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 6. That section 8 of said act, approved September 24, 1917, be, and is hereby, amended to read as follows:

"SEC. 8. That the Secretary of the Treasury, in his discretion, is hereby authorized to deposit, in such incorporated banks and trust companies as he may designate, the proceeds, or any part thereof, arising from the sale of the bonds and certificates of indebtedness and war-savings certificates authorized by this act, and arising from the payment of income and excess-profits taxes, and such deposits shall bear such rate or rates of interest, and shall be secured in such manner, and shall be made upon and subject to such terms and conditions as the Secretary of the Treasury may from time to time prescribe: *Provided*, That the provisions of section 5191 of the Revised Statutes, as amended by the Federal reserve act, and the amendments thereof, with reference to the reserves required to be kept by national banking associations and other member banks of the Federal Reserve System, shall not apply to deposits of public moneys by the United States in designated depositaries. The Secretary of the Treasury is hereby authorized to designate depositaries in foreign countries with which shall be deposited all public money which it may be necessary or desirable to have on deposit in such countries to provide for current disbursements to the military and naval forces of the United States and to the diplomatic and consular and other representatives of the United States in and about such countries until six months after the termination of the war between the United States and the Imperial German Government, and to prescribe the terms and conditions of such deposits."

Mr. SNYDER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Insert, after the word "prescribe," on page 7, line 24, the following:

"*Provided*, That the payments of income and excess-profits taxes, if so desired by the payee, may be divided into quarterly payments, as follows: First payment, on or before June 15, 1918; second payment, on or before August 15, 1918; third payment, on or before October 15, 1918; fourth payment, on or before December 15, 1918. The rate of interest on these deferred payments shall be fixed at not to exceed 4½ per cent: *Provided further*, That nothing in this section contained shall prevent the payee from canceling his entire obligation on any one of the designated dates."

Mr. HULL of Tennessee. Mr. Chairman, in view of the lateness of the hour I feel obliged to make the point of order against the amendment that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. WINGO. I move to strike out the last word.

Mr. CAMPBELL of Kansas. Will the gentleman from Arkansas yield the floor to the gentleman who offered the amendment?

Mr. SNYDER. I understood the Chairman to rule on the matter, and if he has ruled on it——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SNYDER. No; but I should like to discuss the merits of the amendment.

The CHAIRMAN. Does the gentelman desire to be heard on the point of order?

Mr. SNYDER. Let the gentleman make it, and then I will move to strike out the last word.

Mr. HULL of Tennessee. With the understanding that there will be only five minutes' debate on this amendment, I will reserve the point of order until the gentleman concludes.

Mr. SNYDER. Mr. Chairman, inasmuch as this measure deals with the collection of taxes, it seems to me an amendment of this sort is germane, and I feel there is a necessity for such a measure to become effective at this time. Certainly we are all deeply interested in the sale of the liberty bonds that this bill authorizes. Every man in this House must appreciate that the banks at the present time are carrying a large percentage of the bonds that have already been sold. Every man here must appreciate that the banks of this country have got to take a very large part of this next issue of Government bonds. Every man in this House who knows anything about the business of this country, or anything about the banking business of this country, must realize that notwithstanding large profits were made in 1917, a very large percentage of those profits are tied up in betterments and increased facilities for carrying on these war industries. Now, I believe it is absolutely essential and necessary that something of this character should be done between now and the 15th day of June if we want to feel certain that this bond issue that we are about to put on the market will be a success, and to make it reasonably sure that the banks will be able to carry the burden that is to be put on them within the next coming three months. This may not be exactly the place to enact this suggestion into law, but in my judgment I want to warn this membership that there is a great possibility of financial difficulty coming to this country unless some provision of this kind is made between now and the 15th day of June.

Mr. DYER. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. DYER. The gentleman knows that the Secretary is very much against this and that the Ways and Means Committee have refused to report any legislation for that reason.

Mr. SNYDER. I have understood that that was so, but I have heard some men in whose ability I have just as much confidence take the other position and say that the Secretary of the Treasury is absolutely wrong, and that we can not continue to finance bond issues and pay all of these taxes at the same time without some relief of this nature.

Mr. DYER. I think the gentleman is absolutely right.

Mr. HELVERING. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. HELVERING. The gentleman understands that the objection of the Secretary of the Treasury is that he has issued time certificates against the taxes that have to be paid in June?

Mr. SNYDER. The banks are largely carrying the certificates and one will offset the other. The banks can not take the additional burden of selling liberty bonds and the large amount of money they must loan to the men and women of the country who have this tax to pay at the same time. I maintain that 60 or 70 per cent of the taxes to be paid between now and the 15th of June must be borrowed from the banks of this country to meet the payments. It is my further belief that at least 80 per cent of the sale of the Government bonds have got to be sold by the banks on time, and unless some relief of this sort is felt I think we have a great difficulty to overcome before us.

Mr. SNYDER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in section 8, after the word "prescribe," in line 24, as follows: "*Provided*, That the Secretary of the Treasury or his collectors receiving income taxes or excess-profits taxes by bank check or draft, shall immediately, and without recourse to other depositories, return said checks or drafts to the bank or banks or trust companies upon which they are drawn and from which they are issued and deposit them therein to the credit of the Government: *Provided*, That such banks or trust companies shall have been heretofore designated as Government depositories."

Mr. HULL of Tennessee. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SNYDER. Mr. Chairman, I want to say a word. I think this is an important matter, particularly since the other

amendment I offered did not prevail. It is quite important to do something to protect the banks in this country while the transfer of funds is going on from the ordinary banks to the Government and then back to the banks. If this prevailed, it could be easily arranged that your check or mine drawn on a certain bank for any amount, if the Government had a deposit in that bank, be returned immediately to that bank, so that the funds would not be disturbed at all until such time as the Government had to finally draw it out for its purposes. That is all I care to say about it.

Mr. STERLING of Illinois. Does not the gentleman think that would be unfair to the banks that have not been designated as Government depositories? Would it not have a tendency to induce people to deposit money in a Government depository and draw checks on that bank to the expense of the other banks?

Mr. SNYDER. I think that would be true if it were not for the fact that practically every bank in the country to-day is a Government salesman for liberty bonds and all banks are now depositories of such sales, so that practically every bank in the country would have checks drawn on it. I just want to cite a case. Take a city like my own. Perhaps the taxes that will be collected in that town will be more than half a million dollars. There are only two banks. Unless an arrangement of this nature is made, or we have this deferred-payment scheme, within 15 or 20 days there will be shifted from those two banks a matter of half a million dollars to the Government that will not get back to the banks within perhaps a month. If some arrangement of this nature could be adopted, within two days the checks that are sent from my city to Syracuse would be back and the business of the city and that section would not be disturbed at all until such time as the Government had to withdraw the money for its own use. I think it is very important and I would like to have some consideration of it.

Mr. HULL of Tennessee. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PHELAN. Mr. Chairman, I move to strike out the last two words. I do not want to delay the committee, but there is one provision here which is a reenactment, which I am not going to criticize or seek to amend. I think, however, it is such a big departure that some comment at least ought to be made about it. It was in the original bond bill, so that it is an old matter. I refer to the provision whereby all reserve requirements are removed as against Government deposits. That means that under the law as enacted and as reenacted here the banks would be required to carry absolutely no reserve against Government deposits. In other words, if they exercise their power to the full, the banks could carry hundreds of millions of dollars without any reserve at all. There is a great danger in that. In the first place, there is the danger of inflation, and in the second place, the danger of confusion in this way, that the Government is going to pay out those hundreds of millions of dollars, and those accounts are going to be transferred from the Government to individuals. Just as soon as the deposits get into the names of individuals the banks will be required to carry reserves against them. If, therefore, the banks to too great extent take advantage of this provision of the law and let their reserves run down, they may find themselves in difficulty in getting reserves against the individual deposits when the Government changes its accounts to individual accounts.

Mr. SNYDER. Suppose you carry out your proposition to a final conclusion, you make my argument a hundred per cent good. That same thing would apply to a bank in any city whose reserves had been depleted.

Mr. PHELAN. That may be so. The only reason I have for calling attention to it is this: It is the law, but probably bankers will have the good sense and wisdom and judgment in spite of the law not to allow their reserves against Government deposits to get down too low. I have brought the matter to the attention of the Members so that there will be at least something in the RECORD to show that the Members of this House, although they give that broad power, do not intend and do not anticipate that it is going to be exercised to the full extent by the banks of the country. Personally, I should prefer to see proper limitations inserted in this section of the bill, but I shall not at this time suggest any amendment.

Mr. GILLETT. Mr. Chairman. I wish to ask the chairman of the committee a question. I see there is nothing in this bill providing for expenses. Is that because this is an amendment to the original act, and therefore it carries one-fifth of 1 per cent as the previous act did?

Mr. KITCHIN. The provision in the September act remains.

Mr. GILLETT. Then, may I ask the chairman if the Secretary of the Treasury has ever complied with that law and made a detailed report?

Mr. KITCHIN. He may have done it.

Mr. GILLETT. I wish to state, Mr. Chairman, that I raised the question on this floor some months ago, and I then had a little correspondence with the Secretary of the Treasury on the subject. He referred me to a report which he considered to be a compliance with this law. It was just one page of printed matter. very general and vague, while the law provides that he shall make a detailed report. I pointed out that I did not think that was a fair compliance with the law. Since then there has been no further report to my knowledge. I do not like to suggest. because I do not believe that there is any corruption with this fund, but, at the same time, I have thought that when Congress is giving to the administration vast sums and vast powers like these several million dollars which the Secretary of the Treasury can expend exactly as he pleases it seems to me that it is but a fair response to the confidence that Congress shows in the Executive that the Executive should be scrupulous, and overscrupulous, in making a full and detailed report. Now, the report made by the Secretary of the Treasury is not such as gives the House any information at all as to details. It is just such a report as a person would make if he wished to cover up details, and there have been intimations made—I do not know, myself—that some of that was spent to pay political debts. I do not wish to make the charge—I know absolutely nothing about it—but there are such intimations being made, and there will be such suspicions growing up unless the Executive does very frankly and candidly comply with the requirements of the law in this respect, and I hope and trust that that side of the House, the Committee on Ways and Means, will try to see to it that the law is complied with in much more detail than it has been up to date. [Applause on the Republican side.]

Mr. KITCHIN. I will say I agree with the gentleman that there should be a detailed report filed in accordance with the law, and I shall myself call the attention of the Secretary of the Treasury to that if he has not already filed such a report. If he does not report in such details as the House desires, it has the remedy of calling for a fuller report.

Mr. GILLETT. We have our remedy. I do not think the last report was full enough, and I think this House ought to exercise its remedy and I wish the majority of the House would.

Mr. KITCHIN. Is the gentleman referring to the report he made to this Congress in December?

Mr. GILLETT. No; I think that was made in December.

Mr. KITCHIN. Yes; is that the report he refers to?

Mr. GILLETT. I think so; I think that is the only report that has been made, is it not? I have not seen any other.

Mr. KITCHIN. I do not recall how full in details that was. But it struck me as giving a pretty fair account of the expenditures, though not in such details as the gentleman suggests.

Mr. GILLETT. The law requires a detailed report, and that, as I stated, was only a page about the size the gentleman holds in his hand.

Mr. PHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, I do not know that I caught quite accurately a part of the statement of the gentleman from Massachusetts, but if I did I think that he should go either further than he has gone or not have gone as far as he has. If I understood him aright, and he speaks from the standpoint of the minority leader of the Republican side, he did not know and did not want to take the responsibility, but said he had heard there was some gossip to the effect that some of the money had been used for private purposes to pay political debts.

Mr. GILLETT. Mr. Chairman, I do not wish to be misunderstood—I meant that services had been rendered and paid for as a method of paying political debts. In other words——

Mr. SHERLEY. The gentleman is beginning to modify somewhat his very bald and sweeping statement. We are all in a position charged with high responsibilities in this day, and a man who makes a charge even on a suspicion or rumor ought to be prepared to see it through or not to make it. All of us could spend our days in making charges, if we were willing to accept loose gossip or rumor.

I know the gentleman from Massachusetts [Mr. GILLETT] does not desire to be a medium for giving currency to things for which there is no reason. If there is a reason, he owes it to the House to state it. If there is none, the statement should not be made.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. GILLETT. Mr. Chairman——

Mr. STAFFORD. I yield to the gentleman from Massachusetts.

Mr. GILLETT. Mr. Chairman, I do not think the criticism which the gentleman has expressed toward me is justified. It seems to me that criticism is due, not to a Member of the House who suggests the possibility that this fund had been used in a partisan manner but, when the law of Congress requires a detailed report from the Secretary of the Treasury and the Secretary of the Treasury gives simply one page, which contains absolutely no information of value, and when the attention of the Secretary has been called to it, as it was by myself, and then no further information is given, I think such action justly deserves criticism. And I think for me to say what I did when I have heard suggestions that employment has been given in selling these bonds as a payment for past political debts was not undue criticism, but, on the contrary, I think it was mild after the refusal of the Secretary to give reasonable details. I do not myself express any personal suspicion, but I do believe this conduct is exactly what will excite unnecessarily suspicion throughout not only this side of the House but the country. And I think it is due from that side of the House, as the gentleman from North Carolina [Mr. KITCHIN] says he will, to see that the law is complied with and detailed statements are made. I try not to be partisan or unreasonably suspicious, but this administration is not so responsive or nonpartisan as to give me much encouragement. The best prevention for unjustifiable suspicion is a full and frank and candid statement of the facts, and that is what the law here requires, and I think compliance with it would be politic as well as just.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

When the paragraph was under consideration in the last bond bill, authorizing the Secretary of the Treasury to expend one-fifth of 1 per cent of the total bond authorization, not one-tenth of 1 per cent, as my colleague states it is his privilege to spend, I tried to limit the expenditure of this percentage amount to the percentage on the gross amount of the respective issues. That amendment, although it was accepted by the chairman of the Ways and Means Committee and adopted by the House, was stricken out in another body, and it was stricken out in conference. So at the present time there is no restriction whatsoever on the Secretary of the Treasury in spending one-fifth of 1 per cent of the entire gross issue of fourteen billion of bonds and of four billion of war-savings certificates, and in addition one-tenth of 1 per cent of total authorization of certificates of indebtedness, eight billion, or a total amount without any limit at his disposal of $44,000,000.

That is the total amount he has at his disposal. And the gentleman from Massachusetts [Mr. GILLETT] is well within bounds in criticizing the action of the Secretary of the Treasury in submitting, not a detailed statement, but something meager of return, a mere excuse of a return and lacking in every particular as being a report as required by the law requiring a detailed statement. This matter was presented to the legislative subcommittee of the Committee on Appropriations, and one of the auditors of the Treasury Department stated that they had difficulty in viséing and approving some of the accounts that had been expended under these huge appropriations. That subcommittee did not have time to go into the subject minutely, but, as is known generally, this large amount, running into millions of dollars, is at the disposal of the Secretary of the Treasury. We have placed implicit confidence in him that he would spend it wisely in floating these bonds. When we have auditors appointed by the Government saying that the expenditures under that lump-sum appropriation have been of such a character that they have been difficult for them to pass upon and approve, may well the representative of the minority say that the Secretary of the Treasury has been remiss in not reporting to Congress the detailed statement that Congress required by the express language of the law. [Applause on the Republican side.]

The Clerk read as follows:

SEC. 7. That said act approved September 24, 1917, is hereby amended by adding three new sections, to read as follows:

"SEC. 14. That any bonds of the United States bearing interest at a higher rate than 4 per cent per annum (whether issued under section 1 of this act or upon conversion of bonds issued under this act or under said act approved April 24, 1917) which have been owned by any person continuously for at least six months prior to the date of his death and which upon such date constitute part of his estate, shall, under rules and regulations prescribed by the Secretary of the Treasury, be receivable by the United States at par and accrued interest in payment of any estate or inheritance taxes imposed by the United States under or by virtue of any present or future law upon such estate or the inheritance thereof.

"SEC. 15. That the Secretary of the Treasury is authorized, from time to time, until the expiration of one year after the termination of the war, to purchase bonds issued under authority of this act, including bonds issued upon conversion of bonds issued under this act or said act approved April 24, 1917, at such prices and upon such terms and conditions as he may prescribe. The par amount of bonds of any series issued before April 1, 1918, which may be purchased in the 12-months' period beginning April 1, 1918, and in each 12-months' period thereafter, shall not exceed one-twentieth of the amount of bonds of such series outstanding at the beginning of such 12-months' period. In the case of any series of bonds issued after April 1, 1918, the par amount of bonds of such series which may be purchased in the 12-months' period beginning on the date of such issue, and in each 12-months' period thereafter shall not exceed one-twentieth of the amount of the bonds of such series outstanding at the beginning of such 12-months' period. The average cost of the bonds of any series purchased in any such 12-months' period shall not exceed par and accrued interest.

"For the purposes of this section the Secretary of the Treasury shall set aside, out of any money in the Treasury not otherwise appropriated, a sum not exceeding one-twentieth of the amount of such bonds issued before April 1, 1918, and as and when any more such bonds are issued he shall set aside a sum not exceeding one-twentieth thereof. Whenever, by reason of purchases of bonds as provided in this section, the amount so set aside falls below the sum which he deems necessary for the purposes of this section, the Secretary of the Treasury shall set aside such amount as he shall deem necessary, but not more than enough to bring the entire amount so set aside at such time up to one-twentieth of the amount of such bonds then outstanding. The amount so set aside by the Secretary of the Treasury is hereby appropriated for the purposes of this section, to be available until the expiration of one year after the termination of the war.

"The Secretary of the Treasury shall make to Congress at the beginning of each regular session a report including a detailed statement of the operations under this section.

"SEC. 16. That any of the bonds or certificates of indebtedness authorized by this act may be issued by the Secretary of the Treasury payable, principal and interest, in any foreign money or foreign moneys, as expressed in such bonds or certificates, but not also in United States gold coin, and he may dispose of such bonds or certificates in such manner and at such prices, not less than par, as he may determine, without compliance with the provisions of the third paragraph of section 1. In determining the amount of bonds and certificates issuable under this act, the dollar equivalent of the amount of any bonds or certificates payable in foreign money or foreign moneys shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury, in pursuance of the provisions of section 25 of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes.' The Secretary of the Treasury may designate depositaries in foreign countries with which may be deposited, as he may determine, all or any part of the proceeds of any bonds or certificates authorized by this act, payable in foreign money or foreign moneys."

Mr. McFADDEN. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new section, on page 12, after line 2, the following:

"That all taxes assessed by act of Congress approved October 3, 1917, under title 11, war excess-profits tax, sections 200 to 214, both inclusive, may be paid in four equal partial payments at the option of the taxpayer under regulations to be prescribed by the Commissioner of Internal Revenue. The first of such partial payments shall be made on or before June 15, 1918, the second partial payment on or before August 15, 1918, the third partial payment on or before October 15, 1918, and the last partial payment on or before December 15, 1918. Such taxes for the succeeding years may be paid in like manner.

"That nothing in this act shall prohibit the taxpayer from anticipating the dates of payment under this act under any existing act of Congress or regulations of the Commissioner of Internal Revenue."

Mr. HULL of Tennessee. Mr. Chairman, I make the point of order against that. I do not know whether the gentleman desires to discuss it or not.

Mr. McFADDEN. Mr. Chairman, I do not care to discuss the point of order particularly, but I think the amendment is germane. The provision if adopted will do more to stimulate the sale of liberty bonds than any other one thing that would then be in the bill. These people who are paying these taxes are considerably burdened to make the payments, to find the ready cash, and if these payments which are to mature on the 15th of June can be divided up into four equal payments, the subscriptions to the next loan will be greatly accelerated. I think the amendment is germane.

Mr. HULL of Tennessee. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment proposed is not germane to any of the subject matter of the bill. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 8. That the short title of this act shall be "third liberty loan act."

Mr. PHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I want to ask the chairman of the committee a question. On page 10, line 12, is not the word "and" superfluous? Is not the word "and" before "as and when" superfluous? Should it not be stricken out? And should not the word "as" be stricken out?

Mr. KITCHIN. No; I think not.

Mr. FORDNEY. Then on page 11, line 8, after the word "certificates, but not," is not the word "not" superfluous? It

reads, "but not also in United States gold coin." Ought it not to read "and also in United States gold coin"?

Mr. HULL of Tennessee. The committee inserted that provision to prevent these bonds from being paid in gold coin.

Mr. FORDNEY. All right.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HULL of Tennessee. I make the same request.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] and the gentleman from Tennessee [Mr. HULL] asks unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. HULL of Tennessee. I move, Mr. Chairman, that the committee do now rise and report the bill to the House.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise and report the bill to the House. The question is on agreeing to that motion.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SMITH of Michigan. Mr. Chairman, I make the same request.

Mr. TREADWAY. I make the same request.

Mr. BARKLEY. And I make the same request, Mr. Chairman.

Mr. RAKER. I make the same request.

Mr. KINKAID. I ask unanimous consent to extend my remarks in the RECORD.

Mr. LANGLEY. Mr. Chairman, I make the same request.

Mr. DICKINSON. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these several requests of the gentleman from Nebraska [Mr. SLOAN], the gentleman from Michigan [Mr. SMITH], the gentleman from Massachusetts [Mr. TREADWAY], the gentleman from Kentucky [Mr. BARKLEY], the gentleman from California [Mr. RAKER], the gentleman from Nebraska [Mr. KINKAID], the gentleman from Kentucky [Mr. LANGLEY], and the gentleman from Missouri [Mr. DICKINSON]?

There was no objection.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Tennessee [Mr. HULL] that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes," and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HULL of Tennessee. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL of Tennessee, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BIRD RESERVATION.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. Mr. Speaker, by direction of the Committee on the Public Lands of the House of Representatives, I beg leave to present a report (H. Rept. No. 430) of the said committee on the bill (H. R. 10612) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Cal., and Klamath County, Oreg., and for other purposes, under Rule XI, subdivision 56, and ask that the report be printed and the bill placed on the Union Calendar and referred to the Committee of the Whole House on the state of the Union, to be called up later for consideration under the rules of the House but not to interfere with important war legislation.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until Monday, April 1, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 9349) authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of an equal acreage also located in the Colorado National Forest, Colo., reported the same without amendment, accompanied by a report (No. 429), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 11099) granting a pension to Isabel B. Williamson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 10838) granting an increase of pension to Mary A. Lawson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 11134) to amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. PHELAN: A bill (H. R. 11135) to amend and reenact sections 4, 16, and 19 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes; to the Committee on Banking and Currency.

By Mr. DENT (by request): A bill (H. R. 11136) to authorize the acquisition by the United States during the period of the present war of private property of any and all kinds, real, personal, and mixed, needed for the national security and defense or the conduct of the Government, to provide a method of such acquisition, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLINTIC: A bill (H. R. 11137) providing that election officials during the period of the war, in any State of the Union, may require certain persons to sign a loyalty pledge before they are eligible to vote in any election; to the Committee on the Judiciary.

By Mr. RUBEY: A bill (H. R. 11138) to provide for the voluntary mobilization and distribution of farm labor, and for other purposes; to the Committee on Agriculture.

By Mr. FLOOD: A bill (H. R. 11164) to amend section 3 of an act of Congress approved February 23, 1887, entitled "An act to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881; to the Committee on Foreign Affairs.

By Mr. SIMS: A bill (H. R. 11165) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Joint resolution (H. J. Res. 273) to appoint a commission to suggest legislation preparing the country for peace; to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: Joint resolution (H. J. Res. 274) directing the appointment of a joint committee to investigate alleged frauds growing out of "cost-plus" contracts; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11139) granting a pension to Mariah Hensley; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11140) granting a pension to James M. Polsley; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11141) granting an increase of pension to Moses E. Sturtevant; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 11142) granting an increase of pension to Wayne F. Wieder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11143) granting an increase of pension to John A. Ott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to Edwin Rice; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 11145) granting an increase of pension to Richard J. Gaskill; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 11146) granting an increase of pension to William J. Smith; to the Committee on Invalid Pensions.

By Mr. GARLAND: A bill (H. R. 11147) granting a pension to Dora H. Swartz; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 11148) granting an increase of pension to James W. Calkins; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11149) granting a pension to Louis H. Krafft; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 11150) granting a pension to Thomas Murphy; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11151) granting a pension to Hazel Beck Connor; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 11152) granting an increase of pension to Thomas J. Parker; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 11153) granting a pension to Margaret A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11154) granting a pension to John Lauffer; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 11155) granting a pension to Mary J. McGuire; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11156) granting an increase of pension to Robert J. Keltner; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 11157) granting an increase of pension to Amara J. Bachelder; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 11158) granting an increase of pension to James B. Paige; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11159) granting an increase of pension to John Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11160) granting an increase of pension to Ira Baker; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 11161) granting a pension to John Oliver; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11162) granting an increase of pension to Jacob Custer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11163) granting an increase of pension to Benjamin Bayless; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Elm Grove Farm Club, of Saline County, Mo., urging that the price of corn be restored and equitable arrangements be made concerning meat prices; to the Committee on Agriculture.

Also (by request): Petition of citizens of Indiana, asking for the establishment of a national conservatory of music and art; to the Committee on the Library.

Also (by request): Memorial of the editors of north Mississippi and west Tennessee, urging the passage of Representative FLOOD'S bill relative to abridging the right of aliens to vote; to the Committee on Election of President, Vice President, etc.

By Mr. DALE of New York: Petitions of the National Marine League of the United States of America; American Game Protective and Propagation Association, both of New York; and Morgan County Federation of Farm Women's Clubs, of Fort Morgan, Colo., against increase of postage on second-class matter; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of J. H. Shaw and 53 other voters of Warren County, Ill., for the passage of proper legislation prohibiting the use of all food products in the manufacture of alcoholic beverages for the period of the war; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of Mrs. F. S Tiekell, Oscar C. Beebe, Hilda Hole, and 29 others, all citizens of the State of Colorado, praying for immediate war prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Placerville Shakespeare Club, of Placerville, Cal., protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of Mabel Scott Curs, of Meeker, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. OVERMYER: Petition of Erie County (Ohio) Medical Society, favoring House bill 9563; to the Committee on Military Affairs.

By Mr. RAMSEYER: Petition of citizens of Grinnell, Iowa, demanding the extermination of the German spy system; to the Committee on Military Affairs.

By Mr. VARE: Memorial of the State Board of Education of Pennsylvania, asking aid for the public schools during the war; to the Committee on Education.

Also, petition of the Philadelphia Board of Trade, asking for the establishment of a free port at Philadelphia; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia Maritime Exchange, favoring the Overman bill, providing for central control and responsibility for procuring war material and supplies; to the Committee on Military Affairs.

SENATE.

MONDAY, *April 1, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee as the representatives of a Christian Nation out of the hope and glory of the season in which we have commemorated the power of the Christ over death and the grave, and the resurrection of the power and glory above all men and nations. In His name we come asking Thy guidance and blessing, that the spirit of this glorious season may abide with us; that we may know the power of His resurrection; that we may gain inspiration and hope as we face the great tragedy of the ages. May we go forward under His inspiring leadership and gain victory for truth and righteousness in the world. Hear us and fit us for the duties of this day. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. SAULSBURY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NATIONAL PROHIBITION.

The VICE PRESIDENT. The Chair has received a communication from the governor of Texas, transmitting a certified copy of a joint resolution passed by the Legislature of the State of Texas ratifying the proposed prohibition amendment to the Constitution, which will be read and placed on the files.

The communication was read, as follows:

DEPARTMENT OF STATE,
AUSTIN, TEX.

House joint resolution 1.

Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-fifth Congress of the United States of America at its second session, which amendment provides, in substance, that one year after the ratification of the amendment the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is prohibited; that Congress and the several States shall have concurrent power to enforce this article by appropriate legislation; and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress.

PREAMBLE.

And whereas both Houses of the Sixty-fifth Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in substance, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

ARTICLE —.

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

CHAMP CLARK,
Speaker of the House of Representatives.
THOS. R. MARSHALL,
Vice President of the United States and President of the Senate.

I certify that this joint resolution originated in the Senate.

JAMES M. BAKER, *Secretary.*

Now therefore be it:

Resolved by the House of Representatives and the Senate of the State of Texas:

SECTION 1. That the said proposed amendment to the Constitution of the United States adopted by the Sixty-fifth Congress of the United States of America at its second session and reading, in substance, as follows:

ARTICLE —.

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress—

be, and the same is hereby, ratified by the Legislature of the State of Texas.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

F. O. FULLER,
Speaker of the House.
E. A. DECHERD, Jr.,
President of the Senate.

I certify that house joint resolution 1 was adopted by the house on March 1, 1918, and house concurred in senate amendments on March 4, 1918.

BOB BARKER,
Chief Clerk of the House.

I certify that house joint resolution 1 was adopted by the Senate with amendments on March 2, 1918, by the following vote: Fourteen yeas, six nays, four pairs.

RALPH SOAPE,
Secretary of the Senate.

Received in the executive office this 5th day of March, A. D. 1918, at 11 o'clock and 6 minutes a. m.

JOHN D. MCCALL,
Secretary to the Governor.

Received in department of state this 12th day of March, A. D. 1918, at 9 o'clock and 50 minutes a. m.

GEO. F. HOWARD,
Secretary State.
By C. L. ISHERWOOD,
DEPARTMENT OF STATE.

I, George F. Howard, secretary of state of the State of Texas, do hereby certify that the foregoing is a true and correct copy of house joint resolution 1, passed at the fourth called session of the Thirty-fifth Legislature of Texas, with the indorsements thereon, as now appears of record in this department.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin this the 13th day of March, A. D. 1918.

[SEAL.] GEO. F. HOWARD,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2469) to authorize the change of the name of the steamship *Caldera* to *A. T. Kinney.*

The message also announced that the House insists upon its amendments to the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT, and Mr. BUTLER managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 7795) to provide for the national security and defense and further to assure an adequate supply of food by authorizing the Secretary of Agriculture to contract with farmers in certain areas for the production of grain through advances, loans, and otherwise, and by providing for the voluntary mobilization of farm labor, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President.

H. R. 5351. An act providing for the disposal of certain lands in block 32, in the city of Port Angeles, State of Washington; and

S. J. Res. 133. Joint resolution authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

PRICE OF TOMATOES.

Mr. SAULSBURY. Mr. President, on the 8th of March I introduced a resolution in the Senate empowering and directing the Committee on Agriculture and Forestry to inquire as to the authority and purpose of a certain bulletin issued by the Food Administration relating to the price of tomatoes in a large portion of the country. I then expressed the hope that in some way somehow the various departments of the Government and bureaus would become so coordinated that the production of food would not be interfered with by bulletins issued by the Food Administration.

I am very glad to say that the agitation of the question through the debate on the resolution, which was adopted by the Senate, seems to have produced a result which is quite satisfactory to the producers of this great foodstuff.

About a week or a little less than a week after the resolution was adopted I had from the Food Administrator a letter dated the 13th of March in which he expressed his lack of desire to fix and stated that he had no power to fix the price of this foodstuff. I ask that this letter be printed in the RECORD, so that the RECORD may be complete respecting this matter. I do not think it is worth while to take the time of the Senate to read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

UNITED STATES FOOD ADMINISTRATION,
Washington, D. C., March 13, 1918.

Hon. WILLARD SAULSBURY,
United States Senate.

MY DEAR SENATOR: The circular (Bulletin No. 8) issued by the Food Administration of February 28, 1918, did not and was not intended as fixing the price per ton at which producers in Delaware, Maryland, and other States mentioned must sell their tomatoes. It was, as appears on its face, a bulletin of information to canners that the Army and Navy, for the canned tomatoes needed by them, were ready to receive tenders from canners, if they desired to make the same, for canned tomatoes based on the prices stated per ton of tomatoes. No one was required to bid and no limitation was made on the price per ton which anyone might ask for his tomatoes, but simply that if the canners wished they might make an offer to the Army and Navy on the basis mentioned.

The Food Administration has not power and no desire to fix the price of tomatoes.

Faithfully, yours,

HERBERT HOOVER.

PETITIONS AND MEMORIALS.

Mr. WALSH. I present resolutions adopted at a meeting of the Fergus County Union of the American Society of Equity, held recently at Lewistown, Mont., which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Adopted by Fergus County Union of American Society of Equity now in session at Lewistown, March 15, 1918.

Whereas the bill now in committee in the Congress to enable President Wilson to extend further control in the fixation of prices affecting the agricultural industry is a measure vital to the efficiency of the food-producing forces of the Nation; and

Whereas the almost limitless supplies of foodstuffs now in the hands of Germany and its allies will make food for the armies and the workers of our enemies abundant; and

Whereas this situation makes it an imperative patriotic necessity that food production in this Nation shall be speeded up to an unprecedented maximum for this and succeeding years so long as the war shall last; and

Whereas the farm men and women of the Nation are willing and eager to make such effort in this direction as is bounded only by the limitations of human endurance: Therefore be it

Resolved, That in their names we demand of Congress the immediate passage of the President's price-control measure, to the end that the treasonous profiteering that is now grinding down the morale of the farmers and strangling their patriotic impulses and purposes shall cease during the war and permanently thereafter; and be it further

Resolved, That we tender to President Wilson the assurance of our loyalty without stint and measurelessly in every effort he may put forth to make this continent safe for and give the fullest enjoyment of democracy in finance, in transportation, in agriculture, production, and in the production of all things needful in the grim business of war and in the nobler acts of peace when and so soon as peace again shall be given our beloved country.

J. F. ARNOLD, *President*.
L. O. BATTEY, *Secretary*.

Mr. McLEAN presented petitions of sundry citizens of Cornwall, Meriden, Fairfield, and Hartford, and of Local Branch No. 86, National Association of Letter Carriers, of Hartford, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. NELSON presented a resolution adopted by the St. Paul Association, of St. Paul., Minn., in favor of the enactment of legislation providing for the taking of receipts for registered mail, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a petition of Slate Workers Union No. 15178, of South Poultney, Vt., praying for a second trial for Thomas Mooney, of San Francisco, Cal., which was referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of the congregations of the Methodist Episcopal Church of Balfour, of the Methodist Episcopal Church of Voltaire, and of the Methodist Episcopal Church of Williston, all in the State of North Dakota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Drain, Oreg., and a petition of Callamette Grange, No. 543, Patrons of Husbandry, of Lime County, Oreg., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TILLMAN presented a memorial of the Phoenix Furniture Co., of Charleston, S. C., remonstrating against Government ownership of furniture factories, which was referred to the Committee on Manufactures.

He also presented a petition of sundry rural letter carriers of Orangeburg, S. C., praying for an increase in the salary of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented a petition of the Gratiot-Isabella-Clare County Medical Society, of Riverdale, Mich., praying for an advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Dundee, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of sundry employees of the post office at Berlin, N. H., praying for an increase in the salary of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented resolutions adopted by the Philadelphia Bourse, of Pennsylvania, favoring the repeal of the act of March 1, 1913, authorizing the valution of the physical property of carriers, etc., which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3570) granting lands for school purposes in Government town sites on reclamation projects, reported it with an amendment and submitted a report (No. 347) thereon.

He also, from the same committee, to which was referred the bill (S. 3434) prohibiting the issuance of patent under lieu selection 2904, serial 1034, Olympia, Wash., reported it adversely and submitted an adverse report (No. 344) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 954. A bill to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands" (Rept. No. 345); and

S. 2460. A bill authorizing the issuance of patent to the Milk River Valley Gun Club (Rept. No. 346).

Mr. WALSH, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 8496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 348); and

H. R. 9160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 349).

WHITE RIVER BRIDGE, MISSOURI.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10365) granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge across White River, at Forsyth, Mo., and I submit a report (No. 343) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BIG SANDY RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4127) to authorize the W. M. Ritter Lumber Co., a corporation, to construct bridges across the branches and tributaries of the Big Sandy River and their tributaries, in the counties of Buchanan and Dickenson, in the State of Virginia, and I submit a report (No. 342) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARK FORK RIVER BRIDGE, IDAHO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 4102) granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clarksfork River in Bonner County, Idaho, and I submit a report (No. 341) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 6, to strike out "Clarksfork" and insert "Clark Fork," and in line 8 to strike out "Clarksfork" and insert "Clark Fork."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho."

SOUTHERN STATES LUMBER CO.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 1738) for the relief of the Southern States Lumber Co., and I submit a report (No. 340) thereon. I call the attention of the Senator from Florida [Mr. FLETCHER] to the bill.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill. A similar bill has passed the Senate before, but it did not get through the House because of the lateness of the session. It has been reported favorably twice by the committee and has passed the Senate once. I ask, therefore, for the present consideration of this bill.

Mr. GRONNA. May we have the bill read before it is acted on?

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Southern States Lumber Co., a corporation, Pensacola, Fla., out of any money in the Treasury not otherwise appropriated, the sum of $603.79.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 4221) for the relief of private owners of lands within or near the Bitter Root National Forest, Mont.; to the Committee on Public Lands.

By Mr. SHEPPARD:

A bill (S. 4222) for additional buildings, equipment, and repair facilities, San Antonio Arsenal, San Antonio, Tex.; and

A bill (S. 4223) making appropriations for rebuilding keeper's dwelling, oil house, wharf, etc., at Aransas Pass Light Station, Tex.; to the Committee on Appropriations.

By Mr. POINDEXTER:

A bill (S. 4224) to punish disloyalty; to the Committee on the Judiciary.

By Mr. KELLOGG:

A bill (S. 4225) for the relief of the Atlas Lumber Co.; Babcock & Willcox; Johnson, Jackson & Corning Co.; and the C. H. Klein Brick Co., each of which companies furnished to Silas N. Opdahl, a failing Government contractor, certain building materials which were used in the construction of Burke Hall, at the Pierre Indian School, in the State of South Dakota; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 4226) granting an increase of pension to William H. Dixon (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4227) granting an increase of pension to Pulver Kline (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4228) granting an increase of pension to Wilson S. Richards; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4229) to provide for admissions to the St. Elizabeths Hospital, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEWIS:

A bill (S. 4230) granting a pension to Maggie S. Hill; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4231) to amend the shipping act, approved September 7, 1916, entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States, with its Territories and possessions and with foreign countries; to regulate carriers by water in the foreign and interstate commerce of the United States; and for other purposes; and

A bill (S. 4232) to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes; to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 4233) granting an increase of pension to Gabriel M. Betz;

A bill (S. 4234) granting an increase of pension to Robert W. Adams;

A bill (S. 4235) granting an increase of pension to James T. Alford;

A bill (S. 4236) granting an increase of pension to John F. Austin;

A bill (S. 4237) granting an increase of pension to Jackson E. Stocker; and

A bill (S. 4238) granting a pension to George H. Hauf (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to appropriate $25,000 to aid the State of Washington in the maintenance and support of its marine school, etc., intended to be proposed by him to the naval appropriation bill which was referred to the Committee on Naval Affairs and ordered to be printed.

EXCESS-PROFITS TAXES.

Mr. CALDER. Mr. President, I ask permission to have inserted in the RECORD a resolution adopted by the Chamber of Commerce of the State of New York in reference to installment payments of the excess-profits taxes.

Mr. SMITH of Arizona. How long is it?

Mr. CALDER. It will take about one-eighth of a page of the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At the regular monthly meeting of the Chamber of Commerce of the State of New York, held March 7, 1918, the following preamble and resolution, presented by its committee on State and municipal taxation, were unanimously adopted:

INSTALLMENT PAYMENTS OF EXCESS-PROFITS TAX.

Whereas the provision in the revenue laws of the United States now requires the payment, on or before June 15 of each year, of Federal taxes, including personal and corporation income taxes and excess-profits taxes of large amounts, based upon income or earnings for an entire year; and as in many cases the income or earnings from which such taxes are payable are fully absorbed in conducting the business of the taxpayer and can only be withdrawn therefrom at great burden and inconvenience to the individuals, firms, or corporations by whom payment must be made; or if the money be borrowed from the banks, with a resulting money stringency: Therefore be it

Resolved, That the Chamber of Commerce of the State of New York strongly recommends to the Congress of the United States that the existing revenue law be so amended as to authorize the payment of the total excess-profits taxes in four installments, on the 15th of June, August, October, and December of the year 1918 and each year thereafter.

Respectfully submitted.

ALFRED E. MARLING, *Chairman*,
WILLIAM C. DEMOREST,
LEONOR F. LOREE,
JAMES BROWN,
WILLIAM H. WHEELOCK,
Of the Committee on State and Municipal Taxation.

Attest:

EUGENIUS H. OUTERBRIDGE, *President.*
CHARLES T. GWYNNE, *Secretary.*

NEW YORK, *March 9, 1918.*

WITHDRAWAL OF PAPERS—GEORGE W. JOHNSON.

On motion of Mr. WALSH it was

Ordered, That the papers accompanying the bill S. 1217, Sixty-third Congress, first session, granting a pension to George W. Johnson, be withdrawn from the files of the Senate, no adverse report having been made thereon.

ALLEYS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. JONES of Washington. If this is the proper time, I desire to ask that Senate resolution 219, which I presented on Friday, may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 219, submitted by Mr. JONES of Washington on the 29th ultimo, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to advise the Senate what proceedings have been instituted for the opening, extending, widening, or straightening of alleys and minor streets in the city of Washington since the approval of the District appropriation act, March 3, 1917, in which additional authority was given in the matter of the condemnation and assessment of damages, and if no proceedings have been taken thereunder, why not; and if any proceedings are contemplated, what they are and when they are to be taken.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMISSIONED OFFICERS ON DUTY IN THE DISTRICT OF COLUMBIA.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of Senate resolution 216.

The Senate, by unanimous consent, proceeded to consider the resolution which had been reported from the Committee on Military Affairs with amendments, in line 2, to strike out "noncombatant"; in line 3, after the word "officers," to insert "of the several staff corps"; in line 4, to strike out the word "an"; and, in line 5, after the words "the war," to insert "and are now assigned to duty in the District of Columbia," so as to make the resolution read:

Resolved, That the Secretary of War be requested to transmit to the Senate the number of commissioned officers of the several staff corps in the United States Army within the draft age who have received their commissions since the outbreak of the war and are now assigned to duty in the District of Columbia.

The amendments were agreed to.

The resolution as amended was agreed to.

COLUMBIA RIVER AND ITS TRIBUTARIES.

Mr. CHAMBERLAIN. Mr. President, some days ago there came over from the House the bill (H. R. 2617) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, and it was referred to the Committee on Commerce. The same bill was introduced in the Senate and was reported out on two separate occasions favorably by the Judiciary Committee. In view of the fact that the Senate bill is on the calendar I ask that the Committee on Commerce be discharged from the further consideration of the House bill and that the bill be passed.

The VICE PRESIDENT. Is there objection to discharging the committee from the further consideration of the bill?

Mr. GRONNA. I ask for the reading of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Congress of the United States of America hereby consents to and ratifies the compact and agreement entered into between the States of Oregon and Washington relative to regulating, protecting, and preserving fish in the boundary waters of the

Columbia River and other waters, which compact and agreement is contained in section 20 of chapter 188 of the general laws of Oregon for 1915, and section 116, chapter 31, of the session laws of Washington for 1915, and is as follows:

"All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part, only with the mutual consent and approbation of both States."

Nothing herein contained shall be construed to affect the right of the United States to regulate commerce, or the jurisdiction of the United States over navigable waters.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CHAMBERLAIN. I ask that there may be printed along with the proceedings which have just been had the report of the Senate Judiciary Committee in the Sixty-fourth Congress and also the report of the committee of the House made on the 7th day of March, 1918, on the same bill.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[S. Rept. No. 513, 64th Cong., 1st sess.]

COLUMBIA RIVER AND ITS TRIBUTARIES.

Mr. OVERMAN, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 6097):

The Committee on the Judiciary, to whom was referred the bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, having considered the same, report it to the Senate with the recommendation that it do pass.

The advisability of this legislation is set forth in the following communication from Mr. A. L. Thurman, Solicitor for the Department of Commerce:

OFFICE OF THE SOLICITOR,
DEPARTMENT OF COMMERCE,
Washington, February 7, 1916.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

MY DEAR JUDGE ALEXANDER: I am in receipt of your letter of the 5th instant, inclosing H. R. No. 6097, to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries, in connection with regulating, protecting, and preserving fish, and asking me to please give the Committee on the Merchant Marine and Fisheries my opinion as to the merits of the bill and the wisdom of enacting it into law. This same matter was covered in S. 2529, introduced by Senator Charles F. Johnson, and sent to the department by the Committee on Fisheries of the Senate for an expression of opinion. The matter was referred by the department to the Bureau of Fisheries, and I am inclosing you a copy of letter to Senator Johnson prepared by the bureau and signed by Assistant Secretary Sweet, which seems to entirely cover the matter. The department is of the opinion that the bill should be enacted into law.

Yours, very truly,

A. L. THURMAN, *Solicitor.*

—

JANUARY 8, 1916.

Hon. CHARLES F. JOHNSON,
Chairman Committee on Fisheries,
United States Senate, Washington.

MY DEAR SENATOR: In reply to your letter of January 3, inclosing a copy of S. 2529, a bill ratifying the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, I beg to advise that this is regarded as a meritorious and desirable measure and its passage is recommended.

It is essential for the welfare and conservation of the fisheries of the Columbia River that the legislation affecting them be consistent and harmonious, and as the jurisdiction over that stream and certain of its tributaries is divided between the States party to this compact, it is highly important that the laws of the two should be in accord. The recent sessions of the Legislatures of Oregon and Washington took cognizance of this, and the fisheries regulations relating to these waters are now uniform in the two States. It is desirable that this condition should be perpetuated by ratification of the compact which, while not preventing modification of the present laws by mutual agreement of the two States, will make impossible their amendment by any ill-considered action of one State.

Very truly, yours,

E. F. SWEET,
Acting Secretary.

Memorials to Congress have been passed by the Legislatures of the States of Washington and Oregon, respectively, urging upon Congress the enactment of appropriate legislation ratifying and confirming the compact above referred to and giving its consent to the compact and agreement between the States named, as required by section 10 of Article I of the Constitution of the United States.

The compact is embodied in the memorials and is set forth in the bill.

The memorial of the Legislature of the State of Washington is as follows:

"To the Senate and House of Representatives of the United States of America in Congress assembled and to the Senators and Representatives in Congress from the State of Washington:

"We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled, most respectfully represent, show, and pray as follows:

"Whereas the Legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington and Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

"Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the Legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend, 'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States'; and

"Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 8; and

"Whereas the legislature did fulfill the recommendations by enactment of house bill No. 170, which in section 108 reads as follows:

"'SEC. 108. Should Congress by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratify the recommendations of the conference committees of the States of Oregon and Washington appointed to agree on the legislation necessary for the regulation, preservation, and protection of fish, in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters within either State which would be affected by said concurrent interest, the recommendation being as follows:

"'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States'; and said recommendation having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

"'All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States:' Therefore be it

"*Resolved (the house concurring)*, That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon as is required by section 10 of Article I of the Constitution of the United States of America."

The memorial of the Legislature of the State of Oregon is as follows:

"To the Senate and House of Representatives of the United States of America in Congress assembled:

"Whereas the Legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington and Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

"Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the Legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend 'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States'; and

"Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 4; and

"Whereas the legislature did fulfill the recommendations by enactment of senate bill No. 265, which in section 20 reads as follows:

"'SEC. 20. Should Congress, by virtue of the authority invested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratifying the recommendations of the conference committees of the States of Oregon and Washington, appointed to agree on the legislation necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters within either State, which would be affected by said concurrent interest, recommendation being as follows:

"'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States'; and said recommendation having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

"'All laws and regulations now existing or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States'": Therefore be it

"*Resolved (the house concurring)*, That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and

agreement between the States of Washington and Oregon as is required by section 10 of Article I of the Constitution of the United States of America.

"Filed in the office of the secretary of state February 20, 1915."

The authority of Congress in this connection is unquestioned. The first clause of section 10 of Article I of the Constitution of the United States provides that "no State shall enter into any treaty." In the third clause of the same section of Article I it is provided that "no State shall, without the consent of Congress, * * * enter into any agreement or compact with another State." These two clauses dealing with the powers of the State to enter into treaty or contract relations with other States or foreign nations are significant in that the framers of the Constitution sought to bar absolutely all treaties between individual States and foreign powers, a function reserved solely to the Federal Government, but did not take away the power of the States to make compacts having no political significance. To distinguish such latter arrangements from the treaties mentioned in the first clause of section 10, they were designated as compacts and agreements. The power of the States in connection with such compacts and agreements was limited by requiring that such compacts should not be entered into without the consent of Congress, this prohibition being undoubtedly intended to guard against abuses of the privilege thus retained to the States.

There are a number of decisions of the Supreme Court of the United States defining the force and effect of compacts and agreements entered into between the States and upholding such compacts where they have been consented to by Congress, whether such consent was expressly directed by act of Congress or granted inferentially. (Green *v.* Biddle, 8 Wheat, 1; Poole *v.* Fleeger, 11 Peters, 185; Virginia *v.* Tennessee, 148 U. S., 503; Wharton *v.* Wise, 153 U. S., 155; Stearns *v.* Minnesota, 179 U. S., 223.)

The reasons for the passage of the acts containing this compact and for the request that it be ratified by Congress may be briefly given as follows:

For about 300 miles the Columbia River separates the States of Washington and Oregon. The dividing line between the two States is described in the act of Congress approved February 14, 1859, entitled "An act for the admission of Oregon into the Union," and beginning at—

"a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel to the middle of the main channel of the Shoshone or Snake River." (11 Stat., 380.)

A previous act of Congress (10 Stat., 172), which was the act establishing the Territorial government of Washington, provided that the Territory of Oregon and the Territory of Washington should have concurrent jurisdiction over all offenses committed on the Columbia River.

The act admitting Oregon as a State provided that the State of Oregon should have concurrent jurisdiction in civil as well as criminal cases on the Columbia and all other rivers and waters bordering on the said State so far as the same shall form a boundary to said State, and any other State or States now or hereafter to be formed and bounded by the same, and that said rivers and waters should be common highways and forever free to the inhabitants of said States and to all other citizens of the United States.

Theoretically the questions arising over the boundary line between the two States should not be serious, but practically the matter is surrounded with much difficulty, especially since the unusual size of the stream and the changes made by lapse of time make the middle of the channel uncertain as to location. A few years ago the dispute as to the boundary line became so serious that the matter was taken to the Supreme Court of the United States. (State of Washington *v.* State of Oregon, 211 U. S., 127.) This case, however, fixed the boundary line for only a few miles at the mouth of the river.

The fishing industry along the Columbia River is highly developed, the citizens of both States fishing in its waters under licenses issued by their respective States. In the enforcement of the fishing laws in effect in the two States serious difficulties have in the past arisen on account of the differences in these laws. The method of fishing the river with nets and other gear is such that many persons fishing therein carry on operations within the territorial limits of both States. Often such operations are carried on simultaneously in both States. Without identical laws or laws practically identical the laws of each State are rendered practically useless as regards citizens operating under licenses issued by the other State. (In re Matson, 69 Fed., 535; Ex parte Desjeiro, ex parte Furua, 152 Fed., 1004; Neilsen *v.* State of Oregon, 212 U. S., 315.)

An examination of the opinions in these cases will show the difficulty in enforcing any law of one State in the absence of a similar law in the other State.

In the Matson case cited above the defendant Matson was operating under a license issued by the State of Washington. He was arrested by officers of the State of Oregon for violation of the laws of Oregon relating to fishing on Sunday. The court held that where the act on account of which he was convicted was not contrary to the laws of the State which issued his license, he could not be convicted in the other State for violation of the laws of such other State, although the concurrent jurisdiction of the two States over the Columbia River is unquestioned.

We find many precedents for this kind of legislation, a list of which is set forth in the appendix hereto attached.

The committee, however, in reporting favorably upon this legislation in nowise desires to express its opinion upon the merits or wisdom of the bills enacted by the two States, but simply in response to the said memorials of both of the said States memorializing and asking the consent of Congress to said compact and agreement entered into between the said States, gives its opinion that Congress has the power and should give its consent to said compact and agreement, and accordingly recommends the passage of the bill.

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ACTS OF CONGRESS GIVING CONSENT TO AGREEMENTS BETWEEN STATES.

Resolution of May 12, 1820 (3 Stat., 609). Kentucky and Tennessee, February 2, 1820. Boundary line.

Act of June 28, 1834 (4 Stat., 708). New York and New Jersey, September 16, 1833. Boundary line, execution of process, etc.

Act of January 3, 1855 (10 Stat., 602). Massachusetts and New York, May 14 and July 21, 1853. Cession of district of Boston Corner by Massachusetts to New York.

Act of February 9, 1859 (11 Stat., 382). Massachusetts and Rhode Island. Attorney General directed to assent to agreement between States in adjustment of boundary dispute before Supreme Court.

Joint resolution of February 21, 1861 (12 Stat., 250). Arkansas, Louisiana, and Texas. Joint action for removal of raft from Red River (past or prospective agreements).

Joint resolution of March 10, 1866 (14 Stat., 350). Virginia and West Virginia. Cession of Berkeley and Jefferson Counties to West Virginia.

Act of March 3, 1879 (20 Stat., 481). Virginia and Maryland, January 16, 1877. Boundary line.

Act of April 7, 1880 (21 Stat., 72). New York and Vermont, November 27, 1876, and March 20, 1879. Boundary line.

Act of February 26, 1881 (21 Stat., 351). New York and Connecticut, December 8, 1879. Boundary line.

Act of October 12, 1888 (25 Stat., 553). Connecticut and Rhode Island, May 25, 1887. Boundary line.

Act of August 19, 1890 (26 Stat., 329). New York and Pennsylvania, March 26, 1886. Boundary line.

Act of July 24, 1897 (30 Stat., 214). South Dakota and Nebraska, June 3 and 7, 1897. Boundary line.

Joint resolution of March 3, 1901 (31 Stat., 1465). Tennessee and Virginia, January 28 and February 9, 1901. Boundary line.

Act of March 1, 1905 (33 Stat., 820). South Dakota and Nebraska. Boundary line.

Act of January 24, 1907 (34 Stat., 858). New Jersey and Delaware, March 21, 1905. Jurisdiction over Delaware River, process, etc.

Joint resolution of January 26, 1909 (35 Stat., 1160). Mississippi and Louisiana. Boundary line and criminal jurisdiction (prospective agreement).

Joint resolution of January 26, 1909 (35 Stat., 1161). Mississippi and Arkansas. Boundary line and criminal jurisdiction (prospective agreement).

Joint resolution of February 4, 1909 (35 Stat., 1163). Tennessee and Arkansas. Boundary line and criminal jurisdiction (prospective agreement).

Joint resolution of June 7, 1910 (36 Stat., 881). Missouri and Kansas. Boundary line and criminal jurisdiction (prospective agreement).

Joint resolution of June 10, 1910 (36 Stat., 881). Oregon and Washington. Boundary line (prospective agreement).

Joint resolution of June 22, 1910 (36 Stat., 882). Wisconsin, Illinois, Indiana, and Michigan. Criminal jurisdiction on Lake Michigan (prospective agreement).

Act of October 3, 1914 (38 Stat., 727). Massachusetts and Connecticut, March 19, 1908, and June 6, 1913. Boundary line.

(McCLENON, May 18, 1916.)

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[H. Rept. No. 360, 65th Cong., 2d sess.]

COLUMBIA RIVER AND ITS TRIBUTARIES.

Mr. HADLEY, from the Committee on the Merchant Marine and Fisheries, submitted the following report (to accompany H. R. 2617):

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 2617) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, having considered the same, report it to the House with the recommendation that it do pass.

The advisability of this legislation was set forth in a communication from Mr. A. L. Thurman, solicitor for the Department of Commerce, in a report of this committee on a similar bill which passed the House of Representatives in the Sixty-fourth Congress, but failed to pass the Senate. A copy of the communication referred to is as follows:

OFFICE OF THE SOLICITOR,
DEPARTMENT OF COMMERCE,
Washington, February 7, 1916.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

MY DEAR JUDGE ALEXANDER: I am in receipt of your letter of the 5th instant, inclosing H. R. No. 6097, to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries, in connection with regulating, protecting, and preserving fish, and asking me to please give the Committee on Merchant Marine and Fisheries my opinion as to the merits of the bill and the wisdom of enacting it into law. This same matter was covered in S. 2529, introduced by Senator CHARLES F. JOHNSON, and sent to the department by the Committee on Fisheries of the Senate for an expression of opinion. The matter was referred by the department to the Bureau of Fisheries, and I am inclosing you a copy of letter to Senator JOHNSON prepared by the bureau and signed by Assistant Secretary Sweet, which seems to entirely cover the matter. The department is of the opinion that the bill should be enacted into law.

Your, very truly,

A. L. THURMAN, *Solicitor.*

—

(Copy.)

JANUARY 8, 1916.

Hon. CHARLES F. JOHNSON,
Chairman Committee on Fisheries,
United States Senate, Washington,

MY DEAR SENATOR: In reply to your letter of January 3, inclosing a copy of S. 2529, a bill ratifying the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, I beg to advise that this is regarded as a meritorious and desirable measure and its passage is recommended.

It is essential for the welfare and conservation of the fisheries of the Columbia River that the legislation affecting them be consistent and harmonious, and as the jurisdiction over that stream and certain of its tributaries is divided between the States party to this compact, it is highly important that the laws of the two should be in accord. The recent sessions of the Legislatures of Oregon and Washington took cognizance of this, and the fisheries regulations relating to these waters are now uniform in the two States. It is desirable that this condition should

be perpetuated by ratification of the compact which, while not preventing modification of the present laws by mutual agreement of the two States, will make impossible their amendment by any ill-considered action of one State.

Very truly, yours,

E. F. SWEET,
Acting Secretary.

Memorials to Congress were passed by the Legislatures of the States of Washington and Oregon, respectively, at the sessions of 1915, urging upon Congress the enactment of appropriate legislation ratifying and confirming the compact above referred to and giving its consent to the compact and agreement between the States named, as required by section 10 of Article I of the Constitution of the United States.

The compact is embodied in the memorials and is set forth in the bill.

The memorial of the Legislature of the State of Washington is as follows:

"To the Senate and House of Representatives of the United States of America in Congress assembled and to the Senators and Representatives in Congress from the State of Washington:

"We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled, most respectfully represent, show, and pray as follows:

"Whereas the Legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington and Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

"Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the Legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend, 'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States'; and

"Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 8; and

"Whereas the legislature did fulfill the recommendations by enactment of house bill No. 170, which in section 108 reads as follows:

"'SEC. 108. Should Congress, by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratify the recommendations of the conference committees of the States of Oregon and Washington appointed to agree on the legislation necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters, within either State which would be affected by said concurrent interest, the recommendation being as follows:

"'"We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States"; and said recommendation having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

"'"All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States:"' Therefore be it

"*Resolved (the house concurring)*, That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon as is required by secion 10 of Article I of the Constitution of the United States of America."

The memorial of the Legislature of the State of Oregon is as follows:

"To the Senate and House of Representatives of the United States of America in Congress assembled:

"Whereas the Legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington and Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

"Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the Legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend, 'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States'; and

"Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 4; and

"Whereas the legislature did fulfill the recommendations by enactment of senate bill No. 265, which in section 20 reads as follows:

"'SEC. 20. Should Congress, by virtue of the authority invested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratifying the recommendations of the conference committees of the States of Oregon and Washington appointed to agree on the legislation necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters within either State which would be affected by said concurrent interest, recommendation being as follows:

"'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States'; and said recommendations having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement the purport of which shall be substantially as follows:

"'"All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States:"' Therefore be it

"*Resolved (the house concurring)*, That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon, as is required by section 10 of Article I of the Constitution of the United States of America.

"Filed in the office of the secretary of state February 20, 1915."

The Secretary of Commerce has recently advised the committee of the continuing necessity for this legislation, as will be seen by reference to his letter, a copy of which is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 16, 1918.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

MY DEAR JUDGE ALEXANDER: I am in receipt of yours of the 15th instant inclosing copy of H. R. 2617, a bill to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, and inquiring if occasion for enacting this bill into law still exists.

The occasion does still exist, and the bill should be enacted into law. You will probably recall that I referred to it in my letter to you of yesterday covering legislation affecting this department pending in your committee. The report of the committee, submitted by the House of Representatives (64th Cong., 1st sess., report No. 379), covers the attitude of the department in regard to this bill.

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

That the States of Oregon and Washington are still desirous of having the proposed compact ratified is evidenced by the fact that a joint committee from the legislatures of these two States which met at Seattle Wash., on Saturday, February 3, 1917, to confer upon matters pertaining to their joint fishing interests on the Columbia River, embodied in its report the following recommendation, to wit:

"We renew the recommendations of the joint conference committee of 1915, that Congress shall ratify the laws of the States of Washington and Oregon relative to the fisheries on the Columbia River to the end that such ratification shall act as a treaty between said States which shall be subject to modification only by joint agreement of both States."

The fishing industry along the Columbia River is highly developed, the citizens of both States fishing in its waters under licenses issued by the respective States. In the enforcement of the fishing laws in the two States serious difficulties have in the past arisen on account of the differences in these laws The method of fishing with nets and other gear is such that many fishermen carry on operations within the territorial limits of both States. Often such operations are conducted simultaneously in both States. Without identical laws or laws practically identical the laws of each State are rendered practically useless as regards citizens operating under licenses issued by the other State. (In re Matson, 69 Fed. 535; ex parte Desjeiro, ex parte Furua, 152 Fed., 1004; Neilson *v.* State of Oregon, 212 U. S., 315.)

The necessity for Federal legislation, if the terms of the compact and agreement are to be given effect, is apparent on reference to section 10 of Article I of the Constitution of the United States, which, among other things, provides that "No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State."

There is ample precedent for such legislation. The Supreme Court of the United States has repeatedly upheld such compacts and agreements between States which have been consented to by Congress. (Green *v.* Biddle, 8 Wheat., 1; Poole *v.* Fleeger, 11 Pet., 185; Virginia *v.* Tennessee, 148 U. S., 503; Wharton *v.* Wise, 153 U. S., 155; Stearns *v.* Minnesota, 179 U. S., 223.)

The States of Oregon and Washington having entered into a compact and agreement providing for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River over which they have concurrent jurisdiction, the enactment of the bill reported herewith is proposed to render such provisions effectual.

Mr. CHAMBERLAIN. I move that the bill (S. 1484) ratifying the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, now on the calendar, be indefinitely postponed.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 389) to extend the time for cutting timber on the Coconino and Tusayan National Forest, Ariz.

HOUSE BILL REFERRED.

H. R. 7795. An act to provide for the national security and defense and further to assure an adequate supply of food, by authorizing the Secretary of Agriculture to contract with farmers in certain areas for the production of grain through advances, loans, and otherwise, and by providing for the voluntary mobilization of farm labor, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

TRANSPORTATION FOR SHIPYARDS AND PLANT EMPLOYEES.

The VICE PRESIDENT. The morning business is closed.

Mr. FLETCHER. I move that the Senate proceed to the consideration of the bill (S. 3388) to amend the emergency shipping funds provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes. This is a bill reported by the Committee on Commerce, and the matter seems to be quite urgent now. It has to do with providing transportation facilities for employees in the shipyards. I think there is no real opposition to it.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida.

The motion was agreed to; and the Senate, as in the Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 4, after the word "June," to strike out "thirtieth" and insert "fifteenth"; on page 2, line 1, after the word "operated," to strike out "by steam or electric power," and in the same line, after the word "all," to insert "cars"; in line 3, after the word "thereof," to strike out "to the end that the same be utilized" and insert the word "necessary," so as to make the section read:

That section 1 of the emergency shipping fund provisions of the urgent deficiency appropriation act of June 15, 1917, is hereby amended by adding a new provision reading as follows:

"(f) To take possession of, lease, or assume control of any street railroad, interurban railroad, or part thereof wherever operated, and all cars, appurtenances, and franchises or parts thereof commonly used in connection with the operation thereof necessary for the transfer and transportation of employees of shipyards or plants engaged or that may hereafter be engaged in the construction of ships or equipment therefor for the United States."

The amendment was agreed to.

The next amendment was, in section 2, on page 2, line 8, to strike out "section 3" and insert "paragraph (b) of section 1"; in line 10, before the word "line," to strike out "fourth" and insert "third," and in the same line to strike out "section" and insert "paragraph"; in line 12, after the word "street," to strike out the word "car"; and in line 13, after the word "thereof," to insert "cars and other equipment necessary to operation," so as to make the section read:

SEC. 2. That paragraph (b) of section 1 of said act is hereby amended by adding, after the word "material," in the third line of said paragraph, the following words: "or take possession, lease, or assume control of any street railroad, interurban railroad, or part thereof, cars and other equipment necessary to operation."

The amendment was agreed to.

The next amendment was, to add as an additional section, the following:

SEC. 3. That upon taking possession of such property, or leasing or assuming control thereof, just compensation shall be made therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States of America to recover such further sums as added to 75 per cent will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

The President may exercise the power and authority hereby vested in him through the several departments of the Government, and through such agency or agencies as he shall determine from time to time.

The amendment was agreed to.

Mr. CALDER. Mr. President, when this bill was called up some weeks ago I objected at that time to its consideration. I do not object now, because I am convinced that the Shipping Board must have some such authority as that proposed to be conferred by this measure. It seemed to me then, and it does now, that the results desired could be obtained through the Director General of Railroads. The Shipping Board, however, believe that more speedy action can be obtained by giving them the authority proposed under this bill.

The one danger, Mr. President, is that in case the Shipping Board are not exceedingly careful, they may have imposed upon them worthless railways at an exorbitant figure. I have had some doubt of the wisdom of the measure, but I do know that something must be done to relieve the situation in some of the out-of-the-way shipyards, which have been constructed during the past year or so. I have talked with the Shipping Board officials about the matter, and have expressed the hope to them that they will exercise the greatest possible care to avoid the danger of the Government being imposed upon in this matter. I shall not object to the passage of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes."

Mr. FLETCHER. Mr. President, I desire to have inserted in the RECORD, in connection with the bill, a telegram from Admiral Bowles, who is in charge of the work in the agency yards at Hog Island, at Bristol, Pa., and at Newark, N. J., representing the Emergency Fleet Corporation. He explains in the telegram the importance of this measure.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida to have printed in the RECORD the telegram presented by him?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *Feburary 10, 1918.*

Senator DUNCAN U. FLETCHER,
Chairman Senate Committee on Commerce,
Washington, D. C.:

I respectfully urge that you secure passage of Senate bill 3388, authorizing the President to take over transportation systems in order that we may have authority necessary to secure transportation of shipyard workers. We are endeavoring and have, in many cases, already negotiated satisfactory arrangements, but in other cases transportation companies are absolutely refusing to negotiate or to provide facilities. This is occurring in places where actual delay is occurring in the production of ships. I believe trolley companies are opposing passage of the bill, hoping to obtain some more comprehensive measure to cover their general difficulties of finances, but in the meantime delay is very detrimental to ship production and should not be permitted to continue.

BOWLES.

EDUCATION OF ADULT ILLITERATES.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 4185. This bill was before the Senate a few days ago, and we were stopped in its consideration by the expiration of the morning hour at 2 o'clock. It is the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

The VICE PRESIDENT. The Senator from Georgia moves to proceed with the consideration of the bill named by him.

Mr. CHAMBERLAIN. May I interrupt the Senator from Georgia for just a moment?

Mr. SMITH of Georgia. Yes.

Mr. CHAMBERLAIN. Can the Senator tell us whether or not this bill is likely to provoke any discussion?

Mr. SMITH of Georgia. I think we can dispose of it in a very few minutes. It is a short measure.

Mr. CHAMBERLAIN. There are one or two bills on the calendar that the War Department is very insistent shall be passed. We should try to get those bills through, and they have not yet been acted upon either by the Senate or by the House of Representatives. If, however, the Senator from Georgia thinks the bill moved by him will not take long to consider, I shall not insist on proceeding with the bills to which I refer.

Mr. SMITH of Georgia. I do not think the bill for which I ask consideration will take much time. This also is one of the bills which the War Department is very anxious to have put through. It is a bill to authorize an appropriation for the Bureau of Education to aid the War Department in its work with the illiterates in the cantonments.

Mr. CHAMBERLAIN. I have no objection to the consideration of the bill, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia, to proceed with the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

Mr. SMITH of Georgia. Mr. President, the only criticism which was made upon this bill when it was previously before the Senate was that the amount proposed to be appropriated was not sufficient to accomplish the work. I now desire to say to the Senate that in the cantonments the War Department controls

funds to use for the employment of teachers to aid in the accomplishment of the desired result, but it is the wish of the War Department, as I am advised, that the Bureau of Education should supervise and give direction to its effort to remove illiteracy both in the cantonments and among the men of draft age, and also to stimulate instruction in English, so that all drafted men may at least be able to understand English sufficiently to comprehend orders.

I have been asked to suggest as an amendment that the appropriation for the first year be increased to $100,000, to continue available until expended. Therefore I move to amend, in line 9, page 2, by substituting "$100,000" for "$50,000"; and I also move to add, on page 2, line 10, after the date "1918," the words "to continue available until expended."

The VICE PRESIDENT. Without objection, the amendment will be regarded as agreed to.

Mr. SMITH of Georgia. Then, on page 2, line 10, after the word "and," where it occurs the second time, I move to insert the words "fifty thousand dollars," so that after the first year the appropriation will remain at $50,000, as contemplated in this bill as originally reported.

Mr. KING. Mr. President, I should like to inquire of the Senator from Georgia whether he expects that this bill will be a continuing appropriation?

Mr. SMITH of Georgia. It is limited to a few years. The time is limited in the bill.

Mr. KING. Is it limited to the time of the war?

Mr. SMITH of Georgia. No; under its language the appropriation is limited to $50,000 a year until 1928.

Mr. KING. But is it limited in its operation to those who are in the military and naval service of the Government?

Mr. SMITH of Georgia. No. It contemplates, first, the devotion of the fund to the drafted men. The emergency of the situation was brought to public attention by the discovery of the fact that so large a number of drafted men can not speak English and can not read and write it. The fund is continued for a few years for the purpose of generally stimulating the fight throughout all the States to eliminate the illiteracy of those of mature years.

Mr. KING. Mr. President, legislation having for its object the stimulation of education is desirable, but there is another angle to the question. In legislating here we must keep in view the distinction between the powers and duties and limitations of the Federal Government and the prerogatives and responsibilities of the States as sovereign governments. Because an act of Congress might bring beneficent results, it would not be justified if it offended against the rights of the States or was beyond the general purpose for which the Federal Government was organized. The Federal Government may have power to do many things which it ought not to do and the performance of which would unduly aggrandize its powers and tend to devitalize the States.

Appropriations of money to the States unquestionably would aid the States, but the appropriations might be wholly unauthorized and might establish precedents which would be highly dangerous to the Republic. The people, often without thought, request Federal aid for purely domestic and local concerns. The States are not beggars; they are not wards of the General Government, living off its bounties and gratuities. The States have the work of nations to perform and should perform their work with courage and independence.

The education of the people within the States is a duty resting on the States. They can not and they ought not to shirk it. It would be cowardly for them to abdicate the responsibility of caring for the educational and the moral needs of the people and devolving upon the National Government this local and important duty.

This bill points toward Federal control of education. It seeks justification because there are found to be illiterates within the States.

The theory seems to be that the States have failed to educate the people up to a standard to be desired; therefore the National Government should intervene. The bill, as I understand it, is different from what the Senator from Georgia declares it to be. It is not a measure to aid those now in the military or naval service of the United States. It carries an appropriation to secure information which any educator of standing already possesses or which can be obtained by a few hours' search in the Library in this city. It will increase some one's salary or multiply offices and give a number of estimable and amiable gentlemen a chance to work for a Government which is now staggering under a burden daily increased by the employment of additional servants.

We already know what the educational system of the States is. Statistics are voluminous and instructive. We are familiar with Europe's educational systems, and we are familiar with the methods or lack of methods employed to aid illiterates in making themselves more useful as members of society.

The words "to extend their knowledge of subjects pertaining to their welfare and to their duties as citizens and responsibilities as citizens and members of society" clearly indicate a purpose to authorize an inquiry into matters which pertain to the work and duty of the States.

Suppose a number of persons acting under this bill, if it shall become a law, shall write elaborate reports upon the duties of citizenship and how persons shall act to measure up to the "responsibilities as citizens and members of society," what will they say that has not been said by the greatest educators of this country?

Mr. President, this bill is a delusion and a snare. It will serve no useful purpose and is the entering wedge to a control by the parent Government of the educational systems of the States. It is a seductive measure. It calls for cooperation with the States. It calls for work already done, but which, if not done, should be performed by the States. Under the war spirit we would justify any legislation. Faddists and reformers are here in great number seeking all sorts of foolish and hysterical legislation under the pretext that the exigency of war demands it.

The statement of the Senator from Georgia, if I correctly interpreted his remarks, is an indictment of the educational systems of the States; it is a declaration that they have failed to discharge their duties in educating those within their borders. Ergo, Congress must step in and control education.

I might add in passing that I am at a loss to understand how any Senator indoctrinated in the faith of Jefferson and educated to the view that the Union is composed of "indestructible States" can support this measure.

It looks to me, Mr. President, as if this measure is another evidence of the hysteria that now manifests itself in various parts of the Union. If some supposed evil exists in the States, immediately there is a rush to Congress for the purpose of remedying the evil. The theory seems to be that the States are absolutely impotent to manage their own affairs and perform their sovereign duties, and that, if the States can only be touched with the magic power of the Federal Government, immediately all evils vanish, all mistakes are corrected, and virtue is created and progress ensues. My experience is that the Federal Government, no matter which party is in power, no matter what it undertakes, fails to perform the labor, if it pertains to local and domestic affairs, as efficiently as the States would perform it; and it is agreed by all that in the performance of business undertakings the National Government falls far short when measured by the standard applied to private enterprises. The States regard education as the most important work devolving upon them. They heavily tax the people for educational purposes. They can discharge this great responsibility far better than can the Federal Government.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Vermont?

Mr. KING. I yield to the Senator.

Mr. PAGE. I desire to ask the Senator a question. Has he studied this bill to see that the Federal Government under this bill is not presumed to take any part in educating illiterates? It is simply a bill to stimulate the States to take action. For instance, take the State which I have the honor in part to represent. We would get under this bill as originally reported $180 a year, and as the bill now stands $360 a year, because, on the suggestion of the Senator from Georgia [Mr. SMITH], the amount of the appropriation has been increased from $50,000 to $100,000 for the present year. It therefore means only $360 for the State of Vermont, a sum so small that the Senator at once can see that nothing is contemplated in the way of actual education by the Federal Government. We simply, at the suggestion of the War Department and of the Bureau of Education, wish to try to bring to the States the necessity of doing this work.

Mr. KING. Mr. President, I think I understand the purpose of the bill, and, notwithstanding the plea that the Senator's question presents, I am not converted to the wisdom of the measure. In the first place, if it is merely for the purpose of stimulating the States to increased educational effort, it is not going to be effective, because the appropriation, as the Senator himself suggests, is not sufficiently large to be very much of an incentive or a stimulation to additional effort within the States.

Mr. PAGE. If the Senator will permit me to interrupt him, I will say that under the vocational educational bill passed two or three years ago we already have the machinery by which

the Vocational Educational Board, without any great amount of labor, can bring to the attention of the States facts which will stimulate them to carry forward this work. We have 5,516,000 illiterates in the United States over the age of 10. We have, I believe, of illiterates above the age of 20, 4,600,000. I do not know the percentage of illiterates in the State of Utah, but I know that in one State the percentage is above 30 per cent; I think 35 per cent.

Mr. KING. I want to state to my friend that the State of Utah fortunately stands, I think, second or third in the list of the States of the Union when it comes to the matter of education.

Mr. PAGE. Well, the Senator certainly can not have any objection to the Federal Board of Vocational Education, with all its machinery ready to undertake this work, going to the States and explaining the great necessity for this work at this time.

Mr. KING. Mr. President, that is exactly the argument that is made whenever the Federal Government intrudes itself into the activities, prerogatives, rights, and duties of the States——

Mr. PAGE. But is——

Mr. KING. If the Senator will pardon me—and that is the very reason why the States have been debauched. Whenever you promise a State a Federal appropriation under which the State is to be relieved from the responsibility which rests upon it, opposition which ought to spring instinctively in the hearts of its Representatives is silenced. When a large Federal appropropriation is to be spent in their midst for rivers or harbors, or roads or bridges, or education, or any private concern, then most Representatives are willing to receive it, and many of the people find a multitude of reasons for its acceptance.

Mr. PAGE. But, Mr. President, if the Senator will allow me, there is nothing of that kind in this bill; we do not propose to give the States a single dollar to be by them expended. We simply, through the Board of Vocational Education, propose to advise the States as to the best methods for taking up the work against illiteracy. Not one single dollar under the bill can be paid to the States, and I hardly see how they could be debauched under this bill.

Mr. KING. Oh, Mr. President, in using the word "debauched," I did not have particular reference to this bill; and yet one of the reasons urged by the distinguished Senator who is now interrogating me in favor of it, is that some of the States—and he mentioned the amount which his State would receive—would obtain some benefits as the result of the appropriation. It may possibly be within the purview of the Federal Government to adopt some system of preparing aliens who come to this land and seek citizenship for the duties of citizenship; but I deny that it is the duty or that it is within the constitutional power of the Federal Government to go into the States and control the educational systems therein. No State should be so abject, and so lost to its high mission and duty, as to ask the Federal Government for aid in the educational work which devolves upon it.

Mr. PAGE. Mr. President——

Mr. KING. I yield to the Senator.

Mr. PAGE. I am not prepared to agree to the position taken by the Senator from Utah; but that is a matter which is immaterial, because it is not in any way suggested by this bill. Let me read the first three or four lines of the bill.

That the Commissioner of Education shall, under the direction of the Secretary of the Interior—

Which means the Vocational Educational Board—

investigate the methods that have been and are now used in any part of the United States and in foreign countries in teaching illiterate men and women to read and write and in inducing and assisting those of meager education to extend their knowledge of subjects pertaining to their individual welfare and to their duties and responsibilities as citizens and members of society—

And so forth.

Now, this subject has been brought up at this time by Secretary Lane with the advice and suggestion of the War Department, largely for the purpose of taking care of the illiterates now in the Army. The statistics show that there are to-day—I have forgotten the exact number—about 700,000 illiterates within the draft age.

Mr. KING. If the Senator will pardon me, I have no objection to an appropriation being expended by the War Department, or, if it is deemed best, by the Commissioner of Education, under the direction of the Secretary of War, in teaching those who are now in the service of the Government in the Army and in the Navy, and who, because of their unfamiliarity with the English language, may not be able to discharge the duties resting upon them as faithfully and as effectively as if they did understand our language.

Mr. PAGE. If the Senator will read the letter of Secretary Lane he will see that the purpose he had in mind at the time this bill was suggested was to look after the men who come back from the war with an arm gone, or a leg gone, or an eye gone, or with some other injury that prevents their entering into the work in which they were engaged when they went into the service. There seems to be to-day a demand upon us that is very pressing along these lines, and I think that was the idea of the Secretary in suggesting this bill, although it is made broad enough to stimulate a general discussion and investigation on the part of the States with reference to illiteracy. I think if the Senator will consider this bill carefully he will see that it is a very worthy measure and does not seek to put into the hands of the States the expenditure of any Federal money to be expended by the States, but is simply as the bill says—to investigate the best methods by which this can be done.

Mr. KING. Mr. President, if this bill were drawn along the line of the theory just suggested by the Senator a wholly different question would be presented. As I understand him, he is pleading now for some legislation that will enable the Government to better care for those who may be disabled by reason of the war, to improve their education, to the end that they may not be charges upon the public, and that they may be more useful in society. Now, there may be, and doubtless is, a duty resting upon the Federal Government to care, so far as is just and proper, for those who may be wounded and injured in the war; and if a broad and comprehensive measure dealing with the question of educating the wounded were presented I feel sure it would receive sympathetic consideration. But this is not such a bill; it is a useless and unnecessary measure, simply providing an inquiry about a matter which is understood by all educated persons. As stated, we have statistics as to the illiteracy not only in the States but in other countries. This bill does not reach the point suggested by the distinguished Senator, and can not be justified.

Mr. PAGE. I think the Senator errs, in this particular: The bill does not seek to investigate the extent of illiteracy in foreign countries. It seeks to investigate the methods that are being used in foreign countries to meet exactly the condition to which the Senator has just referred.

Mr. KING. No; to meet the question of illiteracy, segregated or dissociated entirely from the question of war and the injuries which result to those who may be engaged in the war.

Mr. PAGE. If the Senator has taken the trouble to read the letter of Secretary Lane——

Mr. KING. I have read it carefully.

Mr. PAGE. He will find that the whole essence of that letter is to do exactly what the Senator suggests it is proper to do. I believe the bill ought to pass, because while it does not make an appropriation large enough to do the work, it sets the wheels in motion; it stimulates inquiry as to the best methods of teaching illiterate men, of whom we have perhaps 700,000 now within the draft age. I do not know the exact number. The letter of Secretary Lane, however, is very particular to say that the main purpose of this measure is to do something for those men who are now in the service.

Mr. KING. Mr. President, I regard this bill as a covert attack upon the educational systems of the States, and as an entering wedge to taking from the States the control of their educational system, or, at least, to devolve upon the Federal Government, in part, the obligation of educating the people within the States.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. KING. I yield to the Senator from Pennsylvania.

Mr. KNOX. I only want to suggest that this discussion brings vividly to my recollection a discussion along the same lines in the Senate when I had the honor to be a Member of it on a previous occasion, when, upon an appropriation bill, I offered an amendment to appropriate $50,000 for the purpose of investigating the causes leading to mine explosions. At that time the question was very acute, because there had been a number of very serious mine explosions in the West and in the Southwest, resulting in the loss of many lives and the injury of many persons. The argument was made against the proposed appropriation that it was invading a function of the States; that mines are permanently located things, wholly within States, and their operation an operation of a local nature; and that the Federal Government sustained no relation to the subject, and that it was an invasion of the powers of the States for us to undertake to appropriate money to make any such inquiry.

The matter was discussed at great length, some of the most distinguished Senators of that day taking part. I remember

distinctly Senator Hale, of Maine, than whom no greater Senator ever sat in this Chamber, in my opinion; the late Senator Bacon, of Georgia; and quite a number of the other distinguished Senators of that time; and we finally succeeded in having the amendment adopted. I might say parenthetically that the activities thus initiated have now developed into the Bureau of Mines, an institution which is doing as great work for humanity in the United States as any bureau or department of the Government. We came to the conclusion at that time that we had a right to make such investigations. That, as I understand, is all that this bill proposes to do—to make investigations into methods; not to enter into States and install anything, except, perhaps, as the bill says in its latter portion, at the invitation or request of the States, whenever they extend such invitation.

We have been for years appropriating money, and vast sums of money, to inquire into the best methods of agriculture. We are appropriating vast sums of money for the benefit of the mariner and the farmer and the public at large for the purpose of foretelling weather conditions. We are appropriating vast sums of money to kill the boll weevil in the South and the gipsy moth in the Northeast. We are appropriating money constantly for kindred purposes, and we have gotten past the place where it can any longer be said that the aid of the Federal Government in making investigations and even in exterminating pests that assail the agriculture of the country or the cattle of the country or anything of that kind is beyond the Federal function. In my judgment, Mr. President, this is a meritorious measure in that it only proposes to inquire into educational conditions and to devise remedies; and it seems to me that the education of the illiterates of the United States is quite as much a matter for our concern as the appropriation of money for the various purposes I have indicated.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me?

Mr. KING. I will.

Mr. SMITH of Georgia. The bill proposes to go a little further, because it proposes to devise efficient economic methods for teaching adult illiterates—men and women, and so forth—and that information is to be furnished to and to be used by the States.

Mr. KNOX. That was exactly the purpose for which the appropriation of $50,000 for the investigation of the causes of *mine explosions* was proposed.

It went that far; and every Senator knows what a tremendous work has been done for the miners in the United States. I remember that the first bureau was established in the city of Pittsburgh. These investigations were made in an extraordinarily thorough manner by the Federal investigators, and the conclusions they reached were furnished to the mining bureaus of the various States. As I say, from one activity to another it has now developed into a Federal mining bureau which is doing a very important work. So, if the Senator from Utah will permit me just one more moment—I feel that I have trespassed too much upon his time——

Mr. KING. I am very glad to hear the Senator.

Mr. KNOX. While there is no man in the Senate who is more desirous than I to avoid infringing upon the just and legitimate powers and functions of the States, and no man in the Senate who has yielded to the Senator from Utah a higher meed of praise for the stand that he is constantly taking in defense of the rights of the States, yet I think in this particular we have established precedents so numerous that it would be hardly just, in view of the great purpose designed to be accomplished by this bill, to turn it down upon any such ground.

Mr. KING. Mr. President, I do not know that anything that I said warranted the conclusion—and I think, perhaps, the Senator from Pennsylvania reached that conclusion—that I denied the power of the Federal Government to make this appropriation. There may be the power to do an act which is inexpedient and usurpative. Congress might have power to bridge every creek in my State, but it would be improper and wrong to do so. But what I am particularly declaiming against is that these constant appropriations made by the Federal Government for expenditure within the States are atrophying the States, robbing them of their virility and independence, and causing them more and more to appeal to the Federal Government to aid them in purely domestic affairs and the performance of functions pertaining solely to the States.

Mr. SMITH of Georgia and Mr. FALL addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield first to the Senator from Georgia. I will yield to the Senator from New Mexico in a moment. But before doing so, let me add that the paternalism thus resulting will increase, and the activities of the General Government will be multiplied, until in the course of time we will have no States—only empty shells—and a huge, overshadowing Nation will control us.

Mr. SMITH of Georgia. Mr. President, I wish to call the attention of the Senator to the fact that the object of this bill is to furnish leadership and suggestion as a result of broader studies than would be likely to be made in a single State. Then, I wish to ask the Senator whether he does not think that the National Government more than the States is to blame if there is illiteracy on the part of foreign-speaking, non-English-speaking immigrants who are in the United States? If there is a blame, does it attach to the States? Furthermore, if there is still a large portion of the negro population that can not read, should all of that blame be charged to the States?

I only want to add that the statistics furnished us by the Secretary of the Interior lead to the conclusion that the illiterates sought to be reached especially by this bill are largely immigrants whose children can not speak English, foreigners, and negroes who have not yet advanced as we hope they will.

Mr. KING. Mr. President, I would not want to be placed in the attitude of judging where the blame should be placed, whether upon the Federal Government or upon the States, for the conditions to which the Senator refers; but I have no hesitancy in saying that I think the Federal Government has been derelict in its duty in admitting into this country so many people who were not qualified for citizenship, who did not appreciate the responsibilities that flow from accepting citizenship, and who had no conception of the ideals, hopes, aspirations, and faith of the true sons of America. We have not absorbed, indeed, not assimilated those welcomed to our shores.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. As I understand the Senator, he admits that the Federal Government has the constitutional right to make this appropriation. Am I correct about that?

Mr. KING. Speaking generally, I will say that Congress can make this appropriation.

Mr. McKELLAR. If I am correct about that, what higher or better purpose could be found than the purpose of educating the illiterates of our country, regardless of whose mistake it was?

Mr. KING. Oh, Mr. President, because a government has the power academically and theoretically to do a certain thing, that does not justify, in morals or in law, the performance of the act itself. Perhaps, as an academic proposition, the Government of the United States has the power to build the roads of Tennessee, but in my opinion it would be a wrong for the Federal Government to undertake the construction of the highways for the people of Tennessee. The Federal Government perhaps, as a bald question of the exercise of plenary power, might spend $100,000 for the education of the colored people within the State of Tennessee, but it would be an abuse of that power, it would be wholly unwarranted for the Federal Government to make the appropriation. The plea of the Senator would justify the Federal Government going into the States and doing police duty, running the courts, maintaining the hospitals and asylums, and performing all the obligations resting upon the States. Some States might be willing to so abase themselves as to cease to be independent and sovereign and live upon the charities of the Federal Government, but if that condition should long continue this Republic would cease to exist. I want to warn Senators against this practice of having Congress do for the States that which they should do for themselves.

Mr. FALL. Mr. President——

Mr. KING. I yield to the Senator from New Mexico.

Mr. FALL. Mr. President, it would have been better, possibly, if I desired to make a speech not to interrupt the Senator.

Mr. KING. I am sure it will improve my remarks if the Senator proceeds now before I yield the floor.

Mr. FALL. The Senator is very flattering. I simply wanted to ask the Senator if he did not agree with my idea of the duty of the Government of the United States to educate some portions at least of the illiterate population. The suggestion of the Senator from Georgia [Mr. SMITH] was along the line of the question that I desired to propound.

The States have nothing to do with the matter of immigration or the matter of making citizens. That is the province of the National Government. No protest of the State of California can avail in the matter of any treaty concerning naturalization, for instance, nor immigration, for instance. The National Government makes immigration laws and admits illiterates. The National Government makes citizens of these people and forces them upon the States. It has no internment ground upon which

these illiterate immigrants may be placed, unless you might say that they should go to the District of Columbia or the Territory of Alaska. As soon as they are admitted at Ellis Island or at San Francisco, if they come from the other direction, or anywhere else that they may land, they scatter throughout the States of the Union. The Federal Government provides how and when they shall become citizens, and has no educational qualifications at all in its law, except as recently adopted upon the immigration act. Now, is it not, in the Senator's judgment, as in mine, the duty of the United States to assist, at least, in the education of the illiterates whom it forces upon the people of the States?

Mr. KING. Mr. President, I stated a moment ago that I felt that the Federal Government had been derelict in its duty in admitting to citizenship so many persons who failed to appreciate the responsibilities which citizenship involves; and I think there should be some change in our immigration laws that would restrict citizenship to narrower limits and to those only who love this country, its Constitution and its laws, its institutions, and its glorious history; those who desire liberty under law and who can comprehend in part, at least, the high mission and the ideals of this Republic.

Mr. FALL. But——

Mr. KING. If the Senator will pardon me, answering the inquiry which the Senator propounds, and which is a fair one, I think it within the power of the Federal Government to aid in preparing for citizenship those who come to this land and seek citizenship in this Republic.

I might not oppose a proper and comprehensive measure the object of which was to prepare for citizenship the class just referred to. I should not oppose a measure suggested by the Senator from Georgia and the Senator from Vermont, that aided in the education of those who are wounded in this great conflict and who return from the war unprepared to make a livelihood.

Mr. FALL. Then I think from the Senator's remarks generally he does agree with me that the Government of the United States, having failed to perform its duty in the past with reference to the admission of illiterates and making citizens of them first, has the power to make an appropriation of this kind.

Mr. KING. Yes; I concede that.

Mr. FALL. Now, having the power and having failed in its duty to those citizens heretofore, those citizens having arrived in the States, they were forced to accept those illiterates, with which they had nothing to do and over whom they had no power at all. Having failed in its duty, I say that the natural conclusion the Senator must arrive at is that at which I have arrived in considering this bill. It is that the United States not only has the power but it is the duty of the United States to assist in providing for the education of these illiterates.

Now, as the letter of the Secretary of the Interior seems to be the principal ground for the inquiry commented upon by the Senator from Vermont, we may realize the necessity of commencing the good work which the United States is undertaking now to perform in the cantonments among the drafted men. I think that is perfectly proper, but I would object to a provision leaving this investigation and this work to be performed under the direction of the Secretary of the Interior rather than the Secretary of War. In so far as those men are concerned, there will be an inevitable conflict between the two Cabinet officers. Here are men enlisted for the military service in the cantonments. Here are various other men who are registered, and I can see very well where there could be a conflict in the matter of attempted education of those who are registered but not drafted and those who are drafted or enlisted. The Commissioner of Education should cooperate with the Secretary of War and not with the Secretary of the Interior in reference to the matter.

Mr. SMITH of Georgia. Will the Senator allow me?

Mr. FALL. I am trespassing on the time of the Senator from Utah.

Mr. SMITH of Georgia. I think I can relieve the Senator's mind upon that subject. The Commissioner of Education, of course, conducts the bureau in the Interior Department. The Interior Department for many years was the branch of the Government to which bureaus were assigned that did not fit anywhere else. It was an assembly of many disconnected bureaus. The Bureau of Education is a bureau of the Interior Department.

Mr. FALL. I understand.

Mr. SMITH of Georgia. The Secretary of the Interior has practically nothing to do with it.

Mr. FALL. I understand.

Mr. SMITH of Georgia. At the present time, so far as the cantonment work is concerned, the commissioner will be in cooperation with the Secretary of War; and I know that there will be no friction at all between the War Department and the Bureau of Education, but, on the contrary, I am advised the Secretary of War, conferring with the Secretary of the Interior, desires this help from the Bureau of Education, and it will entirely cooperate inside the cantonments under the direction of the Secretary of War.

Mr. FALL. That may be very possible, but the objection, it strikes me, is much better founded than the Senator would think. We have departments of the Government overlapping one another. No one knows where the authority of one begins and the authority of the other ends, each assuming authority. Under the terms of the bill itself that cooperation which is so much to be desired under the direction of the Secretary of War in reference to drafted men is not provided for.

The Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate—

And so forth.

Under the direction of the Secretary of the Interior. That is all right as a general proposition. There is no objection to it in the world because his bureau is a part of the Interior Department. It is a portion of the working force of the Interior Department. The men who are drafted and under military law are under the direction of the military authorities, and there should be no possible interference by anyone under an act of Congress in the education of those men, except that such efforts should be directed by the Secretary of War and the military authorities.

Mr. SMITH of Georgia. The Commissioner of Education could not go into the cantonments except in cooperation with the Secretary of War. This act of Congress does not authorize him to go into the cantonments.

Mr. FALL. It authorizes him to educate these citizens or to investigate.

Mr. SMITH of Georgia. He could not go into the cantonments.

Mr. FALL. The very fact that the Senator and myself are arguing the proposition, one taking one point of view and the other the other, is an argument against the provision.

Mr. SMITH of Georgia. What should we do to allow the two Secretaries to cooperate?

Mr. FALL. I would offer a very short amendment to the work to be done under the provisions of the bill with the drafted man by inserting "and enlisted men in the service of the United States."

Mr. SMITH of Georgia. If the Senator will draw an amendment providing that the work done in the cantonments must be done under the direction and after the approval is had of the Secretary of War, I accept it at once.

Mr. FALL. I am in favor of the general proposition. I differ from the Senator from Utah upon the broad statement of the proposition; that is, I am in favor of this authority being given to the Commissioner of Education, and I do not care with whom he confers as a general proposition, but I am pointing out the specific condition here, which, to my mind, presents an almost insuperable obstacle. If you are going to undertake to carry out the proposition that the Senator from Vermont is speaking of and upon which he bases, apparently, his support of this measure—that is, the purpose to educate or to assist in educating illiterates now in the Army. Then the Commissioner of Education in this matter may be under the direction of the military authority and not under the direction of the Secretary of the Interior. But there is not one word in the bill upon the general proposition that it is the duty of the United States, after admitting these illiterates and forcing them upon the States, to cooperate in their education.

I hope the Senator from Utah will pardon me for taking up his time.

Mr. KING. I am very glad to have received the suggestions of the Senator from New Mexico. The criticism he urges against this bill shows that it is not based upon the proper theory and can not be defended upon the ground suggested by the Senator from Vermont or the Senator from Georgia. It is not a bill providing for the care of illiterates by the Government of the United States whom it has permitted to come into the country and whom it has placed within the States; it is not a bill for the purpose of educating the illiterates and infirm who are in the Army or Navy. It is not a bill to make better soldiers and sailors and to enable them to better discharge the duties resting upon them in rendering military service to the Government. This bill will be construed by the States as a purpose upon the part of the Federal Government to enter their borders and to aid in the general system of education, and will be made the basis for petitions to Congress or demands upon the Federal Government to aid in State education.

Mr. PAGE. Mr. President, I should like to say that the department in drawing this bill sought to meet the objection of just such men as the Senator from Utah.

Mr. KING. I am flattered to think that the department should have such men as myself in mind.

Mr. PAGE (reading)—

Provided, That no part of the money herein appropriated shall be used to pay teachers or school officers in any State or Territory or in the District of Columbia for teaching or for conducting or supervising any school or schools: *Provided further*, That the Commissioner of Education shall not undertake to promote the teaching of adult illiterates and men and women of meager education in any State or Territory of the United States or in the District of Columbia by cooperation or otherwise without the written invitation or consent of the board of education or the chief school officer of such State, Territory, or District of Columbia.

They tried to put up the bar against any possible use of this money to educate men in the States. But in passing I want to say we expect that very soon there may come back from Europe men who by reason of the war have been placed where they can not go on with their usual avocation, and we want to stimulate and prepare the States to take care of those men when they come back and fit them so that they will be self-supporting and self-respecting citizens.

Mr. KING. The more the bill is read and the more it is explained—and it is well and ably explained by the Senator from Vermont and the Senator from Georgia—the greater the objections appear. If it is the purpose of this scheme to adopt a broad and comprehensive system for educating and caring for those who may receive wounds in the war, to aid them better after their return to make a livelihood, then it utterly fails. It is not broad; it is not comprehensive; it is narrow and dogmatic and will prove wholly ineffectual. If it is for the purpose of discharging a duty heretofore not discharged by the Federal Government, according to the contention of some, namely, attempting to educate those who sought citizenship before thrusting upon the States men who were wholly incompetent to discharge the duties of citizenship, then it utterly fails to accomplish that purpose.

I think the Senators having this bill in charge in the committee were actuated by the very best motives and had in mind the curing of an evil, but I do not think the bill is broad enough to accomplish either of the purposes suggested. It will prove misleading and deceptive and be regarded by the States as an effort on the part of the Federal Government to go into the States and aid in the control of State education and will be regarded as a declaration by the Federal Government that hereafter it purposes going into the States and aiding them in the discharge of duties which clearly rest upon the State.

The criticism offered by the Senator from New Mexico [Mr. FALL] is certainly well founded. It leads to conflict between the Interior Department and the War Department. It occurs to me that it would be the part of wisdom to recommit the bill, in order that a broad and comprehensive measure might be reported that will meet the evils and correct the abuses to which reference has been made.

This is simply a waste of $50,000 or $100,000. It has been promoted largely, doubtless, by some bureau of the Government that wants to increase its activities and augment its powers. We have bureaus of this character almost daily knocking at our doors. Some agency is created, and it wants to expand and become a bureau, and then when it becomes a bureau it wants additional power and will knock at the doors of Congress and demand that it shall be made a department.

Of course, we need departments and we need bureaus, but this burning desire on the part of agents and officials to expand and increase their power and the willingness with which Congress yields to their demand for appropriations and extension of power leads me upon this occasion to call attention to this character of legislation and to ask this committee, if they desire wholesome and proper legislation, to reconstruct this bill along safe and sane and rational lines.

Mr. GALLINGER. Mr. President——

Mr. KING. I yield to the Senator.

Mr. GALLINGER. I want to read the first few lines of the bill and then ask the Senator a question.

That the Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate the methods that have been and are now used in any part of the United States and in foreign countries in teaching illiterate men and women to read and write.

How much of this appropriation does the Senator think it will take to accomplish that investigation?

Mr. KING. Mr. President, the reports that we have now from the Census Department reveal the conditions in the United States, and the report that we can get here in the library will furnish the rest of the information suggested in the lines just read by the Senator from New Hampshire.

Mr. GALLINGER. I quite agree with the Senator that there is never a bureau that does not want to expand itself into something bigger than a bureau. If the Commissioner of Education undertakes to carry out the directions that I have read in the bill and appoint agents to traverse the United States and very likely to go abroad, what will become of the $100,000?

Mr. KING. It will be wasted, of course——

Mr. GALLINGER. Of course.

Mr. KING. In traveling expenses, in office expenses, and frittered away without any results being accomplished. This is a waste, I repeat, and if the subject is worthy of attention it should be treated in a scientific and a rational way.

Mr. GALLINGER. Mr. President——

Mr. KING. If the Senator will allow me a sentence, the difficulty is that too often when some evil, fancied or real, exists some one—and to use a vulgarism, "the woods are full" of faddists and reformers—rushes to Congress and asks for an appropriation, and we make the appropriation without proper investigation and without the adoption of a scientific method of treating the subject. The appropriation is lost, a deficiency is created, further appropriations are sought, and in the end the enterprise is abandoned or we have to supplement the former appropriation by additional ones and increase the agencies and instrumentalities to tremendous proportions. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I was about to say to the Senator that I quite agree with him in the suggestion he made a little while ago, that if this was a plan to educate to some extent the men who come back from the battle front wounded, and from the hospitals, if that could not be accomplished through existing instrumentalities such as the Young Men's Christian Association and the Red Cross, and it was necessary to employ teachers, I would be very glad to vote for an appropriation of that kind.

Mr. KING. I should be very happy to vote for it also.

Mr. GALLINGER. But it does seem to me to expend $100,000—and that will be only a beginning—in ascertaining to what extent illiteracy prevails, which has already been ascertained, I apprehend to some extent at least, and then to employ teachers to educate not only the soldiers but illiterates of the country, will be an absolute waste of money.

I suggested the other day that my predecessor, Senator Blair, of New Hampshire, advocated with great zeal and ability an educational bill which was to take care of the illiterates largely in one section of the country; that he proposed over six or seven million dollars to start with, and I think it was an increasing appropriation year by year until a very much larger amount was expended.

Mr. KING. I think the aggregate, as I recall the bill from reading it many years ago, was about $27,000,000.

Mr. GALLINGER. As much as that, certainly. There was, I think, a good deal of sense in that, because it would have accomplished something, but to give a driblet simply because the Commissioner of Education wants to add to his activities is, to my mind, a waste of money.

Mr. KING. Mr. President, just one word in reply to the Senator from Pennsylvania [Mr. KNOX], who, I regret, has left the Chamber. I want to say that you can easily differentiate the illustration to which he referred from the instant case. The Federal Government owns millions and hundreds of millions of acres of public domain, on which are situated mines and within which are immense and rich mineral deposits. It would be a proper function of the Government, although it might be rather paternalistic, for it to make investigations of the mining properties and of the mining deposits within its own domain and to investigate those that were operating some of the properties that were owned by the Government, as it had a proprietary interest in the public domain, and, having that proprietary interest, it had the right to legislate as a proprietor with respect to its own domain; but education is a duty resting upon the State; it is one of the police powers of the State to properly care for the education of those within its borders, as it is a part of the police powers of the State to take care of the local courts and to see that justice is administered and the rights of property and of life are safe and secure.

Mr. President, when I rose I had no intention of occupying the floor more than a moment. In conclusion, I want to say it is a matter of regret for me to have to differ from the distinguished Senator from Georgia, who is usually—indeed, I might say always except upon this occasion—a safe leader and a wise and valuable counselor. I appeal to the Senator to let this bill go back to committee to reconstruct it along broad and comprehensive and rational lines, having in mind the stream of men who probably will come from across the sea wounded, bruised, and maimed, to the end that they may be better cared

for in the few years or the many years, God willing, that shall yet be in store for them; and also keeping in view the question of the duty of the Government with respect to those who seek citizenship in this Republic. If the Senator from Georgia will draw a bill of that character, I have no doubt it will receive practically the unanimous support of the members of this body.

Mr. WILLIAMS. Mr. President, this is another of those cases where "even-handed justice" commends the "poison'l chalice to our own lips." For years and years a lot of us have stood in the two Houses of Congress begging the Republican Congress to consider the fact that we had ignorance enough upon our own shores without importing more of it, but, in spite of all that we could do and say, the importation has kept up year after year, until now an "American" may mean almost anything. Without homogeneity of language there can be no homogeneity of traditions, of ideals, or of purposes; there can be no harmony of action; there can be no concerted national movement of any description. Men may say what they please—the old rationalists and the other people debated about it for centuries—but men think in words; men think in language. The man who has not words and language in which to think can not think much. He may think about what he is going to eat and about what he is going to wear, as a little baby thinks about where it is going to get its milk, and feels anxiously for it; but he is not much beyond that. When men have different languages they can not cooperate with one another unless there take the place of language centuries-old traditional history and myths and universal custom and century-old concreted, intense nationality against despotism, as these things did take the place of language in Switzerland, let us say, and in Belgium so that the Germans even now can not separate the Flemings from the Walloons.

Mr. President, I think that the main thing to be done in teaching adults in the United States is not so much to remove their illiteracy as it is to teach them English and something about English institutions. I could go down into the mountains of eastern Kentucky and east Tennessee and western Virginia, where the Republican Party, I believe, claims that the most illiterate vote of the South is cast, and, by the way, cast for the Republican ticket, and I could find about 20 men out of a possible hundred who could not read a word, and who yet were wise men upon election day, men who have some political information. It was stated before the war that in one of the States of this Union the best schooled and best educated people politically in the Union lived, and yet a people who constituted the least literate State in the Union. They were politically and democratically schooled because of their habits of life. They had their weekly county court days; they had their musters every Saturday, they had their joint debates; every question of constitutional and civil rights was discussed before them, and, of course, in their own language; and they became a highly educated people politically.

Of the population of ancient Athens the same thing may be said. There was not a very large percentage of people among the "fierce democracie of Athens" that could read or write, but it was the best educated population that the world has ever seen—politically, dramatically, artistically, æsthetically—simply because of the habit of the people living together constantly, hearing discussions in their own tongue, which happened to be, with the exception of the English, the broadest and most voluminous and most comprehensive and world-comprehending tongue that the world thus far has ever known.

Mr. President, with these ideas in my mind, I want to offer a couple of amendments to the pending bill—one to the title. After the words "United States," at the end of the title, I desire to add "and for aiding the States in teaching English to aliens and naturalized citizens."

Mr. GALLINGER. Should not the Senator say "to illiterate aliens and naturalized citizens"?

Mr. WILLIAMS. No; because there may be a man who speaks Bohemian and writes it, but yet who does not know a word of English. So far as we are concerned, he is just as absolutely ignorant of our institutions and patriotism as if he did not know anything at all.

Mr. GALLINGER. That is true.

Mr. WILLIAMS. There are a whole lot of people who came over here from Germany, who have never yet learned any language but German, and who to-day remain Germans because of that fact.

By the way, I will add, if the Senator will pardon me the addition, that I happen to have a boy down in the Army who was thrown accidentally into the command of a lot of Pennsylvania miners—Bohemians, Slovaks, Slovenians, Polaks, Italians—some of whom he found could not read and write, and a great many of whom he found could read and write, but could not even speak English and could not obey the words of command without extra drill. One of the first things that the boy's division commander ordered him and some others to do, was to try to teach those men enough English at any rate to get their meals and to obey military orders.

Now, to go on, I also propose, on page 2, line 1, after the words "United States," to insert "to aid the States in teaching English to aliens and naturalized citizens." Of course, the fellow who understands English will not be taught, and the man who does not understand English will be taught.

One more word, Mr. President, and I shall take my seat, with an apology for taking up a lot of the time of the Senate, not only to-day but during last week, a part of which time I have since concluded was uselessly employed. I hope that it is not in this instance.

Our law, our Magna Charta, our habeas corpus, our parliamentary freedom, our Bill of Rights, our Declaration of Independence, our Constitution, all of the muniments of our civil, political, and individual liberty were written in the English language. It is not an accident that the only language which has been able to perpetuate liberty allied with law and with order has been the English language, because the history of the language and the history of the people who spoke it and speak it have been identical upon those lines. That is not all. When we come to consider this great language that we speak, with the possible exception of Homer and of Dante, one a Greek and the other an Italian, there is nobody who will stand in the same class with Shakespeare or Milton; when we come to consider the sweet singers in the language, there is nobody who stands with Tennyson, with Moore, and with Burns known to the language of any people in this world; and when we come to consider the science of the world, beginning with Sir Francis Bacon and running down through Sir Isaac Newton and Huxley and Darwin and Agaziz to the last of them all, to the men who are now taking command of the scientific information of the world and showing English and American and Canadian and Australian ability in that line, and running through the great metaphysicians, Herbert Spencer, Sir William Hamilton, and Stewart, and all the balance of them down to now; the great inventors who invented the steam engine, the spinning jenny, the railroad, the telegraph, and nearly everything else worth having, including the electric light, it is this race that has produced them.

Now, how can people who come over here and do not understand the language comprehend the traditions, the spirit, the idealism, and the aspirations and the science and the poetry and the history of the people who speak English and who have derived with their mother's milk and with their language a love for order conjoined with liberty—neither autocracy upon the one side conjoined with despotism, furthering the interests of one rather than the many, bolshevikism, on the other hand, conjoined with mobocracy, establishing the despotism of the many, is the thing the world seeks, but the good old safely guarded English-speaking, democratic liberty, which France, thank God, seems to have learned after having gone through much travail and labor? How can they do it? What is there back of them? What is there in their literature; what is there in their science; what is there in their daily walk and conversation to teach it to them?

I have frequently said that the most valuable information that I have ever secured in my life was from men who had no particular standing in the world, who read about three newspapers, including magazines as newspapers—one monthly, one weekly, and one daily—kept up with what was going on in the world, and then thumbed the CONGRESSIONAL RECORD. I am aware of the fact that the CONGRESSIONAL RECORD is not considered a very highly respectable newspaper, but for the man who reads it—and I confess I have not the patience to do it—but for the man who has the time and has the patience to do it, as I had for the first three or four or five years after I came into public life, it is the most perfect newspaper of political thought that this world ever furnished or ever will furnish, except that it may improve upon itself. So that I have met men down in Mississippi, one or two or three mule farmers, that would all at once open up a vista and say: "Well, John, how did you happen to vote this way upon that bill?" I would say, "My dear fellow, I do not remember the bill, and I do not remember how I voted on it"; but, of course, he knew all about it; he had nothing to do but to read the RECORD and his paper. The man who said "Give my enemies many books" was about right, and Hobbes, who said, "Fear the man who reads one book," was also partially, though not altogether, right. There is a broader scope for human thought than that, thank God.

Mr. President, I offer these two amendments, and I ask the attention of the Senator from Georgia in charge of the bill to them. If in wording them rather hurriedly I have not worded them with sufficient descriptive force, the Senator from Georgia

can amend them. The amendments read in this way—I should like the Senator to note them—I propose to amend the title by inserting the words "and for aiding the States in teaching English to aliens and naturalized citizens"; and, then, in line 13, on page 1, to add the words: "to aid the States in teaching English to aliens and naturalized citizens."

Mr. SMITH of Georgia. Mr. President, the Senator from Vermont [Mr. PAGE] and I have largely had the responsibility in the Committee on Education upon this bill. I personally do not object to the amendments proposed by the Senator from Mississippi if the Senator from Vermont does not. So far as I am concerned, speaking for myself, I am willing to accept them, because I think that there is no more essential service in education to be rendered the country by this bill than to see to it that every person in the United States speaks English.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator from Georgia understand that his amendments have been agreed to?

Mr. SMITH of Georgia. The formal amendments which I offered were agreed to.

The PRESIDING OFFICER. The reporters do not have it so recorded and the Chair is informed that they were not even stated at the desk.

Mr. SMITH of Georgia. Oh, yes; I think they were. Mr. President, I only offered one amendment, which was to increase the appropriation of $50,000 to $100,000, and make it available until expended.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The SECRETARY. The amendment is in three parts and is as follows: On page 2, line 9, to strike out "$50,000" and insert "$100,000"; in line 10, after "1918," insert the words "to continue available until expended"; and in line 10, after the word "and," to insert "$50,000," so that if amended the paragraph will read:

That for the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 for the fiscal year ending June 30, 1918, to continue available until expended, and $50,000 for each succeeding fiscal year until June 30, 1928.

Mr. SMITH of Georgia. The Chair announced that the amendment had been adopted.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Georgia will be considered as one amendment, and, without objection, the amendment is agreed to. The Chair hears no objection.

Mr. SMITH of Georgia. Mr. President, I did not understand what the view of the Senator from Vermont was.

Mr. PAGE. Mr. President, it seems to me that if we enter into an arrangement whereby we are to aid States in any form of public education, as suggested by the Senator from Mississippi, instead of there being $50,000 appropriated, we would have to make it $500,000 or $5,000,000. I do not think the appropriation carried by this bill is at all commensurate with any plan that seeks to aid the States in the matter of education.

Mr. SMITH of Georgia. Mr. President, I may say to the Senator from Vermont that my view of the amendment, in view of the balance of the bill, is that it should be construed to mean that the aid should be suggestive, just as the whole scheme of the bill is suggestive; that it only emphasizes the importance of teaching English and does not enlarge the responsibility, but directs the force toward the effort to teach English.

Mr. PAGE. I should like to illustrate by just one point. The Senator will remember that the bill for the promotion of vocational education provides for night schools for those boys or men who are engaged in manufacturing; but it limits the night schools to boys who are actually engaged in work, and anyone outside can not avail himself of the benefits of these night schools. In view of the boys that are coming back from Europe armless or legless, it seems to me that the board of vocational education would suggest to the States that they change that so that there might be enrolled in these night schools these men who need some special education to enable them to become self-supporting.

If nothing but that should result from this bill, it would be worth one hundred times more than we appropriate. If the Senator from Georgia is correct and he does not feel that by adopting the amendment of the Senator from Mississippi we shall enter upon a scheme of education, I have no objection to the amendment; but it seems to me that we would do that if we should adopt the amendment.

Mr. KING. Mr. President, will the Senator yield for just a question?

Mr. PAGE. Certainly.

Mr. KING. Does the Senator think that when these boys come home from the war and return to their respective homes the States are going to ignore them and their claims for education?

Mr. PAGE. I simply know that the law as it exists to-day upon our statute books, unless it should be violated, would prevent the acceptance of these men in these night schools. If this bill is passed the Board of Vocational Education will suggest the amendment of the law so that without violation of law these men may be taken in; and to my mind that is one of the great purposes of this bill. It is to take care of the men who come back and who need to have an added amount of education in order that they may become self-sustaining.

Mr. KING. If the Senator will pardon me, I suggest to him that this bill does not make any provision of that character. It does not carry an appropriation of that character. It is not sufficiently broad to warrant expenditures of that character.

Then I recur to the question I propounded to the Senator a moment ago; and I think that is the fatal mistake that is made by the Senator and those entertaining his view. They assume that the States will fail to appreciate the legitimate demands made upon them by those who return from the war. The States are going to be interested in the proper care of those who have been wounded and maimed. They will provide industrial and other schools to take care of those who may settle in their midst and who may need attention. The theory seems to be that the States are absolutely atrophied; that they are going to refuse to discharge their duties and their responsibilities; that they are going to rest upon the Federal Government the care of all those who may be in their midst; that the Federal Government owes to the people the duty to care for them and to educate them and to support them; that the States are mere supernumeraries in this great dual system of Government in which we live.

It is against that spirit that I am complaining, because I think it is going to be destructive of our form of government, and that the States will wind up with being beggars and suppliants at the feet of Congress, and refuse to discharge the duties resting upon them, because Congress has been inviting them to come and partake of its bounty, and to devolve upon the Federal Government responsibilities which, under the Constitution, rest upon the States themselves.

Mr. GALLINGER. Mr. President, will the Senator from Vermont pardon me a word?

Mr. PAGE. Certainly. I yield the floor.

Mr. GALLINGER. The Senator from Utah is not quite correct in saying that the States will take care of these soldiers. I am greatly interested in extending aid to the soldiers who come home wounded from the battle fields of France; but they will not all go to their States. The Government has turned over this great Walter Reed Hospital in the city of Washington, and 27 wounded soldiers appeared there a day or two ago, and there probably will be more than a thousand wounded soldiers there in the near future. Those men could not be taken care of by the States, so that it is quite right that the Government should at least extend its benefactions to those men.

Mr. KING. Mr. President, will the Senator yield?

Mr. GALLINGER. Certainly.

Mr. KING. Heretofore I made the observation—perhaps before the Senator came into the Chamber—that I was in favor of some broad and comprehensive scheme by which the Federal Government would make provision, at least, independently or with the aid of the States, to care for the education of those who come from the battle field wounded and maimed, and who are unable to take care of themselves in life; and by anything I said just now I did not mean to convey the idea that I thought the whole duty and responsibility should be devolved upon the States.

Mr. SMITH of Georgia. Mr. President, if the Senator will permit me——

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. Several bills have already been prepared on that subject, looking toward the National Government following in the lines that all the warring nations have pursued, of providing for the reeducation vocationally of wounded soldiers. Those bills are now being considered by experts on the subject, and I hope to have as nearly as possible a perfected bill from the experts to submit to the Senate within the present week.

Mr. GALLINGER. Does not the Senator from Georgia think that this bill might as well be held until that scheme is worked out?

Mr. SMITH of Georgia. I do not think so. I do not think it has anything to do with that bill. What I am anxious to see, what the Secretary of War desires, what the Secretary of the

Interior desires, is the leadership of the Bureau of Education in directing the forces—not furnishing the forces, but directing the forces—in the cantonments, in a way superintending the forces in the cantonments, who are using funds and are now laboring to teach the soldier in the cantonments to read and write, and to teach those who do not even understand English, how to speak and read it.

Mr. GALLINGER. Why does not the Senator say "cantonments" in this bill, then?

Mr. SMITH of Georgia. It does not stop there. It does not pretend to go there alone.

Mr. GALLINGER. It does not get there, according to the terms of this bill.

Mr. SMITH of Georgia. I have a short amendment that puts it more distinctly there. I did not draw the bill. This is a bill drawn by a department.

Mr. GALLINGER. As usual, of course.

Mr. SMITH of Georgia. I introduced it; but, as usual, I am glad to have it amended on the floor of the Senate. As usual, I believe that a department bill is all right for us to start with, but that after we get it we ought to study it and perfect it and give it the benefit of our broader experience.

Mr. GALLINGER. I recall more than one effort that has been made by the Bureau of Education to extend the activities of that bureau in directions to which Congress has not agreed; and I think this is an instance of that kind.

Mr. SMITH of Georgia. There are two amendments that I was going to suggest. The first is on the line of thought thrown out by the Senator from New Hampshire. I was going to suggest that we strike out, beginning with the words "investigate the methods," down to the word "shall," in line 11.

Mr. GALLINGER. I had my bill marked exactly in that way and was going to move that amendment, and I hope the Senator will offer it himself.

Mr. SMITH of Georgia. If the Senator will move the amendmend, I am ready to accept it. Then I want to suggest an additional amendment at the close of paragraph 1, providing that any action taken by the Commissioner of Education to remove illiteracy among the enlisted men of the Army or Navy shall be undertaken only by the approval or direction of the Secretary of War or the Secretary of the Navy, respectively. That, I think, helps function his work in that line.

I think those two amendments, the one gathered from the suggestion of the Senator from New Hampshire and the other gathered from the suggestion of the Senator from New Mexico, improve the bill very substantially.

Mr. GALLINGER. If the Senator does not himself offer the amendment on page 1, I will take the liberty of offering it now.

Mr. SMITH of Georgia. Then, so far as I can speak for the committee, I accept it.

Mr. GALLINGER. I move to strike out, commencing after the word "Interior," in line 4, down to the word "devise," in line 11.

The PRESIDING OFFICER. The amendment of the Senator from Mississippi [Mr. WILLIAMS] has not been disposed of.

Mr. GALLINGER. I supposed it had been. Let it be acted upon first.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Mississippi.

Mr. GRONNA. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 1, after the words "United States" and the comma, it is proposed to insert "to aid the States in teaching English to aliens and naturalized citizens, to," so that if amended it will read:

To aid the States in teaching English to aliens and naturalized citizens, to promote plans for the elimination of illiteracy—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Now I ask that the amendment I offered be stated from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 4, after the word "Interior," it is proposed to strike out, commencing with the words "investigate the methods that have been," and so forth, down to and including the words "he shall," in line 11, so that if amended it will read:

That the Commissioner of Education shall, under the direction of the Secretary of the Interior, devise efficient and economic methods—

And so forth.

Mr. STERLING. Mr. President, I will ask the attention of the Senator from New Hampshire and the Senator from Georgia to a further amendment, which I think may be considered properly as an amendment to the amendment of the Senator from New Hampshire. After the word "shall," in line 11, I move to strike out the word "devise" and insert the following:

Cooperate with the educational authorities of the several States in devising.

Mr. GALLINGER. Mr. President, the committee—I think wisely—has almost entirely excluded the cooperation of the States. For instance, the last proviso is:

Provided further, That the Commissioner of Education shall not undertake to promote the teaching of adult illiterates and men and women of meagre education in any State or Territory of the United States or in the District of Columbia, by cooperation or otherwise, without the written invitation—

Of the State authorities.

Mr. STERLING. Mr. President, I will say to the Senator from New Hampshire that I read the bill, and I have noted that particular language. It refers to the promotion of teaching, and provides that it may not be promoted by Federal authority unless by consent of the State authorities. But, if the Senator will excuse me, the Federal authorities may devise plans and seek to impose those plans without first having consulted the State authorities in regard to what plans may be most adaptable to conditions in a particular State, and hence I thought that all plans and methods for the teaching of adult illiterates should be devised by cooperation between the Federal authorities and the State authorities.

Mr. GALLINGER. Mr. President, the Senator's proposed amendment comes after the amendment I have offered, after a word that will remain in the bill. I ask that the amendment I propose be acted upon, and then the Senator can offer his.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. STERLING. Now, Mr. President, I move to strike out the word "devise," in line 11, on the first page, and insert "cooperate with the educational authorities of the several States in devising."

Mr. SMITH of Georgia. I do not think we will object to the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. CALDER. Mr. President, for the life of me I can not see what real benefit this measure is going to be. Our educational systems are conducted under the supervision of the respective States. As I understand it, the only place in all of the United States or any of its outlying colonies or provinces where the Commissioner of Education has any authority is in Alaska. This money, $100,000, is asked for for purposes of investigation——

Mr. SMITH of Georgia. No; we have stricken out that provision.

Mr. CALDER. Well, even if it is stricken out, it provides for the spending of $100,000 of the people's money, and little can be done in the way of actual education with that sum.

Mr. KING. Mr. President, will the Senator yield?

Mr. CALDER. Yes.

Mr. KING. The Senator will keep in mind the fact that the Senator having this bill in charge has stated that his committee already is considering two or three measures looking to the education of those who come back from the battle fields and who may need education and need vocational training, and also to prepare the aliens who come into our midst for citizenship and the duties and the responsibilities of citizenship.

Mr. CALDER. Mr. President, I have that in mind, and intended to refer to it.

Mr. KING. The Senator will pardon me for mentioning it.

Mr. CALDER. I know there is grave need of something being done to give to many of our enlisted and drafted men the rudiments of an education. I know an officer who has had to do with the organization of a regiment in the South—a drafted regiment. He tells me that at least 10 per cent of the men drafted in this particular command were not able to read or write, and many of them had to place their marks opposite the pay roll when they were receiving their monthly pay from the Government. Now, if some scheme can be evolved whereby we can teach the men to read and write that we draft into our Army, I shall be very glad to vote for it; and, as the Senator from Utah suggests, whenever an arrangement is made to give an education, vocational or otherwise, to the men who come back wounded from the battle fields of France, then I shall be more than pleased to vote for a measure of that character.

The Senator refers to educating the alien, the man who is not familiar with our language when he arrives upon our shores. In the cities of my State, particularly in New York

City, we are working out that problem now. We have a series of night schools and of settlements, centers where every effort is being made to have the man of foreign birth and language understand just what America means, the things it stands for. We are educating these men there. It seems to me hardly necessary to pass this measure, and I doubt myself if it will be of any material value.

Mr. KING. Mr. President, I rose for the purpose of moving to recommit this bill, but I will yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I desire to offer, to come in at the close of section 1, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of section 1, after line 5, add the following proviso:

Provided, That any action taken by the Commissioner of Education to remove illiteracy among the enlisted men of the Army or Navy shall be undertaken only by the approval and direction of the Secretary of War or the Secretary of the Navy, respectively.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. STERLING] has an amendment pending. Without objection, it will be agreed to. The amendment of the Senator from Georgia will be agreed to without objection.

Mr. KING. I have heretofore stated, Mr. President, that this measure is too narrow; that it does not accomplish the object which the Senators have in view. It is deceptive, not intentionally so, and misleading. With the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] it must be the purpose——

The PRESIDING OFFICER. The Senator from Utah will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3771.

COORDINATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Md.
Bankhead	Hollis	New	Smoot
Beckham	James	Norris	Sterling
Calder	Johnson, Cal.	Nugent	Sutherland
Chamberlain	Jones, N. Mex.	Overman	Thomas
Culberson	Jones, Wash.	Owen	Thompson
Cummins	Kellogg	Page	Tillman
Curtis	Kendrick	Penrose	Townsend
Dillingham	Kenyon	Pittman	Trammell
Fall	King	Poindexter	Underwood
Fletcher	Knox	Ransdell	Vardaman
France	Lewis	Robinson	Wadsworth
Frelinghuysen	Lodge	Shafroth	Walsh
Gallinger	McCumber	Sheppard	Warren
Hale	McKellar	Sherman	Watson
Harding	McLean	Simmons	Wolcott
Hardwick	McNary	Smith, Ariz.	
Henderson	Martin	Smith, Ga.	

Mr. HOLLIS. I desire to announce that the Senator from Florida [Mr. TRAMMELL] is detained on official business.

Mr. THOMPSON. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] is necessarily detained on important public business.

Mr. SUTHERLAND. I wish to announce that my colleague the senior Senator from West Virginia [Mr. GOFF] is absent on account of illness.

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. There is a quorum present.

Mr. GALLINGER. I will ask the Senator from North Carolina to yield to me to offer a resolution. I was detained in the Committee on Finance during the morning hour and was not able to be present, as I had intended to be.

Mr. OVERMAN. I yield to the Senator from New Hampshire for that purpose.

DAY OF PUBLIC HUMILIATION, PRAYER, AND FASTING.

Mr. GALLINGER. Mr. President, I offer a concurrent resolution, and notwithstanding it is somewhat unusual to make the request, I ask that the resolution be read and that its consideration be immediately proceeded with.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 19), as follows:

Resolved by the Senate (the House of Representatives concurring), That it being a duty peculiarly incumbent in a time of war humbly and devoutly to acknowledge our dependence on Almighty God, and to implore His aid and protection, the President of the United States be, and he is hereby, respectfully requested to recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity and the offering of fervent supplications to Almighty God for the safety and welfare of our cause, His blessings on our arms, and a speedy restoration of an honorable and lasting peace to the nations of the earth.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the resolution. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

The concurrent resolution was unanimously agreed to.

EDUCATION OF ADULT ILLITERATES.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I yield to the Senator.

Mr. SMITH of Georgia. I understand the Senator from North Carolina does not desire to press the unfinished business just at this time; and if that is the case, I should like to ask unanimous consent for action upon the bill which was before the Senate when the hour of 2 o'clock arrived.

Mr. OVERMAN. I do not know how long that would take. I should like to know that.

Mr. SMITH of Georgia. I think we are about through with what we wish to say. The Senator from Utah [Mr. KING] has stated he would move to recommit the bill. In reply I want to say that if the Senate is not willing to pass the bill, we might as well dispose of it. We have finished our work on it in committee and the Senate has completed its work on it in the Senate. I see no advantage from committing the bill. It has no relation, in my opinion, to any other measure pending before the committee. It stands entirely upon a basis of its own. It is for the Senate to determine whether it wishes to invest $100,000 for the first year in enabling the Bureau of Education to cooperate with the forces of the War and the Navy Departments and with the forces in the States in seeking to remove illiteracy, to stimulate work among grown men and women who do not speak English to learn English. That is the object of the bill, and the only object.

Mr. OVERMAN. Mr. President, I desire very much to go on with the unfinished business this afternoon, but there has been a discussion for an hour and a half on the bill which the Senator from Georgia has in charge. It looks to me like the discussion is about ended. The Senator from Oregon [Mr. CHAMBERLAIN] tells me that he has two important bills that he desires to get up this afternoon. The chairman of the Committee on Finance also tells me that he has a conference report to present. Probably I ought to yield for that purpose, but I give notice to the Senate that this is the last time I am going to yield, except for a conference report or some bill that it is absolutely necessary to pass at once. I, therefore, shall ask temporarily to lay aside the unfinished business for the passage of the bill the Senator from Georgia has in charge and also the bills which the chairman of the Committee on Military Affairs has in charge and for the conference report which my colleague [Mr. SIMMONS] wishes to present. I ask that the unfinished business be temporarily laid aside for the purpose, giving notice that when the bill comes up to-morrow I shall insist on its being kept before the Senate until it is disposed of.

Mr. SMOOT. I should like to ask the Senator from North Carolina if the passage of the bill which he has in charge is not of more interest to the people for the prosecution of the war than the two bills the Senator from Oregon has in charge?

Mr. OVERMAN. I do not know the character of those bills.

Mr. SMOOT. If so, I think it would be my duty and the duty of other Senators to object to laying the unfinished business aside.

Mr. OVERMAN. I am ready to go on with the unfinished business. I am anxious to go on with it, and I should like to have some one object.

Mr. SMOOT. I should like to ask the Senator from Oregon, before I object, to state the provisions of the bills he desires to have acted upon at this time.

Mr. CHAMBERLAIN. The most important one is a bill involving a number of amendments to the national-defense act, which the War Department is quite anxious to have disposed of. The other bill, personally, I do not see is one of very great importance, and yet the Shipping Board feels that it ought to be passed. It is to enable the Shipping Board to acquire certain property that they have been unable to acquire, and they desire to acquire it in order that the shipbuilding program may be carried out.

Mr. SMOOT. I will then ask the Senator from North Carolina to make a request to lay the unfinished business aside temporarily for the consideration of these two bills.

Mr. SMITH of Georgia. Mr. President, the bill that has been before the Senate is not yet finished.

Mr. SMOOT. We can finish that to-morrow morning in the morning hour.

Mr. SMITH of Georgia. We have been on it this morning, and I think it would be vastly better to go right on with that bill.

Mr. OVERMAN. I will insist on going on with the unfinished business. There seems to be some objection.

Mr. KING. I will say to the Senator from North Carolina that I desire to submit a few additional remarks if the bill which the Senator from Georgia has in charge is placed before the Senate.

Mr. OVERMAN. I see it will lead to considerable debate yet.

Mr. KING. I think so.

Mr. OVERMAN. Therefore I do not feel justified in yielding any further.

Mr. CHAMBERLAIN. I am quite anxious, as is the War Department, to get the bill I referred to acted on. It was my understanding that when the bill the Senator from North Carolina stands sponsor for was made the unfinished business he would lay it aside in order to finish the war measures. I am not sure the RECORD will sustain me, but there was a general understanding between the Senator and me that that course would be pursued.

Mr. OVERMAN. But there seems to be some objection. I would be very glad to yield to the Senator this afternoon, or to yield to him to-morrow, but there is some objection to taking up the bills now.

Mr. CHAMBERLAIN. I will not insist on it.

Mr. OVERMAN. If the Senator from Georgia [Mr. SMITH] withdraws his request for the consideration of the bill which has been before the Senate, I will have no objection.

Mr. CHAMBERLAIN. I shall not insist on it.

Mr. OVERMAN. All right.

Mr. CHAMBERLAIN. I shall ask to-morrow that the bills may be disposed of.

Mr. SIMMONS. Mr. President——

Mr. OVERMAN. I yield to my colleague.

Mr. SMITH of Georgia. I ask unanimous consent for a reprint of Senate bill 4185 with the amendments made this morning.

The VICE PRESIDENT. Without objection, it is so ordered.

WAR FINANCE CORPORATION—CONFERENCE REPORT (S. DOC. NO. 211).

Mr. SIMMONS. I submit a conference report upon Senate bill 3714, the so-called War Finance Corporation bill. I will state to the Senate that the House struck out all the Senate bill except the enacting clause and rewrote the bill with certain amendments. The conferees treated that as one amendment, so that we simply amend that one amendment. It would require the reading of the whole bill as amended. I will not ask for the reading of it now, but I will ask that it be printed as a Senate document.

Mr. PENROSE. Why not have it read now? It is a very important bill.

Mr. SIMMONS. Very well, I have no objection, and on the suggestion of the Senator from Pennsylvania, who is the ranking minority member of the committee, I ask that the conference report be read.

Mr. PENROSE. I do not insist upon having the report read if the chairman of the committee does not consider it necessary, but clearly this is a bill of the highest importance, and it seems to me it ought not to be treated in a slipshod way.

Mr. SIMMONS. I had supposed that after we took up the conference report for consideration it would be read, but I see no objection to reading it now if the Senator from Pennsylvania desires.

Mr. STONE. It could be printed in the RECORD.

Mr. PENROSE. It will take only a few minutes to have it read.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Without objection, the Secretary will read the conference report.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed by the House, insert the following:

TITLE I.—WAR FINANCE CORPORATION.

That the Secretary of the Treasury and four additional persons (who shall be the directors first appointed as hereinafter provided), are hereby created a body corporate and politic in deed and in law by the name, style, and title of the "War Finance Corporation" (herein called the Corporation), and shall have succession for a period of 10 years: *Provided*, That in no event shall the Corporation exercise any of the powers conferred by this act, except such as are incidental to the liquidation of its assets and the winding up of its affairs, after six months after the termination of the war, the date of such termination to be fixed by proclamation of the President of the United States.

SEC. 2. That the capital stock of the Corporation shall be $500,000,000, all of which shall be subscribed by the United States of America, and such subscription shall be subject to call upon the vote of three-fifths of the board of directors of the Corporation, with the approval of the Secretary of the Treasury, at such time or times as may be deemed advisable; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000,000, or so much thereof as may be necessary for the purpose of making payment upon such subscription when and as called. Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury, and shall be evidence of stock ownership.

SEC. 3. That the management of the Corporation shall be vested in a board of directors, consisting of the Secretary of the Treasury, who shall be chairman of the board, and four other persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. No director, officer, attorney, agent, or employee of the Corporation shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association, in which he is directly or indirectly interested; and each director shall devote his time, not otherwise required by the business of the United States, principally to the business of the Corporation. Before entering upon his duties, each of the four directors so appointed, and each officer, shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or any other act shall be construed to prevent the appointment as a director of the Corporation of any officer or employee under the United States or of a director of a Federal reserve bank.

Of the four directors so appointed, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each director so appointed shall serve for four years. Whenever a vacancy shall occur among the directors so appointed, the person appointed director to fill an; such vacancy shall hold office for the unexpired term of the member whose place he is selected to fill. Any director shall be subject to removal by the President of the United States. Three members of the board of directors shall constitute a quorum for the transaction of business.

SEC. 4. That the four directors of the Corporation appointed as hereinbefore provided shall receive annual salaries, payable monthly, of $12,000. Any director receiving from the United States any salary or compensation for services shall not receive as salary from the Corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the Corporation exceed $12,000.

SEC. 5. That the principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors.

SEC. 6. That the Corporation shall be empowered and authorized to adopt, alter, and use a corporate seal; to make contracts; to purchase or lease and hold or dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of competent jurisdiction, State or Federal; to appoint, by its board of directors, and fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the Corporation, to define their duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, subject to the approval of the Secretary of the Treas-

ury, by-laws regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed, and prescribing the powers and duties of its officers and agents.

SEC. 7. That the Corporation shall be empowered and authorized to make advances, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding five years from the respective dates of such advances:

(1) To any bank, banker, or trust company, in the United States, which shall have made after April 6, 1917, and which shall have outstanding, any loan or loans to any person, firm, corporation, or association, conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war, and evidenced by a note or notes, but no such advance shall exceed 75 per cent of the face value of such loan or loans; and

(2) To any bank, banker, or trust company in the United States which shall have rendered financial assistance, directly or indirectly, to any such person, firm, corporation, or association by the purchase after April 6, 1917, of its bonds or other obligations, but no such advance shall exceed 75 per cent of the value of such bonds or other obligations at the time of such advance, as estimated and determined by the board of directors of the Corporation.

All advances shall be made upon the promissory note or notes of such bank, banker, or trust company, secured by the notes, bonds, or other obligations, which are the basis of any such advance by the Corporation, together with all the securities, if any, which such bank, banker, or trust company may hold as collateral for such notes, bonds, or other obligations.

The Corporation shall, however, have power to make advances (a) up to 100 per cent of the face value of any such loan made by any such bank, banker, or trust company to any such person, firm, corporation, or association, and (b) up to 100 per cent of the value at the time of any such advance (as estimated and determined by the board of directors of the Corporation) of such bonds or other obligations by the purchase of which financial assistance shall have been rendered to such person, firm, corporation, or association: *Provided*, That every such advance shall be secured in the manner described in the preceding part of this section, and in addition thereto by collateral security, to be furnished by the bank, banker, or trust company, of such character as shall be prescribed by the board of directors, of a value, at the time of such advance (as estimated and determined by the board of directors of the Corporation), equal to at least 33 per cent of the amount advanced by the Corporation. The Corporation shall retain power to require additional security at any time.

SEC. 8. That the Corporation shall be empowered and authorized to make advances from time to time, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding one year, to any savings bank, banking institution, or trust company in the United States, which receives savings deposits, or to any building and loan association in the United States, on the promissory note or notes of the borrowing institution, whenever the Corporation shall deem such advances to be necessary or contributory to the prosecution of the war or important in the public interest: *Provided*, That such note or notes shall be secured by the pledge of securities of such character as shall be prescribed by the board of directors of the Corporation, the value of which, at the time of such advance (as estimated and determined by the board of directors of the Corporation) shall be equal in amount to at least 133 per cent of the amount of such advance. The rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrowing institution is located, but such rate of interest shall in no case be greater than the average rate receivable by the borrowing institution on its loans and investments made during the six months prior to the date of the advance, except that where the average rate so receivable by the borrowing institution is less than such rate of discount for 90-day commercial paper the rate of interest on such advance shall be equal to such rate of discount. The Corporation shall retain power to require additional security at any time.

SEC. 9. That the Corporation shall be empowered and authorized, in exceptional cases, to make advances directly to any person, firm, corporation, or association, conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war (but only for the purpose of conducting such business in the United States and only when in the opinion of the board of directors of the Corporation such person, firm, corporation, or association is unable to obtain funds upon reasonable terms through banking channels or from the general public), for periods not exceeding five years from the respective dates of such advances, upon such terms, and subject to such rules and regulations as may be prescribed by the board of directors of the Corporation. In no case shall the aggregate amount of the advances made under this section exceed at any one time an amount equal to 12½ per cent of the sum of (1) the authorized capital stock of the Corporation plus (2) the aggregate amount of bonds of the Corporation authorized to be outstanding at any one time when the capital stock is fully paid in. Every such advance shall be secured by adequate security of such character as shall be prescribed by the board of directors of a value at the time of such advance (as estimated and determined by the board of directors), equal to (except in case of an advance made to a railroad in the possession and control of the President, for the purpose of making additions, betterments, or road extensions to such railroad) at least 125 per cent of the amount advanced by the Corporation. The Corporation shall retain power to require additional security at any time. The rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located.

SEC. 10. That in no case shall the aggregate amount of the advances made under this title to any one person, firm, corporation, or association exceed at any one time an amount equal to 10 per cent of the authorized capital stock of the Corporation, but this section shall not apply in the case of an advance made to a railroad in the possession and control of the President for the purpose of making additions, betterments, or road extensions to such railroad.

SEC. 11. That the Corporation shall be empowered and authorized to subscribe for, acquire, and own, buy, sell, and deal in bonds and obligations of the United States issued or converted after September 24, 1917, to such extent as the board of directors, with the approval of the Secretary of the Treasury, may from time to time determine.

SEC. 12. That the Corporation shall be empowered and authorized to issue and have outstanding at any one time its bonds in an amount aggregating not more than six times its paid-in capital, such bonds to mature not less than one year nor more than five years from the respective dates of issue, and to bear such rate or rates of interest, and may be redeemable before maturity at the option of the Corporation, as may be determined by the board of directors, but such rate or rates of interest shall be subject to the approval of the Secretary of the Treasury. Such bonds shall have a first and paramount floating charge on all the assets of the Corporation, and the Corporation shall not at any time mortgage or pledge any of its assets. Such bonds may be issued at not less than par in payment of any advances authorized by this title, or may be offered for sale publicly or to any individual, firm, corporation, or association, at such price or prices, as the board of directors, with the approval of the Secretary of the Treasury, may determine.

Upon such terms not inconsistent herewith as may be determined from time to time by the board of directors, with the approval of the Secretary of the Treasury, at or before the issue thereof, any of such bonds may be issued payable in any foreign money or foreign moneys, or issued payable at the option of the respective holders thereof either in dollars or in any foreign money or foreign moneys at such fixed rate of exchange as may be stated in any such bonds. For the purpose of determining the amount of bonds issued payable in any foreign money or foreign moneys the dollar equivalent shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury in pursuance of the provisions of section 25 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894.

SEC. 13. That the Federal reserve banks shall be authorized, subject to the maturity limitations of the Federal reserve act and to regulations of the Federal Reserve Board, to discount the direct obligations of member banks secured by such bonds of the Corporation and to rediscount eligible paper secured by such bonds and indorsed by a member bank. No discount or rediscount under this section shall be granted at a less interest charge than 1 per cent per annum above the prevaling rates for eligible commercial paper of corresponding maturity.

Any Federal reserve bank may, with the approval of the Federal Reserve Board, use any obligation or paper so acquired for any purpose for which it is authorized to use obligations

or paper secured by bonds or notes of the United States not bearing the circulation privilege: *Provided, however*, That whenever Federal reserve notes are issued against the security of such obligations or paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law, not inconsistent herewith, in respect to the acquisition by any Federal reserve bank of obligations or paper secured by such bonds or notes of the United States, and in respect to Federal reserve notes issued against the security of such obligations or paper, shall extend, in so far as applicable, to the acquisition of obligations or paper secured by the bonds of the Corporation and to the Federal reserve notes issued against the security of such obligations or paper.

SEC. 14. That the Corporation shall not exercise any of the powers granted by this title or perform any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the President of the United States to commence business under the provisions of this title.

SEC. 15. That all net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title. Such reserve fund shall, upon the direction of the board of directors, with the approval of the Secretary of the Treasury, be invested in bonds and obligations of the United States, issued or converted after September 24, 1917, or upon like direction and approval may be deposited in member banks of the Federal Reserve System, or in any of the Federal reserve banks, or be used from time to time, as well as any other funds of the Corporation, in the purchase or redemption of any bonds issued by the Corporation. The Federal reserve banks are hereby authorized to act as depositaries for and as fiscal agents of the Corporation in the general performance of the powers conferred by this title. Beginning six months after the termination of the war, the date of such termination to be fixed by a proclamation of the President of the United States, the directors of the Corporation shall proceed to liquidate its assets and to wind up its affairs, but the directors of the Corporation, in their discretion, may, from time to time, prior to such date, sell and dispose of any securities or other property acquired by the Corporation. Any balance remaining after the payment of all its debts shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved.

SEC. 16. That any and all bonds issued by the Corporation shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, corporations, or associations. The interest on an amount of such bonds the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, corporation, or association, shall be exempt from the taxes referred to in clause (b). The Corporation, including its franchise and the capital and reserve or surplus thereof, and the income derived therefrom, shall be exempt from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except that any real property of the Corporation shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

SEC. 17. That the United States shall not be liable for the payment of any bond or other obligation or the interest thereon issued or incurred by the Corporation, nor shall it incur any liability in respect of any act or omission of the Corporation.

SEC. 18. That whoever (1) makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance under this title, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Whoever willfully overvalues any security by which any such advance is secured shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Whoever (1) falsely makes, forges, or counterfeits any bond, coupon, or paper in imitation of or purporting to be in imitation of a bond or coupon issued by the Corporation; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by the Corporation, knowing the same to be falsely made, forged, or counterfeited; or (3) falsely alters any such bond, coupon, or paper; or (4) passes, utters, or publishes as true any falsely altered or spurious bond, coupon, or paper issued or purporting to have been issued by the Corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or (2) with intent to defraud the Corporation or any other company, body politic or corporate, or any individual, or to deceive any officer of the Corporation, (a) makes any false entry in any book, report, or statement of the Corporation, or (b) without authority from the directors draws any order or assigns any note, bond, draft, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person committing any of the offenses punishable under this section.

SEC. 19. That the Corporation shall file quarterly reports with the Secretary of the Senate and with the Clerk of the House of Representatives, stating as of the first day of each month of the quarter just ended (1) the total amount of capital paid in, (2) the total amount of bonds issued, (3) the total amount of bonds outstanding, (4) the total amount of advances made under each of sections 7, 8, and 9, (5) a list of the classes and amount of securities taken under each of such sections, (6) the total amount of advances outstanding under each of sections 7, 8, and 9, and (7) such other information as may be hereafter required by either House of Congress.

The Corporation shall make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures.

SEC. 20. Section 5202 of the Revised Statutes of the United States is hereby amended so as to read as follows: "Sec. 5202. No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

"First. Notes of circulation.

"Second. Moneys deposited with or collected by the association.

"Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

"Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

"Fifth. Liabilities incurred under the provisions of the Federal reserve act.

"Sixth. Liabilities incurred under the provisions of the War Finance Corporation act."

TITLE II.—CAPITAL ISSUES COMMITTEE.

SEC. 200. That there is hereby created a committee to be known as the "Capital Issues Committee," hereinafter called the Committee, and to be composed of seven members to be appointed by the President of the United States, by and with the advice and consent of the Senate. At least three of the members shall be members of the Federal Reserve Board.

No member, officer, attorney, agent, or employee of the Committee shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interests, or the interest of any corporation, partnership, or association in which he is directly or indirectly interested. Before entering upon his duties, each member and officer shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or any other act shall be construed to prevent the appointment as a member of the Committee of any officer or employee under the United States or of a director of a Federal reserve bank.

The terms during which the several members of the Committee shall respectively hold office shall be determined by the President of the United States, and the compensation of the several members of the Committee who are not members of the Federal Reserve Board shall be $7,500 per annum, payable monthly, but if any such member receives any other compensation from any office or employment under the United States the amount so received shall be deducted from such salary, and if such other compensation is $7,500 or more, such member shall receive no salary as a member of the Committee. Any member shall be subject to removal by the President of the United States.

The President shall designate one of the members as chairman, but any subsequent vacancy in the chairmanship shall be filled by the Committee. Four members of the Committee shall constitute a quorum for the transaction of business.

SEC. 201. That the committee may employ and fix the compensation of such officers, attorneys, agents, and other employees as may be deemed necessary to conduct its business, who shall be appointed without regard to the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883 (vol. 22, U. S. Stats. L., p. 403), and amendments thereto or any rules or regulations made in pursuance thereof. No such officer, attorney, agent, or employee shall receive more compensation than persons performing services of like or similar character under the Federal Reserve Board.

SEC. 202. That all the expenses of the committee, including all necessary expenses for transportation incurred by the members or by its officers, attorneys, agents, or employees under its orders in making an investigation or upon official business in any other places than at their respective headquarters, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

The committee may rent suitable offices for its use and purchase such furniture, equipment, and supplies as may be necessary, but shall not expend more than $10,000 annually for offices in the District of Columbia.

The principal office of the committee shall be in the District of Columbia, but it may meet and exercise all its powers at any other place. The committee may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

SEC. 203. That the committee may, under rules and regulations to be prescribed by it from time to time, investigate, pass upon, and determine whether it is compatible with the national interest that there should be sold or offered for sale or for subscription any issue, or any part of any issue, of securities hereafter issued by any person, firm, corporation, or association, the total or aggregate par or face value of which issue and any other securities issued by the same person, firm, corporation, or association since the passage of this act is in excess of $100,000. Shares of stock of any corporation or association without nominal or par value shall for the purpose of this section be deemed to be of the par value of $100 each. Any securities which upon the date of the passage of this act are in the possession or control of the corporation, association, or obligor issuing the same shall be deemed to have been issued after the passage of this act within the meaning hereof.

Nothing in this title shall be construed to authorize such committee to pass upon (1) any borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes, (2) the renewing or refunding of indebtedness existing at the time of the passage of this act, (3) the resale of any securities the sale or offering of which the committee has determined to be compatible with the national interest, (4) any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States, or (5) any bonds issued by the War Finance Corporation.

Nothing done or omitted by the committee hereunder shall be construed as carrying the approval of the committee or of the United States of the legality, validity, worth, or security of any securities.

SEC. 204. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the remainder of the fiscal year ending June 30, 1918, and the fiscal year ending June 30, 1919, the sum of $200,000 for the purpose of defraying the expenses of the establishment and maintenance of the committee, including the payment of the salaries and rents herein authorized.

SEC. 205. That the committee shall make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures, and also including the names of all officers and employees and the salary paid to each.

SEC. 206. That this title shall continue in effect until, but not after, the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States, but the President may at any time by proclamation declare that this title is no longer necessary, and thereupon it shall cease to be in effect.

TITLE III.—MISCELLANEOUS.

SEC. 300. That whoever willfully violates any of the provisions of this act, except where a different penalty is provided in this act, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $10,000 or imprisoned for not more than one year, or both; and whoever knowingly participates in any such violation, except where a different penalty is provided in this act, shall be punished by a like fine or imprisonment, or both.

SEC. 301. That no stamp tax shall be required or imposed upon a promissory note secured by the pledge of bonds or obligations of the United States issues after April 24, 1917, or secured by the pledge of a promissory note which itself is secured by the pledge of such bonds or obligations: *Provided*, That in either case the par value of such bonds or obligations shall equal the amount of such note.

SEC. 302. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, or, in case any court of competent jurisdiction shall adjudge to be invalid any provisions hereof in respect of any class or classes of securities, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, part, or subject matter of this act directly involved in the controversy in which such judgment shall have been rendered.

SEC. 303. That the term "securities," as used in this act, includes stocks, shares of stocks, bonds, debentures, notes, certificates of indebtedness, and other obligations.

SEC. 304. That the right to amend, alter, or repeal this act is hereby expressly reserved.

SEC. 305. That the short title of this act shall be the "War Finance Corporation act."

SEC. 306. That all provisions of any act or acts inconsistent with the provisions of this act are hereby repealed.

Amend the title to read as follows: "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes."

And the House agree to the same.

F. M. SIMMONS,
WM. J. STONE,
JOHN SHARP WILLIAMS,
BOIES PENROSE,
H. C. LODGE,
Managers on the part of the Senate.

CLAUDE KITCHIN,
HENRY T. RAINEY,
LINCOLN DIXON,
J. HAMPTON MOORE,
WILLIAM R. GREEN,
Managers on the part of the House.

Mr. SIMMONS. Mr. President, if my colleague, the Senator from North Carolina [Mr. OVERMAN] does not object, I think it will take only a few minutes to dispose of this conference report. I should be glad if he would ask unanimous consent to have temporarily laid aside the bill which he has charge in order that we may take up for present consideration the conference report which has just been read.

Mr. OVERMAN. Mr. President, as the Senator from Oregon [Mr. CHAMBERLAIN], who is chairman of the Committee on Military Affairs, has stated, he had an understanding with me that I would allow him to take up certain military bills for which he desires consideration, but I think the conference report for which my colleague asks consideration is a very important one and ought to be adopted at once. I therefore desire to state that I shall yield to him and also to the Senator from Oregon, and that I shall call up the bill which I have in charge and ask that it be proceeded with regularly on to-morrow. I now ask unanimous consent that it be laid aside temporarily.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Is there objection to the request of the Senator from North Carolina? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries, enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SIMMONS. Mr. President, after conference with a great many Members of the Senate, I feel confident that it is only necessary for me to make a very brief statement outlining the changes which have been made in the House substitute by the conferees. I shall therefore detain the Senate but a few minutes for that purpose.

As I stated when I presented the conference report, the House struck out all of the Senate bill except the enacting clause and rewrote the bill. I am advised that the House pursued this course because, in the judgment of the committee of that body having the bill in charge, it contained one provision, namely, the provision which imposes certain taxes upon the bonds of the corporation, which would affect the revenues of the Government. Naturally the House is more or less sensitive of any invasion of its right to originate legislation to raise revenues, and it was thought that by striking out all except the enacting clause and rewriting the bill, with such amendments as the House might see fit to make, this difficulty would be removed. That is the reason, as I understand it, why the usual course of specifically amending the Senate bill was not pursued in this instance. The action of the House in thus rewriting the bill made it necessary, when the matter came into conference, to treat the entire House substitute as one amendment, and to make such changes in that amendment as the conferees should agree upon. In other words, treating the House substitute as one amendment, we agree to it with various and sundry amendments, and the conference is the substitute as thus amended.

A great many changes were made by the House in the Senate bill, but most of them were of minor importance; some of them changes and corrections in phraseology, some transpositions, some for clarification and greater certainty of meaning without material change in substance. In addition to these minor amendments the House made quite a number of amendments of more or less importance, some of them materially changing important provisions of the Senate bill. The House also added several new sections dealing with matters not embraced in the Senate at all but altogether unobjectionable. One of these latter amendments authorizes the capital issues committee to rent suitable offices for its use and to purchase furniture, equipment, and supplies, as may be necessary, and appropriating money to pay the expenses of the establishment and maintenance of the committee for the fiscal years ending June 30, 1918 and 1919. This was a proper amendment, although the purpose might have just as well been accomplished in one of the general appropriation bills.

Another amendment of this character was one providing that there shall be no stamp tax imposed upon promissory notes secured by these bonds or by liberty bonds. That, I think, is a very wise and necessary provision, because there has been a great deal of irritation heretofore in connection with advances on the liberty bonds on account of this tax.

As I stated, in addition to these minor amendments, the House substitute made a number of important changes in the Senate bill, some of which the conferees agreed to and disagreed to others. There was a manifest desire and effort on the part of the conferees to make a good bill without pride of opinion in the action of their respective Houses.

Now, Mr. President, in order not to take too much of the time of the Senate, I will state very briefly the more important amendments made by the conferees to the House substitute. The House substitute provided:

> Not more than three of the five directors shall be members of the same political party.

The conferees struck that provision out of the bill. The House substitute provided:

> And each director shall devote to the business of the Corporation all of his time not devoted to the business of the United States.

The conferees changed that provision, so that it reads as follows:

> And each director shall devote his time, not otherwise required by the business of the United States, principally to the business of the Corportation.

In the savings-bank section of the substitute the conferees made an addition to the House provision, requiring that the rate of interest shall be not less than 1 per cent per annum in excess of the rate for 90-day commercial paper. The Senate had fixed this rate at one-half of 1 per cent; the House raised it to 1 per cent. The conferees retained the House rate of 1 per cent, but added the following:

> But such rate of interest shall in no case be greater than the average rate receivable by the borrowing institution on its loans and investments made during the six months prior to the date of the advance, except that where the average rate so receivable by the borrowing institution is less than such rate of discount for 90-day commercial paper the rate of interest on such advance shall be equal to such rate of discount.

That was done, Mr. President, because it was contended before the conference, as it had been before the Senate committee, that in some instances, especially in New England, the savings banks sometimes loan at a less rate than the rate fixed by the Federal Reserve Board for commercial paper running for 90 days. I believe the rate in some of the districts to-day is as high as 5 per cent, and it may go much higher than that. It was shown to us that in some instances savings banks loaned at a lower rate than that. The purpose of this provision was that the corporation might be permitted to charge whatever might be the average charged by the savings institution during the six months prior to the advance, provided that it was not less than the rate fixed by the Federal Reserve Board for 90-day commercial paper.

The House bill provided that the corporations could make these direct advances—that is, advances not through the medium of the banks provided for in section 9, known as the exception-cases clause—to such persons, firms, corporations, or associations only when they were unable to obtain funds upon reasonable terms through banking channels or from the general public. It was said that that might sometimes entail delay in making loans that were of immediate necessity, especially in connection with the Government's war work; that the borrowing concern would have to try the banks, have to try the investment public, and would not be permitted to come to the corporation until they had tested these out. To avoid that difficulty, the conferees added the following:

> When in the opinion of the board of directors of the Corporation such person, firm—

And so forth, were unable to obtain these advances through banking channels or the general public, thus leaving the determination of that question to the judgment of the board of directors.

The House bill provided that the aggregate amount of such advances should not exceed at any one time an amount equal to 16⅔ per cent of the sum of (1) the paid-in capital stock of the Corporation at such time, plus (2) the aggregate amount of bonds of the Corporation authorized to be outstanding at such time. It was very clearly shown to the committee that under this provision it might be possible that the Corporation in the beginning could not loan to all applicants an amount exceeding about $60,000,000, a wholly inadequate sum. The conferees amended that section of the House bill so that it reads, in effect:

> That the aggregate amount of such advances at one time shall not exceed an amount equal to 12½ per cent of (1) the total authorized capital, $500,000,000, plus (2) the total amount of bonds authorized, that being six times the authorized capital.

So that under this direct-advance clause, spoken of, I believe, in the debates heretofore as the exceptional-cases clause, about which we had so much controversy both in the Senate and in the House, it will be impossible for the Corporation to loan an amount exceeding $437,500,000.

The House bill provided that no direct advance should be made that are not secured by adequate security of such character as shall be prescribed by the board of directors, of a value at the time of such advance equal to at least 133 per cent of the amount advanced by the Corporation. The conferees changed this so as to allow advances to be made when the security offered shall, in the opinion of the directors, equal at least 125 per cent of such advance. Railroads under the control of the President are excepted from the 125 per cent requirement for advances made to them for the purpose of improvements, betterments, or extensions; but in the case of the railroads, as in other cases under this section, the security must be adequate, the question of adequacy being left to the determination of the board of directors.

The House bill provides that no advance, whether direct or indirect, in excess of 10 per cent of the authorized stock of the corporation shall be made to any one person, firm, corporation, or association. The conference excepted from this provision advances made to railroads in the possession and in the control of the President for the purpose of making additions, betterments, and road extensions. With that exception, the corporation will not be permitted under this amendment to loan to any one firm, corporation, or association an amount in excess of 10 per cent, which would be, of course, not more than $50,000,000.

It was thought, Mr. President, that in the circumstances a railroad might require and it might be greatly to the interest of the Government that it should have, and have speedily, a larger sum of money than that; and for that it was thought expedient to exempt them from the 125 per cent requirement when the money to be advanced was to be specifically devoted and employed for betterments and extensions.

The House provided that bonds may be issued by the corporation to an amount aggregating not more than four times the paid-in capital stock, or $2,000,000,000. The Senate bill provided for an issue of four billions of bonds. Both the House conferees and the Senate conferees were very much wedded to the action of their respective bodies, and we had a great deal

of trouble in getting together on this provision. Finally we did what is almost invariably done in such circumstances. We split the difference, so to speak, and fixed the amount of bonds that may be issued by the corporation at $3,000,000,000.

The House bill provided that the bonds could not be sold at a price less than par. The conferees provided that the bonds could be sold at such prices as the board of directors, with the approval of the Secretary of the Treasury, might prescribe. This was thought of great importance by the Secretary of the Treasury, as it might in some condition be an embarrassing handicap if the corporation was not permitted under any circumstances to sell these bonds except at face value.

The House bill contained the limitation that no discount or rediscount should be made by a Federal reserve bank of paper secured by the bonds of the corporation unless the member bank seeking the advance satisfied the Federal reserve bank that it had exhausted its commercial paper eligible for discount or rediscount under the regulations of the Federal Reserve Board. That is to say, that before a member bank, having made advances to these war industries, would be permitted to borrow on the security for those advances it would have to show affirmatively that it did not have in its portfolio, so to speak, eligible commercial paper upon which it might secure the loans it desired. The conferees eliminated that provision from the bill.

Mr. President, I think I have enumerated the changes of major importance made by the conferees in the House substitute. I will not detain the Senate to discuss the other changes, unless some Senator directs my attention to some change upon which he wishes an explanation.

Mr. CUMMINS. Mr. President, I desire to ask the Senator from North Carolina two questions about section 203. I do not do it with any idea of opposing the conference report, for, as I understand, the section was not in dispute, although in its present form it may have been reenacted by the House; but I have had some inquiries with regard to it, and I think it would be helpful to the country if the Senator from North Carolina would now state his interpretation of this section.

The section reads in this way:

That the Committee—

That is, the Capital Issues Committee—

may, under rules and regulations to be prescribed by it from time to time, investigate, pass upon, and determine whether it is compatible with the national interest that there should be sold or offered for sale or for subscription any issue, or any part of any issue, of securities hereafter issued by any person, firm, corporation, or association, the total or aggregate par or face value of which issue and any other securities issued by the same person, firm, corporation, or association since the passage of this act is in excess of $100,000.

I assume that it is not intended to restrict the right of a State to issue securities in excess of $100,000. I assume it because I can not conceive how the word "corporation" could properly apply to a political sovereignty of that kind; but I ask the Senator from North Carolina to state to the Senate and to the country whether it is the intent of the committee that municipal corporations—namely, cities, counties, school districts, and other public districts—are prohibited from issuing securities under this section?

Mr. SIMMONS. Mr. President, in answer to the Senator I will say that it was the view of the committee that so far as the State, the sovereign, was concerned, there could be no restrictions imposed upon its issuing bonds; but I think, on the other hand, so far as the local municipalities are concerned, such as the counties and the cities, probably they are among the chief agents that are issuing securities for the purpose of constructive work or improvements of a character that might well, in the interest of the public, in the circumstances which surround us, be postponed until after the war; and I think it is the expectation that this committee would, so far as the issues by these municipal corporations are concerned, take appropriate action as provided in the section to which the Senator refers. Of course, that action would be a mere expression of the opinion of the committee as to these securities; that is all. The committee has no power to prohibit their issue. It only has the power to investigate, and if as a result of its investigations it finds that the purpose of the issue is not emergent but one which could be as well postponed until after the war, it would find and express its opinion that the issue was not compatible with the public interest. I think that was the understanding of the committee.

Mr. CUMMINS. Mr. President, I doubt very much whether the language used will bring these public instrumentalities, such as cities and counties, and other public corporations of that character, within the terms of the statute; but I wanted very much to have the view of the Senator from North Carolina in order that they might accompany the enactment of the statute.

Mr. SIMMONS. I will say to the Senator that I think the thought of the committee was—and we discussed this matter in the presence of the chairman of the present capital issues committee, the voluntary committee that is now organized in the Federal Reserve Board—I think his thought and the thought of the committee was that wherever an issue was thought to be necessary in the interests of health of the community or any other vital purpose of public concern, and that the improvement could not be postponed until after the war without serious injury to that community or public, they would interfere; but in case they felt that it could be postponed later without inflicting any special damage or serious injury to the community involved they would not be favorably disposed toward such an issue.

Mr. CUMMINS. That, Mr. President, would hardly reach the actual situation. The question is whether these public agencies will feel it necessary, being patriotic, to submit their issues to the Capital Issues Committee.

Mr. SIMMONS. I think there will be no trouble about that, because I understand that even now, with this committee operating only as a voluntary organization, it is almost impossible to float securities on the market unless they are favorably passed upon. The same rule is applied to securities issued by municipalities that apply to securities issued by individuals. Of course if any bank or any investor sees fit to disregard the advice of the Capital Issues Committee there is no punishment imposed and no prohibition.

Mr. CUMMINS. Does the Senator understand that there is no penalty attached for disobedience or disregard of the order?

Mr. SIMMONS. None.

Mr. CUMMINS. Is the Senator quite sure about that?

Mr. SIMMONS. I am quite sure about it.

Mr. CUMMINS. This section provides that the committee shall determine whether it is compatible with the national interest that the issue shall be made.

Mr. SIMMONS. Yes.

Mr. CUMMINS. And then section 300 provides that whoever willfully violates any of the provisions of this act, except where a different penalty is provided in this act, shall upon conviction, and so forth, be punished as provided. Now, when you take that in connection with the right of the committee to make rules and regulations and to determine whether or not a particular issue is compatible with the national interest, to me it is not quite clear that one who offers on the market these securities, after the adverse determination of the committee had been declared, is not violating the law.

Mr. SIMMONS. If there were a provision to the effect that the committee having decided that the issuance of these securities was not compatible with the public interest, anybody issuing them after that should be punished; if the bill contained a prohibition against the issue of these securities found by the committee to be incompatible with the public interest, then the position of the Senator, of course, would be correct. There is, however, no such provision. It merely says that this committee shall investigate and determine; but there is no declaration that anybody shall be bound by their determination, or that anybody shall be punished if he disregards their determination. It stops right there, and therefore there is no provision in the bill imposing a penalty for a disregard of the finding of the committee.

Mr. CUMMINS. Mr. President, it is quite important to a good many communities to have that point perfectly clear. For instance, in my own city there is being organized at this time a trust company or a banking company known as the Fidelity Trust Co. It offers its stock, not on the general market, but to the citizens of that community; and they have been told, not officially, that if they offer their stock to the people of that community, and the committee here should take cognizance of the matter and determine that it was contrary to the public interest, anyone who participated in that enterprise would become a violator of the law.

Mr. SIMMONS. Mr. President, I assure the Senator that I do not think any member of the committee placed that interpretation upon this provision; and personally I have no doubt in the world that the Senator's apprehensions are unfounded. The provision to which he refers is: "Anyone violating any of the provisions of this bill."

If there had been a provision prohibiting the issue after the committee had passed adversely upon it, then, of course, that would have brought the offender within the terms of the penal clause; but there is absolutely nothing in the bill, either in this section or in any other section, that requires or commands that any citizen of the country shall observe the findings of this board. The findings are merely persuasive. Their value depends upon

the effect which their findings shall have upon the investing public. If the investing public sees fit to disregard their findings, that is the end of the business.

Mr. LODGE. Mr. President, if the Senator will allow me, section 9, which is the penalty clause, is practically as it was adopted in the Senate.

Mr. SIMMONS. That is true. I think the Senator from Massachusetts, who is an honored member of the Finance Committee, and also is a member of the conference committee, will bear me out in the statement that not a member of the committee supposed that that section would cover the case to which the Senator from Iowa refers.

Mr. LODGE. I think it is safe to say that neither the conferees of the House nor the conferees of the Senate would have signed the report if they had supposed it would.

Mr. OWEN. Mr. President, I do not wish to obstruct the passage of the bill. I merely wish to make a brief comment upon one clause of it.

I observe, on page 10, in section 302, a term which has been used with more or less frequency in the bills passing the Congress:

> That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, or, in case any court of competent jurisdiction shall adjudge to be invalid any provisions hereof in respect of any class or classes of securities, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, part, or subject matter of this act directly involved in the controversy in which such judgment shall have been rendered.

The effect of that language is an apparent concession that the courts have a right to declare invalid acts of Congress or parts of acts of Congress. I do not assent to that doctrine. I protest against that doctrine. While I shall make no point about this particular measure, I wish to call the attention of the Senate to the fact that the power of courts to pass upon acts of Congress is a statutory power, not a constitutional power. They have no right to pass upon the validity of an act of Congress on the ground that it is unconstitutional. The only bodies in the United States that are charged with the right and the duty and the power of passing upon the constitutionality of an act of Congress are the Senate of the United States and the House of Representatives of the United States, whose Members have taken an oath to observe the Constitution of the United States. Congress, and Congress alone, has that right and has that power, and ought to exercise it.

I am not unaware of the fact that courts have in several instances declared acts of Congress unconstitutional; but they have never done so, perhaps with a single exception, where the court itself was not in error, and they have never done so without mischievous consequences following the action of the court. I shall not detain the Senate to enumerate these cases.

Mr. SIMMONS. Mr. President, I know there are many lawyers in this country who will agree with the contention of the Senator from Oklahoma, the chief justice of my State, I think, does; but for many years, ever since the foundation of the Government, I might say, the Supreme Court of the United States has been exercising the right to declare an act of Congress unconstitutional, and we have to act upon the state of facts as it actually exists and not upon a state of facts that any individual or number of individuals think ought to be.

Mr. OWEN. It would be perfectly proper for Congress if they anticipated any attitude of that kind on behalf of the courts to put in this act a provision that no case in which the constitutionality of the act or any part of it was brought in question should be permitted to go before the court; that none of the statutory courts should be permitted to pass upon the question of constitutionality, and that no appeal should lie in any such instance to the Supreme Court of the United States. That would end it.

Mr. SIMMONS. I do not agree with the Senator that that would end it. I think we can not take away from the courts the jurisdiction they claim upon a question of that sort by legislative enactment. The only way you can possibly do it, in my judgment, is by amending the Constitution of the United States.

Mr. OWEN. The Senator is very much mistaken in regard to the matter of interpretation of the law by the Supreme Court itself. In the case of McCardle, in 1868, the Supreme Court decided by unanimous opinion that Congress had the power to withdraw from the court jurisdiction to pass upon the constitutionality of an act which was then pending before the court. It has sustained this interpretation in a number of other cases, as in Wiscart *v.* Dauchey, 3 Dall., 321 (1796); Duroussean *v.* U. S., 6 Cranch., 307 (1810); U. S. *v.* Gordon, 7 Cranch., 287 (1813); Daniels *v.* C., R. I. & P. R. R., 3 Wall., 250 (1865); In re McCardle, 7 Wall., 510 (1868); Nat. Ex. Bk. *v.* Peters, 144 U. S., 570 (1891); Col. C. C. M. Co. *v.* Turck, 150 U. S., 138 (1893).

I merely desire to put in the RECORD these observations, because I think the time has come when the people of the United States should not permit any court to invalidate an act of Congress. I think the Congress of the United States and the Senate of the United States owes it in their representative capacity to the people of the United States not to permit a court which is not subject to the control of the people of the United States to pass upon the validity of the statutes of the United States. That is a power which is in the Congress of the United States alone, and it ought to be exercised by the Congress of the United States alone.

The Senator says it has been the uniform practice since the foundation of the Government, or for over 100 years. I deny that. The only case of any importance up to 1856 was the case of slavery. In that case the Supreme Court held that slavery was a constitutional right, and it was one of the great factors that led us into a bloody Civil War, because at that time it was not understood that the opinion of the Supreme Court was a violation itself of the Constitution. It was not at that time understood how the Supreme Court could be controlled by congressional action. It was not at that time understood that there was a remedy in the hands of the people of the United States. Of course, we could not amend the Constitution of the United States with one-fourth of the States committed to slavery, and the moral question arose in which the Supreme Court held that slavery was a constitutional right. A moral question arose, and the only way by which it could be settled was by the States that did not assent to the opinion of the larger part of the country with regard to that question withdrawing from the Union. When they did, the question of the preservation of the Union arose. That question necessitated militarism, and the importance of the Union as a means of cooperative strength.

The Supreme Court, from the time of Marbury against Madison, at the beginning of the last century, did not repeat that error in a single case for over 50 years. It is only since the war that they have in a number of instances made the error, just as they declared the greenback law invalid, and there the Government of the United States was driven to the extraordinary remedy of putting additional members on the Supreme Court to have the court reverse itself, which was done by President Grant.

I merely rose to voice my protest against a tacit recognition of this false principle, that is all. I am content with that going into the RECORD.

Mr. STONE. Mr. President, I had intended to address the Senate this afternoon, or during the consideration of this conference report, on one phase of the bill itself creating the War Finance Corporation. I did not intend to discuss the report itself, which I signed. The particular phase of the bill to which I had intended to address myself was discussed durnig the consideration of the bill some time ago in the Senate. It was then asserted on both sides of the Chamber that this Finance Corporation would be in effect a great central bank, and that the reserve banks would be little more than branches of that central organization. I had intended to state my views on that subject during the consideration of this report. I am in absolute and unreserved antagonism to any such position as that stated, and I was desirous of placing my view as clearly as I could in the RECORD that it might stand there as at least expressive of my attitude, even though it might accomplish no other end.

But, Mr. President, it looks now as if we may dispose of this conference report at once, and while in a sense I feel a personal disappointment in waiving my privilege of making the speech I intended and desired to make, I do so cheerfully, for I have always felt, as I do in this instance, that the passage of an important measure is of greater public moment than any speech it would be possible for me to make. I am gratified at the prospect of the immediate disposal of this measure, and out of the fear that if I ventured upon the discussion I had in mind it might provoke a controversy more or less prolonged, I refrain, and pocket that speech, as I have many others, that I might help to put forward the speedy conclusion of legislation in the public interest. I back away to the end that this important business may be promptly disposed of. The speech can better wait than the swift passage of the law.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

ASSISTANT SECRETARIES OF WAR—CONFERENCE REPORT.

Mr. CHAMBERLAIN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed, strike out all after the word "Senate," in line 10 of the engrossed bill, down to and including "year," in line 11 of said bill, and insert a period and the following: "The Assistant Secretary shall be entitled to a salary of $5,000 per annum, payable monthly, and the Second Assistant Secretary and Third Assistant Secretary shall each be entitled to a salary of $4,500 per annum"; and the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
F. E. WARREN,
Managers on the part of the Senate.

S. H. DENT, Jr.,
W. J. FIELDS,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

The conference report was agreed to.

THE MILITARY ESTABLISHMENT.

Mr. CHAMBERLAIN. I ask unanimous consent to proceed to the consideration of the bill (S. 4138) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. I should like to know what the bill is, anyway.

The VICE PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill, and read as follows:

Be it enacted, etc., That sections 10, 13, 22, 24, 28, 31, 42, 51, 55, 69, 111, and 125 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and the same hereby are, amended as hereinafter indicated in section 1 of this act:

Section 10, by striking out the word "farrier" wherever it occurs in said section and substituting therefor the words "stable sergeant"; changing the period at the end of the second paragraph of said section to a colon and adding the following: "*And provided further*, That any person who at the time of the approval of this act shall be and has been an officer of the Medical Reserve Corps, or contract surgeon, on active duty for 12 years subsequent to 1898 shall be eligible for appointment as first lieutenant in the Medical Corps, subject to examination: *And provided further*, That any officer so eligible who fails to pass the physical examination by reason of disability incurred in line of duty shall be retired with the pay and allowances of a first lieutenant of the Medical Corps"; and by striking out the eighth proviso of the third paragraph of said section.

Section 13 to read as follows:

"SEC. 13. The Signal Corps: The Signal Corps shall consist of 1 Chief Signal Officer, with the rank of major general, 3 colonels, 8 lieutenant colonels, 10 majors, 30 captains, 75 first lieutenants; and the aviation section, which shall consist of 1 colonel, 1 lieutenant colonel, 8 majors, 24 captains, and 114 first lieutenants, who shall be selected from among officers of the Army at large of corresponding grades or from among officers of the grade below, exclusive of those serving by detail in staff corps or departments, who are qualified as military aviators, and shall be detailed to serve as aviation officers for periods of four years unless sooner relieved; and the provisions of section 27 of the act of Congress approved February 2, 1901, are hereby extended to apply to said aviation officers and to vacancies created in any arm, corps, or department of the Army by the detail of said officers therefrom; but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time, to fill a vacancy among the aviation officers authorized by this act, of any officer who, during prior service as an aviation officer of the aviation section, shall have become proficient in military aviation.

"Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator.

"Each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his commission. Each military aviator shall, while so serving, have the rank, pay and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his commission.

Mr. KING. I desire to inquire of the Senator having the bill in charge whether that increased compensation applies to those who are engaged in flying at the cantonments and fields here at home?

Mr. CHAMBERLAIN. I was not following the Secretary very closely.

Mr. KING. I do not have a copy of the bill before me, but it is the provision in which aviators receive additional compensation when engaged in aerial flights.

Mr. CHAMBERLAIN. That is exactly as the law provides. The bill has not changed the law at all. All of pages 4, 5, and 6, down to line 21, are the law as it is to-day. There is no change at all. The change which is made in that section which it is proposed to amend occurs on page 6, beginning at line 21, which provides that "enlisted men of the Signal Corps who are now qualified or who may hereafter qualify as expert military telegraphers shall receive $5 a month," and so forth. That is the only change in the law.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The Secretary resumed the reading, and read as follows:

"The provisions of the act March 2, 1913, allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty, are hereby repealed. Hereafter married officers of the line of the Army shall be eligible equally with unmarried officers, and subject to the same conditions, for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary; and hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section; and when it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel of said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade, but whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician.

"The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers; privates, first class; and privates; the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, 2 per cent; sergeants, first class, 7 per cent; sergeants, 10 per cent; corporals, 20 per cent; privates, first class, 45 per cent; and privates, 16 per cent. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand. Enlisted men of the Signal Corps who are now qualified, or who may hereafter qualify, as expert military telegraphers, shall receive $5 a month; as first-class military telegraphers, $3 a month; as military telegraphers, $2 a month; all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named."

Section 22 by striking out the period at the end thereof, substituting therefor a colon, and adding thereto the following: "*Provided*, That one of the enlisted men at each main recruiting station who has been detached for duty at such station under the provisions of the act of Congress approved February 2, 1901, may, in the discretion of the Secretary of War, have the rank, pay, and allowances of a first sergeant of Infantry."

Section 24 by amending all that part of the second paragraph thereof down to the first proviso in said paragraph to read as follows:

"Vacancies in the grade of second lieutenant, however arising, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law of enlisted men, including officers of Philippine Scouts, between the ages of 21 and 34 years whose fitness for promotion shall have been determined by competitive examination; and of members, including officers, of the Organized Militia, the National Guard, or Naval Militia, between the ages of 21 and 34 years who have had at least 90 days' actual Federal military service during the calendar year 1916 or subsequent thereto and whose fitness for promotion shall have been determined by examination; (3) of commissioned officers of the National Guard between the ages of 21 and 27 years not otherwise provided for herein; (4) of members of the Officers' Reserve Corps between the ages of 21 and 27 years; (5) of such honor graduates between the ages of 21 and 27 years of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect"; by inserting after the second proviso thereof the following: "*Provided further*, That the President is hereby authorized to waive the maximum age limit prescribed by law for appointment as second lieutenant in the Regular Army in the case of any candidate for such appointment who has successfully completed or who may hereafter successfully complete the required examination for such appointment before arriving at the prescribed maximum age limit; but no appointment of any such candidate shall be made to any vacancy which did not exist upon the date he successfully completed the required examination for appointment; and persons appointed under the provisions of this proviso shall be appointed with the rank and

date of rank with which they would have beeen appointed if their appointment had not been prevented by reason of the maximum age limit prescribed by law."

Mr. CHAMBERLAIN. I suggest an amendment, at the end of line 7, to insert:

And by amending the last proviso of said section by substituting the word "colonel" for the word "major" therein.

I send the amendment to the desk.

Mr. WADSWORTH. On what page?

Mr. CHAMBERLAIN. On page 9. It simply gives the rank of colonel to a retired officer instead of major, as the law now provides.

The VICE PRESIDENT. The amendment will be agreed to without objection. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, as follows:

Section 28 to read as follows:

"SEC. 28. Pay of certain enlisted men: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50; ordnance sergeant, Ordnance Department; quartermaster sergeant, Quartermaster Corps; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers and separate battalion of any arm or branch; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; stable sergeant, Medical Department; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant, Medical Department, $36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department and Ordnance Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; motor sergeant of any arm or branch; and musician, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; chief mechanic, Infantry and Cavalry; chauffeur, first class, of any arm or branch; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal bugler, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; bugler, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; mechanic, Infantry, Cavalry, Field Artillery, and Medical Department; chauffeur of any arm or branch; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; assistant chauffeur of any arm or branch; bugler, Infantry, Cavalry, Artillery, and Corps of Engineers; and private, first class, Infantry, Cavalry, Artillery, Medical Department, and Ordnance Department, $18; private, Medical Department and Ordnance Department, $15.

"So much of the act approved July 24, 1917, as authorizes the grade of chauffeur, first class, with pay and allowances of a sergeant, first class, in the Signal Corps, and the grade of chauffeur with the pay and allowances of a sergeant in the Signal Corps, is hereby repealed, but nothing herein contained shall operate to reduce the pay or allowances of any soldier appointed to either of those grades prior to the date of the approval of this act, or to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army."

Section 31 by striking out the words "travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training," occurring in lines 9, 10, and 11, and substituting therefor the following: "From the date of their departure to place where ordered pay and allowances at the rate of their respective grades in the Regular Army, transportation, and reimbursement of cost of subsistence at such rate as may be fixed by the Secretary of War during travel from home to place where ordered and return to home, and subsistence in kind during period not in transit and while in service."

Section 42 by striking out the period at the end thereof, substituting therefor a colon, and adding the following: "*Provided further*, That upon the recommendation of the professor of military science and tactics of any such institution, the authorities thereof may discharge a member of the Reserve Officers' Training Corps from such corps and from the necessity of completing the course of military training as prerequisite to graduation."

Section 51, by striking out the words "prior to the date of this act," in line 3 thereof, and substituting therefor the words "prior to July 1, 1919."

Section 55, by amending the fifth paragraph thereof to read as follows:

"Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service and from the date of their departure to place where ordered, transportation and reimbursement of cost of subsistence at such rate as may be fixed by the Secretary of War during travel from home to place where ordered and return home and subsistence in kind during period not in transit and while in service: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay: *Provided further*, That when any enlisted man of the Enlisted Reserve Corps shall be ordered to active service for purposes of instruction or training he may be paid at any time after the date such order shall become effective for the period from the date of leaving home to date of return thereto as determined in advance, both dates inclusive, and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same."

Section 69, by striking out the period at the end thereof, substituting therefor a semicolon and adding thereafter the following: *Provided further*, That in the Territory of Hawaii the National Guard may include citizens of the Philippine Islands."

Section 111, by inserting after the comma following the word "thereof." in the seventeenth line of said section, the following: "or, in grades above the rank of captain, from officers of the Regular Army."

Section 125, by striking out the period at the end thereof, substituting therefor a comma, and adding thereafter the following: *Provided*, That hereafter, upon the discharge or furlough to the Reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use; and within four months after such termination of his active service he shall return all uniform clothing, which he was so permitted to retain for wear to his home, by mail, under a franked label which shall be furnished him for the purpose, and in conformity with the instructions given him at the time of such termination of his active service; and in case he shall fail to return the same within such period, and in accordance with such instructions, he shall be deemed guilty of a misdemeanor, and, upon conviction, suffer the punishment prescribed by this section: *Provided further*, That, upon the release from Federal service of an enlisted man of the National Guard called as such into the service of the United States, all uniform outer clothing then in his possession shall be taken up and accounted for as property issued to the National Guard of the State to which the enlisted man belongs, in the manner prescribed by section 67 of this act: *And provided further*, That when an enlisted man is discharged otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of War, a suit of citizen's outer clothing to cost not exceeding $15 may be issued to such enlisted man: *And provided further*, That officers and members of the National Home for Disabled Volunteer Soldiers may, regardless of the preceding provisions of this act, wear such uniform as the Secretary of War may authorize."

Mr. CHAMBERLAIN. I will state that that completes the amendments to the national-defense act, and what will now be read by the Secretary is entirely new matter that has been suggested in this emergency as necessary by the War Department. I call the attention of the Senate to it so that Senators may understand that this is perfectly new matter.

The Secretary resumed and concluded the reading of the bill, as follows:

SEC. 2. That hereafter the number of privates, first class, in each arm of the line of the Army shall be, as nearly as practicable, 33⅓ per cent of the total number of privates, first class, and privates in such arm.

SEC. 3. That the service of graduates of the Military Academy may be utilized during the months of June, July, August, and September of the year in which they graduate as instructors at the citizens' training camps, and their graduation leave may be taken at the termination of their services as instructors at these camps.

SEC. 4. That hereafter, under such regulations as the Secretary of War may prescribe, authorized mounts of officers who die in the service may be transported at public expense from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors, or such mount may be disposed of as directed by such representatives or executors.

SEC. 5. That hereafter, under such regulations as the Secretary of War may prescribe, transportation at public expense may be provided for the baggage of civilian employees who die in the service from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors.

SEC. 6. That hereafter mileage to officers of the Corps of Engineers, Signal Corps, Ordnance Department, and Quartermaster Corps, traveling on duty in connection with work under the appropriations pertaining to their respective departments, shall be paid from the appropriations for the work in connection with which the travel is performed.

SEC. 7. That the Secretary of the Treasury is hereby authorized in time of war, upon request to the Secretary of War, to extend the period during which money accounts covering expenditures from appropriations for the Army may be transmitted to the Auditor for the War Department after their receipt in the War Department from 60 to 90 days.

SEC. 8. That in the interest of the national defense, and for the better protection of life and property on said waters, the Secretary of War is hereby authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portions or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving ground at Sandy Hook, N. J., or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improvement; and the said Secretary shall have like power to regulate the transportation of explosives upon any of said waters: *Provided*, That the authority hereby conferred shall be so exercised as not unreasonably to interfere with or restrict the food-fishing industry, and the regulations prescribed in pursuance hereof shall provide for the use of such waters by food fishermen operating under permits granted by the War Department.

To enforce the regulations prescribed pursuant to this section, the Secretary of War may detail any public vessel in the service of the War Department, or, upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department.

The regulations made by the Secretary of War pursuant to this section shall be posted in conspicuous and appropriate places, designated by him, for the information of the public; and every person who and every corporation which shall willfully violate any regulation made by the said Secretary pursuant to this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

Offenses against the provisions of this section, or any regulation made pursuant thereto, committed in any Territory or other place subject to the jurisdiction of the United States where there is no court having general jurisdiction of crimes against the United States, shall be cognizable in any court of such place or Territory having original jurisdiction of criminal cases in the place or Territory in which the offense has been committed, with the same right of appeal in all cases as is given in other criminal cases where imprisonment not exceeding six months forms a part of the penalty, and jurisdiction is hereby conferred upon such courts and such courts shall exercise the same for such pur-

poses; and in case any such offense be committed beyond the territorial jurisdiction of any court having jurisdiction thereof, the offense shall be deemed and held to have been committed within the jurisdiction in which the offender may be found or into which he is first brought, and shall be tried by the court having jurisdiction thereof.

SEC. 9. That, in case of actual or threatened hostilities, any proceeds received from the operation of a public utility, in connection with engineer operations in the field overseas, shall be available for the purpose of such utility until the close of the fiscal year following that in which the proceeds are received, and a detailed report of such proceeds and application thereof shall be rendered to Congress on forms conforming as far as practicable to those used by American companies in reports to the Interstate Commerce Commission: *Provided*, That the provision of the act of March 23, 1910, making moneys arising from the disposition of serviceable quartermaster material available for the purposes of the appropriation throughout the fiscal year following that in which the disposition was effected, is hereby extended to apply to material supplied to the Army by the Engineer Department.

SEC. 10. That when any retired officer of the Army is, in the discretion of the President, employed on active duty and assigned to duty in an arm, corps, department, or organization, he shall, for all purposes except promotion, be considered an officer of such arm, corps, department, or organization while so serving, and shall be an extra number therein.

SEC. 11. That hereafter separate battalions, squadrons, or like units of any arm, corps, or department shall consist of such numbers and grades of commissioned officers and enlisted men as the President may prescribe.

SEC. 12. That there are hereby created in the Army the grades of corporal bugler and bugler, first class; and hereafter for each battalion and squadron headquarters of units in which the grade of bugler is now authorized, there shall be one corporal bugler, and for each company, battery, troop, or organization in which the grade of bugler is now authorized there shall be one bugler, first class.

SEC. 13. That there are hereby created in the Army the grades of motor sergeant, chauffeur, first class, chauffeur, and assistant chauffeur in each arm or branch thereof, and appointments made therein shall be in such numbers and for such organizations as the President may in orders from time to time direct and designate; and there are also hereby created the grades of battalion supply sergeant, separate battalion of any arm or branch; and chief mechanic, Infantry and Cavalry.

SEC. 14. That during the present war the President be, and he hereby is, authorized to enlist for service in the offices of the War Department or under its control or on detached service under its jurisdiction men outside the draft ages, and for the same purpose to draft men within such ages, who have been disqualified by minor physical defects for active service in the Army; to establish regulations under which such enlistments may be made, and to fix the pay and allowances of men so enlisted or drafted, which said pay and allowances shall not exceed those of enlisted men of the Regular Army.

SEC. 15. That the President is authorized to appoint, and, by and with the advice and consent of the Senate, to commission to the grade of captain in the Quartermaster Corps, United States Army, John Q. A. Brett, who was appointed to the grade of first lieutenant in the Quartermaster Corps pursuant to the act of August 29, 1916, and who had over 31 years' service as pay clerk, United States Army.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT EUREKA, UTAH.

Mr. KING. Mr. President, will the Senator from Oregon yield to me?

Mr. CHAMBERLAIN. I yield to the Senator for a moment.

Mr. KING. I report, from the Committee on Public Buildings and Grounds, without amendment, the bill (S. 3384) to amend the public building act approved March 4, 1913, and I ask unanimous consent for its present consideration. It is a very brief bill, and its passage will save the Government money instead of taking money from the Treasury. I desire to add only a word in explanation of the bill.

Mr. WARREN. Mr. President, may I ask the Senator from Utah, has the bill for which he asks consideration been reported and is it on the calendar?

Mr. KING. The bill is not yet on the calendar, but it has been reported unanimously from the Committee on Public Buildings and Grounds.

Mr. SMOOT. Did my colleague ask unanimous consent for the immediate consideration of the bill?

Mr. KING. Yes. The reason I am asking for the immediate consideration of the bill is this: There is an action pending in court to condemn a site for a public building, and it is being held up awaiting the passage of this measure. Some time ago an appropriation was made for the construction of a public building at Eureka, Utah. Under the eminent statute of the State suit was brought in the United States Court for the District of Utah. Under the general law of Congress the Federal Government, when it acquires a building site, must obtain the fee to the land. A title less perfect can not be accepted. In the town of Eureka most of the buildings occupied by the people have been erected upon ground the surface of which only is owned by the owners of the buildings. The town is situate upon mineral lands, and beneath the town are rich mineral deposits. The mineral rights are owned by one or more corporations engaged in mining. In the present case the owner of the ground beneath the surface is perfectly willing to give to the Government for a nominal consideration such title as may be necessary, except title to the minerals lying beneath the surface upon which the building will be erected.

As stated, the owners of buildings within the town have only the surface rights, but they are content with such title. Costly buildings are erected under those conditions. It would cost the Government a good many thousand dollars to condemn the mineral rights and obtain a fee-simple title. The mineral deposits are 600 or 700 feet beneath the surface. Of course, the amount that it would cost the Government is problematical, but it might extend into thousands of dollars. As stated, the residents of the town are satisfied with surface rights, and the Government is willing to accept a title less than the general law requires. The representatives of the Treasury Department are satisfied with this bill, and it has been reported from the committee. The bill authorizes the Secretary of the Treasury, in his discretion, to accept a title which reserves or excepts all ores or minerals on the lands obtained for a building site, with the right of mining the same.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah for unanimous consent for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the provision of the public-building act approved March 4, 1913 (37 Stat., 876), which authorizes the acquisition of a suitable site, etc., at Eureka, Utah, be amended so as to add the following proviso:

Provided, That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores or minerals on the lands, with the right of mining the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY SERVICE OF SUBJECTS OF FOREIGN COUNTRIES.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of Senate joint resolution 136, providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country, and so forth.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 136) providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement consenting to such aliens being drafted into the military forces of the United States under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto.

The joint resolution was read, as follows:

Resolved, etc., That the President may by proclamation set a day or days and place or places for the registration for military service of male aliens within designated ages residing within the United States who are citizens or subjects of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement in accordance with the terms of which its citizens or subjects within designated ages, residing within the United States, become under certain conditions liable to be drafted into the military service of the United States; that upon proclamation by the President stating the time and place of such registration it shall be the duty of any such alien, unless exempted from registration by the terms of the President's proclamation, to present himself for and submit to registration under the provisions of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto, and he shall thereupon be registered in the same manner as those previously registered under the terms of said act; and every such alien shall be deemed to have notice of the requirements of said act and this joint resolution upon the publication by the President of any such proclamation, and any such alien who shall willfully fail or refuse to present himself for registration or to submit thereto shall be subject to all the provisions and liable to all the penalties provided in said act or any amendment thereto.

SEC. 2. That any such alien, when registered, shall be and remain liable to military service in the forces of the United States and subject to draft under the provisions of said act and all amendments thereto, and subject to such regulations as the President may have prescribed or may prescribe under the terms thereof, unless during the period specified in the convention or agreement concluded with the country whereof he is a citizen or subject and designated in the President's proclamation, he shall have enlisted or enrolled in the military forces of his own country or returned to his own country for the purpose of enlisting or enrolling in its military forces, or unless the country whereof he is a citizen or subject, through its diplomatic representatives, in accordance with the terms of the convention or agreement concluded between the United States and such foreign country, shall issue to such alien a certificate of exemption from military service.

SEC. 3. That any such alien, after the expiration of the time fixed by the President's proclamation within which he may enlist or enroll in the military forces of his own country, return to his own country for the purpose of military service, or be exempted through the diplomatic representative of the country whereof he is a citizen or subject, shall be and remain subject in all respects to the terms, provisions, liabilities, and penalties of said act and all amendments thereto, except as modified by the terms of the convention or agreement concluded between the United States and the country whereof such alien is a citizen or subject, and shall be subject to such regulations as the President may have prescribed or may prescribe under the terms of said act.

Mr. WADSWORTH. Mr. President, I desire to ask a question of the Senator from Oregon involving a construction, if he will give it, of the language of section 2 of this joint resolution, which reads:

That any such alien, when registered, shall be and remain liable to military service in the forces of the United States and subject to draft under the provisions of said act and all amendments thereto—

And so forth.

Under that language is it contemplated to confine this only to aliens between the ages of 21 and 31?

Mr. CHAMBERLAIN. Of course, that would be, I think limited by the terms of the treaty. I understand that this joint resolution mainly provides for the enrollment and registration of aliens and that the treaty which is now in discussion between the foreign embassies and our own is to regulate the age limit. I do not understand that this is intended to keep foreign subjects within the same draft age as does our act.

Mr. WADSWORTH. Of course, if that is the case—I wanted to feel quite certain about it—there is no objection whatever to it.

Mr. CHAMBERLAIN. No. My understanding of it is that this merely provides for registration and enrollment, while the treaty provisions will regulate the age limit.

Mr. LODGE. Mr. President, two treaties with Great Britain and Canada have been sent here arranging for the drafting of friendly aliens. Of course, the treaties are reciprocal. Legislation will be required to carry out the provisions of the treaties. Those treaties were held up by the President because there were some changes in phraseology which seemed desirable. Everyone is entirely agreed as to the necessity of the treaties; but, Mr. President, I, for one, have not been able to give this joint resolution careful consideration. The questions involved in the treaties have taken the time of the Foreign Relations Committee during several sessions. The committee also has been consulting with the Secretary of State in regard to the terms of the treaties. The Chairman of the Committee on Foreign Relations [Mr. STONE] is not here, and I therefore wish very much that this joint resolution could be allowed to be delayed long enough to give us an opportunity to examine it, because it ought to harmonize with the treaties, and I am unable to say from one hasty reading whether or not it does. I wish it could be allowed to go over until we are a little better satisfied as to that.

Mr. CHAMBERLAIN. I will say to the Senator from Massachusetts that I have no objection in the world to having the joint resolution go over; but when it was up for consideration here some time ago I hesitated to press it because the Foreign Relations Committee was considering the pending treaties; but after passing it over in order that it might be considered in that connection, I took the matter up again with the Judge Advocate General's office, and I was advised by the Judge Advocate General that the treaties would not conflict in any of their terms with any of the provisions of the joint resolution; in other words, it was simply that the treaty provisions were to be followed in the enforcement of the law. However, if the Senator from Massachusetts prefers to have the joint resolution go over, I shall consent to that.

Mr. LODGE. Of course, the treaty provisions are not yet agreed upon, but we have the benefit of advice from the War Department on the treaties. I do not wish to criticize anybody, but they seem to leave something to be desired in the way of phraseology.

Mr. CHAMBERLAIN. I will ask if the Senator desires that the joint resolution shall go over?

Mr. LODGE. Especially I ask it as the Senator from Missouri, the chairman of the committee, is not present.

The VICE PRESIDENT. Without objection, the joint resolution will go over.

ACQUIREMENT OF REAL ESTATE FOR GOVERNMENT USE.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of Senate bill 3802.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3802) authorizing appropriations made for the national security and defense, to be used for the purchase of real estate, or the use thereof, when such purpose is not specifically stated in said appropriations.

Mr. CHAMBERLAIN. Mr. President, after this bill was reported to the Senate by the Committee on Military Affairs I received a letter from the chairman of the Shipping Board suggesting certain amendments to the bill. It was out of the control of the committee and on the calendar of the Senate at that time, and therefore I am going to take the liberty of suggesting the amendments and asking that there be read a letter from the chairman of the Shipping Board to explain the purposes of the bill and amendments, and also a letter from the assistant general counsel of the Shipping Board. I think it might be well, Mr. President, to read the bill and the two letters, so that they may be considered in connection with the bill.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read the bill (S. 3802) authorizing appropriations made for the national security and defense, to be used for the purchase of real estate, or the use thereof, when such purpose is not specifically stated in said appropriations, as follows:

Be it enacted, etc., That in all cases where appropriations have heretofore been, or shall hereafter be, made for the expenditures of any department, corps, or bureau incurred in connection with the national security and defense, and in the administration thereof for the purpose specified therein it becomes necessary, in the opinion of the head of such department, corps, or bureau, to acquire real estate, or some right, title, or interest therein, and any buildings and improvements thereon, it shall be lawful to acquire the same by purchase, lease, donation, or condemnation, or by any other means provided by law for such acquisition, and out of the appropriations aforesaid to meet the expenses of such acquisition, including the purchase price, or rent, of the land, and the buildings and improvements thereon, or the damages allowed to the owner or owners as compensation therefor.

The VICE PRESIDENT. The Secretary will read the letters referred to by the Senator from Oregon.

The Secretary read as follows:

UNITED STATES SHIPPING BOARD,
EMERGENCY FLEET CORPORATION,
Washington, March 11, 1918.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.

MY DEAR SENATOR CHAMBERLAIN: It has been brought to my attention that S. 3802, introduced by you, has been reported back to the Senate with the recommendation that it be passed. The conditions which that bill apparently seeks to remedy have on numerous occasions and are now confronting this corporation, and, under our present laws, we have no authority to remedy them. There are frequent instances where persons, owning land adjacent to shipyards where vessels are being constructed by us for the United States, which land is essential for the construction of vessels, put upon such land values not only fictitious but prohibitory. Just at the present time there are three such cases:

In one a contractor desires a spur track from a railroad to his shipyard. The railroad is willing to put in this spur at its own cost, and the contractor is willing to pay a reasonable sum for the right of way. The owner of this particular piece of property is asking from three to four thousand dollars per acre for his land when other property of the same character in the immediate vicinity has recently sold at from five to eight hundred dollars per acre.

In another a shipyard desires a right of way for its employees across a piece of land adjoining the shipyard. The owner of this land declines to grant such right of way at any figure.

In the third case a small piece of land adjoining a shipyard is desired to facilitate the launching of vessels; in fact, it is essential. The owner of that land holds it at a price out of all reason when compared with other land in the immediate vicinity.

With a view of giving this corporation the authority to aid contractors in such instances, I have taken the liberty of preparing an amendment to S. 3802, which will, I believe, accomplish the desired result and will not alter the purposes of the bill as drawn. It provides that real estate or the temporary use thereof may be requisitioned. It will, I think, be quite evident to you that the power of condemnation is not sufficient in these times of emergency when immediate action is necessary. If, to get the use of a piece of land, it is necessary to go through condemnation proceedings it is altogether probable that the need for such land will cease to exist by the time such proceedings are completed The amendment provides that where land or the use thereof is requisitioned the payment of just compensation shall be made to the owner, with the right to appeal to the courts in the event the compensation awarded is deemed insufficient by the owner.

I hope very much that you will approve this amendment and, if you do, that you will give it your support.

Sincerely, yours,

EDWARD N. HURLEY, *President.*

UNITED STATES SHIPPING BOARD,
EMERGENCY FLEET CORPORATION,
Washington, March 26, 1918.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.

MY DEAR SENATOR CHAMBERLAIN: Referring to our telephone conversation of this date and Mr. Hurley's letter of March 11:

There are now a half dozen or more instances in which this corporation is being called upon to pay exorbitant prices for real estate essential for shipbuilding purposes. If we had the power to requisition the temporary use of such property or the property itself and pay just compensation for it, it would save the Government not only a considerable sum of money, but would expedite the shipping program in several instances. The desirability of the proposed amendment to S. 3802 has been brought to my attention so forcefully in these concrete cases that I can not help but feel it is of extreme importance to the Government. I hope, therefore, that you will not allow it to be overlooked.

In the event you have misplaced the bill as it is proposed to be amended, I inclose an additional copy. Should you desire to be informed with regard to the particular instances indicating the importance of this matter, I will be more than pleased to call upon you at any time agreeable to you.

Sincerely, yours,

WILLIAM H. WHITE, JR.,
Assistant General Counsel.

Mr. WARREN. Mr. President, I should like to have the amendments stated.

Mr. CHAMBERLAIN. With the Senator's permission, I will say I have not yet submitted the amendments. I wanted to

have the letters first read, and then to submit the amendments which have been proposed.

Mr. WARREN. Very well.

Mr. CHAMBERLAIN. I can state the amendments generally, and then I will send them to the Secretary's desk. The Shipping Board desires to have the title of the bill amended by inserting after the word "purchase," in the second line of the title, the words "condemnation or requisition"; to insert in line 4, after the word "any," the words "board, corporation"; and in line 8, after the word "such," to insert the words "board, corporation." The amendment extends the provisions of the bill to cover such organizations. Also after the words "it shall be lawful to," to insert "requisition the same, including the requisitioning of the temporary use thereof, or to"; and in line 6, page 2, after the word "thereon," to insert the words "or just compensation therefor."

Then there is an amendment to be known as section 2, which has been proposed to the bill and which I will ask the Secretary to read. It extends the provisions of the bill quite largely.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 2. That whenever any real estate or some right, title, or interest therein, or any buildings and improvements thereon, are acquired by requisition or condemnation hereunder, the said board, corporation, department, corps, or bureau shall determine and make just compensation therefor, and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as added to the said 75 per cent will make such amount as will be just compensation for the property or interest therein so taken, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

And whenever any said board, corporation, department, corps, or bureau shall requisition any property or rights, or upon the filing of a petition for condemnation hereunder, immediate possession may be taken by the said board, corporation, department, corps, or bureau, of such real estate, buildings, or improvements thereon to the extent of the interests to be acquired therein, and the same may be immediately occupied and used, and the provision of section 355 of the Revised Statutes: *Provided*, That no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all land acquired hereunder.

Mr. WADSWORTH. Mr. President, I would not hesitate for a moment to grant the Government all the power necessary for the proper organization of the military forces and their supply during this war; I would not hesitate to give the broadest powers of condemnation, but I call the attention of the Senator from Oregon to the fact that this bill is not confined to the period of the war; it is in the nature of permanent legislation; and, if it passes, any department of the Government, after receiving from Congress an appropriation for any purpose whatsoever, can go out and without let or hindrance condemn anything in sight and pay for it under the appropriation, if it is all appropriate or related to it. I do not think that the Congress should indulge in legislation of that kind. It is a pretty broad power to confer even in time of war.

May I call the attention of the Senate to one embarrassing instance that came up in connection with the power of condemnation as exercised by the War Department? I refer to the famous case of Kent Island. Whether it was the influence of Congress or of the Representatives from the State of Maryland, who prevented the condemnation and seizure of that large tract of territory, inhabited by a considerable number of people who, with their ancestors, had lived there for 200 years, I am not entirely certain; but it was the voice of somebody in Congress, and perhaps of Congress itself, that prevented that thing which a great many of us thought was an outrage.

This bill apparently would give unlimited power to each and every department of the Government once it received an appropriation to purchase ammunition or to undertake any governmental function whether in connection with the war or not—and it may be entirely removed from the war—the right to go out and condemn property. I repeat, that I do not think the Congress should indulge in legislation of that character.

Mr. CHAMBERLAIN. Mr. President, I think the Senator's suggestion is a good one. I think the authority ought to be confined to the period of the war, if the bill does not do that.

Mr. WADSWORTH. It does not.

Mr. CHAMBERLAIN. I would be glad if the Senator would suggest an amendment to provide that the bill shall be effective only during the period of the war.

Now, let me say to the Senator that this bill came to us from the War Department as it was read at first without the amendments. I think the bill as it came to us from the War Department was ineffective, because it did not provide for any distinct or special method of condemnation or payment in case of condemnation. It was the Shipping Board that sent up the suggestion to add section 2, which gave that power. I think the amendment is a wholesome one and ought to be adopted, if the bill itself is enacted into law, but I hope the Senator will suggest an amendment limiting the duration of the proposed law.

Mr. WADSWORTH. Let me say first that I have no objection to the second section, which the Senator from Oregon proposes as an amendment to the bill, because it provides some kind of phraseology, at least, under which these powers should be exercised; but I should think that, on line 3, page 1, after the word "That," the very first word of the bill, it would be wise to insert the words "during the present war." I offer that as an amendment.

Mr. CHAMBERLAIN. I am perfectly willing to have those words added, so far as I can assent to the amendment.

Mr. WADSWORTH. But even with the adoption of that amendment, I will confess to the Senator from Oregon that I am a little nervous about this kind of legislation.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 1, line 3, after the word "That," it is proposed to insert the words "during the present war."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Oregon.

The SECRETARY. On page 1, line 4, after the word "any," it is proposed to insert the words "board, corporation"; in line 8, after the word "such," to insert the words "board, corporation"; on page 2, line 1, before the word "acquire," to insert the words "requisition the same, including the requisitioning of the temporary use thereof, or to"; and in line 6, after the word "thereon," to insert "or just compensation therefor."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I call the attention of the Senator in charge of the bill to the fact that section 2, which is proposed as an amendment, provides:

And whenever any said board, corporation, department, corps, or bureau shall requisition any property or rights, or upon the filing of a petition for condemnation hereunder, immediate possession may be taken by the said board, corporation, department, corps, or bureau, of such real estate, buildings, or improvements thereon to the extent of the interests to be acquired therein, and the same may be immediately occupied and used, and the provision of section 355 of the Revised Statutes.

Then there is a proviso which reads:

Provided, That no public money shall be expended upon such lands until the written opinion of the Attorney General shall be had in favor of the validity of the title.

The first portion of the amendment authorizes the immediate possession and use, while the second proviso is to the effect that the land can not be used for new buildings or any money expended until complete title has been obtained. Now, there might be many instances where the Government might desire land for a cantonment or land for a shipyard, and there might be the interest of heirs of deceased persons which it would require months, and possibly even years, to extinguish. It seems to me that under this provision we are simply depriving the Government of the right to the immediate use which is granted in the previous portion of the same amendment.

Mr. WARREN. Mr. President, I think that does not prohibit the immediate use of it. It simply requires that before making final, full settlement that they shall have title.

Mr. McCUMBER. No, Mr. President; it does not say that the money shall not be paid until final settlement. It says that no money shall be expended upon the premises by the Government until the title secured is made perfect. The language is:

Provided, That no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title.

Now, it does seem to me that that ought to be out. The Government ought to be entitled to take possession of that land immediately, if it needs it, no matter what the title is, and extinguish the title, and pay the final amount due whenever the adverse title of anyone shall have been extinguished.

Mr. CHAMBERLAIN. It was the purpose of the bill to allow possession to be taken, but not for the land to be paid for until the title had been approved. While I did not confer with the Shipping Board about the matter, I think it possible that that was intended to protect the Government in case there was a defective title and some minor board was undertaking to acquire title. It required the highest law officer of the Government to pass on the title before final payment was made. I think under

the provisions of the bill, however, notwithstanding that clause, the Government could still take possession.

Mr. McCUMBER. This allows the Government to take possession; but I again want to make clear to the Senator that it is not a question of possession. This amendment prohibits the Government from expending any money——

Mr. WARREN. Erecting buildings.

Mr. McCUMBER. Erecting buildings, or expending any money upon the land, until the written opinion of the Attorney General shall be had in favor of the validity of the title. If it were limited simply to the matter of paying for the land, of course it would meet what the Senator says was the intention.

Mr. CHAMBERLAIN. Let me call the Senator's attention to section 355 of the Revised Statutes. That section provides as follows:

No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building, or any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be to such purchase has been given—

And so forth.

Mr. McCUMBER. That is all right in times of peace, and that was applicable in times of peace; but the very purpose of this bill is to authorize the Government to take immediate possession of the land and to erect thereon such buildings as the Government may need, and that whole provision in the law would prevent the Government from doing so if it is reenacted into this legislation. I insist, Mr. President, that that ought to go out.

Mr. CHAMBERLAIN. There is very much merit in the contention of the Senator. I should be glad to have him suggest an amendment that would do that. I concede that it might be susceptible of the construction that the Senator insists upon, and that the Government might take the land and still not be able to use it under the restriction contained in the proposed amendment.

Mr. McCUMBER. Mr. President, it seems to me the only amendment that we need is to strike out the provision after the word "used," namely:

and the provision of section 355 of the Revised Statutes: *Provided*, That no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the same is located has been given—

I see, Mr. President, that I have been laboring under a false impression, because I notice at the end of the section this provision—

shall be, and the same are hereby, suspended as to all land acquired hereunder.

Mr. CHAMBERLAIN. That was the purpose of the bill.

Mr. McCUMBER. I had not read that completely over. I simply heard the reading by the Secretary of that portion, and it did not seem to me to be applicable; but as I read the balance of this, I certainly think that it is suspended.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I said a moment ago to the Senator from Oregon (Mr. CHAMBERLAIN) that I still was a little nervous about this kind of legislation. I call his attention to this language:

That during the present war in all cases where appropriations have heretofore been, or shall hereafter be, made for the expenditures of any department, corps, or bureau incurred in connection with the national security and defense—

That expression, "incurred in connection with the national security and defense," is one which can be construed with the greatest degree of elasticity. That might be construed to grant to the Fuel Administration, for instance, the right to use any appropriation made by it in connection with the condemnation of real estate or the condemnation of coal mines on the ground that that was connected with the national security and defense. It might also be used by the Food Administration and construed by them so as to grant them the same power to condemn real estate of any kind, character, or description, or requisition it, on the ground that it was in the interest of the national security and defense; and one might go on for some time and conjure up the possibilities of this act under that rather loose language. Pretty nearly everybody working for the Government, whether he be working in the Fish Commission or in the Post Office Department, has an idea that he is working for the national security and defense; and if he can take advantage of such language, if it is possible to stretch the meaning of that language, he will do it.

I am wondering if the Senator from Oregon and other Senators present would not be just as well satisfied with this if we confined this rather extensive power to the War Department, the Navy Department, the United States Shipping Board, and the Emergency Fleet Corporation? They are the departments of the Government that are actually engaged in waging the war, and using materials and property in making their preparations.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. SMOOT. Mr. President, I should like to ask the Senator if he thinks the bill as drawn would cover a case like this: If one of the departments of the Government had received an appropriation of $10,000,000, and in that appropriation it specifically states that $100,000 could be spent for the purpose of purchasing real estate, and instead of spending the $100,000 for real estate they had spent over half the $10,000,000, would this bill cover such a case? I ask the question because it says "appropriations heretofore or hereafter made."

Mr. WADSWORTH. It would legalize the expenditure of $5,000,000, whereas it was the original intention of the Congress to spend only $100,000.

Mr. SMOOT. Mr. President, if information that I have received is correct, the case that I have cited is not nearly as bad as cases that have really existed. The ones that I have heard of not only cover hundreds of thousands of dollars, but they cover millions and millions of dollars, and when I first heard the bill read I was fearful that the object of this bill is to cover all such cases where appropriations have been made in a lump sum and specific language has been used appropriating a limited amount of that appropriation for the purchase of lands. If this bill passes, I am fearful that if all of such appropriations had been used for the purchase of lands the same would be legalized.

Mr. KING. Mr. President, will the Senator from New York yield while I ask my colleague a question?

Mr. WADSWORTH. Yes; I yield.

Mr. KING. Under the case just instanced by the Senator from Utah, would the auditor having the proper control or audit of that appropriation pass a warrant drawn for more than the $100,000 authorized?

Mr. SMOOT. I think the difficulty the departments are facing is the one that the Senator has suggested. I may be mistaken about this bill, but it does seem to me that the language is so broad that it would, if passed, authorize the payment of the money whether it had been directly appropriated for that purpose or not, just so long as the expenditure is within the amount of the original appropriation to the department.

Mr. KING. It occurs to me that if an appropriation were made for a specific amount and a specific purpose and those having charge of the appropriation exceeded it, as indicated by the Senator from Utah, and particularly exceeded it in such a manner as to double, treble, and perhaps quadruple or more the appropriations, they ought to be removed from public office. They ought to be impeached if they can not be removed in any other way, because that is such a flagrant offense, such a flagrant violation of public duty, that no man ought to be permitted to hold office who, with a specific appropriation of $100,000, would spend a million or more.

Mr. SMOOT. Mr. President, of course I will say to my colleague that it is a violation of existing law, but the existing law is violated by every department of this Government every year as to the expenditure of money that has not been appropriated and then requests are made for deficiencies, and it has been violated so often that no notice is taken of it by Congress. But that is not the case to which I had reference. I do not say that the information that I received yesterday is correct; I have not had the time to look it up; but I was told only yesterday that legislation would be asked for covering just such cases as I have mentioned, and when this was read from the desk, not having examined it, I wondered whether this legislation was not for that identical purpose, because it specifically refers to appropriations heretofore made for specific purposes.

Mr. CHAMBERLAIN. Mr. President, I concede to the Senator from New York that the authority given in this bill is very, very broad, and I am inclined to agree with the statement of the Senator from Utah that it will be measurably retroactive in its effect, and possibly will validate expenditures that have been made; but I have not much fear of the law being used to the injury of the Government in this emergency. As a matter of fact, I would not want to sponsor the bill at any other time than this; but I agree with the Senator from New York that that ought to be limited to the Army, to the Navy, and to the Emergency Fleet Corporation, and not let it go out and be utilized by all of the little boards in the country for any purposes for which they might want to utilize it.

Mr. KING. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. Yes.

Mr. KING. Would not the Senator be willing to go further, and add to it an amendment to this effect:

Provided, That this shall not be construed to legalize any expenditure heretofore made for which there was no authorization by Congress.

Mr. CHAMBERLAIN. I would be perfectly willing to have that go in, Mr. President. I think it ought to be in. If there is any purpose to validate illegal acts or extravagant acts which were not authorized by the statute, it ought to be guarded against in this measure; and I think that is a good suggestion.

Mr. SMOOT. I think it would be better if my colleague used the words "or any appropriation made directly therefor." In other words, it would be better to have it so that it would not apply to any purpose other than those that were directly appropriated for, so that the purchase of land could not be made unless it was directly appropriated for.

Mr. KING. If I apprehend the meaning of my colleague, I think his suggestion is a good one, and it would meet with my approval.

Mr. WADSWORTH. Mr. President, I move to amend the bill by striking out, on lines 4 and 5, these words:

Any department, corps, or bureau incurred in connection with the national security and defense—

And substituting therefor the following words:

The War Department, the Navy Department, or the Emergency Fleet Corporation—

So that it will read:

That during the present war in all cases where appropriations have heretofore been, or shall hereafter be, made for the expenditures of the War Department, the Navy Department, or the Emergency Fleet Corporation, and in the administration thereof—

And so forth. Is that satisfactory to the Senator?

Mr. CHAMBERLAIN. I am satisfied to have that done.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from New York and the Senator from Oregon a question, purely for information. To what do the words in the seventh line, "for the purpose specified," refer? Do those words refer to the purpose specified in the appropriation, or do they refer to the words "national security and defense"?

Mr. WADSWORTH. My opinion is that they refer to the words used in the appropriation act; but I will admit to the Senator that it is very difficult to say offhand.

Mr. CUMMINS. If they refer to the words of the appropriation act, or the object of the appropriation act, I think they would be unobjectionable; but if they refer to the phrase "national security and defense"——

Mr. WADSWORTH. That has been stricken out. I took particular pains to have that stricken out when the amendment which I have just offered was adopted.

Mr. CUMMINS. Not the words "national security and defense"?

Mr. WADSWORTH. Yes, sir.

Mr. CUMMINS. What words were substituted?

Mr. WADSWORTH. "The War Department, the Navy Department, or the Emergency Fleet Corporation."

Mr. CUMMINS. Without any qualification for any purpose whatever?

Mr. WADSWORTH. Their only purpose is the national security and defense, and that is implied. I do not want those words, "national security and defense," applied to all the departments of the United States Government. By inserting the words "during the present war," I think the intent of this act will be quite clear.

Mr. CUMMINS. How does it read, then, after the adoption of the amendment of the Senator?

Mr. WADSWORTH (reading)—

That during the present war in all cases where appropriations have heretofore been, or shall hereafter be, made for the expenditures of the War Department, the Navy Department, or the Emergency Fleet Corporation, and in the administration thereof for the purpose specified therein—

That is, in the appropriation—

it becomes necessary, in the opinion of the head of such department—

And so forth.

Mr. CUMMINS. I think that would cure it——

Mr. WADSWORTH. That was my opinion.

Mr. CUMMINS (continuing). Although I thought before, and I think still, that if the words "national security and defense" remained in the statute the purpose would be referable to those words instead of the appropriation.

Mr. WADSWORTH. Yes. That is what I did not want.

Mr. KING. Mr. President, at the end of the section, I move to insert the following:

Provided, That nothing herein shall be deemed to legalize any expenditure heretofore made by any of said departments unless there shall have been made a specific appropriation therefor.

Mr. CHAMBERLAIN. I accept the amendment so far as I can, Mr. President.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 1, the following:

Provided, That nothing herein shall be deemed to legalize any expenditure heretofore made by any of said departments unless there shall have been made a specific appropriation therefor.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I regret exceedingly to have to bring this same matter to the attention of the Senate again; but before my amendment was offered, limiting the act to the War and Navy Departments and the Emergency Fleet Corporation, another amendment had been offered, inserting the words "board, corporation." That must be corrected in order to conform with the language which my amendment inserted in the bill. I therefore ask that the bill be further amended by striking out of the former amendment the words "board, corps, or bureau," so that it shall only refer to the department or corporation.

Mr. CHAMBERLAIN. That amendment will have to be made in one or two places, I think.

Mr. WADSWORTH. Yes.

Mr. CHAMBERLAIN. I have no objection to that, Mr. President, to make it conform to the first amendment of the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The SECRETARY. It is also proposed to amend the title so as to agree with the body of the bill.

The VICE PRESIDENT. Without objection, that will be done.

MEDALS FOR SERVICE ON MEXICAN BORDER.

Mr. CALDER. Mr. President——

Mr. CHAMBERLAIN. Mr. President, the Senator from New York is very much interested in Senate bill 3874, and I request that it be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3874) providing medals for certain persons.

The bill had been reported from the Committee on Military Affairs, with amendments, on page 1, line 4, after the word "device," to insert "and ribbon"; in line 6, after the words "of the," to strike out "Regular Army and the"; in line 10, after the word "border," to strike out "or with the American expeditionary forces in Mexico"; in line 11, after the word "sixteen," to strike out "to" and insert "and"; on page 2, line 1, after the words "nineteen hundred and," to strike out "eighteen, inclusive" and insert "seventeen, and who are not eligible to receive the Mexican-service badge heretofore authorized by the President"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device and ribbon, to be presented to each of several officers and enlisted men and families of such as may be dead, of the National Guard, who, under the orders of the President of the United States, served not less than four months in the service of the United States on the Mexican border in the years 1916 and 1917, and who are not eligible to receive the Mexican-service badge heretofore authorized by the President; *Provided*, That such medals shall not be issued to men who have, subsequent to such service, been dishonorably discharged from the service, or deserted.

SEC. 2. That the sum of $7,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the purpose of carrying this act into effect.

The amendments were agreed to.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 8, it is proposed to strike out all after the word "served" down to and including the words "United States" in line 9, in the following words:

Not less than four months in the service of the United States.

So that, if amended, it will read:

Who, under the orders of the President of the United States, served on the Mexican border.

Mr. CALDER. Mr. President, the object of this amendment is to permit the medal and ribbon to go to those members of the National Guard who were ordered away from the Mexican border during the excitement incident to the consideration of the Adamson bill in Congress before the expiration of four months of service. Senators may remember that it was expected at that time that labor disturbances might occur in the crowded railroad centers, and it was thought best to have troops where they could be readily utilized. This medal and ribbon goes to the 80,000 National Guard troops who served on the border, and, as I understand, represented every State in the Union. It gives them the recognition to which it seems to me they are entitled. I think these men who left their homes and their businesses and offered their services to their country ought to receive this consideration.

Mr. GALLINGER. Mr. President, I will ask that the bill be read, and also the proposed amendment.

The SECRETARY. The bill is entitled "A bill providing medals for certain purposes." As amended the bill reads as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device and ribbon, to be presented to each of the several officers and enlisted men, and families of such as may be dead, of the National Guard who, under the orders of the President of the United States, served—

At that point the proposed amendment of the Senator from New York occurs, striking out the words "not less than four months in the service of the United States," so that it will read:

who, under the orders of the President of the United States, served on the Mexican border in the years 1916 and 1917, and who are not eligible to receive the Mexican service badge heretofore authorized by the President: *Provided*, That such medals shall not be issued to men who have, subsequent to such service, been dishonorably discharged from the service, or deserted.

SEC. 2. That the sum of $7,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the purpose of carrying this act into effect.

Mr. OVERMAN. Mr. President, I should like to see these boys receive a ribbon, but it seems to me that would be sufficient. We ought not to cheapen the medals we give. We shall have to give medals for heroism and bravery. If we are going to cheapen the medal like this, what is the medal worth?

I do not like such legislation as this. I wish it would go over, and let us consider this matter when we are further along in the war. If we give a bronze medal and a piece of ribbon just because a man might have been on the Mexican border, where is it going to lead to? What kind of medals are you going to give for heroism and bravery in the case of the boys that go abroad? If you give a bronze medal just for a man going down on the Mexican border, it cheapens it. That is the point I make. I do not think we ought to cheapen it.

Mr. LODGE. Mr. President, I was going to ask, if medals are to be given to everybody who was on the Mexican border through that summer, what is to be given to the men who, probably to-day or to-morrow, will be flung on the German lines in the counterattack? What are they to have? Is there to be no distinction?

Mr. CALDER. Mr. President, I will say to the Senator that the War Department has awarded a medal to those men who crossed over into Mexico under Pershing. They were all of the Regular Army, but the members of the National Guard received no recognition.

Mr. LODGE. There were some men in the Regular Army who were ambushed and killed, if I remember rightly.

Mr. CALDER. But there were some 30,000 other Regular soldiers who rendered no more important service than the National Guard troops on the border.

Mr. LODGE. Did they all receive bronze medals?

Mr. CALDER. Yes.

Mr. OVERMAN. Will not the Senator let the bill go over? The question of medals ought to be taken up and considered later. If we take up this bill now, we distinguish Mexican border service from the war abroad. Let the whole matter be taken up together in one great, comprehensive bill.

Mr. WARREN. Mr. President, I may say, in connection with what the Senator from North Carolina has said, that the Senate has passed a bill covering the whole ground of medals of honor which can only be bestowed in case of winning in actual battle. It also contains a provision for a distinguished-service medal. That bill has been favorably reported by the House and is on the calendar.

The President, evidently impatiently awaiting action upon that bill, I am unofficially informed, had a measure drawn up—a military order—which covered medals of honor and distinguished-service medals, and also a distinguished-service cross; but, attention being called to the present law as to the medal of honor, the order went out to issue a distinguished-service decoration in the way of a cross and another one in the way of a ribbon and medal. Those are for the Army generally, for a soldier who distinguishes himself in various ways but not to the extent that would entitle him under the law to receive the old medal of honor, which can be accorded only for exceptional gallantry in battle in the face of the enemy and at the risk of a soldier's life while performing some act not required in the line of regular duty of an enlisted man or officer. I am informed that lately another order has been promulgated bestowing medals or ribbons or service stripes, or some such decoration upon all the soldiers who served in the late Mexican expedition over the line in Mexico.

Mr. OVERMAN. I should like to see some ribbon or some mark of honor bestowed, but why give a medal?

Mr. CALDER. Since this bill was introduced I have learned that the War Department has accorded medals with ribbon to men who served on the Mexican border and were fortunate enough to be taken into the Pershing expedition which went into Mexico.

Mr. OVERMAN. They have already been given medals?

Mr. CALDER. A ribbon and medal has been given to the Regular troops that went over the border into Mexico with Gen. Pershing.

Mr. OVERMAN. It is cheapening the whole thing.

Mr. CALDER. I think not. I think it is a just recognition of the many thousands of National Guardsmen who left their homes from all the States of the Union and went to the border and served there, some of them as long as a year, at $15 a month. Most of them left their business at a great loss, and it is a recognition of the service rendered. These men were all ready to risk their lives if called upon. I hope the Senator will not object to the bill.

Mr. OVERMAN. If they give a medal and a ribbon to the men who went across the line, I do not see why a soldier who stayed on this side should not receive it. The only point is that we are cheapening the matter of giving medals. I think acts of gallantry ought to be honored and some little mark, like a ribbon, might be given in this case. Some of those men were across the border for only three days.

Mr. CALDER. In fact, no one served there for less than two months, and I will say to the Senator there were several regiments from his own State.

Mr. OVERMAN. I know.

Mr. CALDER. However, I do not offer that as an inducement to have the Senator's approval of the bill.

Mr. OVERMAN. We had three or four thousand soldiers there from my State. Still I think they ought to be satisfied if they get a ribbon. As to giving them a medal, I do not think they would ask for it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. CALDER].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

Mr. SMOOT. Mr. President, it is quite late in the afternoon, and I understand an executive session is desired, but I wish, if possible, to get consideration of Senate bill 3783. If any Senator objects to its consideration at this time I shall not press it.

Mr. VARDAMAN. What is the bill?

Mr. SMOOT. It is the bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912.

I wish to say that it is general legislation, and it proposes to increase the pensions of those who served in the Civil War and in the Mexican War 90 days to a flat rate of $30 per month. We have already granted the widows $25 a month, and many of the soldiers are receiving $16.50, $22.50, and $25.50. The bill provides a flat rate of $30, with an increase, based upon length of service, where the soldier is over 72 years of age, beginning with $30, and increasing to $32, $35, $38, and $40.

I wish to say to the Senate there was not a vote against the bill by the Members present when it was under consideration by the committee.

Mr. VARDAMAN. May I ask the Senator if the Senator from Georgia [Mr. SMITH] is not opposed to the bill?

Mr. SMOOT. I do not know. I can not say; but if the Senator thinks so I shall not press it.

Mr. VARDAMAN. I think the Senator from Georgia is opposed to the bill, and he is absent.

Mr. SMOOT. With that suggestion I shall not ask for consideration of the bill now, but I wish to give notice that at the very earliest opportunity I shall ask the Senate to take up the bill for consideration.

EXECUTIVE SESSION.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 2, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 1, 1918.

CONSULS.

CLASS 3.

Fred D. Fisher, of Oregon, now a consul general of class 4, to be a consul of class 3 of the United States of America.

CLASS 4.

Marion Letcher, of Georgia, now a consul general of class 5, to be a consul general of class 4 of the United States of America.

COLLECTORS OF CUSTOMS.

Norman R. Hamilton, of Norfolk, Va., to be collector of customs for customs collection district No. 14, with headquarters at Norfolk, Va. (Reappointment.)

Joseph H. Lyons, of Mobile, Ala., to be collector of customs for customs collection district No. 19, with headquarters at Mobile, Ala., in place of Percy W. Maer, whose term of office expired by limitation March 8, 1918.

DISTRICT JUDGES.

John Clark Knox, of New York, to be United States district judge, southern district of New York, vice Martin T. Manton, appointed circuit judge.

Joseph C. Hutcheson, jr., of Houston, Tex., to be United States district judge, southern district of Texas, vice Waller T. Burns, deceased.

DISTRICT ATTORNEY.

William Woodburn, of Reno, Nev., to be United States attorney, district of Nevada. A reappointment, his term expiring April 6, 1918.

UNITED STATES MARSHALS.

Maurice Splain, of the District of Columbia, to be United States marshal, District of Columbia. A reappointment, his term having expired.

John L. Terrell, of Fort Worth, Tex., to be United States marshal, northern district of Texas, vice William J. McDonald, deceased.

William Osborne, of Charleston, W. Va., to be United States marshal, southern district of West Virginia. A reappointment, his term having expired.

PROMOTIONS IN THE ARMY.

CHAPLAIN.

Chaplain Edward F. Brophy, Coast Artillery Corps, to be chaplain with the rank of captain from March 3, 1918, after seven years' service.

MEDICAL CORPS.

Capt. Harry R. McKellar, Medical Corps, to be major from January 15, 1918.

To be majors with rank from March 28, 1918.

Capt. Edgar E. Hume, Medical Corps.
Capt. Harry L. Arnold, Medical Corps.
Capt. Walcott Denison, Medical Corps.
Capt. James E. Ash, Medical Corps.
Capt. Calvin H. Goddard, Medical Corps.
Capt. Bascom L. Wilson, Medical Corps.
Capt. Clarence P. Baxter, Medical Corps.
Capt. John E. Walker, Medical Corps.
Capt. Henry F. Lincoln, Medical Corps.
Capt. Edgar A. Bocock, Medical Corps.
Capt. Willis P. Baker, Medical Corps.
Capt. Henry L. Krafft, Medical Corps.
Capt. Paul R. Hawley, Medical Corps.
Capt. John Dibble, Medical Corps.
Capt. George C. Dunham, Medical Corps.
Capt. Joseph M. Greer, Medical Corps.
Capt. Joseph de R. Moreno, Medical Corps.
Capt. Robert B. Hill, Medical Corps.
Capt. Arthur M. Alden, Medical Corps.
Capt. Gouverneur V. Emerson, Medical Corps.
Capt. Louis J. Regan, Medical Corps.
Capt. William A. Haggins, Medical Corps.
Capt. Shannon L. Van Valzah, Medical Corps.
Capt. William O. H. Prosser, Medical Corps.
Capt. George C. Beach, jr., Medical Corps.
Capt. Jesse I. Sloat, Medical Corps.
Capt. David N. W. Grant, Medical Corps.
Capt. James S. Simmons, Medical Corps.
Capt. Cyrus B. Wood, Medical Corps.
Capt. Charles LeBaron, jr., Medical Corps.
Capt. Alvin J. Bayley, Medical Corps.
Capt. John F. Corby, Medical Corps.
Capt. Prescott S. Tucker, Medical Corps.
Capt. Roy M. Fortier, Medical Corps.
Capt. Roy E. Fox, Medical Corps.
Capt. Herbert DeW. Porterfield, Medical Corps.
Capt. Dean F. Winn, Medical Corps.
Capt. Alva B. McKie, Medical Corps.
Capt. Albert W. Kenner, Medical Corps.
Capt. Robert E. Parrish, Medical Corps.
Capt. William L. Edmundson, Medical Corps.
Capt. Cary R. Pollock, Medical Corps.
Capt. James F. Roohan, Medical Corps.
Capt. Emery B. Neff, Medical Corps.
Capt. Arturo Carbonell, Medical Corps.
Capt. Edward A. Coates, jr., Medical Corps.
Capt. William R. Klingensmith, Medical Corps.
Capt. Leroy T. Howard, Medical Corps.
Capt. James A. Bethea, Medical Corps.
Capt. Asa M. Lehman, Medical Corps.
Capt. Harrison J. McGhee, Medical Corps.
Capt. Thomas L. Gore, Medical Corps.
Capt. Oramel H. Stanley, Medical Corps.
Capt. S. Munson Corbett, Medical Corps.
Capt. William C. Thomas, Medical Corps.
Capt. Samuel R. Norris, Medical Corps.
Capt. Benjamin Norris, Medical Corps.

To be captains with rank from March 28, 1918.

First Lieut. Edgar E. Hume, Medical Corps.
First Lieut. Harry L. Arnold, Medical Corps.
First Lieut. Walcott Denison, Medical Corps.
First Lieut. James E. Ash, Medical Corps.
First Lieut. Calvin H. Goddard, Medical Corps.
First Lieut. Bascom L. Wilson, Medical Corps.
First Lieut. Clarence P. Baxter, Medical Corps.
First Lieut. John E. Walker, Medical Corps.
First Lieut. Henry F. Lincoln, Medical Corps.
First Lieut. Edgar A. Bocock, Medical Corps.
First Lieut. Willis P. Baker, Medical Corps.
First Lieut. Henry L. Krafft, Medical Corps.
First Lieut. Paul R. Hawley, Medical Corps.
First Lieut. John Dibble, Medical Corps.
First Lieut. George C. Dunham, Medical Corps.
First Lieut. Joseph M. Greer, Medical Corps.
First Lieut. Joseph deR. Moreno, Medical Corps.
First Lieut. Robert B. Hill, Medical Corps.
First Lieut. Arthur M. Alden, Medical Corps.
First Lieut. Gouverneur V. Emerson, Medical Corps.
First Lieut. Louis J. Regan, Medical Corps.
First Lieut. William A. Haggins, Medical Corps.
First Lieut. Shannon L. Van Valzah, Medical Corps.
First Lieut. William O. H. Prosser, Medical Corps.
First Lieut. George C. Beach, jr., Medical Corps.
First Lieut. Jesse I. Sloat, Medical Corps.
First Lieut. David N. W. Grant, Medical Corps.
First Lieut. James S. Simmons, Medical Corps.
First Lieut. Cyrus B. Wood, Medical Corps.
First Lieut. Charles LeBaron, jr., Medical Corps.
First Lieut. Alvin J. Bayley, Medical Corps.
First Lieut. John F. Corby, Medical Corps.
First Lieut. Prescott S. Tucker, Medical Corps.
First Lieut. Roy M. Fortier, Medical Corps.
First Lieut. Roy E. Fox, Medical Corps.
First Lieut. Herbert DeW. Porterfield, Medical Corps.
First Lieut. Dean F. Winn, Medical Corps.
First Lieut. Alva B. McKie, Medical Corps.
First Lieut. Albert W. Kenner, Medical Corps.
First Lieut. Robert E. Parrish, Medical Corps.
First Lieut. William L. Edmundson, Medical Corps.
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First Lieut. James F. Roohan, Medical Corps.

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First Lieut. Harrison J. McGhee, Medical Corps.
First Lieut. Thomas L. Gore, Medical Corps.
First Lieut. Oramel H. Stanley, Medical Corps.
First Lieut. S. Munson Corbett, Medical Corps.
First Lieut. William C. Thomas, Medical Corps.
First Lieut. Samuel R. Norris, Medical Corps.
First Lieut. Benjamin Norris, Medical Corps.

TEMPORARY PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonels with rank from February 6, 1918.

Lieut. Col. Frank R. McCoy, Cavalry.
Lieut. Col. Willard H McCornack, Cavalry (Signal Corps).
Lieut. Col. Guy V. Henry, Cavalry.

To be colonel with rank from February 7, 1918.

Lieut. Col. Wallace B. Scales, Cavalry.

To be colonels with rank from February 13, 1918.

Lieut. Col. Conrad S. Babcock, Cavalry (Inspector General's Department).
Lieut. Col. Rush S. Wells, Cavalry.

To be colonel with rank from February 16, 1918.

Lieut. Col. Robert R. Wallach, Cavalry.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Rush S. Wells, Cavalry.
Maj. Robert R. Wallach, Cavalry.
Maj. Lewis W. Cass, Cavalry.

To be lieutenant colonel with rank from February 7, 1918.

Maj. Henry J. McKenney, Cavalry.

To be lieutenant colonel with rank from February 13, 1918.

Maj. Casper W. Cole, Cavalry.

To be lieutenant colonel with rank from February 16, 1918.

Maj. Frank T. McNarney, Cavalry.

To be majors with rank from August 5, 1917.

Capt. Lewis W. Cass, Cavalry.
Capt. Henry J. McKenney, Cavalry.
Capt. Casper W Cole, Cavalry.
Capt. Frank T. McNarney, Cavalry.

To be majors with rank from February 7, 1918.

Capt. Henry D. F. Munnikhuysen, Cavalry (Quartermaster Corps).
Capt. Archibald T. Colley, Cavalry.

To be major with rank from February 16, 1918.

Capt. Hugh H. McGee, Cavalry.

To be major with rank from February 28, 1918.

Capt. Joseph Plassmeyer, Cavalry.

To be captain with rank from January 26, 1918.

First Lieut. Harry Foster, Cavalry (Signal Corps).

To be captain with rank from February 4, 1918.

First Lieut. Alexander C. Strecker, Cavalry.

To be captain with rank from February 5, 1918.

First Lieut. Dwight Hughes, jr., Cavalry.

To be captains with rank from February 6, 1918.

First Lieut William R. Stickman, Cavalry.
First Lieut. Lloyd W. Biggs, Cavalry.

To be captains with rank from February 7, 1918.

First Lieut. Wilkie C. Burt, Cavalry.
First Lieut. Harry L. Sommerhauser, Cavalry.

To be captain with rank from February 14, 1918.

First Lieut Harold E. Dickinson, Cavalry.

To be captain with rank from February 16, 1918.

First Lieut. Adrian B. C. Smith, Cavalry.

To be captain with rank from February 28, 1918.

First Lieut. Rufus S. Ramey, Cavalry.

To be first lieutenants.

Second Lieut. Burton C. Andrus from March 1, 1918.
Second Lieut. Harold E. Lewis from March 1, 1918.
Second Lieut. Newell P. Weed from March 18, 1918.

INFANTRY.

To be colonels with rank from January 26, 1918.

Lieut. Col. John H. Hughes.
Lieut. Col. George W. Helms.
Lieut. Col. Rufus E. Longan.
Lieut. Col. Edward A. Roche.

To be colonel with rank from February 1, 1918.

Lieut. Col. Henry M. Dichmann.

To be colonels with rank from February 6, 1918.

Lieut. Col. Halstead Dorey.
Lieut. Col. George F. Baltzell.
Lieut. Col. Edgar T. Conley.
Lieut. Col. Charles H. Bridges.
Lieut. Col. John Robertson.

To be colonels with rank from February 7, 1918.

Lieut. Col. James V. Heidt.
Lieut. Col. Patrick H. Mullay.

To be colonels with rank from February 8, 1918.

Lieut. Col. Monroe C. Kerth.
Lieut. Col. Lambert W. Jordan, jr.

To be colonels with rank from February 9, 1918.

Lieut. Col. Harvey W. Miller.
Lieut. Col. Daniel G. Berry.

To be lieutenant colonels with rank from January 26, 1918.

Maj. William W. Bessell.
Maj. Frank C. Burnett.
Maj Collin H. Ball.
Maj. A. Owen Seaman.
Maj. Clifford U. Leonori.
Maj. Benjamin H. Pope.
Maj. Julian L. Dodge.
Maj. Herman Glade.
Maj. Frank S. Bowen.
Maj. Robert H. Peck.

To be lieutenant colonels with rank from February 1, 1918.

Maj. Ward Dabney.
Maj. William W. Taylor, jr.
Maj. Russell C. Hand.

To be lieutenant colonels with rank from February 6, 1918.

Maj. George A. Herbst.
Maj. Philip J. Lauber.
Maj. Thomas M. Hunter.
Maj. Elverton E. Fuller.
Maj. William S. Neely.

To be lieutenant colonels with rank from February 7, 1918.

Maj. Frank H. Adams.
Maj. George C. Lewis.

To be lieutenant colonel with rank from February 8, 1918.

Maj. William H. Patterson.

To be lieutenant colonels with rank from February 9, 1918.

Maj. Leonard J. Mygatt.
Maj. Elliott M. Norton.

To be lieutenant colonels with rank from March 7, 1918.

Maj. Roscoe H. Hearn.
Maj. Morris M. Keck.

To be lieutenant colonels with rank from March 11, 1918.

Maj. Auswell E. Deitsch.
Maj. Joseph C. Kay.
Maj. Walter C. Jones.
Maj. La Vergne L. Gregg.

To be lieutenant colonel with rank from January 23, 1918.

Maj. Fred W. Bugbee.

To be major with rank from August 5, 1917.

Capt. Fred W. Bugbee.

To be major with rank from January 26, 1918.

Capt. Chester A. Shephard, additional officer.

To be majors with rank from January 23, 1918.

Capt. Ernest L. Pell.
Capt. Joseph C. Hatie.
Capt. John W. Simons, jr.
Capt. Edward G. Taylor.
Capt. Alfred H. Erck.
Capt. Fred P. Jacobs.
Capt. Walter S. Greacen.

To be majors with rank from January 24, 1918.

Capt. Homer H. Slaughter.
Capt. Henry C. K. Muhlenberg.
Capt. John F. Curry.
Capt. James E. Chaney.
Capt. William J. Fitzmaurice.
Capt. Owen R. Meredith.
Capt. James C. Williams.
Capt. Robert E. O'Brien.
Capt. Simon B. Buckner, jr.
Capt. Charles H. Bonesteel.
Capt. Robert H. Fletcher, jr.
Capt. Frederick A. Barker.

To be major with rank from January 25, 1918.

Capt. Agard H. Bailey.

To be majors with rank from January 26, 1918.

Capt. George C. Bowen.
Capt. John H. Hester.
Capt. Franklin L. Whitley.
Capt. Alfred H. Hobley.
Capt. Arthur J. Hanlon.
Capt. Olin O. Ellis.
Capt. Elmer C. Desobry.
Capt. Emile V. Cutrer.
Capt. Harry B. Crea.
Capt. G. Barrett Glover, jr.
Capt. Henry J. Weeks.
Capt. Roy A. Hill.
Capt. Arthur E. Bouton.
Capt. Enoch B. Garey.

To be majors with rank from February 1, 1918.

Capt. Leonard H. Drennan.
Capt. Charles K. Nelsen.
Capt. John H. Muncaster.

To be majors with rank from February 6, 1918.

Capt. Theodore K. Spencer.
Capt. Charles D. Hartman.
Capt. Edgar S. Miller.

To be majors with rank from February 7, 1918.

Capt. Thomas C. Lonergan.
Capt. Albert L. Sneed.
Capt. Lester D. Baker.

To be majors with rank from February 8, 1918.

Capt. Walter R. Weaver.
Capt. Alva Lee.

To be major with rank from February 9, 1918.

Capt. Roy W. Winton.

To be majors with rank from February 14, 1918.

Capt. Frederick C. Phelps.
Capt. James L. Frink.
Capt. Edmund R. Andrews.
Capt. Henry J. Damm.
Capt. Max R. Wainer.
Capt. Robert H. Willis, jr.
Capt. Charles E. Coates.
Capt. Martin C. Shallenberger.

To be major with rank from March 2, 1918.

Capt. William B. Loughborough.

To be majors with rank from March 7, 1918.

Capt. James W. Peyton.
Capt. Oral E. Clark.

To be majors with rank from March 11, 1918.

Capt. Robert Coker.
Capt. William F. Hoey, jr.

To be majors with rank from December 22, 1917.

Capt. Alexander W. Maish.
Capt. William J. McCaughey.

To be major with rank from January 8, 1918.

Capt. Eugene R. Householder.

To be majors with rank from January 9, 1918.

Capt. Eugene Santschi, jr.
Capt. William A. Ganoe.
Capt. Elmer F. Rice.

To be majors with rank from January 10, 1918.

Capt. Benjamin F. Castle.
Capt. John W. Lang.

To be majors with rank from January 15, 1918.

Capt. George T. Everett.
Capt. Henry H. Arnold.
Capt. Walter R. Wheeler.

To be majors with rank from January 18, 1918.

Capt. Barton K. Yount.
Capt. Denham B. Crafton.

To be major with rank from January 21, 1918.

Capt. William E. Selbie.

To be majors with rank from January 22, 1918.

Capt. John L. Jenkins.
Capt. Charles H. White.
Capt. Alvin G. Gutensohn.
Capt. Stanley L. James.
Capt. John S. Sullivan.
Capt. Bruce B. Buttler.
Capt. Evan E. Lewis.
Capt. Paul A. Larned.
Capt. James H. Laubach.
Capt. George R. Harrison.
Capt. Ralph W. Dusenbury.
Capt. Thomas C. Spencer.

To be majors with rank from January 23, 1918.

Capt. Fauntley M. Miller.
Capt. Ray C. Hill.
Capt. Patrick J. Morrissey.
Capt. Thomas M. R. Herron.
Capt. John D. Reardan.

The above-named officers were nominated to the Senate February 13, 1918, and were confirmed February 16, 1918. This message is submitted for the purpose of correcting error in dates of rank.

CORPS OF ENGINEERS.

To be colonel with rank from January 5, 1918.

Lieut. Col. Joseph H. Earle, Corps of Engineers.

To be lieutenant colonel with rank from February 14, 1918.

Maj. Gilbert Van B. Wilkes, Corps of Engineers.

To be major with rank from February 16, 1918.

Capt. Mason J. Young, Corps of Engineers.

To be major with rank from February 18, 1918.

Capt. Layson E. Atkins, Corps of Engineers.

To be major with rank from February 26, 1918.

Capt. George Mayo, Corps of Engineers.

To be major with rank from March 11, 1918.

Capt. Paul T. Bock, Corps of Engineers.

To be major with rank from March 19, 1918.

Capt. Arthur P. von Deesten, Corps of Engineers.

To be captain with rank from October 4, 1917.

First Lieut. Simon Medine, Corps of Engineers.

To be captains with rank from October 16, 1917.

First Lieut. Samuel L. Kuhn, Corps of Engineers.
First Lieut. Louis Graham, Corps of Engineers.
First Lieut. Roy McCutchen, Corps of Engineers.
First Lieut. William Lohmeyer, jr., Corps of Engineers.
First Lieut. William A. Clark, Corps of Engineers.
First Lieut. Aubrey H. Bond, Corps of Engineers.
First Lieut. Hubert W. Collins, Corps of Engineers.
First Lieut. Harold J. McDonald, Corps of Engineers.
First Lieut. Maurice P. van Buren, Corps of Engineers.
First Lieut. Frederick S. H. Smith, Corps of Engineers.
First Lieut. Frank B. Hastie, Corps of Engineers.
First Lieut. Harold Van V. Fay, Corps of Engineers.
First Lieut. Oscar R. Peterson, Corps of Engineers.
First Lieut. Thomas K. Meloy, Corps of Engineers.
First Lieut. Robert Adams Love, Corps of Engineers.
First Lieut. Bennet H. Bowley, jr., Corps of Engineers.
First Lieut. Robert D. Ingalls, Corps of Engineers.
First Lieut. William L. G. Mackenzie, Corps of Engineers.
First Lieut. Walter L. Medding, Corps of Engineers.
First Lieut. Warren A. Lyon, Corps of Engineers.
First Lieut. Roger W. Parkhurst, Corps of Engineers.
First Lieut. Albert C. Lieber, jr., Corps of Engineers.
First Lieut. Robert K. Munroe, Corps of Engineers.
First Lieut. James A. Bjerregaard, Corps of Engineers.
First Lieut. Eugene F. Gaebler, Corps of Engineers.
First Lieut. William C. Atwater, Corps of Engineers.
First Lieut. Henry E. Strout, jr., Corps of Engineers.

First Lieut. John A. Strang, Corps of Engineers.
First Lieut. George E. Robinson, Corps of Engineers.
First Lieut. Frank C. Rogers, Corps of Engineers.
First Lieut. Philip N. Cristal, Corps of Engineers.
First Lieut. Clifford H. Springer, Corps of Engineers.
First Lieut. Edward P. Morton, Corps of Engineers.
First Lieut. Langley S. Homer, Corps of Engineers.
First Lieut. George J. Nold, Corps of Engineers.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. Raymond Joseph Fox, of Wisconsin, to be chaplain with rank of first lieutenant from March 23, 1918.

MEDICAL CORPS.

To be first lieutenants.

First Lieut. Sydney Sigsfried Schochet, Medical Reserve Corps, from March 10, 1918.

Capt. Alan Callender Sutton, Medical Reserve Corps, from March 11, 1918.

First Lieut. Guy Alvin Caldwell, Medical Reserve Corps, from March 12, 1918.

First Lieut. Edward Peter Heller, Medical Reserve Corps, from March 13, 1918.

First Lieut. John Edward Williams, Medical Reserve Corps, from March 14, 1918.

First Lieut. Charles Hansford Brownlee, Medical Reserve Corps, from March 15, 1918.

Capt. Rollan Walter Kraft, Medical Reserve Corps, from March 16, 1918.

First Lieut. John Alfred White, 2d, Medical Reserve Corps, from March 17, 1918.

First Lieutenant Norman St. George Vann, Medical Reserve Corps, from March 18, 1918.

First Lieut. William Crawford White, Medical Reserve Corps, from March 19, 1918.

First Lieut. Wooster Hassell House, Medical Reserve Corps, from March 20, 1918.

First Lieut. Kenneth Dayton Allison Allen, Medical Reserve Corps, from March 21, 1918.

First Lieut. George Randolph Harris, jr., Medical Reserve Corps, from March 22, 1918.

PROMOTIONS IN THE NAVY.

First Sergt. Francis S. Kieren to be a second lieutenant in the Marine Corps, for temporary service, from the 24th day of July, 1917.

Second Lieut. Frank B. Wilbur, National Naval Volunteers, Marine Corps Branch, to be a second lieutenant in the Marine Corps, for temporary service, from the 18th day of March, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 1, 1918.

COAST AND GEODETIC SURVEY.

Herman Odesky, to be aid, United States Coast and Geodetic Survey.

COLLECTORS OF CUSTOMS.

Andrew J. King to be collector of customs, district No. 33, Great Falls, Mont.

Joseph H. Lyons, to be collector of customs, collection district No. 19, Mobile, Ala.

POSTMASTER.

FLORIDA.

Israel F. Titus, Lynn Haven.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 1, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps, with all the fervor of soul, we cry unto Thee, O God, our Heavenly Father, with undiminished faith in the overruling of Thy power.

We thank Thee for the cheering news which comes to us from the front; and we pray that our arms may continue their fervor and strike a decisive blow, which shall bring peace to a weary, warring world; that the effusion of blood may cease, and all men be permitted, under Thy providence, to follow the pursuits of peace and enjoy the fruits of liberty, truth, justice, and righteousness, to the glory and honor of Thy Holy Name, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, March 30, 1918, was read and approved.

RATIFICATION OF PROHIBITION AMENDMENT BY TEXAS.

The SPEAKER. The Chair has a communication from Governor Hobby, of Texas, announcing the ratification by that State of the prohibition amendment. It is not necessary that this communication be read. It will be filed in the archives of the House.

INDIAN APPROPRIATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 8696), disagree to all of the Senate amendments and ask for a conference. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I think the House ought to have an opportunity to examine these amendments. If the gentleman will defer this till to-morrow, I think there will be no difficulty.

Mr. CARTER of Oklahoma. Mr. Speaker, the bill with the Senate amendments was printed on Friday last. Members have had two days in which to examine these amendments. I really wanted to get this bill into conference on Saturday. The time is running along here, and, as the gentleman from Wisconsin knows, it usually takes longer to get this Indian appropriation bill out of conference than any other appropriation bill.

Mr. STAFFORD. I do not think there will be any difficulty about getting it into conference to-morrow morning.

Mr. CARTER of Oklahoma. At the request of the gentleman from Wisconsin I withheld any effort to get this bill into conference on Saturday in order that he might have time to go over the Senate amendments.

Mr. STAFFORD. If the gentleman will permit me, this morning some of the gentleman's colleagues called at my office and took up quite a little of my time about some Indian affairs. Otherwise I would have completed my examination of the amendments. I ask that this bill go over until to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. STAFFORD. I object.

Mr. CARTER of Oklahoma. Can we not send it to conference this afternoon?

Mr. STAFFORD. I object.

STEAMSHIP "CALDERA."

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2469) to authorize the change of the name of the steamship *Caldera* to *A. T. Kinney*. This bill passed the Senate in September last and was reported favorably from the Committee on the Merchant Marine and Fisheries. It will take only a moment to pass it.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed upon application of the owner, the Kinney Steamship Co., of Cleveland, Ohio, to change the name of the steamer *Caldera*, official No. 204864, to *A. T. Kinney*.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill passed was laid on the table.

AGRICULTURAL APPROPRIATIONS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill (H. R. 9054), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the Agricultural appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MORGAN. Mr. Speaker, reserving the right to object, I wish to say to the Members of the House and to the gentleman from South Carolina that I have no desire to delay the consideration of this bill. On the other hand, I would like to expedite its consideration. I do think that the question involved in the amendment put on the bill in the Senate about the guaranteed price of wheat is of very great importance from whatever viewpoint it is considered. When this matter was up on Saturday the gentleman from South Carolina [Mr. LEVER]

seemed to be fair and reasonable about it; and all I want is that there shall be a reasonable time for discussion of that proposition, and also that we shall have an opportunity to vote directly on that. I do not wish to embarrass the gentleman from South Carolina or to ask any assurance that it is not proper for him to give; and, assuming that what he said on Friday and Saturday will be the basis on which he will act, I shall not object this morning.

Mr. LEVER. I assure the gentleman from Oklahoma that the House will have an opportunity to vote on this proposition, and that a reasonable time for discussion will be had, as far as I am able to control the latter part of it.

Mr. GILLETT. Has the bill been reported from the committee?

Mr. LEVER. No; the bill is on the Speaker's table.

Mr. GILLETT. I thought it was referred to the Committee on Agriculture.

Mr. LEVER. No; it is on the Speaker's table.

The SPEAKER. The Chair cancels the reference. Is there objection to the request of the gentleman from South Carolina?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan.

HOUSING FOR WAR NEEDS.

Mr. CLARK of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 10265.

Mr. SLAYDEN. Mr. Speaker, has an order been made displacing the Unanimous-Consent Calendar for this Monday?

The SPEAKER. Last Friday the gentleman from Florida [Mr. CLARK] got a unanimous-consent order that this housing bill should be a continuing order. Now, if we get through with this housing bill at any time to-day, the Chair will order the taking up of the Unanimous-Consent Calendar. The gentleman from Florida [Mr. CLARK] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 10265.

The question being taken, Mr. WALSH demanded a division.

Mr. CLARK of Florida. Mr. Speaker, a point of order. Does not the House automatically resolve itself into the Committee of the Whole House on the state of the Union under the order of the House made on Friday?

The SPEAKER. The Chair thinks not. Originally it resolved itself in that way, but not now. The gentleman from Massachusetts [Mr. WALSH] demands a division.

The House divided; and there were—ayes 81, noes 0.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10265.

The CHAIRMAN. When the bill was last under consideration the gentleman from Florida had 28 minutes remaining and the gentleman from Tennessee 23 minutes.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman and gentlemen of the committee, it is hardly necessary for me to talk for any considerable length of time this morning about this measure, and were it not for the fact that I am a member of the Committee on Public Buildings and Grounds, which reported this bill, I would not take up the time of this committee in impressing my views upon it.

I wish to say, however, that this is a most important war measure. The bill as it stands appropriates the sum of $50,000,000 for the purpose of building houses and dormitories around various factory districts in the United States where the United States is now engaged in manufacturing munitions for use in this war.

As I understand it, the bill authorizes in some instances the transportation of men from the cities out to these munition plants. In other words, the bill authorizes the taking care of these men who are called to the various places to work, either by housing them in permanent homes or in dormitories and in other instances furnishing transportation. I think that the membership of this House is fully cognizant of the conditions surrounding these great manufacturing institutions which have been hurriedly thrown together for the purpose of manufacturing munitions of war, and I believe the membership of the House realizes that this bill will have to become a law in order to carry out the purposes of the War Department.

But there are some other things connected with the bill. For instance, there will be an amendment offered on the floor of the House by the committee asking that this appropriation be increased from $50,000,000 to $60,000,000, an increase of $10,000,000; and this amount of money is to be used, as I understand it, for the purpose of building dormitories and houses in the city of Washington to take care of Government clerks brought here for work incident to the war.

The president of the Civil Service Commission appeared before our committee and stated that owing to the congested condition of the city at this time it was absolutely impossible to keep clerks here in the city of Washington after they were brought here, for the reason that the rents charged for board and rooms are so high that they could not live on their salaries and that they would stay here but a short time and then go home.

I believe that this amendment should be voted into the bill, for I believe it is a long step toward taking care of the profiteering about which we have heard so much complaint on the floor of the House in the last few weeks. I for one am not only going to support this bill but I am going to support this amendment, and I believe it is absolutely necessary as a war measure.

There is another thing, that while I believe the bill will pass I would like to call the attention of the Committee on Labor to. The Committee on Labor is called on under this bill to administer the expenditure of this vast sum of money. There has been a lot of complaint over the country, especially out in my country, from the fact that our people are called upon to leave business and work, labor night and day, to put the liberty loans and other war matters across, and then when there was to be an expenditure of money in the manufacturing of munitions of war, or the doing of any other war work, the manufacturing interests of the Middle West, although fully equipped to do so, have not been treated like the manufacturing interests of other parts of the country have been.

Now, if we are wanting to keep up the high degree of loyalty and patriotism in the country which now exists, it is only fair for us to see to it that the people who put up their money out in the country and far away from the seacoast have the same opportunity, when they can do it, to engage in the manufacturing of these war munitions and in these building operations that they do in other parts of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman and gentlemen of the committee, I have the same interest in this bill that all patriotic Americans have, in that it is essentially a measure for the proper prosecution of this war. I have a special interest in it because this bill will affect the lives and well-being of thousands of men, women, and children in my district.

All of you, or many of you, know that the city of Bridgeport, Conn., is one of the great munitions centers in this country. That city in the census of 1910 had a population of 102,000 and in 1917 a population of 152,000, an increase of 50 per cent. Twenty-five or thirty thousand of these people have come into that city within the last two years. It is perfectly evident that any such influx of people constituting so large a proportion of the total population of a city must tend to great congestion and greatly overtax the housing facilities, the trolley facilities, the market facilities, and all other social facilities of a city. Brdgeport has for years been a prosperous manufacturing city, and is a self-reliant and well-governed city. Accordingly, as soon as this situation developed, the manufacturers individually and through housing associations and manufacturing associations started in to meet it. They raised several million dollars by stock subscriptions and by loans from the banks. They took care of, I suppose, approximately half of the additional population, and in normal times would have cared for all, but, as we all know, it has now come to a point where they can get neither men nor money nor materials without Government cooperation. Hence the necessity for this bill. That is patent to everyone, and I should not have taken up your time to argue on that general proposition because it is so self-evident, but there are one or two provisions in the bill that relate especially, I think, to certain manufacturing cities like Bridgeport, which should receive the attention of the committee.

I believe that the committee which reports this bill, the Committee on Public Buildings and Grounds, has some amendments which cover these propositions, and I would like to ask the attention of the committee especially to paragraph (d) on page 2 of the first section of the bill and the report which relates to it. Paragraph (d) provides that the Secretary of Labor can use this money to aid in providing, equipping, managing, and maintaining houses, buildings, improvements, local transportation, and so forth, by loan or otherwise, to such person or persons as he may determine. In the report of the committee this reference is made to that section:

The bill provides—where, in the judgment of the Secretary of Labor, that is feasible—for the loan of money to persons for the construction of these houses, the committee being of the opinion that in proper cases, with the money properly secured, loans will be preferable to construction and ownership by the Government.

I think in that conclusion the great majority of this House will concur. Then the report says further:

The bill provides that houses erected by the Government shall, whenever the same is practicable, be of a temporary character, the idea of the committee being that where new plants have been established away from any permanent community it would not be wise to build permanent structures, as the same in all probability will be abandoned after the war is ended.

I suppose that may be true, and probably is true in many cases, but I must say it rather hurts my economic notions to start in to build houses with the idea that they are going to be torn down. That would especially be true in connection with any city like Bridgeport. Anyone knows who has had anything to do with social work in manufacturing cities that the housing problem is one of the great and constant problems. That is especially true of Bridgeport, and I may say it is true of every city of corresponding character. Therefore I hope that when the committee reports this amendment, which they propose, it will apply to the next section or to the end of the section, which says:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable so to construct them.

In my judgment, Mr. Chairman, it would be better to make this sentence read just the other way; that is, that they shall be of a permanent character whenever it is practicable so to construct them.

And it is clear also that in a city like Bridgeport any construction of this character should be done in connection with the builders and contractors of the city itself. They know the local conditions; they know the workmen and where best to get materials. If it should be possible to build these buildings in partnership with these contractors, that, in my opinion, would be the ideal way, so that the citizens of Bridgeport would own the buildings when they are completed, subject only to a lien to the Government for such money as it might loan. In that case you would be sure of efficiency and sure of economy, because the contractor could not spend any Government money without spending his own at the same time. The contractor would be building in a community which he knows and which knows him and in which he would have to live after the buildings are completed. And then at the end of the war these buildings would be a permanent addition to the facilities of Bridgeport and they would be owned by people interested in Bridgeport and not by the Government. It is clearly undesirable that after the war is over the Government of the United States should be competing with private owners.

I am sure that it is the intent of the committee, and I hope that the act will be so administered that the general principles which I have laid down will govern, namely, permanency in construction and also economy in construction gained by cooperation between the Government and local contractors.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

By unanimous consent leave was granted to Mr. MERRITT to extend his remarks in the RECORD.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, of all the bills that have come before the Committee on Public Buildings and Grounds since I have been a member of it, I believe the one now before the House has had the most thoroughgoing and fullest consideration that I have ever seen exercised by that committee. The proposition to enter into a building plan for the housing of Government employees is a new enterprise for this country, and, first of all, the committee inquired specifically of the Secretary of Labor whether this step contemplated a permanent housing plan for Government employees. He emphatically said that it did not; that it was not the purpose to inaugurate such a permanent system, gave strong reasons therefor, and therein, I think, met with the approval of all of the members of the committee.

The situation confronting the Government at this time is one of unusual complexity. We have coming into Washington thousands of Government employees. They are sorely needed; in turn they need healthy living room; and in this connection we made inquiry as to the reports frequently circulated that many large houses in Washington are being occupied by a very few people, who refuse to offer any accommodation to the clerks that are coming here to help serve their country in the successful prosecution of this war. It was reported in one instance that a woman living practically alone in Washington has a house of 18 rooms and when she was appealed to by a local committee to set apart a few of these rooms for the occupancy of Government employees she flatly refused to comply with the request. There are many, many instances of this kind, not only here but elsewhere in the country where war work is being done. A part of the money that is authorized in this bill is to be used for the purpose of making surveys in cities like Washington, and I mean by surveys that a thorough canvass of all of the housing possibilities in such cities will be made, recorded, and, if need be, requisitioned, and thereby it is hoped that a great saving will be made of the money authorized in this appropriation.

It may be found by the Secretary of Labor that in many of the munition-making cities where employees are needed housing can be found by commandeering quarters and using them until the end of the war; and it is the consensus of opinion of the committee that if the boys going to the front are making these sacrifices, and if the people of the country are furnishing the means for the prosecution of this war, it is certainly up to the people who own large houses in munition manufacturing centers to make some provision and some sacrifice to the end that employees in Government work may be taken care of in a reasonably satisfactory way.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. JOHNSON of Washington. It is possible now to commandeer such a house as the one the gentleman spoke of, where there were 16 available rooms not used?

Mr. BARNHART. I do not so understand it. I understand it can be commandeered for office purposes.

Mr. JOHNSON of Washington. Will it be possible if this bill is passed to then do it?

Mr. BARNHART. Yes; requisitioned.

Mr. JOHNSON of Washington. That authority is carried in this bill?

Mr. BARNHART. Yes; in lines 10 and 11 of first page.

But, Mr. Chairman, I want to especially call attention of the House to the precautionary features of this bill—the safeguarding of the Public Treasury and at the same time the expeditious plan of providing housing for Government employees. The Department of Labor is delegated to take charge of this important work. This is done at the suggestion of other departments of the Government and on approval of the President, I understand, as the Department of Labor is really the clearing house for all labor matters, and housing for Government laborers is so closely allied with the efficiency and the availability of labor that this function of proper and efficient housing belongs to that branch of the Government having to do with the diversified interests of labor in its relation to Government activities at this time of imperative need. But while we have delegated to the Secretary of Labor the management of this proposed housing enterprise, we have, in section 6 of this bill, provided that Congress shall know at the opening of each session just what has been done in the way of building, and, in detail, what expenditures have been made for. We also provide that this housing plan is only for temporary and emergency purposes, and that some of this authorization may be loaned to communities to build houses; some of it may be used for temporary dormitories; some of it for building permanent housing, to be sold at the end of the war; some of it for paying for improvements for requisitioned housing; and some of it for providing local passenger transportation from shops and offices, where Government work is done, to near-by cities, where good housing is available.

I repeat, Mr. Chairman, that the committee has been diligent in applying safe business methods in the preparation of this legislation and at the same time arranged it so the greatest possible speed can be made in the undertaking, which is an important war-time necessity.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. BARNHART. I will yield.

Mr. CAMPBELL of Kansas. Does the gentleman think it necessary even then to provide overhead expenses of over $300,000 in order to accomplish that purpose?

Mr. BARNHART. Well, the gentleman is not prepared to say because there are no means of ascertaining what these needs may be. The heads of the departments who appeared before the committee said that they were at sea as to just what these expenses might be. They might be less and they might be more than possibly could be estimated because——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Chairman, I yield seven minutes to the gentleman from Kentucky [Mr. LANGLEY], a member of the committee.

Mr. AUSTIN. Mr. Chairman, I yield eight minutes to the gentleman.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. LANGLEY. Mr. Chairman, I shall not oppose this bill, because those charged primarily with the responsibility of conducting this war say that its enactment is indispensable to certain victory over our enemies. At the same time I can not refrain from expressing my doubts as to the wisdom of the policy involved. Sometimes when considering these vast and apparently reckless measures, I have wondered if Shakespeare did not have a prophetic vision of this fateful hour when he wrote:

> Oh, judgment, thou art flown to brutish beasts, and men have lost their reason.

I bow to the judgment of those who ought to know the situation better than I do, but I must confess that I have grave doubts as to the justice and expediency of so vast an enterprise. Perhaps I shall be criticized for it, but my heart and conscience compel me to say that I regret to see these millions of the hard-earned money of the people expended to furnish comfortable homes for those who are to labor at good wages and without being subjected to the dangers of war, while our boys, who are getting a mere pittance and sending part of that to the loved ones at home, are eating out of tin pans, sleeping in tents, wading through the grime and mud of the trenches and the battle fields, and baring their bodies to the deadly missiles of the Hun barbarians. It may be one of those inevitable sacrifices that must be made sometimes for the cause of liberty, but I must express the doubt that is in my mind as to whether the verdict of history will sustain it.

Mr. JOHNSON of Washington. Will the gentleman yield for just one question?

Mr. LANGLEY. Not at this point. I will later, if possible.

Mr. Chairman, I think it is most unfortunate that there are some people who are ever ready to impugn the motives of those who presume to criticize things that are done in connection with the conduct of the war. In my humble judgment those who do not permit the menace of being charged with pro-Germanism to deter them from just and helpful criticism, and who have the courage to say what they think, are in reality the most patriotic of public servants. I have a brother-in-law and three nephews who are already over there somewhere. I do not know where they are, but I do know that their highest ambition is to serve our country and to die if need be in its cause, and I know, too, that there is not a drop of blood in the veins of the families to which they belong that would not be proudly shed, if necessary, for the preservation of the Nation's honor and liberty [applause], and I think it would be monstrous to question my motives if in the execution of the high public trust which the people of my district have placed in my hands I should question the wisdom of some measure that may be proposed or seek to point out a better way. No one's contempt for the Kaiser can exceed mine. I look upon him as an egotistical, debased, bloodthirsty, sacriligious monster, the seven-headed beast rising up out of the sea, as foretold in the prophecies of Holy Writ, and when I think of the unspeakable outrages that he has caused to be perpetrated, of the women who have been debauched and the children who have been mutilated and sacrificed at his behest, of the rape of peaceful Belgium, of the torpedo that sank the *Lusitania*, and the other things he did that forced us into the war, of all of the atrocities committed by drunken Prussian libertines, of the crimes that he has committed against the civilization of the world, of the anguish and agony he has brought upon my own people and the balance of the human race, of his blatant claim of partnership with the Supreme Ruler, while he is violating every law, both sacred and profane, I sometimes fear that my hatred of him goes beyond the uttermost limits of the religion of the Holy Bible in which I so devoutedly believe. Surely the God of our fathers has ordained that there will be enacted over again the scene of the rich man and Lazarus, when the Kaiser, sizzling in fire and brimstone, will call on some of his victims for a drop of water to cool his parching tongue.

GERMAN INSCRIPTIONS AND BOOKS.

Mr. Chairman, sometimes I feel, when I think of all these things, that I would like to see every monument or inscription in this country that recognizes the German Kaiser as a civilized and Christian ruler demolished and effaced, and I know that my contempt for the so-called German kultur, as exemplified in this war, is such that I would like to see a bonfire made of every book in our schools and libraries that teaches it. [Applause.]

Feeling as I do toward him, no one can justly accuse me of aiding our enemies merely for the reason that I seek to point out evils which, if remedied, would, in my judgment, strengthen our country in this struggle, or because I conscientiously opposed conscription and favored the volunteer system, or because I believe and am willing to say that I think commercial greed helped to get us into this war, and, so believing, that I regard it as our duty to conscript the money of the rich as well as the bodies of the poor to help us win it; or because I favored the adoption of the McLemore resolution warning our citizens to keep off belligerent ships which I thought at the time would decrease the danger of our getting into the war; or because as an American citizen I object to things that I think ought not to be done. As well might it be contended that President Lincoln was disloyal to the Union because he did not agree with all that was done by those who were associated with him in defending it, and because he did not hesitate to displace any subordinate who did not measure up to the standard he required. It will be recalled that he even put a man of opposite political faith in his Cabinet because he thought the Union cause would be better served thereby—an example worthy the emulation of our present Chief Executive. I can not be justly criticized because I express my sympathy for the anguished families of the boys who have gone to the colors and seek to better their condition. As well might President Wilson be so arraigned because he has spoken words of sympathy even for the poor and struggling masses in Germany, who are suffering because of the errors of those in control of their Government.

Now, I yield to my friend from Washington.

Mr. JOHNSON of Washington. Does not the gentleman feel that the time will surely come when the people will demand a reckoning for unnecessary expenditures?

Mr. LANGLEY. I thank my good friend for the suggestion. Of course they will demand a reckoning, and that was one of the thoughts in my mind when the gentleman interrupted me a few moments ago. You and I may not live to see it, but the day of reckoning will surely come. The people of our country are patient, self-sacrificing, and patriotic to a degree that, in my judgment, will challenge the admiration of generations yet unborn, and yet I fear that there is a disposition to be too reckless in these hasty and exciting times, when billions mean no more than millions used to mean to the average legislative mind. I think I know what is in the minds and hearts of the people on this question. It will not do, gentlemen, to gamble with the people's money. [Applause.]

I voted for the war resolution because I felt that the step, momentous as it was to us, was necessary in order to preserve the honor of our country and maintain its high status among the nations of the world and to guard and protect its future welfare. I have also been voting for these stupendous and staggering appropriations and tax bills and bond issues and for the grant of unprecedented powers to the Executive because I was persuaded to believe that they were essential to the winning of the war. Those who were charged by the supreme law of the land with the responsibility of conducting the war said so, and I felt it my duty as a patriotic American citizen to accept their word and give them my loyal support, which I have been doing, and shall continue to do, but I do not think it is my duty as a Member of the American Congress to do so blindly and without using my own best judgment as to what is right and what is wrong. If we have seemed to do so thus far, I can only plead in extenuation, so far as I am personally concerned, my most earnest desire to stand by the legally constituted authorities of our Government in this great crisis to the very limit of my judgment and conscience.

Mr. Chairman, I am a partisan in times of peace, and while I do not abandon my political convictions in time of war with a foreign foe, I think it is unpardonable to inject politics into our deliberations upon these war measures. I doubt if the political wrangle in another body has elevated the American Congress in public opinion, and I am quite sure that the partisan interference in pending local political struggles from a still higher source has not had a tendency to help make the world safer for democracy. [Applause.] As I have said before in this body, I believe that when the impartial historian writes the history of our participation in this war he will record an example of tolerance, patience, and patriotism on the part of the Republicans of the country, both in and out of Congress, that is unparalleled in the political history of the world. I am not going to mar that record by talking politics now. At the same time, Mr. Chairman, I can not resist the temptation to say that I hope, for the sake of the honor of our country and of a great political organization which has rendered much patriotic service at times, that the same historian will not be compelled, in the interest of

truth and justice, to write another chapter recording that in these times of national stress and peril there were those who played the biggest and deepest game of politics that was ever staged since parties were first organized in this country.

Gentlemen, my fellow colleagues, let us be fair and square with each other, and above all let us not deceive ourselves. I wish to impress you above all things with the fact that I have naught in my heart but the highest regard and esteem for each and every one of you, and I could not forgive myself if I felt that I had said anything to-day, or since the beginning of my service here, which was intended to wound or do injustice to a single one of you. I am proud of the honor of serving in this great body, composed, without exception, of honorable, earnest public servants, and I wish for the good of the country that there was not a citizen in this land who has a less understanding and appreciation than I have of your integrity, your faithfulness, and loyalty to the country. I believe that, with a few exceptions, the people do so understand and appreciate this membership. We are all human beings, all citizens of a great Republic, temporarily entrusted with honor and power by the people whence springs all power of government in a democracy. Our service here, as well as our lives, must end in the not distant future. We are all devoted alike to the cause of our country and are earnestly desirous of performing our high duty with credit to ourselves and our people who have honored us. Hope and fear, joy and sorrow, good luck and bad, affect us all just as they do the balance of our fellow beings. Let us all rise above the motives engendered by selfish ends and meet these new duties and responsibilities with that true, patriotic spirit born of self-sacrifice, doing unto others as we would have others do unto us. [Applause.]

The President has said that the hand of God is upon the nations of the world. For aught we know God in his infinite wisdom may have permitted this catastrophe to come upon us in order to teach us some great lessons of human life that we need to learn, or having learned have forgotten, for I firmly believe that out of it all will come a truer conception of the real brotherhood of mankind. I believe that this war, terrible as it is, will teach us many needful, invaluable lessons. It will teach us economy, self-sacrifice, and tolerance. It will teach us how much we have been favored by God's merciful providence. It will teach us the importance of the development of the matchless resources He has given us and their proper conservation and uses. Above all, it will give us a better understanding of how the poor and needy of our land live, the privations they endure, and the importance to them of wise and protective legislation. It will teach those who, by inheritance or other good fortune, are able to live by purchasing the products of the labor of others; how much they owe to those who tread the slippery decks of the cars by night and by day; who till the soil on the hillsides, in the valleys, and upon the plains; who toil in the darkness and dangers of the mines and amid the whir of the spindles and the wheels; to those whose hands and faces scorch and burn before the seething, blazing fires of the furnaces; to those who stand upon their tired feet during the long, weary hours on the street cars, in the blacksmith shops, the lunch and dining rooms and kitchens, in Government buildings, and elsewhere; to those who rack their brains and strain their muscles to give the best that is in them to the service of our Government; and to those who suffer and bleed and die in rallying to its colors—to all this grand army of nature's noblemen who earn their bread in the sweat of their faces and who, mid trials, worries, and tribulations eke out an existence for themselves and their dependents—it will, I say, teach that other class of our more fortunate citizens how much they owe to these their humbler brothers and sisters. It will put more of the milk of human kindness in many callous hearts. And all this will make better legislators, better judges, and better executives, bringing us all, poor and rich alike, closer together, giving us a wider application of the precepts of the Christian religion, thus guaranteeing real liberty, equal rights, and justice to all mankind, the underlying thought of which is so beautifully expressed in the following anonymous lines:

Did you give him a lift? He's a brother of man,
And bearing about all the burden he can.
Did you give him a smile? He was downcast and blue,
And the smile would have helped him battle it through.

Did you give him your hand? He was slipping downhill;
And the world, so he fancied, was using him ill.
Did you give him a word? Did you show him the road?
Or, did you just let him go with his load?

Do you know what it means to be losing the fight,
When a lift in time might set everything right?
Do you know what it means—just the clasp of the hand—
When a man's borne about all a man ought to stand?

Do you know what it means—why the quivering lip?
Why the half-suppressed sob, and the scalding tears drip?
Were you a brother of his when the time came of need?
Did you offer to help him, or didn't you heed?

[Applause.]

Mr. HERSEY. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. KINCHELOE. Mr. Chairman, will the gentleman kindly yield right there for a moment? I have been trying to get some information from this general debate by sitting and listening. I understand it is the purpose of the committee to offer an amendment to increase this appropriation in the sum of $10,000,000 for the purpose of housing Government employees here in the District. I would like the gentleman, if he will discuss it, being a member of the committee, to state as to what plan shall be put in operation for the expenditure of this. Whether there shall be buildings rented or new ones built, and if new ones are to be built, how they are to be conducted, and the gentleman's idea as to whether or not, if there are to be buildings erected, they will be on the idea of dormitories, such as are built for students at colleges, and only those go there who are compelled to do so?

Mr. RUCKER. Mr. Chairman, I will try to answer that question befcre I consume the five minutes alloted me, if I can. When the committee began the consideration of this bill I confess I had very grave doubts as to its wisdom. It presents a scheme of legislation to which I have always been opposed and may launch us upon a sea the end of which nobody can foretell; but during the hearings upon this measure I radically changed my view. We were confronted with testimony which could not be questioned, convincing us of the great and urgent necessity for legislation along this line. It was made clear to the committee that at many places where munitions and arms and other supplies for the Army are being manufactured that there is a scarcity of labor, due in many cases to the fact that houses could not be obtained for the workmen to live in, and that it is absolutely and imperatively necessary at certain points to build houses in order to mobilize experienced and skilled workmen at those places to facilitate and expedite the manufacture of those things which are essential and necessary in war, and having accepted that view we then at once accepted the principle of this legislation with utter disregard to the precedent we may be setting.

I state frankly I am not afraid of a precedent when our country is at war. I think I can safely say that no man on the committee in normal times, under normal conditions, would stand for this legislation, but the morning papers tell us that thousands of American citizens to-day, at this very hour, are on the firing line in France, and we know it is necessary to supply those soldiers as well as the allied soldiers with supplies and equipment, and therefore I for one am heartily in favor of this legislation, believing that it will tend to give strength and success to our Army.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RUCKER. I will yield.

Mr. GREEN of Iowa. Perhaps the gentleman does not care to go into this phase of the matter, but I would like to know where they got the figures for the $50,000,000 required. I have gone through the hearings and I do not find that any one has made a definite calculation.

Mr. RUCKER. I will state to the gentleman briefly that the Secretary of Labor recommended those figures as being approximately correct as far as we can now tell, but I will say frankly that no one has undertaken to say that $50,000,000 or $60,000,000, as the bill will probably be amended to read, will accomplish the purpose. Fifty million dollars is all that can be spent now. Hereafter there may be other legislation along this line; I hope not, but I fear further legislation along this line may be necessary. Let me say to the membership of this committee that the Committee on Public Buildings and Grounds was not indifferent to the fact but we are greatly concerned at present about the manner in which contracts for Federal buildings have been made and which led to wasteful prodigality in expenditures, but in this bill we have sought diligently to safeguard the expenditure of every dollar of public money authorized by this bill, and if it is not safeguarded, so far as I am concerned, I say to you that I will welcome any suggestion from any source which will more carefully and thoroughly safeguard this expenditure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. I yield one minute to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I wish to submit as evidence of existing public sentiment in Tennessee in this present crisis the following telegram and ask to have it read.

The CHAIRMAN. The Clerk will read the telegram.

The Clerk read as follows:

McKENZIE, TENN., *March 30, 1918.*

Hon. T. W. SIMS, M. C.,
Washington, D. C.:

Citizens of McKenzie and community, in patriotic meeting assembled, unanimously urge national legislation drafting into the service of the Government everybody, regardless of age, and all resources during the war.

C. F. YOUNG,
JAMES A. ROBBINS,
Committee.

Mr. O'SHAUNESSY. Mr. Chairman, I would like to ask if that would include Brother SIMS?

Mr. RUCKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I shall vote for this bill, as I have for all measures that have come before the House in the last year having to do with our better equipment for carrying on the war. It seems to me the item in the committee's report, which says that it is for the housing of industrial workers who are engaged in industries connected with and essential to the national defense during the existing war, is the real purport of the bill. The report also says that the committee desire to express the opinion that the only justification for the proposed legislation is the condition confronting our country, as shown in the hearings. It is exactly on that basis, it seems to me, that we can consistently support this measure. I do feel, however, that there should be attention called to the fact of the amendment which the committee says it intends to introduce, namely, for $10,000,000 additional money for a housing proposition in the District. I have made inquiry as to the number of employees in the District actually residing here at the present time, who seems to me to have to do probably with war measures, but who could better be located elsewhere than in the District of Columbia and avoid some of this extravagant expenditure of $10,000,000.

Any Member of this House can see the enormous outlay for building going on here now. We are spoiling our parks, taking up beautiful shrubbery and trees, and going to extravagant expenditures for locations here. I agree fully with the gentleman from Kansas [Mr. CAMPBELL] in his statement on Friday last as to conditions in the expenditure of this enormous sum for overhead charges. But I want to refer specifically to the boards which have no occasion to be in Washington and the number of employees that they have. I have obtained the following figures by inquiry of each bureau to which I refer.

The Food Administration has in its employment here in Washington 1,834. The center, Mr. Chairman, of food measures and distribution in this country is certainly in Chicago. And why the Food Administration should have its headquarters in this city is beyond me to understand.

Mr. LITTLE. Will the gentleman yield?

Mr. TREADWAY. I have only a brief time, and I prefer not to do so.

Mr. LITTLE. It is a very brief question.

Mr. TREADWAY. The Fuel Administration is employing here in Washington 700 persons. The center of fuel distribution of the country is Pittsburgh. Why is the Fuel Administration located in Washington?

The Emergency Fleet Corporation is employing 1,381. The Shipping Board is employing 145. The center of the maritime interests of the country is in New York. Why are not those employees taken to New York, the center of the shipping interests of the country? There are employed by the Committee on Public Information here in Washington 325 persons. From recent exposures the title is wrong, it should be called the Committee on Public Misinformation. Another body of this Congress looked into the matter of the usefulness of the Committee on Public Information last week, and I refer the Members of the House to the CONGRESSIONAL RECORD as to the need of the continuance of these employees in Washington. The misinformation that the public is receiving through the so-called Committee on Public Information will fill a very large volume, not only of printed matter but of photographs. So that we find of these very few commissions—there are several others—a total here in Washington of 4,385 employees on the pay roll, for whom we are asked, in order that these may remain here, to appropriate $10,000,000 in order to secure better housing facilities in the District of Columbia. Those that are called here, Mr. Chairman, for the direct purposes of the Government we should provide for, but there are at least 4,000 of the employees to whom I have referred that can very well be spared from the city of Washington, making room for 4,000 other employees who may be needed here. I fully agree with the attitude of the gentleman from Kansas [Mr. CAMPBELL] in the extravagance of the appropriation contained in this bill, particularly in the amendment. [Applause.] Let the boards and commissions not needed here make room for the new employees who may be needed before we appropriate such an enormous sum for additional housing accommodations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Tennessee has 2 minutes remaining, and the gentleman from Florida has 10.

Mr. CLARK of Florida. I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee is recognized for three minutes.

Mr. AUSTIN. Mr. Chairman, in my judgment, there is no question as to the time and the necessity for this absolutely important legislation. Perhaps Congress has been amiss in not providing for these activities before this late day, but this measure was originally referred to the Committee on Labor, and afterwards transferred to the Committee on Public Buildings and Grounds. If we are to have the highest amount of efficiency from our munition and other industrial workers, we must provide healthy and satisfactory accommodations for their living. If we are to obtain the full capacity of our manufacturing and munition plants, we must be prepared to have not only a day force but a three-shift force in all of them before we attain that maximum of output which will be absolutely essential to the success of our Army and Navy.

Now a great many of the men who are connected with these plants are finding unsatisfactory conditions, no provision for their families, and no modern, up-to-date, healthy, sanitary houses or quarters even for the single men. So that if we secure and hold laboring men it is absolutely essential we must provide for them what humanity demands and what reason and common sense dictate. These activities run into the hundreds, and this great army of munition and industrial workers into countless thousands. The hearings disclose the fact that in four of these plants alone 5,000 houses are needed, not counting hundreds of other similar plants scattered over more than 20 States of the Republic.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. SNELL. Does not the gentleman think that for some of this housing proposition there could be some relief obtained by distributing these contracts more to smaller firms throughout the country, that could take care of the people to the extent that they need them?

Mr. AUSTIN. The chairman of the housing committee for the Council of National Defense, Mr. Otto M. Eidlitz, of New York City, presented this matter pretty thoroughly before the committee, and the assurance given to the committee was that the policy would be pursued in line with the suggestion of the gentleman from New York [Mr. SNELL]; and the committee intends to offer an amendment to this bill providing for competitive bidding in connection with the construction of these houses.

Mr. SNELL. Will the gentleman yield for one more question?

Mr. AUSTIN. Yes.

Mr. SNELL. Is it not in connection with shipbuilding that the greatest need of housing exists at the present time?

Mr. AUSTIN. That has been provided for by an appropriation of $50,000,000. But take, for instance, the Bethlehem plant.

Mr. SNELL. I want to ask the gentleman one more question along that line.

Mr. AUSTIN. The gentleman knows that my time is limited.

Mr. SNELL. All right.

Mr. AUSTIN. The Bethlehem plant requires 2,000 houses, to cost in the neighborhood, perhaps, of $9,000,000.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield for a question?

Mr. AUSTIN. The Bridgeport plant requires 1,500 houses; the Fore River (Mass.) plant needs 500 houses; Erie, Pa., a thousand houses; and Norfolk and Portsmouth, in the State of Virginia, must provide for 9,000 employees.

Now, I will be glad to yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. By what authority and by whom was this man Eidlitz appointed chairman of this commission?

Mr. AUSTIN. As I understand it, the President of the United States telegraphed or wrote to Mr. Eidlitz to come to Washington. I want to say in all fairness that I have carefully investigated Mr. Eidlitz, and no man stands higher for

honesty and integrity and competency than Mr. Eidlitz. I think the Government of the United States would be extremely fortunate if there were more men of his type and character looking after the affairs of this Government. As far as I am concerned, I would be perfectly willing to intrust this entire proposition to the care and keeping of such a man and would feel sure that there would be faithful and honest administration if it were controlled and supervised and directed by Mr. Eidlitz, of New York City.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. BURNETT].

The CHAIRMAN. The gentleman from Alabama is recognized for seven minutes.

Mr. BURNETT. Mr. Chairman, I want to discuss briefly some essential and improtant provisions of the bill. The gentleman from Kentucky [Mr. CANTRILL] who presented the rule under which we are operating, went as fully as possible during his limited discussion of the rule into the merits of this bill. The chairman of the committee and others who have followed have gone so fully over the subject matter that it leaves but little to be said.

Now, I want, in the first place, to combat the idea advanced by the gentleman from Kansas [Mr. CAMPBELL] during the discussion of the rule in regard to the $300,000 that will be spent for the purpose of administering this business. It was found upon investigation by the heads of the different departments that if each department had to control the particular housing matters germane to that department there would be duplication of work, congestion, and increased expense. Therefore at least three of the heads of the departments got together—those that were mainly interested in the housing proposition—and under the sanction and advice of the President it was agreed between the Secretary of Navy, the Secretary of Labor, and the Secretary of War that this all ought to be concentrated under one head; and as this proposition of housing was mainly a labor proposition, it was thought that the Secretary of Labor should supervise it and that that department was the one in which it should be lodged. Therefore it was so agreed.

Now, Mr. Chairman, this work will extend from the Lakes to the Gulf and from the Atlantic to the Pacific. I do not remember offhand as to the number of these enterprises that have sprung up all over the country, enterprises that are making munitions, arms, ammunition, clothing, and various other things to aid us in winning this war, but they are diversified and numerous. It would simply be impossible to concentrate that work under the office of the Supervising Architect, with the multifarious duties that it has to perform already.

Now, we provide that the genious and intelligence of the Supervising Architect's Office may be utilized, including its employees—inspectors and others. Wherever it is possible to do so the board is to use the Supervising Architect's Office.

In regard to the amount of $300,000, the gentleman from Kansas [Mr. CAMPBELL] tries to make a mountain out of a molehill with respect to that, and yet when you consider that starting off with a minimum of $60,000,000 of expenditure, considering that men have to go all over the United States in looking after these matters, it seems to me that it will be one of the most economically administered concerns of perhaps any bureau or board or commission now operating under this Government. If it is held down to $300,000, as was stated by the gentleman from Tennessee [Mr. AUSTIN]—and I agree with him in this belief—it would be cheaply administered. If we undertook to administer this through the different departments we would find that the extra expense would amount to more than $300,000 before the work could be finished.

Mr. Chairman, in the brief time that I have I am not going to discuss the necessity for this legislation. Men from all over the country came before us and showed the congested conditions at these great munitions plants and other governmental activities. I remember, when I addressed the Committee on Rules in favor of the rule, my distinguished friend from Illinois [Mr. RODENBERG] referred to the fact, as I recall it now, that an industry in his district that a year or two ago employed only 300 or 400 men is now employing 4,000 or 5,000 men. These men have to be sheltered. It was stated by the secretary of the Federation of Labor, Mr. Morrison, that some of the strikes—not all, but some—throughout the country were due to inadequate housing facilities. Therefore, Mr. Chairman, it is a war exigency and a war emergency, and something must be done, and done right away.

Complaints are coming up all over the country as to the delays that have been brought about in the building of ships, in the manufacture of munitions, in the construction of guns, in the production of clothing for the soldiers. All of those things, in some part at least, are due to inadequacy of labor, and that inadequacy of labor is due, in some degree at least, to inadequate housing for men desiring work.

Mr. Chairman, if anybody has the idea that the Government is going to build these houses and let the employees have them rent free, he is mistaken—that is not the case. It is expected that they will pay a reasonable rent, just as they would if they rented the houses from private enterprises or private individuals.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. McKEOWN. I wish to ask the gentleman if this housing will stop those "turning over" conditions of labor?

Mr. BURNETT. Exactly. That was one point that was stressed by gentlemen who appeared before the committee, who stated that that condition is a very serious condition, and that that would be improved.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. In the town where I happen to live the city hall has been made over for Government activities, a hundred men living in the hall. Is it not probable that that commission would want housing to be built for those Government employees, and the same in all the towns, so that $50,000,000 will be spread out as thin as a wafer?

Mr. BURNETT. I think not. It will be $60,000,000 if the amendment that will be proposed by Chairman CLARK is adopted; but a member of the committee, Mr. CANTRILL, who is also a member of the Committee on Rules, stated frankly to you the other day that it is not his opinion that $60,000,000 will be the maximum amount that will be reached.

As was said by my friend from Kentucky [Mr. CANTRILL], in speaking to the rule, it was stated before the committee that England has already expended $700,000,000 for housing purposes. Now, whether we like it or not, if we are really in favor of the earnest and rapid prosecution of this war, something must be done in order to relieve these acute conditions.

The CHAIRMAN. The time of the gentleman has expired. All time for general debate has expired.

Mr. BURNETT. Mr. Chairman, may I have about three minutes more, by unanimous consent, just to call attention to the conditions in Washington. I did not know the time was running so fast.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, in the first consideration of this bill the committee decided that they would not undertake to consider the housing question in Washington, but it was brought to our attention that the situation was so urgent that we decided there ought not to be two bites to the cherry, but that the whole business ought to be cared for in one bill. It was shown to us that we will have 18,593 more Government employees between March 1 of this year and July 1, and we will have, in addition to that, 12,982 more between July 1 and December 31, making 31,575 in all, and all that the housing committees can see in sight or any prospect of is housing for 14,600 of these employees, which would be more than 4,000 less than those who will be here between now and the first of July and over 20,000 less than those who will come by December 31. For that reason we believed something should be done at once. The committee believe, further, that the building and opening of these houses for Government employees at moderate rents will of itself to a great extent neutralize the profiteering of those cormorants here who have been feeding upon those who come here to serve the Government.

Mr. MEEKER. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. MEEKER. Was the matter discussed in the committee, as suggested by the gentleman from Massachusetts [Mr. TREADWAY] a moment ago, of taking some of these departments to the cities where they belong?

Mr. BURNETT. I do not know that it was, but that would be impracticable. The gentleman and I have to spend a third of our time in running down to these different bureaus and getting

information from the Food Bureau and the other departments; and how impracticable it would be if these bureaus, as suggested by the gentleman from Massachusetts [Mr. TREADWAY], instead of being in Washington, were scattered all over the country. Not only that, Mr. Chairman, one of the troubles of Congressmen in matters of legislation to-day is that the buildings which house the Government activities even in the city of Washington are not near enough together; that we have to run all over the city to get to these various bureaus and transact our business. I believe it would be utterly impracticable to adopt the suggestion of the gentleman from Massachusetts [Mr. TREADWAY].

The CHAIRMAN. All time allotted to the general debate has expired. The Clerk will read.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the first section of the bill may be read by paragraphs for amendment and the remainder of the bill read by sections.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the first section of the bill be read by paragraphs. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CLARK of Florida. I ask unanimous consent that all gentlemen who have spoken have leave to extend their remarks in the RECORD.

The CHAIRMAN. That general consent can not be given in Committee of the Whole. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. TREADWAY. I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Labor, for the purposes of providing housing, local transportation, and other community facilities for such industrial workers as are engaged in industries connected with and essential to the national defense, and their families, only during the continuation of the existing war, is hereby authorized and empowered, within the limits of the amounts herein authorized.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Amend by inserting, after the word "families," in line 7, page 1, the following: "and employees of the United States whose duties require them to reside in the District of Columbia, and their families."

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. CLARK of Florida. I prefer that the gentleman should make his point of order, if he intends to make it. I do not want to take up time in discussing it.

Mr. WALSH. The gentleman has offered this amendment to take care of the situation in Washington, I presume?

Mr. CLARK of Florida. That is it.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. WALSH. Mr. Chairman, I make the point of order. I desire to bring to the attention of the Chair the fact that this measure is general in its character, and the paragraph of the bill which has just been read is the paragraph which sets forth the purpose of this legislation, which is to take care of "housing, transportation, and community facilities for industrial workers engaged in industries connected with and essential to the national defense." Now, as I understand, the amendment of the gentleman from Florida——

Mr. MEEKER. Will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. MEEKER. Is it the gentleman's opinion that employees of the navy yard, for instance, in the District of Columbia, would come under this bill as it now stands?

Mr. WALSH. I assume that they might. As I understand the amendment of the gentleman from Florida, it is to take care of the employees of the Government who may be located here in the District of Columbia and who are not connected with industries essential to the war, and it is not limited to those who are connected with the activities of the Government essential to the national defense. In other words, extra employees in other branches of the Government that have nothing to do with the war activities of the Government could be taken care of under this amendment. I submit that under the rules of the House a provision general in its character as to the territory to which it must apply, but for a specific purpose as to the particular class of activities or persons to which it should apply, can not be amended under a clause such as the gentleman from Florida has offered as an amendment, making it applicable to a specific section or particular part of the general territory of the United States, and that the amendment is not germane, because it makes a specific provision in a restricted area for particular classes under a measure which is designed to take care of a general territory—namely, the entire country—and for particular classes of people engaged upon a particular work. The whole tenor of the measure, as reported by the committee and the report which they have offered, in the hearings which have been held, so far as I have been able to gather it, is to take care of housing requirements in cities and towns where industries are being conducted or work is being carried on in connection with industries that are essential to the national defense.

It is in connection with the munition plants, I think, in connection with the building of torpedo boats, and in connection with other activities that are being carried on as a result of the contracts or arrangements that have been made or entered into between the Government and private individuals in the nature of corporations or partnerships.

Now, this amendment does not contemplate that class of activity, but relates solely to the District of Columbia, and applies in the District of Columbia only to those employees that have been brought here or who have come here in the various departments. Many of the departments, I will admit, have direct supervision over these industries and war activities, but the employees are not the employees of the people carrying on the activities, but are the Government employees; they are not industrial workers, although they may be industrious workers. In my judgment, it is not in order to amend a measure taking care of the needs of the various activities scattered throughout the country by this amendment; in other words, the amendment is not germane as it is offered by the gentleman from Florida.

It is not germane inasmuch as it is seeking to put another class of beneficiaries who are not related, according to the terms of the measure, which the committee has reported, to the beneficiaries that it has sought to take care of by this legislation, namely, the employees of private corporations or partnerships working on Government activities as the result of agreement or contract. I maintain that you can not put into that legislation the employees of the Government, those who are employed directly by the Government in another class of work. Therefore I submit, Mr. Chairman, that the amendment is not germane.

The CHAIRMAN. Does the gentleman from Florida desire to be heard?

Mr. CLARK of Florida. Not unless the Chair has some doubt about it.

The CHAIRMAN. The Chair is ready to rule, but the Chair will hear the gentleman.

Mr. STAFFORD. Mr. Chairman, I would like to say a word on the point of order.

Mr. CLARK of Florida. If the gentleman from Wisconsin is going to argue the question, I want to say that this bill authorizes the Secretary of Labor to provide housing facilities——

Mr. O'SHAUNESSY. Mr. Chairman, did I understand the Chair to say that he was ready to rule?

The CHAIRMAN. The Chair is ready to rule, but he is glad to hear the gentleman from Florida.

Mr. CLARK of Florida. I do not care to say anything now.

Mr. O'SHAUNESSY. This is an important measure for the committee and for the public.

Mr. WALSH. The gentleman will not hurry it along by any such interruption as that.

Mr. STAFFORD. Mr. Chairman, I would like to say a word. This is a very important question. As the Chair knows, and as every Member of the House knows, this committee has no information whatever as to the form of the amendment that has been tentatively agreed upon by the Committee on Public Buildings and Grounds, which they seek to offer, to provide housing facilities for the departmental employees in the District. The House is fully advised of the measure presented to the House for consideration by the rule of the Committee on Rules. That rule did not make in order any amendment suggested by the gentleman from Florida, unless that amendment is within the general rules of the House under parliamentary procedure.

Mr. CLARK of Florida. The gentleman is not contending that an amendment is not in order under the rule?

Mr. STAFFORD. Oh, no.

Mr. CLARK of Florida. This amendment is a committee amendment and was agreed upon in committee as fully as was the measure.

Mr. STAFFORD. I would not take any such ridiculous position as that in an argument on a point of order.

Mr. DEMPSEY. Will the gentleman yield?
Mr. STAFFORD. Yes.
Mr. DEMPSEY. Was it not contemplated in the bill as originally drawn that it should include the housing of Government employees in the Government shipyards as well as other employees?
Mr. STAFFORD. I could not go to that extent; I can only read the bill as it is. As far as the housing of employees in the shipping industry is concerned, we provided for them in the bill S. 3389, which has since been approved and is now the law of the land.
Mr. DEMPSEY. Does not the bill itself provide for the housing of Government employees who are employed in the Government shipyards as well as for those employed by private capital?
Mr. STAFFORD. I have not been able to find any such language as would grant the Secretary of Labor the right to provide housing for Government employees.
Mr. DEMPSEY. Is not the language general—"for such industrial workers as are engaged in industries connected with and essential to the national defense"? Does not that mean, necessarily, whether they are employees of the Government or private companies?
Mr. STAFFORD. I think perhaps you might make an argument that an amendment would be germane along lines indicated by the gentleman from New York, but that is not the question before the committee.
Mr. McKENZIE. Will the gentleman yield?
Mr. STAFFORD. Yes.
Mr. McKENZIE. There is certainly a wide distinction between industrial workers and Government clerks.
Mr. STAFFORD. Yes; I am glad the gentleman from Illinois has anticipated my argument by that suggestion. The bill in its purpose is defined in its first paragraph, which we are now considering. It has only one general purpose, and that is to provide housing facilities, local transportation, and other facilities for such industrial workers as are engaged in industries connected with and essential to the national defense. That is a class to which this paragraph is confined. It is limited to provide these facilities for such industrial workers as are engaged in industries connected with and essential to the national defense. I respectfully submit that this bill must be considered as having one purpose, as suggested by the gentleman from Illinois [Mr. McKENZIE], and that is to provide facilities for whom? "For such industrial workers as are connected or engaged in industries essential to the national defense." If such is its purpose, and, scanning the other paragraphs of the bill, you will find nothing in the subsequent sections that controverts that purpose, I respectfully contend that an amendment like that offered by the gentleman from Florida providing for housing facilities of an entirely different character, namely, employees of the United States whose duties require them to rent in the District of Columbia—departmental employees—is of a class entirely different and not related at all to the subject matter as carried in the bill.

It comes, therefore, within the established precedents of this House that where a bill is limited to one subject matter an amendment related to another subject matter, even though it be related, is not germane, and therefore not in order. The fundamental reason for that is to protect the House, so that amendments will not be proposed upon the floor of the House that are not germane, so that the membership may not be taken by surprise. There is no one here who knows anything so far as an argument in the form of a report is concerned on the amendment as presented by the Committee on Public Buildings and Grounds that refers to the need of public buildings in the District for housing departmental clerks. I am not arguing upon the merits of the proposition. Personally, I believe that there is need for it, but I say, for safeguarding the interests of the committee, it is absolutely necessary that we should limit these amendments to those that are germane. As the Chair knows, under parliamentary law any amendment may be in order, but the rules of the House limit the general parliamentary law which will permit any amendment to be offered, so that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. There are many precedents that are found on page 345 of the Manual which hold that two subjects are not necessarily germane because they are related. Of course, there is some relation here, but if the Chair goes back to the philosophy of the rule of germaneness he will see that in this case the very essence requires that the House should be advised in advance of the nature of the legislation that is going to be presented for consideration, and the Chair knows the House has not been advised in any way by the report from the committee having jurisdiction of this matter as to the reasons for a tentative recommendation providing $10,000,000 additional for the housing of departmental clerks in the city of Washington. I can refer to the various precedents upholding that general statement under subdivision (d) of Rule XVI, to which I have referred:

To a proposition for the appointment of a selective committee to investigate a certain subject an amendment proposing an inquiry of the Executive on that subject was held not to be germane.

To a bill granting a right of way to a railroad an amendment providing for the purchase of the railroad was held not to be germane.

To a provision for the erection of a building for a mint an amendment to change the coinage laws was held not to be germane.

And I go back to my fundamental position and shall then close the argument—and I regard this as a very serious question, because this committee is entitled when a subject different in its character is presented for its consideration to have the report in the form of an argument presented to the attention of the committee in advance so that it may be able to determine is merits and vote intelligently upon it.

I go back to the fundamental proposition which can not be controverted as it is presented and as every person must read it. This bill is limited to one subject and one subject matter alone. It provides for certain facilities, namely, housing, local transportation, and other community facilities. For whom? For one general class and only one. For industrial workers such as are engaged in industries connected with and essential to the national defense. There may be any germane amendment touching the character of those facilities providing for these industrial workers who are engaged in industries that are essential to the national defense, but you can not include housing facilities for departmental workers who are not industrial workers engaged in industries connected with the national defense. It needs no argument, Mr. Chairman, to say that that is entirely distinct and apart, not related to the one provision of this bill, namely, facilities for industrial workers.

Mr. REED. Mr. Chairman, will the gentleman yield?
Mr. STAFFORD. Yes.
Mr. REED. It is in order always to strike out words, is it not?
Mr. STAFFORD. Yes.
Mr. REED. And if the gentleman would strike out four words from line 4 he would have it read "for such workers as are connected with and essential to," and he would accomplish the same purpose.
Mr. STAFFORD. That is not the question before the House. There has been serious question by parliamentarians whether you could, even by striking out, accomplish by indirection what you can not accomplish by direction.
Mr. DEMPSEY. Mr. Chairman, as I understood the argument of the gentleman from Massachusetts [Mr. WALSH], it was that the amendment proposed by the committee could not be adopted and was not germane for the reason that the amendment would change the character of the employees to be accommodated; that instead of being employees of private companies or individuals it would make the law provide for including employees of the United States. The language is broad enough as it is to include such employees, so that argument, it seems to me, has no solid foundation.

In answer to the first argument presented by the gentleman from Wisconsin [Mr. STAFFORD] we should go first to the title of the bill, and we find that the title, while it is not a part of the bill, bears on the purposes of the bill, and is always to be taken into consideration, and that title is—

To authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Let us now go to the bill itself and see what we find. The bill says that it provides for "industrial" workers who are engaged in industries connected with and essential to the national defense. Let us see whom that would include. Who are industrial workers? What does "industrial workers" mean? "Industrial" means relating to either manufacturing or commercial production. That, whether right or not, is the dictionary definition. Let us see what that means as enlarged by the amendment. We have here in Washington, for instance, the Ordnance Department, and what do these men who are employed here do? Their work relates to both manufacturing and commercial production. Take the aeroplane department. What do the workers here in the aeroplane activities do? They tend to promote production, both by manufacturing and by distribution. The same may be said to be true of the shipbuilding industry and of each and every industry if you go over the entire list.

So I say in the first place we have language broad enough to include all workers who are employed by the Government or privately employed.

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. And next I say that these workers—in one moment—are engaged in industrial pursuits within the strict dictionary definition. It is as essential to have the office force, it is just as essential to the clerical department, it is just as essential to have all those who work here as it is to have those who are in the field, and those who are here tend to promote manufacturing and distributing, which is the commercial side of it. I now yield to the gentleman.

Mr. STAFFORD. The amendment proposed by the gentleman from Florida extends to employees of the United States whose duties require them to rent in the District of Columbia. Under that general phraseology I assume that would extend to employees connected with the Indian Service. Does the gentleman believe that those employees are in anywise related or connected with the industries connected with or essential to the national defense?

Mr. DEMPSEY. I will answer that in this way: This congestion has not been caused by the employees who were in the city of Washington before the war. It has been caused wholly by the bringing in of additional Government employees for war purposes. In other words, as the original act recites, their services are connected with and essential to the national defense and they are brought here solely for that purpose.

Mr. STAFFORD. But the amendment of the gentleman from Florida is so broad that it provides for employees who are in no wise connected with or essential to the national defense.

Mr. WALSH. Will the gentleman yield for just a question?

Mr. DEMPSEY. Yes.

Mr. WALSH. Would the gentleman contend that the employees mentioned in the amendment of the gentleman from Florida, if it were adopted, would then be included within the phraseology of industrial workers engaged in and essential to the national defense?

Mr. DEMPSEY. Well, I say it seems to me the industrial worker, in the broad and liberal view, is not simply a man who is in a shop operating a lathe or a machine, but it can fairly take in a man whose work is just as essential to the carrying on of that industry.

Mr. WALSH. Will the gentleman yield for one further question?

Mr. DEMPSEY. Yes.

Mr. WALSH. If the amendment were adopted, it would include, I assume, some of the large force that has come here in connection with the publication of the Official Bulletin, some of these highly paid editorial special-article writers; the gentleman would agree that they would be included within the phraseology of the amendment offered by the gentleman from Florida?

Mr. DEMPSEY. Well, I do not regard those as industries essential to the national defense.

Mr. McKENZIE. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. McKENZIE. I am somewhat interested in the definition of the gentleman as to industries applying to this bill, and I was somewhat interested in his description of the men engaged, for instance, in the aviation section of the Signal Corps——

Mr. DEMPSEY. Such as spruce production.

Mr. McKENZIE (continuing). In the city of Washington.

Mr. DEMPSEY. Take the spruce-production division; that would be a fair example.

Mr. McKENZIE. But they happen to be out West.

Mr. DEMPSEY. Oh, no; they have them here as well as out West. We send them from here to the West.

Mr. McKENZIE. What I wanted to ask the gentleman, because I think his judgment would be worth something, is, Would he classify as industrial workers the gentlemen engaged in the aviation section who wrote the headlines on the photographs of the flying machines which was disclosed in the Senate hearing a few days ago?

Mr. DEMPSEY. I would not want to classify them.

Mr. CLARK of Florida. Mr. Chairman, if I can get the attention of this committee so as to stop this eternal talk, I would ask leave to amend my amendment by adding after the word "Columbia" the following:

And whose services are essential to war needs.

Mr. LINTHICUM. I ask to have the amendment again read.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none. The gentleman from Maryland asks to have the amendment again reported. Without objection, the amendment will be again reported.

There was no objection.

The Clerk read as follows:

Modify the amendment by inserting after the word "Columbia," in the last line, the words "and whose services are essential to war needs," so that as amended the lines will read, "Insert after the word 'families,' in line 7, on page 1, the following language: 'and employees of the United States whose duties require them to reside in the District of Columbia and whose services are essential to war needs and their families,'"

Mr. STAFFORD. I make the point of order to the amendment just reported.

Mr. CLARK of Florida. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that this amendment is not germane. The Chair believes that the philosophy of the rule prohibiting the introduction of amendments not germane to the subject is, as has been stated, to prevent two opposing propositions being incorporated in the same measure. However, there has been an unbroken series of precedents to uphold the principle that a general proposition may be amended by adding a specific proposition of the same class.

This bill provides for housing facilities and other community facilities for war needs at any place in the country. This amendment is a specific provision for the District of Columbia. Therefore, the Chair holds the amendment to be germane and overrules the point of order.

The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

Mr. STAFFORD. Mr. Chairman, I think the committee is entitled to some information as to whether or not the committee intends to offer any further amendments so as to provide for housing facilities of the employees of the District.

Mr. CLARK of Florida. The committee proposes to offer a number, and the gentleman can see them if he desires to do so. They are right here.

Mr. STAFFORD. And those amendments will be offered, I suppose, to the respective paragraphs.

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. The gentleman does not have them in the form of a bill so that the committee can examine them?

Mr. CLARK of Florida. I have not. They are amendments agreed upon by the committee after the rule had been granted, and the committee did not feel at liberty to put them into the bill. So the committee decided that we would come upon the floor and offer them as committee amendments. There has been no occasion or opportunity to print them.

Mr. STAFFORD. Of course, the gentleman could have obtained permission to print them in the RECORD and indicate the places where they would be offered. Will the gentleman advise the committee whether any of the amendments seek to change the general character of authority in the way of buildings as provided in this bill for industrial workers?

Mr. CLARK of Florida. I did not get the question.

Mr. STAFFORD. I am seeking information as to whether those amendments seek in any way to change the general character of authority for buildings for departmental clerks and the authority as carried for industrial workers?

Mr. CLARK of Florida. Not at all. There is an amendment, I will say to the gentleman, which provides for the taking over of the Maltby Building and the block of houses below it, and any other residential property in the District of Columbia belonging to the Government which is suitable and not devoted to some other purpose. We also propose to amend it and make it more clear that the department is to construct temporary houses only in localities where the institution is liable to be suspended after the close of the war.

Mr. STAFFORD. That is, as far as the housing of these departmental clerks is concerned?

Mr. CLARK of Florida. All of them.

Mr. STAFFORD. In the bill there is a provision limiting the character of the buildings to that of a temporary character.

Mr. CLARK of Florida. I say that we have amended that so as to make it clearer, or we propose to amend to make it clearer, than it is in the bill.

Mr. STAFFORD. May I inquire, in that connection, whether the Committee on Public Buildings and Grounds has given any consideration to the suggestion made by the gentleman from Kentucky, that in providing housing facilities for departmental clerks we should undertake the erection of permanent structures in the nature of dormitories that could be utilized either for office purposes or for hotel purposes after the war and sold after the war to private concerns?

Mr. CLARK of Florida. That is the understanding of the persons who are to execute it. Of course, the committee could not put in the bill every minute detail of just what was to be done, but we have provided for the construction of permanent buildings at such places as might be thought advisable. And those who are to administer the law are given authority, if they see fit, to build dormitories or buildings of the character the gentleman indicates, and they have ample power in the bill to do so. In other words, we have left a very broad discretion with the administrators of the bill.

Mr. WELLING. Will the gentleman yield?
Mr. CLARK of Florida. I will.
Mr. WELLING. Your amendment provides not only for erecting the housing facilities for employees of the United States, but also for the families of the employees? Now, I do not refer to those in industrial pursuits, but to those who are employed here in the civil branch of the Government. Is that what is contemplated in the amendment?
Mr. CLARK of Florida. It is certainly meant that when they build a house a man's family is to occupy it with him if he rents it from the Government.
Mr. WELLING. You build the houses for the employees and their families as well?
Mr. CLARK of Florida. Yes, sir; to be occupied by the employees and their families; certainly.
Mr. CANNON. Does the gentleman anticipate that an amendment would be in order, instead of appropriating $60,000,000, making it $160,000,000?
Mr. CLARK of Florida. We intend to authorize an appropriation.
Mr. CANNON. I mean to authorize an appropriation.
Mr. CLARK of Florida. Yes.
Mr. CANNON. Does the gentleman think that if you are going into the building of houses for the families of employees of a permanent nature in the District of Columbia that you will get out with two or three hundred millions of dollars?
Mr. CLARK of Florida. I will state to the gentleman that the hearings indicated that before this program was finished it would cost from three hundred million to five hundred million dollars in the United States.
Mr. CANNON. And half of it or two-thirds of it in the city of Washington?
Mr. CLARK of Florida. Well, there was no intimation as to how much would be spent here.
Mr. CANNON. This is a camel's nose, then?
Mr. CLARK of Florida. Something like that; yes.
Mr. BUTLER. Will the gentleman yield?
Mr. CLARK of Florida. I will.
Mr. BUTLER. As I understand the gentleman to state to the gentleman from Illinois [Mr. CANNON], it was contemplated that this movement was going to cost the Government from $300,000,000 to $500,000,000?
Mr. CLARK of Florida. That is the estimate of those who are charged with its execution.
Mr. BUTLER. I want to make an inquiry of the gentleman, so as to get his opinion. Unfortunately I could not hear his opening statement.
Mr. CLARK of Florida. I will be glad to answer anything I can.
Mr. BUTLER. My questions will not be hard ones.
Now, this bill provides for what is called local transportation. Do we understand from the provisions in this bill, if it becomes a law, the Government will have authority to acquire railroads?
Mr. CLARK of Florida. That was meant to cover this situation, I will state to the gentleman. We understand that there are a number of cases where large plants are situated a few miles from a large city, connected by an electric line.
Mr. BUTLER. Yes.
Mr. CLARK of Florida. And there may be ample housing in the city. It was intended, in cases like that, that instead of building houses the Government, through the Secretary of Labor, would either assist the owners of the electric line to enlarge its facilities; or, if the owners did not give sufficient service, he was given the power to take the line over.
Mr. BUTLER. To house them near the works or else to haul them back and forth?
Mr. CLARK of Florida. Yes.
Mr. BURNETT. The bill, as it was originally introduced, did not contain the word "local," and fearing that it might be understood to extend, as suggested by the gentleman, so as to include all kinds of transportation by railroads all over the country, the committee inserted that language, which applies only to local transportation in the locality in question, in connection with the particular industries that will employ these people.
Mr. BUTLER. I understand the interpretation of the act must be reasonable. But suppose a workman lived as much as 10 miles away. Would that be considered local?
Mr. BURNETT. If it were necessary that they should live 10 miles away and should have transportation, it would be so construed; but it would not cover 100 miles or anything like that.
Mr. BUTLER. Of course you could not take them back and forth that distance.
Mr. CLARK of Florida. It applies to places within easy reach of the work.
Mr. BURNETT. For the day's work, for the time they are to be employed.
Mr. BUTLER. And it is intended to relieve congestion in transportation as well?
Mr. CLARK of Florida. That is the very purpose of it.
Mr. BUTLER. The reason I asked that question is this: I know a situation in this country that ought to be relieved.
The CHAIRMAN. The time of the gentleman has expired.
Mr. BUTLER. I ask that the gentleman may have a little more time.
Mr. CLARK of Florida. I ask unanimous consent for three minutes.
The CHAIRMAN. Is there objection to the gentleman's request?
There was no objection.
Mr. BUTLER. The congestion occurs 4 or 5 miles from an immense plant manufacturing munitions for the Government. I asked the question in order to be satisfied in my own mind that the conditions would be relieved by the passage of this bill. The railroads there are not sufficient to transport these employees. Will it be within the power of the Government, if this bill becomes a law, to build temporary railroads from those plants? Will it enable the Government to build a railroad, say from Chester to Hog Island—an additional railroad?
Mr. CLARK of Florida. Yes.
Mr. SNELL. Mr. Chairman, will the gentleman yield?
Mr. CLARK of Florida. Yes.
Mr. SNELL. There are a great many small industrial plants all over the country which, on account of the slowing down of private work, have very little to do at the present time. These plants could do a certain amount of this Government work. Does not the gentleman think it would be better to distribute some of this work among the small plants, instead of trying to concentrate all the work in the big plants, where you are obliged to build housing facilities to accommodate the employees?
Mr. CLARK of Florida. I understand that they are doing that now by subletting contracts.
Mr. SNELL. I have been told by people in my own State that it is impossible to get contracts for anything to do, although they have the factories and machinery and expert men right there at home, who do not want to go away from home to work. I have especially in mind at the present time a small shipbuilding firm which built 10,000 tons of wooden ships last year and delivered them.
But the Government has now commandeered all their timber supply, so they can not continue their regular business with private corporations; and they wanted to get contracts from the Government to build wooden ships there, but they were informed by the Shipping Board here that they did not need that kind of contractors or plants. Those people have 170 ship carpenters at the present time, and they have available 300 carpenters that they can put to work right away. It would not cost a cent to house those men. They are willing to take the contracts at the prices offered. I would like to know why those firms can not get some small contracts for this work.
Mr. BARNHART. The fact of the matter is that while these Government contracts are let mostly to large contractors, much of the work is being done by subletting. I have in mind many plants in the district in which I live that have contracts, some for steel, under a Philadelphia contractor, and so forth. Some have doubled or quadrupled the capacity of their plants in order to meet the obligations of the contracts they have made with the main contractors, so that I know that contracts are being let to smaller factories that are trying to get them, but the Government looks to a few main contractors rather than many.
Mr. SNELL. But with so many of these small contractors out of work, I am against building houses until these outside places are filled up with such work as they are equipped to do.
The CHAIRMAN. The time of the gentleman from Florida has again expired.
Mr. SNELL. May the gentleman have three minutes more by unanimous consent? I would like to ask another question.
The CHAIRMAN. The gentleman asks unanimous consent that the time be extended three minutes. Is there objection?
There was no objection.
Mr. SNELL. The information I am trying to get is why the man I am interested in can not get one of these contracts.
Mr. BARNHART. I can not answer that.
Mr. SNELL. Can anybody answer this question: Why this man, who has a shipbuilding yard up here, whose ways are lying idle, who has carpenters who know the wooden shipbuilding game, can not get a contract?
Mr. JOHNSON of Washington. I can answer the gentleman's question.
Mr. O'SHAUNESSY. The gentleman should put his question to the Shipping Board and not to the House of Representatives.
Mr. CLARK of Florida. I can not answer as to that, because the shipbuilding proposition is with the Urgency Fleet

Corporation and the Shipping Board. I do not know what their program is, or how they let their contracts, or anything of that kind. I have nothing to do with that.

Mr. SNELL. Does not the gentleman know that there is a shortage of shipbuilding contractors and a shortage of ship carpenters all over the country? We are appropriating money to provide housing to take care of them——

Mr. CLARK of Florida. I would like to see every shipbuilding plant running day and night to get out ships; but my friend ought to know that I do not know anything about it. I am not on the Shipping Board.

Mr. GILLETT. This affects the housing question. If there are shipyards which will house their own men, and which are willing to take contracts, and do not get them, it is very important to know it.

Mr. CLARK of Florida. I want to say to my friend from Massachusetts that we have already passed a bill here to provide for the housing of employees at shipyards.

Mr. GILLETT. That is true. That does not apply to this.

Mr. SNELL. But it would apply to the general proposition of housing, and my question is why a man who has everything ready, and who does not ask this Government to advance one cent, can not get a contract?

Mr. CLARK of Florida. My friend will have to ask the Shipping Board that question.

Mr. SNELL. I have asked them, and have received no answer from them. They agreed to write me a letter a week ago, but they have not done it, and I can not get any answer from them.

Mr. CLARK of Florida. I hope my friend will not charge me with that.

Mr. SNELL. I thought if I called attention to it on the floor of the House I might get a proper answer from the Shipping Board. That is the reason why I have made these remarks here.

Mr. WALDOW. Mr. Chairman, I have an amendment to the amendment, which I should like to offer.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

Mr. WALDOW. After the words "District of Columbia" insert "and in the city of Buffalo, State of New York."

I only wish to state that under the ruling made by the Chair I believe my amendment is in order.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. BUTLER. I want to offer an amendment, too.

Mr. CLARK of Florida. Mr. Chairman, I reserve a point of order on the amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Columbia," in the committee amendment, insert the words "the city of Buffalo, State of New York."

Mr. WALDOW. I have no desire to make an argument, Mr. Chairman, except to say that under the ruling of the Chair I believe my amendment is germane.

Mr. MADDEN. I should like to be heard on this.

The CHAIRMAN. Does the gentleman from Florida make the point of order?

Mr. CLARK of Florida. No, Mr. Chariman; but I want to say a word.

Mr. MADDEN. I should like to be heard against the amendment proposed by the gentleman from Florida.

Mr. CLARK of Florida. The amendment of the gentleman from New York [Mr. WALDOW] is pending now.

Mr. MADDEN. They are both pending.

Mr. CLARK of Florida. Who has the floor, Mr. Chairman?

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] is recognized to oppose the amendment to the amendment of the gentleman from New York.

Mr. CLARK of Florida. Mr. Chairman, I want to say this right now, and I want to say it with all the best feeling in the world: I have no pride of opinion in this bill. I have no possible personal interest in it of any character. If gentlemen want to make sport of a bill of this character on the floor of this House, and want to pursue tactics which are meant to delay and hobble the bill, that is their concern. If they see fit to do that, I think I should not complain. There are no civil employees, outside of industrial workers, who to any great extent have been brought into any of the cities of the country, face to face with a condition of congestion, except here at the capital. It seems to me that it is playing with a very serious proposition to attempt to amend it by sticking on Buffalo, Chicago, Brooklyn, and all the other cities in the land. The bill already provides for their congestion which, if it exists, is caused by the influx of workers at industrial plants and manufacturing establishments. Here is the capital of the Nation, where we are bringing thousands of employees whose work is absolutely necessary, and who are crowding this city beyond its limits. I stated a day or two ago that a lady in this city had told me that there are over 2,000 girls in Washington to-day who have only temporary abiding places, who have been taken in by good people temporarily until some arrangement could be made to permanently house them. We do not object to proper amendment of this bill. If it is not right, we are perfectly willing that it be made right to accomplish the important purpose which it is intended to accomplish; but I do protest against amendments being offered which can serve only to delay and impede it and to make it worse than it is to accomplish its purpose. We have done the best we could in drafting the bill, together with the amendments that we propose to offer, and we are perfectly willing to accept the amendment of any gentleman on this floor that will make this bill better answer its object; but I hope that the Committee of the Whole will vote down amendments that are offered to no purpose, or the effect of which will be not to improve the bill a particle, but only to hamstring it and to injure it.

Mr. SNYDER. Will the gentleman yield?

Mr. CLARK of Florida. For a question.

Mr. SNYDER. I agree with the gentleman that there should not be any delay in having this bill enacted, and I shall undoubtedly vote for it, but I should like to get this thought into the minds of gentlemen here: I have had many requests from construction contracting firms throughout the country, making complaint that they are unable to get an opportunity to bid upon any of this construction work. As I understand it, these buildings are to be built at the important parts of the country where great governmental activities are to take place or are now taking place.

Mr. CLARK of Florida. Where there is congestion.

Mr. SNYDER. And it would seem to me that if something could be put into this measure that would make it possible for an ordinary well-equipped construction contractor somewhere within the locality to have an opportunity to bid on the job it would facilitate the purpose which the gentleman's committee are seeking to accomplish.

Mr. CLARK of Florida. I see what the gentleman is after. I catch the gentleman's point. I want to say that the committee has an amendment which it will offer later on to cover that thing.

Mr. CAMPBELL of Kansas. I think the hearings will disclose that the contractor who is to expend that $50,000,000 or $500,000,000 has already been appointed, or has appointed himself, a New York contractor.

Mr. CLARK of Florida. Now, Mr. Chairman, I want to say this in justice to that man; I knew nothing of him, never heard of him in my life until a few weeks ago.

Mr. CAMPBELL of Kansas. Oh, the committee is not responsible for it.

Mr. CLARK of Florida. This gentleman from New York, Mr. Eidlitz, I knew nothing of; but when I understood that he had been selected by the Secretary of Labor as the administrator of this fund I did take occasion to investigate him, and I have not heard of a man but who has given him the highest reputation for honesty, for integrity, and for everything that goes to make up a real good, honest American citizen. I want to say further that Mr. Eidlitz is not getting a penny for his services, nor has he since he has been in the service of the Government. He has absolutely declined to allow his firm to make a contract for the Government for a penny's worth of work, although his firm has done millions of dollars worth of work every year.

Now, he is not going to do this work, but he is going to offer to the Government his great brain and his magnificent service to see to it that other contractors and material men do not rob the Government in carrying out this work.

Mr. SNYDER. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. SNYDER. I would like to corroborate what the gentleman from Florida has said with reference to Mr. Eidlitz and say that I do not think there is a man in the State of New York, or anywhere else in the country, who bears a better reputation or in whom people have more confidence than they have in Mr. Eidlitz to carry on this work.

Mr. MADDEN. Mr. Chairman, of course we ought to do everything necessary to carry the war to a successful conclusion. That is the first proposition. If it involves the expenditure of money for housing people at different parts of the country, we ought to do that. That is a part of the war work, but there ought to be some means devised by which we who are called upon to appropriate the money should have some influence in

the distribution of the work that is necessary for the conduct of the war, so that we would not have to expend millions of dollars for housing where housing is not necessary if the work was distributed properly. That is the point. That is the criticism that is justified under this act, if it becomes an act.

My belief is that the contracts ought to be distributed fairly throughout the United States. I am speaking for no contractor. I do not care who gets the contract. I am not interested in any contractor. All I care is that the ordinary activities of the country should not be disturbed by the movement of men from one section of the United States to another, thus making it necessary by reason of that movement to appropriate millions of dollars to house the men in the place to which they have been sent, when the work could as well have been done where they were without moving them or spending a dollar for housing. That is the criticism. It is a criticism that is justified and ought to have some weight.

Now, the committee proposes to amend the bill by including the District of Columbia, to build houses to accommodate the clerks that have been brought here. Of course the clerks ought to be housed somewhere, but they have no business here. They ought not to have been brought here in the first place; it was not necessary. These activities could have been performed in other places in the United States and not disturb the equilibrium of conditions in the District of Columbia as it has been disturbed by putting all the activities in one place. Everybody knows that the District of Columbia has no accommodations for a vast horde of people such as have been brought here, and who ought not to have been brought here. In addition to what we are doing in this bill we have been called upon to build temporary offices costing millions of dollars to accommodate the clerks that are coming here, and we have rented every building that could be rented in the District of Columbia, at fabulous prices, enough in a single year to pay the cost of the improvements. Why do not we move some of these activities to other places where they will be in close proximity to the work they have to do. Take the Food Administration. What necessity is there for having it in Washington? None, whatever. It ought to be in some other place. If it were, we would not be spending millions of dollars to disturb the people of the United States as we are to-day. It is not too late to change; the administration ought to consider this, and do it now. It ought to do it now without waiting another minute. We have been spending money that we ought not to have spent, and we are going to spend more. In God's name why do not we stop it. Have we any influence? I doubt it. All we are useful for is to appropriate the money. The chairman of the committee comes here without information. He says he does not know how this appropriation is to be distributed, that he can not tell where the money is to be spent.

Mr. CLARK of Florida. Oh, Mr. Chairman, the gentleman does not want to do me an injustice.

Mr. MADDEN. I have just repeated what the gentleman said a few moments ago.

Mr. CLARK of Florida. I beg the gentleman's pardon, with all due respect to him, I did not say that. I said that I did not know why the gentleman from New York could not get work for some persons.

Mr. MADDEN. The gentleman said that he did not know why they did not make the proper distribution of war contracts, that he had not any influence, and that he ought not to be held accountable for that. Of course, I am not seeking to hold him accountable.

Mr. CLARK of Florida. I did not say that. I said this, that I knew nothing about the general distribution of Government contracts. I do not haunt the departments following around Government contracts.

Mr. MADDEN. I am not interested in Government contracts. I am interested in the proper distribution of the activities of the Government, and I think we have a right to demand that they shall be properly distributed.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, the District of Columbia ought not to be included in this. If, perchance, where we have great war activities, where artisans and mechanics are called from different sections of the country to places where they have no kind of living facilities, where they are building plants outside of a municipality, and they have got to build a town to meet the new conditions, well and good, we ought to spend the money to do that; but before we entered upon its expenditure we ought to have given proper consideration to the conditions involved, and if we had—I say "we," though I can not properly say "we"; I mean the administrative branch of the Government; they claim the right to make the distribution and to make the expenditure, and all that we are asked to do is to ratify what they have already decided to do—and if they had given proper consideration to these conditions we would not be confronted with the situation which exists to-day.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. REAVIS. The gentleman said the District of Columbia ought not to be included in this bill, for the reason that the clerks ought not to have been brought here.

Mr. MADDEN. Yes.

Mr. REAVIS. But they are here.

Mr. MADDEN. They ought to be sent away from here and the activities moved to other places.

Mr. REAVIS. Would the keeping of the District of Columbia out of this bill send them away?

Mr. MADDEN. It might.

Mr. REAVIS. What are we going to do with them now that they are here?

Mr. MADDEN. I do not know. What we ought to do is what is right and compel the administration responsible for the congestion everywhere to find a means by which to prevent and remove the conditions which call for the expenditure of unnecessary millions, because they did not have the foresight or vision or disposition, whatever it may be, to make the proper distribution at the proper time.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Washington. By placing the District of Columbia in this bill, then the District of Columbia receives all of the benefits that are included later, including the purchase and leasing, and so on, of community facilities, whatever that may mean.

Mr. MADDEN. I do not know what that means.

Mr. JOHNSON of Washington. It may mean sewers in a new town that is to be constructed or a public forum in the city of Washington.

Mr. MADDEN. If they receive anything at all they are entitled to receive what any other place receives.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HOWARD. Does not the gentleman think it is pretty good business judgment to distribute the contracts among the industries; first, along the Atlantic seaboard, because of the rapidity with which the manufactured product can be moved to the field of activity?

Mr. MADDEN. I do not.

Mr. HOWARD. Is it not the economical and businesslike thing to do?

Mr. MADDEN. I do not think so, because all the material required to complete the contracts must come from the interior of the country, and the congestion is caused by the accumulation of all the activities in a single place. There is no wisdom in it, because, my dear friend, the gentleman from Georgia [Mr. HOWARD], whom I love as I love no other man in the House, must realize that there are other sections of the United States that are called upon to pay the cost of the war. The great State of Illinois, for example, pays at least 10 per cent of all the expenditures of the Government of the United States, and I undertake to say without fear of successful contradiction that not one-half of one-quarter of 1 per cent of the activities of the war have been distributed to the State of Illinois.

Mr. HOWARD. Would the gentleman advise the movement of munitions, especially shrapnel and heavy artillery and things of that sort, from the city of Chicago to the Atlantic seaboard.

Mr. MADDEN. I would advise the manufacture of vital munitions at points where the danger of invasion from a foreign foe would be the least, and it is certainly not the least on the Atlantic seaboard. [Applause.]

Mr. COX. Does not the gentleman know that three years ago a board selected by the War Department recommended that no Government depot containing munitions of war be located east of the Alleghenies or west of the Rocky Mountains?

Mr. MADDEN. A very wise determination, but not successfully carried out. They evidently had nothing to do with the distribution of the work. They could conclude what was wise, but they did not have the power to carry it out. It was turned over to some interested party somewhere who had friends in the location that was most dangerous and where the activity ought not to have been conducted. And so we find ourselves with congestion here and with idle men there. In all the great

cities of the United States west of Fort Wayne everywhere there are idle men looking for employment and they can not find it, and yet we are moving men from these places to other places, where we are compelled to take millions of dollars out of the Treasury of the United States with which to find housing facilities for them. Oh, there is no wisdom in it, there is no justice in it, it ought not to be done, and if I had my way, if I had the power to change it, I would change it now. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, a few moments ago the gentleman from Florida [Mr. CLARK], on the mention of the name of Mr. Eidlitz, of New York, answered, with some heat, that he believed in the honesty and integrity of Mr. Eidlitz. I take no issue with him on that question. I never saw Mr. Eidlitz, I do not know anything about him, but the point I make is this: Mr. Eidlitz has undertaken, without the action of Congress, to obligate the people of the United States to spend anywhere from fifty to five hundred million dollars, and the Committee on Public Buildings and Grounds have brought to the floor of the House authorization for the first $50,000,000 of that amount. A few days ago $50,000,000 was appropriated by Congress to be used by the Shipping Board for housing purposes.

Mr. PHELAN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not yield. When members of the Committee on Public Buildings and Grounds appeared before the Committee on Rules to get this bill before the House all the argument that was made in behalf of housing facilities was made in the interest of the Shipping Board.

Mr. Eidlitz was mentioned as the authority by those who appeared before that committee. He was represented as a New York contractor working for nothing, but arranging for the United States Government to spend in building operations anywhere from fifty to five hundred million dollars; $50,000,000 of that has been provided and $50,000,000 more are asked for here and another $10,000,000 will be offered as an amendment to this bill. In the name of the people who pay the bills, when will this saturnalia of reckless expenditure of public money stop? [Applause.] The expenditure of much of this is without the consent of Congress.

Mr. PHELAN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No. All this is being done at the suggestion of Mr. Eidlitz, who is working for nothing. If many more such men give their services to the United States for nothing the Nation will soon be bankrupt.

A MEMBER. Is he a contractor?

Mr. CAMPBELL of Kansas. He is a contractor; yes. The man who represented him before the Committee on Rules is a polished orator, who works upon the emotions and understands the art of persuasive oratory as few men understand it. Where did Mr. Eidlitz get the authority to outline and prepare an overhead organization, that is to cost the Government $300,000 for the first year? It is said that this organization is now in operation. The gentleman from Florida shakes his head. Will the gentleman call up the Secretary of Labor and ask him if this organization is not already completed and if Mr. Eidlitz is not the author of it?

Mr. CLARK of Florida. If the gentleman will permit me, I shook my head because they are undoubtedly making arrangements——

Mr. CAMPBELL of Kansas. That is just what I said.

Mr. CLARK of Florida (continuing). In anticipation of this bill; but there is not a single human being on the pay roll in connection with this legislation.

Mr. CAMPBELL of Kansas. Oh, they are working for nothing. Gentlemen who appeared before our committee are working for nothing, but their services will cost the people of the United States hundreds of millions of dollars——

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. IGOE having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 30, 1918:

H. R. 9571. An act to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes; and

H. R. 9903. An act to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes.

On April 1, 1918:

S. 389. An act to extend the time for cutting timber on the Coconino and Tusayan National Forests, Ariz.

HOUSING FOR WAR NEEDS.

The committee resumed its session.

Mr. BARNHART. Mr. Chairman, in reply to the vigorous remarks made by the gentleman from Kansas, I would say that during the consideration of this bill by the committee the gentleman from Missouri [Mr. RUCKER] and myself, from the very beginning, took the precaution to inquire very carefully into this whole matter as to who Mr. Eidlitz is, the general plan he has in mind, and from where this proposition comes. We readily ascertained that the proposition comes from the advisory commission of the Council of National Defense, of which Hon. Samuel Gompers is the chairman, L. A. Coolidge is the chairman of the committee on welfare work, and Philip Hiss is the chairman of the section on housing. During the hearing I asked Mr. Eidlitz to tell us frankly who and what he is. I have a letter from Mr. Hiss which goes into considerable detail as to this, and I think the record of the House ought to show just what was said as to who Mr. Eidlitz is. I do not know him—I never heard of him before this bill was under consideration—but this letter from Mr. Hiss gives interesting information. It says:

FEBRUARY 16, 1918.

Hon. HENRY A. BARNHART,
Congressman from Indiana,
House of Representatives, Washington, D. C.

DEAR MR. BARNHART: In answer to the very proper question that you asked Mr. Eidlitz as to who he is and what expert knowledge he has on the subject, I take the liberty of placing before you the various positions of trust which he has occupied.

Mr. Eidlitz has for thirty-odd years been the means of keeping labor adjusted in New York, and no man is better able than he to understand the labor situation. He brings an exceptionally clear perception and sane judgment to this housing problem, which he has had under most intensive consideration for more than four months. You can depend absolutely upon his statements and suggestions. My valuation of his attainments is shared by the clearest-headed business men of this country.

Very sincerely, yours,

PHILIP HISS,
Chairman Section on Housing.

Attached to the letter is the following business-life biography of Mr. Otto M. Eidlitz:

Trustee of the Bank for Savings, New York; director of the Mutual Bank; director Colonial Fire Insurance Co.; appointed to the tenement house commission of New York City by Gov. Roosevelt in 1900; appointed member commission on workmen's compensation and unemployment of labor in New York State by Gov. Hughes in 1909—

That would indicate that the gentleman's politics could be in harmony with the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Not necessarily. Republican governors appoint men without regard to their politics. [Laughter on the Democratic side.]

Mr. BARNHART (reading)—

first chairman of the board of governors in the Building Trades Employers' Association; adjusted labor disputes for 33 years in the building industry; member of arbitration board of the New York Chamber of Commerce; member of the American Society of Civil Engineers; member of the American Society for Testing Materials; appointed one of the five members on the arbitration board representing the public in adjusting dispute between the 52 railroads east of the Mississippi River and of the locomotive engineers—appointment by Chief Justice White; member of the New York commission on heights of buildings and restrictions in zoning the city as to occupation; graduate Cornell University, 1881.

After I read this biography of Mr. Eidlitz, I changed my mind somewhat on the advisability of his appointment, because I believe he comes with the highest possible recommendations, and I believe, furthermore—for we had him before us hour after hour and plied him with all sorts of questions—that he is fully trustworthy and sincere in this undertaking——

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. BARNHART. Not now. And he asked that we protect this legislation in every way possible to make it perfectly secure for the United States Treasury, and under those conditions I changed my mind wholly favorable to the gentleman, although I thought at first, as the gentleman from Kansas [Mr. CAMPBELL] now indicates, that possibly he was a financial adventurer. Instead, I now believe that he is a whole-hearted, patriotic, honest, and competent business man and trustworthy American citizen. [Applause.]

Mr. CAMPBELL of Kansas. This letter, however, does not disclose the authority that he has for obligating the Government to spend anywhere from $50,000,000 to $500,000,000.

Mr. BARNHART. But, Mr. Chairman, he has not so obligated the Government. He could not obligate the Government. He has no legislative authority whatever to do so.

Mr. CAMPBELL of Kansas. He started with $110,000,000.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Young, one

of its clerks, announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That it being a duty peculiarly incumbent in a time of war humbly and devoutly to acknowledge our dependence on Almight God and to implore His aid and protection, the President of the United States be, and he is hereby, respectfully requested to recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity and the offering of fervent supplications to Almighty God for the safety and welfare of our cause, His blessings on our arms, and a speedy restoration of an honorable and lasting peace to the nations of the earth.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2617. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish; and

H. R. 10365. An act granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge across White River at Forsyth, Mo.

HOUSING FOR WAR NEEDS.

The committee resumed its session.

Mr. RUCKER and Mr. O'SHAUNESSY rose.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER], a member of the committee, is recognized.

Mr. RUCKER. Mr. Chairman, I will not consume five minutes, I hope.

I merely want to say that I am surprised that when every message that flashes across the ocean warns us that American boys are this moment bleeding and dying for our country, gentlemen will stand here and discuss for an hour the character of the distinguished gentleman from New York, Mr. Eidlitz, who is now connected with public affairs. I think it is time this waste of time should come to a stop. I, like the gentleman from Kansas [Mr. CAMPBELL], at one time thought "this fellow" was probably "butting in," but I came in contact with the gentleman from New York. I interrogated him. I found that he is one of the large contractors of America and stands supremely high in the estimation of those who know him. I do not think it is a part of legislative function, duty, or privilege to stand here and denounce and criticize and refer in a contemptuous way to "this fellow," as the gentleman from Kansas [Mr. CAMPBELL] has done, referring to a gentleman who has won high place in the confidence of the American people, and who is to-day showing more patriotism, may I say, than is manifested by those of us who stand here and discuss his personality when our boys are dying in foreign lands. And I hope it will stop.

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the committee, I have listened patiently to the discussion centering around Mr. Eidlitz. First of all, I want to congratulate the committee on its efficient labors in the field which is presented to it, and I wish to express my gratification on the preparation of Mr. Eidlitz for the stupendous task before him. We have heard continually in the United States before and during the war of our lack of preparation, the fact that we lacked that prevision and foresight so necessary for efficient action. Here is presented the case of a man anticipating legislation by surrounding himself with an efficient force. Thank God that the time has come in America when we have some efficient men in bureaus dealing with the war's vast problems. [Applause.]

Mr. MADDEN. It is a very wise provision to select a man who has knowledge of the subject. Personally I do not criticize that at all, but I am criticizing the policy.

Mr. O'SHAUNESSY. The gentleman is opposed particularly to making appropriations for taking care of the people who now find themselves in Washington.

Mr. MADDEN. No; I am opposed to the method of distributing the activities and making this necessary.

Mr. O'SHAUNESSY. I will say to the gentleman from Illinois that frequently method or policy changes with conditions. For instance, when a general goes into war the policy he has outlined for the conduct of the war is materially changed in one, two, or three days or a week thereafter, and he must be ready to do whatever is necessary. There is no question in the world that this Congress, when the proper facts are presented to it and when they see the necessity for a different distribution, will take those necessary steps.

Mr. MADDEN. Will the gentleman yield for one suggestion?

Mr. O'SHAUNESSY. In a minute.

I listened with interest to the gentleman from Connecticut [Mr. MERRITT], who came to us with facts concerning matters within his personal knowledge, not vagaries or speculations. He tells of the city of Bridgeport, that has grown in leaps and bounds in population, its munitions factories growing day and night, and men coming there ready and willing to do the allotted work but finding no housing accommodations.

I read a couplet in a paper the other day, as follows:

Your work is good, your wages are fine;
But where shall we sleep and where shall we dine?

That is the situation in Bridgeport. It is the situation in Washington to-day. It is the situation wherever we pour a great amount of labor into any industry. And now that this situation confronts us, we ought to be ready to embrace this opportunity by making efficiency out of inefficiency and dispel the notion that we are not capable of great performances.

Mr. MADDEN. The point I wanted to impress upon the other gentlemen present is that we are doing all that and we must make preparation where it is necessary to house them, but we ought not to take people away from places and throw all the activities out of joint.

Mr. O'SHAUNESSY. You can not make every provision for changing circumstances and arrange to keep labor in one particular place. There is bound to be a shifting of labor and readjustments. The only thing is this, that we have got to do everything in our power to win the war. [Applause.]

I was gratified when Congress passed the bill to provide housing for the shipbuilders. Now, what did we find with the shipbuilders? We found them going to shipyards where there were no housing accommodations, and naturally they had to run away because they had to have houses in which to live; they had to have the common, ordinary facilities that go along with human life. And that necessity has been met. It is in the process now of construction.

Now, I will say that down in my State we have a condition where a number of men have been working in one of the Government munition plants. I speak of the torpedo station at Newport. Of course, the war has increased the capacity there. Thousands of men are there now where before there were hundreds. Now, we find they are without the proper accommodations with which to live. They have got to go a distance in order to enjoy them. I trust that under the provisions of this bill the needs of the torpedo-station employees will be fully cared for.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. WALDOW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALDOW. What is the regular order?

The CHAIRMAN. There is an amendment to the amendment pending. There are two amendments before the committee, and the time has been exhausted upon both of them. The question is on the amendment to the amendment offered by the gentleman from New York [Mr. WALDOW].

Mr. CANNON. Mr. Chairman, I desire to be recognized.

Mr. SMITH of Michigan. Mr. Chairman, I ask to be recognized. I move to strike out the last word.

Mr. CLARK of Florida. Mr. Chairman, I desire to ask that both of these amendments be reported, so that we may know what we are voting on.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH], a member of the committee, moves to strike out the last word.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the Congress, it seems that this discussion is circling around Mr. Eidlitz. Now, Mr. Eidlitz is not a self-seeking or self-appointed superintendent of this work. Mr. Eidlitz was written to by the President of the United States after the question of who would administer this fund was discussed in the Cabinet. He was selected as a man suitable and as a person they thought to be fitted for this work.

Mr. CAMPBELL of Kansas. May I ask the gentleman what fund?

Mr. SMITH of Michigan. The fund that is now in this bill.

Mr. CAMPBELL of Kansas. There was no fund available. There was no fund then provided for.

Mr. SMITH of Michigan. Well, it is not a very far distance, when you are providing a large fund like this, to talk about the person who is going to administer it. Would you go to work and appropriate or ask an appropriation of $50,000,000 and not have anybody to administer it, or know who would administer it? One would not contemplate any expenditure or improvement without considering who would do it.

Mr. CAMPBELL of Kansas. There was already an organization in the Government that has existed for years and which has expended hundreds of millions of dollars.

Mr. SMITH of Michigan. To-day the Army and Navy organization is spending millions of dollars in this city without

taking steps such as are taken by this bill. The organization that was and is in existence was the Department of Labor of the United States, one of the principal departments of the Government.

The gentleman from Illinois [Mr. MADDEN] thinks that these activities ought not to be centralized here in Washington. I can say to the gentleman that very little or none of this $50,000,000 is going to be expended in the city of Washington for the making of munitions. Those expenditures are to be made at the great plants where we must make the powder and shot to whip from the face of the earth the worst vandals that ever lived. [Applause.]

Mr. BUTLER. But we can not whip them in this House, can we?

Mr. SMITH of Michigan. We can help and make the appropriations that will whip them.

Mr. BUTLER. There is no Hun here that we can whip.

Mr. SMITH of Michigan. We must get up the organizations and provide the sinews to do it.

Mr. BUTLER. We can not fight them here.

Mr. SMITH of Michigan. We must get up a fighting spirit here and not talk about details that are not material.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. JOHNSON of Washington. Sometimes gentlemen speaking say "$50,000,000" and sometimes they say "$60,000,000." The gentleman himself says $50,000,000. What is the amount that is proposed to be appropriated by this bill?

Mr. SMITH of Michigan. Fifty million dollars is appropriated for this purpose, and an amendment will be introduced by the Committee on the District of Columbia for $10,000,000 additional to construct buildings here to house the people that are coming to Washington to help win.

Mr. JOHNSON of Washington. That amendment has not yet shown up?

Mr. SMITH of Michigan. No.

Mr. JOHNSON of Washington. That accounts for the variation.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. CAMPBELL of Kansas. The gentleman says we ought not to talk about the details.

Mr. SMITH of Michigan. I said immaterial details.

Mr. CAMPBELL of Kansas. That we ought not to attempt to save something of the hundreds of millions of dollars that are asked for and which are not intended to produce arms and ammunition.

Mr. SMITH of Michigan. We do not talk enough about the material details. Everything should be subservient to the winning of this war—the manufacture of powder, bullets, ships, aeroplanes, and guns.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. COX. I have not kept up with this legislation as I ought to have done. As to this $50,000,000 appropriation in this bill, will any part of it be expended in Washington?

Mr. SMITH of Michigan. Not much. If the gentleman will look at the hearings, he will find that great steel plants and munition factories, like the Bethlehem Steel Co. and Hammond, Ind., lack workmen to run to their capacity or near it.

Mr. BURNETT. If the gentleman will permit, the navy-yard employees and other employees will come under that.

Mr. COX. I understand an amendment will be offered for $10,000,000 to take care of the employees here, including navy-yard employees?

Mr. SMITH of Michigan. Yes.

Mr. BURNETT. What I mean is that there are numbers of men working out here in the navy yard, and if there are insufficient housing facilities for them they would come within the provisions of the $50,000,000.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman may have further time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SMITH of Michigan. Now, in order to show the care with which this bill was considered in committee, I wish to say that Mr. Eidlitz himself took part in framing this bill, and consented to the proposition that this board should make reports telling what was done with this money at every session of Congress. That does not look like a man seeking self-interest. We put that provision in the bill. We heard the gentleman from Michigan [Mr. FORDNEY], my colleague, recite a most scandalous condition in relation to the construction of buildings and cantonments in Mississippi. In this bill there is a provision by which contracts will be submitted to at least three competitive bidders, and they will not be let upon the cost-plus plan. Mr. Eidlitz said, "If I administer this work"—and he was not seeking the job—"I will use that office for the purpose of letting these contracts in competition, and I will not let these contracts upon the cost-plus plan." Does that look like self-interest or self-seeking?

If we are to go into this activity, if we are to supply these munition plants with labor, we must have these houses constructed. We can not get this war material unless we make it, and there is no telling how much we must make. How soon this war will end depends largely upon the energy we put into it. We are strong enough in material and man force to win this war alone, but we will win quicker if we realize and understand the enormity of our undertaking. The more we do and the sooner we do it the quicker we will get caught up with Germany, which has for 40 years been preparing. We have our soldiers "over there," and to-day they are singing the Star-Spangled Banner while marching toward the face of the enemy, and we will back them up here. I am pleased to see the sentiment here. They can rely upon the United States of America, their country and their home. While they are fighting we are working in unison with them and must do everything possible to aid them. [Applause.]

Mr. CANNON. Mr. Chairman, of course everything that comes now comes in the name of "the boys in the trenches."

Certainly they are to be cared for, and cared for well. Sometimes I think that if we could be a little more practical and find out what the bills we consider mean, maybe the boys in the trenches would get along better than if we should merely be using language; it is action, not words, we desire. I want to understand about this bill.

Did I understand the gentleman from Florida [Mr. CLARK] to say that an amendment would be offered carrying $10,000,000 for Washington, contemplating the erection, not of temporary buildings, but of permanent buildings in Washington, going beyond the war, for the employees, and that this is a mere camel's nose, and so on?

Mr. CLARK of Florida. If the gentleman will permit me——

Mr. CANNON. I have only five minutes. I may need more. I am trying to get information.

Mr. CLARK of Florida. I want to say that the idea of the committee was this, that it would be a waste of money to build temporary buildings in a community like this. We have a provision here to the effect that all these operations shall stop when the war ends, and that the Secretary shall have no further power, except to rent or dispose of these buildings. Our idea was that we could dispose of these buildings at a reasonable price to the employees.

Mr. CANNON. Does that refer to permanent buildings in the District?

Mr. CLARK of Florida. Yes.

Mr. CANNON. Now, then, we are spending millions of dollars, to do what? To house in temporary buildings, down on the Mall and elsewhere all over the country, the clerical employees of the Government, these employees who work in the daytime. But now we are to construct permanent buildings. I understand the scheme to be to construct permanent buildings, with authority, if this bill passes with the gentleman's amendment, to build permanent houses in which the employees and their families are to live after the war.

Now, if I am right about that, I am against it. If temporary buildings will do for them to work in in the daytime, temporary for and during the war, they would be removed, or would they be removed, in peace times?

Mr. CLARK of Florida. If the gentleman will permit me, I hope the gentleman did not understand me to say that these houses would be permanent for the employees to live in after the war was over. What was in the mind of the committee was that after the war was over these houses owned by the Government could be sold to employees of the Government who were going to remain here permanently—sold on long time at a low rate of interest.

Mr. CANNON. My colleague wanted to make a suggestion along this line?

Mr. MADDEN. I just wanted to say to my colleague that I presume the purpose of making these buildings permanent was not so much to continue to beautify the city of Washington or the District of Columbia as it was to find employment for the men who are engaged in the building trades who are now thrown out of work on account of the war; and that is a legitimate proposition.

Mr. CLARK of Florida. Where did the gentleman get that idea?

Mr. MADDEN. I know they are all out of work—every one of them.

Mr. CLARK of Florida. I want the gentleman to understand that this committee has not advanced any such idea as that.

Mr. MADDEN. The committee may not understand it, but it is as proper a thing to do to find employment for these men as it is to find employment for other men, or to find housing for other people.

Mr. CLARK of Florida. We are not trying to find employment for anybody. We are trying to take care of those whom we have employed.

Mr. CANNON. I want to say again, if permanent buildings are contemplated, under a $10,000,000 appropriation which is admitted to be for the purpose of housing employees in the city of Washington to work in these temporary buildings that we put up, that are to be removed when the war closes, then I am against it, because if they can work in the daytime in temporary buildings they can sleep in the nighttime in temporary buildings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY rose.

Mr. LONGWORTH. Before the gentleman from Kentucky speaks, may we have these amendments reported?

The CHAIRMAN. Without objection, the clerk will again report the amendment and the amendment to the amendment.

The Clerk read as follows:

Committee amendment offered by Mr. CLARK of Florida: Amend by inserting, after the word "families," in line 7, on page 1, the following language: "And employees of the United States whose duties require them to reside in the District of Columbia, and whose services are essential to war needs, and their families."

Amendment to the amendment offered by Mr. WALDOW, of New York: Insert, after the word "Columbia" in the Clark amendment, the words "the city of Buffalo, State of New York."

Mr. SHERLEY. Mr. Chairman, that an acute housing situation exists in parts of the country there can be no question in the minds of those who are well informed. As to why this condition exists there may be many theories. It is only fair to say that some of the congestion that has taken place by virtue of the placing of munition and war orders in one section of the country was forced, first, by the expansion in that character of business under orders from foreign countries before we were at war, and, second, by the immediate necessity for skilled labor along similar lines.

But whatever be the cause, and whether or not it can be prevented from being further accentuated in the future, there is now a pressing need of dealing with the housing problem in the country at large. There is also a similar need here in the District of Columbia, and that need could not be avoided by taking from the District of Columbia any of the activities that are now here. It is not practicable to put most of these activities elsewhere. The men in charge of them must be at the seat of Government, to be in consultation with men at the head of other activities, and to be subject to immediate touch with the President and with the heads of the regular departments of the Government, but there ought to be a different policy pursued touching how we shall take care of this situation in the country at large and in the District of Columbia; and it is for that purpose that I have taken the floor. We will of necessity have to depend in large measure upon the intelligent administration of this law as to matters outside of the District, because Congress can not gather the information or take the time to undertake to see to it in what particular cities and in what particular manner the congestion may be relieved. But touching the District of Columbia Congress has more information, more accurate information, and more knowledge of influences that operate in the District of Columbia than any commission will have or can have. Therefore I for one should be opposed to the insertion in this bill of the provision including the District of Columbia, unless I believed that this committee would, in its wisdom, see fit to restrict the power that is conferred so far as it relates to the District of Columbia.

When we finish the end of the first section I propose to offer the following amendment:

Provided further, That the powers herein authorized shall not be exercised in the housing of governmental employees in the District of Columbia except upon detailed estimates and appropriations for such purpose.

That will bring to the Appropriations Committee an estimate as to what is proposed to be done touching the housing of employees, and where it is proposed to be done in the District of Columbia. That will require the Committee on Appropriations in turn to bring to the Congress concrete proposals for the housing of such employees in the District of Columbia. The differences of opinion which have been expressed by the gentleman from Florida [Mr. CLARK] and the gentleman from Illinois [Mr. MADDEN] can then be thrashed out where they ought to be thrashed out, here on the floor, as to whether there shall be temporary or permanent buildings, as to whether they shall be on the Mall or on the Plaza, or where.

Mr. MADDEN. Will the gentleman yield?

Mr. SHERLEY. In a moment. We can attend to these matters; and, I repeat, we know more about the District of Columbia and how to fit in this activity with existing ones here than any commission can know, and I would not be willing to trust any commission to spend $10,000,000 in the District of Columbia, for this purpose or any other purpose, without Congress having something to say as to the details. Now, I yield to the gentleman from Illinois.

Mr. MADDEN. The suggestion I was going to make was that the amendment of the gentleman ought to extend to the whole appropriation, because then we would get detailed information as to what was being done at every point.

Mr. SHERLEY. I will answer the gentleman simply to this extent: I trust that the Committee on Appropriations will have sufficient appreciation of its obligation to the House to obtain all the information that in reason can be obtained touching expenditures anywhere; but I submit to the House that it is manifestly impossible for that committee to obtain that information, and, having obtained it, to exercise a real judgment on it touching places all over America in the same sense that it could touching the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for five minutes more, and I will try not to use it all.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNER. The gentleman seems to understand, as I think a good many of the Members understand, that this amendment is only to apply to the $10,000,000 appropriation. I think the gentleman is entirely mistaken, because it is in the first section of the bill, and it applies to all the appropriations of the bill. In other words, all of the money——

Mr. SHERLEY. The gentleman did not catch the reading of my proposed amendment.

Mr. TOWNER. I am not objecting to the gentleman's amendment. I think it is all right, if it is to be adopted at all; but I am not speaking about that amendment. I am speaking about the committee amendment, which applies in general terms to all the appropriations of the bill; so that all the money could be spent in the District of Columbia.

Mr. SHERLEY. Oh, yes; it could be if we were fools enough to appropriate it, but we are not going to. There is no danger of the Committee on Appropriations appropriating for the District of Columbia, and there is no danger that the Committee on Public Buildings and Grounds would come in here, or that anybody else would come in here, with the idea of appropriating $50,000,000 or $60,000,000 to be spent in the District of Columbia. We have enough practical problems ahead of us without getting worried about those that are not going to arise. And, in answer to the suggestion of the gentleman from Illinois [Mr. MADDEN], I repeat in my judgment it is not practicable to put such detailed restrictions around the expenditure of the money over the country at large as to enable this work to be done expeditiously, as it needs to be done if it is to perform the purpose for which it is to be spent. We ought as far as we can to check up, and I hope we will; but, touching the District of Columbia, there are a great many problems beyond that simply of housing these employees. We ought not to let these people house them without regard to a great many other activities and requirements of the Government; and we have the information, as I say, greater than they will ever have, touching the District and as to where and how the moneys should be expended.

I have a personal view, not a final one, because I try not to make final views in this day of rapid readjustment of ideas. I have a view that we can build fireproof buildings for housing the women—and those are the ones we need to look out for the most—in the District of Columbia at a price cheap enough to give them rooms infinitely cheaper than they are getting them now and at the same time take care of the interest and amortize most of the principal invested in the building. I think it is possible to build a series of hotels in which a single room can be given to a girl for $12 a month. If that is practicable—and it will be a matter to be demonstrated by actual figures—it is infinitely better than going into a program of building residential houses subsequently to be sold.

Now, the test is going to come here and elsewhere between doing this thing as a necessary incident to the war and doing it so as to carry out the theories of some gentlemen touching

the social conditions that should surround the workers here and elsewhere. We might as well be frank about the matter. I have no objection to improving the conditions of mankind wherever possible, but I have not yet reached the point where I believe, under the guise of war necessities, the Government of the United States that is struggling now—painfully struggling—to carry out necessary functions, should go into the unnecessary and probably undesirable one of creating such a socialistic state as to guarantee by public building the environment of the people of America.

That is the actual line of cleavage that you will find all through this. I hope if the House concurs, as the necessities of the occasion make necessary, in the amendment offered by the gentleman from Florida, including the District of Columbia, it will also agree to the amendment I have suggested restricting it. It is manifest the amendment of the gentleman from New York [Mr. WALDOW] ought not to be agreed to because you ought not in this bill to specify every city where you spend this money. [Applause.]

Mr. MADDEN. Mr. Chairman, I hope the gentleman from Florida will accept the amendment of the gentleman from Kentucky. If that is agreed to, I will be glad to vote for his amendment.

Mr. CLARK of Florida. I did not understand the gentleman from Kentucky to offer an amendment.

Mr. SHERLEY. I have not offered it; it is not in order at this point.

Mr. TOWNER. Mr. Chairman, I desire to oppose the amendment striking out the last two words.

Mr. CLARK of Florida. I do not want to shut off debate, but I thought debate had been exhausted.

The CHAIRMAN. Debate has been exhausted on both amendments.

Mr. TOWNER. I ask for recognition in opposition to the pro forma amendment.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that all debate on these pending amendments close in 10 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on the pending amendments close in 10 minutes. Is there objection?

Mr. LINTHICUM. I object.

Mr. CLARK of Florida. I ask for the regular order.

The CHAIRMAN. The question is on the amendment offered to the amendment by the gentleman from New York [Mr. WALDOW].

Mr. WALDOW. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken; and on a division there were—46 ayes and 9 noes.

So the amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I move to strike out, on page 1, line 4, the words "local" and "other."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, strike out the comma after "housing" and strike out the word "local," and after the word "and" strike out the word "other."

Mr. LINTHICUM. Mr. Chairman, I wish to bring to the attention of this House again a solution of vital importance to this matter of housing. I realize that gentlemen may think I am merely speaking for Baltimore, but I want to say that if we could arrange in some way to have regular trains leaving here on time and taking employees back and forward between here and Baltimore we could relieve to a large extent this expenditure. We have a city of 700,000 people. You have a city here of 200,000 white people. England is mobilizing 50,000,000 of people, and she has the city of London with 5,000,000 people to center all of these activities in. France is mobilizing a people of 40,000,000, and has the city of Paris, with about 3,000,000, to center all that in. America, mobilizing a country of 110,000,000 people, has only the city of Washington, you might say, to which to bring all of these activities, a city of something over 200,000 white people. I submit that there is only a slight distance between Baltimore and Washington, only 40 miles, and if trains are put on and run properly, you can add to the city of Washington within 45 minutes a city of 700,000 people, and carry these employees back and forth, and relieve a large part of this expenditure and congestion.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there for a question?

Mr. LINTHICUM. Yes.

Mr. MEEKER. What would be the actual cost for commuters between here and Baltimore on such a special train?

Mr. LINTHICUM. I think the Government could very easily carry commuters backward and forward to Baltimore for somewhere about $8 or $10 a month. The railroads are now charging $16.60, including the war tax; the electric line several dollars less. This matter is not something that is going to take time, like building homes. You can do this thing inside of a day almost, by putting on trains that will leave at a proper time and leave the other end at the proper time. Immediate relief is what is needed. You can not do it well under the general railroad schedules, because you have trains late for various reasons, and in the wintertime it would be impossible to do it on the regular train schedule. The trains run so irregularly. I tried to commute, and I did it up until the 15th of January, and some of the days I spent six hours on the trains going backward and forward. That was under the general schedule. What we want is special trains. I would leave there about daylight and get back after dark, so that you can see that for the year around on the present railroad schedule it would be quite a hardship, though many do so in spite of the task. You must establish trains to carry the employees, to bring them from Baltimore here, and have these trains leave at a specified time. If we would do that we would save millions of dollars of these expenditures for buildings. Why, you can build a railroad from Baltimore to Washington for less than what some of these buildings are going to cost you. I do not want to take up too much of the time of the House, but I do want to tell you that this is a matter of very serious consideration, not alone for Baltimore but for the Government at large.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. DEMPSEY. Can the gentleman inform the committee how he would avoid the question of getting through the tunnel at Baltimore? My experience in going to Baltimore is that you frequently spend more time after you reach the tunnel in Baltimore than you do in going from here to the tunnel. How are you going to avoid that?

Mr. LINTHICUM. I would say in reply to that, that the Pennsylvania Railroad Co. did have a great deal of trouble with its tunnel. It was enlarging it and making certain repairs, but that work has all been completed. So far as the Baltimore & Ohio Railroad Co. is concerned there is no tunnel to Baltimore, from here, and so far as the electric line is concerned there is no tunnel.

Mr. PLATT. Why not move a lot of these offices right out of Washington to Baltimore bodily?

Mr. LINTHICUM. I think the suggestion of the gentleman from Illinois [Mr. MADDEN] is a good suggestion, but the trouble is that they are now here, and you have to take care of them. If we had started that in the beginning we could have relieved the congestion.

Mr. PLATT. I understand that one branch of the Army has moved its office over there within the last week.

Mr. LINTHICUM. Then it has used good judgment, because they will get good homes there and be among good people.

Mr. ELSTON. Why would not the word "local" include the matter of transportation?

Mr. LINTHICUM. I do not know. I did not ask the chairman of the committee as to that. This is interstate traffic between the District of Columbia and Maryland, and I do not think the word "local" would include it.

I tell you we are in a position where people must crowd themselves a little. There are a great many homes in Washington where people could live, there are a great many families in Washington to-day living in a great many more rooms than they need, and the Government has got to take this matter in hand and see that the people do accommodate the workers.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. There are plenty of homes in Washington that are not crowded, and if the matter could be brought to the attention of these people I believe a great many employees in Washington would be taken care of by them. But there are lots of private homes in Baltimore where the people would be willing now, on account of the high prices, to gladly take care of these young ladies who have come to Washington and who want homes. I suggest in all seriousness that Congress consider this matter of commutation. This is not the last $50,000,000 that we are going to talk about, and it is not the last $10,000,000 that we are going to talk about spending in the District of Co-

lumbia, because employees are coming here constantly, and when we look at these large office buildings going up we know that there will be thousands of them come here and millions of dollars will be appropriated, and yet within 45 minutes you have a city of 700,000 that will help you to take care of them.

Mr. BURNETT. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BURNETT. The director of the whole railroad system is now the Secretary of the Treasury. Would it not be within his power and that of the Interstate Commerce Commission to give you more trains without going to this Government expenditure?

Mr. LINTHICUM. It is not a question of more trains. We have plenty of trains, and at this time they are running on schedule splendidly; but you should have particular trains to carry these employees which will get them home and bring them back in time for business in the morning. We have plenty of trains, and they are running heavily loaded.

Mr. CLARK of Florida. Could not the Director General arrange the schedule and accomplish that purpose?

Mr. LINTHICUM. I think he could. I do not think there is any question about that, but I think a direction from Congress would give the matter a strong impetus.

Mr. HICKS. In the gentleman's opinion, 80 miles a day is not an excessive distance for a person to commute. It seems to me that is a large number of miles.

Mr. LINTHICUM. There are plenty of employees living in the District of Columbia who take longer time to come to their office than the time to take a fast train to Baltimore. There are thousands now living in the vicinity of New York City who take an hour each way to go to their business.

Mr. HICKS. If my friend will permit, he will remember that after they arrive in Baltimore City they have to go on a trolley car 5 or 6 miles farther, perhaps.

Mr. LINTHICUM. I desire to call the gentleman's attention to this fact: That the Pennsylvania Railroad lands right at Pennsylvania Avenue and at Edmondson Avenue, in the western section of the city. The Union Station is at the center of the city, and the Baltimore & Ohio lands in the southern and northern sections of the city. The electric trolley line runs to the midst of the business section and passes through the southern residential section, and these roads can land men almost within 10 blocks of where they desire to go.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NOLAN. Mr. Chairman, I am opposed to the motion of the gentleman from Maryland [Mr. LINTHICUM]. The question of housing and furnishing community facilities has got to be taken care of in a practical way. You can not expect employees to live in Baltimore and waste a good deal of time going from their houses to the depot there and then coming 40 miles to Washington, and then from the depot to the departments in which they work, and expect to get practical results. Now, the same situation applies in different sections of this country where our Government has awarded contracts for the building of ships and the manufacture of munitions and other things essential to the winning of the war. Up in Pennsylvania they are taking men from 25 to 30 and 35 miles away from their homes daily to work in these munition factories, transporting them back and forth every day. The reason for it is there is no housing facilities at South Bethlehem and other places, and the men spend several hours each day traveling that could be utilized in productive labor, and this same condition applies to different sections of this country. Now, we have got to adopt some sort of a plan to give them a proper place to live if we expect to get results in the way of increased production of war munitions, ships—especially ships, the most important need of this country and our allies at this time. It has been testified to before the Committee on Labor, and I presume before the Committee on Public Buildings and Grounds, that in many instances in munition districts three men occupied the same bed in 24 hours. Now, it is a common occurrence for two men to occupy the same bed in 24 hours. Men will probably put up with some inconvenience for awhile. They have brought thousands of men in from distant cities, and expect them to settle in those districts, without any thought as to the conditions under which these men were going to live. Wherever we have undertaken our war activities men of families have been brought to work. They come, look the situation over, and they leave. The statement was made that the labor turnover was such that in one instance one concern, in order to get 600 steady workers, were compelled to employe 11,000 before securing the required number. It is not a question of getting the right kind of labor and in sufficient numbers, but it is a question of providing facilities for labor when you get it where it is mostly needed, whether it happens to be a department in Washington where you want clerical or technical help, or in the shipyard or munition factory, where we need all kinds of skilled and unskilled labor for war work. You have got to provide proper housing and community facilities for these workers if we expect to get the maximum of efficiency and production. They will not work to the best advantage if their home surroundings are not made at least decent and comfortable.

Now, you can not get them even to work here in the District of Columbia at their best and travel back and forth probably anywhere from 90 to 100 miles a day and waste two or three hours going and coming from work. They are taking men from San Francisco and the surrounding bay region to the Mare Island Navy Yard, 2 hours a day on the train or 2 hours a day on the water each way. Those men put in almost 14 hours, leaving home in the morning and returning in the evening, to put in 8 hours work, and the Navy Department pays for their transportation. Is that proper? Can you expect to get the best results from labor in this way? You must furnish some sort of facilities for these people. If you are going to build houses, if you are going to plan houses in the District of Columbia, why not build them permanent and get something out of them for your investment? If we expend millions of dollars for buildings to be torn down after the war is over, we are doing that now in the Mall, where people will work during the day, they must have some sort of modern conveniences in their homes when they get there in the evening. They ought to be given modern conveniences, and this thing can be so arranged. I have no objection to a check on this expenditure for the District of Columbia; I think there should be some check on the expenditure, but when you do expend this money on a proper location in the District of Columbia you should build permanent buildings, and even if they expect, as I heard one man suggest, to get bungalows for each worker; give them bungalows and make them pay rental until such time as we decide to dispose of them permanently to the Government employees. Why not? We are furnishing the farmer with seed by loaning him money; we are relieving the banks of some of their obligations by the war-finance bill, why should not the Government employee here and in the vicinity of the navy yards and arsenals throughout the country have an opportunity to buy this land and these houses either now or after the war? Why can not we realize after this war is over on something? We are spending hundreds of millions and billions of dollars for war purposes, which is to go up in smoke. Let us try to save something out of this money. You can make your buildings permanent, and you can dispose of this property so you will get the most beneficial results, so far as rentals are concerned, and as far as getting back all of the money we spend in constructing permanent buildings or homes, the bill confers this power to so dispose of all these buildings and other properties.

Mr. BARNHART. Will the gentleman yield?

Mr. NOLAN. I will.

Mr. BARNHART. I just wanted to inquire of the gentleman if he had in mind the fact that there may come to the city of Washington forty or fifty thousand Government employees in addition to those already—emergency employees—and that if the war should end those emergency employees would be out of the service; and if we should build permanent houses for those, and they should then of necessity have to leave the city, the Government would have a lot of permanent houses on hand which it could not sell and probably would not want to sell.

Mr. NOLAN. I will say to the gentleman common-sense administration of the provisions of this bill, I think, would take care of that. I believe we should try to build permanent houses for all those who might stay here after the war, giving preference to those who desire to buy, whether they are newcomers or old-timers. Let me call attention to this fact: Before the 1st of July of this year the alley law says that 8,000 people must get out of the alleys of Washington. What are you going to do with them? Some provision will have to be made for housing these people, if the law goes into effect; either that or this Congress will have to repeal or suspend temporarily the provisions of the act doing away with these alley houses. We can not drive these people out on the streets. They must be allowed to live in these houses, or else the Government will have to build immediately houses to take care of them. The gentleman from Indiana need have no fear that we will overbuild in a permanent way the city of Washington with the $10,000,000 provided in this bill for the District of Columbia.

Mr. STAFFORD. Mr. Chairman, I offer a substitute to the amendment of the gentleman from Maryland, by striking out the words, in line 4, "local transportation."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 4, after the word "housing," strike out the words "local transportation."

Mr. CLARK of Florida. Mr. Chairman, I would like to hear the amendment of the gentleman from Maryland [Mr. LINTHICUM]. I understand this is an amendment to his amendment.

Mr. STAFFORD. A substitute for the amendment.

Mr. CLARK of Florida. Oh, all right. Go ahead.

Mr. STAFFORD. Mr. Chairman, we are launching upon a policy which, if this war continues for a year, will involve, in my opinion, an expenditure of half a billion dollars, at least. Every community throughout the country where industries are located that are engaged in war activities will be besieging the local representatives for some of these funds for the erection of buildings in those respective localities. I think we will be going fast enough in this bill if we authorize the erection of housing facilities, without extending it to transportation facilities. And the reason why I am strongly urging that amendment is that in the war finance bill now pending in conference we authorize the banking corporation to advance money on long-time loans directly for the purpose of improving transportation facilities of public utility companies which are engaged in transporting people to industries connected with the war. It was stated in that debate that it was presented informally to the attention of the Ways and Means Committee that there were certain street railway companies, such as that in Detroit, which was in need of financial assistance and could not receive it because of the uncertain status of their franchise. And I assume that there are other railroad companies which are in need of similar financial support.

We have provided a means in the war finance bill to help that character of transportation facilities. But why should we here delegate to a different agency entirely authority to build or to lease or to advance money for the same character of work? We should never duplicate the same help that is going to be granted to the same character of utility. We should especially avoid that. And I believe it is far better for the War Finance Corporation to advance money directly on long-time security so as to allow the local corporations to expand and develop rather than for the Secretary of Labor, as here provided, to advance money directly to even build transportation facilities and to meet the same purpose.

So, I say, we should not try to duplicate endeavor, but should be satisfied with allowing the money to be advanced to private interests on adequate security, as is done in the war finance bill, rather than to authorize the Secretary of Labor here to either direct transportation facilities or to advance money to the same character of corporations.

Mr. McKENZIE. I take it that the gentleman from Wisconsin has read the hearings very carefully, and I would like to ask him——

Mr. STAFFORD. The gentleman is mistaken. I have not read them carefully, but I have glanced over the hearings, and I have listened to the general debate, and particularly to the argument of the gentleman from Florida [Mr. CLARK] in justification of this transportation feature.

Mr. McKENZIE. What I would like to ask the gentleman from Wisconsin is whether he has any knowledge of any particular situation in the country where it would be necessary for this power to be given? If not, why put it in?

Mr. STAFFORD. I will state an instance where perhaps the Secretary of Labor will advance money to meet conditions in Detroit. The Government has advanced about $50,000,000 to the Dodge Bros. for the erection of a very large plant 6½ miles from the business center of the city of Detroit. During the Christmas holidays I chanced to take an automobile ride out there where those employees were busy——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Where those employees were busy erecting the plant which is going to be engaged in the manufacture of munitions. Everyone who is acquainted with transportation facilities in Detroit knows that private capital refused to advance money to the D. U. R. because it is operating under a temporary franchise. I suppose that corporation will come to this War Finance Corporation for a loan of money so as to improve its facilities for transporting the large number of employees from one portion of Detroit to the other. And so, also, as was stated in the consideration of the Emergency Fleet Corporation bill, it was necessary, in the district which has grown so rapidly since the war began, from Philadelphia south to Wilmington, that the suburban railway was in need of money to be advanced in order to transport the large number of employees from Philadelphia down to Hog Island, and to Belmont, where the Baldwin Locomotive Works are established, and to those large establishments all along the Pennsylvania line southward from Philadelphia. Having made provision in the war-finance bill and also in the Shipping Board bill for the ship industry itself, I do not see why we should duplicate it, and so I wish to limit our authorization solely to housing facilities. Let us provide first the housing facilities for a large number of employees in those districts which have grown up so rapidly and where local capital, perhaps, will not advance money because they think the establishment will only be temporary in character and there will be no need for homes after the end of the war.

Let us meet that situation, but do not let us duplicate the authorization by providing transportation here, when we have provided money through the War Finance Board to meet this same condition by loans and advances made on long-time security to the private corporations that are now operating these railroad facilities.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. SMITH of Michigan. On the transportation question, I wish to ask the gentleman this question, which came up in the hearings: A munition plant is within a reasonable distance of a large city, like Hammond, Ind.; that, for instance, is 6 miles out from Chicago; would you think it would be better to erect buildings at a large expense of millions of dollars or run a little transportation line out there?

Mr. STAFFORD. I would say the practical business solution of that question would be to advance money through the War Finance Corporation to the present interurban road that is now operating from Chicago down to Hammond rather than for the Secretary of Labor to build a line. There are transportation facilities, as the gentleman may know, running down to Hammond and Gary, and if they can not get adequate facilities the War Finance Corporation can advance money, as authorized in the war finance bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I would like recognition for three or four minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. ESCH. I wish to call attention to a feature of this bill that may have escaped the attention of those who framed it. In the railroad compensation bill recently enacted we inserted on the floor of the House a provision giving to the Director General of Railroads authority to take over short-line roads, but we specifically exempted from that provision urban and interurban lines. But subsequent sections of the railroad bill give the Director General the power to take over electric, urban, and interurban lines, and I call your attention to the proclamation of the President, issued on the 26th day of December, reading as follows:

Nothing herein shall be construed as now affecting the possession, operation, and control of street electric passenger railways, including railways commonly called interurbans, whether such railways be or be not owned or controlled by such railroad companies or systems. By subsequent order and proclamation, if and when it shall be found necessary or desirable, possession, control, or operation may be taken of all or any part of such street railway systems, including subways and tunnels.

The railway compensation bill therefore gives the Director General practically the right to take over, to commandeer, to lease any urban or interurban line. It also gives him the power to take over terminal lines, or even to construct terminal lines, or make extensions to existing roads.

That power already having been granted in the railroad compensation act, it seems to me in this pending bill we are duplicating the power, because almost in every section and provision of this bill we give to the Secretary of Labor the right to control, the right to lease, to purchase local transportation. It may be that giving this power to the Secretary of Labor may bring him in conflict with the powers already granted to the Director General of Railroads. I merely make that suggestion for the consideration of the chairman of the committee.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. ELSTON. Mr. Chairman, my attention has been called to Senate bill 3388, a bill introduced by Senator FLETCHER, of Florida, granting power to the Emergency Shipping Board to take possession of, lease, or assume control of, or purchase the street railways and interurban roads and short lines. Is that in conflict with the provisions of this bill?

Mr. ESCH. I think it would raise another cause of friction.

Mr. ELSTON. I see that bill has been reported favorably.

Mr. ESCH. You will notice that subsection A, on page 1, gives to the Secretary of Labor power "to purchase, acquire by lease, construct, requisition, or acquire by condemnation or otherwise such houses, buildings, furnishings, improvements, local transportation, and other community facilities and parts thereof as he may determine to be necessary." What for? For the proper conduct of the existing war. It does seem to me, after you have given the Director General of the Railroads all these great powers for the successful conduct of the war, we ought not to dilute that power by giving it to any other department.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CLARK of Florida. Mr. Chairman, I sincerely trust that neither of these amendments will be adopted. The committee spent some time on this very portion of the bill. It was realized that it was absolutely necessary in some cases for the Secretary of Labor to render assistance by way of loans of money or making increased facilities or taking over the roads, or portions of them, in order to transport laborers from the place of work to their homes. Now, the law with reference to giving the Director General the power was enacted to give him power for the purpose of promoting general transportation. Here is a power for a specific purpose, which we propose to confer on the Secretary of Labor. There will be no conflict. It is not possible, it is not thinkable, that there will be any conflict, because if the Secretary of Labor should ever take over any of these transportation lines they would be little short lines from some plant to the place of residence of the workmen. That is all.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. NOLAN. I understood that the Secretary of the Treasury had looked this bill over and had finally given his assent to it. Is that right?

Mr. CLARK of Florida. I understand that is true.

Mr. NOLAN. Carrying that provision in it to commandeer local transportation?

Mr. CLARK of Florida. Yes. I want to say, Mr. Chairman, that the amendment offered by the gentleman from Maryland [Mr. LINTHICUM], if adopted, would mean to throw this bill wide open and take over any railroad or transportation line in the United States. If the amendment of the gentleman from Wisconsin [Mr. STAFFORD] is adopted, then it deprives the Secretary of Labor absolutely of the power to increase the facilities of transportation lines from the place of residence to the place of work. Neither of these amendments should be adopted, and I hope they will be voted down.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. McKENZIE. I want to ask the chairman of the committee whether or not in the hearings anyone appeared before the committee and submitted any particular case that tended to influence the members of the committee in writing this provision in the bill?

Mr. CLARK of Florida. I do not remember any particular instance where they said it was necessary to do it. But I do know that they stated generally that it might be necessary.

Mr. McKENZIE. If the gentleman will permit, does he not think it rather a dangerous form of legislation to put in blanket provisions like this unless there is some crying need and necessity for it?

Mr. CLARK of Florida. Well, it was mentioned, for instance, I believe, that it might be necessary at Hog Island to increase the local transportation. But whether it was or was not, the committee thinks that this whole legislation, of course, is absolutely foreign to all our ideas of legislation in ordinary times. If it were not for the war, if it were not for the conditions existing that confront us, it would not be here at all.

Mr. McKENZIE. If the gentleman will permit me, I can see very clearly—and I think every man in the House can see—the necessity for a provision in this bill for housing the industrial workers in these various plants. We know the facts about that, but there is not a single particle of evidence before this committee, or at least I have not heard of any, that will justify a man in voting against the amendment of the gentleman from Wisconsin [Mr. STAFFORD] in striking out this language from the bill.

Mr. CLARK of Florida. Well, Mr. Chairman, I think the case of Hammond, Ind., was one case where the workers might live in Chicago and go back and forth. The inclusion of that can not possibly do any harm. We thought it would be much better for the Government, rather than go into a great house-building operation, if it could loan money to a company already in operation and enable it to increase its facilities and transport workers from their residences to the place of work to do that. I hope the amendment will be defeated.

The CHAIRMAN. The question is on agreeing to the amendment offered as a substitute by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. STAFFORD. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 26, noes 33.

The CHAIRMAN. On this vote the ayes are 26 and the noes 33, and the amendment is rejected.

Mr. STAFFORD. I demand tellers, Mr. Chairman.

Mr. CLARK of Florida. I make the point of order that that demand comes too late.

Mr. STAFFORD. What has intervened, Mr. Chairman?

The CHAIRMAN. The Chair does not think it comes too late. The gentleman from Wisconsin demands tellers. [After counting.] Seven Members, not a sufficient number, and tellers are refused. The amendment is rejected. The question recurs on the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question being taken, the amendment was rejected.

Mr. CLARK of Florida. Mr. Speaker, I desire to offer another committee amendment.

The CHAIRMAN. The gentleman from Florida offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Insert a new paragraph immediately following paragraph (d)——

Mr. CAMPBELL of Kansas. That part has not been read yet, Mr. Chairman.

The CHAIRMAN. The Chair will state to the gentleman that has not yet been reached.

Mr. CLARK of Florida. I withhold it for the present.

Mr. CAMPBELL of Kansas. Mr. Chairman, I want to perfect the paragraph by an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Kansas: Page 1, line 3, strike out the words "that the Secretary of Labor," and insert in lieu thereof the following: "That a commission composed of the Secretary of Labor, the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, the chairman of the building committee of the Council of National Defense, and the Superintendent of the Capitol."

Mr. DYER. I reserve a point of order on the amendment.

Mr. CAMPBELL of Kansas. Let the gentleman make the point of order, if it is subject to the point of order.

Mr. DYER. I make it.

The CHAIRMAN. The gentleman from Missouri makes a point of order. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. DYER. I make it on the ground that it is not germane to that section.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard?

Mr. CAMPBELL of Kansas. No; I do not desire to be heard on the point of order.

The CHAIRMAN. The Chair overrules the point of order and recognizes the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Chairman, I offer this amendment in the vain hope of saving $300,000 for the fiscal year 1918. I know that it is almost useless to try to save money to the Treasury of the United States at this time. We should serve no useful purpose. eW have an organization in the boys in the trenches rather than providing fat jobs for deserving Democrats, taking men out of the productive activities of life and placing them in jobs here in Washington, where they can serve no useful purpose. We have an organization in the Treasury Department that can be utilized in connection with the commission I propose in this amendment without the additional expense of a single dollar. Will gentlemen take that organization, or will they reach into the Treasury and take $300,000 to make jobs for their friends? Washington is already congested with men and women who are producing nothing, and many of them doing nothing to earn the salaries which they are paid.

Mr. LONDON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. LONDON. Does not the gentleman think this talk is rather too late to be of any influence in to-morrow's election in Wisconsin?

Mr. CAMPBELL of Kansas. Oh, unlike the gentleman from New York, I have my mind on things that do not pertain to elections. I am interested in conserving the money in the Treas-

ury of the United States [applause] and saving the people from having to pay additional taxes, buy bonds and war-savings stamps to pay the salaries of the friends of the gentleman from New York who, I take it, are being provided for out of this $300,000. This amendment, if agreed to, will keep the Congress in close touch with the Treasury and with the activities of the building operations that are necessary.

Mr. MEEKER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not yield.

Mr. MEEKER. For a question?

Mr. CAMPBELL of Kansas. I have but five minutes.

Mr. MEEKER. Just one question.

Mr. CAMPBELL of Kansas. I can not yield. We must have some control of the expenditure of these colossal sums of money. It is said hereby gentlemen who discuss these matters that it is unpatriotic to inquire into details, but somebody must save the Treasury, somebody must protect the taxpayers, somebody must do something to save the money to buy arms and ammunition. Already billions have been spent, and we are without arms, without ammunition, without flying machines and aeroplanes, without facilities that would give our boys in France a fighting man's chance. Billions have been spent on trimmings, while arms and ammunition have not been provided. Men are more interested in providing for organizations, overhead expenses, jobs for their friends in Washington, than they are in providing arms and ammunition for the boys in the trenches.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Mr. Chairman, I desire to offer an amendment to perfect the text, to strike out the words——

Mr. LUNN. Mr. Chairman, is there not an amendment pending?

The CHAIRMAN. There is an amendment pending.

Mr. LUNN. I wish to speak against that amendment.

The CHAIRMAN. Does the gentleman desire to offer an amendment to the amendment?

Mr. LUNN. I want to oppose the amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. LUNN. Mr. Chairman, there was a time when the question was asked—I do not know why it was asked nor when, but it went all over the United States—"What's the matter with Kansas?" Now the question is, "What's the matter with the gentleman from Kansas?"

I am beginning to wonder what is the motive that causes such anxiety on the part of the gentleman. I do not want to suggest that his ambition to save the Treasury is not perfectly sincere, but I would dislike to think that he is the only Member of this House who is interested in the Treasury of the United States. If he expects that $50,000,000 can be properly expended without some organization adequate to the expenditure, he is not very convincing, and the parts of his speech that do not appeal to me as being consistent with his claim for saving the Treasury are those parts which are susceptible of the interpretation of being decidedly political. I have heard two political speeches by the gentleman from Kansas during the past two days. I think it was on Saturday—or it may have been on Friday—that I first heard him, and in speaking he used the phrase "deserving Democrats." He has just repeated that cunning couplet. Now, I do not care a rap for "deserving Democrats" or "deserving Republicans." I do not care a rap, in this emergency, whether a Member is a Democrat, a Republican, a Socialist, or a Prohibitionist. My only concern is that he be an American; a man who is looking at legislation, in these serious days, purely and solely as an American. [Applause.] To inject a political phrase into our discussion arouses my blood——

Mr. CAMPBELL of Kansas. Is the gentleman interested in the Treasury of the United States?

Mr. LUNN. Assuredly I am interested in the Treasury, and that is the reaon I do not want thousands of dollars wasted by political speeches on the floor of the House.

Mr. BURNETT. Mr. Speaker, I make the point of order that the gentleman from Kansas, who refused to be interrupted, has no right to interrupt the gentleman from New York without his consent.

The CHAIRMAN. The point of order is sustained. The gentleman from New York will proceed.

Mr. LUNN. To my mind we are absolutely called upon without question to provide houses for these workers in the munition plants, and the thing for us to do is to get these houses, and to get them as quickly as we can. Any word that we utter unnecessarily is a word that costs blood. These wasted words, these wasted speeches, these political flurries, and this very amendment are consuming precious time while our boys are on the battle front. I almost feel like apologizing for taking even five minutes to protest against waste of time. Some gentlemen are arguing along lines that are not in the interest of real saving for the Treasury. They seem to have some ulterior object, if we are to judge by their remarks. The crux of the question is, Do we need the houses? No one doubts that. Can we get them without paying for them? And that is answered in the negative. Then we must estimate about how much we need. The committee, after consideration, says $50,000,000 for housing throughout the country. That is the issue, and should be settled quickly.

There are some here who, instead of thinking about this as a problem, are worrying more about setting precedents. Why worry about precedents? The old order has gone forever. When this war is over these men who have been in the trenches are coming back, and your old Bourbon ideas—I do not care whether they come from a Bourbon Democrat, or a Bourbon Republican, or a Bourbon Socialist, or a Bourbon Prohibitionist—are going into the discard. We are advancing toward a new day with new ideas. The new dawn approaches. The immediate necessity is to provide dwellings for thousands of loyal workers and do it now. Fifty million dollars is needed as quickly as we can provide it to be expended as efficiently as possible. I am therefore opposed to this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I hope this amendment will not be adopted. I stated the other day that after very full consideration the members of the Cabinet, when this matter was first talked of, agreed that it ought to be administered in the Department of Labor. The Secretary of Labor was selected as the man and the best agency through which to execute it.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. CAMPBELL of Kansas. The gentleman did not agree with that contention when he took the measure away from the Committee on Labor to the Committee on Public Buildings and Grounds.

Mr. CLARK of Florida. Oh, yes; there is a vast difference between the Department of Labor and the Committee on Public Buildings and Grounds. This is a proposition to allow an executive department to administer a law. The other was a proposition to take from the committee a jurisdiction which it did not have and was not entitled to under the rules of the House and give it to a committee that did have jurisdiction. The question whether it was a labor proposition or not made no difference. The gentleman talks about it costing $300,000. The Supervising Architect's Office has no building organization. It has architects, draftsmen, and clerks, and so forth. If this work was given to the Treasury Department, they would have to build up a building organization the same as the Department of Labor will have to.

Mr. FOCHT. Will the gentleman yield?

Mr. CLARK of Florida. Not now, but later. They would have to build up a building organization the same as the Department of Labor will have to. They have got their draftsmen and their architects and other clerks, and we have made provision in the bill for the use of that force by the Department of Labor in administering this trust. Now I will yield to the gentleman from Pennsylvania.

Mr. FOCHT. The gentleman being chairman of the Committee on Public Buildings and Grounds, I would like to have him explain to the House and the committee the purport of the observation which he made, and that is this: It is well known that the Supervising Architect, who builds the public buildings, does not build them himself; we know that. He makes the contracts. Now, what would the Secretary of Labor do? Do you mean that he would personally supervise the building of the houses himself, or would he give them out by contract? Does it not all amount to the same thing?

Mr. CLARK of Florida. Mr. Chairman, the whole plan is thoroughly understood. There has been no concealment about it. The Secretary of Labor has selected Mr. Eidlitz to take charge of and administer the trust under him without cost to the Government. Mr. Eidlitz is an experienced contractor and will make the contracts. He will give out contracts to people to build these houses wherever necessary; and that is to be determined by the Secretary of Labor. That is all there is to it. There will be no unnecessary force, no greater expenditure of money under the Secretary of Labor than there would be under the Secretary of the Treasury. In addition to that, we propose to use the force in the Supervising Architect's Office as far as we can. We can not have all of it, because they are engaged in drafting plans and doing their ordinary work. This is an emergency, and we want an organization that will put it through promptly and expeditiously, so that the boys in the trenches, which the gentleman likes to talk about so much, will have the benefit of it.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KEATING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9352) to amend an act entitled "An act providing for an assistant Secretary of War," approved March 5, 1890, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

HOUSING FOR WAR NEEDS.

The committee resumed its session.

Mr. PHELAN. Mr. Chairman, I would like to have a few minutes on this subject, because it has been discussed so much under a misapprehension. The gentleman from Kansas [Mr. CAMPBELL] has been talking against this function being granted to the Secretary of Labor. I think the gentleman fails to perceive all the problems involved. This is not simply a proposition to build houses. That in some respects is a less difficult problem than the others involved. One problem is the problem of getting out workmen who will work. The Supervising Architect has no experience in that, although he may be and undoubtedly is a capable man. It is a question of getting labor to live in certain localities, and a question of providing for them certain accommodations.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. PHELAN. No; I will not yield. If I had time I would yield, although the gentleman did not yield to me. It is a question of accommodating labor as it ought to be accommodated. A man with a family must have decent kinds of quarters, and if you do not give him decent quarters you are not going to get him to work. You are going to lose effectiveness. There are many other problems concerned which I have not the time to take up. But let me suggest that there is the problem of providing the real estate, there is the problem of leasing houses, there is the problem of condemnation of land and houses, and the problem of procuring boarding houses and hotels and tenements, and perhaps the combination of all three.

There is the question of the amount of rent to be charged; there is the question of disposing of the houses after they are built; there is the question of selling them to the workers. All of those things which are more or less social in their nature rather than a matter of construction are involved, and those matters of social or economic nature constitute the difficult phases of the problem. The question of building houses themselves, drawing the plans, and constructing them is in some respects the easiest of all. So that while the Supervising Architect's office has had experience in building public buildings, it has had no more experience than anyone else in dealing with these problems which I have suggested. When all this was gone over by the various administrative officials, Cabinet officers, and the President, it was finally decided that the best place in which to center authority was the Secretary of Labor; and let me point out that we are giving the Secretary of Labor tremendous powers. When we first took up this bill I think every member of the committee wanted to restrict, wanted to limit the powers given in the bill, wanted to put on safeguards to protect the expenditures of money, but here is what we are facing. We must construct these buildings with the utmost speed if we are going to continue this war as vigorously as we should. We have let many valuable months go by now when good labor has been lost and production lessened, because we have not had the places to house the labor. We are looking for speed, we are looking for an energetic speeding up of production, and if we are going to get quick results we have got to lodge the power some place, and we have to grant it without too many restrictions. The more restrictions we put on it the less we can get speed and quick action. It is all important to get haste and to use speed, and for that reason we have given great powers, much greater powers, than any of us originally wanted to give. I now yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Chairman, the gentleman has proceeded to argue for the bill so many things that there is no provision in the bill for that I was wondering where he got the basis for his argument. This is a housing proposition, as I understand it.

Mr. PHELAN. The gentleman evidently has not read the bill as carefully as he should.

Mr. CAMPBELL of Kansas. I have read it very carefully.

Mr. PHELAN. I will tell the gentleman that I got my information from a better source than he got his information.

Mr. CAMPBELL of Kansas. I got mine from the bill.

Mr. PHELAN. The gentleman says that Mr. Eidlitz has already made contracts for the expenditure of, or obligated the Government to expend, $50,000,000 or $100,000,000. I say that statement is not so, because Mr. Eidlitz has no power to do so. Mr. Eidlitz, who has been appointed by the Secretary of Labor to look into this question, and who undoubtedly will be appointed if this bill becomes a law, has started his organization, and he has done a good thing in starting it. We want to get this thing through as soon as possible, and Mr. Eidlitz has done a good work when he has prepared his organization in advance.

Mr. DEMPSEY. Mr. Chairman, I have listened with much interest to the speech of the gentleman from Massachusetts [Mr. PHELAN], with which I in large measure agree. It is no answer to the necessity for this bill to say that manufacturing plants have been located where they should not have been placed; that we have created the necessity for this measure by placing the activities where these workers must go at places that are remote; that we should have given these contracts to other places and have distributed them through the country. The provision has been made otherwise, and to-day it is of the highest and gravest importance that we proceed as rapidly as we can, and to do that we must avail ourselves of all that has been done. We must continue from where we now are. We can not undo the work of the year which has passed since war was declared.

I have no sympathy with the condemnation or censure of Mr. Eidlitz. It is obvious from what was read by the gentleman from Indiana [Mr. Cox] that Mr. Eidlitz is a man of standing worthy of this great trust that is to be reposed in him, and I for one condemn any attempt to censure a man unless there is basis for the criticism. It is our privilege and duty to condemn when we see a basis for condemnation. We should condemn whenever we see a ground for censure, but here we have none. We have simply the fact that a man apparently prominent, a man who has made a place for himself in the world, is about to perform for the public a duty commensurate with the important things he has done in private life.

I am in sympathy with the purposes of this bill. I believe these workers should be adequately housed. I believe they should be provided with all the facilities contemplated by this law, but I can not see, and I am not saying it in a partisan sense—I am advocating it from a business standpoint—I can not see why the amendment of the gentleman from Kansas [Mr. CAMPBELL] should not prevail. The Secretary of Labor, moreover, has many duties. Why would it not be well to provide for just such a commission as this amendment contemplates? It includes Mr. Eidlitz; it includes the Secretary of Labor. The Secretary of Labor alone can not do this work. It includes the distinguished chairmen of the two committees on public buildings—one in the House and the other in the Senate—who would keep the legislative bodies more closely in touch with this work and enable us to see that the spirit and purpose of this law are observed.

In England to-day, while the Government itself is hampered for funds and has to come to us to borrow money, and in France, too, the industrial worker is better off than he ever was in the history of those countries. I believe that he will be more prosperous in this country, but we should start by providing for him in such a way that he will be happy and contented while he grows prosperous. He is sure to have work at high wages as long as this war lasts if only we provide proper housing conditions about the various plants which will produce our war munitions and supplies, so that he can do the work we must have done.

I favor the enactment of this bill. I favor also the amendment of the gentleman from Kansas, not upon the grounds upon which he has placed it, not upon partisan grounds, not because I criticize Mr. Eidlitz; on the contrary, I commend him and say that he is an admirable citizen of the city of New York—but because I believe that its adoption will mean a more complete realization of the purposes of this necessary and highly commendable measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. CAMPBELL].

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. CAMPBELL of Kansas) there were—ayes 25, noes 36.

So the amendment was rejected.

Mr. LONDON. Mr. Chairman, I send to the Clerk's desk a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the words "only during the continuation of the existing law" and the comma following the word "law."

Mr. CLARK of Florida. Mr. Chairman, I desire to ask unanimous consent that debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Chairman, those words were not contained in the original bill as presented by the Secretary of Labor and as introduced by the chairman of the Committee on Labor. While I realize that we are dealing with a war emergency, with an extraordinary situation which must be met now, and while our immediate object is to satisfy an immediate need, we must not lose sight of the fact that the end of the war will bring with it certain problems. We must not tie the hands of the Secretary of Labor. This provision will, as soon as the war is concluded, prevent the Secretary of Labor from making repairs and from taking care of the buildings constructed at the expense of the Government of the United States. It will compel the Government to practically throw away all the resources expended in the construction of those buildings. It will force the Government to throw upon a demoralized market all the constructed buildings.

Mr. CANTRILL. Will the gentleman yield?

Mr. LONDON. In a moment. By the retention of those words "only during the continuation of the existence of the war," and, on page 2, line 2, of the phrase "for the proper conduct of the existing war," and then in lines 24 and 25, page 2, and in lines 1 and 2, on page 3, by a repetition of those words, we make it impossible for the Secretary of Labor to retain any structure or retain control of any structures except for one purpose, and that is to sell them and dispose of them at any sacifice to private individuals. That is my objection to retaining these phrases in the bill. That is my objection to this vicious amendment to the bill as presented by the Committee on Public Buildings and Grounds.

Why should we preclude the Secretary of Labor from utilizing—why should we now preclude the Government from utilizing—the structures built at the expense of the United States? Why should we now compel the Government to sacrifice all the money invested in building these structures? Why should we now tie ourselves to private interests in localities where those buildings will be reared? Why should we now tie the hands of the Government? I realize that we are dealing with a temporary emergency. Why should we fly in the face of every experience of every other country? England is to-day discussing the construction of 1,000,000 houses, with an expenditure of $1,200,000,000; to begin the construction, two years after the war, in addition to the structures built during the war. The French Government has adopted a policy of constructing Government buildings for the purpose of compelling the private landholder to lease his buildings cheaper; in other words, to act as the competitor of the private landholder. Here we are tying the hands of the Government in advance. We are failing to prepare for the really crucial moment, that crucial hour, when, after an expenditure of $50,000,000—of hundreds of millions of dollars—the Government will find itself with buildings on its hands, some 90 per cent ready or 95 per cent ready, some only half completed. When the war ends shall all this wealth be squandered? Are the private interests of the private real estate holders to prevail over the interests of the entire people? During the hearings on this bill before the Committee on Labor this very important fact was brought out by Mr. Ackerman, an architect of experience. I am reading from page 159 of the hearings—last page. Mr. Ackerman was asked what was the difference in cost between a temporary structure and a permanent structure, and his answer was:

When you consider that in temporary housing operation you have to put in roads, sidewalks, sewers, gas, electricity, plumbing, etc., you have a total—I know from conditions in England—of cost in the case of temporary operation amounting to between 80 and 90 per cent of the cost of permanent structures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. The difference between temporary structures built for temporary purposes and permanent structures is only 10 per cent. At the conclusion of the war we may find ourselves with buildings constructed——

Mr. MADDEN. Will the gentleman yield?

Mr. LONDON. I will yield.

Mr. MADDEN. I think that statement ought to be modified—that there is a difference of only 10 per cent in the cost of temporary and permanent——

Mr. LONDON. That is, speaking of a certain class of buildings.

Mr. MADDEN. It would be true if all the underground work and all the overground work, such as sewers, water plumbing, and so forth, had to be carried in, but if you construct a building where all those improvements were already in, then, of course, the condition would be different.

Mr. LONDON. I understand that is on the suggestion of building, as it were, new cities——

Mr. MADDEN. It is a question whether that will be done, or hotel buildings.

Mr. LONDON. I know. But we may have to build new cities. All the provisions wherever they occur in the bill and which have the effect of restricting the Secretary of Labor to temporary structures only should be stricken out. That would leave it to the judgment and good sense of Congress to deal with the problem when it presents itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTRILL. Mr. Chairman, in answer to the gentleman from New York and the question raised by him in offering his amendment, I desire to call the attention of the committee to section 5 of the bill, which answers fully and completely the issue raised by the gentleman from New York. That section of the bill says:

That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for and rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war.

Now, the bill absolutely takes care of the situation presented by the gentleman from New York, because after the war the Secretary of Labor can fully protect in every way the interests of the Government in disposing of this property which he has had constructed or leased. I do not think there is any necessity at all for the amendment offered by the gentleman, because the bill fully and completely meets that very situation.

Mr. LONDON. Will the gentleman yield?

Mr. CANTRILL. In just one moment. In further answer to the gentleman from New York (Mr. LONDON), in rather criticizing the Committee on Public Buildings and Grounds——

Mr. LONDON. I want to withdraw that statement, because it was an unfair implication.

Mr. CANTRILL. I am glad the gentleman withdraws that, because the committee thoroughly understands that the Committee on Public Buildings and Grounds had before them all of the hearings presented before the Committee on Labor, and, of course, it would have been simply a waste of time for our committee to have examined men who had already been examined and whose testimony was in those hearings, and I am glad the gentleman realizes that fact and withdraws his statement.

In further answer to the gentleman from New York as to his criticism of the present bill, I beg to call the gentleman's attention to the fact that the original bill (H. R. 9642) which was before the Committee on Labor, specifically stated in section 5 that the power and authority granted in paragraphs (a), (b), and (d) shall cease with the termination of the present war with Germany, showing that it was clearly the intention of the Committee on Labor and the Secretary of Labor and all others connected with this proposition, except probably the gentleman from New York, to keep this idea in view, but the bill presented by the Committee on Public Buildings and Grounds, in order to safeguard the interests of the Government in every particular, has added section 5 to the present bill, which gives full authority to the Secretary of Labor to protect the Government.

Mr. LONDON. Mr. Chairman, I move to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, I demand the regular order.

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, may I have one minute in order to ask a question of the gentleman from Kentucky [Mr. CANTRILL]?

The CHAIRMAN. The Chair will state that by unanimous consent debate was limited to 10 minutes on this amendment.

Mr. LONDON. I now ask for one minute in order to ask a question.

The CHAIRMAN. Regular order is called for, and regular order is the vote on the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the amendment was rejected.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Illinois: Page 1, line 5, after the word "in," insert "arsenals of the United States and in."

Mr GRAHAM of Illinois. Mr. Chairman, I would like to have the attention of the chairman of the committee. I believe from what he said on the floor of the House Friday that this amendment will not be regarded adversely by the committee. If this is adopted the section will read as follows:

That the Secretary of Labor, for the purposes of providing housing, local transportation, and other community facilities for such industrial workers as are engaged in arsenals of the United States and in the industries——

Mr. CLARK of Florida. If the gentleman will permit me, Mr. Chairman, I hardly think it is necessary, but the committee is perfectly willing to accept the gentleman's amendment.

Mr. GRAHAM of Illinois. I think it is a safety provision that ought to be in there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GRAHAM].

Mr. LONDON. Let the amendment be reported, please.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. GRAHAM].

The question was taken, and the amendment was agreed to.

Mr. DALLINGER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 1, line 3, after the word "Labor," insert "when so requested by the Secretary of War or by the Secretary of the Navy."

Mr. DALLINGER. Mr. Chairman, I would like to have the attention of the chairman of the committee on this matter, because it seems to me that some restriction of this kind is absolutely necessary if the Treasury is to be properly safeguarded. In other words, my amendment simply provides that if the Secretary of War or the Secretary of the Navy shall request the Secretary of Labor to furnish housing for employees in certain particular places where they know that it is necessary, then the Secretary of Labor shall proceed to furnish the housing facilities.

Now, to show that this amendment is necessary, I want to call the attention of the chairman of the committee to what has happened in my district. From the time when the question of housing was first broached I have been deluged with correspondence from people who want to sell property to the Government in connection with the Watertown Arsenal. It was rumored—and the town of Watertown as a municipality, through its board of selectmen, opposed the idea—that certain parties were proposing to unload upon the Government a large amount of real estate, some buildings already constructed and some in process of construction, and the town officials asked me to look into the matter. The Ordnance Department, which has jurisdiction of the Watertown Arsenal—and that department, I may say, is now presided over by Gen. Wheeler, who formerly was commandant at the Watertown Arsenal, and whose right-hand man is now Gen. Dickson, who was Gen. Wheeler's successor at the Watertown Arsenal—stated to me that there was nothing of the kind in contemplation; that it was not necessary for the Government to acquire any land or dwelling houses in connection with the Watertown Arsenal; that the problem at Watertown was a question of transportation; and that if certain things were done in the way of improved transportation facilities which this bill gives the Secretary of Labor the power to do, it would not be necessary to spend any money there for land and dwelling houses. I found, however, that the rumor still persisted. And it was confidently asserted by certain real estate operators in Boston that if the Secretary of Labor was given the authority which this bill gives him that a large tract of land and dwelling houses would be purchased by the Government, whether the Ordnance Bureau or the War Department approved of the idea or not.

Now, it seems to me that the Secretary of Labor ought to be given the power to furnish all the housing that is necessary, and I am heartily in favor of the bill. I would not delay the passage of this legislation for one minute, but I submit that the Secretary of War or the Secretary of the Navy are in a better position to know in what parts of the country they need to have this housing provided than the Secretary of Labor can possibly be. We all know that parties who have an ax to grind may come down here to Washington and see Mr. Eidlitz or some of his subordinates, and may apparently make out a good case, and Mr. Eidlitz may recommend the purchase of land and buildings; and the first thing we know a contract may be entered into and property may be purchased which the War Department or the Navy Department may think unnecessary or may even oppose.

Mr. BARNHART. It was developed in the hearings that the Secretary of War and the Secretary of the Navy, and even the Secretary of the Treasury, considered that this housing question was so completely and so fully attached to the question of labor itself and the securing of labor that they should go hand in hand, and they all conceded that the Department of Labor was the department it should be referred to.

Mr. DALLINGER. I admit everything that the gentleman from Indiana has said, but I still insist that the Secretary of War or the Secretary of the Navy, as the case may be, ought to first request the Secretary of Labor to furnish housing in certain particular places before that housing is furnished. In support of this contention I have cited a concrete case, where the Ordnance Department, which has charge of a particular Government arsenal, does not think it necessary for the Government to take a large amount of land and buildings, and yet the Secretary of Labor may go ahead and do it. Now, it seems to me a simple matter for us to say that the Secretary of Labor shall do what you have given him the power to do, but that he shall do it only at the request of the Secretary of War or the Secretary of the Navy whenever they deem it necessary in the carrying out of their war program.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. BURNETT. Mr. Chairman, I desire to oppose the amendment. Will the Clerk read it again?

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk read as follows:

Amendment proposed by Mr. DALLINGER: Page 1, line 3, after the word "Labor" insert "when so requested by the Secretary of War or the Secretary of the Navy."

Mr. BURNETT. Mr. Chairman, we have been hearing recently a great outcry against red tape, and too much formality, too many administrators having to be consulted, too many bureaus having a hand in matters. Now, as has been said by the gentleman from Indiana [Mr. BARNHART], partly for the purpose of preventing just such circumlocutions as that, the various departments agreed that the Department of Labor should handle this proposition. If the amendment of the gentleman from Massachusetts is adopted, the very machinery that has been provided for, and that the gentleman from Kansas has had so many fits about to-day because $300,000 is to be expended, would still have to be used, and the procedure would be, first, to bring it to the attention of the Secretary of War or the Secretary of the Navy, and then perhaps to the Shipping and the various other commissions, whereas it should be done immediately. Surely skilled contractors, surely men expert in housing laborers would be informed about the various plants in the country and as to the needs of housing the laborers at those plants, and should be the ones to suggest the relief, if any is necessary. Ought they to wait and delay? Why not, wherever they find that necessity exists in their rounds examining these various activities, at once order that it should be done without the Secretary of War having to make an investigation or the Secretary of the Navy having to make an investigation, and then report to the Secretary of Labor, and have the Secretary of Labor order it to be done?

Mr. DALLINGER. I know that the gentleman from Alabama wants to be fair. He is putting up a straw man, however, and hitting at it. Does not the gentleman think that the Ordnance Department, that has absolute control of the Rock Island Arsenal and the Watertown Arsenal, would know more about the needs of the men at those institutions than the Secretary of Labor, who has ordinarily nothing whatever to do with them?

Mr. BURNETT. If they do, Mr. Chairman, they could communicate with the Secretary of Labor without submitting their wants to the Secretary of War and having the Secretary of War submit them to the Secretary of Labor. Surely they could bring it directly to the attention of the Secretary of Labor or the men who have charge of the actual construction.

Mr. DALLINGER. The gentleman does not understand the purpose of this amendment. I have no doubt, if there is a demand for this thing, it will be done. What I am trying to guard against is the expenditure of millions of dollars in my district, or in any other district, where there is no demand for it. The Ordnance Department are in constant touch every day

with the Watertown Arsenal, and they know just what are the needs of the men who work in the arsenal, and I contend that this thing should not be done over their heads when it is not necessary. If they want it, they simply say to the Secretary of War, "We need the housing done," and the Secretary of War says to the Secretary of Labor, "We want housing at Watertown," and the Secretary of Labor goes ahead and provides it.

Mr. BURNETT. Mr. Chairman, the gentleman has made a speech in my time longer than the speech that I have made. If the gentleman is right, that it will be properly submitted, then why have it stated in the law? He talks about it not being needed there. I venture the assertion that he and his people will be among the very first to come down here and ask that houses be built, and I suggest that the gentleman should not let some of his remarks go into the RECORD, because they might rise up to plague him hereafter, when the people of Watertown are coming to the Secretary of Labor and asking him to build additional houses to take care of the increased number of laborers that they have there.

Mr. Chairman, I hope the amendment will not be adopted. What we want to do is to cut out red tape. The gentleman's amendment would tie us up with red tape. [Applause.]

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SNYDER. I want to say that I heartily agree with the gentleman from Alabama on that subject. Let us put some one in who has responsibility, and hold him responsible, and do business.

Mr. BURNETT. I am glad the gentleman has so much confidence in the Secretary of Labor. I have much confidence in the opinion of the gentleman, and am glad that he has so well fortified and strengthened the views that I have tried to express.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(a) To purchase, acquire by lease, construct, requisition, or acquire by condemnation or otherwise such houses, buildings, furnishings, improvements, local transportation, and other community facilities and parts thereof as he may determine to be necessary for the proper conduct of the existing war.

Mr. LONDON. Mr. Chairman, I move to strike out the words "for the proper conduct of the existing war" on page 2, line 2.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 2, lines 2 and 3, strike out the words "for the proper conduct of the existing war."

Mr. LONDON. Mr. Chairman, the phrase "for the proper conduct of the existing war" is absolutely meaningless in this paragraph. The Secretary of Labor has nothing to do with the conduct of the war. He can not by constructing a dozen or two buildings or by entering into leases help properly conduct the war. But from the use of this phrase, "the proper conduct of the existing war," you can see the fear of the Committee on Public Buildings and Grounds that the time might come when the Government might desire to utilize some of these structures, erected at the expense of Uncle Sam, and use them permanently, for the permanent benefit of the community in which these buildings will be reared, or for the permanent benefit of the Government employees, or for the permanent benefit of employees in munition industries which may some day be taken over by the Government, and this the committee is determined to prevent. The expression "for the proper conduct of the existing war" is absolutely meaningless, and the necessity of striking it out should be apparent to you, notwithstanding the fact that I have offered the amendment.

Mr. CANNON. Will the gentleman yield?

Mr. LONDON. I do.

Mr. CANNON. If it is meaningless, why strike it out?

Mr. LONDON. Because the chairman of the Committee on Public Buildings and Grounds is a good lawyer, and I do not like to see his handiwork spoiled by meaningless phrases. To be serious, the phrase is either meaningless or its meaning is bad.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

The amendment was rejected.

The Clerk read as follows:

And to equip, manage, maintain, alter, rent, lease, exchange, sell, and convey such lands, or any right, title, or interest therein, houses, buildings, improvements, local transportation, and other community facilities, parts thereof, and equipment upon such terms and conditions as he may determine.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 2, line 15, after the word "determine," strike out the period, insert a colon, and add the following language: "*Provided*, That no sale and conveyance shall be made hereunder on credit without reserving a lien on such property for the unpaid purchase money."

Mr. BLACK. Mr. Chairman, under this paragraph C the Secretary——

Mr. CLARK of Florida. If the gentleman will permit me, the committee are willing to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee if it is contemplated under the provision of these sections that are now being considered, in view of the amendment adopted to the first paragraph of section 1, that the existing street railway facilities here in the District of Columbia may be taken over or leased in connection with the relieving of the congested situation, and whether there was anything of that sort brought out in the hearings?

Mr. CLARK of Florida. I have heard no discussion of that at all. There has not been any.

Mr. WALSH. But the language would be broad enough to do that, would it not?

Mr. CLARK of Florida. I think they could do it; yes.

The Clerk read as follows:

(d) To aid in providing, equipping, managing, and maintaining houses, buildings, improvements, local transportation, and other community facilities by loan or otherwise to such person or persons and upon such terms and conditions as he may determine.

Mr. CLARK of Florida. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The gentleman from Florida has at the desk an amendment, which the Clerk will read.

The Clerk read as follows:

Committee amendment: Amend by inserting as a new paragraph immediately following paragraph (d) the following:

"(e) To take possession of, alter, repair, improve, and suitably arrange for living purposes, to be used under the terms of this act, what is commonly known as the Maltby Building, as well as all other houses on square 633, owned by the United States, together with any other houses in the District of Columbia owned by the Government and not now occupied. The Secretary of Labor shall in the construction of buildings in the District of Columbia make use of any lands owned by the Government of the United States deemed by him to be suitable for the purpose and which have not heretofore been dedicated by act of Congress for specific buildings."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

As I was passing the Maltby Building this morning I saw considerable activity about the building in the way of removing old furniture that has been housed there since the building was last occupied. As I saw the furniture being removed, I thought perhaps the Government had taken or made arrangements to take possession of that building for office purposes. Has the gentleman any information as to whether any department has taken a position for that purpose?

Mr. CLARK of Florida. No; I have not. I will state that my last information from Mr. Woods, the Superintendent of the Capitol, was that this property was available for this purpose.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

The Secretary of Labor may exercise any power or discretion herein granted, and may enter into any arrangement or contract incidental thereto, through such agency or agencies as he may create or designate: *Provided*, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable to so construct them: *Provided further*, That whenever it is practicable to use any part of the clerical or field force of the Office of the Supervising Architect of the Treasury Department in or about any of the work contemplated by this act, the Secretary of Labor shall do so: *And provided further*, That every contract for the lease of ground upon which the Government contemplates the construction of a building under authority of this act shall contain a provision giving the Government an option to purchase the same for a stated consideration.

Mr. CLARK of Florida. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Strike out in line 2, page 3, the words "to so construct them."

Mr. CLARK of Florida. Mr. Chairman, I will state that the purpose of that amendment is this. The proviso reads—

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable to so construct them.

The committee thought that the words "to so construct them" would leave it to apply to temporary buildings everywhere, because it would be practicable to so construct them. The committee thought that the words had better be omitted.

Mr. PHELAN. Mr. Chairman, I am not going to oppose the amendment, but I would like to state my position in this matter. I was opposed to the proviso at the bottom of page 22:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable to so construct them.

I think it would have been better to have left out the whole proviso. It was afterwards voted to amend it as the chairman has proposed to amend it, and I am not going to object, but I think it would have been better to omit the whole proviso.

Mr. SUMNERS. Mr. Chairman, I offer a substitute for the amendment.

The Clerk read as follows:

Page 2, line 24, after the word "designate" strike out down to and including the word "them" on line 2, page 3.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order that that is not a substitute for my amendment.

Mr. SUMNERS. Mr. Chairman, I believe the point of order is well taken. I would like to have the amendment pending and I will offer it later.

The CHAIRMAN. The point of order is sustained, and the question is on the amendment offered by the gentleman from Florida.

Mr. MERRITT. Mr. Chairman, I want to offer an amendment to the amendment. Between the word "is" and the word "practicable" on line 2, page 3, insert the words "desirable and."

Mr. BURNETT. Mr. Chairman, I make the point of order that that is not an amendment to the amendment.

The CHAIRMAN. The point of order is sustained. The question is on the amendment of the gentleman from Florida.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. As I understand the position, the amendment offered by the gentleman from Connecticut was to insert after the word "is" the words "desirable and." I take it that that is a perfecting amendment.

The CHAIRMAN. The gentleman offered it as an amendment to the amendment of the gentleman from Florida.

Mr. STAFFORD. Is not the amendment of the gentleman from Connecticut a preferential amendment inasmuch as the amendment of the gentleman from Florida is a motion to strike out?

The CHAIRMAN. The gentleman offered it as an amendment to the amendment.

Mr. STAFFORD. If he had offered it as an amendment to the paragraph, would it not be in order before the amendment of the gentleman from Florida?

Mr. WINGO. Mr. Chairman, the amendment of the gentleman from Florida is an amendment to strike out, while the motion of the gentleman from Texas was a motion to strike out the same language with additional language. I can understand that the Chair did not quite grasp that.

The CHAIRMAN. The gentleman from Texas offered his amendment as a substitute. He can offer it later.

Mr. MERRITT. Mr. Chairman, I offer my amendment as an amendment to the paragraph——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 2, after the word "is," insert the words "desirable and."

Mr. CLARK of Florida. Mr. Chairman, we have no objection to that amendment.

Mr. CANNON. What does that mean, "desirable and practicable"? "Practicable" means to determine whether or not it is a good thing to do. "Desirable" means the exercise of discretion.

Mr. CLARK of Florida. I suggest to the gentleman that the committee accepted the amendment because it leaves the whole thing to the discretion of the Secretary of Labor, anyway.

Mr. CANNON. Then what is the use of the amendment?

Mr. CLARK of Florida. I do not see there is any use of it. I did it to save time.

Mr. CANNON. I think it does make a difference, because it allows the Secretary of Labor, or someone else who would control, to say that he does not think it is desirable to put up anything but a cement building or a brick building and finish it with mahogany, and so on.

Mr. CLARK of Florida. I do not think it is at all necessary, but, as I say to the gentleman, I did it simply to save time and hurry on.

Mr. CANNON. If it does not mean anything, let us not put it in, because I think "desirable" is too broad. Suppose the gentleman from New York [Mr. LONDON] was the Secretary of Labor, or suppose he occupied the place of Mr. Eidlitz, he would not think it was desirable at all to put up anything except a first-class residence or a hotel that would stand through the ages. I think we had better stick to the text.

Mr. CLARK of Florida. Very well. Let us have a vote upon it.

Mr. BURNETT. Mr. Chairman, I desire to be heard in opposition to the amendment.

The CHAIRMAN. The chair will recognize the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, in response to what the gentleman from Illinois [Mr. CANNON] has said, I would call the attention of the committee to paragraph (d), which provides, in certain cases, for loans. Obviously, if the Government is going to use other builders' or loan money, they must have some provision for loaning upon permanent improvements, and, therefore, I thought it was desirable, and I still think it desirable, to put in the words "desirable and practicable," so as to cover those contingencies. I think there will be some cases where only permanent buildings will be desirable, and others not.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. CANNON. I wish to God the loan could be made all along the line upon good security for these buildings, because we would get the money back, and we would not be bothered further with it; the owner could deal with that.

Mr. MERRITT. I agree with the gentleman.

Mr. CANNON. But that is passed; (d) is passed.

Mr. MERRITT. That is true, but this has to do with (d). (d) provides that you can loan, and this provides that they shall always be made temporary where practicable, and "practicable" refers to the practicability of the building and not to the business practicability, and the word "desirable" refers to the business point of view.

Mr. BURNETT. Mr. Chairman, I desire to be heard in opposition to the amendment. I think the statement of the gentleman from Illinois [Mr. CANNON] is eminently correct. There is a great deal of difference between "desirable" and "practicable," and by striking out the three words which we eliminated by the amendment just offered by the chairman we took away the very construction that the gentleman who offered the amendment put upon it. He said it is practicable at any time to construct buildings. That is the trouble with the bill without the amendment, it is always practicable to construct a temporary building, and if you just stop with the word "practicable" it leaves the question as to whether under all of the conditions—that is, taking into consideration the neighborhood in the city in which a permanent or a temporary building shall be constructed, and all other considerations—a temporary or permanent building ought to be constructed. By striking out those words we have left the practicability as to the character of the buildings open; it is all then to be taken into consideration as to whether it was practicable to construct a particular kind of building. But if you put in that word "desirable" you have enlarged the scope very much and you have then put it in the hands of the Secretary of Labor or some one else to say whether he desires a temporary of a permanent building, whether he desires a temporary building at one place and a permanent one at another. It gives him too much power. I would be glad, as suggested by some gentleman here to-day, if every one of the buildings could be of a temporary character, because I have never been imbued with the optimistic idea that after this war is over we are going to get back anything like the cost of the construction of the buildings. I believe that the Government is going to lose money when the war is over, but it is war emergency and we have to look it in the face even if loss has to be incurred. Therefore, as I said, I would have been glad, believing, as I do, that losses will be incurred, if all could have been constructed of a temporary character, but we knew that the regulations in some cities would not permit that, we knew that conditions were such that it would not do to erect temporary buildings in all localities, but we wanted to show that the desire of the committee was that whenever it is practicable buildings should be of a temporary character.

But I am not willing to go on and enlarge it so as to leave it to the unlimited desire of anybody, whether he is a Democratic or Republican Secretary of Labor, as to what the character of the buildings shall be. Therefore I believe that the amendment of the gentleman ought not to be adopted. Now I yield to the gentleman from West Virginia.

Mr. REED. Will my colleague permit me to offer a substitute to substitute the word "expedient" for the amendment of my friend?

Mr. BURNETT. Mr. Chairman, I do not believe it needs any amendment. I do not believe you can strengthen it any, and I am afraid you will weaken it because it now expresses something strong, and, so far as I am concerned, I want it to express something strong, and that is wherever practical these buildings must be of a temporary character, and that reflects the views of most of the members, if not all the members, of our committee, except, perhaps, my good friend Mr. PHELAN, who said awhile ago that his idea was that we ought to strike out the entire proviso. If we do strike it out, that is equivalent to saying that this Committee of the Whole does not care whether they build temporary or permanent buildings, but if it goes on in this way it is the expression of the committee that reported it and the committee that acted on it here to-day that wherever it is practical to do so we expect them to build temporary structures and no other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'SHAUNESSY. I ask unanimous consent that the gentleman be given two minutes in which to answer some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island that the gentleman from Alabama be permitted to proceed for two minutes? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. Mr. Chairman, I think this is a very important question. I was called away to the meeting of another committee, and I want to find out about what took place during my absence.

Mr. BURNETT. I could not undertake to tell the gentleman all that occurred.

Mr. O'SHAUNESSY. The gentleman could not tell me?

Mr. BURNETT. I could not.

Mr. O'SHAUNESSY. I pity the gentleman.

Mr. BURNETT. Well, that is a compliment to me; whenever I have the gentleman's pity it is a compliment.

Mr. O'SHAUNESSY. I meant to say to the gentleman the committee must have had a really hot time.

Mr. BURNETT. A good time; that is true.

Mr. O'SHAUNESSY. I want to ask the gentleman if I understood him to say that if this amendment is rejected that we, in effect, say to the administrator, "We do not want you to put up any permanent buildings except where they are absolutely necessary; that we set our faces against permanent buildings."

Mr. BURNETT. That is not my idea; that is not what I want to do.

Mr. O'SHAUNESSY. I understand that there will be a grave necessity in some places, of course, to put up permanent buildings; I mean permanent buildings, for instance, for workmen; and if the workmen will pay for those buildings on the plan indicated in the report, what objection would there be to that?

Mr. BURNETT. That is authorized under this bill, and this question of practicability comes in so we leave it to the commission or to the Secretary of Labor. What I want is that I do not want these buildings to be ornamental buildings that some civic organization of a city wants to undertake to put up in order to help beautify the city. That is not what these appropriations are intended for in these extreme war times.

Mr. O'SHAUNESSY. I will say to the gentleman from Alabama that that was the explanation I was looking for, if it contemplated homes for workmen.

Mr. BURNETT. Oh, absolutely.

Mr. O'SHAUNESSY. That is in the inhibition.

Mr. BURNETT. Just one moment, if the gentleman pleases, we realize if we want to get the most expert workmen, which we need in many of these factories, we will have to have some permanent class of homes, and all of this comes in the question of practicability.

Mr. PHELAN. Mr. Chairman, I favor the amendment if it means what I think it means, that it gives greater discretion to the Secretary of Labor. I have already stated I was opposed to the proviso. I think the whole matter as to permanent or temporary houses in each case ought to be left to the discretion of the Secretary of Labor. We have given him almost unlimited power in other parts of this bill. We let him arrange for the rent; we let him arrange for the terms of sale, if there are any terms of sale, for the price and number of years to be taken to pay for these buildings, if they are bought by workers; we have left to his discretion entirely the contracts he makes with individuals and corporations, and yet we tie him up in one of the most important parts of the bill.

Now, whether we put up temporary buildings or permanent buildings, the cost is not going to be a great deal different. The cost of temporary buildings, if they are going to be fit to live in, will not be a great deal less than permanent buildings, and when we get all through with them the temporary buildings will be worth absolutely nothing, while permanent buildings will be worth a great deal. Taking the point made by the gentleman from Illinois, if I understood him properly, he stated he hoped to see as much money loaned as possible. Under this bill is it intended, wherever practicable, money shall be loaned by the Government to firms, corporations, or even individuals who desire to put up the houses themselves, make advances to them, and let them build the houses and subsequently acquire them? If you indicate by the action of this committee that we prefer temporary buildings, the Secretary of Labor may be handicapped in disposing of those buildings to corporations. He can not dispose of temporary buildings and take back loans on them, if that should prove desirable, after the buildings are erected by the Government.

More than that, Mr. Chairman, if we are going to get the workers to live in these buildings we have got to give them decent places of abode. We could not get expert workmen with their families to go into places that are only temporary unless the temporary structures are mighty good ones. And if we have temporary structures with modern conveniences and fit to house men and women and children in a proper way, then we are going to spend almost as much money for them as for permanent structures. I believe from every point of view it is better to leave the discretion with the Secretary of Labor and not tie his hands and not limit him or restrict him. I think in the end we will get much better results.

To conclude, Mr. Chairman, I will repeat what I said before, that we have given almost unlimited power under the provisions of this bill to the Secretary of Labor. I do not think we ought to confine him in this respect. I think we ought to leave the matter in his judgment, and without any restriction or indications of how we feel in this matter, but leave it to him in the individual cases coming before him as to whether the buildings shall be temporary or permanent.

Let me add one thing. Let us see what we are doing with some communities. We are going into these communities and put up such buildings as the Secretary of Labor and those employed by him desire to put up. If, acting on this suggestion on our part, he puts up temporary buildings, what is going to become of them? Are they going to be left there as an eyesore, sold to some one and maintained in a dilapidated condition after this war is over? I say that we ought not to create the impression in this bill and indicate too strongly to the Secretary of Labor that we want temporary buildings, but should leave it, as we leave other matters in this bill, to his discretion.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman may have one additional minute, so that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDY. The gentleman's reasoning was fast convincing me. He was going on the ground that some owner of land might want to borrow money and erect a good structure and lend it to the Government, but this proviso applies only to structures to be built by the Government and does not apply to parties who might borrow money from the Government and give good security for its return. That part of the gentleman's argument——

Mr. PHELAN. The buildings can be erected by the Government and still money be borrowed on them by private individuals. The buildings can be constructed. It can be done in any way the Government sees fit to do it. The loan might be made subsequent to the erection of the buildings.

Mr. HARDY. This is only for Government-erected buildings.

Mr. CANNON. Mr. Chairman——

Mr. CLARK of Florida. Mr. Chairman, I want to see if we can not reach some conclusion. I want to ask unanimous consent that all debate on the pending amendment close in five minutes.

Mr. GREEN of Iowa. This is one of the most important matters in the bill.

Mr. SUMNERS. Reserving the right to object——

Mr. CLARK of Florida. How much time does the gentleman from Iowa want?

Mr. GREEN of Iowa. I would like to have five minutes.

Mr. SUMNERS. I want at least five minutes. Mr. Chairman, a parliamentary inquiry——

Mr. CLARK of Florida. On the pending amendment?

Mr. SUMNERS. A parliamentary inquiry. Will the gentleman permit me to make an inquiry of the Chair?

Mr. CLARK of Florida. Certainly.

Mr. SUMNERS. Mr. Chairman, I have an amendment which proposes to strike out the provisio which begins at the bottom of page 2.

The CHAIRMAN. The Chair understands that amendment and will recognize the gentleman later for that purpose. There are two amendments pending now.

Mr. SUMNERS. There are two amendments pending to this proviso. My parliamentary inquiry was whether or not it would be proper to consider the motion to strike out the whole proviso at this time?

The CHAIRMAN. It would not. The motion to perfect the text has preference over a motion to strike out.

Mr. CLARK of Florida. Does the gentleman from Texas desire time on this amendment?

Mr. SUMNERS. No, sir; I do not.

Mr. CLARK of Florida. Mr. Chairman, I move that all debate on these amendments close in 18 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on the pending amendment close in 18 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. CANNON) is recognized for five minutes.

Mr. CANNON. Let me read that proviso:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character wherever it is practicable to so construct them.

There is a proposal to strike out the words "to so construct them," to which I have no objection, and then comes the amendment, and later on comes the amendment to strike out the proviso.

Earlier in the bill it is provided that loans may be made to construct these buildings. Practically loans would be made to people who would desire to construct and own them, and they would have to give good security, and so forth. Therefore I said I was quite willing, because we would be sure then to get back the money in the end, provided the security was good.

Now, I do not know that I can add anything to what the gentleman from Alabama [Mr. BURNETT] has said, and possibly what I may have indicated by asking the question. I am for the construction of these buildings as a war measure. Great heavens! Suppose the Secretary of Labor should die and my friend LONDON should be appointed Secretary of Labor, or my friend from California, or my friend from anywhere else, who proposes to accomplish a double object, namely, something as a war object exclusively, and also something as a peace measure. These buildings, wherever practicable, ought to be temporary. If we lose on them, well and good. That is a war loss. Peace will come, and let us go back without any clogs to consider what would be proper to do at that time.

Mr. BURNETT. Mr. Chairman, will the gentleman yield for just one question?

Mr. CANNON. Yes.

Mr. BURNETT. A gentleman from New York has just called my attention to another fact that I did not realize, and that is the immediate necessity of immediately constructing these buildings, and therefore temporary buildings could be more quickly constructed than permanent buildings.

Mr. CANNON. Absolutely. Good heavens! Are we not going to tear down these buildings that cost millions of dollars on the Mall and right across from the Lincoln Memorial? Certainly. They are temporary buildings. Why? We have to have them quickly to house the employees. They are sanitary. It is wholly a question of practicability. "Practicability" covers it. I would not trust myself, I would not trust anybody, where the policy is to build temporary buildings and where it is a war measure, to go out and to determine whether it was desirable or not, or how it should be ornamented, or how it should be finished inside, and all that kind of thing.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GORDON. What does the gentleman think about the provision passed here of vesting in the Secretary of Labor the power to appropriate such money as he may think necessary for the proper conduct of the war? I was absent from the Chamber when that section was passed.

Mr. CANNON. I think that has been passed.

Mr. GORDON. I would like to have the gentleman's opinion about it.

Mr. CANNON. That is a discretion that we have given to the President. Good heavens! We have given him enough power to move the world, and I hope and trust he will use the power when necessary for the successful prosecution of the war and only for such success.

Mr. GORDON. You have given it not to the President, but to the Secretary of Labor, to decide what is necessary to win the war.

Mr. CANNON. Yes. I take it that the Secretary of Labor, if he has any regard for his scalp, will not go to work at the Watertown Arsenal, for instance, and build something that is not necessary. I should guess he would find out whether it was necessary for the public interest to do it, and so on. I am not exactly pleased with this bill all around, but nevertheless I will vote for it if I can get it substantially as it stands, with an amendment or two later on to be offered.

Mr. GREEN of Iowa. Mr. Chairman, in my opinion this provision ought to stand substantially as it is. It is the one limitation that is contained in this bill. It is the one indication that the framers of the bill cared how the money which was appropriated is going to be spent. It is the one indication that we have that they thought for a moment as to whether the resources of this Government could continue to be thrown out in the way that they have been poured forth by the numerous bills that we have been passing lately.

Mr. Chairman, not long ago we passed a bill here of the same character, in some respects worse, and in some respects better than this bill, providing for the appropriation of $50,000,000 to be used by the Shipping Board for the purpose of housing the shipbuilding workers. And what do we find? When we come to the hearings upon this bill we find page after page taken up with testimony as to no houses being built for these workers, and as to the need of houses for them, with the evident expectation that some of this money is going to be appropriated for that purpose. I doubt whether any of it will be, but it is one of the excuses why this bill is brought forward at this time. Even the gentleman from Massachusetts, last Saturday, told how they did not have any houses at Fore River for the shipbuilders there. Apparently he had forgotten all about the fact that we had appropriated $50,000,000 for the purpose of constructing building to house those workers.

Gentlemen have stated that six or seven hundred million dollars will eventually be expended in housing these workers, and that is given as a reason why we should pass this bill at this time without anybody knowing how much they expect to expend in any particular place, without having offered any estimates as to how much would be needed at any particular place, without any statement as to the kind of buildings that should be constructed, except this one bare statement here, which ought to be retained in order that there shall be some limitation.

Now, I say that it will run six or seven hundred million dollars that we will spend for the housing of these workers. It will run a billion dollars if we keep on in this kind of a way with these lump-sum appropriations, authorizing them to be spent in any manner whatsoever that the Secretary of Labor may determine. And I do not care whether it is the Secretary of Labor or the Secretary of the Treasury, or who it is, if there is no effort made to limit these appropriations there will be no limit to the amount of them. That is what we have got here. Gentlemen seem to think that the resources of this country are so boundless that we can go on appropriating in $500,000,000 here and $500,000,000 there, and $50,000,000 here and $50,000,000 there to all eternity, apparently forgetting the fact that we will need twice as much next year if this war goes on; and it will go on next year if we win it. Instead of coming in here with a detailed statement that so much is needed at Bethlehem for so many houses of such a character, we have not a word or a line of testimony in the hearings about that, not a word of information from anyone as to where this money is to be spent, as to how much is to be spent in this place or that place, or the kind of buildings to be constructed. We have only this bare limitation, which it is intended in effect either to strike out or so to modify that it will amount to nothing, namely, that whatever buildings are constructed by the Government shall be of a temporary character. That is what they should be. They will be constructed near some of these factories; they will be constructed where they will not be wanted after the war is over, because this demand is all abnormal. They ought to be of a temporary character. There is every reason why they should be of a temporary character.

Mr. CLARK of Florida. Will the gentleman permit me just a moment?

Mr. GREEN of Iowa. Yes.

Mr. CLARK of Florida. I want to say to the gentleman that it was the purpose of the committee in drafting this provision to fix it so that temporary buildings would be built at those places where the communities were transitory.

Mr. GREEN of Iowa. Quite proper.

Mr. CLARK of Florida. And where the activities would be wound up after the war is over, but in cities it was intended to build permanent ones, if it was thought best to do so, because of the permanent demand.

Mr. GREEN of Iowa. It will be entirely unnecessary. If these buildings are to be constructed in places where there will

be a permanent demand, then there will be somebody who will be willing to put up these buildings on a loan from the Government and own them afterwards. There is no necessity for the Government buildings being of anything except a temporary character, and nothing else ought to be built.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from West Virginia [Mr. REED] is recognized for one minute.

Mr. REED. Mr. Chairman, I have no desire to take up a minute. I want to amend the amendment of my colleague [Mr. MERRITT] by striking out the word "desirable" and substituting the word "expedient." I think the wisdom of that will suggest itself to the Members without argument.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] is recognized for five minutes.

Mr. HULL of Iowa. Mr. Chairman, I do not know that I need to take up very much of your time, but I do want to say that this is a very important section of this bill. I believe this bill is a good one, and that we ought to have confidence enough to leave with those who are going to administer it all the things that are in the bill. I am in favor of the amendment of the gentleman from Connecticut [Mr. MERRITT], but I am more in favor of the amendment of the gentleman from Texas [Mr. SUMNERS], to strike out all reference to temporary buildings. I am in favor of that for this reason. I believe that it will save this Government a great deal of money. There are two propositions, one to build houses of a transitory character and the other at places like Davenport and Rock Island, where there is a permanent community. In this instance the buildings ought to be permanent and built in connection with the corporations that only want to borrow the money. They will pay all of the money back to the Government, and you will save money in the end. If you have in this bill this provision that seems to bind the Secretary of Labor to build temporary buildings, you may interfere with the plans of these communities to make these buildings permanent.

Mr. BURNETT. That only applies where the Government is to build the buildings. If they want to borrow the money, there is no limitation.

Mr. HULL of Iowa. If I was satisfied that the gentleman from Alabama was right, I would say it was all right, and you would not need to amend the bill. I am not satisfied that the language is not too vague. You have in it the provision that they shall be of a temporary character wherever practicable. I do not know how far that will go or how far some one will interpret it. I am in favor of striking out, as the gentleman from Texas proposes, all reference to temporary structures.

Mr. LONDON. Mr. Chairman, I again desire to emphasize the danger of prohibiting the Secretary of Labor from constructing buildings of a permanent character wherever and whenever permanency is to be preferred. The language to which I object will practically make it obligatory on the Secretary of Labor to construct buildings of a temporary character only. This is a direction to the Secretary of Labor to construct temporary structures. We will find ourselves with the work in the same position in which a great deal of the work is done under the river and harbor bill to-day. You will appropriate a certain amount of money in connection with river and harbor work, and then there will be an agitation throughout the country that it is pork-barrel legislation and there will be no appropriation for a year or two, and all the moneys expended in connection with the work is wasted and you have to begin all over again.

Wherever and whenever the Secretary finds it necessary to establish structures of a permanent character, and wherever and whenever the difference between the permanent and temporary structure is slight, it should be left to the Secretary of Labor and to his intelligence and to the men charged with this great work to choose whether the permanent expenditure of the people's money should not be applied to erect structures that will be of lasting value.

The CHAIRMAN. The question is on the amendment of the gentleman from West Virginia to the amendment of the gentleman from Connecticut to strike out the word "desirable" and insert the word "expedient."

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Connecticut [Mr. MERRITT].

The question was taken; and on a division (demanded by Mr. MERRITT) there were 21 ayes and 26 noes.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Florida [Mr. CLARK], which the Clerk will again report.

The Clerk read as follows:

Strike out, in line 2, page 3, the words "to so construct them."

The question was taken, and the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Strike out, in line 3, page 3, the word "clerical" and insert in lieu thereof the word "office."

The CHAIRMAN. The Chair will state that the Chair promised to recognize the gentleman from Texas [Mr. SUMNERS] to move to strike out the proviso.

Mr. SUMNERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 24, after the word "designate," strike out all down to and including the word "practicable," on line 2, page 3.

Mr. GRAHAM of Illinois. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Illinois. I have a perfecting amendment to this same clause, and the question in my mind is whether if I waive my rights to ask for recognition it will be too late.

The CHAIRMAN. A motion to amend takes precedence over a motion to strike out.

The Clerk will report the amendment of the gentleman from Illinois [Mr. GRAHAM].

The Clerk read as follows:

Page 3, line 2, after the word "practicable," insert: "Except in cases where such buildings are erected for the purpose of the housing of employees or industrial workers at any arsenals of the United States, where such buildings may be permanent if the Secretary shall determine the same to be for the public interest and where such permanent buildings are capable of being used as a part of the permanent plant of such arsenal."

Mr. GRAHAM of Illinois. Mr. Chairman, the chairman of the committee thinks that the substance of my amendment is already included within the section as it stands. If that is true, I do not care to press this amendment. However, I was in doubt about it. If the chairman is right about this thing there is no necessity for the amendment. Here is the object of the amendment, and the committee will judge for itself whether it is necessary. The amendment provides that these buildings shall be of a temporary character, except in cases where they are erected for the housing of employees at a Government plant or arsenal, where they may be permanent if the Secretary of Labor thinks it necessary and where they can be thereafter used as a part of the permanent plant of the institution.

Mr. BURNETT. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BURNETT. If your amendment was agreed to it would be a part of the act.

Mr. GRAHAM of Illinois. Yes.

Mr. BURNETT. Then would it not apply to that just as it will to any other part of the act? Would not the construction of the buildings apply as well to that as a part of the act as to any other part?

Mr. GRAHAM of Illinois. Yes; but let me ask this question, which will resolve the doubt in my mind: For instance, take the arsenal at Watertown. Suppose the Secretary finds it is necessary to build some buildings to take care of those employees. It may be quite practicable to build a temporary building, and under the language of the statute, if it is practicable, the direction is there to build them, while it may not be desirable or the thing to do or the thing that you want him to do. I think the committee agrees with me that wherever it is practicable to use those buildings at permanent plants, or necessary, we ought to make them permanent if we can; but if the language of the bill is broad enough to do that, I am satisfied. I agree with the committee in their idea.

Mr. BURNETT. As to the particular character of the buildings, in the debate it has been made apparent, it seems to me, that the matter of practicability took into consideration all the surroundings and conditions.

Mr. GRAHAM of Illinois. Let me ask a question of the chairman of the committee, if he will give me his attention. In the opinion of the chairman, is this bill capable of the construction now that if the Secretary of Labor goes to a Government plant and wants to take care of the employees there he has the right to build a permanent building?

Mr. CLARK of Florida. Absolutely. It is entirely within his discretion. Your amendment, if adopted, would still leave it in his discretion.

Mr. GRAHAM of Illinois. Oh, yes.

Mr. CLARK of Florida. That is where it is now.

Mr. O'SHAUNESSY. I would like the chairman to answer a question that I have in my mind. Does the chairman base that opinion on the presence of the word "only," in line 1, page 3?

Mr. CLARK of Florida. "Houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable." Otherwise they should be permanent.

Mr. O'SHAUNESSY. If the gentleman will permit, I think the opinion of the committee, if I may be permitted, would be this: That in case it is necessary to build permanent structures, we should give that right and give it specifically to the Secretary of Labor.

Mr. CLARK of Florida. He has got it. We provide in the bill for the sale of those houses after the war.

Mr. O'SHAUNESSY. That has not got anything to do with the construction of permanent buildings. I doubt if this language effectuates the committee's intention.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

Mr. SUMNERS. Mr. Chairman and gentlemen of the committee, I regret very much to oppose the Public Buildings and Grounds Committee, of which committee I was for a number of years a member. Especially do I regret to oppose my good friend, the able chairman, who has this bill in charge.

There are two ideas in the House with regard to these improvements. One is that wherever the Government can it ought to make these buildings temporary; the other is, wherever the Government can, where there is a community need for it, the Government ought so to construct these buildings that they can meet that permanent community need when the war is over. It has been suggested here that we have limited resources and therefore should erect temporary buildings. The gentleman from Iowa [Mr. GREEN] suggested that. It is true our resources are limited, but I call the attention of gentlemen to what really constitutes the resources of a nation. It is not money in the final analysis, it is lumber, concrete, iron, and things of that sort; that is what constitutes the real resources of a nation. These buildings will belong to the people of the Nation. They will be put up by all the people of the Nation out of their resources and as a tax upon their resources. I can not discover common sense in taking the people's money, buying lumber, sawing the lumber up, leaving spaces for doors and windows, driving nails into it and shaping it into a building, and then tearing down the structure at the end of the war, selling the lumber and other material for a song, while somebody else comes along, takes new lumber, and builds a permanent building on the same spot. That is not conserving resources; that is wasting them. We ought not to build permanent buildings where there is not a permanent need. But let us see what is in the mind of the committee. Why not leave the character of buildings to the Secretary's discretion by striking out this proviso?

Gentlemen, you do not leave that matter to his undirected discretion. You indicate to him what you want him to do, and that is to favor the temporary type. You are speaking as the legislature of the Nation originating this proposed activity, and you say to the Secretary of Labor, "You shall erect buildings of a temporary character in preference to permanent buildings." Now, why do you put in the word "temporary" unless you want him to give preference to the temporary buildings wherever he can? You not only do that, but you put the word "only" in there. I say to you, gentlemen of this committee, that no Secretary of Labor, if he respects the direction of the legislative body which confers authority upon him, will erect a permanent building where he can "get by" with the erection of a temporary building. No; it ought to be just the other way around. We ought not to take the people's money, invest it in lumber that is to be sawed up and driven full of nail holes and into concrete and other material which is to be used during the continuance of this war, perhaps for two or three years, and then torn down, when there is a community need for that lumber and material in houses of a permanent character. Why not put up such houses now and save the economic waste of labor and material? But the contention of the committee is that the Secretary of Labor will have the discretion to do that. Why not leave him with unbridled and unhampered discretion? Why do you put the word "temporary" here at all? Why do you put the word "only" in here? The fact is that when the Secretary of Labor is vested with the power to be conferred hereunder he will receive it with the mandate from the legislature of the Nation to put up temporary buildings in preference to permanent buildings, and that is contrary to every principle of conservation of material, money, and labor. The policy ought to be permanent buildings, unless there is a good reason for temporary ones, instead of the other way around as is provided for in this bill.

Mr. RUCKER. Will the gentleman yield?

Mr. SUMNERS. Yes.

Mr. RUCKER. It is contemplated that many of these buildings are likely to be built upon leased ground. Would the gentleman put up a permanent building on leased ground?

Mr. SUMNERS. I certainly would not, nor would I put up a permanent building where there is only a temporary need; neither would I put up a temporary building where there is a permanent need, giving due consideration to the urgency of the need and the difference in the length of time required to construct the two types of buildings. If the gentleman will note the language down near the end of this section, he will observe that it provides that whenever the Government puts up a building on leased ground it shall have the option to purchase.

Mr. BARNHART. If the gentleman will yield right there, the committee has an amendment to strike all of that out which will be explained when the opportunity comes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, in reply to the gentleman from Texas [Mr. SUMNERS] I will say I think that matter of his proposed amendment was pretty well thrashed out a while ago.

The Committee on Public Buildings and Grounds wished, and I believe this committee will wish, to make known, so far as they could, without laying down a cast-iron rule, the desire that these buildings should be of a temporary character wherever it was practicable, all things considered, to have buildings of that kind. I have as much confidence in the Secretary of Labor as anyone has. I have confidence in the board that it is anticipated will supervise this work; but, Mr. Chairman, I believe we ought, wherever we can, to manifest the tendency of the legislative mind on these questions without unduly hampering or restraining the work. One of the reasons, as ex-Speaker CANNON said a while ago, for these buildings being temporary where they can be, is the necessity for great expedition in their construction. Permanent buildings take more time to erect. Why, gentlemen, we had almost a scandal last year in regard to matters that grew out of the Shipping Board and delays, and delays in constructing shipping—delays all around. We want something to get men housed right now.

My good friend, the gentleman from New York [Mr. CLEARY], called my attention a few moments ago to the fact that over there at his place they have, as I believe he said to me, about 2,100 people now building ships; that they needed 5,000, and could not get them because they did not have the houses. Now, without unduly hampering the Secretary of Labor, we want expeditiousness, and demand it, and is there anything wrong in letting him and the country know that it is the expression of this committee that there ought to be such expedition as will bring about results? Temporary buildings, wherever practicable, will help to get these results.

Mr. LONDON. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. LONDON. Would not the word "preferable" instead of the word "practicable" be the right word?

Mr. BURNETT. No; that is worse than ever. I would rather have had the language of the gentleman that offered the amendment a while ago than that. Who is to prefer? When you say "practicable," you leave it to the judgment of practical men; but when you say "preferable," you leave it to the question of preference, without regard to expeditiousness or practicability or anything else, and that would be just as impractical as some of the other ideas and theories of the gentleman from New York who asked that question. I believe this is good just as it is. I do not believe you can improve it, and in the interest of hurrying this work I hope the amendment will be voted down.

Mr. KEATING. Mr. Chairman, I move to strike out the last two words.

I hope the amendment offered by the gentleman from Texas [Mr. SUMNERS] will prevail. It has become the fashion in this country to profit by the experience of our allies, and I think we should profit by that experience in the consideration of this bill, as we have in other things. I think I am safe in saying that not one witness who appeared before the Labor Committee, when that committee had this bill under consideration, not one witness who had examined into the experience of Great Britain, favored temporary construction, except in those emergencies suggested by the gentleman from Alabama [Mr. BURNETT].

Mr. BARNHART. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. BARNHART. Did the Committee on Labor have before it the Secretary of Labor himself?

Mr. KEATING. No.

Mr. BARNHART. He did not testify? He testified before the Committee on Public Buildings and Grounds:

So far as the intent of the department is concerned, it is purely an emergency proposition. We have not in contemplation, and do not believe it would be wise, for the Government to provide a general housing or continuous housing method of its employees.

And he went on to tell why it would be disadvantageous to labor generally to undertake to house it and furnish it fuel and light, and so forth.

Mr. KEATING. And still the gentleman feels in the face of that declaration that this proviso must be placed in the bill to prevent the Secretary of Labor from doing what he says the Secretary does not intend to do?

Mr. BARNHART. The Secretary wanted it there himself, by his own statement.

Mr. KEATING. The gentleman will not say the Secretary of Labor asked for this proviso in the bill?

Mr. BARNHART. It was in the bill, and he did not object to it.

Mr. KEATING. Mr. Chairman, the point I wanted to make was this—and I think I know something about the attitude of the Secretary of Labor—that England has abandoned this policy, and if this House goes on record as declaring that temporary construction shall be favored wherever that is practicable, it is merely beginning where England has left off. Because in England the very reverse is the policy adopted. They adopt temporary construction where that is necessary, but where it is practicable they adopt permanent construction.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. LONDON. Secretary Wilson testified before the Committee on Public Buildings and Grounds, when the question came up of temporary or permanent buildings—I am reading from page 10, the tenth line from the bottom:

On the other hand, if you erected buildings, say, at Bridgeport, Conn., or at Newport News, or at Charleston, or Savannah, or Galveston, where there is an established town, an established community, the presumption would be that those buildings would be of value after the war emergency was over, except to the extent that there would be a reduction in value of them by virtue of a possible—in fact, a probable—reduction in the population through the decentralization of manufacturing.

In other words, in these cases it would be necessary to construct permanent buildings.

Mr. KEATING. I have not read the testimony of the Secretary of Labor, but I do know that the men who came before the Committee on Labor, representing the Labor Department, men who had been to England, men who had studied this question from the beginning, without exception advocated the policy of permanent construction where that construction was desirable. All that the gentleman from Texas [Mr. SUMNERS] proposes by his amendment is that the matter shall be left to those executive officials who will be charged with the expenditure of this money. I think that we may trust the Secretary of Labor and those under him to see to it that the thing is done that is necessary to produce results. I do not think it is necessary for us to go on the theory that the Secretary will do a foolish thing.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Certainly.

Mr. O'SHAUNESSY. I would like to supplement what the gentleman from New York [Mr. LONDON] said in his question by quoting what Secretary Wilson said in answer to the question by Mr. ASHBROOK. I read:

Mr. ASHBROOK. In all probability, then, these buildings in the majority of instances wouldn't be used after the conclusion of the war?
Secretary WILSON. That is problematical. One doesn't know whether they will or will not, but you must work upon the assumption in some of the communities that they will not be used after the war. You would naturally move upon the assumption at a place like Sparrows Point or Hog Island, that after the war those buildings would not be used, and you would construct your buildings accordingly. It may develop, however, that both Sparrows Point and Hog Island will become permanent communities, but the erection of the houses now should not be made upon the presumption that they will become permanent communities.

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SUMNERS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SUMNERS. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

Mr. LONDON. Mr. Chairman, before the Chair announces the vote I make the point of no quorum in connection with the vote. Do I get a vote in that way more quickly?

The CHAIRMAN. Does the gentleman make or withdraw the point?

Mr. LONDON. I withdraw it.

The committee divided; and there were—ayes 14, noes 32.

So the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I offer a committee amendment to strike out, on line 3, page 3, the word "clerical" and insert the word "office."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Committee amendment: Strike out, on line 3, page 3, the word "clerical" and insert the word "office."

Mr. CLARK of Florida. Mr. Chairman, I want to state that the original bill had the language "clerical force," and it was thought better to make it read "office force."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BARNHART: Page 3, line 6, after the word "so," insert a period and strike out all after that in line 6, 7, 8, 9, 10, and 11.

Mr. BARNHART. Mr. Chairman, by way of brief explanation, it has been decided by the committee that the provision carried in this sentence would limit the Government in the possibility of securing low rates on the leases it is about to make. There are many tracts of land, it has been learned, that are available for lease, some of them without any compensation on the part of the Government to the owner, which could not be secured at all if it were necessary to compel those making the leases to give an option on their land for sale. Therefore the committee decided it would be best to strike this out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. STAFFORD. Is the gentleman from Florida going to move to rise?

Mr. CLARK of Florida. In a moment.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To offer an amendment. I move to strike out the words "Secretary of Labor," on page 2, line 21, and insert "President."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 2, line 21, strike out the words "Secretary of Labor" and insert in lieu thereof the word "President."

Mr. MOORE of Pennsylvania. If this amendment carries I shall ask unanimous consent to offer the same amendment on page 1, in line 3, to strike out the words "the Secretary of Labor," where they occur, and insert the word "President," and so on throughout the bill.

Most of the war measures that have been brought in have put the responsibility directly upon the President of the United States, and it seems to me very proper that that has been done. The taking away from the President of the expenditure of so vast a sum as $50,000,000, and the transferring of the power in this way is an innovation. It has not been done up to this time. What is the reason for placing this particular power in the hands of the Secretary of Labor? Is it intended that he shall not consult the President about a matter of such momentous importance? Is it intended to break the practice that has held since the beginning of the war?

Mr. BARNHART. Did not the gentleman vote very recently for the bill giving the Shipping Board $50,000,000 for the purpose of building houses for the shipbuilders at Hog Island and other places?

Mr. MOORE of Pennsylvania. I voted for such a measure, but my recollection is that the President's indorsement was required in that instance.

Mr. CLARK of Florida. The President has certainly indorsed this or requested that this work be lodged with the Department of Labor.

Mr. MOORE of Pennsylvania. But it is not so stated in the law.

Mr. CLARK of Florida. The gentleman would not have us state in the law that the President had requested that the Secretary of Labor be clothed with this power?

Mr. MOORE of Pennsylvania. Not at all; but I call attention to the fact that in nearly all of the financial bills that have

been brought into the House provision has been made that the President shall do so-and-so. If it is a matter that is to be executed by the Secretary of the Treasury, still the President is to be consulted as the business goes along.

Mr. CLARK of Florida. I call the gentleman's attention to the fact that the Committee on Appropriations have given $100,000,000 to the Ordnance Department direct, and other sums to various branches of the War Department, without any reference to the President.

Mr. MOORE of Pennsylvania. I am raising the question whether we should digress in this case and permit the Secretary of Labor to proceed under our sanction without consulting the President as to the locations where this $50,000,000 shall be spent as to the purchase of ground, as to the leasing of ground, as to the construction of temporary or permanent buildings. Here is an opportunity for a great deal of favoritism, if any particular department head wanted to exercise it. Here is an opportunity for the employment of certain special agencies, if the particular department in charge wanted to avail itself of those special agencies.

Mr. BARNHART. What particular difference would it make whether the President were delegated to authorize the Secretary of Labor to do this or the Secretary of Labor were authorized to do it directly? Is not this method the best way of avoiding the red tape that we hear so much about all over the country?

Mr. MOORE of Pennsylvania. No. Red tape is not an issue at this particular point.

Mr. BARNHART. But it is an issue that is being made.

Mr. MOORE of Pennsylvania. It would be well to have the Secretary of Labor, in the expenditure of $50,000,000 in a lump sum, at least consult the President as to the wisdom of its expenditure.

Mr. CLARK of Florida. Mr. Chairman, I should like to have a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 3, at the end line 6, insert:

"*Provided further*, That the powers herein authorized shall not be exercised in the housing of Government employees in the District of Columbia except upon detailed estimates and appropriations for such purpose."

Mr. CLARK of Florida. The committee have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KELLEY of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. IRELAND, for 10 days, on account of illness; and

To Mr. LARSEN, indefinitely, on account of sickness in his family.

WAR FINANCE CORPORATION BILL.

Mr. KITCHIN. Mr. Speaker, I present the conference report on the bill S. 3714 (No. 448), the War Finance Corporation bill, for printing, under the rule.

Mr. MOORE of Pennsylvania. Does the gentleman from North Carolina care to indicate when he proposes to call up the conference report?

Mr. KITCHIN. To-morrow.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 2, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou Dorcheat, La., through Lake Bitsineau and Loggy Bayou (H. Doc. No. 1007); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Arcata Channels, Humboldt Bay, Cal., with a view of dredging a channel leading up to the proposed municipal public wharf (H. Doc. No. 1008); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Gardiners Island, N. Y., with a view to the construction of a breakwater (H. Doc. No. 1009); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou des Glaises from Simmesport, La., to the junction of Bayou des Glaises with Bayou du Lac and Bayou Rouge, 1 mile east of Cottonport (H. Doc. No. 1010); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Acting Secretary of War, transmitting a supplemental estimate of appropriation in the sum of $40,000 required by the Ordnance Department for the service of the fiscal year ending June 30, 1918, for the erection of a permanent hospital building at Rock Island Arsenal, Rock Island, Ill. (H. Doc. No. 1011); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Boy Scouts of America, transmitting eighth annual report (H. Doc. No. 1012); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10818) to authorize the county of Loudon, in the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn., reported the same with amendment, accompanied by a report (No. 431), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10745) to authorize Cole and Osage Counties, Mo., to construct a bridge across the Osage River, reported the same without amendment, accompanied by a report (No. 432), which said bill and report were referred to the House Calendar.

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3009) granting the consent of Congress to the P. M. C. Coal Co. to construct and maintain a bridge across Tug River, connecting Pike County, Ky., and Mingo County, W. Va., reported the same without amendment, accompanied by a report (No. 433), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10593) granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clarks Fork River at or near the village of Clarks Fork, Bonner County, State of Idaho, reported the same with amendment, accompanied by a report (No. 434), which said bill and report were referred to the House Calendar.

Mr. SNOOK, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10021) granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct, operate, and maintain a bridge and approaches thereto across the Mahoning River in the State of Ohio, reported the same with amendment, accompanied by a report (No. 435), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, reported the same without amendment, accompanied by a report (No. 445), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 10894) permitting certain persons to purchase supplies from the commissary stores of the Army and Navy, reported the same without amendment, accompanied by a report (No. 446), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MASON, from the Committee on the District of Columbia, to which was referred the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the Field Medical Supply Depot of the Army, reported the same without amendment, accompanied by a report (No. 447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. IRELAND, from the Committee on Claims, to which was referred the bill (H. R. 9120) for the relief of Lizzie Wilson, reported the same without amendment, accompanied by a report (No. 436), which said bill and report were referred to the Private Calendar.

Mr. WELLING, from the Committee on Claims, to which was referred the bill (H. R. 3825) for the relief of Oscar Smith, reported the same without amendment, accompanied by a report (No. 437), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 1796) to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said post office at Seddon, Ala., and repaid by him to the Post Office Department, reported the same without amendment, accompanied by a report (No. 438), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 3403) for the relief of Paymaster Alvin Hovey-King, United States Navy, reported the same without amendment, accompanied by a report (No. 439), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3131) for the relief of Col. Littleton W. T. Waller, United States Marine Corps, reported the same without amendment, accompanied by a report (No. 440), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10998) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen, reported the same without amendment, accompanied by a report (No. 441), which said bill and report were referred to the Private Calendar.

Mr. CLAYPOOL, from the Committee on Claims, to which was referred the bill (H. R. 6171) for the relief of Edward C. McGonigal, reported the same with amendment, accompanied by a report (No. 442), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 2860) for the relief of Gertrude Becherer, reported the same with amendment, accompanied by a report (No. 443), which said bill and report were referred to the Private Calendar.

Mr. LITTLE, from the Committee on Claims, to which was referred the bill (H. R. 5576) for the relief of Hugh Cameron, reported the same with amendment, accompanied by a report (No. 444), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NORTON: A bill (H. R. 11166) authorizing and directing the President to fix the price of binders, reapers, headers, mowers, wagons, and other farm machinery, and to provide for the regulation of the production, storage, and sale of same, and for other purposes; to the Committee on Agriculture.

By Mr. BRAND: A bill (H. R. 11167) to require cashiers, other officers, and employees of a national banking association handling its funds, books, or assets to give bond; to the Committee on Banking and Currency.

By Mr. MOORE of Pennsylvania: A bill (H. R. 11168) to amend the war-revenue act in relation to taxation of legacies and inheritances, and for other purposes; to the Committee on Ways and Means.

By Mr. RAINEY: A bill (H. R. 11169) providing for an appropriation to dredge the Illinois & Michigan Canal; to the Committee on Rivers and Harbors.

By Mr. ANTHONY: Resolution (H. eRs. 297) directing the Secretary f War to furnish the House the facts in reference to the issuance of a commission as captain to Herbert A. Meyer; to the Committee on Military Affairs.

By Mr. KAHN: Resolution (H. Res. 298) providing that all bills and resolutions relating to the present war reported from the Committee on Military Affairs or Naval Affairs shall be privileged and have precedence over all other business except appropriation bills and conference reports during the remainder of the second session of the Sixty-fifth Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 11170) granting a pension to Sarah Blackburn; to the Committee on Pensions.

By Mr. DRUKKER: A bill (H. R. 11171) granting a pension to Bessie M. Trenor; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11172) granting an increase of pension to William H. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11173) granting an increase of pension to Wilson Risner; to the Committee on Invalid Pensions.

By Mr. LUNN: A bill (H. R. 11174) granting an increase of pension to Andrew Van Steenburgh; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11175) granting an increase of pension to Martin Hamilton; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 11176) granting a pension to Mary J. Smith; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 11177) granting an increase of pension to Ezekiel H. Ballah; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 11178) granting an increase of pension to James McCune, jr.; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 11179) granting a pension to Zettie Swalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11180) granting an increase of pension to Enos Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11181) granting a pension to Emma Swalls; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11182) granting a pension to Martha Moore; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 11183) granting an increase of pension to John McGill; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 11184) granting an increase of pension to Charles Depue; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Pilot Grove Farm Club, Jamesport, Mo.; the Forest Grove Farmers' Club; the Pleasant View Farm Club, Novelty, Mo.; and the McKean Farm Club, Grant City, Mo., asking that minimum prices be set for corn and live stock; to the Committee on Agriculture.

By Mr. DALE of New York: Resolution of the Manuscript Club, Boston, Mass., asking for the repeal of the second-class postage rates amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. DELANEY: Memorial of Winchester Post, No. 197, Department of New York, Grand Army of the Republic, urging increase of pensions for veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. EMERSON: Resolution of the Cleveland Post, No. 84, Veterans of Foreign Wars, in favor of universal military training; to the Committee on Military Affairs.

Also, resolution of Cleveland Post, No. 84, Veterans of Foreign Wars, in favor of alien slacker bill; to the Committee on Immigration and Naturalization.

Also, petition of the White Sewing Machine Co., protesting against the Cary licensing bill; to the Committee on the District of Columbia.

By Mr. HILLIARD: Resolutions adopted by the Rocky Mountain district of the Woman's American Baptist Foreign Mission Society, urging prohibition for Hawaii; to the Committee on the Territories.

Also, resolutions adopted by the Amboy Woman's Club, of Amboy, Ill., protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of Gertrude Staats, Mary Hughes, Blanche Smith, Francis Kirby, Anna C. Harrod, Mrs. S. W. Albone, Bertha Selleck, and Maggie Sawdey, all of Denver, Colo., praying for immediate war prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of the Woonsocket District Medical Society, favoring the Owen bill (S. 3748) and the Dyer bill (H. R. 9563); to the Committee on Military Affairs.

By Mr. TIMBERLAKE: Petition of Mrs. C. E. Mogg and 43 other citizens of Colorado Springs, Colo., protesting against the passage of Senate bill 3746, permitting the running of railroad tracks near the Sibley Hospital; to the Committee on the District of Columbia.

By Mr. VARE: Petition of Philadelphia Chamber of Commerce in favor of bill authorizing prison labor on war work; to the Committee on Labor.

Also, petition of the Philadelphia Maritime Exchange, asking the retention of the pneumatic mail tubes; to the Committee on the Post Office and Post Roads.

By Mr. WOODYARD: Petition of Dr. James R. Bloss, of Huntington, W. Va., editor of the West Virginia Medical Journal, published by the West Virginia State Medical Association, favoring the passage of the Dyer and Owen bills, fixing the grades of the commissioned officers of the Medical Corps, etc.; to the Committee on Military Affairs.

SENATE.

TUESDAY, *April 2, 1918.*

The Right Honorable and Most Reverend the Lord Archbishop of York (Cosmo Gordon Lang), Primate of England and Metropolitan, offered the following prayer:

Let us pray. O Almighty and Eternal Lord God, Thou strong tower to all them that put their trust in Thee, to whom all things in heaven and earth do bow and obey, we beseech Thee to hear the prayers of Thy people which rise to Thee at this time of trial with reverence and godly fear. We see Thy hand laid upon this Nation at a supreme moment in history and upon the nations who are joined with it in the defense of the peace and freedom of the world. We devoutly believe that Thou wilt show Thy favor if they will rise to the heights of Thy justice and mercy. Uplift them, we beseech Thee, by Thy strong and holy spirit, that they may find in Thee their refuge and their strength.

With malice toward none, with charity for all, with firmness in the right as Thou givest us to see the right, let us strive to finish the work we are in. Strengthen our hearts and our hands and confirm our purpose that contending valiantly for truth and freedom we may conquer by Thy might.

Imbue with wisdom Thy servant the President of the United States of America and the assembly of Congress, and with them the rulers and the assemblies of the people allied with them in the cause intrusted to their care.

Hear the prayers which we offer before Thee for all who bear command of our forces both by sea and by land. Stretch forth Thy almighty hand to succor and defend the men who are now defending the cause of truth and freedom in the awful battle being waged across the sea. Strengthen them that they may stay the hand and hold their place. To those who this day will be wounded give Thy soothing and healing touch; to those who are called to die give Thy peace; and for all who have laid down their lives for their country we beseech Thy mercy. God accept them; Christ receive them.

If it be Thy gracious will, grant success to our arms and overrule, we beseech Thee, the issues of this war so that through Christ we may be brought to a lasting and righteous peace, and that the nations of this world may be united in a closer fellowship for the promotion of Thy glory and the good of all mankind.

These, our prayers, we offer and present to Thee in the name of Him who hast taught us to pray: Our Father which art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive them that trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory, forever and ever. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

BOY SCOUTS OF AMERICA.

The VICE PRESIDENT laid before the Senate, pursuant to law, the annual report of the Boy Scouts of America, which was referred to the Committee on the Judiciary.

AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. GRONNA, and Mr. NORRIS conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER of Oklahoma, Mr. HAYDEN, and Mr. CAMPBELL of Kansas managers at the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes.

The message also announced that the House had passed the concurrent resolution of the Senate, requesting the President of the United States to recommend a day of public humiliation, prayer, and fasting.

PETITIONS AND MEMORIALS.

Mr. BECKHAM. I present a communication from the president of the Rotary Club, of Louisville, Ky., inclosing a resolution adopted by that club on the 28th ultimo. I ask that the communication and accompanying resolution be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ROTARY CLUB OF LOUISVILLE,
Louisville, Ky., March 30, 1918.

Hon. J. C. W. BECKHAM,
Washington, D. C.

DEAR SIR: The inclosed resolution, adopted March 28 by the Rotary Club of Louisville, is earnestly recommended for your careful and immediate consideration.

The Rotary Club does not doubt that our Government, through its Secret Service agencies, is doing a great many things that we know nothing of; but we do know that in Louisville, and in every other section of America, traitors flaunt their treason boldly and arrogantly, and we feel that treasonable words should be dealt with as resolutely as treasonable acts.

Unless more stringent laws are enacted, or those that we have are more vigorously enforced, the people will be compelled to take this matter into their own hands, and thereby lay themselves liable to the unjustifiable charge of mob violence.

Respectfully, J. H. RICHMOND, *President.*

Whereas the newspapers of this country are daily reporting the activities and expressions of enemy aliens and pro-German sympathizers in the United States; and

Whereas such actions and expressions are calculated and intended to give comfort and aid to the enemies of this Government and its allies; and

Whereas such activities and expressions are the gravest forms of offense at this time and should be dealt with in the most summary manner possible; and

Whereas the punishment for such offenses has been ineffective either because of inadequate laws to provide proper punishment or because of failure of those charged with the duty to diligently enforce the laws with reference thereto or both: Therefore, be it

Resolved, That the Rotary Club of Louisville calls upon the President and the Congress of the United States to take action immediately to provide such laws as may be necessary to meet and remedy this indefensible situation, and also to take action to compel the proper enforcement of all laws dealing with such offenses to the end that our enemies and their sympathizers in this country shall be made to understand that they must cease their disloyal activities; and be it further

Resolved, That a copy of these resolutions be transmitted to the President of the United States, to the Senators and Congressmen from Kentucky, and to the Louisville press.

Mr. FRANCE. I present a resolution adopted by the Legislature of the State of Maryland, which I ask to have printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND,
OFFICE OF THE SECRETARY OF STATE.

I, Thomas W. Simmons, secretary of state of the State of Maryland, under and by virtue of the authority vested in me by section 59 of article 35 of the Annotated Code of Maryland, do hereby certify that the following is a full, true, and correct copy of a joint resolution of the General Assembly of Maryland passed at its January session, 1918, as the same is taken from and compared with the original.

In testimony whereof I have hereunto set my hand and have caused to be affixed the official seal of the secretary of state, at Annapolis, Md., this 12th day of March, in the year 1918.

[SEAL.] THOS. W. SIMMONS,
Secretary of State.

Joint resolution 12.

Joint resolution and memorial of the General Assembly of the State of Maryland to the Representatives of the State of Maryland in the United States Senate and in the House of Representatives of the United States requesting that each of them endeavor to have the United States Government acquire, maintain, and operate during the period of the present war or longer the line of railroad commonly called and known as the Washington, Potomac & Chesapeake Railroad, now or formerly belonging to the Washington, Potomac & Chesapeake Railroad Co., and extending from Brandywine, in Prince Georges County, to Mechanicsville, in St. Marys County, in the State of Maryland.

Whereas the line of the Washington, Potomac & Chesapeake Railroad Co., extending from Brandywine, in Prince Georges County, Md., traverses portions of said counties and also portions of Charles County in said State, which are susceptible of great agricultural production, and which are entirely without railroad facilities other than such as have been heretofore furnished by said railroad company; and

Whereas by a decree of the circuit court for Prince Georges County, Md., the said railroad company has been dissolved, and has recently ceased to operate or exercise its franchises as a common carrier; and

Whereas, without adequate shipping facilities, the production of food products within the territory heretofore served by said railroad company will be greatly curtailed at a period when it is imperative that every possible impetus to food production be maintained: Therefore be it

Resolved by the General Assembly of Maryland, That the Representatives from the State of Maryland in the United States Senate and the House of Representatives of the United States, respectively, be, and they are hereby, respectively requested to promptly bring to the attention of the Director General of Railroads of the United States the importance of acquiring or controlling and maintaining and operating the line of railroad heretofore owned and operated by the aforesaid Washington, Potomac & Chesapeake Railroad Co. during the period of the present war or longer, and to that end cause to be passed such legislation through the Senate and Congress of the United States as may be necessary in the premises.

Resolved, That the secretary of the State of Maryland be, and he is hereby, requested to immediate transmit, under the great seal of this State, a copy of the aforegoing resolution and memorial to each of the Senators and Representatives now in the Congress of the United States from the State of Maryland, with the earnest request that they lay the same before their respective Houses in support of the measure hereinbefore set forth.

[SEAL.] PETER J. CAMPBELL,
President of the Senate.
HERBERT R. WOODEN,
Speaker of the House of Delegates.

Approved March 12, 1918.

Mr. TILLMAN presented a petition of the Chamber of Commerce and Agriculture of Union, S. C., praying for Government control of dogs and for the encouragement of sheep raising, which was referred to the Committee on Agriculture and Forestry.

Mr. THOMPSON presented a petition of sundry post-office employees of Hutchinson, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of John A. Dix Post, No. 59, Grand Army of the Republic, Department of Kansas, of Columbus, Kans., praying for an increase of pension of soldiers of the Civil War, which was referred to the Committee on Pensions.

Mr. NELSON presented a petition of sundry citizens of Hastings, Minn., praying for the repeal of the present zone system of postage on second-class mail matter, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Imperial Valley Typographical Union, of California, praying for an increase in the salaries of compositors and pressmen employed in the Government Printing Office, which was referred to the Committee on Printing.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably, with amendments, the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, and I submit a report (No. 350) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. OVERMAN. I ask unanimous consent to report from the Committee on the Judiciary, with amendments, the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The PRESIDING OFFICER (Mr. HARDING in the chair). The Senator from North Carolina asks unanimous consent to report the bill named by him. Is there objection? The Chair hears none.

Mr. OVERMAN. Mr. President, this is a very far-reaching and very important bill under the conditions now existing, and I trust every Senator will read it. I shall ask the Senate tomorrow to allow me to call the bill up in the morning hour, and, because of its importance, I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill reported this day by Mr. OVERMAN, from the Committee on the Judiciary, with amendments, is as follows:

An act (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Be it enacted, etc., That section 3 of title 1 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause, or incite or attempt to incite insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct or discourage or willfully attempt to obstruct or discourage the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of anything or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRANCE:

A bill (S. 4239) granting an increase of pension to John Cooper; to the Committee on Pensions.

By Mr McNARY:

A bill (S. 4240) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

A bill (S. 4241) making provisions of section 5, Post Office appropriation act for fiscal year ending June 30, 1918, applicable to District of Columbia; to the Committee on the District of Columbia.

By Mr. WATSON:

A bill (S. 4242) granting an increase of pension to W. L. Heiskell; and

A bill (S. 4243) granting an increase of pension to W. T. Ferguson; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4244) for the relief of entrymen within the Castle Peak irrigation project in Utah; to the Committee on Public Lands.

By Mr. STONE:

A bill (S. 4245) granting an increase of pension to Thomas J. Lecey (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4246) granting an increase of pension to Clarence S. Hall (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A joint resolution (S. J. Res. 145) declaring a state of war exists between the United States of America and the Governments of Bulgaria and of Turkey; to the Committee on Foreign Relations.

AMENDMENT TO LEGISLATIVE, ETC., BILL.

Mr. SIMMONS submitted an amendment proposing to appropriate $4,500 for salary for Statistician for the Senate Joseph S. McCoy, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NATIONAL GERMAN-AMERICAN ALLIANCE.

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 3529) to repeal the act entitled "An act to incorporate the National German-American Alliance," approved February 25, 1907, which was referred to the Committee on the Judiciary and ordered to be printed.

DISMISSAL OF UNPATRIOTIC GOVERNMENT EMPLOYEES.

Mr. JONES of New Mexico. I introduce a joint resolution and ask that it be read and referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 144) to provide for the dismissal of unpatriotic Government employees was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved, etc., That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic, disloyal, or seditious language, or who, in an abusive and violent manner criticizes the Commander in Chief of the Army and Navy or the flag of the United States, be at once dismissed from the service.

PROMOTION OF EXPORT TRADE—CONFERENCE REPORT.

Mr. POMERENE. I present a report of the conference committee on House bill 2316, known as the export-trade bill. The report must, I understand, under the rule governing conferences, be acted upon by the House first. I therefore ask that it lie on the table for the present.

The report was received and ordered to lie on the table, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 5 and 6, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter inserted by said amendments strike out, in lines 1, 2, and 3, page 3, all of section 2 after the word "or," in line 1, page 3, the matter stricken out being "intentionally and unduly enhances prices within the United States of commodities of the class exported by such association," and insert in lieu thereof the following: "intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 18, page 5, strike out the words "or intentionally and unduly," and in line 20, page 5, after the word "association," insert the words "or substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

ATLEE POMERENE,
JOE T. ROBINSON,
ALBERT B. CUMMINS,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD.
Managers on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following acts:

S. 3401. An act to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy; and

S. 3404. An act to authorize the President to drop from the rolls any naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense punishable by confinement in the penitentiary by the civil authorities, and prohibiting such officer's reappointment.

EDUCATION OF ADULT ILLITERATES.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. OVERMAN. Mr. President, I think we ought to have a quorum. The Senator from Utah [Mr. KING] is not present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Myers	Smoot
Baird	Henderson	Nelson	Sterling
Bankhead	Hitchcock	New	Sutherland
Beckham	Hollis	Norris	Swanson
Calder	James	Nugent	Thomas
Chamberlain	Johnson, Cal.	Overman	Thompson
Culberson	Jones, N. Mex.	Page	Tillman
Curtis	Jones, Wash.	Penrose	Townsend
Dillingham	Kellogg	Phelan	Trammell
Fall	Kendrick	Pittman	Underwood
Fernald	Kenyon	Poindexter	Vardaman
Fletcher	King	Pomerene	Wadsworth
France	Kirby	Reed	Walsh
Frelinghuysen	Knox	Robinson	Warren
Gallinger	Lodge	Saulsbury	Watson
Gerry	McCumber	Sheppard	Williams
Gore	McKellar	Sherman	Wolcott
Gronna	McLean	Shields	
Hale	McNary	Smith, Ga.	
Harding	Martin	Smith, S. C.	

Mr. SUTHERLAND. I announce that my colleague [Mr. GOFF] is detained by illness.

The VICE PRESIDENT. Seventy-seven Senators have answered to the roll call. There is a quorum present.

Mr. KING. Mr. President, I move that the bill under consideration be recommitted to the Committee on Education and Labor.

Mr. SMITH of Georgia. Mr. President, in behalf of the committee, I desire to express the hope that the bill will not be recommitted. It would be useless to recommit it. The bill is now in as good shape as we know how to make it. With the assistance of the Senate it has been amended, and I think it is a better bill now than it was when it first came from the committee.

I hope the Senate will pass the bill, and pass it at once. If the use of this fund is to be valuable to men in cantonments, then the Commissioner of Education must immediately take steps to cooperate with the forces of the Secretary of War to help plan better work in the cantonments toward teaching those who can not speak English to speak English and toward teaching those who can not read to read.

It is also desired that the Commissioner of Education shall stimulate at once a system in the States of active effort to teach all within the draft age how to speak English and how to read. This work must be done at once if its greatest value is to be obtained.

It is useless to recommit the bill. If the Senate is not in favor of this work, then defeat the bill. We would report the bill to you at once just as it is now if it was recommitted. I am aware of no member of the committee who desires to change it from its present state.

I urge that the motion to recommit be defeated and that the bill be voted upon on its merits.

Mr. KING. Mr. President, just a word in reply to the Senator from Georgia.

As I understood the Senator yesterday, the committee reporting this bill has before it now measures of a broad and comprehensive nature providing for the vocational training and for the education of the maimed and wounded soldiers who may return from the war, and for the training in a preliminary way of the illiterates seeking citizenship in this Republic. Of course the sensible thing now is to devote ourselves to the vigorous prosecution of the war. We dissipate our energies in all sorts of fads and experiments. It needs practical utilitarians now to conduct a war, and while engaged in this life and death struggle it is absurd and exceedingly unwise to attempt the part of a Don Quixote and seek to remedy and cure all the ills of the world. We should spend every energy to organize to beat Germany. It is ludicrous to me to waste our time debating over the illiteracy in States, and providing positions for a few men to inquire about the educational systems of the various States. It would be wiser to appropriate money to teach us how to fight, how to *marshal* our resources, how to defeat our powerful enemy and save our country and our liberties. There are too many cranks trying to secure legislation and determine governmental policies. There is only one supreme duty now, and that is to win this war. Not one dollar will be spent by my vote for unnecessary things until we triumph and civilization is saved. I would like to drive the foolish sentimentalists and visionary fanatics out of our midst until this dark storm is over. How incomplete and ineffective must be any plan now to educate illiterates in the United States and to educate those fighting in the Army. We need fighters and cannon and powder and bullets and aircraft. The schools and educational systems will follow our victory. My point is that we are now fighting for our lives; let us bend every energy to this stupendous task.

Necessarily our educational work will be interrupted during the war. With the advent of peace there will be many readjustments. The old world will never come back to us. New conditions—industrially, sociologically, politically—will be before us. No one can foretell what the days of the future will bring forth. Mighty revolutions in our social order may occur, which will shake the foundations of our Government. Educational systems will be modified; the relation between the States and the Federal Government may undergo great mutations. We pray that out of the war there may come peace and order and a new spirit of justice that will bind humanity in the bonds of enduring affection.

But now we want men to fight and money and more money to meet the staggering demands of the war.

This bill provides for such a pitiful and weak work, and it provides for so imperfect and uncorrelated effort, that it can not be treated with seriousness and ought not to meet with approval. I repeat what I said yesterday in discussing this measure: "It is a waste of money and is designed as a beginning to extend the activities of the Federal Government over the States in matters purely local and domestic." I make the prediction now that legislation of this character will be seized upon to make further demands upon Congress for aid in the educational work within the States. Soon the appetite will be developed for subsidies and bounties from the General Government for State education.

The promise of money from Congress to be distributed among the States, or to be expended in the States, particularly for so worthy an objective as education, will find welcome auditors everywhere. How delightful the climax will be, when we are called upon to collect millions of dollars from the people of the States through the costly instrumentalities employed by the General Government to execute its revenue laws, only to distribute it back to the States, less the large part that will be eaten up by officials and bureaus and employees and the unnumbered agencies of the Government! We seem not to have learned the fact that before money can be spent it must be obtained by the Government.

The thoughtless seem to think that if an appropriation is made by Congress for a State is to be spent in the State, that no one has to bear any burden, and that the people of the State pay no portion of the amount.

I want the Federal Government to keep its hands off from the States, except where the Constitution vests it with authority to lay its hands upon them, and to permit the people to control their own domestic and local affairs. It is unpopular to oppose appropriations, particularly appropriations to be spent within the States.

It is so easy to defend to the people of a State the expenditure of money within the State, which came from the National Treasury, and it is oftentimes an ungracious task to explain opposition to a scheme the success of which would mean the lightening of burdens resting upon the State.

Mr. President, I shall continue to oppose legislation which is calculated to enervate the people, diminish their love for their own States, and develop a spirit of pauperism and dependency, so that they feel that only by the grace and power of the General Government can they live or survive.

Strong and virile States, filled with a thinking, courageous people who have independence and local self-government, will make a puissant and glorious Republic.

The States can and will be weakened by the gifts from the National Government.

The language of this bill indicates what its purpose is, viz, to aid in educational work within the States.

Listen to these words of the bill:

> To promote plans for the elimination of illiteracy, and the extension of education among the adult population, and cooperate with State, county, district, and municipal education officers and others in putting these plans into operation.

The Federal bureau or agency is to cooperate with the States and the political subdivisions of the States, to promote education and to eliminate illiteracy.

It is obvious that the plan is to intrude the Federal Government into a purely domestic matter. We are asked by this bill to aid the States to overcome illiteracy and improve their educational systems. Of course, if we appropriate money wrung from the people by taxation to be used in educational work within the States it will accomplish some good. But that is not the only question here presented.

This bill, if enacted into law, will be regarded as an entering wedge by the Federal Government into the school activities of the States, and will be resented by States having the proper spirit or with the desire for larger appropriations in the future. It is manifestly insufficient to care for maimed soldiers, and it would be foolish to make appropriations for such purpose until a proper scheme has been devised.

This bill will enable a number of men to get jobs and collate a few statistics in regard to illiteracy, knowledge of which we all possess; or, if we do not, we can obtain it within a few moments by consulting the books in the Library. It is an ill-conceived plan and will be wholly impotent to accomplish any satisfactory results. In view of the fact that the committee is considering the question of caring for the maimed and wounded, and providing for their education, and is also considering the question as to the duty devolving upon the Federal Government to prepare aliens for the responsibilities of citizenship, I believe it unwise to pass this measure. To touch this matter in a piecemeal way is folly.

It seems to me, Mr. President, in view of the discussion of yesterday, and the facts that were then elucidated, that the wise and proper thing would be to recommit this bill and permit the committee that has consideration of these other important measures to consider this question, so that a safe, rational, and scientific plan may be proposed to meet conditions deemed so important as to require congressional consideration.

Mr. SMITH of Georgia. Mr. President, as many Senators are here this morning who were not present on yesterday, I wish to say that I think the Senator from Utah [Mr. KING] misunderstands the measures which are being worked upon to which he refers. A number of bills have been prepared looking toward an organized effort by the Government vocationally to reeducate wounded soldiers, to teach them how to use their remaining physical powers in some line of endeavor by which they may find occupation and earn a livelihood; but this measure has no connection whatever with those measures. Those measures have reference to returned soldiers who are wounded.

I wish to say that great progress has been made in that line of work in Great Britain and France and Canada and Germany since this war has been going on. A number of those bills are now before experts, who are studying them with a view of suggesting the best plan for such a measure. It will not help us at all in this bill to bring up that measure at the same time. This bill has reference to an entirely different subject. This bill is

immediately brought forward as the result of information gathered as to the number of our drafted men who can not speak English and our drafted men who can not read and write. A number of the States are beginning an effort to eliminate such illiteracy and to teach English.

Mr. KIRBY. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. SMITH of Georgia. The Secretary of War is seeking in the cantonments to do work upon this line. Senators will find the whole subject discussed in the letter, which I put in the RECORD a few days ago from the Secretary of the Interior, the Commissioner of Education being connected with that department. The desire is that the direction of the Bureau of Education may be given to stimulate and to unify this work in the cantonments, which the Secretary of War is seeking to conduct with a separate fund, but which needs the stimulating and advising help of trained educators. They are found connected with the Bureau of Education.

It is said that the sum proposed to be appropriated by the bill is very small. We only ask for $100,000 from now until the 1st of July, continuing, however, to be used thereafter, if not before, consuming $50,000 annually after the 1st of July.

I wish to impress the fact that this is not for the teaching work itself. There are other forces to do that; the States and the cities have the force to do that; but here is a particular line of work to be directed to illiterate adults, a line upon which the States even have not heretofore exerted themselves; a line of work to teach English especially to all within the drafted age. The Secretary of War desires the help of the Bureau of Education in conducting this work; the States desire it; the cities desire it. This small sum of money will be used to help direct and stimulate this most valuable service.

Mr. KING. Mr. President, will the Senator from Georgia yield to me?

Mr. SMITH of Georgia. I will.

Mr. KING. What does the Senator from Georgia think this language means:

Provided further, That the Commissioner of Education shall not undertake to promote the teaching of adult illiterates and men and women of meager education in any State or Territory of the United States or in the District of Columbia, by cooperation or otherwise, without the written invitation or consent of the board of education or the chief school officer of such State, Territory, or District of Columbia.

Permit me to state this: Does not the Senator from Georgia concede that this bill is for the purpose of enabling the Bureau of Education to go into the States and to cooperate in a measure with the activities of the States in regard to education, and to supervise, so far as it may, the educational methods of the States? In other words, is it not a plan to intrude the Federal Government into the educational systems of the States, and will it not be made the pretext by the States for abandoning the duty resting upon them to provide an educational system under the police power of the State for those living within their borders? Will it not lead the States to appeal to the Federal Government to take up the question of education and bear the burden which education imposes? Will it not lead more and more to the atrophying of the powers of the State and more and more to the assumption by the Federal Government of powers and duties which belong to the States themselves?

Mr. SMITH of Georgia. I do not claim, Mr. President, to be a prophet, but I dissent entirely from the conclusions of the Senator from Utah with reference to the effect of this bill. We have inaugurated a system of extension work from the colleges of agriculture; we have inaugurated our vocational educational work; we have done much to stimulate and aid the States in educational work. This does not mean that the Commissioner of Education will interfere with the work of the States. It is expressly declared that even his plans, his suggestions, shall be given to those alone who desire them.

We know that the Secretary of War desires them; we know he needs the help; we know that the moving force came first from that source; but we also find that the opportunity exists to at once arouse and to organize forces in the States that will make a strenuous effort to remove illiteracy from the drafted men even before they reach the cantonments. It is simply along the line of work which the Government has been doing for years. Where an especial need of stimulus is required of national value in the State, whether in agriculture or in education or in other lines, we have sought to give it.

What is the Bureau of Education for? According to the view of the Senator from Utah, it should never have been organized, and it ought now to be abolished, and yet the Bureau of Education has done much to stimulate great and proficient work in the public schools of many States, and I have never heard the suggestion that there was an unfortunate interference with that work. It has done much to advance the standard of teaching and the standard of teachers. I think the Senate understands it, and I will not consume further time.

The VICE PRESIDENT. Before the Senator from Georgia takes his seat the Chair desires to state that he is going to enforce the rule of two speeches on the motion to recommit, unless unanimous consent of the Senate is given to the contrary.

Mr. KIRBY. Mr. President, if the purpose of this bill is to bring about the result which has been announced by the Senator from Georgia, it is not expressed in the bill. It seems to authorize the Commissioner of Education to investigate the methods of training illiterate men and women that obtain in the United States and the methods that obtain in foreign countries.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me to interrupt him, that feature has been stricken from the bill. Let me send the Senator a copy of the bill as it has been amended by the Senate.

Mr. KIRBY. I would be glad to have one; I was discussing the old bill.

Mr. SMITH of Georgia. We have amended it substantially.

Mr. KIRBY. I am almost moved to ask with the Senator from Georgia what is the existing Bureau of Education for if it is not now familiar with these methods that obtain in the United States and in foreign countries? It certainly ought to be fully advised of those methods. It is not proposed to use any of this money or any of the plans to instruct men within the draft age or men who have been drafted and brought into camp; at least the bill that I have here does not indicate that such is the purpose.

It seems to me it is time that the money of this country at this critical period should be expended for the purpose of training men within the draft age and all other soldiers in their calling, and how to destroy the enemy, rather than in an undertaking to revamp the educational systems of the country; and unless there is some more definite purpose expressed in this bill to bring about the results indicated by the Senator from Georgia I shall vote against it. I do not believe it ought to be enacted into law in its present form.

The VICE PRESIDENT. The question is on the motion to recommit the bill to the Committee on Education and Labor. [Putting the question.] The Chair is unable to decide.

Mr. GALLINGER. I ask for a division.

On a division the Senate refused to recommit the bill.

Mr. GALLINGER. Mr. President, I call the attention of the Senator from Georgia to line 5, where, after the word "several States," I think the words "and the District of Columbia" ought to be inserted.

Mr. SMITH of Georgia. I accept the suggestion.

Mr. GALLINGER. I move that amendment. Also, in line 8, before the word "States," the word "several" should be inserted; and after the word "States," the words "and the District of Columbia."

The VICE PRESIDENT. The difficulty is that the Senator from New Hampshire is not using the print of the bill used at the desk, but is using the reprinted bill.

Mr. GALLINGER. I am using the bill in its amended form, as it was ordered reprinted last evening.

The VICE PRESIDENT. The Secretary has difficulty in finding the place in the original bill.

Mr. GALLINGER. The amendment is in the reprinted bill in line 5, after the word "States," to insert the words "and the District of Columbia."

The SECRETARY. On page 1 of the reprinted bill, line 5, after the words "the several States," it is proposed to insert the words "and the District of Columbia."

The amendment was agreed to.

Mr. GALLINGER. Now, in line 8, page 1, before the word "States," I move to insert the word "several"; and after the word "States," to insert the words "and the District of Columbia."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1 of the reprint, line 8, before the word "States," where it appears the second time, it is proposed to insert the word "several"; and after the word "States," to insert the words "and the District of Columbia."

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I call the attention of the Senator from Georgia to the phraseology in line 10, page 2. Perhaps it is right as it is, but it reads:

That for the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated.

Mr. SMITH of Georgia. The word "authorized" should be stricken out.

Mr. GALLINGER. I move to strike out the words "authorized to be," so that it will read "there is hereby appropriated."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2 of the reprint, line 10, it is proposed to strike out the words "authorized to be," so that it will read "there is hereby appropriated."

The amendment was agreed to.

Mr. SMITH of Georgia. I presume the words "authorized to be" were employed in order that the appropriation might be carried in a general appropriation bill, but still I would rather they be left out.

Mr. GALLINGER. I should hardly think that would be necessary. I will call the attention of the Senator from Georgia to the fact that, after the bill has been passed, in amending the title the words "and the District of Columbia" should be inserted.

Mr. KING. I move to amend the bill by striking out, beginning in line 14, page 2, after the word "expended," the following words found on that line, also line 15 and line 16, to wit:

And $50,000 for each succeeding fiscal year until June 30, 1928.

I do not think that the Senate of the United States wants to obligate itself to make an appropriation for this purely experimental and absurd proposition up to and including the year 1928.

The VICE PRESIDENT. The language sought to be stricken out by the Senator from Utah was put in yesterday as an amendment, so that the motion of the Senator from Utah must be first to reconsider the vote whereby the amendment was agreed to.

Mr. KING. I was not aware of that action. I therefore move to reconsider the action of the Senate yesterday by which the amendment just referred to was inserted in the bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah to reconsider. [Putting the question.] By the sound the Chair is unable to determine. Those in favor of the motion will rise. [A pause.] Those opposed will rise. [A pause.] The vote whereby the amendment was adopted is reconsidered. The question now is on the amendment of the Senator from Utah.

Mr. SMITH of Georgia. Mr. President, the real purpose of putting in the words "authorized to be" was that the question of an immediate appropriation might still be considered by the Senate and provided for in a general appropriation bill, without being subject to the point of order as being general legislation.

The VICE PRESIDENT. That is not what is before the Senate.

Mr. SMITH of Georgia. I understand that is not entirely what is before the Senate, but it is partly what is before the Senate. I think it will be a great mistake to limit this appropriation to one year. I think we ought to carry it for a longer time than that. I would not insist upon the appropriation for the full limit of time up to 1928, but I think it would be well worth while to make this appropriation $100,000 for the next three years—for the present year, for the next year, and the next year. Certainly for two years we ought to carry an appropriation that would plan going on with the work after July 1 next. If the bill were changed so as to carry the appropriation of $100,000 to July 1, and $100,000 for the following year, I would not object to seeing the good effect of this work in determining whether we should carry it further.

Mr. KING. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. Yes.

Mr. KING. I desire to inquire of the Senator from Georgia whether the Bureau of Education may not now, under its general powers and under the law, discharge all of the duties and obligations required to be performed under this act?

Mr. SMITH of Georgia. No; I do not think there is any authority that carries this line of work, and there is certainly no appropriation, and I think this bill is necessary to do so.

Mr. KING. If the Senator will pardon me, I understood the Senator a few moments ago, in dilating upon the effective work of the Bureau of Education, to state that it had had a stimulating effect upon education, and that it had done something toward coordinating the educational systems of the States. Obviously, if it has done anything along those lines, it has made some inquiry into the question of illiteracy. Therefore it is——

Mr. SMITH of Georgia. Mr. President, if the Senator does not desire to ask me a question, I think we will get along better if he will do so and then let me proceed.

Mr. KING. Then I will pretermit what I was about to observe, and ask the Senator if the Bureau of Education may not now devise efficient and economic methods for teaching adult illiterates and men and women of meager education in the United States?

Mr. SMITH of Georgia. The Bureau of Education has no appropriation with which to make an organization in that direction. The question of the education of adults, the question of training those who can not speak English to speak English, is a subject which has been brought forcefully to the attention of the country only within the past 12 months, or certainly more forcefully to the attention of the country within the past 12 months than ever before. There is no provision connected with the Bureau of Education and there is no fund of money the use of which is contemplated in such a direction.

I regard this as one of the most valuable services that can be rendered—a service that probably can be accomplished with less expenditure than any other service where so much good would come from so small an expenditure. Now, why should we refuse? Why should we be technical about it? The Senator from Utah does not really object to this work. He desires it; but his imagination has conjured up a dread lest this is the opening wedge for some great appropriation looking toward national aid to education in the States.

I am not afraid of anything of the kind. I am not afraid of national cooperation with the States for the improvement of the citizenry of the United States. I believe in national contribution along lines of stimulation for educational work. I think it is a splendid work. I think we get much return for few dollars spent; and I am simply astonished that this effort—so meritorious, so valuable—should have met with opposition.

I am opposed to striking out those words. If the Senate desired to amend them, and lessen the number of years, I would not object; but to strike them out entirely would be undoubtedly a blunder. I would be willing to see it amended, if the Senate desired, so as to provide that it should only be continued for a less length of time, that we might see the good results that come from the work, and then extend it still further. But the Senator from Utah asks that the Senate limit the appropriation to July 1 next. I would be perfectly willing to accept an amendment of $100,000, and $100,000 annually during the continuance of the war.

Mr. KIRBY. Mr. President, I should like to ask the Senator a question.

Mr. SMITH of Georgia. I shall be glad to answer it.

Mr. KIRBY. Does not the Senator think that the Bureau of Education can perfect these plans within one year with $100,000 and continue to exist and perform its functions as heretofore?

Mr. SMITH of Georgia. Mr. President, I think the Senator does not comprehend the work of the Bureau of Education. It is not simply to perfect the plans. Leaders along these lines will go out and work. They will work with teachers' conventions; they will work with teachers in cities; they will work with gatherings of patriotic people, and they will continue so to work. It is astonishing that our Nation has permitted so large a number of inhabitants to live in it so long who can not speak English.

I, for one, am opposed to printing a newspaper in the United States in anything but English. I, for one, am in favor of making the English language the language spoken by every citizen of the United States; and to that end I am in favor of aggressive leadership by the Government itself to teach English to every citizen of the United States.

I am opposed to the motion to strike out. I would not object to a reduction of the number of years.

Mr. FRELINGHUYSEN. Mr. President, before the Senator sits down, I should like to ask him a question.

In connection with the expenses to be incurred by the Bureau of Education, I simply want to cite, for the information of the Senator, an experience we had in our State in making a census of the subnormal children. That census took nearly three years, and it was alarming and astounding in its results. We found that there were over 2 per cent of the children of the State—2 per cent of 600,000 that we educated—who were subnormal. Now, that information was not available for the Federal Government; and in support of this bill I simply wish to say that it would be of great assistance to the States in the Union to have these statistics, so that they may reform their own school systems and take care of the illiterates in their own educational systems. It takes time and it takes money to make this investigation.

Mr. SMITH of Georgia. Mr. President, before the motion to strike out is voted upon, I move that the provision be limited to 1924, cutting off the last four years. I move to amend the portion sought to be stricken out by changing the word "eight" to "four" first.

Mr. THOMAS. Mr. President, before the vote is taken upon that amendment I want to express my hearty concurrence in the views just stated by the Senator from Georgia regarding the

necessity for making the English language what it purports to be—the language of the United States of America. The time has come when no man who is unable to speak that language should be accorded political rights, and I believe that we should do any and every thing necessary to be done in order to make that tongue universal.

I say that without the slightest prejudice against the natural sentiments of the immigrant to this country for the language of his own country. Indeed, a knowledge of modern languages is becoming more and more a part of the necessary equipment of every citizen. But when we consider that we have communities in the United States, and a great many of them, where the English tongue is not heard at all, and where the policy of those communities is to make them as foreign as themselves, which is done through their control of boards of education, through the influence which their power to vote gives them; when we consider further that we are now suffering from such conditions, and suffering far more extensively than the public knows, we would be failing in our duty if we did not make every possible effort at this time toward the beginning of a system that will make such conditions after the war practically and politically impossible.

Mr. President, I have had occasion to say upon this floor once or twice during this session, and others have voiced the same thing, that there is an absence of unity of purpose and of a spirit in the United States which must manifest itself before we can even begin the prosecution of this war as an American war; and the lack of it can be traced largely to the insularity of our foreign populations, perpetuated by an ignorance of the English tongue and their constant use of the language of their native land.

I know that our secret-service system is hampered at present because of the prevalence of so many languages in this country, and that plots of all sorts are hatched in these nests of foreigners with practical impunity in many instances because the language which there flourishes is not the English language and because it is extremely difficult to secure the right agencies to discover and afterwards to develop and punish them.

Mr. President, I am well satisfied, and as the days pass by and information is accumulated my convictions are strengthened, that in nearly every avenue of the governmental activities essential to the successful prosecution of this war our enemies are at work, and at work actively. I do not mean to say that they are all composed of foreigners, because they are not. Indeed, the subtlest and most dangerous of all our secret enemies in this country are the men and women of Anglo-Saxon descent who speak the English language and who are selling their birthright, their patriotism, and possibly the fate of the race to which they belong for the considerations which German agencies are able and eager to pay; they are producing results and very serious ones. To illustrate:

Mr. President, I received a letter this morning and another on yesterday morning, from the same factory, calling my attention to the fact that out of the manufacture of 5,000 rubber gas masks 2,900 were found defective, and after they had been discarded some of them were found packed among those that had passed inspection.

Mr. OVERMAN. Mr. President, what was the matter with them?

Mr. THOMAS. The matter with them was that small perforations, invisible to the eye, but through which all kinds of gases may penetrate, were discovered in them by stretching, by testing.

Mr. OVERMAN. Was that done by somebody in the factory?

Mr. THOMAS. It must have been done by men and women in the factory; and that, Mr. President, is only a sample of what is going on.

Mr. President, I think we may now be confronted with the supreme crisis of this war. The German drive has not ended. It is merely waiting long enough to get its second wind. American troops, with those of the allies, are in the newly improvised trenches. They are fighting for the allies, fighting for us, and fighting for the future. If there ever was a time during this war when all the energies we possess should be unified in the support of that gallant army we have sent across the sea, this is the hour. Yet, what are the dispatches this morning? Five thousand men on strike in the Norfolk yards; sixty-odd thousand in New York threatening to go out to-morrow; seven or eight thousand strikers in Kansas City—a sympathetic strike, prompted by some paltry difference between a lot of laundrymen and their employers; and these do not comprise them all.

Mr. President, is there any significance in the fact that these labor difficulties occur at this crisis, or is it a mere coincidence? To my mind, it is a part of the German propaganda which easily operates through processes of their own, one of which is to avail itself of those to whom the English language is not known.

Mr. OVERMAN. Mr. President, I will ask the Senator if it is not the result of a propaganda that was made here before we declared war?

Mr. THOMAS. Oh, Mr. President, it is the result of a propaganda that began on the day when peace was declared between Prussia and France. It is the result of a propaganda which has formed a part of the organized preparation of the Empire of Germany through which it proposes to secure dominion over the world. It is a propaganda, Mr. President, that exists in every country upon the globe. In a house in Downing Street, in the city of London, is a vast mass of material, documentary in character, collated since the war by the British Government from the four corners of the earth. This material is expressed in every language and every dialect under the sun. Through the agency of associations of every character, civic, political, economic, and religious, it is mute evidence of a vast propaganda the advocates and converts of which are far more dangerous to liberty than the legions of the Kaiser upon the battle fields of Europe. The debacle in Russia never could have been accomplished by the armed forces of the Kaiser. It was the result of that secret undermining force which for want of a better name we call pan-Germanism, the same force which is producing these terrible labor conditions at this time.

Mr. President, if we are to utilize our entire energies toward the proper prosecution of this war, and we must use them if we are to win it, it is high time these strikes and suspensions be properly characterized. I contend that the man who incites a strike at this time, I do not care what his motives are, is an enemy of the United States and should be treated as such. I declare, Mr. President, deliberately that the fomenters of strikes in our labor ranks are traitors to the country whose protection they invoke.

I do not confine my statement, Mr. President, to these people. It is equally true of many of our profiteers. And certainly true of any man who at any time anywhere is impeding the program of this Government, whether he be in command or whether he be a subaltern.

Mr. OVERMAN. I wish to say that there is a propaganda going on in this country against the sale of our bonds.

Mr. THOMAS. Mr. President, there are none so blind as those who will not see. The propaganda to which the Senator from North Carolina refers is not confined to our bond sales. It exists everywhere. Unfortunately some people in high places are unwittingly aiding that propaganda through interferences with natural production, through the fixing of arbitrary prices and the multiplication of uncertainty in our economic life, the consequences of which, I fear, will be more painfully evident next fall and next winter than they are now. It requires all our energies to prosecute this war. By dividing them between its prosecution and the attempt to direct the business of the country at this time it can not be done. I do not believe in profiteering; no man does. But, Mr. President, the business interests of the country must not be too greatly interfered with if we are to continue to receive the supplies which we must have and to make the money which is necessary for the prosecution of the war.

Hence I say that policies which produce an atmosphere of discontent, which introduce grave uncertainties in the ordinary affairs of life, which bewilder if it does not more seriously affect production—these things naturally make the sale of bonds difficult. Mr. Garfield, by his coal-price orders, closes the mines of some struggling individual or company barely able to keep alive under former conditions, in consequence of which his business is suspended, if not permanently ended. When he reflects that this action is done in the name of his Government, he is not apt to be inspired with those motives of patriotism which every individual should entertain and express. He is dependent upon his business for a livelihood and for the support of his family. When through Government agencies that business is suspended and that support gone, he may rise when he hears the inspiring strains of the Star-Spangled Banner, but his thoughts are in other directions when he thinks of the future and what it means to his wife and to his family.

These things, Mr. President, make it the more essential that our present industrial conditions and the widespread propaganda to which the Senator has referred should be not only recognized, not only denounced but counteracted by every means within our power. I do not know whether we are doing it or not.

Inasmuch as this bill proposes to teach the English language to illiterates, or at least to lay the foundation for that good work, inasmuch as it is designed to give the foreign soldier in our ranks an opportunity to understand the orders of his officer—and there are 700,000 men of the draft age who can not speak or

write the English language—then it would seem that we should get behind it, even though defective in expression, and put it upon the statute books as soon as possible and let the machinery of its operation begin.

Mr. REED obtained the floor.

Mr. PAGE. I should like to ask the Senator from Colorado a question before he sits down. Does the Senator believe that an American who can neither read nor write, a native-born son, is as good a man, as good a citizen, or as good a soldier as the man who is educated?

Mr. THOMAS. The question answers itself, Mr. President. Of course he is not.

Mr. PAGE. Does not the Senator know, and I say to our burning shame it can be said, we have at this time, or had at the time of the last census, 1,500,000 native-born whites who could neither read nor write?

Mr. THOMAS. The fact is a reflection upon American intelligence and American progress.

Mr. PAGE. The point I wish to make is this: That while we are discussing this matter from the standpoint of the foreigner I do not think we ought altogether to lose sight of the fact that we have native-born citizens, so many as 1,500,000, or we might go further and say that in some States there are from 30 to 35 per cent of the entire population who are illiterate.

Mr. THOMAS. I will yield the floor in just a moment to the Senator from Missouri.

With regard to the purpose of this bill there is this difference between that class of illiterates and those designed to be reached by it. They can speak and understand the English tongue; it is their native tongue. They are therefore in language and race as much a part and parcel of the homogeneous mass of America as any other. But the man who can neither read nor write nor understand the English language is a source of far more serious danger, and particularly at this time when they are being drafted as American citizens and expected to do their duty in the field.

Mr. GALLINGER. Will the Senator from Missouri yield to me one moment? I wish to ask the Senator from Georgia whether, after the discussion continues a little longer, the bill may not go over until to-morrow morning? I have several amendments that I feel sure the Senator will agree to that I wish to offer, but I have an engagement which will take me from the Senate and keep me from the Senate for a couple of hours.

Mr. SMITH of Georgia. I am very anxious to finish the bill.

Mr. GALLINGER. Its passage to-day is not imperative. I would gladly remain if I could.

Mr. SMITH of Georgia. I dislike ever to object to anything the Senator from New Hampshire asks, and I will not object. Then let us go on, and when we get through with what is to be said I will agree to let the bill go over until to-morrow. I intend to ask the Senate to amend the figures as to the time to 1922 instead of 1928, so that it will give only three years, and at the end of that time we can see what good it is doing; and if we want to continue it we can do so, and if we do not it will not continue itself.

Mr. GALLINGER. I venture to suggest to the Senator that we make appropriations for the three years. I was going to appeal to the Senator to do that. However, that can come up to-morrow, if the bill is to go over.

Mr. SMITH of Georgia. If that is the only amendment the Senator has to offer, to get the bill through——

Mr. GALLINGER. I have several others of a minor nature. If I was prepared to offer them I would do it now and not ask this courtesy.

Mr. SMITH of Georgia. I shall not object.

Mr. REED. Mr. President, I desire to supplement by a word of explanation the statement of the Senator from Colorado [Mr. THOMAS]. He spoke of the strike in Kansas City. That strike can not be charged to foreigners. It so happens that Kansas City has the smallest percentage of foreign-born population of any one of the large cities in the United States. Of course, there are people in Kansas City, and a good many people, who are of foreign birth, but the city is distinctively an American city.

With the details of the strike in Kansas City I am not familiar, but in a general way I understand that some controversy grew up between laundry employees and their employers, which resulted in a strike in the laundries. That was followed by a sympathetic strike that has grown to large proportions and which at one time it was feared would result in calling out nearly 20,000 men. The street car system is involved; many large industries of the city are tied up. All this seems to have grown out of what was originally a controversy between a laundry proprietor and his help.

Mr. President, that, as I have stated, can not be laid at the door of the foreign-born people in the case of Kansas City. It must be laid at the door, I am sorry to say, of union labor. I have defended union labor every time the opportunity has come to me since I have attained my majority.

Long before coming to the Senate, in public speech and in public acts, as well as in private acts, I have endeavored to further the cause of organized labor. In the Senate I have voted, I think, for every measure calculated to strengthen and encourage organized labor. I shall not now, because of the conditions in Kansas City, denounce organized labor. I shall not indulge in any general criticism of organized labor. But as its sincere friend I say this, and say it with all the solemnity of my soul, that the day organized labor creates disturbances that arrest those industries which are essential to the carrying on of this war it will be a very dark one for organized labor and for our beloved country. Organized labor will lose the best friends it has ever had. It will disintegrate and go down before the loyal protests of its own loyal members, men who put country above every other consideration in life. Union labor counts such men by the tens of millions.

This is no time for strikes upon the one hand, or for lockouts on the other hand. The business of employee and employer to-day is to compose their difficulties, and so far as I am concerned I am ready to vote at this moment for a law which will punish the men, either employers or employees, who by conspiracy undertake to stop the building of American ships of war or American merchant ships essential to the life of the Republic. I am as willing to vote to punish men who engage in a conspiracy to stop that kind of work as I am to vote to punish any conspirator who may undertake to stop the draft or to stop the successful march of the American Army, because these great industries that are now threatened, and which if the threat is carried out will be stopped, are absolutely vital to the prosecution of the war. They are necessary to the safety of our soldiers across the seas. The man who to-day conspires to stop the work in American shipyards conspires to starve and to defeat the American Army in Europe. The fact may as well now as later be stated plainly and regardless of consequences, that the American people will hold responsible whoever shall be guilty of any act tending to weaken the American Army now abroad or in preparation for that fateful enterprise which involves perhaps the safety of civilization.

Mr. POMERENE. Mr. President, this bill presents one phase of a very serious problem that confronts the American people, and the Congress of the United States sooner or later must deal with it in a comprehensive way. On yesterday it was my privilege to meet the governor of Idaho, in whose State they have had serious trouble with the I. W. W.'s. The Senator from Washington dwelt somewhat on this question the other day, as it relates to his own State. The governor of Idaho made the statement, as a result of an investigation he had set on foot, that 70 per cent of the I. W. W.'s in his State could neither read nor write the English language, and that only 10 per cent of them were native born. If 70 per cent of the I. W. W.'s can neither read nor write, how are they going to be able to comprehend the genius of our institutions? What a fertile field they make for the agitators and the anarchists of this country.

I refer to this because I feel very keenly the need of doing something which will aid all foreigners who come to this land to enjoy our institutions to understand what we are doing in this country and why we are doing it. My belief is that whether the Senator from Georgia has the right plan embraced in his bill or not, it touches a problem worthy of the best attention of the American Congress.

MILITARY ORGANIZATION AND TRAINING.

Mr. FRANCE. Mr. President, what I have to say has a somewhat direct bearing upon the bill which is now pending. I hesitate to trespass upon the time of the Senate. Perhaps no one here realizes better than do I the necessity for immediate and masterful action when human life hangs in the balance, and we all realize that time here is very precious, because upon our prompt and vigorous action depend the lives of many men as well as the fate of nations. But I feel that much of the pending legislation will be futile or even vicious in its effect without a more comprehensive war policy of which I hope by these observations to stimulate a further discussion.

I can not expect, in the course of these remarks, to discuss with any degree of completeness the problem to which I invite the attention of the Senate. I wish that I might indulge the hope that since my words must prove inadequate, the very greatness of the cause for which I speak may enable it to plead with a persuasiveness which no voice can possibly possess. I am adverting to the cause of securing that higher degree of organization in our national life which has for so long been necessary, but which since our entrance into the war has become immediately imperative. The problem of the proper degree

and form of national organization, and I am now speaking of organization not in the legal but in the social sense, is a most complex and comprehensive one in which are involved all of the various component questions which have since history's beginning perplexed the student of human government. It presses now upon us as the central and essential problem of this war. If not sooner solved it will appear as the paramount and menacing problem in the days of reconstruction after the establishment of peace. It is the problem from which will arise the issues of our political contests in the near and far-distant future. As old as history it is ever new, ever changing, ever increasing in magnitude, and upon its correct solution depend the happiness of every citizen and the efficiency and perpetuity of every State.

Early in last May I urged the necessity for taking the preliminary steps toward a more rational organization of the Nation, and while I addressed the Senate only after much hesitation, I yet spoke with an absolute assurance of the soundness of the principles for which I then contended, such assurance being based upon my personal observations of the remarkable industrial, social, and military organization of the German Empire.

On the 11th day of January the junior Senator from Ohio [Mr. HARDING] in an address which shall long remain in my memory, said:

> When the German Kaiser decided to make war for the world's domination he cast a solvent into our present-day civilization which has put us in a very fluid state.

His words on that occasion and this figure of speech, revealing a most able and thoughtful statesman contemplating with clear apperceptions this mighty process of mutation in the affairs of men and nations, were so apt and so significant that they have remained in my thoughts, and if time were not so pressing I should be tempted to run out the symbol of the Senator into the wider reaches of its application. The Senator well knows that there are various solvents; those physical, by which without essential change, but by transformations truly wonderful in all their intimate processes, the solid passes from our view, temporarily diffused in fluidity but readily recoverable; and solvents chemical, by which now by transmutations far more marvelous than any dreamed of by the ancient alchemists there come, through all those strange mysterious intermediate states of nascency, changes elemental, final, down to the indivisible by which the old passes away and there is born another substance, compounded of the original elements, but with properties wholly new; changes by which what was may sometimes be seen melting within the glowing retort to a solution of such concealed but concentrated potency as may amaze, stupify, or even destroy the beholder.

For myself, I have a faith immovable that within the huge and fateful alembic of this war, with its choking, poisonous gases, its disemboweling bayonets dripping hot blood, its reeking monster mortars tearing limb from joint and head from torso, with all its human agony mingled with a heroism and devotion which again attest the eternal kinship of man with divinity, there are taking place elemental alterations in the structure of our civilization which mark the everlasting finality of many things which must not longer be in the established social orders of the world—a faith that lets me see the new nascency of that true and efficient cooperative democracy which was both undreamed of and undesired by those whose inordinate hatred, greed, and ambition furnished the fuel and lighted the flames beneath this vast experiment. To my mind the great question now to be answered by this Republic is whether these inevitable social and governmental changes can be effected by a reasonable solution and transformation of what is into what must be, or whether they can only be secured after a dissolution of all existing governmental forms. Which of the great national structures shall prove to have the highest melting point? How long will the high towers of carefully partitioned class and privilege and stage upon mounting stage of cold and hardened caste withstand the softening blasts now bursting forth from these roaring furnaces of war? In Russia government is already molten, formless, and seething chaos there awaits the statesmen with the molds and patterns of free but ordered institutions. Upon what philosophy of government do our heroic French brothers ponder in their trenches, and what is to be the policy of the United Socialists of France, at whose word, not long since, a reactionary ministry fell because merely suspected of having materialistic aims? What is presaged by the quiet, determined voices of English workingmen, somewhat suppressed but yet audible across every sea, as they prepare officially to say:

> We need to beware of patchwork. The view of the labor party is that what has to be reconstructed after the war is not this or that governmental department, or this or that piece of social machinery, but, so far as Britain is concerned, society itself. At such times it is easier to slip into ruin than to progress into higher forms of organization. That is the problem which presents itself to the labor party. What this war is consuming is not merely the security, the homes, the livelihood, and the lives of millions of innocent families and an enormous proportion of all the accumulated wealth of the world, but also the very basis of the peculiar social order in which it has arisen. The individualist system of capitalist production, based on the private ownership and competitive administration of land and capital, with its reckless "profiteering" and wage slavery, with its glorification of the unhampered struggle for the means of life, and its hypocritical pretense of the "survival of the fittest," with the monstrous inequality of circumstances which it produces, and the degradation and brutalization, both moral and spiritual, resulting therefrom may, we hope, have received a death blow.

If you prefer the views of a most thoughtful German, Mr. Walther Rathenau, one of the leading business men of Germany, the head of the great General Electric Co. of Berlin, the man who is generally credited with having organized Germany's industries for the war, I read you a few paragraphs from some advanced pages of his book entitled "The New Domestic Economy," as quoted in the New York Times of March 11, 1918:

> What is this event, the waves of which are breaking around us? We call it war because it has the form of international war, because the convulsed nations are openly and apparently struggling in earth, water, air, and fire. Coming generations will recognize it. What we are experiencing is the revolution of the world, the volcanic upheaval of the mighty, burning lower strata of the abode of mankind. It is not taking place in the disorderly form of a mass uprising with pikes and scythes, as its early prophets thought. That would have been of small account and would not have thrown the world from its axis.
>
> Made deaf and mad by their inner tension, intoxicated by the last and highest distillations of the old order of things, trembling with nationalism and imperialism, nations must hurl themselves upon nations, in the splendor and discipline of their State and military orders, completely equipped by their industries and their sciences, with the fury and the grief of their souls and hearts.
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> In reality, however, the old economic order is burning down and the time is drawing near when the old foundation of the social order will catch fire.
>
> Two pillars of the old order will project from the ruins—the monopoly of the great landed estates and of the mineral treasures. But they will gradually lose, no matter how much their property power may grow at first, the legal basis to which they are indebted for their footing. For this flood has not overtaken the world so that the treasures of the earth may be washed up as flotsam upon some blessed Mount Ararat.

I do not fear for the permanence of our own national structure, for it rests upon principles in harmony with universal law, and the adequate application of these principles must give to the world the first complete expression of eternal truth in governmental form. But those great rational fundamental principles have not as yet become wholly incorporate and vital in all the departments and functions of our national life, nor have they yet been scientifically applied to all the changing and ever-increasing complexities of modern conditions and of current social needs. I am willing to grant you, sir, that this is truly "a war of democracy against autocracy," but I must insist that there may be different interpretations placed upon the deeper meanings of the phrase. It seems to me that we are in grave danger of failing to learn the lessons of this war, of being blind to the huge handwriting upon every horizon of the world, if we do not search for the war's more remote causes, which, to my mind, lie far deeper than the ephemeral ambitions, personalities, prejudices, and follies of Kaiser, parliaments, ministers, and kings. This mighty upheaval of the world is in truth but a surface manifestation of a conflict between vast submerged, antagonistic, elemental forces, the resultants of which are to be the determinants which shall move and shape the destiny of men and nations for centuries to come.

It is indeed a war of democracy against aristocracy and the autocracy of expiring monarchy, but it is far more than this, for it is above all a war of democracy against the cruel and grinding autocracy of that inefficiency which inevitably attends all government which is incoordinated and incomplete. It is a war of democracy against the antisocial disintegrating forces of selfish rampant individualism and all the outworn, discredited theories of the laissez faire, which are in unyielding opposition to the higher forms of social organization, without which, under modern conditions, there can be no approximation to the realization of democracy's purposes and ideals.

Nations are to be judged not by their constitutions but by their institutions. As the unwritten law outlasts the enacted statute, so has the spirit of aristocracy and of monarchy survived their obsolescent forms and crumbling castles. In Europe the hard refractory crusts of an ancient feudalism have for centuries resisted the high solvent power of nascent democracy, while in America the perpetuated doctrines and traditions which we have inherited from the older governmental systems have impeded the progress and the more rapid and rational evolution of such new and democratic institutions as would conform to and embody the great principles which were so clearly enunciated by the fathers.

We can not at present foresee all the succession of stages through which will come those governmental alterations which

must be the inevitable result of this war, but there can be no doubt that the final product will be a higher form of democratic social organization, and it is imperative that we strive to so clarify our vision that we may comprehend the vast mutations now in progress and give direction to the processes by such strong, intelligent, masterful action as will leave no doubt of our determination to dominate the whole situation, in the hope that, by a rational transformation of what is, this new democracy may come, instead of through those utmost radical revolutions which, if they occur, must involve years of delay, and slow and painful reconstruction, de novo, from the completely disintegrated social elements. In order that we may do this we need at once, not merely a new military policy but a whole new national policy, formulated in recognition of the fact that historic evolution, of which this war is but one of the violent stages, has been steadily toward the establishment of a government which should be stable, because a true resultant of individual forces, permanent because broad based upon a popular will freely and intelligently expressed, preserving liberty by a constitution properly defining, limiting, and distributing its various powers, yet so integrated in all its parts and so coordinated in all of its functions as to eliminate chance as it extends with absolute certainty and scientific precision to every citizen the very maximum of opportunity for healthful life, free expansion, self-development, achievement, and happiness.

This great Republic is clogged with human driftwood. There could be no human driftwood in a democratic State formed as ours is, and administered as ours should be, with an intelligent and unwearying determination to translate our ideals into living realities. We have the ideal governmental system, but we have ignored the fact that the extension of governmental administrative function must keep pace with the growth in number and in density of population. We have not in our statesmanship given enough attention to that fundamental law of organic and social evolution which makes clear the absolute necessity for an increase in structure with the enlargement of mass, and the undeniable fact that if the mass increases without a proportionate differentiation, integration, and organization there must certainly develop in the mass areas of malnutrition, proceeding to mortification and corruption, from which areas there must spread the elaborated poisons which will inevitably result in the destruction of the whole.

If a State is to grow in power as it grows in population, if it is to intensify its vitality and move steadily up and on to higher stages of development, it must obey this law of natural, national evolution. In the social body as in the organic there is the constant interplay of centripetal, integrating, and centrifugal disintegrating forces. The progressive state rapidly integrates while the reactionary gradually disintegrates, and it is no doubt true, as stated by one of the greatest of modern philosophers, that in history we may see the incessant struggle between such progressive, forward-looking States and such reactionary, backward-looking States, that in the end the State with the most "viable idea must gain the mastery," and that "history may thus be interpreted as a series of divine reprisals against the just, the partial, the incomplete in government.

Our Republic is a vigorous, progressive, and integrating State. The process of national integration here, however, is but in its incipiency, for we are in the early embryonic, formative stages of our national development and the process has, as I have intimated, been to an abnormal degree retarded by a widespread and unreasoning repugnance toward those more advanced forms of scientific social organization, the value of which have been so fully demonstrated, which repugnance is founded upon an undue reverence for the doctrines of unregulated individualism, freedom of contract, and of the laissez faire which have been handed down from the aristocratic systems with a large body of our common law.

It would lead me far afield to enter upon a full exposition of my conception of an adequate national organization but such an organization must, of course, be predicated upon the assumption that each child born, or citizen added to our country, becomes at once a national asset and a national liability, an individual to serve, doing his part for his country, and to be with every care conserved; and, being such, his name and the record of his progress and achievement must be most systematically recorded upon the books of his country and, further, that, not by a system of paternalism and socialism, but by a system of properly and justly regulated individualism by the adequate, complete, rational, and effectual functioning of a vigorous and vital national organism, each such individual must be guaranteed an opportunity exactly equal to that of every other for fitting himself for useful and contented citizenship, and, further, guaranteed that irreducible minimum of the necessities for such a citizenship which every normal and properly trained man can, under proper conditions, earn and has a right to demand. I advocate legislation looking toward the development of such a national organism because I am opposed to socialism. There is grave danger of our now falling into the folly of adopting that panacea for the intolerable ills which follow governmental inefficiency, which consists in calling upon the Government to attempt more, to own more things, and perform more functions. I would not have the Government do more things, but I would have it do things much more effectively. I would not expand the powers of Government but perfect its performance. I would improve social conditions, not by further socializing the State and thus limiting individual opportunity, but by having the Government do its present work so well that every citizen would be truly liberated, given the greatest possible freedom and the largest possible opportunity for growth and achievement.

But whatever may have been our individual political philosophy, we now face one hard, inexorable fact, that, since the most highly cooperative, integrated, socialized, and militarized nation of all time has created modern warfare, such warfare is of necessity the most cooperative and collectivistic of all governmental functions; indeed, of all human undertakings. It is only the most hopeless amateur who disparages and despises a dangerous adversary, for it is imperative to exhaustively investigate and estimate the whole system which makes an enemy powerful in offensive and defensive action, if one is to indulge a reasonable hope of victory over such an antagonist. It is most unfortunate that so few of our English or American statesmen and so relatively few of the military leaders of England and of America have, during the past decades, made any serious investigation of or given any careful consideration to the science of modern warfare as it has been developing in Prussia since the close of the Napoleonic era, and particularly in the German Empire since the Franco-Prussian War. Self-satisfied, absolutely convinced of the superiority of their own systems, these statesmen have, to a large degree, refused to examine the German plan of organization; and, indeed, they have seemed to have deliberately closed their ears to the repeated warnings of those who had with painstaking care studied the German institutions. Our own country, even yet self-deceived, blinding herself to the fearful experiences of England as she has been forced to learn the hard truth by frightful and tragic lessons, is still clinging to the ancient Napoleonic formulæ of war. A prominent English authority, writing some time since of Germany and of modern warfare, said:

> Military organization has become a science, studied both by statesmen and soldiers. The lessons of history have not been neglected. Previous to 1870 in one Kingdom only was it recognized that intellect and education play a more important part in war than stamina and courage. Taught by the disasters of 1806, Prussia set herself to discover the surest means of escaping humiliation in the future. The nature of war was analyzed until the secrets of success and failure were laid bare, and on these investigations a system of organization and of training was built up which not only from a military but from a political and even an economical point of view is the most striking product of the nineteenth century. The popular idea that war is a mere matter of brute force, redeemed only by valor and discipline, is responsible for greater evil than the complacency of the amateur.

I read the following from the Washington Times of April 1, 1918:

> There is as much professionalism in the fighting of war as in prize-fighting. The following statements by an American general, West Point graduate, help us to understand the task that Germany puts before this country and the allies.
>
> The Germans alone know about this kind of war and have prepared for it.
>
> West Point neither taught nor knew anything like it except for observation and recent study. It is as new to the veteran American or English officer as to the 19-year-old recruits.

However great may have been our past devotion to rampant individualism and the system of the "laissez faire," we must now arouse the Nation to the realization that we can successfully combat system only with system and organization only with better organization, and that against a socialized and militarized monarchy we must place such a militarized and unified democracy as will be the unconquerable, invincible incarnation of the cooperative spirit in governmental form.

I repeat that I am not a socialist, for I stand squarely in opposition to Government ownership, not because a system of Government ownership is in itself vicious but because such a system would prove in practice to be not only vicious but, I believe, absolutely destructive to our institutions in the absence of that highly developed social sense which in America has, most notably during recent years, been so insufficiently developed. It is but little short of madness for a government to undertake to carry on vast productive enterprises which require a high degree of cooperative effort before there has been developed the true cooperative spirit, and so it is also perilous for this Nation to continue in this war unless we are prepared now to formulate a

national policy the tendency of which will be to subdue the individualistic and to awaken and employ the collectivistic motives.

The Senator from North Dakota [Mr. McCUMBER], in a most able, informing address, and one well worthy of the distinguished abilities which have made him so useful a Member of this body, has most clearly and comprehensively presented many of the phases of this problem. He has demonstrated by a startling array of facts the most serious conditions which now exist in this country as a result, I contend, of our obstinate refusal to adopt those methods of organization which are in harmony with the principles of the modern science of war. It is my personal judgment that the most severe indictment which he drew should have been directed against the legislative department of our Government upon which rests the responsibility for the creation of these conditions.

The masses of the American people were not desirous of having our country drawn into this war, but when on the 2d day of April, 1917, the President of the United States, presumably in possession of facts unknown to the American people and to their Representatives in Congress, advised the declaration of war, the Representatives of the people in both branches of the Congress acquiesced in the judgment of the President, then so recently chosen by the people to direct our national policies in a great world crisis, and gradually there began to be evidenced in all parts of the Republic a spirit of patriotism, of devotion, and of a desire for helpful cooperation, exalting the souls of our people with a high and holy sense of service. It was as though Divinity, while the multitudes were reverently waiting, had profoundly moved and troubled the deep pools of our better natures for a rebaptism of the Republic to a new wholeness, for a healing of whatever infirmities may have insidiously developed within the Nation during the long years of softening, weakening, luxury, prosperity, and peace. Then by a series of most grievous mistakes, which I shall not attempt here to recapitulate, an appeal was permitted to be made to the baser motives of our people and a greed and lust for profit began on every hand to check the rising tides of patriotism.

To-day our condition, as it must appear to any man who will study it critically and impartially, is most alarming. Our capital and labor are not yet scientifically adjusted and applied to the multitudinous parts of this stupendous task of waging war, while, persisting in our determination to ignore the essentially social nature of war, we are attempting to bring about such proper adjustment by frantic appeals to the individualistic motive, by the competitive rather than by the cooperative method. War being so highly socialized an undertaking, a prevision, based upon readily available information, should have warned us of what a most unfortunate experience has now informed us, that, since the system of competitive bidding must of necessity make an appeal to the antisocial and profiteering rather than to the social, patriotic motives, it must, therefore, sooner or later make for disintegration and inefficiency instead of for that integration and cooperation so indispensable for effective and masterful national action. In the labor market the method of competitive bidding has enormously increased the nominal wage, and the result of this has been to subject the Nation's resources, even at this early stage of the war, to a most severe and serious strain, while, like all irrational measures, it tends to defeat its own ends, because the real wage can be increased but little ultimately, owing to the fact that certain essential industries which produce the necessities of life, particularly agriculture, transportation, and mining, are not able to successfully compete in the bidding in the open labor market, either because of reasons inherent in the natures of these industries or because of price-fixing regulations under enacted statutes, and hence production in these lines of endeavor is relatively curtailed.

The excessive cost of the governmental undertakings, with the consequent currency inflation, together with an underproduction of the necessities of life, tends to decrease the real wage of all workers, in spite of abnormally increasing nominal wages; and this process, which has now become so critically accelerated by the recent war conditions, is beginning to take on the aspects of an insurmountable obstacle to the successful prosecution of our plans, and it may well develop into a menace to the very stability of our governmental institutions. I need not burden you by marshaling the facts which furnish the fast accumulating evidences of profound industrial unrest. Discontent is increasing and must continue to increase, because men do not desire more money but more of the necessities and commodities of life. This ceaseless shifting of workingmen, this restless moving from place to place, involving a loss of efficiency beyond computation and a serious dilution of skilled labor in every field, must result in the aggravation of that underproduction of necessities which are their ultimate cause.

When American labor learns that not by hard collective bargaining, which results in the increase of the nominal wage without necessarily increasing the real wage, but through true social cooperation stimulating all the processes of production must come the solution of the living problem, then we shall have an industrial peace which will enable us to apply the full power of the Nation to our colossal task. Too much of money and too little of commodities constituted the prime immediate cause of the Russian revolution, for there the workingman could not secure bread, because the farmers at the last refused to sell their wheat in exchange for a depreciated currency. An immediate substitution of the cooperative system for the competitive and the proper application of a rational cooperative plan would very greatly increase production, as a result of which prices would fall, the process of currency inflation would be checked, nominal wages would decline, real wages would advance, and the strain upon our financial resources would be relieved because of the increased national income from this added production of wealth.

The measure which I have proposed to popularize or socialize our war efforts by placing them upon a cooperative basis has been drawn in recognition of those principles which have been so successfully applied in Europe and so incessantly talked of here, for we praise cooperation when we preach but repudiate it when we practice. By the adoption of the principles embodied in this bill we at once discard all the obsolete Napoleonic formulæ which deal with war as a problem, the sole factors of which are the armed forces, ammunition, artillery, good generalship, and a rapid series of brilliant military maneuvers by which decisive victories are to be obtained. We reject the now absolutely absurd and impossible distinctions between military and nonmilitary activities and we deal with war as a large problem in social mechanics and dynamics. We approach it with a proper conception of it as a battle between social mechanisms, a contest of industrial endurance, a prolonged remorseless conflict between national elaborative and productive capacities. We treat every necessary process of production and transportation as an essential factor in the military operation. We squarely face the fact that the result will not be determined by the relative strength of armies but by the relative number of units of mechanical destructive power which can be applied. We change the Nation into a mighty rapid-fire machine or engine of war, in which mechanism each man has his respective place, a mechanism the barrel and release of which are to be made up of our troops in the field, while the huge magazine is to be made up of our great reserve of human power constantly transmuting itself through incessant and prodigious labor into destructive mechanical agencies. To be certain of a victory in this war—and we must be certain of victory—we must have a more scientifically constructed, a more economically operated, and a higher-powered machine of war than have the Germans, and we must run it at a more furious speed. When we adopt the principles of this bill we substitute for chance, caprice, and uncertainty a system, a science, which will enable us to meet every emergency in a masterful manner and face every adversity with the calm assurance of our ultimate victory. Can we justify ourselves when the fate of all future civilization hangs in the balance if we neglect to take every precaution? Can we longer ignore the accumulating evidence which indicates a possible breakdown in the near future of all of our national machinery of production? Can we longer close our eyes to the fact that a lack of the proper adjustment and application of labor has already to a dangerous degree curtailed food, ship, munition, and war-plane construction? Shall the safety of our armed forces be jeopardized by a failure to provide here at home against every possible contingency? Shall we continue to send our boys to Europe without that organization which will assure them that a united Nation will supply them with every possible protection? Shall we commit the ages-old folly of placing troops on the position while not controlling all of the factors necessary for the keeping open of the lines of communication?

It is not necessary for me, in view of the startling facts presented by the Senator from North Dakota [Mr. McCUMBER], and other facts, with which you are all familiar, to detain you with an extended analysis of the most serious labor situation which has developed, I contend, not because of any lack of patriotism among our workers, but because these men have not been properly informed as to the great dangers and perils which now confront our Nation; this lamentable lack of information being due to a most unwise censorship of the press and the short-sighted policy of branding as a friend of the Kaiser any man who, because of his deep love for his own country, raises his voice in warning.

I introduce into the RECORD a portion of an editorial upon the labor situation which appeared in the Washington Post of Thursday, March 14, 1918, which gives an excellent summary of the conditions:

[From the Washington Post, Thursday, Mar. 14, 1918.]

LABOR'S CAUSE.

Amazing revelations respecting the labor situation in this country are contained in a report issued by the National Industrial Conference Board. It shows that during the six months' period from April 6 to October 6, 1917, there were strikes in 2,521 establishments, that a total of 283,402 men were idle, and that 6,285,519 days of production were lost thereby.

What influence this great waste had upon war preparations is, of course, problematical; but it is apparent that it must have been considerable. The delays caused in the production of munitions, arms, clothing, food, and all the variety of necessities of war must, in the aggregate, be responsible for weeks and perhaps months of postponement of the full participation by the United States in the war. And since each day's delay to America in reaching its full strength and exerting it against the enemy means the loss of lives, the suffering of millions who are bearing the direct burdens of the war, and the expenditure of additional millions of treasure, it is not difficult to trace the baneful effect of these labor disputes.

Perhaps the most instructive lessons to be learned from these startling figures will come by studying the causes of the strikes, as given by this board after investigating practically all of the cases and soliciting the opinions of labor commissioners and mediators. Here are the principal causes alleged:

"Increased cost of living and failure of employers in many cases to anticipate this influence.

"Widespread discontent, due to a belief that undue profits had been made by employers out of war business.

"Increased independence of the workers, due in part to a labor shortage and in part to a feeling that the situation constituted labor's opportunity for forcing union recognition or closed-shop conditions.

"Inequality between wages paid in plants engaged on private work and Government or private plants engaged on war work.

"The unsettling influence of the 'cost-plus-profit' feature of many war contracts.

"The Federal administration's virtual indorsement of the eight-hour workday."

Assuming that these are the real causes back of the labor disturbances, it is apparent that both employers and employees are to blame for the disputes which resulted in the loss of 6,285,519 days of production in six months. Both obviously have failed to measure up to their full responsibilities in this emergency.

Industry has profited tremendously through the war; that can not be denied. In this financial prosperity labor is fairly entitled to share, and where employers refuse to pay wages commensurate with their earnings they are dealing unjustly. Not only justice but the ever-increasing cost of living furnishes the basis for the workingman's claim to more pay.

But it must be a serious situation, indeed, that justifies a strike involving a cessation of production in this emergency. In nearly every case, if not all, labor can consistently submit its claims to arbitration with the assurance that they will be properly considered. The pressing interests of the Nation should not be injured by an attempt to enforce demands by either employees or employers.

The Labor Planning Board, now meeting to arrange a labor program, has a great work before it.

The measure which I have offered is really a universal-service bill. It is Senate bill 3440, introduced by me on January 9, 1918, and referred to the Committee on Military Affairs. It embodies the same principles which I first urged upon the consideration of the Senate as an amendment to the selective-service bill, and which were later embodied in a resolution which was presented on the 10th of May last. This is a bill "to authorize the President to further mobolize the Federal forces and to increase temporarily the Military Establishment of the United States." I shall attempt as briefly as I may to give you the substance of the bill.

This bill authorizes the President—

First. To enroll according to residence, age, physical ability, nationality, training, status, occupation, profession, and condition of employment all male citizens of the United States or male persons, not alien enemies, who have declared their intention to become citizens, whether they be at the time of such enrollment in or out of the service of the United States, between the ages of 18 and 45 years, inclusive, in the following classes according to the ages of those so to be enrolled, and for the following purposes, to wit:

(a) Those between the ages of 18 and 20 years, inclusive, and to denominate those so enrolled the "Federal Cadet Corps," and he is authorized to call members of this Federal Cadet Corps for training, military or nonmilitary, or both, or for other forms of noncombatant national service.

(b) Those between the ages of 21 and 31 years, inclusive, and to denominate those so enrolled the "Federal First Line of Defense Corps," and he is authorized to call members of this Federal First Line of Defense Corps for training, military or nonmilitary, or both, for noncombatant military service or for military service in accordance with the provision of "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, or for noncombatant national service as hereinafter provided.

(c) Those between the ages of 32 and 36 years, inclusive, and to denominate those so enrolled the "Federal Second Line of Defense Corps," and he is authorized to call members of this Second Line of Defense Corps for training, military or nonmilitary, or both, or for other forms of noncombatant national service as hereinafter provided; and

(d) The President is authorized to enroll all such citizens or male persons, not alien enemies, between the ages of 37 and 45 years, inclusive, and to denominate those so enrolled the "Federal Reserve Corps," and he is authorized to call members from this Federal Reserve Corps for training, military or nonmilitary, or both, or for other forms of noncombatant national service, as hereinafter provided: *Provided, however*, That the President be, and he is hereby, authorized to establish a continuing enrollment in the Federal Cadet Corps, to include those who may from time to time attain the age of 18 years: *Provided further*, That all persons who may be enrolled as heretofore provided in any of such corps shall, at and by the attainment of a higher age, be automatically transferred to the appropriate corps for that particular age.

Third. And in addition to the classification as heretofore provided in accordance with the ages of those to be enrolled, the President is authorized to establish a further classification, based upon the qualification, training, or occupation, or previous occupation, of men from the ages of 18 to 45, inclusive, for the purpose of determination of the man power of the Nation, for the more effective mobilization of the men of the Nation for service of the United States, and in particular for those operations which are directly and immediately necessary for the successful prosecution of the war, such as: (a) Combatant military service, (b) noncombatant military service, (c) agricultural and food-production service, (d) manufacturing of iron and steel service, (e) Army and munition transportation-shipbuilding service, (f) Army and munition transportation-navigation service, (g) transportation-railway and railway-equipment building service, (h) railway-operation service, (i) fuel-production service, (j) metal-working and mining service, (k) medical service, and such other activities and services as may be deemed essential or desirable for the successful prosecution of the war, and that the President be, and he is hereby, further authorized to assign those so classified to corps to be formed, mobilized, and designated for the performance of these respective services.

Fourth. That the President be, and he is hereby, authorized to call, for military or combatant or noncombatant national service, as heretofore provided, any or all of those so enrolled in classes or corps in the manner and for the purposes heretofore specified: *Provided*, That the individuals, classes, or corps may be called at such times and in such numbers and may be designated for such of the aforesaid purposes or services as may be deemed necessary or expedient for the prosecution of the war: *Provided further*, That every male person shall, after being designated for a particular corps or service, and after taking the oath of allegiance, be deemed to be in the service of the United States and to be entitled to wear the insignia of his corps, class, service, or rank until dismissed or discharged: *And provided further*, That those thus designated for national service may receive their pay or emoluments in whole or in part either (a) from the United States, (b) from the employer, (c) or from personal earning as may be determined.

Fifth. The President is also authorized to place in a special classification all those out of employment, with a view to the assistance of such, by means of the Federal Employment Bureau or otherwise, to some suitable form of national service.

The President is further authorized to appoint to commissions for offices of command over or in any of such corps to be thus formed for national service expert men technically trained and preeminently fitted for and actively engaged in the particular line of activity to which the particular corps shall be assigned and to name certain of such commissioned officers of the highest rank in or over such national corps to serve upon the national service staff, which, together with the military staff, shall, under the President, constitute the war staff or council of the United States for the formulation and execution of plans for the most energetic and systematic conduct of the war: *Provided*, That nothing in this act shall be construed, without special designation or special direction by the President by proclamation or otherwise, as affecting the status of any member of the present forces of the United States: *Provided further*, That nothing in this act shall prevent the utilization for Federal service of those who may offer voluntary service as privates or as commissioned officers who may be of ages greater than 45 years.

The President is further authorized to make recommendations to Congress for the establishment of orders of merit or recognition of unusual, special fidelity, capacity, or valor in national service on the part of privates or officers in the Federal corps thus to be created.

Of course, the plan of registration and classification which I have in this measure proposed is not in any sense complete, for under the ideal system, which must in time be adopted as a permanent national policy, those of all ages and both sexes will be enrolled and proper records of every inhabitant will be made and preserved. I say with perfect confidence that such a complete enrollment, with the keeping of continuous individual records in a systematic manner, must become a permanent national policy for the reason that progressive and rationally organized government in so large a Nation as ours can not in the absence of such a system, by any possibility, be secured. We have already recognized this fact in that we have costly but on the whole unsatisfactory, unscientific methods of registration at the present time. We record the name of the immigrant coming into the country, and he is subjected to certain examinations, of which, I believe, some sort of a record is preserved. Births are now almost universally recorded. The name of the individual is registered, generally, when he takes a contagious disease; when he enters school, at every advancing grade of school; when he marries, enters the public service, or dies; for election and taxation purposes, and now, also, within certain limitations, for his liability for Federal military service. We have also a vast complicated and ineffective periodic registration and one not suitable for securing results in the way of scientific social organization, in the form of our national census. No extended discussion is necessary to convince any thoughtful man that such a periodic census is far less satisfactory in every way, and perhaps not less costly, if we consider how it must be constantly supplemented by the other forms of registration to which I have alluded, than the continuing census or enrollment by which it must sooner or later be superseded.

The various methods of organization for war which have been proposed for our consideration deal largely with the organization and reorganization of the various administrative departments here in Washington, and they all, therefore, must fail to meet the critical situation. This is not a Washington war, for it must be won by our Nation's man power. No matter how perfect the organization of the administrative departments may be, we must remember that they will remain merely directory departments. They can not become power departments, and it makes little difference how perfect such directory departments may be if the power plant is not organized or if the

mechanism for throwing the great machine into gear is disordered.

I can not even enumerate the most salient advantages which I believe would be secured by such legislation. Such a law would (1) reveal to the whole country the real gravity of the situation by bringing the war home to every citizen; (2) arouse the spirit of patriotism and cooperation; (3) reduce unemployment; (4) check the labor turnover; (5) limit the dilution of labor; (6) give the information and the authority for the training of reserves; (7) provide a general staff with real capacity for consultation and power for prompt and comprehensive action; (8) ameliorate most trying conditions and avert grave impending perils by increasing all lines of production. I assume that these powers would be used with discretion and in moderation to bring about gradually by scientific methods the proper adjustment of labor, without in any way causing dissatisfaction or doing violence to existing organizations.

This plan is not more radical and is designed to accomplish the same results as that adopted by England under stress in her munitions act, a convenient summary of which I ask leave to insert:

[From Bulletin of the Patriotic Education Society.]

1. The minister of munitions received power to control factories engaged principally on the manufacture of munitions.

2. It was agreed that neither capital nor labor should make a profit out of the nation's needs. The Government, having fixed wages, appreciated that it became its duty to see that the labor so dealt with should not suffer from the increased cost of living.

3. Strikes and lockouts became illegal, and arbitration became compulsory. It was agreed that any trade disputes in war industries should, for the period of the war, be submitted compulsorily to arbitration, which the Government should arrange.

4. The trade-unions agreed to waive all their practices and customs which tended to restrict either employment or output, such as the employment of only union labor and the use of only skilled persons on skilled jobs; and they promised to do their utmost to see that the agreement was carried through. They agreed also that any person, man or woman, would be allowed to do any kind of work.

In return for these important concessions the Government pledged itself to restore prewar conditions in shops after the war. The trade-unions, their leaders, and the rank and file, have abided very loyally by that agreement and act. * * * One of the lessons which has been learned in England is that the war is a war of the civil organizations—of mechanism and mechanics, of the machine shop and the factory—just as much as it is a war of the army. Organization of industry at home must be as complete and thorough as at the front. If one leaves organization at home to chance, he imperils the army. Industrial peace at home, continuity of supplies, and ever-increasing output—these things are vital if this war is to be carried through to a successful conclusion. * * * The shifting of labor from establishment to establishment, from work of great importance to work of less importance, from war work to civil work, has been checked by a system of licenses.

I can not take the time to elaborate upon this subject, although illustrations will suggest themselves to your minds. For example, the only limiting factor in the production of steel ships is the constructing labor factor, and under the present system we have no efficient, widely operating employment agencies for placing men in this work, while one yard bids against another, and the labor turnover aggravates the labor shortage. Moreover, many workers do not work over three, four, or five days each week, while they themselves would be more content if they were, as members of the forces of the United States, with all that that would imply, making full time. I need not tell you that our transportation systems have been seriously crippled by this same process of labor dilution, and it has been stated by the Eastern Department of the Railroad War Board that under war conditions labor efficiency has declined 50 per cent through the loss of experienced employees by the railroads. I ask leave to introduce into the RECORD a statement by Vice President G. L. Peck, of the Pennsylvania Railroad, bearing upon this subject:

[From the Chronicle, Oct. 27, 1917.]

LABOR DIFFICULTIES OF THE RAILROADS.

(By G. L. Peck, of the Pennsylvania Lines West, chairman of the Lake coal and ore committee of the Railroads War Board.)

There is rather an anomalous labor situation existing, for the pay rolls of the railroads show that they have about as many men at work in all departments as they had a year ago, or as many as they have ever had in busy times. It is not exactly correct, therefore, to attribute the difficulty to a "shortage of labor, but it can better be described as a "dilution" of labor—a term with which we have become familiar through the British labor reports, and which represents the very vital problem with which they have been confronted during the past three years. It means that, while the railroads have the same number of men as before, they have lost a very large proportion of their most efficient men, the substitutes having been drawn from the only remaining available supply, which of course means the substitution of inexperienced, "green" hands for men who had become skilled by years of experience in the detailed work of the very intricate machine.

It is not easy to produce statistics to show just what this means in reduced efficiency, but I should say roughly that it amounted to 50 per cent. We are preparing figures to show the periodical "turnover," or exchange of employees, and preliminary reports indicate that in many departments the entire force has been changed since the beginning of the year 1917. In one instance, with a normal force of 9,511 men, there were 6,602 men left the service during the first six months of 1917, and during that period 6,287 new men were employed, leaving a total force on July 1 of 7,701, against the normally required force of 9,511.

The problem of the preparation of our reserves of men for war by the eradication, so far as may be, of illiteracy, by special training courses to provide experts, such as laboratory and other technicians, and by general military training without disturbing the processes of production, presses upon us. The problem of the reconstruction of men returning from the war and of finding for them suitable employment is also here. This reconstruction work by vocational training should be started at once in the base hospitals. As soon as a man is sufficiently convalescent manual, physical, and mental training should be inaugurated under the direction of skilled surgeons, neurologists, and pedagogical experts, and no man should be discharged from the Army until we have, by the utilization of systematic registration, established such employment agencies as will be effective in placing him in suitable and agreeable work. Recently I visited a base hospital where I saw many soldiers returned from France in need of such reconstructive training. I saw men who had been wounded, scalded, frozen, men tubercular, and men paralytic, now in need of further treatment along this line of reconstruction. In this hospital the work has already been commenced through the splendid generosity of a patriotic Maryland man, who is devoting his time and his fortune to the cause of this war, but such a vast undertaking as this will be when thousands are returning can not and should not be carried on by private charity.

I have attempted to present this subject of the necessity for a better national organization in such a way as to lead you from the conception of the bill which I proposed as a measure merely for the conscription of labor. This is not at all a conscription measure if the word "conscription" is employed in its ordinary sense, for it provides for universal service and that form of organization which has now almost entirely supplanted the earlier methods of conscription.

In a democracy, moreover, where sovereignty is vested in the people the term "conscription" takes on a totally new meaning. It is no longer, as in the olden days, a compulsory service by a citizen to the autocratic ruler waging war to promote personal ambitions or to further imperialistic aims. It becomes rather a self-enrollment, an organization of the people by the people for the benefit of each, for mutual protection, and for the common weal.

This bill was drawn upon the theory that in this hour of national trial, or peril, of rare opportunity, each man must be animated by a worthy ambition to play nobly a man's part; that each must share in the responsibility which this Republic has assumed for the welfare of the world; that each, as he participates, would serve his country better if enrolled as one of her defenders, and that, no matter how humble his labors, they would take on new dignity and worth because of his country's recognition of the service. I would bespeak your support for no measure which by whip and leaded thong would scourge an American citizen like an unwilling quarry slave to an unwelcome or a hated task. I would rather, by proper legislation, open a golden door of priceless privilege through which each and every citizen of this Republic might enter into the courts of that new temple of a more fully realized, more highly organized, cooperative democracy, where, in a new communion of service all the men of the Nation, in army and in industry, would do valiant battle side by side to usher in a great new epoch in the affairs of men.

Conscription implies compulsion, but compulsion may promote true freedom. Liberty is limited by license and rampant individualism, which resents all restrictions, of necessity enslaves. Thus an absolute freedom of choice may place a man in everlasting bonds of ignorance while compulsion to education liberates the mind, and through a universal liberation of minds there become incorporate in governmental form democracy and highest liberty. This bill is drawn upon the assumption that who in time of war best serves his country serves himself best.

The more advanced forms of national organization involve a higher sense of duty on the part of the citizen to the State and on the part of the State to the citizen. It has been said that "federation is the condition which precedes unity." We have challenged a mighty adversary and, for our own preservation we must now quickly pass from the loose and cartilaginous stage of careless youth into the well-knit and tougher unity of maturity, with all its augmented feelings of mutual responsibility. Citizens must be loyal, but the State dare not be either forgetful or neglectful. The dutiful service now required of the citizen demands the immediate fulfillment, so far as may be, of those imperative duties which our Nation has for so long been lamentably failing to perform.

The added speed and load of war has put tremendous strain upon the machinery of our Government and grave administrative defects, long since observed by the more expert, now stand

forth revealed in startling clarity to all. But, you may say, these are, of course, only minor administrative failures. I reply that no governmental failure is ever trivial, for each seems to be inevitably followed by a long grizzly train of human ill and agony and destruction beyond all computation. Our failure to properly apply the principles of our democracy to all the complexities of modern social conditions, to attain the higher degree of administrative efficiency, now so indispensable, has filled unspeakable almshouses and prisons, partially pauperized nearly three millions of our people, and consigned millions more to hopeless illiteracy, while it has placed in countless potter's fields and unknown cemeteries the graves of those who have been mercilessly slaughtered through the neglect of Government.

In this most imperfect attempt to discuss so vast a subject I fear that I may have presented what may seem to you a mere collection of trite and useless generalities, and I would, therefore, if time permitted, take up in fuller detail a consideration of some of the almost inconceivably frightful consequences of past administrative neglect. I would in doing this desire to discuss the subjects of public education; unnecessary unemployment; the problem of public health; of poverty and high living costs in this land capable of supporting in ease and luxury a half a billion people; the untold hardships which have been inflicted by our failure to grasp the absolute need for accident, unemployment, ill health, and other forms of insurance; and also the great cooperative movements now in progress within the various countries of the world.

My good friends who are so eager for the Government ownership and operation of all the instrumentalities of production, who praise the vastly superior administrative powers of political appointees, would do well to carefully consider and investigate the failure of Government in these fields, more particularly in that of public education in this Republic. I venture to make the suggestion that public education must precede public ownership, and until we secure the benefits and blessings of the first, I, for one, shall pray for the deliverance of our country from the last.

Free government is the highest social product of liberated minds. True democracy can not exist without an absolute equality of educational opportunity. Except in a few States our system of education is obsolete, incomplete, and, in its higher departments, almost wholly undemocratic. Where we should have a universal, compulsory, scientific system of democratic education and training, extending from the kindergarten to the highest professional school and all departments available to every individual according to his intellectual powers, we really have at present no system worthy of the name.

I need not discuss those aristocratic schools to which rich men send their sons to be trained, if you please, in the gentle art of being gentlemen, but, without burdening you with statistics I shall advert to the subject of our public schools.

Our system of public education as supported by the States rests upon the assumption that in a democracy every citizen should be informed, enlightened, physically and mentally developed, cultivated in civic virtue, and fitted for some specific service in the community, and upon this assumption sums unparalleled in any age, or in any nation, have been devoted to the education of our youth.

We have as States an investment in our school plants of nearly one billion of dollars and we expend for their support approximately a half a billion dollars each year. Yet to the shame of this Republic it must be said that out of the 25,000,000 of children of school age in this country, according to the last census, only 20,000,000 are enrolled, and of these only 14,000,000, 56 per cent, actually attend school, and these only average 160 days' attendance in the year for the whole country, while in 42 States the average school year is less than 100 days. Is it strange that, under these circumstances, we should have this shocking illiteracy, to which attention has but recently been called by the Secretary of the Interior, Franklin K. Lane, which is hampering our military preparations and is the subject of our debate to-day in this Chamber? While it is true, as has been said, that we had in 1910 only five and one-half millions of persons above 10 years of age who could neither read nor write their names, these figures do not represent the true condition, for many times this number are not properly fitted for useful citizenship or service in this hour of national necessity because of the lack of the proper kind of physical and mental training. We need greater thoroughness in all our methods. There should be more of the technical, industrial, and vocational training of our youth as a means for the upbuilding of a sounder and larger structure of national prosperity. Our public schoolhouses should be democratic centers for the illumination of the minds of youth and adult, social as well as intellectual centers. Our public schools should be good enough for any youth of our land and none too good for all. Classification and separation should be made when advisable without that discrimination against any class which works injustice, breeds illiteracy and incompetence, and is incompatible with our democratic ideals. Attendance should be universally compulsory, and all the various State systems should be standardized.

I can not at this time enter upon a more extended discussion of the problem of unemployment which, even now, in the face of an apparent shortage of labor, is a most serious one. War by its marked disturbance of the industrial equilibrium creates at its beginning, and, of course, more particularly at its close, a vast amount of unnecessary unemployment which can be met only by scientifically organized and efficiently conducted State and Federal employment agencies.

I wish that I might dwell upon the problems of the proper forms of social insurance which, in my judgment, have a direct relation to this large problem of applying our labor cooperatively to this task of war. We have recognized this in our war-risk insurance legislation which, while not commending itself in some of its provisions to my judgment, was nevertheless the first step toward some consideration of this question.

The mining of coal, the building of ships, the transportation of military supplies must all be considered military operations according to the new formulæ of war. The question at once arises whether those who may be killed or maimed in these industries during the war shall be assured, under some adequate system, some compensation for the sacrifices which they shall thus make in the defense of their country. I have always contended, sometimes in the face of strong opposition, that these problems of public education, of unemployment, of social insurance, and of the public health must ultimately be dealt with as large national problems, and that a neglect of them would sooner or later bring us face to face with a grave national emergency, an emergency which is now upon us as we confront enemies, who are most dangerous because, as I have before noted, they have long realized that "intellect and education" play a larger part in war than "stamina and courage."

It may be that there are left some men in public life who will continue to maintain that the problem of public health and vitality is a purely local one, even in view of the fact that at a time of national peril so many of our youth have been found to be diseased, underdeveloped, or otherwise physically unfit. It is perhaps an unfortunate fact that disease germs have not generally profited by courses in constitutional law, and hence do not recognize the boundaries of States and all the nice distinctions of State and Federal sovereignty.

We can not as a Nation continue longer inactive in the face of the unfitness of so many of our youth, of the further fact that purely preventable diseases are taking an annual toll of much more than a billion and a half of dollars in money loss alone, and, what is more and worse, unnumbered lives and an immeasurable sum of human suffering and bereavement. Typhoid fever alone, a horrible disease, protean in form, insidiously destructive, resourceful to both kill and maim, a water-borne disease, entirely preventable, caused largely by the fact that we force the people of one community to imbibe the filth and excretions poured into our interstate streams by communities above, collects an annual toll of more than $350,000,000 and takes the lives of many victims. This pollution of our streams, with our increasing population, becomes a constantly growing menace. Tuberculosis, likewise preventable, a disease which flourishes under the insanitary conditions where population presses, probably costs us alone a billion dollars a year. One-half a million of men are maimed each year in our industries and one-half of these accidents might easily be avoided. Three million people are sick in bed all the time in the United States, and about one-half of them are ill with preventable diseases. At least 2,000,000 of our citizens are suffering from a terrible disease which is now spreading with frightful rapidity because of war conditions. Facts and figures might be multiplied. We can not calculate the enormous reduction in incompetency, criminality, vice, disability, and poverty which would result from properly organized and conducted departments of public health, education, employment, and insurance.

I have detained you far too long, but I have desired to mention these subjects to indicate that I conceive this problem of a better national organization to be an intensely practical one.

I would not have you think that the plan which I have proposed in this bill is novel, untried, theoretical, or revolutionary. History proves conclusively that national integration and social consolidation constitute the normal reaction and the proper protective response to the compressive forces of war.

I wish that I might also impress upon you my deep conviction that should we adopt some such plan of national organization we would at once demonstrate both to our allies and to our enemies that we also know the game of modern war. We would

serve notice by such action upon the German Empire that we have a clear comprehension of the "nation in arms" and that we, a free people, propose to be prepared to meet and to conquer it. To do this would, in my judgment, mean the conservation of the lives of many thousands of our soldiers and the winning of an easier and an earlier victory.

It is now for us to make and keep the American democracy worthy of all this sacrifice for its preservation, a democracy whose transcendent excellence must arouse the admiration and the emulation of all other peoples.

We must think greatly and greatly act. We must think not longer in terms local, but nationally, looking ever to our more complete national unification and development, to the turning of all of our vast potentialities into actual power. We must moreover learn to think in terms international, looking to the effective and extended use of that power for world advancement.

I wish that I might feel that I have made clear my views as to what this war should mean to our country. We must not fail at any point, and we shall fail in a large part, if not in all, if through the trials of war our democracy does not become so ordinated and integrated that each last citizen shall through all the future be given opportunity to be truly and in the highest sense liberated.

The measure which I have proposed is designed to furnish the machinery of organization by which America shall learn for the first time the full meaning of the joy which springs from vast cooperative effort in a great and righteous cause, by which each man may be extended the privilege of doing his part in this the mightiest enterprise of time. I believe that when we adopt the principles embodied in this bill and offer to each man his opportunity there will be a response which will reveal this Republic in all her magnificence, rising to the full measure of her responsibilities.

In words spoken by Vice President MARSHALL:

> In the hour of war there can be only one shrine for all men who are really patriotic, and that shrine embraces a vision of the God of the Republic. Let men divest themselves of their political garb and personal trappings. Let them, as Moses at the burning bush, come unshodden. Let them cry out to the Republic, "What wilt thou have me to do?"

Mr. President, the Germans are neither materialists nor atheists. They are idealists and deists. They worship the world god of Hegel and of history, the mighty god of blood and battle, but they have become forgetful of the God of the beatitudes and of the second golden commandment. Him, whose almighty arm has swept into the rubbish heaps of time the empires of the past which refused obedience to these laws, we must hear first.

Let us so order our Government that not mere legal but social justice, not the cold word but the veritable and vital spirit of our institutions may be fulfilled; and let us make our country an invincible avenger of these great wrongs, forgetting not the God of battles who was with our fathers, and mindful ever that it can not be His will that any nation shall with impunity stretch forth a profane and unclean hand to defile or despoil the Ark of that Sacred Covenant made with the fathers, when upon a bleak, a barren, and an inhospitable shore they knelt down and dedicated this new land to liberty, to justice, and to Him.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

During Mr. FRANCE's speech,

The PRESIDING OFFICER (Mr. WATSON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3771.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government, which had been reported from the Committee on the Judiciary with amendments.

Mr. OVERMAN. I will inquire of the Senator from Maryland how long he expects to occupy the floor.

Mr. FRANCE. I will say to the Senator that I dislike to detain the Senate, but on last Friday I gave notice that to-day at the close of the morning business I would address the Senate on this subject. I fear that it is going to take me until nearly 3 o'clock.

Mr. NELSON. I suggest to the Senator from Maryland that he has the floor and he can continue his speech on the bill before the Senate.

Mr. LEWIS. There is no disposition to cut off the Senator.

Mr. OVERMAN. Certainly not. There is no disposition to cut off the Senator in his speech. I merely wished to know how long he expected to take.

Mr. FRANCE. I hope to finish before 3 o'clock, because I dislike to delay the Senate unnecessarily, and I wish to say that the observations which I have made bear quite directly upon the bill which the Senator has in charge.

Mr. OVERMAN. I appreciate all that, and I did not intend to cut off the Senator, but merely wished to know how long he would take, as I desire to follow him.

The PRESIDING OFFICER. The Senator from Maryland will proceed.

After the conclusion of Mr. FRANCE's speech,

Mr. OVERMAN obtained the floor.

Mr. KIRBY. Will the Senator from North Carolina yield to me?

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. OVERMAN. I do.

Mr. KIRBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Jones, Wash.	Owen	Smith, Md.
Bankhead	Kellogg	Page	Smoot
Calder	Kenyon	Penrose	Sterling
Chamberlain	King	Phelan	Stone
Culberson	Kirby	Pittman	Sutherland
Cummins	Knox	Ransdell	Thomas
Fall	McCumber	Reed	Thompson
Fletcher	McKellar	Robinson	Tillman
France	McLean	Saulsbury	Townsend
Frelinghuysen	Martin	Shafroth	Trammell
Hale	Myers	Sheppard	Wadsworth
Harding	Nelson	Sherman	Warren
Hardwick	New	Simmons	Watson
Henderson	Norris	Smith, Ariz.	Williams
Johnson, Cal.	Overman	Smith, Ga.	Wolcott

Mr. PITTMAN. I wish to announce the absence of the following Senators, who are in attendance upon a hearing in the Committee on Indian Affairs: The Senator from New Mexico [Mr. JONES], the Senator from Wyoming [Mr. KENDRICK], the Senator from Idaho [Mr. NUGENT], the Senator from North Dakota [Mr. GRONNA], the Senator from Kansas [Mr. CURTIS], the Senator from Oregon [Mr. MCNARY], and the Senator from Arizona [Mr. ASHURST].

Mr. TRAMMELL. I desire to announce the necessary absence from the Chamber of the junior Senator from Mississippi [Mr. VARDAMAN].

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present.

Mr. OVERMAN. Mr. President, the bill which is now before the Senate has not yet been read in this body, and I ask that it now be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government, as follows:

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized and empowered to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary: *Provided*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force.

SEC. 2. That in carrying out the purposes of this act the President is authorized, in such manner as he may deem most appropriate, to coordinate or consolidate any executive commissions, bureaus, agencies, offices, or officers, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto, and to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be available for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 4. That during the time this act is in force all restrictions in any existing law creating any executive department, commission, bureau, agency, office, or officer, or defining the duties thereof, shall be deemed to be suspended to the extent that they may be inconsistent with the exercise of the authority herein conferred.

Mr. OVERMAN addressed the Senate. After having spoken, with interruptions, for about two hours, he yielded the floor for the day.

ORDER OF BUSINESS.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I do.

Mr. REED. I understood from the Senator's remarks that he would not be able to conclude this evening. I apprehend that he would not be averse to taking an adjournment at this time. He has spoken now at some length, and I wanted to ask the Senator if it would be against his desire if I should make a motion to adjourn?

Mr. OVERMAN. I shall be glad if the Senator will do so, because I am a little fatigued and I can conclude in the morning in about 20 minutes.

Mr. REED. I move that the Senate adjourn until 1 o'clock to-morrow. There are some important committee meetings, and I think we ought to have the time to attend to our committee work, if that is not objectionable.

Mr. OVERMAN. I should like, if the Senator pleases, to get consideration for our bill which was reported this morning. If we can meet at 12 o'clock——

Mr. REED. Meeting at 1 o'clock will not shorten the morning hour.

The PRESIDING OFFICER. The Senator from Missouri moves——

Mr. SMITH of Georgia. Mr. President, before the motion is put, I wish to say to the Senator from North Carolina that the bill that we had up during the morning hour to-day went over to accommodate the Senator from New Hampshire. I think it is now practically in shape where there will be no further opposition to it. One or two amendments will be accepted, and I am very anxious that the consideration of that bill be finished.

Mr. REED. This motion will not shorten the morning hour.

Mr. GALLINGER. It will make the morning hour last until 3 o'clock.

Mr. SMITH of Georgia. There is another bill that the Senator from North Carolina wishes to get up during the morning hour also. I think we can finish ours in 10 minutes.

Mr. OVERMAN. I always dislike to displace a bill that has already had an argument, and I am perfectly willing to let the Senator take a vote on it, although when the hour of 3 o'clock arrives I shall want to proceed with this bill.

Mr. SMITH of Georgia. Oh, I do not mean to hold on when the unfinished business is reached. I was referring to the bill the Senator reported to-day, that he said he wanted to get up in the morning hour.

Mr. OVERMAN. I do want to get it up in the morning hour.

Mr. SMITH of Georgia. I said that we wanted to finish the bill we had partly heard during the morning hour before this other bill is taken up in the morning hour. Of course, if we have not finished its consideration by the time the morning hour is concluded, I should desire to have the bill laid aside, because I think we ought to go right on with this bill.

Mr. OVERMAN. I want to say to the Senator from Georgia that I fully agree with him; but I am going to make a motion, if the Chair will recognize me, to take up the bill to which I refer the first thing in the morning hour, because the Senator realizes that that bill, of all bills, must be passed at once.

Mr. SMITH of Georgia. I do not think so, Mr. President. I think the Senator ought to allow the bill upon which we have spent two mornings, and which is practically finished, to be finished before we take up another bill in the morning hour.

Mr. OVERMAN. I can not consent that the bill I reported this morning shall not be taken up until some other one is disposed of. That bill must be passed within the next day or two. The department has urged it, and therefore it ought to come before anything else. I am satisfied that there will be no time wasted. I do not think there will be any argument about it. The bill has been unanimously reported from the committee. The Senator was not there.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. REED] that the Senate adjourn until 1 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 3, 1918, at 1 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 2, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, Source of every high and noble impulse, quicken our minds and hearts with Thy Spirit, that we may go forward in the new day to larger conquests and greater victories for ourselves as individuals and for our Republic; that the world may be better that we have thought and acted; and all praise be Thine, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ASSISTANT SECRETARY OF WAR.

Mr. DENT. Mr. Speaker, I submit herewith a conference report upon the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, for printing under the rule.

The conference report (No. 451) is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed, strike out all after the word "Senate" in line 10 of the engrossed bill down to and including "year" in line 11 of said bill, and insert a period and the following:

"The Assistant Secretary shall be entitled to a salary of $5,000 per annum, payable monthly, and the Second Assistant Secretary and Third Assistant Secretary shall each be entitled to a salary of $4,500 per annum."

And the Senate agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
F. E. WARREN,
Managers on the part of the Senate.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT, by direction of the Committee on Military Affairs, submitted the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 452), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. KAHN] may have the right to reserve all points of order on the bill.

The SPEAKER. The gentleman from Alabama submits the Military Academy appropriation bill, and asks unanimous consent that all points of order be considered as reserved by the gentleman from California [Mr. KAHN]. Is there objection?

There was no objection.

BIRD RESERVATION.

Mr. STAFFORD. Mr. Speaker, I wish now to enter a reservation of all points of order to the bill (H. R. 10612) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Cal., and Klamath County, Oreg., and for other purposes, which was introduced as a privileged bill on Saturday last by the gentleman from California [Mr. RAKER].

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCLEMORE for 15 days, on account of important business.

ALIEN WOMEN.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill H. R. 9504 be taken from the Speaker's table, that the Senate amendments be disagreed to, and that a conference be asked. That is the bill known as the bill to include alien women in Revised Statutes, section 4067.

The SPEAKER. The Chair will ask the gentleman to let that go over until later in the day, as the bill does not appear to be on the Speaker's table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3874. An act providing medals for certain persons;

S. 3802. An act authorizing appropriation made for the national security and defense to be used for the purchase of real estate or the use thereof when such purpose is not specifically stated in said appropriations;

S. 3384. An act to amend the public-building act approved March 4, 1913;

S. 4138. An act to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes;

S. 3388. An act to amend the emergency shipping funds provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyards and plant employees, and for other purposes;

S. 4102. An act granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho;

S. 4127. An act to authorize the W. M. Ritter Lumber Co., a corporation to construct bridges across the branches and tributaries of the Big Sandy River and their tributaries in the counties of Buchanan and Dickenson, in the State of Virginia; and

S. 1738. An act for the relief of the Southern States Lumber Co.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

EXPORT TRADE.

Mr. WEBB. Mr. Speaker, I submit herewith for printing, under the rule, a conference report upon the bill (H. R. 2316) to promote export trade, and for other purposes.

The conference report (No. 450) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendments numbered 5 and 6: That the House recede from its disagreement to the amendments of the Senate numbered 5 and 6, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter inserted by said amendments strike out, in lines 1, 2, and 3, page 3, all of section 2 after the word "or," in line 1, page 3, the matter stricken out being "intentionally and unduly enhances prices within the United States of commodities of the class exported by such association," and insert in lieu thereof the following: "intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 18, page 5, strike out the words "or intentionally and unduly," and in line 20, page 5, after the word "association," insert the words "or substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

ATLEE POMERENE,
JOS. T. ROBINSON,
ALBERT B. CUMMINS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

On amendments Nos. 1, 2, 3, and 4, on which the House recedes, have the effect of excluding from the comprehensive definition given in the section of "export trade" the selling of the goods, wares, or merchandise for resale, as well as for consumption, within the United States of any Territory thereof.

On amendments Nos. 5 and 6, on which the House recedes with amendments, do not substantially change the act. The language substituted was agreed upon in conference as more clearly and accurately defining the things which an association formed under the provisions of this act could not do and be protected by the provisions of the act.

On amendment No. 7 is a change in language used, to make it conform to the amendments made in Nos. 6 and 7.

On amendment No. 8: The Senate here recedes, which leaves the matter involved as originally passed by the House.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8696) making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have the attention of the chairman of the committee for a moment. There are 92 amendments added by the Senate to the bill, some of them of the most important character, particularly amendment No. 92, providing for the withdrawal of trust funds of the Indians from the Treasury of the United States and authorizing the Secretary of the Interior to deposit them in banks. I believe that as to that amendment, if it is to be agreed to in conference, opportunity should first be given to the House to take its judgment upon it before agreement is made. Then, as to the so-called McMurray claim amendment, No. 67, the Committee on Indian Affairs has reported upon that claim and has made some amendments, which removed the objectionable features of the bill that were protested against by the gentleman from Illinois [Mr. MANN] at the last session, but which are not eliminated from the amendment as reported by the Senate. If the conferees should agree to the amendment in the form reported by the House committee, with those provisions stricken out, with the additional provisions at the end of the amendment, I would have no objection to it, but I think it is necessary otherwise in order to safeguard the rights of the Indians to have a vote upon it before it be agreed to. I am merely expressing my interest in that amendment. There are two other important amendments which I think the House is deeply interested in; those are the Mississippi Choctaw Indian amendment, appropriating $150,000, and the amendment appropriating $175,000 for certain Indians in Texas, both out of the Treasury. I do not think that in these times that we should launch upon that policy, and I respectfully ask the chairman as to those two items, if they are not disagreed to, to bring them back into the House for a separate vote.

Mr. CARTER of Oklahoma. Mr. Speaker, I agree with the gentleman from Wisconsin [Mr. STAFFORD] with reference to the last two amendments. They constitute a departure from the policy of the Government in the past to a certain extent, to wit, they go out and take under the wing of the Government Indians who are not now under supervision of the Government. There is some precedent for that, however, in the case of Rocky Boy's Band of Chippewas in Montana, I think it is, the Seminole Indians in Florida, and the homeless Indians in California; but each one of these questions, as I recall, was settled by the House itself and not by the conferees appointed for adjudicating differences between the two Houses of Congress.

I think certainly questions of policy ought to be settled by the House and not by any three or six men in conference. With

reference to the first matter to which the gentleman calls attention, I have not examined the amendment closely enough to know just what it does provide. If it is in conformity with the rule that has been adopted in reference to the Five Civilized Tribes, it may relieve the Federal Government from paying interest on tribal funds.

Mr. STAFFORD. I will say the Five Civilized Tribes are not affected by this amendment.

Mr. CARTER of Oklahoma. The Five Civilized Tribes have a provision similar to that now by which their funds are not held in the Treasury, but placed in banks, and the bank pays interest on the funds rather than the Government paying interest on them, which relieves the Government from any obligation they may have in reference to interest. Now, what is the other?

Mr. STAFFORD. If the gentleman will permit, in ordinary times when the Government was not so hard pressed for the use of these trust funds we might agree upon a policy of allowing funds to be withdrawn from the Treasury and deposited in National and State banks, but I question whether an amendment of that import should be agreed to in conference——

Mr. CARTER of Oklahoma. The gentleman certainly knows——

Mr. STAFFORD (continuing). Without first submitting it to the House for consideration.

Mr. CARTER of Oklahoma. The gentleman certainly knows the Federal Government does not use the trust funds of its wards for payment of governmental obligations. They are not carried in the Treasury balances.

Mr. STAFFORD. But the balances can be used, and tends to swell the Treasury funds?

Mr. CARTER of Oklahoma. No; the trust funds of the Indians are not used in the payment of any Government obligation and are not carried in the Treasury balances. They are carried separate and apart from the available funds on hand for the discharge of obligations of the Federal Government. They are so considered and carried that way on the books of the Treasury, but as to that I shall not be contentious about it if the other conferees do not. Personally I would not object to having that settled by the House now or hereafter. Now, what is the other?

Mr. STAFFORD. The McMurray claim.

Mr. CARTER of Oklahoma. In relation to that claim, I will say to the gentleman the provision carried in this bill I consider a better provision, giving better protection to the Indians, than that reported from the Committee on Indian Affairs, because this provision provides that McMurray can not go to the Court of Claims upon his suit until he has first filed a bond for any judgment that the Indians might recover against him.

Mr. STAFFORD. I am in favor of that protection.

Mr. CARTER of Oklahoma. There is another provision carried in this claim item with reference to the cancellation of leases. In a former bill introduced a somewhat similar provision was carried, except the cancellation dated back to the time it was discovered that no available coal laid underneath the lease. The proposition contained in this bill provides that the cancellation shall not be had until 30 days after the adjudication of this claim. To be more specific, the Senate amendment to this bill provides for the future cancellation of leases found to be noncoal bearing and on which royalties are not paid, not at the same date in the past, but 30 days after the settlement of this controversy. That is not objectionable to me, but really it seems an equitable thing to do.

Mr. STAFFORD. The gentleman recalls the bill as reported to the House struck out the provision that met the objection of the gentleman from Illinois.

Mr. CARTER of Oklahoma. That is one of them.

Mr. STAFFORD. And another one which is not stricken out in the Senate amendment providing as to the amount to be calculated as being a fair and equitable basis,

Mr. CARTER of Oklahoma. That provision still is in the Senate bill as it passed the Senate.

Mr. STAFFORD. But not in the bill as reported by the House committee.

Mr. CARTER of Oklahoma. I am frank to say I have never been able to see any very strong contention for the striking out of that language, and I can not see any very serious objection to its being stricken out. If the matter is going to be settled, I can not see why it should not be settled on a fair nd equitable basis.

Mr. STAFFORD. I think it is better in that particular to follow the recommendation of the House committee.

Mr. CARTER of Oklahoma. We favor the plan reported by the House committee, but we would not want to eliminate the requirement for bond by the plaintiff in case the Indians secured a judgment.

Mr. STAFFORD. I favor that provision, as I told the gentleman in a private conversation before he brought it on the floor.

Mr. KNUTSON. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Indian Affairs in reference to amendment 25.

Mr. CARTER of Oklahoma. I do not remember what amendment 25 is.

Mr. KNUTSON. That is an amendment to provide for the expenditure of an unexpended appropriation which was made in the last Congress to be used for fixing up a stretch of road between the Indian school and the nearest trading point.

Mr. CARTER of Oklahoma. That is the Senate amendment——

Mr. KNUTSON. I will say to the chairman I offered an amendment, and it was ruled out on a point of order by the chairman of the committee, notwithstanding the fact that the Indian Department had recommended this expenditure.

Mr. CARTER of Oklahoma. Well, Mr. Chairman, as a Member of the House and as a House conferee, the obligation will be on the House conferees to stand for the bill as it passed the House, but just how far the conferees will go in that respect, of course, it will not be possible for me to say. If the Senate presents a just proposition that a conferee felt he could justify himself in agreeing to, I think it might be possible to agree to it, but it would have to be a just proposition, such as he could justify before the House, before we would agree to it.

Mr. KNUTSON. The department has recommended it, I will say to the chairman.

Mr. CARTER of Oklahoma. I never knew anything for the expenditure of funds out of the Treasury that the department did not recommend.

Mr. KNUTSON. Fifty per cent of this expenditure——

Mr. CARTER of Oklahoma. Is this money paid out of the tribal funds or out of the Federal Treasury?

Mr. KNUTSON. Fifty per cent of it is to be paid out of the tribal fund and 50 per cent by the counties through which the road runs.

Mr. CARTER of Oklahoma. And not out of the Federal Treasury?

Mr. KNUTSON. No.

Mr. CARTER of Oklahoma. That is in favor of the proposition. The House has always refused to appropriate money out of the Federal Treasury for building of roads and bridges on Indian reservations.

Mr. KNUTSON. If the gentleman will assure me that he will agree to the amendment——

Mr. CARTER of Oklahoma. I certainly could not do that.

Mr. KNUTSON (continuing). I will withhold the objection.

Mr. CARTER of Oklahoma. Let the gentleman object. If the gentleman wants to object, if he wants to hold up one of the supply bills and send it back to the committee and perhaps require 8 or 10 days longer consideration of the bill simply because a conferee can not place himself on record as violating the faith of the House, then the gentleman had as well object.

Mr. GILLETT. Why for 8 or 10 days? Why can you not report it back to-morrow?

Mr. CARTER of Oklahoma. That is all right. The committee, of course, must take its time. It will do it as quickly as it can.

The SPEAKER. Is there objection?

Mr. KNUTSON. Mr. Speaker, I regret very much to be compelled to take this course, but it seems to me it is only a small item, and that the gentleman should meet me half way on it. I do not like to object.

The SPEAKER. Does the gentleman object?

Mr. CARTER of Oklahoma. Mr. Speaker, I have never heard before of a conferee of the House being held up by a Member of the House to get that conferee to agree to a position taken by the Senate and against a position taken by the House.

Mr. GILLETT. Mr. Speaker, the gentleman recognizes that by objecting the gentleman will have a right to move to concur. It is very often done in order to be sure that you have a right to move to concur.

Mr. CARTER of Oklahoma. The gentleman can do that if he desires.

The SPEAKER. What the Chair wants to find out is if there is anybody objecting.

Mr. KNUTSON. I object, unless the gentleman——

Mr. CARTER of Oklahoma. I would not do that.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON] objects.

ALIEN WOMEN.

Mr. WEBB. Mr. Speaker, I renew my request to take from the Speaker's table the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

The Speaker announced the following conferees: Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD.

WITHDRAWAL OF PAPERS.

Mr. OSBORNE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 6102, granting an increase of pension to Sarah J. Wood, Sixty-fifth Congress, no adverse report having been made thereon.

LEAVE TO FILE MINORITY VIEWS ON H. R. 289.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to be given 15 days within which to file minority views on the bill H. R. 289. It is the bill with reference to the municipal ownership of street railways in the District of Columbia.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to file minority views on the bill H. R. 288. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. GRONNA, and Mr. NORRIS as the conferees on the part of the Senate.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 5351. An act providing for the disposal of certain lands in block 32 in the city of Port Angeles, State of Washington.

THIRD LIBERTY LOAN.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to reconsider the bill H. R. 11123, known as the third liberty bond bill, that passed the House on Saturday, and to return to that stage in the procedure of its passage in the House immediately before I made the motion for the previous question.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent to vacate all the proceedings on the bill H. R. 11123 back to where he made his motion for the previous question. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, in order to——

Mr. KITCHIN. Mr. Speaker, I make this request for the purpose of offering an amendment to section 5 of the bill. This section embraces a provision with respect to the determination of the values of the shares of stock of National banks, State banks, trust companies, and other banking institutions for the purpose of State taxation. The Committee of the Whole and the House on Saturday voted against the motion of the gentleman from South Carolina [Mr. DOMINICK] to strike out section 5 under the firm impression and belief, because other members of the committee and myself assured the House, that the only fair construction admissible to that section was that it exempted from State taxation only an amount of the value of the shares of stock of the bank equal to the same proportion of the value of the shares as the par amount of any bonds or other interest-bearing obligation held by the bank bears to its gross assets. In other words, the intention of the committee, and the fair and reasonable construction of that section, as the committee and myself contended on the floor, was that if a bank had $1,000,000 of assets and $100,000 of Government bonds in those assets, or 10 per cent of its assets in Government bonds, that for taxation purposes only 10 per cent could be deducted from the value of the shares of stock of the bank. The gentleman from Illinois [Mr. CANNON], the gentleman from South Carolina [Mr. DOMINICK], the gentleman from Arkansas [Mr. WINGO], and other gentlemen who opposed the provision in the bill took the position that the construction was that if a bank purchased bonds equal in amount to the capital stock and surplus of that bank, then the shares of stock would escape taxation by the States altogether. And many of them opposed and voted against the provision in the bill and with the gentleman from South Carolina [Mr. DOMINICK] to strike out that provision, upon the assumption that that was a proper construction.

I myself would have voted with the gentleman from South Carolina [Mr. DOMINICK] on his motion to strike out the section, and certainly to amend the section; and if not to amend it, to strike out the section, if I had believed it was fairly reasonable to construe it in the way in which the gentleman from Illinois [Mr. CANNON] and the gentleman from South Carolina and the other gentlemen construed it. I assured the House that that amendment would not bear that construction, and I am certain, but for that assurance, that many gentlemen would not have voted for the section and the provision as it now is in the bill.

On Monday morning I went down to the Treasury Department to see how it would construe the language of the provision, and, to my surprise, I was told that it would construe it to mean, and the Treasury Department intended by the language for it to mean, that if a bank invested an amount equal to its capital stock and its surplus in liberty bonds it would escape all taxation by the State. I said, "I would not favor it if I thought that was the construction, and I feel in honor bound to go back to the House and make this statement and ask the House to reconsider the bill and amend the section to carry out the intention of the committee and of the House, and make the intention of the committee and of the House so clear and so plain that it will admit of no other possible construction."

Mr. LONGWORTH. Mr. Speaker will the gentleman yield.

Mr. KITCHIN. I will.

Mr. LONGWORTH. Would the gentleman object to having read at the Clerk's desk the reason given by the Secretary of the Treasury for urging the passage of this provision?

Mr. KITCHIN. In a moment. I will be pleased to have you do that. I called the Committee on Ways and Means together yesterday afternoon and we discussed the matter, and the committee unanimously instructed me to make this request and to propose the amendment which I shall read. It is as follows:

On pages 6 and 7 of the bill, strike out all the matter beginning on page 6, line 22, down to and including line 4, on page 7, and insert the following:

"In determining the value of the shares of any National bank, State bank, trust company, or other banking institution, for the purpose of taxation by any State or any of the possessions of the United States or any local taxing authority, there shall be deducted an amount equal to the same proportion of the value of the shares as the par amount of any bonds or other interest-bearing obligations of the United States issued during the present war owned by such bank or trust company or banking institution bears to its gross assets."

That expresses exactly what the Committee on Ways and Means thought, and what I thought, in presenting the bill, the meaning of section 5 was as it stands in the bill; and it expresses the thought and construction and intention which the House had when it voted against Mr. DOMINICK's motion to strike out.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I will.

Mr. BARKLEY. Let us suppose that the total gross assets of a given bank were $400,000 and the value of the stock is predicated upon that $400,000 of gross assets. Suppose the bank should buy $400,000 worth of liberty bonds. Then the amount of liberty bonds, the proportion of the liberty bonds in proportion to the gross assets, will be 100 per cent. In that case it would represent the total assets, and under your amendment would not the value of the shares escape taxation?

Mr. KITCHIN. Surely it would. It would no longer be a bank. It would be just a bondholder. Suppose I were worth $400,000, and only $400,000, and were now paying income and other Federal, State, and county taxes on $400,000, and that I turned those assets into liberty bonds. I would escape all taxation except the excess profits and surtaxes. The banks pay excess-profits taxes.

Mr. BARKLEY. There is no good banking institution that would invest all its gross assets in liberty bonds?

Mr. KITCHIN. No. It could not afford it.

Now, pursuing the gentleman's illustration further, suppose it had $400,000 of assets and had bought $40,000 of bonds, and suppose it had $360,000 of other assets. Then the deduction would be one-tenth.

Mr. WINGO. Mr. Speaker, will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. WINGO. I think I understand the gentleman's position on the amendment now; and, using the illustration that the gentleman used a moment ago, suppose a bank has assets of $1,000,000 and Government bonds $100,000 and capital stock $100,000. Now, the gentleman by the amendment that he offers intends this: That the $100,000 of Government bonds now repre-

sents 10 per cent of the assets. Now, in assessing the shares of stock, say that a stockholder owns $10,000 worth of stock. In the case of the bank we have given as an illustration this $10,000 par value is worth $100,000 actual value, is it not, if there are a million dollars assets and $100,000 stock?

Mr. KITCHIN. Does that make a million?

Mr. WINGO. It is ten times $100,000.

Mr. KITCHIN. I would say that a bank of that kind would have to have about fifteen or twenty million dollars of gross assets.

Mr. WINGO. I am talking about gross values.

Mr. KITCHIN. When you talk about the liabilities, you have the total assets.

Mr. WINGO. When I speak of assets, I speak of gross assets, and when I speak of values, I speak of gross values, because if the gross assets of a bank are $1,000,000, and its capital stock $100,000, then the gross value of each share is 10 to 1.

Mr. KITCHIN. Oh, no. I think the gentleman has it wrong.

Mr. WINGO. Where? I would like to see.

Mr. KITCHIN. You mix up gross values and gross assets. They both mean the same.

Mr. WINGO. I am speaking of that particular stock. If the gross assets of one million is ten times as much——

Mr. KITCHIN. Yes; if the surplus and capital stock are worth ten times as much, then it would be 10 to 1.

Mr. WINGO. I am using gross assets. I agree with you on that. If the gross assets of the bank are one million, that is ten times the face value of the stock, is it not?

Mr. KITCHIN. Oh, no.

Mr. WINGO. Certainly, $1,000,000 is ten times $100,000.

Mr. KITCHIN. No; the par value of the stock is, of course, the face value. It may not, in fact, be worth more than 10 cents on the dollar.

Mr. STEVENSON. Will the gentleman permit me to interrupt him?

Mr. WINGO. I want to finish my question. We will assume that the face value of the capital stock is $100,000. We are taking, now, a bank that has capital stock of $100,000 at par value. I am not considering surplus or actual value of the stock. I am talking about the par value. The par value of the capital stock is $100,000. The gross assets—not the net assets, but the gross assets—of the bank are $1,000,000. In other words, the gross assets are ten times the face value of the stock. Now, under the gentleman's amendment the deduction would be one-tenth of $1,000,000, would it not, because $100,000 is one-tenth of the gross assets. Now, when a stockholder has $10,000 face value of the shares, would you deduct one-tenth of that face value or one-tenth of its gross value or one-tenth actual value?

Mr. KITCHIN. If such a case can be conceived as the gentleman puts, of the gross value of the assets making any criterion for the real value of the stock or the gross value of the stock—I can not conceive of such a case——

Mr. WINGO. Assuming that that is true.

Mr. KITCHIN. It is not possible to have such a case.

Mr. WINGO. Take a man who has $10,000 worth of the capital stock in that bank, which has $100,000 capital and $100,000 of Government bonds, and has gross assets of $1,000,000. The stockholder has $10,000 par value of shares. What is going to be the specific deduction from that man's assessable valuation?

Mr. KITCHIN. If his stock is worth $100,000 or $10,000, or $100 a share, you deduct one-tenth.

Mr. WINGO. Of the actual value?

Mr. KITCHIN. Of the actual value; yes.

Mr. WINGO. That is the point I want to get cleared up. Does the gentleman think, then, that the language in line 8 will do that?

There shall be deducted in amount—

From what? The actual value or face value? Ought it not to say "from the actual value"? If you do not, you leave room for the Treasury Department to put the interpretation——

Mr. KITCHIN. The gentleman is absolutely wrong about it. When it says the value of a share, it can not mean anything except the actual value.

Mr. WINGO. There is market value, there is actual value, there is par value, but the Treasury Department——

Mr. LONGWORTH. If the gentleman will permit me, it is the assessed value.

Mr. WINGO. Will the Treasury Department take the actual value of shares of stock or take the par value?

Mr. KITCHIN. The Treasury Department has nothing to do with construing this provision. That is for the assessors and the courts in the gentleman's State.

Mr. WINGO. That is the reason why the Treasury Department——

Mr. KITCHIN. Wait a minute. I mentioned a while ago that the Treasury Department's construction of that provision was similar to that of the gentleman whose name I mentioned. I knew, of course, that the Treasury Department had nothing to do with construing the provision, that it would be for the courts to construe it; but the point I intended to make when I was interrupted was that the Treasury Department, through its lawyers, and gentlemen whom I mentioned who were distinguished lawyers, having taken a different view from that of the committee and of the House and of myself, that fact was convincing to me that it was admissible of two constructions, and two reasonable constructions, and we wanted this amendment inserted so that it could admit of but one construction.

Mr. WINGO. Will the gentleman permit a suggestion right there?

Mr. KITCHIN. Yes.

Mr. WINGO. The reason why the Treasury Department construes value to be par value, unless you say actual value or market value, is because the courts in passing upon this question have said that when you speak of the value of shares of stock you refer to the face value.

Mr. KITCHIN. The practice of the department is exactly contrary to what the gentleman says. They take the value unless it says par value.

Mr. WINGO. Probably I was mistaken.

Mr. DOMINICK. Under the terms of this amendment the value of the shares is for the purpose of taxation, so the question as to par value or book value does not come into the proposition at all.

Mr. KITCHIN. That is true; and the proof that the provision itself intended to make a difference between par value and real value is that it goes to the question of the amount of bonds held by the bank. If the bonds go to a premium, they do not consider the value, but simply the par value.

Mr. STEVENSON. If the gentleman will permit, I just want to suggest to the gentleman from North Carolina that the actual figures as they existed on the 1st of January show how this will affect things. The total resources of the banks were $40,000,000,000. The liberty bonds held by them amounted to about $1,000,000,000, or only about 2½ per cent. If that ratio continues, the average deduction would be 2½ per cent.

Mr. KITCHIN. Yes.

Mr. STEVENSON. Which is a very small matter—about 2½ cents on the dollar of the assessed value of the stock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina [Mr. KITCHIN]?

Mr. GREEN of Iowa. If the gentleman will yield for a moment, I think it is not improper that a little statement be made to the House as to how a part of this came about. The gentleman will remember that while the Ways and Means Committee were considering this particular provision several of us were engaged with the Senate on a conference, and for that reason it seems that there was some difference of opinion even among the members of the committee as to the construction of this paragraph, because it had not been discussed by all the members of the committee in the committee itself. I understood—and I think the gentleman from Pennsylvania [Mr. MOORE] understood—this paragraph just as the Secretary of the Treasury construed it, and I think we have so understood it all the time, but we did not make known our opinion to the other members of the committee, because we were not in the committee at the time when it was discussed. It being thought necessary that these two measures should be pushed along as fast as possible, we had an unusual and peculiar situation at the time it was considered. The gentleman from Nebraska [Mr. SLOAN] does not agree to the construction of the Treasury Department, but has agreed with the chairman from the beginning and is very positive in his conclusions. I have high regard for his legal opinion and will not say that he is not right. This difference of opinion has brought about a situation in which there might possibly be a different construction put upon this section from what some Members of the House intended, and the committee does not want to leave any loophole of that kind. We want the matter so plain that the wayfaring man can not err in construing it. This amendment is offered to clear up the situation. I am not prepared to say that I favor it as an abstract proposition, for I have some doubt whether it will work equitably in all cases, but as to its general purpose I say most em——

Mr. LONGWORTH. Mr. Speaker, I think the House would better understand the action of the committee if I send to the Clerk's desk and have read a portion of the statement of the Secretary of the Treasury upon which we acted.

Mr. MOORE of Pennsylvania. Reserving the right to object, I want to say as a preface to this reading, which I think is proper, that the views herein expressed by the Secretary of the

Treasury, which had weight with certain Members, differ from those now expressed by the chairman of the Ways and Means Committee.

Mr. LONGWORTH. I do not think so.

Mr. JOHNSON of Washington. Did you get two opinions in the Treasury Department as to what the language means?

Mr. MOORE of Pennsylvania. No. My point of view as a member of the committee is, and has been all along, that the Secretary of the Treasury desires that the Federal bonds held by national banks, particularly liberty bonds, should not be subject to indirect taxation by the States, and he did not, for that reason, desire the sale of these bonds to be prejudiced.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

STATEMENT BY SECRETARY M'ADOO.

At my suggestion Senator OWEN has introduced in the Senate a bill (S. 4137) which is intended to give relief from a form of indirect taxation by the States upon Government bonds and certificates of indebtedness. Under existing provisions of law, the States are permitted to tax the holders of stock of national banks, and thus, through indirection, the United States bonds and certificates of indebtedness held by such banks which are included as a part of the value of the stock. The States have adopted a method of increasing the value of the stock of banks holding Government bonds and certificates of indebtedness by the amount of such securities and in that way taxing these bonds and certificates held by the banks. Therefore there is what amounts to a direct taxation by the States upon the bonds and certificates of indebtedness held by the national banks, and that taxation is very burdensome and is seriously interfering with the financing of the Government's necessities. The proposed legislation provides for the deduction from the value of such stock of the amount of bonds held by the banks. The State taxation against stock of national banks can of course only be levied with the consent of the United States, since national banks themselves are governmental instrumentalities, but this consent has been given by the United States by what is now section 5219 of the Revised Statutes.

This law was passed in 1864 and was subsequently amended, and under that law the United States permitted the States to tax the stock of national banks. Otherwise, the States would not have any such power. The United States has now made its own bonds subject to its income and excess-profits taxes, but has not attempted to subject bonds of States and municipalities to like taxation. In other words, the bonds of the States and municipalities, by virtue of the action of the Government of the United States, carry far more favorable exemptions than the bonds and the certificates of indebtedness of the United States.

For instance, a bond of the city of New York to-day is exempt from State and municipal taxes and from all Federal taxation of every kind and character. Now, the bond of the United States is exempt from State and local taxation and from all Federal taxation except super taxes and excess-profits taxes. The result therefore is that the city of New York is offering to investors in the greatest investing market in the world a bond in competition with the bonds of the United States upon a far more favorable basis, both as to interest rate and as to tax exemptions.

Now, we are putting the United States at a further serious disadvantage when we permit the States to tax the bonds and the certificates of indebtedness of the United States as a part of the capital stock of national banks. It reduces the income return on the United States bonds and certificates of indebtedness where they are so taxed to such an extent that the banks can not afford to take them. These instrumentalities of the Government, the national banks, which were established for the purpose of providing money for the Government, are largely impotent through this method of State taxation to help the Government in this crisis. I may say that at the time the act of 1864 was passed, with its amendment granting the States the right to tax the capital stock of national banks, the bonds of the United States which the banks were organized especially to take were in effect not taxable by the States, because they carried the circulation privilege, and when the circulation privilege was exercised there was an outstanding liability against the bonds, and hence the States could not add the value of these bonds to the capital stock as a basis of taxation; but now our bonds do not carry a circulation privilege, and the result is that when the national banks buy them for patriotic reasons or otherwise, or when they hold these certificates of indebtedness, they can not issue currency against them, and they are immediately added to the value of the capital stock of the national banks and are taxed by the State. That is hampering the Government very much in its essential financial operations.

Mr. LONGWORTH. Do you mean they add the value of the bonds to the authorized capital stock, or to the market value of the stock?

Secretary MCADOO. To the assessed value. They include the value of the bonds in assessing the value of the stock. The Government provided they should be exempt from State taxes, but the States are doing by indirection what if attempted directly is prohibited by statute. As we go along, gentlemen, if the States are permitted to tax Government bonds when we can not tax municipal and State bonds, we will be up against a position where it will be impossible to finance the necessities of the Government; it is for that reason that I feel that it is most important that the States shall not be permitted indirectly to make nugatory the express exemptions from taxation now carried in all Government bond issues.

Mr. LONGWORTH. Now, gentlemen will observe that the Secretary said that the proposed legislation provided for deduction from the value of such stock the amount of bonds held by the banks. There was never any suggestion—I can not read any suggestion in that statement that this proposition was to exempt banks from taxation. The proposition simply was to take away from the States the power to raise revenue by indirect taxation of Government bonds. The sole object of this legislation is to make Government bonds at least as good as municipal bonds, and they would be were it not for the provisions in the act of 1864.

Now, it was never contemplated, it seems to me, that banks could relieve themselves from all taxation by simply taking an amount of Government bonds equal to the capital and surplus. It seems to me the amendment now offered by the gentleman from North Carolina carries out what the committee intended and what is fairly deducible from that language.

Mr. PHELAN. But it does not carry out what the Secretary wants?

Mr. LONGWORTH. That may be possible. I have only had read the statement of the Secretary made before the Ways and Means Committee, a statement which caused us to put in this item of legislation. I did not know at that time how the Treasury Deparment was going to construe that provision. I did not know until the chairman of the committee told me yesterday that the Treasury Department intended to construe it as he says it has.

Mr. PHELAN. I think the whole thing is stated in Secretary McAdoo's statement, on page 16, where he says "at my suggestion Senator OWEN has introduced in the Senate a bill which is intended to give relief from a form of indirect taxation by the States upon Government bonds and certificates of indebtedness." If you work the proposition out, you will find that under the amendment offered there is still indirect taxation on liberty bonds, and there would not be as made by the Secretary originally and as I explained on the floor Saturday. There would then be no indirect taxation.

Mr. MOORE of Pennsylvania. Will the gentleman from North Carolina yield me two minutes?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. Mr. Speaker, without going into banking details that only confuse the mind, I want to give my understanding——

The SPEAKER. The gentleman from North Carolina has no time to yield.

Mr. MOORE of Pennsylvania. Then I reserve the right to object.

Mr. KITCHIN. Mr. Speaker, I will ask unanimous consent.

The SPEAKER. The gentleman from Pennsylvania asks to be recognized for three minutes. Is there objection?

Mr. MCFADDEN. Reserving the right to object, I would like about two minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks for three minutes, and the gentleman from Pennsylvania [Mr. MCFADDEN] asks for two minutes. Is there objection to these two requests? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, in the plain, blunt language of a layman, this is the situation: The Federal Government does not tax State or municipal bonds. It relieves from taxation men who are employed by cities and by States. Our recent revenue law, for instance, exempts justices of the Supreme Court and lower courts of a State and municipal employees. That is a matter of comity between the Federal Government and the State government; it is also an observance of the constitutional provision. We treat the State as exempt from Federal taxation on its State bonds. That is the point. Now, the Secretary of the Treasury, mindful of the law passed in 1864 in regard to the right of States to tax bank shares, came before our committee and suggested that he was hampered in the work of selling liberty bonds because under the law of 1864 there was imposed an indirect tax upon liberty-loan bonds—these Federal bonds—due to the method of imposing taxation upon bank shares.

I hope that is clear. The Secretary's request seemed reasonable, because if we exempt State or municipal bonds from Federal taxation, the State ought in all fairness to exempt Federal bonds held within the limits of the State. That is the spirit and the law. It was a fifty-fifty proposition. I supported it because I believed that what was fair to a State as granted by the Federal Government was certainly fair to the Federal Government as coming from the State, especially in time of war. That is all there is to it. The gentleman from North Carolina [Mr. KITCHIN] suggests a new method of relieving this situation, and the question is whether his method is better than that agreed upon by the House the other day. I believe his amendment preserves the lawful rights of the States and also exempts Federal bonds from State taxation.

Mr. MCFADDEN. Mr. Speaker, I want to call attention to section 5 of the original bill, which was considered on last Saturday, which, in my judgment, contains the very thought that the Secretary of the Treasury intended to convey when he asked for this legislation, and that was absolute exemption from State taxation of all liberty bonds to the extent of the value of the assessable shares of the banks. This compromise amendment now offered by the majority leader is going to bring forth a good many queries and misunderstandings on the part of the banks. In order to determine just how to figure this law

and interpret to their separate cases, practically every bank will have to consult its attorney before it can figure out its tax exemption. It seems to me that if it is a question of the sale of liberty bonds, the suggestion of the Secretary of the Treasury should be followed in full. If it is the question of a compromise, I am fearful that we are going into deep water, and it will make more disturbance among the banks than if we had not attempted to do anything for them. We might better repeal section 5 entirely than to substitute this proposed Kitchin amendment.

Mr. LONGWORTH. But does not the gentleman think the construction which the gentleman from North Carolina [Mr. KITCHIN] tells us here that the Treasury officials will put upon that section does not accord with the view of the gentleman, with which I agree?

Mr. McFADDEN. I think the gentleman is right. It is very evident that the Committee on Ways and Means in the consideration of this measure had an entirely different understanding than that of the Secretary of the Treasury. It is also very clear that when this same provision was considered by the Banking and Currency Committee, that they had the view of the Secretary of the Treasury, and right there I want to refer to a matter that I have heretofore called attention of the House to on one or two different occasions—one of the occasions being the reference of the War Finance Corporation bill to the Ways and Means Committee instead of the Banking and Currency Committee—and that is the reference of measures of this kind to improper committees. The Banking and Currency Committee, as has been stated here on the floor of this House, considered this bill known as section 5 of this act, and after hearing the arguments of those in favor of the provision refused to report the bill, so the Secretary presented the bill to the Ways and Means Committee, and they included it in this bill, evidently without giving much thought to the meaning of the section, as has been shown by the variance of views expressed by the members of that committee during the discussion of this subject.

Mr. KITCHIN. Mr. Speaker, I ask that the request be put now.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to vacate all proceedings on this bill back to and including the motion for the previous question?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

Mr. WALSH. Mr. Speaker, must not the gentleman get consent to return to section 5 in addition to the request which has already been granted?

Mr. KITCHIN. Oh, no; I asked for unanimous consent for the purpose of offering the amendment which I have read.

Mr. WALSH. But the consent just given does not put this measure back to section 5.

Mr. KITCHIN. We are in the House, and not in the Committee of the Whole, and when we are in the House we can amend the bill at any portion of it.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Will a motion be now in order, or at some time during these proceedings, to strike out section 5 of the bill under the proceedings now being had?

The SPEAKER. It is open for amendment; yes.

Mr. SHERLEY. But in order for anyone to offer an amendment he must first get recognition.

The SPEAKER. Of course. No one disputes that.

Mr. SHERLEY. I thought it might not be generally understood that the control of the bill is in the hands of the gentleman from North Carolina, because he has the floor, and he can move the previous question.

The SPEAKER. That is correct. No one has questioned that.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. I assume anybody would be privileged to offer a motion to recommit at the proper stage?

The SPEAKER. Of course. That is always in order, provided the motion itself is in order. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

On pages 6 and 7, strike out all the matter beginning on page 6, line 22, down to and including line 4 on page 7, and insert the following:

"In determining the value of the shares of any national bank, State bank, trust company, or other banking institution, for the purpose of taxation by any State or any of the possessions of the United States or any local taxing authority, there shall be deducted an amount equal to the same proportion of the value of the shares as the par amount of any bonds or other interest-bearing obligations of the United States issued during the present war owned by such bank or trust company or banking institution bears to its gross assets."

Mr. KITCHIN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING of Illinois. Mr. Speaker, it is perfectly proper, I suppose, for members of the Ways and Means Committee to indicate to the House what the committee did do, but it does not come within the province of any member to tell the House what the committee intended to do. Every member of the committee has to speak for himself as to intention. I have not been able to find anything obscure in the statement made by the Secretary of the Treasury before the committee. He is not in the habit of making obscure statements. I think he can express himself as clearly as any man I ever knew, and the only construction that can be put upon his statement with reference to this provision of the bill is the construction that he puts upon it now, according to the statement made by the chairman of the committee a few moment ago. It was the purpose of the Secretary of the Treasury to reduce the taxable property of a bank by the amount of liberty bonds it might own.

I shall not undertake to state what the purpose of the committee was, but I know it was the purpose of one member of that committee to do that same thing. That was the Secretary's purpose, and I think he is justified in it. I think the bill is now as it ought to be, although it is not my purpose to make any particular contention against this amendment.

If the Members of the House think the bill that we passed the other day gives too great exemptions to banks and this will give less exemptions to them, why then, of course, they will vote for this amendment. I think there are two very good reasons why the bill should remain as it is. In the first place, as stated by the Secretary of the Treasury, and as everybody knows, Government bonds are not taxable in the hands of individuals or of any corporation unless it is a bank. Now, why should they be taxed in the hands of a bank when they are not taxed in the hands of any other owner? Now, I know what your answer will be. You will say that the bonds bought by the banks are bought from the assets of the bank without discriminating as to whether the assets used by the bank are permanent assets—that is, its taxable assets which are made up of its capital and its surplus or the variable assets, such as deposits. The assets of a bank are a common fund, all parts of which are used in the same way. When bonds are paid for one can not specify whether they are paid for by taxable assets or by nontaxable assets, and for that reason some contend that the money used to pay for the bonds should be apportioned between the two kinds of assets and the bonds pay taxes accordingly.

We are dependent upon the banks to sell these liberty bonds and we will be dependent upon them in making this next sale. They are the machinery through which the Government gets these bonds out to the people and collects the money of the people in the Treasury of the United States, so we are under some obligation at least to treat them as fairly in this matter as we treat individuals or corporations. And there is another reason, and, I think, a very vital reason, too, why the bonds should be considered a part of the taxable assets of the bank—that is, the bonds should be considered as having been purchased by the use of the taxable assets of the banks—and that is this: It is a permanent investment. Now, the taxable assets of the bank, which are made up of its capital and its surplus, are its fixed assets—its permanent fixed assets. The deposits are variable assets. We have always considered that it is good banking to limit the loans of banks to short-time paper, but these bonds are for 30 years. They are permanent investments, and should be paid for by permanent assets.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. STERLING of Illinois. I will.

Mr. SMITH of Michigan. Is it the gentleman's view that these bonds should be taxed in the hands of the individual as well as in the hands of the bank?

Mr. STERLING of Illinois. No; I do not think they should be taxed at all.

Mr. SMITH of Michigan. Why does the gentleman say they should be taxed when purchased with the deposits or assets of the bank?

Mr. STERLING of Illinois. I do not say it.

Mr. SMITH of Michigan. I misunderstood the gentleman.

Mr. STERLING of Illinois. I say they should be exempt altogether.

Mr. LONGWORTH. Will the gentleman yield?

Mr. STERLING of Illinois. I will.

Mr. LONGWORTH. Would not the real short road to that proposition be by amending the law of 1864 and providing that these bonds should not be taxed by States in any event?

Mr. STERLING of Illinois. I think the bill as we passed it the other day accomplishes that very thing.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. MOORE of Pennsylvania. I think the gentleman has clearly interpreted the Treasury Department's attitude on this question, but I want to ask in regard to the Kitchin amendment whether it does not still preserve the right of the States, under the act of 1864, to tax the value of the shares of the bank. It preserves that right, does it not?

Mr. STERLING of Illinois. Not to the full extent.

Mr. MOORE of Pennsylvania. Except that so far as the full value of Federal bonds is concerned it is to be deducted from the gross assets held to be taxable.

Mr. STERLING of Illinois. Under this amendment the States can tax the bonds in the same proportion which the taxable assets bear to the gross assets.

The SPEAKER. The time of the gentleman has expired.

Mr. STERLING of Illinois. I would like to have five minutes more.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent——

Mr. KITCHIN. I yield the gentleman five minutes additional.

Mr. STERLING of Illinois. Going back to the statement I undertook to make a moment ago——

Mr. MADDEN. Will the gentleman yield?

Mr. STERLING of Illinois. Excuse me until I finish this statement. These bonds are a permanent investment. They run for 30 years. They are not short-time paper. They ought to be considered as having been paid for out of the permanent fixed assets of the bank and not the variable and temporary assets of the bank. Whenever a bank buys $100,000 of Government bonds it has got them for 30 years unless it can find a satisfactory market. It would not be possible for a bank to take out of the variable assets of the bank $100,000 and put it in a 30-year loan, so it ought to be considered as having been paid for out of the permanent and fixed assets of the bank, which is the capital and the surplus of the bank, and it should reduce the taxable assets of the banks to the extent those assets are converted into Government bonds. Now I yield to the gentleman.

Mr. MADDEN. The question I desired to ask my colleague was whether the taxation imposed under the provisions of this bill, if the amendment is adopted, apply equally to State banks purchasing liberty bonds and national banks?

Mr. STERLING of Illinois. Yes.

Mr. MADDEN. But would the relief in one case grant relief in the other?

Mr. STERLING of Illinois. Yes. The amendment relates to national banks, State banks, and trust companies, and other banking institutions. Now, under the amendment which is offered to the bill, if the taxable assets of the bank were one-fifth of its gross assets, then the bank can only deduct or exempt one-fifth of its Government bonds from taxation.

The amendment is simple enough in its operation. In determining the exemption allowed banks by this amendment you need to ask and answer only one question. What is the ratio between the taxable assets and gross assets of the banks? If the one is one-fifth of the other, then one-fifth of the bonds owned by the bank are exempt. If one-tenth, then one-tenth of the bonds are exempt.

Now, there is just that discrimination made against banks with reference to these bonds that is not made against any other owner of the bonds in the United States. Personally, I believe the bill is just as the Secretary of the Treasury intended it, and I believe it is as it ought to be, and that this amendment does not improve it so far as doing justice to the banking institutions is concerned. [Applause.]

Mr. KITCHIN. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. The theory of the gentleman from Illinois and others who agree with him is that the amount of the Government bonds a bank may own should be taken from the net assets, or an amount equal to the amount of the capital and surplus. The other theory, as developed by the chairman of the committee, is in harmony, as I see it, with the text of the bill. That takes the amount of the Government bonds for taxation purposes from what might be called the assets, or what in the proposed amendment will be called the gross assets. The first proposition we are interested in is, Does the word "assets" as used in the original mean the net assets or gross assets? The dictionary says that "assets" are all the property, real and personal, of a "deceased or bankrupt person, of a corporation, or of a partnership which is or may be chargeable with the debts or legacies of such parties or persons." So, in order to give a basis for the construction placed by the gentleman from Illinois, the Treasury officials, and a number of the members of the Ways and Means Committee you would have to read in this bill instead of "assets" the words "net assets."

I call your attention to the bill, on page 6, at the bottom, it says:

In determining the value of the shares of any national bank, State bank, trust company, or other banking institution—

Not for market purposes, but—

for the purpose of taxation by any State, or any of the possessions of the United States, or any local taxing authority, the par amount of any bonds or other interest-bearing obligations of the United States owned by such bank, trust company, or banking institution, shall be deducted—

From what?

from its assets.

Which, under the definition, the only one I was able to find that covered this proposition, means "all its assets."

What does that mean to a bank? Many of you are familiar with banking statements, and know that assets or resources are placed in a column on one side and liabilities on the other. Now, I want to suppose a case. I submit the following bank statement, with the amounts assumed to simplify consideration rather than to satisfy a critical bank examiner.

Mr. HELM. Will the gentleman yield?

Mr. SLOAN. Permit me to finish this statement, because the main trouble in this discussion is that gentlemen have shifted from one side to the other, and have called deposits assets.

National Bank of Supposition.

RESOURCES OR ASSETS.		LIABILITIES.	
Cash	$100,000	Capital stock	$75,000
Bills receivable	100,000	Surplus	25,000
Exchange	100,000	Deposits	800,000
Warrants	100,000	Bills rediscounted	50,000
Real estate	100,000	Taxes, claims, etc	50,000
Banking house, furniture, and fixtures	100,000		
Railway bonds	100,000		
Judgments, Claims, etc	100,000		
Municipal bonds	100,000		
United States bonds	100,000		
Total	$1,000,000	Total	$1,000,000

Each of the above assets has a dual value aspect under the bill. First, as constituting a portion of the actual value of the stock—each of the above items contributes one-tenth to the net worth of the bank, and, so far as fixing the value of the shares, absolutely equal.

But for taxing purposes it is quite different. The first item, "Cash," is one-tenth the value of the assets for both as contributing actual value to the shares and furnishing a basis for taxation. Why? Because no State or Federal law exempts cash. Precisely the same is true of bills receivable, exchange, real estate, banking house, furniture, and fixtures, railway bonds, judgments, and so forth. In some States warrants are exempt. How about the remaining two, municipal bonds and Government bonds? Municipal bonds constitute one-tenth the value of the bank's assets.

But for taxing purpose it stands for nothing, because they are exempt. Therefore the taxing basis has been diminished by one-tenth. Upon the same basis the Government bonds constitute one-tenth of value, but being exempt as a taxing base it stands for nothing. Therefore the taxing base is reduced by another one-tenth, so that the value of the shares, as shown in the above basis, amounting in all to $100,000, must be reduced by two-tenths, or $20,000, equal to $80,000 net taxable basis.

To state it in another way, every dollar of the "assets," or gross assets, if you please, contribute 10 cents to the net assets. How much did the municipal bonds contribute? Ten thousand dollars. Then, for a taxing basis take that out. How much did the Government bonds contribute? Ten thousand dollars. Take it out of the net assets. The combined reduction made leaves $80,000. That exempts from taxation both the municipal bonds and the Government bonds, but exempts nothing else.

Under the construction claimed by some gentlemen in the foregoing case, if you exempt either the municipal bonds or the Government bonds, the bank would go scot-free of all taxation. Under our construction the Government bonds are immune from taxation. Under the other construction—exempting the bonds—all other assets of the bank would be immune. Under the working of that theory the largest and most valuable institution in every town and city would be placed on a parity with churches and schools—exempt from taxation.

The SPEAKER. The time of the gentleman has expired.

Mr. KITCHIN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. SLOAN. What becomes of municipal bonds? They are 10 per cent of the value of all those assets. But so far as taxing

value is concerned in most of the States in this Union they are not worth a dollar. So that they are cut out; but cut out of where? They are cut out of the gross assets.

Mr. DOMINICK. Will the gentleman yield?

Mr. SLOAN. Permit me to finish the statement.

Mr. DOMINICK. I wanted to ask a question about municipal bonds. Is it not a fact that in such cases where municipal bonds are exempted from that kind of taxation, it is provided in the body of the bond? It is already in the act under which those bonds have been issued. The ordinary general exemption from all State, county, and municipal services would not carry the exemption to shareholders of banks.

Mr. SLOAN. The same exemption is given in the States for municipal bonds that is given for United States bonds, and when they enter into the assets of a bank they constitute, as anybody knows, instead of here, 10 per cent of the value of the bonds, but not one millimeter, if such a term can be used as applied to banking, for making up the taxing value.

When this bill was drafted I understood it to mean precisely what it says, and it squares with the taxation method of the banking system in my State. It squares with the taxation system of nearly every State in the Union so far as State banks are concerned, and where we have municipal bonds or Government bonds we simply take them out of the total assets, find the proportion of the total assets that the exempt portion is, and that gives the ratio of reduction to be taken from the value of the shares.

Now, then, we should read the statute as it is, that the assets mean all the property that the bank has, and that each of these factors do go to make up the total assets. We could not say that the cash in a bank furnished the particular part that, reduced to its final terms, would equal the capital and surplus. We could not say that the real estate would either. But all intermingled and reduced to their lowest terms come down to the value of capital and surplus, and each dollar contributes, whether it is bond, cash, exchange, real estate, or whatever it is, its portion toward what might be called its net assets. So there is nothing left to do except, after you have discovered the amount of the bonds you have, Government bonds, deduct them from your total assets.

If it is one-tenth, then take from the total assets one-tenth, and your book value for assessment purposes would be 90 per cent of the par value of the stock.

Now, it seems to me that, reading that bill as English ought to be understood and read, it becomes very simple indeed.

Mr. DIXON. Mr. Speaker, will the gentleman yield for a question?

Mr. SLOAN. I would like to yield first to the gentleman from Kentucky [Mr. HELM]. He asked me a question, but at that time I wanted to finish my statement.

Mr. HELM. I was wanting to get from the gentleman a statement to the House of what is meant by the term "gross assets"?

Mr. SLOAN. The "gross assets" would mean the same as the "assets," upon which the market value would be determined. We do not use the term "gross assets" in this bill. It may be used in the amendment. If it is, it means the same as the "assets," as we have discussed it and as the dictionary defines it.

Mr. HELM. Does the "gross assets" include deposits?

Mr. SLOAN. By no means. A deposit is a liability and not an asset.

Mr. HELM. But the thing deposited is an asset.

Mr. SLOAN. Yes; the thing deposited is an asset, but when it is in the custody of the bank it creates a liability on the part of the bank. That has been the cause of much confusion. Men have discussed deposits and called them assets.

Mr. DIXON. The bank statements in newspapers are published usually in parallel columns. First are the resources of the bank on one side, and on the other side are the liabilities of the bank. As I understand it, the assets of the bank, under this bill, are the resources of the bank as shown by these publications.

Mr. SLOAN. Certainly; and that includes all the property that the bank has.

Mr. FOCHT. Mr. Speaker, will the gentleman yield for a question?

Mr. SLOAN. Yes.

Mr. FOCHT. In reaching what you call "assets," would you use the method commonly employed in ascertaining the value of bank stock, ascertaining what is known as the book value? Would you not include that as measuring the assets?

Mr. SLOAN. That is usually expressed in the capital and surplus and undivided profits thereof.

Mr. FOCHT. Would you tax that amount?

Mr. SLOAN. To arrive at the precise market value, an examination of the quality of securities and other assets would have to be made.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. BUTLER. Mr. Speaker, will the gentleman from North Carolina [Mr. KITCHIN] allow me to ask him two or three questions?

Mr. KITCHIN. Does the gentleman want to ask me two or three questions?

Mr. BUTLER. Yes; two or three questions of the gentleman from North Carolina.

Mr. KITCHIN. I yield.

Mr. BUTLER. I would like to know how to do what I propose to do, and that is vote against any measure that will enable the States to impose any taxation on these liberty bonds. If I vote against this amendment, do I accomplish that result?

Mr. KITCHIN. If you vote for this amendment, you preserve the rights in the States that tax only the value of the stock represented by other than bonds, and you preserve the right to the Federal Government to prevent the States from taxing any part of the value of the stock represented by bonds. The bonds are exempted from taxation.

Mr. BUTLER. I thank the gentleman for that answer. Does the Secretary of the Treasury oppose this proposed amendment?

Mr. KITCHIN. I have not talked with the Secretary of the Treasury about it. His assistants would prefer the provision as it passed the House Saturday, but I do not believe that this proposed amendment will interfere with the sale of bonds.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. McFADDEN. I want to ask the gentleman if this amendment of his has the approval of the Secretary of the Treasury?

Mr. KITCHIN. I have not seen the Secretary of the Treasury in regard to that amendment. Is the gentleman opposed to it because the Secretary of the Treasury is opposed to it?

Mr. McFADDEN. No; I would not say that; but the Secretary of the Treasury is asking for this legislation for the purpose of aiding in the sale of liberty bonds.

Mr. KITCHIN. I would say to the gentleman that this provision of the bill differs from the recommendation of the Secretary of the Treasury. The Secretary of the Treasury did not want us to include State banks in it. The Secretary of the Treasury wanted only to exempt national banks from taxation and let the State banks pay the taxes. Do you favor that proposition?

Mr. McFADDEN. I spoke against it and raised the constitutionality of it on last Saturday when that question was up.

Mr. KITCHIN. I wanted to know whether the fact that the Secretary of the Treasury opposed or favored the proposition was the reason for the gentleman's action?

Mr. McFADDEN. I realize that the exemption of the value of bank shares from taxation by States will promote the sale of liberty bonds, and I realize that in doing this we deprive the States of a vast amount of revenue, and it seems to me that it is not constitutional for the Congress to prohibit the States from taxing the shares of stockholders in banks operating within their own borders, be they either National or State banks.

Mr. KITCHIN. I understand the gentleman favors the original proposition in the bill, because, according to your statement, while the original proposition in the bill will lose about $3,000,000 revenue to the State of Pennsylvania, this provision would release about 2½ per cent of the value of the shares from taxation, if the position of the gentleman from South Carolina [Mr. DOMINICK] is right.

Mr. McFADDEN. I did not favor the proposition of the Secretary of the Treasury on Saturday. I fear you are giving the Secretary of the Treasury only 10 per cent of what he is asking for, and whether it will meet with his approval or not, and whether it is going to interfere with the sale of liberty bonds, I question——

Mr. KITCHIN. This amendment will not interfere with the sale of liberty bonds at all.

Mr. VESTAL. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes; I will.

Mr. VESTAL. I would like to ask the gentleman a question. I do not understand this Treasury statement very well. Suppose a bank has $200,000 of capital and surplus.

Mr. HASTINGS. That includes undivided profits.

Mr. VESTAL. And they should buy $100,000 of liberty bonds under the bill as we passed it. Do I understand that that bank then would be taxed on $100,000, the difference between the value of the bonds they purchased and the other capital stock and the surplus, under the bill that passed last Saturday?

Mr. KITCHIN. The House is certainly under a great misapprehension as to the tax. I will answer the gentleman. The present law that we propose to amend or repeal to an extent is a law giving the States the power to tax, not the assets of the bank——

Mr. VESTAL. I understand——

Mr. KITCHIN. Not the property of the bank, but the value of the shares of stock of the bank. Now, the case that the gentleman puts, as I understand it, is this: Here is a proposition of a bank that has $200,000 of capital and surplus.

Mr. VESTAL. Yes; $200,000 of capital and surplus.

Mr. KITCHIN. Say a share of stock would be worth $200, and if the bank should buy $100,000 of bonds, how much of that certificate of stock would be taxed? Only $100 would be taxed by the State, and $100 would be exempt from taxation by the State. If that same bank were to purchase $200,000 of bonds, under the provision as construed by the Treasury Department in the original bill there would not be anything to tax. It would escape taxation altogether.

Mr. VESTAL. That is what I wanted to find out. Now, supposing under this amendment proposed by the gentleman from North Carolina this same bank has $200,000 of capital and surplus. It has $600.000 capital—surplus—or we might call it gross assets—deposits, and so forth.

Mr. KITCHIN. Yes.

Mr. VESTAL. That bank buys $100,000 worth of bonds. Do I understand that under the amendment that bank would be taxable on $166.000 worth?

Mr. KITCHIN. And 33⅓——

Mr. VESTAL. Would be exempt only 33⅓ instead of $100,000.

Mr. KITCHIN. Yes; it works out practically the same, but of the value of the shares——

Mr. HELM. Will the gentleman yield for a question?

Mr. KITCHIN. Yes.

Mr. HELM. I infer from your answer to the gentleman's question that you regard deposits as assets and not as liabilities of the bank?

Mr. KITCHIN. Let me say to the House that I have never intimated such a thing; and, while gentlemen here have talked of deposits as being assets, they are liabilities.

Mr. HELM. Absolutely.

Mr. KITCHIN. Yes; deposits are liabilities. When I was a younger man than I am now I was a State bank examiner, and I have examined hundreds of banks. At the present time I have very little interest in banks, but if I had the time I could explain the exact workings of this, and of the values under the present law, and make it clear to the gentleman.

Mr. HELM. Tell us what gross assets consist of, and then I will let you alone.

Mr. KITCHIN. All right. The gross assets of a bank consist of what they call the total resources, and the gross assets of a bank are just like the gross assets of a bankrupt, or the gross assets of a man who dies. They are that property which is subject in law to debts and liabilities of the concern. Now, on one side, called resources or total assets, are loans and discounts, overdrafts, banking-house fixtures and furniture, investments, such as bonds, and so forth, or stock; amounts due from banks and bankers, and then the cash in the vault. Those are the resources. On the other side are the liabilities, capital stock, surplus—they call surplus a liability for the reason that the bank owes its surplus to its stockholders, and the surplus as well as the capital stock has been invested in these resources over here. Then, there is the amount due to banks and bankers, then the amount due to time and check depositors. Those are the liabilities. Bills payable, due to banks, are liabilities, too. Now, we add up this column of resources or assets, and we will say it is $1,000,000. Add up the other, your capital stock and your other liabilities exclusive of surplus. Of course, this is the way you get your surplus.

Say that side amounts to $800,000, your capital stock, amount due to depositors, bills payable or what is due to banks and bankers. The total of that is $800,000. You deduct that from the $1,000,000, leaving $200,000, which gives you your surplus. So when you talk about liabilities and resources with respect to depositors, why, your deposits are liabilities. If you put $1,000 or $10,000 into a bank, you are credited with it. The bank owes you $10,000. The bank takes that $10,000 and loans it to the gentleman from Vermont [Mr. DALE]. That goes over into assets. It has Mr. DALE's note for $10,000 as an asset against the liability of the $10,000 which it owes you, a depositor. That is the way the whole thing works out. Now let the House get this into its mind. There is no other institution, corporation, association, partnership, or individual in the United States, under the laws of any of the States, the value of whose shares are taxed as they tax a bank. Banks are in a separate class to themselves. Why is that so? Because the national banking act of 1864 specifically picked out this method of taxation and gave it to the State, and the States do not tax bonds held by a bank like they tax the assets of a corporation. Let me explain that to the House, and then I believe we can have a clear understanding of this matter. A corporation like the Bethlehem Steel Works, for instance, buys a million dollars worth of bonds. In giving in its assets for taxation it deducts that $1,000,000 of bonds, if it pays any Federal taxes, and to the State for State taxes. Why is that? Because your State taxes directly the assets of the Bethlehem Steel Works. Suppose its assets were $50,000,000, and it had this $1,000,000 of bonds; they take out the $1,000,000 and tax the other $49,000,000. And if the State taxed a bank exactly like it taxes any other corporation or individual or firm, upon their tangible property that they have, then if the bank had $1,000,000 of assets or tangible property and $100,000 of bonds, under all laws they would deduct the $100,000 and only tax $900,000. But banks are not taxed in that way by States. They could not tax them in that way, because the Federal Government never gave them the right to tax the assets of banks, including bonds, in that way.

Mr. DICKINSON. Will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Missouri, a member of the committee.

Mr. DICKINSON. Are not deposits both a liability and also a part of the assets or resources of the bank?

Mr. KITCHIN. Yes.

Mr. DICKINSON. They may be loaned out or they may be kept in the bank to meet the checks that are drawn upon them. They are a liability, but they are also a part of the resources or assets of the bank.

Mr. KITCHIN. Exactly.

Mr. DICKINSON. Every well-conducted bank loans out its deposits, and those loans are a part of the resources and enter into the statement of the resources of every bank.

Mr. KITCHIN. Just as if I borrowed $10,000 from you and loaned it to Mr. CARTER. I would owe you the $10,000 and invest in Mr. CARTER's note for $10,000.

Mr. QUIN. Will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Mississippi.

Mr. QUIN. I am very much interested in the gentleman's statement. I want to get it clear. Suppose there is a land corporation in Mississippi with $100,000 capital. It buys $50,000 worth of this issue of liberty bonds.

Mr. KITCHIN. Yes.

Mr. QUIN. There is a national bank there of $100,000 capital.

Mr. KITCHIN. Yes.

Mr. QUIN. That bank buys $50,000 worth of this issue of liberty bonds.

Mr. KITCHIN. Yes.

Mr. QUIN. What is the difference in taxation of the land company and the taxation of the national bank?

Mr. KITCHIN. Not a bit under this amendment that I have offered. The only difference is the way the State taxes it, because the land company is taxed on its assets and the bank under this provision is not taxed on its assets, but on the value of its shares, the proportionate part of the value, and in the case the gentleman puts the $50,000 of bonds is deducted.

Mr. PLATT. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PLATT. I have worked out three different kinds of sample bank statements, and I want to see if the work is right. Suppose a bank has a capital of $100,000, worth par—we will leave out deposits and other liabilities—its resources; loans, $100,000; bonds, $100,000; and cash, $100,000, which would make a total of $300,000.

Mr. KITCHIN. In that case we do not tax the assets but the stock, and one-third of the value of the shares of the stock in that bank would be deducted and the State would have a right to tax but two-thirds, being based on the proper assets other than Government bonds.

Mr. PLATT. Would it not be like this: Total assets, $300,000; bonds owned, $100,000; and they are one-third of the total resources, and in that case, which is an impossible case, is it true that there would be no taxation because one-third of the assets is equal to the capital——

Mr. KITCHIN. You do not tax capital; you do not tax surplus; you only take the value of the share. The question is, What is that share worth?

Mr. PLATT. Assume $100 par value.

Mr. KITCHIN. If it is worth $100, you deduct one-third, $33.33, which will be exempt from taxation. Why? Because that is one-third of the value of the share that is represented by

one-third of the assets in bonds. Now, I want to get this clear in the minds of the Members of the House. Do not think about capital stock nor taxing assets like any other corporation. The only thing you are to consider are these three things, and that is the only way that you can work out the part that the State ought to have. First, the amount of the gross assets; second, the amount of the liberty bonds which constitute a part of those assets. If it is a quarter or a tenth or a twentieth, then you find the value of the share of the stock in that bank. If you find it to be $100, you take the proportionate amount of the bonds to the gross assets, one-quarter, one-tenth, or one-twentieth, and deduct that from the value of the share of stock. Then that per cent would be the amount exempted.

Mr. PLATT. Let me take another case.

Mr. KITCHIN. All cases work out the same way.

Mr. PLATT. This is an easier case and more likely to take place: Say the resources comprise loans of $200,000; bonds, $100,000; cash, $100,000; making a total of $400,000.

Mr. KITCHIN. Now, the next question is, what is the value of a share in that bank?

Mr. PLATT. Suppose the stock is worth par and the capital $100,000.

Mr. KITCHIN. Not the capital, but the shares which are in each individual's hands.

Mr. PLATT. The share is worth the book value, and you can assume a value of par for illustration.

Mr. FOCHT. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. FOCHT. The gentleman has made many statements about the assessed value of a share. How do you arrive at the value of a share? Do you take the market value or the book value? Take the Chemical Bank of New York. The par value of the stock is $100, but it is worth $1,000 a share. There is a bank in Philadelphia that had its entire capital wiped out, but it had a surplus so that the stock was still worth $100. How do you arrive at the value of stock?

Mr. KITCHIN. Of course, that is a detail that would be settled by the State. As I understand, the Treasury Department, in ascertaining the value of the stock of a corporation——

Mr. McFADDEN. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. FOCHT. That seems to me to be the starting point and the beginning and end of the whole thing.

Mr. KITCHIN. That would be a question that would come in under any sort of an amendment. The State fixes the value, and the gentleman's State might take the market value and my State might take the book value.

Mr. McFADDEN. In Pennsylvania they are given two options, one is a 10 mill tax on the capital and the other a 4 mill tax on the value of the shares of national banks.

Take, for instance, a bank with $100,000 of capital, $50,000 of surplus, and, we will say, a million dollars worth of assets. The book value of that stock is $150 per share. If the bank takes the option of paying the tax on the value of the shares it will be charged the 4-mill rate, or $600 per annum; if it takes the other option it will pay 10 mills on the capital stock, regardless of the value. The thing I am not clear on, under the gentleman's bill, is this: Take this bank with a million dollars of assets, holding a hundred thousand dollars of Government bonds. What per cent of those Government bonds would be relieved of taxation?

Mr. STERLING of Illinois. Mr. Speaker, what is the ratio between the taxable assets and the gross assets? The gentleman has not stated the taxable assets.

Mr. McFADDEN. The point of the amendment of the gentleman from North Carolina [Mr. KITCHIN] would be that proportion of Government bonds held to the total assets. With a hundred thousand dollars of Government bonds and a million dollars of assets, the taxable net assets would be $900,000.

Mr. FOCHT. And the House may understand that it is the gentleman's conception of this bill that the stock will be taxed on what we commonly understand to be the book value?

Mr. McFADDEN. The book value; yes.

Mr. KITCHIN. The Treasury Department at one time pursued this course. If it had a market, quotable price, they would take that, if it was listed. If it did not have that, they would find the transfer value of the stock during the year, say, the first week in each month or the first day in each month, and would take the average selling price of it. If it did not do that it would take the book value, as the gentleman says.

Mr. DOMINICK. In fixing the value of shares of stock in banks for taxation, is it not a matter for the respective States as to the way in which they shall be taxed?

Mr. KITCHIN. Yes. As I said to the gentleman from Pennsylvania, that is so.

Mr. PLATT. Mr. Speaker, for purposes of illustration you can presume that the value of a stock is par, and in the case I mentioned, where the total resources were $400,000, including $100,000 of bonds, $100,000 capital worth par, you would claim in that case a deduction of one-fourth, which would be $25,000, and the taxable assets $75,000.

Mr. KITCHIN. Yes.

Mr. PLATT. As your resources increase with the same capital and the same ownership of bonds, suppose the resources were $600,000, then you would divide the $100,000 of value of shares by one-sixth and subtract $16,666.

Mr. KITCHIN. Yes; that is the way it would work.

Mr. STERLING of Illinois. Mr. Speaker, I think the gentleman has the right idea. As the deposits increase, the amount of bonds exempt from taxation would decrease. That is the idea he is getting at.

Mr. PLATT. Deposits, of course, are liabilities.

Mr. STERLING of Illinois. Assuming the taxable assets remain permanent—that is, capital and surplus, suppose that remains permanent as the deposits go up—the amount of bonds that are exempt from taxation goes down.

Mr. PLATT. As the gentleman from North Carolina [Mr. KITCHIN] has stated, deposits are liabilities. If you say as the loans go up, which are the same thing, I agree with you, because deposits and loans are really the same thing——

Mr. KITCHIN. Oh, loans have nothing to do with it. You have to take the total gross assets and see what percentage of that the bonds constitute. If it is 10 per cent, you deduct 10 per cent, and if 20 per cent you deduct 20 per cent.

Mr. PLATT. The loans have something to do with it because they are the largest item in the resources of the bank.

Mr. KITCHIN. You do not consider the loans separately; but consider the whole total liabilities—the stocks, municipal bonds, cash in the vaults, loans, discounts—it all goes to make up the total.

Mr. PLATT. I am taking a typical bank statement. On the resources line of a bank statement the loans are the big item.

Mr. STERLING of Illinois. The loans are made up not only of deposits, but of capital and surplus, so that you can not pick out the loans in determining this matter at all.

Mr. PLATT. They are the biggest item in the resources. When the deposits go up the loans go up. They have to invest their deposits, and they always do. Take any bank statement and you will find that is so.

Mr. STERLING of Illinois. Let me make this statement, and I want to make it for the benefit of the gentleman from North Carolina [Mr. KITCHIN]. The gentleman from North Carolina is confused on this because he does not state his proportion correctly. The question is, What is the ratio between the taxable assets of the bank and the gross assets? Say it is one to five. That is, the taxable assets are one-fifth of the gross assets. Then one-fifth of the bonds are exempt from taxation. If it is one-third of the gross assets, one-third of the bonds are exempt from taxation. If the gentleman from North Carolina will accept that as the proper statement of the proportion, he can make this thing a good deal clearer.

Mr. KITCHIN. Well, I think the proportion stated in the amendment is much clearer than the gentleman from Illinois states it. He states it in an arithmetical way. The proposed amendment states it a little more brief, a little clearer and in a little more legislative and rhetorical way.

Mr. PLATT. I suppose the gentleman will admit this does not give nearly as big a deduction as the amendment passed the other day?

Mr. KITCHIN. No, sir; and we ought not to.

Mr. BUTLER. Will the gentleman yield?

Mr. KITCHIN. Surely.

Mr. BUTLER. I have no use for a bank except to borrow, and I know nothing about the banking business except when I want to know whether it has money enough to accommodate me.

A MEMBER. Impossible.

Mr. BUTLER. My friend says it is impossible, but I never found it so. It was proposed by the bill which this House passed last Saturday to permit States to impose taxes upon these bonds in the hands of the bank. Is not that stated correctly? The bill we passed last Saturday does not take from the State the right to impose taxes for State purpose upon those bonds which we are discussing here—liberty bonds?

Mr. KITCHIN. Yes.

Mr. BUTLER. It is not proposed by this proposed amendment to remove the right of the State to impose taxes upon those bonds?

Mr. KITCHIN. Yes; we remove the right of the State to impose taxes upon the value of the share but not other property.

Mr. BUTLER. Aside from that, will not the State still collect something from the bank by reason of the ownership of these bonds if we pass this amendment?

Mr. KITCHIN. Not a penny.

Mr. BUTLER. Then I must vote for the amendment.

Mr. KITCHIN. Surely.

Mr. BUTLER. I want to relieve these bonds from the liability of being taxed; that is just what I wanted to know, and I knew my friend would answer me.

Mr. KITCHIN. That will do what the gentleman wants done.

Mr. BUTLER. Then I am right.

Mr. KITCHIN. Here is the difference with respect to the gentleman's question which is troubling him, the difference between the provision which was in the original bill as construed, not by me, but as construed by the Treasury Department. Now, the difference in the original bill and the proposed amendment is this:

If a bank had $200,000 capital stock and surplus, its assets may be $5,000,000, but if it invest $200,000 of its depositors' money in Government bonds or an amount equal to the surplus and capital, it would not only escape taxation to the amount of the value of the certificate of shares represented by the $200,000 but it would escape State taxation entirely and the bank would not have to pay the State anything on the value of the shares.

Mr. BUTLER. That is the Treasury construction.

Mr. KITCHIN. Yes. This amendment will simply prevent the State from putting any taxation upon that part of the value of the certificate of share which the Government bond bears to it and still permits the State to tax the part of the value of the share which the other assets than Government bonds impart to it. In other words, to give an allustration——

Mr. BUTLER. That is the way to make children see a thing.

Mr. KITCHIN. I am going to give the same one I used before. Here is a bank with a million dollars assets. Now, a share of stock in that bank is worth $200. There are $100,000 of Government bonds, there are also $260,000 of Bethlehem stock, say there are $300,000 of loans and discounts to Tom, Dick, and Harry, and there is $250,000 of stock in municipal bonds. Now, this $100,000 of Government bonds—liberty bonds—ought not to give that one share in the bank its full $200 of value. That $100,000 of Government bonds does not give it any more value than $100,000 of notes of Tom, Dick, and Harry. It does not impart any more value than $100,000 in town bonds. It takes all the assets, loans and discounts, Bethlehem steel stock, town bonds, Government bonds to make up the $200,000, so you see the Government bonds in these total assets have no more prestige or virtue than any other $100,000 of assets. So, with $1,000,000 of assets, the share of stock is worth $200; the Government bonds of $100,000, being one-tenth of the assets, total reserves liable for debt, only give that one-tenth of the value; therefore the assets other than Government bonds, in which the Government has no interest, give nine-tenths of the value. Now, then, this amendment specifically, clearly makes exempt only that one-tenth of the value of the $200 share which is imparted by the $100,000 of bonds, or one-tenth of the assets and the $180 is still taxable by the State, because that represents nine-tenths of assets other than Government bonds.

Mr. BUTLER. I understand that will relieve the liberty bonds from taxation?

Mr. KITCHIN. Absolutely; there is no getting away from it.

Mr. BUTLER. I thank the gentleman.

Mr. DALE of Vermont. Will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. DALE of Vermont. In some of the States the taxation value of bank stock is fixed by a commission?

Mr. KITCHIN. Yes.

Mr. DALE of Vermont. Now, does not this put it right in the hands of the commission to better the value of that stock so they can still tax it?

Mr. KITCHIN. If it did, then the man who is taxed would have the right of appeal to the court, just as if I was overtaxed in my State. They have the right, because it is a question of State taxation.

Mr. DALE of Vermont. Under the general law they would have it.

Mr. KITCHIN. They can go to the State or Federal courts.

Mr. DALE of Vermont. Does the bill give them any specific right?

Mr. KITCHIN. No; because there is a general law that gives them the right.

Mr. STERLING of Illinois. Where the commission fixes the taxable value of bank property, they have to fix it under certain rules and regulations, and so forth; they have got to fix it with reference to law?

Mr. DALE of Vermont. It is bank stock. They fix the value of the bank stock, and it is optional with them.

Mr. KITCHIN. But the law of 1864 declares that they must put the same rate of tax on it; that is, tax it no higher or make no more discrimination against this tax on shares of banks than it does on the other property.

Mr. DALE of Vermont. That is true; but it would not be apparent on the face of it.

Mr. KITCHIN. A man that is taxed unrighteously has the right of appeal, just as we have now in the States.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have written two questions, which I wish the gentleman would answer carefully.

Mr. KITCHIN. I will.

Mr. MOORE of Pennsylvania. First: Does the Kitchin amendment interfere with the right of the States to tax the value of shares as heretofore?

Mr. KITCHIN. Absolutely not. That right is preserved in them, and we do not take it away from them.

Mr. MOORE of Pennsylvania. Question No. 2: Does this amendment permit the States to tax Federal bonds directly or indirectly?

Mr. KITCHIN. It does not.

Mr. MOORE of Pennsylvania. That seems to me to answer the general proposition and also the constitutional questions involved.

Mr. McFADDEN. It does affect the right to tax up to about 10 per cent?

Mr. KITCHIN. No, sir.

Mr. McFADDEN. In other words, if a bank holds Government bonds they can only tax——

Mr. MOORE of Pennsylvania. The gentleman's amendment——

Mr. KITCHIN. You will find in the RECORD that I explained exactly what you are asking.

Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Kitchin amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PLATE PRESENTED BY BRITISH GOVERNMENT TO AMERICAN EMBASSY AT BERLIN (H. DOC. NO. 1013).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the memorandum attached thereto, was referred to the Committee on Foreign Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, concerning pieces of plate presented by the British Government to certain persons connected with the American Embassy at Berlin at the time it was in charge of British interests in Germany, and request the consideration by Congress of the question whether it will grant authority to the Secretary of State to deliver the pieces of plate to the persons named in the report of the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *April 2, 1918.*

INDIAN APPROPRIATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. CARTER of Oklahoma. I want to renew my request to take from the Speaker's table the bill H. R. 8696, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill H. R. 8696, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I do not see the gentleman from Minnesota [Mr. KNUTSON], who objected, here. I desire to ask the gentleman if there has been any understanding?

Mr. CARTER of Oklahoma. There was not any understanding.

Mr. KNUTSON. I will say to the gentleman from Pennsylvania that I have no objection to the request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The SPEAKER announced the following conferees: Mr. CARTER of Oklahoma, Mr. HAYDEN, and Mr. CAMPBELL of Kansas.

WAR FINANCE CORPORATION—CONFERENCE REPORT (NO. 448.)

Mr. KITCHIN. Mr. Speaker, I call up the conference report on the bill S. 3714, known as the War Finance Corporation bill.

The SPEAKER. The gentleman calls up the conference report on the bill S. 3714.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. I reserve a point of order on the report.

The SPEAKER. The Clerk will report the conference report.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

Mr. KITCHIN. Let me make one request, and the Speaker will help me carry out that request. I wish the House would pay careful attention to the report. The report is clear and takes up every single point of difference, and I am sure that if gentlemen of the House will pay attention to the report we can get through with it in 10 minutes afterwards, as the Senate did yesterday.

Mr. MOORE of Pennsylvania. Another body has already approved this conference report?

Mr. KITCHIN. Yes; another body has approved this conference report.

The SPEAKER. Gentlemen will take their seats and refrain from conversation while this statement is read.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House, insert the following:

"TITLE I.—WAR FINANCE CORPORATION.

"That the Secretary of the Treasury and four additional persons (who shall be the directors first appointed as hereinafter provided) are hereby created a body corporate and politic in deed and in law by the name, style, and title of the 'War Finance Corporation,' (herein called the Corporation), and shall have succession for a period of 10 years: *Provided*, That in no event shall the Corporation exercise any of the powers conferred by this act, except such as are incidental to the liquidation of its assets and the winding up of its affairs, after six months after the termination of the war, the date of such termination to be fixed by proclamation of the President of the United States.

SEC. 2. That the capital stock of the Corporation shall be $500,000,000, all of which shall be subscribed by the United States of America, and such subscription shall be subject to call upon the vote of three-fifths of the board of directors of the corporation, with the approval of the Secretary of the Treasury, at such time or times as may be deemed advisable; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000,000, or so much thereof as may be necessary for the purpose of making payment upon such subscription when and as called. Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury, and shall be evidence of stock ownership.

SEC. 3. That the management of the Corporation shall be vested in a board of directors, consisting of the Secretary of the Treasury, who shall be chairman of the board, and four other persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. No director, officer, attorney, agent, or employee of the Corporation shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association, in which he is directly or indirectly interested; and each director shall devote his time, not otherwise required by the business of the United States, principally to the business of the Corporation. Before entering upon his duties, each of the four directors so appointed, and each officer, shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or any other act shall be construed to prevent the appointment as a director of the Corporation of any officer or employee under the United States or of a director of a Federal reserve bank.

Of the four directors so appointed, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each director so appointed shall serve for four years. Whenever a vacancy shall occur among the directors so appointed, the person appointed director to fill any such vacancy shall hold office for the unexpired term of the member whose place he is selected to fill. Any director shall be subject to removal by the President of the United States. Three members of the board of directors shall constitute a quorum for the transaction of business.

SEC. 4. That the four directors of the Corporation appointed as hereinbefore provided shall receive annual salaries, payable monthly, of $12,000. Any director receiving from the United States any salary or compensation for services shall not receive as salary from the Corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the Corporation exceed $12,000.

SEC. 5. That the principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors.

SEC. 6. That the Corporation shall be empowered and authorized to adopt, alter, and use a corporate seal; to make contracts; to purchase or lease and hold or dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of competent jurisdiction, State or Federal; to appoint, by its board of directors, and fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the Corporation, to define their duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors subject to the approval of the Secretary of the Treasury, by-laws regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed, and prescribing the powers and duties of its officers and agents.

SEC. 7. That the Corporation shall be empowered and authorized to make advances, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding five years from the respective dates of such advances:

(1) To any bank, banker, or trust company, in the United States, which shall have made after April 6, 1917, and which shall have outstanding, any loan or loans to any person, firm, corporation, or association, conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war, and evidenced by a note or notes, but no such advance shall exceed 75 per cent of the face value of such loan or loans; and

(2) To any bank, banker, or trust company, in the United States, which shall have rendered financial assistance, directly or indirectly, to any such person, firm, corporation or association by the purchase after April 6, 1917, of its bonds or other obligations, but no such advance shall exceed 75 per cent of the value of such bonds or other obligations at the time of such advance, as estimated and determined by the board of directors of the Corporation.

All advances shall be made upon the promissory note or notes of such bank, banker, or trust company, secured by the notes, bonds, or other obligations, which are the basis of any such advance by the Corporation, together with all the securities, if any, which such bank, banker, or trust company may hold as collateral for such notes, bonds, or other obligations.

The Corporation shall, however, have power to make advances (a) up to 100 per cent of the face value of any such loan made by any such bank, banker, or trust company to any such person, firm, corporation, or association, and (b) up to 100 per cent of the value at the time of any such advance (as estimated and determined by the board of directors of the Corporation) of such bonds or other obligations by the purchase of which financial assistance shall have been rendered to such person, firm, corporation, or association: *Provided*, That every such advance shall be secured in the manner described in the preced-

ing part of this section, and in addition thereto by collateral security, to be furnished by the bank, banker, or trust company, of such character as shall be prescribed by the board of directors, of a value, at the time of such advance (as estimated and determined by the board of directors of the Corporation), equal to at least 33 per cent of the amount advanced by the Corporation. The Corporation shall retain power to require additional security at any time.

SEC. 8. That the Corporation shall be empowered and authorized to make advances from time to time, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding one year, to any savings bank, banking institution or trust company, in the United States, which receives savings deposits, or to any building and loan association in the United States, on the promissory note or notes of the borrowing institution, whenever the Corporation shall deem such advances to be necessary or contributory to the prosecution of the war or important in the public interest: *Provided*, That such note or notes shall be secured by the pledge of securities of such character as shall be prescribed by the board of directors of the Corporation, the value of which, at the time of such advance (as estimated and determined by the board of directors of the Corporation) shall be equal in amount to at least 133 per cent of the amount of such advance. The rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrowing institution is located, but such rate of interest shall in no case be greater than the average rate receivable by the borrowing institution on its loans and investments made during the six months prior to the date of the advance, except that where the average rate so receivable by the borrowing institution is less than such rate of discount for 90-day commercial paper the rate of interest on such advance shall be equal to such rate of discount. The Corporation shall retain power to require additional security at any time.

SEC. 9. That the Corporation shall be empowered and authorized, in exceptional cases, to make advances directly to any person, firm, corporation, or association, conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war (but only for the purpose of conducting such business in the United States and only when in the opinion of the board of directors of the Corporation such person, firm, corporation, or association is unable to obtain funds upon reasonable terms through banking channels or from the general public), for periods not exceeding five years from the respective dates of such advances, upon such terms, and subject to such rules and regulations as may be prescribed by the board of directors of the Corporation. In no case shall the aggregate amount of the advances made under this section exceed at any one time an amount equal to 12½ per cent of the sum of (1) the authorized capital stock of the Corporation plus (2) the aggregate amount of bonds of the Corporation authorized to be outstanding at any one time when the capital stock is fully paid in. Every such advance shall be secured by adequate security of such character as shall be prescribed by the board of directors of a value at the time of such advance (as estimated and determined by the board of directors), equal to (except in case of an advance made to a railroad in the possession and control of the President, for the purpose of making additions, betterments, or road extensions to such railroad) at least 125 per cent of the amount advanced by the Corporation. The Corporation shall retain power to require additional security at any time. The rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located.

SEC. 10. That in no case shall the aggregate amount of the advances made under this title to any one person, firm, corporation, or association exceed at any one time an amount equal to 10 per cent of the authorized capital stock of the Corporation, but this section shall not apply in the case of an advance made to a railroad in the possession and control of the President, for the purpose of making additions, betterments, or road extensions to such railroad.

SEC. 11. That the Corporation shall be empowered and authorized to subscribe for, acquire, and own, buy, sell, and deal in bonds and obligations of the United States issued or converted after September 24, 1917, to such extent as the board of directors, with the approval of the Secretary of the Treasury, may from time to time determine.

SEC. 12. That the Corporation shall be empowered and authorized to issue and have outstanding at any one time its bonds in an amount aggregating not more than six times its paid-in capital, such bonds to mature not less than one year nor more than five years from the respective dates of issue, and to bear such rate or rates of interest, and may be redeemable before maturity at the option of the Corporation, as may be determined by the board of directors, but such rate or rates of interest shall be subject to the approval of the Secretary of the Treasury. Such bonds shall have a first and paramount floating charge on all the assets of the Corporation, and the Corporation shall not at any time mortgage or pledge any of its assets. Such bonds may be issued at not less than par in payment of any advances authorized by this title, or may be offered for sale publicly or to any individual, firm, corporation, or association, at such price or prices, as the board of directors, with the approval of the Secretary of the Treasury, may determine.

Upon such terms not inconsistent herewith as may be determined from time to time by the board of directors, with the approval of the Secretary of the Treasury, at or before the issue thereof, any of such bonds may be issued payable in any foreign money or foreign moneys, or issued payable at the option of the respective holders thereof either in dollars or in any foreign money or foreign moneys at such fixed rate of exchange as may be stated in any such bonds. For the purpose of determining the amount of bonds issued payable in any foreign money or foreign moneys the dollar equivalent shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury in pursuance of the provisions of section 25 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894.

SEC. 13. That the Federal reserve banks shall be authorized, subject to the maturity limitations of the Federal reserve act and to regulations of the Federal Reserve Board, to discount the direct obligations of member banks secured by such bonds of the Corporation and to rediscount eligible paper secured by such bonds and indorsed by a member bank. No discount or rediscount under this section shall be granted at a less interest charge than 1 per cent per annum above the prevailing rates for eligible commercial paper of corresponding maturity.

Any Federal reserve bank may, with the approval of the Federal Reserve Board, use any obligation or paper so acquired for any purpose for which it is authorized to use obligations or paper secured by bonds or notes of the United States not bearing the circulation privilege: *Provided, however*, That whenever Federal reserve notes are issued against the security of such obligations or paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law, not inconsistent herewith, in respect to the acquisition by any Federal reserve bank of obligations or paper secured by such bonds or notes of the United States, and in respect to Federal reserve notes issued against the security of such obligations or paper, shall extend, in so far as applicable, to the acquisition of obligations or paper secured by the bonds of the Corporation and to the Federal reserve notes issued against the security of such obligations or paper.

SEC. 14. That the corporation shall not exercise any of the powers granted by this title or perform any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the President of the United States to commence business under the provisions of this title.

SEC. 15. That all net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title. Such reserve fund shall, upon the direction of the board of directors, with the approval of the Secretary of the Treasury, be invested in bonds and obligations of the United States, issued or converted after September 24, 1917, or upon like direction and approval may be deposited in member banks of the Federal Reserve System, or in any of the Federal reserve banks, or be used from time to time, as well as any other funds of the Corporation, in the purchase or redemption of any bonds issued by the Corporation. The Federal reserve banks are hereby authorized to act as depositaries for and as fiscal agents of the Corporation in the general performance of the powers conferred by this title. Beginning six months after the termination of the war, the date of such termination to be fixed by a proclamation of the President of the United

States, the directors of the Corporation shall proceed to liquidate its assets and to wind up its affairs, but the directors of the Corporation, in their discretion, may, from time to time, prior to such date, sell and dispose of any securities or other property acquired by the Corporation. Any balance remaining after the payment of all its debts shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved.

SEC. 16. That any and all bonds issued by the Corporation shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, corporations, or associations. The interest on an amount of such bonds the principal of which does not exceed in the aggregate $5,000, owned by any indivadual, partnership, corporation, or association, shall be exempt from the taxes referred to in clause (b). The Corporation, including its franchise and the capital and reserve or surplus thereof, and the income derived therefrom, shall be exempt from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except that any real property of the Corporation shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

SEC. 17. That the United States shall not be liable for the payment of any bond or other obligation or the interest thereon issued or incurred by the Corporation, nor shall it incur any liability in respect of any act or omission of the Corporation.

SEC. 18. That whoever (1) makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance under this title, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Whoever willfully overvalues any security by which any such advance is secured shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Whoever (1) falsely makes, forges, or counterfeits any bond, coupon, or paper in imitation of or purporting to be in imitation of a bond or coupon issued by the Corporation; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by the Corporation, knowing the same to be falsely made, forged, or counterfeited; or (3) falsely alters any such bond, coupon, or paper; or (4) passes, utters, or publishes as true any falsely altered or spurious bond, coupon, or paper issued or purporting to have been issued by the Corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or (2) with intent to defraud the Corporation or any other company, body politic or corporate, or any individual, or to deceive any officer of the Corporation, (a) makes any false entry in any book, report, or statement of the Corporation, or (b) without authority from the directors draws any order or assigns any note, bond, draft, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person committing any of the offenses punishable under this section.

SEC. 19. That the Corporation shall file quarterly reports with the Secretary of the Senate and with the Clerk of the House of Representatives, stating as of the first day of each month of the quarter just ended (1) the total amount of capital paid in, (2) the total amount of bonds issued, (3) the total amount of bonds outstanding, (4) the total amount of advances made under each of sections 7, 8, and 9, (5) a list of the classes and amount of securities taken under each of such sections, (6) the total amount of advances outstanding under each of sections 7, 8, and 9, and (7) such other information as may be hereafter required by either House of Congress.

The Corporation shall make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures.

SEC. 20. Section 5202 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 5202. No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

"First. Notes of circulation.

"Second. Moneys deposited with or collected by the association.

"Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association or due thereto.

"Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

"Fifth. Liabilities incurred under the provisions of the Federal reserve act.

"Sixth. Liabilities incurred under the provisions of the War Finance Corporation act."

TITLE II.—CAPITAL ISSUES COMMITTEE.

SEC. 200. That there is hereby created a committee to be known as the "Capital Issues Committee," hereinafter called the committee, and to be composed of seven members to be appointed by the President of the United States, by and with the advice and consent of the Senate. At least three of the members shall be members of the Federal Reserve Board.

No member, officer, attorney, agent, or employee of the committee shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interests, or the interest of any corporation, partnership, or association in which he is directly or indirectly interested. Before entering upon his duties, each member and officer shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or any other act shall be construed to prevent the appointment as a member of the committee, of any officer or employee under the United States or of a director of a Federal reserve bank.

The terms during which the several members of the committee shall respectively hold office shall be determined by the President of the United States, and the compensation of the several members of the committee who are not members of the Federal Reserve Board shall be $7,500 per annum, payable monthly, but if any such member receives any other compensation from any office or employment under the United States, the amount so received shall be deducted from such salary, and if such other compensation is $7,500 or more, such member shall receive no salary as a member of the committee. Any member shall be subject to removal by the President of the United States. The President shall designate one of the members as chairman, but any subsequent vacancy in the chairmanship shall be filled by the committee. Four members of the committee shall constitute a quorum for the transaction of business.

SEC 201. That the committee may employ and fix the compensation of such officers, attorneys, agents, and other employees as may be deemed necessary to conduct its business, who shall be appointed without regard to the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto or any rules or regulations made in pursuance thereof. No such officer, attorney, agent, or employee shall receive more compensation than persons performing services of like or similar character under the Federal Reserve Board.

SEC. 202. That all the expenses of the committee, including all necessary expenses for transportation incurred by the members or by its officers, attorneys, agents, or employees under its orders in making an investigation or upon official business in any other places than at their respective headquarters, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

The committee may rent suitable offices for its use, and purchase such furniture, equipment, and supplies as may be necessary, but shall not expend more than $10,000 annually for offices in the District of Columbia.

The principal office of the committee shall be in the District of Columbia, but it may meet and exercise all its powers at any other place. The committee may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

SEC. 203. That the committee may, under rules and regulations to be prescribed by it from time to time, investigate, pass upon, and determine whether it is compatible with the national interest that there should be sold or offered for sale or for sub-

scription any issue, or any part of any issue, of securities hereafter issued by any person, firm, corporation, or association, the total or aggregate par or face value of which issue and any other securities issued by the same person, firm, corporation, or association since the passage of this act is in excess of $100,000. Shares of stock of any corporation or association without nominal or par value shall for the purpose of this section be deemed to be of the par value of $100 each. Any securities which upon the date of the passage of this act are in the possession or control of the corporation, association, or obligor issuing the same shall be deemed to have been issued after the passage of this act within the meaning hereof.

Nothing in this title shall be construed to authorize such committee to pass upon (1) any borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes, (2) the renewing or refunding of indebtedness existing at the time of the passage of this act, (3) the resale of any securities the sale or offering of which the committee has determined to be compatible with the national interest, (4) any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States, or (5) any bonds issued by the War Finance Corporation.

Nothing done or omitted by the committee hereunder shall be construed as carrying the approval of the committee or of the United States of the legality, validity, worth, or security of any securities.

SEC. 204. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the remainder of the fiscal year ending June 30, 1918, and the fiscal year ending June 30, 1919, the sum of $200,000 for the purpose of defraying the expenses of the establishment and maintenance of the committee, including the payment of the salaries and rents herein authorized.

SEC. 205. That the committee shall make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures, and also including the names of all officers and employees and the salary paid to each.

SEC. 206. That this title shall continue in effect until, but not after, the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States, but the President may at any time by proclamation declare that this title is no longer necessary, and thereupon it shall cease to be in effect.

TITLE III.—MISCELLANEOUS.

SEC. 300. That whoever willfully violates any of the provisions of this act, except where a different penalty is provided in this act, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $10,000 or imprisoned for not more than one year, or both; and whoever knowingly participates in any such violation, except where a different penalty is provided in this act, shall be punished by a like fine or imprisonment, or both.

SEC. 301. That no stamp tax shall be required or imposed upon a promissory note secured by the pledge of bonds or obligations of the United States issued after April 24, 1917, or secured by the pledge of a promissory note which itself is secured by the pledge of such bonds or obligations: *Provided*, That in either case the par value of such bonds or obligations shall equal the amount of such note.

SEC. 302. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, or, in case any court of competent jurisdiction shall adjudge to be invalid any provisions hereof in respect of any class or classes of securities, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, part, or subject matter of this act directly involved in the controversy in which such judgment shall have been rendered.

SEC. 303. That the term "securities," as used in this act, includes stocks, shares of stock, bonds, debentures, notes, certificates of indebtedness, and other obligations.

SEC. 304. That the right to amend, alter, or repeal this act is hereby expressly reserved.

SEC. 305. That the short title of this act shall be the "War Finance Corporation act."

SEC. 306. That all provisions of any act or acts inconsistent with the provisions of this act are hereby repealed.

Amend the title to read as follows: "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes."

And the House agree to the same.

CLAUDE KITCHIN,
HENRY T. RAINEY,
LINCOLN DIXON,
J. HAMPTON MOORE,
WILLIAM R. GREEN,
Managers on the part of the House.

F. M. SIMMONS,
WM. J. STONE,
JOHN SHARP WILLIAMS,
BOIES PENROSE,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TITLE I.—WAR FINANCE CORPORATION.

SECTION 1.—ESTABLISHMENT OF WAR FINANCE CORPORATION.

The Senate bill sets forth the purposes of the act. The House bill eliminated the statement of the purposes of the act, in view of the fact that the purposes were fully set out in the title. The remainder of the section is identical in both bills, except for minor clerical changes. The conferees adopt the House section.

SECTION 2.—CAPITAL STOCK OF THE CORPORATION.

The substance of this section is the same in both bills. The House bill makes a transposition of language in the interest of clearness. The conferees adopt the House section.

SECTION 3.—MANAGEMENT OF THE CORPORATION.

The substance of the two bills is identical, with the following exception:

1. The House bill provides that not more than three of the five directors shall be members of the same political party. The Senate bill contained no similar provision. The conferees omit this provision.

2. The House bill provides that each director shall devote to the business of the Corporation all of his time not devoted to the business of the United States. The Senate bill contains no similar provision; therefore it would not require a director to devote his entire time to the business of the Corporation or to the business of the United States. The conferees provide that "each director shall devote his time, not otherwise required by the business of the United States, principally to the business of the Corporation."

3. The House bill provides that nothing contained in this or any other act shall be construed to prevent the appointment as a director of the corporation of any officer or employee under the United States or of a director of a Federal reserve bank. The similar provision of the Senate bill is not as broad as the provision of the House bill, and provides that nothing contained in this act or in the Federal reserve act shall be construed to prevent the appointment of a member of the Federal Reserve Board or of any other governmental administrative body, or of a director of a Federal reserve bank, as a director of the corporation. The conferees adopt the House provision.

SECTION 4.—SALARY OF THE DIRECTORS.

The substance of the provisions of the two bills is identical, with the exception that the House bill fixes the salary of the directors at $12,000 per annum, while the Senate bill allows the Secretary of the Treasury, with the approval of the President of the United States, to fix the salaries at an amount not exceeding $12,000. The conferees adopt the House section.

SECTION 5.—THE PRINCIPAL OFFICES OF THE CORPORATION.

The provisions of the two bills are identical, with the exception that the House bill permits the board of directors to establish agencies or branch offices in any city or cities of the United States, while the Senate bill permits the board of directors, with the approval of the Secretary of the Treasury, to establish such agencies or offices. The conferees adopt the House section.

Power of the corporation.

SECTION 6.—ORDINARY CORPORATE POWERS.

The provisions giving the corporation the ordinary powers and privileges enjoyed by corporations are identical except for certain clerical changes in the interest of clearness. The conferees adopt the House section with minor changes.

SECTION 7.—ADVANCES THROUGH BANKS.

The substance of the provisions of the two bills relating to advances through banks are the same, with the exception of the following:

1. The House bill limits the advances that can be made by the corporation to those made upon the basis of loans of banks, bankers, or trust companies made and outstanding to persons, firms, corporations, or associations since April 6, 1917, the date of the declaration of war. The Senate bill contains no such limitation and would permit the corporation to make advances to banks, bankers, or trust companies on outstanding loans whenever made. The conferees adopt the House provision.

2. The House bill limits the advances which can be made by the Corporation to banks, bankers, or trust companies (on the basis of securities of war industries held by such banks, bankers, or trust companies) to such securities purchased since April 6, 1917. The Senate bill contains no such limitation, and would allow such advances to be made on any war-industry securities held by banks, bankers, or trust companies which have rendered financial assistance, directly or indirectly, by the purchase of such securities from persons, firms, corporations, or associations whose operations are necessary or contributory to the prosecution of the war. The conferees adopt the House provision.

3. The House bill limits the advances to banks, bankers, or trust companies in the United States. The Senate bill contains no such limitation. The conferees adopt the House provision.

4. The House bill limits the persons, firms, corporations, or associations whose loans may be made the basis of an advance to a bank, banker, or trust company to those conducting an established and going business in the United States. The Senate bill contains no such limitation, and would permit advances to be made to concerns outside of the United States, if such concerns had outstanding loans or held securities of concerns whose operations were necessary or contributory to the prosecution of the war. The conferees adopt the House provision.

5. The House bill requires the Corporation when it makes an advance up to 100 per cent of the face value of the loan by the bank, banker, or trust company to require additional security equal to at least 33 per cent. The Senate bill requires in such cases additional security equal to at least 25 per cent. The conferees adopt the House provision.

6. The Senate bill gives fire and life insurance companies the same privilege permitted to banks, bankers, or trust companies under this section. The House bill does not give fire and life insurance companies this privilege. The conferees omit this provision.

7. The House bill provides that the Corporation shall retain power to require additional security at any time. The Senate bill provides that the Corporation shall retain power to require additional collateral security at any time. The word "collateral" is left out in the House bill. The conferees adopt the House provision.

SECTION 8.—ADVANCES TO SAVINGS BANKS AND SIMILAR INSTITUTIONS.

The substance of the provisions of the two bills providing for advances to savings banks and similar institutions are identical, with the following exceptions:

1. The House bill permits advances to be made to trust companies in the United States, which receive savings deposits. The Senate bill does not extend this privilege to trust companies. The conferees adopt the House provision.

2. The House bill limits the advances that can be made under this section to banking institutions and building and loan associations in the United States. The Senate bill does not require such institutions or associations to be doing business in the United States. The conferees adopt the House provision.

3. The House bill provides that the board of directors shall prescribe the character of securities that shall be required of savings banks and similar institutions receiving advances under this section. The Senate bill prescribes that the board of directors of the Corporation, with the approval of the Secretary of the Treasury, shall prescribe the character of such securities. The conferees adopt the House provision.

4. The Senate bill provides that the rate of interest charged savings banks and similar institutions shall not be less than one-half of 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advances at the Federal reserve bank of the district in which the borrowing institution is located. The House bill provides that such rate of interest shall not be less than 1 per cent per annum in excess of the rate for such 90-day commercial paper. The conferees adopt the House provision, with the added limitation that such rate of interest shall in no case be greater than the average rate receivable by the borrowing institution on its loans and investments made during the six months prior to the date of the advance, except that where the average rate so receivable by the borrowing institution is less than such rate of discount for 90-day commercial paper the rate of interest on such advance shall be equal to such rate of discount.

5. The Senate bill provides that all advances made to savings banks and similar institutions shall be secured by the pledge of securities the market value of which shall be equal in amount to at least 125 per cent of the amount of the advances. The House bill increases the amount of securities to be required in such cases to an amount equal to at least 133 per cent of the amount of the advance. The conferees adopt the House provision.

6. The Senate bill provides that in the case of loans to savings banks and similar institutions that the Corporation shall retain power to require additional collateral security at any time. The House bill provides that in making advances to such institutions the Corporation shall retain power to require additional security at any time. The word "collateral" is left out in the House provision. The conferees adopt the House provision.

SECTION 9.—DIRECT LOANS MADE BY THE CORPORATION.

The Senate bill provides that the Corporation may make advances upon adequate security directly (1) to any person, firm, corporation, or association owning or controlling (directly or through stock ownership) any railroad or other public utility and (2) to any person, firm, corporation, or association conducting an established and going business whose bonded indebtedness is not in excess of its actual invested capital and assets and whose operations are necessary or contributory to the prosecution of the war. The Senate bill also provides that such advances shall be made only in such cases as the board of directors shall determine to be of exceptional importance in the public interest.

The similar provision of the House bill makes no specified reference to any particular class of business, but authorizes the Corporation to make advances in exceptional cases direct to any person, firm, corporation, or association conducting an established and going business in the United States whose operations shall be necessary or contributory to the prosecution of the war (but only for the purpose of conducting such business in the United States, and only when such person, firm, corporation, or association is unable to obtain funds upon reasonable terms through banking channels or from the general public). The conferees adopt the House provision, except that the determination of the ability of the applicant for the loan to obtain money through banking channels or from the general public is specifically left to the judgment of the board of directors of the Corporation.

The Senate bill contains no limit to the amount of money that can be loaned direct under this section by the Corporation to any person, firm, corporation, or association. The House bill provides that the Corporation can not have outstanding at any one time in direct loans more than one-sixth of its paid-in capital stock plus the aggregate amount of its bonds authorized to be outstanding at such time. The conferees adopt a provision limiting the aggregate amount of advances, made in direct loans, which may be outstanding at any one time to one-eighth of the sum of its authorized capital stock and bonds.

The House bill also contains an additional limitation with references to the advances to be made direct by the Corporation not contained by the Senate bill, namely, that the rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located. The conferees adopt the House provision.

The Senate bill authorizes the Corporation to make loans direct upon adequate security. The House bill provides that the direct loans shall be secured by adequate security equal to at least 133 per cent of the amount advanced by the Corporation. The conferees adopt the House provision, changing 133 per cent to 125 per cent and providing that advances to railroads under Federal control for the purpose of making additions, betterments, or road extensions shall be secured by security deemed adequate by the directors of the Corporation.

SECTION 10.—SINGLE ADVANCES TO THE CORPORATION.

The House bill provides that in no case shall the aggregate amount of advances made under this act to any person, firm, cor-

poration, or association exceed at any one time 10 per cent of the authorized capital stock of the Corporation, or $50,000,000. The Senate bill contains no such limitation. The conferees adopt the House provision, but except from its operation advances to railroads under Federal control for the purpose of making additions, betterments, or road extensions.

SECTION 11.—PURCHASE AND SALE OF GOVERNMENT BONDS AND OBLIGATIONS.

The Senate bill authorizes the Corporation to subscribe for, acquire, and own, buy, sell, and deal in bonds and obligations of the United States to such extent as the Secretary of the Treasury may from time to time determine. The House bill limits the power of the Corporation in that it only authorizes it to subscribe for, acquire, and own, buy, sell, and deal in bonds and obligations of the United States issued or converted since September 24, 1917, and only to such extent as the board of directors, with the approval of the Secretary of the Treasury, may from time to time determine. While the Senate bill would permit the Corporation to deal in Government bonds and obligations of all issues, the House bill would only authorize it to deal in such bonds and obligations issued or converted since September 24, 1917, the date the last bond act became a law. The conferees adopt the House provision.

SECTION 12.—CORPORATE AUTHORITY TO ISSUE BONDS.

The House bill authorizes the Corporation to issue $2,000,000,000 worth of bonds. The Senate bill authorizes it to issue $4,000,000,000 worth of bonds. The conferees authorize it to issue $3,000,000,000 worth of bonds.

The House bill provides that these bonds can not be offered for sale at less than par. Under the Senate bill the bonds could be offered for sale at less than par if the board of directors, with the approval of the Secretary of the Treasury, should so determine. The conferees adopt the Senate provision.

The House bill requires the approval of the Secretary of the Treasury only as to the rate of interest, whereas the Senate bill requires such approval as to every corporate act in relation to the issue of its bonds. The conferees adopt the House provision.

Both bills authorize the issuance of bonds payable in foreign money; but the House bill contained fuller provisions therefor. The conferees adopt the House provision, with verbal changes.

SECTION 13.—FEDERAL RESERVE BANKS AUTHORIZED TO DISCOUNT PAPER SECURED BY WAR FINANCE CORPORATION BONDS.

Both bills authorize the Federal reserve banks to discount the direct obligations of the member banks secured by bonds of the Corporation and to rediscount eligible paper secured by such bonds and indorsed by a member bank.

The Senate bill provides that in the case of discount and rediscount of the obligations of member banks of the Federal Reserve System secured by bonds of the Corporation that the Federal Reserve Board may fix the rates at the same rates, or higher rates, than it provides for the purchase or rediscount of paper secured by bonds or notes of the United States. The House bill provides that no discount or rediscount under this section shall be granted at a less interest charge than 1 per cent per annum above the prevailing rates for eligible commercial paper of corresponding maturity. The conferees adopt the House provision.

The House bill contains another limitation, namely, that no discount or rediscount shall be granted of paper secured by the bonds of the Corporation unless the member bank satisfies the Federal reserve bank that it has in its possession for the purpose of the transaction insufficient commercial paper eligible for discount or rediscount under the regulations of the Federal Reserve Board, made under authority of the Federal reserve act. The Senate bill contains no similar provision. The conferees omit this provision.

SECTION 14.—PRESIDENT TO AUTHORIZE CORPORATION TO COMMENCE BUSINESS.

This section prohibits the Corporation from doing any business, except such as is incidental and preliminary to its organization, until it is authorized by the President to commence business. The Senate bill contains no similar provision. The conferees adopt the House section.

SECTION 15.—EARNINGS OF THE CORPORATION NOT REQUIRED FOR ITS OPERATION.

The Senate bill specifies certain uses that may be made of the net earnings of the Corporation not required for its operations upon the direction of the Secretary of the Treasury. The House bill provides for similar disposition of such net earnings of the Corporation upon direction of the board of directors, with the approval of the Secretary of the Treasury. The conferees adopt the House provision.

The Senate bill provides that the net earnings of the Corporation not required for its operations may be invested in any bonds, notes, or certificates of indebtedness of the United States. The House bill provides that such net earnings may be invested only in bonds and obligations of the United States issued or converted since September 24, 1917, the date of the passage of the last bond act. The conferees adopt the House provision.

The House bill provides that such net earnings or any other funds of the Corporation may be used in the purchase or redemption of any bonds issued by the Corporation. The Senate bill does not contain a similar provision. The conferees adopt the House provision.

The House bill provides that the directors of the Corporation may from time to time sell and dispose of any securities or other property acquired by the Corporation. The Senate bill does not contain a similar provision. The conferees adopt the House provision.

The Senate bill provides that any balance remaining after the payment of the debts of the Corporation shall be paid to and become the property of the United States. The House bill provides that such payment shall be paid into the Treasury of the United States as miscellaneous receipts. The conferees adopt the House provision.

SECTION 16.—BONDS OF THE CORPORATION TAX EXEMPT TO THE SAME EXTENT AS LIBERTY FOURS ARE EXEMPT.

The substance of the tax-exempt bond provisions of the two bills is identical. The House bill makes certain changes in the interest of clearness. The conferees adopt the House section.

SECTION 17.—THE UNITED STATES NOT TO BE LIABLE FOR OBLIGATIONS OF THE CORPORATION.

This section provides that the United States shall not be liable for the payment of any bond or other obligations or the interest thereon issued or incurred by the Corporation, nor shall it incur any liability in respect of any act or omission of the Corporation. The Senate bill contains no similar provision. The conferees adopt the House section.

SECTION 18.—PENALTY FOR PERJURY, FORGERY, AND EMBEZZLEMENT.

The substance of the penalty provision of the two bills is identical. Certain clerical changes have been made in the House bill in the interest of clearness. The House bill increases the penalty for false statements and willful overvaluation of securities from a fine of not more than $5,000 or imprisonment for not more than one year, or both, to "a fine of not more than $10,000 or imprisonment for not more than five years, or both." The House bill increases the forgery and embezzlement fine from $5,000, provided in the Senate bill, to $10,000. The conferees adopt the House provision, reducing the penalty for willful overvaluation of securities to fine of not more than $5,000 or imprisonment for not more than two years, or both.

SECTION 19.—QUARTERLY REPORTS OF THE CORPORATION.

The Senate bill requires only reports with reference to direct advances made by the Corporation. The Senate bill requires a report of the name and place of business of each person, firm, corporation, or association receiving direct advances from the Corporation, the amount advanced, the terms and the securities accepted therefor. The House bill provides that the Corporation shall file quarterly reports with the Secretary of the Senate and with the Clerk of the House of Representatives, stating as of the 1st day of each month of the quarter just ended, (1) the total amount of capital paid in, (2) the total amount of bonds issued, (3) the total amount of bonds outstanding, (4) the total amount of advances made under each of sections 7, 8, and 9, (5) a list of the classes and amount of securities taken under each of such sections, (6) the total amount of advances outstanding under each of sections 7, 8, and 9, (7) the amount of bonds and obligations of the United States bought or sold under section 11, and (8) such other information as may be hereafter required by either House of Congress. The conferees adopt the House provision, omitting item (7).

The House bill also requires the Corporation to make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures. The conferees adopt this provision.

SECTION 20.—INDEBTEDNESS OF A NATIONAL BANKING ASSOCIATION.

This section provides that section 5202 of the Revised Statutes of the United States relating to the indebtedness of a national banking association shall not apply in the case of any liability incurred by such association under the provisions of the War Finance Corporation act. This provision does not appear in the Senate bill. The conferees adopt the House section.

TITLE II.—CAPITAL ISSUES COMMITTEE.

SECTION 200.—CREATION OF CAPITAL ISSUES COMMITTEE.

The Senate bill provides that the capital issues committee shall be composed of five members. The House bill increases the membership to seven members. The Senate bill provides that three of the members shall be members of the Federal Reserve Board. The House bill provides that at least three of the members shall be members of the Federal Reserve Board. The conferees adopt the House provisions as to these matters.

The House bill provides that not more than four of the members of the committee shall be members of the same political party. The Senate bill contains no similar provision. The conferees omit this provision.

The House bill provides that no member or officer of the committee shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interest, or the interest of any corporation, partnership, or association in which he is directly or indirectly interested. Before entering upon his duties each member and officer shall certify under oath to the Secretary of the Treasury that he will comply with the provisions aforesaid, and he shall also take an oath faithfully to discharge the duties of his office. Nothing contained in this or in any other act shall be construed to prevent the appointment as a member of the committee of any officer or employee under the United States, or of a director of a Federal reserve bank. The Senate bill contains no similar provision. The conferees adopt the House provision, omitting the requirement of an oath to comply with the prohibition of participation by a member in any action affecting his personal interests.

Both bills fix the salary of the members of the committee who are not members of the Federal Reserve Board at $7,500 per annum. The House bill also provides that if any member receives any other compensation from any office or employment under the United States, the amount so received shall be deducted from such salary, and if such other compensation is $7,500 or more, that such member shall receive no salary as a member of the committee. The Senate bill contains no similar provision. The conferees adopt the House provision.

The Senate bill provides that the salary of the members of the committee shall be paid by the Corporation. The House bill provides that the salaries shall be paid by the Federal Government. The conferees adopt the House provision.

The House bill provides that any member of the committee shall be subject to removal by the President of the United States. The Senate bill contains no similar provision. The conferees adopt the House provision.

The House bill provides that the President shall designate one of the members of the committee as chairman, and that four members of the committee shall constitute a quorum for the transaction of business. The Senate bill contains no similar provision. The conferees adopt the House provisions, but add a clause providing that any vacancy in the chairmanship shall be filled by the committee.

SECTION 201.—OFFICERS, ATTORNEYS, AGENTS, AND OTHER EMPLOYEES OF THE COMMITTEE.

This section provides that the committee may employ and fix the compensation of such officers, attorneys, agents, and other employees as may be deemed necessary to conduct its business, who shall be appointed without regard to the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto or any rules or regulations made in pursuance thereof. No such officer, attorney, agent, or employee shall receive more compensation than persons performing services of like or similar character under the Federal Reserve Board. The Senate bill contains no similar provision. The conferees adopt the House section.

SECTION 202.—TRANSACTION OF THE COMMITTEE BUSINESS.

This section provides that all the expenses of the committee, including all necessary expenses for transportation incurred by the members or by its officers, attorneys, agents, or employees under its order in making an investigation or upon official business in any other place than at their respective headquarters, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman. The committee may rent suitable offices for its use, and purchase such furniture, equipment, and supplies as may be necessary, but shall not expend more than $10,000 annually for offices in the District of Columbia. The principal office of the committee shall be in the District of Columbia, but it may meet and exercise all its powers at any other place. The committee may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States. The Senate bill contains no similar provisions. The conferees adopt the House section.

SECTION 203.—COMMITTEE TO INVESTIGATE ISSUANCE OF SECURITIES.

This section authorizes the committee to investigate, pass upon, and determine whether it is compatible with the national interest that there should be sold or offered for sale or for subscription any issue, or any part of any issue, of securities hereafter issued by any person, firm, corporation, or association, the total or aggregate par or face value of which issue and any other securities issued by the same person, firm, corporation, or association since the passage of this act is in excess of $100,000. The Senate bill authorizes the committee to investigate, pass upon, and determine whether or not the sale or offering for sale or for subscription of any issue or any part of any issue of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, is compatible with the public interest. The House bill changes the expression "compatible with the public interest" to "compatible with the national interest." The conferees adopt the House provisions.

The Senate bill authorizes the committee to make rules and regulations, with the approval of the Secretary of the Treasury, with reference to passing upon such issues of securities. The House bill leaves the making of rules and regulations to the discretion of the committee. The conferees adopt the House provision.

The Senate bill provides that the issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the passage of the bill, shall not be affected by the provisions of the bill. The House bill provides that any securities which upon the date of the passage of this act are in the possession or control of, or are in hypothecation by, the corporation, association, or obligor issuing the same shall be deemed to have been issued after the passage of this act. The conferees adopt the House provision, omitting the words "or are in hypothecation by."

The House bill provides that nothing in this bill shall be construed to authorize the committee to pass upon (1) any borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes, (2) the sale or offering for sale or subscription of securities the issue of which the committee has determined to be necessary to the renewing or refunding of indebtedness existing at the time of the passage of this act, (3) the resale of any securities the sale or offering of which the committee has determined to be compatible with the national interest, (4) any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States, or (5) any bonds issued by the War Finance Corporation. The provision is substantially the same as the provisions of the Senate bill, except that items (3) and (5) are not included in the Senate provision, and that the Senate bill in place of item (2) provided that the act should not apply to "borrowing to renew or refund indebtedness existing at the time of the approval of this act." The conferees adopt the House provision, amending item (2) so that nothing in the bill shall be construed to authorize the committee to pass upon "the renewing or refunding of indebtedness existing at the time of the passage of this act."

SECTION 204.—APPROPRIATION OF $200,000 FOR THE ESTABLISHMENT AND MAINTENANCE OF THE COMMITTEE.

This section provides that there is appropriated out of any money in the Treasury not otherwise appropriated, for the remainder of the fiscal year ending June 30, 1918, and the fiscal year ending June 30, 1919, the sum of $200,000 for the purpose of defraying the expenses of the establishment and maintenance of the committee, including the payment of the salaries and rents herein authorized. The Senate bill contains no similar provision. The conferees adopt the House section.

SECTION 205.—ANNUAL REPORT OF THE COMMITTEE.

This section provides that the committee shall make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures, and also including the names of officers and employees and the salary paid to each. The Senate bill contains no similar provision. The conferees adopt the House section.

SECTION 206.—TERMINATION OF THE WORK OF THE CAPITAL-ISSUES COMMITTEE.

This section of the House bill provides that the capital-issues committee title shall continue in effect until, but not after, the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States, but that the President may at any time by proclamation declare that this title is

no longer necessary, and thereupon it shall cease to be in effect. The Senate bill contains no similar provision. The conferees adopt the House section.

TITLE III.—MISCELLANEOUS.

SECTION 300.—PENALTY FOR VIOLATIONS OF ACT NOT COVERED BY SECTION 18.

This section provides that whoever willfully violates any of the provisions of this act, except where a different penalty is provided in this act, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $10,000 or imprisoned for not more than five years, or both; and whoever knowingly participates in any such violation, except where a different penalty is provided in this act, shall be punished by a like fine or imprisonment, or both. The similar Senate penalty provision is substantially the same, except that the penalty provided in the Senate bill is a fine of not more than $1,000 or imprisonment for not more than one year, or both, and except that the clause "except where a different penalty is provided in this act" does not appear in the Senate bill. The conferees adopt the House section, reducing the maximum term of imprisonment from five years to one year.

SECTION 301.—STAMP TAX TO APPLY TO PROMISSORY NOTES SECURED BY LIBERTY FOURS

This section provides that no stamp tax shall be required or imposed upon a promissory note secured by the pledge of bonds or obligations of the United States issued since April 24, 1917, or secured by the pledge of a promissory note which itself is secured by the pledge of such bonds or obligations: *Provided*, That in either case the par value of such bonds or obligations shall equal the amount of such note. The Senate bill does not contain a similar provision. The conferees adopt the House section.

SECTION 302.— THE SAVINGS CLAUSE.

The savings-clause provisions of the two bills are identical.

SECTION 303.—DEFINITION OF THE TERM "SECURITIES."

The definition of the term "securities" is the same in the two bills, except the House bill specifically provides that the term "securities" includes "shares of stock" and "debentures." The conferees adopt the House section.

SECTION 304.—RIGHT TO AMEND, ALTER, OR REPEAL ACT RESERVED.

This provision is exactly the same in the two bills.

SECTION 305.—SHORT TITLE OF THE ACT.

This section provides that the short title of the act shall be the "War Finance Corporation Act." The Senate bill does not contain a similar provision. The conferees adopt the House section.

SECTION 306.—REPEALING PROVISION.

This section provides that all provisions of any act or acts inconsistent with the provisions of this act are hereby repealed. The Senate bill does not contain a similar provision. The conferees adopt the House section.

TITLE.

The conferees amend the title to read as follows:

"An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes."

CLAUDE KITCHIN,
HENRY T. RAINEY,
LINCOLN DIXON,
J. HAMPTON MOORE,
WILLIAM R. GREEN,
Managers on the part of the House.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. WALSH. Mr. Speaker, I desire to make a point of order on the report.

The SPEAKER. The Chair will hear the gentleman.

Mr. WALSH. Mr. Speaker, in section 7 of the bill, and in section 7 of the bill as set forth in the House report, the conferees have stricken out the term "market value" as applied to securities which are required to be given in addition to the collateral securities, the market value of which is to be determined by the board of directors; and this market value, it was required in the bill, should be equal to a certain per cent of the amount advanced by the corporation.

The SPEAKER. What section is that?

Mr. WALSH. Section 7, page 9 of the bill, and also on page 23 of the bill.

Mr. GREEN of Iowa. I would state to the gentleman that the word "market" is taken out all through the bill before the word "value."

The SPEAKER. Section 7 does not come on page 9.

Mr. WALSH. Page 23. Is the Chair referring to the report? It is on page 3 of the report of the conferees. The part to which I am making the point of order is the last proviso, at the bottom of page 3:

Provided, That every such advance shall be secured in the manner described in the preceding part of this section, and in addition thereto by collateral security, to be furnished by the bank, banker, or trust company, of such character as shall be prescribed by the board of directors, of a value, at the time of such advance (as estimated and determined by the board of directors of the Corporation), equal to at least 33 per cent of the amount advanced by the Corporation. The Corporation shall retain power to require additional security at any time.

The SPEAKER. What is the objection that the gentleman is urging?

Mr. WALSH. The objection that I urge is that the conferees have, by striking out the word "market" before "value," changed the value, which must be estimated by the board of directors. In other words, as the bill left the House these securities must have been of a market value equal to a certain per cent. Now, the conferees have stricken out the word "market," and they could estimate the face value or the book value or the nominal value as being the certain per cent as required by the act.

Now, I submit in support of the point of order that the value of these securities in the legislation was to be the market value. That has a certain fixed and definite meaning. The conferees had no authority to change the character of the value or the requirements as attached to the value, notwithstanding the fact that the value was to be estimated by the board of directors.

Now, the words "market value" were included in the measure as reported and adopted by the House. The term "market value" was included in the measure as it came to the House from another body, so that this particular value, which was to be estimated, which was to be applied to these securities, was not in dispute. There was no question whatever about the value, and by striking out the term "market," as the conferees did in this respect and as they also did in section 8, and, I think, in one or possibly two other portions of the bill, they have widened or broadened the discretion of this board of directors so that they could estimate the face value of these securities to be 33 per cent of the amount advanced by the Corporation, or they could estimate simply the book value, or it might be some fanciful value, to be 33 per cent of the amount advanced by the Corporation, whereas the House, by adopting the language which was in the measure confined the value to be estimated by the board of directors to the market value, which has a plain acceptation in commercial and legal usage.

I submit that the conferees were not authorized to change that value by striking out the term "market" before the word "value" and throwing this estimate of value open to an interpretation which might not require the same value or the same worth of securities, as would be required if they were compelled to estimate the market value.

Mr. KITCHIN. Mr. Speaker, I really think there is very little merit in the proposition propounded by the gentleman.

The SPEAKER. The Chair wants to ask a question. This is a Senate bill?

Mr. KITCHIN. Yes. I was going to make that point.

The SPEAKER. The Chair was going to inquire further. It is a Senate bill passed by the House. The question is, Were these changes that the gentleman complains of made in the conference committee after the House and Senate had agreed upon certain language?

Mr. KITCHIN. Yes; but I was going to answer that the merit of the proposition suggested by the gentleman has nothing to do with it, because as the bill passed the House, where the term "market value" was used, the parantheses shows that it did not mean the market value, but such value as the board of directors estimated. It says "as estimated and determined by the board of directors of the Corporation."

The SPEAKER. Where is that?

Mr. KITCHIN. On page 7.

Mr. WALSH. Page 23 of the bill. Will the gentleman yield for a question?

Mr. KITCHIN. Yes.

Mr. WALSH. The gentleman would not pretend to say that to provide that the board of directors should estimate the market value of a security would be equivalent to saying that they should estimate the value of a security?

Mr. KITCHIN. If there is a market value, there is no estimation whatever by the board. There is no estimation. But the very fact that we said it was to be estimated by them showed

that it was not market value in the sense in which the gentleman refers to it.

Mr. WALSH. It might be a character of security, as I think the gentleman pointed out in the discussion of this measure in the House. It might be a character of security that would not be quoted in the market, upon which there would be no quotation in the stock list, as published in the commercial publications, as to which it might be necessary for somebody to estimate its market value; that it might not have the well-known market value in commercial circles, but it might be necessary for somebody to estimate what its market value was, and I think the gentleman will recall that he cited such instances as that in discussing this measure on the floor in the Committee of the Whole.

Mr. KITCHIN. I cited this: I made the motion to put in "if no market value, then the actual value." I said to the House there was no use in doing that, because the words in parentheses would allow them to do that anyway. It would not be confined to the market value.

But, Mr. Speaker, regardless of whether the distinction is proper or not, under rulings of the Chair that have been unbroken for years, this is clearly not subject to a point of order. This is a Senate bill. It came over here, and the House wrote a new bill, by striking out all after the enacting clause and putting its new bill in one amendment, which is substituted for the Senate bill, and the rulings of Speakers have been unbroken for 20 years or more, that when you strike out all after the enacting clause of the bill, or when you strike out all of a section of a bill and insert a new one, the whole subject matter is in conference. The conferees can write a new bill or a new section, and under the rulings of the Chair and the rules of the House, the conferees could have stricken out the "market value" and that whole section, and their action would not have been subject to a point of order.

Mr. WALSH. Mr. Speaker, I desire to take issue with the contention just made by the gentleman from North Carolina. I understand that under the precedents, when a measure comes to this body and a motion is made to strike out all after the enacting clause and insert a new measure, the conferees have in general broad discretion, and the present Speaker has made such a ruling. But when a measure comes to this House from the other branch, and a motion is made to strike out all after the enacting clause and insert a new measure, and when that new bill contains language which is identical with the bill as it first came here, and that language is retained, and then the bill goes to conference, it is not within the province of the conferees, when neither House has disagreed to the particular language or to the identical language, to get into a dispute about that language, because both Houses have agreed upon the language and there is no disagreement concerning it. If the gentleman's contention was correct, the conferees, under the conditions he has stated, could strike out the language of both these measures and bring in a bond bill.

Mr. KITCHIN. They certainly could, and the Chair has held, a dozen times or more, that they could do that, that they could strike out, and write an entirely new bill on the same subject matter. So long as the measure which they reported related to the War Finance Corporation, they could have created it differently, they could have appointed different officers, who had different powers, just so it referred to the subject matter and was within the scope of the subject matter. The Chair has held that a dozen times. Has the gentleman any precedent there to the contrary?

Mr. WALSH. I should like to cite one precedent in Volume V of Hinds' Precedents, section 6421, where the Speaker said:

> The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language, or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead.

Mr. KITCHIN. Surely.

Mr. WALSH. The Speaker further said:

> Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either.

Mr. KITCHIN. That is the authority I cite.

Mr. WALSH. That is the authority the gentleman is relying on.

Mr. KITCHIN. I am relying on all of them.

The SPEAKER. What Speaker rendered that decision?

Mr. WALSH. Speaker CANNON.

Mr. KITCHIN. Speaker Henderson held that, and Speaker CANNON held that, and the present Speaker has held that, as to the tariff bill; and in the amendment to the Federal reserve act that very point came up in a case just like this.

Mr. WALSH. That is the authority I rely upon, that the Senate and the House having agreed upon identical language, the conferees are not empowered to take any action with reference to language which is not in dispute. The sole purpose of sending a bill to conference is to adjust differences, to compromise differences between the two Houses. Now, when the House struck out all after the enacting clause and inserted the bill which was sent to conference, it adopted the very language that the Senate had put into the measure, providing that the market value of these securities should be estimated. I submit that it would not be within the province of the conferees to change that "market value" by saying "face value," nor would it be within the province of the conferees to eliminate that provision entirely, because there was no dispute about that. There was no controversy over it, and the matter was not referred to the conferees to adjust any differences between the two branches with reference to that, but only to adjust differences between the two measures where they clashed, as it were, where it was necessary for some compromise to be reached, or for some of the provisions to be adjusted, so as to meet the views of the two branches, and harmonize the different opinions that might exist between the two bodies. I submit that it is going far afield, when a measure comes to the House, and the expedient is adopted of striking out all after the enacting clause and inserting another measure which may differ in some of its provisions, to say that you can write an entirely new measure. It would be different if the House had written a bill which differed in every word or every line or every paragraph from that of the Senate, but where there were certain portions of it which agreed and where the language of it was identical, and where the House used the same phraseology, I submit that even under the authority which I have cited and the long line of precedents which have followed, and under the broad, general language which the Speaker has used, the action of the conferees in this case is subject to the point of order.

Mr. SNYDER. If the gentleman will yield, I should like to make a suggestion. If this argument is predicated upon the value of corporate shares, I should like to say that the Government of the United States, through the Internal-Revenue Department, has practically fixed the amount at which corporate shares shall be estimated. I has fixed the ratio on corporate stock, as anyone here who owns any well knows.

Mr. WALSH. The gentleman knows that the Internal-Revenue Department has nothing to do with this estimate.

Mr. SNYDER. I thought the gentleman's argument was based on somebody having the right to estimate the value of corporate shares.

Mr. WALSH. Yes; and they do not have to do what the Internal-Revenue Department prescribes.

Mr. SNYDER. But they do.

Mr. WALSH. The gentleman is not familiar with the provisions of the bill; it has no relation to what he is speaking of.

Mr. SNYDER. The Internal-Revenue Department has ruled that corporation shares that earn 10 per cent shall be valued at par.

Mr. WALSH. The gentleman knows that this has nothing to do with taxation.

Mr. SNYDER. I did not know that.

Mr. WALSH. It has not.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MOORE of Pennsylvania. Is the gentleman from Massachusetts familiar with the decision rendered by the present Speaker in the Sixty-second Congress, in which he held——

Mr. WALSH. I was about to refer to it when interrupted by the gentleman from New York.

Mr. MOORE of Pennsylvania. In which he held that where everything was stricken out after the enacting clause an entirely new bill might be written?

Mr. WALSH. Yes; and he states that the conferees have the whole subject before them, but that does not go to the extent of saying that the conferees have any authority to inject new matter not in dispute. They have the whole subject before them and can adjust the differences which have arisen and which exist by virtue of the two separate bills.

The SPEAKER. The Chair is ready to rule. The point of order is overruled.

Mr. KITCHIN. Mr. Speaker——

The SPEAKER. The Chair would like to ask the gentleman from North Carolina how much time he thinks this will occupy.

Mr. KITCHIN. I do not think it will take 10 minutes. The statement on the part of the House conferees covers every single point of difference and every single change in the bill as it was passed by the House. Gentlemen must observe that there have been very few changes made in conference.

Mr. TOWNER. Will the gentleman yield?
Mr. KITCHIN. Yes.
Mr. TOWNER. Mr. Speaker, I think it must be evident to the House that the House is under deep obligation to the committee of conference. No conference committee of the House during my experience has secured as many confirmations of its own judgment as the conferees in this case have done. In every case, too, I think, where there has been a disagreement the action of the conferees has secured concurrence in the language used by the House as against the language used in the Senate, and it has been clearly the correct one, so that the bill that was finally reported is more nearly the bill of the House than any important bill that ever went to conference within my knowledge.
Mr. KITCHIN. I thank the gentleman on behalf of the managers on the part of the House.
Mr. LONGWORTH. Will the gentleman yield?
Mr. KITCHIN. Yes.
Mr. LONGWORTH. May I ask the gentleman the meaning of the language in section 8——
Mr. KITCHIN. With reference to the interest required of savings banks? That was an amendment that we suggested. We required the savings banks to pay a differential of not less than 1 per cent in excess of the prevailing rate of interest on commercial paper to the Federal reserve bank in the district where the savings bank is located. In some cases, in looking over the rate charged, we found that it was really larger than the rate that the savings banks were getting from their customers, and in some cases smaller. We did not wish to impose a burden on the savings banks, and therefore we qualified the 1 per cent differential in this way.
It declares that if the rate charged by the savings bank to its customers prevailing for six months before the advance is made was less than the prevailing rate at the Federal Reserve Bank plus the 1 per cent, then the rate charged by the corporation to the savings bank should not exceed the average rate that the bank had been receiving for six months previous to the advance. Otherwise no savings bank could be helped at all. We did not want the corporation to charge the savings bank a larger rate of interest than the savings bank was getting, and, on the other hand, we did not want the savings bank to make any profit out of the corporation.
Mr. LONGWORTH. That was the adjustment between the one-half per cent proposed by the Senate and the 1 per cent by the House.
Mr. KITCHIN. Yes. The House insisted on 1 per cent and the Senate on one-half of 1 per cent. We compromised so that the savings banks would not pay any more interest to the corporation than is received from its loans. If the bank received on its loans 6 per cent and the prevailing rate was 5, then it must pay 5 plus 1, or 6 per cent; and if it got from its loans 5 per cent and the prevailing rate was 5 per cent, then the corporation can not charge the savings bank but 5 per cent. If the prevailing rate was 4½ per cent in the Federal bank and the savings bank was only receiving 5 per cent the corporation would still charge only 5 per cent.
Mr. MADDEN. This is an adjustment of the differential as proposed by the Senate and the House.
Mr. KITCHIN. Yes.
Mr. GREEN of Iowa. I think, speaking of the merits of the change from market value to value, I can say that that was the point upon which the conferees were absolutely unanimous on both sides.
Mr. KITCHIN. Yes; I think one of the House conferees moved to strike out the word "market" because it was confusing.
Mr. GREEN of Iowa. Yes; it was confusing. In the legal sense there is no difference between the value and market value. Where there is a market value it is the value, and so construed by the courts. One of the definitions of value given in the dictionary is "market value." We thought if it stood as it was originally it was simply confusing and would give rise to some difference of opinion, where there might be contention, because there was no definite market value, and therefore the conferees were unanimous in striking out the word "market."
Mr. McFADDEN. Will the gentleman yield?
Mr. KITCHIN. Yes.
Mr. McFADDEN. I want to ask the gentleman a question in regard to the language in section 9 of the statement of the conferees, page 16, where the House conferees say:

The conferees adopt the House provision, changing 133 per cent to 125 per cent and providing that advances to railroads under Federal control for the purpose of making additions, betterments, or road extensions shall be secured by security deemed adequate by the directors of the corporation.

I want to ask the gentleman why he separates railroads from the other industries which are to be benefited under the provisions of this bill?
Mr. KITCHIN. I am going to answer the gentleman in the general statement I am about to make to the House. There are only three material changes made in the House bill by the conferees. There are some minor changes, but they are not material. The first change that is material is with respect to the power of the corporation to issue its bonds and the limit of the amount. The Senate bill gave the corporation the power to issue $4,000,000,000 of bonds. The House bill cuts that down to $2,000,000,000 and the conferees agreed on $3,000,000,000. That is one of the material changes. The other material changes are in section 9, known as the direct-loan section. That was the big bone of contention, and we wrangled over it for three or four days. We finally came to the compromise settlement which appears in the report and the statement. The differences between the House bill and the conference agreement are, first, the House bill provided that under that direct-loan provision the corporation could not make advances in an amount in excess of 16⅔ per cent of the paid-in capital stock and bonds authorized to be issued and outstanding at the time of the advance. This would make a total amount which the corporation could advance under that direct-loan provision, when the total capital of $500,000,000 is paid in and the $2,000,000,000 had been issued, of $416,666,666.
Under this provision, through the conferees raising the limit of the amount of issue from $2,000,000,000 to $3,000,000,000, we cut down the per cent that could be loaned under this section 9 to 12½ per cent, which will give the corporation, on the basis of the total amount of capital stock authorized—$500,000,000—and the amount of the bonds authorized to be issued—$3,000,000,000—a direct loan advancing power of $437,500,000, so that in the grand total, after everything is issued and the money paid in there is a difference between the original House bill of $416,000,000 and the conference report of $437,000,000—not enough for us to wrangle all the year about. Under the bill as it was originally submitted to the Committee on Ways and Means, it provided that the advance made under this section should be secured by adequate security, and under the bill as it passed the House it required a security equal to 133 per cent of the advance, as additional security, and in the conference report that is reduced to 125 per cent, but we excepted railroads from that limitation. In the House bill the railroads were not excepted from any of the limitations of the bill, or any of the limitations in section 9.
Mr. MOORE of Pennsylvania. That is, only such as are under the control of the President?
Mr. KITCHIN. Yes.
Mr. MADDEN. Mr. Speaker, will the gentleman yield?
Mr. KITCHIN. Yes.
Mr. MADDEN. So that you increased the aggregate amount that could be obtained by a corporation and reduced the value of the security that it would have to supply for the loan?
Mr. KITCHIN. Only 5 per cent.
Mr. MADDEN. Eight per cent.
Mr. KITCHIN. Yes. The bill as it was originally sent to the House and as it passed the Senate required only additional security to the extent of adequate security. The Ways and Means Committee required that it must be not less than 133 per cent of the advance and the House adopted that provision.
The Senate bill required no additional security over adequate security, and out of the contest we agreed that instead of having an adequate security unlimited it should be 125 per cent, instead of 133 per cent, and in the case of railroads under the control of the President that they should be excepted from the limitations only, however, to the extent of the advance which should be made for betterments, additions, and extensions. In other words, they could not lend any of that money for refunding, which was what we thought the original scheme was.
Mr. LONGWORTH. Not to finance the road at all.
Mr. KITCHIN. Personally I think it is a better protection to the corporation and to the Government to have that exception made to the railroad, limiting the advance to betterments, additions, and extensions, than it would have been to have it open, as we had it where it could be used for refunding purposes.
Mr. McFADDEN. Might that not also mean that if, in the judgment of the directors, they see fit to take a plain railroad note, without collateral, that that might be considered "adequate security"?
Mr. KITCHIN. The gentleman must understand that the Senate bill and the original bill used only the words "adequate security," and that we changed it to require additional security equal to 133 per cent of the advance. As to advances made to railroads in the hands of the President for betterments, exten-

sions, and additions, we accept the Senate proposition that it should be only adequate security.

Mr. McFADDEN. I was asking for information, not criticizing. I want to know whether advances could be made to railroad companies on their plain note, face value, without other security?

Mr. KITCHIN. Yes; just as they could have done under the original bill sent to the Committee on Ways and Means and under the Senate bill, if the directors under their oaths and in their business judgment should decide that the plain note of a railroad company for advances for betterments, extensions, and additions is adequate security.

Mr. JOHNSON of Washington. The real security being the fact that the physical property of the railroads is in the hands of the Government.

Mr. KITCHIN. Yes.

Mr. JOHNSON of Washington. And likely to stay there long after this war is over?

Mr. KITCHIN. When the matter was submitted to the conferees the suggestion was made that the Government, having control of these railroads and getting the benefits of additions and extensions to operate the railroads and carry out the purposes of the railroad act to help in the prosecution of the war, either had to advance the money and put up these additions and betterments itself, or, if it could do it, make the railroad corporations advance the money.

So we said, "Here we will permit the corporation to help do that, because the Government is perfectly safe on every dollar of that money, because it has the railroads in its hands, and no one gets the railroads back until every dollar due the Finance Corporation is paid and we have absolute protection." That is the reason we were willing to make the exception, and I am frank to tell members of the committee that the House conferees made this proposition of compromise on this ground, because we recognized the Government had to have these betterments if it was going to operate the railroads in the interest of the prosecution of the war and the general public, and whether the Government or the Finance Corporation furnished it neither could lose a dollar, because these roads on which the betterments, additions, and extensions were going to be used will remain in the hands of the Government until they make good these advances.

Mr. McFADDEN. Will the gentleman yield for another question?

Mr. KITCHIN. I will.

Mr. McFADDEN. I have in mind the public utilities and also the fact that the Government is taking over some of these public utilities as war necessities. Now, does not the gentleman think that inasmuch as the Government has taken over some of these utilities already that they should be given the same rights or benefits as regards advances as are given the railroads under this section.

Mr. KITCHIN. Well, that might have been a question that could have been discussed, but we did not discuss that particular phase of it; but I will say we ought not to put in a general proposition on public utilities, according to the gentleman's suggestion, just because maybe one or two or three are in the control of the Government; but if the Government has taken over any public utilities—I do not know that they have any except war industries—why, there is a law now permitting the Secretary of War and the Secretary of the Navy to advance 30 per cent before they do anything on a contract, and pay as the contract progresses, so they can get all the money they need in that way.

Mr. McFADDEN. I understood these advances were to be assumed by the War Finance Corporation when fully organized.

Mr. KITCHIN. The gentleman, no doubt, got that impression because of a suggestion by some officer of the Treasury Department that the 30 per cent advance provision should be repealed and let the Finance Corporation handle it; but the committee, after thinking about it, thought it wise to let that provision remain.

Mr. McFADDEN. One further question. Does the gentleman feel that there is adequate provision here for relief to those public utility companies which are necessary and vital to the war?

Mr. KITCHIN. The public-utility corporation companies are run on the same basis that every other industry necessary or contributory to the prosecution of the war is run. There is but one industry that is mentioned specifically and that is the railroads in possession of the Government under control of the President.

Mr. McFADDEN. I think public utilities are a little different because they are regulated by public-service commissions of the various States in regard to the issuance of securities.

Mr. KITCHIN. Public utilities under this act are eligible to apply for the loans provided they convince the War Corporation or the banks that their operations are necessary or contributory to the prosecution of the war.

Mr. McFADDEN. But they must first before issuing securities get the approval of the public-service commissions of the various States, making oath that all the money they are applying for has been honestly expended. Where are they going to get the 25 per cent margin when they come to the War Finance Corporation for a loan? The public-service commission will not permit them to issue a 25 per cent margin of securities.

Mr. KITCHIN. I do not know where, but I will tell the gentleman this: No public utility ought to have any Government funds or War Finance Corporation funds if they come and want to borrow $75,000 and are not willing to put up $100,000 of property, giving a mortgage on their plant. I know the gentleman is a banker. If I went to him and asked him for a $100,000 loan and told him I had $125,000 of property behind it, I know he would not feel it was safe or wise or good banking or good business to let me have $100,000 on $125,000 worth of property, and yet the war utilities of which the gentleman speaks——

Mr. McFADDEN. I am speaking of war necessities.

Mr. KITCHIN. They only have to put up a mortgage of $125,000 on their plant to get $100,000.

Mr. McFADDEN. I am speaking of war necessities, and call the gentleman's attention to the testimony before the committee of the Secretary of the Treasury and Mr. Warburg, in which they stated positively that there might be instances where the demands of the Government were such that they should have to advance beyond a safe zone—in other words, advance beyond the actual value of the property to obtain quick results in production of war materials greatly needed by the Government to win the war—and that same thing might apply to public utilities which are necessary to win the war in furnishing power, transportation, and so forth.

Mr. KITCHIN. I know; but the committee after due deliberation and much investigation concluded otherwise.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KITCHIN. I will yield.

Mr. LONGWORTH. There is no possible question but railroads are included in the 12½ per cent limitation in section 9.

Mr. KITCHIN. Not a bit.

Mr. LONGWORTH. But in section 10 they are not included——

Mr. KITCHIN. I am coming to that. That is the third material difference, or rather the third material change that the conferees agreed on in the House bill. Section 10 provides that no one person, firm, corporation, or association shall receive from the War Finance Corporation a loan amounting to more than 10 per cent of the capital stock of the War Finance Corporation. That is, no one concern could ever be advanced more than $50,000,000, because $500,000,000 is the capital stock of the War Finance Corporation. This section does not apply to railroads under the control of the President for advances for betterment, additions, and extensions.

The railroads may want more than $50,000,000 and the War Finance Corporation could loan them from this direct fund, which is limited to $437,500,000, more than $50,000,000.

Now, gentleman, I think I have covered the only material changes. There have been many small changes which I shall not mention unless some gentleman may wish to consider them, and I will be glad to answer any question in respect to them. I do feel, however, that I ought to mention one, because our good faith seemed to be a little questioned by the gentleman from Wyoming [Mr. MONDELL] in a genial way, however, with respect to the requirement that there should be members of a different political party on the board of directors of the War Finance Corporation and on the Capital Issues Committee. We agreed with the Senate conferees to strike that requirement out. I will say that of the party of the gentleman from Wyoming, we had on the conference committee, I think, as strong a man as we have in the United States Senate, and, unanimously, as I say, after two days—the House conferees holding out two days on that—we yielded by the unanimous insistence and urging of the Senate conferees, including members of both parties. They took this position, that this was a nonpartisan, nonpolitical bill in every way; that it had no partisanship in it, not a tinge of it, and they felt that if we injected partisanship in it by putting a provision in it, it would look like it was a partisan proposition, and therefore it ought to stay out, and not inject any politics in it.

Mr. MOORE of Pennsylvania. I think it is fair to say that the minority conferees on the House side, respecting the apparent

wishes of their colleagues here, did undertake to retain that paragraph in the bill.

Mr. KITCHIN. All the conferees, not only the minority members on the part of the House, but all the conferees stood out for two days and insisted.

Mr. MOORE of Pennsylvania. And it was due to the argument that this is an extraordinary measure, a war measure of first importance, and that it might embarrass the President in the prosecution of the business to be conducted under this measure, that after generous discussion the conferees finally agreed.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

DAY OF FASTING AND PRAYER.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution, which was sent over by the Senate and which was passed there unanimously.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 19.

Resolved, etc., That, it being a duty peculiarly incumbent in a time of war humbly and devoutly to acknowledge our dependence on Almighty God and to implore His aid and protection, the President of the United States be, and he is hereby, respectfully requested to recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity and the offering of fervent supplications to Almighty God for the safety and welfare of our cause, His blessing on our arms, and a speedy restoration of an honorable and lasting peace to the nations of the earth.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSING FOR WAR NEEDS.

Mr. CLARK of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10265.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10265, with Mr. KELLY of Pennsylvania in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The CHAIRMAN. The first section has been concluded, and the Clerk will read the next section.

The Clerk read as follows:

SEC. 3. That upon the requisition of or the filing of a petition for the condemnation hereunder of such land, or any right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation, and other community facilities, and parts thereof, immediate possession thereof may be taken to the extent of the interest to be acquired and the same may be occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all real estate acquired hereunder.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

It was my misfortune not to hear the chairman's explanation of this bill, and much of the discussion also escaped me, because of my attendance upon other duties. But it is evident that the wide scope of authority conferred by this bill upon one officer of the Government may lead to discussion. I trust it will not lead to scandal. Whether the hearings revealed the points at which portions of this large sum of $50,000,000 are to be spent, I do not know. I have heard some gentlemen contend that it is not wise to construct these houses along the Atlantic seaboard, because of the congestion that already prevails there.

It has been stated and argued by some gentlemen that the distribution of this fund should go so far west, even, as the Rocky Mountains. Now, it may be that there ought to be some such distribution. It may be that in the exercise of his wisdom and judgment the Secretary of Labor may see fit to build a large number of houses around about a coal mine somewhere in Colorado on the ground that that is a war emergency, and that those houses ought to be constructed for the benefit of workmen who may have no roof over their heads. It may be that his discretion would be properly exercised in that respect, and that he would have a right under this bill to so allot the money, but it does seem to me that there ought to be some provision written in the law which would limit his powers in that regard, at least, so that Congress might know where this money was going.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. When the gentleman says that he hears an intimation that some of this might be spent as far west as the Rocky Mountains, he does not mean to infer that the Pacific seaboard is not doing something in the way of war activity?

Mr. MOORE of Pennsylvania. Well, observing the activity of my friend from Washington, I would say that if this sum starts from the East westward, it will not be likely to stop until some of it is located in the State of Washington, and I have no objection to that.

Mr. JOHNSON of Washington. I will ask the gentleman if he does not think that opens up a very serious question, whether we are not rolling a pork barrel right in now, composed of a 60 per cent necessity as a war measure, and, say, 20 per cent as high-minded betterments, and a little graft?

Mr. MOORE of Pennsylvania. It may be. I said I hoped this bill will not result in scandal, but it may be that influence will be brought to bear on the Secretary of Labor that will induce him to spend a large portion of this money in places where, in the judgment of Congress, it should not be expended. It may be that in consequence of the activities of our profit-making citizens large organizations may be started involving vast expenditures.

Mr. JOHNSON of Washington. Well, I want it understood that I am not criticizing the Secretary of Labor or anyone else in prospect of what may happen, but is it not fair to assume that if the gentleman from Pennsylvania [Mr. MOORE] in his district has lots of influence, and if I in my district am supposed to have some influence, it stands to reason that the gentleman is expected to pull and haul and I am expected to pull and haul and intervene to secure housing—good, permanent housing, mind you—in each of our districts for thousands of employees engaged in manufacture of war supplies in each of our districts?

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Washington. Yes.

Mr. CAMPBELL of Kansas. I want to say that both of these gentlemen have been taken care of already out of the $50,000,000 appropriated for the Shipping Board, and they need have no concern about what will be done under this $50,000,000.

Mr. MOORE of Pennsylvania. If I were to be influenced by the speeches of the gentleman from Kansas, I might assume that the whole of that $50,000,000 appropriated for the housing of shipping employees had been spent at Hog Island.

Mr. CAMPBELL of Kansas. The gentleman surely does not want this amount expended there?

Mr. MOORE of Pensylvania. No; that is not the fact.

Mr. JOHNSON of Washington. And I am not talking of shipyard housing. I know something, however, of the demand that came up under that authorization, limited, of course, to seaports. I do not object to the main propositions in this bill. I know that the prompt housing of employees is necessary. I do object to hitching the District of Columbia home plan onto this bill. This bill is for workers on war material; the amendment is for clerks here in Washington.

Now, I have read in the hearings that responsible men doubt whether they can spend or appropriate this sum in this fiscal year. I presume that means between now and the beginning of July. I read also that this sum is a very small proportion of what is to be needed under the ambitious plans which are developing—loans for houses and the like. One thing more. I have heard the arguments here of the gentleman from Illinois [Mr. MADDEN] and others as to the desirability of not congesting so much of this war work in certain centers. Great activities are going on in my district in regard to shipbuilding and the housing of the workers. This bill is, of course, outside of the shipbuilding program; but, right in line with what the

gentleman from Illinois said yesterday, let me read this telegram that I received to-day:

SOUTH BEND, WASH., *April 1, 1918.*

Hon. ALBERT JOHNSON,
House of Representatives, Washington, D. C.:

We earnestly protest against installing the machinery at Seattle in the Sanderson & Porter vessels being built at Raymond. Contractor had made all arrangements for installing plant here to do the work. Have best of facilities, including wharfage, ample water front, and buildings for machine shops located on deep water and on Milwaukee and Northern Pacific Railroads. Labor and housing can be provided. We feel that it is an injustice to the citizens of this county to be deprived of such industries when the work can be done here and as rapidly as in any other locality. We feel we should not be deprived from installing the machinery in the boats built on this harbor. We urge the Shipping Board to investigate our facilities and to permit the work to be done here if it is found same can be done here promptly and without delay.

L. L. DARLING, *President,*
J. H. HENDERSON, *Secretary,*
South Bend Commercial Club.

I have no doubt but that the Shipping Board will make a proper recommendation when that telegram reaches it. These smaller harbors have produced and delivered wooden ships. They have machine shops, hoisting devices, boiler works, and all those necessary things, in a smaller way than the big cities have them, and they have not got this housing congestion. The people of these small communities, in their anxiety to see the war activities go on, are housing their workmen in their own homes and in public buildings and halls, and if this bill goes through they are likely to cease doing that and to ask that Uncle Sam do it, and Uncle Sam can not do it all.

Mr. CLARK of Florida. The gentleman from Washington refers to Seattle?

Mr. JOHNSON of Washington. Yes; as the place these ships are to be taken for installation of machinery.

Mr. CLARK of Florida. The hearings show that Mr. Eidlitz, the gentleman who has investigated these different settlements, says:

We are investigating the Puget Sound now for the Navy, and Mare Island. Seattle is complaining bitterly, and of course we will have to give attention to it.

Mr. JOHNSON of Washington. Yes. That is what I say. Here is machinery to be installed in wooden ships, and I think 70 wooden ships are being built in and about my district, and the hulls are proposed to be yanked to Seattle to put the machinery in.

Mr. COX. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Washington. Yes.

Mr. COX. Why not put the machinery in where the hulls are built? How far is it to that place?

Mr. JOHNSON of Washington. By water, probably 460 miles.

Mr. COX. What excuse do they give?

Mr. JOHNSON of Washington. None, except, perhaps, that the big machinery and the Northwestern headquarters of the Shipping Board are in the larger cities. I think the Shipping Board here will correct the situation.

Mr. COX. That is a funny way to do business.

Mr. JOHNSON of Washington. I am not opposing this bill, but I am offering a mild protest as to parts of it. I wish the amount could be reduced one-half and the amount to the District of Columbia reduced one-half, so that we could find out what we can do. Some people are already having an agitation set on foot to the effect that when the Government housing bill goes in operation here in the District that all the money shall not be spent in the northwest section, but some in the southeast and in the southwest and the northeast, and that these citizens should be given a chance to come into their own. That is only natural and is in line with demands that will come from everywhere.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BARNHART. I know that the gentleman wants to be fair.

Mr. JOHNSON of Washington. I do.

Mr. BARNHART. If the gentleman had been here last evening, he would have seen that the last thing we did was to adopt an amendment offered by the gentleman from Kentucky [Mr. SHERLEY], the chairman of the Committee on Appropriations, to the effect that nothing should be done in the housing of Government employees in the District of Columbia except upon detailed estimates and appropriations for such purpose.

Mr. JOHNSON of Washington. I was here. That amendment applies to the District of Columbia only.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I ask unanimous consent for five minutes more. I have taken no time in this debate——

Mr. CLARK of Florida. Reserving the right to object, I want to state that I am perfectly willing to have all the time necessary to debate this bill, but I respectfully submit that the matter of moving boilers from one place to another to put into ships has nothing to do with it.

Mr. JOHNSON of Washington. It has got to do with the principle and with some of the congestion.

Mr. CLARK of Florida. And I am going to insist from now on that the argument be confined to the amendment offered. If the gentleman does not like the bill, let him offer an amendment to make it better, and then argue it, and we will pass on that.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. CLARK of Florida. I do not object, but I am going to object after this.

The CHAIRMAN. The Chair hears no objection.

Mr. JOHNSON of Washington. I am quite serious about this. On the North Pacific many war orders have been placed; on the Atlantic coast many more, of course. Other communities have not received so many. If houses are to be built, all will demand good houses. Workingmen themselves will object to good, permanent houses in one place and bad, temporary houses in another. A man with half an eye can see what is going to happen. The District of Columbia is getting ready for it now.

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. JOHNSON of Washington. Yes.

Mr. CLARK of Florida. If the gentleman knows of any contemplated wrong, why does he not offer an amendment to prevent it?

Mr. JOHNSON of Washington. I will let that contemplated wrong in the District be remedied by the very distinguished gentleman of my name, the gentleman from Kentucky [Mr. JOHNSON]. This thing will make him work harder. I would not object to this bill at all if it were confined to a great war emergency housing plan, but I am inclined to believe——

Mr. CLARK of Florida. Then the gentleman is opposed to the whole bill?

Mr. JOHNSON of Washington. Oh, no; I am not; but I am trying to call attention to the fact that this bill contemplates permanent homes, loans for building, possibly for bungalows and cottages, and that many people in the District of Columbia believe that they are going to have actual houses built for them to relieve a situation where men renting houses for homes are told that they must either move out or buy the houses. These people think that this bill, in addition to being an absolute war emergency measure to take care of laboring men sent in great numbers to these other communities, has had hooked on to it a plan to relieve the situation in the District of Columbia and to give people a chance to hope they can secure actual ownership of homes, purchased from the Government, in the course of time, possibly on the installment plan. The two plans do not fit very well, and will make much confusion, I feel sure.

Mr. BARNHART. I have no doubt the gentleman wants to be fair.

Mr. JOHNSON of Washington. I try to be; yes.

Mr. BARNHART. The bill specifically provides that where vacant houses are found, or where there are houses that are not fully occupied, the Secretary of Labor may requisition them for housing purposes.

Mr. JOHNSON of Washington. I think the Government can requisition them now, without this act. It provides also that the Secretary of Labor may take over street car lines and certain other municipal utilities, whatever is meant by that.

Mr. BARNHART. There is no provision for the Government taking over housing propositions now.

Mr. JOHNSON of Washington. The Government has commandeered houses and other buildings.

Mr. BARNHART. For offices, yes; but not for housing purposes.

Mr. JOHNSON of Washington. They have taken buildings for barracks, have they not?

Mr. BARNHART. I do not know.

Mr. JOHNSON of Washington. Now, what do the words "municipal utilities" mean under the broad powers granted in this bill? Do they mean to build sewers, or to build community houses and forums, where there shall be lectures for the workingmen, the clerks, and the people as an urgent war necessity? Does it mean telephone lines; does it mean to take over the street car lines in the District of Columbia? It says that, and the only check is in the amendment offered yesterday by the gentleman from Kentucky [Mr. SHERLEY]. I am satisfied the committee will find——

Mr. BURNETT. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes.

Mr. BURNETT. The gentleman spoke of the magnanimous conduct of his people out there in furnishing houses for these workmen. Do they do that free? Do they not get rent?

Mr. JOHNSON of Washington. In my home town the large rooms in the city hall have been made into bedrooms for the men doing war work. Either the contractors did it or the city government did it.

Mr. BURNETT. I venture the assertion that they got paid for it.

Mr. JOHNSON of Washington. I hope they did. But I hate to see the opportunity for all war-working communities to come forward and say, "Let Uncle Sam do it."

Mr. BURNETT. I never saw one of them yet that failed to charge people enough.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 5. That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for and rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war.

Mr. LONDON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report:

The Clerk read as follows:

Mr. LONDON offers the following amendment:
Page 4, line 20, insert the following as a substitute for section 5——

Mr. BLACK. Mr. Chairman, I have an amendment to perfect the text.

The CHAIRMAN. The gentleman's amendment is to perfect the text of section 5 as it stands in the bill?

Mr. BLACK. Yes.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. LONDON] will be held in abeyance and the Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment by Mr. BLACK:
Page 4, line 22, after the word "rent" insert "and to sell and convey."

Mr. BARNHART. If the gentleman will permit me, that question was considered by the committee, and they did not think it ought to be put in the bill.

Mr. BLACK. Mr. Chairman, on the statement of the gentleman from Indiana I withdraw the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I renew the amendment.

The CHAIRMAN. The gentleman from Pennsylvania reoffers the amendment of the gentleman from Texas.

Mr. STAFFORD. May we have the amendment reported, Mr. Chairman?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 4, line 22, after the word "rent" insert the words "and to sell and convey."

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the suggestion that to the amendment perhaps should be added the words "at not less than cost." I do not know what the committee has to say about this, but the right to sell is a dangerous right when left to the discretion of an officer of the Government. The right to sell ought to be limited definitely by law. Nothing creates so much trouble——

Mr. CLARK of Florida. If the gentleman will permit, I think I can make a statement that will give the gentleman the information as to why we did not include that language. It has never been the policy of Congress to allow a department to sell or convey property without coming to Congress and getting the assent of Congress to sell that particular property at a given price. We thought it would be better to only give him the power to act as the custodian of this property after the war had terminated. Of course to rent it and to collect the rent. Then when an offer was made to purchase any of it let him report it to Congress with the prices and all the circumstances, and let Congress say whether it ought to be sold or not.

Mr. MOORE of Pennsylvania. There is a good deal in what the gentleman has said, but consider the cumbersomeness of that proposition; here would be thousands of separate parcels of real estate, every one of which might be an eyesore, and will be sooner or later, if the buildings are to be but temporary ones, and yet in every instance under that program the Secretary would be obliged to come to Congress and lay before it a recommendation to sell a piece of property worth perhaps $2,000 or $3,000.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; in a minute. If it was provided that he could sell for not less than cost, from that point of view it would be an aid to the workingman. Personally all things being even I would rather see some of these buildings remain in the hands of the occupants, because if turned back into the hands of the Secretary of Labor they will not only depreciate in value but they will affect detrimentally the surrounding property.

Suppose you put a thousand houses on Mussel Shoals, where I understand some are to go, and after the war is over and you continue that great plant there for fertilizer purposes, pure and simple, the Secretary suddenly orders these ramshackle buildings vacated. What is the effect going to be on surrounding real estate? All the citizens, all the farmers, all those who have attempted substantial improvements will be seriously affected in respect to their land values. Now I will yield to the gentleman from Missouri.

Mr. RUCKER. The gentleman has been discussing the matter I wanted to call attention to. I understand the amendment provides for the sale and conveyance of this property at a price not less than cost.

Mr. MOORE of Pennsylvania. I will suggest a modification of my amendment to that effect. I ask unanimous consent to add to the amendment the words "at not less than cost."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MOORE of Pennsylvania modifies his amendment by adding at the end the words "at not less than cost."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Does not the gentleman think that when he adds those words to his amendment that it will necessarily force Congress to act because the property could not be sold, having been used by the tenants and being only a temporary building—it could not be sold at cost, and it would be equivalent to saying that it could not be sold at all.

Mr. MOORE of Pennsylvania. That would depend on circumstances.

Mr. RUCKER. The gentleman will bear in mind that these buildings are called for more strongly in communities that are not permanent, but where there has been a spasmodic settlement due solely to war activities.

Mr. MOORE of Pennsylvania. Suppose we built a village of temporary buildings somewhere in the wilderness, on the banks of a river where water power could be had and where it was a decided advantage to attempt such a settlement, far removed from the battle front, far removed from the congested centers of population, might it not be wise now that we have the property, with the streets laid out and a community interest there, to allow them to remain and go on with other industries?

Mr. RUCKER. Does not the gentleman think that Congress should exercise its judgment——

Mr. MOORE of Pennsylvania. If some of these activities were to start up in the backwoods of Missouri——

Mr. RUCKER. We have cleaned up all the backwoods in Missouri.

Mr. MOORE of Pennsylvania. But there are remote sections of Missouri. Our modern characterization of the Missourian is a man who "wants to be shown."

Mr. RUCKER. I know that the gentleman must have reverted to some of the beautiful landscapes that he sees up in Pennsylvania.

Mr. BURNETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BURNETT. Does the gentleman want to perpetuate the title in the Government and put it where the Government can never sell? Would not that be the effect of his amendment? Nobody believes that one-tenth of this property could ever be sold for cost, and the amendment of the gentleman would put it where we would have to hold it perpetually. If you put it in the hands of the Secretary with this limitation on it, that will be the effect of it. If the gentleman wants the Government to acquire property up around Philadelphia and always hold it, this would be a good way to bring it about. Is the gentleman working for anything of that kind?

Mr. MOORE of Pennsylvania. I was about convinced by the gentleman's argument until he put forward the selfish point of view, and that destroyed the effect of his argument. I usually follow the gentleman from Alabama cordially, but I can not in this selfish point of view. No; I do not want a lot of Government-owned land around Philadelphia. We have had great difficulty in getting rid of some that we had, because once

in the hands of the Government it seems to remain there forever. There is always some objection to its being sold.

I say I was almost convinced by the gentleman's argument that I ought to withdraw my amendment, because I am not in favor, primarily, of giving too much power to the Secretary of Labor. Having explained the point, I ask unanimous consent to withdraw it, anyhow.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. LONDON].

The Clerk read as follows:

Page 4, line 20, strike out section 5 and insert the following in lieu thereof:

"SEC. 5. That the power and authority granted in paragraphs (a), (c), and (d) of section 1 hereof shall cease with the termination of the present war."

Mr. LONDON. Mr. Chairman, the object of this amendment is to restore section 5 as it was in the original bill as drafted by the Secretary of Labor. The effect of the language contained in the bill as reported by the committee and now before the Committee of the Whole House is to make it impossible for the Secretary of Labor to improve the opportunities that will offer themselves to him by reason of being in possession of a number of buildings. The provision as it stands now will compel him to get rid of the property at any price, so that all of the investment will be wasted. The Secretary of Labor was careful to avoid the possibility of being put in that difficult position, and when he drafted the bill he was careful enough to provide that only the power and the authority granted under paragraphs (a), (b), and (d) should cease with the termination of the present war. Let us see what authority paragraph (c) will leave in the Secretary. It would leave in the Secretary the following powers, namely:

(c) To equip, manage, maintain, alter, rent, lease, exchange, sell, and convey such lands, or any right, title, or interest therein, houses, buildings, improvements, local transportation, and other community facilities, parts thereof, and equipment upon such terms and conditions as he may determine.

That would give him the opportunity to retain those buildings which would prove to be of permanent value in permanent communities, to retain those structures which would form a permanent addition to cities. We can not possibly anticipate now the development of the industrial forces that have been called into action by the present contingency. We do not know how long this war will last. It may end any moment or it may become the normal condition of mankind for the rest of our lives. We may have nothing but war during the rest of our days, but we can readily see the contingency arising where the Secretary of Labor will find himself with a number of buildings half completed or fully completed and prevented from exercising any control over them because his power over any of them will expire with the termination of the war if my amendment should be rejected.

Mr. BARNHART. Mr. Chairman, Congress will still be here it is most likely after the war ends, and it might direct the Secretary of Labor how to proceed under these conditions.

Mr. LONDON. I know, but Congress may not be in session when the war will terminate.

Mr. BARNHART. Oh, yes; it will be.

Mr. LONDON. It may not be in session. Secretary Wilson emphasized the importance of retaining the original provision of the bill. I read from page 30 of the hearings, from the testimony of Secretary Wilson. He spoke of the necessity of retaining the powers recited in paragraph (c), and says:

Secretary WILSON. That is one of the things that is in contemplation in permanent communities and where the houses are likely to be used even beyond the period of the war emergency. Provisions can be made by which sales can be made to the workmen of the houses and the sales made on the installment plan, so that they may acquire their own houses. While three of the items in section 1 terminate with the termination of the war—that is, A, B, and D—C may continue, and it is quite apparent that it ought to be continued, because it provides authority to equip, manage, maintain, alter, sell, lease, exchange, or otherwise dispose of the lands, so that even when the emergency is over these lands, if there be any of them, and these houses, if there be any of them, are in the possession of the Government, and the power will be in the Government, where these permanent communities have been established, to dispose of these lands and houses in the manner in which you suggest.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, the most difficult problems that will face this Congress may present themselves with the termination of the war, and there is no reason in the world why we should now condemn all of these buildings that will have been constructed at a tremendous cost, why we should waste them in advance, why we should make it impossible for the Secretary of Labor to utilize to the fullest extent the acquired properties when the war is terminated, why he should have to wait 6 or 8 or 10 months for the following session of Congress or be restrained from expending the necessary money to complete such buildings as may be then only partially completed, so as to save the moneys invested in the construction of the buildings.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. ROBBINS. This bill, on page 2, line 25, and on page 3, line 26, contemplates that the buildings are to be of only a temporary character wherever practical so to construct. If that be true, and they be constructed hastily and are of a temporary character, why ought not the power to cease with the proclamation of peace?

Mr. LONDON. During the debate yesterday the chairman of the committee insisted that the language just referred to by the gentleman from Pennsylvania did not confine the Secretary of Labor to the construction of temporary structures under all conditions; that the word "practicable" meant that temporary buildings should be constructed in those cases where only temporary buildings could be constructed advantageously, but where permanent buildings were more advantageous or desirable, taking into consideration the community in which they were to be constructed, permanent buildings were to be constructed. In other words, this bill does not limit the Secretary of Labor to temporary structures.

Mr. ROBBINS. In line with that suggested by my inquiry, this is an emergency measure, the housing to be procured quickly.

Mr. LONDON. I understand that, but when we invest $100,000,000 in powder we do not expect to follow up that money—that money is gone, blown to atoms—but when we invest $100,000,000 in buildings it does not necessarily follow that you must necessarily throw away $100,000,000 if you can save a portion of it. It is not necessary to make temporary buildings when a permanent building can be constructed at almost the same expense and be of greater advantage to the workers in these towns. In other words, we must not assume now that temporary buildings are the only ones that should be constructed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CLARK of Florida. Mr. Chairman, I just want to say one word about this: If the amendment of the gentleman from New York should prevail, then after the close of the war we would have the spectacle of the Secretary of Labor running hotels and boarding houses in times of profound peace. We would have the Secretary of Labor engaged in trading and trafficking in street car lines or transportation lines and all that kind of thing. It is the idea of the committee that these activities were only warranted by existing conditions of war, and that when those conditions cease these activities ought to cease, and we give no authority beyond that, except simply the power of a custodian of this property, allowing him to collect rents and make returns and——

Mr. LONDON. Will the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. LONDON. Does the gentleman realize, in view of the large number of men involved, that the very process of demobilizing these large bodies of men will require a considerable time, and that four or five months may pass before the Secretary will be able to remove those people?

Mr. CLARK of Florida. I do; and they will have ample time to do that. This does not mean that the houses will close and the people be put on the streets, because he is given authority to rent——

Mr. LONDON. To sell and rent.

Mr. CLARK of Florida. Not to sell, but to rent until Congress says it wants to sell the property. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. LONDON. Mr. Chairman, I ask for a division on this.

The committee again divided, and there were—ayes 3, noes 32.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I do this for the purpose of obtaining information about a section considered yesterday, but which was

not touched upon by the committee. I wish to inquire of the chairman of the committee whether in the consideration of the bill any reference was made to the duration of the loans which would be made under the authority of paragraph d, I believe, of the first section?

Mr. CLARK of Florida. I will state to the gentleman, Mr. Chairman, that there is no consideration of that; it is left to the discretion of the Secretary of Labor, of course.

Mr. STAFFORD. I wish to direct the chairman's attention, not for the purpose of offering an amendment—though I would if that section were under consideration—to the fact that when the bill authorizing the Shipping Board to carry on activities of a similar character was under consideration an amendment was adopted by the committee, which was subsequently accepted by the conferees, limiting the duration of the loans to a period of 10 years, the idea being that we should not grant authority to any executive officer to obligate the Government for a long period of years—30, 40, or 50 years—and that there should be some limitation placed as to the length of time. Ten years was considered a reasonable time within which the loans should be made to private individuals.

Mr. CLARK of Florida. I will state, Mr. Chairman, I think the Secretary of Labor can be trusted not to make any loans that would be unreasonable in length, and I am sure he would not make them longer than absolutely necessary.

Mr. STAFFORD. I know it is the intention of the committee, from the expressions made by the chairman and other members of the committee on the amendment which was just considered, to have this authority brought to an end as soon as possible after the termination of the war. That was the very purpose of the amendment I offered to the Shipping Board bill, so we would not be obligated for a long term of years after the war has terminated. If the matter would be brought to the attention of the chairman in conference, would he be in a mood to accept it——

Mr. CLARK of Florida. Undoubtedly.

Mr. BARNHART. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BARNHART. In the event the war might terminate soon, if we fixed the maximum period at 10 years it seems to me that it might influence the Secretary of Labor to feel that he should fix these loans all at 10 years, and we might want to remove them in five or six years, and it would be a waste of money if we had to hold this property and pay interest on it after we were through with it.

Mr. STAFFORD. Here is the proposition: Here are a large number of artisans moving into a new district which is being rapidly peopled by the reason of it being proximate to a new manufactory engaged in war activities.

Buildings are erected of a more or less permanent character. The artisans wish to purchase a home under some loan arrangement. Some might wish to obtain the loan for a period of 10, 15, or 20 years. I think that the Government would be doing all that could be expected of it to make it for 10 years, and if the person could not pay for it in that period——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. If he could not pay for it in that period, he could go to private sources and obtain it.

Mr. CLARK of Florida. I do not hesitate to say to the gentleman if such an amendment were offered I should certainly accept it, undoubtedly.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 6. That at the beginning of each session of Congress the Secretary of Labor shall make to Congress a full and detailed report covering all of the transactions of his department with relation to the subject matter of this act, describing each parcel of land purchased, the improvements made thereon, together with the amount of money spent in connection therewith and the disposition of the same; descriptions of all parcels of property sold, to whom, the terms of sale, and the status of the title at the time of the making of such report; description of each piece of property purchased under the terms of this act and still owned by the Government and the estimated value; a list showing the names of all persons who have been employed in any capacity to aid in carrying out the provisions of this act, the service rendered by each and the amount of compensation paid to each, and a full, detailed, itemized statement showing each and every transaction of the department in the execution of the trust herein created, and immediately after the declaration of peace in the existing war the Secretary of Labor shall make a final report to Congress covering in detail all the operations and transactions of his department, under and by virtue of the terms of this act.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 5, line 5, after the word "purchased," insert the words "leased or otherwise acquired."

Mr. MOORE of Pennsylvania. I do not know whether the committee will object to this amendment or not, but provision is made here for describing only such parcel and parcels of land as have been purchased. In a preceding paragraph of the bill provision was made for purchase, lease, requisition, condemnation, and so forth.

Mr. CLARK of Florida. Mr. Chairman, we have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The section now under consideration, on line 5, provides that the report shall include a description of each parcel of land purchased, and, as the amendment now reads, "leased or otherwise acquired"; and on line 10 also provides for a description of each piece of property purchased under the terms of this act, which seems to me to be unnecessary and tautological.

Mr. CLARK of Florida. And still owned, the gentleman will notice.

Mr. MOORE of Pennsylvania. Still owned by the Government. Is that the distinction the committee undertook to make?

Mr. CLARK of Florida. Yes, sir.

Mr. MOORE of Pennsylvania. Then, another comment upon this section is that it provides, on lines 7, 8, and 9, for "descriptions of parcels of property sold, to whom, the terms of sale, and the status of the title at the time of the making of such report," so that evidently, whether the gentlemen think the Secretary of the Treasury ought or ought not to sell the property, he is given the power to do it.

Mr. CLARK of Florida. Yes; he is given the power during the existence of the war.

Mr. MOORE of Pennsylvania. What does the gentleman say, then, as to the suggestion that he should be limited in the matter of the price he fixes for the property which is to be sold?

Mr. CLARK of Florida. I will state to the gentleman, Mr. Chairman, that the committee considered that, but here is the difficulty, as all gentlemen must realize: Here is an extraordinary condition. Building material is higher, probably, than it ever was in the world, and labor is higher than it ever was.

Building is extraordinarily expensive. I doubt, to be perfectly frank with the gentleman, if the Government would ever get cost out of any of this construction on that account. And we did not want to limit him to that cost, which might result very seriously to the Government. They might have opportunity to dispose of property to great advantage. And then the depreciation, of course——

Mr. MOORE of Pennsylvania. Let me put this illustration before the gentleman as justifying the thought that there ought to be some limitation here. Suppose they have a thousand houses in an operation, and they are of temporary construction, and the Secretary, exercising his discretion, sells one house in the heart of the thousand, or a dozen houses somewhere where the situation is favorable, and at the termination of the war it develops that these few people own houses there, while the rest of the property is to be disposed of. Would not that operate to prejudice the Government in the disposition of the rest of its property? You give the man a right, in the midst of a large tract you are going to sell, to select a house there and stay there and say, "I will not move now if you want me to move, because I have a fee-simple deed to this property."

Mr. CLARK of Florida. Well, Mr. Chairman, it is supposed, of course, that those who execute this law will have regard to that condition when they undertake to sell property.

Mr. MOORE of Pennsylvania. This bill gives the right to the Secretary to condemn, does it not? Therefore if my house happens to be in the area the Secretary wants to cover, he takes my house and drives me out. Of course, he pays me a price under condemnation proceedings. I have to yield and go away, but if the Government wants to dispose of the whole tract later on, and it is sold by the Secretary to one, two, or three individuals, how is the Government going to dispose of the rest of it without dispossessing those people?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask the gentleman to answer, if he cares to do so.

Mr. CLARK of Florida. It is utterly impossible for me to answer these hypothetical propositions about what may happen.

We have got to trust the Secretary of Labor in the administration of this law with discretion, and it is presumed he will act with the discretion of an ordinary business man. And I do not believe that he would sell property in the way the gentleman indicates.

Mr. MOORE of Pennsylvania. We must have faith; I grant the gentleman that. I trust the Secretary may be wisely guided in these matters.

Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 5, line 15, after the word "compensation," insert the following: "including fees, commissions, allowances, and traveling expenses."

Mr. MOORE of Pennsylvania. This widens the range of the report submitted.

Mr. CLARK of Florida. If the gentleman will permit me, I think the section is pretty full and complete and will cover that. If the gentleman thinks differently, we are willing to accept it. We want an absolute, clean statement with reference to all these transactions.

Mr. MOORE of Pennsylvania. If the gentleman accepts the amendment, I have no further argument to make.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That no work or contract done or made under or by authority of any provision of this act shall be done or made on or under a percentage or "cost-plus" basis.

Mr. CLARK of Florida. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Committee amendment: Strike out all of section 7, on page 5, and insert in lieu thereof the following:

"SEC. 7. That no work to be done or contract to be made under or by authority of any provision of this act shall be done or made on a percentage or cost-plus percentage basis, nor shall any contract be let until at least three responsible bidding contractors shall have been notified and considered in connection with such contract."

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask the gentleman from Florida if he will agree to go a step further and provide that neighborhood contractors may have the opportunity to compete for this work?

The amendment proposes just what I had in mind to offer as an amendment—that these contracts and these awards of work should be open to competition. The gentleman's amendment goes so far as to open them to competition on the part of at least three contractors, but if the operation is located somewhere in Kentucky, we will say, and each one of the three contractors invited to send in bids is to come from the city of New York, it might not be wholly satisfactory to the contractors of Kentucky, who might have, and ought to have, perhaps, an opportunity to come in and bid for that work.

I have heard considerable complaint, I will say to the gentleman, from small contractors who find that they have no opportunity to bid for work in their own environment, where they are familiar with the prices and the conditions and the labor market. We have instances of at least one or two shipyards fully equipped, with ways constructed and men employed, who are willing to do Government work, but who can not get Government work to do, although they are on the ground and eligible for the purpose. It seems to me that the men in the vicinity of the operation, the known contractors, those who have established reputations and can prove up to who ever is going to be in charge of the work, ought to have an opportunity to come in with the other three to bid on the work. The amendment proposes that there shall be opportunity for at least three persons to bid.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SNELL. Is it the gentleman's intention that this work shall be divided up into small contracts, so that a man who can do a certain part of the work can have an opportunity to do it?

Mr. MOORE of Pennsylvania. I was asking that the amendment of the gentleman from Florida [Mr. CLARK] be broadened so that those who have establishments and who are equipped to do the work, who know the situation, may have the chance to bid for it. That is all.

Mr. WALDOW. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALDOW. Does not the gentleman believe that the preference should be given to local contractors?

Mr. MOORE of Pennsylvania. If a man in the neighborhood can do the work as well and as quickly as the man a thousand miles off, it seems to me that he ought to have an opportunity to do the work. It gives a chance to the men in the vicinity whose plants otherwise might be put out of business.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BARNHART. Mr. Chairman, the matter of which the gentleman from Pennsylvania [Mr. MOORE] has just spoken was very fully and extensively considered by the committee. Mr. Eidlitz, who was present, assured the committee that local contractors would be given the privilege of bidding on this work and awarded contracts wherever it is possible that they can do the work and expedite construction at the same time. But to insist that a local bidder shall have the privilege of bidding, taking as an illustration these buildings that have been constructed here in the very recent past down on the Mall, there are only one or two firms in the United States who were equipped to go right at it and build those buildings quickly. They had the machinery and the equipment and the labor to rush the work. Under ordinary conditions every provision ought to be made to give the widest possible competition to bidders; and I hope that the men in charge of this new enterprise—for it is new—will be sufficiently liberal and fair-minded that they will not invite a condition whereby contractors from New York will be given the privilege of constructing buildings in Kentucky and Kentucky contractors refused consideration. I can not conceive of any way by which such a thing could arise in the estimation of practical business men, as I believe the men in charge of this undertaking will be. We have the assurance that these men are practical business men and practical builders. We must trust some of these things to the honesty and wisdom of men, because we can not tie them up as we might under ordinary conditions, for the reason that they insist, as we all know, that this undertaking is emergent, and there must be unusual inducement to hurry things. These buildings are needed at the earliest moment possible, and if we have to spend more money than would be ordinarily necessary in order to get them quickly we must do it. It is one of the besetting misfortunes of war.

Mr. MOORE of Pennsylvania. The gentleman would not want to destroy some small builder who was thoroughly capable of doing such work as was assigned to him?

Mr. BARNHART. Not at all.

Mr. MOORE of Pennsylvania. The fact is, and I think the testimony the gentleman has referred to will bear it out, that by yielding these vast contracts to one or two concerns, and then levying an embargo upon all other material, such as lumber and other things that go into these buildings, it is impossible for a small man to operate, and he is really put out of business. I am appealing to the gentleman to give some encouragement to the small operator, in the vicinity of some cantonment for instance, or in the vicinity of some remote operation, if he has the facilities and the men; at present the embargo operates against him.

Mr. BARNHART. I can answer that by referring to some of the evidence given in the hearings. It was to the effect that if in this emergency the Government advertises for bids, as it must do if we are to let this undertaking by contract, then when a contractor sends in his bid the next step is to investigate to see whether he is prepared to do this work, whether he is dependable, and whether he is going to have difficulty before he gets through, and the work will be delayed both in beginning and completion. Under these conditions the Government wants to know the men who take these contracts, for it wants the assurance, based upon past experience of the contractors, that this work will be expedited—rushed through to completion at the earliest possible day.

Mr. HICKS. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HICKS. A moment ago the gentleman made mention of the fact that the buildings being constructed on the Mall require a tremendous organization and a large amount of machinery, which we are willing to concede is true; but that argument does not hold good, I imagine, as to a great deal of this work, because in other places they are building smaller units of different kinds of material.

Mr. BARNHART. But the proposition of the gentleman from Pennsylvania [Mr. MOORE] would require that instead of giving this contract down here to men who can do the work quickly, because the need of office room is imperative and urgent, we would have to wait for some Washington contractor to come in and bid, and then consider his bid and investigate his responsi-

bility, and the building would be delayed. It is the "do it now" that our country needs, and that is why contractors who are known to be ready and dependable are needed.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. That for carrying out the provisions of this act and for the administration thereof the sum of $50,000,000, or so much thereof as may be necessary, is hereby authorized.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Florida offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment:
Page 6, line 2, strike out the figures "$50,000,000" and insert in lieu thereof the figures "$60,000,000."

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington to the committee amendment:
Strike out "$60,000,000" and insert in lieu thereof "$25,000,000."

Mr. CLARK of Florida. Mr. Chairman, I certainly hope that amendment will not be adopted. The hearings before this committee showed that if we are to do this work at all it is going to cost many millions more than the $60,000,000 that we are proposing. It would simply be child's play to start with the authorization of $25,000,000.

Mr. LONGWORTH. Can the gentleman indicate to the House about how much this may eventually run into?

Mr. CLARK of Florida. The hearings indicated that if the war lasts three or four years it will probably require between $300,000,000 and $500,000,000.

I sincerely hope that the amendment of the gentleman from Washington [Mr. JOHNSON] will not be adopted.

Mr. STAFFORD. I should like to be recognized at the proper time in opposition to the amendment offered by the gentleman from Florida.

Mr. JOHNSON of Washington. Mr. Chairman, I have offered this amendment in all seriousness, not expecting, of course, to receive much support for it, for we have ceased to talk or even think in sums of anything less than $50,000,000. However, half that sum is still a large amount. If you will read the report of the committee you will come to the conclusion that the authorization of $50,000,000, not $60,000,000 as now proposed, was to be asked for, and that $50,000,000 was about as much as the distinguished witnesses before this committee thought they could tap Congress for at this time. Witnesses at the hearings went on to state that they doubted if they could expend that sum during the fiscal year. They would like to get ready for the grand scheme, and they expect to come to Congress for other $50,000,000 chunks until a stupenduous total is reached. I think it is only fair to suggest to the membership of this House that any reasonable sum, one-half—I have put it at fifty-fifty, giving the Government half a chance—is enough to inaugurate the plan, start it, so that we may see how it is going to work and where it is going to end. The Shipping Board's activities, mind you, are not covered in this bill, neither are Army and Navy housing, neither are offices in Washington, and neither is the Arlington Hotel site. That is another story.

Mr. BARNHART. Mr. Chairman, the impression left by the gentleman from Washington [Mr. JOHNSON] is that this bill makes the appropriation. It does nothing of the sort. It merely authorizes the Congress to make such appropriation as it sees fit, and it requires first, under the provisions of this bill that no appropriation can be made until a detailed and specific estimate of the expenditures proposed shall be made and approved by the Congress. I do not see what further safeguards we can place about it.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. STAFFORD. Where is there any warrant for the gentleman's statement which he just made that there can be no appropriation made until estimates are furnished?

Mr BARNHART. The amendment offered by the gentleman from Kentucky [Mr. SHERLEY] and adopted just before adjournment yesterday.

Mr. STAFFORD. That is a limitation exclusively to the authorization for housing facilities in the District of Columbia. I wish it was general, so as to include estimates for all the buildings. I think the gentleman in the discussion before to-day referred to the fact that it included all estimates as authorized under this bill.

Mr. BARNHART. In theory and practice and in congressional procedure it has always been so considered, and ought always to be, that no authorization of any amount by a committee not authorized to make appropriations can get anywhere until the Appropriations Committee reports to the House and asks the approval of the House and makes the appropriation in whole or in part. And at that time Congress will have its day in court. While the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] only covers the District of Columbia, as a matter of fact the rules of the House cover the other provision. The gentleman from Wisconsin as well as older Members know that no authorization ever gets to the stage of appropriation until the House makes it so.

Mr. STAFFORD. But it is not necessary under the phraseology of this bill, if it becomes a law, that any estimate shall be made as a warrant for the housing, community, or transportation facilities outside of the District. The committee under this authorization could bring in a bill without estimates being first furnished. I am in hearty favor of the suggestion of the gentleman that estimates should be made, and I hope some member of the committee will offer an amendment extending the provisions in the amendment of the gentleman from Kentucky.

Mr. BARNHART. That would be true under ordinary conditions, as I said. But here we will have this housing problem coming up here and there all over the country. If we have a detailed statement of every move that is to be made before the appropriation committee acts there would be too much delay. I have no doubt the Appropriation Committee is going to be careful, because it is not the practice of the Appropriation Committee to recklessly make appropriations under authorizations of this kind. If we should require that every time an expenditure is to be made for housing anywhere in the United States, it should first be laid before the Appropriation Committee in the way of detailed specifications and estimates, as set forth in the district where it is directly under the observation of the committee, it would be a delaying proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield to me?

Mr. BARNHART. I will.

Mr. STAFFORD. If we should require, as the amendment of the gentleman from Kentucky prescribes, that estimates be furnished before the appropriations be made, it would not be necessary, as the gentleman seems to think, that a detailed estimate should be made.

Mr. BARNHART. Mr. Chairman, I ask that the amendment of the gentleman from Kentucky be read.

Mr. STAFFORD. I have the amendment before me. It is as follows:

Provided further, That the powers herein authorized shall not be exercised in the housing of Government employees in the District of Columbia except upon detailed estimates and appropriations for such purpose.

I really believe that before we grant to the Secretary of Labor supplementary authority, which is possessed now by the Shipping Board, the War Finance Corporation, to advance moneys for transportation facilities, and also separate authorization for community purposes, that Congress should have some estimate so as to know whether they shall engage in hospital activities or interurban railway activities, so that we can vote intelligently upon the needs of the country in the respective districts and not go wild, as we are doing in many bills with extravagant appropriations.

Mr. MEEKER. Mr. Chairman, I sincerely hope that the amendment offered by the gentleman from Washington [Mr. JOHNSON] will not be agreed to. If there is any fear which I have at the present time it is that these buildings will not be ready soon enough. Those of us who passed through this last winter knowing conditions in some of the cantonments where the work was started late, knowing of the terrible suffering of the men who were sent to some of these cantonments, are eager to see this work started at the earliest possible moment. If these reports were brought back, as suggested by the gentleman from Wisconsin [Mr. STAFFORD], we here in the House might possibly get to the consideration of some of them by July or August. This work should be started to-morrow. We may just

as well admit to ourselves right here and now that we are in for a long, long war, and plan to place our men for a term of years rather than a few weeks or months. It has been my privilege within the last 24 hours to know the thought of a man who has just come back from the other side, who is one of the foremost military authorities on either side of the water, and the things which he has to say as to what we must do in America, and do in the very near future, if I were not an eternal optimist, would be discouraging to say the least.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. STAFFORD. Is the gentleman aware that if the bill passes in its present form the Secretary of Labor will have to come to the appropriate committee before he can take one step?

Mr. MEEKER. I am fully aware of that, and I hope he comes in a hurry and gets it without any talk. [Applause.] Also, I hope that he gets busy immediately, and that the builders are at work within 10 days or two weeks if possible, because, as I said before, we men who have been through a close study of the cantonment problems of the past winter do not want the houses to be prepared for these men left in the condition some of those were during last winter.

Mr. JOHNSON of Washington. This is an authorization for $50,000,000 and by amendment will be sixty million?

Mr. MEEKER. Yes.

Mr. JOHNSON of Washington. And the hearings disclose the fact that we may be called upon for six or seven times that. Why can we not start with an authorization of twenty-five millions? That is quite a sum of money.

Mr. MEEKER. Oh, it is a very small sum of money when you spread it over the United States, to say the least.

Mr. JOHNSON of Washington. Then, $50,000,000 is still a small sum of money?

Mr. MEEKER. Certainly it is, and that is the reason I hope the gentleman's amendment will be defeated. If it costs us $500,000,000 we have to put it up, and do it in a hurry. We want this housing question settled now.

I want to say one thing right here. I hope there will not be quite so much suggestion from the floor of the House by men in civilian clothes as to what the men in military uniforms should do about running this war. There has been a very popular talk lately condemning so-called swivel-chair officers. I think the military authorities know whether a man should be left in a chair in Washington or put on the front in France. This agitation is going to disorganize some of the departments where the men have been working for months to obtain the technical knowledge to carry on just such a war as this, which must be done, and I say it ill becomes those of us who are still wearing civilian clothes to be condemning the men for the things they do or do not do who are in uniform.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MEEKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MEEKER. And this is the last five minutes you will hear out of me on this whole thing. I am going to say this, further. There has been just complaint on the part of men from the inland manufacturing centers against the tendency to let contracts to concerns along the coast. Men who have been studying this question for the last year have been able to see that this congested situation was bound to come. However, the agitation which has been carried on has called the attention of contracting authorities to the necessity for holding back the men in the middle western country, and contracts are being let there more and more each day.

I believe that with the building policy on the one hand, and the new policy on the part of those who have the letting of the contracts on the other, working together or side by side, there is going to be some check of the movement for the transportation of labor to these coast points and these coast cities. It was naturally expected in the beginning of the war that the men who were most ready to take those contracts should get them, and there should be a piling up at such points, but now if the men who represent the middle section of the country will insist on calling the attention of the Government to the necessity and wisdom of letting those contracts in the middle western country, and if the manufacturers of that section will realize that they are now here to take war contracts at the lowest possible figure at which they can turn out the stuff, and that the day of war profiteering, thank God, is past in the bidding for contracts, it will mean a great benefit and advantage to all. Now, Mr. Chairman, we are all bound to make mistakes, but I believe that when we are considering these great movements that a bill of this kind, which looks to be a very practicable problem, namely, of preserving and maintaining the health and the physical vitality of the men who are to build our ships and manufacture our munitions, that it is just as essential as if we had been asked for an additional $50,000,000 to take care of the men on the other side. I hope that the amendment that was offered by my friend from California will be defeated, and I hope that the committee is back here in the shortest possible number of hours to get the money so that they may be able to go to work. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a very carefully worked-out full report as to the enlistment and subscriptions for war work of all sorts that have occurred in the city of St. Louis and in the State of Missouri since the war was declared.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing certain statistics. Is there objection? [Afer a pause.] The Chair hears none.

Mr. MEEKER. Under permission granted me to extend my remarks, I wish to insert in the RECORD a statement prepared by the St. Louis Chamber of Commerce. This sets forth very clearly and tersely what St. Louis has done in the way of war work and war service.

During the latter part of April of last year I called to pay my respects to the President, and he said to me at that time: "I have received no set of resolutions from any legislative body, either State or municipal, that pledged more cheerfully and unreservedly the support of those for whom they spoke than the resolutions that came from the Board of Aldermen of St. Louis and signed by the mayor of that city."

Without much ado St. Louis has gone about her war tasks with a zeal and an energy that is, indeed, remarkable; and, after all, it is what individuals and citizens do rather than what they merely talk about that will count in winning the war.

While attention is called to the fact that there is a small percentage of "born-in-Germany population," let it be remembered that some of these very citizens have been foremost in our war activities. When you read the report as to the number of naval recruits, it will interest you to know that more than 700 of these recruits were obtained by a citizen by the name of Paul Werner, who has seen service in the German Navy and, since he became naturalized, served a long time in the Navy of the United States. He is now physically disqualified for service, and is a moving-picture machine operator. With his own savings he rented headquarters in South St. Louis and, earning his livelihood at his profession at night, he has spent his days in personally soliciting men for the Navy. More than 700 of his recruits have been accepted and are now in service. On the other hand, some of the very heaviest purchasers of bonds and subscribers to the Red Cross and other war-relief work, not only in St. Louis but in the Middle West, are St. Louis citizens of immediate German parentage.

We have all learned of late that the question of loyalty or disloyalty is not a matter of ancestry. Some of the most active and persistent pacifists—and thereby aids to the Kaiser and his cause—are men and women who have not a drop of German blood in their veins. Loyalty to one's nation is a matter of soul and not of name or flesh.

St. Louis, the all-American city, realizing that she has not done all that she might do, and determined to do more than she has done, calls to her sister cities throughout the Nation to, with her, spend their last ounce of strength, both in resources and in men, to bring victory to our arms at the earliest possible hour. The statement from the chamber of commerce follows:

WHAT EVERY AMERICAN NEWSPAPER PUBLISHER AND EVERY UNITED STATES GOVERNMENT OFFICIAL SHOULD KNOW.

The percentage of population that is foreign born, compared to the total population of this city, proves St. Louis to be a real American city, and coincides exactly with the foremost position St. Louis has taken in enlistments, Red Cross, liberty bonds, war-savings stamps, and all other war activities.

Foreign-born population.

[1910 census.]

	Population.	Foreign born.	Per cent.
St. Louis	687,029	125,706	18
Detroit	465,766	156,585	33
Cleveland	560,663	195,703	34
Boston	670,585	240,722	35
Chicago	2,185,283	781,217	35
Bridgeport	102,054	36,180	35

Born-in-Germany population.

The percentage of population born in Germany is as follows:

	Population.	German born.	Per cent.
St. Louis	687,029	47,766	6.95
Cleveland	590,663	41,408	7.38
Cincinnati	363,591	28,423	7.81
Chicago	2,185,283	182,289	8.34
Detroit	465,766	44,675	9.59
Buffalo	423,715	43,815	10.34
Milwaukee	373,857	64,816	17.33

These figures are compiled from the United States Census Bureau's figures, 1910 statistics, and have been submitted to the Washington authorities, in final answer to the many unjust rumors which, from one source or another, have come to their attention.

AN AMERICAN CITY.

Everybody not provincial has known for many years that St. Louis is the most American among the greater cities of the United States. St. Louisans have answered Chicago taunts of greater numbers with the old fable of the lion and the more fecund wolf. But there is still so much of provincialism abroad, particularly in the East, that the St. Louis Chamber of Commerce has felt it to be necessary to compile comparative statistics showing that the German-born population of St. Louis constitutes a smaller percentage of the St. Louis total than the same population does in either New York, Chicago, Cleveland, or Detroit.

It is the war which makes the native German selected for this comparison. In St. Louis the native Germans are but 0.069 per cent; in Chicago they are 0.08; in Milwaukee, 0.17; in Buffalo, 0.10; and in Cincinnati, 0.07. These decimal fractions in what have long been supposed to be great German centers would indicate that the enemy alien is not as dangerous in numbers as has been supposed, but the more important fact they reveal, in view of provincial hysterics and nightmares, is that St. Louis ranks only seventh among American cities in the number of its German-born population.

In all sorts of foreign-born population St. Louis shows but 18 per cent, while both Chicago and Boston score with 35 per cent, Cleveland with 34, and Detroit with 33. There was a heavy German movement to St. Louis for a half dozen years after the Civil War, which was reflected in the census of 1870, showing this city to be leading for the first time both Chicago and Cincinnati. Emigrant trains were crossing Illinois prairies daily bringing them here by thousands. But that was a long time ago, and not all of them stopped here. The response of St. Louis to every call for troops, money, or supplies is a sufficient test of its Americanism. If more is desired, the chamber of commerce has supplied the conclusive proof. (Globe-Democrat, Mar. 8, 1918.)

St. Louis has not done more than she should, or as much as she expects to do; but her war record to-day is one any American city could be proud of. We want you to look it over as printed, then think of it before you say, or permit others to say, other than good of St. Louis, an American city.

More than 32,000 St. Louisans in American fighting forces.

United States Regular Army recruiting:	
Regular Army	7,373
National Guard	302
National Army	1,218
Enlisted Reserve Corps	334
Training camp for officers	1,281
British recruiting	22
Quartermaster and mechanical repair shops of National Army	90
United States Marines	2,957
United States Navy	4,459
Twelfth United States Engineers	1,200
First Regiment National Guard (One hundred and thirty-eighth Infantry)	1,800
Fifth Regiment National Guard (One hundred and thirty-eighth Infantry)	2,000
First Missouri Field Artillery	900
Missouri Signal Corps	300
National Army (selective draft)	4,377
Medical Reserve Corps and medical units	1,200
Aviation Service	500
Intelligence, Ordnance, Quartermaster, Red Cross, Red Triangle, etc., directly connected with war and war relief work	2,000
Total	32,313

NOTE.—The figures included in the table are for enlistments from April 1, 1917, to February 28, 1918, and have been prepared on a conservative basis. Wherever there was a possibility of duplication in the constituent service being included in the Regular Army the figures have been omitted from the calculations.

ONE ST. LOUISAN IN EVERY 24 IN UNITED STATES SERVICE.

St. Louis has offered 1 person for service in the United States fighting forces out of every 24 of its population. Think that over just a moment.

St. Louis and surrounding country in Missouri has furnished second to the largest number of applicants for the Navy, regardless of size of population. Only New York furnished more applicants.

In December, when the Government asked St. Louis for 1,200 Navy recruits in 30 days, the chamber of commerce raised $9,500 for handling the campaign advertising, etc., and received more than the desired amount in 15 days, and almost doubled the number in the month.

St. Louis has led the entire United States in marine recruiting. During October the Government limited St. Louis to one recruit a day.

Prior to the draft the Nation's volunteer quota was placed at 1 per cent of the population, making St. Louis's quota 8,000. The city supplied 9,730 volunteers for service, an excess of 21.6 per cent.

Ferguson, a St. Louis suburb, perhaps holds the national honors for recruiting. Of its 1,935 inhabitants, 125 enlisted, or 7 per cent of its population. Besides this, Ferguson recruited a home guard company of 100.

Since January 1, 1918, 2,028 have been recruited in St. Louis for the three branches of the service.

WENT "OVER THE TOP" FOR EVERY CAMPAIGN.

Liberty loan: Subscribed $42,000,000 to first loan; quota was $25,000,000.

Second loan: Subscribed, $74,000,000; maximum quota, $68,000,000.

The St. Louis district subscribed $184,280,750; the quota was $120,000,000, being 54 per cent oversubscribed, which was exactly the oversubscription of the entire loan.

Red Cross: St. Louis raised $2,000,000; the quota was $1,000,000.

St. Louis was asked to get 150,000 Red Cross members. The total secured was 242,000.

The southwestern district's quota was 1,162,000 Red Cross members; members secured, 3,250,000.

Again, St. Louis went "over the top" for the Knights of Columbus fund for $80,000.

St. Louis gave $51,129,463.83 to the Y. M. C. A. red triangle fund.

St. Louis's subscription to the Young Men's Hebrew Association fund was $200,000.

St. Louis to date (Mar. 15) has bought $5,227,000 war savings stamps, having taken up a larger percentage of its quota than any other American city. The State of Missouri is in the same relative position, leading the United States in subscriptions on its quota to date, with sales of $13,010,256.

THE AMERICAN CITY.

St. Louis as well as Cincinnati is still referred to frequently, along with Milwaukee, as one of the "German" cities of America.

There was a time when the reference was justified by the facts. That, although the city remains the headquarters of many religious and other organizations founded by early German settlers, it is no longer accurate is due to the shiftings in population typical of American cities. The large percentage of German residents resulting from the great inrush of German immigrants just before and just after the Civil War has steadily declined because of decrease in those coming here from Germany and increase of native Americans coming from other sections of the Union.

Figures compiled by the Chamber of Commerce show that St. Louis has but 6.9 per cent of persons of German nativity and Cincinnati 7 per cent. The percentage in both cities is exceeded by that in Chicago, Buffalo, and Detroit. The Milwaukee percentage is 17.

St. Louis is not only the least German of the large western cities but it is the most American of all the great centers of the United States. Its percentage of all foreign-born residents is only 18, while that of New York, Boston, and Chicago is 35, that of Cleveland 34, and that of Detroit 33. The impression that it is largely dominated by influences having their origin in the German element is simply a survival of an idea that had some basis of truth in the time of our fathers and grandfathers. Most of the "Germans" we have are Americans. (Post-Dispatch, Mar. 9, 1918.)

CITY HAD FIRST FOOD-CONSERVATION ORGANIZATION.

St. Louis had the first food-conservation organization in the United States, and many of the ideas developed by this conservation committee have been nationally adopted, such as the conservation normal school, community canneries, and Hoover lunch rooms. Due to the efforts of this committee there has been a reduction in the city's garbage in six months of a total of 8,000,000 pounds.

Three hundred and forty-two thousand women signed the Hoover pledge in St. Louis—more than any other city, regardless of size.

Last spring St. Louis plowed up 700 acres of back yards and lots for thrift gardens.

More than 1,000 St. Louis boys have enlisted in the Aviation Division.

A school for plastic surgery has been established in the city and over 350 officers already trained there.

In one-half day's time St. Louis raised a fund of $100,000, and inside of 60 days recruited 3,000 men for two home guard regiments, being the first American city to have two regiments of home guards completely equipped, even to machine guns and armored motor cars.

One of the first hospital units to land in France was from St. Louis, which was outfitted by the St. Louis Chapter of the American Red Cross at an expense of $60,000.

RED CROSS DOING WONDERFUL WORK IN DISTRICT.

Five thousand St. Louis women are registered to do knitting, and over 400 work daily in the Red Cross factory here. One thousand women are making Red Cross bandages. St. Louis has a wholesale Red Cross warehouse, supplying five States or 3,000 Red Cross chapters. The headquarters for the entire southwestern division of the American Red Cross are located in St. Louis.

Eight hundred young women have been given a course in nursing by the Red Cross people here and are ready to serve as nurse assistants in France.

Sixty young women have graduated as auto mechanics to serve as ambulance drivers. The local chapter of the American Red Cross is spending on an average of $30,000 a month.

St. Louis is spending $100,000 in war camp community service.

St. Louis is selling $45,000 worth of smileage books.

Three classes of army balloonists have been turned out at the balloon school here, one of the first schools of the sort in the country. This plant is being tripled in size.

Fifteen miles from St. Louis is one of the country's great aviation schools—Scott Field.

Every factory in the St. Louis district—there are 3,450 of them—has a good portion of their capacity given over to war production. Yet there is ample capacity, labor, capital, and housing for increased production of this sort.

ST. LOUISANS IN FOREGROUND OF WAR HEROES.

Within five months after the declaration of war St. Louis recruited and equipped an entire additional regiment of National Guards.

The second ambulance corps to land in France was from St. Louis.

One hundred and three St. Louis schools, with 70,000 pupils, are now 100 per cent Red Cross.

Diesel engines, necessary both to submarine and ship construction, are being turned out exclusively in St. Louis in large quantities by the Busch-Sulzer-Diesel Engine Co.

We are not mentioning these things in a bragging way, but simply to show that in the important factors of the war, Red Cross enlistments, liberty loan, heroism—or whatever the call—St. Louis has answered every fresh demand upon its manhood and womanhood, upon its finances, upon its resources, in a manner that refutes the casual slur of those here and there to the effect that St. Louis is dominated by an alien population and that it is apathetic toward the progress of the war and slow in its exhibit of patriotism.

Compare this record, item by item, with that of any other city, and then judge of St. Louis's patriotism. Read the tables on the front page of this folder and then nail any accusation of foreign influence in connection with the metropolis of the Mississippi Valley, the "city surrounded by the United States."

Not said boastfully, but that the United States may know the truth about St. Louis and Missouri.

ST. LOUIS CHAMBER OF COMMERCE.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was agreed to.

Mr. MAPES. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 3, after the word "authorize," insert "*Provided*, That not less than $10,000,000 of the amount hereby authorized shall be used to build or acquire as herein provided housing accommodations within the District of Columbia."

Mr. MAPES. I am heartily in favor of this bill. It requires no argument to convince anyone at all familiar with the conditions prevailing throughout the country and in the District of Columbia that it is a highly important and necessary piece of legislation. This amendment which I have introduced is in harmony with the one just adopted increasing the amount authorized by the bill from $50,000,000 to $60,000,000, which was recommended by the Committee on Public Buildings and Grounds and introduced by the chairman of that committee. The purpose of that amendment was to increase the appropriation so as to make available $10,000,000 to provide housing accommodations in the District of Columbia. My amendment is for the purpose of incorporating in the bill the specific provision that $10,000,000 of the amount authorized shall be actually used within the District.

There is now on the calendar a bill reported by the Committee on the District of Columbia which I introduced authorizing an appropriation of $10,000,000 for this same purpose. If this bill passes with the amendment I have proposed, it will not be necessary to pass the other bill.

It is not necessary to discuss the need of additional housing accommodations within the District with anyone who has lived here, even temporarily, as every Member of the House has, and conditions are getting worse and worse as time goes on.

In a letter of the president of the Civil Service Commission, a copy of which is printed in the hearings held before the committee on this bill, it is stated that 20,000 new Government employees came to Washington last year, who, with their families, increased the population approximately 50,000, and it is estimated that 20,000 more employees, making an increase of another 50,000 to the population, will be added this year, or a total increase of population in two years of 100,000. Contrary to what one might expect, the president of the commission says that the number being appointed to positions is constantly increasing, and that the maximum will not be reached until some time in July.

The letter goes on to state what everyone here knows to be the fact—that many people do not take the civil service examination at all on account of the difficulty of securing suitable living accommodations, and of those who do take the examination and are placed upon the eligible lists practically one-half refuse to accept appointment for the same reason. As the president of the commission well says, it is its duty to furnish eligibles for the necessary Government offices, but it is impossible for the commission to function unless additional housing facilities are provided. That being the case, it necessarily follows that the Government will be hampered in its prosecution of the war unless something is done to provide better housing accommodations for the Government employees and their families. I hope that the chairman of the committee will accept my amendment to make sure that $10,000,000 of the amount authorized by the bill will be used in the District of Columbia.

Mr. CLARK of Florida. Mr. Chairman, if the gentleman will permit, will the gentleman have any objection to changing his amendment so as to say "not more than $10,000,000"? If the gentleman will do that, I think the committee will accept it.

Mr. MAPES. My idea was to have the House express the opinion that $10,000,000 ought to be spent here within the District of Columbia.

Mr. CLARK of Florida. I will say to the gentleman I think we had better leave that in the discretion of the persons who are to execute the law, because we do not know just what ought to be spent here. We could spend $10,000,000, and I suggest that the gentleman say not more than $10,000,000 shall be spent, and I will be very glad to accept the amendment.

Mr. MAPES. It seems to me if that language were adopted there would not be any purpose to my amendment.

Mr. CLARK of Florida. Yes; there would.

Mr. MAPES. My idea is to require $10,000,000 to be spent in the District of Columbia.

Mr. CLARK of Florida. I will state to the gentleman that would be a clear intimation to the Secretary of Labor that it was the purpose and, I will say to the gentleman, it was the intention of the committee that about $10,000,000 should be spent in the District of Columbia, and that is the occasion for this amendment which has just been adopted. I do not like to make it mandatory that he should spend that much. It is possible there may not be $10,000,000 spent altogether; we can not tell; but if you say that he should spend not more than $10,000,000, that will give him authority to go to that limit in the District of Columbia, and we are perfectly willing to accept it.

Mr. BURNETT. And, in addition to what the chairman has said, I will say to the gentleman that will be an indication of the legislative mind that it is expected that, if it is necessary, up to that amount will be spent, and I think will accomplish what the gentleman has in mind and at the same time without making it peremptory. I think it very likely if these hotel arrangements as spoken of are adopted and some large dormitories are erected, very likely we will get through on half of $10,000,000, but it gives the right to spend the $10,000,000 if necessary. But certainly it ought not to be peremptory for him to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Chairman, I would like to ask the chairman and other members of the committee if they would be willing to accept the language "$10,000,000, or so much thereof as may be necessary," shall be spent in the District of Columbia?

Mr. CLARK of Florida. That is all right.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to modify his amendment so that it will read as the Clerk will report.

The Clerk read as follows:

Mr. MAPES moves to modify his amendment, as follows:

"*Provided*, That $10,000,000, or so much thereof as may be necessary, of the amount hereby authorized, shall be used to build or acquire, as herein provided, housing accommodations within the District of Columbia."

Mr. CLARK of Florida. The committee will accept that amendment.

Mr. JOHNSON of Washington. Does not the gentleman think that out of $60,000,000 to be appropriated for the housing made necessary in all parts of the United States, that one-sixth of it is a little bit heavy for the District of Columbia?

Mr. MAPES. No; the gentleman does not. And I will say to the gentleman from Washington that, in my opinion, he need not be alarmed at the amount authorized in this bill. If anything, we ought to authorize a good deal more.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The question is on the amendment of the gentleman from Michigan [Mr. MAPES].

The question was taken, and the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I want to ask unanimous consent to have a short letter read to go into the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the letter.

The Clerk read as follows:

ALBANY, N. Y., *March 28, 1918.*

Hon. FRANK CLARK,
Chairman Committee on Public Buildings and Grounds,
Office Building, House of Representatives, Washington, D. C.

MY DEAR MR. CLARK: Surrounded as we are by conditions and emergencies that call for the utmost efforts and sacrifices of every patriotic American, and knowing the immense responsibility that you and your committee are continually assuming in the interests of our Government and the democracy and freedom of the world, I want you to know that if there is any way in which I, as an individual or as a public official, can help you in any of your problems, I would consider it a privilege to do so.

My tender of service is not bound by any conditions and is forwarded to you prompted by the patriotic desire which I believe animates every loyal citizen.

Faithfully, yours, L. F. PILCHER, *State Architect.*

[Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman moves——

Mr. BARNHART. Just a moment, Mr. Chairman. Was the last amendment offered by the chairman of the committee adopted?

The CHAIRMAN. It was adopted.

The motion was agreed to; and the Speaker having resumed the Chair, Mr. KELLY of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CLARK of Florida. Mr. Speaker, I move the previous question on the bill and amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I ask for a separate vote on the amendment making an appropriation for the District of Columbia—the Mapes amendment.

The SPEAKER. The gentleman from Massachusetts asks for a separate vote on the amendment appropriating $10,000,000 for the District of Columbia.

The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The committee divided; and there were—ayes 75, noes 7.

So the amendment was agreed to.

The SPEAKER. If no other separate vote is demanded on other amendments, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLARK of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on this bill may have five legislative days in which to extend their remarks.

The SPEAKER. The gentleman from Florida asks unanimous consent that all gentlemen who have spoken on this bill may have five legislative days in which to extend their remarks. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

Mr. GILLETT. Mr. Speaker, I make the point of order that there is no quorum present.

PAY OF RETIRED CHIEF WARRANT OFFICERS, UNITED STATES NAVY.

Mr. PADGETT. Mr. Speaker, will the gentleman from Massachusetts withhold his point until I can present a conference report?

Mr. GILLETT. I do.

The SPEAKER. Does the gentleman withhold his point of order?

Mr. GILLETT. Yes.

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I submit for printing under the rule the conference report and accompanying statement on the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty.

Following are the conference report and accompanying statement:

CONFERENCE REPORT (NO. 455).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House amending the title, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House inserting section 2, and agree to the same with an amendment as follows: In lines 1 and 2 of the engrossed amendments, strike out the words "performed or," and in lieu thereof insert the following: "been on active duty since August 29, 1916, or who"; and the House agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report:

The amendment to the House amendment inserting section 2 makes the provision regulating the pay of retired warrant officers conform to that regulating the pay of retired chief warrant officers by substituting in the beginning of said section 2 the same language as is in section 1.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

Mr. GILLETT. Mr. Speaker, I renew my point of order.

The SPEAKER. The gentleman from Massachusetts renews his point of order that there is no quorum present. Evidently there is not.

Mr. LONDON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

ORDER OF BUSINESS.

Mr. KITCHIN. One moment. I want to make a statement.

Mr. DENT and Mr. POU rose.

The SPEAKER. Does the gentleman from Massachusetts withhold?

Mr. GILLETT. Yes.

Mr. KITCHIN. I will say to the gentleman from North Carolina [Mr. POU] and the gentleman from Alabama [Mr. DENT] that I said to the minority leader, Mr. GILLETT, an hour or half an hour ago, that we would not take up anything after the housing bill had been finished to-day. I understood then that it would probably take all the afternoon to finish that bill, and some Members have left. I hope the gentleman from North Carolina and the gentleman from Alabama will not insist now upon calling up the measures they have in hand, but will be willing to take them up on Thursday.

Mr. DENT. That is satisfactory to me.

Mr. POU. That is satisfactory to me. I would like to say a word. I do not know that anything can be accomplished by trying to go faster than you can go, but I want to remind Members of the House of the fact that there are one or two propositions pending that are absolutely necessary to be acted upon; without them the activities of the War Department are being paralyzed. One of them is the quota bill, which we hoped would come up immediately after this bill.

Mr. KITCHIN. I suggest that the gentleman from Massachusetts withdraw his point.

Mr. GILLETT. I have done so.

EXTENSION OF REMARKS.

Mr. WALDOW. I ask unanimous consent, Mr. Speaker, to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2617. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concur-

rent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish; and

H. R. 10365. An act granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge agross White River at Forsyth, Mo.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 3, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes, reported the same with amendment, accompanied by a report (No. 449), which said bill and report were referred to the House Calendar.

Mr. BRAND, from the Committee on Banking and Currency, to which was referred the bill (H. R. 11167) to require cashiers, other officers, and employees of a national banking association handling its funds, books, or assets to give bond, reported the same without amendment, accompanied by a report (No. 453), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 297) directing the Secretary of War to furnish the House the facts in reference to the issuance of a commission as captain to Herbert A. Meyer, reported the same with amendment, accompanied by a report (No. 454), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. WATKINS: A bill (H. R. 11186) providing for an increase of the salary of the United States attorney for the western district of Louisiana; to the Committee on the Judiciary.

By Mr. CURRY of California: A bill (H. R. 11187) to provide for the punishment of disloyalty, sabotage, and acts of terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. McCORMICK: A bill (H. R. 11188) to amend section 1009 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. SEARS: A bill (H. R. 11189) to promote military training by providing scholarships for students enrolled in public institutions of higher learning, and for other purposes; to the Committee on Education.

By Mr. TREADWAY: A bill (H. R. 11190) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. POU: Resolution (H. Res. 299) providing for the consideration of S. J. Res. 123; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11191) granting an increase of pension to Urias Moore; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 11192) granting an increase of pension to William J. Van Hoose; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11193) granting a pension to Catherine Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11194) for the relief of Ferdinand A. Roy; to the Committee on Military Affairs.

Also, a bill (H. R. 11195) granting a pension to Sophronia N. Waite; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 11196) granting a pension to Thomas H. Lillis; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 11197) granting an increase of pension to John G. Powers; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 11198) granting an increase of pension to Charles Plummer; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11199) granting a pension to Sarah Vaughn; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 11200) for the relief of William H. Watt; to the Committee on Claims.

By Mr. KENNEDY of Iowa: A bill (H. R. 11201) granting an increase of pension to John Hebenthal; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 11202) granting a pension to Ida A. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11203) granting an increase of pension to Jacob M. Evans; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11204) granting an increase of pension to Christopher Kneup; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11205) to transfer George Ufford from the list of chief machinist's mates, United States Navy retired, to the list of chief machinists, United States Navy retired; to the Committee on Naval Affairs.

By Mr. OVERMYER: A bill (H. R. 11206) granting a pension to Harry Hoffman; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 11207) to reimburse Jason J. Green; to the Committee on Claims.

Also, a bill (H. R. 11208) to reimburse Orpha Rebecca Dudley; to the Committee on Claims.

Also, a bill (H. R. 11209) to reimburse John Nave Ellis; to the Committee on Claims.

Also, a bill (H. R. 11210) to reimburse Margaret Elizabeth Ellis; to the Committee on Claims.

By Mr. REED: A bill (H. R. 11211) granting a pension to Carl C. Dunham; to the Committee on Pensions.

By Mr. ROBBINS: A bill (H. R. 11212) granting an increase of pension to James T. Peale; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11213) granting an increase of pension to Thomas P. Pope; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 11214) granting a pension to James F. McIntosh; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 11215) granting an increase of pension to Elizabeth A. Russell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CHANDLER of Oklahoma: Petition of the citizens of Craig County, Okla., for the regulation of prices of food supplies, fuel, food for live stock, shoes, clothing, farm implements, etc.; to the Committee on Agriculture.

By Mr. NOLAN: Petitions of United Irish Societies of Chicago (Thomas P. Bonfield, secretary), 154 West Randolph Street, Chicago; Ladies' Auxiliary of California, Division No. 12, Ancient Order of Hibernians of America (Winifred Collins, secretary), Hibernian Hall, 454 Valencia Street, San Francisco; and Robert Emmet Division, No. 4, Ladies' Auxiliary in Ancient Order of Hibernians of America (Mary E. O'Connor, secretary), Columbus Hall, 3316 Mission Street, San Francisco, favoring House joint resolution No. 204, by Miss JEANNETTE RANKIN; to the Committee on Foreign Affairs.

By Mr. REED: Papers to accompany House bill 11178, to increase the pension of James McCune, jr.; to the Committee on Invalid Pensions.

By Mr. TOWNER: Petition of 124 citizens of Tingley, Iowa, petitioning Congress for national prohibition during the war and to prevent our grains being sent to England and France for the manufacture of intoxicating liquors; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 3, 1918.*

The Senate met at 1 o'clock p. m.

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, our hope and help in these days of stress and strain, we humbly supplicate Thy presence continually, so that whether we think of conditions at home or abroad we may be sure that the success of the arms of our soldiers with their allies shall be realized, and we trust speedily. Graciously guide Thy servants in all their duties and upon the President smile with Thine approbation. We humbly beseech Thee, in Christ our Lord's name. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Journal of yesterday's proceedings was read and approved.

NATIONAL PROHIBITION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the secretary of state of the State of Delaware, inclosing, in accordance with instructions from the governor of that State, a certified copy of the ratification of the amendment to the Constitution of the United States, which was passed at the special session of the general assembly, which will be read and placed on the files of the Senate.

The communication is as follows:

STATE OF DELAWARE,
OFFICE OF SECRETARY OF STATE,
Dover, Del., April 2, 1918.

To the PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: In accordance with instructions from his excellency, John G. Townsend, jr., governor of the State of Delaware, I am herewith inclosing certified copy of the ratification of the amendment to the Constitution of the United States, which was passed at the special session of the general assembly.

Kindly acknowledge receipt of same and oblige,

Very truly, yours,

EVERETT C. JOHNSON,
Secretary of State.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
DOVER.

I, John G. Townsend, jr., governor of the State of Delaware, do hereby certify that the following is a true and correct copy of house joint resolution No. 3, approved the 26th day of March, A. D. 1918, as the same appears on file in the office of the secretary of state of the State of Delaware.

Joint resolution ratifying the proposed amendment to the Constitution of the United States of America prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, and giving to the Congress and the several States concurrent power to enforce the same by appropriate legislation.

Whereas the Congress of the United States has proposed an amendment to the Constitution of the United States of America, as follows:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Delaware; and be it further

Resolved, That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

HERVEY P. HALL,
Speaker of the House.
LEWIS E. ELIASON,
President of the Senate.

Approved March 26, 1918.

JOHN G. TOWNSEND, Jr., *Governor.*

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Delaware to be affixed at Dover this 29th day of March, in the year of our Lord 1918, and of the independence of the United States the one hundred and forty-second.

[SEAL.] JOHN G. TOWNSEND, Jr.

By the governor:

EVERETT C. JOHNSON,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10265. An act to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs; and

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney;*

H. R. 2617. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish; and

H. R. 10365. An act granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge across White River at Forsyth, Mo.

PETITIONS AND MEMORIALS.

Mr. WARREN presented petitions of sundry citizens of Pine Bluffs, Albion, and Lagrange, all in the State of Wyoming, praying for national prohibition as a war measure; which were ordered to lie on the table.

Mr. LODGE. I present resolutions adopted by the Legislature of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[The Commonwealth of Massachusetts, in the year 1918.]

Resolutions relative to the independence of Ireland.

Resolved, That the General Court of Massachusetts hereby requests that the Congress of the United States, if it shall be deemed expedient, shall recommend that the right of Ireland to be a free and independent country be considered at any peace conference which may be held at the termination of the present war; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress and to each Senator and Representative in Congress from this Commonwealth.

In house of representatives, adopted March 14, 1918.
In senate, adopted, in concurrence, March 19, 1918.
A true copy.
Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. McLEAN presented a petition of sundry citizens of Manchester, Conn., and a petition of the Council of Jewish Women of Hartford, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lyme, Conn., and a memorial of sundry citizens of Old Lyme, Conn., remonstrating against the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for enactment of legislation to impose punishment upon all persons destroying or attempting to destroy property and committing other outrages in the United States, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a petition of the Texas Aberdeen-Angus Breeders' Association, of Fort Worth, Tex., praying for enactment of legislation to provide for the eradication of tuberculosis and for indemnity to owners of tubercular cattle, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Board of City Development of San Angelo, Tex., favoring a boycott on German goods and that the teaching of the German language be discontinued in the United States, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3663) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims, reported it with amendments and submitted a report (No. 352) thereon.

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 9506) granting pensions and increase of

pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 354) thereon.

Mr. NUGENT, from the Committee on Indian Affairs, to which was referred the bill (H. R. 4910) to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho, reported it without amendment and submitted a report (No. 353) thereon.

Mr. OWEN. From the Committee on Banking and Currency I report back adversely the bill (S. 4137) to amend section 5219 of the Revised Statutes, with the recommendation of its indefinite postponement, and I submit a report (No. 355) thereon.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

EMPLOYMENT OF ADDITIONAL CLERKS.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 75, and I call the attention of the junior Senator from New York [Mr. CALDER] to the resolution.

Mr. CALDER. I ask unanimous consent for the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, on page 1, line 2, after the word "Senator," to insert the words "having no more employees than one clerk, one assistant clerk, and one messenger, for himself or for the committee of which he is chairman"; on page 2, line 2, strike out "first" and insert "second"; and in line 3 strike out "$4 per diem" and insert "$100 per month," so as to make the resolution read:

Resolved, That each Senator having no more employees than one clerk, one assistant clerk, and one messenger, for himself or for the committee of which he is chairman, is hereby authorized to employ an additional clerk for the remainder of the second session of the Sixty-fifth Congress, at the rate of $100 per month, said compensation to be paid out of the miscellaneous items of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 4247) granting an increase of pension to Josephine A. Haley; and

A bill (S. 4248) granting an increase of pension to Annie Robbins; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4249) granting a pension to Sarah E. White (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4250) granting an increase of pension to Alanson H. Nelson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4251) granting an increase of pension to Wesley C. Sharp (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4252) granting an increase of pension to Monroe Eddy (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 4253) granting an increase of pension to Cyrus B. Norris (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4254) for the relief of Marion B. Patterson, widow of the late Gen. Robert F. Patterson; to the Committee on Claims;

A bill (S. 4255) granting a pension to Ida E. Morrill; and

A bill (S. 4256) granting a pension to Hannah M. Flaherty; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4257) to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIELDS:

A bill (S. 4258) granting a pension to John H. Smith (with accompanying papers); to the Committee on Pensions.

PRICES OF FOODSTUFFS.

Mr. THOMPSON. I submit the following resolution and ask that it be read:

The resolution (S. Res. 221) was read, as follows:

Whereas the prices of meat, poultry, eggs, butter, canned goods, and other necessaries of life alleged to be handled and controlled by the packing industries of the country have become so high that it is difficult for people of limited means or for laborers working for daily wages to purchase in sufficient quantities to properly sustain life, provoking dissatisfaction among the masses of the people; and

Whereas the packing plants under private control seem powerless to so control and regulate the labor employed in their plants as to keep them contented and satisfied without striking and resorting to violent methods to redress their grievances, which has delayed and prevented the production to the full capacity of the plants and has caused failure to promptly fill Government contracts; and

Whereas the high prices and unreasonable monopolistic control by the packers has greatly increased the cost of foodstuffs to supply the Army and Navy during the war, thereby diminishing our fighting power in the war; and

Whereas the limited control through the Food Administration of said packing industries is so ineffective, and the allowance of a profit to the packers above all losses, no matter how caused, of from 9 per cent to 15 per cent on their investment, including all borrowed money, which, through the control by the packers of the financial institutions of the country, was borrowed at a very low rate of interest, is unreasonable and difficult to carry out owing to the peculiar methods of bookkeeping employed by the packers to arrive at the profit allowed by the Government, all of which, as shown by the investigation carried on by the Federal Trade Commission, the hearings conducted by the Senate Agricultural Committee and other congressional committees, has resulted in great injury and loss to the people of the country: Now, therefore, be it

Resolved by the Senate of the United States of America, That the United States Government take over, control, and operate all the establishments known and designated as packing houses or packing plants now existing in the United States, to the end that the greatest and most complete service to the people and the country be obtained during the period of the present existing war.

Mr. THOMPSON. I ask that the resolution may be referred to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Without objection, it is so referred.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I move that the Senate reconsider the vote by which it insisted upon its amendments to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon.

The motion to reconsider was agreed to.

Mr. GORE. I move that the House be requested to return to the Senate the bill with the Senate amendments and accompanying papers.

The motion was agreed to.

AMENDMENT OF ESPIONAGE ACT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes," was read twice by its title and referred to the Committee on Finance.

EDUCATION OF ADULT ILLITERATES.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SMITH of Georgia. I desire to suggest the following amendment: On page 2, in line 3, after "and," strike out the word "others" and insert the words "those engaged in educational work in cantonments and camps."

The PRESIDENT pro tempore. The Chair is informed that for the moment the amendment offered by the Senator from Georgia is not in order because an amendment was pending to which an amendment was offered.

The Secretary will report the pending amendment.

The SECRETARY. The Senator from Utah [Mr. KING] proposed the following amendment:

On page 2 beginning with line 14 after the words "nineteen hundred and eighteen." strike out "and $50,000 for each succeeding fiscal year until June 30, 1928."

Before striking out, the Senator from Georgia moves to perfect the part proposed to be stricken out by striking out "1928" and inserting in lieu thereof "1922."

Mr. GALLINGER. I appeal to the Senator from Georgia to make that "1920" instead of "1922." That will give an appropriation for three years, and if it works well there will be no difficulty in getting future appropriations.

Mr. SMITH of Georgia. I have reduced the time to 1922. I know that there can be good work done. That is a very small appropriation. I hope the Senator will not insist upon reducing it still further.

Mr. GALLINGER. Entertaining the views I do, and I should like to vote for the bill, I shall feel compelled to offer the amendment. Of course, the Senate can do with it what it pleases, but I hoped the Senator from Georgia would agree to it.

Mr. SMITH or Georgia. I do not think it ought to be done. I think to reduce it below 1922 is unwise. If the Senate sees fit to do it, of course——

Mr. GALLINGER. Regretting that the Senator does not respond affirmatively to my suggestion, I move to amend the proposed amendment by striking out "1922" and substituting "1920."

Mr. SMITH of Georgia. Before that is acted upon I should like to have the views of the Senator from Vermont [Mr. PAGE], who is equally interested with myself in the bill. It is the request of the Senator from New Hampshire that we put the period 1920 instead of 1922, giving only three years.

Mr. PAGE. The Senator from Vermont is something of a Yankee and he would suggest that the Senator from Georgia and the Senator from New Hampshire split.

Mr. GALLINGER. I accept that, Mr. President, and move to make it 1921.

Mr. SMITH of Georgia. I understand the proposition is to make it 1921, and I agree to it, so far as I am concerned.

The PRESIDENT pro tempore. Without objection, the amendment offered by the Senator from New Hampshire as modified, inserting "1921" instead of "1922," is agreed to. The Chair hears no objection, and it is agreed to. The question is on agreeing to the amendment of the Senator from Utah [Mr. KING].

Mr. SMITH of Georgia. The proposition of the Senator from Utah is to strike out the entire period beyond the first year. I think that would seriously injure the measure, and I hope the amendment will be defeated.

Mr. GALLINGER. If agreeable to the Senator from Utah to withhold his motion, I should like to offer two or three minor amendments.

Mr. KING. I shall be very glad to withhold the motion until the Senator from New Hampshire offers such amendments as he may desire.

Mr. GALLINGER. I call the attention of the Senator from Georgia to line 6, page 1. After the word "methods" I move to insert the words "and promoting plans," using the language in the title.

Mr. SMITH of Georgia. That is perfectly satisfactory.

Mr. GALLINGER. I move that amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. GALLINGER. In line 4, page 2, after the word "operation," I move to insert the words "and in carrying on the work night schools may be established and utilized."

Mr. SMITH of Georgia. Mr. President, I hardly think that is in harmony with the bill, because they are not allowed to use this money for schools; they are only to use the money to stimulate schools and work out plans for the schools conducted by local authority. None of this money can be used to hire teachers. This money can be used to work out the plans and to send representatives to cities to urge the organization in the cities and to help plan the way of conducting the schools.

Mr. GALLINGER. Mr. President, the Senator says they can not hire teachers; but they can accept voluntary teaching, of course.

Mr. SMITH of Georgia. That is true; to that extent it can be done.

Mr. GALLINGER. Or they might have night schools for that purpose.

Mr. SMITH of Georgia. With that view I do not object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. GALLINGER. Mr. President, in lines 16 and 17, on page 2, section 2, it is provided:

That no part of the money herein appropriated shall be used to pay teachers or school officers—

And so forth.

In view of what the Senator from Georgia said a moment ago I shall not offer an amendment at that point which I had in mind, but will simply content myself by suggesting to the Senator that if the bill shall pass and the amendment of the title comes up I hope he will see that the words "and the District of Columbia" shall be inserted in the title after the word "States."

Mr. SMITH of Georgia. Yes.

Mr. PENROSE. Mr. President, I should like to make an inquiry of the Senator from Georgia having the bill in charge. I notice on line 7 the expression, which is rather extraordinary and certainly not usual statutory language, "meager education." I should like to inquire of the Senator how he defines "meager education"? Is it a lack of knowledge of Latin and Greek or of the higher mathematics? Where do we begin at the "meager" stage, and also who is to be the judge of the "meager" conditions?

Mr. SMITH of Georgia. The bill, as a whole, as has been stated a number of times, is simply intended to stimulate education among the illiterate and to seek to remove illiteracy. I would say that a lack of ability to write one's name would be a very "meager education," although such a person could read a little. This bill is designed to stimulate education among adults, and especially among the illiterates.

Mr. PENROSE. Mr. President, I fully understand the purpose of the bill, and I do not share the annoyance of some Senators at the inadequate character of the appropriation, for I feel entirely satisfied that if the Federal Government goes into a scheme of education—which, in the history of our Government, has heretofore belonged to the States—there will be an expenditure of many millions annually, instead of the insignificant sum of $100,000 which is named in the bill; but before we start on this venture I am quite curious to know what is meant by "meager education."

Mr. SMITH of Georgia. If the Senator from Pennsylvania objects to the language, I am willing to have it stricken out and to leave the word "illiterates," if the Senator understands that better.

Mr. PENROSE. I certainly think the phrase a most extraordinary one. An adjective has no place in a statute anyway. If the Senator had any clearly defined idea in his mind when he used the word "meager," I have an absorbing curiosity to know just what it means.

Mr. SMITH of Georgia. I have stated that I presented the bill, believing in its general purposes, not having prepared the bill myself.

Mr. PENROSE. Yes.

Mr. SMITH of Georgia. The Senator from Georgia also stated that he entertained the view that bills of this kind presented in this way could with great propriety be considered and perfected upon the floor of the Senate, and that he was not one of those who objected to their being so perfected by the Senate itself. If the Senator from Pennsylvania desires to strike out the word "meager," I shall not object.

Mr. PENROSE. As the Senator from Georgia disavows the paternity of the measure, has he any objection to stating who is its author?

Mr. SMITH of Georgia. Not the slightest. I opened the consideration of the bill with that information. I obtained unanimous consent to have printed in the RECORD a letter from the Secretary of the Interior commending the bill and fully discussing the occasion which brought to his attention the necessity for such legislation. It was the discovery that there were 700,000 illiterates, who were in part men who could not speak English, among those drafted and those covered by the present draft.

Mr. PENROSE. Well, the Senator from Georgia has defined "meager education" to mean an inability to sign one's name. Why not put that language in the bill?

Mr. SMITH of Georgia. I do not undertake to definitely describe it. It means certainly a very limited education.

Mr. PENROSE. I would suggest the insertion of the words "or including inability to sign one's name."

Mr. SMITH of Georgia. I think the same purpose would really be reached if the word "illiterates" were simply left.

Mr. PENROSE. I have some reluctance to see the word "meager" go out of the bill; it is such an extraordinary word.

Mr. SMITH of Georgia. Then, suppose we leave it in.

Mr. PENROSE. But, in the interest of elegance of diction, I move to strike out the language "and men and women of meager education."

Mr. SMITH of Georgia. I have no special objection to that, because I think the word "illiterates" covers it.

Mr. PENROSE. I hope the Senator from Georgia has no objection at all to that language being stricken out. I hope he cheerfully agrees to that being done.

Mr. SMITH of Georgia. I have no objection to seeking to stimulate and improve the education of adults who have very limited education.

Mr. PENROSE. Then I move to strike out the language "and men and women of meager education."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. On page 2, line 18, it is proposed to strike out the words "and men and women of meager education."

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. If the Senator from South Dakota will pardon the Chair a moment, the Chair calls the attention of the Senator from Pennsylvania to line 22, page 2, where similar language occurs.

Mr. PENROSE. Yes; the phrase occurs again in lines 21 and 22, where it reads "and men and women of meager education." That would be included in my original amendment to strike out those words also.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. STERLING. Mr. President, I desire to move an amendment going to the form of the bill. On page 1, line 8, I move to strike out the words "to aid," and in lieu thereof to insert the words "in aiding."

Mr. SMITH of Georgia. I have no objection to that. It is simply a matter of language.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. In the amendments heretofore agreed to, at the top of page 2, after the words "United States, to aid the States in teaching English to aliens and naturalized citizens," it is proposed to strike out the words "to aid" and to insert the words "in aiding."

The PRESIDENT pro tempore. The Chair will put the question in this way: The question is on reconsidering the amendment as adopted for the purpose of adopting the amendment now offered by the Senator from South Dakota. Is there objection to the reconsideration? The Chair hears none, and the motion by which the amendment was adopted is reconsidered. The Senator from South Dakota offers the amendment which has just been reported. Without objection, the amendment of the Senator from South Dakota is agreed to. The question now is on agreeing to the amendment as amended. Without objection, the amendment as amended is agreed to.

Mr. STERLING. Mr. President, I desire to offer another amendment as a matter of form. On page 2, line 2, after the word "and," I move to insert the words "the commissioner shall," so that the language shall read:

The commissioner shall cooperate with the State, county, district, and municipal education officers.

I am not sure whether that language is included in the amendment or not. If so, I would move to reconsider the vote by which the amendment was adopted.

The SECRETARY. On page 2, line 3——

Mr. STERLING. Line 2 of the reprint.

The PRESIDENT pro tempore. The Chair will state that he is informed by the Secretary that amendments are being offered to the bill in its reprinted form and not to the original bill as it is being considered. Senators will have to reduce their amendments to writing.

The SECRETARY. On page 2, line 3, before the word "cooperate," it is proposed to insert the words "the commissioner shall."

Mr. GALLINGER. So that it will read?

The SECRETARY. So that it will read:

To promote plans for the elimination of illiteracy, and the extension of education among the adult population, and the commissioner shall cooperate with State, county, district, and municipal education officers and others in putting these plans into operation, and in carrying on the work night schools may be established and utilized: *Provided*, That any action taken by the Commissioner of Education to remove illiteracy among the enlisted men of the Army or Navy shall be undertaken only by the approval and direction of the Secretary of War or Secretary of the Navy, respectively.

Mr. STERLING. Mr. President, the reading just given by the Secretary incorporates at the proper place the language I suggested as an amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. PENROSE. Mr. President, this bill, in my opinion, belongs to an ancient vintage. It is clearly an effort on the part of the head of a bureau to get hold of $100,000 to expand his activities and perhaps create additional useless places in the midst of this war crisis, when the money could well be devoted to better purposes. I move to add the following as a proviso at the end of the bill:

Provided, That no additional salaried positions shall be permitted under this act, and no part of this appropriation shall be expended for the additional compensation of any employee in the Office of the Commissioner of Education.

Mr. CHAMBERLAIN. Mr. President, I desire to voice my protest against the whole bill. My impulse when it was first presented to the Senate was to vote for it. I was attracted favorably to the measure by the suggestion that it was for the education of illiterates, particularly those amongst the soldiers that might return from the Army in France. Without meaning that this shall apply to the distinguished advocates of the bill, I wish to state, Mr. President, that it has sometimes been said with a good deal of truth "that patriotism is the last refuge of a scoundrel."

This bill, as the Senator from Georgia has said, was not prepared by him; I am sure it was not prepared by him; and I think I can safely say that it had very little consideration at the hands of the committee. I voted yesterday to recommit it to the committee for the purpose of reconciling its inconsistencies and coordinating its provisions with legislation that now appears upon the statute books of our country.

I oppose this bill, Mr. President, first, because it proposes a duplication of work now done by a bureau of the Department of Labor. That is the first proposition. I oppose it, secondly, because the appropriation asked for is but a forerunner of immense appropriations that will be asked for a little later on; and I am going to prove by the advocates of the bill themselves that when they ask for fifty or even a hundred thousand dollars it is not sincere, and that it is their purpose later on to ask for much larger sums. Thirdly, I am entirely opposed, Mr. President, to the methods of the Bureau of Education in this and in other matters.

About a year and a half ago it developed here, in the discussion of an appropriation bill before the Senate, that this bureau had innumerable men in its employ at a dollar a year, paid by the United States, with their real salaries paid by private persons and corporations, representing all sorts of propaganda, some of which might have been in the interest of America but some entirely opposed to the institutions of our country. So a proviso was added to that bill to undertake, if possible, to limit the activities of the Bureau of Education and those who were affiliated with it.

I make no charge against the distinguished Secretary of the Interior, but I say that this bureau is being and has been operated in the interest of individuals and interests which in some instances are opposed to the best interests of our Government.

I am not going into the whole subject, as it was fully gone into at that time; but I call the attention of the committee to this proposition: A resolution was at that time introduced in and adopted by the Senate calling upon the different departments of the Government to furnish a list of men who were working at $1 per year in the several departments and at the same time receiving salaries from private persons and sources. Amongst other names reported by the Bureau of Education and by the Secretary of the Interior was this list [indicating]. There are 152 names of persons thereon who were so employed. I think the Senator from New Hampshire [Mr. GALLINGER] stated at that time there were 152 of such persons on the list.

Mr. PENROSE. May I ask the Senator from what document he is reading?

Mr. CHAMBERLAIN. I am reading from the CONGRESSIONAL RECORD of January 26, 1917, at page 2308.

Mr. PENROSE. Is that an extract from the report?

Mr. CHAMBERLAIN. I am going to read an extract from the report of the Secretary of the Interior.

At least 150 names were furnished to the Senate of individuals receiving salaries, some of them as high as $10,000 a year, from private sources, who were on the Government pay roll at $1 a year, and many of these individuals were writing essays and other papers and sending them out through the Bureau of Education under the frank of the Government. I am going to show that the very association that is now here with this bill asking for the appropriation of $100,000 have been in times past, and possibly are doing so now, sending out over this country thousands and hundreds of thousands of papers and documents at the expense of the Government in the franked envelopes of the Bureau of Education.

In the list that was furnished us by the Secretary of the Interior of the persons who were employed in the Bureau of Education at Washington and whose salaries were paid in part by organizations other than the Federal Government are the names of H. H. Wheaton, at a salary of $2,500 a year, paid by the Committee for Immigrants in America; F. E. Farrington, who, I understand, has since gone out, and another employed in his stead.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. The Committee on Appropriations have now under consideration the legislative, executive, and judicial appropriation bill. Dr. Claxton, the chief of the Bureau of Education, has been before us. He said nothing about this matter. Why does he not send down his estimate—and I was talking about this matter yesterday—in the regular manner, so that it may be considered by the committee and discussed? Instead of that, there comes on the floor a separate bill, calling for a separate appropriation, that has never been before the proper committee. We pass on these matters of appropriation. It has never been before us.

Mr. SMITH of Georgia. Mr. President, the Senator does not expect to have estimates sent to the Appropriations Committee for matter that is not provided for by law, does he? It requires authority to do this work before the appropriation is made. This bill was drawn as an authorization. The Senator from New Hampshire amended it so as to make it an appropriation. It was originally an authorization of this work.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. KENYON. I am a member of the Committee on Education and Labor, and I should like to ask the chairman of the committee if this bill was ever considered by the full committee?

Mr. SMITH of Georgia. It was considered by those who were present.

Mr. KENYON. When was that? I have made it a point to attend the meetings of the committee.

Mr. SMITH of Georgia. It was Monday a week ago.

Mr. KENYON. I was unable to be here then.

Mr. CHAMBERLAIN. Mr. President, continuing what I had to say, we find here the name of F. E. Farrington—who, I believe, has since gone out, and somebody has taken his place—on a salary, paid by this same Committee for Immigrants in America, of $2,400.

T. M. Ave-Lallemant, a French name—is on the same roll, paid by the same concern $1,500 a year.

Mr. WILLIAMS. What is this?

Mr. CHAMBERLAIN. It is the same society under a different name that is now passing the pending bill. It purports to be for the education of illiterate aliens. The bill appeals to the tender side of Members of Congress, and I know it appeals to the generous side of the distinguished Senator from Mississippi, because it is to educate the illiterates of the country and to help the soldiers—an afterthought, by the way, which was never in the minds of this distinguished committee at the time the bill was first proposed, in 1915. Help for our soldiers was an afterthought for the purpose of taking advantage of this wave of patriotism and enthusiasm to impose upon the American people an institution that in the last analysis is bound to cost, not $500,000, but $10,000,000 in order to make it a success.

Continuing these names, we find the name of Martha B. Burzuska, at a salary of $1,200 a year, paid by the same association; Paul A. Malone, on a salary of $720, paid by the same institution; Isabel Malone, at a salary of $600 a year, paid by the same institution; all on the pay roll of the Government and getting from the Government only $1 per annum. That association, under another name, is now behind this bill, Mr. President, as its author and backer.

Mr. President, this distinguished body of men and women who are representing this committee for immigrants get into the Bureau of Education, and the Government franks are utilized for sending out whatever literature they prepare. Now, we will read a little bit from the confidential report of the society to its members, taken from the minutes under date of October 11, 1915:

> Executive committee met Monday, October 4. Minutes and short program of work approved. Outlined to Mrs. Cornelius Vanderbilt plan for dinner conferences to get all leaders in preparedness together to agree upon essentials of a program for all parts of the country. Suggested Americanization dinners in cities to further this purpose.

I merely call attention to the beginning of propaganda for this measure. Here are a lot of distinguished people. I am not criticizing them. They have plenty of money and time and were doubtless impelled by a patriotic spirit to try to do something away back in 1915 for the poor illiterates; but the American soldier was not thought of then. He has crept into it here on this wave of patriotic enthusiasm that is going over the country.

Now note: When these people get on the Government pay roll at $1 per annum they write all kinds of stuff and send it out under frank. Here, for instance, they state:

> Seventy-five thousand posters urging night-school attendance and Americanization distributed over the country; 45,000 of these distributed to schools throughout the country by the Federal Bureau of Education at Washington; 50,000 post offices throughout the country authorized to post them; orders for posters received from 20 industries in different parts of the country, including Chicago stockyards; railroads that have ordered posters include New York, New Haven & Hartford, Chesapeake & Ohio, Philadelphia & Reading, Boston & Maine.

I just give you that item from the confidential report to show that they were sending out these things under the frank of the Bureau of Education. Now, think of four or five men and women on the nominal pay roll of the Government, at salaries varying from $600 to $2,500 a year, doing this immense amount of work! They do not do it. They have offices and suites in New York City where they are doing this very work, and duplicating the work that is being legitimately done under the Government of the United States without any expense whatsoever to the Government; and I am going to show that pretty soon.

But, now, we will see some other of these items that are being franked out. I assume that I am authorized to speak from this record, because it is their confidential record.

Here is a meeting of October 18, 1915:

> The first of a series of Americanization dinners was held at the home of Mr. and Mrs. Vincent Astor October 15. Twenty-four were present. Commissioner Claxton, of the Federal Bureau of Education; Dr. Finley, of the University of the State of New York; * * * were present.

This record recites also the fact that they were sending out an immense amount of circulars from the Bureau of Education. Let me, just in passing, show you one of the circulars that they were getting out recently, Mr. President. Look at it. It was "Uncle Sam and the laboring man" then. It is "Uncle Sam and the soldier" in the bill that is pending now. This is one of the circulars, gotten out at an immense expense, probably through contributions made by private citizens, but sent out under the franking privilege of the Bureau of Education.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. Is this a circular which is sent out by the Rockefeller Institution or some organization separate and apart from the Government?

Mr. CHAMBERLAIN. No; there are persons connected with this immigrants' committee who are doing it. It is the same organization that is urging this bill, under a different name. Their agents are employed in the Bureau of Education. These are doing the work; and through their employment by the Government, at $1 a year each, this stuff is enabled to be franked out.

Mr. BORAH. What I want to get at is this: The Senator says this stuff is enabled to be franked out in that way. Is it proper stuff to go out?

Mr. CHAMBERLAIN. There is nothing inherently wrong about it, except——

Mr. WILLIAMS. I will ask the Senator to tell us what is written at the head of it.

Mr. CHAMBERLAIN. "America first. Learn English." It is in four or five different languages. "Attend night school."

Mr. BORAH. Well, that is good doctrine, no matter who sends it out.

Mr. CHAMBERLAIN. It is good doctrine. I said in the outset that it appeals to one because it is for the education of the

illiterates; but my contention is that the same work is being done by another bureau of the Government, and done just as effectively, and practically without any expense. It is done by the Department of Labor, as I will show the Senator in a little while, and show what an immense amount of work they are doing. The complaint I have to make of this is that we are transferring our educational system to an independent bureau or body.

Mr. BORAH. I do not know that I understand precisely the position of the Senator; but I take it from what he has said that the material they are sending out is not improper material.

Mr. CHAMBERLAIN. Oh, no; I do not claim that. What I am claiming is that they are coming here for a little appropriation that will not pay the expenses for five months of an efficient body; that their purpose is to come a year from now and possibly ask for $10,000,000, and all to duplicate work that is already being performed. The Senator from Georgia says, "Oh, no." I am going to read from a statement that was published, dated at Atlantic City in February.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from New Mexico?

Mr. CHAMBERLAIN. Yes; I yield.

Mr. FALL. I understand the Senator's point is that he is going to show that the Department of Labor is doing this same work, and doing it at little cost, and that he objects to the Bureau of Education doing this work, although it may do it at little cost, because some of the expenses are paid by individuals or by an independent association. What I want to ask the Senator is this: Why the objection to the Bureau of Education or the Commissioner of Education and his office receiving assistance from the outside when the Department of Labor avails itself constantly of civilian assistance from the outside in the performance of the very duties to which he is referring now? What is the difference? Why is the Department of Labor any more patriotic or sincere or honest than the Bureau of Education?

Mr. CHAMBERLAIN. I do not claim that it is any more honest; but I do claim, and very strenuously, that it is a duplication of the work that is being done, and has been done efficiently, and is being done without much expense. If the Senator will just wait a little, I will show him how the bill proposes to duplicate work that is already being efficiently done.

Mr. FALL. I am perfectly willing to be shown; and if the Senator can show me that it is more proper, I am perfectly willing to vote for this bill with an amendment placing it under the Department of Labor rather than the Bureau of Education.

Mr. PENROSE. Mr. President, will the Senator permit one interruption?

Mr. CHAMBERLAIN. Yes, sir.

Mr. PENROSE. The Senator has referred to duplication. I want to call his attention to an instance of duplication which almost puts Mr. Hoover into the shade; and anyone who can overshadow that gentleman certainly is worthy of serious consideration.

Among the activities mentioned in the report which I hold in my hand are the following:

I. Food the deciding factor; plan of the United States Food Administration.
II. Food-conservation measures.
III, IV. Wheat conservation.
V. Conservation of meat.
VI. Sugar and fats.
VII, VIII. Preserving food in the home.
IX. Fundamentals of an adequate diet.
X. General.

Mr. CHAMBERLAIN. That is from the report of the Bureau of Education?

Mr. PENROSE. This is an enumeration of some of their special activities of a highly beneficial character.

Mr. CHAMBERLAIN. There is no doubt about that. Now, let me call attention to this circular. The precepts in the circular are all right. There is no question about that. It says:

Learn English. Attend night school. It means a better opportunity and a better home in America. It means a better job. It means a better chance for your children. It means a better America. Ask the nearest public school about classes. If there is none in your town write to the National Americanization Committee or to the United States Bureau of Education—

Linking the two together again. Now, those are not all of their activities, Mr. President, and I will say very frankly that if this were the only body doing this work I would vote very cheerfully to make an appropriation, but not on a false-pretense proposition that $50,000 or $100,000 would do any good. I would insist that we give them $10,000,000 or more, in order to carry out the education that is sought to be accomplished by this bill. This is simply an opening wedge for a larger appropriation next year. I venture to make this prophecy and prediction now, and I want Senators to bear it in mind: If this bill goes through, next year this association will come back here with the establishment of a bureau larger than any that this Government has ever had, invading the precincts of the States, the municipalities, and every other department of the Government, supplementing an educational system which the State has always maintained jealously in times past.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Vermont?

Mr. CHAMBERLAIN. I do.

Mr. PAGE. The Senator makes his predictions as to what will take place next year. Have we not rules to control that matter if it comes up next year?

I, for one, have studied this bill with a good deal of care. I have seen nothing in all of my investigations that leads me to believe that there was any such purpose as the Senator suggests, and I do not believe there is. I think the Senator is without any substantial proof. He may predict, as anyone has a right to do, as to what may happen.

Mr. CHAMBERLAIN. Mr. President, the Senator knows by his experience in the Senate that, whenever you establish a bureau, nothing short of dynamite will get it out.

Mr. PAGE. But you are establishing no bureau here.

Mr. CHAMBERLAIN. Well, the Senator may think he is not. I insist that we are—that we are laying the foundations for an immense one.

Mr. PAGE. We may be laying foundations, but there is nothing in the bill that shows that and nothing that has come before our committee shows it.

Mr. CHAMBERLAIN. That is the reason why I say, with all deference to the Senator, that it is not honest on the face of it. I do not mean to impute dishonesty to the Senator from Vermont or to the distinguished Senator from Georgia, who has the bill in charge; but the men behind it have purposely withheld from the Senators their future purpose, and I am going to show what they intend to do by their own words.

Mr. PAGE. I hope the Senator will; but I also hope the Senator will debate this bill upon its merits, and not upon the assumption that there is a future purpose to defraud, for I do not believe there is. My opinion may be against his opinion, but I wish he would show us some facts that tend to convince us that there is something wrong.

Mr. CHAMBERLAIN. I am going to try to show them.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. CHAMBERLAIN. I yield.

Mr. THOMAS. Is the Senator aware that a bill is now pending in the Senate for the creation of a department of education, with a Cabinet officer at the head of it?

Mr. CHAMBERLAIN. Yes, Mr. President; I am.

Now, here are some of the activities of this Americanization Society that fathers this bill, and these are from their own reports:

The educational extension work being outlined by the National Americanization Committee includes the following:
1. Civic lessons for pay envelopes or to be printed on the back of time cards, etc.
2. Posters to stimulate attendance at school and increase interest in naturalization.
3. Syllabus for night-school work.
4. Civic lessons to be inserted in foreign-language newspapers.
5. Guide to citizenship
6. Training course for colleges.

Mind you, this institution that has for its purpose only the education of aliens and illiterates—the Senator from Pennsylvania very properly struck out the words "meager education"—a part of its propaganda is a training course for colleges—

7. In preparation; no copies yet available.
Training teachers for immigrant education.
(a) Program for teachers' institutes.

Mind you, getting right down into the States, doing the work the States are doing and have been doing from time immemorial.

(b) Courses for normal colleges.

Getting still further into State business—

(c) Suggestions for teachers.

Can anybody tell me why the rights of the States should be invaded by this body?

Mr. President, in January, 1917, when the legislative, executive, and judicial appropriation bill was under consideration, it was sought to curb the activities of private persons and corporations in governmental affairs by an amendment as follows:

Provided, That no part of the appropriations made for the Bureau of Education, whether for salaries or expenses or any other purpose connected therewith, shall be used in connection with any money con-

tributed or tendered by the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or any individual other than such as may be contributed by State, county, or municipal agencies; nor shall the Bureau of Education receive any moneys for salaries or any other purpose for the General Education Board or any corporate or other organization or individual in any way associated with it, either directly or indirectly, or contributed or tendered by any corporation or individual other than such as may be contributed by State, county, or municipal agencies, except by act of Congress authorizing the same. Any person violating any or either of the terms of this proviso shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 or by imprisonment for not less than six months, or by both such fine and imprisonment, as the court may determine.

The purpose of that amendment was to limit and restrict the activities of the foreign bodies that were injecting themselves into the bureaus of the Government. That amendment was substantially agreed to, but in conference it was so emasculated as to render it almost harmless.

Let me show you what these people did when that amendment was first proposed in the Senate. It was read into the RECORD on the 26th of January, 1917, and immediately the Americanization committee got busy. They commenced to bombard their supporters in the field with the following telegram:

United States Senate yesterday passed amendment to general appropriation bill which will eliminate Education Bureau's Americanization activities by abolishing collaborators by making no appropriation to carry on this work now financed by outside organizations. Wire Senators SMOOT, BRYAN, and OVERMAN, of conference committee, that if amendment is retained the pending Pomerene-Parker bill, appropriating $50,000 for immigrant-education work, should be made part of general appropriation bill, otherwise bureau's whole America first and immigrant-education work will be lost. Hearing Tuesday, so get industrial leaders and philanthropic organizations to wire. Rush SMOOT and your own Senator and Representative.

(Signed) NATIONAL AMERICANIZATION COMMITTEE.

The efforts of the National Americanization Committee having failed of fruition at that time, they have continued and are still active as shown by the following telegram which has been received by me and other Senators within the past few days:

Secretary Lane has announced broad Americanization plan. Council of National Defense has approved Bureau of Education's program for same. Does Calder bill, S. 2854, now Unanimous Consent Calendar, mix plans and duplicate work contemplated and rightfully in Bureau of Education plan if passed?

(Signed) W. C. SMITH,
Chairman Legislative Committee of National Committee of One Hundred, America First.

I do not know what purpose this telegram has in it, but it seems to be an attack upon the Bureau of Naturalization and the intention to amend the naturalization laws as contemplated by this bill, S. 2854.

There are other activities of this legislative committee in which they have gratuitously undertaken to assault one of the established activities of the Government which is being carried on in full conformity with the law and in a most admirable way. I do not care to dignify this assault by referring at the present time any more directly to it. I can only say that the writer of the telegram who signs himself as "Chairman of the Legislative Committee of the National Committee of 100," is undoubtedly speaking with authority. Commissioner Claxton organized the Committee of One Hundred doubtless at the instance of these private sources or organizations for whom the bureau seems to be working and in whose interests he seems to be serving the Government. When he organized them and outlined their plan, the committee, his creature, is undoubtedly carrying out the instructions of their director.

They were not only active then but they are active now, and I have understood that this same association has been instrumental in getting some of the authorities of the Government to invite the governors of several States here in conference to-day to undertake to get them behind this bill. I understand so; I do not know anything about it. I simply understand that they have been invited here, possibly by the Secretary of the Interior, and the purpose of the visit is to get their support of this bill.

Mr. SMITH of Georgia. If the Senator will yield——

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Georgia. As I understand the position of these men, it is to get behind the work in their own States with their State agencies that this bill will seek to encourage and direct, and I think it is a splendid measure.

Mr. CHAMBERLAIN. But, Mr. President, the Naturalization Bureau, under the Department of Labor, is already an established agency engaged in this work now. And this bureau is working in cooperation with the States. Then, too, the States are operating alone and in their own way with regard to illiteracy.

Take the State of Kentucky, Mr. President. I am sorry the Senators from that State are not here, but I understand that the State of Kentucky has gone to work and has organized to put illiteracy out of commission by 1920, and that the people of that Commonwealth are making splendid progress. What can the Government of the United States do with its $50,000 or with $100,000 to assist the work in all the States?

Mr. President, this bill is simply an entering wedge to get very much larger appropriations in the very near future.

I received the telegram last quoted a few days ago and I assume every Senator here received one like it. I replied to it as follows:

WASHINGTON, D. C., *April 2, 1918.*

W. C. SMITH,
Chairman, Legislative Committee of National Committee of One Hundred, America First, New York City.

Answering your night letter of March 29. Bill mentioned is necessary for carrying on of authorized work of Bureau of Naturalization, and does not interfere with any other Government agency.

GEORGE E. CHAMBERLAIN.

Of course not; the Calder bill is a sane and sensible measure and simply supplements the work of the Bureau of Naturalization.

Mr. President, Mr. Claxton, you will find, has extended his activities into this realm as he has extended them into almost every realm, interfering with State policies and State politics, so far as education is concerned. You will find him present at all the meetings of the Americanization Association giving his advice. He is not so active in giving his advice to the established authority in the Department of Labor, which I am going to address myself to in a few minutes to show that it is doing most effective and efficient work without interfering with any of the State authorities or any municipality. That would not extend the jurisdiction of the Commissioner of Education, and that is what he wants.

Note, Mr. President, an extract from the minutes of the session of the national publicity campaign for Americanization called by Hon. P. P. Claxton, Commissioner of Education, at the Hotel McAlpin, New York City, July 4, 1916:

Commissioner Claxton outlined the plan and facilities of the Bureau of Education for assisting in this publicity campaign to get behind the bill.

A little later on the minutes recite:

Superintendent Cody, seconded by Superintendent Garber, moved that the Division of Immigrant Education of the Bureau of Education act as secretary of the committee until the committee can select its own secretary.

Then here is the legislative proposition; here is a prediction for this bill:

Upon a motion of Superintendent Cody and seconded by Superintendent Garber, Mr. W. C. Smith—

That is the same Smith whose telegram I read a while ago—

of Troy, was appointed chairman of a committee, with power to select other members, whose duty it should be to prepare a bill to be introduced in Congress carrying an appropriation for the work of the Division of Immigrant Education.

There you have it. They prepared the bill under consideration, and they caused it to be introduced. They camouflaged or sought to camouflage the American people by putting a mere pittance in it, expecting to come back and ask for a larger sum later, in order to establish an immense institution or bureau.

The Senator from Vermont [Mr. PAGE] wanted to know if we had any evidence of what these people were doing or that they were going to attempt any such thing as I suggested in the way of larger appropriations. Let us see. On the 27th day of February they had a meeting at Atlantic City, and here is the report of that meeting:

Educators want $10,000,000 to push Americanization—

There you have it—

Common language in industry a vital need and Federal aid is wanted. Would save many lives.
Great educational convention a clearing house for superintendents.
Class system criticized.
Western man warns against kaiserization of education. Keep children at school.

There was a voice crying in the wilderness. Here is an undertaking not only to kaiserize the public-school system of America but to take it out of the hands of the States and centralize it in the power and in the hands of Mr. Claxton.

Mr. SMITH of Georgia. Mr. President——

Mr. CHAMBERLAIN. Let me read this into the RECORD. I have only read the headlines. Here is the substance of it:

ATLANTIC CITY, *February 27.*

Federal aid in the Americanization of aliens, and particularly of those from enemy countries, will come as one of the fruits of the greatest educational conventions America has known. Founded upon facts revealed this afternoon in a conference on legislation—

Legislation again—

and Americanization in the Breakers Hotel, a bill will be introduced in Congress within a few days appropriating $10,000,000 for Federal aid to Americanization work in the various States under the same provisions as those set forth in the Smith-Hughes Act for the furtherance of vocational education.

There you have it. Now, the small appropriation carried by the pending bill does not amount to anything. It would not get them anywhere. It would not pay the salaries of the people who are now issuing the few hundred thousand posters they are getting out every year.

I am going to ask to have printed in the RECORD, without reading, for I do not want to take up any more time than is necessary, the recent activities of the Division of Immigrant Education. This comes out of the Bureau of Education. It is not mine at all. It shows their activities and shows that the amount appropriated in this bill would not get anywhere toward doing the work. I ask that it may be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
WASHINGTON.

RECENT ACTIVITIES OF THE DIVISION OF IMMIGRANT EDUCATION.

The Division of Immigrant Education pursues activities which may be classified as follows:

"Surveys, field investigations, and research to ascertain conditions, facilities, and needs in order to establish the basis for constructive National, State, and local work.

"Publicity through news letters, circular letters, bulletins, articles in the daily and periodical press, exhibits, special reports, and by lectures and addresses

"Organization of cooperation among public and private agencies by serving as a clearing house, by projecting plans of work, and by developing organized facilities upon request.

"Counsel, given through conferences, committee meetings, personal interviews, and correspondence."

SURVEYS AND FIELD INVESTIGATIONS.

At the request of the Wilmington (Del.) Committee on Americanization, a survey of Wilmington was made to assist in the establishment of night schools for immigrants. Such schools were subsequently established. During the month of August the assistant specialist made a survey of the immigrant sections and of the evening-school facilities for immigrants in San Francisco. An official of the Pennsylvania Department of Labor and Industry also surveyed several communities in Pennsylvania in cooperation with the division.

A questionnaire was sent to industrial establishments asking for a statement of educational work, "safety-first" training, and other welfare activities for the benefit of non-English-speaking employees. Studies of the educational methods employed were made in many plants. From the returns a report was prepared setting forth the work of many plants.

RESEARCH.

The division prepared and published a "List of Cities of 5,000 Population and Over, Having a Foreign-born White Population of 1,000 or More and no Evening Schools," "Citizenship of Foreign-born White Males of Voting Age in Each County of Pennsylvania With More Than 10 per cent of the Population Foreign Born," "Immigration to the United States from 1820 to 1915" (a chart), "State Constitutional Provisions Affecting Legislative Responsibility for Establishment of Evening Schools and Ages of Pupils Concerned" (a digest), "Educational Rank of Connecticut, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island" (adapted pamphlet issued by the Russell Sage Foundation). The division prepared a list of "Textbooks for Foreigners Learning English."

To present the problem of Americanization the division prepared standard exhibit charts, diagrams, slides, and photographs, showing for the United States as a whole and for selected States: Inability to Speak English, Illiteracy, School Attendance, and Factory Classes. A questionnaire on immigration education was sent out to superintendents of schools and the information gathered from the replies presented in the first bulletin issued by the division under the title "Public Facilities for Educating the Alien." Previous to this survey the specialist in immigrant education had prepared an elaborate article entitled "Survey of Adult Immigrant Education" for the Immigrants in America Review. He also contributed a chapter on "Recent Progress in the Education of Immigrants" to the Report of the United States Commissioner of Education, 1914, and a chapter on "Education of the Immigrant" to the report for 1916. To the first Annual Report of the Pennsylvania Department of Labor and Industry the specialist contributed a chapter of 64 pages (Ch. II) on "Immigration and Unemployment."

FORMULATION OF PLANS AND PROGRAMS.

Many new and constructive ideas developed by the staff of the division were formulated and published in circular letters bearing the following titles: No. 3, "Suggestions to Principals and Teachers"; No. 5, "Training for Americanization Service"; No. 7, America First Campaign, "How to Advertise Night Schools"; No. 8, ditto, "How State Departments of Education Can Help"; No. 9, ditto, "How Chambers of Commerce Can Cooperate"; No. 10, ditto, "What Women's Organizations Can Do"; No. 11, ditto, "How to Organize an Evening School for Immigrants"; No. 12, ditto, "How Industries can Cooperate"; No 13, ditto, "How Libraries Can Help"; No. 14, ditto, "How Foreign-language Newspapers Can Cooperate"; No. 15, ditto, "What Some Members of the Committee of One Hundred Have Done"; No. 16, ditto, "How Labor Unions Can Cooperate"; No. 17, ditto, "How Sectarian Organizations Can Cooperate"; No. 18, ditto, "How Patriotic Societies Can Cooperate"; No. 19, ditto, "How Religious Organizations for Women Can Cooperate"; and No. 20, ditto, "A Call to National Service."

The specialist in charge of this division has prepared a schedule of "Standards and methods in the education of immigrants," which will in the future, as further elaborated, form the basis for the program of work of this division. One part of this has so far been made available for distribution.

PUBLICITY.

Over 250,000 circulars, news letters, news releases, and publications have been sent during the year to school superintendents, principals, and teachers; to college and university presidents; to women's clubs and women's organizations and agencies; to patriotic organizations; to organizations of foreign-born men and women; to educational associations; to postmasters; and to English and foreign-language newspapers. Fifteen articles and papers were prepared by the specialist and the members of his staff and published in such publications as the Annals of the American Academy of Political and Social Science, the American Leader (organ of the American Association of Foreign-Language Newspapers), the Bulletin of the National Association of Patriotic Instructors, Immigrants in America Review, the Immigration Journal, the Journals of the State Teachers' Federation of Kansas and New York, the Baltimore Labor Leader, and the Bulletin of the New Jersey State Department of Education.

To stimulate the school attendance of adult immigrants over 100,000 "America First" posters, printed in English and seven prevalent foreign languages, were distributed in large numbers to superintendents of schools, industries, postmasters, miscellaneous organizations, and individuals.

The exhibit charts and publications of the division were shown in the following places: The National Conference on Immigration and Americanization at Philadelphia in January, 1916; the annual meeting of the Chamber of Commerce of the United States at Washington in February, 1916; the Life Conservation Exhibit of the United States Government at the National Museum, Washington, in February, 1916; the National Conference of Catholic Charities at the National Catholic University of America, Washington, in September, 1916; the conference of the Illinois Valley Teachers' Association at Moline and also at La Salle, Ill., in October, 1916; the annual meeting of the National Education Association at New York City in July, 1916.

ORGANIZATION AND COOPERATION.

The division has cooperated with many private organizations by formulating programs of work and by making suggestions. Special assistance was rendered to over 25 chambers of commerce, over 200 industrial establishments, over 20 educational associations, over 50 religious and philanthropic associations, and to a large number of miscellaneous societies.

The division is now conducting a nation-wide "America first" campaign in cooperation with the Committee of One Hundred appointed by the United States Commissioner of Education. The specialist in charge of the division is the chairman of the executive committee and in charge of the publicity campaign. The object of the campaign is to aid schools, at their request, in reaching the 3,000,000 non-English-speaking immigrants.

COUNSEL UPON PRACTICAL METHODS.

This division has given and received counsel by participation in conferences, committee meetings, personal interviews, and correspondence with officers and representatives of teachers' associations, business women's associations, State departments of education, associations of commerce, social workers, women's clubs, college and university presidents and faculties, and numerous individuals. Members of the staff have addressed over 75 meetings during the past year. While engaged in giving information, they are also seeking light upon every phase of Americanization. It is a fundamental aim of the division to be of national service in dealing with the complex problem of immigration and to cooperate with every possible agency in effecting its solution. (Division of Immigrant Education Circular No. 21, Jan. 17, 1917.)

Mr. CHAMBERLAIN. Note the headlines, I beg the Senators, which I repeat in order to show the impossibility of doing any of the work proposed with so small an appropriation.

The Division of Immigrant Education pursues activities which may be classified as follows:

Surveys, field investigations, and research to ascertain conditions, facilities, and needs, in order to establish the basis for constructive National, State, and local work.

Again:

Publicity through news letters, circular letters, bulletins, articles in the daily and periodical press, exhibits, special reports, and by lectures and addresses.

Again:

Organization of cooperation among public and private agencies, by serving as a clearing house, by projecting plans of work, and by developing organized facilities upon request.

Again:

Counsel given through conferences, committee meetings, personal interviews, and correspondence.

Those are the headlines of the activities of this body under the Bureau of Education, and when you come to a detailed statement of each of these headings there is not any organization in the United States that is big enough to handle it.

Mr. PENROSE. I should like to ask the Senator whether he is through enumerating the activities of the bureau?

Mr. CHAMBERLAIN. All I care to enumerate, but if the Senator has something in that line——

Mr. PENROSE. I know the Senator will be very much interested in knowing that after teaching agriculture and food conservation and social hygiene and a vast multitude of other matters, the bureau in its report for 1917 requests authorization to have control of 4,000 reindeer in Alaska, so that they may look to their better distribution.

Mr. CHAMBERLAIN. I think, if the Senator really wants the activities of the Bureau of Education he could not get it in as small a space as he has there. I will say to the Senator that their activities extend over every field of American life.

Mr. PENROSE. I can picture the pedagogue in the frozen fields of Alaska herding reindeer.

Mr. CHAMBERLAIN. I am not going into that further, but I am going just as deeply as I can to show that there is not any necessity for this bill.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. CHAMBERLAIN. Certainly.

Mr. DILLINGHAM. While the Senator is beginning that subject, I should like to call his attention to a statement made upon the floor this morning by the Senator in charge of the bill, which, if I understood him correctly, was that there are 700,000 drafted men of the United States who are illiterates. I should like to ask the Senator how many men have been drawn under the selective draft, as he is the chairman of the Committee on Military Affairs?

Mr. CHAMBERLAIN. How many altogether?

Mr. DILLINGHAM. Altogether.

Mr. THOMAS. There are 700,000 subject to the draft.

Mr. SMITH of Georgia. Within the draft age.

Mr. DILLINGHAM. Seven hundred thousand in the United States of the draft age, you say?

Mr. THOMAS. Yes.

Mr. DILLINGHAM. Who are illiterate?

Mr. THOMAS. Who can not speak or read the English language.

Mr. SMITH of Georgia. Who can not read or write.

Mr. THOMAS. Of course a greater number than that were actually drafted.

Mr. SMITH of Georgia. I have here the report of the Secretary of the Interior upon which the statement was based. He says that there are now nearly 700,000 men of draft age in the United States who are illiterate and who can not read or write in English or any other language.

Mr. DILLINGHAM. Of the draft age?

Mr. SMITH of Georgia. Of the draft age.

Mr. DILLINGHAM. What is the number in the United States of the draft age?

Mr. CHAMBERLAIN. About ten million.

Mr. DILLINGHAM. About ten million.

Mr. PENROSE. I assume that these illiterates are largely foreigners.

Mr. CHAMBERLAIN. Nearly altogether so.

Mr. PENROSE. Practically altogether so. There is nothing extraordinary in the fact that there are 700,000 illiterates of foreign birth.

Mr. DILLINGHAM. Mr. President, I was surprised at the statement of fact; but taking the statistics of the last census I find that of the males of voting age there were only 8.4 per cent illiterate. Of course, they must be 21 years of age, and this classification includes all above that age. Of the negro race there were only 30.4 per cent; of those of foreign birth, only 12.7 per cent; and of the children of foreign and mixed marriages, only 1.10 per cent who are illiterate. It seems to me there must be some grave error in the statement which was made here regarding the proportion of the men of the draft age in the United States who are illiterate, and it seems to me a very unfortunate thing that any false impression should go out to the country regarding the character of the men who constitute our Army.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Georgia. I desire to read a little further from the statement of Secretary Lane. He says:

> There are 700,000 men who can not read or write who may be drafted within our Army within the next year or two.

Then I will read the balance of the figures which are given upon this subject by the Secretary:

> There are in the United States (or were when the census was taken in 1910) 5,516,163 persons over 10 years of age who were unable to read or write in any language. There are now nearly 700,000 men of draft age in the United States who are, I presume, registered, who can not read or write in English or in any other language. Over 4,600,000 of the illiterates in this country were 20 years of age or more.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. CHAMBERLAIN. I do.

Mr. LEWIS. May I be allowed to attract the attention of the Senator from Vermont [Mr. DILLINGHAM] and also of the Senator from Georgia [Mr. SMITH]? I am satisfied that there has been a great error which has crept into the assertion of the Secretary of the Interior, the consequence of which he would not wish to be responsible for. It is equivalent to an allegation that we are about to put into our Army a vast number of men—the Senator from Georgia says 700,000?

Mr. SMITH of Georgia. Seven hundred thousand.

Mr. LEWIS. Seven hundred thousand human beings who have not enough intelligence to know what they are doing, why they are summoned, or for what they are fighting.

It also intimates that our country's system of education in our different States must have been so deficient as to have left us this relic of such a vast sum of human beings who are alleged to be illiterate. May I assume that there has been misapprehension; that the word "illiterate" in that sense was meant merely to convey that in the English language they were not learned? May I assume that the foreigners to whom the Senator from Pennsylvania [Mr. PENROSE] has made allusion, may still be people of information upon general subjects, but happen not to have had an English learning, and are illiterate only in the sense that they are not scholars in the English language?

Mr. PENROSE. Will the Senator from Illinois permit a suggestion?

Mr. LEWIS. Yes; certainly.

Mr. PENROSE. Perhaps many of these men suffer from what has been called a "meager education," but the figures undoubtedly have been grossly exaggerated to bolster up this fraudulent bill.

Mr. LEWIS. Mr. President, of course I can not enter——

Mr. PENROSE. I do not mean to make any reflection upon the Committee on Education and Labor, of which I am a member—although I did not attend the meeting of the committee that reported this bill—or upon the Senator having the bill in charge, but I am convinced that the Superintendent of Education needs careful watching.

Mr. LEWIS. I have only to conclude with this statement: I do not know whence these figures came; of course, I could not know what the inference, but I must, from my general knowledge of my country, from the appreciation we all have of our institutions, deny that there can exist in the United States of America to-day, under our system, 700,000 men capable of bearing arms for the country who are illiterate and ignorant.

Mr. PENROSE. Mr. President, the Senator from Illinois is entirely right. They are not there.

Mr. CHAMBERLAIN. Mr. President, I have asked the Provost Marshal General and the Commissioner of Education regarding the matter, and I am trying to find out if either can give the information that is asked for, which I will insert in my remarks. Let me say this for the foreign-born illiterates who are in the United States Army: I was talking to a young colonel in the Army some months ago, who was being sent out to Chicago to train a regiment of foreigners. He told me that it almost broke his heart when he was instructed to go there and train those foreigners, because it had been his hope that he would have a distinctively American force in his command; but I saw him some time afterwards, when he told me he was perfectly charmed with the result of his effort to train those men. He said there were hardly any of them who could speak English when he assumed command, but that they immediately organized night schools in the cantonment, and the men promptly learned enough of the English language to obey every command of every officer who spoke English.

Not only that, but they showed their patriotic spirit when an announcement was read out at the head of the column to these young men—foreigners all them, Czechs, Poles, and men of every neutral nation represented around Chicago, where they came from—when this announcement was read out to them about the sale of liberty bonds they raised $80,000 in subscriptions to those bonds. So the taking in of these illiterates among our American troops is not a disadvantage to them, even in cases where they can not read or write. It will teach them to read and write. The fact that a man can not write does not in the least make him a poor soldier, for such a man is frequently the most gallant soldier in the world. He is not afraid to die for his country. Illustrations innumerable might be cited from the pages of history to sustain these propositions.

But now, Mr. President, getting down to the statement that this is simply a duplication of work, transferring it to a body that can not do it as well as it is now being done, I desire to call the attention of the Senate to the fact that the public schools of the United States, in conjunction with the Bureau of Naturalization of the Department of Labor, have this work in hand. In April, 1914, after years of contact with the public schools, this bureau undertook to cooperate with them as to the education of illiterates.

A plan was proposed by the Bureau of Naturalization for linking together the public schools throughout the United States with the Federal Government.

I have found, Mr. President, in studying the work of this bureau that, without any additional appropriations from Congress, while carrying on its regular work the Bureau of Naturalization has been working in direct cooperation with the public schools during the last four years. At the present time in 1,797 cities, towns, and small communities, extending clear into the mining camps, the public schools of the United States

have organized with the Bureau of Naturalization in teaching the candidate for citizenship the things he should know as an American citizen.

Mr. HARDWICK. Mr. President, will the Senator from Oregon yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I do.

Mr. HARDWICK. I merely want to suggest to the Senator, in connection with this subject, that the Bureau of Naturalization and also one of the intelligence bureaus of the War Department are trying to do this identical work for the foreign-born soldiers to-day.

Mr. CHAMBERLAIN. There is no doubt about that.

Mr. HARDWICK. And their representatives were in to see me this morning, as chairman of the Immigration Committee, insisting that certain additional facilities be afforded to do the work.

Mr. CHAMBERLAIN. I think so. That is what I am calling attention to. There is a sleeper in the bill that is now before the Senate which provides that, before the Bureau of Education touches the patriotic side of this question—the illiterate soldiers and sailors—it must have the consent of the Secretary of War and the Secretary of the Navy. That is a little more camouflage. The bill was not intended for the soldiers of the Republic who are illiterate. Behind it is an alleged benevolent organization that intends only to supplant existing systems of schools and to coordinate industrial life with the system it has in view. Let our public schools do the work that the framers of our State governments intended they should do and that has been recognized from the earliest days of the Republic that they should do. Any attempts to interfere with them, whether made by Mr. Claxton or any other body of men outside of the jurisdiction of the several States, will result in dislocating the public-school system of the country.

Now, to show you what the Bureau of Naturalization has been trying to do, I will state that in July, 1916, they held a convention here in the city which was attended by educators from all over the country. Superintendents of public schools of all the States were here. I remember very distinctly meeting Superintendent Alderman, a very distinguished educator of my State. There were men here from New England, from the border States, from the whole country clear down to Mexico. At this convention the work of the public schools, in cooperation with the Bureau of Naturalization, was fully discussed. The public schools had furnished the Bureau of Naturalization with the material for the preparation of a textbook for the purpose of developing a standard course in citizenship instruction.

The Commissioner of Education and the members of his bureau attended that convention. Why did he not cooperate with the system that was then in vogue and is now in vogue instead of trying to sidetrack it and go to another proposition and confuse the existing system? They fully discussed with the public-school officials and officials of the Bureau of Naturalization the textbook matter submitted by the public schools to the Bureau of Naturalization. This textbook, therefore, has been completed and is awaiting its publication to be distributed to the candidates for citizenship.

Mr. President, 438,000 foreigners applied for first citizenship papers last year. The Bureau of Naturalization has worked out a system, based upon the law, which gives it charge of all matters relating to the naturalization of aliens. Under this authority it has united the courts and the public schools with the bureau for the purpose of making it possible for candidates for naturalization to prepare themselves for the responsibilities of American citizenship. The Bureau of Naturalization received the names last year of approximately a million and a quarter foreigners. It has endeavored to induce these foreigners to attend the citizenship classes which the bureau has prevailed upon the public schools in nearly 1,800 cities and small communities to provide for them. All of this work has been carried on for four years without any additional appropriation for that purpose; yet, Mr. President, we are met here with a proposition for an appropriation of $100,000, and we will be met by appeals to Congress hereafter for millions of dollars to do the work which is being done now by appropriations which are made simply for the carrying on of the ordinary business of the Department of Labor.

It seems to me that the experience which has been gained by this branch of the Government should not be overlooked in considering a measure of this kind. It has in four years attained practical results which can later be made the foundation for any further and wider scope of effort in cooperation with the public schools of the United States.

I desire to submit here the names of the cities and towns by States, together with their population in 1910, as well as their foreign population and the number of foreigners in those places who declared their intention to become citizens from July 1, 1910, to July 30, 1917, showing that this work is not local but is general; it covers the whole United States. A system has been worked out which has not only proven advantageous in the last five or six years but will prove more so, provided we do not dynamite it with a bill that destroys the work which the Bureau of Naturalization has undertaken in cooperation with the courts and the public-school systems of the country.

Mr. President, I will explain to the Senate what is meant by cooperation with the courts. The court holds the application for citizenship up until the alien goes to a school—some night school, perhaps, connected with the public schools—and tries to qualify himself for the duties of citizenship, with the result that these men are absolutely prepared for citizenship before their final papers are issued.

Mr. President, I ask that there be printed in the RECORD, as a part of my remarks, without reading, the data or statistics to which I called attention a few moments ago, so that the Senate may see at a glance to-morrow morning just what the States are doing and what cities and towns all over the United States are participating in this work in conjunction with the common-school systems and in conjunction with the courts for the purpose of teaching these people the duties of citizenship.

The PRESIDING OFFICER. Without objection, the order is made.

The matter referred to is as follows:

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns.

[Figures not available where blanks occur.]

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Alabama:									
Birmingham (includes activities at East Lake, Ensley, Fairfield, Gate City, Pratt City, and Warrior)	132,685	5,700	2,944	1,179	523	125	60	13	4
Bessemer	10,864	341	196	94					
Arizona:									
Bisbee	9,019	3,474	2,023	558	145	130	42	50	33
Blue Bell Mine					70	36			
Douglas (includes activities at Pirtleville)	6,437	2,250	919	186			13	23	17
Morenci					35	19		6	4
California:									
Alameda	23,383	5,555	2,842	1,720			23	38	38
Berkeley (includes activities at Albany)	40,434	7,653	3,627	2,096			67	43	51
Emeryville	2,613	636	374	224					
Colma							16		8
Corona	3,549	604	348	79	39	25			
Eureka (includes activities at Elk River, Fairhaven, Freshwater, Ryans Slough, and Samoa)	11,845	3,600	2,228	1,076	161	49	8	9	8
Fresno	24,892	5,445	2,487	1,006	351	133	22	36	34

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
California—Continued.									
Gilroy	2,437								
Hollister	2,308				25	9	2	2	1
Long Beach (includes activities at Alimitos Bay, Seal Beach, and Wilmington)	17,809	1,942	901	470			9	2	7
Los Angeles (includes activities at Hollywood and Huntington Park)	319,198	60,584	29,576	14,097	2,814	1,163	383	343	324
Alhambra	5,021	983	585	174					
Manhattan									
Mountain View	1,161								
Oakland	150,174	38,822	19,334	10,237	1,124	130	241	243	259
San Leandro	3,471	1,108	559	279					
Ontario (includes activities at Alta Loma, Chino, Cucamonga, Etiwanda, Guasti, and Upland)	4,274	581	283	155	94	58	6	1	1
Oxnard	2,555	618	334	108	38	15		1	
Pasadena (includes activities at La Manda)	30,291	4,297	1,772	1,101			23	17	15
Playa del Rey							1		1
Pomona (includes activities at Claremont, Lordsburg, San Dimas, and Walnut)	10,207	883	438	219			2		
Redlands	10,449	1,343	649	372				2	2
Redondo Beach (includes activities at Hermosa Beach, Manhattan Beach, and Perry)	2,935	433	282	116					
Redwood City	2,442						2	3	1
Riverside	15,212	2,168	1,035	454			3	5	4
Sacramento	44,696	8,885	5,331	2,424	416	178	53	84	49
San Diego (includes activities at Chula Vista, Coronado, East San Diego, and National City)	39,578	7,366	3,845	2,057	316	164	20	206	106
San Francisco (includes activities at Daly City)	416,912	130,874	75,768	39,375	5,280	2,383	1,942	1,104	894
San Jose (includes activities at Berryessa, Edenvale, Hester, Milpitas, and Sunol)	28,946	5,817	2,983	1,637	337	126	22	25	16
Santa Clara	4,348	1,135	597	287					
San Mateo	4,384	1,031	538	333	238	103	7	15	10
San Pedro									
San Rafael	5,934	1,747	932	466	95	39	1	9	4
Santa Ana	8,429	884	408	246	53	41	1	2	1
Santa Barbara	11,659	1,793	877	417	157	57	20	12	19
Santa Monica (includes activities at Sawtelle, The Palms, and Soldiers Home)	7,847	1,248	576	283			4		3
Santa Rosa	7,817	1,318	667	376	198	89	14	6	7
South Pasadena	4,649	558	254	149					
South San Francisco	1,989								
Stockton	23,253	4,478	2,679	1,074	244	79	36	25	23
Venice							4	7	8
Westwood					28	12		1	1
Wiseburn									
Colorado:									
Bowie									
Broomfield	142								
Central City (includes activities at Black Hawk, Nevada, Russell Gulch, and Tolland)	1,782				6	11			
Colorado Springs	29,078	2,981	1,434	748	81	37			
Cripple Creek	6,206	849	473	367	27	24			
Delta	2,388				10	9			
Denver	213,381	38,941	19,204	10,959	841	353	65	122	121
Fort Collins	8,210	893	373	156	40	35	108	7	4
Frederick	266								
Gorham (includes activities at Marshall and Monarch)							23	1	1
Grand Junction	7,754	724	405	196	33	10	1		
Greeley (includes activities at Evans, Kersey, La Salle, and Lucerne)	8,179	691	357	172	124	68	9	5	6
Hastings	693								
Leadville	7,508	2,232	1,253	880	105	46	12	24	13
Louisville (includes activities at Monarch No. 2 and Sunnyside Mine)	1,706				35	20			
Oak Creek	222								
Pueblo	41,395	8,331	4,777	1,773	224	90	34	25	31
Rocky Ford	3,230	145	68	44	16	23			
Salida	4,425	499	256	159	45	11			
Somerset	527				11	11			
Sterling (includes activities at Atwood, Crook, Graylin, Ileff, Merino, Padroni, and Willard)	3,044	418	185	45	33	26	1	3	2
Superior	349						25		
Telluride (includes activities at Liberty Bell, Mine Smuggler, Smuggler Mill, Smuggler Mine, and Tomboy Mine)	1,756				42	16	4	1	1
Trinidad	10,204	1,203	654	368	149	39			
Connecticut:									
Ansonia	15,152	5,711	2,926	1,131			23	14	12
Avon	1,337						1		1
Bridgeport (includes activities at Long Hill, Nichols, Strentsfield, and Trumbull)	102,054	36,180	17,114	6,563	2,456	602	212	137	177
Fairfield	6,134	1,653	768	261					
Stratford	5,712	1,199	545	287					
Bristol (includes activities at East Bristol, Forestville, and Terryville)	13,502	3,982	1,985	695			15	9	16
Chester	1,419						5	4	2
Danbury	23,502	5,526	2,687	1,243			21	9	15
Bethel	3,792	502	248	161					
Elmwood							2		2
West Hartford	4,808	1,319	560	254					
Enfield	9,719	3,787	1,609	479					
Greenwich	16,463	5,080	2,301	784			15	16	16
Hartford	98,915	31,243	13,975	6,294	3,134	682	212	115	157
East Hartford	8,138	1,487	686	348					
Wethersfield	3,148	655	431	145					
Huntington	6,545	1,758	788	340					
Manchester	13,641	5,006	2,126	1,073			1	22	19
Meriden	32,066	9,390	4,346	2,308			18	12	13
Middletown (includes activities at South Farms)	20,749	6,398	2,804	1,025	228	58	9	11	5
Naugatuck (includes activities at Beacon Falls)	12,722	4,283	2,075	889			4	3	3
New Britain (includes activities at Newington)	43,916	18,015	8,843	3,054			114	42	56
Berlin	3,728	1,166	676	187					
Plainville	2,882	528	264	119					

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Connecticut—Continued.									
New Haven	133,605	42,784	19,194	8,628	4,808	829	192	94	116
New London (includes activities at Mystic)	19,659	4,561	1,993	701			23	18	23
Groton	6,495	908	416	151					
Montville	2,804	731	306	94					
Waterford	3,097	571	390	88					
Norwalk	24,211	5,686	2,473	978			15	7	17
Norwich (includes activities at Norwichtown, Taftville, and Yantic)	28,219	8,405	3,558	1,456	605	154	13	11	16
Poquonock									
Rainbow									
Putnam	7,280	1,780	801	284	305	85	20	6	20
Rockville (includes activities at Tolland)	7,977	2,764	1,238	686	248	42	2	5	2
Southington (includes activities at Cheshire)	6,516	1,724	855	239			1	1	
Plainville	2,882	528	264	119					
South Manchester							23	2	12
South Norwalk (includes activities at East Norwalk and Rowayton)	8,968						15	11	16
Westport	4,259	1,057	482	180					
Wilton	1,706								
Stamford	28,836	8,872	3,976	1,486			35	19	28
Darien	3,946	947	506	213					
Suffield	3,841	874	467	107			2	3	3
Thompson	4,804	1,871	789	140				5	4
Thompsonville							21	23	25
Torrington (includes activities at Burrville, Torringford, and West Torrington)	16,840	6,064	3,003	1,198	439	74	9	9	4
Vernon (includes activities at Ellington, Talcottville, and Vernon Center, but not those for Rockville)	1,110	291	124	68			1	1	
Stafford Springs	3,059	1,111	491	161					
Wallingford	11,155	3,302	1,570	563			12	17	21
Waterbury (includes activities at Middlebury, Prospect, and Wolcott)	73,141	25,498	12,463	4,662			161	57	104
Watertown	3,850	974	328	109					
Westport	4,259	1,057	482	180					
Windsor (includes activities at Wilson)	4,178	786	379	125			3	2	1
District of Columbia:									
Washington (includes activities at Hyattsville, Mount Rainier, and Rockville, Md., and Rosslyn, Va.)	331,069	24,351	11,738	6,474	726	340	97	77	83
Alexandria, Va	15,329	320	179	86					
Florida:									
Jacksonville	57,699	2,488	1,308	587	201	67	7	19	14
Georgia:									
Atlanta	154,839	4,410	2,287	1,011	144	72	11	38	29
Idaho:									
Boise	17,358	2,283	1,555	548	112	32	15	7	6
Illinois:									
Alton	17,528	1,504	764	484	835	115	1	5	
Arlington Heights	1,943							1	
Aurora (includes activities at Montgomery and North Aurora)	29,807	6,702	3,566	1,795	348	136	28	89	6
Belleville	21,122	2,500	1,227	770			37	1	
Benton (includes activities at West City)	2,675	229	122	17	284	105	120	8	
Berwyn (includes activities at Clyde, Morton, Park, and North Berwyn)	5,841	1,570	751	536			6	6	
Bloomington	25,768	3,407	1,612	1,152	56	29		5	
Blue Island (includes activities at Burr Oak)	8,043	1,903	1,015	625			6	4	
Harvey	7,227	1,784	974	385					
Morgan Park	3,694	662	310	230					
Buckner							58	1	
Chicago (includes activities at Austin, Hawthorn, Jefferson, and Kensington)	2,185,283	781,217	379,850	190,693	38,269	8,895	3,162	3,153	3,032
Evanston	24,978	5,700	2,501	1,349					
Chicago Heights	14,525	6,077	3,539	1,135				1	
Christopher (includes activities at Hodgetown and Urbain)	1,825						98	4	2
Cicero	14,557	6,072	3,196	1,354			25	26	38
Decatur	31,140	2,422	1,127	694	84	14	40	6	17
De Kalb (includes activities at Cortland, Creston, Elburn, Malta, Maple Park, and Rollo)	8,102	2,584	1,478	637	107	41	5	9	8
Rochelle	2,732	420	195	126					
Sycamore	3,926	686	349	234					
East St. Louis	58,547	9,400	5,729	1,613	1,513	128	24	10	19
Galesburg (includes activities at East Galesburg)	22,089	3,590	1,844	1,192	54	22	6	8	6
Glencoe	1,899						1		1
Granite City	9,903	2,784	1,863	344			231	1	2
Harrisburg (includes activities at Carriers Mills and Ledford)	5,309	295	180	49	62	28	130	9	7
Herrin	6,861	1,080	565	205	131	26	51	10	39
Highland Park (includes activities at Highwood)	4,209	864	341	120			3	3	5
Johnston City	3,248	696	379	131					
Joliet (includes activities at Rockdale)	34,670	10,441	5,877	2,483	455	112	62	23	43
Lake Forest	3,349	1,106	478	251					
La Salle (includes activities at Utica)	11,537	3,442	1,722	888	381	122	14	9	13
Madison	5,046	2,512	1,845	60					
Marion	7,093	294	140	31					
Maywood	8,033	2,053	947	515			15	7	8
Melrose Park	4,806	2,204	1,284	413					
Moline (includes activities at Silvis)	24,199	7,211	4,089	2,229	644	294	138	155	130
East Moline	2,665	1,232	851	134					
North Chicago	3,306	1,325	738	246			10	8	10
Oak Park	19,444	3,325	1,380	934			14	9	16
Oglesby							8		3
Ottawa	9,535	1,502	745	532					
Pana	6,055	1,098	516	287	102	26	86	4	3
Peoria	66,950	8,810	4,661	2,598	350	107	52	4	12
Peru	7,984	2,135	1,048	703			5	6	6
Rockford	45,401	13,828	7,102	4,094	367	145	78	65	61
Rock Island	24,335	4,922	2,537	1,491			36	33	40
Royalton (includes activities at Bush and Hearst)	357						50		1
St. Charles	4,046	1,572	877	381			17	5	45
Sesser	1,292								
Springfield	51,678	6,900	3,356	1,940	423	173	20	59	4
Spring Valley (includes activities at Cherry, Dalzell, Depue, Ladd, Marquette, and Seatonville)	7,035	2,992	1,536	1,112	255	85	7	12	7

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Illinois—Continued.									
Streator	14,253	3,432	1,705	1,063			5	1	4
Waukegan	16,069	5,624	3,176	1,087	450	142	18	32	28
Westville (includes activities at Georgetown)	2,607	1,253	720	389			23	16	25
Bridge Farm	967				99	37			
Woodstock	4,331	658	354	217			9	3	1
Zeigler							88	7	5
Indiana:									
Anderson (includes activities at Lapel, Middletown, and Pendleton)	22,476	977	548	255	72	25	45	5	11
Alexandria	5,096	451	248	151					
Elwood	11,028	812	409	241					
Frankfort	8,634	102	58	31					
Clinton	6,229	1,805	937	171	188	23			
East Chicago (includes activities at Indiana Harbor)	19,098	10,295	6,638	951	6,543	310	514	16	308
Elkhart	19,282	1,636	893	437	131	40	98		13
Fort Wayne (includes activities at Arcola, Huntertown, and New Haven)	63,933	7,204	3,785	2,459	599	391	35	26	22
Gary	16,802	8,242	5,693	1,008			1,402	93	665
Hammond (includes activities at Cambridge City and Centerville)	20,925	5,553	3,131	1,022			108	34	84
Indianapolis	233,650	19,767	10,407	6,088	1,227	332	312	56	162
Kokomo (includes activities at Center Township)	17,010	719	389	236	55	8	2	3	4
Laporte	10,525	1,954	1,083	522	277	72	61	11	9
Logansport	19,050	1,405	777	414	179	16	132	5	12
Mishawaka	11,886	1,803	977	346			63	12	30
Peru	10,910	687	363	211	18	13		2	2
Richmond	22,324	1,173	599	320	55	103	30	2	17
South Bend	53,684	13,420	6,787	2,226	1,111	398	164	24	86
Sullivan	4,115	88	51	17	29	7		2	1
Vincennes	14,895	816	438	321	163	17		3	1
Whiting	6,587	2,888	1,715	463			83	27	68
Iowa:									
Burlington (includes activities at West Burlington)	24,324	3,938	2,037	1,283	31	10	106	8	5
Carney (includes activities at Delaware, Bloomfield, Enterprise, Oralabor, Saylor, and Swanwood)							1		
Cedar Falls	5,012	753	356	261	112	30	31	4	4
Cedar Rapids (includes activities at Benson, Cedar Heights, Janesville, New Hartford, and Parkersburg)	32,811	5,321	2,619	1,531	201	57	6	36	26
Charles City	5,892	821	455	289	19	5	48		2
Cherokee	4,884	754	425	183	29	7			
Clayworks									
Clinton	25,577	4,880	2,615	1,697	88	32	89		1
Council Bluffs	29,292	4,268	2,309	1,302	126	49	34	10	10
Davenport (includes activities at Bettendorf and Rockingham)	43,028	8,101	4,132	2,597	219	65	11	22	22
Des Moines	86,368	10,395	5,231	2,807	392	109	42	39	35
Valley Junction	2,573	175	93	54					
Dubuque	38,494	6,089	3,220	2,281			514	14	9
Fort Dodge	15,543	2,188	1,199	699	95	24	7	6	4
High Bridge					36	9		1	
Lyons							2		1
Mason City	11,230	1,508	823	322	95	31	190	13	6
Muscatine (includes activities at Blue Grass and Fairport)	16,178	2,145	1,089	713	35	13	25	2	2
Mystic	2,663	522	283	99	45	27	6	1	2
Oelwein	6,028	929	565	202	58	16	58	3	1
Scandia									
Sioux City (includes activities at Leeds, Riverside, and South Sioux City)	47,828	10,452	5,781	2,408	388	76	59	36	50
Waterloo (includes activities at Waterloo East Side and Waterloo West Side)	26,693	2,706	1,494	650			302	6	4
Yoder									
Kansas:									
Atchison	16,429	1,084	526	289	46	15	10	8	4
Barber									
Caney	3,597	210	113	67	29	11			
Capaldo									
Carona (includes activities at Cokedale, East Mineral, Hamilton, and Mackie)					36	11	3	2	1
Cherryvale	4,304	176	108	29					
Dearing	250								
Edson					1		8		
Fort Scott	10,463	386	209	106	7	2			
Franklin							165		1
Frontenac	3,396	1,572	798	253			186	3	4
Gross							17		
Horton	3,600	235	137	66	21	11			
Kansas City	82,331	10,344	5,710	2,427	942	72	282	16	32
Parsons	12,463	463	259	133	9	1	1	1	1
Pittsburg	14,755	1,137	588	322	311	61	182		9
Radley							74	2	2
Ringo							9	1	
Roseland	396						2		
Salina	9,688	740	376	222	18	7			
Skidmore							1		
South Radley									
Topeka	43,684	4,153	2,123	1,115	91	13	16	11	14
Wichita	52,450	2,855	1,591	653	103	40	124	11	6
Kentucky:									
Danville	5,420	69	40	12					
Lexington	35,099	936	509	330					
Louisville	223,928	17,436	8,334	5,704	284	90	13	19	13
Newport	30,309	3,405	1,534	1,009	53	23			
Louisiana:									
Amite (includes activities at Gulette, Independence, Roseland, and Shiloh)	1,677				32	11			
Hammond	2,942	154	72	18				1	1
Kentwood	3,609	150	72	8					
Natalbany									
New Orleans (includes activities at Algiers, Amesville, Chef Manteur, Gentilly, Gretna, Lakeview, Lee, Little Woods, McDonoghville, Milneburg, and Pontchartrain Grove	339,075	27,686	13,486	6,138	1,217	328	95	96	85
Shreveport	28,015	1,004	525	248	105	10			

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Maine:									
Auburn	15,064	2,574	1,090	454	209	70	3	6	4
Augusta	13,211	2,639	1,022	271	226	38	10	4	1
Hallowell	2,864	309	181	74					
Bangor	24,803	4,280	1,883	610	364	52	9	7	11
Bath	9,396	1,315	526	210	84	30	8	7	4
Biddeford	17,079	6,761	2,537	823			4	3	7
Brunswick (includes activities at Topsham)	6,621	1,539	602	270			14	3	8
Foxcroft	1,867								
Lewiston	26,247	9,418	3,502	1,406			9	29	18
Lisbon	4,116	988	427	165				3	3
Old Town	6,317	1,383	664	118				1	1
Orono	3,555	868	449	63				1	1
Portland	58,571	12,078	5,023	2,222	758	437	108	71	94
South Portland	7,471	1,003	415	147					
Westbrook	8,281	1,744	748	347					
Presque Isle	5,179	1,147	524	166	560	35			
Rumford (includes activities at Mexico, Smithville, and Virginia)	6,777	2,634	1,280	192	111	51			
Saco	6,583	1,168	463	158			2	1	
Skowhegan	5,341	783	346	144	76	17			
Waterville (includes activities at Winslow)	11,458	2,688	1,138	454			13	6	6
Maryland:									
Baltimore (includes activities at Arlington, Brooklyn, Catonsville, Curtis Bay, Dundalk, Franklinville, Gardenville, Govans, Hamilton, Hillsdale, Mount Winans, Orangeville, Roland Park, Sparrows Point, Towson, and West Arlington)	558,485	77,043	33,638	16,643	3,674	860	221	212	230
Massachusetts:									
Adams	13,026	5,097	2,042	766			10	2	8
Amherst	5,112	661	259	83			3		2
Arlington	11,187	2,758	1,157	602			24	10	20
Athol	8,536	1,638	779	176			8	6	7
Attleboro	16,215	4,453	1,919	808			32	16	31
Belmont	5,542	1,572	639	275			4	6	8
Beverly (includes activities at Hamilton and Wenham)	18,650	4,661	2,174	808			52	23	22
Danvers	9,407	1,908	790	385					
Boston (includes activities at Allston, Brighton, Charlestown, Dorchester, East Boston, Mattapan, Mount Hope, Rosindale, Roxbury, South Boston, and West Roxbury)	670,585	240,722	103,160	47,791	16,169	4,148	1,172	625	697
Hyde Park	15,507	4,442	2,077	905					
Bridgewater	7,688	2,317	1,623	482			10	8	7
Brockton	56,878	15,425	7,033	3,167	725	253	28	106	65
Brookline	27,792	8,345	2,307	1,274			87	19	26
Cambridge	104,839	34,608	14,636	7,162	898	214	126	62	85
Canton	4,797	1,156	489	252			7	14	13
Chelsea	32,452	13,748	5,883	2,133			83	55	66
Chicopee	25,401	10,036	4,330	1,280			22	15	19
Clinton (includes activities at Boylston, Lancaster, and Sterling)	13,075	4,798	1,916	1,029			6	13	10
Cohasset	2,585	520	217	85			4	2	4
Concord (includes activities at Bedford, Carlisle, and Lincoln)	6,421	1,649	738	292			4	5	4
Dedham	9,284	2,718	1,206	520	445	96	9	7	6
Douglass	2,152								
Dudley	4,267	1,579	704	172					
East Bridgewater (includes activities at Elmwood and Westdale)	3,363	547	253	113				1	1
East Falmouth									
Easthampton (includes activities at Southampton)	8,524	3,077	1,227	404			2	9	8
Easton	5,139	1,371	698	380					
Mansfield	5,183	1,020	470	141					
East Weymouth							3	1	
Everett	33,484	9,607	4,085	2,228			55	25	34
Fall River (includes activities at Swansea)	119,295	50,874	20,181	8,368	2,445	705	154	81	116
Somerset	2,798	706	295	102					
Westport	2,928	591	261	68					
Tiverton, R. I.	4,032	1,069	497	175					
Falmouth	3,144	544	245	79					
Fitchburg	37,826	13,611	5,933	1,950			9	13	14
Framingham (includes activities at Ashland, Hopkinton, and Sherborn)	12,948	3,158	1,341	557			24	5	9
Franklin (includes activities at Wrentham)	5,641	1,504	722	248			1		1
Medway	2,696	537	216	112					
Gardner	14,699	5,312	2,703	762			5	14	11
Gloucester (includes activities at Essex)	24,398	7,484	3,980	1,743			9	13	14
Manchester	2,673	847	437	165					
Greenfield (includes activities at Deerfield)	10,427	1,918	916	366	232	41	7	13	14
Hanover (includes activities at Norwell and Pembroke)	2,326								
Haverhill (includes activities at Merrimac, Mass., and Newton and Plaistow, N. H.)	44,115	11,153	4,936	1,915			33	30	22
Amesbury	9,894	2,635	1,140	463					
Hingham	4,965	943	388	153			5	3	6
Holyoke (includes activities at South Hadley Falls and Willimansett)	57,730	23,238	9,457	3,765			70	47	47
Hudson (includes activities at Berlin, Bolton, and Stow)	6,743	1,790	863	293			4	3	3
Ipswich (includes activities at Hamilton, Rowley, and Topsfield)	5,777	2,251	872	175				3	2
Lawrence	85,892	41,319	17,414	6,588	3,072	799	185	104	141
Leominster (includes activities at Lunenberg)	17,580	4,875	2,058	645			25	7	19
Lexington (includes activities at Bedford and Burlington)	4,918	1,143	517	242					
Lowell	106,294	43,457	18,191	7,028			114	134	166
Dracut	3,461	1,035	482	231					
Tewksbury	3,750	1,670	872	89					
Ludlow	4,948	2,309	799	158					
Lynn (includes activities at Nahant)	89,336	27,344	12,038	4,931			247	120	143
Saugus	8,047	1,750	751	416					
Swampscott	6,204	1,369	580	250					
Malden	44,404	13,430	5,404	2,941			47	67	63
Melrose	15,715	3,091	1,182	718					
Marlboro (includes activities at Northboro and Southboro)	14,579	3,344	1,508	810			13	15	19
Maynard	6,390	3,002	1,403	349			11	5	9
Medford	23,150	5,126	2,134	1,196			58	44	63
Methuen	11,448	4,501	1,776	922			17	33	40
Milford	13,055	4,331	2,039	674			16	19	22

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalizaton papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Massachusetts—Continued.									
Monson	4,758	904	399	156					
Montague	6,866	1,936	923	375				4	4
Natick	9,866	1,997	926	499			4	4	4
Needham	5,026	1,584	644	268			7	4	6
New Bedford (includes activities at Acushnet and Freetown)	96,652	42,625	17,151	5,441			76	190	158
Dartmouth	4,378	1,072	488	116					
Fairhaven	5,122	1,232	538	173					
Newburyport	14,949	3,007	1,215	569				12	6
Newton	39,806	11,191	4,061	1,829			13	21	18
North Adams	22,019	6,046	2,561	1,266			4	8	7
Northampton	19,431	4,880	2,130	983	299	58	3	9	6
North Attleboro (includes activities at Plainville)	9,562	2,490	1,133	508			20	12	21
Northbridge	8,807	3,560	1,619	503				3	2
North Easton								1	1
Norwood	8,014	2,555	1,289	521			9	42	28
Palmer (includes activities at Bondsville, Thorndyke, and Three Rivers)	8,610	3,074	1,354	282			10	9	14
Peabody	15,721	5,341	2,931	783			10	25	9
Pittsfield (includes activities at Hinsdale and Lanesboro)	32,121	6,744	3,176	1,540	763	171	32	22	27
Dalton	3,568	462	199	138					
Lenox	3,060	754	350	178					
Plymouth	12,141	3,722	1,621	463			10	1	1
Quincy	32,642	10,875	4,996	2,367			86	51	72
Revere	18,219	5,331	2,400	1,407			78	48	71
Rockland	6,928	1,110	502	276				1	
Abington	5,455	885	390	153					
Weymouth	12,895	2,312	1,099	509					
Rockport (includes activities at Pigeon Cove)	4,211	1,029	478	200			1		
Salem	43,697	13,539	5,696	2,443			37	41	31
Shrewsbury	1,946						1	2	1
Somerville	77,236	20,751	8,814	4,263			101	77	83
Southboro									
Southbridge (includes activities at Charlton and Sturbridge)	12,592	4,315	1,943	657			2	23	21
Springfield (includes activities at Long Meadow)	88,926	22,999	9,942	4,182	2,818	595	152	83	120
Agawam	3,501	826	378	155					
Stoneham	7,090	1,362	615	316			4	1	5
Stoughton	6,316	1,439	666	266			2	4	4
Taunton	34,259	9,779	4,206	1,506			13	22	23
Uxbridge	4,671	1,243	601	144				2	2
Wakefield (includes activities at Lynnfield)	11,404	3,128	1,280	662			31	12	24
Reading	5,818	1,012	421	191					
Walpole (includes activities at Norfolk)	4,892	1,306	635	230			4	7	9
Foxboro	3,863	698	377	125					
Waltham	27,834	7,683	3,068	1,525			21	11	17
Watertown	12,875	4,057	1,773	804			14	10	10
Webster	11,509	4,006	1,839	680			1	10	7
Wellesley	5,413	1,559	550	234			1	1	2
Westfield	16,044	4,401	2,173	588			11	10	11
West Springfield	9,224	2,100	943	372			4	1	3
Whitman	7,292	1,108	481	218			2	3	3
Winchester	9,309	2,486	1,027	366			4	10	7
Winthrop	10,132	2,093	819	551			15	11	12
Woburn (includes activities at Burlington and Wilmington)	15,308	4,039	2,006	1,063			21	7	13
Worcester	145,986	48,492	22,816	9,126	3,283	704	161	153	146
Michigan:									
Albion	5,833	775	421	245			5	3	2
Alpha (includes activities at Dunn Mine Location)									
Baltic (includes activities at Atlantic Mine, South Range, and Trimountain)								1	1
Battle Creek	25,267	2,616	1,259	570	144	26	9	6	6
Bay City	45,166	11,027	5,213	4,009	205	141	48	67	63
Belding	4,119	351	130	66					
Benton Harbor (includes activities at Coloma and Milburg)	9,185	1,187	538	340	174	61	15	18	25
Bessemer	4,583	2,144	1,260	427	426	117	47	11	17
Calumet (includes activities at Centennial, Centennial Heights, Kearsarge, Osceola, Tamarack, and Wolverine; exclusive of Laurium and Red Jacket)	20,097				632	206	90	65	77
Laurium	8,537	2,617	1,263	825					
Red Jacket	4,211	1,953	1,151	357					
Crystal Falls	3,775	1,501	818	358	274	73	12	6	1
Detroit	465,766	156,565	75,323	32,891	14,229	2,663	1,909	654	746
Diorite									
Dodgeville									
Dowagiac	5,088	471	263	88	12	6		3	3
Escanaba (includes activities at North Escanaba and Wells)	13,194	4,095	2,236	1,365	165	48	11	6	7
Flint	38,550	6,662	3,628	1,579	811	83	65	22	12
Gladstone	4,211	1,423	753	352			56		
Grand Haven (includes activities at Ferrysburg and Spring Lake)	5,856	1,364	665	393	92	40	7	2	2
Grand Rapids	112,571	28,335	13,689	7,758	877	269	124	174	155
Gwynn (includes activities at Austin and Princeton)								1	
Hancock (includes activities at Franklin Mine and Quincy Mine)	8,981	3,162	1,611	786			46	31	34
Hemlock									
Highland Park (includes activities at Greenfield)	4,120	915	404	247			8	10	12
Hamtramck	3,559	1,261	568	262					
Holland	10,490	2,465	1,162	764			17	4	2
Ionia	5,030	744	366	268	82	17	1	3	1
Iron Mountain	9,216	3,741	1,878	1,208	115	90	16	5	11
Iron River	2,450						14	27	19
Ironwood	12,821	6,234	3,651	1,259			78	31	48
Ishpeming	12,448	4,732	2,478	1,550			29	3	13
Jackson	31,433	4,307	2,182	1,180	254	32	19	12	19
Kalamazoo (includes activities at Comstock, Galesburg, Plainwell, Schoolcraft, and Vicksburg)	39,437	6,857	3,149	1,505	187	74	28	27	29
Lansing (includes activities an Bath, DeWitt, Dimondale, Haslett, Holt, and Masons)	31,229	3,973	2,006	1,029	524	42	43	11	15
St. Johns	3,154	192	97	55					
Loretto (includes activities at Waucedah							2		

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Michigan—Continued.									
Manistee (includes activities at East Lake, File City, and Oak Hill)	12,381	3,610	1,828	1,480	39	21	7		
Marquette	11,503	3,574	1,930	1,117	249	135	12	10	9
Mohawk (includes activities at Ahmeek and Allouez)					39	21	3		
Monroe (includes activities at Erie and La Salle)	6,893	828	458	188	53	13		2	2
Muskegon (includes activities at Fruitport and Muskegon Heights)	24,062	6,252	3,092	2,070	216	34	22	10	10
Negaunee	8,460	3,862	2,207	869			32	48	46
Owosso (includes activities at Corunna, Morrice, and Perry)	9,639	1,352	674	398	98	18		5	4
Painesdale								8	7
Pontiac	14,532	2,683	1,290	619	274	48			
Port Huron (includes activities at North Port Huron, Salt Block, and Upton Works)	18,863	5,979	2,541	1,917	187	24		1	1
River Rouge (includes activities at Ecorse, Ford City, and Navarre)	4,163	1,227	581	284			5	2	3
Saginaw (includes activities at Birch Run, Bridgeport, Burt, Carrollton, Chesaning, Fosters, Freeland, Merrill, Oakley, Swan Creek, and Zilwaukee)	50,510	11,701	5,584	3,799	339	108	42	14	36
Saginaw West Side							12	8	11
St. Charles	1,451								
Scottville (includes activities at Amber and Custer)	891				19	12	3		
Stambaugh (includes activities at New Caspian and Palatka)	1,322						19	7	3
Traverse City	12,115	2,009	1,042	634	16	9		1	1
Ypsilanti (includes activities at Saline and Wayne)	6,230	614	251	155	164	98		1	1
Minnesota:									
Albert Lee (includes activities at Alden, Armstrong, Clarks Grove, Glenville, Hayward, and Manchester)	6,192	1,192	591	337	61	44	1	2	
Aurora (includes activities at Adriatic, Messaba, and Stevens)	1,919						1	8	6
Austin (includes activities at Brownsdale, Lansing, Lyle, Oakland, and Waltham)	6,960	1,128	615	342	41	13	1	4	2
Bemidji	5,099	1,056	670	401	90	76	2	4	2
Biwabik (includes activities at Pineville)	1,690						3	9	9
Brainerd (includes activities at Barrows)	8,526	2,164	1,122	796	58	38	13	7	5
Buhl	1,005							7	4
Chisholm (includes activities at Hartley, Monroe Location, Myers, and Shenango)	7,684	4,469	2,936	551			13	25	27
Clementson							2	12	7
Cloquet	7,031	2,959	1,794	753	61	24			
Coleraine (includes activities at Bovey, Calumet, Marble, and Taconite)	1,613						5	4	2
Crosby (includes activities at Deerwood and Ironton)							7	10	7
Duluth	78,466	30,652	17,663	8,359	3,360	703	146	140	140
Dunbar								3	2
East Grand Forks	2,533	773	422	220	63	44	1	4	2
Grand Forks, N. Dak	12,478	3,607	1,756	929					
Ely (includes activities at Winton)	3,572	1,713	995	377			8	15	12
Eveleth	7,036	3,761	2,328	679			13	16	14
Fairmont	2,958	392	198	169	40	20	2	1	2
Faribault	9,001	1,443	695	445	40	17	5	4	2
Fergus Falls (includes activities at Battle Lake, Pelican Rapids, Rothsay, and Underwood)	6,887	2,418	1,288	494	73	54	4	9	8
Gilbert (includes activities at Elba, Genoa Mining Location, McKinley, and Sparta)	1,700						13	11	15
Graceton									
Grand Rapids	2,230				103	57	2	3	1
Hibbing (includes activities at Alice, Brooklyn, Carson Lake, Dupond, Glenn, Kittsville, Lamberton, Latonia, Mace, Mahoning, Mabel Hill, Mitchell, Morton, Penobscot, Pool, and Stevenson)	8,832	4,342	2,879	730			13	15	17
Homestead									
International Falls	1,487				90	30	12	7	5
Keewatin (includes activities at Bennet Mine, Bray Location, and St. Paul Location)	695						1		
Kettle River									
Kinney (includes activities at Lucknow, Sharon, and Spina							2	6	4
Linford									
Little Falls	6,078	1,300	638	522	31	20	4	1	1
Little Marais									
Little Swan									
Mankato (includes activities at Eagle Lake, Kasota, Lake Crystal, and North Mankato)	10,365	2,070	1,018	814	91	33	9	6	4
St. Peter	4,176	1,260	635	254					
Minneapolis (includes activities at Robbinsdale and St. Louis Park)	301,408	85,938	45,159	23,462	2,473	841	480	356	355
Montevideo	3,056	571	304	177	36	15	1	1	2
Moorhead	4,840	1,384	751	458	51	23			
Mountain Iron (includes activities at Costin, Ellis, Hopper, Kinross, Leonidas Mine, and Parkville)	1,343						4	5	7
Nashwauk	2,080						5	4	3
Owatonna (includes activities at Bixby, Havana, Hope, Medford, Meriden, Merton, and Pratt)	5,658	1,104	520	400	36	9	4	2	1
Rosey									
St. Cloud (includes activities at Sauk Rapids and White Park)	10,600	2,024	1,103	675			5	4	5
St. Paul (includes activities at North St. Paul)	214,744	56,524	29,048	17,071	1,709	483	146	140	126
Section Thirty									
South St. Paul	4,510	1,723	934	423	24	15	2	8	5
Stillwater (includes activities at Oak Park and South Stillwater)	10,198	2,774	1,578	1,151	25	19	3	4	5
Tofte									
Trout Lake									
Two Harbors	4,990	2,114	1,265	466	297	37	10	9	4
Virginia (includes activities at Franklin and Northside)	10,473	5,340	3,397	958			17	27	22
Winger	728								
Winona	18,583	3,858	1,929	1,586	60	19	15	4	2
Williams									
Wilmar	4,135	1,281	631	434	34	28		4	
Wrenshall (includes activities at Banker, Carlton, Huson, and Wingate)	755								
Wright									
Mississippi:									
Greenville	9,610	296	185	86					
Gulfport	6,386	269	164	64			6		

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Missouri:									
Cape Girardeau	8,475	375	208	162	7	2	.....	.....	.....
Ilasco									
Kansas City (includes activities at North Kansas City)	248,381	25,327	13,052	6,953	1,050	204	184	101	156
Independence	9,859	412	203	116	.....	.....	.....	.....	.....
Rosedale, Kans	5,960	470	228	173	.....	.....	.....	.....	.....
St. Joseph	77,403	8,113	4,281	2,256	246	39	476	5	11
St. Louis	687,029	125,706	63,440	33,081	6,827	968	1,038	377	612
Maplewood	4,976	505	267	191	.....	.....	.....	.....	.....
Sedalia	17,822	801	413	225	2	.....	8	1	3
Montana:									
Great Falls	13,948	3,662	1,943	1,018	446	33	.....	16	9
Lewistown (includes activities at Glengarry, Hilger, Moore, and South Lewistown)	2,992	411	219	123	137	28	63	4	11
Miles City	4,697	852	555	166	192	14	61	10	4
Missoula	12,869	2,997	2,020	785	87	7	.....	1	.....
Red Lodge	4,860	2,099	1,314	420	53	12	3	8	7
Nebraska:									
Elyria					24	10	.....	.....	.....
Fremont	8,718	1,369	686	457	78	47	81	2	2
Grand Island	10,326	1,561	869	541	80	12	90	.....	2
Hebron	1,778				17	13	.....	.....	.....
Lincoln	43,973	7,200	3,101	1,372	227	98	25	18	29
Norfolk	6,025	799	422	162	45	17	.....	.....	.....
Omaha (includes activities at Florence)	124,096	27,068	13,788	7,079	2,315	386	919	109	574
Benson	3,170	484	237	155	.....	.....	.....	.....	.....
South Omaha	26,259	7,834	4,377	1,956	.....	.....	.....	.....	.....
Schuyler	2,152	.....	.....	.....	89	29	30	1	1
Wilber	1,219	.....	.....	.....	63	26	.....	.....	.....
Nevada:									
Reno	10,867	2,059	1,239	591	95	23	140	13	9
Sparks	2,500	522	338	113	.....	.....	.....	.....	.....
New Hampshire:									
Berlin (includes activities at Gorham and Milan)	11,780	5,082	2,378	768	282	65	.....	36	26
Claremont	7,529	1,819	731	298	53	23	1	7	7
Concord (includes activities at Penacook)	21,497	4,309	1,984	962	310	50	9	21	14
Pembroke	3,062	878	358	230	.....	.....	.....	.....	.....
Dover (includes activities at Durham, Elliot, Madbury, and Rollinsford)	13,247	3,206	1,475	747	137	39	4	11	2
Newmarket	3,348	1,340	497	106	.....	.....	.....	.....	.....
East Jaffrey					.....	.....	2	.....	.....
Franklin (includes activities at Northfield and Sanbornton)	6,132	1,613	596	262	.....	.....	1	.....	.....
Jaffrey	1,895	.....	.....	.....	103	17	19	2	15
Lebanon	5,718	961	395	153	.....	.....	.....	1	1
Manchester (includes activities at Auburn, Bedford, Bow, Candia, Chester, Grassmere, Hookset, and Weare)	70,063	29,692	11,486	4,566	694	285	40	108	84
Goffstown	2,579	515	265	66	.....	.....	.....	.....	.....
Nashua	26,005	8,957	3,748	1,190	.....	.....	43	40	49
Portsmouth	11,269	2,138	975	514	120	62	.....	2	1
Salem (includes activities at Hampshire)	2,117	.....	.....	.....	.....	.....	.....	.....	.....
Tilton	1,866	.....	.....	.....	95	10	2	.....	2
New Jersey:									
Atlantic City (includes activities at Ventnor City)	46,150	6,400	2,996	1,170	477	138	45	58	44
Pleasantville	4,390	304	170	55	.....	.....	.....	.....	.....
Bayonne	55,545	20,522	10,109	3,364	.....	.....	69	110	112
Bernardsville					.....	.....	6	3	5
Bloomfield	15,070	3,359	1,544	808	.....	.....	2	9	7
East Orange	34,371	5,677	2,079	1,187	.....	.....	.....	.....	.....
Boonton	4,930	1,090	505	207	.....	.....	6	.....	.....
Bordentown (includes activities at Roebling and White House)	4,250	349	162	63	244	64	3	.....	2
Bound Brook	3,970	1,242	606	212	289	49	5	5	4
Carneys Point					120	17	.....	.....	.....
Cranford	3,641	.....	.....	.....	.....	.....	.....	.....	.....
Dover (includes activities at Bowlbyville, Denville, Kenvil, Mill Brook, Mine Hill, Rockaway, and Succasunna)	7,468	1,313	667	385	.....	.....	10	4	4
Wharton	2,983	1,133	732	169	.....	.....	.....	.....	.....
East Newark	3,163	1,215	546	255	.....	.....	1	2	3
East Rutherford (includes activities at Lyndhurst)	4,275	1,187	561	297	.....	.....	.....	.....	.....
Carlstadt	3,807	1,272	591	331	.....	.....	.....	.....	.....
Wallington	3,448	1,365	618	199	.....	.....	.....	.....	.....
Elizabeth	73,409	23,894	11,713	5,036	1,757	494	77	68	80
Englewood	9,924	2,500	950	422	.....	.....	15	2	5
Florence	4,731	.....	.....	.....	.....	.....	.....	.....	.....
Hackensack (including activities at Bogota, Maywood, North Hackensack, Oradell, Teaneck, and Woodridge	14,050	3,255	1,473	564	1,347	420	28	12	14
Harrison	14,498	5,257	2,503	1,046	.....	.....	39	39	39
Hoboken	70,324	27,668	13,562	5,796	.....	.....	92	100	93
Irvington	11,877	2,480	1,192	737	.....	.....	58	.....	.....
Jersey City	267,779	77,697	37,707	16,556	6,738	2,082	288	305	340
Kearney (includes activities at Arlington and North Arlington)	18,659	6,024	2,888	1,430	.....	.....	17	31	33
Leonia (includes activities at Palisade Park and Ridgefield)	1,486	.....	.....	.....	.....	.....	.....	.....	.....
Edgewater	2,655	921	492	138	.....	.....	.....	.....	.....
Fort Lee	4,472	1,264	636	325	.....	.....	.....	.....	.....
Long Branch	13,298	2,529	1,250	496	324	90	15	20	24
Montclair (includes activities at Caldwell, Cedar Grove, Essex Falls, and Verona)	21,550	5,141	2,023	771	.....	.....	4	10	6
West Orange	10,980	2,850	1,336	628	.....	.....	.....	.....	.....
Morristown	12,507	2,657	1,115	562	453	114	12	11	8
Newark	347,469	110,655	49,674	21,427	4,190	1,470	312	272	197
New Brunswick	23,388	6,048	2,278	846	2,166	451	32	44	50
Orange	29,630	8,069	3,660	1,822	.....	.....	70	39	41
Park Ridge	1,401	.....	.....	.....	.....	.....	2	.....	.....
Passaic	54,773	28,467	10,920	2,967	.....	.....	40	53	61
Paterson (includes activities at North Paterson and Totowa)	125,600	45,398	20,182	9,817	1,477	619	96	157	156
Haledon	2,560	1,041	476	288	.....	.....	.....	.....	.....
Hawthorne	3,400	953	442	218	.....	.....	.....	.....	.....
Prospect Park	2,719	1,214	512	228	.....	.....	.....	.....	.....
Perth Amboy (includes activities at Fords, Keasbey, Sewaren, and Woodbridge)	32,121	14,288	7,201	2,231	.....	.....	.....	12	8

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalizaton papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
New Jersey—Continued.									
Plainfield	20,550	4,144	1,670	830			9	7	10
Rahway	9,337	1,659	840	407			3	2	3
Red Bank (includes activities at Eatontown, Fairhaven, Little Silver, and Shrewsbury)	7,398	993	457	175			11	4	9
Ridgewood	5,416	768	316	162			4	3	6
Summit (includes activities at Chatham, Millburn, New Providence, Short Hills, and Springfield)	7,500	2,024	769	349			15	2	7
Tenafly	2,756	803	362	146					
Town of Union (includes activity at Weehawken)	21,023	6,665	3,133	1,723			66	46	55
Trenton	96,815	26,310	12,938	5,253	1,605	401	205	204	283
Westfield	6,420	1,057	471	232			8	3	2
West Hoboken (includes activities at North Bergen)	35,403	13,713	6,177	2,905			32	49	52
West New York (includes activities at Union Hill)	13,560	3,556	1,712	920			12	25	29
Guttenberg	5,647	2,187	1,104	452					
Woodbine	2,399				53	21	1		1
New Mexico:									
Albuquerque (includes activities at Baralas, Martinez Town, and Old Albuquerque)	11,020	1,269	624	430	31	12	5	3	2
Santa Fe	5,072	196	108	70	15	3			
New York:									
Albany (includes activities at West Albany)	100,253	18,165	8,192	4,827	842	249	57	99	61
Albion (includes activities at Fancher and Hulberton)	5,016	995	454	327	135	45	66	6	3
Amsterdam (includes activities at Cranesville, Fort Johnson, and Hagaman)	31,267	10,624	4,691	1,808	596	86	57	26	51
Auburn (includes activities at Aurelius, Fleming, Melrose Park, Owasco, Port Byron, Sennett, Skaneateles, and Throop)	34,668	7,620	3,788	1,743	402	89	28	41	40
Ballston Spa	4,138	604	300	152	182	51		2	2
Batavia	11,613	2,133	1,026	474	111	25	4	5	6
Binghamton (includes activities at Endicott, Johnson City, and Union)	48,443	7,389	3,310	1,260	627	106	36	43	47
Buffalo (includes activities at Cheektowaga and Sloan)	423,715	118,444	56,337	29,409	4,897	1,556	341	309	442
Carthage	3,563	483	266	83			6	5	5
Cohoes	24,709	7,373	2,990	1,605			15	8	13
Corning	13,730	1,795	896	486	220	58	3	18	7
Depew	3,921	1,913	1,192	223			6	10	9
Lancaster	4,364	727	385	175					
Dunkirk	17,221	5,146	2,548	1,067			33	11	41
Fredonia	5,285	1,187	536	268					
Ellenville (includes activities at Greenfield and Napanoch)	3,114	316	157	112	187	77			
Elmira (includes activities at Horseheads and Wellsburg)	37,176	5,259	2,494	1,648	188	64	4	22	14
Elmira Heights	2,732	325	155	76			3	2	1
Geneva	12,446	2,215	1,050	635	138	43	10	7	7
Gloversville	20,642	4,008	1,777	829	364	84	34	41	23
Hornell	13,617	1,272	627	450					
Hudson (includes activities at Stottville)	11,417	2,209	1,142	336	141	43	3	11	6
Huntington	12,004				509	150	5	11	13
Ithaca	14,802	1,589	723	374	96	27	4	16	8
Jamestown (includes activities at Celeron, Falconer, Frewsburg, and Lakewood)	31,297	10,612	5,035	2,741	308	144	31	59	53
Lansingburg									
Little Falls	12,273	3,915	1,832	581	378	90	25	18	28
Lockport	17,970	3,235	1,558	887	762	199	7	12	10
Lyons	4,460	808	387	266	172	89	42	6	5
Malone	6,467	819	346	205	79	19			
Mamaroneck	5,699	1,641	781	344			12	8	10
Mechanicville (includes activities at Stillwater)	6,634	1,343	699	268			2	3	2
Medina (includes activities at Knowlesville and Middleport)	5,683	1,058	553	300			3	6	
Mount Vernon (includes activities at Bronxville and Pelham)	30,919	8,029	3,612	1,950			23	35	37
Tuckahoe	2,722	1,140	543	202					
Newark	6,227	759	325	176				14	10
Newburgh	27,805	4,823	2,241	1,125	465	209	9	19	21
New Rochelle	28,867	8,677	4,000	1,979			27	36	35
New York	4,766,883	1,927,703	828,793	318,091	82,009	27,077	2,807	9,162	6,192
Niagara Falls (includes activities at La Salle)	30,445	12,064	*5,755	2,082			83	130	120
North Tonawanda	11,955	3,628	1,887	765			10	5	5
Tonawanda	8,290	1,854	948	573					
Olean	14,743	2,424	1,184	641	410	78	23	10	17
Oneida	8,317	876	422	234	99	22	9	2	2
Oneonta	9,491	741	428	200	47	15			
Poughkeepsie	27,936	4,534	2,122	994	504	168	28	45	34
Rochester (includes activities at Irondequoit, Brighton, Chili, Clarkson, Gates, Greece, Hamlin, Henrietta, Mendon, Ogden, Parma, Penfield, Perinton, Pittsford, Riga, Rush, Sweden, Webster, and Wheatland)	218,149	58,993	27,067	13,003	2,937	891	387	384	392
Rockville Center (includes activities at East Rockaway, Lynbrook, Malverne, and Oceanside)	3,667	420	209	133	1,039	294	1	4	5
Rome	20,497	4,114	2,254	869					
Schenectady (includes activities at Alplaus, Glenville, Niskayuna, and South Schenectady)	72,826	18,631	9,562	3,856	850	275	80	88	99
Scotia	2,957	374	186	105					
Shaleton									
Solvay	5,139	1,663	946	342			9	7	8
Syracuse (includes activities at East Sycamore, Eastwood, Liverpool, and Onondaga Valley)	137,249	30,781	14,944	7,036	1,395	347	89	87	88
Troy	76,813	15,432	6,554	4,388	357	115	29	33	35
Green Island	4,737	867	393	202					
Watervliet	15,074	2,750	1,226	667					
Utica (includes activities at Capron, Deerfield, New Hartford, New York Mills, and Whitesboro)	74,419	21,308	9,341	4,326	1,402	274	36	50	54
Watertown (includes activities at Brownville)	26,730	6,268	2,798	1,050	661	86	33	12	25
Westbury								1	1
White Plains (includes activities at Elmsford, Hartsdale, Kensico, Purchase, Scarsdale, and Valhalla)	15,949	3,898	1,914	777			26	33	37
Yonkers	79,803	26,590	12,295	5,629	3,249	1,131	52	145	118
North Carolina:									
Concord (includes activities at Kannapolis)	8,715	21	14	7	5	1			
North Dakota:									
Bismarck	5,443	965	514	301	56	15	13	4	3
Devils Lake	5,157	1,236	652	255	67	17	8	5	2

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
North Dakota—Continued.									
Dickinson	3,678	1,015	530	239	74	40	.....	9	7
Edgeley (includes activities at Berlin, Judd, and Medbury)	749	.....	.....	.....	53	11	.....	1	1
Fargo	14,331	3,200	1,669	1,011	171	57	16	21	11
Harvey	1,443	.....	.....	.....	.....	.....	.....	.....	.....
Jamestown	4,358	878	426	203	97	25	2	5	4
Kulm	645	.....	.....	.....	.....	.....	.....	.....	.....
LaMoure	929	.....	.....	.....	.....	.....	.....	.....	.....
Mandan	3,873	1,293	739	276	64	37	.....	.....	.....
Medina	343	.....	.....	.....	.....	.....	.....	.....	.....
Minot	6,188	1,150	587	325	187	22	.....	.....	.....
New Salem	621	.....	.....	.....	.....	.....	18	.....	.....
South Heart	.....	.....	.....	.....	.....	.....	.....	.....	.....
Valley City	4,606	1,072	540	317	81	22	3	3	1
Williston	3,124	653	364	171	82	49	57	.....	.....
Ohio:									
Akron (includes activities at Kenmore)	69,067	13,241	7,051	2,459	1,156	217	1,526	131	48
Barberton	9,410	2,829	1,723	222	.....	.....	.....	.....	.....
Cuyahoga Falls	4,020	470	246	129	.....	.....	.....	.....	.....
Alliance	15,083	2,659	1,606	350	.....	.....	14	10	13
Ashtabula	18,296	4,710	2,382	1,108	178	66	12	29	25
Bucyrus	8,122	872	489	255	27	6	.....	.....	.....
Byesville	3,156	332	181	85	111	45	2	6	7
Canton (includes activities at New Berlin, North Industry, and Osnaburg)	50,217	8,648	5,010	2,005	517	131	34	60	61
Chillicothe	14,508	618	290	181	1	1	.....	1	1
Cincinnati	363,591	56,792	23,723	17,253	1,766	544	335	257	184
Cleveland (includes activities at Euclid, Royalton, Shaker Heights, and West Park)	560,663	195,703	94,431	40,482	15,040	2,922	1,055	1,290	1,267
Cleveland Heights	2,955	692	257	132	.....	.....	.....	.....	.....
East Cleveland	9,179	1,418	557	397	.....	.....	.....	.....	.....
Lakewood	15,181	3,916	1,938	791	.....	.....	.....	.....	.....
Newberg	5,813	2,010	911	539	.....	.....	.....	.....	.....
Columbus	181,511	16,285	8,487	4,453	393	119	31	38	30
Conneaut (includes activities at Amboy, East Conneaut, and North Conneaut)	8,319	1,533	793	326	.....	.....	.....	2	1
Dayton	116,577	13,847	7,303	3,451	477	139	44	51	55
East Youngstown (includes activities at Hazletown and Lowellville)	4,972	3,866	2,814	107	1,292	360	154	38	38
Elyria	14,825	3,061	1,709	556	1,038	122	13	9	15
Forsythe	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fremont	9,939	1,057	516	385	48	10	7	6	8
Hamilton (includes activities at Coke Otto, Fairfield Township, St. Clair Township, and Symmes)	35,279	3,309	1,703	1,042	224	38	3	6	5
Leetonia	2,665	647	375	103	.....	.....	1	1	1
Lisbon	3,084	261	158	61	171	59	2	.....	.....
Loraine	28,883	10,929	6,216	1,496	.....	.....	.....	23	20
Martins Ferry	9,133	1,540	787	348	445	131	3	5	6
Miamisburg	4,271	196	103	85	.....	.....	.....	.....	.....
Niles	8,361	2,502	1,437	399	258	55	4	8	5
Painesville	5,501	595	294	138	77	24	20	1	1
Piqua (includes activities at Bradford, Covington, Fletcher, Pleasant Hill, and West Milton)	13,388	752	379	195	33	7	3	1	2
Troy	6,122	179	88	59	.....	.....	.....	.....	.....
Robins	.....	.....	.....	.....	.....	.....	.....	.....	.....
Salem (includes activities at Beloit, Green, and Washingtonville)	8,943	1,239	703	234	.....	.....	48	3	3
Springfield (includes activities at Cold Springs)	46,921	3,156	1,662	916	56	10	4	5	3
Steubenville	22,391	5,214	3,103	589	431	102	14	12	9
Struthers	3,370	1,055	606	109	.....	.....	12	1	7
Tiffin	11,894	944	455	313	31	10	8	.....	.....
Toledo	168,497	32,037	15,826	8,752	1,887	328	323	186	182
Warren	11,081	1,352	667	275	.....	.....	4	2	1
Youngstown	79,066	24,860	14,027	4,268	.....	.....	91	47	61
Oklahoma:									
Bartlesville (includes activities at Dewey and Smeltertown)	6,181	199	128	79	20	5	2	2	3
Coalgate	3,255	556	305	143	28	7	.....	.....	.....
Hartshorne	2,963	411	225	55	41	11	.....	.....	.....
Henryetta	1,671	.....	.....	.....	16	13	.....	.....	.....
Hugo	4,582	52	35	22	3	4	1	1	1
Lehigh (includes activities at Midway and Phillips)	1,880	.....	.....	.....	.....	.....	.....	1	1
Moore	225	.....	.....	.....	1	1	.....	.....	.....
Tulsa	18,182	412	245	105	.....	.....	2	1	1
Wilburton	2,277	.....	.....	.....	13	11	.....	1	1
Oregon:									
Astoria (includes activities at Hammond and Warrenton)	9,599	4,088	2,562	1,172	130	62	13	41	15
Portland	207,214	43,780	25,230	11,251	1,314	710	184	383	284
Pennsylvania:									
Allentown	51,913	6,234	2,705	904	611	126	42	24	27
Altoona (includes activities at Logan Township)	52,127	5,212	2,757	1,083	227	91	28	41	36
Holidaysburg	3,734	138	76	35	.....	.....	.....	.....	.....
Juniata	5,285	206	117	44	.....	.....	.....	.....	.....
Barnesboro (includes activities at Cymbria Mines, Elmora, Emeigh, Garman, Marstellar, and Saxman	3,535	1,149	612	277	.....	.....	6	3	4
Spangler	2,700	647	337	116	.....	.....	.....	.....	.....
Beaver Falls	12,191	2,851	1,657	396	464	88	14	5	8
Berwick	5,357	365	218	43	71	16	.....	.....	.....
West Berwick	5,512	2,031	1,258	80	.....	.....	.....	.....	.....
Bethlehem (includes activities at Freemansburg and North Bethlehem)	12,837	797	378	233	767	130	.....	2	1
Braddock	19,357	7,299	4,103	929	.....	.....	79	43	60
Bradford (includes activities at Custer City, Dagolia, Derrick City, Gilmer, and Lewis Run)	14,544	2,180	1,046	600	72	35	2	6	7
Butler	20,728	3,510	2,050	380	381	92	129	2	2
Carrick Station, Pittsburgh	6,117	924	454	329	.....	.....	.....	.....	.....
Chambersburg	11,800	172	87	60	9	5	1	3	2
Charleroi	9,615	3,356	1,679	448	199	22	4	9	9
Chester	38,537	6,673	3,476	1,137	659	151	31	35	22
Connellsville (includes activities at South Connellsville)	12,845	1,587	793	343	.....	.....	3	10	9
Corry	5,991	569	283	114	.....	.....	1	.....	.....
Dubois (includes activities at Big Run, Falls Creek, and Sandy Township)	12,623	2,122	1,128	540	347	142	3	11	9

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Pennsylvania—Continued.									
Duquesne	15,727	6,381	3,604	760	.....	.....	26	26	33
East Lebanon	.....	.....	.....	.....	.....	.....	.....	.....	.....
Easton (includes activities at Glendon, Redington, West Easton, Williams Township)	28,523	3,122	1,452	646	.....	.....	29	23	17
East Pittsburgh	5,615	.....	.....	.....	.....	.....	.....	16	14
Eddystone	1,167	.....	.....	.....	.....	.....	.....	1	.....
Ellsworth	2,084	.....	.....	.....	.....	.....	70	.....	.....
Ellwood City (includes activities at Hazel Dell and Wurtemburg)	3,902	1,067	686	125	.....	.....	7	10	12
Erie (includes activities at Lawrence Park and Wesleyville)	66,525	14,943	7,562	3,348	546	176	42	54	68
Farrell	.....	.....	.....	.....	.....	.....	10	1	.....
Ford City (includes activities at Cadogen and Manorville)	4,850	2,314	1,361	256	286	104	22	23	29
Girardville	4,396	988	568	248	754	438	6	.....	.....
Glenlyon	.....	.....	.....	.....	.....	.....	.....	.....	.....
Greenville	5,909	373	203	88	.....	.....	7	.....	1
Harrisburg	64,186	4,134	1,979	917	.....	.....	6	4	6
Hazleton (includes activities at Hazle Township)	25,452	5,994	2,972	1,457	.....	.....	23	22	32
Indiana	5,749	214	113	33	230	56	5	3	1
Jeannette (includes activities at Grapeville and Penn Manor)	8,077	1,774	914	312	1,034	416	10	10	10
Jenkins Township (includes activities at Inkerman)	4,196	.....	.....	.....	.....	.....	.....	16	12
Johnstown (includes activities at Conemaugh, Dale, Ferndale, and Franklin)	55,482	15,316	9,225	1,621	900	344	142	46	44
Kingston	6,449	1,884	1,005	369	.....	.....	12	19	22
Kittanning	4,311	353	195	77	259	112	.....	.....	.....
Lancaster	47,227	3,203	1,472	1,028	77	36	14	23	25
Lansford	8,321	3,154	1,833	325	240	92	26	10	23
Larksville	9,288	3,099	1,646	645	.....	.....	6	10	14
Lebanon (includes activities at Lebanon Independent Borough, North Cornwall Township, South Lebanon, and West Lebanon)	19,240	1,254	750	205	55	6	10	2	4
Lehighton	5,316	344	209	67	.....	.....	.....	.....	.....
McKeesport (includes activities at Dravosburg, Elizabeth Township, Port Vue, and Versailles)	42,694	12,631	6,551	2,548	.....	.....	48	44	60
Maltby	.....	.....	.....	.....	.....	.....	.....	.....	.....
Midlands	1,244	.....	.....	.....	.....	.....	.....	1	1
Monessen (includes activities at Rostraver Township)	11,775	5,475	3,210	462	.....	.....	30	71	62
Monongahela City (includes activities at Courtney, Finleyville, Hazel Kirk, Milesville, Manown Mines, and Sunny Side)	7,598	1,487	795	272	.....	.....	14	8	9
Mount Carmel (includes activities at Atlas, Diamondtown, Keiser, and Kulpmont)	17,532	4,927	2,727	1,286	209	110	18	17	13
Mount Oliver Station	4,241	672	328	270	.....	.....	.....	3	3
Mount Pleasant (includes activities at Moorwood and Standard)	5,812	1,107	583	219	.....	.....	48	16	19
Bridgeport	3,860	853	376	117	.....	.....	.....	.....	.....
Nanticoke	18,877	7,187	3,923	1,935	.....	.....	59	35	54
New Brighton	8,329	865	482	148	.....	.....	3	3	4
New Castle	36,280	8,620	4,707	1,326	401	64	16	19	21
New Kensington	7,707	2,376	1,389	227	.....	.....	18	23	19
Norristown	27,875	4,015	1,691	477	447	105	25	19	16
Oakdale	1,353	.....	.....	.....	.....	.....	38	5	2
Old Forge	11,324	5,168	2,741	897	.....	.....	12	23	24
Parsons	4,338	1,216	656	325	.....	.....	1	.....	.....
Philadelphia (includes activities at Germantown)	1,549,008	382,578	167,072	69,415	14,906	4,490	1,664	1,396	1,686
Pittsburgh	533,905	140,436	70,148	28,797	12,295	3,626	442	508	451
Aspinwall	2,592	225	101	82	.....	.....	.....	.....	.....
Bellevue	6,223	656	261	136	.....	.....	.....	.....	.....
Crafton	4,583	451	184	118	.....	.....	.....	.....	.....
Homestead	18,713	7,068	3,942	835	.....	.....	.....	.....	.....
Portage	2,954	805	393	146	.....	.....	172	.....	.....
Presston (includes activities at Pittock and Stow Township)	.....	.....	.....	.....	.....	.....	.....	.....	.....
McKees Rocks	14,702	6,068	3,617	632	.....	.....	.....	.....	.....
Ramey	1,045	.....	.....	.....	.....	.....	.....	.....	.....
Reading	96,071	8,812	4,528	1,430	385	81	29	36	27
St. Clair	6,455	1,827	1,103	243	.....	.....	3	.....	.....
St. Marys	6,346	780	431	208	120	19	31	.....	1
Scranton	129,867	35,112	17,461	7,930	1,643	973	117	151	158
Shamokin	19,588	2,788	1,517	867	.....	.....	16	17	12
Sharon	15,270	3,819	2,249	519	.....	.....	8	.....	3
Sharpsville	3,634	892	543	72	.....	.....	8	.....	.....
South Bethlehem	19,973	8,362	4,423	655	.....	.....	10	12	10
Tamaqua	9,462	753	392	203	.....	.....	.....	1	.....
Tarentum (includes activities at Creighton, East Deer Township, Glassmere, and Hite)	7,414	1,677	891	337	.....	.....	.....	2	2
Brackenridge Borough	3,134	455	249	1	.....	.....	.....	.....	.....
Taylor	9,060	3,369	1,796	652	.....	.....	.....	.....	.....
Throop	5,133	2,361	1,213	545	.....	.....	.....	.....	.....
Titusville	8,533	1,554	805	452	77	19	1	4	2
Trafford City	1,959	.....	.....	.....	.....	.....	39	4	1
Uniontown	13,344	1,447	717	243	1,157	379	28	21	29
Warren	11,080	2,035	951	583	77	37	7	4	2
West Hazleton	4,715	1,556	802	282	.....	.....	2	3	4
Wheatland	955	.....	.....	.....	.....	.....	4	.....	1
Wilkes-Barre	67,105	16,078	7,899	3,754	2,449	926	82	57	76
Williamsport (includes activities at Newberry)	31,860	2,332	1,153	723	53	24	1	4	3
Woodlawn	1,395	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island:									
Bristol	8,565	2,951	1,203	419	.....	.....	.....	1	1
Burrillville (includes activities at Harrisville, Mapleville, and Masonville)	7,878	2,454	1,090	528	.....	.....	.....	1	1
Central Falls	22,754	10,664	4,391	1,870	.....	.....	58	69	91
Coventry	5,848	1,346	513	217	247	20	.....	2	2
Cranston	21,107	5,674	2,646	1,310	.....	.....	2	8	7
Cumberland (includes activities at Ashton, Lonsdale, Manville, and Valley Falls)	10,107	3,678	1,569	787	.....	.....	.....	1	.....
Lincoln	9,825	4,181	1,687	780	.....	.....	.....	2	2
Newport (includes activities at Jamestown and Middletown)	27,149	6,256	2,925	1,672	428	111	42	31	27
Portsmouth	2,681	770	384	74	.....	.....	.....	.....	.....
Pascoag	.....	.....	.....	.....	.....	.....	.....	.....	.....
Providence	224,326	76,303	32,863	12,988	5,955	1,537	237	293	349
East Providence	15,808	3,380	1,595	681	.....	.....	.....	.....	.....
Johnston	5,935	2,313	981	379	.....	.....	.....	.....	.....

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Rhode Island—Continued.									
Warren	6,585	2,303	1,011	383				2	
Westerly (includes activities at Ashaway, Bradford, and Stonington)	8,696	2,347	985	410	186	85	5	7	7
Woonsocket	38,125	16,539	6,540	2,300			17	18	24
South Carolina:									
Columbia	26,319	446	227	103	12	2		2	1
South Dakota:									
Aberdeen	10,753	1,865	897	509	107	22	104	7	4
Huron	5,791	822	498	216	41	10	47	2	8
Irene	263								
Lead (includes activities at Central, Terraville, Terry, and Trojan)	8,392	2,336	1,447	547	121	106	77	29	33
Sioux Falls	14,094	2,215	1,119	658	144	13	14	5	2
Vermilion	2,187				23	15			
Yankton	3,787	791	355	248	43	15	10	1	2
Tennessee:									
Memphis	131,105	6,467	3,403	1,664	186	54	44	31	33
Nashville	110,364	2,993	1,436	951	132	35	3	6	3
Texas:									
Dallas	92,104	5,219	2,811	1,501	254	91	7	19	10
Galveston	36,981	6,164	3,503	1,962	392	123	35	9	12
Houston	78,800	6,318	3,466	1,754	435	165	21	37	29
San Antonio	96,614	17,407	7,354	3,114	381	206	21	31	27
Victoria	3,673	329	156	98	30	10			
Utah:									
Logan	7,522	1,518	656	399	41	35		1	
Park City	2,439	725	394	307	17	6			
Salt Lake City (includes activities at Midvale)	92,777	19,035	8,675	4,335	864	257	44	67	60
Murray	4,057	1,303	703	236					
Vermont:									
Bellows Falls	4,883	996	503	219	5				
Bennington	8,698	1,103	470	365	14				
Bethel	1,943				8			1	1
Rutland	13,546	1,767	807	498	942	330		2	1
Virginia:									
Harrisonburg	4,879	60	39	27	12	2			
Lynchburg	29,494	450	250	130	16	16	5	7	3
Norfolk	67,452	3,564	1,820	931	714	210	77	20	20
Richmond	127,628	4,085	2,040	943	253	121	12	13	11
Roanoke (includes activities at Vinton and Virginia Heights)	34,874	770	414	212	37	14	7	8	6
Salem	3,849	19	12	6					
Washington:									
Bellingham	24,298	5,152	2,818	1,439	167	60	52	36	41
Black Diamond (includes activities at Franklin)	2,051						5	15	13
Blaine	2,289						6		3
Burnett	396								
Cle Elum	2,749	1,145	705	207	163	56	3	3	1
Clipper									
Everett (includes activities at East Everett, Lowell, and Pinehurst)	24,814	5,472	3,294	1,673	237	113	57	39	31
Lynden (includes activities at Everson, Glendale, and Ten Mile)	1,148							1	1
Olympia	6,996	829	467	239	49	15			
Renton (includes activities at Earlington)	2,740	1,003	588	263					
Roslyn (includes activities at Beckman, Mine 5, and Ronald)	3,126	1,556	934	301			57	36	28
Seattle	237,194	60,835	36,097	16,438	2,543	873	399	406	314
Spokane	104,402	21,220	12,389	5,495	1,296	226	120	79	78
Tacoma	83,743	21,463	12,191	5,808	707	242	194	117	120
Walla Walla (includes activities at College Place)	19,364	2,361	1,239	682	90	25	18	16	19
Wilkeson	899								
West Virginia:									
Charleston	22,996	1,014	543	242	80	20	7	1	2
Clarksburg (includes activities at Adamston, Glen Falls, Henzibah, Meadowbrook, North View, Reynoldsville, in Tincher, and Wilsonburg)	9,201	481	256	112	130	52	4	17	12
Fairmont	9,711	630	370	127	93	45	1	9	4
Huntington	31,161	514	304	175	22	6	17	3	3
Jenkinjones					93	32	2		
Keyser	3,705	130	56	20	18	6			
Logan	1,640				35	6	8	5	8
Morgantown (includes activities at Sabraton and Westover)	9,150	1,113	567	196	69	16	7	7	5
Parkersburg (includes activities at Belpre and South Side)	17,842	560	278	180	30	6	2	3	2
Piedmont (includes activities at Beryl)	2,054						5	1	1
Thomas (includes activities at Ben Bush, Copeton, and Pearce)	2,354				29	16	50	9	6
Wellsburg (includes activities at Beech Bottom and Follansbee)	4,189	262	122	55	40	21	5	4	5
Wheeling (includes activities at Bridgeport, Elm Grove, and Warwood)	41,641	5,418	2,679	1,413	247	55	11	19	15
Benwood	4,976	1,846	1,124	159					
McMechen	2,921	213	105	35					
Williamson	3,561	227	147	16	16	12	7		1
Wisconsin:									
Appleton (includes activities at Kaukauna, Kimberly, and Little Chute	16,773	3,257	1,573	1,287	114	93	3	3	5
Ashland	11,594	3,475	1,864	1,299	173	74		11	5
Barron	1,499				61	51	1		1
Beloit (includes activities at Rockton, Ill., and South Beloit, Ill)	15,125	2,395	1,307	654	210	118	37	8	16
Chippewa Falls (includes activities at Cornell and Irving)	8,893	2,155	1,118	836	78	36	7	2	2
Cold Spring									
Cudahy (includes activities at Fernwood, St. Francis, and Stormy Hill)	3,691	1,684	901	203			5	1	4
Eau Claire	18,310	4,245	2,173	1,411	109	54	14	13	12
Fond du Lac	18,797	3,062	1,585	1,035	204	149	10	8	9
Grand Rapids (includes activities at Bison Village, Port Edwards Village, Rudolph, Saratoga, Seneca, and Siegel)	6,521	1,152	589	368	67	59	9	11	9
Green Bay (includes activities at Duck Creek)	25,236	4,056	2,078	1,524	130	117	12	10	10
De Pere	4,477	942	472	263					
Janesville	13,894	1,997	979	646			15	4	7
Kenosha (includes activities at Pleasant Ferry and Somers)	21,371	7,642	4,141	1,401	534	183	100	64	75
La Crosse (includes activities at La Crescent, Minn., Onalaska, and West Salem)	30,417	6,043	2,965	1,759	120	111	15	23	26
Madison (includes activities at Burke, MacFarland, and Sun Prairie)	25,531	4,174	2,105	1,174	238	160	22	15	12
Manitowoc	13,027	2,534	1,258	789	136	56	9	9	10
Marinette	14,610	4,027	2,059	1,544	71	68	7	22	15
Menasha	6,081	1,420	661	257				1	

Foreign-born white males of voting age, 1910, naturalization papers filed in fiscal year ended June 30, 1917, and names furnished, by States and cities or towns—Continued.

State and city or town.	Population, 1910.		Foreign-born white males of voting age, 1910.		Naturalization papers filed in county July 1, 1916, to June 30, 1917.		Names furnished.		
	Total.	Foreign-born white.	Total.	Naturalized.	Declarations.	Petitions.	Declarants.	Petitioners.	Candidates' wives.
Wisconsin—Continued.									
Menomonie	5,036	1,258	640	421	51	47	2	5	4
Milford									
Milwaukee (includes activities at East Milwaukee, town of Greenfield, and town of Lake)	373,857	111,456	56,101	26,155	3,824	1,223	831	540	542
Wauwatosa	3,346	681	325	211					
Neenah	5,734	1,313	637	438			4	9	11
Oakland					8	12			
Oshkosh	33,062	7,406	3,598	2,106	212	157	44	28	41
Port Washington	3,792	889	534	251	34	27			
Racine (includes activities of Lake Side)	38,002	12,509	6,590	2,834	721	229	115	87	89
Rhinelander	5,637	1,366	753	336	40	19		1	1
Rice Lake (includes activities at Cameron, Canton, and Haugen)	3,968	708	381	258			1	1	2
Rome									
Sheboygan (includes activities at Howards Grove, Kohler, and Mosel)	26,398	8,667	4,359	2,061	273	80	26	23	26
Shell Lake	902				15	11			
Stevens Point	8,692	1,712	856	516	41	41	2	8	10
Superior	40,384	13,772	8,201	3,735	384	142	29	66	40
Two Rivers	4,850	836	461	117			4		2
Washburn	3,830	1,158	631	438	96	55		1	
Watertown	8,829	1,949	914	608	135	250			
Wausau (includes activities at Rothschild and Schofield)	16,560	3,918	1,920	1,310	157	117	7	2	5
West Allis (includes activities at West Milwaukee)	6,645	2,420	1,491	386			12	20	11
Wyoming:									
Crosby					32	3			
Hanna (includes activities at Elmo and Evansville)									
Hudson					26	21			
Kemmerer (includes activities at Conroy, Diamondville, Elkol, Frontier, Glencoe, Oakley, Quealey, and Sublet)					88	31	30	1	1
Laramie		1,153	713	378	21	7	125	1	1
New Castle					23	8			
Rawlins		794	547	256	19	12			
Sheridan		809	540	272	123	29			
Sunrise					13	8	23		
Superior (includes activities at South Superior)					139	57	6		
Total		8,528,196	4,013,125	1,774,947	395,682	112,163	44,433	35,200	34,457

RECAPITULATION.

United States proper	91,972,266	13,345,545	6,646,817	3,034,117	437,368	131,982			
Cities listed	32,984,575	8,528,196	4,013,125	1,774,947	395,682	112,163	44,433	35,200	34,457
Balance	58,987,691	4,817,349	2,633,692	1,259,190	41,686	19,819			

NOTE.—The total population, 32,984,575, includes population of places shown in parenthetic notes wherever such figures are available.

Mr. CHAMBERLAIN. Mr. President, we have in the Bureau of Naturalization an established agency, presided over by Mr. Richard K. Campbell as commissioner and Mr. Raymond F. Crist as deputy, two splendid men, who are doing most excellent work in this line, whose hearts are in it, and who have developed it to a wonderful degree in the past four years. I was handed this morning a pamphlet prepared by Mr. Crist entitled "An Outline Course of Citizenship to be Used in the Public Schools for the Instruction of the Foreign and Native Born Candidate for Adult-Citizenship Responsibilities." I am going to ask to have it printed in the RECORD, so that people may see it.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oregon is agreed to.

The matter referred to is as follows:

AN OUTLINE COURSE IN CITIZENSHIP TO BE USED IN THE PUBLIC SCHOOLS FOR THE INSTRUCTION OF THE FOREIGN AND NATIVE BORN CANDIDATE FOR ADULT-CITIZENSHIP RESPONSIBILITIES.

[Prepared by Raymond F. Crist, Deputy Commissioner of Naturalization.]

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF NATURALIZATION,
Washington, January 12, 1916.

To superintendents of schools and others concerned:

The Bureau of Naturalization transmits herewith an outline of a course in citizenship, which is designed for use in the education of aliens to prepare them for citizenship.

While this course in citizenship is prepared for the use of aliens who have indicated their purpose to seek American citizenship and since the functions of the bureau with respect to aliens begin at the time they indicate such purpose, it is nevertheless equally useful in preparing all aliens in such an intelligent comprehension of the principles of our Government as will give on the one hand some assurance of their good behavior while in the state of resident aliens and on the other hand will enable them at any time thereafter to acquire citizenship with a due understanding of the significance of such step. Furthermore, it is no less useful in the training of native-born citizens, who, upon reaching their majority, and without exertion on their part, will be clothed with all the rights of American citizenship. Its use, however, otherwise than in the education of the aliens who have signified a purpose to apply for naturalization, is a matter that is outside of the authority of the Bureau of Naturalization.

The Bureau of Naturalization is the only Federal bureau which, by express provision of law, is given administrative authority over "all matters concerning the naturalization of aliens." The matter most intimately concerning the naturalization of aliens is such an understanding of the principles of the Constitution as to make credible the declaration that he is "attached" to those principles; for unless a court is satisfied in the case of any applicant by affirmative evidence that he is so attached, that court has no authority to naturalize such alien. It is to insure the possession of this qualification by the only known means, to wit, that of appropriate training, that the Bureau of Naturalization, realizing its responsibility, has prepared this outline of a course for instruction. Since it is given, in the language above quoted, an express authority upon this point, and therefore an express duty which excludes any other agency of the Government from such specific undertaking where such other agency has a general authority over the subject of education, the bureau has adopted this procedure.

In every other vocation or calling of life great effort has been put forth to insure a complete mastery of its details. This is true of every profession, trade, occupation, or calling save that *highest of all professions*, the profession of self-government. You, and the schools under your supervision, are in cooperation with the National Government, through the Bureau of Naturalization, in a systematic effort for the education in civic duties of the coming citizen. The cooperation is only partially complete. You are receiving the names and addresses of the candidates for naturalization, but there has been no course prescribed for their instruction.

The candidates have come to school with the statement that they have come because the United States Government wrote them letters and asked them to come. They will come all the more readily and give more thoughtful attention to the studies when they understand that the United States Government, through the same bureau which invited them to go to school, has sent to them a course of instruction. They will be further stimulated in their application to their studies and in their efforts toward proficiency when you tell them, through the teachers, that the United States Government, through the Bureau of Naturalization, will present a certificate of graduation to each student, man or woman, who attains proficiency in this course—both in English and in civics, including domestic arts and science—upon a satisfactory report of the appropriate United States naturalization examiner, who is the field representative of the Bureau of Naturalization. This examination will be made at the time the foreign-born resident files his petition for naturalization at the completion of this course of studies.

You are strongly urged to call upon the teachers to make careful notes of their experiences in the application of this course during the present scholastic year. It is desired that these notes be formulated in a report by you upon this course, and that this report be forwarded to the Bureau of Naturalization at the end of the present scholastic year. Assurances have been received from the superintendents of the schools of the principal cities of the United States that reports will be made by them. These reports will be assembled and presented in consolidated form in this bureau. It is purposed to call together the teachers and superintendents in all of the cities and towns in cooperation with this bureau in convention in the city of Washington during the week of July 10 next to formulate a course in citizenship representative of their best thought. This course will be based upon the experience of this year's observations.

The week of July 10 is selected because the National Education Association convention is to be held in New York during the preceding week of July 3 to 8. The railroad fare to New York and return by way of Washington City will be no greater, except in the eastern parts of the country, than the round-trip fare, with returning stopover privileges in this city. In addition to formulating a perfected course in citizenship instruction, it is also desired to exhibit the work of the students who have pursued this course of citizenship instruction, and you are requested to preserve samples of their penmanship, original composition, and other work and submit them with a brief sketch of the life of the candidates performing the work.

It is also desired to exhibit photographs of the classes and of the entire school body in general assembly in any building. If arrangements can be made to assemble the entire student body in an out-of-doors gathering for photographing, this should be done. The bureau is preparing to furnish motion-picture exhibits of naturalization proceedings and of various phases of immigrant life from the landing of the immigrants at the ports of entry through their various stages of work in the shops and factories and in their homes to show conditions of improvement that have been accomplished through community development in various parts of the country.

It is intended to make suitable awards to the students upon the samples of their work submitted, with prizes to the teachers who evidence the highest interest in this course in citizenship in its application as shown by the proficiency of the students and by their recommendations for strengthening and bettering the course as submitted. You are therefore urged to support the Federal Government in this plea from the Bureau of Naturalization by your hearty, complete, and full cooperation in all of the matters presented in this letter and the accompanying course in citizenship instruction.

Very truly, yours,

RICHD. K. CAMPBELL,
Commissioner of Naturalization.

AN OUTLINE COURSE IN CITIZENSHIP TO BE USED IN THE PUBLIC SCHOOLS FOR THE INSTRUCTION OF THE FOREIGN AND NATIVE BORN CANDIDATES FOR ADULT-CITIZENSHIP RESPONSIBILITIES, PREPARED BY RAYMOND F. CRIST, DEPUTY COMMISSIONER OF NATURALIZATION.

This course is offered with the understanding that in many respects it is imperfect. It is in part a compilation of practices which have been in use for some years in various public schools. This course presents the mature conclusions of the National Government, as represented by the Bureau of Naturalization, after a study of over a decade of the existing relations of the Government with the resident foreign body. A new relationship must be established. It should be based upon intelligent mutual understanding and knowledge of the respective hopes and aims of the resident alien and of the Government. Restriction and repression, entirely out of all proportion to their importance, have been in evidence. The purpose of this outline is to lead to the establishment in the curriculum in each of the public schools throughout the entire country of a course in citizenship training applicable to the candidate for adult-citizenship honors, privileges, and responsibilities, from whatever origin he may come. It is a recognition of citizenship and an emphasis of the mutual helpfulness, assistance, and aid inherent in this National Government rather than of restrictive and repressive forces of government.

This course is submitted in response to the demands upon the Bureau of Naturalization to prepare a standard course in citizenship. These calls have been presented to the Bureau of Naturalization by public-school authorities, chambers of commerce, and by patriotic, labor, fraternal, industrial, commercial, and other organizations from many parts of the country. It is issued by the Bureau of Naturalization in conformity with the authority conferred upon it by the United States Congress by the act of June 29, 1906, as amended, which provides that "the Bureau of Naturalization shall have charge of all matters concerning the naturalization of aliens." Of paramount concern in the naturalization of aliens is their better equipment to supply their daily needs and for the assumption, with intelligence, of the sovereign rights, privileges, and prerogatives which attach to the high estate of American citizenship. In no vocation open to manhood or womanhood is the calling as high as that of self-government. In every other calling the highest development of specialized training has been attained that intelligent effort can accomplish. The didactic and laboratory elements of instruction are mandatory for any vocation. In the graded schools, business, manual, domestic arts and science training supplement the three rudiments of education. This is the laboratory of the secondary schools. In the higher schools the laboratory is highly developed in applying the precepts of the rostrum in chemistry, physics, bookkeeping, stenography, banking, commercial life, carpentering, mechanical and electrical engineering, and other vocations. In the universities the laboratories again make possible the professions of engineering, theology, medicine, law, pharmacy, farming, stock raising, truck gardening, etc., but nowhere has there been a laboratory for practical training in the highest profession conceived by the mind of man—the profession of self-government. This outline presents for the first time to the public schools of the United States a course designed to establish a citizenship laboratory in each public-school building. As this deals with citizenship, it properly comes from the National Government through the only Federal bureau specifically authorized by the law to deal with the question of citizenship within the Nation.

Much of the success which will attend the adoption of this course will be dependent upon the spirit with which it is received and applied. The interest and enthusiasm of the teacher will in a large degree reflect the attitude of those in higher authority in school administration. It is urged, therefore, upon all to whom this course may come, including the boards of education, superintendents of schools, supervising and other principals, as well as teachers of the public schools, that it be received in the spirit in which it is submitted—to wit, an earnest purpose for united cooperation between the public schools and the National Government for the solidarity of American citizenship—because of such features of value as it possesses notwithstanding the admitted presence of defects. All are urged, therefore, to become fully conversant with this outline, so that in its application to the student body it may be broadened in its scope and applied so as to arouse among them an enthusiastic response. By the loyal and faithful support of the public schools to the United States in this the first cooperative movement ever perfected for them with the National Government the value of this course will be increased, its weaknesses strengthened, and the undesirable portions eliminated. All branches of pedagogics owe their present perfectness to that same devoted intelligence to which this course is intrusted.

It is undesirable that instruction in any part of this course be given save through the medium of the English language. It should not be interpreted through a foreign tongue. It is intended to make possible a mastery of English speaking, reading, and writing, and by gradual steps to lead into a realization of the full sense of the sacredness of the greatest rights of sovereignty which attach to the estate of American citizenship.

While this course is intended primarily for the candidate for citizenship by naturalization, its application to the curriculum of high schools and public schools is strongly urged, so that on the attainment of their majority all may have a full grasp of the functions of citizenship such as no preceding generation of the Nation has ever possessed. Let this course be applied in such a manner as to evidence to all that a cooperation in a national sense may be possible, and from such cooperative effort the maximum of good can result. The subject is citizenship. It is therefore as large as the country. No nation is larger than its sense of citizenship, be that sense great or small.

There is no intention to attempt a system or to require any particular form of instruction. Results are desired. The best results can be obtained by following the prevailing local system. The sole purpose of this course is to submit text and subject matter for thorough application. Thorough application will lead to the strengthening and the development of desirable and the elimination of undesirable features of the text. Through the laboratory of the schools perfection of the text will be accomplished.

Do not be deterred from undertaking full cooperation through fear that the schools will be overcrowded by the large number of eligible aliens. It will take a long-continued struggle to induce even a fair proportion of the foreign resident body to attend. Information regarding any additional subjects or parts of subjects which have been taught in your schools will be gladly received and brought to the attention of all to whom this course has been sent.

It is urged that the public schools be guided fully by this course for the present year and that full and complete notes be made upon it as it is developed; that these notes be submitted to the appropriate school authorities for forwarding in approved form to the Bureau of Naturalization at the termination of this scholastic year. These reports coming from throughout the United States will be assembled in working form and a convention called by this bureau to be held in Washington City immediately following the National Education Association convention in New York City. Its purpose will be to enable the officers and teachers of the public schools to formulate a course representing their best thought in this most vital field of instruction. It is believed such a course can be distributed both to the teachers and students without cost, or at most at the bare cost of publication under plans which the Bureau of Naturalization is now perfecting.

It is desired to direct attention to the cards and the method which has been proposed to superintendents of schools in some of the large cities and adopted by them to secure the maximum attendance with the least expense and clerical labor. The cards are sent to the superintendent of the schools, who has them assorted according to the various school districts, being guided by the addresses on the cards. The cards relating to any district are then sent to the supervising principal of that district and by him sorted according to the addresses and sent to the various schools under his supervision. The principal of the school hands them to the teacher of one of the classes, who retains the cards that bear the names of the students in that class. The other cards are then sent from class to class until all of the cards bearing the names of students have been removed. The names on the cards that are left are then called off to the students, and where they are known, such cards are taken out and the students urged to prevail upon the candidates to attend the classroom on the next class night. When this has been done in all of the classes the remaining names are assigned to the students by nationalities and location of residence and the students instructed to visit the candidates whose names they are given and induce them to come to the school at the earliest possible moment. This is done with all the candidates for citizenship, whether they need the course of instruction or not, so as to complete the records in the cases where the course is not needed by the candidates.

By this means the work of securing the attendance of the candidates for citizenship is distributed so that no one feels the work to be a burden. This builds up a personal contact between the United States Government and the alien candidate for citizenship through the Bureau of Naturalization, the public-school authorities, the public-school teachers, the student body, and the individual student. Through this personal contact the attendance of all the candidates for citizenship who need instruction will be assured. This will embrace, however, but a small portion of the resident alien body in any community. Many of the foreigners are anxious to increase their understanding of our language, but for many reasons and because of many influences upon them are unable to do so.

The bureau therefore proposes as a measure for the betterment of each community that the school authorities secure copies of cards 1 and 3, have the names and addresses of the parents of the foreign-born children in attendance upon the day and night classes transcribed thereon by their teachers, and have them distributed to the classes for adult foreigners, in order that the foreign student body may be prevailed upon to secure the attendance of their friends and members of their nationalities. If this be continued with vigor, there will be launched in this manner an active campaign, with the personal touch in direct evidence, for the betterment of the entire resident foreign body of the country. The simplicity of this plan, its freedom from any great expense and the good that will flow from it must commend itself to every thinking person.

GENERAL CLASSIFICATION.

The true basis for classification of adult foreign-born students is their educational development. Students should not be classified by nationality. A great deal has been expressed in favor of the classifi-

cation of students by nationality and their instruction by one of their nativity by reason of the bond of sympathy of the common tongue. The inherent, fundamental weakness of this is shown by stating that such segregation means perpetuating the national groupings instead of merging them into one common American nationality. No greater bond is recognized than that of a common tongue. None has a stronger desire for the development of that bond than the non-English-speaking foreigner. No greater tie of sympathy can be found than that which grows up between the intelligent, patriotic, and devoted American school-teacher and his foreign-born non-English-speaking students through the acquisition of our tongue. We do not need to import individuals to teach American institutions and instill American patriotism in the mind of the candidate for citizenship. Segregation imposes an unnecessary burden. The student has far more interest in learning what the teacher has to impart than what nationalities his fellow students represent.

The students should first be assembled regardless of sex or nationality, although the women may be separately taught where conditions admit. The classification should be (1) those who can not speak English, and (2) those who can speak English. A closer subdivision can later be resorted to if desirable. Those who can not speak English will be found unable to read or write in our language. Those who can speak English may or may not be able to read or write. Soon the necessity will arise for a regradation—elementary, intermediate, and advanced. Upon this basis the following outline is submitted.

THE ELEMENTARY GRADE.

Knowledge, elementary.

Purpose, equip as quickly as possible with a practical working vocabulary.

Individual notebooks should be obtained immediately and copious use early required.

BRANCHES FOR STUDY.

1. Conversation.
2. Reading.
3. Language forms and idioms.
4. Phonics.
5. Spelling.
6. Writing.
7. Memory gems.
8. Simple number work.

CONVERSATION.

This should be conducted by the object and action method. Begin with the names of objects nearest at hand that may be seen and handled. The human form is the most ready of use. Write the names of the parts on the blackboard, as head, eye. Drill in pronouncing and identifying names with parts. Point and have the students point at parts. "This is my ———. That is your ———, his ———, her ———," etc.

When a vocabulary of nouns and verbs has thus been systematically built up, enabling the pupils to understand simple statements about objects in the schoolroom and in the building, gradually extend the vocabulary to the larger environment outside, being careful to confine such vocabulary to the field of simple daily experiences. New words, as rapidly as given, should be written on the blackboard and in notebooks and from the beginning should be put into sentences.

READING.

The conversation and blackboard work, as above suggested, naturally will carry over to reading from the printed page, charts, and textbooks. The aim, of course, is to give command as quickly as possible of the printed page. Have the pupils each bring a copy of the same edition of some daily newspaper to the classroom to read and to discuss the topics read. Let discussions be undertaken at the earliest moment. The subject matter of the printed page should also be used in conversation in order to be sure that the students are comprehending the thought and not merely pronouncing the words. Biographies of foreign-born Americans of former days should be read and discussed to inspire the student to his maximum interest and effort.

LANGUAGE FORMS AND IDIOMS.

These should be carefully noted both in the conversations and in the reading and should be written upon the blackboard and in the notebooks. The students should be drilled on model forms of simple language, both in speaking and in writing, using blackboard and notebooks. Here the teacher should commence the mind training in the discriminative selection of healthful reading matter, beginning with the daily press or other simple subject matter. Discussion of the comparative values of the best newspaper and other articles with the worthless should follow under the guiding intelligence of the teacher. The teacher should assign topics to the students for discussion, laying the foundation for future debates upon public questions in the succeeding periods of study. The newspaper should be used constantly in language lessons. It is universal in subject matter and most inexpensive

PHONICS.

The analysis of words by sound can begin profitably much earlier in the teaching of the adult classes than with children. It is imperative that it be undertaken from the beginning and that upon such analytical work there be daily drill upon the sound values of both vowels and consonants. In teaching sound values there should be kept upon the blackboard a considerable list of words containing the particular letter whose sound is being taught. Excellent books on enunciation and articulation are available for the teacher. It is essential that the teacher articulate slowly and distinctly, especially all final consonants, whether at the end of syllables or of words. In learning to pronounce the English language it is vital that the correct relation of the letters to the words be learned at the beginning. To train the ear, the individual should repeat the word after the teacher until the ear catches the true sound and it is reproduced by the student. Every foreigner wants to learn to speak English with the American accent.

SPELLING.

The words chosen should be those used in conversation and in reading. Dictation should be freely resorted to. The words taught should be carefully listed by each teacher and student. Emphasis should be placed upon words in common use. A list of such words as a measuring scale of ability in spelling, issued in 1914 by the Russell Sage Foundation, has been recommended. Spelling bees are used with excellent results.

WRITING.

This can be taught from the blackboard, but should be supplemented by the use of leaflets showing penmanship forms to be furnished each student and used in home work. Startlingly rapid progress is made through the home practice work. In the elementary schools the principle of home work which is early applied in the training of the adolescent mind is no less applicable to the adult mind. Practical tests in writing dictation in language work and original composition should be practiced later.

MEMORY GEMS.

These are of much value for pronunciation and for the acquisition of a vocabulary. They should be chosen with special reference to the building up of high ideals of character and of conduct in the minds of the students. Patriotic poems and songs should be learned, and the singing of "America," "Hail Columbia," etc., should occur at each session.

SIMPLE NUMBER WORK.

This should be given not for the teaching of arithmetic in itself merely, but for the teaching of the language of numbers to the advantage of the students in their daily experiences.

THE INTERMEDIATE GRADE.

The same general methods should be followed in this grade as in the elementary grade, selecting for instruction subjects of a more advanced nature.

CONVERSATION.

The topics of conversation naturally will be chosen from the reading matter and from the daily experience of the students. Conversation lessons are extremely important and should receive careful daily preparation on the part of the teacher. Periods of open conversation among the students on topics of common concern will be found to increase the interest of the class, and produce the desired spirit of homogeneity and congeniality, and lay the foundation for their American unification. Continue the use of the daily press, broaden the scope in American biographical studies, and at the same time require the students to read from the various readers.

READING.

In this grade the pupils should read from the somewhat advanced readers that are prepared for teaching English. Geography and history, especially United States history, are of absorbing interest to the students. Patriotic poems should be read, studied, and the best of them memorized.

LANGUAGE FORMS AND IDIOMS.

In this grade emphasis should be laid as early as admissible upon the correct use of words and upon the inflections of nouns and pronouns, etc. Letter writing, consisting of simple business and social letters, will be found desirable along with reproduction exercises.

PHONICS, SPELLING, AND WRITING.

These subjects in advanced form should be presented as in the elementary grade.

MEMORY GEMS.

These should be taught as in the previous grade, but with a broadened scope.

UNITED STATES HISTORY.

The teaching of this should be based upon reading elementary histories of the United States. The teacher should cause discussions of various chapters of American history. This will develop the instinct for the further use of the schoolroom for discussions of public questions and will be aided by the assignments of students and topics. The students should be stimulated to select their own topics from each subject and full discussions of these selections obtained.

CIVICS.

This chapter should be very generally presented by the teacher solely as preliminary to the course in citizenship for the advanced student, so as to enlarge the field of vision preparatory to full participation by the members of the student body in the activities of the citizenship course embraced in the year preceding admission to citizenship. The entire student body should be urged to obtain from the libraries such books as present the principles of the three branches of our Government.

The following outline is submitted as an indication of the subject matter for the teacher in presenting the subject of civics:

1. General principles of government: Necessity of laws for establishment and development of government, protection of society and individual; its purpose to aid in matters of health, life, property, business, education, surroundings, and environment. Sources of laws: Constitution, franchise, legislation, administration, adjudication, citizenship, political parties. General governmental divisions: City, county, State, Nation.

2. The city government: Executive—The office of mayor or commissioner and its functions; various departments and their functions. Legislative—Aldermanic or councilmanic. Judicial—Courts of the city.

Emphasize conditions to naturalization, suffrage qualifications, and the obligation resting upon each individual to perform his part as a good citizen.

THE ADVANCED GRADE.

CONVERSATION.

The students in this grade should be able to carry on, with a fair degree of facility, conversation concerning any topic with which they are familiar. Use topics of current events having a bearing upon good citizenship as subjects for discussion and debate. Make a persistent and free use of that inexpensive medium, the daily newspaper, for topics for frequent discussions, making them short and pointed, to develop powers of ready expression of the mind.

READING.

Students of this grade should be able to read with a fair degree of proficiency. Train more or less in silent reading and test the comprehension of the reader by requiring him to tell the class what he has read. Supplementary readers in civics, American biography, geography, history, literature, and science are useful for this class. Guide the students to the selection of good books from the public libraries; encourage them to bring such books to class, to report to the class the general plot, and especially interesting and important parts of the books in which they are interested. Do not abandon the daily newspaper.

LANGUAGE.

The elementary principles of grammar may be effectively taught from the language lessons, both oral and written, and by continuing drills in models of ordinary English develop a keener sense of sound discernment to operate in correcting their English and producing the American accent. The essentials to be taught are the different kinds of sentences and the adjective and adverbial idea in the use of words, phrases, and clauses; different parts of speech and their functions; inflections of nouns and pronouns; the principal parts of the more

common irregular verbs. Grammar thus taught becomes not an end in itself, but a means to show the students why they use the kind of English they have been taught to speak. Instruction should be oral, with outline placed on blackboard to be copied in notebooks by the students.

PHONETICS, SPELLING, AND WRITING.

These subjects should be presented as in preceding grade. Occasionally there should be a few minutes' drill on the more difficult sounds of the English language by means of word lessons involving these sounds. Be particularly careful not to let incorrect articulation, enunciation, or pronunciation pass unnoticed.

MEMORY GEMS.

As in preceding grades.

UNITED STATES HISTORY.

This should include the study of more advanced textbooks. Care should be taken to emphasize the more important steps of development in our country's history and to leave in the minds of the students a clear picture of its several periods of development, as (1) the early history and settlement of America; (2) the Revolutionary War, its conditions and causes; the Declaration of Independence should be read thoroughly and its principles discussed; (3) the formation of the Constitution of the United States and the development down to 1860, including (a) means of transportation, (b) inventions, (c) increase in manufactures, (d) growth of population; (4) the economic development of the North and South, contrasted in the light of slavery, as a background to conditions and causes leading up to the Civil War; (5) the Civil War, its causes, results, and significances; (6) the development of our country since the Civil War, politically and industrially; emphasize the significance of immigration in this development not only from the standpoint of our industries but from the standpoint of our political institutions; (7) encourage the students to use the public libraries in consultation of historical authors; endeavor in the teaching to raise problems of interest for discussion by the students; this can only be accomplished in full by their consistent participation in free and mutual discussion of each topic as it is presented and studied.

CIVICS.

Review briefly the topics of the previous grade. Let the presentation of each of these subjects be free discussion by all. Make assignments to students who are not participating.

1. Explain the naturalization laws.
2. The qualifications of a voter.
3. Primary and final election laws, and the importance of independent judgment on the part of each citizen in registering at the primary and final elections his choice of candidates for the various offices.
4. The short ballot and its significance; the Australian ballot.
5. The significance of the initiative, referendum, and recall.
6. Extend the relation of local government to the (a) county, (b) State, (c) National Government, explaining the forms and functions of each kind of government.
7. This will lead naturally to the study of the Constitution of the United States, (a) its origin and (b) its provisions.
8. Compare our form of representative government with the forms of government of the leading nations of Europe and explain the full meaning of democracy.
9. From such comparison deduce the responsibility resting upon every citizen of this Nation to see that able and honest men are put into office.

In teaching civics the chief emphasis should be laid not upon the forms of government but upon its functions and its practical workings.

CITIZENSHIP LABORATORY.

CITIZENSHIP IN THE CITY.

Assemble the classes of each school building in one room, men and women together, and tell them that they represent the city, that they will soon become citizens of the United States, and that they are to learn how to assume the responsibilities and rights and perform the duties of citizenship. For this purpose they are to be considered as the entire adult voting population of the city. Briefly outline the form of government in the city, defining the offices of mayor or commissioner, councilman, alderman, or their local equivalents, the various administrative departments of the municipality, and describe the city judiciary. Explain how these offices have been filled by their incumbents and the relation of the individual voters to the incumbents.

DUTIES OF OFFICIALS OF CITY.

The mayor and other officials of the city government should be prevailed upon to define fully the duties of their respective offices. All of this will be most interestedly and profitably received by the students, who should be encouraged to make as extensive notes as possible, and will prove a source of inspiration to those officials who are prevailed upon to address the student body upon the duties of their respective offices. The President, in his address to the newly naturalized citizens in Philadelphia on May 10, 1915, said, "I feel that it has renewed my spirit as an American to be here."

DISCUSSIONS.

Discussions of the subject of each of these addresses should be engaged in by the student body after each talk, and the duties of the offices debated so as to fix them in the minds of the prospective citizens. Outline for discussions will be found later in this course.

FRANCHISE AND BALLOT.

After the duties and responsibilities of the different offices of the city government have been described by the incumbents of these offices or their representatives, and the student body has fully discussed these subjects with evident understanding, the students should be assembled for instruction in the franchise, its rights, powers, purposes, and uses. The ballot, in the exercise of the franchise, both in primary and final elections, should be made known to them and the necessity for purity in its use fully dwelt upon by the teacher, followed by discussions upon the franchise and the ballot and their relation in this country to government and to the individual citizen; the good that will flow from its wise and proper use, and the evil from its unwise and improper use emphasized; the purposes and powers of the ballot and its relationship to the election of municipal, State, and National officials clearly shown.

Each of these subjects should be fully discussed and debated by pupils. In their treatment the teacher should always keep prominently in mind the necessity for developing the sense of individual responsibility and relationship to the whole political organization. Assignments of subjects should be made by the teacher so as to include and stimulate the diffident and backward to a participation in this work.

NOMINATIONS AND ELECTIONS.

When understanding has become general throughout the student body its members should be required to put into practice the lessons which they have learned. The necessity for purity of the ballot should again be fully emphasized. As an entire body they should be told that they will be expected to make use of their knowledge of the franchise and of the use of the ballot and will be guided through the steps of electing the city government, commencing with the mayor or the local equivalent. The local form of nomination may prevail, but as they have been taught both the convention and primary methods they should be allowed and urged to exercise the utmost freedom in their choice of method.

Self-government should be the keynote in this entire course and should be developed to its fullest possibilities consistent with intelligent progress. The teacher should not dominate but steady and guide the students in their endeavors to emerge from their ignorance of our institutions into an intelligent comprehension of them. The only functions which the teacher should exercise in this stage of the course are to insure regularity and purity in the entire proceedings, to stimulate the backward ones to participate in some manner in the consideration of the subject, and to urge full discussions of both the qualifications of the candidate and the duties of the office, so as to bring out prominently the cardinal purpose of each election—the selection of the candidate best suited to the office.

The teacher or principal should preside over this meeting. Tellers should be appointed for the election, both for the primary and final elections if the primary form of nomination should prevail. The purpose of this election is to remove the preconceived notions of government and former national prejudices and to unify and harmonize the different national views into one national spirit to accord with the spirit of our Government. The choice made will represent not a nationality but an expressed desire of a majority of the entire student body. The successful candidate should be only the one having a majority over all. The plurality should not be sufficient. The object of an absolute majority over all is to prevent the domination by one nationality by sheer preponderance of numbers.

City chief executive: Nominations from the entire student body for the position of mayor should be invited. From three to five or more candidates should be placed in nomination, the number to be based by the teacher upon the size of the student body. But one candidate should be allowed for each group or nationality. The candidates for election should be the three receiving the highest number of votes on nomination. All should be encouraged to participate in the submission of names in nomination and to engage in large numbers in urging the qualifications of their respective candidates.

In the entire student body assemblage activity should be stimulated by the principal, supplemented by each teacher individually endeavoring to inspire confident activity in the members of his individual class. This activity should take the shape of speeches in favor of the respective candidates whose names are put in nomination not only by the one nominating and the one seconding the nomination, but generally throughout the entire student body. The individual teachers should devote their attention to the members of their respective classes and an effort should be made to elicit some expression from each member of each class, and in this way from each member of the student body. The greater participation on the part of the students the greater will be the influence of the spirit of the occasion on the entire body and correspondingly or each and every individual. The enthusiasm of the teachers will be reflected in the enthusiasm of the students. In proportion to the sympathetic interest of the teacher will be the response of the individual. The development of the responsibility of the individual to the entire State and entire Nation underlies all of this participation. The principal and teachers of the various classes should only guide in an advisory capacity.

As but one candidate may be chosen and must receive a majority over all, it will at once be evident that at this point will commence the obliteration of the various national lines and prejudices. At this stage of this course in the laboratory of citizenship the school is a crucible in which the polyglot elements of American society have been placed in a scientific flux and are being fused in the refining fire of intelligent patriotic influences into true, comprehending, and hence loyal American citizens. The melting pot is what has been used in the past. There has been nothing but a dumping of the elements of society into the pot, with the resultant nondescript conception of our institutions. It should be abandoned and the crucible, with its scientifically prepared flux, substituted to produce the pure and unalloyed American citizen. Assimilation of the fundamental idea of American government is here effected through the requirement of the various nationalities present to unite upon a representative, regardless of nationality, in the choice of their presiding officer. The common choice will force the obliteration of the national lines. The selection should be upon merit and an effort made to prevent the development of vote trading or other practices. Corruption of the ballot should be eliminated not only from the actions but from the thoughts of the candidates and their supporters.

If the interest, enthusiasm, or circumstances be sufficient to warrant a unanimous rising vote, it may be taken upon explaining the circumstances under which such action occurs and to remove from the minds the possibility of confusion from regarding this as usual in general elections.

Induction into office: Upon election the mayor should be escorted forward by members of the student body and with suitable ceremony inducted into office by the administration of the oath of office by the teacher. The custom usually prevailing should be followed, and the oath to well and faithfully perform the duties of the office should be administered in the presence of the entire school body. The teacher should place the burden of the responsibilities upon the student body and the mayor, who should preside at all subsequent general assemblages of the student body as one of his official duties.

Election of other city officials: As they have all learned of the duties of the officials of the departments of city government, the members of the student body should next select their city legislators and organize the appropriate departments of city government and select their respective heads. This should include at least the health department, police department, and judicial department, with such others as local conditions may justify. In the election of the aldermen or city legislators the unit of representation should be the classroom, one or more representatives from each class being determined by the mobility and efficiency of the entire body.

Duties of city legislative body: The legislators should formulate rules of government for the observance of the student body. These rules should apply to the conduct of the students in and around the school buildings, relate to the disposition of their outer clothing, deportment in the classrooms, promptness and regularity of attendance, participa-

tion in debate (to insure sharing in the exercises by each member of the entire school body, even though but slight participation should result on the part of some of the most backward and diffident), and with special attention to rules requiring the students to bring in the large number of alien residents to the night schools. The advantages to be gained from this are too great and vital, too far-reaching in their effect for most substantial good, to pass by without a consistent emphasis being laid upon its accomplishment. The teacher should have papers prepared and debates arranged upon such topics as "Why should each student bring a new student?" and kindred topics. They should formulate rules governing their conduct in the places of their vocation, in their homes, and on the street, and rules relating to sanitary habits and practices.

Discussions: These rules should be discussed as much as possible in the entire assemblage. They may be worked out, however, in committee. The students should be given to understand the various methods and be permitted to follow their own choice of proceeding as long as progress is made.

Papers dealing with housing, with especial reference to tenements, large and small, should be prepared and read by the students. This is referred to because of its intimate relation to the resident foreign body. The laws governing tenement houses, especially with relation to sanitation, should be made known to them and their merits discussed, in order to bring home to the individual his relationship to this phase of law and order for the betterment of his home life.

The police department should be required to see that the rules are observed and the judicial department to impose penalties for failure of observance of the rules. The development of a regard for law and order and individual responsibility for their maintenance should be established.

Other branches of government of intimate concern to the resident foreign body, such as recreation grounds and park commissions, should be brought prominently before the students.

Appointive offices: When appointive offices are to be filled by the mayor care should be taken to see that national lines do not influence the selection, but that, so far as possible, the class standing should have its place.

SUMMARY.

From the foregoing it is seen that the laboratory has been made possible. The efficiency of its working is dependent largely upon the inspiration received by the students from the school authorities. This is the first opportunity presented to the entire system of the public schools for a direct cooperation with the National Government where the efforts of these two agencies are linked together. Each superintendent of schools, each principal of schools, each teacher of the public schools is called upon to lend his highest and most intelligent effort to the perfection of this course by its thorough application. This call is made with the full knowledge that there is sufficient patriotic devotion to the cause of citizenship in each public-school teacher to insure its success and the development of this course to that state of high efficiency which characterizes every other vocation and profession except that of the profession of American citizenship. With the combined effort of all public-school authorities with this branch of the National Government success is assured.

The students should be taken into the public buildings and administrative offices of the city, so that they may become actually acquainted with the purpose of the buildings and the machinery of the municipal government.

No elaboration has been undertaken of county, State, and National Governments, partly because the new citizen will exercise the rights of citizenship oftener in the city in which he lives than in any other relation to government. The analogy of county, State, and National Government can readily be shown, so that he will not lose sight of his vital relation to the State and Nation.

CLASS ALUMNI.

When the students have completed their course and become citizens their experiences in the classrooms should induce them to return and further participate in this work, so that the schoolhouse may be felt by them to be the legitimate place of assemblage for discussion of questions of public policy. This spirit should be inspired by the teachers during the early period of this course and be so developed as to bring about this result. Alumni or other public nonsecret organization should be encouraged to implant in them a love for this, the alma mater of their school of American citizenship.

The public schools have taught virtually every other subject relating to the vocations of life and they have developed these courses to the highest efficiency. These various phases of the city government are outlined generally with the knowledge that the local offices of the city government may differ in principle as well as in particularity. This is submitted, however, for adaptation to local conditions.

Outline of topics for presentation by officials and discussion by student body.

CITY GOVERNMENT.

EXECUTIVE BRANCH.

Mayor: Duties and responsibilities, patronage, veto power, general powers. Relationship to board of aldermen, common council, or similar body regarding commission form of government. Relationship to Chief Executive of Nation and State.

LEGISLATIVE BRANCH.

The common council, the general lawmaking branch: Composition, total membership, number for each ward, how chosen, term of years, powers and functions. City ordinances: Ordinances relating to welfare, business, property, and finances of community; preservation of order; suppression of vice; regulation of places of amusement, saloons, weights and measures, building operations, charitable organizations; licenses of vehicles, pawnbrokers, etc. Relationship to revenues and expenditures, to various administrative departments of the city, to State legislative power.

JUDICIAL BRANCH.

Administrative head: Magistrate courts, police courts, higher courts, juvenile courts. Describe each court; show necessity for maintenance of public order; benefit to city; to individual. Jurisdiction of courts; source and tenure of office; source of revenues; method of expenditure; relationship of individual to revenues and expenditures.

Jury: Qualifications, duties, individual privileges, rights, and responsibilities of juror in determining facts; relationship to the court in defining and determining questions of law in a given case.

SOME TYPICAL DEPARTMENTS OF THE CITY GOVERNMENT.

Police department, fire department, health department, street and park department, education department, water department, tax department, excise department, law department.

Police department: Administrative head. The individual policeman's duties as a guardian of safety rather than a minion of the law, the oneness of purpose of the police officer and law-abiding, peace-loving individuals. Location of precincts. Individual protection at home, in the shops, on the street, at night; benefits to the individual; necessary for life of city. Penal institutions, their management, purpose, necessity, source of revenue, method of expenditure, relationship of individual to revenues and expenditures. Bring in the police to aid firemen in fire drills for better acquaintance with helpful side of police force.

Fire department: Administrative head. Fire chief, duties and powers. Firemen and duties. Safety first—care of matches, care of inflammable and combustible material; safety in keeping matches in receptacles away from children; teach fire precaution. Have fire drills under personal supervision of member of fire department for double purpose of training the foreigners to escape from a burning building and of allowing them to become closely associated with firemen in order to teach them calmness in time of fire. This latter is very desirable, as over 80 per cent of our foreign-born residents are employed in factories, mills, mines, etc., where at times the loss of life in fires on account of panic has been appalling. Location of fire-alarm boxes; demonstrate how to ring and call by phone.

Health department: Administrative head. Collection of refuse of various kinds; sanitation in the schoolrooms, homes, workshops, and on the streets; ill effects which will follow failure of these activities. Source of revenues, method of expenditure, relationship of individual to revenues and expenditures. Safeguarding health of communities and individuals by requirement of pure food; enforcement of regulations regarding contagious diseases; medicine and medical aid to indigent sick; free hospitals and free clinics. Emphasize personal cleanliness by elaboration, individual observance of health regulations, and practical benefits in avoidance of ordinary sickness and contagious diseases.

Street and park department: Administrative head. Personnel, source, and tenure of office. Functions: Traffic regulations, opening of new streets, repairing pavements (both street and sidewalk), franchises for street railways, public lighting, antispitting regulations, street cleaning, public recreation grounds, city beautifying, trees, etc. Attitude of individual to civic cleanliness, keeping streets clear of skins, paper, and other waste; benefits derived by the individual as well as the municipality. Source of revenues, method of expenditures, relationship of individual to revenues and expenditures.

Education department: Administrative head. Constitution of department. Source and tenure of office; powers and duties; provide school buildings and their equipment; teachers; textbooks and other supplies; course of study and general administration; source of revenues, method of expenditure, relationship of individual to revenues and expenditures; construction and relationship of entire system. Board of education, general superintendent, day superintendent, night superintendent, supervising principals, principals of schools, teachers, students. Present in a practical manner the advantages of public-school instruction to the individual and its relationship to their everyday life, explaining any embarrassment as to insufficient funds, the necessity for extending the night schools to the same time that is devoted annually to the day course, with special relation to citizenship and the system of the Bureau of Naturalization, based upon the monthly filing of declarations of intention and petitions for naturalization and the monthly transmission of the names of these to the school authorities, so as to show the necessity for and advantages of conducting the schools from the 1st of October until the end of June, all leading to the objective of having certificates of graduation and annual commencement functions.

Schools: Free libraries, books for coming Americans, and other literature without cost. Vocation and industrial work, community centers, wayward or incorrigible children. Teach regularity and promptness of attendance and show advantages in business resulting from this habit.

Water department: Administrative head. Water supply, wastefulness, economy in use, individual responsibility, source of revenues, method of expenditures, sewer system. Relation of individual to revenues and expenditures.

Tax department: Administrative head. Revenues, sources, necessity, relationship to individual.

Excise department: Administrative head. Control over issuance and revocation of licenses for intoxicating liquors; cost of licenses.

Law department: Administrative head. Relationship to contracts for public construction and prosecution for the people of offenders. City comptroller; source and tenure of office; functions. City auditor; source and tenure of office; functions. City treasurer; source and tenure of office; functions. Advantages of and necessity for observance of law.

COUNTY GOVERNMENT.

Teach geography, nature of various industries. Teach city and county government, showing lines on which they parallel and analogies of laws Administrative officers, their sources and tenures of office, their functions. Describe governments of communities throughout county and their relationship to the entire county organization, county roads, bridges, buildings, hospitals, development, control, and management, both as to personnel and methods, ways and means of administration of county government.

STATE GOVERNMENT.

Analogy to city and county governments, respective jurisdictions, and rights and powers of each. Location of State capital.

EXECUTIVE BRANCH.

Chief executive; source and tenure of office, authority, functions of office, constitutional and legal functions, and authorities.

LEGISLATIVE BRANCH.

Period of meeting. Functions of the legislature. Following course of bill from introduction through the various stages to the final enactment and approval by the chief executive.

Houses of legislature: Upper house (senate): Presiding officer, composition of membership, source and tenure of office, representation of the State, extent of constituency, districts. Lower house (house of representatives, assembly, house of delegates, etc.): Apportionment of members, source and tenure of office, composition of assembly as to numbers, and apportionment to population.

JUDICIAL BRANCH.

Courts of original, appellate, and supreme jurisdiction.

NATIONAL GOVERNMENT.

Analogy to State and city governments; respective jurisdictions; rights and powers of each. Location of National Capital. Source of power. Outline colonial history, period under Articles of Confederation, period under Constitution, using textbooks approved by local educational authorities.

EXECUTIVE BRANCH.

The President; voters' Electoral College; tenure of office; Cabinet advisers; powers and duties of the President.

Executive departments: Department of State, Department of the Treasury, Department of War, Department of Justice, Post Office Department, Department of the Navy, Department of the Interior, Department of Agriculture, Department of Commerce, and Department of Labor.

LEGISLATIVE BRANCH.

The Congress of the United States, two Houses. Periods of meeting. Functions of Congress as a whole. Trace course of bill through both Houses, showing origin of all revenue measures in the House of Representatives, and various stages through to Executive approval of each bill in its enactment into law. Powers of Congress. Place of meeting in Washington, the Capital of the Nation.

Senate. Presiding officer: composition of membership; source and tenure of office; Members representatives of the States; functions.

House of Representatives: Apportionment of Members by population; Members representatives of the people; source and tenure of office, presiding officer, functions.

JUDICIAL BRANCH.

Supreme Court of the United States, nomination by President, confirmation by Senate. United States circuit courts of appeals, United States district courts. Court of Claims, Territorial court, United States commissioners. Jurisdiction of various courts.

POLITICAL PARTIES.

Relationship to individuals, powers of their expression of desires for specific laws and on political questions. Nominations by convention, by direct primaries; platforms, registration, the ballot. Necessity for parties in representative government. Distinguish between local and National Government; show need of intelligent citizens.

The interest of the National Government in the well-being of the candidate for citizenship should be pointed out, dwelt upon, and kept constantly before the student body, as the influence of national government is strong upon all foreigners by reason of its general absoluteness and force as felt by the subject of any nationality in his relation to government in the old countries. The importance of the certificate of graduation which the Bureau of Naturalization will furnish, and its issuance by the Federal Government jointly with the State government should be so presented that regard for it will be enlarged and the highest enthusiasm and interest stimulated in the candidate by the receipt of this certificate of graduation. Students should be given to understand that it will represent efficiency on their part and will be given only to those who are proficient. Its presentation should be understood as carrying a high reward and high recognition by the National Government of their individual efforts. They should be led to realize that the Federal Government will be ready to stand by all who pursue the entire course and attain high proficiency in speaking, reading, and writing our language and acquire an intelligent understanding of our institutions; that it will bring them to the attention of their employers to secure recognition of their higher efficiency, and will also endeavor to aid them in their ambitions and advancement not only in this but in bettering their condition in other fields of activity. The importance and value to the individual in relation to his personal advancement of a thorough mastery of English and the citizenship branch of this course should be constantly held before them to stimulate them to the highest degree in both attendance upon the classes and attention to the studies. *

Fundamentals for the American home.

Women should be encouraged to participate in all of the foregoing as far as practicable in common with men. This applies to all places, regardless of whether the women have the right of suffrage, but particularly where women are voters. It is not the purpose to develop the desire of suffrage, but to bring the women out of the European and foreign atmosphere into the very heart and soul of things American. Emphasis is laid particularly upon this so as to insure an extension of the influence of the school to the other foreign-born women with whom the women in the classes come into daily contact and to have them inspired to enter the sphere of this Americanizing influence.

DOMESTIC ARTS AND SCIENCE.

The following course in domestic arts and science is a presentation of the subjects which are now actually being taught in the most important cities of the United States and some of the smaller but more advanced cities and towns. No instance, however, is known to this bureau where a city or town is teaching all the subjects presented herein. The Bureau of Naturalization is therefore fulfilling its function as announced by the Department of Labor "as a clearing house of information on civic instruction."

For convenience this chapter is presented under the two heads of "Domestic arts" and "Domestic science."

DOMESTIC ARTS.

Plain sewing, advanced sewing, dressmaking, costume designing and coat making, tailoring, millinery, crocheting (elementary and advanced), art needlework, lace making, embroidery.

Plain sewing: (a) Elementary work for beginners in cutting, fitting, and constructing simple garments; patching; darning. (b) Advanced work—Dressmaking, waists, skirts, dresses, buttonholes, ribbon and flower work.

Sewing—Hand and machine work: (a) Elementary—Sewing and adjusting of commercial patterns; cutting and fitting new and renovating and remodeling old garments. In this work the individual should bring her own garments or those of her family. The following is a suggestive list: Waists, using thin material and demonstrating buttonhole work; petticoats, ruffling; skirts, outside and of wash material; seam finishing and fastening; children's plain garments; corset covers and underwear; household articles. (b) Advanced—Making new garments of cotton and woolen material and renovating and remodeling; tailored shirt waists; plain dresses of wash material; tailored skirts of woolen material; advanced and original work in one-piece dresses of gingham, percale, cotton, cotton voile, lawn, poplin, linen, foulard, and woolen materials; children's plain garments.

Millinery: Making and trimming hats. Instruction should be under competent and experienced trade milliners, to equip the student to become a more intelligent judge of materials and of values and costs. Demonstrations should be made of various articles both in millinery and in piece goods. A cost system should be evolved. A value should be placed upon the time of the student, to be computed in the cost of production of the article. The most practical step toward the development of American appearance will be a discussion of the benefits of remodeling and renovating of millinery. The individuals should be led to use their own hats in work, after the method prescribed in the sewing classes. Interest will at once be aroused in the transformations in the headwear and clothing when the possibilities are ascertained and accomplished under the guidance of the milliner and sewing teaching.

DOMESTIC SCIENCE.

Table service; bread making, cake making, family cooking; elementary food selection (buying and preparing taken up by meal sequence); advanced cookery, fancy cookery practically taught, invalid cookery, nurse cookery, quality cookery; home economics; household chemistry and physics and sanitation; catering; homemaking and housekeeping; household accounting; furnishing and decorating; music, dramatics, household arts; physical culture.

In practically every school where domestic science is taught a well-formulated plan has been adopted. The Bureau of Naturalization therefore recommends the continuance of the prevailing plans with enlarged scope, and that a chapter be devoted to domestic arts and science in the reports (for which desire has heretofore been expressed) to be made by the schools to the superintendents and by them forwarded to the Bureau of Naturalization at the termination of the present scholastic year.

The branches of domestic science in themselves suggest too clearly the line of development to necessitate a detailed presentation in this outlined work.

Neatness and hygiene in the home and of the person should be taught. Emphasis should be laid upon commencing in earliest childhood.

The following publications are available upon application to the Bureau of Naturalization: Prenatal Care, Infant Care, Baby-saving Campaigns (for cities), Baby-saving Work (for small towns and rural districts), Child-welfare Exhibits.

Mr. CHAMBERLAIN. There is not any suggestion in that document to indicate that they have interfered with the normal-school courses in this country; there is not any suggestion that they try to teach the colleges of the country what sort of a curriculum they shall have; it is simply a plain statement of the duties of citizenship addressed to the plain man, the uneducated man, if you please, the laboring man, the man who has not the time to figure on colleges and on the schools or anything else, but simply wants to learn the fundamentals of the American Government and citizenship, so that he may get out his final papers and so become a useful American citizen.

Mr. President, I have already taken more of the time of the Senate than I ought to have taken. I am going to move to amend this bill at the proper time, to carry out the suggestion which I have in mind, and that is to eliminate everything from it except the skeleton of a bill, which will not interfere with or conflict with the law now on the statute books that provides for the education of aliens under the act of June 29, 1906, as amended by certain later acts authorizing the Bureau of Naturalization, under the direction of the Secretary of Labor, to take charge of these matters.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield.

Mr. KING. I hope the Senator will not do that; I hope he will vote with, I think, a majority of the Members of the Senate to defeat this bill, as it ought to be defeated, and then, if necessary legislation shall be required, that a proper measure, after due consideration, may be brought out for the consideration of the Senate.

Mr. CHAMBERLAIN. Yes; I shall follow that course, but it is perfectly proper to try to amend the bill so as to make it as good as possible, and then vote to defeat it.

May I say in conclusion that the Provost Marshal General advises me that he has no statistics as to illiterates of the draft age, but I have obtained the following from the office of the Commissioner of Education:

Forty-one thousand nine hundred and fourteen of those certified in the first draft were unable to speak English or needed English instruction in order to make military training effective.

Sixty-eight thousand nine hundred and eighty-seven of those likely to be certified will be unable to speak English. This is estimated, and is based on statistics of the 1910 census.

Non-English-speaking drafted men.

Camp Upton	1,275
Camp Devens	2,482
Camp Gordon	381
Camp Meade	1,331

Mr. President, with these remarks I submit the matter to the Senate. I feel that if the Senate will give it their earnest consideration they will vote to defeat this bill.

Mr. HARDWICK obtained the floor.

Mr. PENROSE. Mr. President——

Mr. HARDWICK. Does the Senator from Pennsylvania desire me to yield to him?

Mr. PENROSE. I desire to make a few further remarks on the bill for three or four minutes, but I will yield to the Senator.

Mr. HARDWICK. I shall not occupy the attention of the Senate very long. I have only a word or two to say.

Following the last suggestion made by the Senator from Utah and the suggestion of the Senator from Oregon, there is quite an extensive legislative proposition submitted by the Bureau of Naturalization undertaking to deal with this subject matter, so far as it affects aliens and people who are applying for citizenship in this country. It is pending now before the Committee on Immigration, and we hope at an early day to be able to give that bureau certain additional machinery and certain additional money to carry on this great, and I think necessary, work; but it does look to me like if we start now another bureau to do the same kind of work it is going to be more or less of a duplication.

I have been very much impressed with the suggestion that we either ought to stop the Bureau of Naturalization from doing the work that has been committed to it by statute laws here through many years, by different Congresses, or keep this Bureau of Education out of it. We ought to do one or the other, and avoid duplication.

I do not feel, and I never have felt, that vocational or any other sort of education was a proper function of the Federal Government. I think we have now at least enough ways to spend our money without embarking in that particular field of expenditure; and it certainly seems to me that only some of the duties and rights and responsibilities of the States ought to be left, but also some of their opportunities to attend to matters of this sort. I think from the beginning one line of demarcation has been that the course of education itself should belong to the local authorities, and the responsibility should rest on them.

Therefore, for every reason—first, because generally the Federal Government ought to have nothing to do with this sort of matter; second, because so far as concerns the particular way in which this thing is sought to be applied now, the Naturalization Bureau of the Department of Labor is already undertaking this work; third, because so far as the soldiers in the Army are concerned the bureau is already trying to do everything that can be done in the short time at hand; and, fourth, because we have not time now, with the emergency that is on us, to start to educate these soldiers in much except how to shoot straight and shoot quick. I do not think I can support this bill. Of course, since my colleague offers it, it is unpleasant to have to oppose it; but my judgment is against it, and upon all of those grounds I shall, therefore, oppose it.

Mr. PENROSE. Mr. President, I have only a few words to add to what I have already said, because after the very elaborate and clear explanation of the Senator from Oregon it seems to me that further comment on this bill is unnecessary.

I offered an innocent little amendment that no part of this appropriation should be applied to salary increases or to the creation of permanent positions, and I immediately encountered the indignant opposition of the Senator from Georgia [Mr. SMITH] on the ground that I was engaged in taking all the perfume from the rose and destroying the bill. It seems to me, Mr. President, that if there ever was a measure that was presented to this body under a false aspect, it is this bill.

All this talk about the 700,000 illiterates, repeated throughout the country without the slightest foundation, has only one purpose—to bolster up this measure and get $100,000 out of the Treasury. I have here a memorandum from the Provost Marshal General's Office, sent here at the request of the Senator from Oregon [Mr. CHAMBERLAIN], in which he states that they have not collected any data on illiterates in connection with the draft; but it requires a universal genius, like Mr. Claxton, to discover these startling figures overnight.

But the cause is not difficult of ascertainment, Mr. President. It is found in this wail which we frequently hear from the administrative officers of the Government, and is thus stated in the report of the Commissioner of Education:

> The statutory salaries of the administrative officers of the bureau are conspicuously low; they have remained unchanged for many years. The chief clerk of the bureau, who is the administrative head of the office and acts for the commissioner in the latter's absence, receives $2,000. The editor, who must have, in addition to the technical editorial qualifications, a clear conception of Government policies—

It would require a great editor to have a clear conception of Government policies just now—

> And a broad knowledge of the special field of pedagogy—

Which will ultimately include herding reindeer in Alaska—

> Sufficient to enable him to review critically the work of highly trained specialists in the office and prominent educators outside, is also paid $2,000. The specialist in higher education, whose business it is to judge of university and college standards—

A rather vague line of business—

> To report upon academic policies and to analyze institutional management—

High-sounding phraseology, Mr. President, which does not convey to my mind any clear idea of the arduous duties imposed upon this gentleman.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. PENROSE. Yes.

Mr. KING. What authority has Dr. Claxton, or any representative of the Government, to analyze the duties and responsibilities and the methods of teaching of the various States, or the institutions within the States?

Mr. PENROSE. Mr. President, there is apparently no limit to the universal genius possessed by Dr. Claxton. Any man who can teach gardening in Baltimore, and herd reindeer in Alaska, and compete with Hoover in food conservation has as universal a talent as was possessed by Shakespeare or any of the great men in history.

This man, with these high-sounding duties—

> Whose business it is to judge of university and college standards, to report upon academic policies, and to analyze institutional management—

A most arduous task—

> for the largest as well as the smallest college plants in the United States—

Think of it—to analyze their institutional managements, great and small—this man receives a salary of only $3,000, Mr. President, under the act of Congress—

> The statistician, in charge of the bureau's fundamental task of collecting educational statistics for the entire Nation, receives $1,800.

Here Dr. Claxton is not fair to himself, because he undertakes to collect similar statistics from every civilized and uncivilized nation in the world.

The whole report is one continuous wail about low salaries; and yet the Committee on Appropriations, Mr. President, has fixed these salaries. They are thought to be commensurate with the duties performed, and analogous to the salaries of similar positions in other branches of the Government.

It is lamentable, Mr. President, to read in the report that—

> The position of specialist in foreign educational systems, replete with enormous possibilities for leadership in the development of American education and industry on the basis of foreign experience, pays $1,800.

To think that the man who tells us what they are doing in Japan and Burma and Siam and Haiti should only receive, for this notable consecration to the public service, $1,800!

Who can not sympathize with the lamentations contained in the report, wherein it says:

> The situation with regard to salaries paid under lump-sum appropriations is only slightly better.

I had thought, Mr. President, that the possibilities of the lump sum were limitless; and it is some comfort to me, in these day of enormous expenditures, to find that the lump sum has its limitations.

With great regret, Dr. Claxton says that—

> The limit of $3,500 placed upon salaries paid out of these funds means that the bureau can not expect to secure and hold permanently men who have a right to speak with authority in their special fields.

That is the real underlying motive behind this measure, in my opinion, Mr. President, and the reason why my amendment was so strenuously objected to, which endeavors to hold at least the present salaries and the present places down to their statutory status, and not permit the bureau to run riot, raising salaries and creating additional places.

Look at the recommendations in the report. There is hardly a recommendation here that does not relate to an increase in the salary of some employee in the department or which does not relate to the creation of an additional place. I shall not detain the Senate by more than referring to this highly interesting phase of the aspirations of the Bureau of Education, which seem chiefly to relate to salary raises and additional places.

Mr. President, from the fraudulent and false-pretense aspects, we conclude with the ridiculous when we read in the report that the bureau should be authorized to sell some of the 4,000 reindeer belonging to the Government in Alaska and to distribute the remainder to the fields wherein they shall be herded.

Mr. SMITH of Georgia. Mr. President, I have listened to the speech of the Senator from Oregon [Mr. CHAMBERLAIN], and also to the speech of the Senator from Pennsylvania [Mr. PENROSE], with surprise.

As I understood the amendment of the Senator from Pennsylvania, it forbade the use of any of this money in paying employees. I may have misunderstood him.

Mr. PENROSE. The amendment provided that no part of this appropriation should be applied to increasing salaries or creating permanent salaried positions.

Mr. SMITH of Georgia. I did not understand it, then. I thought it was to prohibit the use of any of the money to pay employees. That, of course, would destroy the bill. I have no desire that any of the fund shall be used to increase the pay of present employees of the bureau, and would have no objection to such a direction with reference to the fund; but, of course, if the fund could not be used to pay employees hereafter to be employed, or employees assigned to this special work, nothing could be done under the bill.

Mr. PENROSE. Nothing will be done.

Mr. SMITH of Georgia. Something will be done. I enter my opinion against that of the Senator from Pennsylvania, and I think mine is worth at least as much as his upon this subject.

I am very familiar with the work of the Bureau of Education. I know it has done a vast deal of good. I know it has not interfered with the work in the States. I know it has not assumed the task of education which has belonged to the States. On the contrary, it has cooperated with State superintendents; it has cooperated with city superintendents; but, of course, wih county school commissioners; it has been a clearinghouse of information, gathering material that they needed from all parts of the Union, and furnishing it to them to help them advance in the splendid work of training the boys and girls of our country. This is a subject which to me has always been most dear, and to which I have given a great deal of attention, one that always delighted me, one where I feel that the broadest opportunity for public service is furnished.

Now, what is this bill? This bill is not to place the Commissioner of Education in the States to teach the illiterate of mature years. It is not that. That never has been the province of the Bureau of Education. It has not been the province of the bureau to teach the children; but it has been the province of the bureau to be a clearing house of information and help the State officials to gather the information they needed and contribute to their work, helping to unify the work of the entire country and advance it in its breadth and in its strength.

What is this bill? This is a bill to authorize the Bureau of Education to go among the adult illiterates, to help prepare plans to strengthen the adult illiterates, to help by furnishing plans the work to be done by the State officials, the work to be done by the State commissioners of education and superintendents and the city commissioners of education and superintendents and the city and the country teachers. But the Bureau of Education here, national in its scope, is to help prepare the line, to help point the way, to help stimulate the work. It may go further. It will help stimulate the good women in the cities and the good men in the cities and in the country to take up this problem of adult illiterates and help reach out to them and organize day and night movements to remove illiteracy among the adults.

Where does this bill come from? Senators have ridiculed the source of the bill. They charge the Commissioner of Education with seeking to build up a new, great bureau. Why, he already has the bureau. The bill did not come to us from him. It came to us from one of the broadest and best men in our country, the Secretary of the Interior, Mr. Lane. Let me read to you a sentence from his letter. I introduced the bill because the Secretary of the Interior sent it to me and wrote a letter upon the subject which appealed to my judgment. He called attention to facts that appealed to my judgment. Let me read a line or two from his letter. Before I do so, I challenge the statement of the Senator from Pennsylvania that there are not in this country 700,000 persons of draft age unable to read and write.

Mr. PENROSE. What does the Senator found his statement on?

Mr. SMITH of Georgia. I will give the Senator my facts. That is the reason why I challenge his statement.

Mr. PENROSE. The Senator does not give me any facts.

Mr. SMITH of Georgia. I am going to, if the Senator will sit down and listen to me.

Mr. PENROSE. I will.

Mr. SMITH of Georgia. There are 5,516,163 adults in the United States who can not read and write, according to the census of 1910.

Mr. PAGE. Mr. President, let me correct my friend from Georgia—above the age of 10.

Mr. SMITH of Georgia. Above the age of 10; yes.

Mr. PENROSE. Has the Senator any evidence that they are males or females, or both?

Mr. SMITH of Georgia. I am going on with my statement. I again suggest to the Senator that he sit down.

Mr. PENROSE. I was making a civil inquiry of the Senator.

Mr. SMITH of Georgia. I have not finished. I will give the Senator all my information.

Mr. PENROSE. The Senator says there are 5,000,000 men and women who are illiterates.

Mr. SMITH of Georgia. That is true over the age of 10 years.

Mr. PENROSE. That is not a question involving the draft age.

Mr. SMITH of Georgia. Yes; that furnishes information about the draft age also, because the proportions run through. The percentage is about 8. Now, then, there are 10,000,000 within the draft age, or about 10,000,000. That percentage makes those within the draft age over 700,000. The Senator asks for the calculation for his information, and that is the calculation made by the Secretary of the Interior, Mr. Lane, found in this letter, and that is what the Secretary based his letter upon, that there were approximately 700,000 within the draft age subject to the draft who could not read and write. Now let me read the conclusion of the letter of the Secretary.

The PRESIDENT pro tempore. The morning hour having expired the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SMITH of Georgia. Mr. President, while I have the floor I wish to finish the line I was presenting.

Mr. OVERMAN. Does the Senator want to speak on this bill?

Mr. SMITH of Georgia. No; I will speak on the bill that was before the Senate before the unfinished business came up.

Mr. OVERMAN. The Senator can not speak unless he speaks on this bill.

Mr. SMITH of Georgia. I think I know my rights, and I shall use them.

I desire to call attention very briefly to one or two more things, and then I intend to defer my further remarks until a later time.

Mr. KING. Does the Senator intend to try to get a vote on the bill to-day?

Mr. SMITH of Georgia. No; I can not. I wish to complete at this time my reference to the statement by Secretary Lane, and my answer to the efforts to prejudice this measure upon the theory that it originated with the Commissioner of Education in an effort to enlarge this bureau. The conclusion of the letter of Secretary Lane to me is in this language:

> What I have said here leads to a respectful request that you give early consideration to House bill 6490, which provides for a modest appropriation for the Bureau of Education to begin and conduct a vigorous and systematic campaign for the eradication of adult illiteracy. If the bill can be passed soon, special attention can be given to teaching illiterate men of draft age, and especially those who are classified in Class A.

So, Mr. President and Senators, this bill came from the Secretary of the Interior, Mr. Lane. It came in a letter from him to me, and also a letter to the chairman of the Committee on Education in the House. He pointed out the extent of illiteracy above the age of 10 in the United States, 5,500,000; he pointed out the illiterates within the draft age, 700,000; and he appealed to us for this meager sum to be used by the Bureau of Education that it might speedily begin work to organize and stimulate work that as far as possible illiteracy might be removed from the boys in the cantonments and from those of draft age.

One more word and then I shall defer my further remarks until the bill is formally before the Senate.

The Senator from Oregon called attention to a picture the use of which he seemed to condemn, and he said it was being sent in great quantities from New York by the National Americanization Committee for the United States Bureau of Education. It is true, I presume, that this picture is being distributed generally throughout the United States among those who can not speak English. It is probably true that the Bureau of Education has stimulated the work of the National Americanization Committee, and that this committee is spending vastly more in this work than we have contributed to the Bureau of Education for leading in such work. If so, I congratulate the country on the work of the Bureau of Education cooperating with the National Americanization Committee. What is this circular? What is this picture? It presents Uncle Sam shaking hands with an immigrant laborer who can not speak English, and Uncle Sam is inviting the immigrant to do what?

> To learn English; to attend night schools.
>
> The circular tells the immigrant to do this because—
>
> It means a better opportunity and a better home in America.
> It means a better job.
> It means a better chance for your children.
> It means a better America.
> Ask the nearest public school about classes.
> If there is none in your town, write to the National Americanization Committee or the United States Bureau of Education.

Senators, can anything but good come from the circulation of matter of that kind? Does anyone question the value to the Nation of inducing immigrants to learn English and attend night schools? If that is the kind of work Dr. Claxton and the Bureau of Education are doing, then I ask you, Can we not well encourage them to do more of the same work? We spend a few dollars on the Bureau of Education, but under the leadership of the bureau large sums are contributed by which great service to our Nation is accomplished.

I shall not detain the Senate longer now, as the unfinished business is the regular business, and we should proceed with it.

REORGANIZATION OF THE EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OVERMAN resumed and concluded the speech begun by him on yesterday. The speech entire is as follows:

Tuesday, April 2, 1918.

Mr. OVERMAN. Mr. President, in my humble judgment, the bill now under consideration has been very much misunderstood. A remarkable thing happened in connection with it. It was introduced one afternoon about 4 o'clock, and the next morning, almost before the bill had even been printed, and before anyone could have read it, there were great headlines in the newspapers and interviews with various gentlemen denouncing the bill. That was an astonishing thing to me, but as Senators and Members of the other House have read and understood the bill it has come into very much stronger favor than it was before, and when Senators come to consider this bill as it has been amended I do not see how any Senator can oppose it. There are no horns in this bill.

I desire now to come to a discussion of its provisions. I wish to discuss the precedents for it; I wish to discuss its limitations, and I wish to show the absolute necessity for this legislation.

The President of the United States is the executive officer of the Government, made so by the Constitution. He executes the law. Under the Constitution, under our form of government, Congress makes the law, the Supreme Court of the United States declares what the law is, and the President is charged with the execution of the law. The pending measure does not propose to give the President any substantive power whatever. Congress, in its wisdom, has passed certain laws which, under the Constitution and by virtue of his great office, the President of the United States is charged to execute. The question is, How shall he execute the laws which Congress has enacted? That is the only question before the Senate. Shall he be authorized to execute them in the best interest of the Government and in order to fight the war more efficiently?

The Constitution prescribes the duties of the President. Senators, of course, are familiar with the provisions of the Constitution, but I will read a portion of section 3, Article II:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may on extraordinary occasions convene both Houses—

And so on.

The President is charged, under a joint resolution which we have passed declaring war, to prosecute that war to a successful termination. The declaration of war was in the following language:

Resolved, etc., That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

So, it is made the President's duty to fight the war not only by the joint resolution declaring war but by the authority granted to him under the Constitution as Commander in Chief of the Army and Navy. He has sent to the Senate, the same as if it were a message to Congress, a request for certain authority—the authority which is conferred in this bill. The question with the Senate is whether in this emergency, in this great crisis of our country, when men are fighting and dying, and the world is, as it were, burning up, and democracy and liberty itself hangs in the balance, will we grant to the executive head of this great Nation, whom by joint resolution we have charged to fight this war, not any new power, but the authority he asks for. He says it is necessary and tells you he must have this authority. Shall we give it to him?

Mr. President, so far as I am concerned, even if these were not war times, I would be in favor of this bill. Everybody familiar with the history of this country knows, and especially, perhaps, I will say to the Senator from Utah [Mr. SMOOT] and those 18 members of the Appropriations Committee, with whom I have the honor to serve, know that there is the most utter confusion and great duplication of work among the departments of this Government. No man knew that or could know it better than former President Taft. Before he became President of the United States he had been Solicitor of the Treasury; he had been Secretary of War; he had been Governor General of the Philippine Islands, and he knew the conditions existing.

In January, 1912, he sent to Congress a message, in writing, in which he said that the departments, bureaus, and agencies of the Government had been built up by Congress during a hundred years without any system, without any coordination, and that there was utter confusion and duplication of work everywhere. In response to that message, in which he asked for a hundred thousand dollars to appoint an efficiency commission to look into the matter, the necessary legislation was enacted, and subsequently a report was made by the commission. After reading that report, Mr. Aldrich, a great Senator from the State of Rhode Island, said upon the floor of the Senate that if we would carry on the Government as any business concern is carried on we could save the enormous sum of $300,000,000 annually. Mr. President, if this Government was run according to business methods, he was not far wrong in this statement.

Mr. President, in time of war we ought not to be too sensitive or squeamish about these things. In time of peace I introduced a resolution, which the Senate passed and which I am going to read, which practically gave the authority now sought by the pending measure, but in relation to one subject only. Time and time again, as I am going to show, Congress has acted upon this question and given this authority for special objects.

Mr. President, we have got to give the President power in these times to carry on the war in order that it may be carried on successfully. We have got to stand by him. President Lincoln——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. I yield.

Mr. CUMMINS. The Senator from North Carolina said a few moments ago that the President had asked for the power which this bill would confer upon him. Will the Senator from North Carolina point out the message of the President to which he referred in making that statement?

Mr. OVERMAN. I said it was the same as a message in writing. The bill was advocated by the President and sent to me by the President, and I have no hesitation in saying so.

Mr. CUMMINS. I did not quite gather that qualification, and I simply wanted it to appear before we proceed further that the President had not communicated to Congress any desire for the power which is conferred by this bill.

Mr. OVERMAN. Mr. President, everybody has been making criticism about the "red tape" in the departments. The President wishes to cut it. Let us give him the scissors with which to do so.

Mr. President, before I show the action of President Taft in these matters, which I want to read, let us see what the provisions of this bill are. It has certain provisions and certain limitations. What does it propose to do? Simply, during the term of the war, to redistribute functions. What functions? New functions? No. What functions? Functions that Congress has enacted; functions that it is the duty of the President, as Commander in Chief and as President, to discharge in executing these laws. How shall he execute them? He tells you how he wants to execute them. He does not want new laws or any substantive power, but he wants the authority simply to redistribute these functions so that he may coordinate the great machinery of this Government, which is now loose, with a monkey wrench in it, with no lubricating oil, and running rusty. He asks you to give him the authority to redistribute these functions, and also authority to transfer certain agencies and to transfer certain persons from one bureau to another. That is about all there is in the bill, with what limitations, Mr. President? Let us see what the limitations are.

It is provided—

That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

I thought, Mr. President, that the language of this bill was sufficient without that clause, as the following language in the

first section of the bill is a limitation simply for the period of the war:

That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions—

And so forth. But some Senators on the committee said, "That limitation is not sufficient. We want to make it more explicit, so as to confine it absolutely to the war," and therefore I accepted the amendment that the authority by this act granted should be exercised only in matters relating to the conduct of the present war in order to make the limitation more explicit.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. OVERMAN. I yield to the Senator.

Mr. JONES of Washington. In view of that amendment proposed at the close of section 1, what effect has the preceding provision—

That this act shall remain in force during the continuance of the present war and for one year after the termination of the war.

It seems to me that those two provisions are really contradictory.

Mr. OVERMAN. So far as the committee is concerned, that is only a question of detail. The idea of making it 12 months was, as there is another provision in the bill requiring that these functions should go back to where they were before they were redistributed, that there should be sufficient time for adjustment of those matters where changes had been made. There is a provision that—

Upon the termination of this act all executive or administrative agents, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore * * * provided.

So that if the President should redistribute any of these functions or the duties of these officers, they should go back. The only question is, How long would it take to do it? So we made it 12 months; and if the Senator desires a shorter time, I have no objection to it. We only want time enough to enable them to readjust these matters after the war.

Mr. JONES of Washington. No, Mr. President; this is all that I was trying to get the view of the Senator upon: It seems to me that those two provisions are contradictory. If you have a provision that this act shall remain in force for one year after the expiration of the war, it seems to me that carries the authority to act for a year after the war; and yet you put in an amendment providing that the authority by this act granted shall be exercised only in matters relating to the conduct of the present war. Now, the war ends, and the conduct of the war ends, with the treaty of peace; and I just wanted to ask whether the Senator regarded those two provisions as contradictory?

Mr. OVERMAN. They would seem to be somewhat inconsistent; but when you take them in connection with the language I have already read, it will take some time to readjust matters. This certainly is not intended to confer any authority to act after the war is over.

Now, there is another limitation, Mr. President. The limitation is:

That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

The President is not only given no new power or new function, but he is limited to spending only the money appropriated and only for the purposes for which it was appropriated.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New York?

Mr. OVERMAN. I yield.

Mr. WADSWORTH. Will the Senator inform the Senate as to his definition of the term "governmental agency"?

Mr. OVERMAN. Any agency established by Congress.

Mr. WADSWORTH. That is the entire definition the Senator wants to give?

Mr. OVERMAN. Or any other agency that the President has established himself, if he has any power and he has established any agency.

Mr. WADSWORTH. There comes a very important distinction.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. I do.

Mr. NELSON. The bill has been amended so that it refers only to governmental agencies established by law. It is limited to that.

Mr. OVERMAN. Yes; it is.

Mr. WADSWORTH. Apparently the chairman of the committee did not know that.

Mr. OVERMAN. Yes; I remember the Senator's amendment. So those limitations are there, Mr. President. It is limited to governmental agencies established by law. It is limited to expendng money only for the purposes for which it was appropriated. It is limited to using only the functions which Congress already has established.

Mr. WADSWORTH. Mr. President, I was going to ask, in a specific case, if the Senator will be good enough to answer, Does the Senator consider that the War Industries Board is a governmental agency under that definition?

Mr. OVERMAN. If it was created by an act of Congress, it would be created by law.

Mr. WADSWORTH. It is a close question in my mind, and I am really in doubt about it. The Council of National Defense was established by an act of Congress, and so, as I understand, was the Advisory Commission. They, in turn, created the War Industries Board. Is that a governmental agency established by Congress?

Mr. SMITH of Georgia. Mr. President, this language is "now existing by law." It does not say "established by law." If it was legally created, without regard to an act of Congress, it would exist by law, though not established by a statute.

Mr. WADSWORTH. The thing is exceedingly important, because there are a large number of subcommittees of the Advisory Commission of the Council of National Defense; and I should like to have their status thoroughly understood, in order to understand what this bill applies to.

Mr. OVERMAN. Mr. President, Congress passed what is called the national defense act, and the national defense act confers no power whatever. It authorizes the President to establish this council. It authorizes certain agencies to be established; and, acting in accordance with this act passed by Congress, conferring no power, the great business heads of this country were summoned to Washington. Advisory committees were established, agencies were established; and there, as the Senator from New York has so vividly set forth, has been the trouble. They took this evidence before the committee, Mr. President—I wish the Senators would read it; the Senator has quoted very largely from it—in which it was testified that the best business men in America came here, as patriotic men, to help fight this war, and they had an act before them which gave them no power whatever, and the bureaus and agencies did not comply with their demands, and there was confusion everywhere.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. I do.

Mr. CUMMINS. I think there is a little confusion about the immediate subject of which the Senator from North Carolina is speaking. It is true, as the Senator from North Carolina says, that the law confers no power upon the Advisory Commission or any of the committees created through it or under it; but the Advisory Commission is a governmental agency existing under the law, and by the terms of this bill the President can take any department, any commission, or any office, no matter how extensive its functions and its powers may be, and transfer those functions and powers to any committee of the Advisory Commission, even though the latter now has no power or function at all save an advisory one. That is the exact situation. The power here is to transfer from one department or office of the Government to another. I am sure the Senator from North Carolina will agree with me.

Mr. OVERMAN. I agree with the Senator. He has a right to transfer.

Mr. CUMMINS. For instance, under this bill the President can transfer all the powers and functions of the Interstate Commerce Commission, or the Federal Reserve Board, or the Federal Trade Commission, or the Federal Farm Loan Board, to any officer of the Government, or to any agency of the Government, or to any department of the Government, or to one of these committees created under the Advisory Commission.

Mr. OVERMAN. Now, I want to ask the Senator a question which he asked me when I had charge of the espionage bill. The Senator asked me when that bill was up for consideration if it was absolutely necessary in order to fight the war successfully and save the Union and the Constitution, whether I

would be willing to prohibit the publication of newspapers. Now, I want to ask him this question: If it is absolutely necessary, in order to save the Union and to fight this war successfully, to transfer the powers of the Interstate Commerce Commission to some other department or service, would the Senator be willing to do it?

Mr. CUMMINS. Why, Mr. President, there is but one answer to that question. If it is necessary to save the Union, I would be willing to abolish permanently the Interstate Commerce Commission and the Federal Reserve Board and the Federal Farm Loan Board and the Federal Trade Commission. I would be willing to abolish any agency of the Government. But it is for me, as a Senator, when I cast my vote to determine whether it is necessary, in order to save the Union, that the President be granted the power to transfer the functions of one of these tribunals, independent in their character, to another officer of the Government When I am convinced that it is necessary to save the Union that this sort of power shall be given to the President, I am willing to give it, and would without hesitation give it; but I not only believe that it is not necessary to grant such power to the President in order to save the Union, but I believe that if granted it would be an influential step toward destroying the Union.

Mr. OVERMAN. Mr. President, the Senator has answered the question as I did, with one exception. He would do it in order to save the Union; he would do it in order to fight a successful war; but he must exercise his own judgment here, and practically say: "I distrust my Commander in Chief; I have no confidence in his judgment. I am afraid he will do so-and-so." We have our Commander in Chief; we have instructed him to fight the war; and does the Senator think he would do that?

Mr. CUMMINS. Mr. President, I hope the Senator from North Carolina will not press me too closely and too far with regard to my trust or confidence in the President of the United States. I have the utmost confidence in his good intentions; but I answer him by saying that I would not grant this power, unless I was convinced that it was necessary, to any man, whether this President or any other President, whether of my own party or of any other party.

The very moment that the Senator from North Carolina can convince me that to prosecute the war successfully, to save the Union, and to save free institutions and to save civilization, it is necessary that this power shall be conferred upon any man in the Republic, famous or obscure, I will be the first to grant it; but the task is first upon the Senator from North Carolina to convince me that any such power as that is necessary in order to conduct the war properly.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. Let me answer the Senator from Iowa first.

Mr. CUMMINS. If the Senator will allow me just a moment more, I want to say that, so far as concerns every illustration which has been given to the committee of a need of further power in the hands of the President, there has been no difference of opinion whatever among the members of the committee. I stand ready to give to the President, so far as Congress can give it, *every power* which has been specified by the advocates of this bill; but I am unwilling to extend that grant into a nameless, undefinable ground, so that the President, under the guise of transferring power in order to properly prosecute the war, may transfer it for another and a different purpose.

Mr. OVERMAN. Notwithstanding, Mr. President, there is a limitation in this bill that provides that he shall do nothing, he shall exercise no authority, except in matters relating to carrying on the war and necessary for the public defense—there is a limitation—yet with this limitation in this bill which says that the President shall have no authority to do anything not relating to the war, the Senator says the President will exercise that power, notwithstanding he has sworn not to do it. The Senator would not trust him. I have a different opinion of the President, and I am willing to give to him this general authority both as Commander in Chief of the Army and as the great executive head of this Nation, elected by the people to execute the laws.

Why, sir, in 1861 Congress met, and adjourned in August, and left President Lincoln to do things; and for what he did do he was denounced as a dictator and a czar, and yet he saved the Union. He signed without any authority whatever the emancipation proclamation. There was no law for it, but he did it to save the Union; and every man, North and South, today indorses that great act. Mr. John Hay said that like a tycoon he went about doing things without regard to law or the Congress; but President Wilson does not do that.

It has been said in our committee by some Senators that the President having been given the right to fight the war with the Navy and the Army, he can perhaps do all these things anyhow; but instead of doing them, he comes to Congress, and says to Congress: "Instead of being called a dictator, as Lincoln was called, I would rather have the authority of Congress to exercise my judgment in matters relating purely to the war"; and yet Senators say, "I can not trust him. He may do something he should not do." All the law says is: "You shall not exercise this authority except in relation to war matters."

That is the difference between the Senator and myself. The Senator has stood faithfully with the committee for all matters except his pet measures, which are amendments relating to the Interstate Commerce Commission, and, I believe, the Department of Justice. He has stood with us on everything else. I am glad he has, but I do not want him to make those exceptions. I do not want him to assume that the President of the United States will disobey the law, violate his oath, and do an unconstitutional act. That is the reason why I do not agree to those amendments.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. I yield to the Senator.

Mr. NELSON. I want to remind the Senator from North Carolina that practically the Senator from Iowa was willing to give all the powers granted in this bill with regard to all the departments of the Government except the Department of Justice, the Interstate Commerce Commission, and the Federal Reserve Board. He was willing to give all these powers, and he did not have the compunction of conscience that he has indicated now about the dangers of the bill.

Mr. CUMMINS. No, Mr. President; the Senator from Minnesota is wrong——

Mr. NELSON. I am not wrong.

Mr. CUMMINS. As I am sure he will admit in a moment.

Mr. NELSON. No, sir.

Mr. CUMMINS. The Senator from Minnesota will remember that before the committee I took the position that the power which the President desired should be specified, and, if we believed it to be necessary or helpful in the prosecution of the war, that we ought to grant it.

Mr. NELSON. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Just a minute.

Mr. NELSON. Did not the Senator offer an amendment to the bill to that effect?

Mr. CUMMINS. If the Senator will just sit down a moment, I will tell him just what I did. That view was not accepted by the committee; and in order to limit the powers which we are asked to grant within at least those fields that have hitherto been recognized as executive fields, I offered an amendment in which I proposed to give these powers to the President so far as all the executive departments are concerned—that is, the departments of which Cabinet officers are the heads—with the exception of the Department of Justice, and I included also the United States Shipping Board.

I would go with great reluctance to that extent, but I will go, although it does not meet my approval. But when it is proposed to extend this power so that the President may abolish every other agency of the Government and transfer those agencies to any officer or department whom or which he may select—agencies over which the President has no control, agencies that he ought not to attempt to influence in any way whatsoever—I found it impossible to bring my judgment to approve a course so radical and, as I thought, so unnecessary.

Mr. OVERMAN. Yes; the Senator stood in the committee and advocated an amendment to the bill that would have given the President all the authority granted in this bill, except with reference to the judiciary—and that is very important—and the Treasury Department, and the Interstate Commerce Commission. The truth about it is, my countrymen and Senators, we are too squeamish about these things. Let me tell you: I stood here for three long weeks and contended for the passage of a bill known as the espionage bill, and yet here to-day we are coming back because, under the condition of things, by reason of certain words being stricken out, we can not punish anybody. We come back and ask for amendments to that bill, contained in a bill which I have introduced here to-day, in order that we may punish men for these things. Yet some people want to use the word "intent" when men are destroying the property of the United States, and we have got to come back

here and strike out certain words in a bill because Senators in time of war, when the world was on fire, came here and said: "We must protect the liberty of the citizen."

Mr. President, the liberty of the citizen must be protected; but in times of war we must do all those things that are necessary to bring about a successful conclusion, and we must trust the man that the Constitution and the people of these great United States have trusted to be the Executive of this country. The Constitution makes him the Commander in Chief. Miller, in his work on the Constitution, says that the reason the Constitutional Convention put in the words "Commander in Chief" and made the President the Commander in Chief was because Senators and Members of Congress were denouncing George Washington, the Father of his Country, all over the floors of Congress and hindered him at every step; so, in order to give him the power to fight the war successfully, the Constitution itself made the President the great Commander in Chief. Now, being the Commander in Chief, and with this joint resolution passed putting upon this good man the terrible burden of fighting this war, you propose to deny him certain authority that he says he must have. Why? Because you can not trust him. It is your duty as a patriot to trust him. If he does wrong, we can deal with him afterwards. If he does things contrary to law and does not confine his action to matters relating entirely to the war, and no others, then we can deal with him. I, for one, believe that we ought to trust him with this power, and that he will exercise it according to the law of his country. That is the difference between the Senator and myself. The Senator says that if it is necessary, in order to save the Union and fight the war successfully—I do not know whether it will be necessary or not, and the Senator does not know—to transfer the powers of the Interstate Commerce Commission, he is willing to have that done. But if it should be necessary, and you have not given to him that power or any other power, what is he to do? He is to do like Mr. Lincoln did, I suppose, and then he will be denounced as a usurper. Whether some Senators trust him or not, the people of this country trust him, without regard to party, as no other President has been trusted in our past history.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I do.

Mr. REED. Will the Senator be so kind as to point out to us how, by any possibility, it would be necessary for the President to wipe out the Interstate Commerce Commission in order to win the war?

Mr. OVERMAN. I do not intend to do it. I say he will only exercise powers according to this bill, which confines him to using those powers only in matters relating to the war.

Mr. REED. But, Mr. President——

Mr. OVERMAN. Many things might happen of which I can not conceive at this time. Why, the Senator from Missouri has asked me time and time and time again to show him what the President wants, and said that he might grant it.

Mr. REED. Yes; and the Senator has been as mum as the proverbial oyster when the question was asked.

Mr. OVERMAN. Ah, I will show the Senator why I can not do it. There is something arising every day in connection with which the President ought to have a right to transfer and redistribute these powers.

Mr. SMITH of Georgia. Mr. President, will the Senator tell us what has already arisen during this year?

Mr. OVERMAN. I will tell the Senators. Wait until I get to it. I have had contests with these three Senators for about three weeks. I know what they are asking. The committee has reported out this bill and asks the Senate to pass it. I know what you are going to say about it. I expect you to make a speech along that line on this floor.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I do.

Mr. REED. Sometimes we get help by direct questions. If the Senator has been asked these questions for three weeks he ought to be able at the end of that time to answer some one of them. The question I am asking him is to point out to the Senate how, by any possibility, it is necessary to take away the powers of the Interstate Commerce Commission and transfer them to some individual? It might be Mr. Creel or it might be Mr.——

Mr. OVERMAN. Still "harping on my daughter."

Mr. REED. No; he is no relative of mine, either male or female; but that witticism was worn out weeks ago. Now, I want the Senator, who has had three weeks to think it over, to answer the question how it is necessary, in order to win the war, to take the powers of the Interstate Commerce Commission and confer them on some other individual? I think the Senator ought to answer that question or else say he can not answer it.

Mr. OVERMAN. I want to be frank with the Senator. I can not see why he would.

Mr. REED. Then, if the Senator can not see how it is possible, why did the Senator refuse to vote for my amendment, offered in the committee, to eliminate the Interstate Commerce Commission from the remarkable provisions of this bill?

Mr. OVERMAN. Because we limited it purely and solely to fighting the war and let the President decide that question.

Mr. REED. But the Senator's argument now is that it is not included.

Mr. OVERMAN. I do not think it is.

Mr. REED. If it is not included, why did the Senator vote against an amendment that a considerable number of the members of the committee thought was necessary in order to make it plain that it was not included?

Mr. OVERMAN. As I said to the Senate, because I wanted to give the President this general power that he has asked, trusting that he will comply with the law, trusting him as the people of the United States have trusted him, trusting him as two-thirds of the Senate, I believe, are going to trust him with this matter, that he may exercise the power in his own good judgment. If he thinks it necessary to use it, he will do it; but he will have a good reason for doing it, and it will be in the interest of the national defense.

Mr. REED. The Senator first states that he can not tell us any reason why it is necessary to interfere with the Interstate Commerce Commission. Then he tells us that the Interstate Commerce Commission is not included in the bill at all, and that that is the reason why he objected to excluding the Interstate Commerce Commission. Then he tells us finally that he wants to leave in the power just because he wants to trust the President to do everything. Now, I want to ask the Senator if he did not change this bill himself by his own amendments not less than five times from the original draft?

Mr. OVERMAN. I read the limitations, and one of them was the limitation I am talking about, that it must be limited to fighting the war.

Mr. KELLOGG. Mr. President——

Mr. OVERMAN. I yield to the Senator.

Mr. KELLOGG. Do I understand the Senator to claim that the bill gives the President the power to transfer the powers of the Interstate Commerce Commission?

Mr. OVERMAN. I say it gives him the power, just what it says, to distribute the functions of any department in this country for war purposes.

Mr. KELLOGG. Now, one further question. I suppose the Senator is aware of the fact that in the railroad bill, after a discussion for many days, both the Senate and the House voted to leave the power ultimately to fix rates in the Interstate Commerce Commission. Is there any reason why the Senate and the House should reverse their action on that proposition in this bill?

Mr. OVERMAN. This bill does not reverse it.

Mr. KELLOGG. It gives the power to the President.

Mr. OVERMAN. It gives him power if necessary to save the country and more efficiently fight the war. That is what it does. That is the authority given.

Mr. NELSON. Mr. President, I wish to call attention to the fact that this assumption that because we give the President the power and the authority to consolidate these departments therefore he has the power and will exercise it and discontinue and dismantle the departments is a most violent assumption. Under the Constitution and the law we give the President plenary power to make war after we have declared war. What is to hinder the President to-day, if he saw fit to exercise the power, to direct Gen. Pershing over in France to surrender our Army to the Germans and leave that country? There is nothing in the law to prevent it, but we know that the President will not do anything of that kind.

In respect to the Interstate Commerce Commission, we have in another bill given the President the power to take possession of and regulate the railroads and to fix the rates. Now, why should not the President in connection with that have the authority to utilize the functions of the Interstate Commerce Commission in connection with the rate-making power? We have no right to assume that because he will utilize some of the employees of the Interstate Commerce Commission he is going to wreck and dismantle and destroy that commission.

This opposition is founded on the assumption that the President from first to last will do nothing but wrong; that he will

discontinue and dismantle all the departments instead of the proper assumption that he will utilize them to the best of his ability to carry on the war successfully.

Let me illustrate it, if the Senator from North Carolina will yield to me another moment. Take the matter of sending supplies to Europe. There are three or four branches of the Government interested in it. The Shipbuilding Board is interested in it, the Navy Department, the War Department, and the Department of Commerce, that has to do with exports. Those departments and the Shipbuilding Board are all interested in this matter. In order to carry on the transportation of food and supplies to Europe it is necessary to have all these branches of the Government function and work together. That is all there is in this bill, and there is no use of slandering it.

Mr. OVERMAN. If the President wanted to remove some of the best-trained men in the United States and call them in to serve in some department of the Government from the Interstate Commerce Commission, why should he not have the power?

Mr. CUMMINS. I, for one, am willing to give it.

Mr. OVERMAN. Of course, the Senator is willing to give nearly everything except his one pet measure.

Mr. CUMMINS. No.

Mr. OVERMAN. As the Senator pointed out that the President may have to use that power, but he will never use it unless it be for war purposes.

Mr. CUMMINS. If the Senator from North Carolina will allow me a moment, I am not proceeding upon the theory that the President will do what he thinks is wrong. I think the President will do what he thinks is right. But this legislation is my responsibility, and not his. I can no more assume his responsibility than he can assume mine and obey the Constitution. The Interstate Commerce Commission is entirely removed from the executive departments of the Government. It is wrong for the President to attempt to influence it at all. It is purely a legislative function. It is an administrative commission organized by Congress for the purpose of administering the will of Congress, and the President has nothing whatsoever to do with it.

Now, I have no objection to giving the President the power to reach into the personnel of the Interstate Commerce Commission and transfer any man from that employment to any other employment of the Government. As the Senator from North Carolina knows, I have no objection to that; but we have charged the commission with certain functions. I happen to speak of that, but there are other commissions and tribunals just as important and to which all that I say about the Interstate Commerce Commission will apply with equal force. We have charged that commission as a legislative matter with the duty, for instance, of valuing all the railroad property of the country, and it has proceeded now for about four years in that work.

Mr. OVERMAN. And it is money absolutely wasted.

Mr. CUMMINS. I know something about the controversy that has arisen with regard to the continuation of the work, and every Senator who is abreast of the time knows something about it. Is the Senator from North Carolina willing to give the President power to transfer the functions of the Interstate Commerce Commission in the valuation of railroad property to any person whom he may select for that purpose? Is any Senator willing to destroy the labor already done and vest in some *other unknown, unnamed* man the vast power of determining the value of the railroad property, which before very long it is quite likely the Government will be called upon to acquire?

I simply instance these things. The President might not do that. I do not know whether he would or not; but whether he would or not, we are recreant to our duty if we give any man the power to transfer a function of that kind to some one who is unknown to us, and who may or may not discharge that duty under the high sense of responsibility which we have a right to expect from the Interstate Commerce Commission.

That is but one of the functions of that great tribunal. Another is the right to review the rates fixed by the President. Now, see what an illogical and absurd position we might create. We have given those who are interested the right to appeal from the action of the President in fixing rates to the Interstate Commerce Commission. Suppose the President transfers the function of reviewing rates from the Interstate Commerce Commission to the same person who fixed them originally, what a position would be created for the edification of our enemies!

Mr. OVERMAN. The Senator thinks the President would utilize some other body than the Interstate Commerce Commission to value the railroads. So far as I am concerned, I have seen $12,000,000, and I think the Senator will agree with me, generally wasted in the valuation of the railroads. The waste is going on. What will you do after you value them? You would have to value them every five years.

But talking about power, the Senator was on the great Committee on Interstate Commerce—I think the Senator says he did not vote for that provision, but you have given more power to the President of the United States in your railroad bill than is proposed to be given him in this bill Ah, you say that was for a special object Yes, and this bill is for a special object. For what? That was to run railroads and this is to fight the war.

Now, let us see what power you did give. It was more vast than that given in any other bill that ever passed Congress.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. OVERMAN. Certainly.

Mr. LEWIS. I beg to ask the Senator from North Carolina, likewise the Senator from Iowa, to this consideration. When we had peace and the railroads were in the management of private interests we created a government as an agency for their regulation. We called that agency the Interstate Commerce Commission. But when we came to war and the President took charge of the railroads the relation the Interstate Commerce Commission had borne in peace times came to an end to the extent of its previous control over the railroads.

Why, therefore, under this bill should not the power be in the hands of the President since he must control the railroads with respect to rates and management, which control is given him by Congress for the benefit of the war? Why should we have the Interstate Commerce Commission or any other agency with the privilege to interrupt and obstruct the cause? I agree with the Senator from North Carolina that in many instances the commission would show that it would be an obstruction and would defeat the very object of the bill that put the railroads in the hands of the President.

I wish to express my concurrence in the view of the Senator from Minnesota [Mr. NELSON] that the privilege that remains in the hands of the President under the bill presented by the Senator from North Carolina should not be interfered with by any power previously granted to the Interstate Commerce Commission.

Mr. STONE. Will the Senator allow me to ask if the act does, in effect, give the President power to abolish the Interstate Commerce Commission?

Mr. LEWIS. I hold that the law which gave the President the right to take charge of the railroads, in effect, repealed any provision that existed giving the Interstate Commerce Commission jurisdiction in any matter that conflicts now with the new law that gives the President the control of the railroads.

Mr. OVERMAN. I will not yield further right now. I have been very much diverted from the line of thought I expected to follow, but I welcome questions from any Senator upon the floor. We have had quite a controversy here about a matter that I probably would have reached before this time. I did not expect to speak for more than an hour, but I have been diverted. I wish to say to the Senator from Iowa that the powers given in the railroad bill were far greater than anything granted in this bill, because this bill does not grant any substantive power, but only authority to act in regard to laws already passed. That is the only authority granted here. Under the railroad bill the President may "call upon any department, commission, or board of the Government for such service as he may deem expedient," and the President in addition is given "further power necessary or appropriate to give effect to the powers herein and heretofore conferred." It gives him all sorts of power, any power he wants. Yet when we propose here to give him authority and *not a power to fight the war*, we have this great opposition from certain Senators who would be denying him the authority that he has as the great Commander in Chief.

I want both sides without prejudice or partisanship to study this bill and see if there is any unusual grant of power in it. Study it and think about it. Do not go according to the headlines in the newspapers, or the talk about the cloakroom, or the talk and lobbying here among Senators, but let us get down and study the bill and see what it means.

I was going on to say when I was interrupted that the former President of the United States, Mr. Taft, indorsed this bill practically, although there was no bill before him then, and I am going to read you from the great speech of Associate Justice Hughes last September before the Bar Association of the United States, in which he indorsed such power as this granted to the President in time of war. I will show you from great magazine writers and university professors, and take up the history of our Civil War, and other wars that we have had in this country, that the President should be given this authority.

It is said that the Constitution did not make the Union—that the Union made the Constitution. Therefore your great Commander in Chief must have powers not outside the Constitution, but the Constitution must be construed during war in connection with war power, as Mr. Lincoln did when he signed the Emancipation Proclamation. He had no authority to do it except the power that was given him as Commander in Chief to fight the war, and he exercised it, although men charged him with being a usurper and a traitor and a dictator, and he was denounced from one end of this country to the other.

Mr. CUMMINS. Will the Senator from North Carolina yield for just one more question, and it shall be purely a question?

Mr. OVERMAN. I am glad to yield to the Senator from Iowa, or anyone else.

Mr. CUMMINS. Why does not the Senator from North Carolina include in this bill power on the part of the President to transfer the legislative functions of the Government to some other office or officer, if necessary, in order to successfully prosecute the war?

Mr. OVERMAN. That is already answered by the asking. This is a different department of the Government. As I started out to say, the Constitution of the United States divided this Government into three great divisions—the legislative, which makes the law and raises the money to equip armies and to levy the taxes necessary to fight this war; the President executes these laws; the Supreme Court decides what is the law. If Congress did not act, history would repeat itself and some one would charge the President with being a usurper and a dictator. You have charged him with going ahead and not consulting Congress, and now he comes and asks Congress for power. He is treating this coordinate branch of the Government fairly. He says, "I do not want to do anything that savors of dictatorship, and you say you will not trust me. In effect, I am charged to fight this war to a successful end, and this is what I need. Come to my help!" That is all he asks, and that is what you ought to give him without question.

Mr. President, before I was interrupted I was going on to state that in times of peace I would be willing to give this power, trusting to the President to do right, without limitation, and believing that he would do those things only which relate to the war. This has been agitated by Senators who realize the situation, and I introduced an amendment to an appropriation bill giving practically this power. It passed the Senate. The distinguished Senator from Kansas [Mr. CURTIS], always looking out for the interests of his country, diligent and untiring in his devotion to it in legislation, and knowing the financial conditions and the confusion existing in the departmens and how they are handled and the trouble we have in all the departments, introduced the same bill. After the President of the United States had sent in the report of the Efficiency Board everybody felt that many customhouses should be abolished in the interest of economy; that the officers were getting large salaries and were receiving no fees. But you could not do it. Why? Because every time it came up a Senator wanted to protect his man and to keep him in.

The Senator from Utah [Mr. SMOOT] knows how that is. Every Member of the House wanted to keep in his man. After the diligent and active and able Senator from Kansas [Mr. CURTIS], then a Member of the House, introduced that bill, authorizing the President not only to coordinate but to abolish the customhouses, Congress passed it and gave the President the power to abolish them. This bill does not give the President any such power as that. The President did, in accordance with that act, abolish the customhouses, and it saved the country every year $350,000.

But it is said that that was for a special purpose. Yes; but for no more special purpose than this bill. That bill was to save money. This bill is to fight the war.

Now, I am going to tell the Senate what the then President of the United States, Mr. Taft, said, who, I say, knew more about this Government and its intricacies than any man probably who has ever been President of the United States, from the fact that he was so long Secretary of War, and also Solicitor and President, and had looked into these matters.

For 100 years these departments have been built up with bureaus and agencies having no relation to each other. I say in time of peace they ought to be corelated and coordinated and brought together, and that duplication should stop in this country.

This thought occurred to me when the Senator from Georgia [Mr. SMITH] was discussing the educational bill this morning. The Commissioner of Education, I understand, is given authority to teach aliens to speak the English language. There is a bureau in the Department of Labor for the purpose of educating the immigrants who come here. The truth of it is we could save millions and millions of dollars if we would stop this duplication and take from the Department of Labor and put in the Bureau of Education this work of educating and teaching English to aliens.

You have another bill here of duplication. You are passing them at every Congress.

Now, let us see what Mr. Taft says about it. You can never get Congress to do it unless you give the President authority to do it. That is the reason why I said in time of peace I would be willing to give just the authority this bill gives:

> There have been no adequate means provided whereby either the President or his advisers may act with intelligence on current business before them—

This was in 1911—

> There has been no means for getting prompt, accurate, and correct information as to results obtained.

Mr. SMITH of Georgia. Will the Senator tell me from what he is reading?

Mr. OVERMAN. I am reading from the message of President Taft delivered March 3, 1911—

> Estimates of departmental needs have not been the subject of thorough analysis and review before submission; budgets of receipts and disbursements have been prepared and presented for the consideration of Congress in an unscientific and unsystematic manner.

Senators, look at these bills that are coming here, estimates by the millions and the billions, made by some department's chief. The President can not look over them. He does not have time to scrutinize them, and he can not do it. That is what Mr. Taft was talking about. The President can not know what is going on. There is nobody to revise what they do—

> Appropriation bills have been without uniformity or common principle governing them: there have been practically no accounts showing what the Government owns, and only a partial representation of what it owes; appropriations have been overencumbered without the facts being known; officers of Government have had no regular or systematic method of having brought to their attention the costs of governmental administration, operation, and maintenance, and therefore could not judge as to the economy or waste; there has been inadequate means whereby those who serve with fidelity and efficiency might make a record of accomplishment and be distinguished from those who were inefficient and wasteful; functions and establishments have been duplicated, even multiplied, a using conflict and unnecessary expense; lack of full information has made intelligent direction impossible and cooperation between different branches of the service difficult.

I could stand here and read the report of this commission that Congress created, appropriating $200,000, and showing the confusion existing and woeful wasting of money by duplication of work. I wish Senators would read it to show the confusion and the want of correlation and coordination in every one of these departments, bureaus, commissions, and agencies, which Congress has from time to time established without any scientific ideas of government. We have the most unscientific Government in the world.

I want to stop here, Mr. President, to say that France and Great Britain have given Lloyd-George and Clemenceau greater powers than we propose to give the President, because we give no substantive power; we only give him authority to redistribute powers or functions already granted by Congress. I could stand here and read what I have on my desk to show what England has done to give power to Lloyd-George, not the commander in chief but the premier, and Clemenceau, the President of France, without stint, let, or hindrance. They can change every cabinet minister to-morrow; they can change the commander in chief to-morrow. Yet when we ask for a little authority here to coordinate the departments for the interests of the Government Senators would deny it to our President.

Mr. REED and Mr. KENYON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Missouri first.

Mr. REED. I wish to ask the Senator when he first heard of this message of President Taft? It was about 1911, was it not?

Mr. OVERMAN. Yes; somewhere about that time.

Mr. REED. The emergencies existed then, and they have existed ever since?

Mr. OVERMAN. Yes.

Mr. REED. I want to ask where the gallant Senator from North Carolina was during all the intervening years that he did not act?

Mr. OVERMAN. I fathered a bill through the Senate trying to correct it, and it failed in the House because some Members of the House thought that men in whom they were interested were going to be interfered with. The Senator knows how hard it is to get such a bill through both Houses.

Mr. REED. Does the Senator say he opposed the bill?

Mr. ROBINSON. Mr. President, I should like to answer the question of the Senator from Missouri. I recall very distinctly that the Senator from North Carolina did offer an amendment

to an appropriation bill granting to the President some such powers as are contained in this bill, and after a prolonged controversy the amendment was agreed to in the Senate.

Mr. OVERMAN. Yes; and I had the valuable assistance of the Senator from Arkansas in getting it through.

Mr. ROBINSON. I think it is not improper to say that I make this statement in reply to the innuendo of the Senator from Missouri that the Senator from North Carolina long deferred action on this matter after he knew the necessity existed. I think the Senator from North Carolina has been very diligent.

Mr. REED. I think the Senator from Arkansas was sufficiently plain without his explanatory note, but I venture the assertion that the Senator from North Carolina has never brought forward a general plan proposing to have the departments of the Government reorganized. If he has, it never reached such a stage as to generally challenge the attention of Congress. It may have been offered as an amendment to a bill.

Regardless of that, I want to ask the Senator from North Carolina if he is undertaking to say to Congress now that the real purpose of this bill is to accomplish the kind of reorganization that President Taft had in mind, and if it is now proposed during this war to undertake a general reorganization of the departments of the Government to carry out the kind of purpose President Taft had in mind?

Mr. OVERMAN. The President wants to do it, so far as the war is concerned, to help him better fight the war. But I was stating what we did. The Senator talks about plans. He does not remember the great debate here and the speech of the Senator from Arkansas [Mr. ROBINSON] and the speech of the Senator from Kansas [Mr. CURTIS] and the speech of the Senator from Utah [Mr. SMOOT], advocating the amendment which passed the Senate but went out in conference. I did get up a plan in time of peace to do just what this bill provides for.

But it is not proposed to do that now because we have placed a limitation on the President. It has all got to go back after the war. It can only be done while we have the war, and he can not expend a dollar for any other purpose than it was appropriated for.

Mr. ROBINSON. The authority sought to be conferred on the Executive in the provision which was adopted in the Senate a year or two ago was broader than the authority which is proposed to be conferred here.

Mr. OVERMAN. That allowed the President to act and it gave Mr. Taft power to act. This does not give the President any power to act except as Congress gives him power to coordinate and bring together the departments.

Mr. REED. Does the Senator mean to say that this bill does not give him power of action?

Mr. OVERMAN. It says he has the power to coordinate and bring them together in a scientific manner to fight the war.

Mr. GALLINGER. Will the Senator from North Carolina give the date of the amendment which he offered?

Mr. OVERMAN. Yes; I will come to it directly. I have been diverted or I would have done so long ago. I will come to those matters. I want to read what Mr. Hughes said; but, first, I want the Secretary to read one paragraph from Mr. Taft's message. It is marked.

Mr. SMITH of Georgia. What volume is it in?

Mr. OVERMAN. I will ask the Secretary to state that. I was reading from the message under date of March 13, 1911. That was the next year.

The SECRETARY. Reading from volume 1 of House Document 104, No. 1252, Economy and Efficiency Report, Miscellaneous, Sixty-second Congress, third session, page 2:

> This vast organization has never been studied in detail as one piece of administrative mechanism. Never have the foundations been laid for a thorough consideration of the relations of all of its parts. No comprehensive effort has been made to list its multifarious activities or to group them in such a way as to present a clear picture of what the Government is doing. Never has a complete description been given of the agencies through which these activities are performed. At no time has the attempt been made to study all of these activities and agencies with a view to the assignment of each activity to the agency best fitted for its performance, to the avoidance of duplication of plant and work, to the integration of all administrative agencies of the Government, so far as may be practicable, into a unified organization for the most effective and economical dispatch of public business.

Mr. OVERMAN. Mr. President, I think I will read along that line, as to the powers which Congress ought to give to the President in time of war, extracts from an address of the late Republican candidate for President, who was an Associate Justice of the Supreme Court of the United States, as everybody knows, and who is recognized as a great lawyer. This is an address which was delivered by Mr. Hughes on September 19, 1917. It seems as though it were prophetic, and reads as if it was an argument for this bill. This address was delivered before the American Bar Association.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. OVERMAN. Yes, sir; gladly.

Mr. KNOX. Before the Senator reads that extract from the address of Mr. Hughes I should like to make an inquiry in relation to the message of Mr. Taft. Is this not the difference between what Mr. Taft proposed and what this bill proposes: Mr. Taft proposed that there should be a readjustment of administrative officers by legislation, while this bill proposes that it shall be done by Executive order? Is that not the difference between the two?

Mr. OVERMAN. No, Mr. President; I think not. I will show that Congress is not carrying out the recommendations of the President as to giving him power.

Mr. KNOX. What I mean is this: Mr. Taft did not request Congress to give him the power to make this redistribution of functions between the different administrative officers of the Government, as I recollect.

Mr. OVERMAN. He asked that power, I think.

Mr. KNOX. In the position in which I happened to be in Mr. Taft's Cabinet at the time—although I do not claim any special recollection of the circumstances—as I understood it, Mr. Taft desired that Congress should provide a new system predicated upon a report of a board of experts. That board was appointed, and he reported the findings of the board to Congress through this message.

Mr. OVERMAN. I will not deny that. As the Senator from Pennsylvania says that was his understanding, of course I will not take issue with him. Now, here is what Mr. Hughes says:

> Each of these powers, that of Congress and of the President, is the subject of a distinct grant; each is the complement of the other, and together they furnish the adequate equipment of authority for war. There is no more impressive spectacle than that of the President of the Republic in time of war, when, in addition to the other great powers of his office, he acts in supreme command of the armed forces of the Nation and conducts its military campaign. It was under this power that President Lincoln defended the Proclamation of Emancipation. * * *
>
> It is also to be observed that the power exercised by the President in time of war is greatly augmented outside of his functions as Commander in Chief through legislation of Congress increasing his administrative authority.

It looks as though he were talking about this bill when it was introduced nearly a year afterwards—

> War demands the highest degree of efficient organization, and Congress, in the nature of things, can not prescribe many important details as it legislates for the purpose of meeting the exigencies of war.

That is just exactly this case. The President finds something occurring every day as to which he would like to have authority to coordinate certain departments. There are 7 great auditors; 12 great supply-purchasing bodies; and he is met with them beating against each other—jealous of each other.

> Never is adaptation of legislation to practical ends so urgently required—

Is not that pretty good authority?

> Never is adaptation of legislation to practical ends so urgently required, and hence Congress naturally in very large measure confers upon the President the authority to ascertain and determine various states of fact to which legislative measures are addressed. Further, a wide range of provisions relating to the organization and government of the Army and Navy, which Congress might enact if it saw fit, it authorizes the President to prescribe. The principles governing the delegation of legislative power are clear, and while they are of the utmost importance when properly applied, they are not such as to make the appropriate exercise of legislative power impracticable. The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation.

Many things occur every day that are not known to the lawmaking power; and right here, Mr. President, if you will pardon me for diverging, some Senators say, "We want to know what the President wants to do; tell us what he wants, and we will give it to him." That was one of the arguments before the committee. Why, Mr. President, the President does not himself know. What he desires is to be in a position to act, and to act quickly, when it is necessary to act.

Why, let me tell you this: They have been shooting popgun bills through the Senate and the House of Representatives. It is the hardest matter to get them through, but they have been shooting them through here day after day; 8 or 10 little popgun bills have passed here. But, if the President had the authority which this bill is designed to give him, what was desired to be accomplished by those bills could have been attained without delaying Congress. If you want him to come to Congress every time he desires to act, and have one Senator

standing up here and talking for an hour, and another, maybe, talking three hours, and then there be an adjournment on him, the war would be over before you passed the legislation. That is the history of these bills. Let us give him the general authority to act, and save time and money and enable the Commander in Chief to efficiently fight this war.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. OVERMAN. I yield.

Mr. LODGE. I simply desire to call attention to exactly what Mr. Taft did ask. Here it is:

> My desire is to secure and to furnish to the Congress a scheme of organization that can be used as a basis of discussion and action for years to come.
>
> In the past, services have been created one by one as exigencies have seemed to demand, with little or no reference to any scheme of organization of the Government as a whole. I am convinced that the time has come when the Government should take stock of all its activities and agencies and formulate a comprehensive plan with reference to which future changes may be made. The report of the commission is being prepared with this idea in mind. When completed it will be transmitted to the Congress. The recommendations will be of such a character that they can be acted upon one by one if they commend themelves to the Congress and as action in regard to any one of them is demed to be urgent.

Mr. OVERMAN. Mr. President, that was the first message sent to Congress in order to get the authority to appoint this commission of 12 men. Then there came back this report, which I had read from the desk, to Mr. Taft. Not only did Congress act in one case but acted in two or three instances, as I am going to show. There is precedent for this all along the line in time of peace and in time of war. You will not deny this power to him. What, then, does Mr. Hughes say? He says:

> Congress can not be permitted to abandon to others its proper legislative functions; but in time of war, when legislation must be adapted to many situations of the utmost complexity, which must be dealt with effectively and promptly, there is special need for flexibility and for every resource of practicality; and, of course, whether the limits of permissible delegation are in any case overstepped always remains a judicial question. We thus not only find these great war powers conferred upon the Congress and the President, respectively, but also a vast increase of administrative authority through legislative action springing from the necessities of war.

The action we ask here is just that which Mr. Hughes says the President must have in order to successfully fight the war. That is all we ask.

Mr. HARDWICK. Mr. President——

Mr. OVERMAN. I yield to the Senator from Georgia.

Mr. HARDWICK. I want to ask the Senator a question. He conceded that for the purpose of waging war more effectually it is desirable to confer on the President this flexibility of administrative power and the power of reorganizing the bureaus and the departments that are directly or even remotely connected with the waging of war. How does that argument apply at all to a bureau or department of the Government, like the Post Office Department, utterly disconnected with the war and dealing only with civic affairs of the people?

Mr. OVERMAN. Mr. President, I am going to show the interrelation of the Post Office Department with the carrying of the mails to the soldiers.

Mr. HARDWICK. Oh, well, that is such a remote connection——

Mr. OVERMAN. I will show to the Senator that every one of the departments has some connection directly or indirectly with war.

Mr. HARDWICK. Of course, if the Senator is going to contend that everything on earth, every activity, civil and everything else, is connected more or less remotely with the war, I am not inclined to dispute that.

Mr. OVERMAN. I am going to show the Senator directly, when I come to it, that every one of them is directly related to the war in some of its functions.

Mr. HARDWICK. Therefore, this bill includes everything?

Mr. SMITH of Georgia. And the exception amounts to nothing.

Mr. HARDWICK. Yes; the exception is not worth while, because the bill means to include everything.

Mr. OVERMAN. What exception?

Mr. HARDWICK. I refer to the limitation proposed to be put on this power with relation to matters connected with the war. It amounts to nothing under the broad construction laid down by the Senator from North Carolina. The bill is a blanket that covers everything in this country.

Mr. OVERMAN. Not at all.

Mr. HARDWICK. It is not limited to war activities at all, but covers every civic function.

Mr. OVERMAN. No; it only covers matters in the departments relating to the war.

Mr. HARDWICK. But the Senator says everything is related to the war.

Mr. OVERMAN. I said every department has something in it that is related to the war.

Mr. HARDWICK. Therefore, all the departments are included in the terms of the bill?

Mr. OVERMAN. Yes; all of the departments, more or less, in some way, through one or more bureaus or agencies, are connected with the war.

Why, Mr. President, I was criticized for stating here once that the Agricultural Department had nothing to do with the war. It has not, outside of the question of food production. A gentleman came to me the other day from up North—the president of a great manufacturing concern. He said he went before a little fellow sitting up in the Quartermaster's Department, having been sent for in order that the Government might find out how much caustic soda could be obtained and where it was manufactured. The Government official turned around and said, "What do you mean by caustic soda, anyhow?" Yet caustic soda is one of the ingredients of the greatest explosive known to the world in making picric acid. If we had a right to coordinate the Chemical Bureau of the Agricultural Department, the Chemical Division of the Bureau of Mines, and the chemical bureaus of some of the other departments, we would have one great bureau or agency to help in the discovery of these explosives and to consider their possibilities, instead of having different bureaus considering this subject scattered around, having men doing one thing in one department and something else in another department. They should be coordinated in one great department or bureau.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I yield.

Mr. HARDWICK. Let me see if I understand the Senator, because it affects very vitally my own position on this matter. The Senator has just told me that, in his opinion, practically everything in this country——

Mr. OVERMAN. No; I did not say that.

Mr. HARDWICK. The Senator said "everything."

Mr. OVERMAN. I said there was some agency or bureau in each department of the Government which was directly connected with fighting this war.

Mr. HARDWICK. If the Senator will pardon me, I do not want to be captious in any way; but I think the Senator's statement went even further than that.

Mr. OVERMAN. I did not intend to go further.

Mr. HARDWICK. Very well, I accept the Senator's modified statement, then. Now, under any such broad construction as the Senator indicates and under any such broad latitude of power as the Senator lays down, there will be practically nothing that is exempt from the operation of this proposed law, and many things that, in my judgment, at least, and I think in the judgment of other Senators, touch only the civic activities and the civic functions of the Government will be embraced under this war measure.

Mr. OVERMAN. No; my friend is in error as to that.

Mr. HARDWICK. I wish we could draw a line between the two.

Mr. OVERMAN. I do not think the Senator has read the amendment.

Mr. HARDWICK. Oh, yes; I have read it very carefully.

Mr. OVERMAN. It confines the provisions of the bill to those matters in the departments directly connected with the war.

Mr. HARDWICK. If the Senator will pardon me—and I am not going to detain him much longer—that is a matter of construction. Some people are construing it, in fact the people who must administer the proposed law are construing the provisions of this measure to cover everything on earth that has even the most remote and indirect connection with the war, and even by the most remote indirect and roundabout processes of reasoning. That is the trouble with it.

Mr. OVERMAN. There is a limitation as to the departments; in fact, there are five different limitations. The President has to construe it that this authority is given in matters relating to the conduct of the war.

Mr. HARDWICK. Let me illustrate——

Mr. OVERMAN. And it must be left to him.

Mr. HARDWICK. But the National Legislature has got to have some rights about this matter, too.

Mr. OVERMAN. The National Legislature has.

Mr. HARDWICK. If it does not surrender them, yes.

Mr. OVERMAN. We do not surrender them; we put this limitation in.

Mr. HARDWICK. We delegate them, then.

Mr. OVERMAN. No; we put a limitation in the bill.

Mr. HARDWICK. The Senator says "everything connected with the war." Suppose it was the construction of some man connected with the Government, and that construction was finally approved by the President, that one of the things necessary to do to prosecute the war adequately was to determine the kind, character, quality, and quantity of crops that should be planted in this country, would that be connected with the war in the judgment of the Senator?

Mr. OVERMAN. I do not think the President would exercise power such as that under the bill; but I do not see why that is not connected with the war.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Delaware?

Mr. OVERMAN. I yield.

Mr. WOLCOTT. Is not the manifest answer to the Senator from Georgia this, that this bill deals with the transfer of executive functions, and such a thing as designating what crops shall be planted is as remote from this bill as pole is from pole?

Mr. HARDWICK. But the answer to that is, I suggest to my distinguished friend from Delaware, that under that sort of construction any and every branch of the Department of Agriculture could be included in this bill? That is what I am leading up to.

Mr. OVERMAN. I think the Senator is mistaken.

Mr. President, I shall not read it, because I have already taken too much time of the Senate, but I wish to put in the RECORD a quotation on this subject from William Archibald Dunning, professor of history in Columbia University. I do not indorse all the author says, but the extract advocates the enactment of such legislation as is now proposed.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

[From Dunning, William Archibald, professor of history in Columbia University, Essays on the Civil War and Reconstruction. Macmillan Co., 1904, pp. 58–59.]

The commander's privilege (in the Civil War) of doing whatever he regarded as likely to weaken the enemy was freely employed as a warrant for congressional action. Both legislature and Executive were on this theory "above law." Hence while Congress was endowed with authority to legislate entirely at its discretion, the President was privileged, at his discretion, to disregard all this legislation. Where such a conclusion was possible, the principle of departmental check and balance was obviously of little significance. Good statesmanship in both Executive and legislature preserved the harmony of the two branches till the strain of armed hostilities was relaxed, but no longer. In the work of destruction the President was the real Government and Congress kept in the background; in the work of reconstruction Congress asserted once more its controlling power and violently put the President into the background.

Mr. OVERMAN. I also ask to insert in the RECORD, without reading, an extract from the work entitled "The Civil Law and the Constitution," by John W. Burgess, dean of the faculty of political science in Columbia University.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[From Burgess, John W., dean of the faculty of political science in Columbia University. The Civil Law and the Constitution. Charles Scribner's Sons, 1901, vol. 1, pp. 232–233.]

Congress (in 1861) placed the Government on the war footing, ratified the President's assumption of war powers, and on the 6th of August adjourned, leaving the President practically in the position of a military dictator. This was good political science and good public policy. It was also sound constitutionally. In periods of extreme peril to the political life of a nation individual liberty, federalism in government, and even coordination of government departments must give way temporarily to the principle of executive dictatorship. It is a desperate remedy, a remedy of last resort, but it is one which every complete political system must contain, and under certain proper conditions employ. The two most modern constitutions of federal government, those of the German Empire and of Brazil, made express provision for it. They authorize the executive in periods of extreme public danger to suspend the ordinary law and establish martial law. There is no question that the Constitution of the United States authorizes the Congress and the President, acting together, to do the same thing. The clauses of that instrument which vest in Congress the power to raise armies, provide for calling the militia into the service of the United States for repelling invasion and suppressing insurrection, and to declare war, and in the President the powers of a Commander in Chief, certainly contain the principle of the dictatorial power of the whole Government, if not of the President alone, and it is altogether gratuitous to concede that the Government of the United States overstepped its constitutional powers, and acted on the principle that necessity knows no law in preserving the Union by force against dissolution. It overstepped its ordinary limitations, but it had, and has, the constitutional right to do that in periods of extraordinary danger.

The root of the error in denying this right lies in the claim that the Constitution made the Union. The truth is that the Union made the Constitution and that the physical and ethical conditions of our territory and population made the Union. The Union was, and is, the Nation, and men did not make the Nation by the resolutions of a convention. Men undertook to interpret the requirements of the Union in political and legal organization and to give them objective form and authority, but behind all that they did or could or can do was and is the Union, the Nation, whose preservation is the supreme principle back of the Constitution and the supreme law within the Constitution. Any other view of these relations is unspiritual, is purely arbitrary and mechanical.

Mr. OVERMAN. I also ask permission to insert in the RECORD, without reading, an editorial from the Nation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From editorial in the Nation, New York, v. 104, p. 568, May 10, 1917.]

Another thing not to be forgotten is that all these extraordinary powers to be given the President are emergency powers. This means two things. One is that the grant is valid only for the duration of the war. It is not a question of the laws being silent in the midst of arms. The point is, rather, that Congress is asked to make it lawful for the President to do many things while the armed conflict lasts which it would never think of authorizing him to do in times of peace. It is a gift of power in order to avoid the usurpation of power. Moreover—and this is the second implication of what is being done at Washington—the immense powers placed in the hands of the President he may not find it necessary to use at all. Their mere existence may be sufficient to accomplish the purpose. * * *

It is said—a few Congressmen are saying—that it is dangerous to pass laws enhancing the authority of the President so enormously. Some fear that we shall discover that we have created a dictator. Of course, any grant of power may be abused by any official. But no system of checks and balance, no vigilant legislative oversight, can do away with the necessity of getting officials whom we can trust and then giving them the tools with which to do their work. There were many critics of Lincoln during the Civil War who called him a usurper and a dictator. It is true that in him the necessities of the war led to reposing a confidence and an authority before that time unparalleled. John Hay wrote privately of Lincoln as a sort of Tycoon, going his own way, seldom holding meetings of the Cabinet, running the Army and Navy and conducting foreign affairs according to his own will. But no one to-day would speak of Abraham Lincoln as grasping at overweening power for its own sake or to further a personal ambition. His mighty spirit was wrestling with the great work of ending the war; and that once done, he was ready to lay down every scrap of dictatorial power and be again one with the people who were bone of his bone and flesh of his flesh. And all that is sought at present by the administration in Washington is to be full panoplied for every emergency which the war may thrust upon the country. When the emergency is overpast, the armor put on to meet it will be quietly laid away.

Mr. OVERMAN. I also ask permission to have printed in the RECORD, without reading, a quotation from an editorial in the New Republic.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[From editorial in the New Republic, New York, vol. 13, p. 360, Jan. 26, 1918.]

When Congress proposes plans for reorganizing the war administration it is only reflecting the opinion of a majority of the American people. Mr. Wilson will be falling into the first grave mistake of his career if he permits his opponents to crowd him into the position of ignoring facts, of resenting criticism, and of rigidly opposing reorganization. That was the mistake which Mr. Asquith made in the spring of 1915, and it cost himself and his country dear. The President's personal and partisan enemies are making use of the crisis in order to force on him, if possible, a mechanism of war administration which would tend to hamper rather than to help him and his Cabinet and which could only add to the existing confusion. He is justified in opposing this particular bill But if he fails to recognize the necessity of some measure of reorganization which will make in favor of a more unified war administration and a more vigorous conduct of civil and military preparations he will be misjudging the needs and opinions of the Nation and failing to meet his own obligations to satisfy them. There is still time and space in which to deliver himself and the country from the deplorable consequence of a fight in the midst of war between the executive and legislative branches of the Government. He can still offer as a substitute for the doubtful plan or reorganization proposed in the Senate bill a plan of his own which would be better designed to secure a similar result. If he would only adopt this course, he would not only break the force of the attack of his enemies and enable his friends to continue their undivided support, but he would do away with the most formidable threat which has yet been directed against the war morale of the American Nation.

Mr. OVERMAN. I have other quotations from distinguished men of this country indorsing this bill, but I shall not encumber the RECORD with them.

Mr. President, I said there was precedent for this proposed legislation. I see the Senator from Missouri is present. Here is the amendment which I introduced to the legislative appropriation bill in 1917:

SEC. 8. The President is hereby authorized to take action looking to a proper and scientific coordination of the work of the various executive departments of the Government; and he is hereby requested to report upon the question of transfer and consolidation of bureaus, divisions, offices, and other governmental activities, in order that duplication of service may be abolished and extravagance and unnecessary expenditures eliminated.

As agreed to in conference, and as it appears in the law, the provision is as follows:

SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after

such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session.

That is the law which was enacted.

Mr. REED. When?

Mr. OVERMAN. March 3, 1917.

Mr. REED. It is on the statute books now?

Mr. OVERMAN. It is.

Mr. REED. Then that law giving the President the power to do the very thing which the Senator says President Taft desired has been upon the statute books since what year?

Mr. OVERMAN. March, 1917.

Mr. REED. March, 1917. It has been on the books all these months, and it is there now.

Mr. OVERMAN. Yes.

Mr. REED. And hence there is no necessity of conferring that power.

Mr. OVERMAN. Mr. President, we conferred that power before. Why not confer it now?

Mr. REED. You do not need to confer it now; it already exists.

Mr. OVERMAN. This bill gives the same power as that conferred by the amendment which I prepared more than a year ago, and which Congress enacted into law in a modified form, and yet under that provision the President can not accomplish what he desires, for the reason that the power is limited and the President must wait for the report of a certain commission, which never have made any report, and can not make a report, because they are employed in other matters connected with the war. Whenever such a report is made, if one ever shall be made, the President will have the right to act under the provisions of the law.

That is why he ought to have the right that is proposed to be given him by this bill. I believe the Senator from Iowa [Mr. KENYON] and other Senators supported the amendment which I have already quoted.

Mr. REED. Mr. President, let me ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I yield.

Mr. REED. Let me read the amendment to which the Senator has referred:

SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon; and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same.

Now, I want to ask the Senator a question: The President is authorized by this provision to abolish duplications. The Bureau of Efficiency has been in existence for how many years? Can the Senator tell me?

Mr. OVERMAN. I can not; but it has been in existence for several years.

Mr. REED. Does the Senator mean to say that the Bureau of Efficiency has made no report as yet?

Mr. OVERMAN. I want to say that I sent for the chairman of that bureau when I had this bill before me, knowing that my amendment in modified form had been adopted, and asked him if he had made any report. He said no; that the war came on, and he had not been able to make a report; that he had been employed in the War-Risk Insurance Bureau in the effort to devise a system for that work, and it was impossible for him to do the other work.

Mr. REED. Then, if duplications are found, the power exists, as soon as a report can be made by the commission, to abolish those duplications. So that all the argument of the Senator in regard to the necessity of giving the President the power to abolish duplications is void and of no effect.

Mr. OVERMAN. I think the Senator's question answers itself.

Mr. SMITH of Georgia. Has not this board been at work for two or three years, and has it not submitted its report on the subject of duplications?

Mr. OVERMAN. No; the chairman told me he had not been able to submit a report; that they had not had time to make a report.

Mr. SMITH of Georgia. Has not the board been at work?

Mr. OVERMAN. After war was declared, the chairman said, they had not been able to do the work and did not prepare any report at all.

Mr. SMITH of Georgia. Here [indicating] is a report.

Mr. OVERMAN. Oh, I wish somebody would read that report. It is in answer to a resolution passed in Mr. Taft's administration, showing instances where there ought to be coordination and scientific rearrangement in the departments of the Government.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Delaware?

Mr. OVERMAN. I do.

Mr. WOLCOTT. In order to make clear the particular point that has just been discussed, I wish to ask the Senator if this is not the situation: The law which is on the statute books, and which the Senator from Missouri has just read, has to do only with the duplication of service in the departments, whereas this bill is not primarily related to the question of duplications at all, but it is its purpose to establish, bring together, coordinate, and consolidate.

Mr. OVERMAN. That is the reason I said that the question of the Senator from Missouri answered itself, because the bill does not propose to deal with duplications primarily.

Mr. REED. I directed my remark to the argument made by the Senator from North Carolina, largely concerned with the question of duplications. I simply called attention to the fact that the power already existed to abolish duplications.

Mr. OVERMAN. Duplications; yes. That is the reason I said that the Senator's question answered itself, because this bill does not refer to that.

Mr. President, within the last 12 months we have appropriated more than $23,000,000,000 without a financial policy. Estimates for departmental expenditures have literally poured into Congress day by day without any centralized scrutiny, revision, or control. The President has no power and no organization to sift them down to the rock-bottom needs of the Government. The estimates for appropriations are being sent into Congress according to old statutory regulations made to meet the needs of other days when the entire expense of the Government was less than half a billion dollars a year. There has been no readjustment of our methods of finance since we entered the war. The Public Treasury bears a relationship to the conduct of the war in no less a degree than the Army and the Navy. A strong financial policy, worked out and enforced with vigor and efficiency is absolutely necessary to insure the proper carrying out of the military and naval program.

Mr. SMITH of Georgia. Has not the Secretary of the Treasury the right to do this work to-day, to bring together the reports of the various departments and submit the result to Congress?

Mr. OVERMAN. Mr. President, that is the difficulty. The time of the Secretary of the Treasury is so engrossed that when the heads of the departments send to him estimates calling for billions and billions of dollars it is impossible for him to go through them. There ought to be some coordinated body to scrutinize every estimate that comes here.

Mr. GALLINGER rose.

Mr. OVERMAN. I see my friend on my right rises. He is on the Appropriations Committee, and he sees the importance of some legislation along this line, even in times of peace.

Mr. GALLINGER. The Senator's friend rose to ask him how many assistants the Secretary of the Treasury has at the present time?

Mr. OVERMAN. He has four or five, but the Senator knows how these things are done. The estimates come down here from the departments, and we just take them oftentimes without ever being able to scrutinize them as they should be scrutinized.

Mr. GALLINGER. They come with the authority of the Secretary of the Treasury; that is the way they come.

Mr. SMITH of Georgia. I hope they will do better, so as to win the war.

Mr. OVERMAN. I hope so; and if you will give this power I believe they will.

Mr. SMITH of Georgia. How will they need this power to do it?

Mr. OVERMAN. There are plenty of departments of the Government which send estimates here that never go to the Treasury Department. The Senator knows that. The President under this bill will be able to establish a different system.

Mr. SMITH of Georgia. Mr. President, I do not understand that that is the case; I know it is irregular, if it is done.

Mr. OVERMAN. No; it is not.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. Yes.

Mr. KELLOGG. I do not understand that the Secretary of the Treasury has any power over the estimates of the War and Navy and other departments at all. All he can do is to transmit them to Congress.

Mr. OVERMAN. That is what I am talking about.

Mr. KELLOGG. That is what I thought.

Mr. OVERMAN. The head of a department makes an estimate, which is sent to the Secretary of the Treasury, and he merely forwards it to Congress; he often can not look at it, and he has not the authority or power to change it.

Mr. KELLOGG. He simply transmits the estimates to Congress?

Mr. OVERMAN. Yes; and there ought to be somebody that could take charge of such matters even in times of peace.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. OVERMAN. I do.

Mr. KNOX. If the Senator will permit me, the rule is that every department makes out its own estimates; and they are only transmitted to Congress through the Treasury Department as a purely formal matter.

Mr. OVERMAN. That is exactly as I understand the matter.

Mr. GALLINGER. Then, it becomes the duty of the committees of Congress to look the estimates over and determine whether or not it is proper to make the appropriations.

Mr. OVERMAN. Certainly; and when estimates for billions of dollars are sent down to Congress, as has been the case sometimes, the Senator and I and other members of the Committee on Appropriations are called together and we have to take the statements sent to us and vote for the appropriations.

If we had coordination in this work and a body to look into and scan every appropriation that is asked for, I believe we would save millions of dollars annually.

Mr. GALLINGER. Now, as a matter of fact, have not these appropriations of billions of dollars all come at the request of the President of the United States, to whom you want to give this authority?

Mr. OVERMAN. No, Mr. President; the President sends down what is sent to him by his chiefs. There ought to be somebody to overlook and scan all these estimates for appropriations before they are sent to the President. The President has not the time to look over all of them; obviously that is impossible. Let us talk common sense. I do not mean to say the Senator from New Hampshire does not always talk common sense; but so far as I am concerned——

Mr. GALLINGER. The Senator does not offend me at all; but the Secretary of the Treasury is very closely allied with the President of the United States in his official duties. Now, is it not a fact that these great estimates of appropriation come here with the sanction of the President of the United States?

Mr. OVERMAN. The President merely signs them. As the Senator from Pennsylvania [Mr. KNOX] has said, each department or each bureau that wants any money makes an estimate and sends it to the Secretary of the Treasury; but at a time like this, when we appropriate billions of dollars—$23,000,000,000 last year—the Secretary of the Treasury can not look them over; but they are sent to the President, and the President signs them just as they are sent to him.

Mr. SMITH of Georgia. Does not the Senator think that the President of the United States could provide now for the examination and consolidation of the estimates from the various departments? Are not the estimates from the departments simply the estimates of the President, acting through the various heads of the department, and has he not now authority to consolidate and compare and bring together those various estimates?

Mr. OVERMAN. No; the law requires that each department shall prepare its own estimates. If there were some board that could look over all the estimates, it would be a great aid to Congress.

In my judgment the President under this bill would be able to establish a system of interdepartmental financial control, and could thus, as Commander in Chief, lay before Congress from time to time a consolidated statement of his financial needs.

Mr. President, some one has said that the Department of Justice was an exception; it has been argued that that department has nothing to do with the war. Let me tell you what I find after a few days' investigation. I find that there is an intelligence bureau in the Department of Justice; I find there is one in the War Department; I find there is one in the Department of the Navy; I find that there is one in the Treasury Department. There ought to be but one intelligence department, instead of four or five working against each other and jealous of each other. That is the trouble with this country to-day. We have men in one department working on a certain line, and men in other departments working along the same line; instead of having one great consolidated intelligence bureau that could run down the spies and bring them to justice, we have the intelligence bureaus split up. One of the agents himself said to me the work along this line is often greatly demoralized. They run across something that they desire to investigate, but the War Department says, "this is our business," and then another department, perhaps the Navy Department, says, "it is our business." Let us get them working together in one intelligence bureau, so that a combined effort may be exerted.

Mr. CUMMINS. Mr. President, I think the Senator from North Carolina is quite right in saying that there ought to be a consolidation of these intelligence bureaus or secret-service systems. I promise the Senator from North Carolina to do the best I can toward showing him, before we are through with this debate, that the President has ample and complete power at this time to consolidate those so-called bureaus, and dismiss all but one of them. I may say, while I am on my feet, that with regard to the creation of a board which shall have the power to revise the estimates of the various departments of the Government, this bill does not give the President any such power as that, although I think it is a power that he ought to have. I am in favor of the so-called budget system of dealing with our appropriations; but the very thing that the Senator from North Carolina desires is the very thing that is not in this bill at all.

Mr. LODGE. Mr. President, if the Senator will allow me a moment——

Mr. OVERMAN. I yield to the Senator from Massachusetts.

Mr. LODGE. I think the Senator inadvertently made a mistake in speaking about the intelligence bureaus. Those are very different from the secret service. I agree that there are three secret services, as I understand——

Mr. OVERMAN. More than that.

Mr. LODGE. And there may be more; but the naval intelligence is a wholly different thing. That is something relating entirely to the Navy, and has nothing to do with espionage, or spies, or criminals of any sort.

Mr. OVERMAN. I may be wrong about that.

Mr. LODGE. It is to gather intelligence for the Navy. They have it in time of peace as well as in time of war.

Mr. OVERMAN. I may be wrong about that. I saw that there was a naval intelligence bureau, and I thought it exercised functions along this same general line, but I feel very sure there is a secret-service bureau in connection with the Navy.

Mr. CUMMINS. Mr. President——

Mr. OVERMAN. I yield to the Senator from Iowa.

Mr. CUMMINS. I used the word "intelligence" simply because the Senator from North Carolina did, although I tried to qualify it immediately by a reference to the secret-service systems of the various departments.

Mr. OVERMAN. Now, Mr. President, I told the Senator from Georgia that I would show how certain things in certain departments were correlated or interrelated with the war power—not to say that the President would exercise it, but he ought to have authority to do it.

In the Department of State—the Senator from Pennsylvania [Mr. KNOX] was once the great head of that great department—there is a foreign trade adviser, who has general supervision over foreign-trade matters and diplomatic and consular correspondence relating thereto. There is a Diplomatic Bureau which has charge of diplomatic and miscellaneous correspondence relating thereto. There is a Division of Foreign Intelligence, which has censorship and control of the departmental publicity under the direction of the Secretary; disseminates information to diplomatic and consular officers and information for publication abroad; has a telegraphic-news service to diplomatic missions abroad; has charge of publicity matter concerning the foreign policy of the United States, and of giving out information relating thereto to the press and to officials. There is a Division of Latin American Affairs; a Division of Mexican Affairs; a Division of Far Eastern Affairs; a Division of Near Eastern Affairs; a Division of Western European Affairs; a Consular Bureau, having charge of consular and miscellaneous correspondence relating thereto; a Bureau of Citizenship, which examines applications for passports, issues passports, receives and files evidence, and so forth, and conducts correspondence relating to the protection of American citizens abroad. That is one of the most important divisions connected with the war to-day.

The Department of the Treasury has the management of war finance and the auditing of war and other Government expenditures through six independent auditors. They are there in time of peace, and if you will let me digress, I do not see why we should have six auditors. The President of the United States, then Mr. Taft, suggested that they be made into one or two. We have six now, and to get a belt buckle paid for, or a man's

laundry paid for, it has to go from auditor to auditor. A man told me that a little account of 75 cents had to travel about 5,000 miles and be indorsed by an army of men almost before it could be paid. It went from one place to another, and back to another. That is the trouble that Mr. Willard encountered; that is the trouble that Mr. Gifford encountered; that is the trouble that Mr. Catchings, the head of the American Chamber of Commerce, encountered. They said that when they came here they found all these things, and said that something ought to be done about it. So does the Senator from New York [Mr. WADSWORTH] say that there ought to be coordination and centralization of power. So does the Senator from Nebraska [Mr. HITCHCOCK] say, on this floor, that there ought to be coordination and centralization of power. So does the Senator from Oregon [Mr. CHAMBERLAIN] say that there ought to be coordination and centralization of power. Everybody says there is too much red tape. Let us cut the red tape and do what the Senator from New York wants—not in the way he wants to do it—but let us give the President authority to coordinate.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I do.

Mr. SMITH of Georgia. The Senator has requested that we read the testimony of these experts, Mr. Gifford and others, to whom he refers. I have read their testimony, and I should like to have the Senator show anything in that testimony that goes substantially beyond the proposition that we need a director of munitions.

Mr. OVERMAN. Mr. President, I will do that. I will show it.

The Department of the Treasury, as I said, has the management of war finance and the auditing of war and other governmental expenditures through six independent auditors, as follows:

(1) Auditor for the Treasury Department.

(2) Auditor for the War Department, including the audit of war expenditures abroad.

(3) Auditor for the Interior Department.

(4) Auditor for the Navy Department.

(5) Auditor for the State and Other Departments.

(6) Auditor for the Post Office Department.

It also has a secret service.

The Department of Justice has to do with the detection and prosecution of violations of the espionage act, the detection and prosecution of violations of the draft act, and the detection and prosecution of violations of all other such war legislation.

Then there is the Post Office Department, in which the Senator from Georgia is interested, having charge of the handling and transportation of soldiers' mail, the exclusion of seditious and treasonable matter from the mails, the transportation and delivery of Government war correspondence, and the transportation of all foreign mails and the consideration of all questions arising thereunder. That is directly connected with the war.

Under the Department of the Interior there is the Commissioner of Patents, having supervision of all matters relating to the granting of patents, including patents for war devices, and so forth. Here are all these patents being issued for matters relating to the war, of which he has supervision. Then there is the Commissioner of Pensions, who administers the military and naval pension laws; also the Director of the Bureau of Mines, who has charge of the administration and enforcement of the act of October 6, 1917, to prohibit the manufacture, distribution, and so forth, of explosives, and providing regulations for the safe manufacture, distribution, storage, and so forth, of the same.

In the Department of Agriculture there is the Office of Farm Management, which studies farm economics and the application of business principles to farm practice; the Weather Bureau, which makes weather forecasts, collects and transmits marine intelligence for the benefit of commerce and navigation, and so forth; the Bureau of Animal Industry, which deals with the livestock industry, including eradication of disease, inspection, quarantine, and so forth; and the Forest Service, which, among other things, investigates the mechanical and physical properties of woods and gathers information concerning the needs of the various wood-using industries and the relation of forests to public welfare generally. A United States forestry regiment is now in France doing forestry work.

In the Department of Commerce there is the Bureau of Foreign and Domestic Commerce, which develops foreign trade and gathers statistics concerning foreign commerce and trade possibilities; the Bureau of Standards, one of the most important in this war, which can be used and is being used now all the time by the War and Navy Departments, which makes tests to determine the quality and standardization of materials needed for Government use; the Bureau of Lighthouses, which establishes and maintains aids to navigation on the coasts and lakes and rivers of the United States and its territories; the Coast and Geodetic Survey, which surveys the coasts of the United States and prepares charts of such surveys; the Bureau of Navigation, which has general superintendence over the commercial marine and merchant seamen of the United States; and the Steamboat-Inspection Service, which inspects vessels, licenses the officers of the same, and so forth.

In the Department of Labor there is the United States Employment Service; the Bureau of Naturalization, which supervises the work of the naturalization of aliens; and the Bureau of Labor Statistics, which collects and diffuses information on problems relating to labor in this country and abroad. There are two departments here bidding against each other for labor—the Shipping Board and the Department of Labor.

The Interstate Commerce Commission has only to do with work relating to the railroads, and only there as to transferring officers who are needed for this work.

The Director General of Railroads discharges functions which have been recently prescribed by Congress.

The Civil Service Commission passes upon the appointments of clerks for the various war activities of the Government.

The Federal Reserve Board has duties related to war finance and the War Finance Corporation.

The War Finance Corporation has duties related to the financing of war industries.

The Federal Trade Commission investigates business methods, contracts, and so forth, related to the industrial life of the country.

The Council of National Defense has an advisory commission having relations to several fields of war activities.

The War Trade Board has control over exports, imports, and enemy trade.

We are all familiar with the work of the United States Food Administration.

The Commissioner of Priority in Transportation directs transportation of war material, and so forth.

The duties of the Alien Property Custodian are well known, as are those of the Committee on Public Information.

The United States Board of Mediation and Conciliation settles labor disputes, and so forth.

All of these are more or less connected with the war.

Therefore, Mr. President, all we want is that the President shall be able to act when the emergency arises.

Now, let us see: This is a mighty good speech that the Senator from New York [Mr. WADSWORTH] made. I think it was sent out as a campaign document. I got a copy of it. It was printed on such fine paper that I know it was not paid for by the Government. The print is so fine that I believe I will get the Secretary to read it, to save my eyes.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

In addition, we have the Council of National Defense, composed of six Cabinet officers, with the Secretary of War as chairman, charged with the general planning and coordination of all our agencies, but utterly lacking in power to enforce its decrees. Under the Council of National Defense we have the advisory commission, composed of leaders of industry and finance, but possessing no power and performing no function but that of giving advice. We have a large number of committees and subcommittees of the advisory commission, each charged with the mobilization and organization of a particular industry, but without any power or function except that of giving advice. Out of the Council of National Defense and the advisory commission and its multitudinous committees has grown the body known as the War Industries Board, whose effort is directed toward mobilizing, organizing, and coordinating all of the resources and industries of the country for the supply of our forces on land and sea. The War Industries Board lacks power to enforce any of its arrangements. It, with all its subcommittees—and there are several—simply gives advice. Then there is a commission regulating the purchases of the allies; it, too, is without definite power. It may be that I have forgotten some of the statutory agencies and some of the advisory agencies which go to make up this vast and complicated machine. In any event, the list, as recited, is long enough. It must be apparent to every sensible man that it is utterly impossible to get any teamwork out of this conglomeration of ambitious and scattered agencies, official and unofficial, unless we create some agency that shall guide and control them all in those matters in which teamwork is essential for the accomplisment of great results.

These departments are all buying the same thing. Why not have one man buy it and give him the authority to speed up the production, to make the proportionate allotment of the contracts in the different steel mills? The truth of the situation is to-day, there being no plan for allotting contracts and for placing Government orders, that it has been done very unevenly. Some parts of the country are overloaded with Government orders and other parts of the country have not any, and they could have had them had there been any centralized authority to plan out the distribution of the orders.

Take the question of lumber. The War Department purchases an enormous amount of lumber with which to build the cantonments; the Shipping Board purchases a tremendous amount of lumber for use in the shipyards and in the building of wooden ships. I have no doubt

the allies purchase lumber. I know that the Aircraft Board purchases vast amounts of lumber. Why not have the lumber purchased by one agency? Why scatter the effort? Why not organize and discipline and coordinate the lumber production? Would that set back the wheels of machinery one day if it were done? Senators, it would speed it up. We have too many agencies, all trying to do the same thing.

The plain fact is that we have no agency in our war Government to-day charged with the duty of projecting its vision far into the future, anticipating the emergencies which may arise, and laying the plans by which we can meet and overcome those emergencies. I have cited the coal situation as an illustration of the penalty we must pay unless we reorganize this great effort along business lines, unless we centralize somewhere in our Government the authority and power to compel coordination between all those departments, commissions, boards, and bureaus.

We can not tell to-day just what the future may hold for us. Other emergencies will overtake us, and if we are wise and prudent and far-sighted we shall establish some agency in our Government, whether it be called a war cabinet or by some other name, and it matters not at all to me whether you call it a war cabinet or not. I do not even insist that it be the result of the passage of an act of Congress. If it can be done without the passage of a bill, well and good. I do not care so very much how many men are placed on it. I do not care how they are defined in the Executive order that places them on it, or how they may be defined and described in the bill establishing such a board. My only plea is that something of that sort be done, and done soon.

Mr. OVERMAN. Mr. President, I have a little more matter here that I desire to submit. I think I will ask the Senate to take an adjournment now.

Mr. GALLINGER. Mr. President, before the Senator does that, will he yield to me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. Certainly.

Mr. GALLINGER. I listened very attentively to the reading from the desk, and I notice that the complaint is against the bureaus and commissions that have been created by the President himself. For instance, the question was raised by the Senator from New York [Mr. WADSWORTH] as to why we should have five or six different instrumentalities engaged in purchasing material. As I understand, the President has solved that problem without legislation, and has one purchasing agent at the present time. Is not that so?

Mr. OVERMAN. No; I think not.

Mr. GALLINGER. I think so.

Mr. OVERMAN. Oh, no.

Mr. GALLINGER. I think Mr. Baruch is in charge now.

Mr. OVERMAN. Oh, he is in charge of certain divisions, but he can not change the law. The law prescribes the duties of these purchasing agents for the War Department, the Ordnance Department, the Quartermaster Department, and so on. They are all separate institutions, governed by statute. You can not change them. They have to purchase the supplies needed by their respective departments.

Mr. GALLINGER. I think substantially that is being accomplished by Executive order.

Mr. OVERMAN. Oh, no; Mr. President.

Mr. GALLINGER. I think so.

Mr. OVERMAN. I am sorry to differ from the Senator. The trouble is that all these purchasing agents are governed by law. Unless authority is given somewhere to consolidate them, you can not do it. I will show the Senator in the morning that I am correct about that. I will finish in about a half hour in the morning.

Mr. GALLINGER. I shall be very glad to have the Senator do that. If that be so, if the duties of these officers are established by law, is it the Senator's idea that we are giving authority to the President in this bill to repeal those laws?

Mr. OVERMAN. No; this does not repeal any law.

Mr. GALLINGER. Then, if the law governs the matter, giving the President power does not amount to anything.

Mr. OVERMAN. No; he is given authority to coordinate them into one office, and then, after the war is over, they go back to where they were originally.

Mr. GALLINGER. Yes; but still the law remains right there.

Mr. OVERMAN. That is the reason why it is necessary to have this bill passed—to give him a right to transfer or redistribute functions—and that is one of the things he can do.

Mr. GALLINGER. That does not appeal to me.

At this point Mr. OVERMAN yielded the floor for the day.

Wednesday, April 3, 1918.

Mr. OVERMAN. Mr. President, I had about concluded my remarks on yesterday afternoon, having spoken longer than I think one ought to speak. I do not believe that one ought to speak for more than two hours, for I think any man who has anything to say upon any question can exhaust it in two hours. But I was diverted, and therefore my speech had to go on and on.

I would have concluded yesterday evening but for the fact that the Senator from Georgia [Mr. SMITH], after I had argued that the best business men in the United States had said before the committee that there was confusion everywhere in the departments, and that there ought to be centralized power and coordination, challenged that statement and said he had read the testimony, and he asked me if I could furnish him any testimony along that line except as to the appointment of a munitions director.

Mr. President, having been challenged I want to quote from these proceedings. I do not know whether they are executive or not, but it is the hearing before the Committee on Military Affairs, and it is on my desk. I will read the testimony of Mr. Catchings. Mr. Catchings is a very prominent man, one of the most prominent before the committee, and I think he was on the Council of National Defense. At any rate, he is a member of the Chamber of Commerce of the United States, and they, one and all, in every section of this country, have indorsed the pending bill. He has indorsed it heartily himself, because it is the proper thing to do.

We are trying to emphasize this——

Mr. SMITH of Georgia. Will the Senator give me the page?

Mr. OVERMAN. Page 1906. Mr. Catchings said:

We are trying to emphasize this. It does not seem to us to be appropriate for us to determine whether we should have a Chief of Staff do this, as the Germans are supposed to do, or whether we should have a war cabinet or war council or a war committee, as they call it in France. The thing that we are trying to impress upon you is that the experience of business men has been universal that without central control and responsibility no enterprise, large or small, could succeed. We believe that that has been the fundamental principle of our Government and in all other enterprises. We believe it has been our tendency to give our Executives great responsibility and hold them for it; but in this, the greatest of all enterprises, we have no one sitting on the war problem as a whole and controlling these conflicting activities, and as I read to you in the statement there are in Washington at the present time the Fuel Administration, the Food Administration, the War Trade Board, the Shipping Board, the Railroad Administration, the Navy Department, the War Department, and the War Industries Board, all affecting the war situation and all independent, one of another, with no means of settling differences between them. It is not a matter, it seems to me, that we should debate. It is clear that there is no way of settling a difference of opinion in routine between Mr. Garfield and Mr. Hoover, for example.

Senator HITCHCOCK. So you really propose or advocate, not only the creation of a minister of munitions but of some intermediate board above the Cabinet and below the President.

Mr. CATCHINGS. A board which will, of course, be solely responsible to the President and merely pass upon these matters in his name.

The CHAIRMAN. Well, one man could do that.

Mr. CATCHINGS. One man could do that, certainly. We do not lay emphasis on the particular form; but it seems to us that it is utterly hopeless to expect to fight a war without having somebody actually in charge of it, on the job constantly, and thinking about it all the while, and just so long as we continue as we are at the present time, in our judgment, we are inevitably going to come up with a situation where we are having our shipbuilding program interfered with all along the line, unintentionally, but the shipbuilding program is interfered with everywhere to-day.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. OVERMAN. Certainly.

Mr. McKELLAR. May I call the attention of the Senator to the fact that Mr. Catchings is not a member of the Council of National Defense? He is an officer of the Chamber of Commerce of the United States and one of the ablest and one of the clearest-headed men I think who appeared before our committee.

Mr. OVERMAN. I thank the Senator for the information. I judged that he was a member of the Council of National Defense because he was one of the witnesses before the committee. Mr. Gifford, on page 1864, said:

My view would be that if the President had the power to appoint a director on the War Industries Board, I would prefer one man. I would prefer a one-man board, where direct executive work could be done. Then, if it were made possible by Executive order, we will say, for the President to transfer from the War Department, the Navy Department, or the Shipping Board, any purchasing committee which it might develop should properly be centralized from those departments into this section, as the scheme works along, we would transfer such things as had to be centralized, such as steel, for instance. No one questions, for instance, that steel will have to be centralized. It will have to be centralized somewhere. We can not have it handled by the Army, the Shipping Board, the Navy, and our allies. If they could be transferred out of the various departments and put under direct war industries, you would have a workable organization that would not be so comprehensive and so detailed as to break down in its functioning, and yet you would attain the object of taking care of these vital needs, which I call the war industries.

The CHAIRMAN. Suppose you had a central head. It does not make any difference what you call him. If we could empower him, under the rules and regulations to be adopted by the President, the President being the supreme head, to utilize all the branches of the Government, wouldn't that be better than to rely upon these different agencies to do it under a volunteer system? Would it not be better to have one direct head with power to call to his assistance the Council of National Defense, the War Industries Board, the administrative division, the clearance committee, or any other agencies?

Mr. GIFFORD. I think so. I do not think that the war industries under that scheme would need it.

This shows that he is in favor of coordination all along the line by different boards and chiefs. I understand he was asked a question in the Military Committee; the Senator from Tennessee can answer whether it is true or not; I have not seen the evidence; but I understand that when before the committee they asked him what was the remedy for it and he replied "the Overman bill."

Mr. McKELLAR. I will state that this gentleman, Mr. Gifford, who is secretary of the Council of National Defense, is very heartily in favor of a centralized organization with which to deal with these problems. He and Mr. Catchings and other gentlemen were in favor of it.

Mr. OVERMAN. They did not confine it only to munitions, the Senator means?

Mr. McKELLAR. They did not confine it. The testimony was very much to the effect that we needed centralized authority to control the war.

Mr. OVERMAN. The Senator from Georgia challenged me on that statement.

Mr. SMITH of Georgia. I agree he took the position that there should be centralized authority.

Mr. OVERMAN. The Senator said it was only as to munitions.

Mr. SMITH of Georgia. I said what he especially pressed was a director of munitions, and that that was really what they were supporting in their testimony.

Mr. OVERMAN. That statement does not appear, according to my reading of the evidence.

Mr. SMITH of Georgia. It is my understanding now of the testimony.

Mr. OVERMAN. Now, if the Senator pleases, I will read from some witnesses before the committee who were members of the committee, and let us see what they said about it. I will read only a few lines, for I do not want to take the time of the Senate unnecessarily:

Instances of that sort bear out the statement I have already made, that there is a lack of comprehension of manufacturing difficulties here in Washington in the departments of the Government, largely manned, as they were and are, by military men.

Then we had before us some of the exceedingly able civilians who were summoned to Washington just before or soon after our entrance into the war and who have devoted their time and efforts in helping the Government. Senators are acquainted with a large number of them. These men have lived close to the problem for many months; they have watched the working of the machinery at close range; they are thoroughly informed upon the situation; and they have told us about it not only in open session, but in executive session. Each and every one of them has pointed out and explained the defects which the members of the committee had begun to suspect before they appeared before us. Each of them has suggested one or more remedies, one or more improvements, and all their suggestions are in the same direction, to wit, the proper centralization of authority—an authority established preferably by statute, an authority whose decisions may be promptly reached and accepted as final.

* * * * * * *

We have had before us in open session Mr. Daniel Willard, the president of the Baltimore & Ohio Railroad, and at the time of his appearance the chairman of the War Industries Board. In discussing the organization of the Government for war-making purposes as existing at the time of his appearance, he expressed the hope that they would get along all right, but he pointed out what he termed a fundamental weakness—lack of authority to compel coordination.

Mr. Baruch appeared before the Committee on Military Affairs in open session; and he, too, in the most explicit terms—and he is a member of the advisory commission of the Council of National Defense—stated that we must have centralization of authority in order to compel coordination amongst the different parts of our war-making machinery.

I read what was said by the Senator from New York [Mr. WADSWORTH] in a celebrated speech here. He is a member of that committee, and he said:

Mr. Gifford, the director of the Council of National Defense, who probably is more familiar with this problem than any other man in Washington and across whose desk comes all these things, for he is the director and manager of the office of the advisory commission as well as of the Council of National Defense, most explicitly stated that what we needed to bring order out of chaos was a centralized authority, some authority armed by the statute.

That was his opinion, showing that there ought to be some centralized authority somewhere and coordination. In another place the Senator from New York [Mr. WADSWORTH] said:

We had before that committee the chairman of the war committee of the Chamber of Commerce of the United States, Mr. Catchings. Mr. Catchings has been the first assistant to Mr. Stettinius during the time that Mr. Stettinius was managing the purchases for Great Britain. He assisted Mr. Stettinius in that work, and they purchased something like $3,000,000,000 worth of goods in this country for Great Britain. They did it under a centralized authority. They made a tremendous success of it. It is astounding to hear him say how simple it all was, when properly organized. Mr. Catchings stated most explicitly before our committee that he and his war committee of the United States Chamber of Commerce have been working for six or seven months here in Washington—and they represent all the chambers of commerce of the United States, a large number of boards of trade, and business men's organizations, aggregating 7,000 of the most prominent and successful business men of the country. For six or seven months, Senators, Mr. Catchings and his committee have been endeavoring to persuade the officials here in Washington that something must be done to centralize control and authority, and they have had conference after conference, always insisting upon that one thing in order to make America effective.

The Senator from Nebraska [Mr. HITCHCOCK] is a member of that committee, and he said:

To be of any value as a coordinating body the Council of National Defense should be composed of men having no other duties and vested with full power. Being composed of men already overworked, the council has proved to be merely a name, without activity, without energy, and without life. Realizing this fact, an effort was put forth to make it a reality by adding to it an "advisory commission" of men from the business world. This brought to Washington many able men who served on various committees of the advisory commission of the Council of National Defense. But it added to the complication and confusion. These men found they had in law no power. They found no organization or coordination. One by one they have gradually become discouraged and many have already resigned and retired to private life. Many of those still persisting talk freely of the disorder and lack of system in the war activities of the Government, and all of them believe that we ought to have something the equivalent of a war cabinet.

Look at the situation as it presents itself to-day, nine months after we entered the war, and even before we have fought a battle.

Then he goes on:

Our industrial establishment is likely to break down. We have had no one to coordinate; no one who was in touch with the Aircraft Board, the Shipping Board, the War Supply Department, or any of the other departments requiring production; no one to coordinate them and see that all of the mass of production was not centered within a few miles.

Take the matter of the Fuel Administration. Congress authorized the control of the fuel of the country, and an attempt has been made to control prices, supply, and distribution, but it has apparently been made without any successful effort to coordinate the work with other functions of the Government. To-day we have a fuel famine in the country, not because we lack productive mines but because they have not been permitted to operate. Lack of knowledge, lack of transportation, and lack of harmony between the Fuel Administration and other functions of the Government are the causes of the breakdown.

I am impersonal in what I say. I am not attributing any part of the failure to the Fuel Administrator, though some would attribute it to him; but I am saying that it is the system which is chiefly at fault—the failure to have any coordination between his bureau and the others.

If there had been some authority which could have brought the Fuel Administration into close contact with the mining and labor interests of the country and with the war industries of the country, as well as into conference with the Priority of Shipments Board and other branches of the Government, much of the present breakdown could have been prevented. But the Fuel Administration, like the Food Administration, the War Industries Board, the Raw Materials Board, the Priority of Shipments Board, the Shipping Board, the Aircraft Production Board, and all of the other boards, was running an independent course. Its activities were not focused with the other activities at any point. Its decisions were reached and its orders were made practically as though the others did not exist. It started trouble last summer by fixing prices for coal at such figures as to make impossible the operation of hundreds of small mines. It reached a climax in midwinter by closing arbitrarily for more than a week thousands of industries, throwing millions of laborers and clerks out of work and causing the loss of millions of dollars.

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Mr. OVERMAN. I will put another extract in and stop at that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. HITCHCOCK. I am proposing that these 8 or 10 separate and independent departments of the Government, each of which is now running on a single track without any coordination, shall be brought up into one station, where they will be united, where they will be focused, where they will come in contact with each other, and where somebody having authority will say to the Fuel Administrator and to the Food Administrator and to the Shipping Board and all the other boards and bureaus, "Let us see your plans; we want to compare them and coordinate them and work together."

* * * * * * *

Mr. HITCHCOCK. The Senator, I hope, will now desist from his questioning and let me cover my ground. I am not criticizing the Secretary of War or the Secretary of the Navy or any other Secretary. I have endeavored to avoid personal criticism. I am excusing them. I am saying that the system is such that even if the Secretary of War runs the War Department in a good way and the Secretary of the Navy runs his department as well as he knows how and the Food Administrator runs his as well as he knows how and the Fuel Administrator as well as he knows how, if they have separate plans they are in the predicament of the five brothers who built a house. There is an old story of an uncle with much money, who called in his five nephews and said: "Boys, here is a great amount of money. I want you to build a house. Buy all the materials that you please. Each of you build a part of the house." They arranged among themselves that one should build one side, one should build the other, one should build one end, and another the other end, and the fifth one was to build the top. They were good workers; they were able men; they knew how to build. One built his end high and short, while the other built his end low and long. One built a long side that was low and the other built a short side that was high. The fifth boy built the roof. After they got the portions together they would not work. There had been no architect; there had been nobody to plan; each one had done his own part, but there was nobody to give the master plan, and it was not a house at all.

Mr. OVERMAN. They all admit that there is confusion in the departments. I showed it yesterday, and I am not going to repeat what I said then. I first discussed the question as to the bill itself, as to its provisions and as to its limitations. I then discussed the necessity for this act. I also attempted to show certain precedents that have been passed by Congress from time to time, and I alluded, the Presiding Officer will re-

member [Mr. CURTIS in the chair], to the amendment to an appropriation bill that we secured and which gave the President absolute power to abolish customhouse officers. There is nothing of that kind in this bill.

Here is another act that was passed February 14, 1903 (32 Stat., 830). Here is a law which passed Congress:

SEC. 12. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post Office Department, the Department of the Navy, or the Department of the Interior, to the Department of Commerce and Labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce and Labor, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred.

Giving more power than this bill, except that it is said that was a special purpose. I say, again, this bill we have is for a special purpose.

One is for the Department of Commerce and Labor; another is for running the railroads, but this is to fight the war. That is a special purpose.

Mr. President, I am going to show you that from time to time we have been passing, as I said yesterday, little popgun bills that ought to have been settled without coming to Congress to pass the acts. Eight or ten times Congress has been called on to pass through the Senate and House bills which if the President had the authority that this bill proposes to give him he could have done without the delay always caused. Nobody objected to the bills, because all saw the importance of them.

I wish to put in the RECORD another precedent, an act passed March 3, 1917, and the act of July 1, 1902, showing what Congress has done heretofore on this line as to special subjects. Yes, but Congress passed them and gave the President not only the power to transfer or redistribute functions, to transfer offices, but absolutely giving him power to create offices by Executive order.

Again, September 7, 1916, in the shipping law, the President, upon the request of the United States Shipping Board, was authorized to detail officers of the military or naval or other services of the United States for such duties as the board may deem necessary in connection with its business.

We had to pass an act of Congress to do that. If the President had had authority he could have transferred them without coming to Congress and without the inevitable delay that always happens here in Congress.

In 1916 we had to pass another act providing that the Treasury Department, the Department of Commerce, the Federal Trade Commission, and so forth, shall detail from time to time such officials and employees to the United States Tariff Commission as the President may direct.

Why should not the President have had that authority, instead of having to come to Congress to have a bill pass both Houses?

Then March 1, 1917:

The heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representatives from their respective departments to assist the Engineers of the Army in the study and examination of watersheds significant from the standpoint of flood control, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein.

He ought not to have had to do that in executing the law of his country as Commander in Chief. He ought not to have had to come to Congress, but the statute itself limited him, and he could not do it without an act of Congress.

My point in citing these acts is to show that our time is taken up here with these bills that nobody objects to, that everybody is in favor of; but it takes time to pass them, and the President has to come here every time he wants to do anything limited by law to ask Congress to give him authority. But it is proposed to give him power and authority to carry out these things for the purpose of carrying on the war successfully and more efficiently to fight the war, and he should have this authority.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New York?

Mr. OVERMAN. I do.

Mr. WADSWORTH. Would the Senator contend that the duty of officers of the Army and Navy should not be prescribed by written statute?

Mr. OVERMAN. They are prescribed by written statute.

Mr. WADSWORTH. Does the Senator contend that they should not be?

Mr. OVERMAN. No; I think the Commander in Chief ought to have the right and authority not to abolish but to transfer when necessary from one department to the other as Commander in Chief.

Mr. WADSWORTH. Does the Senator contend that it would be wise public policy to permit the transfer of Army officers, we will say in any number, without restraint, to duty in connection with flood control?

Mr. OVERMAN. Yes; I think if the President thought it necessary for that purpose he should have a right to do it. He does do it now.

Mr. WADSWORTH. In that case, then, the Senator can not contend that the law should define the function of Army officers.

Mr. OVERMAN. I have not said that. I have said the law places this limitation upon the President, and he has to come to the Senate time and time again. There are a dozen bills here now providing that these things may be done, that everybody is in favor of, that no one objects to, whereas the President ought to have authority without coming to Congress in these minor matters.

Mr. WADSWORTH. Does the Senator advocate the repeal of the laws which define the duties of Army officers?

Mr. OVERMAN. I do not. I have not done so, and I do not so contend now.

Mr. WADSWORTH. May I say the Senator is now contending that the great trouble with the situation is that laws now exist upon the statute books which define the duties of an Army officer.

Mr. OVERMAN. I am complaining that in many respects laws on the statute books are hindering and hampering the President in this time of stress, and he ought to be given authority not to repeal any law, but to transfer and to redistribute, as the Senator said, for the purpose of having better administration.

Mr. WADSWORTH. I do not mean to press the Senator unduly, and I do not wish to interrupt his remarks, but I will be interested if some time during the discussion he will specify what particular handicap the administration is now suffering from.

Mr. OVERMAN. I will read extracts from the Senator's speech. I will put it in the RECORD. I will cite his own speech which he sent out over the country charging that there is confusion here everywhere. I invite you to hear what he told the people of the United States.

Mr. WADSWORTH. Will the Senator say with entire frankness that the utterances I made upon the floor of the Senate on that occasion were political in character?

Mr. OVERMAN. No. I do not so contend.

Mr. WADSWORTH. I beg the Senator to read it.

Mr. OVERMAN. The Senator's speech, which I have read from freely, is a pretty good speech for me to make to show confusion and trouble everywhere. I have taken the liberty of quoting from the Senator's speech, and he did make a splendid speech, and it bears me out that there is confusion everywhere in the management of affairs. I say this ought to be settled without any partisanship. I have heard some rumors that there was going to be a filibuster on this bill by some partisans. I do not think so. I never have believed it. I believe we ought to come down and settle this question without any prejudice, without any partisanship, and settle it like patriotic men upon its merits.

Mr. President, I believe I will read here about a great battle that took place once in the olden time. I will read a few verses from the seventeenth chapter of Exodus. Perhaps I should have taken it for my text when I began:

And Moses said unto Joshua, choose us out men, and go out, fight with Amalek. To-morrow I will stand on the top of the hill with the rod of God in mine hand.

So Joshua did as Moses had said to him, and fought with Amalek. Moses, Aaron, and Hur went up to the top of the hill.

And it came to pass, when Moses held up his hand, that Israel prevailed; and when he let down his hand Amalek prevailed.

But Moses' hands were heavy; and they took a stone and put it under him, and he sat thereon; and Aaron and Hur stayed up his hands, the one on the one side, and the other on the other side; and his hands were steady until the going down of the sun.

And Joshua discomfited Amalek and his people with the edge of the sword.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. Certainly.

Mr. REED. I simply wanted to inquire how the Senator had discovered that quotation.

Mr. OVERMAN. Does the Senator intimate that I do not read the Bible? I will say to him I read my Bible every day.

Mr. REED. Oh, no; not at all. I was asking for information.

Mr. OVERMAN. I think, Mr. President——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. I yield.

Mr. CUMMINS. The Senator from North Carolina is evidently attempting to establish a parallel. May I ask between whom the parallel is to be drawn?

Mr. OVERMAN. If the Republicans, on that side, will hold up the President's left hand, and the Democrats, on this side, will hold up his right hand, we shall win the war.

Mr. CUMMINS. I am very glad to have that explanation. I had supposed the Senator was attempting to establish a similarity between Moses and the President of the United States.

Mr. OVERMAN. No, Mr. President; the Senator knew better than that, because I said that I wanted that side to hold up one hand and this side to hold up the other hand and help win the war—both sides without any partisanship—and I am sure the Senator from Iowa agrees with that.

Mr. CUMMINS. Yes; but I was thinking it would be an unfortunate comparison, because, as I remember it, Moses was not permitted to enter the promised land.

Mr. OVERMAN. No; but I do not know why that should apply to this case; for do you think the President is not going to win the war? Are you going to hinder him from winning it? Are you going to stand here and deny him what he asks in order to keep him from getting into the promised land? Is that the Senator's position?

Mr. CUMMINS. No; that is not my position; but I was regretting that the Senator from North Carolina had instilled any such thought into the minds of Senators or into the minds of the people; because I hope that the President will enter the promised land, although I fail to see any striking resemblance between the two famous characters.

Mr. OVERMAN. The Senator would compare the President to Moses in entering the promised land. I did not refer to the holding up of his hands as an illustration or a parallel as to Moses and the President; and the Senator knew it. I do not like to hear such talk as that when we have kept out of partisanship so far. I do not like to hear the Senator say that we are not going to reach the promised land.

Mr. CUMMINS. I have not said any such thing as that.

Mr. OVERMAN. That is what the Senator suggested, as I understood.

Mr. CUMMINS. I was wondering if that was in the Senator's mind.

Mr. OVERMAN. Did not the Senator hear me say that I wanted one side to hold up one hand and the other side to hold up the other hand?

Mr. CUMMINS. Which hand?

Mr. OVERMAN. You hold up the right hand and we will hold up the left hand, or you hold up the left hand and we will hold up the right hand.

Mr. CUMMINS. Mr. President, I think the Senate is quite anxious to hold up both hands of the President in every function and power which he ought to have.

Mr. OVERMAN. I hope so.

Mr. CUMMINS. But the Senator from North Carolina is under that general misapprehension which prevails altogether too universally, and that is that all the war powers of the United States must be exercised by the President; and that if he is not invested with all the powers of government then this war must fail. That is a misapprehension, both historically and practically.

Mr. OVERMAN. The bill provides that the President shall have these powers whenever they are necessary for the efficiency of the Army and to those matters relating entirely to the war.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. OVERMAN. I yield to the Senator from Pennsylvania.

Mr. KNOX. Would the Senator from North Carolina be willing to cite an instance of where the utilization or the coordination of the activities of executive officers in such a way as would be helpful in winning the war could not now be accomplished by the President under his powers as Chief Executive?

Mr. OVERMAN. Mr. President, I know it has been contended, as the Senator from Pennsylvania now suggests, by great lawyers that the President has such power now; that the joint resolution which was heretofore passed put into the President's hands the power of the Army and the Navy and everything that is necessary to be done in the way of a transfer and redistribution of functions. I do not know but that the President has it. If that be so, why not now specifically give him the power if he wants it?

Mr. KNOX. But would the Senator from North Carolina, in order to aid those of us who do not wish to vote for the conference of any power that is not necessary, be willing to cite an instance where the President could not now, as Chief Executive or as Commander in Chief of the Army and Navy, coordinate the activities of executive officers?

Mr. OVERMAN. What the Senator from Pennsylvania might think was unnecessary, another Senator might think was necessary; one Senator might think one thing and another Senator might think another, and another Senator might think still another. The only safe way to do is to give the President the general power and to trust in him to exercise it according to law, when he is sworn to support and to do what he does entirely in the interest of successfully carrying on the war.

Mr. KNOX. Mr. President, I should like to ask the Senator from North Carolina another question: Is it not true that the President, in anticipation of statutory authority, had by his executive authority practically created and put into a formative conditon certain branches or bureaus of government, for instance, like the Food Department? I instance that department in order to give emphasis to my question.

Does the Senator know of any case where any attempt upon the President's part to exercise his executive authority by coordinating the activities of the executive branch of the Government has been challenged in Congress? Has there been any such disposition manifested?

Mr. KIRBY. I should like to answer that question.

Mr. KNOX. Just a moment, if you please. I think I have the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senator from North Carolina yielded to the Senator from Pennsylvania.

Mr. KIRBY. If the Senator will yield to me, I should like to answer that question.

Mr. KNOX. Have I the floor or not, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. KNOX. I should like the privilege of asking my question. The point I want to make is this: Has the Senator from North Carolina discovered any disposition upon the part of Congress to be critical of the President in coordinating the executive and administrative offices of the Government in order to carry on the duties imposed upon him under the war power?

Mr. OVERMAN. Yes; I think there has been some criticism.

Mr. KNOX. In Congress?

Mr. OVERMAN. Yes.

Mr. KNOX. I have not noticed it.

Mr. OVERMAN. Mr. President, that is the same question we have heard discussed in the committee. The President has told us why he desires this legislation. I take it for granted that the President has heard from the departments and has very vividly known the troubles with the Government, which, as Mr. Taft has said, is the most unscientific government on earth, with many duplications and jealousies, and with its multitude of bureaus, agencies, and commissions. The President has found that out, and he has found it out to his sorrow. He has discovered that there ought to be coordination, and he desires authority to accomplish it.

The question is asked, Can not the President do that anyway? If that be so, why not specifically give him the authority when he comes and asks it? He is now criticized for having too much red tape in his administration, and when he comes and asks you to cut it, you Senators would deny him the power to do so.

Senators have asserted that the President does not confer with them; that they do not consult with him. I suppose the Senator from Pennsylvania has probably done the same thing; perhaps has criticized the President. But now the President comes here and takes Congress into his confidence. He does not exercise the power as some others have done in the past in time of war—patriotic Presidents—who did not have the power but who have none the less exercised it. One President (Mr. Lincoln) was charged upon the floor of the Senate with being a dictator and a usurper, but the men who charged that have gone down into oblivion and their names to-day, if mentioned, it is with contempt. I could name them if necessary. Now, when the President comes here and says to you, "I need this authority; I ask you for it; limit it, if you please, to the war power," some Senators will not give him that which he

asks. I will ask the Senator from Pennsylvania if he thinks the President has such power without having the authority conferred upon him which this bill proposes?

Mr. KNOX. To do what?

Mr. OVERMAN. To do what the bill proposes.

Mr. KNOX. I think the President of the United States has the authority to require every executive officer and every department of the Government to do anything that he directs to be done in order to prosecute this war to a successful conclusion. I think he has the power to delegate from one Cabinet officer to another the discharge of any particular duty that he thinks such a Cabinet officer can discharge better than the one upon whom it would normally be incumbent. I do certainly think that the President has all those powers.

Mr. OVERMAN. Then, Mr. President, I do not see why we have been wasting our time here for three or four months passing bill after bill to enable the President to do the very thing which the Senator from Pennsylvania says he now has the power to do; but it seems that his Attorney General and the great lawyers with whom he is bound to confer tell him that he has not that power.

Mr. KNOX. I have the very highest respect for those advising the President of the United States; but if that responsibility were cast upon me, as I have read the Overman bill, in so far as it proposes to authorize the President to utilize and coordinate executive activities, so far as I can see what it means from its language, and so far as I am informed in this particular by those who are back of the bill, I would not hesitate a second to advise the President of the United States that he now fully possesses that power.

Mr. OVERMAN. Mr. President, I am glad to hear the Senator say that. He is a great lawyer, a great statesman, and he has occupied some of the highest offices under this Government with great ability and efficiency. That is his opinion, and I respect it. Others, however, do not think the President has that power; he is doubtful of it himself; but, if he already has the power, who will deny it to him, and why not pass the bill and make sure of it? If he says, "I do not want to be charged with being a dictator, I do not want to give the opportunity to some man to say that I had no authority to do this or do that," why not resolve the doubt in aid of the President, and give him the authority the Senator says he already has? I am glad the Senator from Pennsylvania has said that the President has authority to do everything that my bill proposes, for then, Mr. President, this bill is not the horrid measure that some Senators would make it out to be. If the Senator from Pennsylvania thinks that the President already has the power, what is the matter with the bill? Give the President the authority, hold up his hands, and stop this hamstringing of the great Executive of this country.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. OVERMAN. I yield with pleasure.

Mr. LODGE. I merely wish to ask the Senator from Pennsylvania [Mr. KNOX] if I understood him rightly? He does not think that this bill is confined to the powers which he describes, does he? Am I right in that?

Mr. KNOX. My position, Mr. President, is this—and I think when I stated it the Senator from Massachusetts may not have apprehended what I had in my mind—that so far as this bill empowers or seeks to empower the President of the United States to transfer the performance of a particular duty of one executive officer to another for the purpose of carrying on this war to a victorious end, I say that he has the power to do it. Then, I further added that, as I understand the bill from reading it and from the interpretation placed upon it by those who are responsible for it with whom I have talked, I think he has all the other powers necessary to utilize and coordinate executive work. But that does not, of course, include, Mr. President, for instance, the right to transfer the Interstate Commerce Commission, which I do not think is an executive body, to the Treasury Department, as has been suggested he might do, or the right to transfer the Federal Trade Commission or the Federal Reserve Board to some executive department of the Government. I take it that those are not executive bodies; I take it that they are in a sense legislative bodies, and are carrying out policies inaugurated by Congress. To the extent that this bill should undertake to do that—which has been denied to me by those who are proposing the bill—I will say, as a matter of course, no such power now exists in the presidential office.

Mr. LODGE. If I may ask one more question of the Senator, would it not be possible under this bill as drawn, for example, in the case of the Interstate Commerce Commission, to which the Senator has alluded, for the President to take from that commission the valuation of the railroads, which is going on under an act of Congress, and transfer it to some bureau or division of the Treasury? Could he not do that under this bill?

Mr. KNOX. If you were to construe that commission as an administrative commission, he certainly could.

Mr. LODGE. But is the power limited to administrative commissions?

Mr. KNOX. There are two provisions in the bill that describe the nature of the commissions or boards in relation to which transfers may be made. The first——

Mr. OVERMAN. Now, I want to ask the Senator from Pennsylvania a question suggested by that of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Pennsylvania is answering the Senator from Massachusetts.

Mr. OVERMAN. Very well.

Mr. KNOX. The first is on page 1:

> To make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer.

The second is in the second section:

> That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive—

And then there is inserted, I do not know whether by the committee or not, but it is printed in italics in the bill—

> or administrative commissions—

The first section deals solely with executive departments or bureaus or commissions, while the second deals with executive or administrative. Now, if it can be held—and it is a matter open to some doubt, and there are strong reasons to be presented upon both sides of the contention—that the Interstate Commerce Commission is an administrative commission and that in valuing the railroads it is performing an administratve act, then, of course, if this bill became law the President could transfer that power to any other officer or office of the Government that he saw fit. On the other hand, if it is not an administrative commission, but if it is a legislative commission and an administrative commission as well, and in some respects a judicial commission—because its functions are partly of a judicial nature as well as of an administrative and legislative nature—then, a doubt would arise. Personally, I should object to voting for this bill with that provision in it. In this respect the bill should be amended in order to clear up any possible doubt that there might be on that subject in the minds of those who desire to avoid the possibility of such a transfer.

Mr. OVERMAN. Mr. President, I should like to ask the Senator a question there. I am not sure but that the Senator was a Member of the Senate and discussed the great interstate-commerce act when it was pending in Congress. I want to ask the Senator, in his judgment, is not the Interstate Commerce Commission an agency of Congress? Congress established it for what purpose? For the purpose of establishing rates according to rules laid down by Congress. Congress can not delegate its powers to a commission, and not being able to delegate its powers, it has appointed this agency for the purpose of fixing rates according to well-defined reasonable rules fixed by Congress itself. Therefore, is it not a congressional agency rather than an executive or an administrative agency?

Mr. KNOX. That is a new term——

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania has not concluded.

Mr. OVERMAN. The Senator from Pennsylvania is answering my question.

Mr. KNOX. Replying to the question of the Senator from North Carolina, it is undoubtedly true with respect to the Interstate Commerce Commission that Congress prescribed a series of rules relating to various branches of the railroad business; for instance, rules as to reasonableness of regulations, as to reasonableness of rates, and all that sort of thing, and delegated to the commission the ascertainment of facts and the application of the rules laid down by Congress to the facts ascertained. I would not call it a "congressional commission," because I think that is a new term in legislation. It is an administrative commission in one sense; it is a legislative commission in another sense, and, as I said a moment ago, it is a judicial commission in another sense; and whether or not it would come under the term "administrative" within the language of this bill is an open question.

Mr. OVERMAN. Mr. President, the Senator remembers, as we all do, the great arguments that centered around that question in connection with the legislation affecting the Interstate Commerce Commission. Congress could not delegate this power

except by establishing reasonably well-defined rules and appointing a commission to carry out the will of Congress. Therefore, it does not seem to the distinguished Senator that the President could interfere with such a legislative commission.

Mr. KNOX. I had the honor to be a member of this body at that time and participated in that debate, and the Senator, I am quite sure, will agree with me that we all know a great deal more about the question now than we did then. There have been a great many court decisions since 1906 of a rather radical nature. The Senator will recall that some of the most distinguished Senators in this body challenged the right of Congress to delegate to the Interstate Commerce Commission the power to fix rates, holding that that was a legislative act and could not be delegated. Of course, we have gotten a long way from that, and I do not think that we can safely arrive at a sound conclusion upon this matter by using the lights of 1906.

Mr. OVERMAN. I agree with the Senator. Some of the greatest speeches I ever heard were upon the question of whether we could delegate the power of Congress in that respect. I remember the great speech of the then Senator from Ohio, Mr. Foraker, who did not believe that Congress could take such action; but it seemed to be the unanimous sentiment of Congress, except among the very few who took the same position as the then Senator from Ohio, that the Interstate Commerce Commission was nothing but a legislative agency, created for the purpose of ascertaining the reasonableness of rates and to fix them according to rules laid down by Congress. The point I make is, Why should we talk so much about the Interstate Commerce Commission? The Senator and I agree, but why should all this argument rally around the Interstate Commerce Commission? What is the trouble about that? I do not think the President could do what has been suggested with regard to that commission. I think that is an agency of Congress, and it has become, as the Senator from Pennsylvania has said, a judicial body; and, of course, the President could not interfere with the judicial department of the Government or with the legislative. When, however, it comes to administrative or executive departments, he ought to have a right to transfer their functions. I asked the Senator from Iowa [Mr. CUMMINS] the other day, provided it was necessary to transfer even the Interstate Commerce Commission and redistribute its functions for the purpose of prosecuting the war and such action was absolutely necessary to save the country, would he do it? Would he give this authority to the President? What was his reply? He said, "Yes; I would do it;" and so I say would every Senator do it.

Mr. CUMMINS. I would not allow the President to judge of the necessity; I would judge of that myself.

Mr. OVERMAN. Well, we have 96 different opinions here about these matters. I know the President would not do it, and I am willing to trust him not to do it. I know he would not do it in the case of the Federal Reserve Board.

Mr. SMITH of Georgia. Then, why not exempt them from the bill?

Mr. OVERMAN. Because I do not propose, as I said to the Senator—and the committee agreed with me—to assume, by adopting his amendment, that the President would do anything like that. I am willing to give him the general power, and I assume, as the Senator from Georgia does, that he will not do any unconstitutional act or any arbitrary act, unless it was necessary to fight this war to a successful conclusion. I have too much confidence in the Commander in Chief, in my great leader, to think about that. I am not willing to put such a provision in the bill to insult him and the American people.

Mr. LEWIS and Mr. REED addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from North Carolina yield?

Mr. OVERMAN. I yield to the Senator from Illinois. I am done, Mr. President.

I ask permission, Mr. President, to print certain extracts and other matter as an appendix to my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

APPENDIX.

UNITED STATES LAWS AUTHORIZING REDISTRIBUTION OF FUNCTIONS AMONG EXECUTIVE AGENCIES AND TRANSFER OF POWERS OR DUTIES FROM ONE DEPARTMENT OR BUREAU TO ANOTHER BY THE PRESIDENT OR THE HEAD OF A DEPARTMENT.

Act of February 14, 1903 (32 Stat., 830, sec. 12): President authorized to "transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post Office Department, the Department of the Navy, or the Department of the Interior, to the Department of Commerce and Labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce and Labor, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred."

Act of April 28, 1908 (35 Stat., 69, sec. 3): President authorized "for any special occasion" to transfer "to the head of another department" the authority conferred upon the Secretary of Commerce and Labor to issue regulations for the safety of life during regattas or marine parades.

Act of June 24, 1910 (36 Stat., 613): "The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June 30, 1911, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided." The same provision was repeated for the fiscal years 1912, 1913, and 1914, in the acts of March 4, 1911 (36 Stat., 1273), August 22, 1912 (37 Stat., 339), and March 4, 1913 (37 Stat., 899).

Act of March 3, 1917 (39 Stat., 1122, sec. 8): "The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, whenever he finds such duplications to exist to abolish the same."

LAWS APPLICABLE IN EMERGENCIES ONLY.

Act of July 1, 1902 (32 Stat., 713, sec. 4): President authorized to "utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained."

Act of January 28, 1915 (38 Stat., 800): "The Coast Guard * * * shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct."

Act of August 29, 1916 (39 Stat., 602): "The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the Navy Department, or of the War Department, such vessels, equipment, stations, and personnel of the Lighthouse Service as he may deem to the best interests of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made."

Act of May 22, 1917 (40 Stat., 87, sec. 16): "The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the War Department, or of the Navy Department, such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made."

UNITED STATES LAWS AUTHORIZING DETAILS OF OFFICERS AND EMPLOYEES FROM ONE DEPARTMENT OR BUREAU TO ANOTHER AT THE SEAT OF GOVERNMENT.

I. CIVIL SERVICE.

Revised Statutes, 166, as amended by act of May 28, 1896 (29 Stat., 179): "Each head of a department may, from time to time, alter the distribution of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the department, and in no case be for a period of time exceeding 120 days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the department, in each particular case, for periods of not exceeding 120 days."

Act of November 21, 1877 (20 Stat., 3): Heads of departments authorized to detail clerks for temporary service in Surgeon General's office, to furnish information called for by the Commissioner of Pensions.

Act of June 2, 1879 (21 Stat., 7, sec. 7): President authorized to detail officers from the various departments for temporary duty under the National Board of Health to enforce quarantine regulations. (This act expired by limitation in 1883.)

Act of February 15, 1893 (27 Stat., 450, sec. 2): President authorized to detail medical officers to consulates to perform duties under quarantine laws.

Act of June 18, 1910 (36 Stat., 556, sec. 16): "The several departments and bureaus of the Government shall detail from time to time such officials and employees" to the commission to investigate railroad stocks and bonds "as may be directed by the President."

Act of September 26, 1914 (38 Stat., 722, sec. 8): "The several departments and bureaus of the Government * * * shall detail from time to time such officials and employees" to the Federal Trade Commission as the President may direct.

Act of September 7, 1916 (39 Stat., 729, sec. 4): "The President, upon the request of the [United States Shipping] board, may authorize the detail of officers of the military, naval, or other services of the United States for such duties as the board may deem necessary in connection with its business."

Act of September 8, 1916 (39 State., 797, sec. 707): "The Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government * * * shall detail, from time to time, such officials and employees" to the United States Tariff Commission as the President may direct.

Act of March 1, 1917 (39 Stat., 950, sec. 3): "The heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representatives from their respective departments to assist the Engineers of the Army in the study and examination" of watersheds significant from the standpoint of flood control, "to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein."

II. MILITARY AND NAVAL SERVICE.

R. S. 1437. "The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War."

Act of June 16, 1880 (21 Stat. 374): Secretary of War authorized to detail two officers of Ordnance Corps to serve with Geological Survey.

Act of October 1, 1890 (26 Stat. 653): President authorized to detail Chief Signal Officer to have charge of Weather Bureau and to assign four other Army officers to that bureau. (Repealed by joint resolution of July 8, 1898 (30 Stat. 752).)

Act of October 6, 1917 (40 Stat. 399): Secretary of War and Secretary of the Navy authorized to detail Army and Navy surgeons to Bureau of War-Risk Insurance.

Senate amendment No. 72 to the legislative appropriation bill for the fiscal year 1918 was as follows:

"SEC. 8. The President is hereby authorized, during the recess of the Congress, to take action looking to a proper and scientific coordination of the work of the various executive departments of the Government; and he is hereby requested to report upon the question of transfer and consolidation of bureaus, divisions, offices, and other governmental activities, in order that duplication of service may be abolished and extravagance and unnecessary expenditures eliminated."

As agreed to in conference and as it appears in the statutes that provision is as follows:

"SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session."

That statute was approved March 3, 1917 (39 Stat., 1122).

(1) In numerous cases more than one bureau or other administrative agency is authorized by law to render the same service. (2) In most of these cases the various duly authorized agencies are ambitious to render all the services within their power. (3) In some cases actual duplication of service has resulted. (4) In a large number of cases the legitimate development of bureaus and other agencies is hampered by the knowledge that it would bring about conflict with the work of other bureaus and agencies. Such conditions result in misdirection of effort and inefficiency.

For example, some duplication of service has arisen between the various scientific and technical bureaus in the Departments of the Interior, Agriculture, and Commerce, and much more might arise if they should use to the fullest extent their existing legal powers and physical equipment. One case in point is that of investigations concerning the sources of supply of various raw materials used in industries connected with the national defense. Thus both the Bureau of Soils in the Department of Agriculture and the Geological Survey in the Department of the Interior might be interested in the sources of supply of potash and might institute investigations with a view to discovering new sources of supply. The same situation exists with respect to investigations concerning the quality of materials. In the comparatively narrow field of testing materials, the Bureau of Standards of the Department of Commerce and the Forest Products Laboratory of the Forestry Service are both empowered and equipped to test timber and paper; the Bureau of Standards and the Bureau of Chemistry are equipped to test leather, the Bureau of Standards and the Bureau of Markets to test textiles, the Bureau of Standards and the Office of Public Roads and Rural Engineering to test road materials, and the Bureau of Standards and the Reclamation Service to test cement.

In the broader field of the utilization of materials and the improvement of technical processes, the utilization of American clay in the manufacture of high-grade pottery or the improvement of the process of glass making with a view to supplying a better grade of optical glass might be undertaken either by the Bureau of Standards or the Bureau of Mines. Another case where several bureaus might undertake to carry on the same technological study is that of aniline dyes. The Bureau of Standards, the Bureau of Mines, and the Bureau of Chemistry in the Department of Agriculture are all equipped to assist by making scientific researches in the establishment of an American coal-tar dye industry, and each has the legal authority to do so. Moreover, the United States Tariff Commission is charged with the duty of investigating the development of chemical industries in general in this country, including the development of the dye industry, although presumably it would not attempt itself technological researches involving the equipment of additional chemical laboratories.

What is true with respect to sources of supply of raw materials and technological studies in the fabrication of the finished product is also true with respect to the marketing of the products. The Bureau of Foreign and Domestic Commerce has an organization covering the foreign markets of the world, and is capable of studying the opportunities for the development of American foreign trade of all kinds. The Office of Markets of the Department of Agriculture is also interested in the development of foreign markets, particularly in markets for agricultural products, and, to some extent, for manufactured foodstuffs, and even for other commodities, like cotton textiles, the raw material of which is mainly produced on American farms. While the Bureau of Foreign and Domestic Commerce does not assume jurisdiction over the foreign marketing of wheat or cotton, and the Office of Markets does not assume jurisdiction over the foreign marketing of manufactured goods containing no raw materials produced on the farm, there is a class of commodities, such as manufactured foodstuffs, where the authority of the two bureaus is not clearly defined.

The situation is further complicated by the existence of the foreign trade advisers in the Department of State. With respect to domestic commerce, the Bureau of Foreign and Domestic Commerce has little actually to do, despite its somewhat indefinite grant of authority. Thus the domestic commerce in manufactured foods is subject principally to the jurisdiction of the Bureau of Chemistry in the Department of Agriculture, and matters relating to domestic commerce in sea foods, other than their inspection under the pure-food law, are dealt with by the Bureau of Fisheries.

Turning from the Government bureaus dealing with the industries of the country to those dealing more directly with the wants of the people, a similar confusion of authority exists. For example, there is a great subject of the public health. The Public Health Service has a broad grant of authority to engage in activities relating to health, exclusive of the health of persons in the military and naval service. The Bureau of Education, however, looks after the health of Indians in Alaska, and the Indian Office after the health of Indians in other parts of the United States. The States Relations Service has a somewhat indefinite grant of authority with respect to the care of the health of farmers, and the Bureau of Mines operates its mine rescue cars and in other ways concerns itself with the health of the mining population. Both the Public Health Service and the Army and Navy health services operate medical schools, and both the Public Health Service and the Army medical service operate hygienic laboratories. Locomotive boilers are inspected by agents of the Interstate Commerce Commission and safety devices designed for the protection of employees in interstate commerce and of the traveling public are also inspected under the authority of the Interstate Commerce Commission. Steamboat boilers, however, are inspected by agents of the Steamboat-Inspection Service. The administration of the United States employees' compensation act, applying to civilian employees of the United States, is intrusted to a special commission, but the administration of the soldiers and sailors' insurance law, covering persons now in the military or naval service, is intrusted to the Bureau of War-Risk Insurance, whilst the payment of pensions to veterans of the Civil War and their dependents (involving duties of much the same general character as those involved in the payment of family allotments and allowances by the Bureau of War-Risk Insurance to dependents of persons in the military and naval services of the United States in the present war) is the function of a separate pension office.

The Public Health Service is interested in a general way in the prevention of the spread of disease. For example, it has been interested in preventing the spread of bubonic plague by rats and ground squirrels on the Pacific coast and in the spread of various diseases by flies and mosquitoes everywhere. The Biological Survey of the Department of Agriculture is also interested in the study of rats and ground squirrels and the Bureau of Entomology in the Department of Agriculture in flies and mosquitoes. Whilst the Biological Survey has a general interest in the wild animals of the United States, jurisdiction over Alaskan fur animals is vested in the Bureau of Fisheries and jurisdiction over the reindeer in Alaska in the Bureau of Education. Whilst the Bureau of Entomology is interested in all kinds of insects, whether noxious to man, to animals, or to the useful plant life of the country, the study of insects injurious to forest trees is a matter of special concern to the Forestry Service.

Turning from health to education, we find that though there is a Federal Bureau of Education with a general authority to study matters in relation thereto, there is also a Children's Bureau with a general authority to study matters relating to the education of children, a Bureau of Immigration with a growing interest in the education of immigrants, a Federal Board of Vocational Education with a special responsibility for the development of agricultural, commercial, and industrial training, a States Relations Service with a further special responsibility concerning the agricultural colleges and extension work in the rural districts, and a Bureau of Foreign and Domestic Commerce with an incipient interest in the training of persons for employment in connection with foreign commerce.

The general subject of prices and the cost of living is one with respect to which a number of bureaus have more or less overlapping authority. The Federal Trade Commission, for example, has a general authority to investigate the reasonableness of prices, and to that end to study cost of production in various industries. But costs of production may also be studied by several of the bureaus which are primarily concerned with the technology of industry. For example, the Bureau of Mines has authority to study the costs of production of coal; the Office of Farm Management has a general authority to study costs of production on the farm; the Forestry Service has authority to study the cost of production of timber; the Bureau of Fisheries presumably has a general authority to study costs of production of fish; the Tariff Commission also, in connection with its general duty of investigating the fitness of customs duties, presumably has the power to study costs of production of protected commodities. Moreover, the Bureau of Labor Statistics and the Office of Markets may likewise be interested in the study of market prices and their relation to the cost of living. These are only a few of many instances where duplication of service either has resulted or easily might result if bureau chiefs used their legal powers to the full, regardless of the legitimate development of the activities of other bureaus.

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UNITED STATES LAWS AUTHORIZING REDISTRIBUTION OF FUNCTIONS AMONG EXECUTIVE AGENCIES AND TRANSFER OF POWERS OR DUTIES FROM ONE DEPARTMENT OR BUREAU TO ANOTHER BY THE PRESIDENT OR THE HEAD OF A DEPARTMENT.

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"The duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June 30, 1911, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided." The same provision was repeated for the fiscal years 1912, 1913, and 1914, in the acts of March 4, 1911 (36 Stat., 1273), August 22, 1912 (37 Stat., 339), and March 4, 1913 (37 Stat., 899).

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The Coast Guard * * * shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct.

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The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the Navy Department, or of the War Department, such vessels, equipment, stations, and personnel of the Lighthouse Service as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made.

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The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the War Department, or of the Navy Department, such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made.

[W. H. McClenon, Feb. 9, 1918.]

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R. S. 166, as amended by act of May 28, 1896 (29 Stat., 179).

Each head of a department may, from time to time, alter the distribution of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the department, and in no case be for a period of time exceeding 120 days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the department, in each particular case, for periods of not exceeding 120 days.

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"The heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representatives from their respective departments to assist the engineers of the Army in the study and examination" of watersheds significant from the standpoint of flood control, "to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein."

II. MILITARY AND NAVAL SERVICE.

(R. S. 1437.)

"The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War."

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President authorized to detail Chief Signal Officer to have charge of Weather Bureau, and to assign four other Army officers to that bureau. [Repealed by joint resolution of July 8, 1898 (30 Stat., 752)].

Act of October 6, 1917 (40 Stat., 399).

Secretary of War and Secretary of the Navy authorized to detail Army and Navy surgeons to Bureau of War-Risk Insurance.

[W. H. McClenon, Feb. 9, 1918.]

A MEMORANDUM CONCERNING DUPLICATION OF SERVICE.

(1) In numerous cases more than one bureau or other administrative agency is authorized by law to render the same service. (2) In most of these cases the various duly authorized agencies are ambitious to render all the services within their power. (3) In some cases actual duplication of service has resulted (4) In a large number of cases the legitimate development of bureaus and other agencies is hampered by the knowledge that it would bring about conflict with the work of other bureaus and agencies. Such conditions result in misdirection of effort and inefficiency.

For example, some duplication of service has arisen between the various scientific and technical bureaus in the Departments of the Interior, Agriculture, and Commerce, and much more might arise if they should use to the fullest extent their existing legal powers and physical equipment. One case in point is that of investigations concerning the sources of supply of various raw materials used in industries connected with the national defense. Thus, both the Bureau of Soils in the Department of Agriculture and the Geological Survey in the Department of the Interior might be interested in the sources of supply of potash and might institute investigations with a view to discovering new sources of supply. The same situation exists with respect to investigations concerning the quality of materials. In the comparatively narrow field of testing materials the Bureau of Standards of the Department of Commerce and the forest products laboratory of the Forestry Service are both empowered and equipped to test timber and paper, the Bureau of Standards and the Bureau of Chemistry are equipped to test leather, the Bureau of Standards and the Bureau of Markets to test textiles, the Bureau of Standards and the Office of Public Roads and Rural Engineering to test road materials, and the Bureau of Standards and the Reclamation Service to test cement.

In the broader field of the utilization of materials and the improvement of technical processes the utilization of American clay in the manufacture of high-grade pottery or the improvement of the process of glass making, with a view to supplying a better grade of optical glass, might be undertaken either by the Bureau of Standards or the Bureau of Mines. Another case where several bureaus might undertake to carry on the same technological study is that of aniline dyes. The Bureau of Standards, the Bureau of Mines, and the Bureau of Chemistry in the Department of Agriculture are all equipped to assist by making scientific researches in the establishment of an American coal tar dye industry, and each has the legal authority to do so. Moreover, the United States Tariff Commission is charged with the duty of investigating the development of chemical industries in general in this country, including the development of the dye industry, although presumably it would not attempt itself technological researches involving the equipment of additional chemical laboratories.

What is true with respect to sources of supply of raw materials and technological studies in the fabrication of the finished products is also true with respect to the marketing of the products. The Bureau of Foreign and Domestic Commerce has an organization covering the foreign markets of the world and is capable of studying the opportunities for the development of American foreign trade of all kinds. The Office of Markets of the Department of Agriculture is also interested in the development of foreign markets, particularly in markets for agricultural products, and, to some extent, for manufactured foodstuffs, and even for other commodities, like cotton textiles, the raw material of which is mainly produced on American farms. While the Bureau of Foreign and Domestic Commerce does not assume jurisdiction over the foreign marketing of wheat or cotton, and the Office of Markets does not assume jurisdiction over the foreign marketing of manufactured goods containing no raw materials produced on the farm, there is a class of commodities, such as manufactured foodstuffs, where the authority of the two bureaus is not clearly defined.

The situation is further complicated by the existence of the foreign trade advisers in the Department of State. With respect to domestic commerce, the Bureau of Foreign and Domestic Commerce has little actually to do, despite its somewhat indefinite grant of authority. Thus the domestic commerce in manufactured foods is subject principally to the jurisdiction of the Bureau of Chemistry in the Department of Agriculture, and matters relating to domestic commerce in sea foods other than their inspection under the pure-food law are dealt with by the Bureau of Fisheries.

Turning from the Government bureaus dealing with the industries of the country to those dealing more directly with the wants of the people, a similar confusion of authority exists. For example, there is a great subject of the public health. The Public Health Service has a broad grant of authority to engage in activities relating to health, exclusive of the health of persons in the military and naval service. The Bureau of Education, however, looks after the health of Indians in Alaska and the Indian Office after the health of Indians in other parts of the United States. The States Relations Service has a somewhat indefinite grant of authority with respect to the care of the health of farmers, and the Bureau of Mines operates its mine-rescue cars and in other ways concerns itself with the health of the mining population. Both the Public Health Service and the Army and Navy Health Services operate medical schools, and both the Public Health Service and the Army Medical Service operate hygienic laboratories. Locomotive boilers are inspected by agents of the Interstate Commerce Commission and

safety devices designed for the protection of employees in interstate commerce and of the traveling public are also inspected under the authority of the Interstate Commerce Commission. Steamboat boilers, however, are inspected by agents of the Steamboat-Inspection Service.

The administration of the United States employees' compensation act, applying to civilian employees of the United States, is intrusted to a special commission, but the administration of the soldiers' and sailors' insurance law, covering persons now in the military or naval service, is intrusted to the Bureau of War-Risk Insurance, whilst the payment of pensions to veterans of the Civil War and their dependents—involving duties of much the same general character as those involved in the payment of family allotments and allowances by the Bureau of War-Risk Insurance to dependents of persons in the military and naval services of the United States in the present war—is the function of a separate Pension Office.

The Public Health Service is interested in a general way in the prevention of the spread of disease. For example, it has been interested in preventing the spread of bubonic plague by rats and ground squirrels on the Pacific coast, and in the spread of various diseases by flies and mosquitoes everywhere. The Biological Survey of the Department of Agriculture is also interested in the study of rats and ground squirrels, and the Bureau of Entomology in the Department of Agriculture in flies and mosquitoes. Whilst the Biological Survey has a general interest in the wild animals of the United States, jurisdiction over Alaskan fur animals is vested in the Bureau of Fisheries, and jurisdiction over the reindeer in Alaska in the Bureau of Education. Whilst the Bureau of Entomology is interested in all kinds of insects, whether noxious to man, to animals, or to the useful plant life of the country, the study of insects injurious to forest trees is a matter of special concern to the Forestry Service.

Turning from health to education, we find that though there is a Federal Bureau of Education with a general authority to study matters in relation thereto, there is also a Children's Bureau with a general authority to study matters relating to the education of children, a Bureau of Immigration with a growing interest in the education of immigrants, a Federal Board of Vocational Education with a special responsibility for the development of agricultural, commercial, and industrial training, a States Relations Service with a further special responsibility concerning the agricultural colleges and extension work in the rural districts, and a Bureau of Foreign and Domestic Commerce with an incipient interest in the training of persons for employment in connection with foreign commerce.

The general subject of prices and the cost of living is one with respect to which a number of bureaus have more or less overlapping authority. The Federal Trade Commission, for example, has a general authority to investigate the reasonableness of prices, and to that end to study costs of production in various industries. But costs of production may also be studied by several of the bureaus which are primarily concerned with the technology of industry. For example, the Bureau of Mines has authority to study the costs of production of coal; the Office of Farm Management has a general authority to study costs of production on the farm; the Forestry Service has authority to study the cost of production of timber; the Bureau of Fisheries presumably has a general authority to study costs of production of fish; the Tariff Commission also, in connection with its general duty of investigating the fitness of customs duties, presumably has the power to study costs of production of protected commodities. Moreover, the Bureau of Labor Statistics and the Office of Markets may likewise be interested in the study of market prices and their relation to the cost of living. These are only a few of many instances where duplication of service either has resulted or easily might result if bureau chiefs used their legal powers to the full, regardless of the legitimate development of the activities of other bureaus.

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[From the Journal of Commerce and Commercial Bulletin, New York, Friday, Mar. 22, 1918.]

CONCENTRATING EXECUTIVE WAR POWER.

Coincident with a conference of the President with the heads of the War Industries Board and of various bureaus in different departments having to do with war activities, the so-called Overman bill has been reported to the Senate from its Judiciary Committee. The vote of the committee for reporting the bill as it stands was 11 to 7, eight of the former number being from Democrats and three from Republicans and two of the latter from Democrats and five from Republicans. This is not such evidence of nonpartisanship as is desirable, but it indicates a spirit of independence of party motives which shows signs of progress.

The main purpose of this bill, as stated in a preliminary clause, is "for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces." This is certainly a very important purpose at the present time, and the best way for its achievement is to be desired. How is it to be done? By hampering the Commander in Chief or by giving him full control of the agencies devised for accomplishing the objects in view?

What is proposed is to authorize him "to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office or officer, in such manner as in his judgment shall seem best fitted to carry out the purpose of this act." For this he may make such regulations and issue such orders as he may deem necessary. There is a proviso that the authority granted shall be exercised only in matters relating to the conduct of the present war, and another that the act shall remain in force for so much of a year following the proclamation of peace as the President may designate.

No doubt a variety of objections will be raised to this, or to anything else making Executive action more effective, but it seems to be believed at Washington that it will be passed without material change or any considerable negative vote. It ought to be without any prolonged debate or the too familiar use of excited language. There is really in it no occasion for getting excited. It confers no increased Executive power, and would only concentrate its direction and use, so as to make it more prompt and effective instead of running over red tape through a complex variety of machines and coming out in a snarl. The various parts of this machinery are created by legislative action and may be increased or diminished in number or capacity and modified in functions. The great need is to have them work in harmony to accomplish the desired results as perfectly and promptly as may be in a continuous and necessary service. If it were a private business, there would be no doubt or difference of opinion about it. Why in a public service of so much consequence? Are private business men so much more trustworthy than public servants?

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LEWIS. I did not rise to take the floor or to address myself at this time to the bill, but to ask the Senator from Pennsylvania [Mr. KNOX], in connection with the colloquy between him and the Senator from North Carolina, as to the construction to be placed upon the pending bill. The Senator from Pennsylvania asked the Senator from North Carolina, as a test of the construction of the bill, if I did not misunderstand him, what particular departments could be consolidated or transferred under the bill that could not now be consolidated or transferred by Executive order of the President in the execution of his duties as Commander in Chief. May I ask, does the Senator from Pennsylvania assume that, under the existing law, without the passage of the pending measure, the duties of the Quartermaster General in connection with purchases for the Government in his department, such as clothing; the duties of the commissary officer; and the duties of the Chief of Ordnance in connection with the purchase of ordnance and the letting of contracts—does the Senator assume those duties now could be taken from these officers and coordinated in a single head by the President's order and the power be given to make contracts and execute such purchases without some act of legislation?

Mr. KNOX. To begin with, the Senator from Illinois entirely misapprehended the question——

Mr. LEWIS. That may be.

Mr. KNOX. That I put to the Senator from North Carolina. What I asked the Senator from North Carolina was this: I asked him would he be willing to cite a single instance where the transfer of the functions of one executive branch of the Government to another was necessary for carrying on the war that the President under existing law and under his authority as Chief Executive did not have the power to make the transfer? That is not the question that has been put to me now by the Senator from Illinois.

I perhaps can make myself a little more clear by putting it in another way. There is a marked difference between delegating to an individual, whether he be in the Quartermaster General's Department or in the State Department or in the Interior Department, the performance of a specific act, and transferring the functions and duties of one of those departments to another department. My allegation as to the President's power as Chief Executive relates to his power to call upon individuals to perform specific acts.

Why, Mr. President, if the Senator from Illinois will permit me to go on for just a moment, within my own experience I have known of hundreds of cases where the President of the United States has designated to one Cabinet officer the functions or duties in a specific matter that naturally and normally devolved upon another Cabinet officer. I have known instances where questions had been brought before the Cabinet by one member of the Cabinet that contained points of interest that affected other departments than his own and the President has directed the two or three of them to get together, to coordinate upon that subject, and to present a joint conclusion for his decision. So I mean that by establishing within a department by an Executive order a rule that all subjects of a certain character shall be dealt with under the direction of a certain individual or a board of individuals, whether he takes that individual or those individuals out of that particular department or takes them off the highway, the President's authority is supreme; all that the President has to do is to make the order that it shall be done in that way; and every faithful and loyal employee of the Government will heartily fall in line and support him. If he does not, there is a way to dispose of that type of official.

Mr. LEWIS. Now, Mr. President, with the Senator's permission, may I test the distinction he makes by an inquiry? Assume that the President would, as Commander in Chief, have it in mind under this bill to consolidate the purchasing powers of the commissary officer and of the quartermaster officer in a single body, for reasons of economy, or in order that he might have a person schooled and skilled in the subject matter of purchases and that he might get away from those questions that have been raised here on this floor and with regard to which much evidence has been shown of considerable lack of experience, does the Senator not recognize that this bill would give the President power where he would not now have it under existing law, because of statutes specifically defining the duties of the Quartermaster General and the power of the Commissary General?

Mr. KNOX. Perhaps I have subjected myself to this cross-examination by having made a very innocent and simple inquiry of the Senator from North Carolina, and I will answer the Senator only in a general way. I do not have the honor of a very extended personal acquaintaince with the President of the United States; but if he has one-half the ability and the ingenuity with which I credit him, the specific thing mentioned by the Senator from Illinois or any other specific thing that is necessary to be done in the executive offices he can bring about.

Mr. OVERMAN. Will the Senator from Illinois yield to me, that I may ask the Senator from Pennsylvania a question?

Mr. LEWIS. I yield to the Senator from North Carolina, having charge of the bill. I will cover the question myself later.

Mr. OVERMAN. The Senator from Pennsylvania, having stated that the President has this power, will the Senator kindly cite me to any statute anywhere that gives him such power?

Mr. KNOX. If the Senator from North Carolina will hark back to the question that I have put to him two or three times and cite an instance where the President wants to do something in order to carry on this war that he does not have the power to do, I will undertake to answer his question. [Laughter.]

Mr. OVERMAN. No; the Senator has said to the Senator from Illinois that the President has certain powers that he could exercise. Now, if there is such a power—if the President has the right to do the things that the Senator from Pennsylvania says he has the right to do—I should be greatly obliged if the Senator would cite to me any law upon the statute books that authorizes him to do it.

Mr. KNOX. Mr. President, replying to the Senator's question, there is a law. It is not upon the statute books. It is written in the Constitution of the United States.

The President is constantly being referred to in debate as performing the function of executing the laws. He has a larger and a more definite function. He executes his office as President, and he takes a peculiar oath—an oath that no other officer of the United States takes. He takes an oath to execute faithfully the office of President. Now, the office of President is not limited to executing the laws. The President is no mere supermarshal or sheriff. He has certain functions to perform in the execution of the laws, but he has higher and broader and greater, if less definite, functions as the Chief Executive of the United States; and as the Chief Executive of the United States it is his duty, his power, and his right to coordinate all of the instrumentalities that Congress has placed in his hands to carry on the executive departments, and all of the instrumentalities and powers that have been placed in his hands to carry on this war, and to see that individuals do as he directs; and, in faith, he has done so. He has done so time and time again, and, so far as I know, without just criticism.

Here within the last week or two, when the aircraft deficiencies were brought to light, and our great disappointments were pointed out to us, does the President send to the Secretary of the Interior, or the Secretary of War, or the Secretary of the Navy to take charge of the aircraft business, and make an investigation, and report what shall be done? No. He sends for a Democratic politician in California and another gentleman who is in no way connected with the Government. I am not reflecting upon his judgment in selecting the gentleman from California, but I just happen to know of him as a leading Democratic politician and an able lawyer. But he is a man unconnected with the Government of the United States; and the report of that board—that board of two men, neither of whom is connected with the Government of the United States—will be the report that will determine governmental activities in relation to our air fleet.

Need I point, Mr. President, to the functions—the superfunctions—performed for this Government, and performed ably, so far as I know, by Col. House? What powers have not been vested in Col. House to represent the dignity and the sovereignty and the might of this Government in the courts of Europe, in the most delicate matters? Of that I am making no complaint. I am only trying to illustrate that the greater includes the less. If the President may do all of these greater things without a specific statute, if he may do them all without seeking from Congress specific authority, why may he not do the lesser things with respect to utilizing, coordinating, and directing those who are placed under him for the very purpose of enabling him to perform the detail of his duties and responsibilities?

Mr. OVERMAN. Mr. President, the Senator from Pennsylvania is always so fair and so frank that I am a little bit astonished at him.

Mr. KNOX. I hope that is not unusual.

Mr. OVERMAN. I do not see why he should bring in Col. House. No; I am very fond of the Senator, and I am really surprised that he should bring in the name of Col. House, or Mr. Denman, or anyone else. I was asking him a frank question of law. I was asking his opinion as a lawyer.

Now, the Senator was the great adviser of Mr. Taft. He was Secretary of State. He was Attorney General under Mr. Roosevelt. He was Secretary of State, and I honor him as a great Secretary. But Mr. Taft had his Cabinet around him. He sent a message to the Senate, which I have cited here, stating that the country had the most unscientific system of government on earth, and that he wanted an investigation held so that he could see what to do, and that there was duplication of work everywhere. Now, if the President had the power to do what the Senator says, why should he be coming to Congress asking Congress for a law to do that which he says he had the power to do?

Mr. FLETCHER. Mr. President, it occurs to me that the Senator from Pennsylvania [Mr. KNOX] has not quite made the distinction that ought to be made between a situation such as he mentions—the general exercise of authority over an office and the general executive powers which the President may possess that do not conflict with some statute.

If there is a statute enacted by Congress which requires that certain duties shall be performed by certain departments or heads of departments, that certain functions must be performed by certain officials, the Senator will at once admit that the President can not ignore or override the express provisions of the statute. If there is no statute to the contrary the President may do the various things which the Senator has indicated he may do. He may select the head of one department and assign to him certain work and certain duties and ask him to do that, even though ordinarily they fall under the head of some other department. But if there is a statute which says that those duties must be performed by a certain officer, then, of course, the President can not assign those duties to some other officer or appoint some other officer to perform those duties; and it is to meet that situation that this bill is proposed. It is intended to make it unnecessary, when the President wants to accomplish a certain important piece of work, for him to search out the statutes to see whether or not, if he does the thing he wants to do and feels that it is necessary to do, he is violating a statute somewhere. It ought not to be incumbent upon him to take the time to search through the books to see whether some statute stands across his pathway when he is endeavoring to conduct the affairs of this Nation in this great crisis. If those statutes do exist this law gives the authority to the President, notwithstanding such statutes as might ordinarily interfere, to do the things that are needful and that are helpful in this emergency.

For instance, and just to illustrate, only a few days ago—in fact, on the 23d of this month—the Senate passed a bill, S. 3982, which provides that—

So much of section 1133 of the Revised Statutes—

And there is an express statute enacted by Congress—

as restricts the purchase and distribution of military stores and supplies and the work of construction and repair to officers of the Quartermaster Corps be, and the same is hereby, suspended for the period of the present war.

Now, we have found it necessary to pass, and we have deliberately passed, a special act to suspend a certain section of the Revised Statutes which stood in the way of efficient administration. We do not want to have to be doing that every day, or once a week, or even once a month. To avoid doing that sort of thing this general bill is proposed, and it meets the situation. It makes it unnecessary for special acts to be brought in here from time to time amending, suspending, or altering some provision of some law which we have heretofore passed; and it is only in case a statute limits the power of the President or vests the authority somewhere else that he is unable to act.

In all other respects I quite agree with the Senator from Pennsylvania that the President's power is practically unlimited, but when Congress has by legislation prescribed certain things that must be done by certain departments or certain officers, the President can not order that to be done in some other way, although he may find it absolutely necessary that it should be done otherwise; and, as the Senate found in the case of the particular bill to which I referred, which has passed the Senate, he found it necessary to suspend during the period of the war certain sections of the Revised Statutes. We have been doing it right along. There are dozens of such special acts upon the statute books. This is to avoid that sort of thing and the delay consequent upon it, because these acts can not be passed on the minute.

Senators say: "Well, after these things arise, and the questions are presented to the Senate, we are ready to stand behind the President and pass such legislation as will meet the situation." But a bill is introduced. It goes to a committee. The committee takes it up maybe within a week, maybe within 10 days or two weeks, and then it is reported back to the Senate. It goes on the calendar. It may be here two or three weeks or a month, and finally it is passed. In the meantime the public interests suffer. It is that sort of situation that this bill is intended to meet; and I think a clear distinction should be drawn between it and the matter submitted by the Senator from Pennsylvania.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had reconsidered the vote by which it disagreed to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and requested a conference with the Senate on the disagreeing votes of the two Houses thereon.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, with the Senate amendments and accompanying papers.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. OVERMAN. I ask the Senate to lay aside this bill (H. R. 8753), without objection——

Mr. SMITH of Georgia. We object.

Mr. OVERMAN. To take up, I want to say to the Senator from Georgia, the most important bill, I think, that has come before the Senate this session—Order of Business 319.

Mr. KIRBY. What is it?

Mr. LODGE. Does the Senator move to take up that bill instead of the other?

Mr. OVERMAN. No; I am going to ask that this bill be laid aside temporarily.

Mr. GALLINGER. What bill does the Senator refer to?

Mr. OVERMAN. It is the bill reported out unanimously from the Judiciary Committee.

Mr. LODGE. I think I know the bill.

Mr. KIRBY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. OVERMAN. I yield to the Senator from Arkansas.

Mr. KIRBY. I should like to know how long it is contemplated that this second bill will require the attention of the Senate. I believe the present bill is the most important legislation that is before Congress at this time, and if it is liable to be displaced long by the other bill my purpose is to object to the request for unanimous consent.

Mr. OVERMAN. I think they are both very important; but the Attorney General is very anxious that the bill to which I refer shall be passed at once, for the reason that the bond sale begins on the 6th of April. Unless the Senate passes this bill before the 6th we will have practically no law on the subject.

Mr. STONE. What is it?

Mr. OVERMAN. I will state the title of it in a minute, as soon as it is brought to me. It is in the interest of selling the bonds.

Mr. LODGE. Mr. President, I should not object to taking up the bond bill. It ought to be passed immediately.

Mr. OVERMAN. Immediately.

Mr. LODGE. And it ought to become law before the 6th. Is that the bill to which the Senator refers?

Mr. OVERMAN. That is the bill which I am trying to get up, in order that we may have a sale of bonds.

Mr. GALLINGER. The Senator said it was a bill reported by the Judiciary Committee.

Mr. OVERMAN. Yes.

Mr. GALLINGER. The Senator does not mean that.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SMITH of Georgia. I really thought I had the floor at first, but——

The PRESIDING OFFICER. The Chair recognized the Senator from North Carolina.

Mr. SMITH of Georgia. We object to the substitution.

Mr. OVERMAN. I may move to take it up, anyway, because Senators will see the importance of it. It is a bill with regard to the sale of these bonds. I will ask that this bill be laid aside temporarily.

Mr. GALLINGER. Mr. President, the Senator means the bill reported this morning from the Finance Committee, does he not?

Mr. OVERMAN. Oh, no. I mean the bill reported on yesterday from the Judiciary Committee affecting the bonds.

Mr. LODGE. That is not the bond bill.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to his colleague?

Mr. OVERMAN. I refer to the bill that I asked to have published in the RECORD and printed. The clerks will understand the bill I mean.

Mr. STONE. How does that bill relate to bonds?

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to his colleague?

Mr. OVERMAN. I will not yield the floor until I get the bill. I do not yield to anybody now.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CUMMINS. The inquiry is this: Has a request been made for unanimous consent to lay aside temporarily the unfinished business?

The PRESIDING OFFICER. Not yet.

Mr. OVERMAN. Mr. President, I want to read the title of the bill, so that Senators will understand it before they object.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. OVERMAN. It is entitled—

An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. GALLINGER. The Senator said it was a bond bill.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I do.

Mr. GALLINGER. I understood the Senator to say that he was going to ask to consider a bond bill. That is not a bond bill.

Mr. OVERMAN. Oh, no. I said a bill connected with the sale of the liberty bonds.

Mr. LODGE. This has nothing to do with that.

Mr. OVERMAN. The Senator misunderstood me.

I want to say to the Senators that we have had seven or eight trials in this country of criminals who interfered with the sale of liberty loans and with the draft; and some judges have held, I think wrongly, that these persons could not even be convicted for doing everything in their power to prevent the sale of liberty bonds by making speeches all over this country. We want to make the law fuller, and have a supplemental act. Inasmuch as the bonds go on sale on the 6th of this month, we want this bill passed. The department is very anxious to have it passed by Congress.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to his colleague?

Mr. SIMMONS. I ask my colleague if he will not yield to me to make a report of the bond bill, so that we may first pass the bond bill which he is talking about?

Mr. OVERMAN. Of course that is probably even more necessary than this one. I yield to my colleague to make a report.

THIRD LIBERTY LOAN.

Mr. SIMMONS. From the Committee on Finance I report back favorably, with amendments, the so-called bond bill, and I submit a report (No. 351) thereon.

The PRESIDING OFFICER. The Senator from North Carolina reports favorably, from the Committee on Finance, a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes."

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. SIMMONS. Mr. President, I now ask my colleague if he will not consent to temporarily lay aside the unfinished business in order that we may proceed to the consideration of this bill?

Mr. OVERMAN. Why, of course, Mr. President.

The PRESIDING OFFICER. The junior Senator from North Carolina asks unanimous consent to temporarily lay aside the unfinished business. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside. The senior Senator from North Carolina now asks unanimous consent to proceed to the consideration of the bill the title of which has just been stated by the Secretary. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes," which has been reported from the Committee on Finance, with amendments.

Mr. SIMMONS. Mr. President, I would not have injected this bill into the situation that has developed here this afternoon but for the fact that the circumstances are such as to make it exceedingly important that it should be acted upon at once. I will state the cause of this urgency. This bill is a House bill. The Committee on Finance, to which it was referred, has made several amendments to it. If those amendments should be adopted by the Senate, as I anticipate they will be, it will be necessary for the bill to go back to the House for further action. If the House should decline to accept the amendments, it would then have to go to a conference upon the disagreeing votes of the two Houses. If this process must be gone through with—and the probabilities are that it will have to be—the chances are that the 6th of April will arrive before the bill can become a law.

The Secretary of the Treasury thinks—and in that opinion the Finance Committee entirely concurs—that it is very important that the bill should become a law before the 6th day of this month, because on that day he will offer these liberty bonds it authorizes for sale. Elaborate machinery has been devised, and is in course of execution, to hold on that day in every town and hamlet throughout the United States patriotic liberty bond meetings. It is expected that at these meetings these bonds will be offered for sale, and that at each of these meetings subscriptions will be solicited and urged and the campaign started with a vigorous impetus. Of course it would be embarrassing to ask for subscriptions to these bonds before they have been authorized and the rate of interest established and fixed. For these reasons I am going to ask the Senate not only to take up this bill this afternoon but, if necessary, to remain in session a little later than usual, in order that we may, if possible, reach a vote this afternoon, so that the bill may get to the House of Representatives on to-morrow.

Mr. President, I will detain the Senate only a few minutes in explanation of the provisions of the bill and the amendments proposed by the Finance Committee to it.

This bill takes the form of an amendment to the bond act approved September 24, 1917. That is the act authorizing the second liberty bond issue.

I will briefly enumerate the essential provisions of the bill. The bill provides for an increase in the amount of liberty bonds authorized by the act of September 24, 1917, from $7,558,000,000, in round figures, to $12,000,000,000. That is to say, it authorizes an additional issue of these bonds amounting in the aggregate to, in round numbers, $4,500,000,000.

The bill also fixes the rate of interest which this new issue shall bear at 4¼ per cent, being an increase of one-quarter of 1 per cent over the rate prescribed in that act. It also authorizes the Secretary of the Treasury to issue a part of these bonds—as to what part, he is permitted to exercise his discretion—payable in foreign moneys. I wish to make it clear that of the total increase authorized by the bill, namely, four and a half billion dollars, three billions is for domestic purposes and one billion and a half to extend credits to our allies in the war.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. SIMMONS. I yield to the Senator.

Mr. LEWIS. At this point I will inform the Senator that I am requested by those interested in this measure to interrogate him as to the following sought information:

The Senator has just concluded that paragraph of his lucid presentation showing that this bill contemplates extending to the allies the loan of a certain sum of money. May I ask the Senator if there is any provision in the bill which calls for the allies spending that money in the United States?

Mr. SIMMONS. Mr. President, there is no such provision in the bill.

Mr. LEWIS. Then, I ask the able Senator if he knows of any understanding whereby I will be justified in saying to those who object to this bill on the ground that, so far as the loan extended to the allies is concerned, the money is to be expended out of the United States, in violation of what they say was a previous understanding as published generally to the public—that there is an understanding which would practically call, in honor, for the expenditure in the United States of this money which we are loaning to the allies?

Mr. SIMMONS. Mr. President, I think all the loans made by the United States to the allies have been spent in the purchase of supplies and materials in this country. These loans are to extend credits in this country to the allies, and the purpose of this provision in the present bill is to further extend their credits. It is expected, as the Senator says was understood, that it will be spent in this country. I understand that the previous loans have been used in paying for purchases or expenses incurred in this country and that they were sought and made to enable our allies to meet these obligations in this country.

Mr. LEWIS. Thanking the Senator, then, it is the Senator's understanding that the spirit of this advance to the allies is upon the theory that the money is to be expended in the United States?

Mr. KING. May I suggest a thought to the Senator? I do so because I may have received an erroneous impression from his reply to the Senator from Illinois. I sincerely hope that this body will not go on record in support of a proposition that would restrict our allies in the use of any money loaned or credit extended to them. They should be permitted to make such use of money or credits as their necessities require. It is a painful thing to me to have it suggested that we shall determine the use to which our allies shall put the credits or loans made to them. I do not see how any patriotic person who buys liberty bonds could demand a limitation upon the conduct of our allies in expending money loaned or credits extended to them. If they wish to expend it here, so much the better; if they need to spend it in France or wherever it may be deemed proper to advance our cause and their cause and the cause of humanity, speaking for myself I should feel ashamed to impose any limitations upon them.

Mr. SIMMONS. The Senator did not understand me to say that there was any limitation imposed in any legislation that we passed?

Mr. KING. No; I did not so understand the Senator, but——

Mr. SIMMONS. There was no limitation imposed in the law. The act provides for extending to the allies a certain amount of credit. What I did say was that my understanding is that up to this time the moneys that have been advanced to them have been expended in this country.

I have no doubt, Mr. President, if a case should arise in which the allies need a part of this money for use abroad in the prosecution of the war the Secretary of the Treasury would have authority to act in that case as his judgment might dictate, because there is nothing in the law to limit his discretion in this respect. But that condition has not arisen up to this time as far as I know.

Mr. KING. If the Senator will pardon me, I did not want any impression to arise here from the question propounded by the distinguished Senator from Illinois or the reply thereto by the able Senator from North Carolina that this Government in any money which it loaned to the allies or any credits extended would limit the use to which it would be placed other than that it should contribute to the prosecution of the war. I think that the allies ought to be permitted to employ what we advance to them as they please, because we know they are fighting our battles as well as their own.

Mr. SIMMONS. I will state to the Senator I know of no request of the allies for credit except for the purpose of meeting their obligations growing out of war purchases and expenditures in this country.

Mr. KING. But if they needed money or credits to meet obligations at home or elsewhere.

Mr. SIMMONS. Then, there is nothing in the law to prevent the Secretary of the Treasury from extending credit to them. But I do not think he will extend it unless it was shown clearly that the money was to be used in some way contributory or necessary to the prosecution of the war.

Mr. KING. Obviously, and I think that is what the money is desired for; but I should not wish the impression to go out that we are loaning this money to the allies "with a string to it," namely, that they must spend every dollar of it in this country.

They might avail themselves of the credits which we give them in meeting obligations incurred in Cuba or South America. We might be able with trade balances to settle their liabili-

ties in neutral countries, liabilities created in the purchase of articles imperatively demanded in the war.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield further to the Senator from Illinois?

Mr. SIMMONS. I yield.

Mr. LEWIS. Since the Senator from Utah has alluded to my query to the Senator from North Carolina in charge of the bill, I would have him understand my position, and a single expression will conclude it. Since the understanding with the allies that as to money given by us on credit, as the Senator from North Carolina correctly describes it, was to be expended in the United States and the people of the United States then, in understanding, authorized us, their representatives, to provide the money, we should then be sure that the thing we are doing in advancing this money without the consent of our constituents is along the line of the understanding upon which they are lending the money.

I therefore will insist, so far as I am concerned, that since that understanding has been entered into that the allies are to spend this money in this country, it being our people's money, and as we are paying our own debts as well as we may, we should have full compliance with that understanding.

But if the time shall come, as the Senator from North Carolina would say, that we give the money to the allies to do as pleases them, that should be spread to the public to show that it was a gift or a loan with which to do as they pleased, but it ought not to be confused here. This measure should be clear, and the Senator from North Carolina, I think, has made it very clear.

Mr. SIMMONS. I wish to add that the allies in the first instance only asked of us credit for the purpose of financing their purchases in this country. They have never asked that the object and purpose of the loan be extended beyond that contained in the original request, so far as I know. If the allies shall come and show us a situation that makes it necessary or desirable in the interest of the common cause that a part of this money shall be expended outside of the United States, there is nothing in the law to prevent the Secretary of the Treasury from agreeing to a proposition of that sort, and I have no reason to believe he would withhold his assent to it.

Mr. SMOOT. Will the Senator from North Carolina yield?

Mr. SIMMONS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, what the Senator from North Carolina has stated is true; but I want to go still further and say to the Senator from Illinois that financial conditions of the world to-day, the distribution of the gold of the world, would prevent the Government of the United States from lending to the allies the amount of money that she is lending unless it were for goods manufactured in the United States.

We have only $3,000,000,000 worth of gold in the United States, which is one-quarter of the gold of the world, and if we loaned our gold to our allies we would have little to issue Federal reserve bank notes on, and before this war is concluded I look for large issues of such notes.

Therefore, Mr. President, I think I can truthfully say that the amount which will be advanced to the allies by the United States Government will be the amount of goods that they purchase in the United States. We are not allowing gold to be shipped out of the United States to-day, and we are not going to allow it in the near future.

The balance of trade between the United States and our allies has got to be settled by loans to the allies, as the balance of trade is in our favor, and it is a physical impossibility for England or France or Italy or any of our allies to advance money to pay balances that are adverse to them. They have not got the gold to do so; and the only way left for us to do is to advance loans to them to the amount of goods that they purchase in this country. This we have been doing and will continue to do.

Mr. KENYON. Mr. President——

Mr. SIMMONS. I yield to the Senator.

Mr. KENYON. I wish to ask the Senator from Utah, because I thoroughly agree with what the junior Senator from Utah [Mr. KING] said, Does the Senator mean that we have reached a situation where the allies must have money, which money may not be necessarily expended in this country, and that under this loan we can not give it to them?

Mr. SMOOT. No; there is nothing in the law or in this bill providing that.

Mr. KENYON. What is the contract the Senator from Illinois [Mr. LEWIS] speaks of?

Mr. SMOOT. It is understood generally, I believe, that we are going to advance $500,000,000 a month to our allies, because that is about the amount of the purchases that all our allies make in this country.

I wish to say to the Senator from Iowa that England will take care of her local credit, just the same as we will, by the sale of bonds and certificates of indebtedness, and the bonds, to a large extent, will be the basis of the issuing of Federal reserve bank notes.

Mr. KENYON. What about France?

Mr. SMOOT. France in exactly the same way and Italy in the same way. So far as their local financial affairs are concerned, they are not asking us to help them as yet; they do not need it. As long as the people of France are content with the security of the whole government back of the issues that France offers for sale there will be no trouble. It is the same with England and it is the same with Germany. The German people are to-day buying German bonds, although they know that there is issued twelve times the amount of government obligations against the gold held by Germans as compared with the United States.

Mr. SIMMONS. Mr. President, this is not a practical question which we have been discussing. None of our allies have ever asked us for any money for any other purpose than to pay their bills here, and there is no intimation or suggestion of any kind that they will do so with reference to this loan.

The bill again provides that this issue of bonds, which is to be known as the third liberty bond issue, shall be nonconvertible into any future issue bearing a higher rate of interest.

Mr. KENYON. May I ask the Senator from North Carolina a question?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Yes.

Mr. KENYON. Is the provision for 4¼ per cent interest essential in order to float the bonds?

Mr. SIMMONS. I think it is the opinion of the Secretary of the Treasury that it might be difficult to place this large amount of bonds just at this time, with last issue somewhat below par, at the rate of 4 per cent, that being the rate borne by the last liberty bonds. He does believe, however, that by increasing the rate a quarter of 1 per cent and providing a sinking fund, as proposed in this bill, for the purchase of these bonds to stabilize the market it will be quite easy for him to float this loan at 4¼ per cent, the rate fixed in the bill.

Mr. KENYON. I do not put my judgment, of course, against that of the Secretary of the Treasury, but I believe the bonds could have been floated at 4 per cent.

Mr. SIMMONS. That may be true, but the Secretary of the Treasury apprehended and told the committee there might be difficulty in floating them under the circumstances at that rate. Personally I believe that it might be accomplished through appeals to the aroused patriotism of our people; but I do not think it would be an easy thing to do at that rate, especially in view of the fact that these bonds are subject to certain Federal taxes, which, of course, indirectly reduces the rate of interest, and the fact that the fours are now slightly below par. Besides the nonconvertibility of these particular bonds into bonds bearing a higher interest rate take from them an important incentive in the purchase of the two former issues. I think the Secretary feels confident that if it is necessary hereafter to issue more of these bonds, as it doubtless will be, it will not be necessary to increase the rate of interest.

The 4 per cent liberty bonds that have already been issued are convertible into these 4¼ per cent bonds. Those that have not been issued will when issued bear the 4¼ per cent rate. The 3½ per cent bonds, under the contract written in the bonds, are convertible into any subsequent issue at a higher interest rate. So they are not foreclosed as to further convertibility.

Mr. KELLOGG. Mr. President——

Mr. SIMMONS. I yield to the Senator.

Mr. KELLOGG. The 3½ per cent bonds, of course, would not be subject to their exemption if converted into 4¼ bonds.

Mr. SIMMONS. Of course they would not. The contract then would be according to the terms of the 4¼ per cent bonds. The bill also provides for increasing the certificates of indebtedness authorized to be issued by the Secretary of the Treasury from $4,000,000,000 to $8,000,000,000. This is a very large increase, it is true, but an analysis and study of the financial situation just at this time will make it apparent to any Senator that there is ample justification for this increase. The Secretary of the Treasury in the next fiscal year is going to be compelled to resort to the issue of these certificates to a very much greater extent than he has been during the present fiscal year, and for

that reason we felt that the law should authorize the liberal margin specified in the bill.

The bill as it originally passed the House contained a section known as section 5, prohibiting the States and subdivisions from taxing these bonds in the hands of the banks through the device of taxing the shares of stock in national banks or other banks and trust companies. Before that bill reached the Senate it was recalled, and, I believe, recommitted to the Committee on Ways and Means, and that committee struck out this provision and inserted as a substitute the provisions which now appear in the House bill as section 5, and which your committee has stricken out.

Your committee thought if we should adopt this section, either as originally agreed upon and passed by the House or the substitute finally adopted by it, that a controversy would be precipitated which might lead to protracted debate or legislative delays, which it was so desirable for the reasons I have heretofore stated to avoid.

Under the circumstances we thought it wise to strike out the whole section and leave the matter subject to such future action as may be deemed expedient in a separate bill.

The bill also provides for a deposit not only in the national banks but in all banks that qualify as national depositories of the taxes collected under the income tax and the excess profits provision of the revenue act. Under the law as it now exists the Secretary of the Treasury is authorized to make deposits in these banks of receipts from the sale of liberty bonds, and this provision simply enlarges that privilege of the Secretary and enables him also to deposit in these banks the receipts from the excess profits and the income tax.

There are at present 4,600 banks throughout the country which have qualified as depositories. The Secretary of the Treasury advises your committee that it is his purpose to try to enlarge the number of qualified banks. He believes that the inducement held out in this provision will cause many other banks to qualify, especially as a very liberal policy will be adopted in admitting these banks as depositories.

So, Mr. President, the effect will be that not only the receipts from the sale of liberty bonds, but the receipts from the collection of the income and the excess profits taxes will be deposited, in all probability, as soon as collected in these banks scattered throughout the country, so that the money will not immediately be taken out of the banks and transferred to the vaults of the Treasury and to that extent will relieve a situation which might otherwise become acute.

That, together with the fact that large certificates of indebtedness have been purchased to the extent of over a billion dollars throughout the country to be used in the payment of these taxes, will, I think, very greatly relieve a situation which everybody recognizes might under other circumstances be embarrassing. It will not altogether relieve it, but it will greatly mitigate it.

Mr. President, I think that is all I desire to say, except I wish to make a brief financial statement showing the necessity of this legislation.

Mr. VARDAMAN. May I ask the Senator a question? Does the bill levy any taxes?

Mr. SIMMONS. No; it does not.

Mr. VARDAMAN. It only provides for the sale of bonds.

Mr. SIMMONS. It only provides for the sale of bonds.

It is estimated, and this estimate has just been made by the Treasury Department, that our total receipts for this fiscal year from all sources, including the money derived from the sale of liberty bonds, such as have already been issued and sold upon the market, will amount to $8,220,000,000, in round numbers. There was in the Treasury June 30, 1917, which amount was transferred, of course, to the credit of 1918, $1,066,000,000. So our total estimated receipts, together with the cash in the Treasury at the beginning of the year, amounts to $9,287,000,000.

It is estimated that the disbursements of this year will amount to $16,116,000,000, in round figures, leaving a deficit at the end of the fiscal year of $6,829,000,000. Adding $500,000,000 in order to provide a safety balance in the Treasury, it would make a deficit of $7,329,000,000, in round figures.

There are yet unsold savings certificates and liberty bonds already authorized to the amount of $4,329,000,000. Deducting these authorized but unsold bonds, the deficit will be $3,000,000,000; that is, subtracting the authorized bonds not yet sold from the estimated deficit, it will leave $3,000,000,000 that must be provided in order to meet the current expenses of the fiscal year 1918.

The billion and a half which this bill carries for the allies is not to be loaned to them during this fiscal year. It is to be loaned to them during the months of July, August, and September of the next fiscal year.

Mr. KENYON. May I ask the Senator how much of the $6,000,000,000 that he speaks of, in round numbers, consists of loans?

Mr. SIMMONS. There is $6,190,000,000 of special disbursements included in the estimated expenditures for 1918.

I think this statement makes it clear that it is of the utmost urgency that this bill should be passed, and passed immediately. Of course, I do not mean to ask Senators not to discuss any phase of the bill they may see fit to discuss, and I shall be glad to answer any questions Senators may ask and to throw all the light that I can upon the matter, but I do wish to appeal to Senators not by unnecessary discussion to delay action upon the bill.

Mr. President, I very greatly hope that if this bill is passed—in fact, I might say I confidently believe if the bill is passed—it will put the Secretary of the Treasury in a position where he can finance the affairs of this country until Congress meets next December without further revenue legislation at this session of Congress.

I believe that it is important, if it can be avoided, that we should not at this time have further revenue legislation. Of course, in order that the Secretary of the Treasury may finance the Government until the next Congress, it will be necessary for him to use to a very considerable extent certificates of indebtedness. For that reason it became necessary that this issue should be greatly enlarged, but with this authority to issue these bonds, and with this authority to issue $4,000,000,000 more of certificates of indebtedness, I believe the Secretary of the Treasury will be able to accomplish this purpose, and that Congress may safely proceed upon the idea that it will not be necessary at this session to enact additional substantive revenue legislation.

If the war shall be greatly prolonged and it becomes necessary for us, instead of a million or a million and a half men, to send 3,000,000 or 4,000,000 men to France, the expenditures of the Government will, of course, be greatly increased. I do not doubt that we shall have sooner or later to increase taxes; how much we shall have to increase them can not now be safely estimated or predicted, but I hope it may not be necessary to do so at this session, and do not believe it will be.

Mr. SMOOT. Mr. President, it is too late this evening for me to have an opportunity of saying what I desire to say upon the pending bill. Therefore I wish simply to say at this time that I believe the bill ought to be passed, and ought to be passed immediately. In fact, there is no other thing for Congress to do than simply to provide for paying the obligations which we have already authorized the Government to incur. I will content myself with that statement, because I can not make any other without taking 10 or 15 minutes of time, and I do not believe I ought to do so.

The PRESIDING OFFICER. Did the Senator from North Carolina ask that the formal reading of the bill be dispensed with?

Mr. SIMMONS. No; but I will ask that that be done now, Mr. President.

The PRESIDING OFFICER. In the absence of objection, it is so ordered; and the bill will be read for amendment. The Secretary will state the first amendment to the bill reported by the Committee on Finance.

The first amendment of the Committee on Finance was, in section 1, page 3, line 19, after the word "upon," to strike out "application" and insert "applications"; so as to read:

> The bonds herein authorized shall from time to time first be offered at not less than par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury from time to time, as will in his opinion give the people of the United States as nearly as may be an equal opportunity to participate therein, but he may make allotment in full upon applications for smaller amounts of bonds in advance of any date which he may set for the closing of subscriptions and may reject or reduce allotments upon later applications and applications for larger amounts, and may reject or reduce allotments upon applications from incorporated banks and trust companies for their own account and make allotment in full or larger allotments to others, and may establish a graduated scale of allotments, and may from time to time adopt any or all of said methods, should any such action be deemed by him to be in the public interest.

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 2, before the words "conversion period," to insert "six months'"; in line 5, after the word "shall," to insert "for the purpose of computing the amount of interest payable"; and in line 9, after the word "presentation," to strike out "and no adjustment of accrued interest shall be made in respect thereof," so as to make the clause read:

> If bonds bearing interest at a higher rate than 4 per cent per annum shall be issued before July 1, 1918, then any bonds bearing interest at the rate of 4 per cent per annum which shall, after July 1, 1918, and before the expiration of the six months' conversion period prescribed by the Secretary of the Treasury, be presented for conversion into bonds

bearing interest at such higher rate, shall, for the purpose of computing the amount of interest payable, be deemed to have been converted on the dates for the payment of the semiannual interest on the respective bonds so presented for conversion, last preceding the date of such presentation.

The amendment was agreed to.

The next amendment was, on page 6, after line 17, to strike out:

SEC. 5. That section 7 of said act approved September 24, 1917, be, and is hereby, amended, by adding two new paragraphs, to read as follows:

"In determining the value of the shares of any national bank, State bank, trust company, or other banking institution, for the purpose of taxation by any State or any of the possessions of the United States or any local taxing authority, there shall be deducted an amount equal to the same proportion of the value of the shares as the par amount of any bonds or other interest-bearing obligations of the United States issued during the present war owned by such bank or trust company or banking institution bears to its gross assets.

"If any part of this section shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this section, but shall be confined in its operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered."

The amendment was agreed to.

The next amendment was, on page 7, line 11, to change the number of the section from "6" to "5."

The amendment was agreed to.

The next amendment was, on page 8, line 17, to change the number of the section from "7" to "6," and in line 19, before the word "new," to strike out "three" and insert "four," so as to read:

SEC. 6. That said act approved September 24, 1917, is hereby amended by adding four new sections, to read as follows:

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "prescribe," to strike out: "The par amount of bonds of any series issued before April 1, 1918, which may be purchased in the 12 months' period beginning April 1, 1918, and in each 12 months' period thereafter, shall not exceed one-twentieth of the amount of bonds of such series outstanding at the beginning of such 12 months' period. In the case of any series of bonds issued after April 1, 1918, the"; in line 24, before the words "par amount," to insert "The"; in the same line, before the word "such," to insert "any"; on page 10, line 2, after the words "date of," to strike out "such"; in the same line, after the word "issue," to insert "shall not exceed one-twentieth of the par amount of bonds of such series originally issued," so as to make the clause read:

SEC. 15. That the Secretary of the Treasury is authorized, from time to time, until the expiration of one year after the termination of the war, to purchase bonds issued under authority of this act, including bonds issued upon conversion of bonds issued under this act or said act approved April 24, 1917, at such prices and upon such terms and conditions as he may prescribe. The par amount of bonds of any such series which may be purchased in the 12 months' period beginning on the date of issue shall not exceed one-twentieth of the par amount of bonds of such series originally issued, and in each 12 months' period thereafter shall not exceed one-twentieth of the amount of the bonds of such series outstanding at the beginning of such 12 months' period. The average cost of the bonds of any series purchased in any such 12 months' period shall not exceed par and accrued interest.

The amendment was agreed to.

The next amendment was, on page 12, line 2, after the word "foreign," to strike out the word "moneys," in quotation marks, and insert "moneys," so as to read:

The Secretary of the Treasury may designate depositaries in foreign countries, with which may be deposited as he may determine all or any part of the proceeds of any bonds or certificates authorized by this act, payable in foreign money or foreign moneys.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

SEC. 17. That the short title of this act shall be "Second liberty bond act."

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to insert:

SEC. 7. That the act entitled "An act to authorize an issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend credit to foreign governments, and for other purposes," approved April 24, 1917, is hereby amended by adding a new section to read as follows:

"SEC. 9. That the short title of this act shall be 'First liberty bond act.'"

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADJOURNMENT.

Mr. SIMMONS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 4, 1918, at 12 o'clock meridian,

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 3, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that the Stars and Stripes float side by side with the flags of France and Great Britain; and we most earnestly pray that these precious emblems of human rights may lead on to a speedy culmination of the terrible war, that civilization may have the right of way.

Bind up the broken hearted, set the captives free, rehabilitate the earth and make glad the waste places that right may vindicate itself, and love, the crown of all humanity, reign supreme forevermore; through Him who came that we might have life, and that we might have it more abundantly. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL ASSISTANT SECRETARIES OF WAR.

Mr. DENT. Mr. Speaker, I notice that yesterday I neglected to file with the conference report on the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, the statement of the House conferees provided for in the rule, and I ask leave to file that statement in connection with the conference report.

The SPEAKER. It will be filed nunc pro tunc.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The bill, as passed by the House, provided for a salary of $4,500 for the assistant, second, and third assistant secretaries. The Senate raised the salaries to $5,000 each. The conferees agreed on a salary of $5,000 for the assistant secretary, which is his present salary, and $4,500 each for the two additional secretaries.

S. H. DENT, Jr.,
W. J. FIELDS,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to notify the House of Representatives that the Senate had reconsidered the vote by which it insisted upon its amendments to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate said bill with the Senate amendments and accompanying papers.

The message also announced that the President had, on April 2, 1918, approved and signed bills of the following titles:

S. 3401. An act to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy; and

S. 3404. An act to authorize the President to drop from the rolls any naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense punishable by confinement in the penitentiary by the civil authorities, and prohibiting such officer's reappointment.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10365. An act granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge across White River at Forsyth, Mo.; and

H. R. 2617. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3714. An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Young, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON as the conferees on the part of the Senate.

COMMITTEE ELECTIONS.

Mr. KITCHIN. Mr. Speaker, I present the following committee nominations.

The SPEAKER. The Clerk will report the nominations.

The Clerk read as follows:

COMMITTEE NOMINATIONS.

I nominate the following gentlemen to be members of the Committee on Expenditures in the Department of Commerce:

MICHAEL F. PHELAN, of Massachusetts.

L. D. ROBINSON, of North Carolina.

The SPEAKER. Are there any other nominations? If not, these will be agreed to by the House.

SHIPBUILDING.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, I notice in this morning's Washington Post the following:

SHIPYARDS DISAPPOINT—MARCH OUTPUT 30,000 TONS SHORT; HURLEY SENDS SHARP MESSAGE—"WANT SHIPS, NOT EXCUSES"—WIRES BUILDERS KEYNOTE OF SITUATION IS LEADERSHIP—"MONEY, MATERIAL, AND MEN SUPPLIED WITHOUT STINT BY NATION"—DEMANDS SPEEDING UP IN APRIL—FULL DAY AND NIGHT SHIFT.

American shipbuilders were called upon last night to explain why their output for March fell behind schedule. Chairman Hurley, of the Shipping Board, and General Manager Piez, of the Emergency Fleet Corporation, telegraphed the managements of all the yards in the United States, saying they were "keenly disappointed in the tonnage delivered and placing the responsibility for turning out ships squarely on the men in control of actual building operations.

"Keynote of present situation is management—leadership," the telegram said. "Money, material, and men have been supplied without stint by the Nation. The American people want ships, not excuses."

In my judgment this article is an admission on the part of Chairman Hurley and General Manager Piez that the great shipbuilding corporations of this country have fallen down and are failing in their ability to produce shipping in accordance with the Government program of the Government needs. Every daily paper in this country each day is lamenting the fact that our Government can not produce the required amount of shipping at this time of the Nation's greatest need. Now, Mr. Speaker, what I want to know is this, and I would like to have some member of the administration or the Shipping Board inform me, Why small shipbuilding firms can not get a contract from this Government to build wooden ships when this company is made up of men who know the shipbuilding game, who do not ask this Government to furnsh any money for speculation, do not ask any money to be paid out to furnish a publicity bureau, and they have to-day ways that are lying vacant and can put 300 ship carpenters at work on 24 hours' notice? I want to know why this kind of men can not get contracts to build wooden ships? I know a yard that fills these specifications, and the gentlemen who have that yard have been informed by the Shipping Board within the last few days that the Government has no need for their services.

WISCONSIN.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. May I not ask if the returns do not indicate that Wisconsin is still loyal to the Union notwithstanding the acid test? [Laughter.]

The SPEAKER. The Chair has not seen the returns, and that is not a parliamentary inquiry.

Mr. LANGLEY. I thought it might be in war times.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the roster of committees.

The Clerk proceeded to call the committees.

LOANS SECURED BY LIBERTY BONDS.

Mr. PHELAN (when the Committee on Banking and Currency was called). Mr. Speaker, I desire to call up the bill (H. R. 10691) to amend section 5200 of the Revised Statutes as amended.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That section 5200 of the Revised Statutes, as amended, be, and the same is hereby, amended to read as follows:

"SEC. 5200. The total liabilities to any association of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That (1) the discount of bills of exchange drawn in good faith against actually existing values, (2) the discount of commercial or business paper actually owned by the person negotiating the same, and (3) the purchase or discount of any note or notes secured by not less than a like face amount of bonds of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section, but the total liabilities to any association of any person or of any company, corporation, or firm, upon any note or notes secured by such bonds or certificates of indebtedness, purchased or discounted by such association, shall not exceed 10 per cent of the capital and surplus of such association, except subject to such rules, regulations, and limitations as may be established from time to time by the Comptroller of the Currency, with the approval of the Secretary of the Treasury."

The SPEAKER. The gentleman from Massachusetts [Mr. PHELAN] has an hour.

Mr. PHELAN. Mr. Speaker, I do not believe this bill will take very long for an explanation. I can perhaps best start by reading a letter from the Secretary of the Treasury which explains the purpose of this bill.

Mr. DYER. Is not that letter in the report?

Mr. PHELAN. It is in the report. It is written to the chairman of the Banking and Currency Committee.

Mr. DYER. Will not the gentleman make a statement?

Mr. PHELAN. I will act on the gentleman's suggestion. The letter is in the report submitted by the committee. The purpose of this bill is to give an opportunity to banks to loan in greater freedom upon liberty bonds. Under the present statute a bank can not loan over 10 per cent of its capital and surplus, except under two specified exceptions, to a single individual, firm, or corporation. That means that if a bank has a capitalization and surplus of $200,000 it can loan only $20,000 to any one single individual, firm, company, or corporation. This bill would permit the bank to loan more than that 10 per cent, provided the note given by the individual, firm, or corporation were secured by liberty bonds.

Mr. ANTHONY. Will the gentleman permit?

Mr. PHELAN. Yes.

Mr. ANTHONY. How much more?

Mr. PHELAN. In this bill the limitation is 10 per cent, but there is left to the discretion of the Comptroller of the Currency, with the approval of the Secretary of the Treasury, the power to exceed this limit. The gentleman will find the answer to his question on page 2 of the bill, at the bottom of the page.

Mr. ANTHONY. Then if the Comptroller should see fit, it would mean that the bank could loan all of its assets with liberty bonds as security. Would not that be a very dangerous innovation?

Mr. PHELAN. It would be impossible to loan all its assets, because a good many of its assets would be in such shape that it could not loan them.

Mr. ANTHONY. In other words, this is a wide-open privilege given to the Comptroller.

Mr. PHELAN. The bill says that the bank can loan only 10 per cent, except that it may loan more under rules and regulations prescribed by the Comptroller of the Currency, subject to the approval of the Secretary of the Treasury. There is no other limitation in the bill, but the committee think the safeguards I have mentioned are sufficient. They think it is better to leave it to the discretion of the Comptroller of the Currency, subject to the approval of the Secretary of the Treasury, than to try to fix any other limit in the bill.

Mr. CANNON. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. CANNON. That is to say, they could loan more than 10 per cent, provided the loan is secured by liberty bonds?

Mr. PHELAN. That is it exactly.

Mr. CANNON. If the Secretary of the Treasury approves.

Mr. PHELAN. Under rules and regulations of the Comptroller of the Currency, with the approval of the Secretary of the Treasury; yes.

Mr. BUTLER. May I ask the gentleman a question?

Mr. PHELAN. Certainly.

Mr. BUTLER. The purposes of this amendment are two, as I understand. First, to encourage the purchase of liberty bonds, and, secondly, to stimulate business and enable people engaged in business to have more money from the banks. The first is to induce people to buy more liberty bonds, is it not?

Mr. PHELAN. I think both things are involved. Here is the situation to-day. The liberty bonds, as we all know, are being put out through the banks. Our ultimate purpose is to get the bonds into the hands of the people. If we are going to do that we ought to give the banks a little wider, and perhaps considerably wider, latitude as to the amount they can loan a single individual. The loans will be secured because they are to be secured by liberty bonds. The banks have found themselves considerably hampered by this old provision.

Mr. BUTLER. The object is a good one; but what confuses me is this: A man or a firm can buy liberty bonds; why can not they buy the bonds and use the money they have on hand?

Mr. PHELAN. Suppose I would like to buy $5,000 worth of bonds. I have not got the $5,000, but I have got $2,000. I go to the bank and say, "I am going to subscribe for $5,000 of bonds if you will put up the other $3,000." The bank says, "All right." The bank might be unable to do this if I have already reached my limit on loans. Under present conditions the bank has not as wide a latitude as we want it to have.

Mr. BUTLER. In other words, we can borrow money and put up the bonds as security?

Mr. PHELAN. Yes.

Mr. WALDOW. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. WALDOW. Has not the bank got the privilege now of loaning the $3,000 on the $5,000 purchase?

Mr. PHELAN. Yes; it has; but the bank has to stop, in the case of a particular individual, firm, or corporation, just as soon as the liability for borrowed money by that individual, firm, or corporation amounts to 10 per cent of the bank capital and surplus. To give a concrete illustration, suppose I should borrow of the bank that has a capital and surplus of $200,000—suppose I borrow $20,000; that is 10 per cent. Suppose I borrow that for business purposes. Then, suppose I want to borrow $5,000 more in order to carry liberty bonds. Under the present law I could not do it, because the bank is prohibited from making the additional loan to me. The amendment is for the purpose of enabling the banks to loan this additional money.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. WATSON of Pennsylvania. It seems to me there ought to be some limit as to the amount of security. If I borrow $10,000 of a bank, there ought to be a reserve of 2 or 3 per cent, because under this bill the controller might say you could borrow all of the amount on the bonds, and therefore we would not protect the banker.

Mr. PHELAN. If I understand correctly the gentleman's question, that is not involved in this amendment. It is not a question of how much the banks will loan on a particular security in comparison to its value.

Mr. WATSON of Pennsylvania. You say it is left to the comptroller?

Mr. PHELAN. No; that is not left to the comptroller. This is what is left to the comptroller: Under the present law the loan to an individual, firm, or corporation can not be greater than 10 per cent of the capital and surplus. Under this amendment 10 per cent more may be loaned, with liberty bonds as the security. The amount by which it may exceed that is left to the discretion of the comptroller under rules and regulations which he sees fit to make. The question the gentleman puts, as I understand, is this: If I want to borrow $5,000 of a bank, secured by liberty bonds, how much will the bank loan me on that note? That is not involved in this amendment. That is a matter within the discretion of the bank.

Mr. HAMLIN. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. HAMLIN. This exception which you propose to the existing law allows of no security except liberty bonds. Suppose I had other property which I might put up, could I exceed the limitation now in the existing law of 10 per cent of the surplus and capital?

Mr. PHELAN. The amendment which we are offering applies only to liberty bonds.

Mr. HAMLIN. That is the point I want to get at; they can not accept any other security for loans that may run over 10 per cent?

Mr. PHELAN. Not under the amendment we are offering. There are certain other exemptions under the present law, but this applies only to notes secured by liberty bonds.

Mr. HARDY. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. HARDY. Am I right in my understanding of the finance corporation bill passed the other day, that it limits the amount of money that might be loaned under that bill to one concern to a certain percentage of the total capital of the finance corporation?

Mr. PHELAN. I understand that is so; yes.

Mr. HARDY. As I remember it, this very question came up in the discussion of that measure and it was contended by some that a limitation ought to be placed on the amount to be loaned on any security tendered and that no more than a certain per cent ought to be loaned on any given security. That contention was refuted by the chairman of the committee [Mr. GLASS], who held that as much money as was amply secured might be loaned upon one class of security, but that as to the borrower there would have to be a different principle, so that the finance corporation could loan no more than a certain per cent of its capital to one corporation, company, or individual. I am asking for information, as I understand that the great purpose of the amendment is to facilitate the sale of liberty bonds and to liquefy our credits also. In passing the finance corporation act we thought there might be danger in allowing that corporation to loan without limit to one party. But is there not the same possibility with reference to the banks under this amendment to the banking act that there was explained to be with reference to the finance corporation? At present any great institution that needs more money than 10 per cent of the capital of the bank that it does business with can secure that money by the principal by getting loans to a number of principal obligators and combining together to get the amount. The operation is difficult, but the difficulty in practice prevents the abuse of the bank's credit. These liberty bonds are going to be held by some concerns in this country in vast quantities, and if you absolutely take off the limitation and say that there is no limit upon how much may be loaned to one concern with liberty bonds as security, one or two or three big concerns may absorb all of the lending capacity of the banking facilities of the country. Now, as I understand it, the banks are intended to come to the rescue of the industrial world generally, and ought not to be allowed to devote their whole resources to the building up of some favored industry or enterprise, and I fear that this bill will enable the banks to utterly ignore one of the purposes of the banking act, which is to supply the general needs of the business of the country. I would like to hear the gentleman's explanation why this bill will not result in the absorption of the entire banking credits by a favored few concerns with vast holdings of liberty bonds that will be held by certain great interests?

Mr. PHELAN. I will say to the gentleman that I anticipate no such difficulty, but first let me say for the sake of accuracy, because I may forget it later, that certificates are also included as well as liberty bonds. I anticipate no trouble such as the gentleman suggests, because corporations or firms can borrow from a dozen or 15 or 25 or 50 different banks, and under the present law there is practically no limitation as to the amount that they may secure in that way. The purpose of this act when it was passed was to prevent any one bank from loaning any one individual or concern too much money, so as not to have too much of its assets tied up with a single individual or a single concern. I think the question that the gentleman raises is not involved, for the reason that I stated, that under the present law, if a corporation wants to borrow and the banks want to lend, there is practically no limit to what the corporation can borrow from the various banks. More than that, I think, we have to leave something to the discretion and good judgment of the banks. I think it is perfectly safe to do it. I think the banking history of this country, in general, in spite of failures, shows that the bank directors and men managing banks know their business. More than that, there is an indication in this bill that this power must be exercised with some caution, because it provides at the beginning that only 10 per cent shall be permitted unless a greater amount is permitted under rules and regulations set forth by the comptroller. The idea of that is that there may come a time when for the purpose of floating our liberty bonds it may be necessary to raise the limit a little higher. The all-important thing now is to be certain that we are going to find a market for our liberty bonds, and in order to be certain of that, as we need to be certain of many other things in this war, we are obliged to place

the discretion in the hands of somebody, and we are placing it in the discretion of the comptroller, subject to the approval of the Secretary of the Treasury. Back of all that, however, is the good judgment acquired by years of training and experience of banking men themselves. They are going to be cautious and careful not to get their funds tied up in any dangerous or perilous way.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. McKENZIE. I think the gentleman has practically explained the point that I had in mind, and that is the provision in the bill giving the Comptroller of the Currency the right to veto certain loans. I assume that the purpose of that is to protect rather than hamper the banks; in other words, to hold a hand of restraint in a way, you might say, over the banks, to prevent them from going too far in making these loans.

Mr. PHELAN. That is my understanding, and I think undoubtedly the understanding of the committee.

Mr. MADDEN. Oh, I do not think that is it at all.

Mr. McKENZIE. Just one question along that line. If that is true and that is to be the purpose of it, will it not make it difficult to administer this law whenever a bank wants to make a loan greater than 10 per cent, to compel it first to get the consent of the Comptroller of the Currency?

Mr. PHELAN. Oh, I do not think the Comptroller of the Currency is going to do this in each particular case. I did not get the full import of the question of the gentleman from Illinois [Mr. McKENZIE].

Mr. MADDEN. No.

Mr. PHELAN. I think he is going to lay down certain general rules, regulations, and limitations. I did not understand the gentleman's purpose.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. SNYDER. Is it not true that corporations and business men in the country have found that, on account of the higher prices of commodities and the need of much more money than usual in their business, frequently finding their line full on a commercial business, they are unable by reason of that to take on the quantity of liberty bonds that they desire to purchase, and this is absolutely necessary in order to permit business concerns in the country to purchase the amount of liberty bonds they require? Loans instead of being reduced for commercial purposes have had to be increased on account of the increased cost of production.

Mr. PHELAN. I think very likely that is so, and I will say, in addition to what the gentleman says, that I think that with this provision in the law a corporation or concern or an individual will feel safer in taking a larger amount of liberty bonds when he knows that he can go to the bank with this increased power and get some accommodation to tide him over some period when he needs some money. In every way it is going to widen the field for the sale of liberty bonds, and that is the all important thing at the present time.

Mr. SNYDER. I think it is absolutely essential, and I think a good deal of it has been done already, and if it has been done illegally this will legalize it and make it right.

Mr. BLACK. Will the gentleman yield?

Mr. PHELAN. I will yield.

Mr. BLACK. Referring to subdivision (2), the discount of commercial or business paper actually owned by the person negotiating the same, I want to ask the gentleman this question: If I understand the present law, if a person, corporation, or partnership goes to a bank and borrows up to its limit and then if it undertakes to take some of its own paper that it has in its own files, for instance, and negotiate that with the bank with a guaranty of indorsement, then such indorsement of the paper is counted as part of its liabilities. Is not that the present law?

Mr. PHELAN. I will answer the gentleman in this way: The provision of No. 2 to which the gentleman refers is already in existing law. There is no addition with reference to that at all. The only difference comes in 3. What the gentleman refers to is already in existing law.

Mr. BLACK. Is it the present law that after a corporation has borrowed up to its capacity it can take paper of its own and by indorsing that paper expand its limit of credit in that way?

Mr. PHELAN. Yes; if it comes within provision 2 of discounts of commercial paper or business paper actually owned by a corporation. For example, suppose I have reached my limit in amount I borrowed directly or by accommodation. Suppose I have the gentleman's note. I can go and discount that note, which the gentleman made in good faith in a bona fide transaction, can discount it and get the money for it, whereas as an indorser I am liable to the bank.

Mr. BLACK. And that liability as an indorser under the present law is not counted as part of the loan limit?

Mr. PHELAN. No; it is not, if the indorser is the actual owner acting in good faith.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. PHELAN. I will yield.

Mr. HUDDLESTON. Where liberty bonds are purchased by people who expect to put them away and keep them, no inflation of credits result and no particular harm to prices is done.

Mr. PHELAN. That is true.

Mr. HUDDLESTON. But where they are used as a basis of credit, that has the same effect as an inflation of circulation and causes a further increase in the prices of commodities. This country is suffering, suffering greatly, because of an inflation of prices. The provision brought forward in this bill will aggravate that inflation and increase the suffering. Does not the gentleman think that this feature of the situation should have very careful consideration?

Mr. PHELAN. Yes; I think all these things ought to have careful consideration from the point of view expressed by the gentleman, although I should not want in an off-hand way to agree to everything the gentleman has said. I agree that the bonds ought to be held by people. I stated here on the floor Saturday that we ought to induce the people of this country by every possible means to save money and buy these bonds, but when we are trying to sell bonds to carry on this war we can not stop to think about whether or not people are saving. No matter what means we take, if they are at all within economic principles, we have got to use these means and sell these bonds.

Mr. HUDDLESTON. The money that we get for these bonds is going to be spent by the Government for supplies to carry on the war. Where by means of expansion of credit we enhance the values of commodities we discount the bonds we sell because we add to the price of what we want to buy with the proceeds to a very large extent what we are getting for the bonds.

Mr. PHELAN. I agree that all this war legislation should have careful consideration.

Mr. HARDY. Will the gentleman yield for a question for information?

Mr. PHELAN. I will.

Mr. HARDY. I would like to know if there is any reason why we should take off the bridle, as we do in this bill, as to banks and keep the bridle strictly on as to the War Finance Corporation, which we passed a bill to organize the other day? In other words, in that bill we strictly adhered to a limitation as to the amount the Finance Corporation could advance to one concern, and now we are proposing to take that off. Why should there be a difference?

Mr. PHELAN. In the first place, the analogy is not correct, because the securities are different. The War Finance Corporation, as I understand it, is not going to lend a great deal of money to these banks on liberty bonds, and I do not believe we ought to involve the question of the War Finance Corporation in this at all.

Mr. HARDY. My recollection is a little vague; but as I remember it, somebody proposed in the discussion of the finance bill to take off the limit if the security were to be these bonds, but it was not done.

Mr. PHELAN. That does not come up anyway, because the War Finance Corporation is not going to be used to float the bonds and the banks are, and the people are going to get these bonds from the banks.

Mr. HARDY. What I wanted to get is the reason for this distinction.

Mr. PHELAN. That is the distinction, so far as I see it.

Mr. HASTINGS. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. HASTINGS. The gentleman is a member of the Committee on Banking and Currency, and has been a member of it for a number of years, and is in charge of this bill, and has given a great deal of thought to it.

I want to put two questions to him. In the first place, does not the gentleman think that there is some danger in not putting a limit in the bill beyond which the Comptroller of the Currency and the Secretary of the Treasury can not go, and, second, if the gentleman were Comptroller of the Currency, what limit would he fix in rules and regulations beyond which a bank could not go, so that the country generally would have some sort of an idea as to what the rules and regulations provide could be loaned on liberty bonds as security?

Mr. PHELAN. I will answer the gentleman in this way: I do not believe there is any danger in putting a limitation in.

It is not especially material to me whether a limitation is or is not put in. I think, however, there is no danger. Under No. 1, on the top of page 2, "The discount of bills of exchange drawn in good faith against actual existing values," there has been no limitation for a number of years. Under No. 2, "The discount of commercial or business paper actually owned by the person negotiating the same," there has been absolutely no limitation, and the banks as a general thing, almost as a universal thing, have not become involved. As I said before, we have got to trust the good judgment of the bankers.

Mr. HASTINGS. Does the gentleman believe that more than 25 per cent should be loaned on liberty bonds as security?

Mr. PHELAN. I should think that under some conditions more than that might be loaned.

Mr. HASTINGS. Fifty?

Mr. PHELAN. Possibly.

Mr. HASTINGS. I am trying to have an answer that will express the gentleman's judgment.

Mr. PHELAN. My judgment might differ on different occasions. At the present time I doubt if it need be put at 50 at all, or even 25, and yet I can see where conditions might arise where it might be expedient to go as high as 50. I do not anticipate that, however. It would depend on the commercial condition of the country and on the need of finding an immediate market for bonds in an emergency. It depends on so many things that I would not want to be bound down to a particular percentage. But, answering the gentleman's question as straight as I can, I do not think there is any danger in the provision as it exists in the bill.

Mr. BACHARACH. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. BACHARACH. I understood you to say as to the discount on commercial or business paper presented by the person owning the same the banks could discount any amount. The banks can not discount beyond 10 per cent of their surplus and undivided profits. I understood you to make that statement some time ago.

Mr. PHELAN. They can discount more than that under the present law, because this is made an exception under this very section of the banking act. I will go to a bank that has a surplus and capital of $200,000, and I borrow money on my note. If I come along with notes of a corporation or individuals of which I am the actual owner I am not prevented from going to the bank and getting those notes discounted if the transaction is a bona fide transaction. But that I can not get on accommodation in my own name.

Mr. SNYDER. Just one word. In the report I noticed the Secretary of the Treasury says, in his letter to Mr. GLASS, referring to the 10 per cent limitation that now exists in the law:

> I am told that there are a good many banks which will, because of this limitation, decline to make loans where their customers desire to subscribe. It also furnishes a convenient excuse for those who do not want to assist in the liberty-loan campaigns.

Now, that shows in itself that banks are willing to go beyond the 10 per cent without any real proposed law giving them the right, and the only difficulty is that some of the banks that want to live closely with the law have used that as an argument and have been fearful of doing it, and prospective subscribers have used it as an excuse to not buy liberty bonds. Is that not what it means?

Mr. PHELAN. It may mean that.

Mr. SNYDER. That is a fair interpretation to put on it.

Mr. PHELAN. It may mean that. It is in the report.

I see other gentlemen rising to ask questions. I will be very glad to answer all questions, but I dislike to monopolize the time. The gentleman from California [Mr. HAYES], the ranking Republican member, I know desires some time, and for that reason, Mr. Speaker, I reserve the rest of my time for the present.

The SPEAKER pro tempore. The gentleman from California [Mr. HAYES] is recognized, and the gentleman from Massachusetts reserves the balance of his time.

Mr. HAYES. Mr. Speaker, there has been so much confusion on the floor during the discussion of this matter that I confess to almost total ignorance as to what has been said.

The bill under consideration, H. R. 10691, is a reenactment of the present law, except as to subdivision 3, on page 2. This subdivision is intended to modify the provision of the present law which limits a bank to loaning in all cases not to exceed 10 per cent of its capital and surplus to one individual, partnership, corporation, or association. The new provision provides that more than 10 per cent may be loaned to each, provided that the note is secured by liberty bonds or certificates of indebtedness of the United States of a face value equal to the amount of the note, and provided also that the limit of such loans fixed by the regulations of the Comptroller of the Currency, approved by the Secretary of the Treasury, shall not be passed. The bill provides that from time to time the comptroller, with the approval of the Secretary, may make regulations which, from time to time, he may change.

Now, under ordinary conditions in the country I should not be in favor of removing in any way the limitation which the present law imposes upon loans by national banks, but under the present war emergency it seems to be very desirable, if we can do anything without endangering the safety of the banks and without unnecessarily limiting their capacity to take care of the commercial interests of the country, to induce the purchase by our citizens of these liberty bonds. It seems to me very much better that the individual should be encouraged to buy the bonds rather than the banks, and individuals would be more inclined to buy the bonds if they knew that if they need money they could get it from the banks upon these bonds. Suppose a large business man has ready money, and knows that later he will need this money, if he knows that on these bonds he can borrow their face in excess of the sum that his bank could now loan him, he could safely buy liberty bonds when otherwise he could not do so. I have money, say, in hand, with which I could buy from $20,000 to $50,000 worth of liberty bonds, but I know that later I will need that money, and I could be induced, in many cases, to buy $50,000 of liberty bonds if I know in case I need the money I can go to my bank and put them up and get the money on my note.

And that is the purpose of this bill. It is its only purpose, namely, to assist the Secretary of the Treasury in finding a market for bonds and to assist the banks and the customers of the banks in handling them themselves if they buy them. Under the conditions as they exist to-day in this country, it seems to me that it is safe and wise to pass this bill. Otherwise I would not approve it.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. KEARNS. Under the present law, a bank capitalized at $100,000 can not allow any one individual to borrow more than $10,000?

Mr. HAYES. The present law allows 10 per cent of the capital and surplus.

Mr. KEARNS. This bill provides, as I understand it, if such a person has borrowed up to the limit, he can borrow another $10,000 from the same bank, provided he has $10,000 of bonds to put up as collateral?

Mr. HAYES. Yes; subject to the limitations fixed by the Secretary of the Treasury and the Comptroller of the Currency.

Mr. SMITH of Michigan. That is what I wanted to know.

Mr. HAYES. Mr. Speaker, I reserve the balance of my time. I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. STAFFORD. Mr. Speaker, a very important amendment to section 5200 of the Revised Statutes, that this bill seeks to amend, has gone unnoticed in the discussion up to the present time. Under the existing phraseology of section 5200, while a bank is limited to 10 per cent of its capital and undivided profits to loan to any one individual or corporation, with a further exception that bills of exchange, discounted in good faith upon existing value and discount of commercial or business paper actually owned by the person negotiating them, are excepted in the inclusion of that 10 per cent. There is this further limitation in the law to which no reference has been made and which is omitted in the bill under consideration, namely, "the total of such liabilities"—that is, owned by the bank exclusive of these two instances that I have referred to, namely, bills of exchange and discount of commercial paper, which are not included, and which under this bill are excepted also and further extended by not including the purchase or discount of any note secured by Government bonds or certificates of indebtedness; there is this further limitation, that "the total of such liabilities," referring to the class of loans made by the bank to individuals or corporations exclusive of these two classes that I have referred to "shall in no event exceed 30 per cent of the capital stock of the association."

There is no objection, so far as I find it, to allowing banks to loan money to individuals and corporations on notes secured by liberty bonds or by Government certificates of indebtedness as provided in this bill, and excepting them and adding them as a third class to the liabilities not to be included in the

10 per cent of the total of the capital stock and the surplus that a bank may loan to any one individual or corporation.

But I want some member of the Committee on Banking and Currency to advance some reason why we should lift the safeguard of placing the limitation of 30 per cent that a bank may loan other than these three classes named in this bill, namely, discount of bills of exchange, drawn in good faith; discount of commercial or business paper; and third, purchase or discount of any notes secured by not less than a like amount of bonds and certificates of indebtedness.

Bear in mind, gentlemen, these three classes are going to be excepted from the limitation formerly carried in the law that the bank could loan more than 10 per cent of its capital and surplus. This bill provides a further limitation as to the amount that the bank may advance on loans secured by Government bonds and certificates of indebtedness, that they can not go beyond 10 per cent of its capital and surplus. But remember these three classes that I have stated are excepted from the 10 per cent limitation of loans not of the character included in these three classes.

What I want to know is why the Committee on Banking and Currency lifted this limitation. It has nothing whatever to do with loans that will be made by banks secured by Government bonds and certificates of indebtedness as provided in this bill.

Mr. SHOUSE. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SHOUSE. The gentleman realizes why the 30 per cent is in the present law?

Mr. STAFFORD. I take it that it was for the purpose of safeguarding the interests of the country.

Mr. SHOUSE. The present law provides for a liability of 10 per cent of capital and 10 per cent of surplus?

Mr. STAFFORD. Yes.

Mr. SHOUSE. With the further proviso that the loans to any individual can be no more than 30 per cent of the capital. That is the present law. The reason for that is that some of the banks in times past have had comparatively small capital and very large surplus.

Mr. STAFFORD. Yes. For instance, the Chase National Bank, in New York.

Mr. SHOUSE. Therefore the limit of 30 per cent was placed there. The Comptroller of the Currency, however, has assured the Committee on Banking and Currency that the financial conditions have been so adjusted in the banking world that the great differences between capital and surplus that formerly existed do not exist now. For that reason this was done.

Mr. STAFFORD. The gentleman has advanced a reason that was not advanced before, and it is a good reason for leaving off the limitation of 30 per cent, to which I directed attention.

Now, going a step further, for my part I agree with the committee in this provision of putting in the same class as bills of exchange and commercial paper these notes of corporations and individuals which are secured by Government bonds. Many of us know that any number of corporations are reducing their surplus by the purchase of Government bonds, and it is necessary, in order to furnish an inducement to them to purchase more Government bonds, that they may know that in time of stress, when they wish to get money, they can do so with the aid of these Government bonds as security.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield there for just one minute?

Mr. STAFFORD. I will.

Mr. STEVENSON. The limitation on banks buying liberty bonds does not now exist—there is no limitation at all?

Mr. STAFFORD. I understand that there is no limitation at all.

Mr. STEVENSON. A bank can put its entire stock into these bonds? The proposition is here that rather than have the bank put all its capital into them it will have the notes of good customers secured by the bonds, and it will then have the notes of the customers and the bonds themselves, both?

Mr. STAFFORD. I think it is largely an inducement to business concerns throughout the country to know that if they use their surplus and their reserves in the purchase of bonds they will not be restricted in time of need, when they wish a loan of money, and go to the banks and deposit these bonds as security; that the banks will not be restricted by any 10 per cent limitation of the amount of the capital of the bank and of its surplus.

Mr. SMITH of Michigan. Capital and surplus.

Mr. STAFFORD. I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. CRISP). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. HAYES. Mr. Speaker, there are other gentlemen who want to speak on this.

The SPEAKER pro tempore. No other gentleman addressed the Chair.

Mr. HAYES. I ask that the gentleman from Pennsylvania [Mr. GRAHAM] may have five minutes.

The SPEAKER pro tempore. Without objection, the vote by which the bill was ordered to be engrossed and read a third time will be vacated, and the gentleman from Pennsylvania will be recognized for five minutes.

There was no objection.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I take the floor more for the purpose of gaining information than of attempting to impart it. This is a question of banking and currency, nevertheless it involves a question of the interpretation of law. The latter comes more clearly within my province than the former.

I notice that the bill provides for an amendment to section 5200 of the Revised Statutes. When in order to inform myself I turn to section 5200 I find that it reads as follows. It is very short, and if you will pardon me I would like to read it in full:

> The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including, in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in.

I find this change in the present act:

> Shall not exceed one-tenth part of the amount of the capital stock of such association actually paid in and one-tenth part of its unimpaired surplus.

That is a new feature.

Mr. SMITH of Michigan. Will the gentleman yield there?

Mr. GRAHAM of Pennsylvania. Not until I finish.

Mr. PHELAN. If the gentleman will read——

Mr. GRAHAM of Pennsylvania. I proceed with the reading of the statute:

> But the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

That is the old law.

Mr. PHELAN. Will the gentleman yield for just one moment?

Mr. GRAHAM of Pennsylvania. Will the gentleman pardon me for just a second? Now, when I take up this proposed amendment I find the interpolation of 10 per cent of the unimpaired surplus. Then I find on page 2, in the clause numbered (3), the following:

> (3) The purchase or discount of any note or notes secured by not less than a like face amount of bonds of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section.

Then I find a totally new provision attempted to be written into the law governing this question of bank discounts. That is as follows:

> But the total liabilities to any association of any person or of any company, corporation, or firm, upon any note or notes secured by such bonds or certificates of indebtedness, purchased or discounted by such association, shall not exceed 10 per cent of the capital and surplus of such association, except subject to such rules, regulations, and limitations as may be established from time to time by the Comptroller of the Currency, with the approval of the Secretary of the Treasury.

Now, that is an entirely new section sought to be written into this law. When section 5200 was passed it had no such provision. The banks were permitted to control and manage their business. No attempt was made to put further control of these banks and their property in the hands of the Comptroller of the Currency and the Secretary of the Treasury. I do not care how good or estimable these men may be, you have no right to put in this bill a clause that will make this question of allowing loans upon these securities a matter of discretion in the hands of these two gentlemen or whoever may be their successors.

Mr. PHELAN. Will the gentleman yield for just one moment?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. PHELAN. I call the attention of the gentleman to the fact that he has not read section 5200 as it exists at the present moment. I have it right here in my hand. Possibly he has the old statute passed in 1864.

Mr. GRAHAM of Pennsylvania. I understand that.

Mr. PHELAN. But that was amended subsequently.

Mr. GRAHAM of Pennsylvania. Does the gentleman find in the new section any such control given to the Comptroller of the Currency and the Secretary of the Treasury?

Mr. PHELAN. No; I was referring to the other part.

Mr. GRAHAM of Pennsylvania. That is the part I am referring to particularly.

Mr. PHELAN. Yes; but then you made the allegation about one-tenth of the surplus, and that is in the present law.

Mr. GRAHAM of Pennsylvania. I am not objecting to that. Understand, the purpose of this bill meets with my cordial and hearty approval. I will vote for any measure that helps us to dispose of liberty bonds, helps us to raise money to carry on the war, helps us to do our duty; but I am opposed to amendments that put it into the power of any two men to say what these loans shall be. That is what I object to. I am not opposing the bill as a measure to relieve the country or to help the sale of liberty bonds. I am opposing one part only of the bill, because the framers have sought to write into it a provision that does not exist in any law upon the statute books to-day, giving the Comptroller of the Currency and the Secretary of the Treasury the right to say, under regulations, what shall be done and what shall not be done in the matter of these loans.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. HAYES. I yield to the gentleman two minutes more.

Mr. GRAHAM of Pennsylvania. Some one says that this bill without such a limitation would be a great danger and peril. Is this true? Why, in the old law you left it to the board of directors and managers of your banks when you permitted commercial paper and bona fide drafts to be loaned upon or discounted ad libitum in every direction in their discretion. Is there any greater peril when you permit them to discount notes on the plighted faith of the United States Government behind its bonds par for par? I ask you as men why insert this clause? Could it be for any other purpose? Is there any ulterior motive in it to give greater control over the banking system of the country? I am opposed to putting a power so great as this in the hands of any two men or in the hands of any three men, whoever they may be—Republicans or Democrats—whatever their politics. It is not business regulation. Directors of banks and stockholders in banks have an interest in preserving their own property as great, if not greater, than that which any set of men could have in regulating this subject.

My friends, what peril is there when you permit a bank to discount its face value of a note backed with the face value of your Government bonds in excess of the 10 per cent allowed for other loans? Can not you leave that safely to the bank officials and let that matter be cared for in the usual routine of business of the banks? That is my objection. I have no objection to the 10 per cent of the surplus being recited, which I referred to. That seems to be reasonable and proper. I have no objection to any other feature of this bill. I am going to offer an amendment to the bill to strike out, in line 10, beginning with the word "but," all the rest of that paragraph.

Mr. PHELAN. I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I make that motion now.

The SPEAKER pro tempore. The unbroken rule of the House is that whoever has the right to the floor and yields time for debate, it is not in order for that Member to whom he yields to offer an amendment.

Mr. GRAHAM of Pennsylvania. Then I address the Chair.

The SPEAKER pro tempore. The gentleman from Massachusetts has the flood and has yielded 10 minutes to the gentleman from Arkansas. The Chair will state to the gentleman from Pennsylvania that, unless the previous question is ordered, the Chair will give him an opportunity to offer his amendment. Of course, the Chair can not control the gentleman who has the floor if he demands the previous question and the demand is sustained by the House.

Mr. WINGO. Mr. Speaker, I have listened with a great deal of interest, as I always do, to any argument by the gentleman from Pennsylvania [Mr. GRAHAM] involving a question of law. One mistake which the gentleman made was in reading from a statute that has been amended. That disposes of his objection to the "one-tenth of the unimpaired surplus" provision of the bill.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. GRAHAM of Pennsylvania. I read the old section, because this bill refers to it. I knew the law with reference to the banking system had been changed relating to the surplus, but I read it because the statute is specially referred to in this act.

Mr. WINGO. If that is true, the gentleman should not condemn the committee for bringing it in here; and if his argument is addressed to anything, it was to the maintenance of the limitation.

Mr. SMITH of Michigan. The gentleman from Arkansas ought not to criticize the gentleman from Pennsylvania when the bill itself refers to that very law.

Mr. WINGO. I do not criticize him, and he ought not to criticize the committee for the provision that is now in the law.

Mr. GRAHAM of Pennsylvania. If the gentleman will permit, I want to make myself clear that I was not quoting the old statute for the purpose of criticism. The revised act, under section 425, has reference to section 5200. Now, your bill simply quotes section 5200.

Mr. WINGO. I am going to cover the two differences. I regret if the gentleman from Pennsylvania thinks I was criticizing him. He got the Revised Statutes when the change had been made, and if you will get the national banking act you will find that the section was amended in 1906 embodying the change the gentleman refers to. Now I will explain briefly the provisions of the present 10 per cent law, because I find that even some bank directors on the floor have not a clear conception of this 10 per cent provision.

What does the present law provide? It puts a limitation, a general limitation, of 10 per cent on the loaning power; that is, no national bank can loan more than 10 per cent of its capital stock and surplus to any one individual, firm, or corporation, or, in other words, to any one borrower. There is an apparent exception under the present law in two cases. The first is this: Say you have a bank that has a capital stock and surplus of $100,000. One person or corporation, one borrower could only borrow $10,000 under the general rule, but that would not preclude any one borrower who had gone to his limit on a direct loan from bringing a draft drawn against actual existing value.

I can give you an illustration on that, that will show you the necessity of that provision. To illustrate, I will take a product that I am familiar with, though, of course, it applies to other products, wheat, corn, oats, and so forth. Take cotton. A man buys so much cotton and puts it on the platform of a railroad. He get his bill of lading and takes it to the bank and draws on his principal for the value of the cotton, and this transaction is not a borrowing one under the 10 per cent limitation. That is an indorsement, that is a drawing of a bill of exchange, that has back of it actual existing value. Under the rule another exception is this: Say a man has borrowed $10,000 and he finds he needs more funds, and his customers have given him notes well secured. He may take them over to his bank, indorse them, and discount them to his bank. The bank may take them, and he may sell ten thousand worth additional if he wants to, or a hundred thousand dollars, whatever amount the bank is willing to take, and his indorsement, the contingent liability represented by that indorsement, will not fall within the inhibition of the 10 per cent rule. Those are the two exceptions of the general rule of 10 per cent under the existing law. The 10 per cent goes to both the capital stock and the surplus, but the present law puts a limitation of 30 per cent on the capital. That is, the capital stock and the surplus might be such that 10 per cent of the two combined would be more than 30 per cent of the capital alone, and under the present law you can not go beyond 30 per cent of the capital stock.

What do we propose to do by this bill? We leave out the proposition that the gentleman from Wisconsin has suggested—the 30 per cent provision—and I will be frank and say that I think that ought to be retained. We put in another proposition, that they shall not count under the 10 per cent rule obligations which represent loans that are secured by these liberty bonds, that the limit to which they may go will be controlled by general rules, regulations, and limitations that the Comptroller will make, subject to the approval of the Secretary of the Treasury.

That brings it down to the real criticism of the gentleman from Pennsylvania [Mr. GRAHAM]. I agree with him as to what I want done. I agree with him as to the necessity of having a limitation, but I differ from him in his interpretation of what is now being done and the purposes of it. Let us see. We still leave it to the discretion of the directors to control. The object of this provision is not to allow the whole thing to be left to the control of the comptroller. The present existing law gives the comptroller control in a great many instances that are more important than this.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Let me finish my statement first. It will be still left to the control of the directors of the bank, but suppose there are improvident directors, who let out all their loanable funds to one borrower, then should there not be some check upon those improvident directors? I think the gentleman from Pennsylvania [Mr. GRAHAM] would agree to that.

Mr. SMITH of Michigan. Not if they were secured by Government bonds.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GRAHAM of Pennsylvania. In connection with the gentleman's last remark, will he permit me to ask what difference there is between lending on Government bonds and lending on either one of the other two classes? The other two classes of paper are without limit; there is no limit on them. Why should there be a limit upon the subject of borrowing on your own Government bonds?

Mr. WINGO. Of course there is a difference between the securities. But security is not the basis of the 10 per cent limitation.

Under this bill we do not do what the gentleman from Pennsylvania seems to think we do—leave it to the Comptroller of the Currency to determine the amount of loans that each particular bank can make. Instead of doing that we require him to make general rules, regulations, and limitations that will be applicable to every bank under given conditions, which would be a limitation to the action of the board of directors. If it permitted him to say that in no event should they make a loan in excess of 10 per cent unless the comptroller gave his permission in that particular instance, I, of course, would not favor that. I think these regulations should be general in character, and they should be applicable to every bank, and the question would come up, not, Am I violating the wishes of the comptroller with reference to my particular bank? but the rules and regulations which the comptroller by experience has laid down as applicable to all banks. I think there is a clear distinction between the two, and that instead of our giving power away that the power we have given is not one to be abused but a power to check an abuse in others. I now yield to the gentleman from New York.

Mr. HUSTED. By removal of the 30 per cent limitation, as I understand the bill, you permit unlimited advances in the case of class 1 and class 2, but in the case of class 3, which is an infinitely better security, you would first impose a 10 per cent limitation and then you further provide that the Comptroller of the Currency, with the approval of the Secretary of the Treasury, may further decrease or increase the amount that can be advanced under item 3.

Now, I would like to know, why do you impose no limitation in the case of class (1) and class (2) and you impose a limitation in the case of class (3), which is a much better security than class (1) or class (2)?

Mr. WINGO. The trouble with the gentleman is that he is in error as to his facts. The present existing law does not put any limitation upon class 1 or class 2.

Mr. HUSTED. Thirty per cent.

Mr. WINGO. The 30 per cent—here I will read into the RECORD, so those who want to study the RECORD can do so, the present statute, section 5200. The present existing law, not what we propose, but the present existing law, which can be found in the revised national bank act:

> The total liabilities to any association of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WINGO. Can the gentleman give me five minutes more?

Mr. PHELAN. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has 22 minutes remaining.

Mr. PHELAN. I will yield five minutes to the gentleman.

Mr. HARDY. Will the gentleman yield?

Mr. WINGO. Let me finish reading the statute, and then I will answer the gentleman from New York, and then I will yield to the gentleman:

> *Provided, however*, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

Now, the gentleman from New York will see that 30 per cent limitation is not upon (1) and (2) under existing law, so we do not make any change as to them by this bill.

Mr. HUSTED. Even assuming that to be true, and it undoubtedly is, why is the preference given to item (1) and item (2) over item (3)? Why are more liberal loans permitted under items (1) and (2) than under (3)?

Mr. WINGO. The gentleman has two erroneous impressions. The same limitation that is put upon the liberty loan proposition is put upon items (1) and (2). But I think if the gentleman will read the bill he will find he is in error. In other words, the limitation with regard to rules and regulations to be promulgated by the comptroller apply to everything except the broad general 10 per cent limitation.

Mr. HARDY. Will the gentleman yield?

Mr. WINGO. I will.

Mr. HARDY. The gentleman from New York seems to have the idea that the limitations are made on account of the security.

Mr. WINGO. No; I am in error about the last proposition. The gentleman from New York is right.

Mr. HARDY. If I understand it right the limitation is in the banking law at the present time, and the limitations you have proposed in this bill are not made on the ground of security, because the borrower might have securities worth more than the whole bank capital stock, but they are made for other purposes. This is to limit the power to absorb the funds by one borrower.

Mr. WINGO. The gentleman is correct in that.

Mr. PHELAN. I think I understand what the gentleman desires, and I would like to explain——

Mr. WINGO. Go ahead.

Mr. PHELAN. I will yield to the gentleman more time.

Mr. WINGO. All right.

Mr. PHELAN. Here is the proposition we must constantly keep in mind. It is not a question simply of security. You might have the very best security in the world, but one of the most important elements in connection with security is its liquidity. Now, sections (1) and (2) have to do with commercial transactions. The way it operates is this. If I borrow money from a bank under sections (1) and (2), I am going to get the money out of this very transaction to meet my obligation when it is due. Under (3), if I borrow money to buy bonds, I am not going to get out of the transaction the money to meet my obligation when it is due. It may be if I get too many bonds I am obliged to sell my bonds at an inopportune time. It may be if the bank demands those notes somebody will have to sell liberty bonds at a time when those bonds ought not to be sold, so there is a distinction made between (1) and (2) group and the (3) group. There is a distinction between those two, not on the ground of security but on the ground of liquidity, on account of the method of doing business. If I have not made it clear I would like to explain it further.

Mr. WINGO. Now, Mr. Speaker, that brings us down to the question the gentleman from Texas [Mr. HARDY] brought up a while ago. There is not any distinction in this act and the war-finance bill on the question he raises, because we treat in this case only the question of limitation on amount that may be loaned to each borrower, and the question of security is not involved.

Mr. HARDY. I did not differ with the gentleman. My idea was to support the explanation that this limitation contemplated was not on account of the lack of security but for the convenience of the communities.

Mr. WINGO. It is only for the purpose of preventing one individual or group absorbing all the loaning power of a bank.

Mr. SNYDER. I would like to ask the gentleman a question in reference to the proposed amendment. If the bill is enacted as now drawn and this control is given to the comptroller and Secretary of the Treasury, will it permit them to change the rule with reference to (1) and (2) now? In other words, would they have the power then to change the method of discounting that paper in relation to the 10 per cent that the bank can loan to one individual?

Mr. WINGO. Does the gentleman refer to the amendment proposed by the gentleman from Pennsylvania [Mr. GRAHAM]?

Mr. SNYDER. Yes.

Mr. WINGO. As I understand, he cuts out the authority of the Comptroller of the Currency to provide rules, regulations, and limitations.

Mr. SNYDER. I understand that.

Mr. WINGO. In other words, the comptroller would be left without any power at all to check any improvident directors who might want to permit one borrower or group of borrowers to absorb all the capital and even the deposits by their loans.

Mr. SNYDER. What I wanted to know was whether it would change the relation of notes that banks can now discount as referred to here in (1) and (2). Would it make any difference whether this control was put into this bill or not with regard to the discounting of unlimited amounts of that paper?

Mr. WINGO. Not on (1) and (2); not a bit.

Mr. GLASS. It seems to me that the gentleman from Pennsylvania has a total misapprehension of the purpose of this provision of the bill. It is really a limitation. It is a check upon improvident banking. Somebody must determine—some authority—how far a bank may go. In talking about taking the bridle off, if you eliminate this provision from the bill you will indeed have taken the bridle off, and there will be nobody to determine whether a bank is making improvident loans or not under the provisions of the act.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. ROBBINS. I would like to have a question explained.

Mr. PHELAN. Then I yield one minute more to the gentleman from Arkansas.

Mr. ROBBINS. I am not clear on this. Is the limitation of 30 per cent still retained in this bill if enacted in its present shape?

Mr. WINGO. No.

Mr. ROBBINS. It is entirely eliminated?

Mr. WINGO. The 30 per cent provision is not in the bill.

Mr. ROBBINS. There is no limitation?

Mr. WINGO. The limitation of 10 per cent of the capital stock and surplus is retained, but the 30 per cent provision of existing law is repealed by this bill.

Mr. ROBBINS. Then, would it be possible for a borrower, if he had borrowed 10 per cent from the national bank, to bring liberty loans to the bank and borrow all the rest of the capital under this bill?

Mr. WINGO. That would be true if we were to put in the 30 per cent provision, as it is in the present law, as it would not apply to the liberty loan at all, because the 30 per cent provision in the existing law comes after the 10 per cent provision, but before that provision covering the first and second classes of paper.

Mr. ROBBINS. I wanted to know if it was possible for a borrower, after he had borrowed 10 per cent under the existing law, to borrow the entire surplus of the bank remaining.

Mr. WINGO. Unless the Comptroller of the Currency, with the approval of the Secretary of the Treasury, in the rules and regulations would put some limitation upon it. If we adopt the amendment of the gentleman from Pennsylvania [Mr. GRAHAM], it would take the whole bridle off, as the gentleman from Virginia [Mr. GLASS] said, and the idea is to adopt some rules and regulations that can put some limitation on the operation.

Mr. BUTLER. Why not leave it to the directors?

Mr. WINGO. Suppose we have improvident directors? The reason for the 10 per cent rule grew out of the fact that we did have some improvident directors.

Mr. HAYES. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker and gentleman of the House, it seems to me we are getting valuable information upon this amendment. Some of the ground already traveled may be again gone over by myself in a way.

I wish to say that this amendment has to do with the best security of any of the classes mentioned in it. The chairman of the Committee on Banking and Currency says that if the amendment of the gentleman from Pennsylvania is permitted it will take the bridle off and open the door to improvident directors on unlimited loans. Now, the present banking law allows a man to borrow 10 per cent of the capital and surplus of any national bank, and it can cash its customers' paper to an unlimited amount, whether it be commercial paper or bills of exchange, not exceeding 30 per cent of its capital stock and surplus. That same restriction would still be in the law if the amendment of the gentleman from Pennsylvania [Mr. GRAHAM] should prevail. You could not give your note secured by a liberty bond to exceed 30 per cent of the capital of the bank.

Mr. WINGO. I beg the gentleman's pardon. He does not want to make an inaccurate statement. The 30 per cent provision comes in the law now after the general rule of capital stock and surplus, and after that provision comes the provision as to class (1) and (2) and the liberty bond proposition. So if you reinstate the 30 per cent provision as it is now in the existing law it would not apply to the liberty bond loan at all.

Mr. SMITH of Michigan. I think that this amendment is proper. We should do everything we can to aid in the sale and disposition of these liberty bonds. I incorporate the provision of the present banking law:

LIMITATION OF LIABILITIES WHICH MAY BE INCURRED BY ANY ONE PERSON, COMPANY, ETC.

425. SEC. 5200 [as amended 1906]: The total liabilities to any association, of any person, or of any company, corporation, or firm, for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

What I would like to see is an amendment so that anyone wishing to borrow money at a bank and give liberty bonds as security could borrow to the full amount of the bonds, in the discretion of the bank, in the same way and to like extent that the bank can now take commercial paper or buy exchange. These liberty bonds are gilt-edged security, and their value and uses should not be restricted in any way; while if this measure becomes a law—and I quote from the bill—

(3) The purchase or discount of any note or notes secured by not less than a like face amount of bonds of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section, but the total liabilities to any association of any person or of any company, corporation, or firm, upon any note or notes secured by such bonds or certificates of indebtedness, purchased or discounted by such association, shall not exceed 10 per cent of the capital and surplus of such association, except subject to such rules, regulations, and limitations as may be established from time to time by the Comptroller of the Currency, with the approval of the Secretary of the Treasury.

Liberty bonds should at least be put upon the same footing as commercial paper and as bills of exchange. If the amendment of the gentleman from Pennsylvania prevails, it will put them upon the same footing as to commercial paper and as to bills of exchange, without the added proviso that the restriction would be 10 per cent of the capital and surplus of the bank, in the discretion of the Comptroller of the Currency and Secretary of the Treasury. I say that if a bank is perfectly secure when it can loan an unlimited amount upon commercial paper or bill of exchange, it does not take any chances whatever when it loans upon liberty bonds, the security of our Government. We want to sell these liberty bonds for the most righteous cause that ever was maintained, and we do not want these restrictions. I think the banks should be restricted, as the gentleman from Arkansas says, but this is the wrong place to restrict them when we have Government bonds behind a man's paper.

Mr. WINGO. Mr. Speaker, will the gentleman yield for a question?

Mr. SMITH of Michigan. In a moment. And I say, gentlemen of the House, that we should put no restrictions that are improper upon the bonds of our Government. They are just as good as the Government itself, and when they are not good my property is no good and my personal liberty and security are impaired.

I say that the amendment of the gentleman from Pennsylvania is proper, and I say further that under the banking laws and under the rules and regulations of the Comptroller of the Currency he can tell a bank what it must do, and when one improvident bank is penalized you would not want every bank in the country upon which the business of the country depends held down to the level of that little improvident bank.

Mr. WINGO. Will the gentleman yield for a question there?

Mr. STEVENSON rose.

Mr. SMITH of Michigan. Yes. Then I will yield to the gentleman from South Carolina.

Mr. WINGO. I suppose the gentleman agrees that the purpose of this provision is to make it possible to distribute these bonds throughout the country among the people as much as possible?

Mr. SMITH of Michigan. That is what I want, so that we can go to the people and to the banks.

Mr. WINGO. If you adopt the amendment of the gentleman from Pennsylvania and take the bridle off and have no limitation, then it would be possible for one borrower of the bank, if the bank would permit it, to absorb all the loanable funds, and then when you want to dispose of liberty bonds you can not do so.

Mr. SMITH of Michigan. I do not think our banks are conducted in that way.

Mr. WINGO. But you may find that some are.

Mr. SMITH of Michigan. I can name some where every dollar of the capital stock is in Government bonds already.

Mr. ROBBINS. Some of them fail, too.

Mr. SMITH of Michigan. Not many, under our present Comptroller of the Currency, by the way he looks after them.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. HAYES. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for two minutes.

Mr. MONDELL. Mr. Speaker, I confess to comparatively little knowledge of banks or the banking business. I depend, to a considerable extent, in matters of this sort on the gentleman from Virginia [Mr. GLASS] and the gentleman from California [Mr. HAYES]. I assume that those gentlemen and all the other members of the Committee on Banking and Currency, having agreed that this legislation increasing the credits of the Federal reserve banks may extend on the security of Government bonds, is under present circumstances and conditions helpful or perhaps necessary for the success of the flotation of the third liberty loan, have arrived at that conclusion after careful consideration, and I am therefore constrained to follow them in their view. It is highly important that this loan be successfully launched and I am anxious to support any legislation that will aid in making it a success.

Now, I want to call the attention of the members of the committee having these matters in charge to this situation, which confronts the stockmen of my section of the country. At the present time there is a limitation on the Federal reserve banks in the acceptance of paper based on live stock to a maturity of six months. I imagine that so far as that relates to certain classes of the live-stock business, as it affects the feeder, the time may be quite long enough. But that is not true in the business as carried on in the western and range sections, where our people are making an earnest effort to increase the production of live stock. Our live-stock paper in the range country largely, in fact, generally, runs for a year. It is largely based on advances on purchases in the spring, while the marketing comes late in the fall or some time during the winter. Our people have found it difficult to secure the accommodation that they need with the present limitation.

I presume the gentleman will not at this time care to express an opinion as to whether an exception might safely be made in the case of paper of this kind, but I do hope that the committee will give careful consideration to the matter, and I trust there is reasonable ground for the hope of making an exception in paper of that sort, so necessary to the growth and success of the meat-producing industries.

Mr. GLASS. I will suggest to my friend from Wyoming that there is nothing in the law to prevent a renewal of those notes. It can be very easily adjusted in the local banks, I think. If a note matures in six months, I imagine there will be no difficulty in the world in renewing it for six months longer.

Mr. MONDELL. I understand if the paper is one-year paper, it is not available for discount purposes until a sufficient time has elapsed, so that it has six months or less to run before maturity.

Mr. GLASS. But at maturity it can be renewed for whatever period the transaction might seem to require.

Mr. MONDELL. That is the difficulty, as our people see it. There might be a renewal, but our people can not afford to take that chance; besides, the stockman is often far from the banks and the banks far from the Federal reserve banks, and there are too many elements of risk to make that procedure safe or satisfactory. I shall present the matter in the form of a bill for the further consideration of the committee.

Mr. GLASS. I think our committee would be glad if the gentleman would.

Mr. MONDELL. It is a matter of vital importance to the range stock-growing country; not only to the stockmen but to those engaged in all branches of agricultural industry. Their returns are annual; their loans must be for the same period. It is true if our banks were larger and could always be certain of their ability to extend credits, if we were not so far removed from reserve centers, and it was always convenient for stockmen to reach the banks and renew their paper, we might get along fairly well on six months' accommodations, but under our conditions the present limitation is most unsatisfactory.

I shall not take the time of the committee longer at this time, but will ask early consideration of a bill I will introduce to extend the loan period on agricultural and live-stock paper to one year.

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

The SPEAKER pro tempore. The gentleman from Nebraska is recognized for five minutes.

Mr. SLOAN. Mr. Speaker, I had not intended to discuss this bill at this time. But following the suggestion of the gentleman from Wyoming [Mr. MONDELL] as to the desirability of extending the time for agricultural paper from a 6 months' limit, as it now stands, to a 12 months' limit, as proposed in a bill which I recently filed in the House, and which is now, as I understand it, pending before the Committee on Banking and Currency, I desire to indorse the statement of the gentleman from Wyoming relative to the value of such a change to the farmers, cattle owners, and meat producers of the Northwest.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SLOAN. Certainly.

Mr. SMITH of Michigan. Is it not true that paper limited to six months does not accommodate agriculturalists, whose crops are annual crops, sufficiently to give them the benefit they ought to have?

Mr. SLOAN. Yes. In our part of the country nearly everything is measured in terms of 12 months. We have annual crops and the annual turning over of our live stock. The purchasers and producers having for years been in the habit of dealing with yearly paper instead of monthly, quarterly or semiannual paper, they do not get along, do not figure out so well, with paper limited to six months. Perhaps they ought to change their banking customs and revise their methods. This is difficult to do. Short-term commercial paper is made so because it is based upon the turn-over period of their stock in trade. But it would be a matter of great advantage to the beef producers of the West if this limit could be raised from 6 months to 12 months, because that is the turn-over period of their stock in trade.

I would like to ask the chairman of the Committee on Banking and Currency if such a feature has been considered by the Committee on Banking and Currency since the passage of the Federal reserve banking act, extending the limit of farm paper from six months to a year?

Mr. GLASS. There has been no formal consideration of that proposition by the committee. The gentleman has his bill before the committee, but we have not yet considered it.

Mr. SLOAN. I filed it only recently, and I wondered whether the matter had come up before the committee.

Mr. GLASS. It has not.

Mr. SLOAN. I was not in any wise suggesting that the committee has been derelict.

Mr. GLASS. We have not considered it, but we shall be very glad to consider it at any time the gentleman desires to be heard.

Mr. SLOAN. I should be glad to have such a hearing before the committee, because one of the large problems of this country, as gentlemen on this floor well know, is the production of meats and grains. The surplus production of meats and grains is quite largely in the Northwest. A large portion of the meats which come to the cities of the East and go across the sea is produced on these large ranches and farms. For their purposes it would be a vast advantage if there was this leeway of 12 months granted when loans are first made. I have talked with ranchmen and farmers as well as bankers, and it is so considered by all of them. It gives both the large producer and banker relief to know that his loan is made and does not have to be renewed in the middle of the turn-over period. I think the chairman of the committee [Mr. GLASS] suggested a few moments ago, and properly, that probably six-months' loans could be extended to make them a year from original date, but that is not always true. With a change in the character of the season, a drouth, flood, or crop failure from any cause, the banks may become cramped, and then they must say, "We can not extend this paper, or if we do extend it we can not do it on the terms that were considered at the time we made the original loan, because confidence at the center is weakened in us, and we either can not renew, or, if we do, conditions we impose must be onerous, because such are imposed on us." So it would be an advantage and a great source of confidence to the borrower and banker if everything could be figured in terms of one year. So that they could rest easy knowing they had a year ahead of them to make their arrangements to put out their crops, buy their cattle, run them through the grass season, and then feed them in the winter. Their terms of borrowing and the maturing of their investments would then coincide.

Mr. GLASS. I will say to the gentleman that that phase of banking was thoroughly considered and discussed when we had the Federal reserve legislation originally under consideration, and we thought the six months' limitation was wise, in view of all the circumstances, particularly in view of the fact that there is nothing in the act and nothing intended in the act to prevent renewals of notes based on live-stock transactions. It is a matter which can better be determined by the local banks of the various communities than attended to by a general provision in the law.

Mr. SLOAN. But when the law was passed, of course it was considered with strict reference to a condition of peace. Now it is quite different, when the Government is anxiously insisting that men exert themselves strenuously and strain their credit,

perhaps, in order to increase and sometimes multiply production. It has become a very acute question in our part of the country. Time limit of loans is made five years to corporations and others under the new War Corporation, in order to obtain the services of transportation companies, munition manufacturers, and other institutions rendering a service to the citizens and Nation.

Where is there such urging by the Government to produce as is constantly being made upon farmers and ranchmen to speed up, increase seeding that a greater harvest may result, multiply cattle and sheep that our armies may be fed? Are the producers the only ones to be kept, so far as credits are concerned, in the strait-jackets constructed for conditions of peace?

Quite recently complaint was made that regional banks were refusing to take member paper representing purchase price of tractors on the ground that tractors were not such agricultural articles as were contemplated by the law as a basis for member-bank purchase and rediscount at the regional bank. I took the matter up with the reserve bank officials here at Washington and obtained a statement that tractor paper was and could be used as agricultural paper if it conformed to the time limit. That is proper. Such paper should be permitted to run a year, because the tractor is taking the place of reduced man and horse power incident to the war and is taking up the "white man's burden" to speed up and increase the production of food for ourselves and the allies.

I hope that early hearing and favorable action may be given by the Banking and Currency Committee and after that by Congress on the bill which I have filed.

Mr. KEARNS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KEARNS. Is this the proper time to offer amendments to the bill?

The SPEAKER pro tempore. It is not, unless the gentleman has the floor in his own right, in which case it is permissible to offer amendments, but the gentleman from California [Mr. HAYES] has the floor.

Mr. HAYES. I yield five minutes to the gentleman from Ohio [Mr. EMERSON]. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 25 minutes remaining.

Mr. STAFFORD. Will the gentleman from Ohio allow me to propound a parliamentary inquiry to the Chair?

Mr. EMERSON. I yield to the gentleman from Wisconsin for that purpose.

Mr. STAFFORD. When will it be in order to offer amendments to this bill?

The SPEAKER pro tempore. When a measure is being considered in the House any gentleman who has the floor in his own right has the right to offer amendments; but the gentleman from Wisconsin is well aware that under the rules of the House, when time is yielded for the purpose of debate, it is not in order for the person having the floor for debate to offer an amendment.

Mr. STAFFORD. Would it be in order for the gentleman from California [Mr. HAYES] to yield to any gentleman during the time that he has for general debate, for the purpose of offering an amendment?

The SPEAKER pro tempore. It would, but the gentleman from California would then lose the floor. The gentleman from Ohio [Mr. EMERSON] is recognized for five minutes.

Mr. EMERSON. Mr. Speaker, one year ago April 6, which is next Saturday, this country declared war against Germany. Never since this country entered into the war has the hour been more crucial than it is at the present time. Our allies are battling to beat back the mighty army of the Kaiser. Our boys are going to the battle front every day. No greater responsibility ever rested upon this country and none will during this war than right now.

Now is our time to strike a blow for liberty, for democracy, and for civilization. Now is our opportunity as never before to strike against autocracy and one-man power. Nothing can do our allies as much good, nothing can encourage them, nothing can show them that we are with them until victory comes, and until peace comes with honor, for we want no other peace, as much as a large oversubscription to the third liberty loan, the campaign for the raising of which opens next Saturday, one year from the day of our entrance into the war. Nothing could give our brave boys who are now over the sea any more encouragement, nothing could give our brave boys who are going over the seas any more encouragement, as the buying of these liberty bonds speedily.

Let us show the world that we are in this war in earnest; that we mean to stay in the war until peace comes with honor, and until victory crowns our efforts.

Washington, Jefferson, and Hamilton call to us out of the past. Lincoln, Grant, Garfield, and McKinley, and all the mighty men of the Nation now dead call out to us to stand firm in this great crisis.

We must deny ourselves if necessary that the soldier and sailor has all the necessities and comforts, and all the guns and ammunition necessary.

Those of us who can not fight can buy liberty bonds and furnish these necessities and comforts and these guns and ammunition.

Let us tell the Kaiser that we are coming with $50,000,000,000 more of bonds if necessary.

The contest now raging in this world is not one between nations, it is between two great principles—autocracy and democracy; between the government by the few and the government by the many; between bigotry and civilization.

We have taken our stand on the side of right, and we must fight for right with every ounce of energy this Nation has, and never yield to wrong.

What is America's answer to the autocrat of the world? In the words of our fathers we have pledged our lives, our wealth, and our honor to this great cause of world democracy.

Our allies are engaged in the greatest battle of this war, and nothing could encourage them any more than a great oversubscription of this third liberty loan.

In this campaign for the third liberty loan the city of Cleveland and the great State of Ohio will not be found wanting. The city of Cleveland oversubscribed her quota in the first and second liberty loans, and she will oversubscribe herself in this third liberty loan. There is no doubt about the patriotism of the people of the city of Cleveland and the great State of Ohio. If the remainder of the cities and States in this Nation do as well as the city of Cleveland and the State of Ohio, this third liberty loan will be one grand success. [Applause.]

Mr. HAYES. I yield five minutes to the gentleman from Ohio [Mr. KEARNS.]

Mr. KEARNS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. Does the gentleman from California yield to the gentleman from Ohio for the purpose of offering an amendment?

Mr. HAYES. I do not.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KEARNS] is recognized for debate for five minutes.

Mr. KEARNS. Mr. Speaker, when the proper time comes I want to offer an amendment to strike out all of the paragraph after the word "association," in line 15, page 2.

This bill was intended for only one purpose. Under the present law any man with the proper security can go to his bank and borrow an amount equal to 10 per cent of the capital stock and surplus of that bank. This bill was intended to allow a borrower, in addition to that amount, to borrow another 10 per cent of the capital stock of the bank and its surplus, provided he has that much represented by liberty bonds to put up as collateral security. Now, that is all that this bill provides, but here is a proviso that I would like to see stricken out of the bill, which provides that the borrower may do this, provided further, he can get the consent of the Comptroller of the Currency and the Secretary of the Treasury. It seems to me we are too prone to pass laws and then to provide that they shall be effective if somebody else says so. The very object of this bill is to allow men to borrow money with which to buy liberty bonds.

The Secretary of the Treasury in his letter to the chairman of the committee asks for a law of this kind so that a man can go to his bank and borrow additional money up to 10 per cent provided he has liberty bonds to offer as collateral security. Then why leave the clause in the bill that after we have the law, before we can do what the bill provides, we must get the consent of the Secretary of the Treasury.

Mr. SMITH of Michigan. Why not put liberty bonds on the same footing as commercial paper where you can borrow to any limit?

Mr. GLASS. The answer to that is that commercial paper is a quick asset. It is a liquid asset; when the loan is made it is made with a view of automatically clearing itself.

Mr. KEARNS. Mr. Speaker, in defense of my proposition to strike out this language, I will say that the bank itself can use every dollar of its capital in buying liberty bonds. Why not allow its patrons to buy the bonds in their individual names and offer the bank the same collateral security that it would

have if it bought the bonds itself. Why make the borrower get the consent of the Secretary of the Treasury and Comptroller of the Currency?

Mr. PHELAN. The gentleman does not understand. The banks can loan to the individual up to 10 per cent of the capital and surplus on liberty bonds, but before any bank can loan more than 10 per cent secured by liberty bonds there will have to be general regulations put out by the Comptroller and Secretary.

Mr. KEARNS. Yes; but if we are going to pass a law why can not we read that proposition into the law itself?

Mr. PHELAN. Read what into the law?

Mr. KEARNS. The very proposition the gentleman makes, if a borrower wants to borrow $10,000 from any one bank although he is a borrower before to the extent of $10,000—if he wants to borrow $10,000 more on liberty bonds as collateral security he can get it.

Mr. PHELAN. Because it is wiser to put some limitation on the amount of the loans that can be made by the bank even on liberty bonds as security.

Mr. KEARNS. Mr. Speaker, that might be true if this proposition was not true—that any bank in the United States can expend every dollar of its money in the purchase of liberty bonds, title to be taken in its own name. Why not then allow the borrower to buy the bonds in his own name and give the bank that same security by way of collateral that the bank would have if it expended its own money?

Mr. PHELAN. I can explain it to the gentleman, but I do not want to do it in the gentleman's time.

Mr. KEARNS. I think that my amendment ought to be adopted.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. SMITH of Michigan. In reference to the answer of the chairman of the Banking Committee that they do not want the banks to invest in liberty bonds because they are not liquid, I want to say there will never be five minutes on earth that you can not dispose of liberty bonds on the market. There will be a safe market and a man can go in to-day and get every dollar of the bank's capital on commercial paper, so why not allow him to do it on liberty bonds?

Mr. KEARNS. That is what the bill provides. It provides that anyone who has the collateral security in the shape of liberty bonds can buy up to 10 per cent of the stock and surplus of that bank subject to such rules and regulations as may be established by the Comptroller of the Currency and the Secretary of the Treasury. What is the use of leaving that provision in there? There is absolutely no use, because that same bank could take its own funds up to the extent of its capital and buy liberty bonds. The object is to allow the people of the country to get these bonds, and if you can sell all the bonds to 10,000 different persons you ought not to do so if there are 20,000 who want to purchase them. Place the bonds in as many different hands as you possibly can.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER pro tempore. The gentleman from Massachusetts and the gentleman from California have the floor, and the gentleman from Michigan has not the floor to make the request.

Mr. SMITH of Michigan. Can not the time of the gentleman be extended by unanimous consent?

The SPEAKER pro tempore. The House can do anything by unanimous consent, but the gentleman has not the floor to submit the request.

Mr. HAYES. Mr. Speaker, to save time I will yield five minutes more to the gentleman from Ohio.

Mr. KEARNS. The only thing I hope to do in this bill is to cut out all of the red tape. As it stands, the borrower at the bank would be required to depend on rules and regulations that might be drawn up and adopted under this bill by the Secretary of the Treasury and the Comptroller of the Currency. I want this bill when it is finished, when it becomes a law, to so read that any man can go to the bank who wants to borrow $10,000, if he has $10,000 in collateral security represented by liberty bonds, and get the money or any less amount he so chooses. It seems to me to be a senseless procedure to give the banks the right to use every dollar of their funds in the purchase of these bonds in the bank's own name and then say to that bank you can not loan it to individuals on these bonds unless there is a provision made by the Treasury of the United States authorizing you to do the same thing that the banks have the right to do in their own name. That position can not be defended——

Mr. GLASS rose.

Mr. KEARNS. I would like to have the gentleman defend it in his own time. I do not believe there is any man on the floor of this House who can defend such a position as that, and I would like to appeal to the membership of this House to give this question great consideration, because it is the only important clause in the bill. It is the only new matter in the bill. I would like to impress upon the mind of every man who is going to vote upon this measure, and especially upon this amendment, that one of the great objects in selling these bonds, one of the great arguments that has been used and will be used in the future, is to let the little fellow all over the country buy them. In that way he will feel that he is more interested in being an American than he would be if he held none of the securities of the Government. Get as many men, women, and even children in the United States directly financially interested in their Government as you can and you will do much to engender in them a greater patriotism than even now prevails; they will be doubly patriotic, because they will have an additional financial interest in the outcome of this the greatest war that was ever waged in the history of mankind. I believe there is plenty of patriotism in America to-day. In all my acquaintance I do not know of a man, woman, or child who is not imbued with the idea of patriotism and the hope of winning this war; but I think I know something about human nature also, and I believe that the more people you get directly financially interested in your Government the more you will enhance the spirit of patriotism, the more you will awaken a patriotic thought and action; and if men, women, and children all over this country know that they can go to their bank and borrow money and give as collateral security the bonds they are going to buy with that money, there will be thousands who will seek these bonds who otherwise would not. I want to see this bill, when it leaves this House, so written that no man, however great he may be, can write into it a provision that would stop these men and women from buying these bonds.

I yield back any time that I have.

Mr. HAYES. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Speaker, there is a feature in reference to this bill to which I would like to call the attention of the House, and that is that it will encourage manufacturers and business men living in small places to buy bonds of the United States and to do a much larger and better business with their local banks. Nearly every large manufacturer throughout New England, for instance, has to have an account with a business bank in New York or Philadelphia or Boston, because the local banks can not loan him a sufficient amount of money. If that manufacturer could own $50,000 or $100,000 of bonds of the United States, then at the season of the year when he has to borrow money he could go to his local bank with his United States bonds and not be limited because the capital of that bank happens to be only $100,000 or $150,000. In other words, he would carry all his deposits there instead of being forced to carry deposits in New York, Boston, or Philadelphia, and at the same time be able in his rush season, when he is compelled to buy extensively, to do business with the local bank. He would not be forced to go to New York or Boston or Philadelphia to borrow his money if he could use as collateral the United States bonds. On the other hand, it would enable him to purchase a larger amount of United States bonds than he otherwise would feel able to take from the capital of his business.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. ROWE. Yes.

Mr. FOCHT. If he is required now to go to New York to get capital to run his business, how do you expect he will get $50,000 of bonds? He would have to buy and pay for them.

Mr. ROWE. Yes; but the bonds are purchased with surplus, but his borrowing is only once or twice a year, when he is purchasing large quantities of raw materials.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. PHELAN. Mr. Speaker, has the gentleman from California used all the time that he is going to use?

Mr. HAYES. I think so.

Mr. PHELAN. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, I want to address myself to the proposed amendment of the gentleman from Pennsylvania. The gentleman from Michigan [Mr. SMITH] a few moments ago put his finger upon what I consider the weak spot in that amendment, although he used it to sustain the amendment. He

says, and it is true, that the Comptroller of the Currency can control the amount of money that the bank loans in any one way or to any one concern, and that is true, but how does he do it? The bank examiner goes around and he discovers that this bank has loaned a very large amount to one concern, with certain securities. A report is made, and the comptroller says to the bank that it must unload a lot of that—that it is not safe. That occurs, however, after the loan has been made. We want the banks to know before they make these loans on United States bonds exactly what they can do, and not have a bank loaning very largely and then the comptroller coming around and saying that it must unload. We want the rules and regulations laid down beforehand, and not leave it to an unknown quantity when the bank comes to make these loans on these bonds, and for that reason that amendment should not be adopted, because otherwise it will enable every bank to know that while it is loaning largely it is loaning under a specific regulation which guarantees it against being required to unload at any particular minute; but if the amendment is adopted, it leaves it all in doubt until after the loan is made.

Mr. PHELAN. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. GLASS].

Mr. GLASS. Mr. Speaker, the statement of the case made by my colleague from South Carolina is conclusive. I simply want to refer to the suggested amendment by the gentleman from Pennsylvania. He seems to have the idea that there is some insidious purpose here to give the Comptroller of the Currency and the Secretary of the Treasury power that they do not already possess. As a matter of fact, the Comptroller of the Currency has been an autocrat in the banking community for 50 years. It is necessary that a man in that position should be an autocrat. He has now full control with respect to matters such as are involved in the discussion that has gone on here to-day. The Comptroller of the Currency can permit a bank to exceed this very requirement of 10 per cent in making loans.

It rests absolutely in the discretion of the Comptroller of the Currency to compel a bank to restore its reserve which bears an essential relation to its loans. So that, in principle, there is not one particle of power given to the Comptroller of the Currency by this provision that he does not already possess with respect to loans by banks as affecting their reserves.

Now, furthermore, it has been asked why banks have been permitted to invest in United States bonds without limitation if it is desirable to prescribe this limitaton as to loans based on Government bonds as security. One reason is that, prior to the enactment of the Federal reserve law, United States bonds were used as the basis for national-bank circulation. It was scarcely possible, under that system, for a bank to so clutter itself up with these securities so as to be unable, almost instantly, to realize on them, because of their convertibility into currency. These liberty bonds do not bear the circulation privilege, and while it may not be wise at this time to limit the amount that a bank may buy on its own account, it is desirable to put a limitation, in the way of regulations to be made by the comptroller, upon the amount a bank may loan to any one person, firm, or corporation with Government bonds, having no circulation privilege, as security. We want to exceed the 10 per cent limit, but we do not want to leave the thing wide open. We have got to lodge discretion somewhere against ill-judged and improvident banking. We have to trust somebody to say that a bank shall go so far, but no further.

Mr. KEARNS. Will the gentleman yield?

Mr. GLASS. Why, the gentleman from Ohio [Mr. KEARNS], who would not yield to me a while ago, advanced a proposition that would have defeated his own avowed purpose. Under his suggested amendment a bank might loan a single individual every dollar of its available funds for the purchase of liberty bonds so it would not have a dollar left to loan to any other patron of the bank. Thus, instead of diffusing the ownership of those liberty bonds, as the gentleman professed to desire, it would concentrate ownership——

Mr. KEARNS. Will the gentleman yield?

Mr. GLASS. No; I can not yield to the gentleman, because I have not the time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PHELAN. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman from Massachusetts has 10 minutes and the gentleman from California has 7.

Mr. PHELAN. Will the Speaker notify me after I have used seven minutes? I may not use all of that time. Mr. Speaker, I hope the offered amendment of the gentleman from Pennsylvania will not prevail nor that of the gentleman who spoke 5 or 10 minutes ago. Let me explain this once again. Under (3), which is the new part added to existing law, and the only part which is added to existing law—under (3) banks may take notes of individuals, firms, and corporations beyond the 10 per cent limit as laid down under the law, provided those notes are secured by liberty bonds or certificates. The limitation, however, is 10 per cent. Banks can only do this to the extent of 10 per cent of their capital and surplus on liberty bonds unless by action of the comptroller and the Secretary of the Treasury. If it is advisable at a later date that this limit be raised beyond 10 per cent, then that may be raised by general rules and regulations of the comptroller, subject to the approval of the Secretary of the Treasury, so that the provision in this bill with reference to the comptroller is not something which bears down on the banks. It is an opportunity for the comptroller, if conditions warrant and necessity arises, to give to the banks even more liberal powers in the way of loaning money upon the security of liberty bonds. I want to repeat, because it was stated otherwise, it is not a limitation placed by the comptroller upon the bank, but an opportunity for the comptroller to give the bank a greater liberty to loan upon the security of liberty bonds. In this connection I just want to point out this thing—I explained it to the gentleman from New York [Mr. HUSTED]—that even though the security is good, and of course it is good, it is not the only thing to be considered. We have to consider at the same time what is called liquidity. In the case of a commercial transaction the money is coming in from the transaction itself whereby to pay the loans of the borrower, but in the case of liberty bonds a man may be perfectly good, and he may have plenty of property, but he does not get anything, and he is not going to get anything from any commercial transaction when he buys liberty bonds. He may be obliged, in order to meet his note, to dispose of those liberty bonds. It would be disastrous if the banks loaned too much money on these bonds and then had to take them over because, without any question, although the liberty bonds could be sold, the market might be overburdened with those bonds and it would be an unfortunate thing for this country to have that condition arise.

Another thing I want to point out which has been mentioned: It has been asked, if a bank can buy bonds to an unlimited degree, why not permit them to loan on notes secured by liberty bonds to an unlimited degree? My friends, there is a great big difference between those two transactions. Let me see if I can illustrate by analogy. When I go to a bank to borrow money I know just what I am doing, I know exactly what my indebtedness is, but if I indorse somebody else's note I am likely to say and feel secure that he is going to pay that note when due. I am likely not to be as cautious in indorsing somebody else's note when I expect him to pay as I am to borrow on my own account when I know that subsequently I must pay back the money borrowed.

It is exactly the same way with the bank. When the bank goes out to buy bonds it knows right at the beginning it is going to keep those bonds, that it is a fixed investment; and the bank at the very beginning of the transaction will say, "Can we afford to put so much money into a fixed investment?" But when they loan to others on United States bonds as security they do not intend to carry those bonds permanently; they do not intend to own them; they expect the borrowers to pay, and there is always a greater danger of overextension when the bank loans on bonds than there is when the bank buys bonds itself. In addition to that, they have the power, as stated, to buy bonds. Now, if we give them the power in an unlimited degree to loan on bonds at the same time, we are merely increasing the danger, if there is a danger, of getting too much of their funds tied up in fixed investment. The whole proposition is this, that we must come back to that again and again. Most liabilities of a bank consist of demand deposits. If a bank does not keep its funds in such shape that it can get the cash when it needs it to meet its demands, that bank is going to get into difficulty. The best kind of an investment for a bank under those conditions is to put its money or credit into that kind of security upon which it can realize quickly, and upon which it is sure to realize when the time comes. If it gets too much of its funds invested in securities, even liberty bonds, on which it finds it difficult to realize when the time comes, the bank is going to get into trouble.

The SPEAKER pro tempore. The gentleman has used seven minutes.

Mr. PHELAN. Now, Mr. Speaker, I shall move the previous question on this bill, and pending that motion I ask unanimous consent that amendments may be offered without debate.

The SPEAKER pro tempore. The Chair understands the gentleman to ask unanimous consent to consider the bill under the five-minute rule in the House?

Mr. PHELAN. No, Mr. Speaker. I am doing this after an agreement with the gentleman from California [Mr. HAYES], the ranking Republican member. I desire to move the previous question, and ask unanimous consent that gentlemen may offer amendments without debate.

Mr. HAYES. Will the gentleman modify his request so that there may be a few minutes on a side on each amendment—say five minutes on a side?

Mr. PHELAN. I do not desire to be arbitrary at all, except that I do not like to take up too much time. I am willing to agree on a vote at 3 o'clock, say, or on any arrangement so that we can get the bill disposed of without too much debate. Every point has been discussed, I think, as fully as it ought to be.

Mr. HAYES. Five minutes on a side?

Mr. PHELAN. Yes.

Mr. WINGO. Let me suggest that the amendments be sent to the desk now, so that we may see how many there are and if we can not reach some agreement as to the debate.

The SPEAKER pro tempore. Under the rules of the House now amendments are in order, unless by unanimous consent——

Mr. PHELAN. I would like to ask how many amendments there are.

Mr. GRAHAM of Pennsylvania. I think there are three.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent that the bill be taken up to its final passage, and that 30 minutes——

Mr. GILLETT. Five minutes a side on each amendment?

Mr. PHELAN. Five minutes a side on each amendment, and then I shall move the previous question.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM], the gentleman from Ohio [Mr. KEARNS], and the gentleman from California [Mr. HAYES] each be permitted to offer an amendment to this bill, the amendments to be pending; that there shall be five minutes debate on each amendment, after which time the previous question shall be ordered on the bill and pending amendment or amendments to final passage.

Mr. PHELAN. Mr. Speaker, I meant five minutes for and five minutes against each amendment.

The SPEAKER pro tempore. Five minutes on each side of the amendment.

Mr. HASTINGS. Reserving the right to object, I suggest the amendments be read first. We may not want to debate them at all.

Mr. GLASS. In that connection, Mr. Speaker, I suggest the amendment to be proposed by the gentleman from California [Mr. HAYES] will not require any debate, because it will be accepted here.

Mr. PHELAN. That is one of the three. We can limit the debate to 20 minutes. I make it 20 minutes.

Mr. HASTINGS. I am going to ask unanimous consent that all those proposed amendments be reported in advance and read for information of the House.

The SPEAKER pro tempore. Is there objection to the amendments being read for the information of the House? [After a pause.] The Chair hears none. The gentleman will send them up, and the Clerk will first report the amendment proposed by the gentleman from California [Mr. HAYES].

The Clerk read as follows:

Amendment offered by Mr. HAYES: Page 2, line 15, after the word "such" insert the word "general."

Mr. PHELAN. The committee is ready to accept that right now, Mr. Speaker.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next proposed amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania: Page 2, line 14, after the word "exceed" strike out the word "ten" and insert the word "twenty-five"; and on line 15, after the word "association" strike out the comma and insert a period, and strike out the balance of the paragraph.

The SPEAKER pro tempore. The Clerk will report the proposed amendment of the gentleman from Ohio [Mr. KEARNS].

The Clerk read as follows:

Amendment offered by Mr. KEARNS: Page 2, line 15, following the word "association" insert a period, and strike out the remainder of the paragraph.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. PHELAN] asks unanimous consent that these two amendments be considered pending; that there shall be 10 minutes' debate on each amendment, after which time the previous question shall be considered as ordered on the bill and the pending amendments to final passage. Is there objection? [After a pause.] The Chair hears none.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM] for five minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent to modify my amendment in one particular, and that is to strike out "twenty-five" and insert "twenty."

The SPEAKER pro tempore. Without objection, the modification will be accepted. [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I have listened with great attention to the debate which has been carried on with respect to this bill. I am still of the opinion that the amendment which has been offered ought to prevail and that this power that is proposed to be placed in the Comptroller of the Currency and the Secretary of the Treasury ought not to be put in this bill.

On page 2 of the bill we have three provisos that are exceptions to the 10 per cent rule. The first relates to bills of exchange. The second to commercial paper. The third covers loans on notes secured by liberty bonds of the face value of the loans. There are the three distinct propositions. Under the law as it existed for many, many years the banks had the power to make loans on No. 1 and No. 2 of these provisos without any limitation whatever. The 30 per cent proviso that is written in the national banking act relates only to the 10 per cent loaning capacity to an individual, and not to any of these provisos that are exceptional and in excess of that power. So that these two powers existed in our national banking system with no limit whatever and without hurt or injury therefrom anywhere during all these years. This bill proposes——

Mr. GLASS. Mr. Speaker, will the gentleman permit an interruption?

Mr. GRAHAM of Pennsylvania. I can not do it. The gentleman has covered the ground in his speeches, and I understand his views thoroughly.

This bill proposes, as I read it now, after the enlightenment of the discussion, to limit the borrowing capacity on your note, accompanied by a liberty bond, to 10 per cent of capital and surplus, unless the Comptroller of the Currency and the Secretary of the Treasury adopt some regulation permitting more. My amendment proposes to limit the right to loan to 20 per cent on liberty bonds. That, you see, would make a total power to loan out 30 per cent to one person—10 per cent under the limitation that already exists in the law and 20 per cent additional on a note secured by liberty bonds. That fixes a just limit in the bill; that will take care of the question of excessive loaning.

But it does seem to me that when a bank has the power to invest every dollar of its capital stock and surplus in liberty bonds you ought not to put in a limitation of this kind with respect to making loans. Why? My friend from Virginia [Mr. GLASS] says these bonds are not liquid. This very legislation is going to make them liquid. When you buy the bonds they are not liquid, are they? When you allow a man to borrow on a bond you do not take only the bond. You have his security also; his note, which is liquid, which must be met when it becomes due, and he is the man who must go out and sell his bond, and if there is a discount on it he must lose that discount and pay the money to the bank. The argument that the bond is not liquid is not a sound argument at all in this connection.

If, therefore, as I say, the banking system has existed for all these years without any injury, without any hurt, without any break, with no limit of this kind, why put it on? This is a new feature of the law. You are writing by this statute into the laws of the Nation the grant of a new power.

My friend from Virginia says it already exists. Then, if it already exists, why reenact it? It is a useless waste of effort. But if it does not, I for one will constantly object to the further delegation of our powers to others to exercise for us and in our place. If there is any limit to be put upon this power of loaning, let us, the Congress, put the limit on. That is for Congress, and not for the Comptroller of the Currency or the Secretary of the Treasury, I care not how immaculate or good they may be. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. GLASS rose.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia in opposition to the amendment.

Mr. GLASS. Mr. Speaker, it seems to me the fundamental defect in the argument used by the gentleman from Pennsylvania [Mr. GRAHAM] is that he persistently refuses to see or recog-

nize a distinction that is, as I see it, perfectly clear. One reason why there has not heretofore been any such restriction as is proposed here upon the acquirement of liberty bonds in banking loans is the fact, as I stated a while ago, that other United States bonds issued prior to the war had the circulation privilege, so that they constituted a liquid asset, due to their convertibility. No matter what amout a given bank had in its vaults it could at any moment realize on them by impounding them in the Treasury at Washington and receiving therefor circulating notes.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield there?

Mr. GLASS. No; I have not time to yield.

Now, that is a clear and vital distinction. Liberty bonds have not the circulation privilege, and if banks should clutter up with them to too great an extent on their own account they would have no relief, except by sacrificing the bonds.

Mr. GRAHAM of Pennsylvania. But are they not as good as commercial paper?

Mr. GLASS. No; they are not as good as commercial paper, because 95 per cent of the transactions of banks are based on commercial paper, which, as a general practice, automatically clears itself at maturity.

As to the power of the comptroller, of course the gentleman does not understand me to say that the comptroller has this particular power right now. If he had, it would be a waste of time of the House to propose to give to the Secretary of the Treasury and the comptroller a power already possessed. But what I did say, and what I now repeat, is that the Secretary of the Treasury, and the Comptroller of the Currency in particular, has power not only tantamount to the power that we propose to give them here as a limitation upon improvident banking, but they have a greater power than we propose to give them here, and have had for 50 years. This provision is in a sense a limitation. In other words, we remove the restriction of 10 per cent on the right of banks to loan to an individual, firm, or corporation; but the removal of the limitation is made subject to authority given the Comptroller of the Currency, with the approval of the Secretary of the Treasury, to provide general rules and regulations to guard banks against an improvident exercise of the right granted.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. MADDEN. The difference between loaning money on liberty bonds and loaning money on 90-day commercial paper is that the liberty bonds run for a period of 30 years before they have to be taken up, while the 90-day commercial paper is liquidated in 90 days.

Mr. GLASS. It automatically liquidates itself, while the other is a long-time investment security. And, as my colleague from Massachusetts [Mr. PHELAN] has stated to the House, there is a vast difference between the value of collateral and the nature of collateral.

Mr. GRAHAM of Pennsylvania. But is there not a note for which the bond is security, that matures in 30, 60, or 90 days or 4 months in every instance?

Mr. GLASS. Yes; but if there is a failure to meet the note, there is no way to enforce collection and get the cash by sale of the security.

Mr. GRAHAM of Pennsylvania. The gentleman does not mean to say that a liberty bond is not salable. Heaven forbid!

Mr. GLASS. Not always at par. Some of them have sold below par.

Mr. GRAHAM of Pennsylvania. Who loses the difference if it sells below par? Does not the borrower lose it? It is not the business of the bank.

Mr. GLASS. But the gentleman from Pennsylvania has failed or refused to recognize the difference between practices heretofore, when United States bonds had the circulation privilege, and when it was impossible to embarrass the banks by holding bonds, because they were interchangeable for currency, and conditions now, when there is no convertibility of bonds into currency.

Mr. GRAHAM of Pennsylvania. But is not the same thing true of every other kind of collateral that it put up?

The SPEAKER pro tempore. The time of the gentleman has expired. The Chair will recognize the gentleman from Ohio [Mr. KEARNS] on his amendment, if he desires.

Mr. GRAHAM of Pennsylvania. I ask for a vote on my amendment first.

The SPEAKER pro tempore. The Chair understood that both amendments were to be pending, but if it is the desire of the House to have the vote on the amendment of the gentleman from Pennsylvania now, the Chair will put the question on that amendment.

The question being taken, on a division (demanded by Mr. GRAHAM of Pennsylvania) there were—ayes 29, noes 39.

Accordingly the amendment of Mr. GRAHAM of Pennsylvania was rejected.

The SPEAKER pro tempore. The Clerk will report the amendment proposed by the gentleman from Ohio [Mr. KEARNS].

The Clerk read as follows:

Amendment offered by Mr. KEARNS: Page 2, line 15, after the word "association," strike out the remainder of the paragraph.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KEARNS] is recognized for five minutes.

Mr. KEARNS. Mr. Speaker, the vote that has just been taken upon the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM] disclosed the fact that it was strictly a party vote. My amendment is exactly in harmony with the amendment of the gentleman from Pennsylvania [Mr. GRAHAM], except that he asked to strike out 10 per cent and insert 20 per cent. I hope that when the vote is taken on my amendment it will not again disclose that this center aisle that runs through the Chamber will divide the votes again. In support of my wish and hope in this matter I am going to read just a short sentence from a letter written to the gentleman from Virginia [Mr. GLASS] by the Hon. William G. McAdoo, Secretary of the Treasury. He says:

In our successive liberty loan campaigns I have been not inconsiderably embarrassed by the limitation imposed by section 5200 of the national bank act upon the amount of loans which national banks may make to any one borrower. I am told that there are a good many banks which will, because of this limitation, decline to make loans where their customers desire to subscribe. It also furnishes a convenient excuse for those who do not want to assist in the liberty loan campaigns.

And then further on he says:

There is no small inconsistency in asking a bank to subscribe for Government obligations for its own account, as it may do without limitation with reference to the amount of its capital and surplus, and at the same time prohibiting it from lending on these same Government securities and taking the obligation of a responsible borrower. The effect of the present limitation may be at some time to make it necessary to ask the banks to buy largely of the Government's bonds for their own account simply because they are prohibited from lending as freely upon the security of the bonds to responsible borrowers who, if loans were available, would be willing to make the subscriptions. It is obviously healthier in every way to induce persons and corporations to subscribe for the bonds though they must borrow freely to pay for them, and thus to place such persons and corporations in a position where they will be under pressure to practice economy in order to pay for them than to have the banks buy the bonds for their own account.

Secretary McAdoo has asked for this legislation, and the only thing I hope to obtain by the adoption of my amendment is that any man who is without funds can go to his own bank and buy liberty bonds and turn those bonds over to the bank as collateral security for the loan. This bill itself provides that this can be done provided the Secretary of the Treasury and the Comptroller of the Currency shall both concur in the view that it ought to be done. Secretary McAdoo has asked for it. Then, why should we write into this law a provision that this can be done if he again says it ought to be done. He has said that in his liberty-loan drives over the country, in his attempts to sell liberty bonds, this has been his one great handicap. Then, why not remove that handicap at this time? We are now on the eve of the sale of the third liberty bond issue. As he himself says, if a bank has the right to buy an unlimited number of liberty bonds, there is no reason why the bank should not be allowed to loan the money to let its customers buy them and hold them as security. That is all there is in this bill, and why should it not be done without rules and regulations being first written by these two men. Let the law itself be the rules and regulations. As I said a few minutes ago in this Hall it seems to me a very futile thing on the part of this Congress to write a law, pass it by both branches of Congress, and then put in a proviso that it shall become operative provided some other power says it shall.

Mr. WHEELER. Does the gentleman believe that if his amendment is adopted it will encourage the sale of liberty loan bonds?

Mr. KEARNS. I believe if this amendment is adopted there will be thousands of additional men and women in this country who will buy liberty bonds. We will find them going to the bank, borrowing this money and giving these bonds as collateral security, who otherwise would not be interested in the proposition because of lack of funds. As I said before, the more men and women and children you can induce in this way to become financially interested in this great war, the better I believe it will be for the country at large. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PHELAN. Mr. Speaker——

The SPEAKER pro tempore. Is the gentleman from Massachusetts opposed to the amendment?

Mr. PHELAN. I am opposed to the amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for five minutes.

Mr. PHELAN. The gentleman from Ohio [Mr. KEARNS] said he hoped the dividing line on this amendment would not run up the center aisle, and that there would not be a party division. I sincerely hope that is so, and I desire to say that during the time I have been a member of the Committee on Banking and Currency it has been a pleasure to work with men who think so little of partisanship, and who so seldom bring partisanship into our deliberations.

Mr. KEARNS. I said that thought was engendered by the other vote.

Mr. PHELAN. I understand; but the Republican members of this committee joined with the Democratic members and brought in this bill by a unanimous report. I want to point out to the gentleman that I think his amendment will defeat the very purpose he seeks, because under his amendment the bill will be left in this shape that an individual can borrow only 10 per cent upon notes secured by liberty bonds, whereas with the words in the bill which he seeks to strike out the opportunity is given, if necessity requires, for the Comptroller of the Currency, subject to the approval of the Secretary of the Treasury, to increase that amount by general rules and regulations.

Mr. KEARNS. But you can not borrow that much unless the comptroller says so.

Mr. PHELAN. Oh, the gentleman is absolutely incorrect. Up to 10 per cent the comptroller has nothing to say about it. That is the plain and clear language of the section.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio.

The question being taken, the amendment was rejected.

The SPEAKER pro tempore. Under the previous order of the House the previous question is ordered on the bill to final passage. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PHELAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, the conferees yesterday afternoon on the Agricultural appropriation bill (H. R. 9054) found that the clerks of the Senate in fixing the totals had made several mistakes. It was suggested that the conferees could not, within the rule, correct the totals. The Senate has passed a resolution asking for the withdrawal of the Agricultural appropriation bill, and I am going to ask unanimous consent to vacate the proceedings by which the Agricultural appropriation bill was sent to conference the other day.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to vacate the order of the House previously made sending the Agricultural appropriation bill to conference. Is there objection?

There was no objection.

The SPEAKER pro tempore. Now the gentleman from South Carolina asks unanimous consent for the present consideration of the Senate resolution. Is there objection?

There was no objection.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
April 3, 1918.

Resolved, That the Secretary be directed to notify the House of Representatives that the Senate has reconsidered the vote by which it insisted upon its amendments to the bill (H. R. 9054) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919," and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate said bill, with the Senate amendments and accompanying papers.

Attest:

JAMES M. BAKER, *Secretary.*

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question being taken, the resolution was agreed to.

Mr. LONGWORTH. Will the gentleman from South Carolina allow me to ask him a question? Will he explain what this amendment in the Senate is relating to the grading of potatoes? I have had a number of telegrams about it.

Mr. LEVER. I have also had a number myself. The Bureau of Markets in the Department of Agriculture has established some tentative grades for white potatoes. There are complaints in certain States about the grading, especially in Michigan. The Senate prohibits the Department of Agriculture from establishing or enforcing the grading of potatoes. The House bill said nothing about it.

CONSOLIDATION OF BANKING ASSOCIATIONS.

Mr. WINGO. Mr. Speaker, I call up the bill H. R. 10205 to provide for the consolidation of national banking associations.

The Clerk read the bill, as follows:

Be it enacted, etc., That any two or more national banking associations located within the same county, city, town, or village may, with the approval of the Comptroller of the Currency, consolidate into one association on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each association proposing to consolidate, and be ratified and confirmed by the affirmative vote of the shareholders of each such association owning at least two-thirds of its capital stock, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper published in the place where the said association is located, and if no newspaper is published in the place, then in a paper published nearest thereto, and after sending such notice to each shareholder of record by registered mail at least 10 days prior to said meeting: *Provided*, That the capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national bank in the place in which it is located: *And provided further*, That when such consolidation shall have been effected and approved by the comptroller any shareholder of either of the associations so consolidated may give notice to the directors of the association in which he is interested within 20 days from the date of the certificate of approval of the comptroller that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors, and the third by the two so chosen; and in case the value so fixed shall not be satisfactory to the shareholder he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of the reappraisal; otherwise the appellant shall pay said expenses, and the value so ascertained and determined shall be deemed to be a debt due and be forthwith paid to said shareholder from said bank, and the shares so paid shall be surrendered and after due notice sold at public auction within 30 days after the final appraisement provided for in this act.

SEC. 2. That associations consolidating with another association under the provisions of this act shall not be required to deposit lawful money for their outstanding circulation, but their assets and liabilities may be reported by the association with which they have consolidated.

The following committee amendments were read:

The amendments recommended by the committee are as follows:

Page 1, line 6, after the word "association," insert the following: "Under the charter of either existing banks."

Page 2, line 9, after the word "consolidated," insert the following: "who has not voted for such consolidation."

Page 3, line 9, after the word "consolidated," insert the following: "And all the rights, franchises, and interests of the said national bank so consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national bank into which it is consolidated without any deed or other transfer, and the said consolidated national bank shall hold and enjoy the same and all rights of property, franchises, and interest in the same manner and to the same extent as was held and enjoyed by the national bank so consolidated therewith."

Mr. WINGO. Mr. Speaker, this bill is to simplify the procedure for consolidation of national banks. Under the present existing law, if two banks in a city desire to consolidate, one or the other has to liquidate under the tedious process now provided by statute for that purpose.

Under the proposed bill the question of consolidation is determined in the same way as is the question of liquidation under the present law. Under the law at present if a bank wants to go into liquidation that would be determined by a vote of two-thirds of the stockholders. Under this bill two-thirds might vote for consolidation of the two banks directly without going through the process of liquidation provided by statute. Ample provision is made in the bill to take care of the rights of dissenting stockholders who may not want to belong to the consolidated organization. Appropriate provision is made by the amendment to the last section for the transfer and vesting of rights of the two associations into the consolidated bank.

Mr. McFADDEN. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. McFADDEN. In the discussion of the bill in committee one question comes to my mind, and that is where banks are consolidated which charter number is to be used. How is that provided for?

Mr. WINGO. The first committee amendment is that they may consolidate under the charter of either of the existing banks. I think that would permit them to retain the number of one. That was the idea of the amendment, to permit them to go on in the name of one and under the charter of one, and if they wished to change the name they could do it under the same charter and under the same number.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WINGO. I will.

Mr. MOORE of Pennsylvania. Is it possible that the revenues would be affected by the passage of this bill, affording, as it does, an opportunity for banks to consolidate?

Mr. WINGO. Affected in what way?

Mr. MOORE of Pennsylvania. Would it reduce Government revenues or taxes in any way?

Mr. WINGO. I can not off-hand think of any way in which it could be affected.

Mr. MOORE of Pennsylvania. Would it mean a reduction of capital or surplus affecting Government revenues?

Mr. WINGO. No; this provides for a consolidation under the charter of either bank. If they wish to reduce the capital, they could do it under existing law, or if they wished to increase the capital stock they could do so under existing law. It does not change the provisions of existing law with reference to the reduction or the increase of capital stock.

Mr. MOORE of Pennsylvania. I am asking this as a member of the committee having something to do with taxation. Would it have any bearing on the Government taxes upon excess profits or surplus or the division thereof?

Mr. WINGO. No; I should think not, because the rights of the Government would accrue under the facts as they exist prior to the consolidation, and if they consolidated the assets of the combined association would be the same as the assets of the two separate associations, and the tax would be determined upon the new association and the profits made after the consolidation. So I do not see how it could affect the war-profits provision of the present law.

Mr. MOORE of Pennsylvania. The gentleman confirms the statement set out in the report that the object of the bill is only to simplify the consolidation of any two banks that desire to consolidate?

Mr. WINGO. Yes. The bill was offered at the request of the Treasury Department, where their attention had been called to the necessity for it frequently.

Mr. MOORE of Pennsylvania. May I ask if any particular illustrations were brought to the attention of the committee showing how banks might avail themselves of this privilege?

Mr. WINGO. No; there was no particular case called to our attention. The gentleman will notice that we limit it to the same county, town or village. There was no particular case of any two particular banks in the mind of the committee at all.

I reserve the remainder of my time.

Mr. HAYES. Mr. Speaker, I have given some thought to this bill and I can see no possible objection to it. It seems to me a very desirable thing to do, not only to permit banks to consolidate, but to encourage them to consolidate. It is very much better for any community to have one or two or three substantial banks, with ample capital to take care of the interests of the community, than it is to have five or six small ones competing for the same business, with less capacity to take care of their customers. Banking business by that sort of competition is often greatly overdone. Too many banks start in a community, and when men who are in charge of such institutions find there are too many, I can seen no possible objection or danger in permitting them to consolidate to such extent as they desire, because I believe they can better take care of the commercial interests of the community through consolidation than when they are divided, and when they so consolidate this should be accomplished without unnecessary expense. Much of the expense attending consolidation of banks heretofore this bill, if it becomes a law, will eliminate. I am heartily in favor of the bill.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield me 10 minutes?

Mr. HAYES. Yes; I yield the gentleman from Wisconsin 10 minutes.

Mr. STAFFORD. Mr. Speaker, if this bill were to be considered under the five-minute rule I would not take the floor, but I take the floor in order to obtain the opinion of the gentleman having the bill in charge as to whether there is any provision made in this bill after consolidation takes place to protect litigants in suits against a bank that is being merged, in the collection of their judgments. In section 2 it is provided that all of the rights, franchises, and interests of the said national banks so consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national bank with which it is consolidated without any deed or other transfer. There is no mention whatsoever to take care of a condition which might arise where suits are pending either in law or in equity against the bank that is going to be merged, in so far as the collection of judgments that may ultimately be entered against the bank that is going into what is virtually a liquidation, is concerned. Does not the gentleman believe some such amendment should be adopted for this reason. If you transfer all of the assets of the sued bank to the third party bank, where is there going to be any relief for the litigant in the recovery of his judgment. Of course, if he has a judgment, and the judgment has been entered, it is a lien upon the real estate of the merged bank, and it rests with the judgment holder to levy execution on the personal property of the bank. I am now assuming a case where the bank that is being sued in court, and ultimately a judgment recovered against it after the bank has merged its property under the provisions of the bill in a third party bank. How is that litigant going to recover his judgment. I yield to some distinguished lawyer on the Committee on Banking and Currency.

Mr. STEVENSON. Mr. Speaker, if the gentleman would have my personal opinion about that, it is this: The consolidation will be under one or the other of the charters. The bank will continue the corporate existence of one or the other of the two consolidating banks. If the liability is the liability of the bank whose name is retained and whose corporate existence is retained, then there is certainly no question but that it is responsible for any liability of the bank as it existed before it took on the new bank.

Mr. STAFFORD. There is no question about that in that case.

Mr. STEVENSON. The gentleman will notice that there is no provision made for transfer of real estate. That is to be done by deeds. The assets of the bank that loses its existence are to be transferred to the two banks in trust, of course, for all liabilities of the bank which is being merged and consolidated.

Mr. STAFFORD. Oh, no; I take issue there that it is a transfer in trust. Under the provisions of section 2 it is a transfer absolutely, first, upon the board of directions approving the merger; second, confirmed by a vote of two-thirds of the stockholders of the bank; and, third, that action being approved by the Comptroller of the Currency. When that action takes place, then the assets of the party bank immediately go over to the bank that is to continue in business.

Mr. STEVENSON. They are, however, made by law liable. The assets of each bank are made by law liable to the liabilities of the bank, and they can not be transferred without covering that liability.

Mr. STAFFORD. Where is there any warrant to say that before judgment is entered against a bank that its assets are subject to a liability?

Mr. STEVENSON. I do not say that, but they are made specifically liable to all debts of the corporation. I agree with the gentleman that it may be better to insert a provision there—I am not talking for the committee now—specifically making the new corporation, when it takes over the assets, liable for all the liabilities of both. I think that would be an amendment which would be beneficial.

Mr. WINGO. I will state to the gentleman very frankly that since the gentleman made his objection I have been turning it over in my mind, and I am satisfied that the consolidated institution is liable for the debts of each bank, but I will state this much, that if there is any doubt in the minds of anyone I see no objection to a reasonable provision being put in here that would make it beyond any question. Of course, there is no desire on the part——

Mr. STAFFORD. Does not the gentleman believe as wholly in harmony with the idea of the bill that this bank that takes over the assets should be privileged to be substituted in court as the party to any action?

Mr. WINGO. There is not the slightest doubt in my mind that it can come in and ask to be made a party, and have a right to insist upon being made a party.

Mr. STAFFORD. I think there ought to be some specific amendment providing for that——

Mr. WINGO. But let me offer this suggestion to the gentleman: The rules of law with reference to the things are clear and well settled, and if we undertake to amend the rule of law now governing mergers, we do a dangerous thing.

Mr. STAFFORD. Here are the assets of a bank that have been transferred absolutely over to the other bank by action of the board of directors and two-thirds of the majority of the stockholders. You also provide for any dissenting stockholder who does not approve of that merger within 30 days to submit his claim for the value of his shares, and have that amount determined through the procedure suggested here in the bill.

The whole idea of this bill is to allow the bank being merged to transfer all its assets over to another bank. Now, take a suppositious case, where a suit is pending against the bank that seeks to wind up its affairs by merger. The suit is prolonged a long time—an important suit involving hundreds of thousands of dollars. A long time after all the stockholders of the old bank have obtained stock in the new bank, and those

who did not wish to accept stock in the new bank have sold their rights out, a judgment is entered. Where then can this judgment creditor seek relief? Only against the stockholders. Well, the stockholders who have obtained stock in the new bank could have no real grievance, but the stockholder who has sold out his right based upon the stock in the merged bank would have a grievance if he would be obliged to pay that judgment. I think there should be and ought to be some provision here whereby the bank that accepts all the assets should be also subject to the liabilities of the old bank.

Mr. WINGO. Let me make the suggestion to the gentleman right there. There is a clear difference in those two transactions—first, the purchase of one bank's assets by another for a specific consideration paid and the absorption of the assets of another upon consolidation. In the first instance now, where there was a purchase for value and the value paid, there is no question but the purchasing bank would take the assets free of the judgment lien afterwards created; but in the first case there is a sale for value which passes and is paid. In the consolidation case the only consideration is the implied liability for the debts of the consolidated concern, the concern that is taken into consolidation. What other consideration is there?

Mr. STAFFORD. Now, in this merger, as I understand it, the bank that is to continue in business purchases virtually all the property and rights of the old bank and pays for it in its own capital stock and gets full title to the assets. But suppose a suit is pending against the old bank? It runs along a number of years. There will be no assets of the old bank to pay the judgment. The only way to have it paid would be against the stockholders.

There are one or two minor matters to which I wish to call attention of the gentleman who has charge of the bill. I assume——

Mr. STEVENSON. I would like to say to the gentleman, if he will permit before going away from that, that I agree that the matter could be made plainer. Why not add this section as a new section, as follows:

SEC. 3. The association into which said associations are consolidated shall be liable for the contracts of the consolidating associations and can be sued thereon.

Mr. STAFFORD. I have an amendment which I have prepared which is virtually the same.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Speaker, I would like to have five minutes more.

Mr. HAYES. I yield to the gentleman five minutes more.

Mr. STAFFORD. I wish to make inquiry concerning some minor matters. I ask the attention of the gentleman having the bill in charge. I suppose that the two-thirds of the shareholders for ratification as provided in section 1 refers to two-thirds of the outstanding capital stock, not the capital stock as represented by the authorization?

Mr. WINGO. It simply means the outstanding stock. There could not be any shareholders except those holding outstanding stock.

Mr. STAFFORD. It says shareholders of two-thirds of the capital stock.

Mr. WINGO. That means outstanding.

Mr. STAFFORD. There are banks which have treasury stock, and on that there will be no question. It says shareholders of two-thirds of the capital stock. If there was a capital of $300,000 and there was but $200,000 issued, all the shareholding of the two-thirds of the capital stock would be $200,000, but, of course, the intent of the committee is two-thirds of the capital stock outstanding.

There is one other matter of minor consequence, as to the time in which you require the dissenting stock shareholder who does not wish to join this merger to take exception, limited to 20 days. It says:

That when such consolidation shall have been effected and approved by the comptroller any shareholder of either of the associations so consolidated may give notice to the directors of the association in which he is interested within 20 days.

And then there is another time limit of 30 days, where the stock is to be sold by public auction. I thought that perhaps that 20 days was a little too short a time for the dissenting shareholder to express his determination to accept stock in the new corporation or to have his stock purchased by the bank.

Mr. WINGO. Twenty days is three weeks, approximately. Do you not think that a man ought to make up his mind in seven weeks' time?

Mr. STAFFORD. There may be some of these shareholders distant from the situs of the bank, and who probably would not get notice of the action.

Mr. WINGO. He has got to have at least 10 days. Each stockholder gets a notice by registered mail 10 days prior to the meeting, under the bill. The gentleman, I think, has forgotten that provision.

Mr. STAFFORD. He has 10 days' notice, but he does not receive under this bill any notice as to what action the shareholders take upon the consolidation.

Mr. WINGO. Yes. He has a right to be at the meeting.

Mr. STAFFORD. He has a right to be at the meeting, but there is nothing here which provides for him to receive notice as to what action the shareholders take at this meeting.

Mr. WINGO. He is supposed to be there, and if he has not enough interest to be there in person or send a representative or make inquiry of somebody that was there, do you not think that he ought to be able to find out in 20 days what was done?

Mr. STAFFORD. I can imagine a case where the shareholder was living at a distance, and where he would not receive notice in two weeks after the merger had been voted.

One further question and then I am through, and that is whether the gentleman does not think if this stock of the dissenting stockholder is to be sold at public auction it should not be sold under regulations to be prescribed by the Comptroller of the Currency?

Mr. WINGO. Why, no; I do not. It is a public sale. A legal sale at public auction is pretty clearly understood. And I think it is better to provide for public sale. It has a clear, definite meaning.

Mr. STAFFORD. One other question. In the case of this dissenting stockholder the value as ascertained is to be deemed a debt due, and later to be forthwith paid to the shareholder of said bank. Which bank?

Mr. WINGO. The bank that is consolidated; the bank that gets the assets.

Mr. STAFFORD. That was the question, whether it was the merged bank or the consolidated bank.

Mr. WINGO. It is the bank that is consolidated. There would be but one bank then. He would get it from the bank that had the assets.

Mr. STAFFORD. I yield back the balance of my time.

Mr. HAYES. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed on a subject not exactly in line with the bill now being considered before the House.

The SPEAKER pro tempore. The gentleman from Connecticut asks leave to proceed, not confining his remarks to the subject matter now under consideration. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, as we all know, the great struggle that is now raging in northern France, and has been raging for now 14 days, has come to a temporary standstill. The line at the present time can be accurately located on the map. As no one knows how soon that line may be moved in either direction, and as we all feel an intense interest in the direction in which it may be moved, it occurred to me that it would be of interest and perhaps helpful to the membership of the House if I brought before you a map which very clearly indicates the present location of the western front in Picardy.

The map before you is on a scale of 3.95 miles to the inch, or approximately 4 miles to the inch. You can compute the distances approximated by multiplying each inch on the map by 4, which will give you the number of miles. A faint red line running down here [indicating] is the line that was held in July, 1916.

Mr. MADDEN. Held by whom?

Mr. TILSON. By both sides. It was the western front. Of course, if reduced to a mathematical line it should run through the middle of "no man's land." It represents the line as held before the great retreat of the Germans. This represents the line to which they retreated, the great Hindenberg line. It is represented in red across the map. This is Cambrai. This is Arras. This is Amiens. Here is the railroad running from the channel ports through Amiens down to Paris, and, unfortunately, it is not more than 5 miles from the present battle line.

This blue line represents the first week's advance of the Germans. That was last Thursday. The yellow line, showing a little gain here at Ayette, south of Arras, and a considerable gain here south of the Somme all the way to this point five or six miles west of Montdidier, indicates the gain of last Friday. You will note that at that time there was this deep salient thrust eastward on a line drawn roughly through Marcelcave, Caix, Warvillers, and Bouillancourt, which left two salients, one on either side, thrusting westward, creating two dangerous places to be attacked. It therefore appeared probable that if the Germans

did not attempt to flatten the central salient, the allies would attempt to flatten the other two. So the next day the Germans proceeded to make their drive toward Demuin, Mezieres, and La Neuville, and flattened this salient out to the yellow line.

Since last Friday all the material gains that have been made—and they were made for the most part on the following day, on Saturday—have been in the region north and west of Montdidier. The farthest western thrust, which we all hope is the high tide of German military success, may be indicated roughly by a line drawn through Demuin, Moreuil, Mailly, Grivesnes, Cantigny, and Mesnilx. Since that time there have been a number of local successes where the line has shifted somewhat, sometimes one way and sometimes the other, but not enough to vary the line substantially.

The blue on the map is water, this being the Somme River, which winds around here and meanders toward Amiens. This, which the Germans used for a left flank protection on their advance, is the river Oise and the valley of the Oise, which makes a very strong position for them.

Looking at it geographically, this, the Oise Valley, would seem to be the place to counterattack the German line, but by looking at a map of this kind, which gives not only the geography but the topography and the terrain, you can see that it would be an extremely difficult line to attack, and thus far it has not been attacked. The only stiff fighting that has been going on in the last day or two has been in this region around Montdidier.

I do not attempt to explain the battle itself, but simply the map and the location of the line. Have gentlemen any questions to ask?

Mr. COX. How far is that retreat—the longest distance across there?

Mr. TILSON. You can measure it with your hand, figuring 4 miles to the inch. That is something like 9 inches, or 35 miles at the farthest point.

Mr. COX. Does the gentleman know how many square miles of territory the Germans have captured there? Does he know how much it will aggregate?

Mr. TILSON. No. It is divided up into 2-inch squares; and, of course, each one of those is nearly 8 miles on the side. That would make approximately 64 square miles to each 2-inch square.

Mr. MADDEN. If it is 35 miles wide and 8 miles long, it would be 280 square miles.

Mr. ROBBINS. How far is the advanced point from Paris now?

Mr. TILSON. The distance from Paris, as I recall, is fifty-odd miles.

Mr. SNYDER. Fifty-seven miles.

Mr. TILSON. Yes; about that.

Mr. COX. Where are our allies' lines now with reference to where they were when they settled down to trench warfare after the famous retreat of 1914?

Mr. TILSON. This faint red line running down through the map there shows that line.

Mr. COX. So that they are west of the line?

Mr. TILSON. They are west of the line all the way from a point about 12 miles north of Albert down to a point about 3 miles west of Lassigny.

Mr. COX. They are 12 miles west of the line of 1914?

Mr. TILSON. Yes.

Mr. COX. The question I put was, Where are the armies fighting now with reference to where they finally settled down after the rush of 1914?

Mr. TILSON. After the Battle of the Marne was over they settled down to this line. Of course, they overran a lot of this country before the Marne.

Mr. COX. Then they are west of the line of 1914?

Mr. TILSON. Yes; but not west of the farthest point which the Germans reached. They are west of the line to which they retreated in 1914.

Mr. MILLER of Minnesota. If the gentleman will permit, in 1914 the farthest west the German patrols reached was in the vicinity of where they are now.

I wanted to ask the gentleman from Connecticut the distance from Montdidier to Paris. Assuming that Montdidier is the farthest west, it is about the nearest point to Paris, is it not?

Mr. TILSON. I think it is something over 50 miles.

Mr. MILLER of Minnesota. I think the gentleman will find it is very much less than 50 miles.

Mr. COX. What is the character of the ground there? Is it mountainous or flat?

Mr. TILSON. It is rather flat, according to this map. There are no elevations indicated in this region of over 100 meters.

Mr. MILLER of Minnesota. I passed over there a number of times. The advance that the Germans made was over a hilly country. The Hindenberg line is in a rough, hilly, semimountainous country in a region perfectly desolated; villages absolutely destroyed. And when you read an account of this and that and the other village being occupied by the Germans you know they have occupied a point where the village once was.

Mr. COX. So that where they are fighting now is level land, practically.

Mr. MILLER of Minnesota. Yes. East of Amiens it strikes a country that is as nearly level as any in France, a country that has been under excellent cultivation during the past year, one that has not been touched by the ravages of war, and which contains the finest roads in the world; and it must be admitted that the Germans have made a very distinct advance.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired. The Clerk will report the amendment.

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. CRAGO].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. CRAGO. Mr. Speaker, in the Sixty-second, Sixty-fourth, and in the Sixty-fifth Congresses I introduced a bill for the purpose of requiring receivers for insolvent national banks to file accounts in the district courts of the United States. I have never been able to find any reason why the Committee on Banking and Currency should not give consideration to a measure of this kind. I would offer it at this time as an amendment to one of the pending bills, but I am frank to say that I do not believe it is entirely germane.

But I want to make this statement in the way of bringing this matter, which I think has been overlooked by the honorable committee, to the attention of the House. If any Members here ever lived in a district where they have gone through the agony of taking care of an insolvent national bank, such Members will realize what those people have gone through. It may not be known, but the stockholders, the innocent stockholders of an insolvent national bank, are required to pay into the receiver of a national bank when it is declared insolvent and a receiver is appointed the par value of their stock. That man or that woman never knows from the time they make that payment what has become of their money. In other words, there is no public record accessible to the people who are directly interested in the affairs of that bank, and this bill would require a receiver appointed to take the assets of the bank and do with them just what the assignee of an assigned estate, or the trustee of a bankrupt estate, or the executor or administrator of a decedent's estate, would do. I think it is only fair that some such amendment should be made to the banking laws. In other words, the depositors of a national bank or the stockholders who have had nothing to say touching the affairs of the bank, are asked to walk up and pay over their money and pay the indebtedness of the bank. They do not know what the indebtedness is, they do not know what the expense of winding up the bank may be, they do not know what the attorney's fees will be, they do not know what the receiver's fees will be. It is a relic of the old archaic banking system of years ago whereby this money is paid in and the receiver accounts to no one except the Comptroller of the Currency, and that report of account is not accessible to anyone either for inspection or to file exceptions.

The bill I have introduced would require the receiver, six months after his appointment and annually thereafter during said receivership, to file an account in the district court of the United States for the district in which the bank is located, which account shall consist of a full and complete statement of all moneys received by said receiver on account of said receivership, and also a complete account or statement of all moneys paid out by said receiver, to whom and for what purpose paid, including the total cost of such receivership, attorney's fees, and other expenses. The account when so filed shall be marked "filed" by the clerk of said district court, and may be examined, as other accounts filed in said court, by any person or persons. Exceptions may be filed to said account or accounts by any person or persons or corporation interested in the affairs of said bank, either as stockholders, officers, or creditors, within 30 days from the date of the filing of said account, and such exceptions shall be heard and determined by the judge or judges of said court as exceptions are now heard and determined when filed to accounts now provided by law to be filed in said courts.

Now, what happens when the affairs of a national bank are to be wound up? The Comptroller of the Currency sends some young man, who knows nothing about the neighborhood, knows

nothing about the people, but comes there with authority back of him to arbitrarily wind up the affairs of the bank. He tells the people to pay the money into the bank—that it is insolvent. They do not know why, never have a chance even to know anything about what becomes of their money, know nothing about the expenses of the receivership; and it seems to me that the time has come when we should treat an insolvent national bank as any other estate and wind it up legally, upon a fair and honorable basis, consistent with the principle of treating everybody with fairness, and not seek to keep from the people directly interested full knowledge of transactions in which they have a direct and vital interest. [Applause.]

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to proceed for five minutes out of order.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent to proceed out of order and revise and extend his remarks. Is there objection?

There was no objection.

THE DUTY OF THE CITIZEN IN TIME OF WAR.

Mr. DILLON. Mr. Speaker, when the war resolution was being discussed on April 5, 1917, I said in the course of my remarks:

> But when it does pass it will become the duty of all citizens to uphold the hands of the Executive. Their loyalty, their Americanism, will not be questioned. We will all remain a unit in giving support to the war and will remain a united people, with common purposes and common aspirations.

When the selective-draft bill was being considered on April 27, 1917, I said:

> Congress in its wisdom has declared war. Every patriotic citizen should now respond to the Nation's call for service and bear the burdens laid upon him. This war will tax the coming generations. Sorrow, distress, misery, and death will follow; yet I believe the American people will patiently bear all of these burdens, even to crucifixion itself if need be, in defense of our liberties.

These were then my sentiments publicly expressed. So are they now. I have loyally supported the war program. Since the war began partisanship has had no place in my thoughts or purposes. I enlisted in my country's cause. This is my war and it is your war.

When the war began we made a covenant with the soldier boys who are fighting our battles that we would sustain and protect them. We must now fulfill this covenant. We have no right to send the boys into the trenches unless we are willing to back them with our money, our love, and our lives. While the cannons roar let no one pull back in the traces, nor by speech, act, or deed weaken the cause for which we are fighting.

On September 14, 1917, in the course of my remarks I called attention to the fact that the revenue bill then pending would not raise sufficient funds by taxation to carry out our war program and at the same time protect our national credit. The greatest problem now before the country is how to successfully finance the war.

From the best estimates I can obtain, the total expenditures of the Government, including loans to our allies, for the fiscal year ending June 30, 1918, will be $16,116,591,347, while the total authorizations for the year amount to about $21,000,000,000. In all probability a greater sum will be required to carry us through the fiscal year ending June 30, 1919.

It is difficult to comprehend the vastness of the required appropriations. If you had $20 for every minute, night and day, since the birth of Christ you would have less than the sum authorized for this fiscal year.

How much should we raise by taxation and how much by bonds? I have maintained that we should adopt something like the half-and-half plan which has frequently been suggested, namely, first deduct the sum loaned to the allies and raise the balance 50 per cent by bonds and 50 per cent by taxes.

The revenue laws now on the statute books will produce an amount estimated at $3,856,800,000 annually. To carry out the half-and-half plan the revenues received from taxation should have been approximately 40 per cent greater.

If the present rate of speed in making appropriations and in making loans to our allies is maintained for two or three years we will find our country badly crippled financially unless we materially increase our tax levies. If we fail to do so we must pay the penalty by constantly increasing the interest rate or ultimately sell our bonds at a discount.

Business is now good. Millions of war profits have been made during the last three years and will continue to accrue while the war lasts. The time to levy the war excess profits is now, while the war profits are being reaped. Now is the time to conserve our national resources. We are now subject to the dangers of inflation and the dangers of high cost of living.

Money wins the lawsuit; it rules the commerce, the business world; it wins battles upon land and sea. We must get it from those who have it. Insolvency brings failure, defeat, and ruin. We ought now to prepare for a long contest and make our victory sure. This we must do by economy; by guarding zealously our financial credit.

The continued bond issues will increase interest rates, while the bond dealers will hammer the bonds below par. During the Civil War bonds reached the low level of 41.49 cents on the dollar. We paid the debt in full. The interest charges and the depreciation penalized the Government as much as three times the amount received for the bonds. Our liberty bonds are now under par.

The Congress recognized the necessity of having an efficient Army and did not hesitate to say to the youth of the land, "We need you to fight the Nation's battles." The mother's tears, the happiness of the homes, love's companionships were all pushed aside because of the Nation's needs in an hour of peril.

We need money to carry on the war until an honorable peace can be secured. There is but one place to go for it, and that is to those who have it. The drafted boy may be a farmer, a laborer, a lawyer, a doctor, or business man with an earning capacity of $2,000 or more per year. Yet he must give up his income, his business, and his home. He must assume all the perils of the battle fields and all the horrors that await him in the trenches of Europe. If he should be so fortunate as to return, he will be without money, without practice, without business, and must commence all over again.

In this hour of peril money is just as necessary as men in our supreme effort to win the war. We find the taxpayers pursuing a lucrative business, many of them making immense profits out of the war, and living in fine homes in safe places. The same power that took the boy from the home now asks the taxpayer to give up only a portion of his excess profits. He should be asked to contribute a far greater amount, for, compared with the sacrifice of the conscripted man, his sacrifice is inconsiderable. Some must fight and some must pay, so men and money must be impressed for service together.

We are raising by taxation about 23 per cent of the expenditures for the fiscal year ending June 30, 1918. Last year England levied 80 per cent on excess war profits. The chancellor of the exchequer now proposes to increase the levy to 88 per cent for the coming year. We are now levying less than 32 per cent on excess war profits. This levy should be doubled at least, and no injury would be done by increasing it to 80 per cent. Likewise, the levy on excessive incomes should be materially increased.

Armour & Co., in 1913, a year of peace, had a net profit of $6,028,197. The 1917 profit is estimated at over $30,000,000, largely reaped out of the misfortunes and miseries of war. A levy of 80 per cent on the excess profits above the year of peace would still give this company nearly $5,000,000 in excess of its peace profits. In 1916, in addition to the earnings, this company issued stock dividends in the sum of $80,000,000.

It is estimated that American corporations are now making in excess profits above the peace profits a sum of not less than $3,600,000,000. The steel companies are making more than nine times the profits they made during peace years. If the capital of these corporations is left unimpaired and they are permitted to earn their peace profits and allowed to keep 20 per cent of the excess war profits, they would still be making millions of dollars for the stockholders which they could not make except through the misfortunes of war. What sacrifice would they make as compared with the boys in our armies?

The world war is rooting love out of the human heart and is breeding a prolific crop of millionaires. In 1916 we had 14,571 millionaires; in 1917 we had 22,696, and 1918 promises a still greater increase.

The citizen's duty is plain. He should economize, avoid all waste, spend less, and save more. He should give up the nonessentials and stand ready for sacrifice. The Government needs all the essentials to carry on the war program, and the citizen should not compete with his Government or increase its burdens.

The big question at this hour of the war program is shipbuilding, and next to it is production of food. Without ships to transport the food we fail. Without ships to transport our troops, guns, and war material we fail. The citizen who helps in food production or in building ships is rendering a great service to the Nation in its hour of peril. A blanket offer to help and waiting to be called will not suffice. The Nation's call is for initiative and assistance in the whole war program by acts and deeds.

Our soldiers can fight the real battles successfully only when we are united at home, only when every citizen becomes a part of the contest. The brave boys who are fighting for us should know that we are sacrificing at home. It will give them inspiration and courage. If they know we refuse to give them our utmost support, how can we expect them to courageously fight our battles?

The people must recognize that this is their war, and that it will cost more to lose than it will to win. To win means the preservation of our liberties. To lose means indemnity and destruction of our liberties. Every citizen who loves his country should support the liberty loan to the best of his ability, contribute liberally to the Red Cross, and help all Christian associations engaged in looking after the welfare of our soldiers. [Applause.]

While the war continues we must stand as a unit behind the Commander in Chief of the Army. Only constructive criticism should be indulged in, and then only for the betterment of the service. Inefficiency should be eliminated. We can not tolerate it.

In the march our flag represents our purposes. We know no other law or duty. The poor and the rich, the weak and the strong, hold it in reverence. It is a symbol of the story of our fight for equal rights and liberty. With patriotic zeal we see our waving banner and exclaim:

O folds of white and scarlet! O blue with your silver stars! May fond eyes welcome you, willing feet follow you, strong hands defend you, warm hearts cherish you, and dying lips give you their blessing! Ours by inheritance, ours by allegiance, ours by affection—long may you float on the free winds of heaven, the emblem of liberty, the hope of the world! (Anon.)

[Applause.]

Speed the day when the people of the world may lay down their weapons of war and follow the Prince, the Prince of Peace, that they may abide in that perfect love that knows no evil. [Applause.]

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, I am personally in favor of the bill and see no objection to it whatever. But I can not resist the temptation to take the floor for a few minutes to express my astonishment—my amazement, I may say—that nobody on the floor of the House, especially on the other side of the Chamber, has raised his voice against the money bund. Here is a bill that not only permits but encourages the great financial institutions of the city of New York—institutions some of which now have a capital and surplus of $50,000,000 or more—to consolidate into one institution with hundreds of millions of capital, and nobody has raised a word of protest; nobody has declared that such consolidations would create a great money trust, imperiling the liberties of the people.

What has happened to these people who only a few short years ago were raising their voices against the money trust? Have they acquired in some way a courage that prevents them from trembling every time they hear of a bank consolidation, and are they actually ready to support a bill making consolidation easy? This bill permits banks to consolidate without even liquidating their assets. It permits them to consolidate by transferring the property from one bank to the other. They do not even have to go into the local recorder's office or county clerk's office—perhaps they do for deeds, but not for transfer of personal property. It makes it easy for these great financial institutions to consolidate into one, and no one raises a protest. Personally I think the United States is big enough to take care of its affairs, and we do not need to tremble; but, remembering only a few years ago how much oratory used to be poured out in this House against this money bund, I could not resist the temptation to refer to it.

Mr. STEENERSON. Will the gentleman yield?

Mr. PLATT. Yes; I yield to the gentleman from Minnesota.

Mr. STEENERSON. Is it not possible under this bill to create an actual money trust?

Mr. PLATT. Certainly it is, and you might almost say that that was its purpose.

Mr. STEENERSON. They could consolidate all the banks of New York and Brooklyn, could they not?

Mr. PLATT. I can not see why they could not.

Mr. HASTINGS. The gentleman does not mean to say that it is the purpose of the bill to create a money trust?

Mr. PLATT. I say it makes easy the creation of what you might call a money trust.

Mr. STEENERSON. The purpose of this bill, as I understand, is to create an actual money trust.

Mr. PLATT. I would not say that. I would say that it makes easy the creation of a great financial consolidation or corporation.

Mr. STEENERSON. Suppose we call it a money octopus?

Mr. PLATT. We will not quarrel over definitions. You can call it a money trust, if you want to.

Mr. STEENERSON. It was known by that name a few years ago.

Mr. PLATT. That is exactly what it was known by a few years ago.

Mr. STEENERSON. And now it is sponsored by the majority party in Congress as a war measure.

Mr. PLATT. Worse than that; it is not even called a war measure, but is just a bill to make bank consolidation easy.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. WINGO. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON], a member of the committee.

Mr. STEVENSON. Mr. Speaker, the question was propounded awhile ago by the gentleman from Wisconsin [Mr. STAFFORD] as to the liability of the consolidated bank for the liabilities of the consolidating banks. I expressed the opinion then that I was satisfied the law was that whenever two corporations consolidated, whether they undertook to make any provision or whether the statute under which they consolidated made provision for the creditors of the constituent companies or not, the law imposed a liability on them. That, of course, was a "horseback" opinion, as they say in the courthouse. I have taken occasion since that time to go down to the Library and consult Thompson on Corporations, and I find that is laid down as unquestionably the law, and is followed by the Supreme Court of the United States. I read:

The consolidated corporation as a rule, even in the absence of statute or agreement, assumes all of the liabilities of the constituent companies, and they may be enacted by a direct action against it, as it is presumed to have notice of the rights of creditors. Ordinarily the creditor may sue the new corporation direct without proceeding in equity.

In some jurisdictions it has been held that he proceeds in equity.

The consolidated corporation in an action against it on a claim against one of the constituent companies may assert the rights and equities and defenses of the original corporations.

For instance, if the constituent company held a counterclaim or a set-off against a claim, the consolidated company has a right to set up that as a counterclaim, just as the original company would have.

The Supreme Court of the United States has gone to this extent. They have held that that applies where by a statute of a legislature, and notoriously for the purpose of defeating the creditors, two towns have been consolidated and no provision made anywhere for taking care of their liabilities and a new name given. They have held you can proceed against the constituent corporation without any provision of statute or otherwise; and why? Because the same liability exists. A corporation that has taken over the assets is presumed to have taken them over with knowledge of the fact that they were liable for the liabilities of constituent companies which it has absorbed, and it can not be heard to come in and repudiate the debts which were a charge against the assets of the corporation for the purpose of defeating those debts after it has received the assets of the corporation. That is based on this doctrine that has been laid down a number of times by the Supreme Court of the United States, and all other courts in which I have ever practiced, that the assets of a corporation or the capital stock are trust funds in the hands of the officers for the creditors first, and then for the stockholders, and the creditors always stand first. That has been the liability which has been enforced against all of these consolidated corporations, and, therefore, in order not to encumber this bill we do not care to offer amendments to take care of what the general law takes care of, because it is always raising questions of construction whenever you undertake by statute to vary or even reenact what is law generally and generally recognized and construed for 200 years in this country.

Mr. WINGO. Mr. Speaker, no one having any amendment to offer, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 6, after the word "association," insert the words "under the charter of either existing banks."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 14, after the word "consolidated," insert "who has not voted for such consolidation."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 15, at the end of section 2, insert the following: "And all the rights, franchises, and interests of the said national bank so consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national bank into which it is consolidated without any deed or other transfer, and the said consolidated national bank shall hold and enjoy the same and all rights of property, franchises, and interests in the same manner and to the same extent as was held and enjoyed by the national bank so consolidated therewith."

The amendment was agreed to.

Mr. WINGO. Mr. Speaker, I desire now to offer an amendment on page 1 in line 11.

The SPEAKER pro tempore. That would take unanimous consent, the previous question having been ordered.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to offer the following amendment:

Page 1, line 11, after the word "stock," insert the word "outstanding."

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to offer an amendment as indicated. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, after the word "stock," insert the word "outstanding."

The amendment was agreed to.

Mr. WINGO. Mr. Speaker, I think that the word "may," on page 3, line 14, in order to conform to existing law, should be "shall"; therefore I ask unanimous consent to offer that amendment.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to offer an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 14, after the word "liabilities," strike out the word "may" and insert in lieu thereof the word "shall."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 25, noes 10.

Mr. RANDALL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from California makes the point of order that there is no quorum present. It is very evident——

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman withhold that point for a while? Is the gentleman opposed to this bill?

Mr. RANDALL. I want a roll call on this bill.

Mr. STEENERSON. Mr. Speaker, regular order.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. WALSH. Will the gentleman withhold——

Mr. RANDALL. I withdraw the point.

The SPEAKER pro tempore. The Doorkeeper will lock the doors——

Mr. RANDALL. I withdraw the point.

Mr. COOPER of Wisconsin. The gentleman can not withdraw it after the Chair has stated that there is no quorum here.

The SPEAKER pro tempore. The Chair has announced an evident fact, that there is no quorum present——

Mr. RANDALL. I make the point, then.

The SPEAKER pro tempore. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 14, answered "present" 3, not voting 121, as follows:

YEAS—293.

Alexander	Beshlin	Burnett	Chandler, N. Y.
Almon	Black	Butler	Chandler, Okla.
Anderson	Bland	Byrnes, S. C.	Clark, Fla.
Ashbrook	Blanton	Byrns, Tenn.	Clark, Pa.
Aswell	Booher	Caldwell	Claypool
Ayres	Bowers	Campbell, Kans.	Cleary
Bacharach	Brand	Cannon	Coady
Barkley	Britten	Cantrill	Collier
Barnhart	Browne	Carlin	Connally, Tex.
Beakes	Browning	Carter, Okla.	Connelly, Kans.
Bell	Buchanan	Cary	Cooper, W. Va.
Cooper, Wis.	Gray, Ala.	McLaughlin, Pa.	Sinnott
Cox	Green, Iowa	Magee	Sisson
Crago	Greene, Mass.	Maher	Slayden
Crisp	Greene, Vt.	Mansfield	Sloan
Currie, Mich.	Gregg	Mapes	Small
Dale, N. Y.	Griest	Martin	Smith, Idaho
Dale, Vt.	Hadley	Mason	Smith, Mich.
Dallinger	Hamilton, Mich.	Mays	Smith, C. B.
Darrow	Hamlin	Miller, Minn.	Snell
Davis	Hardy	Miller, Wash.	Snook
Delaney	Harrison, Va.	Mondell	Snyder
Dempsey	Hastings	Montague	Steagall
Dent	Haugen	Moore, Pa.	Stedman
Denton	Hawley	Moores, Ind.	Stephens, Miss.
Dickinson	Hayden	Morgan	Stephens, Nebr.
Dies	Hayes	Neely	Stevenson
Dill	Heaton	Nelson	Stiness
Dillon	Helm	Nicholls, S. C.	Strong
Dixon	Hensley	Nichols, Mich.	Sumners
Dominick	Hersey	Nolan	Sweet
Donovan	Hicks	Oldfield	Swift
Doolittle	Hilliard	Oliver, Ala.	Switzer
Doremus	Holland	Olney	Tague
Doughton	Houston	Osborne	Talbott
Dowell	Howard	O'Shaunessy	Taylor, Ark.
Drane	Hull, Iowa	Overmyer	Temple
Dupré	Hull, Tenn.	Overstreet	Thompson
Dyer	Humphreys	Paige	Tillman
Eagle	Husted	Park	Tilson
Edmonds	Hutchinson	Parker, N. J.	Timberlake
Elliott	Igoe	Peters	Towner
Ellsworth	Jacoway	Phelan	Van Dyke
Elston	James	Platt	Venable
Emerson	Johnson, Ky.	Polk	Vestal
Evans	Johnson, Wash.	Pou	Vinson
Fairchild, G. W.	Jones, Tex.	Pratt	Voigt
Fairfield	Jones, Va.	Price	Waldow
Farr	Kearns	Purnell	Walker
Ferris	Keating	Quin	Walton
Fields	Kehoe	Ragsdale	Wason
Fisher	Kelly, Pa.	Ramseyer	Watkins
Flood	Kennedy, Iowa	Rankin	Watson, Pa.
Focht	Kettner	Rayburn	Watson, Va.
Fordney	Key, Ohio	Reed	Weaver
Foster	Kincheloe	Riordan	Welling
Francis	Kinkaid	Robbins	Welty
Frear	Kraus	Robinson	Whaley
French	Kreider	Rodenberg	Wheeler
Fuller, Mass.	La Follette	Romjue	White, Me.
Gallagher	Lazaro	Rowe	White, Ohio
Gard	Lea, Cal.	Rubey	Williams
Garland	Lesher	Russell	Wilson, Ill.
Garner	Linthicum	Sanders, Ind.	Wilson, La.
Garrett, Tenn.	Littlepage	Sanders, La.	Wilson, Tex.
Garrett, Tex.	Lobeck	Scott, Mich.	Wingo
Gillett	Lundeen	Sears	Winslow
Glass	Lunn	Sells	Woods, Iowa
Glynn	McArthur	Shackleford	Woodyard
Godwin, N. C.	McCormick	Sherley	Wright
Goodall	McFadden	Sherwood	Young, Tex.
Goodwin, Ark.	McKenzie	Shouse	
Gordon	McKeown	Siegel	
Gould	McLaughlin, Mich.	Sims	

NAYS—14.

Baer	King	Steenerson	Wise
Cramton	Knutson	Sterling, Ill.	Young, N. Dak.
Esch	Randall	Volstead	
Huddleston	Stafford	Walsh	

ANSWERED "PRESENT"—3.

Graham, Ill.	Juul	London

NOT VOTING—121.

Anthony	Flynn	Lenroot	Rose
Austin	Foss	Lever	Rouse
Bankhead	Freeman	Little	Rowland
Blackmon	Fuller, Ill.	Lonergan	Rucker
Borland	Gallivan	Longworth	Sabath
Brodbeck	Gandy	Lufkin	Sanders, N. Y.
Brumbaugh	Good	McAndrews	Sanford
Burroughs	Graham, Pa.	McClintic	Saunders, Va.
Campbell, Pa.	Gray, N. J.	McCulloch	Schall
Candler, Miss.	Griffin	McKinley	Scott, Iowa
Caraway	Hamill	McLemore	Scott, Pa.
Carew	Hamilton, N. Y.	Madden	Scully
Carter, Mass.	Harrison, Miss.	Mann	Shallenberger
Church	Haskell	Meeker	Slemp
Classon	Heflin	Merritt	Smith, T. F.
Cooper, Ohio	Heintz	Moon	Steele
Copley	Helvering	Morin	Sterling, Pa.
Costello	Hollingsworth	Mott	Sullivan
Crosser	Hood	Mudd	Taylor, Colo.
Curry, Cal.	Ireland	Norton	Templeton
Davidson	Johnson, S. Dak.	Oliver, N. Y.	Thomas
Decker	Kahn	Padgett	Tinkham
Denison	Kelley, Mich.	Parker, N. Y.	Treadway
Dewalt	Kennedy, R. I.	Porter	Vare
Dooling	Kiess, Pa.	Powers	Ward
Drukker	Kitchin	Rainey	Webb
Dunn	LaGuardia	Raker	Wood, Ind.
Eagan	Langley	Ramsey	Zihlman
Estopinal	Larsen	Reavis	
Fairchild, B. L.	Lee, Ga.	Roberts	
Fess	Lehlbach	Rogers	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. HAMILL with Mr. ZIHLMAN.

Mr. CAREW with Mr. SLEMP.

Mr. GRIFFIN with Mr. SANFORD.

Mr. DOOLING with Mr. ROGERS.
Mr. STERLING of Pennsylvania with Mr. WARD.
Mr. BLACKMON with Mr. HOLLINGSWORTH.
Mr. GANDY with Mr. KENNEDY of Rhode Island.
Mr. BORLAND with Mr. GOOD.
Mr. SCULLY with Mr. ROWLAND.
Mr. STEELE of Pennsylvania with Mr. MCKINLEY.
Mr. ROUSE with Mr. HASKELL.
Mr. BANKHEAD with Mr. SANDERS of New York.
Mr. BRODBECK with Mr. AUSTIN.
Mr. BRUMBAUGH with Mr. COOPER of Ohio.
Mr. CAMPBELL of Pennsylvania with Mr. COPLEY.
Mr. CANDLER of Mississippi with Mr. BURROUGHS.
Mr. CARAWAY with Mr. COSTELLO.
Mr. CHURCH with Mr. DAVIDSON.
Mr. CROSSER with Mr. TINKHAM.
Mr. DECKER with Mr. DUNN.
Mr. DEWALT with Mr. BENJAMIN L. FAIRCHILD.
Mr. EAGAN with Mr. FESS.
Mr. ESTOPINAL with Mr. FOSS.
Mr. MCANDREWS with Mr. FULLER of Illinois.
Mr. GALLIVAN with Mr. FREEMAN.
Mr. HARRISON of Mississippi with Mr. GRAY of New Jersey.
Mr. HEFLIN with Mr. GRAHAM of Pennsylvania.
Mr. HELVERING with Mr. HAMILTON of New York.
Mr. HOOD with Mr. HASKELL.
Mr. LARSEN with Mr. IRELAND.
Mr. LEE of Georgia with Mr. KAHN.
Mr. LEVER with Mr. KELLEY of Michigan.
Mr. LONERGAN with Mr. KIESS of Pennsylvania.
Mr. FLYNN with Mr. LANGLEY.
Mr. MCCLINTIC with Mr. LEHLBACH.
Mr. MCLEMORE with Mr. LITTLE.
Mr. MOON with Mr. LONGWORTH.
Mr. OLIVER with Mr. LUFKIN.
Mr. PADGETT with Mr. MCCULLOCH.
Mr. RAINEY with Mr. MADDEN.
Mr. RAKER with Mr. MEEKER.
Mr. RUCKER with Mr. MERRITT.
Mr. SABATH with Mr. MOTT.
Mr. SAUNDER of Virginia with Mr. MUDD.
Mr. SCHALL with Mr. NORTON.
Mr. SHALLENBERGER with Mr. PORTER.
Mr. SULLIVAN with Mr. POWERS.
Mr. TAYLOR of Colorado with Mr. RAMSEY.
Mr. THOMAS with Mr. REAVIS.
Mr. WEBB with Mr. ROBERTS.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present; the Doorkeeper will unlock the doors.

On motion of Mr. WINGO, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LANGLEY, for 10 days, on account of serious illness in his family.

AMENDMENTS TO 5136, 5137, 5139, 5147, 5172, 5222, AND 5230, REVISED STATUTES.

Mr. PHELAN. Mr. Speaker, I desire to call up the bill H. R. 11020.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11020) to amend and reenact sections 5136, 5137, 5139, 5147, 5172, 5200, 5222, 5230, and 5239 of the Revised Statutes of the United States.

Be it enacted, etc., That sections 5136 and 5139 of the Revised Statutes of the United States be amended and reenacted so as to read:

"SEC. 5136. Upon duly making and filing articles of association and an organization certificate, the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession for the period of 20 years from its organization, unless it is sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law and equity as fully as natural persons.

"Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice president, cashier, and other officers, define their duties, require bonds of them, and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places.

"Sixth. To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its directors shall be elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this title.

"But no association shall transact any business, except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking.

"SEC. 5139. The capital stock of each association shall be divided into shares of $100 each and be deemed personal property. There shall be kept by each association a book to be known as a stock ledger, in which shall be entered the name of the person or persons, firm, company, or corporation to whom each share of stock is issued, the date of issue, the number or numbers of the certificates issued, and the number of shares represented by each certificate.

"Any stock transferred as hereinafter provided shall be entered upon the stock ledger by entering after the original entry of the issuance thereof the date upon which the same is canceled and the number or numbers of the new certificate or certificates issued therefor. The entry of such original issue or such transfer upon the stock ledger shall be prima facie evidence of the ownership of the stock. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

"Transfer of stock in any association shall be made only upon the surrender of the duly issued certificate therefor properly and duly indorsed and by the issuance of a new certificate or certificates, records of which transfer shall be kept in the stock ledger in the same manner as the record of the original issue of stock with the addition that a record shall be made therein of the number of the certificate surrendered and canceled." In the event of loss or destruction of a certificate and upon satisfactory proof of such loss or destruction being made to the board of directors, the board may cause to be issued to the lawful owner a new certificate.

SEC. 2. That section 5137 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5137. A national banking association may purchase, hold, and convey real estate for the following purposes, and for no others:

"First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

"Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

"Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

"Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

"But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years; nor shall any such association hereafter invest in a site and bank building or bank and office building for its accommodation in the transaction of its business an amount in excess of its paid-in and unimpaired capital stock."

SEC. 3. That section 5147 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5147. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this title, and that he is the owner in good faith and in his own right of the number of shares of stock required by this title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and shall be filed and preserved in his office. If any director shall fail to qualify and forward his oath to the Comptroller of the Currency within 60 days after his election, unless on account of illness, absence, or other good cause approved by the Comptroller of the Currency, a vacancy shall be immediately declared and the party so elected and failing to qualify shall be ineligible for reelection as director for that year."

SEC. 4. That section 5172 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes in blank or bearing engraved signatures of officers as herein provided of the denominations of $1, $2, $5, $10, $20, $50, $100, $500, and $1,000, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they they are secured by United States bonds, deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the written or engraved signatures of the president or vice president and cashier; and shall bear such devices and such other statements, and shall be in such form as the Secretary of the Treasury shall, by regulation, direct."

SEC. 5. That sections 5222 and 5230 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5222. Within 90 days from the date of the vote to go into liquidation the association shall deposit with the Treasurer of the United States lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for the money thus deposited and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him and the purpose for which it has been received, and the money shall be paid into the Treasury of the United States and placed to the credit of such association upon redemption account."

"SEC. 5230. Whenever the comptroller has become satisfied, by the protest of the waiver and admission specified in section 5226, or by the report provided for in section 5227, or by a declaration of insolvency, that any association has refused or is unable to pay its circulating

notes, or when any association in voluntary liquidation has failed to deposit lawful money with the Treasurer of the United States sufficient to redeem its outstanding circulation, as provided by section 5222 of the Revised Statutes of the United States, he may, instead of canceling its bonds, cause so much of them as may be necessary to redeem its outstanding notes to be sold at public auction in the city of New York after giving 30 days' notice of such sale to the association. For any deficiency in the proceeds of all the bonds of an association, when thus sold to reimburse to the United States the amount expended in paying the circulating notes of the association, the United States shall have a paramount lien upon all its assets; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same."

Mr. PHELAN. Mr. Speaker, the bill H. R. 11020 amends seven sections of the national banking act. While the bill is a long one, most of the phraseology of it is already in existing law. The first section refers to 5136 of the Revised Statutes. It amends 5136 by striking out a few lines, and it subsequently amends 5139 by putting in some provisions to take care of what was stricken out in 5136. Under the present law the stock ledger is kept according to by-laws of national banking associations. There is no statutory provision as to just how a record of the stock and the transfers of the stock shall be kept. Provision is made in 5139 by statute relative to the keeping of a record of stock and transfers. The provision will be found on the bottom of page 3, from line 16, beginning with the word "there," down to and including the word "stock," on line 3 of page 4, and from line 10 to line 20, inclusive, on page 4. Provision is made whereby national banking associations shall be obliged to keep the record of the ownership of the various certificates of stock and a record of every transfer made. At the present time there is in many banks a confusion. The records, which have to be kept only according to by-laws, are not kept up to date, and at times it is extremely difficult for anybody, including the Treasury Department or the Comptroller of the Currency, to find out who owns the stock. Occasions have arisen when it has seriously impaired the rights of creditors through their inability to find out what they have a right to know about the ownership of stock in the various national banks of the United States.

The provisions in these two sections, or the amendments, are intended to do away with this difficulty and require the keeping of the stock ledger in proper shape.

Section 2 of the bill amends the present law by adding the words, on page 5, beginning with the word "nor," on line 13, and down to and including line 17:

Nor shall any such association hereafter invest in a site and bank building or bank and office building for its accommodation in the transaction of its business, an amount in excess of its paid-in and unimpaired capital stock.

The purpose of that amendment is to prohibit national banking associations from investing more money in a site and building, or bank building and office building, than is equal to its paid-in and unimpaired capital stock. Banks have gotten themselves into difficulties in the past because they have invested too much in real estate and buildings in which to do business. As I have before stated on the floor of the House, a bank's assets ought to be kept, so far as possible, in liquid shape. Even though the bank has its assets in the very best of investments, so far as safety is concerned, that is not enough. Because of the danger there is attendant upon putting too much money into real estate, the committee, upon the recommendation of the Treasury Department, has offered this amendment to the present law.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. CAMPBELL of Kansas. Would that prevent a bank from putting up an office building in connection with its bank, say, make a banking room below, with offices above extending five or six stories high?

Mr. PHELAN. Not unless it spends too much money for it. It limits the amount which a bank can invest in that kind of property to an amount equal to the paid-in and unimpaired capital stock of the bank.

Mr. CAMPBELL of Kansas. So that if the capital stock of the bank is $200,000, they could not put up a building——

Mr. PHELAN. They could not spend over $200,000.

Mr. CAMPBELL of Kansas. On that kind of a building?

Mr. PHELAN. Yes; that is it.

Section 3 amends the present law by the line on page 6, beginning with the word "if" on line 9, and down through line 15. The provision is simply this: At the present time a man will be elected a director of a bank and will fail to qualify for some reason or another, perhaps his carelessness, perhaps because he is away and does not pay any attention to the requests that he qualify. As a result confusion has arisen and banks have gone along without their full directorate. There is nothing harsh in this provision. It simply provides that if a man who is elected a bank director does not qualify within 60 days, unless on account of illness and absence, or other good cause, he shall be disqualified for the rest of that year. An opportunity is given to elect somebody in his place. This amendment has the recommendation of the American Bankers' Association, as well as that of the Comptroller of the Currency.

The next section, section 4, has only a slight addition to the present law. That addition will be found on the bottom of page 6, line 25, beginning with the word "or" through the word "provided," on line 1 of page 7, and the words "or engraved," on line 10 of page 7.

It provides that the Bureau of Engraving and Printing may engrave the signature of the proper officers of a national banking association upon bank notes put out by that association. In other words, it enables these bank notes to have the engraved signature instead of the actual signature of the proper officers of the bank. At the present time under the law the proper officer of a national bank has to go through the physical exercise of signing every national bank note put out by the Bureau of Engraving and Printing. This obviates that difficulty, and saves time. Sometimes a rubber stamp is used. At first it might seem dangerous, but there is no danger in the proposition. If anybody desires an explanation I will explain why it is no serious violation of the present practice.

The next section is section 5. That makes an insertion in section 5222 of the Revised Statutes. It changes the words in line 18, page 7. Under the present law, instead of "ninety days," the words "six months" are to be found. We strike out the "six months" and insert in place thereof "ninety days." It provides this slight change so that when a bank goes into liquidation under the present law it is obliged within six months to deposit sufficient lawful money to redeem its outstanding circulating notes, and under the proposed amendment it is obliged to do that within 90 days, or three months.

There is an amendment on page 8 to section 5230, beginning with the word "or," in line 9 of page 8, and running on down to and including the words "United States," in line 14. Those words are inserted simply to take care of the provisions in the preceding section, No. 5222.

I have explained these various provisions briefly, because I think that is all that is necessary; but if I have not made myself clear, I shall be glad to answer all questions that may be asked.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. DEMPSEY. On page 5 there is a provision to amend, that the bank can invest in a site and bank building. Suppose a bank had a capital stock of $200,000 and had an opportunity to purchase a building worth $600,000 on which it had a mortgage of $400,000. Would it have the right to do it under this provision?

Mr. PHELAN. That is a matter of construction of that statute which ultimately, if the question were raised, would have to be decided by the courts. But I think the intention is not to permit that transaction.

Mr. DEMPSEY. The bank does not actually invest more than $200,000, the amount of its capital stock, but it could invest it so that there would be no additional liability.

Mr. PHELAN. No; it would be very difficult for it to assume that obligation or obtain that building without assuming the entire obligation, either directly or indirectly, and I think it is the intention of this provision to prohibit them from incurring that obligation. As I said, that is a matter of construction. I am trying to give the gentleman the intention, as I think it was held by the committee, when it reported this bill.

Mr. DEMPSEY. Suppose they took the conveyance, subject to the obligation, and assumed no liability at all. Would the bank, in the gentleman's opinion, be permitted to buy?

Mr. PHELAN. I am trying to conceive how those conditions might arise.

Mr. DEMPSEY. That very frequently arises.

Mr. PHELAN. I think perhaps it does.

Mr. DEMPSEY. Conveyance may be made either with a guaranty, assuming the obligation, or simply taking the conveyance subject to the obligation. In the latter case he incurs no liability. Now, here is a bank that wants to buy a building. They are not going to invest more than $200,000.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. PHELAN. I think that comes outside of the intention of the committee. I would not like to say positively that that is forbidden without giving it further consideration.

Mr. DIXON. The property of the bank would be subject to that lien?

Mr. DEMPSEY. No; the property of the bank would not be subject to that lien. In order to save the investment they had already made, they would have to take care of the lien.

Mr. DIXON. Certainly.

Mr. DEMPSEY. They could therefore either sacrifice or make good.

Mr. DIXON. Their original investment would be lost unless they bid in the security.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes; I yield to the gentleman.

Mr. SUMNERS. I think myself it would be outside the spirit, but I suggest, for the consideration of the committee, that it would probably be well to add some words to the effect that the total value of the property should not exceed the capital stock and surplus.

Now, just a few words to make that absolutely clear. While I have the attention of the gentleman I would like to ask him a question. In line 7, page 3, the words "personal security" appear.

Mr. PHELAN. That is the existing law.

Mr. SUMNERS. I was under the impression that in the financial legislation enacted in the last Congress banks that are permitted to loan money on real estate security, that right being granted in the regional reserve bank act, if I am not mistaken——

Mr. PHELAN. I do not get the gentleman's reference. What page and line is it?

Mr. SUMNERS. Line 7, page 3.

Mr. STEVENSON. What is the language?

Mr. PHELAN. What is the language to which the gentleman refers?

Mr. SUMNERS. The words "on personal security" in line 7, page 3. Does the chairman of the committee locate the particular words?

Mr. PHELAN. Yes; I have the place now.

Mr. SUMNERS. I am not as familiar with the legislation dealing with the subject as I ought to be in order to ask this question.

Mr. PHELAN. I think there is no inconsistency there, because the statute is brought down to date, and I think it would be noted in this book if there were any inconsistency.

Mr. STEVENSON. That exception as to real estate is in the next section. This section, exactly as it is, stands as a part of 5136, and then there is a provision of law separate from that, section 24 of the Federal reserve banking act, which gives them special authority to loan on real estate under certain circumstances, and this does not limit that at all.

Mr. SUMNERS. That is why I directed attention to it.

Mr. PHELAN. I did not have the right page at first. This simply gives certain power. There is an additional power given in the next section, just as my colleague [Mr. STEVENSON] has pointed out.

Mr. SUMNERS. The reason why I took the time of the committee and interrupted the chairman is that when you attempt to enumerate the things that may be done, it is always a little dangerous unless you include everything that you want to include.

Mr. PHELAN. Yes. I understand the gentleman's purpose.

Mr. PLATT. Mr. Speaker, I think the gentleman from Massachusetts [Mr. PHELAN] has perhaps sufficiently explained most of this bill, and unless some one wants to ask further questions or wants further time, I do not care to say much, except that this bill is an excellent illustration of how much time the House might save if our bills were printed with the new matter in italics. On the second page of this bill there are only five words inserted as new matter, and yet there is a whole page which we must read. If it were possible at a glance to see the words that are new, by having them in italics, or with the old matter struck through and the new matter in italics, it would make it very much easier to consider all these bills and would save our time.

It seems to me there can hardly be very much objection to anything in this bill. I think a few things ought to have a little more discussion though, especially the section which limits the amount of money that a bank can spend on its building. I should think there might be some question in regard to that, and also the provision in section 5 changing 6 months to 90 days. I do not think the gentleman fully explained that, although I have heard no serious objection to it.

Of course, everybody knows that national banks in some places are more or less given to erecting rather palatial buildings, very often of only one story, which can not be used for any other purpose. They are put down in the assets of the bank at a pretty high figure, and yet if they had to be sold, if there should be a consolidation of banks in the city and that left one of these buildings on the market, there would be hardly anything you could do with it, and it would not bring much at a sale. It would have to be entirely remodeled for ordinary business or office purposes. Therefore I think this limitation of the amount that a bank may spend upon its building is rather a wise provision.

Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Speaker, I do not care to take the time of the House to discuss this bill in detail, but since it was discussed in our committee a question has come up in regard to section 5147, which is that section pertaining to the election and duties of directors. I would like to call the attention of the gentleman from Massachusetts [Mr. PHELAN], who has charge of this bill, to the latter part of that section, in which it says that if any director shall fail to qualify and forward his oath to the Comptroller of the Currency within 60 days after his election, unless on account of illness, absence, or other good cause, approved by the Comptroller of the Currency, a vacancy shall be immediately declared, and the party so elected and failing to qualify shall be ineligible to reelection as a director for that year.

Since this matter was discussed by the committee an important case has been pointed out to me, and if this amendment is permitted I hope some exception may be made in this case. I refer to the case of Brig. Gen. W. W. Atterbury, general manager of the Pennsylvania Railroad, who is now serving his country so admirably in France as director of our railroads there. Mr. Atterbury is a director of the Franklin National in Philadelphia, and was elected at their last annual meeting, but because of the fact that he is now serving his country patriotically in France he has not qualified, and evidently can not qualify as a director of that institution because of his service in France.

Mr. SHOUSE. Will the gentleman yield?

Mr. MCFADDEN. I yield to the gentleman from Kansas.

Mr. SHOUSE. Why can not he be qualified?

Mr. MCFADDEN. I can not answer the gentleman. Unless the fact that there are no facilities in that part of France where his duties call him to permit him to qualify.

Mr. SHOUSE. Does not the gentleman believe that 60 days is ample for a man in France to qualify?

Mr. MCFADDEN. In this case the gentleman has not qualified owing to his duties in France. The reason why he has not done so I am unable to say further than I have already stated.

Mr. SHOUSE. Will the gentleman yield to a further question?

Mr. MCFADDEN. Yes.

Mr. SHOUSE. I think the chairman of the Banking and Currency Committee, himself a director in a national bank, said that he had not qualified as a director in his bank merely because there was no reason why he should, and there was no penalty attached to it. This seeks to cure that situation.

Mr. MCFADDEN. But here is a different case—a man serving his country, which is at war, in a foreign country.

Mr. SHOUSE. Does not the gentleman think he has merely failed because there was no reason why he should give the matter his attention?

Mr. MCFADDEN. I do not think that is the case. The bank is loath to lose him as a director and does not want to be deprived of his services or his name from their directorate.

Mr. PHELAN. Will the gentleman yield a moment?

Mr. MCFADDEN. Yes.

Mr. PHELAN. I would like to state to the gentleman that we adopted the language recommended by the legislative committee of the American Bankers' Association to insert the words "on account of illness, absence, or other good cause approved by the comptroller." I think that was to meet the situation that the gentleman has stated. I think, if he will reflect, he will see that under the provision as we have it in the bill in the very case he presents it will come within the provisions, and he will not be prohibited from qualifying at a later date as a director in a bank.

Mr. MCFADDEN. I am glad the gentleman has made that statement, and I hope it will prevail in this case. Mr. Atterbury is one of the leading railroad men in the United States, general manager of one of our greatest systems; and when this country became involved in this war, and the need for a big man to take charge of our railroads in France was made apparent, Mr. Atterbury responded, and immediately his services were offered, and great results have been, and now are, being accomplished by this man—Brig. Gen. William W. Atterbury, all honor to him—and now, just because he is in France serving his country, I do not think Congress should enact a bill to drive him off the boards of financial institutions in this country in which he has large financial interests.

Mr. STAFFORD. Will the gentleman from New York [Mr. PLATT] take the floor, so that I may ask him a question?

Mr. PLATT. I will, and I yield to the gentleman.

Mr. STAFFORD. I believe it is not a change in existing law, but in reading the bill with reference to section 5136, I was impressed with the idea that the board of directors formulate the by-laws of the various banking associations without any approval by the shareholders. I believe that is existing law.

Mr. PLATT. I think that is right.

Mr. STAFFORD. Can the gentleman inform us why the board of directors should have the formulation of the by-laws of a corporation without the sanction by the shareholders of the association? I realize that the gentleman is not a lawyer, but he is a good business man, and perhaps he can answer the question.

Mr. PLATT. Of course, the shareholders have the election of directors.

Mr. STAFFORD. But usually in the organization of a corporation the by-laws are adopted by the shareholders and not by the board of directors. Here we have an exception in the case of a banking association, where the board of directors determines the by-laws without even the approval of the shareholders. It seems to me to be an exceptional case, and I rose to inquire the reason for it.

I direct the gentleman's attention to the subdivision on page 2, the sixth subdivision:

> To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its directors shall be elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

That, I assume, restricts the powers of the board of directors as to by-laws of that character. Perhaps as to by-laws of a general character they are to be formulated and adopted as usual by the shareholders of a corporation.

Mr. PLATT. I think there has never been any complaint in the way of by-laws so adopted. There are certain legal restrictions, as the gentleman will see if he looks over the act.

Mr. STEVENSON. The present law is that they shall be made by the directors, and there is merely a slight amendment here.

Mr. STAFFORD. I said it was the present law; but why should there be an exception in the case of banking associations from the general rule applying to corporations in general?

Mr. STEVENSON. I was not here in 1864, when that was enacted, but I presume there was some good reason for it.

Mr. STAFFORD. But the gentleman is here in 1918, and a very prominent and industrious member of the Banking and Currency Committee, and I thought the gentleman might give us some reason.

Mr. PLATT. The gentleman will notice that we are taking powers from the board of directors in the bill with reference to the transfer of stock.

Mr. STAFFORD. A very commendable amendment, which, I suppose, is predicated upon the idea of publicity requiring a registry of stock showing the amount of stock held by various shareholders. In many of our States that same condition is required as to private corporations.

Mr. PLATT. I think that was one of the items. There was a certain amount of variation in by-laws in this matter, and occasionally banks did not know who their shareholders were and it occasioned some inconvenience.

Mr. STAFFORD. I suppose there are some instances where some messenger boys were the titular shareholders, but where the real shareholders were their employers.

Mr. PLATT. I have never known of that.

Mr. STAFFORD. The gentleman knows of messenger boys being incorporators?

Mr. PLATT. I have heard of it; yes.

Mr. MOORES of Indiana. Mr. Speaker, I would like to have a few minutes to ask a few questions.

Mr. PLATT. I yield the gentleman five minutes.

Mr. MOORES of Indiana. I notice that the amendment of section 5172 has been so drawn that it seems to me there are unintentional omissions in it as it now stands. I would like to ask the committee if this section 5172 has been amended since 1908?

Mr. PHELAN. Since 1908?

Mr. MOORES of Indiana. Yes.

Mr. PHELAN. My recollection is it was amended within a year to provide for a larger issue of small bills, one and two dollar bills.

Mr. MOORES of Indiana. I call the committee's attention to the fact that this amendment provides for one and two dollar bills.

Mr. PHELAN. Yes. If the gentleman will recollect, Mr. GLASS brought in a bill at the request of the Treasury Department so as to get out a greater number of bills, and my impression is that the House was unanimous because everybody wanted more money.

Mr. MOORES of Indiana. Then was it so amended also as to provide to strike out the other securities?

Mr. PHELAN. Will the gentleman tell me just what he means?

Mr. MOORES of Indiana. The act of 1908 provided—that amendment—that such notes shall "state," and you use the word "express," upon their face that they are secured by United States bonds or other security certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury.

Mr. PHELAN. I have not the statute before me, but I think I know what the gentleman is talking about. I think he is talking about the Aldrich-Vreeland Act.

Mr. MOORES of Indiana. Yes.

Mr. PHELAN. And under that act bank notes could be put out on security other than the United States bonds in certain emergencies.

Mr. MOORES of Indiana. That is true.

Mr. PHELAN. The Aldrich-Vreeland Act would have died by operation of its own provisions if we had not extended it under the Federal Reserve Act. My recollection is the term for which we extended it was a year. That year has lapsed, and the Aldrich-Vreeland Act is no longer in force in the United States.

Mr. MOORES of Indiana. Then the omission of the other securities was intentional. I have no criticism to make of it.

Mr. PHELAN. It is not contained in this act. The present law does not have those words in it.

Mr. MOORES of Indiana. I now direct the committee's attention to the evidently mistaken omission of the word "certified" in line 6, after the word "States," on page 7, which ought to be in there.

Mr. SHOUSE. Mr. Speaker, if my colleague will permit, I have just compared this with the present law, in company with the gentleman from Texas [Mr. EAGLE], and there is no change from the present law in line 6, page 7.

Mr. MOORES of Indiana. Except the omission of that word "certified."

Mr. SHOUSE. There is not any change. I am reading from the national bank act.

Mr. PHELAN. If there is any such error, it is an error in the compilation put out by the Treasury Department, and I am now looking at it to see. This language is the exact language as compiled by the Treasury Department in the national bank act, as compiled down to date by the Treasury Department.

If there is any mistake, it is a mistake in the compilation of the book put out through this document room and not a mistake on the part of the committee that reported. If there is any question, why, it will be corrected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PHELAN. If nobody wants to offer an amendment, I wish to move the previous question. Mr. Speaker, I desire to move the previous question, and pending that to ask unanimous consent that if amendments be offered, those amendments be offered without debate.

The SPEAKER pro tempore. There are some committee amendments——

Mr. PHELAN. I will have to find out first if anybody wants to offer an amendment. We have one or two typographical errors to correct.

The SPEAKER pro tempore. The Chair has no desire to direct things, but the Chair thinks that if amendments are offered they can be disposed of and the House can get along in accordance with the rules and expedite matters.

Mr. SHOUSE. Mr. Speaker, I desire to offer four small committee amendments to correct grammatical errors.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Page 3, line 23, after the word "entering" insert a comma.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 24, after the word "thereof" insert a comma.

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 17, after the word "canceled," strike out the quotation mark and insert quotation marks following the word "certificate," in page 4, line 20.

The amendment was agreed to.

The Clerk read as follows:

Page 8, line 19, after the word "sold" insert a comma.

The amendment was agreed to.

Mr. PHELAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PHELAN. If the gentleman from Alabama [Mr. ALMON] offers an amendment, will he have the floor for an hour?

The SPEAKER pro tempore. Yes.

Mr. PHELAN. Is there any way by which I can ask unanimous consent that the gentleman may have five minutes instead of an hour?

The SPEAKER pro tempore. The House can do anything by unanimous consent.

Mr. PHELAN. I ask unanimous consent that the gentleman be given five minutes in which to offer his amendment and speak to it, and no more.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the gentleman from Alabama may be permitted to offer an amendment, and to be limited to five minutes of debate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 15, after the word "building," strike out the following "for its accommodation in the transaction of its business."

Mr. ALMON. Mr. Speaker, the following provision is added to existing law:

Nor shall any association hereafter invest in a site and bank building or bank and office building for its accommodation in the transaction of its business, an amount in excess of its paid-in and unimpaired capital stock.

This may be a proper limitation, but I do not think that a national bank should be prohibited from building an office building and allow a part of it to be used and rented for other purposes. It occurs to me that it is doubtful under the provisions of the bill as it is written whether a national bank would be authorized to build an office building and permit any part of it to be used for any other purposes except for its accommodation and the transaction of its business unless my amendment is adopted.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. ALMON. Yes.

Mr. STEVENSON. Has a national bank under the law any right to hold any real estate for more than five years, except such real estate as is held for its accommodation and conduct of its business, and is not that necessary in order to give them the right to hold real estate?

Mr. ALMON. That may be true, but I believe a national bank should be authorized, if it desired to do so, to invest in what is usually known as an office building and rent such parts as are not needed for banking purposes.

Mr. PHELAN. Will the gentleman yield?

Mr. ALMON. I will.

Mr. PHELAN. I do not believe there is any necessity for this amendment, but the committee has no objection, if the gentleman does not like those words.

Mr. ALMON. I think it will remove any doubt about the purposes for which the building can be used.

Mr. WINGO. Let us see what the amendment is.

Mr. ALMON. My amendment strikes out, in lines 15 and 16, the following words: "For its accommodation in the transaction of its business."

Mr. WINGO. Will the gentleman accept this provision? As I understood the gentleman from Massachusetts [Mr. PHELAN], the proposition is to cut out the language next in line.

Mr. PHELAN. I will have to withdraw my statement, because some members of the committee state that they are unwilling to have those words stricken out. Inasmuch as they are not, I shall have to withdraw my statement.

Mr. ALMON. I would not want them to be required to use every part in the building for banking purposes.

Mr. HICKS. Will the gentleman yield for a moment?

Mr. ALMON. Yes.

Mr. HICKS. I had some idea about this matter before the gentleman spoke. It seems to me the way to eliminate the condition brought forward by the gentleman from Alabama [Mr. ALMON] would be to put in this phrase, in line 15, after the word "building," "a part of which shall be used," and then strike out "for its accommodation in the transaction of its business."

Mr. ALMON. That is all right.

Mr. HICKS. That, I think, would cover the very objection the gentleman from Alabama has raised. It seems to me, if the gentleman will permit me speaking in his time, that there is a certain amount of confusion in this bill as it is worded, and I think the committee have an idea that the bank should be permitted to erect a building for office purposes as well as for its own purposes.

Mr. PHELAN. I think we are looking at the wrong place in the bill. At the top of page 5 the present law permits money to be spent for a building necessary in the transaction of its business. The section we are talking about is a limitation. It says:

Nor shall any such association hereafter invest in a site in bank building or bank and office building for its accommodation in the transaction of its business an amount in excess of.

The intention of the committee is that a bank can erect a bank building for bank purposes or bank building for bank purposes and for business purposes, letting offices to anybody who wants to hire them.

Mr. HICKS. Is it not rather ambiguous as it is worded here?

Mr. PHELAN. It is all controlled on the top of the page.

Mr. ALMON. I ask the gentleman if it would not be perfectly clear, and the intention of the committee be carried out fully, if it read in this way:

Nor shall any such association hereafter invest in any site and bank building, etc., an amount in excess of its paid-up capital stock.

That is the way it would read with my amendment adopted. There could not be any objection to it. It would make it perfectly clear.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PHELAN. I have some time left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 20 minutes remaining.

Mr. PHELAN. I yield two minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, at first I did not recall the fact that in the first subdivision, at the top of page, there occurs the same language, so I saw no objection to the amendment of the gentleman from Alabama. To say the least, it is superfluous language which he wishes to strike out. But in that connection, Mr. Speaker, I wish to say this, that my main purpose in taking the floor was to say that I do not agree with this limitation at all. I think it is vicious and unwise, and I think if directors can not be trusted to determine how much money to put in their bank building they ought to get new directors. I think the whole proposition is unwise and unnecessary. For that reason I opposed it in the committee.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Alabama [Mr. ALMON].

Mr. COOPER of Wisconsin. Mr. Speaker, I ask that the amendment be read.

The amendment was again reported.

The SPEAKER pro tempore. The question is on the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. PHELAN. Mr. Speaker, we had unanimous consent that debate would close in five minutes, and I think the gentleman from New York and I still have control of the time.

The SPEAKER pro tempore. The Chair understood that unanimous consent was that the gentleman from Alabama [Mr. ALMON] be permitted to offer an amendment and that he be limited to five minutes of debate. The Chair thinks there was no one else addressing the Chair, and the Chair recognized the gentleman from Wisconsin. Under the rules of the House the gentleman from Wisconsin has an hour.

Mr. PHELAN. Mr. Speaker, I do not wish to shut anybody out——

Mr. COOPER of Wisconsin. "The gentleman from Wisconsin" does not want any more than possibly a minute, or possibly two, or it may be extended to three. [Laughter.] He does not want gentlemen to labor under any misapprehension. I would like to ask the gentleman from Massachusetts if this language here does not embody the law, as far as real estate is concerned, as it has been since the first national banking act?

Mr. PHELAN. I think it goes as far back as that, but I am not sure how far it does go.

Mr. COOPER of Wisconsin. I think the old law restricts them within very rigid limits as to the amount of money that they can put into real estate and the purpose for which they can use the real estate, and very wisely; and I do not think in a House with a membership as small as it is just now we ought to proceed to amend it in any such way as this. I shall not consent to that amendment myself, and I shall do what I can to defeat it, because I do not believe in that way of legislating on such exceedingly important matters. I shall raise the point of no quorum, Mr. Speaker, if that thing is insisted on. The gentleman better withdraw the amendment.

I yield the floor on the promise of two gentlemen that we are going to adjourn.

Mr. PHELAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PHELAN. Has the gentleman any right to the floor when we meet one week from to-day?

The SPEAKER pro tempore. When the House meets on next Wednesday and this matter comes up, it will be entirely with the Speaker as to whom he will recognize.

ADJOURNMENT.

Mr. PHELAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Thursday, April 4, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce inviting attention to a deficiency estimate of appropriation for the purchase of paper for printing charts for the Navy, Army, and Shipping Board, and for other necessary expenses of the Coast and Geodetic Survey (H. Doc. No. 1014); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting deficiency estimate of appropriation required by the Department of Justice and United States courts, fiscal year 1918, and prior years (H. Doc. No. 1015); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 9897) to authorize the contesting and cancellation of certain homestead entries, and for other purposes, reported the same with amendment, accompanied by a report (No. 456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 7236) to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes, approved May 11, 1898, reported the same with amendment, accompanied by a report (No. 457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5720) granting an increase of pension to Harriet K. Baillie, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 2 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 11216) to amend section 1009 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 11217) extending the provisions of the act approved March 4, 1917; to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 11218) to amend section 16 of the Federal reserve act so that maturity of paper drawn for agricultural purposes or based on live stock may extend to one year; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 11219) providing for the appraisal and sale of the Gig Harbor abandoned military reservation in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. HOUSTON: Resolution (H. Res. 300) providing for the consideration of H. R. 9960; to the Committee on Rules.

By Mr. DENT: Resolution (H. Res. 301) to set apart April 8 for the consideration of business from the Committee on Military Affairs; to the Committee on Rules.

By Mr. AYRES: Joint resolution (H. J. Res. 275) authorizing dismissal from the service of any Government employee showing disloyalty; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the General Court of the Commonwealth of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 11220) granting an increase of pension to Alfred Dobbins; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 11221) granting an increase of pension to Martin B. Wilson; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11222) granting an increase of pension to Jethro J. T. Garde; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11223) granting an increase of pension to John Hobart; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 11224) granting an increase of pension to Edward Stephens; to the Committee on Pensions.

Also, a bill (H. R. 11225) granting a pension to Dosia Bell Weimer; to the Committee on Pensions.

Also, a bill (H. R. 11226) granting a pension to Lucy A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11227) granting an increase of pension to Frank Lynch; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 11228) granting a pension to Thomas Foreman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11229) granting a pension to Walter Sewell; to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 11230) granting an increase of pension to Timothy K. Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of 40 churches of Washington, D. C., asking that a day be set aside for prayer by the people for the success of the war for democracy; to the Committee on the Library.

Also (by request), petition of the Manuscript Club, of Boston, Mass., and Channing Pollock, of New York City, against the zone system for second-class postal matter; to the Committee on Ways and Means.

Also (by request), petition of the Woman's Municipal League, of Boston, Mass., relative to housing of Government workers; to the Committee on Public Buildings and Grounds.

Also (by request), petitions of the Star Farmers' Club, of Stanberry, and the Jester School Farmers' Association, of Saline County (Mo.), against reducing the price of corn; to the Committee on Agriculture.

Also (by request), petition of Wisconsin State Council of Defense, asking for prohibition during war; to the Committee on the Judiciary.

By Mr. CARY: Petition of A. J. Conroy, Milwaukee, Wis., protesting against the amendment to the Agricultural appropriation bill to eliminate the potato grading feature of that act; to the Committee on Agriculture.

By Mr. CURRIE of Michigan: Petition of O. H. Smith and various other citizens of Harrisville, Mich., protesting against the passage of Senate bill 3476; to the Committee on the District of Columbia.

By Mr. DALE of New York: Petition of the G. B. G. Manufacturing Co., asking that income taxes may be paid in installments; to the Committee on Ways and Means.

By Mr. DILLON: Petition of citizens of Huron, S. Dak., asking for the defeat of the postal zone law, relating to postal rates for publications; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of the Crockery Board of Trade of New York opposing the discontinuance of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, memorial of the Medical Society of the County of New York, urging the passage of the Owen and Dyer bills giving advanced rank to officers of the Medical Reserve Corps of the Army; to the Committee on Military Affairs.

By Mr. ELSTON: Resolution adopted by Butchers' Union, Local No. 120, of Oakland, Cal., containing recommendations for conservation of the meat supply; to the Committee on Agriculture.

By Mr. EMERSON: Resolutions of the Cleveland Association of Credit Men, urging extension of time for the payment of income taxes; to the Committee on Ways and Means.

By Mr. HILLIARD: Resolutions adopted by the National Society, Daughters of the American Revolution, protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of W. C. Sweeney, Emma Dieter, Rev. T. J. Hamilton, and 10 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. REED: Papers to accompany House bill 11211, granting a pension to Carl C. Dunham; to the Committee on Pensions.

SENATE.

THURSDAY, *April 4, 1918.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, we recognize Thy rulership, and while clouds and darkness may be round about us, we know that righteousness and judgment are the habitation of Thy throne. We therefore invoke Thy help that the forces that represent the establishment of righteousness in the earth may be guided by Thee to final victory. Hear us as we supplicate for our land and for all its interests and all those who are dear to us in these times of crisis. We ask in our Lord's name. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

H. R. 10265. An act to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

ESTIMATE OF APPROPRIATION (S. DOC. NO 212).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Postmaster General submitting an estimate of appropriation in the sum of $50,000 required by the Post Office Department for the service of the fiscal year ending June 30, 1919, for the enforcement of the espionage and trading-with-the-enemy acts, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 10691) to amend section 5200 of the Revised Statutes as amended, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. McCUMBER presented a petition of sundry citizens of Golden Valley, N. Dak., praying for a repeal of the present zone system of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. KNOX presented a memorial of the Philadelphia Bourse, of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the abolishment of the Subtreasuries in the United States, which was referred to the Committee on Appropriations.

Mr. RANSDELL. I am in receipt of a telegram from citizens of my State, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LAKE PROVIDENCE, LA., *April 3, 1918.*

Hon. J. E. RANSDELL,
United States Senate, Washington:

On April 2 East Carroll Parish liberty loan committee received wire from Federal reserve bank of Dallas naming allotment of $107,600 for East Carroll Parish for third liberty loan. Wire was received here at 3.46 p. m.. At 4.30 p. m. J. N. Hill, chairman of liberty loan committee, wired Federal reserve bank that entire amount had been subscribed. East Carroll Parish wins honor flag for Louisiana. Entire allotment subscribed in 44 minutes after being notified of amount. We consider this a great record. Please notify Senate and Secretary McAdoo and President Wilson.

J. MARTIN HAMLEY.

Mr. PHELAN presented resolutions adopted by the farm-labor committee of the State Council of Defense of California, relative to the farm-labor situation and favoring the enactment of legislation providing for a better distribution of the labor of the country, which was referred to the Committee on Agriculture and Forestry.

PENSIONS AND INCREASE OF PENSIONS.

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 356) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 4259) for the relief of George K. Kitchen; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 4260) for the relief of the Chicago, Milwaukee & St. Paul Railway Co., the Chicago, St. Paul, Minneapolis & Omaha Railway Co., and the St. Louis, Iron Mountain & Southern Railway Co.; to the Committee on Claims.

A bill (S. 4261) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

A bill (S. 4262) for the relief of the estate of John Stewart, deceased; and

A bill (S. 4263) for the relief of Capt. Frederick B. Shaw; to the Committee on Claims.

By Mr. REED:

A bill (S. 4264) granting a pension to Jane L. Baker (with accompanying papers);

A bill (S. 4265) granting a pension to Gabriel N. Hildreth (with accompanying papers);

A bill (S. 4266) granting a pension to Robert E. Lee (with accompanying papers);

A bill (S. 4267) granting a pension to Edward F. Rostock (with accompanying papers);

A bill (S. 4268) granting an increase of pension to Sarah Ann Kelly; and

A bill (S. 4269) granting a pension to Mary E. Stafford (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4270) granting an increase of pension to Giles J. Burgess (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4271) for the relief of the Commissioner of Internal Revenue; and

A bill (S. 4272) for the relief of the Commissioner of Internal Revenue; to the Committee on Finance.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. SHAFROTH submitted an amendment proposing to appropriate $2,000 for statistician for Congress, Arthur MacDonald, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. KING submitted an amendment intended to be proposed by him to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, which was ordered to lie on the table and be printed.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President, in response to the request of the Senate, the House has returned the Agricultural appropriation bill (H. R. 9054) and in order to expedite its reference to conference I ask unanimous consent now to reconsider the vote by which the bill was ordered to a third reading and passed.

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Is there objection to the request of the Senator from Oklahoma? The Chair hears none. The bill is before the Senate and open to amendment.

Mr. GORE. I move, on page 23, line 18, to strike out the figures "$291,505" and to substitute "$441,505." The necessity for this amendment was an error in summing up the total.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in the Senate and open to further amendment.

Mr. GORE. I ask that the Secretary be authorized to correct the other totals in the bill to conform with the Senate amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROMOTION OF EXPORT TRADE—CONFERENCE REPORT.

Mr. POMERENE. Mr. President, on Tuesday I presented the report of the committee of conference on House bill 2316, which is known as the export-trade bill. My attention has been called to a clerical error in the bill, and I ask unanimous consent to withdraw the report. I assume that the error will be corrected and that report will be submitted later in the day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the conference report is withdrawn.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ASHURST. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. ASHURST, Mr. OWEN, and Mr. CURTIS conferees on the part of the Senate.

RETIREMENT OF CHIEF WARRANT OFFICERS—CONFERENCE REPORT.

Mr. SWANSON submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House amending the title, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House inserting section 2, and agree to the same with an amendment as follows: In lines 1 and 2 of the engrossed amendments strike out the words "performed or" and in lieu thereof insert the following: "been on active duty since August 29, 1916, or who"; and the House agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
H. C. LODGE,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

Mr. SWANSON. Mr. President, I simply submit the conference report, and the House of Representatives will have to act first on it, as the original papers are in the possession of the House. I do not want the report acted upon at this time, but I ask that it lie on the table for the present.

The VICE PRESIDENT. The report will lie on the table.

HOUSE BILL REFERRED.

H. R. 10691. An act to amend section 5200 of the Revised Statutes as amended was read twice by its title and referred to the Committee on Banking and Currency.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The VICE PRESIDENT. The morning business is closed.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The motion was agreed to.

Mr. SMOOT. Before the discussion of the bill begins, I feel that it is necessary for me, on account of Senators not being present who are interested in it, to suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, N. Mex.	Page	Sutherland
Baird	Jones, Wash.	Penrose	Swanson
Bankhead	Kellogg	Poindexter	Thomas
Beckham	Kendrick	Pomerene	Thompson
Borah	King	Ransdell	Townsend
Chamberlain	Kirby	Reed	Trammell
Culberson	Lewis	Robinson	Underwood
Curtis	Lodge	Saulsbury	Vardaman
Dillingham	McCumber	Shafroth	Wadsworth
France	McKellar	Sheppard	Walsh
Frelinghuysen	McLean	Sherman	Warren
Gallinger	McNary	Shields	Watson
Hale	Martin	Smith, Ariz.	Williams
Harding	Nelson	Smith, Md.	Wolcott
Henderson	New	Smith, S. C.	
Hitchcock	Norris	Smoot	
Johnson, Cal.	Overman	Sterling	

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is detained by illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The Senator from North Carolina moves that the Senate proceed to the consideration of House bill 8753.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. OVERMAN. I understood that the bill was taken up, and then after it was taken up the Senator from Utah called for a quorum. The RECORD will show that.

Mr. LODGE. If that is the case, I can not call for the yeas and nays.

Mr. OVERMAN. Let us see what the RECORD says.

The VICE PRESIDENT. The reporter will read the RECORD.

The reporter read as follows:

The VICE PRESIDENT. The morning business is closed.
Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 8753), etc.
The motion was agreed to.
Mr. SMOOT. Before the discussion of the bill begins, etc.

The VICE PRESIDENT. The bill is before the Senate.

Mr. WALSH. Mr. President, I am authorized by the Committee on the Judiciary reporting this bill to say a few words in explanation of it.

The necessity for this legislation arises first from the fact that the existing law makes no specific provision whatever for the punishment of those who through disloyalty or some kindred sentiment might be moved to discountenance investments in the liberty bonds and other securities of the United States or to embarrass the Government in endeavoring to make sale of them, and, secondly, because of the strained construction which has been given to the espionage act by some of the Federal courts, under which effective aids in the German propaganda that is notoriously being conducted in this country are permitted unmolested to disseminate the poison with which they have become infected.

The most startling of these, and possibly the most notorious, was rendered by the district court for the district of Montana. I send to the desk the opinion rendered by that court in the case of the United States versus Hall and ask that it be incorporated at large in the RECORD, but I shall ask the Secretary at the desk to read from the opinion only the charges made in the indictment and established by the evidence upon which the court directed the jury to acquit the defendant, taking the position that the acts charged and proven did not constitute a crime.

Mr. REED. Will not the Senator have the entire opinion of the court read? It is short.

Mr. WALSH. I would be very glad to have it read, but I am obliged to leave the Senate very shortly, and I shall ask that it be printed in the RECORD.

Mr. REED. Very well.

Mr. WALSH. The Secretary will read the portion only in brackets.

The Secretary read as follows:

At divers times, in the presence of sundry persons, defendant declared that he would flee to avoid going to the war; that Germany would whip the United States, and he hoped so; that the President was a Wall Street tool, using the United States forces in the war because he was a British tool; that the President was the crookedest ——— ever President; that he was the richest man in the United States; that the President brought us into the war by British dictation;

that Germany had right to sink ships and kill Americans without warning; and that the United States was only fighting for Wall Street millionaires and to protect Morgan's interests in England.

The decision referred to is as follows:

"*In the District Court of the United States, District of Montana.*

"UNITED STATES OF AMERICA, PLAINTIFF, v. VES HALL, DEFENDANT.

"Bourquin, J., orally:

"The indictment charges that defendant violated section 3 of the espionage act, in that (1) he did 'make and convey false reports and false statements, with intent to interfere with the operation and success of the military and naval forces of the United States and to promote the success of its enemies'; and (2) that he did 'cause and attempt to cause insubordination, disloyalty, mutiny, and refusal of duty in the military and naval forces of the United States and obstruct the recruiting and enlistment service of the United States, to the injury of the service of the United States, specially as follows: At divers times in the presence of sundry persons defendant declared that he would flee to avoid going to the war; that Germany would whip the United States, and he hoped so; that the President was a Wall Street tool, using the United States forces in the war because he was a British tool; that the President was the crookedest ——— ever President; that he was the richest man in the United States; that the President brought us into the war by British dictation; that Germany had right to sink ships and kill Americans without warning; and that the United States was only fighting for Wall Street millionaires and to protect Morgan's interests in England.'

"Having in mind the rule applicable to this motion for a directed verdict, the evidence would justify a finding that defendant did so make the declarations charged.

"But it would not support a verdict of guilty of any of the crimes charged.

"It appears the declarations were made at a Montana village of some 60 people, 60 miles from the railway, and none of the armies or Navy within hundreds of miles, so far as appears. The declarations were oral, some in buildings, with the landlady in a hotel kitchen, some at a picnic, some on the street, some in hot and furious saloon arguments.

"Adverting to the crimes designated (1), false reports and false statements import reports and statements of facts and not accused's opinions, beliefs, intentions, and arguments. Hence defendant's beliefs, opinions, and hopes are not within the statute, but his slanders of the President and Nation are false reports and false statements, and are within the espionage act. While the act makes the (1) offense substantive, they are of the nature of attempts lame in principle and largely to the extent indicated governed by the law of attempts. It is settled law that attempts are efforts with specific intent to commit specific crimes, which efforts fail, are apparently adapted to accomplish the intended crimes, and of sufficient magnitude and proximity to the object of their operation that they are reasonably calculated to excite public fear and alarm that such efforts will accomplish the specific crimes, if they do not fail. These slanders by defendant satisfy magnitude and apparent adaptation, but in view of all the facts and circumstances in proof neither the specific intent to interfere with, nor proximity to, the military and naval forces appears.

"When facts and circumstances will justify a finding that accused intended the natural and ordinary consequences of his acts, the intent may be inferred. There are two fatal objections to such inference: (1) Interference with the operation or success of the military or naval forces is not the natural and ordinary consequence of said slanders, but rather breach of the peace and a broken head for the slanderer, are (2) the facts and circumstances, times and places, or kitchen gossip and saloon debate, the impossibility of far-distant military and naval forces hearing or being affected by the slanders, and also else render the inference unjustified, absurd, and without support in the evidence. Military and naval forces in the espionage act means the same as in the declarations of war, viz, those organized and in service, not those merely registered and subject to future organization and service. Furthermore, even if the slanders were with the specific intent denounced by the espionage act, they fail of the required proximity to constitute attempts and the said (1) offenses. Under the circumstances they were not reasonably calculated to create public fear and alarm that they would interfere with the operations and success of far distant armies and navy. Rather would they create anger, disgust, and desire to punish the slanderer. It is as if A shot with a .22 pistol with intent to kill B two or three miles away. The impossibility would prevent public fear and alarm of homicide, and A could not be convicted of attempted murder.

"There is now no claim to intent to promote enemy success. Otherwise the foregoing also applies to those crimes charged.

"It is admitted no insubordination, disloyalty, mutiny, or refusal of duty by the military or naval forces was caused by the charges of attempt thereto, likewise are not sustained by the evidence.

"Nor does the evidence sustain the charges of 'willfully' obstructing the recruiting or enlistment service of the United States, to the injury of the United States.

"To sustain the charge actual obstruction and injury must be proven, not mere attempts to obstruct. The espionage act does not create the crime of attempting to obstruct, but only the crime of actual obstruction, and when causing injury to the service.

"The espionage act is not intended to suppress criticism or denunciation, truth or slander, oratory or gossip, argument or loose talk, but only false facts willfully put forward as true and, broadly, with the specific intent to interfere with Army or Navy operations. The more or less public impression that for any slanderous or disloyal remarks the utterer can be prosecuted by the United States is a mistake. The United States can prosecute only for acts that Congress has denounced as crimes. Congress has not denounced as crimes any mere disloyal utterances, nor any slander or libel of the President or any other officer of the United States.

"United States attorneys throughout the country have been unjustly criticized because they do not prosecute where they can not. In instances their proper failure to prosecute has been made the subject of complaint to the Department of Justice to oust them or to defeat reappointment. The patriotism that inspires such criticism and complaints is less a passion than passionate. In the main the Government's attorneys are of judgment, and will not be coerced by such criticism and complaints to futile prosecutions.

"In so far as disloyal slanders or libels cause or tend to cause breaches of the peace, they are offenses against the State of Montana, and can be prosecuted only in the courts of the State by the State's prosecutors. Slanders like those herein are unspeakable (incidentally the defendant denies them). They should be made crimes against the United States. But since the sedition law had its share in the overthrow of the Federalists and in the elevation of Jefferson to the Presidency and his party to power, Congress has not ventured to denounce as crimes slanders and libels of Government and its officers. The genius of democracy and spirit of our people and times seem yet unable to avoid greater evils than benefits from laws to that end.

"The motion to direct a verdict of acquittal of defendant is granted, and the clerk will enter such a verdict of record."

Mr. WALSH. The Government sought a conviction under the provision of the espionage act which makes it criminal to "make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies," and also under that provision which makes it criminal "to cause, or attempt to cause, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States," or to "willfully obstruct the recruiting or enlistment service of the United States." Decisions more or less in keeping with this one, although perhaps not so striking in character, have been rendered by the district courts in the State of Washington and the State of Colorado.

It is not my purpose at this time, and I do not think it pertinent, to enter into any inquiry as to the soundness of these decisions. Other courts have taken quite a different view of the proper construction to be given to the act under which the prosecution specially referred to was conducted, and many convictions have taken place for offenses much less grave and heinous in character than that established in the case to which the attention of the Senate has been specifically called. In many of those cases appeals are now pending to the higher courts, and eventually a decision will be rendered as to whether or not acts such as these constitute an obstruction either to the military operations or to the effort to enlist men in the service of the United States; but it may, and perhaps will, be a very considerable time until a final determination is made. Meanwhile many persons may be emboldened by these decisions to the commission of acts of a similar character. This situation confronting us, it was deemed advisable by the committee so to amend the law as that no possible means of escape would present themselves to those who might be disposed to assist the cause of our enemies in this war by disloyal and seditious utterances.

One of the grounds urged was that the present act did not make it a crime to attempt to obstruct enlistment in the service of the United States. The amendment, in terms, makes it a crime to attempt to obstruct as well as actually to obstruct.

Then, Mr. President, a great many of these things are said and done, the general tendency and result of which on uninformed minds no one can doubt; and yet it is often difficult to

establish the specific intent that is required by the law as it now stands.

The decision to which I have invited the attention of the Senate and other decisions in prosecutions growing out of the war, which have been rendered by the same court, gave rise to such indignation in the State of Montana that at a special session of the legislature cognizance was taken of the subject and an act was passed intended to bring offenses of this character within the jurisdiction of the State courts, a copy of which act I send to the desk and ask the Secretary to read portions which are indicated.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Whenever the United States shall be engaged in war any person or persons who shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or who shall display the flag of any foreign enemy, or who shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, shall be punished, etc.

Mr. WALSH. Mr. President, it will be noticed that the act referred to in substance has been made a part of the amendments that are now proposed by the committee to the bill under consideration.

I am authorized by the committee to say that the reporting of these amendments by it does not indicate a conviction or even a belief on the part of any member that they or any of them are necessary or that the act as it stands is not ample in its scope to justify a conviction in any case in which a conviction has been had under it. The committee desire it distinctly understood that they have not attempted and do not attempt to give a construction to that portion of the act of June 15, 1917, under consideration. The amendments are proposed only to meet the conditions in those States in which by reason of the attitude of the judges convictions under the law as it stands have become impossible and to remove whatever doubt there may be concerning the criminal character of the acts denounced in the amendment.

Mr. BORAH. Mr. President, I desire to ask the Senator a question. I should like to ask the Senator what construction, as a legal proposition, he places upon the word "calculated," in line 24, at the bottom of page 2 of the bill? Does that mean the same as language intended to bring the form of government of the United States into disrepute—"designed"—or what is the meaning in legal parlance of the word "calculated" there? I simply want the Senator's view of it.

Mr. WALSH. I should say that it signifies "adapted"—such language as would naturally, if accepted, tend to bring into contempt the object of it.

Mr. LEWIS. Mr. President, might I offer a suggestion that might meet this inquiry? In the State of Idaho, if the Senator from Montana will permit, and in the State of Montana, as elsewhere in the Northwest, it is interesting to remark—I know of nothing of the kind in the East—there are statutes which read as follows: "Any person who shall use words calculated to make another commit a breach of the peace"—and it might interest the eminent Senators in connection with the definition of the word to know that the word "calculated" has been construed by the courts in those States very generally. The Northwest is the only place that I know of where it has ever received a judicial construction.

Mr. BORAH. My idea of the word "calculated," as used in legal parlance, is "intended," "designed," "purposed" on the part of the party using the language. If a wider construction is placed upon it, I think it would be better to insert either the word "intended" or the word "designed," to bring the form of the Government of the United States and the Constitution of the United States into disrepute.

Mr. WALSH. I have no objection to that, because I am very sure that if language of that character, of a kind with such as is profane or scurrilous, were used in reference to the Constitution of the United States, the conclusion that it was intended to bring that document or the form of government into contempt would be irresistible.

Mr. BORAH. I do not know, Mr. President, whether or not that is true; but I find in one of the Federal cases something which I had not before discovered, that the courts have made a distinction between "intended" or "designed" and "calculated," and have given a more specific meaning to "intended" and "designed," necessarily implying some intent upon the part of the party using the language, than that which is given to the word "calculated." I myself would much prefer to have either the word "intended" or the word "designed" inserted instead of "calculated."

Mr. THOMAS and Mr. SHIELDS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH. I yield to the Senator from Colorado.

Mr. THOMAS. I should like to put a concrete illustration to the Senator with a view of getting his opinion relative to the proper construction of the word "calculated." I understand that a certain Member of this Congress feels it to be his duty, and has so said, to support any and all measures desired by the administration for the prosecution of the war, whether they are in his view constitutional or not. Would the Senator regard statements of that sort as "calculated" to bring the Constitution into disrepute?

Mr. WALSH. I would not think that that would be a crime under this proposed act.

Mr. THOMAS. The Senator will notice that in the amendment there is no requirement of willfulness or deliberation; it is the utterance calculated to bring the Constitution or the Government into disrepute which constitutes the offense, which is my reason for calling his attention to the instance I have cited.

Mr. WALSH. Mr. President, the bill was intended only to reach those who should give utterance to language with intent to bring the Constitution into contempt; and I am very sure that those who are responsible for the measure would have no objection at all to the substitution of the word "intended," or the word "designed," for "calculated."

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator from Montana had concluded.

Mr. WALSH. I have.

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. LODGE. Mr. President, this bill was only brought to my notice yesterday, and I hope the Senator having it in charge will allow it to go over for a day. I should like to have an opportunity to consider it a little more carefully. With the House bill, as amended by the Senate committee, no one can, of course, find any fault; but the long amendment introduced by the Judiciary Committee, although everyone must sympathize with its purpose to cure the evil aimed at, seems to me, if I may venture to say so, rather sweepingly and loosely drawn; and I think as it stands it might be subject to very serious abuse for purposes not contemplated in the statute at all. Before debating it I should like to examine it further. I should like an opportunity to consider the language more carefully than I have been able to do, and I wish the Senator would allow it to go over for a day that I may have that opportunity.

Mr. OVERMAN. Mr. President, when I reported this bill, I had it, together with all the amendments, printed in the RECORD, as well as printed in the usual bill form, and I gave notice on the floor of the Senate that I wished Senators would examine it, as I wanted to take it up at the first opportunity, because the bond sale begins on the 6th of April, and the department is very anxious to have this bill sent to the House, so that the House may act upon it as amended by the time the bond sale begins.

Mr. LODGE. Mr. President, the bill is not essential to the bond sale. We have placed two great loans, and we can place another, even if this bill is delayed for 24 hours. It is far too important a measure to be crowded through in a few minutes because we want to get the bond sale started on the 6th of April. It will be started; the bond bill has gone through both Houses; and the loan will have the same success, and I believe a greater success than the previous loan. The relation of this bill to the bond sale is only one small item in it to which nobody makes any objection; but the amendment proposed by the committee is a very extensive one; it is very sweeping; it is very broadly drawn and I am afraid might be very much abused.

The Senator says that he brought the bill to the attention of the Senate and gave notice of his intention to call it up at the first opportunity. Some of us have been shut up in conference on the bond bill, without which the bond campaign could not be begun on the 6th of April; some of us have had something else to do; and the bill did not come to my attention personally—it may have been my neglect, but I do not think it was—until

yesterday. A number of Senators desire to discuss it, and I think the Senator will expedite it by allowing it to go over.

Mr. OVERMAN. Senators can do as they please about delaying this bill. The people of this country are taking the law in their own hand on the ground that Congress is not doing its duty. In numerous cases it is said that men are being mobbed all over the country because Congress does not pass laws under which the guilty ones can be adequately punished. This bill has not only had the imprimatur of the Judiciary Committee, which reported it unanimously, but it is copied from the laws of States in the great West, which were not satisfied with what Congress has done in respect to the enactment of Federal law. Knowing that Congress has not acted, the States of the great West have passed laws more drastic than this. I will say to the Senator that something has to be done, and I feel the importance of the measure so much that I want to see it enacted as soon as possible.

Mr. LODGE. Mr. President, I do not think the Congress of the United States is controlled by State statutes.

Mr. OVERMAN. No; but I think——

Mr. LODGE. I think Congress is just as capable of passing proper statutes as are the States.

Mr. OVERMAN. Of course, Congress is not controlled by State action; but it ought to be impressed upon our minds that when the great States pass laws upon this subject they have considered the conditions and found such statutes essential. When the Judiciary Committee of this body, composed of some of the ablest Members of the Senate, have examined it, passed upon it, and reported it, it looks to me as if the Senate should be willing to give prompt consideration to the measure, in view of the surrounding circumstances. What are we going to do? Just allow these things to go on?

The original espionage bill was in the Senate for months the subject of discussion and debate. If we had passed it as it was originally drawn, I think we would not have required some of the additional legislation which has been since proposed; but we stickled and scrupled over it and could not pass it as was desired, and now it is necessary to bring in bills to amend it so that we can have some law to catch the scoundrels and the spies all over this country.

Mr. LODGE. This bill will not touch a single spy or a single German agent.

Mr. OVERMAN. I think it will.

Mr. LODGE. The spies or agents do not go around uttering, publishing, and writing. The dangerous men keep quiet.

Mr. OVERMAN. I call everybody a spy who aids the enemy; that is what I call a spy.

Mr. LODGE. That is a definition as broad as it is new.

Mr. PENROSE. That sounds like a campaign speech.

Mr. OVERMAN. I think if a man is aiding the enemy he is a spy.

Mr. PENROSE. That does not sound like a serious contribution to the discussion of a legal question.

Mr. THOMAS. Mr. President, I want to unite in the request of the Senator from Massachusetts that this bill go over. The fact that it has been unanimously reported by one of the great committees of the Senate is an item in its favor, and a very strong one, and the fact that the Senator from North Carolina requested his colleagues to examine this bill at once is also an item which is proper to be urged in behalf of its immediate consideration. I have been serving upon two very important committees, however, during the interval, and they have been in session, one or the other of them, almost continuously. I have had no opportunity whatever to examine this bill; and I deem this amendment of more importance, of more far-reaching concern, from the superficial examination I have been able to make of it, than anything that has been introduced into either House of Congress since I have been a Member of the Senate. Superficially, it would seem to me that if this bill were enacted in its present form it would retard instead of promoting the sale of bonds. I may be mistaken about it—I hope I am—but in view of the fact that this is a matter which concerns the liberties, possibly the lives, indirectly, of many of our fellow citizens as loyal as the Congress of the United States, we should consider this bill carefully and exhaustively before coming to a vote upon it.

I do not want to even indirectly retard the work of Congress. I have condemned the principle of unlimited debate in this body as frequently and as vigorously as any of the sitting Members. I am conscious of the fact that we waste hours of precious time in discussions that are remotely pertinent to the subjects under consideration. But that, Mr. President, does not militate against the vast importance of seriously considering a bill which strikes at the very citadel of individual rights. I am willing to suspend every individual right of the citizen if necessary to win this war; but let us understand what we are doing fairly well, at least, before taking final action.

Mr. MYERS. Mr. President, I should like to ask the Senator a question.

Mr. THOMAS. I will answer it if I can.

Mr. MYERS. Does the Senator claim that anybody has a right to do any of the things which are forbidden in this bill?

Mr. THOMAS. Does the Senator mean legally or morally?

Mr. MYERS. Either.

Mr. THOMAS. I say that there are many things forbidden in this bill that a man has a legal right to do. I have a right to criticize the action of the President of the United States in the discharge of my functions as a Senator or in the expression of my opinions as a citizen. I have a right to express my opinion upon the Constitution of the United States; certainly.

Mr. MYERS. I will modify my response to some extent. Of course, until this bill is passed, a person has a legal right to do so; but I will modify my response by saying now, in the absence of legislation, has he a moral right to do any of the things forbidden in this bill?

Mr. THOMAS. In the absence of legislation, Mr. President, no citizen of this country has a moral right consciously to do anything—willfully to do anything—which will retard the operations of the Government in this crisis; but there is a vast difference between the opinions of men regarding that subject or the extent to which they may go. I want time to consider this bill.

Mr. CUMMINS and Mr. WATSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I do.

Mr. CUMMINS. I should like to ask the Senator from Colorado whether he understands that this bill prohibits or penalizes the criticism or censure of the President of the United States or of the conduct of the Government?

Mr. THOMAS. It does, as I understand.

Mr. CUMMINS. If it does, I have totally misapprehended it, and shall be compelled to turn my support of the bill into opposition.

Mr. THOMAS. Let me call the attention of the Senator to the fact that a willful intent is not necessary to constitute crimes of these acts. Let me read a line or two, beginning at line 18 of page 2:

> Whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language * * * or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall utter, print, write, or publish any language calculated to incite or inflame resistance—

Now, willfulness is an absolute essential to the commission of crime in all English-speaking countries.

Mr. BORAH. Precisely, Mr. President; but the question that the Senator from Iowa asked was whether the criticism of a policy of the administration, or a criticism of the conduct of a department, or the inefficiency or incompetency of a department, could be regarded as an assailment of the form of government or of the Constitution or of the uniform of the soldiers, and so forth.

Mr. THOMAS. Yes; I think so, without the word "willfully" appearing in the body of the statute.

Mr. BORAH. I do not.

Mr. THOMAS. It might not be; but some enemy of the Senator might construe what he said, even upon the floor of the Senate here, as an improper criticism of the Government or of the Constitution, and, while he could maintain his innocence, he would have to stand trial.

Mr. CUMMINS. But, Mr. President, I think the Senator from Colorado has not yet caught the exact point of my inquiry.

Mr. THOMAS. Possibly I have not.

Mr. CUMMINS. There is prohibited the uttering, printing, writing, or publishing of any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government—that has nothing to do with the conduct of the Government or the Constitution of the United States—that has nothing to do with the way in which the President or Congress, either, execute the Constitution of the United States—or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States. Now, I believe that in order to constitute a crime under this bill it would be necessary for a jury to find that the speaker or writer had scurrilously or contemptuously referred to the form of our government, to the Constitution which created our Government, or to the soldiers or sailors. I believe I am right about that; but obviously—and I am sure I speak the sentiment of the com-

mittee—it was not intended to make a censure or a criticism of any officer of the Government in the execution of the laws or in the prosecution of the war a crime; for I believe, and I believe all the Senators will concur with me, that the preservation of that right is essential to the successful prosecution of the war. But there are certain fundamental things about our Government, about its form, about our Constitution, and its value, that no man in this time should be permitted to contemptuously disparage or abusively disparage.

Mr. THOMAS. Mr. President, I agree with that. I agree with it fully; but the Senator did not read far enough. I begin now at line 18:

> Whoever * * * shall utter, print, write, or publish any disloyal * * * language—

Now, I come to line 24—

> or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag * * *, or the uniform * * * into contempt * * * shall be punished.

Without regard to intent, any man using any language calculated to produce that result is at once subject to indictment and conviction. Why, the Senator, in his capacity as a citizen, and in the discharge of what he deems to be his political duty, may next fall, in his own State, see fit to utter some criticisms regarding the Government; and at once some personal or political enemy of his, under this bill as it is now drawn, may hale him before the United States district attorney, or before the grand jury, and indict him for something which the prosecutor construes as calculated to produce some consequence which the Senator did not have in mind at all.

Mr. CUMMINS. Precisely.

Mr. THOMAS. Now, Mr. President, I do not believe that we should hastily enact into law a bill under which such consequences may ensue. Hence, I want some time to consider this bill.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I am not in favor of the use of the word "calculated." I opposed it when it was sought to introduce it into other statutes, and I oppose it now. I think the intent ought to be found in the statute; but I thought the Senator from Colorado was referring to things which are to be effected by the language uttered or published, and I still believe that the things are not the way in which the Government is being administered, but the form of our Government, as distinguished from some other form of government, or our Constitution as compared with or distinguished from some other constitution which we ought to have. I quite agree with the Senator from Colorado with regard to the use of the word "calculated." I expressed that view before the committee, and I again express it here.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. Just a moment. I want to be certain of it, Mr. President. I want the Senator to feel that when he makes political speeches or indulges in criticisms that he thinks he ought to make, after he does it he will go back home and not go to the penitentiary. Of course, that is a desire which is universal upon my part; not confined to the Senator from Iowa, but extending to all of the citizens of this country.

Mr. CUMMINS. I doubt whether either the Senator from Colorado or myself would ever use any language or publish any language that was calculated—even if we preserve that word—to bring into contempt the form of our government or our Constitution, no matter if I believed or the Senator from Colorado believed that the form ought to be changed or the Constitution amended.

Mr. THOMAS. But suppose some enemy of the Senator should determine that the language used was calculated to incite or inflame resistance to any duly constituted State or Federal authority; then what? Of course, the Senator is incapable of uttering or publishing anything designed at this time to result otherwise than in constructive processes; but the difficulty is that all men have their enemies, and there are many men who have enemies who would be swift, under this provision as it is now drawn, in my judgment, to take advantage of it for the purpose of obtaining revenges for which perhaps they have nourished the desire for a very long time.

Mr. LODGE and Mr. PENROSE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield, and if so to whom?

Mr. THOMAS. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I wanted to interrupt the Senator long enough to point out something to which I think he has not called attention.

The House bill provides first about making or conveying false reports or false statements which would interfere with the operation or success of the military or naval forces of the United States. There could be nothing worse than that. That is far worse than anything in the Senate amendment.

Mr. THOMAS. I have not had time to examine the bill yet. I do not intend to refer to anything but the amendment.

Mr. LODGE. Let me call attention to the fact, however, that in dealing with that serious and most dangerous crime they put in the words "with intent to interfere," "or shall willfully make." In the same way, when it comes to obstructing the sale of bonds, the language is, "with intent to obstruct the sale." Any district attorney, on this word "calculated," could drag any man into court.

Mr. THOMAS. Yes.

Mr. LODGE. That of itself is bad. He might fail before the jury, but any man would be open to that.

Mr. BORAH. Mr. President——

Mr. THOMAS. And with all due deference to the distinguished members of the Judiciary Committee, I confess that I am surprised that there is an absence of the word "willful" and the word "intentional," or their equivalents.

I now yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I should like to inquire of the Senator from Colorado whether, in his opinion, where this bill speaks about abusive language concerning our form of government, that would apply to, say, the Fuel Control Department of our Government—abusive language applied to the fuel control?

Mr. BORAH. Why, certainly it would not.

Mr. PENROSE. That is part of our Government.

Mr. BORAH. It is a part of it, but it is not the form of government, nor is it the Constitution, nor is it the soldiers or sailors, nor is it the uniform.

Mr. THOMAS. No; but, if the Senator will permit me, this amendment does not stop with the particular recital to which the Senator from Pennsylvania. [Reading:]

> Whoever * * * shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country * * * with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated—

May come within the provisions of the statute.

Now, let us suppose, for illustration, that in my capacity as a citizen, and not as a Senator, I call public attention to the fact that certain orders of the Fuel Commissioner are closing the mines of my State, or of the Senator's State? Might not those subject to that criticism go to the district attorney of the appropriate district, call attention to the language in which I had indulged, declare that it tends to curtail production, and invite the moving of the processes and machinery of the Government against me for that offense?

Mr. BORAH. Mr. President, suppose, on the other hand, that a man were engaged in a propaganda with the intent to curtail production in this country, so as to hinder the United States in the prosecution of the war?

Mr. THOMAS. That is a different proposition.

Mr. BORAH. That is what this language is.

Mr. THOMAS. It is broader than that.

Mr. BORAH. No; it is not broader, as the Senator will see if he will read it again. Let us see whether it is or not.

Mr. THOMAS. I, of course, defer to the greater familiarity of the Senator with this measure, but what I am asking for is time to consider it. If I find that the Senator is correct——

Mr. BORAH. I would be pleased to have the Senator have that. I think the Senator is entitled to that. I am not objecting to that, but this language is very plain upon that proposition. It says:

> With intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

Now, if there is a propaganda going on—and there is—in different parts of the country for the purpose of curtailing production so as to interfere with and impede or embarrass the United States in the prosecution of the war, I know that the Senator would be one of the first to want to punish it.

Mr. THOMAS. Absolutely.

Mr. BORAH. Well, then, in order to punish it, we have got to have a law that will reach it.

Mr. THOMAS. Absolutely.

Mr. BORAH. And we can not reject a law because some district attorney, in order to gratify a personal desire for revenge, may bring a man unjustly into court.

Mr. THOMAS. No; but we should curtail the language of the act if its effect is broader and more comprehensive than the purpose intended by the legislature.

Mr. BORAH. Yes.

Mr. THOMAS. Let me call the attention of the Senator again to the fact that if what is printed, uttered, or published shall be calculated to incite or inflame resistance to any duly constituted Federal or State authority, then the statute is violated. Now, a perfectly proper criticism of some orders that I know to have been made might easily be said to be calculated to inflame resistance to that particular constituted Federal authority.

Suppose, for example, that some fuel order or some food order should, in the opinion of those affected by it, ignore the statute by depriving them of all reasonable or any other profit, and they should invoke the processes of the courts, and in the recitals of their pleadings they should make statements that would be calculated to inflame resistance against the particular bureau involved.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. Certainly the Senator would not desire the enactment of a law that might result in the conviction of such a person. Now, I want to guard against—and I am sure the Senator wants to guard against—the use of such expressions and such comprehensive phraseology as may result in the inclusion of a large class of good citizens within the criminal provisions of this statute when no such purpose was intended by Congress.

Mr. BORAH. Mr. President, may I say that when the espionage act is construed as a whole as it stands now it is subject to all the objections which have been raised to this particular amendment, and yet we have passed it permitting it to be construed not in open court and by a jury but by the representatives of one of the departments.

The safety lies in this amendment in the fact that it is a law to be construed by the court. The guilt or innocence of the man is to be passed upon by a jury, and under such circumstances there will not be one case in a thousand where an innocent man would be punished. If you do not make the law comprehensive and drastic, you will permit those to escape who ought to be punished.

Mr. THOMAS. I am not as familiar with the Bible as my friend the Senator from North Carolina [Mr. OVERMAN], but I have a dim recollection when my mother used to read it to me that it contains some sentiment about better that ninety and nine guilty should escape than that one innocent should be punished. I do not suppose this is designed so as to make criticism of Holy Writ or an invocation of Holy Writ subject to indictment.

Mr. KNOX. I should like to inquire of the Senator from Idaho about the language on the bottom of page 3.

Mr. THOMAS. I yield the floor.

Mr. KNOX. I merely wish to ask a question.

Mr. THOMAS. I thought the Senator from Pennsylvania wanted to make an inquiry of the Senator from Idaho.

Mr. KNOX. I wish to ask the Senator from Idaho about the clause at the bottom of page 3.

Mr. THOMAS. I yield the floor to the Senator.

Mr. KNOX. The clause to which I refer in the bill does not seem to quite square with that definiteness which should mark every criminal statute. The amendment beginning in line 16 reads:

> And whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war, or by word or act oppose the cause of the United States therein.

I do not understand the use of the word "favor," and how it is to be determined whether a man is favoring by his acts the cause of the German Empire. Suppose a man who is known to be entirely able to purchase bonds refuses to purchase bonds, is he thereby favoring the German cause. I think he is favoring it very materially, but do you want to make that a criminal act?

Mr. BORAH. I do not.

Mr. KNOX. Or do you want to let the jury pass upon the act unaccompanied by words and construe that into a favor? Can a jury sit on its neighbor and say your general line of conduct is such that we regard you as favoring the German cause and therefore liable to this provision? That provision is giving me the most trouble, and the reason why I ask the question is that if there is going to be further time given to consider the bill I should like to have the benefit of the opinion of the Senator from Idaho.

Mr. BORAH. Mr. President, I do not think the Senator would seriously contend that a person refusing to purchase liberty bonds would be favoring the German Government under this act. This amendment here was offered by the Senator from Washington [Mr. POINDEXTER], who is not present, and it was adopted by the committee. By the time the complaint was made and a party was put upon trial there would be no difficulty at arriving, in my judgment, as to what the word "favor" meant. It would not be, and should not be, inferred from the mere exercise of the right of an American citizen to purchase bonds or not to purchase bonds, but it would have to be determined by some act which would be construed by the court and jury as in sympathy with and aiding the German Government. For instance, take the illustration which happened the other day when the German Armies seemed to be winning against our forces. A few men met in one of the cities of the East and were discussing the matter and drinking over it and shouting for the German Government, and so forth. How would you reach them except by some phrase like this?

Mr. KNOX. I should say the phrase "espousing the cause of the German Government" would perhaps reach it. I think the Senator used a word a moment ago that would be better, and that is "aiding."

Mr. BORAH. So far as I am concerned, I would just as soon have the word "espousing" as the word "favoring"; but, with all due deference to the Senator, I do not think there would be a very wide difference between the two words when you come to construe them in a court. I want to ask the Senator how will you reach the people who are subtly and constantly carrying on a propaganda to disparage our Government and comparing it unfavorably with the German Government and insisting it is a superior government, and the fact that we are contending against that government is a mistake from the standpoint of the welfare of the masses of the people generally?

Mr. KNOX. I would reach it by passing that portion of the bill and prosecuting them under it. I am not discussing now that part of the bill. I am asking about the word "favor."

Mr. BORAH. The other part of the bill would reach it, the Senator thinks?

Mr. KNOX. No; the other part of the bill does not seem to reach it; it goes to a different proposition.

Mr. BORAH. I think that it should be reached; and it was the design, I understand, of the Senator from Washington to reach that class of people. Now, laying aside our predilection against this bill, which seems to have risen early, is there any possible chance of any innocent people being convicted under the bill when, as I said, they must have a public trial, and it must be shown that they have scurrilously or profanely attacked the form of government, the Constitution, or the soldiers, or the uniform, or the flag?

Mr. HITCHCOCK. I should like to ask the Senator, on that point, suppose the advocates of woman suffrage should during the war "utter, print, write, or publish" any language calculated to incite or inflame resistance, to bring the form of government or the Constitution of the United States into disrepute because it did not permit the right of suffrage to women? We have heard advocates of woman suffrage very vigorously denounce it as bringing the form of government into contempt for that reason. Does the Senator think this would cover that?

Mr. BORAH. I do not think that any propaganda carried on for a change of the Constitution based upon any reason for the admission of a larger electorate, and so forth, could possibly come under this clause. It would not be regarded as a scurrilous attack or a profane attack upon the form of government.

Mr. HITCHCOCK. I think that would come under this language.

Mr. BORAH. Of course, the Senator and I differ as to that. I think it is necessary. There is only one word in this bill that I would change myself, and it is the word "calculated." At the time it was used I thought it had a much more definite meaning than I have since discovered in my judgment that it has. I would prefer to have the words "intended" or "designed."

Mr. HITCHCOCK. If the Senator will look at line 19 on page 2 he will see that the words "disloyal" and "profane" are limited to the first part of that sentence, and the words "any language calculated to bring the form of government of the United States or the Constitution of the United States into contempt" are entirely separate. There is no limitation upon the words "scurrilous" and "disloyal."

Mr. BORAH. Does the Senator think that suffragists asking for the right of suffrage, asking for a change in the Constitution, form a propaganda which is calculated to bring in contempt the form of government of the United States?

Mr. HITCHCOCK. I know that orators in the cause of woman suffrage have argued it in such a way which would bring it into contempt and have advocated active resistance.

Mr. BORAH. They do not attack the form of government at all.

Mr. REED. They do attack the Constitution.

Mr. BORAH. No; they do not attack the Constitution in the sense used in this bill at all. They are asking for a change in the Constitution, and they do not base that upon the fact that our form of government is a mistake or an error.

Mr. HITCHCOCK. I think the Senator is entirely mistaken. They say our form of government is entirely wrong because it denies to one-half the people the right to vote.

Mr. BORAH. It is not the form of government which they assail at all. They are thoroughly in favor of a republican form of government or a democratic republic. They simply ask that a larger electorate be included. It is not an assailant of our Government at all.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia.

Mr. BORAH. I yield.

Mr. HARDWICK. I wish to ask the Senator a question. I notice that the last provision of the bill at the bottom of page 3 is that "whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein" shall be guilty, and so forth, and punishment is prescribed. I was just wondering what construction the Senator or the committee that framed the bill would give to the words to "oppose the cause of the United States." I wonder if there is not room for a considerable difference of opinion as to what that cause is, whether we are in the war to democratize the world and that is the real cause or whether we are in the war because the American flag was fired on and American citizens murdered on the high sea. I was wondering how much room for construction there would be along those lines and whether or not men who feel as I do that the cause for entering the war was not to democratize the world at all could possibly be guilty.

Mr. BORAH. Whatever the object and purpose may be in the war, does the Senator from Georgia oppose the cause of the United States against Germany?

Mr. HARDWICK. Certainly not.

Mr. BORAH. That is the precise answer to your position.

Mr. HARDWICK. But the answer to it is this: Some other man may have an idea different entirely from mine about the cause of the war, and because there is an honest real difference of opinion among men are they to be subjected to attack because I may think that the cause of the war is utterly different from what other men think?

Mr. BORAH. The Senator in my humble judgment confuses the cause of the United States in the war with the reasons which may have been assigned for going into the war.

Mr. REED. Or the object of the United States.

Mr. BORAH. The war aims, the war purposes, and so forth, are different things entirely from the cause of the United States while it stands in a belligerent attitude to the German Government.

Mr. HARDWICK. If the Senator will pardon me, before propounding my question I thought that this was a very broad phrase.

Mr. BORAH. The question which I put to the Senator would answer itself if it were put to any man in the United States who would take that position. The Senator is not opposed to the cause of the United States.

Mr. HARDWICK. Not at all.

Mr. BORAH. Certainly not, and no other man is opposed to the cause who is a loyal citizen; and if there is anyone who is opposed to the cause of the United States in this war and a jury of the country shall determine that he is opposed to our form of government, so far as I am concerned I prefer to see the act punished in an orderly way by a court and jury of the country rather than to have a mob take possession of him, which they ultimately would do.

Mr. HARDWICK. Of course we may have unwise legislation, legislation that may be extreme, but waiving that for just a moment the word "cause" is a word that bothers me here. I do not think it is entirely different from the word "object." The cause of this country in this war may be according to the mind of one man——

Mr. BORAH. The cause means the issue between two countries now to be determined by battle.

Mr. HARDWICK. Does not the Senator think that is a dangerous word?

Mr. BORAH. What word would the Senator use in order to get at those people?

Mr. HARDWICK. I would just say "who opposes the United States in this war" and strike out the word "cause." Do not let us have any doubt about it. I would make the language mean anybody who opposes this country in the war. That is what it means.

Mr. BORAH. That is precisely what the committee had in mind, of course, and if the Senator from Georgia will suggest a phrase I have no doubt it will be accepted. But when he shall have suggested it he will arrive at a point where one is still opposing or supporting the cause of our country.

Mr. HARDWICK. It depends on what you mean or what somebody else may mean by the word "cause."

Mr. BORAH. If the Senator can frame a phrase which will cover it——

Mr. HARDWICK. Let me make a suggestion to the Senator right now and that will end my part in this colloquy:

And whoever shall by word or act support or favor the cause of the German Empire—

I do not care anything about that—

or by word or act oppose the United States therein.

Would not that be better and plainer?

Mr. BORAH. I am not in charge of the bill. As far as I am concerned I do not see any difference in the language.

Mr. LODGE. May I ask the Senator from Idaho a question on another point? The Senator states that under this provision a man has a right to go before a judge and jury and have the jury pass upon it, as if that was completely satisfactory. Of course, I realize that the Senator going into court is one thing, but to the average man being dragged into court, even if he is to be acquitted and shown to be innocent, is a serious ordeal. It puts him to heavy expense. If you hold over every man in this country a threat of an action which can be brought by some district attorney for a personal or political or other reason, it seems to me you are using a very dangerous weapon, unless you guard it carefully.

Mr. BORAH. Let me ask the Senator in the time which he shall have between now and to-morrow morning to reread the espionage act, and he will find that the district attorney has ample latitude to pull that same man into court under as ample a phrase as is now contained in this amendment, and that the same condition of affairs precisely exists under the law which we have passed which will exist under this amendment.

There might be in the entire country now and then a district attorney who would gratify his personal feeling by drawing a man into court merely to satisfy personal or political reasons, but if that be true, he has ample scope for the exercise of his devilish ingenuity right now under that very act.

Mr. LODGE. Then why add to it?

Mr. BORAH. For the simple reason that there is a class which is covered by this amendment that I believe under the construction which has been placed upon it by the courts are not now punishable under the act. But the power of the district attorney to bring men to court to satisfy a personal feeling is just as well covered by the ample phrase now in the act as would be by this measure.

Mr. LODGE. This does not extend the power of the district attorney at all?

Mr. BORAH. Not at all.

Mr. LODGE. Then I can not see the purpose of it. I think it is rather intended to bring within the law a class of offenses not now sufficiently covered.

Mr. BORAH. But the Senate is presented with a case of this kind, that where a district attorney being corrupt desired under the cover of law to bring a case into court, the language here would give him a chance to operate, whereas he has now a chance under the law to do it. What I say is that the language which is already found in the espionage act would protect that kind of a district attorney and enable him to gratify his personal revenge quite as much as the language of this bill.

Mr. LODGE. That was not my precise point.

Mr. BORAH. I misunderstood the Senator.

Mr. LODGE. My precise point was that the mere fact that a man has a jury trial was not wholly satisfactory to an innocent man; that an innocent man would much rather keep out of court and away from the grand jury; and that here you have a very sweeping, and, I think, loosely drawn proposition under which the district attorney who is moved by political or personal reasons would find the greatest scope.

Mr. BORAH. May I make this suggestion to the Senator? We have passed what is known as the espionage act with these ample phrases in it with reference to these different acts, and so forth, and thus we have given to the Postmaster General the right to interpret that act and to exclude from the mails any newspaper or any publication that comes, in his judgment, within the purview of the act.

This amendment has this great advantage over the present act with reference to those conditions, that there the party has

no chance of a hearing at all; he is adjudged in an ex parte method; he is not permitted to make a showing unless it is at the discretion of the other party; and yet that act is upon the statute books and is now in operation. This proposed act does provide a public hearing before an unprejudiced jury, presumably, and in court, where a judge presides, and in that respect is much better calculated to protect the rights of the citizen than the law that is now upon the statue books.

Mr. LODGE. Of course, on that point I am in the fullest agreement with the Senator from Idaho. I think the extension of the powers of the Postmaster General, which were given by that act, is in the highest degree dangerous, and it is better that a man should have a chance to go into court than to have the matter decided by the Postmaster General.

Mr. BORAH. Before I take my seat I desire to offer an amendment in the way of a new section to this bill, which I ask may be read, lie on the table, and ordered to be printed. I desire to say that that amendment refers to the power of the Postmaster General with reference to nonmailable matter.

The PRESIDING OFFICER (Mr. HARDING in the chair). The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. At the end of the bill it is proposed to insert a new section, as follows:

That sections 1, 2, and 3 of title 12 of an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," passed and approved June 15, 1917, are hereby repealed.

Mr. WATSON obtained the floor.

Mr. LODGE. Mr. President, before the Senator from Indiana begins I desire to ask a question.

Mr. WATSON. I yield to the Senator from Massachusetts.

Mr. LODGE. The Senator from Montana [Mr. WALSH], who first spoke, referred to a decision, but he did not read the decision. I think it is important that that decision should be printed, if any Senator has a copy of it. I do not want to consume time by having it read.

Mr. REED. Will the Senator from Indiana pardon me just a word?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. WATSON. I do.

Mr. REED. I have the decision in full which the Senator from Montana offered, and at the time he offered it I requested that it then be read. On account of it being necessary for the Senator from Montana to leave the Chamber in a short time, the Senator expressed the desire only to have an excerpt read from the decision. I was about to make the request which the Senator from Massachusetts has made, that, in order that the Senate may understand that part of the decision which was read, the entire decision, which is not long, shall be printed in the RECORD. If it were not for fear of interfering with the Senator from Indiana, I should ask that it now be read, but I do not make the request. I merely ask that the decision be printed in full in the RECORD.

I ask Senators to read this decision. It will be found upon reading it that the decision is not nearly so extraordinary as it might appear from simply reading the indictment and the result without giving the reasoning of the judge.

[For decision see p. 4560.]

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from California?

Mr. WATSON. I yield to the Senator from California.

Mr. JOHNSON of California. Mr. President, it is only because this particular measure goes over until to-morrow, and I shall not then be able to be here, that I wish to voice some tentative views, if I may so designate them, concerning it.

I take it, Mr. President, that there is no Member of this body who would not go the limit in enacting legislation which would punish most condignly disloyalty or treason; no Member of this body who would not do everything essential to protect this Government in time of war; no Member of this body who would not vote to punish by the most severe penalties every individual who in any measure or in any fashion retarded the progress of this war or did aught that might militate against us in the great adventure upon which we have entered. If this bill did but that, I would be delighted to stand with the Senator from North Carolina [Mr. OVERMAN] and to reecho the views of the Senator from Idaho [Mr. BORAH], and be in favor of its passage and with them favor its every phrase and every sentence; but, Mr. President, yielding neither to the Senator from Idaho nor to the Senator from North Carolina in my desire to punish the German propagandist, in my intense wish in every fashion to protect our Government and to stand behind it in this time of war, in my desire as well to see that every individual who in any degree retards the progress or prosecution of this war shall be punished, and punished to the fullest limit and extent, nevertheless fundamentally I never could and never would vote for a measure such as is proposed here to-day.

I have not had the time in detail to present what I think are the objections to this bill. I read it but yesterday. Upon reading it I was so astonished that I presented copies of it to some of my colleagues, and in the period since yesterday, when first I saw the bill, I have been busily and continually engaged, so that I could not fully investigate nor present authorities in respect to my construction of it. I speak of it now, unprepared as I am in detail, because to-morrow I go away from this city in the endeavor to do what little I can for a brief period in behalf of the liberty loan; and I beg my colleagues during the discussion of the bill, if its opponents be referred to possibly as men who would wish to retard the war, to permit to weigh in my favor that I am endeavoring to aid the liberty loan while opposing a particular measure of this sort.

Mr. BORAH. Mr. President, I desire to say now that I do not think any Senator who is in favor of this bill assumes that any Senator who wants to change it is less patriotic than those who advocate it. There is no such contention.

Mr. JOHNSON of California. The words that I have spoken in this regard were directed to no individual Senator here, but they were spoken with the full knowledge of that which has transpired again and again, not only in this Chamber but all over this land, that any man who did not subscribe instanter to any doctrine, however subversive of this Republic and of its fundamental principles, that was presented to him, by that very token and that very fact his disloyalty was demonstrated, and he was shown to be an enemy of his country. Of course, such a doctrine is absurd, and such a doctrine, of course, ought to be met only with scorn and contumely; but it is the fashion, Mr. President, and has been the fashion for some time past now, as to every man and every Representative in this Congress who did his duty as he saw it in opposition to pet measures and conscientiously expressed his opinion.

I say to you, Mr. President—and I say that the language of the bill demonstrates the fact—that this is a bill not for the punishment of disloyalty or of treason, but it is a bill to suppress the freedom of the press in the United States of America, and to prevent any man, no matter who he is, from indulging in fair and decent expression, or voicing legitimate criticism concerning the present Government, the present administration, or any department in respect to the war. Mr. President, it not only is a bill designed to suppress the press of the Nation and to make it subservient to those who are in power to-day; it is not only a bill that seeks to throttle honest and legitimate discussion or criticism, but it even purports to prevent one from thinking as he wishes to think. I now read you two particular portions of this bill demonstrating in part what I say. I read you now from page 3, as follows:

or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

That means what, Mr. President? "Calculated" does not mean "intended" or "designed"; it means, in common construction, the "consequence of which may be." That is the ordinary meaning of the term used; and, therefore, this particular provision means that any utterance of any spoken word which may inflame resistance to any duly constituted State or Federal authority, shall be punished by 20 years' imprisonment in State prison.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. JOHNSON of California. I yield to the Senator for a question.

Mr. BORAH. I will ask the Senator if the word "calculated" were changed to "intended" or "designed," would that meet the Senator's objection?

Mr. JOHNSON of California. It would be infinitely better.

Mr. BORAH. I would have no objection to that change being made.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. JOHNSON of California. I yield.

Mr. SHIELDS. The authorities seem to differ somewhat from the Senator in the definition of the word "calculated," and I wish briefly, in a very few minutes, to read——

Mr. JOHNSON of California. Mr. President, I beg the Senator to subsequently present the matter. As I stated in the beginning, I am speaking hurriedly——

Mr. SHIELDS. The reading will only take a moment, and then I desire to ask the Senator a question. I will not interrupt him for any length of time.

Mr. JOHNSON of California. If the Senator will do me the kindness to allow me to proceed; I hesitate——

Mr. SHIELDS. Certainly, if the Senator does not desire to be interrupted; but I was going to read him a definition in about a half dozen words.

Mr. JOHNSON of California. I am anxious to proceed, Mr. President, because I must depart very shortly; and, as I have said, I am speaking hurriedly, without adequate preparation, on this bill because of the necessity for my departure. Proceeding now with the language of the measure—

To incite or inflame resistance—

That does not mean armed resistance; of course it would not be so claimed; it means any sort of resistance. Indeed, it is not extravagant to construe "resistance" opposition. Now, taking the plain meaning of the words—

Whoever * * * shall utter, print, write, or publish any language which may cause resistance—

Because "inflame" possesses no greater degree of force than "cause," and an overzealous district attorney would readily justify such a construction—

which may "cause" resistance—

And if you change "resistance" to "opposition," because practically that is all it is and that is the way it may be viewed—

which may "cause opposition" to any duly constituted Federal or State authority in connection with the prosecution of the war—

Is guilty of the offense and may be sent to jail for a period of 20 years. Senators who advocate the measure may insist that the qualifying clause, "in connection with the prosecution of the war," may have some talismanic meaning, which, of course, would alter the usual and ordinary meaning of the words; but all of the activities of the departments to-day, all of the activities of the various agencies which are dealing with the Government to-day, are engaged substantially in the prosecution of the war. So we reach finally what would be the ultimate construction of this bill, that if any man shall say anything substantially in opposition to any department of this Government or anything which will cause opposition or resistance to any particular administrative part of this Government, then he is guilty of a crime punishable by 20 years in State prison.

There is another section of the bill as well, beginning in line 14 on page 3, to which I desire to call attention. Just follow this language:

And whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated—

What that means is, first, that you shall not criticize anything or anybody in this Government any longer or you shall go to jail, and, next, carrying it to an extravagant, but perhaps justified, conclusion, that you shall not think critically of anything or anybody in this Government hereafter or you shall go to jail.

Believing that to be the plain import of this language and that substantially that will be the ultimate construction of this language, I can not and I will not vote for such a measure, and I wanted to voice in the very brief period that has been at my command my opposition to it.

Mr. WATSON. Mr. President, I very largely agree in the views that have been offered by the Senator from California.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. WATSON. I yield for a question.

Mr. SHIELDS. I wish simply to call to the attention of the Senator before he proceeds with the discussion of the bill, and in connection with the remarks of the Senator from California [Mr. JOHNSON], the proper definition of the word "calculated" and the use that the committee made of it in placing it in this bill. I will not enter into any argument in regard to it.

Mr. WATSON. How long will it take the Senator?

Mr. SHIELDS. Oh, about two minutes, more or less.

Mr. WATSON. Very well, I yield.

Mr. SHIELDS. When the question was raised I sent to the library for an authority upon the subject. According to the Cyclopedia of Law and Procedure, I find that the word "calculated" has been defined to mean "fitted; adapted; suited; adapted by design."

So the word "calculated" implies the natural and ordinary effect of the words used to effectuate the purpose prohibited, and it does not cover loose expressions, as indicated by the Senator from California in his objections to this bill.

Mr. WATSON. Mr. President, I do not rise for the purpose of discussing the provisions of this measure in detail. Like the Senator from California [Mr. JOHNSON], I leave here this evening for the purpose of a 10 days' campaign in the interest of the liberty loan, and the few remarks which I desire to make I shall, with the permission of the Senate, offer at this time.

I am well aware of the fact that this is a war measure. It provides:

And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of of the United States into contempt, scorn, contumely, or disrepute, or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

This is a war proposition; and yet the question presents itself as to whether or not any man who, for a course of years, has been sowing the seeds of discord and scattering dragon's teeth throughout the country, leading to a condition in this Nation to-day of rebellion against constituted authority and opposition to the administration in power—as to whether or not, though the law can not be retroactive, it is the proper thing to do to place men who have been guilty of great wrongs against our Government in positions of authority and give them high places under the administration at this time. I want to find out whether or not Mr. George Creel would not be subject to the provisions of this law himself—he, the man whose hands can altogether write, or the man who has the power to alter or to change or even to manufacture, as we well know, the news that goes to the people respecting the purposes and the events and the transactions of the war.

Mr. BORAH. Mr. President, the Senator would not object to it on that ground, would he?

Mr. WATSON. I rather favor it on that account, as I shall show.

I find one of Mr. Creel's full-page editorials, published on October 9, 1910, discussing the subject "Ballots or bullets," written while he lived in Colorado, editing the Denver News, to read as follows:

Lincoln Steffens once compared the "free-born American citizen" to the Russian serf, arousing a storm of indignant protest thereby. And yet, coming right down to brass tacks, do we really enjoy any greater liberty, any larger measure of true governmental power, than the subjects of the Czar? We elect our officials, that's true, but having elected them our authority ends.

We have no more real control over an elected official than if he were Nicholas and we poor moujiks in the fields. Before an election he promises to be our servant, but after the election he is a master.

Nowhere nor at any time have the people any direct authority, any real power, over the men they elect. Having cast their ballots, they are as helpless as Russian serfs, and have got to take what their masters give them, whether they like it or not.

The Senate, the body that sits in despotism, the Supreme Court, from whose decisions there are no appeal, are in no wise responsible or responsive to the people. The President of the United States, when it comes to these bodies, is as helpless as the rest of us.

And what can we do about it except bellow wrathfully, scare a few rascals out of public life, and permit venal legislators to sell the vacant offices to other rascals?

I am wondering whether if George Creel were to write that article now, and this law were in force, he could not be sent to the penitentiary for violating it?

Mr. BORAH. Mr. President, undoubtedly he could, and if he should write such things at a time when our boys are dying for our Constitution he ought to be.

Mr. WATSON. Precisely. I agree to that. Then, if that be true, ought George Creel to be placed in a position of responsibility where he can censor all the news in regard to the war that will go out to the people, because through his mental processes are to be filtered the intellectual and moral pabulum of the people of the Republic in a day of peril and in an hour of storm?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. WATSON. I do.

Mr. REED. I should hardly like to have the remark that was just made by one of the Senators, and concurred in by the other, go unchallenged. Disagreeing to every word that is contained in the article written by Mr. Creel, believing that it indicates an intellect and a character utterly contemptible, I

nevertheless assert that in a free Republic men have the right, in the exercise of the freedom of speech, to write even as scurrilous and abusive and as untrue articles as that just read.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. WATSON. Yes; I yield.

Mr. BORAH. The Senator would not contend that if this bill passes that editorial would not come within the purview of it?

Mr. REED. If it would, then the bill is too broad, because you can well leave the trial of gentlemen who write such articles as that which has just been read to the high court of public opinion, and trust an intelligent American people to properly estimate the character of the man.

Mr. FALL. Mr. President, I should like to ask the Senator where the verdict has landed Mr. Creel.

Mr. REED. Until very recently it gave him about his proper place. I think perhaps before the President appointed Mr. Creel he had not had his attention called to that particular article.

Mr. BORAH. Mr. President, may I say that as I understood the article from hearing it read it was an attack upon our form of government, an attack upon the Constitution.

Mr. WATSON. Oh, I will say to the Senator that I am not through.

Mr. BORAH. Precisely; that it was not a discussion, as the Senator from Missouri seems to think, of the competency of some officer under the Government or of a policy, but an assailment of our form of government.

Mr. WATSON. Yes.

Mr. BORAH. Now, then, whatever may be the rule in time of peace, I simply make this suggestion—that the people of this country whose boys are at the front, prepared to die for our form of government and for the Constitution, will take the matter in their own hands if such articles as that appear from anyone.

Mr. WATSON. Precisely; and if that be true ought a man who writes that kind of an article to have high position under the administration?

Mr. BORAH. Well, of course, I have not any control over that.

Mr. WATSON. But the Senator has his opinion about it.

Mr. BORAH. Yes; but this law has nothing whatever to do with that proposition. It would get him just the same; it does not make any difference what office he holds.

Mr. WATSON. Mr. President, I find, reading the Rocky Mountain News of the 14th of January, 1912, a full-page signed editorial by George Creel, as follows:

The socialists, single taxers, nonpartisans, and commissioned government men are to us as Caleb and Joshua, bearing the grapes gathered in Canaan, were to the waiting Israelites, only with us it remains to be seen whether the grapes are sweet or sour.

The law winks complacently or else groans impotently at the crimes of those in high places; it does not punish or prevent the offenses of those with political power, whose crimes are against the property of the people, or of others whose rapacity results in the accumulation of vast profits.

Instead of standing before the world as a triumphant democracy, in which one man is not favored before his brother, America is now regarded as a nation of commercial "sharks," willing to devour one another if other game is not at hand.

Money is now the standard, no matter how acquired, whether by dishonesty or cruelty or a clever combination of both. Morality is now of small account, and intellectual endeavor is now so little a paying proposition that only a fool will work at it.

We are in a war at this time, so we are told, to make the world safe for democracy. What kind of democracy? The democracy that we enjoyed at the beginning of this contest; not the kind of democracy that George Creel describes, because I denounce that as a foul slander upon the United States at the time it was written by George Creel, whatever purpose may have animated him when he penned it.

I further find, Mr. President, in the Rocky Mountain News a full-page editorial headed "Angels and ermine."

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. WATSON. I yield.

Mr. THOMAS. May I ask the Senator to give the dates?

Mr. WATSON. The date of this is December 24, 1911:

A new and distinctly critical attitude toward the courts is a most striking sign of the times. Whether by cunning design or mere force of submission, the dawn of the twentieth century found the judiciary occupying a curious and remarkable position in American life. Judges were held in almost superstitious reverence, not to awe, and as much exempted from the usual official restraints as though they had been beings from another world.

Historical records showing that Jefferson, Madison, Jackson, and Lincoln had attacked the Supreme Court with vigor and frequency had been expunged and were as if they had never been. Men were chosen to be majors, governors and Presidents and were still considered as fallible human beings, but elections in the cases of judges were gravely assumed to repeat the miracle of the Transfiguration. People deemed them born again, stripped of all passions, prejudices, frailties, and friendships—Olympians, in fact, who sat in a vacuum and thought in purity most profound.

All effects of stagecraft were employed to heighten this feeling. Lawyers prefaced each sentence with "Your Honor." Everyone had to rise when judges entered the court room. They wore the garb of another age. No one queried their right to impose fine and imprisonment when angered or affronted. Unreasoning and unfaltering respect for the judiciary was just as much regarded as a heritage from the reverenced fathers as the Declaration of Independence.

In 10 years a mighty change has come about. In every State men are now looking judges full in the eye; throughout the length and breadth of the land there is a deep-seated distrust of courts, a growing conviction that the steady extension of judicial power is a menace to democratic institutions.

It is not a case of individual judges or certain decisions being singled out for assault; this new and emphatic questioning cuts at the very root of the entire system. As one goes from the Atlantic to the Pacific a sentiment in favor of the abolition of the whole Federal judiciary below the Supreme Court becomes increasingly apparent.

It is not local, nor is it a class protest. The movement includes all sorts and conditions of men, and its national importance is attested by the fact that many magazines are commencing series of articles on this subject. Much of the rankest criticism comes from those who have no apparent kinship with the masses.

Thus making an attack upon another of the coordinate branches of the Government.

I find in the Rocky Mountain News of November 5, 1911, under the head "Popery and politics," a most remarkable assault upon the Presidency of the United States, or the then President, and also the Supreme Court, coupled with the leaders of the Catholic Church:

During the last few weeks a large portion of the press has been making much of certain prelatic attacks upon popular government. Because Cardinal Gibbons and Archbishop Ireland saw fit to denounce the initiative, referendum, and recall in terms that might also be considered violent, it has been assumed that this is the "voice of Rome" giving orders to the faithful. Such criticisms may not be dismissed as mere evidence that the old maledicents of knownothingism still survive, for while some of the papers are admittedly anti-Catholic, the severest attack comes from sources that are above any indication of religious bias.

In support of the contention that special privilege and the Catholic Church have entered into a working partnership, a very plausible theory has been evolved—one that might well deceive such people as are not familiar with church history. It is well hinged and hangs close to the facts.

This theory is based upon the indisputable antagonism of big business to the initiative, referendum, and recall. The powers that prey have fixed "representative government" so that it stands as a mockery of a real representation are naturally opposed to any change that will put the people in control. But since 10 States now have direct legislation, and every other Commonwealth is clamoring for it, big business has seen the futility of open fighting and has fallen back behind the Supreme Court barricade. A case manufactured in Oregon has been hurried up to this august tribunal, and the constitutionality of direct legislation is to be decided in the next few months.

From this point the theory broadens out and attempts to show that all effort is now being made to prepare the people for peaceful acceptance of an adverse decision. President Taft's appointment of Mr. White, the Democrat—jumped over Justice Cowan, senior member of the court and a Republican—is a Jesuit by training and close affiliation.

President Taft's Arizona method, with its sudden and strangely passionate denunciation of "mob rule" and "legalized terrorism," is adduced as Exhibit 2.

The uncalled-for speeches of Cardinal Gibbons and Archbishop Ireland, crying out against the initiative, referendum, and recall as the instruments of "mobocracy," constitute Exhibit 3.

By this coalition—President Taft assuming the conservative and the Catholic Church issuing orders—it is intended that the people will be put in a proper state of submission by the time the Supreme Court is ready to declare that direct legislation is a violation of the Constitution.

Thus charging a diabolical conspiracy between the President of the United States and the Supreme Court of the United States and the leaders of the Catholic Church to oppose the very democracy that we are supposed to be mobilizing our soldiers to defend over yonder on the blood-soaked soil of France.

Mr. MYERS and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield; and if so, to whom?

Mr. WATSON. I yield to the Senator from Montana.

Mr. MYERS. Does the Senator consider that article an attack on our form of government?

Mr. WATSON. I do.

Mr. MYERS. Or an attack on people who are filling official positions under our Government?

Mr. WATSON. Well, Mr. President, did he not attack directly the Presidency when he wrote that article? Did he not attack directly the Supreme Court—the integrity and the honor of those two coordinate branches of the Government—in that article?

Mr. MYERS. There is nothing in this bill against attacking the President. The President is not named; neither is the Supreme Court. I think that article is an attack on people who are filling official positions under this Government, which is very different from an attack on our form of government.

Mr. WATSON. The language is:

Whoever shall advocate, favor, teach, defend, or suggest the doing of—

Any of these things.

Mr. MYERS. Any of the things mentioned in the bill.

Mr. WATSON. Why, certainly.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. WATSON. I yield.

Mr. THOMAS. Removing from consideration the last article which the Senator read, do not the previous ones suggest the possibility that Mr. Creel may have plagiarized from the speech of ex-President Roosevelt made shortly before that time in the city of Columbus?

Mr. WATSON. I have not read the speech.

Mr. THOMAS. Oh, the Senator read it at the time, I am sure.

Mr. WATSON. I may have read it at the time. I do not know anything about that.

Mr. THOMAS. The sentiment is the same. The language, of course, is somewhat different.

Mr. WATSON. Ex-President Roosevelt can speak for himself. The man I am talking about is George Creel. I am wondering whether, if George Creel should write that sort of an article now, he would not be subject to the provisions of this bill?

Mr. THOMAS. I think he ought to be.

Mr. WATSON. Precisely.

Mr. THOMAS. But ex-President Roosevelt does not speak for himself. He always speaks for the people.

Mr. WATSON. I shall not quarrel with that statement.

Mr. President, I want to give you Mr. Creel's opinion of the Supreme Court of the United States, as set forth in a full-page editorial published in the Rocky Mountain News on October 29, 1911, entitled "What the fathers did to us."

We are asked to believe that the Constitution of the United States is the supreme wisdom of statesmanship; that it is a democratic document; that the "revered fathers" were actuated by no other motives than love for, and trust in, the people; and that to attempt to change this holy work is to lay sacrilegious hands upon the very paladium of American liberties.

This is the talk of knaves and fools—the one class using patriotic superstitions for the purpose of continuing profitable evils—the other class awed by traditions that it accepts without questioning. That such talk has obtained large circulation and general credence is due to an amazing ignorance of the manner in which the Constitution was framed, the circumstances surrounding it, and the actual spirit that inspired it. Not so amazing either when it is considered that the whole proceedings were secret, and that succeeding text and law books deal only with the Constitution's outward form.

As a matter of fact, the Constitution was framed by rich men for the protection of their property; by aristocrats for the preservation of aristrocratic privileges. Those who sat behind locked doors guarding against the slightest popular knowledge of their deliberations, feared and despised the masses.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate the executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho

Mr. WATSON. I yield.

Mr. BORAH. I do not agree with the inferences which the Senator is seeking to draw from this editorial; but I call to the attention of the Senator that the author of that doctrine is a distinguished educator, who for years was one of the leading educators in one of the ancient and great institutions of learning in this country.

Mr. WATSON. To whom does the Senator refer?

Mr. BORAH. I refer to Prof. Beard.

Mr. WATSON. I agree with that, and with anything else the Senator may see fit to say about him.

As a matter of fact, the Constitution was framed by rich men for the protection of their property—by aristocrats for the preservation of aristocratic privileges. Those who sat behind locked doors guiding against the slightest popular knowledge of their deliberations feared and despised the masses. As Prof. J. Allen Smith has written, "Democracy—government by the people or directly responsible to them—was not the object which the framers of the Constitution had in view, but the very thing which they wished to avoid. The efforts of the Constitutional Convention were directed to the task of devising a system of government which was just popular enough not to excite general opposition and which at the same time gave to the people as little as possible of the substance of political power."

The idea that they looked ahead and planned for the problem of this day and age—

This is Mr. Creel again—

The idea that they looked ahead and planned for the problem of this day and age is buncombe, along with all the grave mumble about democracy—

And yet in a war to make the world safe for democracy he is the chosen spokesman of the administration, with power to give the news to the people—

They were concerned with their own day, their own problems; and it is only because they manufactured an air-tight, bomb-proof document, impossible of amendment, that we are now trying to run a Nation along colonial lines.

"It has been common," said the late Justice Miller, of the United States Supreme Court, "to designate our form of government as a democracy, but in the true sense in which that term is properly used it is about as far from it as any other of which we are aware."

Let us consider for a moment the men and conditions of the revolutionary period, along with the belief that the Constitution is a sacred, for-all-time document, handed to a reverend posterity by superhuman beings, we have the idea that every man in the whole 13 Colonies grabbed a musket and took the field against England. As a matter of truth, over one-third of the population of the Colonies did not approve of the war and took no part in it—

Evidently he seems to be in sorrow because they succeeded in breaking away from England—

Then as now, the office-holding class did not change capitalism, commercialism, the professions. Your "conservatives" of the present day were either tories or downright loyalists. The war that they were powerless to prevent cast them down from the seats of the mighty and sent them scudding into hiding or actual exile. Men with democratic ideals came into power and gave the world that immortal Declaration of Independence.

* * * * * * *

About the only thing allowed the people was the right to elect a House of Representatives, but every care was taken to see that this directly-elected body should have no real power. The President was to be chosen by an Electoral College, the Senate by legislatures, and the Federal judiciary was to be appointed for life by the President.

Here was where they got in their finest work.

"Here was where they got in their finest work." Of whom is he speaking? Of George Washington, and Thomas Jefferson, and Alexander Hamilton, and of John Hancock, and the Adamses, of the men of whom Gladstone has passionately exclaimed, "They were great men, not for that time alone, but for any time, for all time." Of the Constitution that great man said, "It is the greatest document ever struck off at any one time in the history of the world by the brain and purpose of man." Mr. President, these men formulated the Constitution of the United States, and yet this sniveling sneerer says of them, "Here was where they got in their finest work," as if they were plotters in the dark, scheming for some nefarious end.

Here was where they got in their finest work. To the judiciary—not chosen by the people, not responsible to them in any manner, and holding office for life, they gave the right of absolute veto on all Federal and State legislation. Not expressly, mind you, for as Gouverneur Morris craftily expressed it, that would have "alarmed." But the judiciary was given the power to "interpret" the Constitution and to pass upon the constitutionality of all legislation.

Even as it was, the Constitution barely slipped through. But it did slip through, and from the very first the judiciary—real and intended masters of the Government—proceeded to justify the faith reposed in them by the conspirators against democracy.

This, then, is the history of the "sacred" document, the "palladium of American liberties" that we must not touch.

Yet, Mr. President, with that sort of a man holding absolute power over the news service as far as he can hold it, writing that kind of an article, we are about to pass a law that would make him subject to its provisions and land him behind prison doors. If that be true, ought this man to be permitted to hold that place and ought not the Senate of the United States to ask for his removal because of these seditious utterances? Is he worthy to hold that position of trust and responsibility and power in this Government while we are fighting to make the world safe for the kind of democracy that has the Presidency and the judiciary and the legislative branch of the Government each independent of the other and all upon a firm basis that we believe is constitutional and enduring?

Mr. OVERMAN. Mr. President, I do not know George Creel. I never saw him in my life. But we have heard from Indiana. I do not know what the people of Indiana are going to think about their Senator, who stands up here and attacks a man for utterances made 10 years ago, or perhaps 12. Indiana criminals are being discharged because there is not law enough to take charge of them. We have letters from all over the country, and I have no doubt all Senators have received letters complaining that Senators do not do anything when these men are going scot-free. This that I read is from Indiana:

The court directed that the jury return a verdict of not guilty on this count of the indictment, stating:

"There is no evidence that the recruiting and enlistment service of the United States was obstructed by this circulation. The testimony presented is predicated upon the charge of attempting to obstruct and does not show that the obstruction did actually occur, and the defendant can not be found guilty on these counts." (United States v. Zimmerman, Indiana.)

In this case the evidence showed that the defendant made a public speech on the street in which he said people should not enlist in the war; that the country should withdraw from the war; that the war was not for the people, but is for the moneyed men of the country; that England had only 90 miles of trenches in France; that he questions the wisdom of President Wilson in sending a commission to Russia; and that if the people were loyal Americans they would withdraw from this war.

At the close of the Government case the United States Judge, Anderson, instructed the jury to return a verdict for the defendant upon the ground that the evidence offered was not sufficient to support a verdict of conviction. The court pointed out the absence of proof of actual obstruction or injury to the military service.

4. In United States *v.* Meitzen, southern district of Texas, a complete report has not yet been received on this case, but the preliminary report received indicates that the trial judge directed a verdict for the defendant upon much the same grounds as the above-mentioned three decisions.

Because we have no law upon the statute books to convict a man like that, people in Indiana and all the States are uprising. We hear of them from all over the United States.

I want to read into the RECORD another case where a man went scot-free because there was no law to punish him. The country is full of traitors, scoundrels, and spies, and when you try to pass a law here to convict them and stop it, here is great delay. We have got to do something. There is mob law now everywhere in this country, and I am afraid of mob law. If Congress does not do something, the people will take it in their hands.

The PRESIDING OFFICER. Does the Senator desire to have the matter sent to the desk read?

Mr. OVERMAN. I am going to let the bill go over, and I want this read into the RECORD, so that Senators can read it. I want to show the Senate what sort of scoundrels are being turned loose in this country because we have no law to punish them.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

ESPIONAGE ACT, SECTION 3.

MEMORANDUM OF CASES ILLUSTRATIVE OF NEED OF AMENDMENT MAKING ATTEMPTS TO OBSTRUCT ENLISTMENT SERVICE A CRIME.

1. United States *v.* Orlando Hitt, Colorado, Lewis, district judge.

This man was charged with making violently treasonable statements, ridiculing the draft, and, among others, making the following statements:

"If the young men would follow my advice, which I am willing to give them, and stand on their constitutional rights, they could not be forced to go abroad to fight for this country. I would advise the young men to resist the draft for foreign service.

"You are fools to appear for the draft. If I were you, I would not go. The Government has no right to draft you and send you out of the United States. If you volunteer, they can send you, but the Constitution can not make you go under the draft. Any man who is a loyal American citizen will not buy a liberty bond. It is illegal for the United States to issue them.

"If I were you, I would not go down to be examined for service. They can not do anything if you would not go. The draft is unconstitutional.

"Our country is ruled by the British Crown. President Wilson is a Britisher. Hoover is nothing but a Britisher. I would rather see my children led out and be shot than to see them burdened with a bond issue.

"I am going to fight you fellows in your war work to a finish. There is no necessity for a liberty loan if this was the right kind of a Government. If you think my talk is seditious or my expressions are treasonable, I want to be punished. I want to be put in jail for it. If I am not, I am going to do something desperate. I opposed the draft and registration and I do now. I want to be put on record as such. I will continue to use my influence against this draft."

Mr. FALL obtained the floor.

Mr. REED. Will the Senator pardon me a suggestion. I ask the Senator who submitted the memorandum to have the opinion printed, because while I have not read all these opinions I know in one or two of them the decision goes on the ground that an attempt to resist the draft is not covered by the law, and for that reason the accused was not held; that the law covered resistance to the draft, but not an attempt to resist the draft. So the impression ought not to remain that the courts are refusing to properly enforce the law, neither ought the impression to remain that it is necessary to pass this bill in order to cover a particular case involved in that opinion.

Mr. OVERMAN. All the opinions will be printed, so that every Senator can read them.

There being no objection, the following matter was ordered to be printed in the RECORD:

The court directed a verdict of not guilty, because there was no proof that enlistment service was actually obstructed by these utterances, the judge using the following language:

"Now, the even-numbered counts in this indictment all charge the defendant with the commission of a criminal offense as defined in this same section of the statute, and those offenses with which he is charged are thus defined in this statute: 'Whoever * * * shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service or of the United States' shall be guilty of a criminal offense. Now, I call your attention to the fact that the definition of the preceding crime in this statute says that 'whoever * * * cause or attempt to cause [the defendant in this indictment is charged in each instance with attempting to cause] insubordination, disloyalty, mutiny, or refusal to duty,' whereas in the crime as defined in the latter part of the section which I have just read Congress did not see fit to make it a criminal offense, by this statute, to attempt to obstruct the recruiting or enlistment service of the United States. I don't know why. It might be that in our judgment they ought to have made an attempt to obstruct a criminal offense, but they did not. So, so far as we are concerned, it isn't a criminal offense to attempt to obstruct. Congress made it a criminal offense not only to cause insubordination, disloyalty, mutiny, or refusal of duty, but it said to cause or attempt to cause. That is, the military and naval forces that are organized. If you cause it or attempt to cause it, as to those forces, you are guilty of a criminal offense, and you may be sent to the penitentiary for 20 years. When it comes to the recruiting and enlistment service of the United States, Congress did not see fit to declare that it is a criminal offense to attempt to obstruct that service and that enlistment and recruiting, but it says 'whoever * * * shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service or of the United States' shall be guilty of a criminal offense.

"Now, we can not ignore the fact that to attempt to obstruct is not made a criminal offense. It is sharply distinguished when put side by side with the preceding crime, as defined in the same section, which states that to cause or attempt to cause insubordination was criminal, whereas as to recruiting and enlistment service it was criminal to willfully obstruct, the element of attempting to obstruct being left out."

2. United States *v.* Olivereaux, western district of Washington.

In this case the defendant was charged with circulating certain seditious pamphlets for the purpose of interfering with the enlistment service, etc.

Mr. FALL. Mr. President, I desire to address myself for a few moments, and a very few, to the subject which has been under consideration and discussion. I am very much interested in some of the remarks which have been made, and particularly those of the Senator from Indiana [Mr. WATSON] but I should like to get back to the point at issue in this legislation, and that is to the objections which have been made to the wording of the proposed act, and particularly to one or two of the words in the amendment which is now pending for action.

The first serious complaint made by those who have opposed the enactment of the bill into legislation, particularly one of the matters the Senator referred to under the second heading of his remarks, referred to by the Senator from California [Mr. JOHNSON], is to the word "calculated," in line 24, page 2 of the bill, and as to the meaning of that word and whether it is the proper word to use to meet what is the intention of the bill.

It has been suggested by some Senators, those favoring the amendment, that they would agree to the substitution of the word "intended" in lieu of the word "calculated." I would be very sorry, indeed, to see such a substitution adopted. I think the committee, in wording the amendment, provided the only method of meeting the abuse which is intended to be met, and provided punishment for expressions which could not be so provided, in my judgment, if the language used by the committee were changed.

Undoubtedly in the use of the terms "or any language calculated to bring the form of the Government of the United States or the Constitution," and so forth, into disrepute, in that sense the word "calculated" means the ordinary effect of it would be, and exactly what we are attempting to do now is to prevent the use of reckless language or careless language, whether intentionally used or willfully used, if the ordinary effect of it would be to produce the same result. That is undoubtedly, as I understand it, the intention of the statute and that is the necessity which is now facing us.

Insert the word "intended" and what is the effect? In the first place, while those of us who have been practicing criminal law have been construing acts and the effect of acts and not of words, this is an attempt to make words or declarations criminal and subject to the same rules of construction exactly as would apply to an act heretofore criminal or recognized as such.

If you use the word "intended" in lieu of the word "calculated," you in the act itself constitute a legal defense by law which the defendant need only make by any testimony of his own or otherwise which he might invoke as his absolute cloak and sufficient protection, no matter what the effect of his words might be. The effect of his words might be to cover with contumely and to bring into contempt the Constitution of the Government of the United States or the uniform of the soldiers and the flag of the United States. That might be the ordinary effect or consequences of his word, but if you use the word "intended" rather than the word "calculated" it gives him at once an absolute legal defense, although the consequence of his words are just as grave as if he had uttered them willfully and intentionally.

If you use the word "calculated" and it becomes the duty of the court to instruct as to guilt and intent or as to willfulness, it then becomes the burden of the defendant himself to show that the effect of the words was not to cover the Government or the flag or the uniform with contempt, and that he did not so intend, while if you use the word "intended," he has no such burden upon him, but the burden is upon the prosecution to prove the intent.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. With pleasure.

Mr. STONE. It has occurred to me, while listening to the Senator, whether, as a legal proposition, it is not a sound principle of law to say, based on what courts universally hold, that a man intends the natural consequences of his acts. Is it not sufficient to say that when one commits an offense, an assault, for example, or, stating it still more directly, if one should fire upon an antagonist, is it not sufficient to say that he intended the result flowing from his acts? So far as intention goes, would he not be held legally responsible for the natural consequences of his act?

Mr. FALL. Not necessarily, Mr. President. The element of carelessness——

Mr. STONE. I wish the Senator would permit me to say that I am not asking this question at this moment in a controversial spirit as to whether the word "calculated" or the word "intended" should be used in this bill. I have just come into the Senate for the first time this morning and was listening interestedly to the Senator's observations, and it has occurred to me that in legal effect there is not much difference whether you used the one word or the other. If you use the word "intended" instead of the word "calculated" and a man should commit a criminal act against this law, I am disposed to think he would be held responsible for the natural result of what he said or what he did.

Mr. FALL. Mr. President, a man can not commit murder under the definition of the common law, except willfully and maliciously by force of arms and feloniously, but under modern practice, at any rate, if a man kills another, although not intentionally, if carelessly or negligently or in such manner as to display a mind not sufficiently charged with or his responsibility to law or the safety of citizens at the time of the commission of the act, he is guilty at least of manslaughter and under some statutes of murder, although he had no intent at all.

So the court in charging will not necessarily charge as to an intent in that case, but will charge as to the method or manner in which the crime originated or the act was performed.

Again, Mr. President, I undertake to call attention——

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. FALL. For a question.

Mr. SHIELDS. I agree with the Senator from New Mexico in what he briefly referred to awhile ago, as I understood him, that this whole question is really one of the burden of proof——

Mr. FALL. I think so.

Mr. SHIELDS. Instead of a difference of meaning. A man is presumed to contemplate the reasonable consequences of his act, and when we use the word "calculated" it throws the burden upon the defendant, if he commits the act, to show that he did not intend it and had no willful or corrupt object in so doing. But if we use the word "intended," then the Government has got to go further and take upon itself the burden of proof, a very difficult thing.

Mr. FALL. The Senator correctly understood my contention. But beyond that, Mr. President, as was suggested to me by a Senator a moment ago in connection with what I said in opening, this is an attempt to make an offense of the utterance of words while we lawyers have been ordinarily construing acts and not words. Would it not be the case that in the case of the construction of an intent with reference to an act and the construction of an intent with reference to words, the strict legal definition of the intent necessary to constitute an offense under an act would not be so strictly applicable to the attempt of an offense with the use of words. A man may undertake to explain his acts or explain his words, but where a man with any deliberation at all uses an expression tending to bring contempt upon the Constitution or the flag of the United States or the uniform of soldiers there is a fixed impression in my mind at once that he intended to effect his utterance and that he did it willfully. I think that is all there is to this contention.

In my judgment we have reached a point now, and we reached it long ago, where any utterance tending to bring contempt upon the Government of the United States or its form of government or the flag or the Constitution or the uniform of a soldier, whether uttered carelessly, willfully, or with the intent to have the ordinary effect which might be even upon the most uninformed intellect bring such contempt about, such utterance should be prohibited, and a very severe penalty should be provided for the punishment of it, because in the crisis with which we are confronted carelessness or ignorance may bring about as disastrous effect as any willful intent might bring about.

Mr. STONE. Will the Senator yield?

Mr. FALL. I yield.

Mr. STONE. In the Senate some weeks ago when the Senator from Washington [Mr. JONES] had up for consideration a bill he had offered relating to the uniforms of soldiers, I said at that time that I thought a line, a clear line, ought to be drawn in some way so as to discriminate between a uniform worn by a soldier in actual service in the line where real danger confronted him from the gentlemen I took occasion then to characterize as swivel-chair, safety-first officers. So far as I know that was the first characterization of that kind. I was criticized at the time for using that expression—so much so that ever since I have been timid about repeating it. I venture now, however, to repeat it, merely to recall attention to what I said then only for the uses of the present moment. Although I may shrink from repeating a thing like that, offensive to the multitude affected by it, I have not changed my personal opinion with respect to it. Mr. President, if this bill passes, whether you use the word "intended" as "calculated," it is in my opinion, as I now see it, largely a distinction without a difference.

Mr. WILLIAMS. Tweedledum and tweedledee.

Mr. STONE. It is very much that way. But what I want to ask about is this: If one holding my view with respect to the uniform enveloping the body of a man with a gun in his hand is to be regarded as on the same plane with one of these favored gentlemen who sit in swivel chairs with spurs on their heels. Uncle JOE CANNON was recently asked, so it is reported, why these volunteer swivel-chair warriors wore spurs, and answered, "In order that their heels might not slip off the desks so easily."

Mr. President, I am curious to know, if I were to say a thing like that, or "Uncle Joe" should say a thing like that, on the street after this bill shall have become a law, would I or he commit an offense against the law of the land?

Mr. FALL. Why, of course not, Mr. President; and only the wildest imagination, it seems to me, could dictate such a question, with due respect to the Senator. He might criticize the wearer of the uniform in the swivel chair or the bombproof, if he so desired, and I think such a criticism would not be a criticism——

Mr. STONE. But if this bill should pass——

Mr. FALL. It would not be words tending to bring the uniform or the soldier into disrepute.

Mr. STONE. Ah, but, if the Senator will pardon me, the bill not only relates to the uniform but to the soldier himself.

Mr. FALL. Oh, Mr. President——

Mr. STONE. It does that by express terms.

Mr. FALL. Well, if the Senator says anything tending to bring a man in the military service of the United States, private or officer, to-day into disrepute or into contempt he should be sent to the penitentiary for 20 years.

Mr. STONE. Then the Senator's answer is clear.

Mr. FALL. That is my answer.

Mr. STONE. The Senator is getting excited about it; and there is no occasion for that, as I see.

Mr. FALL. I thank the Senator.

Mr. STONE. The Senator walks over——

Mr. FALL. The Senator from New Mexico means exactly what he says and exactly as he is saying it.

Mr. STONE. But there is no need of getting excited about it.

Mr. FALL. Not at all.

Mr. STONE. Then, why do you appear to be so?

Mr. FALL. Because I am answering your question.

Mr. STONE. Then answer it in a gentlemanly way.

Mr. FALL. I am not in the habit of conducting myself in an ungentlemanly way, and I do not need any instruction from the Senator from Missouri upon proper conduct.

Mr. STONE. I think you need instruction now, particularly.

Mr. FALL. That is another wild flight of the Senator's imagination.

Mr. STONE. No; that is a matter of general observation in the Senate.

Mr. FALL. I decline to be further interrupted.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STONE. Does the Senator mean to say that "Uncle Joe" or I would be liable to this proposed law if we said such a thing as I have indicated?

Mr. FALL. The Senator from Missouri can draw his own inference, and, of course, he can voice his own sentiments. I can criticize his sentiments as I choose, and I will do so. Mr. President, I must decline further interruption, because I did not intend to occupy much time.

Mr. President, the second argument made against this bill or the construction of the terms of the bill was largely voiced by the Senator from California [Mr. JOHNSON]. I am sorry the Senator is not present, because I wanted to refer particularly

to his argument, embodying apparently, as it did, the views of those who attempted to criticize the wording of the bill. I think that Senators have found a rag man, a straw man, and are proceeding to elevate it and to demolish it, without reference to the facts or the proposed law or the intent of the measure which they are discussing.

The point made by the Senator from California was that he would die, or be walked over, I believe was the language he used, before he would permit the passage by his consent of this proposed act containing these words:

Or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

What does that language mean? As I have said, the word "calculated" means exactly here what it means on line 24 of the preceding page, the ordinary effect of which would be to incite or inflame resistance to a duly constituted Federal or State authority in connection with the prosecution of the war. The duly constituted State or Federal authority acting as administrative or executive officers in the prosecution of this war are acting under the acts of the Congress of the United States, either the direct, explicit terms of which are contained in the acts themselves or by the terms of which the President of the United States is vested with certain authority, under which terms his acts become legal acts.

Sir, not one word is contained here that would prevent criticism of the method of acting by such local constituted authority; not one word which prevents just or even unjust criticism of the law itself; not one word which prevents criticism and discussion of such a law with the object in view of amending, repealing, or changing the law. But the law proposed is plain, that anyone using language the ordinary effect of which would be to incite resistance to the enforcement of a law, a law which is being enforced in the prosecution of this war, should be guilty. I say again that such an offense should be punished; I say that even in times of peace no man should be allowed to incite resistance to a law; but he might seek the repeal of it or he might seek the amendment of it. That is what the liberty of the press and of free speech means. The liberty of speech and the liberty of the press guaranteed under the Constitution of the United States does not mean the license of the bolsheviki or of the Mexican bandit character to resist the operation of a law. You can propose to repeal it or to amend it, but any man who preaches resistance to it should be punished by a minimum punishment of imprisonment in the penitentiary in these days and times. The majority of those now preaching resistance to such a law should be set against the wall and shot; and with a few examples made, we should need to pass very little more legislation of this character.

As I have said, the construction of the language of this bill or of the proposed amendment is so perfectly plain to me as a lawyer that I can not exactly understand, and possibly I have not fully appreciated, the arguments which have been used against the enactment of the bill into law.

Mr. SMITH of Georgia. Mr. President, I contemplated discussing the bill this afternoon, but an important conference which I am on meets at 3 o'clock. I therefore think that I shall simply give notice that to-morrow morning, immediately after the close of the morning hour, with the consent of the Senate, I shall address the Senate upon the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the amendments of the Senate to the bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes."

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes, and it was thereupon signed by the Vice President.

REORGANIZATION OF THE EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. REED obtained the floor.

Mr. WOLCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. WOLCOTT. I rise to a parliamentary inquiry. What is the business before the Senate.

The PRESIDING OFFICER. The business before the Senate is the unfinished business, being Senate bill 3771.

Mr. REED. Mr. President, I do not know what the purpose of the Senator in charge of the unfinished business may be with reference to pushing the bill this afternoon. The Senator from Georgia [Mr. SMITH] had expected to speak upon the bill, but he has announced that he does not desire to address the Senate until to-morrow morning. I understand there is an important conference going on this afternoon which will require his attendance.

Mr. SMITH of Georgia. I wish to be present.

Mr. REED. Yes. The Military Affairs Committee have an important meeting this afternoon, which I think will take away most of the Members of that committee. I desire to inquire whether there would be any reason why we should not adjourn until to-morrow, in order to catch up with our committee work, or take up some other business which will not require the attention of the entire Senate.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. REED. I yield for any statement which the Senator from Delaware may desire to make.

Mr. WOLCOTT. I wish to state to the Senator from Missouri that the Senator from North Carolina [Mr. OVERMAN] stepped out to luncheon, and asked me if I would remain on the floor and undertake to take charge of the bill.

Mr. OVERMAN entered the Chamber.

Mr. WOLCOTT. I will discontinue any further statement, the Senator from North Carolina having arrived.

Mr. REED. Mr. President, the Senator from North Carolina having come into the Chamber, I will restate the proposition which I was trying to put before the Senate. The Senator from Georgia [Mr. SMITH], who intended to go on with his argument on this bill, has announced that he does not want to begin his argument until to-morrow; that there is an important conference which he desires to attend. The Military Affairs Committee is engaged in an investigation of an important nature, and has adjourned to meet at 3 o'clock. The attendance in the Senate is very small, and I wish to ask whether the Senator from North Carolina intends to insist on going on with the unfinished business this afternoon, or whether it will be objectionable to him if we adjourn until to-morrow?

Mr. OVERMAN. It will be very objectionable to me to adjourn until to-morrow. I would not desire to force the Senator to speak to-day, but I think some other speeches may be made.

Mr. REED. The trouble is that important committee meetings are being held, and those of us who are greatly concerned about this bill and want to be here can not be here and at a committee meeting at the same time. I am not trying at all to delay a vote upon the bill.

Mr. OVERMAN. I understand that.

Mr. REED. As soon as it is discussed I shall be perfectly willing that it be voted upon.

Mr. OVERMAN. I do not think the Senator is endeavoring to delay the bill. I would not take any advantage of him or of any of my colleagues, but I know of one Senator who wishes to go on right now. Mr. President, I suggest the absence of a quorum, and perhaps we can get some Senator present who desires to speak.

Mr. MYERS. I hope the Senator from Missouri will not move to adjourn.

The VICE PRESIDENT. The absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McLean	Smoot
Baird	Hardwick	McNary	Sterling
Bankhead	Henderson	Martin	Sutherland
Borah	Hitchcock	Myers	Swanson
Calder	Hollis	New	Thomas
Chamberlain	James	Norris	Thompson
Culberson	Johnson, Cal.	Nugent	Tillman
Cummins	Jones, N. Mex.	Overman	Townsend
Curtis	Jones, Wash.	Page	Trammell
Dillingham	Kellogg	Phelan	Underwood
Fall	Kendrick	Pittman	Vardaman
Fletcher	King	Reed	Warren
France	Kirby	Saulsbury	Watson
Frelinghuysen	Knox	Shafroth	Williams
Gallinger	Lewis	Sheppard	Wolcott
Gore	McCumber	Shields	
Hale	McKellar	Smith, Ga.	

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. REED. Mr. President, I desire to make what I think will not be more than a five-minute statement of fact touching the so-called Overman bill. I desire to lay before the Members of the Senate, in the briefest possible manner, certain issues which arose in the committee, which I think ought to be in the minds of Senators as they consider this bill. If an apology be necessary for referring to what has taken place in the committee, let that apology be found in the fact that the Senator in charge of the bill has repeatedly referred to the action of the committee in the remarks he has made.

First, after this bill reached the committee it was referred to a subcommittee of five, consisting of the Senator from North Carolina [Mr. OVERMAN], the Senator from Florida [Mr. FLETCHER], the Senator from Minnesota [Mr. NELSON], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Missouri [Mr. REED]. Inquiry was made by the subcommittee as to whether or not any information had been furnished as to the particular power which it was desired should be conferred upon the Executive. All members of the subcommittee, and subsequently all members of the entire committee, stated in the most express and positive terms that they were willing to join in the enactment of any statute which would give the President the authority to cut what is commonly called "red tape," in order that direction of action might obtain, and, further, that they were willing to confer any other power necessary in order to enable the Executive or any department of the Government under his direction more speedily to mobilize or utilize the forces of the Government.

The position to-day of every member of the Judiciary Committee who refused to join in the favorable report of this bill is that he is ready, willing, and anxious to give any power that the President may need. All they have asked is that the desired power shall be pointed out and the occasion for the granting of that power stated to them, in order that they may exercise some degree of judgment with reference to just how the power should be granted and just what should be done.

There is not, therefore, and there can not be any such issue as was yesterday presented by the distinguished Senator in charge of this bill, which, as he stated it, was that, upon the one hand, there was on the part of the majority of the committee a desire to give the President the powers he needed, and, upon the other hand, on the part of the minority a desire to withhold the powers the President needs or may need.

The true issue is this: Whether a general blanket power shall be given without any intimation or hint of a single case where such power is necessary, or whether the executive departments of the Government ought to submit to the Congress the particular powers they desire, to the end that the Congress may intelligently pass upon their requests. That is the issue and the only issue. The Senator in charge of this bill knows that is the issue. But when the Senator gets into full oratorical flight, the poetry of motion uniting with the poetry of sound sometimes carries him so far into the nebulous belt that he quite loses sight of all such earthly things as facts. Upon such occasions he indulges in the kind of fanciful observations with which he regaled us on yesterday.

Mr. President, as I have stated, the request was made for the information to which I have referred. It was not furnished. The subcommittee then exerted its imagination to try to conjure up what powers might be needed. Finally the Senator from North Carolina and perhaps other Senators suggested instances in which they thought the power ought to be granted, but almost immediately some other Senator discovered that the power had already been granted; that it already existed under the law. This occurred not less than perhaps a half dozen times, with the result that when this bill was finally brought out of the committee there was not a member of the committee who could point to a specific power that the President needed that had not already been given to him by the law of the land; and that is the condition to-day. It is the condition at the end of the Senator's great speech of yesterday, which ran the gamut from the Alpha to the Omega of oratory, and swept the entire realm of imagination with a cyclone of patriotic fervor. We were still left in the dark, and we were blandly told to stay in the dark, and to blindly grant this power without even asking for the light of knowledge.

Now, coming to the facts:

After this matter had been discussed by the subcommittee for some days I offered this resolution. I want the Senate kindly to attend to its reading. Let me say by way of preliminary that it was stated to us that the Postmaster General had brought this bill over and handed it to the Senator from North Carolina; hence you will observe that his office is referred to first in the resolution:

Resolved, That the Postmaster General, who delivered the draft of this bill to the chairman of the subcommittee, be requested to appear before the subcommittee to inform the committee what particular change or changes are necessary in the various departments with which he is acquainted which, in his opinion, will be beneficial in the conduct of the affairs of the Government; also that there be invited before the committee any other members of the Cabinet who may be interested in the passage of the legislation embraced in this bill to give it like information touching their respective departments, to the end that the information thus furnished may be used in framing a bill making such changes in the law and conferring such powers as to Congress shall seem in the interest of the Republic.

That was voted down in the subcommittee by a vote of 3 to 2; and so the subcommittee stood upon the final reporting of the bill by the subcommittee to the committee.

When the bill was before the committee at large, and after it had been discussed for several days, I offered the following resolution. I challenge the attention of the Senate to it. It was offered on March 7:

Resolved, That the committee invite the members of the Cabinet to in person or by writing inform the committee what statutes so limit or obstruct their powers as to make the repeal or amendment thereof desirable, and also to inform the committee what, if any, new powers should in their opinion be granted in order that the war may be effectively prosecuted.

That resolution was voted down in the committee by the same Members who have reported the bill favorably, and that resolution was supported in the committee by every man who voted against reporting the bill favorably. So that the first proposition that confronts the Senate is that the committee charged with the duty of ascertaining whether this bill ought to be reported or not absolutely refused to ask a single member of the President's Cabinet—and that, I say by way of parenthesis, is the only way we could really ask the President for information under the custom—to give us any information or to point out any law that in any way needed a change. Such is the present atitude of the proponents of this bill. They stand here and, if they were not Senators I would say, stubbornly insist that this bill shall be accepted blindly, and powers of the broadest character, granted without the slightest information, being given to Congress.

After the bill had been under discussion for many days, and in a final effort to have its powers defined and in some way limited and specified, I offered a proposal to amend the bill by inserting at the end of it the following words:

Nothing herein shall be held to include the Interstate Commerce Commission or its powers or functions.

That amendment was voted down by the following: Yeas—REED, SMITH of Georgia, KING, DILLINGHAM, BRANDEGEE, CUMMINS, POINDEXTER, STERLING. Nays—OVERMAN, FLETCHER, ASHURST, SHIELDS, WALSH, WOLCOTT, NELSON, BORAH, COLT, and CULBERSON.

I then offered an amendment to insert at the end of the bill the following:

Nothing herein shall be held to include the Federal Reserve board or its powers or functions.

That amendment was voted down by the same vote as the previous amendment.

I then offered this amendment:

Nothing herein shall be held to include the Federal Trade Commission or its powers or functions.

That was defeated, the yeas being REED, CUMMINS, POINDEXTER, and STERLING, and the nays being OVERMAN, FLETCHER, ASHURST, SHIELDS, WALSH, WOLCOTT, NELSON, BORAH, COLT, and CULBERSON.

I then offered this amendment:

Nothing herein shall be held to include the Civil Service Commission or its powers or functions.

And that was defeated by the same vote as the first amendment to which I have called attention.

So, Mr. President, it became perfectly manifest, and is now perfectly manifest, that the purpose of the proponents of this bill is to confer powers which will enable the wiping out of the Interstate Commerce Commission, the Federal Trade Commission, the Federal Reserve Board, and the Civil Service Commission, because if that is not the purpose the amendments proposed would have been accepted.

Mr. WOLCOTT. Mr. President, will the Senator yield?

Mr. REED. Gladly.

Mr. WOLCOTT. I want to ask the Senator if he thinks that statement is justified, in view of the fact that the majority of the committee adopted an amendment providing that the authority by this act granted shall be exercised only in matters relating to the conduct of the present war?

Mr. REED. I think it absolutely justified. If the amendment to which the Senator has called attention did except the Interstate Commerce Commission, then there would have been no reason not to have accepted my amendment, which made that matter clear. It will not do for gentlemen to claim in one breath that the Interstate Commerce Commission has nothing

to do with the war, and hence is not within the purview of this bill, and in the same breath to refuse to make it plain that it is excepted from the bill.

Mr. WOLCOTT. Mr. President, will the Senator yield further?

Mr. REED. I yield.

Mr. WOLCOTT. I want to suggest to the Senator—of course, I know it will not meet with his approval, but I certainly express it as my own idea—that it is perfectly consistent for a Senator to object to the specific exception of the Interstate Commerce Commission, on the theory that in view of the whole act the commission is not within the terms of the bill, and therefore it is unnecessary to except it from the terms of the bill.

Mr. REED. I know the Senator is a modest man, and an intelligent man; and I put this to him as a man of that character, when he finds almost one-half of his associates insisting that in their judgment the Interstate Commerce Commission is included within the bill and begging that it shall be excluded, I put it to him whether he does not respect the opinions of his associates to admit that a doubt exists? And if a doubt exists, is he not willing to remove it when a few words that can be inserted in a moment will be all sufficient?

Mr. WOLCOTT. Mr. President, I will answer the question the Senator puts to me.

Personally I would have no objection to excepting the Interstate Commerce Commission from the provisions of this bill, notwithstanding the fact that I believe it is excepted already. I realize, however, as I realized in the committee, that if we excepted the Interstate Commerce Commission the Senator would then suggest the exception of something else, and if we adopted that, the Senator would again suggest something else, and I did not know where we were going to end up.

I should like further to call to the Senator's attention the fact that while, in modesty, perhaps, the majority of the committee ought to have paid enough respect to the opinion of eight members to submit the views of those eight members; yet, on the other hand, I think it might also be said that the 8 members ought to have had enough respect for the opinion of the 10 at least to credit their opinion with being entitled to very serious consideration.

Mr. KELLOGG. Mr. President——

Mr. REED. Let us admit that the opinion of the Senators upon the other side was entitled to respect, and that the Senator from Delaware expresses a perfectly honest judgment that the Interstate Commerce Commission is not included, whereas upon the other hand eight Senators were of the opinion that the Interstate Commerce Commission was included. There was, then, that difference of opinion as to whether the Interstate Commerce Commission was included; but as I understand the Senator now, he did not want the Interstate Commerce Commission included. He does not now want it included, and I suppose he speaks for his associates, and will say for them that they did not want it included.

Mr. WOLCOTT. No, Mr. President; if the Senator will permit me, I speak for myself, and for no associates. I said that personally I had no objection to writing in that exception. Personally, I have not; but I think, if I may be permitted to repeat, that it would have been excepting from the terms of the bill something which was not already within the terms of the bill, and therefore it seemed to me rather foolish.

Mr. FLETCHER. Mr. President——

Mr. REED. Let me conclude this, and then I will yield.

The Senator, then, was at one with myself upon the question that the Interstate Commerce Commissiou ought not to be included, but along with me were seven other men who thought it was included. The Senator ought, therefore, to have voted then, and ought now to vote, to make that plain which he desires to have plain and which he insists is plain, but which other men are very sure is not plain. Now, the reason the Senator offers is that he refused to vote to take out the Interstate Commerce Commission because he thought I would offer an amendment to take out some other board or tribunal. That is a strange reason to offer. The question as to whether the Interstate Commerce Commission—a great court, or semicourt, that has been created and has existed for nearly 30 years—should be put within the purview of this bill was an important question to be settled by itself. It ought not to have been settled upon such a peccadillo as that the unfortunate author of the amendment might offer another amendment applying to some other and different board.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. REED. Yes.

Mr. FLETCHER. I simply wish to suggest that it seems to me it is not fair to argue that a vote against his amendment meant that the committee was opposed to excluding from the operation of the act the Interstate Commerce Commission in one instance or the Civil Service Commission in another instance, or other agencies mentioned in the other amendments that were variously offered in the discussion of the bill. The opposition to those amendments by the Members who voted against them would follow from the view, first, either that they were unnecessary; that there was no purpose at all to interfere with the Interstate Commerce Commission or the Civil Service Commission or the other departments or bureaus mentioned in the other amendments; and therefore there was no occasion to specify that those bureaus or departments or commissions or bodies were excluded; or, in the next place, it may have been prompted by the view that it was not wise to exclude specifically certain bureaus, commissions, or departments which, although not contemplated now, might be disturbed if necessity arose under the authority granted in the bill. Conditions might arise in the future where the exercise of some authority or control such as a redistribution of functions as provided in this bill might be found advisable.

So that a vote against the amendments is not to be construed, in all fairness, as consenting that those things should be included in the bill which the amendments offered specifically provided should be excluded. The grounds of voting against those amendments were such as I have indicated, and such as the Senator from Delaware [Mr. WOLCOTT] has pointed out. It was thought not advisable, in my judgment, speaking for myself, to specifically exclude certain bureaus or commissions or departments or agencies by express provision in the bill, because in the future a time might arise when such control or redistribution of functions and powers, as provided in the bill, might be found to be advisable in connection with the prosecution of the war, at the same time not having in mind that there was at present occasion for the exercise of any such authority with respect to the agencies or commissions covered by the several amendments offered by the Senator.

Mr. REED. Mr. President, it may be that there is some human being who can divine what the Senator means by his statement; but if there is, he has a different mentality than I possess. I say this in all kindness, for there is no man in this body who can make a clearer statement than the Senator from Florida; and yet, as I follow the verbal circumlocutions to which we have just listened, they apparently mean this: That he was opposed to excepting the Interstate Commerce Commission upon the ground that while it is not now included in the bill, there may come a time when some one will want to include it in the bill, in which event it can be so included by stretching the language of the act.

Now, either the Interstate Commerce Commission is or it is not embraced within the terms of the bill. We ought to arrive some time at a period of frankness. I want to ask the Senator from Florida a blunt question: Is he in favor of passing this bill in such form that the powers and functions of the Interstate Commerce Commission shall be subject to the terms of the bill?

Mr. FLETCHER. Mr. President, I have not the slightest objection or hesitation about answering that question.

Mr. REED. Very well.

Mr. FLETCHER. At present I have no idea that there is contemplated under the provisions of this bill any control over the Interstate Commerce Commission, or any of the members of that commission; but if it becomes important, in the judgment of the President of the United States, that the Interstate Commerce Commission, the Federal Trade Commission, or any other commission, body, board, or officer in this country should be directed for the purpose and to the end of winning this war, I say let the President take hold of that officer or that body or commission or agency or that department and do the needful thing. That is my position.

Mr. REED. Well, that is not answering my question.

Mr. FLETCHER. I do not know what may arise. The situation is changing every hour—not only every day but every hour.

Mr. REED. I ask the Senator to answer a direct question, and it was this: Does the Senator believe that under this bill, as it is now framed, the Interstate Commerce Commission is included? Can we not have a "yea" or "no" to that, just for the enlightment of the Senate and my own satisfaction?

Mr. FLETCHER. My own opinion is that the bill is perhaps broad enough to include a redistribution of functions or duties in the Interstate Commerce Commission. It does not give to the President the power to abolish the Interstate Commerce Commission, or to do away with it, or to interfere with its proper and legitimate work under the law.

Mr. REED. Does the Senator mean to say that the Interstate Commerce Commission is included in this bill, and that the power

is not then granted, it being included, for the President to absolutely change every one of its functions, take them all away, and transfer them to another board or to another individual?

Mr. FLETCHER. I do not think so. I think it is perfectly absurd to assume that the President is contemplating or would be capable of striking down a great arm of the Government by saying that perhaps it is included, and he may do that sort of thing. Even if the power is given, I would not have any such apprehension as that.

Mr. REED. The Senator says, "Even if the power is given." The power is given, or the power is not given; and there ought at such a time as this to be no sort of equivocation.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. REED. I will yield to the Senator from North Carolina in a moment. The Senator states now that the power is given, but that it will not, in his judgment, be exercised; and yet he states that the power is limited and that the functions of this great commission would not be changed. Now, I call attention to the language. I challenge the attention of the Senate to the language, and I challenge the attention of the country to the language. It is this:

That * * * the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

Again, it is provided—

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law; to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another; to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Mr. President, the Senator states that he is willing to give these powers. He then states that they are not in the bill. But they are in the bill, and the Senator's position is clearly outlined in his statement that he is willing to grant them. So that when we boil down his statements that ought to have been condensed in a question and a direct "yes" or "no," they amount to this, that the Senator did vote against my amendment excluding the Interstate Commerce Commission because he wanted the Interstate Commerce Commission included within the terms of this bill.

Now, one word further.

Mr. OVERMAN. Mr. President——

Mr. REED. I am getting a little bit wearied by the fact that every time a man raises a question as to the proper kind of law to pass, he is to be silenced by a very loud-toned protestation, "I am willing to do anything to win this war," as though the declaration gained added virtue because of the loud-mouthed notes in which it is uttered, especially if the arms at the same time be violently waved, with "eye in fine frenzy is rolling."

Mr. President, there are but few people in the United States who are not willing to do whatsoever is necessary to win this war. Bombastes Furioso is not braver than the silent-lipped boy in khaki who kissed his mother good-by, shouldered his rifle, and went to foreign fields to die for the flag.

The man who abandons his duty as a Senator and yields the judgment that he ought to employ for the benefit of his country is not more patriotic than that other man who endeavors to use his judgment for the purpose of helping the United States to carry this war to a glorious and triumphant end.

The question is always to be settled when we come to grant powers that the people gave us the authority to grant, to pass laws the people gave us the authority to pass, what law will best aid in carrying on the war and at the same time preserve the rights and liberties of the American people.

I heard a Senator once in great fervor say, "He would burn down New York City if the President of the United States told him to do so." He added, as an afterthought, "and it was necessary to whip Germany." Of course, if it became necessary to whip Germany to save the honor and the life of this Republic, we would burn New York City; we would burn all our cities; we would sacrifice the life of every man capable of bearing arms, and the women of our country, I believe, would organize death legions and willingly perish to preserve our beloved land. But this was not just what the Senator meant to express. He really meant to state the degree of his subjection to the President.

The question always is, Is it necessary? Sensible and patriotic men and Senators will answer that question as the facts may demand. They will not be swept off their feet by clamor, neither will their judgment be overwhelmed by the songs of praise that fell from lips accustomed to flattery nor their senses be dulled by the incense burned by those who hope that "thrift will follow fawning."

Mr. LEWIS. Will the Senator allow me to ask him a question? Assuming that this measure does comprehend the Interstate Commerce Commission and assuming that it would give the President some supervision and jurisdiction over it—and, as for myself, I think the measure does, I am supporting it upon the theory that it does, I hope it carries with it that opportunity—I ask the Senator what harm does he suggest would follow from it and in what way would the Government be embarrassed in the exercise of it?

Mr. REED. Mr. President, I might answer that at length. The truth is I rose to talk for five minutes merely to state what transpired in the committee. I had not the slightest idea of going beyond that. I wanted the Senate to understand that in the committee there had been an absolute refusal to call in men who could tell us what it was that the department desired; that that request had been refused; and that then the request to exclude from the operation of the bill certain of the great independent boards and tribunals had been likewise refused.

Mr. OVERMAN. Mr. President——

Mr. REED. Let me answer the Senator from Illinois. I have been, because of the questions, led aside from that purpose.

I now answer the Senator from Illinois. The Interstate Commerce Commission is a great tribunal created nearly 30 years ago. Its powers and functions are quasi judicial, and I think I may also say quasi legislative. It is a board which occupies that peculiar twilight zone between the legislative and the judicial departments of the Government.

Mr. WOLCOTT. Mr. President——

Mr. REED. Please let me answer the Senator from Illinois.

Mr. WOLCOTT. I merely wish to ask the Senator a question which is pertinent to what he is just saying.

Mr. REED. Very well.

Mr. WOLCOTT. Will the Senator permit me?

Mr. REED. Certainly.

Mr. WOLCOTT. Does not the Senator think it is also quasi executive?

Mr. REED. Perhaps not.

Mr. WOLCOTT. Does the Senator think it is quasi administrative?

Mr. REED. I think it might be termed an administrative body, or quasi administrative body.

Mr. WOLCOTT. Now, I want to call the Senator's attention to the fact that this bill deals only with executive and administrative commissions. Then would not the Interstate Commerce Commission, according to the Senator's statement, be quasi judicial and quasi legislative and partially administrative——

Mr. REED. The Senator is again arguing that the commission is in the bill. A moment hence he argued it was out of the bill. "Now you see it and now you do not see it." It is the finest legislative shell game ever staged before the American people. If the proponents of this bill were juggling shells and a pea as they do words, they could be indicted in any State in the Union and sent to jail.

Mr. WOLCOTT. I should like to observe that from the Senator's remarks he is playing that very shell game. He first had the Interstate Commerce Commission in this act. In his admission he seems to have shelled it out.

Mr. REED. No; I have not shelled it out at all. I said that the board was quasi-judicial. I said that the board was quasi-legislative, if I might employ that term. The Senator asked me if I thought it was quasi-executive. I said I doubted that. He then asked me if I thought it was administrative. I said it was. On reflection it is my opinion that it is a board which possesses in a degree all these functions.

I have not the decisions in mind at this moment, but I think it has been so described by the court; but however that may be, whether it is legislative or whether it is administrative, its members are officers, and hence are within the provisions of the bill which embrace officers.

Mr. OVERMAN. Will the Senator let me ask him a question?

Mr. REED. If the Senator will wait one moment, until I get through answering the Senator from Illinois, I would be glad. I was answering the Senator from Illinois when the Senator from Delaware [Mr. WOLCOTT] interrupted me, but let me continue answering the Senator from Delaware for just a moment. Notice the language of the bill. It covers every commission. The Interstate Commerce Commission is a commission.

Mr. WOLCOTT. Where does it occur, may I ask the Senator?

Mr. REED. In line 3:

To make such redistribution of functions among executive agencies——

Mr. WOLCOTT. Executive.

Mr. REED. Yes—

as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

Again:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions—

And "administrative" was put into the bill by an amendment to cover the Interstate Commerce Commission. I do not think anybody will deny that.

Mr. STERLING. Mr. President, I should like to ask the Senator from Missouri if all the discussion in the Judiciary Committee was not on the assumption that the Interstate Commerce Commission and every other permanent independent commission or individual should be included?

Mr. REED. Undoubtedly that was the discussion. There were one or two Senators who made the statement that they doubted whether it would be included. Then I tested that out by my motion to amend by striking out the Interstate Commerce Commission, and the motion was defeated.

Mr. OVERMAN. Right there, let me ask, if the Senator's amendment had been adopted excluding the Interstate Commerce Commission from the bill at that time, would the Senator have voted for it?

Mr. REED. Mr. President, that is like "the flowers that bloom in the spring." It has nothing to do with the matter under discussion.

Mr. OVERMAN. No; it is like the shell game the Senator was talking about. He introduced one amendment and would not vote for the bill if it was adopted. That is the idea.

Mr. REED. Now, let me assume that that is true; that I introduced an amendment and would not have voted for the bill if the amendment had been adopted; it is my duty and it is the duty of every Senator when they find a bad law proposed that may be passed by the votes of mistaken men to make it as little vicious as possible by amendment. The Senator's argument is that if a man who offers an amendment will not vote for the bill even if the amendment is adopted, the amendment should be defeated, even though meritorious, is a strange sort of philosophy.

Mr. OVERMAN. Would there not be the same reason to vote it down?

Mr. REED. The Senator did not doubt my sincerity and does not doubt it now?

Mr. OVERMAN. I do not doubt the Senator's sincerity in the least, but I refer to his course in introducing this amendment to the bill when even if the committee had adopted that amendment he would fight the whole bill.

Mr. REED. That would be no reason. If the amendment was good, it ought to be adopted as a good amendment regardless of who offered it and regardless of whether it was offered in good faith or bad faith. That undoubtedly is true. The only excuse there may be for a man voting against a good thing on the ground that he doubts the good faith of the man who offers it is because he doubts his own intellectual ability to decide the question on its merits and must, therefore, reject it because he fears the man who brings forward the proposition. The man who does not know whether he can trust himself or not would well beware of Greeks bearing gifts, but the man who knows his business will not hesitate to take a good thing even from the hand of a Greek.

Mr. OVERMAN. If we adopt the amendment, would the Senator vote for the bill?

Mr. REED. The Senator from North Carolina is making an argument that if I did not love him I would characterize in pretty strong terms. The Senator knows that in the committee I begged for reasonable modifications of the bill. I made a statement in the committee that went beyond where I thought I ought to go and said I would support a measure of that kind. I begged in the committee that we might get together upon a measure. The Senator knows that that was my attitude throughout.

Mr. OVERMAN. I do not deny that.

Mr. REED. Very well, then, the Senator can not stand here and by innuendoes impugn my motives. Nobody has any right to do that.

Mr. OVERMAN. I did not do that. The Senator knows the legislative methods and that legislation is a compromise, and yet he introduced an amendment when he would not vote for the bill after it was adopted.

Mr. REED. Certainly, on that one amendment I would not; but the bill could easily have been amended so that I would have voted for it. If the Senator from North Carolina had been able, after three weeks of work, to have told us of one single power that the President needed which he did not possess, I would have voted to have granted that power to the President. The Senator could not tell us a single power. He thought he had discovered three or four, and almost immediately the Senator from Georgia [Mr. SMITH] pulled a law book out and showed that the power already existed. So we are here to-day asked to grant these broad and absolutely unheard of and undreamed of powers, although no man can tell us—and I challenge any of these gentlemen to tell us—a single power that the President desires which he can not exercise. I am pausing for a reply. Name it.

Mr. LEWIS. Mr. President, for myself I am quite conscious of a good many; but I say to the Senator I purpose addressing myself to the bill, and I shall enumerate a few. I do not wish to intrude with an argument now, but I will not sit silent on the assumption that there are not many to be named.

Mr. REED. We will wait until you name them, and when you name them, if they are proper powers, we shall probably show you a statute already conferring them, as happened in the committee time and again.

Mr. LEWIS. Of course, I will await with patience.

Mr. REED. We will await with patience the illuminating address of the Senator from Illinois.

Mr. LEWIS. There is gratification at the information, but, Mr. President, pardon me a single statement. He will await my viewpoint, but I will say to him, if he were present yesterday he heard me say to the able junior Senator from Pennsylvania [Mr. KNOX] one of the particular things in my mind which I do feel should be coordinated and consolidated, and which could not be done because there are two separate statutes, and until those statutes are repealed it is not in the power of the President to change those powers and duties and distribute them. I referred to the fact that the Ordnance Department, to start with, and the Quartermaster Department have duties defined by statute, and there was an attempt to meet the position made by the eminent Senator from Missouri and the eminent junior Senator from Tennessee [Mr. MCKELLAR] contended in the Military Committee, and I think wisely, respecting the contracts, in the way they are distributed under our Council of Defense.

The only way the President can take those out of the hands of the Quartermaster General and the Ordnance Department is for Congress to repeal the statute that now vests those powers in those two bodies.

Mr. REED. The answer to that unfortunately is that the President has already done it, and has done it from the beginning of the war up to the present time, and it has been done in the way I shall relate. The Council of National Defense organized a great many subordinate bodies and the word was sent down to the military officers to make their contracts in accordance with the directions of these subbodies of the Council of National Defense. The contracts have been made in that way, and the only complaint I have to make is that I think in organizing a great many of those subcommittees that have had charge of the purchases of supplies there have been too many men put upon them who were themselves interested in the contracts. I do not say that in criticism of the President, but I mention it as an unfortunate fact, and I say that that is one of the things which might be intensified if we adopt this reckless legislation.

Mr. LEWIS. If the Senator will permit me, since I have pointed him to one instance where only by statute can the other two statutes be repealed, the Senator now calls attention that the President by a practice sought to put into effect that which would have effected the object. But I invite the Senator's attention that when the President did such, or whoever did such, it has been assailed for illegality; it has been assailed for want of authority; it has been assailed for usurpation. And now when an attempt is made to have a legislative act passed that shall legalize that conduct, the eminent Senator assails it as being unnecessary usurpation.

Mr. REED. I have not assailed it as usurpation. I said it has already been done.

Mr. LEWIS. It has not been done by law, but by mere order, which the Senator attacks as invalid.

Mr. REED. I do not agree to that at all. It usually happens in a time of warm discussion on this floor, and that is the only time it has been used; no man is able to pursue a theme very long. So, if my remarks are very broken, it will be understood that I am trying to follow these various suggestions to their legitimate end.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. In a moment. Replying to the Senator from Illinois, I make this statement. The President is Commander in Chief of the Army and the Navy. The President as Commander in Chief of the Army and Navy can practically assign such members of the Army or such officers as he sees fit to such positions as he sees proper to place them in. The possession of that power in itself enables the President to put into position controlling the ordnance, and I am now following the suggestion of my friend from Illinois, a man who will absolutely do that which the President desires to have done. It is as useless and senseless to say that the President is handicapped in that respect as it is to say that the colonel of a regiment on independent duty is handicapped by some regulation which gives a first sergeant certain powers when he can change that first sergeant and put his own man in at any instant. The answer to practically all the various suggestions that I doubt not will be made is that the President possesses the power either as President in his civil capacity or as Commander in Chief of the Army and Navy to put into practically every position except these great independent tribunals and boards a man who will do exactly what the President wants done.

Mr. President, I want to answer the suggestion made by the Senator from Illinois in a colloquy on yesterday, to the effect that the Government now has taken possession of the railroads, and therefore the Interstate Commerce Commission becomes, in a sense, functus officio, and we do not any longer need to retain it. That is not the exact language of the Senator, but it is what I understood to be his suggestion.

Mr. President, I do not agree on that proposition. It is true that the Federal Government has temporarily taken possession of the railroads, and it is true that, being in possession, its relation to those roads has to a considerable extent changed. But it is also true that the railroads remain the property of the companies that have always owned them. The United States Government to-day merely occupies the position of tenant by force. It holds possession of the property which belongs to others, and therefore the proprietors of that property have some rights which are even now entitled to fair and just consideration.

The second proposition that I make is this: Even if the United States Government had bought and owned all the railroads and was now an absolute proprietor, it does not at all follow that in the question of the fixation of rates or the regulations of the great highways the Interstate Commerce Commission should not be continued for the purpose of adjusting rate differences and performing many functions now devolved upon it by law. The circumstance that we may at present occupy these roads does not alter the fact that the American public may find it desirable to have their interests protected by the independent action of an independent tribunal that can summon witnesses and hear testimony and argument, and then, in the light of its broad experience and aided by the views of its experts, decide questions which concern the general public. I yield to the Senator from Idaho.

Mr. BORAH. Is it not true that the railroad bill makes the President in the first instance the fixer of rates, if I may use that term?

Mr. REED. Yes.

Mr. BORAH. And the only power which is left to the Interstate Commerce Commission under the bill is to review the President's action?

Mr. REED. That is true.

Mr. BORAH. There is also a suggestion in the law which in my judgment practically advises the Interstate Commerce Commission not to exercise that power, because it suggests the proposition that they shall take into consideration in the question of reviewing the President's rate as the rate established by the President certain things which heretofore they have not taken into consideration.

The question which I submit to the Senator is this: Up until such time as the railroad act shall expire by its own terms, until the end of the war, does the Senator believe that the Interstate Commerce Commission will ever fix a single rate?

Mr. REED. Mr. President, I am pausing because I am trying to think just how I ought to express the thought that is in my mind.

Mr. BORAH. The Senator does not ordinarily pause long for answer.

Mr. REED. No; I shall not have to pause long to express the thought that is in my mind. I may have to pause a long time to answer the question to the satisfaction of the Senator, but if I remember aright the Senator himself was opposed to cutting down the power of the Interstate Commerce Commission. Was he not?

Mr. BORAH. I do not remember how I voted on that, but I voted against the entire bill.

Mr. REED. Very well; then the Senator voted against this modification. But, answering the Senator's interrogatory as well as I may, and answering it with entire frankness, my opinion is that the President will not act, and when I say the President I do not mean Woodrow Wilson; I mean whoever may be charged with running the railroad business, for the President of the United States can not in the multitude of his duties study rate questions very closely. Whoever shall in the name of the President decide questions of rates I think will find his conduct very wholesomely restrained by the fact that the Interstate Commerce Commission has the power of review, and I have still enough confidence in the Interstate Commerce Commission to believe that if a decision should be rendered for the reduction of rates or the increase of rates that would be highly unjust the Interstate Commerce Commission would interfere.

I do not believe they would interfere in a slight or inconsequential matter. If they fail to do that they will have failed to perform the sworn duties of their office. While I have had occasion in the past to be one of those who have not been an incense burner in the presence of the Interstate Commerce Commission, having more than once criticized them, I nevertheless believe the commission exercises a wholesome influence upon our public life and that its destruction ought not to be sought, as I believe it is sought by this bill. I believe this reserved power which the Senator has spoken of will be absolutely annulled the moment you pass this act, for every member of the Interstate Commerce Commission will then understand that if he undertakes to review any decision that may be made by the Director of Railroads or by any subordinate of the Director of Railroads the functions and powers of the board may be at once transferred from it to the individual whose decision it may seek to review.

Mr. BORAH. Mr. President, before I make the remark that I am going to make, I desire to say that I assumed when this bill was before the committee that it did include the Interstate Commerce Commission. That was discussed some time ago. I rose then to say that so far as my attitude upon the bill was concerned, it was assumed upon the theory that the terms of the bill included the Interstate Commerce Commission; but I had in mind this state of affairs. That the railroad bill had been passed here by an overwhelming majority; I think with only eight votes against it. In that bill the President is given power to fix rates. The Interstate Commerce Commission, a commission appointed by the President, is given the power to review the fixing of those rates; and in that bill we suggest that, in reviewing those rates, they must take into consideration that they were originally fixed by the President in view of war conditions, and so forth. Now, I submit, as a matter of candor and fairness, what can we expect from the Interstate Commerce Commission during the pendency of this war in reviewing rates fixed by the Commander in Chief with a suggestion in the law that when they come to review such rates they must take into consideration the fact that they were fixed by the Commander in Chief in view of war conditions? In view of the Five Per Cent Rate Case we may assume that there will not be a single rate disturbed which is fixed by the President during the war.

Mr. REED. Mr. President, the amount of that argument is this: The Senator from Idaho thinks the Interstate Commerce Commission has already been practically abolished, and hence he is willing to abolish it some more; that it has been abolished by indirection, and he is now willing to give power to abolish it directly. I do not think it has been totally abolished. I think that the Senator's statement is a very strong one—that its powers have, perhaps, been circumscribed—but there are many other powers that the Interstate Commerce Commission possesses aside from the mere fixation of rates. We are both dealing with a problem which lies in the future; we are both, in a sense, prophesying; and all I can say is that in my opinion the Interstate Commerce Commission's present powers are of a wholesome and restraining character. Such, undoubtedly, was the opinion of Congress, because, after long debate, it insisted upon retaining in the Interstate Commerce Commission the powers which it did retain therein.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I yield.

Mr. CUMMINS. As the Senator from Missouri will remember, I was very much opposed to the curtailment or restriction

of the power of the Interstate Commerce Commission as found in the railway bill; but it must be remembered—and I premise this in order to ask a question—that the fixing of rates must be examined from two standpoints. The railroad companies had the right to fix rates, and the President simply takes their place in that authority. The Interstate Commerce Commission had the right to suspend those rates until an examination, if it saw fit. That authority was taken away; and I am sorry it was. But the value of that work of the Interstate Commerce Commission with respect to rates has never rested simply in determining whether the rates as a whole furnished sufficient revenue for the railroads as a whole. That is the point which is sought to be covered, I assume, in the language quoted by the Senator from Idaho [Mr. BORAH]; and I really think that that consideration will deprive the Interstate Commerce Commission to a very great degree of any corrective influence.

But the most important thing which the Interstate Commerce Commission has done respecting rates has not pertained to rates simply as a revenue-producing instrumentality, but to the adjustment of rates as between communities or as between kinds of traffic.

The exercise of that authority can only be wise when done through men of great influence and observation. To submit that authority to a single man in charge of the Government operation of the railroads is most likely to result in a complete disorder in the rates of the country and in very great disaster to the various communities which may be affected.

I have believed, Mr. President, that, notwithstanding the effect of a certificate of the President with regard to the amount of revenue which may be required to be raised upon the railroads, in the very nature of things the Interstate Commerce Commission would exercise freely and helpfully the jurisdiction which it retained, so far as adjusting rates between communities and between kinds of traffic are concerned, in accordance with their established procedure. I would look upon it with the greatest apprehension if an effort were made to deprive the Interstate Commerce Commission of that function, because the business of the country is not so much interested in the absolute rate as it is in the absence of discrimination between rates. I ask the Senator from Missouri if that is not an aspect of the matter which is entitled to very great consideration?

Mr. REED. Unquestionably the Senator from Iowa has stated with his usual clearness, and somewhat in detail, one of the many important powers of the Interstate Commerce Commission, which certainly it was not the intention of Congress to take away, and which I do not think will be taken away under the bill which has been passed. There are other powers—the valuation of the railroad property is going on. I shall not pause to go into the details; I content myself with the general statement that the Interstate Commerce Commission has grown into a great body, possessing an expert knowledge regarding all matters of transportation, which is of infinite value to this country. When it is asked that that commission shall not be included within the terms of the proposed law and the proponents of the bill insist that it shall be, it looks very much as if the power to wipe out the commission is insisted upon because it is intended to be exercised.

I am as far as any other man from believing that the President of the United States in seeking to act under this proposed statute will do anything wittingly to injure the American people; but I am fully aware of the fact that he must act through human instrumentalities. I heard read this morning the opinions of one of the men who to-day occupies a high position in this country. They were read as illustrative of the fact that it would not be safe to pass the amendment to the espionage law lest its entanglements might reach men of the kind to whom I am referring.

We have discussed the Interstate Commerce Commission enough, so that Senators' minds are attracted to it. I never have much fear as to what will happen in this body if Senators' minds are attracted to a proposition, always provided Cabinet members will stay at their end of the Avenue. I would prefer replying to the opinions of Cabinet members if they could be expressed on the floor, where I could hear them, to replying to such opinions as delivered in whispered conversations in cloak rooms.

Mr. LEWIS. Mr. President, are we to assume from the eminent Senator's observation that there may be in the shadows of this portal or of this temple such an individual, who is assuming to have such impudence with us?

Mr. REED. Mr. President, judging from the close connection which the country understands the Senator from Illinois maintains with exalted places, I wonder that he can not feel and recognize the influence at this moment. [Laughter.]

Mr. LEWIS. Mr. President, I will admit that there are some Cabinet members who, from what I understand, have a very long reach, but I have not as yet felt the touch of their hands on me.

Mr. REED. Not the touch of their hands, but the inspiration of their spirit.

Mr. LEWIS. I have not always been able to acknowledge that as having an existence as to all of them.

Mr. REED. Mr. President, let us turn to the Federal Trade Commission. The Federal Trade Commission was not a favorite of mine when it was created, but in that Federal Trade Commission are reposed very great powers, one of which is the power to summon any citizen of the United States who is engaged in business, and to require him to tell about his business—a power that is not vested in any executive in any free country, but one which has been reserved exclusively for legislative or quasi legislative or judicial or quasi judicial bodies inquiring in the interest of the public. The Federal Trade Commission has power to issue orders, as well as subpœnas, to make what might be properly termed interlocutory decrees and judgments. It is, in fact, a body possessing statutory powers so broad that they ought not to be conferred upon any single man however great or however good he may be. They should be reserved always to a body which is judicial, or at least which is quasi judicial.

Mr. President, is the Federal Trade Commission included within the terms of this bill? I answer yes. When a motion was made to exclude it, the motion was defeated by the votes of the identical Senators who have reported this bill favorably.

Let us see what can be done with the Federal Trade Commission if this bill passes. Its functions can be transferred from the commission as a whole to any one of its members. All of the powers and functions of the trade commission can be conferred on the presiding officer of the commission.

There is not a doubt of that; candor will not permit any man to deny it. That, however, is not all. There is not a man on this floor who can deny that every one of the powers of the Federal Trade Commission can be conferred on that distinguished gentleman whose remarkable editorials were read and who was this afternoon so highly eulogized by the Senator from Indiana [Mr. WATSON]. I refer, of course, to Mr. George Creel. I say this because the powers and functions of any office or any commission or any board can be transferred to any officer of the Government under this bill.

Let those who stood here and told us that the Federal Trade Commission was to be a supreme court of commerce, and that it was to be composed of men of the highest intellect, of judicial temperament, of vast learning, and that, therefore, it could be safely made the custodian of great powers—let those who insisted upon the creation of that tribunal pause and ask themselves the question whether that board ought not to be excluded from the terms of this bill? Why should it be left in the bill? Why should the right to exercise its powers be transferred to any man? We in the Senate had something to do with the creation of that commission; we conceived it in the Congress; and then we provided for the approval of its membership. But under the terms of this bill every power that is reposed in the commission can be transferred over night to a man who has never seen the inside of a law book, and who is unacquainted with matters of commerce or business.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I yield.

Mr. CUMMINS. I rose to remind the Senator from Missouri that a few days ago the Senate passed a bill repealing the anti-trust laws in regard to foreign trade. That measure is now in conference and will shortly become a law. That proposed act will tremendously, almost infinitely, increase the jurisdiction, power, and importance of the Federal Trade Commission, and, indeed, put the safety of the business of this country in the hands of that commission so far as our foreign trade is concerned.

Mr. REED. The suggestion of the Senator is very pertinent. I repeat that under the terms of this bill every power of the Federal Trade Commission can, the day after the bill becomes a law, be transferred from all of its members to one of its members, or can be transferred to any man holding an office under this Government. Its powers can be given to the Director of Railroads, just as the powers of the Interstate Commerce Commission can be conferred upon the Director of Railroads if this bill becomes a law. There can be no dispute about that proposition.

Now I pass from the Federal Trade Commission. Those who helped to create it, those who have regarded it as the happy

child of their brains and their hearts, I charge them guard it well; we are about to pass a law which authorizes its destruction; I call upon the Senate to remember that the powers of the Interstate Commerce Commission, every member of which must be approved by this body, and the powers of the Federal Trade Commission, every member of which must be approved by this body, may be transferred to some intellectual bolshevik who has been engaged in writing editorials for the delectation of anarchists and men of like ilk. But I pass on.

I made another motion:

That nothing herein contained shall be construed to include the Federal Reserve Board, its powers, or its functions.

Senators, I sat as a member of the Committee on Banking and Currency when we created the Federal Reserve Board. It became apparent during the long deliberations upon that bill that the power of ultimate control over the entire finances of this Nation would be in that banking system, and that the control of that banking system would either be left in the member banks or that it would be left in the Federal Reserve Board. If left in the member banks, the great moneyed forces of the country could control the volume of our currency and could contract or expand credits. For that reason we vested in the board great powers, believing they would be exercised for the benefit of the people. We practically made the board the supreme dictator of the finances of the entire country, public and private, for its control is such that its hand is almost omnipotent. Under this bill that is before you for consideration the powers of that board may be concentered in one member of the board; they can all be transferred to the Comptroller of the Currency, who is ex officio a member of the board, and the powers of the other members would absolutely cease; or the powers of the board can be conferred upon any other member, or the powers can be conferred upon the Secretary of the Treasury, or they can be conferred upon the president of the new banking corporation, for he himself will be a Government officer, not by virtue of being the president of the bank but because he will be a Government officer before he becomes the president of the bank.

Again, the powers of this board may be conferred upon any banker of the United States by the simple process of appointing that banker to some office within the gift of the President, when instantly the transfer can be made to him; or they can be transferred again to any other citizen of the United States by the simple process of appointing that citizen to a public office, and thereupon transferring the functions and powers and duties of the Federal Reserve Board to that individual. Is there any necessity for a thing of that kind? The answer will be that it is absurd to suggest the possibility, and that is equivalent to a declaration that there is no necessity; yet those who have insisted upon the passage of this bill have refused to exclude the Federal Reserve Board.

Again, the motion was duly made, and promptly defeated, to exclude from the operations of this law even the poor old Civil Service Commission.

So that the question that I now present to the Senate that must be considered by the Senate and that the Senate must decide when it votes upon this bill, is whether or not all of the powers and functions of these great boards ought to be transferred at will to any individual or to any tribunal, and this without limitation of any kind whatsoever?

Mr. President, since I have occupied so much of your time, let me proceed a step further. I challenge the attention of Senators to what I am about to say. As this bill is drawn every Cabinet officer can be wiped out to-morrow, if the bill were to pass to-day; all the powers and all the functions of each of the Cabinet officers can be taken away and concentered in one Cabinet officer; or, again, they can be concentered in any one individual. That individual may to-day be a private citizen of the United States and to-morrow may be appointed to an office, and thereupon all the powers of all the Cabinet positions transferred to him. No Senator who will sit down and read this bill carefully can arrive at a different conclusion. We can not escape it; it is here nominated in the bond in good set phrase. I read:

To make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer—

And, again:

To utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it.

Why, you can take our lamented friend Creel out of the position he now holds, as unofficial censor, and you can transfer his person into a position in any one of these great departments. Likewise you can transfer the functions of one of the departments to him, whether it be the Department of State or the Department of War or the Department of the Navy. Shall these broad and sweeping powers be granted?

Let me observe, in nearly every instance where these bodies and tribunals have been created, Congress has provided that the occupant of the office shall possess some peculiar qualification which, in the opinion of Congress at the time it framed the legislation, would fit the occupant for the performance of the duties of the office.

But if this law is passed, the functions and powers which have been conferred upon men fitted for their performance may be transferred to individuals who do not possess a single one of the qualifications named in the law. We may have provided in a statute that a man, to occupy a certain office and perform certain duties, shall be learned in the law; but under this bill, if it be passed, those duties which Congress intended should only be performed by one learned in the law can be passed over to a man who is ignorant of the fact that the United States has adopted a Constitution, if we can indeed imagine such a creature to exist.

Again, Congress has created offices in regard to which it has required that men shall possess certain scientific training; but if this bill be passed, duties that Congress consigned to a man whose mind has been trained along certain lines of scientific thought, who had gathered the learning of the ages within the temple of his brain, and who was therefore qualified to speak wisely and to administer prudently, can be transferred to and exercised by an individual devoid of any of the specified qualifications. It is as though the legislature of a State may have carefully provided that the judges of its supreme court shall be men learned and experienced in the law, and, having made that provision carefully and graven it upon their statute books, it should then be proposed that the governor of the State might at any moment, by a mere order, transfer the powers of the supreme court to any single justice of the peace sitting in and for any township of the Commonwealth!

Mr. KNOX. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. Certainly.

Mr. KNOX. Take the Department of State, for instance; and I instance that department because the Senate, as such, has a direct relation to our foreign affairs, and therefore, as such, has a very immediate and peculiar interest in the qualifications and the experience and the aptitude of the Secretary of State. Do I understand the Senator to say that if we confirm a man as Secretary of State because we believe that he will discharge those functions to which we sustain the immediate relation under the Constitution that we do, his duties and his powers could be transferred under this bill to the Third Assistant Secretary of State, who practically has charge of ceremonial matters alone?

Mr. REED. I read the language of the act to the Senator from Pennsylvania. There is probably no better lawyer in the United States, and, in addition to that, no man in public life who has had a greater experience. I will read the language again:

The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary—

Now, that is an executive agency—

including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer.

Surely the Secretary of State holds an office, and is an officer. I continue reading:

In such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

And what is the qualification? Oh, the committee guarded us most wonderfully! After about three weeks' debate they concluded they would restrict the President's power; and here is the restriction:

Which regulations and orders shall be in writing and shall be filed with the head of the department affected, and constitute a public record.

[Laughter.]

Again, in answer to the Senator's question, I read section 2:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies—

Now, notice again—

offices, or officers now existing by law, to transfer any duties or powers from one existing department—

Such as the Department of State—

commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Mr. FLETCHER. Mr. President——

Mr. KNOX. Mr. President, I rather agree that the instance I cited would come within the language of the act. I call the Senator's attention, therefore, to this proposition:

The Senate, under the Constitution of the United States, is charged with the responsibility of confirming these officers. The presidential power is merely to nominate. The President does not possess within himself the power to appoint a Secretary of State, a Secretary of the Interior, or any other Cabinet officer, or, indeed, any other officer. The complete performance of the act of creation of the officer requires the cooperation of the Senate. Now, then, might not the Senate's act in confirming any officer be rendered a practical nullity, in so far as it is any assurance to the public that the Senate has exercised any wise discretion over the incumbent, if 24 hours after he has been appointed his functions could be passed over to some one who had not been confirmed to fill that office?

Mr. REED. In a way I have tried to express that thought, but the Senator from Pennsylvania has expressed it in a manner so clear that an affirmative answer is the only one that can be made.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. Certainly.

Mr. FLETCHER. If the President desired to have the duties now devolving upon the Secretary of State performed by the Third Assistant Secretary of State, or if he wanted the Third Assistant Secretary of State empowered with the duties and responsibilities of the Secretary of State, has he not a much better way of accomplishing that than in the roundabout process which the Senator suggests might be possible under this bill?

Mr. REED. May I answer in the Yankee fashion by asking, what way?

Mr. FLETCHER. Why, by asking for the resignation of the Secretary of State and appointing the Third Assistant Secretary of State to that position. That is one way.

Mr. REED. I thank the Senator. First, in this particular instance, he could not appoint the Third Assistant Secretary of State to that position, because the confirmation of the Senate would be lacking; but in all those offices where the confirmation of the Senate is not necessary, and in all offices where the incumbent does not desire to be discharged, the Senator has already pointed out the means by which the President can have his will carried out. That is to say, if the President wants a certain thing done in the War Department, being Commander in Chief of the Army of the United States, he will tell the Secretary of War to have that particular thing done, and there will be no difficulty in having it done. So, in the Navy Department, the President can easily accomplish the doing of anything that is proper to be done; but always, so long as the Senate has the right to confirm a Secretary of State, the Senate will try to have supervision over the character of the man who performs the duties of that office.

The Senator's illustration argued too much. It argued the necessity of no legislation whatever; for if the President has the power now to confer all of the great powers of the Department of State upon the Third Assistant Secretary of State, if he has that kind of power, why does he need this sort of legislation? He does not have it in that instance, but he does have it in many instances. I think, perhaps, I am in error. I think the Senator from Pennsylvania stated that all Cabinet officers had to be confirmed.

Mr. KNOX. Well, I meant that class of officers who, under the Constitution, had to be confirmed.

Mr. REED. Yes.

Mr. KNOX. And my whole point was, would it be right, would it be proper, would it be dealing fairly with our duties and our responsibilities under the Constitution, to pass any law that would practically render nugatory the judgment we have passed on an officer who had been nominated for a particular place?

Mr. REED. It seems to me that it is unwise to do that. It seems to me wholly unnecessary to do it.

Mr. BORAH. Mr. President——

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, aside from the proposition which the Senator from Pennsylvania suggests with reference to the Senate retaining its right of confirmation, and so forth, leaving that out, what is there in this bill that the President is authorized to do that he may not do now with reference to the office of the Secretary of State?

Now, assume for the purpose of argument that the Senator's position is correct—and I do not controvert it just now—what, outside of an act of confirmation, is there that he could do under this bill that he can not do without it, that is the readjusting and coordinating of the different departments, such as the Department of State, the Department of the Navy, and the Department of War?

Mr. REED. Mr. President, if I should say there was nothing, I would have answered this bill, of course, because the only possible necessity for this bill, the only reason that could be advanced for it, is that the President does not possess sufficient power; and the Senator's answer to that, every time the question is raised, is that the President already has the power; and if so, why the bill?

Mr. BORAH. Mr. President, I will say frankly to the Senator that the Senator from Pennsylvania stated yesterday what, in my judgment, is the true construction of this bill, and always has been with me; and for that reason I have never looked upon it as the destruction of the palladium of American liberty. I think, outside of certain appointments which I will name, the President has now the power which is proposed to be conferred upon him to redistribute and coordinate these executive agencies.

Mr. HARDWICK. Mr. President, will the Senator yield to me?

Mr. BORAH. I will ask the Senator to wait until I get through, please. The President himself, as the news was conveyed to the committee, stated that he was of the opinion that he had that power, but that he did not want to have it left in doubt, and he did not care to exercise it without the action of Congress.

Mr. HARDWICK. Mr. President, the Senator does not think he has any such power where those offices are established and the duties are defined by statute laws, does he?

Mr. BORAH. To coordinate and combine?

Mr. HARDWICK. Certainly.

Mr. BORAH. I do.

Mr. HARDWICK. Even if an office is created by law, and the duities of the office are prescribed by statute?

Mr. BORAH. I think when the function is transferred it must be performed under the statutes as they exist. For instance, if we coordinate two bureaus, the functions of those bureaus as coordinated would still be described and prescribed by statute, and by statute which we are not assuming to change at all.

Mr. HARDWICK. Now, suppose that both bureaus had been created by law: Could the President repeal the law establishing either one of them?

Mr. BORAH. No; and he can not under this proposed law, either.

Mr. HARDWICK. Could he change the duties of the people who hold those places, so far as those duties are prescribed by statute?

Mr. BORAH. I think undoubtedly the President, by reason of his authority as Commander in Chief, could call upon or designate any of these Executive agencies or any particular bureau to perform a particular function.

Mr. HARDWICK. Mr. President, if the Senator from Missouri will allow me to interrupt a little further, that is true except where you run up against a statute, and it is not true whenever you do run up against a statute.

Mr. BORAH. If the agency designated by the President to perform that duty should perform it, it would have to perform it in accordance with the terms of the statute.

Mr. HARDWICK. But if another agency was designated by law to perform it, that other agency would have to continue to perform it unless the law was changed or repealed. That is the trouble. There would not be any excuse for this bill if that were not true—not the slightest. We would be wasting time to consider it.

Mr. BORAH. Precisely. I will assume, then, that the Senator is correct. Then, the bill does confer upon the President the power to coordinate certain bureaus and departments.

Mr. HARDWICK. Yes.

Mr. BORAH. But when they are coordinated and combined they will still have to perform their functions in accordance with the provisions of the statute.

Mr. HARDWICK. That depends on the language of this bill, of course.

Mr. BORAH. This bill does not repeal any law, nor change any law, nor change any statute at all. It simply empowers the President to redistribute the functions of executive agencies, and when they are redistributed they must be per-

formed and carried out in accordance with the statutes which are upon the statute books.

Mr. REED. Now, Mr. President——

Mr. KNOX. Mr. President, will the Senator from Missouri be kind enough to let me put the Senator from Idaho right on one proposition?

Mr. REED. Yes.

Mr. KNOX. The observations that I made yesterday had to do exclusively with the first provision of the bill—that is, the redistribution of functions among executive agencies. They had nothing to do with the second section, which provides for the consolidation and transference of the functions of one department to another department. My proposition yesterday was that the President, not as Commander in Chief of the Army and Navy but as the Chief Executive of the United States, could distribute the executive functions as he saw fit and compel such coordination as he saw fit.

Now, as to the suggestion which the Senator from Idaho has just made—that for that reason, and because the President had the power, he saw no objection to the bill on that score—I think that is one of the main objections to this kind of a measure. I think it is a mistake for the President of the United States to call upon Congress for authority to do a thing that he clearly has the right to do. I think it leads to confusion. I think the President should execute his office as it has been defined and interpreted by law and by practice. I think the Congress of the United States should adhere to its functions as they have been determined by practice and conditions.

I can recall one illustration, Mr. President, which shows the confusion, and sometimes the bitterness, that arises out of a different course. You all recall that the President requested authority of law to arm merchant ships to protect themselves against U-boat depredations. That resulted in a long discussion here in Congress, and in a so-called filibuster, and a good deal of recrimination passed from one side to another, and finally some very prominent Members of this body were put in a very unpleasant position by certain things that were said about them in regard to the position they took upon that measure. The fact is that the President did not need the authority of Congress to arm merchant ships, and his subsequent action shows that he did not need it, because Congress did not pass the law and he did arm the ships. Now, how much better it would have been for the President of the United States to have executed his powers to protect the commerce of the United States upon the high seas by ordering those merchant ships to be armed than to come and ask Congress for an unnecessary statute and produce a debate here in Congress that led to a great deal of unpleasantness. So I think the very suggestion that the President has those powers now is the strongest argument against the necessity of passing the bill.

Mr. BORAH. Mr. President, may I say that while the Senator from Pennsylvania now states that the President undoubtedly had the power to do that which the bill then under consideration authorized him to do with reference to arming merchant ships, yet there were very able lawyers who rendered opinions to the contrary, and they were printed in the public press both before and after, and it was a matter of doubt among able lawyers whether or not he had that power.

Mr. KNOX. I understand, Mr. President, that it never was a matter of doubt in the mind of the President; and if my recollection serves me, I think it was so stated in an interview that was given out and authorized by the White House, that it was a mere matter of overprecaution that he asked for the enactment of the statute.

Mr. BORAH. Mr. President, as I remember, the President said in his message—I will not be sure about this, but he said somewhere—that he was of the opinion that he had this power without the action of Congress, but that the matter was in doubt. Now, where there is a question of doubt as to whether an Executive has the power or not, I can not see any objection to his asking the approval or the disapproval of the coordinate branch of the Government, which unquestionably may withhold or give him that power. If it was clearly and unmistakably within his power, clearly and unmistakably an executive act which the Congress did not need to cover by law, I agree perfectly with the Senator that the Congress ought to perform its functions, and the President of the United States ought to have assumed the responsibility of exercising those which unmistakably belonged to him.

Mr. KNOX. I have no doubt that there were people who thought that the President did not have the power, although I do not recall that I noticed any opinions by distinguished lawyers to that effect. But it always had seemed to me that it was perfectly plain that if the Commander in Chief of the Army and the Navy of the United States had any clear responsibility it was to protect American ships or American citizens on the high seas.

Mr. BORAH. Let me call attention to another illustration. A former President assumed the right as an Executive to withdraw public lands, and he withdrew the public lands. It was a matter of doubt, but the Congress afterwards approved of his act; but it led to all kinds of litigation in the Western States, by reason of the fact that the President proceeded to exercise authority which was of doubtful existence, and which, as one court at least afterwards held, he had no authority at all to exercise. Where the line of demarcation is not clear, it seems to me it is not out of place to ask the two branches of Government which undoubtedly do control, if combined, to act upon it. If it is clear, then I entirely agree with the Senator that it is the duty of the President to exercise his power.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. CUMMINS. I should like to ask a question of the Senator from Idaho. I rather agree with him as to the propriety, in some instances, of granting power where it already exists; and undoubtedly the President has the power to do many things that would be within the scope of this act. I have no objection to making that power perfectly clear by a proper statute. It is the powers which he has not now, or some of them, to which I object; and I give the Senator this illustration:

If I understand this bill, under it, if it is constitutional, the President could transfer all the powers and functions of the Department of State to the postmaster of Washington by simply entering an Executive order saying, in substance, "I hereby transfer the powers and functions of the Department of State to the postmaster of the city of Washington." It would not necessarily disturb the personnel of the Department of State.

The people who had been appointed or selected for the discharge of those duties would simply have nothing to do, and the postmaster of Washington would simply assume those powers and functions. I agree that the postmaster would be compelled to discharge them in conformity with the law which controls the Department of State; but does the Senator from Idaho think that we ought to give the President power of that kind? I am assuming that the propriety of giving it shall be tested by its use and not by the improbability of the President using it.

Mr. BORAH. Mr. President, of course if I should answer the Senator's question it would involve all my reasons for supporting this bill. In the first place, however, I do not believe the Senator has put a fair interpretation upon the language of the bill; but the bill as construed undoubtedly does give the President great power over these different executive agencies. What I stated to the Senator from Missouri since I rose, however, was that whatever transfers as to personnel or coordination take place, nevertheless the Congress has prescribed the manner in which the functions shall be performed; and assuming that the Senator from Iowa is correct in saying that he could transfer these functions to the postmaster of Washington, nevertheless the postmaster would then have to perform all the functions of the Secretary of State in accordance with the Constitution and laws prescribed and outlined by Congress.

Mr. REED. If the Senator will examine the law he will find that Congress did not prescribe and outline any particular way that the Secretary of State should perform the duties of his office.

Mr. BORAH. Precisely. I am quite aware of that fact, and that Congress can not do it now.

Mr. KNOX. The Senate, however, is disposed to exercise its judgment as to the individual, that he is competent to discharge the duties, as in the instance named by the Senator from Idaho.

Mr. BORAH. We might just as well understand now that so far as Cabinet officers are concerned, their confirmation by the Senate has always been a matter of pure form. Practically nobody would hold up an appointee who is to be the head of one of the executive departments whose name the President sent in. I do not know whether it has been done or not. I know it has not been done in many instances where it ought to have been done, and that it has practically become a dead letter so far as that question is concerned.

Mr. LEWIS. With the permission of the Senator from Idaho and the Senator from Missouri, let me attract the attention of the eminent Senator from Pennsylvania to an exact situation in his own administration as Secretary of State, a matter of pride to all Senators then as well as subsequently. There was established in this Government an officer known as Counselor of the State Department. This position was created as a

matter of courtesy to the office. It is a fact familiar to all that he did perform in many instances since then the position of Secretary of State. I must concede, in my own party's administration, the First Assistant Secretary of State was absolutely ignored as having no existence whatever, and the position of a gentleman who was a mere clerk in the department performed the duties of Secretary of State in the absence of the Secretary of State.

Mr. KNOX. It would be unfair to the Senator from Illinois to have him rest in error upon that proposition. The Counselor of the Department of State was appointed under these circumstances: Congress passed an act entitled "An act to promote foreign trade, and for other purposes," and by that act gave to the Department of State the sum of $100,000 to be expended in the discretion of the Secretary of State for the creation of such offices as he might determine were necessary and at such salaries as he might decide were just. Under the provisions of that act an officer was appointed, called the Counselor for the Department of State. He remained a mere statutory officer appointed by the Secretary of State until within the last few weeks of the administration of President Taft, when the office was made a presidential office.

The functions of the First Assistant Secretary of State were not disturbed at all during the Taft administration; no powers were delegated to the Counselor of the Department of State other than the name indicated; but I understand that under this administration the office of counselor has been elevated to a position next to the Secretary and outranking in dignity and power the office of First Assistant Secretary of State. Those are the facts.

Mr. LEWIS. Let me say to the Senator, I do not see any difference in our view and premises save in this, that the Counselor of the State Department performed duties of the Secretary of State previous to being recognized by statute, or that as a mere lawyer provided for by a mere general act he performed the duties of the Secretary of State. Subsequently when recognized as a Presidential appointment merely as a lawyer he practically was permitted by the Secretary of State to perform the duties of Acting Secretary of State, and if I may invite the attention of the eminent Senator to the public news of the day there have been going through to the public press in the last few months instances where in the absence of the Secretary of State the Counselor of the State Department was Acting Secretary of State. That merely proves, I am sure, the viewpoint of the Senator from Idaho, that the duties can be performed by anyone whom he may see fit to designate.

Mr. KNOX. Mr. President, I still insist I ought not to allow the Senator from Illinois to remain in error so far as he refers to the Taft administration. The Counselor of the Department of State never under any circumstances or at any time even acted in the capacity of Secretary of State. If he is now acting in that capacity I fancy it is under some additional legislation. When the office was made permanent the probabilities are that there was an extension giving the Secretary of State the right to delegate such duties to the official as he may think proper, and of course that includes the right to delegate his own duties in his absence.

Mr. LEWIS. May I say to the able Senator it is apparent if the Secretary can take an ordinary lawyer from the department and delegate his duties to him to be performed, surely the President would have a right to merely transfer such functions.

Mr. KNOX. I think so.

Mr. REED. The colloquy or colloquies that we have been listening to are very interesting. They, however, partake of the nature of details and special instances, and I do not think by dwelling upon them we will get much light on the general proposition. But let me make this observation. If it be true that the President possesses power so broad that he can transfer the powers of the Secretary of State to a mere attorney in the Department of State, then his powers are certainly sufficiently broad to satisfy any reasonable demand.

If his powers are as broad as the Senator from Idaho [Mr. BORAH] thinks, then his powers are already so broad that they do not need extension. If, upon the other hand, there are limitations upon the power of the President the question is whether those limitations should be swept aside by a general bill, or whether the instances where the extension is needed should be pointed out and dealt with in each case as presented.

Mr. President, the point I am trying to make is that there are limitations upon the power of the President that ought not to be swept aside by a general bill, but that we ought to have suggested to us the particular obstacles confronting the administration which it ought to be relieved from, and that we should intelligently and judiciously deal with this problem.

I have called attention to the powers of four great tribunals which, I insist, should not be included within this bill. I have named the Interstate Commerce Commission, the Federal Reserve Board, the Federal Trade Commission, and the Civil Service Commission. It is now admitted, I think, in this debate that under the terms of this bill the powers of every one of these boards could be transferred; that the persons could be transferred and the functions of these commissions could be taken from the commission as a whole and given to any one man. I think it is further admitted that a man may be a private citizen to-day and may to-morrow be named to an office, and thereupon all these great powers conferred upon him.

I insist that there has no necessity been shown for the destruction of these great independent commissions.

I insist that no man has yet pointed out a single power necessary to the proper conduct of this war which the President may not now exercise. So the question is this: Shall we grant a broad blanket power without any man having shown any reason for its grant, or shall we say to the Executive, with all deference and all respect, make known to us in whatsoever way you please in what respect you need additional power and we will gladly grant all needful power. Surely no sane man can doubt the disposition of this Congress to back the President in everything necessary to the winning of the great conflict. I need not dwell upon the ready desire of Congress to do that. A moment ago during the course of my remarks the final fact occurred in the enactment of a law authorizing the issuance of twenty thousand millions of dollars of American securities. That bill was passed yesterday afternoon in this body with less than 40 minutes' debate; indeed, with no debate, the chairman of the committee simply stating the purpose and objects of the bill. There was not a dissenting vote in the Senate. It reached the House of Representatives and it has been passed by that body during this day with how much discussion I do not know.

There have been only a few hours that have elapsed, and I apprehend it passed almost without debate, and it is here now signed and ready for the President. Does anyone need, in the presence of this stupendous grant of credit unparalleled in its amount by any grant ever made in all the history of the world, to question the alacrity with which Congress responds to all war demands? So Congress sits here to-day with open mind. Each man in the Senate is ready, if it shall be pointed out that a single power is needed in order to remove a single indicated obstacle, to grant that power freely and generously.

But the proponents of this bill say to those who inquire the reason for the law: "We will give you no reason, except there may come a time when some additional power will be needed, and although we do not know and we can not imagine what it may be, we yet demand that you shall give a general grant of power that sweeps aside all the safeguards that you have attached to all the statutes that may have been passed in the last hundred years of time."

Mr. President, let me in a final word challenge attention to the remarkable character of this legislation. The great Department of State was created over a hundred years ago—the Department of War and, if I forget not, the Department of the Navy and the Department of Justice at substantially the same time. Since then there have been added certain departments and Cabinet positions of perhaps an inferior character. Since the creation of the great departments the United States has passed through the War of 1812, and the President then did not find it necessary to ask for the extraordinary powers proposed to be conferred by this bill. Again, we passed through the War with Mexico and there was no trouble in executing the laws of the country; no remarkable grants of powers such as are proposed in this bill were requested. Again, our country passed through the awful throes of the Civil War. Every resource of the Government was called into requisition and every imaginable incentive to request power was present, because there was rebellion in our own country, and the advocates and friends of that rebellion were to be found in every hamlet of every State of the Union; still these extraordinary powers were not requested.

The President did not complain that he did not have sufficient power to execute the laws or to defend the land. Still, again, in the Spanish War no request such as we are now presented with was put forward. It is a singular thing, therefore, that now we should be asked to grant a blanket power which Senators insist will never be exercised except in regard to trifling matters, and when we ask them to tell us what the trifling matters are they fail to give us any light.

Mr. President, I hold in my hand a very recent utterance of the President. It is his statement given on January 22 in which he had something to say with reference to the Senator from

Oregon [Mr. CHAMBERLAIN], the chairman of the Military Committee, and with reference to the action of Congress in a certain investigation. Let me read a little of the language, because it bears upon the bill now before us:

As a matter of fact—

Says the President—

the War Department has performed a task of unparalleled magnitude and difficulty with extraordinary promptness and efficiency.

There have been delays and disappointments and partial miscarriages of plans, all of which have been drawn into the foreground and exaggerated by the investigations which have been in progress since the Congress assembled—investigations which drew indispensable officials of the department constantly away from their work and officers from their commands and contributed a great deal to such delay and confusion as has inevitably arisen. But by comparison with what has been accomplished, these things, much as they are to be regretted, were insignificant, and no mistake has been made which has been repeated.

Thus the President assures the country and assures us that a means has been found for the rectification of every mistake that has been made; so that, according to this statement, the power of rectification, the curative powers necessary already exist, and have already been employed. This is true to such an extent that no mistake that has been made in the past has been repeated; and we may safely assume will not be repeated.

Furthermore, the President states:

Nothing helpful or likely to speed or facilitate the war tasks of the Government has come out of such criticism and investigation—I have not been consulted about them and have learned of them only at second hand—but their proposal came after effective measures of reorganization had been thoughtfully and maturely perfected.

Thus, again, the President has certified to us that effective measures of reorganization had been thoughtfully prepared before even the investigation had begun in Congress. He adds this—

and inasmuch as these measures have been the result of experience, they are much more likely than others to be effective—

And this is the point I want to state in fairness to the President—

if the Congress will but remove a few statutory obstacles of rigid departmental organization which stand in their way.

That is what the President stated was necessary, and if those few rigid departmental obstacles are pointed out to the Senate there is not a man here who will refuse to wipe out every one of the obstacles once he is fairly convinced that in reason it will contribute to carrying on this war.

With that sort of declaration from the Chief Executive himself, made as recently as the 22d day of last January, what justification is there for the pretense that those who stand ready to grant those powers but beg for some kind of a bill of particulars, for some sort of specifications, are ungenerous to the Executive or are unwilling to do their part in carrying on this great conflict?

That these particular powers were small, almost inconsequential, is shown in the concluding paragraph of the President's letter, which reads:

To add, as Senator CHAMBERLAIN did, that there is inefficiency in every department and bureau of the Government is to show such ignorance of actual conditions as to make it impossible to attach any importance to his statement.

Mr. President, I do not like to read that language again into the RECORD, but the Senator from Oregon put it in himself and boldly confronted it, and the country has had a chance to pass its judgment on it In so far as it passes any stricture upon the Senator from Oregon, I want respectfully to dissent; but in so far as it states that the inefficiency in the departments is not vital, I concur. I did that in a public speech.

Mr. President, those inefficiencies that existed, however, and of which the Senator from Oregon complained, were not inefficiencies that were inherent in the laws; they were inefficiencies which grew out of the personnel. In every instance the inefficiency was of that sort.

Mr. President, I simply have this to say in apology to the Senate. I rose to talk about five minutes, merely intending to state this case as to what had occurred in the committee, and then to take my seat, intending later to have something to say about the bill. I was interrupted and led into a general debate, and I have said, so far as I am concerned, what I desire to say about the bill in general. I conclude with this remark—that this issue can not be made between those who want to restrict the President and cripple him in the conduct of this war, upon the one side—for there are none such in this body—and upon loyalists and patriots who want to strengthen his hands upon the other, for all in the Senate belong to that class. The issue is between a general grant of power, without any showing as to any necessity whatever for such grant of power, and the other alternative of having presented to the Senate a statement of those powers which are deemed necessary, with an indication as to the laws that now stand in the way of their exercise and action by the Senate upon such specifications when made with a view to granting every power that is necessary.

ADJOURNMENT.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 5, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 4, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, to whom our minds and hearts are known, cleanse us, we beseech Thee, from selfishness, which is the root of all evil, illustrated by the war which has been thrust upon the world by covetousness, greed, hate, and revenge; that we may be wise, broad, generous, noble in all our intercourse with our fellow men; that the trend of our life may be ever toward the ideals, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROMOTION OF EXPORT TRADE.

Mr. WEBB rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. To ask unanimous consent to withdraw the conference report on House bill 2316, to promote export trade, and for other purposes, for the purpose of correcting a clerical error. We left out something.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to withdraw the conference report on the bill H. R. 2316 for the purpose of correcting a clerical error. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD, by direction of the Committee on Foreign Affairs, presented for printing under the rule the conference report (No. 458) and statement on the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes," in which the concurrence of the House of Representatives was requested.

CONDEMNATION OF LANDS FOR MILITARY PURPOSES.

Mr. GARRETT of Tennessee. Mr. Speaker, by direction of the Committee on Rules I present a privileged report (No. 462).

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 278.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3994; that there shall be not exceeding one-half hour's general debate, to be equally divided between those favoring and those opposing said resolution, at the end of which time the resolution shall be read for amendment under the five-minute rule, and at the conclusion of such reading the committee shall rise and report the resolution to the House, whereupon the previous question shall be considered as ordered upon the resolution and amendments to final passage without intervening motion except one motion to recommit.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Kansas [Mr. CAMPBELL] if we can agree upon time on the rule?

Mr. CAMPBELL of Kansas. I have requests for 22 minutes.

Mr. GARRETT of Tennessee. I will try to take care of you. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point that there is no quorum present. Evidently there is

not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of ordering the previous question will, when the roll is called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 323, nays 3, not voting 105, as follows:

YEAS—323.

Alexander	Eagle	Kitchin	Sanders, La.
Almon	Edmonds	Knutson	Saunders, Va.
Anderson	Elliott	Kraus	Schall
Anthony	Ellsworth	Kreider	Scott, Iowa
Ashbrook	Elston	La Follette	Scott, Mich.
Aswell	Emerson	Lazaro	Sears
Austin	Esch	Lea, Cal.	Sells
Ayres	Evans	Lee, Ga.	Shackleford
Bacharach	Fairchild, G. W.	Lesher	Sherley
Baer	Fairfield	Lever	Sherwood
Barkley	Ferris	Linthicum	Shouse
Barnhart	Fields	Littlepage	Siegel
Beakes	Fisher	Lobeck	Sims
Bell	Flood	London	Sinnott
Beshlin	Focht	Longworth	Sisson
Black	Fordney	Lundeen	Slayden
Bland	Foss	Lunn	Sloan
Blanton	Foster	McArthur	Small
Booher	Francis	McCormick	Smith, Idaho
Brand	Frear	McFadden	Smith, Mich.
Britten	French	McKenzie	Snell
Brodbeck	Fuller, Mass.	McKeown	Snook
Browne	Gard	McLaughlin, Mich.	Snyder
Browning	Garner	McLaughlin, Pa.	Stafford
Buchanan	Garrett, Tenn.	Madden	Steagall
Burnett	Garrett, Tex.	Magee	Stedman
Burroughs	Gillett	Maher	Steenerson
Butler	Glynn	Mansfield	Stephens, Miss.
Byrnes, S. C.	Godwin, N. C.	Martin	Stephens, Nebr.
Byrns, Tenn.	Goodall	Mason	Sterling, Ill.
Caldwell	Goodwin, Ark.	Mays	Sterling, Pa.
Campbell, Kans.	Graham, Ill.	Merritt	Stiness
Candler, Miss.	Gray, Ala.	Miller, Minn.	Strong
Cannon	Greene, Mass.	Miller, Wash.	Sumners
Cantrill	Greene, Vt.	Mondell	Sweet
Caraway	Gregg	Montague	Swift
Carlin	Griest	Moore, Pa.	Switzer
Carter, Mass.	Hadley	Moores, Ind.	Tague
Carter, Okla.	Hamilton, Mich.	Morgan	Taylor, Ark.
Cary	Hamlin	Mott	Temple
Chandler, N. Y.	Hardy	Mudd	Templeton
Chandler, Okla.	Harrison, Va.	Neely	Thompson
Clark, Fla.	Hastings	Nelson	Tillman
Clark, Pa.	Haugen	Nicholls, S. C.	Timberlake
Claypool	Hawley	Nichols, Mich.	Towner
Cleary	Hayden	Nolan	Treadway
Collier	Hayes	Oldfield	Van Dyke
Connelly, Kans.	Heaton	Oliver, Ala.	Venable
Cooper, Ohio	Helm	Olney	Vinson
Cooper, W. Va.	Hensley	Osborne	Volstead
Cooper, Wis.	Hersey	O'Shaunessy	Waldow
Copley	Hicks	Overmyer	Walker
Cox	Hilliard	Overstreet	Walton
Crago	Holland	Padgett	Ward
Cramton	Houston	Paige	Wason
Crisp	Howard	Park	Watkins
Currie, Mich.	Huddleston	Parker, N. J.	Watson, Pa.
Dale, N. Y.	Hull, Iowa	Peters	Watson, Va.
Dale, Vt.	Hull, Tenn.	Phelan	Webb
Dallinger	Humphreys	Platt	Welling
Darrow	Husted	Polk	Welty
Davidson	Hutchinson	Pou	Whaley
Davis	Igoe	Price	Wheeler
Delaney	Jacoway	Purnell	White, Me.
Dempsey	James	Quin	White, Ohio
Denison	Johnson, Ky.	Raker	Williams
Dent	Johnson, Wash.	Ramsey	Wilson, Ill.
Denton	Jones, Tex.	Ramseyer	Wilson, La.
Dickinson	Juul	Randall	Wilson, Tex.
Dies	Kahn	Rankin	Wingo
Dill	Kearns	Rayburn	Wise
Dillon	Keating	Reavis	Wood, Ind.
Dixon	Kehoe	Robbins	Woods, Iowa
Dominick	Kelley, Mich.	Robinson	Woodyard
Donovan	Kelly, Pa.	Rodenberg	Wright
Doolittle	Kennedy, Iowa	Romjue	Young, N. Dak.
Doremus	Kennedy, R. I.	Rouse	Young, Tex.
Doughton	Kettner	Rowe	Zihlman
Dowell	Kiess, Pa.	Rowland	
Drane	Kincheloe	Rucker	
Dupré	King	Russell	
Dyer	Kinkaid	Sanders, Ind.	

NAYS—3.

Gould	Mapes	Walsh

NOT VOTING—105.

Bankhead	Dooling	Good	Johnson, S. Dak.
Blackmon	Drukker	Gordon	Jones, Va.
Borland	Dunn	Graham, Pa.	Key, Ohio
Bowers	Eagan	Gray, N. J.	LaGuardia
Brumbaugh	Estopinal	Green, Iowa	Langley
Campbell, Pa.	Fairchild, B. L.	Griffin	Larsen
Carew	Farr	Hamill	Lehlbach
Church	Fess	Hamilton, N. Y.	Lenroot
Classon	Flynn	Harrison, Miss.	Little
Coady	Freeman	Haskell	Lonergan
Connally, Tex.	Fuller, Ill.	Heflin	Lufkin
Costello	Gallagher	Heintz	McAndrews
Crosser	Gallivan	Helvering	McClintic
Curry, Cal.	Gandy	Hollingsworth	McCulloch
Decker	Garland	Hood	McKinley
Dewalt	Glass	Ireland	McLemore
Mann	Ragsdale	Sanford	Talbott
Meeker	Rainey	Scott, Pa.	Taylor, Colo.
Moon	Reed	Scully	Thomas
Morin	Riordan	Shallenberger	Tilson
Norton	Roberts	Slemp	Tinkham
Oliver, N. Y.	Rogers	Smith, C. B.	Vare
Parker, N. Y.	Rose	Smith, T. F.	Vestal
Porter	Rubey	Steele	Voigt
Powers	Sabath	Stevenson	Weaver
Pratt	Sanders, N. Y.	Sullivan	Winslow

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. LONERGAN with Mr. GARLAND.

Mr. SCULLY with Mr. PARKER of New York.

Mr. GALLIVAN with Mr. DUNN.

Mr. DOOLING with Mr. CURRY of California.

Mr. BLACKMON with Mr. HOLLINGSWORTH.

Mr. BORLAND with Mr. GOOD.

Mr. GRIFFIN with Mr. SANFORD.

Mr. STEELE with Mr. MCKENZIE.

Mr. CAREW with Mr. SLEMP.

Mr. HAMILL with Mr. PORTER.

Mr. MCCLINTIC with Mr. IRELAND.

Mr. GORDON with Mr. MEEKER.

Mr. TALBOTT with Mr. BROWNING.

Mr. GANDY with Mr. LEHLBACH.

Mr. HARRISON of Mississippi with Mr. HAMILTON of New York.

Mr. BANKHEAD with Mr. COSTELLO.

Mr. BRUMBAUGH with Mr. BENJAMIN L. FAIRCHILD.

Mr. CAMPBELL of Pennsylvania with Mr. FARR.

Mr. CHURCH with Mr. BOWERS.

Mr. COADY with Mr. FESS.

Mr. FLYNN with Mr. FREEMAN.

Mr. CROSSER with Mr. GRAY of New Jersey.

Mr. DEWALT with Mr. HASKELL.

Mr. EAGAN with Mr. LANGLEY.

Mr. MCANDREWS with Mr. FULLER of Illinois.

Mr. ESTOPINAL with Mr. GREEN of Iowa.

Mr. GALLAGHER with Mr. LITTLE.

Mr. GLASS with Mr. GRAHAM of Pennsylvania.

Mr. HEFLIN with Mr. LUFKIN.

Mr. HELVERING with Mr. MCCULLOCH.

Mr. HOOD with Mr. MORIN.

Mr. CONNALLY of Texas with Mr. NORTON.

Mr. JONES of Virginia with Mr. PRATT.

Mr. KEY of Ohio with Mr. POWERS.

Mr. LARSEN with Mr. REED.

Mr. MCLEMORE with Mr. SANDERS of New York.

Mr. MOON with Mr. TILSON.

Mr. OLIVER of New York with Mr. ROBERTS.

Mr. RAGSDALE with Mr. TINKHAM.

Mr. RAINEY with Mr. SCOTT of Pennsylvania.

Mr. RIORDAN with Mr. ROGERS.

Mr. RUBEY with Mr. VARE.

Mr. SABATH with Mr. VESTAL.

Mr. SHALLENBERGER with Mr. WINSLOW.

Mr. CHARLES B. SMITH with Mr. HEINTZ.

Mr. THOMAS F. SMITH with Mr. VOIGT.

Mr. WEAVER with Mr. DRUKKER.

Mr. STEVENSON with Mr. JOHNSON of South Dakota.

Mr. SULLIVAN with Mr. ROSE.

Mr. TAYLOR of Colorado with Mr. LAGUARDIA.

Mr. THOMAS with Mr. CLASSON.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Maryland, Mr. TALBOTT, but if he were present, he would vote "yea" on this vote, and so I allow my affirmative vote to stand.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. GARRETT of Tennessee. Mr. Speaker, the purpose of this resolution is to bring before the House for consideration Senate bill 3994, to amend an act entitled "An act to authorize condemnation proceedings of land for military purposes," approved July 2, 1917, and for other purposes.

The necessity for the passage of this bill grows out of the fact, as the Committee on Rules understand, that there are certain minors who own property that is necessary for the construction of this plant. The title to that land can not be acquired in any other way except by condemnation proceedings. The Committee on Rules were also given to understand that there are other lands the price of which is being put up so high by the owners of the property that the Government can not agree to purchase at that price. Therefore, in order to expedite the work, the War Department holding that it has not now the authority under existing law to make the condemna-

tion, the passage of this bill (S. 3994) seems to be essential. Its consideration was objected to once or twice on the floor of the House, and so an appeal was made to the Committee on Rules, who have reported this rule in response to that appeal. That is the purpose of it.

I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL] and reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, with the five minutes yielded to me by the gentleman from Tennessee I have my own 20 minutes, or 25 minutes in all, and I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I desire to ask the attention of the House for a few moments in explaining the character of some of the work that the War Department is trying to do at the present time in connection with the establishment of the nitrate industry in this country. I obtained this information from the War Department a few days ago. It was taken from charts and photographs made as late as March 11. I understand from the War Department that there have been some labor troubles since these photographs were taken, so there is probably no material change in the situation since the 11th or 12th of March.

The War Department has decided to build three nitrate plants. Plant No. 1 is to be located at Sheffield, Ala., in the northeastern part of the State, near the Tennessee River, a short distance below Muscle Shoals. This is a village of about 3,500 inhabitants. The capacity of plant No. 1 will be about 11,000 tons of nitrate annually, and the cost of this plant will be from $10,000,000 to $15,000,000. The money for this first plant, No. 1, is to be taken out of the appropriation made by this House some time ago for the building of a nitrate plant.

Mr. QUIN. Where is that plant to be located?

Mr. SNELL. At Sheffield, Ala.

Mr. LONGWORTH. I dislike to interrupt the gentleman, but I am sure he is in error. The money for that nitrate plant is taken out of the urgent deficiency appropriation bill under the provision for armament and fortifications.

Mr. SNELL. I was informed in the War Department that plant No. 1 was to be built out of the original appropriation that was made by this House for that purpose and that plants 2 and 3 were to be built out of the appropriations for the Ordnance Department. That is the information I was given at the War Department and as I understand it.

Mr. LONGWORTH. That is an error. At most only a very small part of the money will come from that source.

Mr. SNELL. This plant No. 1 is to make nitrate by the synthetic process, a process that is being developed by the General Chemical Co., and they had arranged to build an experimental plant. It is expected by the department that one unit of plant No. 1 will be completed some time during the present summer, for they have taken over the equipment ordered by the General Chemical Co., and that will facilitate completion of the first unit of the plant, or one-fourth of the whole plant, and they expect now to test out the first unit of the plant in July or August; but on account of the fact that all of these gases are confined under a pressure of 1,500 pounds to the square inch it is a very difficult thing to get one of these plants working satisfactorily, even after it is first tested out. And it may be a matter of several months after this first testing before they will be able to operate the plant so as to manufacture nitrates in commercial quantities. But the War Department hopes, if they are able to test the first unit of the first plant some time during the months of July and August and they do not meet any serious difficulties, that by the first of the year 1919 they will be able to put some nitrate on the market in a commercial way. They are building in connection with plant No. 1 a steam power plant of about 10,000 horsepower capacity to furnish power for the operation of this plant.

Plant No. 2 is to be located on the lower dam of the Muscle Shoals project. This plant has a capacity of 110,000 tons annually and is expected to cost between thirty-five million and forty-five million dollars. This plant will manufacture nitrates by the cyanamide process, a process that is being used in Niagara Falls at the present time, and the more complicated and expensive process of the two. It will take from seventy-five to a hundred thousand horsepower to run this plant at its full capacity. This plant is just being started at the present time, and the chart shows that certain parts are completed to an extent of about 5 to 10 per cent.

They are building in connection with this an eighty-thousand horsepower steam-power plant. They are also building a high-power transmission line 85 miles long from the Black Boyer station of the Alabama Power Co. on the Coosa River. The Government has a contract with this power company to pay 4½ mills per kilowatt hour, which is practically $30 per horsepower, and the Government furnishes the transmission line and the transformers in connection therewith.

The Government is also making arrangements to establish a thousand kilowatt generator at the Alabama Power Plant, and when they have put the new generator in the power plant there will be a new arrangement made as to the price of power.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. SNELL. I will.

Mr. MILLER of Minnesota. Can the gentleman state to the House what is the average price, take the country by and large, for horsepower from water-power development in large quantities, similar to one in question?

Mr. SNELL. In large quantities I should say that this was a good big price, considering the fact that the Government furnishes the transmission line and the transformers. I know it is being sold in my section of the country in large quantities at a less price than that.

Mr. MILLER of Minnesota. About one-half, is it not?

Mr. SNELL. It has been so shown in hearings connected with Niagara Falls proposition.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. SNELL. If the gentleman will pardon me and let me make my statement first I will yield if I have time. It is necessary to build a steam-power plant, because the Muscle Shoals proposition will not be completed for from five to seven years. The cost has not been entirely estimated.

I also took up the question with the department in regard to the expense of establishing a steam-power plant when we were figuring on the building of plants to be furnished hydroelectric power. They said that the loss would not be total because they would need steam-power plants even after the water power was developed, that from two to four months in the year they would have low water, and it would be absolutely necessary to have steam auxiliary power plants there.

Therefore, as I look at the situation, instead of the much-boasted hydroelectric plants that have received so much discussion on this floor we will have a hydroelectric power plant with steam auxiliary power plants furnishing power during the period of low water each year.

Plant No. 3 will have a capacity of 110,000 tons and will cost thirty-five to forty-five million dollars, and will be practically a duplicate of plant No. 2. It will take a hundred thousand horsepower to operate the plant. I was told at the War Department that the location of this plant had not been definitely decided upon. But as I came up this morning it came to me by way of rumor that it had been located at King's Road, in Tennessee, but I do not know whether that is official or not.

But in the event that this location has not been definitely decided upon I would like to take this opportunity to call the attention of the House, the Secretary of War, and the honorable President to a suitable location for this plant, on the St. Lawrence River in St. Lawrence County, New York State. Here is one of the best undeveloped water powers in the United States. It is known as the Long Sault power. It presents no great engineering difficulties and needs only the power and money of the United States Government to make it one of the great water-power developments of the world. And if the contention of this House is true, that the Government owns, or at least controls, the water power on boundary streams of the United States, then there is the St. Lawrence River in St. Lawrence County, in my district, a place where they can develop 750,000 horsepower, and the best part of it, and the part that appeals to every man, is that you can have the horsepower developed here every hour and every day for 365 days in the year. You will not need any steam auxiliary plant to run it during the low-water period of each year, as we are now providing for the plants we are building in Alabama.

Mr. Speaker, I also want to call your attention to the fact that from a common-sense, business standpoint it is not good judgment to place all three of these nitrate plants in the same local community and as near together as now contemplated.

Mr. TREADWAY. May I ask the gentleman a question in connection with the location?

Mr. SNELL. I will yield.

Mr. TREADWAY. How far is it from this place, where rumor has it that this third plant is located, to Muscle Shoals?

Mr. SNELL. I do not know; but it is in this same vicinity.

Mr. TREADWAY. Practically in the same group?

Mr. SNELL. That is as I understand it. Now, Mr. Speaker, I want to say just a word more about these locations. I think it would be much better from a purely economic and business

standpoint to have the various plants for manufacture of nitrates distributed about the country, the same as the United States arsenals are at the present time. Then, by chance, there should be any serious calamity from the elements or otherwise, any labor difficulties or anything else happen to interfere with the operation of these plants, it would not be so apt to happen to all the plants at the same time if they were located in widely separated communities.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SNELL. Could the gentleman from Kansas yield me a few minutes more time?

Mr. CAMPBELL of Kansas. Can the gentleman from Tennessee give me some more time?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Kansas two minutes of my time.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, I will yield three minutes more to the gentleman from New York.

Mr. SNELL. By distributing these plants throughout the country we would meet the needs of the whole country much better in war time and in peace time that is to come after than to have them placed in one small locality in the South. Besides by placing one of these large plants in the North it would be much nearer to the large powder manufacturing centers, would be a better point for distribution, and a great saving in freight charges over what it would be from the distant point in Alabama; also might help to relieve railroad congestion in times of great emergency, and furthermore there is not a single argument that can be presented by anyone why they should all be located in the same small section of the United States. While we expect to use this nitrate for war purposes at present, when the war is over and in time of peace it is expected we shall use this nitrate for agricultural purposes, then certainly it would be a great saving to farmers in the way of freight to have one of the plants located in the northern part of the country. Above all, and the best reason why the location I am advocating should be chosen, is the fact that the St. Lawrence River will furnish all of the power you want every day in the year, and you will not have to have any steam auxiliary plant in connection with it, and you can get this power much cheaper than the power now contemplated.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. McFADDEN. According to the gentleman's statement, the War Department has taken on an expenditure here of about eighty to ninety million dollars.

Mr. SNELL. About $100,000,000 or more.

Mr. McFADDEN. And Congress has appropriated only $20,000,000. Is that correct?

Mr. SNELL. Yes; but what Congress has appropriated makes little difference nowadays. Two of the largest plants, as I understand it, are to come out of the ordnance fund.

Now, Mr. Speaker, this is the condition that confronts us now, and it does not make any difference what has happened before this; we have located these plants, and the Government to-day does not own one foot of land where we are building them. We have options on part of the land needed, and the balance we are simply occupying by forcible possession, and all we can do now is to make the best bargain we can with the owner of the balance of lands needed in the driver's seat. It would seem to me that it would have been just common sense and plain business sagacity on the part of the War Department if before they had decided upon this location they had, at least, had options on all of the land they needed. I think the Government was in position to drive a pretty good bargain. Nearly any community in the country would be very much pleased to have the Government of the United States come in and expend $100,000,000, and I think if this matter had been properly attended to these titles could have been secured in advance, and it would not be necessary to come to Congress at this time to ask for a special law insisting upon and compelling these people in this favored section of the country to take the money of the United States.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. HUSTED. What is the estimated date of completion of plant No. 2, if any estimate has been made?

Mr. SNELL. They inform me they have very reliable contractors, and they hope that it might be completed so as to put it into operation the first part of the year 1919, but from what I know of building operations I very much doubt that.

Mr. HUSTED. The gentleman refers now to plant No. 2?

Mr. SNELL. Yes; plant No. 2.

This bill calls for additional powers for condemning property. Judge Carmichael has already been appointed to look after these titles, and either has or is about to begin condemnation proceedings. The question of titles seems to be holding up proceedings as much as anything. Also, the War Department fears that some one may get out an injunction, and in that way hold up the work. Thus the whole situation as regard titles and land is in a tangled and unsatisfactory condition, and we must do something here to straighten out and clear up the situation.

And my opinion is, it does not make any difference whether you favored the nitrate proposition or not, whether you favor this location or not, you must be for this rule and the legislation it makes in order to consider, because it is absolutely necessary to protect the large investment already made by the Government in this locality. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 14 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I favor this rule and I favor the passage of the bill which it involves, but I desire here and now to express my regret that conditions should have arisen which make its passage either desirable or necessary, and particularly to express my regret at the choice by this Government of the locality where these conditions have arisen. What is the locality and what are the conditions involved in this proposition? The locality is Muscle Shoals, a name which gentlemen have heard iterated and reiterated in this House for the last 10 years or so. I myself have come to hate the words "Muscle Shoals" almost as much as I hate the word "camouflage," though I am bound to confess there is in certain phases of this proposition a distinct relationship between the two terms. The conditions are that the more or less patriotic landowners in the vicinity of Muscle Shoals are trying to hold up the Government. Not satisfied with the fact that something over $125,000,000 is proposed to be expended in that locality, they are engaged now in profiteering, and if there is any meaner kind of profiteering than holding up this Government in the purchase of land around military posts I have yet to find it.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Not now. I can not yield for the present. These Muscle Shoalsites seem to be assuming the leadership in that industry. I have not time to go into the details of this matter, but I expect at the earliest moment, when I can get the floor for a reasonable time, to acquaint the House with all the details and the various ramifications of the proposition, and I think I can at least promise that some of the things that I shall say will be news to Members of this House.

There are now in actual course of construction at Muscle Shoals three plants—the steam plant referred to by my friend from New York [Mr. SNELL], the synthetic ammonia plant, and a cyanamide plant, the total cost of which will be about $50,000,000. In adidtion, it is contemplated, as the gentleman further said, to build another cyanamide plant of the same type and under the same auspices, of which I shall speak later, to cost something over $40,000,000. Whether this plant is to go to Muscle Shoals or not I do not know, but I think it is reasonable to suppose that it will because the other plant went there in spite of the original recommendation of the department. I certainly hope that it will not. I hope that the gentleman's dream in respect to its going to the St. Lawrence may come true.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Not now, if the gentleman will pardon me. The cyanamide plant now being built at Muscle Shoals, while it is being financed by Government money, is being built under the direction of and will be operated by private individuals under a contract by which they are to receive for the supervision of its construction $1,000,000, and for operating it they are to receive while the war is on about one million and a quarter dollars a year. The same terms, I understand, to the other cyanamide plant which has been provided for. Not a bad little contract, gentlemen of the House, when you consider that these men do not have to put up a cent of money and take absolutely no risk whatever, and that they will be in a position to buy the plant from the Government at a scrap price—originally they wanted it free—as soon as the war is over.

There is also in process of construction at Muscle Shoals under the recent order of the President dam and power house No. 2 on the original Muscle Shoals proposition and for that $13,200,000, all that is left of the original $20,000,000 appropriation for nitrate purposes, is being taken. The gentleman from New York [Mr. SNELL] is wrong in saying that the synthetic ammonia plant is being built from this appropriation, because there is only $20,000,000, and nearly $7,000,000 have been already spent for the various other nitrate plants recommended by the experts, and there is only $13,200,000 left.

Mr. SNELL. Will the gentleman yield right there?

Mr. LONGWORTH. I will.

Mr. SNELL. The information I received was from the War Department and I supposed that it was correct.

Mr. LONGWORTH. It was evidently incorrect, because this Muscle Shoals Dam is being built out of that appropriation, and that fund is exhausted. But it is admitted that this $13,200,000 is not nearly enough to complete the contracts on this one dam and power house, No. 2, and that the cost will run well toward $20,000,000. Now, the chief significance of this, gentlemen, is that it is the entering wedge for the whole Muscle Shoals proposition, involving two more dams at a total cost probably nearer $50,000,000 than the original $20,000,000, a proposition which on its merits has been turned down repeatedly by Congress.

If the projectors of this scheme shall succeed in getting all this appropriation for the dams and for both cyanamide plants, there will be spent in Muscle Shoals and its vicinity more than $125,000,000. Small wonder that my friend from Alabama, in whose district this vast amount is to be spent, cherishes the pen which report says was handed him by the President after signing this order. To make nitrate by the cyanamide process a fairly high power, generally hydroelectric, is necessary. Now, when this plant has been put at Muscle Shoals, where there is now no power, it becomes pertinent to inquire where that power is to come from. It becomes pertinent also to inquire how soon power to be furnished by dam and power house No. 2 can be expected. I am informed from the War Department that the earliest possible date which this dam can be completed is three years from now, when, in all human probability, this war will be over. Where are they getting the power, then? It is proposed to get it from a steam plant, about half of it—a steam plant which might as well be erected in any other part of the country as at Muscle Shoals—and the rest of the power, as explained by the gentleman from New York, is to come from the Black Warrior River, 90 miles away, and carted, so to speak, across the country to Muscle Shoals. If you were to ask me why, as a war measure proposed in time of war to produce war materials, we put up a plant at a place where not an ounce of water power can be evolved for over three years, I throw up my hands and frankly admit I can not answer the question, and no human being can.

Mr. COOPER of Wisconsin. Is the Black Warrior plant a private plant?

Mr. LONGWORTH. Surely it is a private plant, and the Government is to pay an outrageous price, I understand, for piping to carry this water 90 miles across country.

Mr. FREAR. And what will be the value of this plant after we put $125,000,000 in it?

Mr. LONGWORTH. These men who have this contract wanted to have a provision in it that they would get the plant free after the war is over. So far as the needs of the Government are concerned, after the war is over these plants will be nothing but junk. The provision now in the contract is that these individuals shall have first call and that the Government can not sell to anyone else until after considering their bid for a reasonable time, which might be two or three years more. Gentlemen have inquired whence comes the money for these enormous expenditures. I am informed by the War Department that it comes from a provision in the urgent deficiency act of 1917 for armament of fortifications. I will read the provision:

> For purchase, manufacture, and test of ammunition for cannon, field and siege cannon, including necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenal, $367,000,000.

It takes a rather violent stretch of imagination to construe that provision as giving the power to build an ammonia-nitrate plant, but assuming that they have the right to so use that appropriation, the fact is that it was never remotely hinted or suggested to the Committee on Appropriations that this provision was ever to be used for such purpose. It is just another illustration of the absolute contempt with which the acts and functions of the Congress are being construed in some departments of this Government. Now, I am not going to oppose this measure. I favor it. I realize, and we all must realize, that the need for nitrate in this country is most pressing. We were able a few months ago to import our necessary nitrates from Chile, practically all of them, about 175,000 tons a month, but that importation has fallen off about one-half, due to our lamentable lack of shipping facilities.

We must in some way or other immediately fortify our nitrate supply, and this is the only way we can see how to do it, though the cyanide process is an expensive and a very disagreeable sort of one.

Mr. MADDEN. We are postponing the day three years?

Mr. LONGWORTH. So far as Muscle Shoals is concerned, it can not contribute an ounce of power for this necessary production. And I am for this bill, because, while, it is not necessary, by the way, as the War Department tells me, they are going ahead anyhow, it will be a little more convenient if they receive this authorization. I shall all the more cheerfully support this bill, because it may serve in some degree to check the rapacity of these profiteers at Muscle Shoals. [Applause.]

I yield back the balance of my time.

The SPEAKER. The gentleman yields back two minutes.

Mr. FOSTER. Does the gentleman from Kansas [Mr. CAMPBELL] desire to yield the two minutes?

The SPEAKER. The gentleman from Kansas has two minutes remaining. Does the gentleman desire to use the two minutes?

Mr. FOSTER. The gentleman from Kansas, I suppose, does not desire to use the two minutes, and I yield the balance of my time to the gentleman from Alabama [Mr. ALMON].

The SPEAKER. The gentleman from Alabama [Mr. ALMON] is recognized for nine minutes.

Mr. ALMON. Mr. Speaker and gentlemen of the House, I did not expect to say anything upon this subject and would not if I did not consider it necessary to correct some misinformation which has been given to the House by my genial friend from Ohio [Mr. LONGWORTH]. He says he is in favor of the bill amending the condemnation law; that he is in favor of the rule. The chairman of the committee has attempted four or five times to call this bill up and was forced to go to the Committee on Rules, and we have all been unable to understand up to this hour why that was necessary, but we all realize now it was for the purpose of giving our friend from Ohio [Mr. LONGWORTH] another opportunity to talk about Muscle Shoals. I thought that he and the gentleman from Wisconsin [Mr. FREAR] were satisfied to take up the time of the House when the river and harbor bill was under consideration to talk about Muscle Shoals. He says he hates the name "Muscle Shoals." I am unable to understand the cause of this unless it is his ignorance of the advantages and possibilities of this great water-power site. It is certainly not because it is in the South.

Mr. FREAR. Will the gentleman yield?

Mr. ALMON. Yes.

Mr. FREAR. We have, as I think the gentleman will remember, defeated it on the floor in connection with the river and harbor bill and the military bill whenever we had an opportunity.

Mr. ALMON. Muscle Shoals has never been before the House in any military bill.

We have desired for many years to open up that stretch of the Tennessee River at Muscle Shoals for navigation. Unable to secure a sufficient amount of Government appropriation the engineers for rivers and harbors in 1914 recommended a plan of development in cooperation with a water-power company, as set forth in House document No. 20, Sixty-third Congress, second session. That is the plan the gentleman from Wisconsin [Mr. FREAR] refers to. I have not the time nor is it necessary to discuss that at this time.

Now, what about this? My friend from Ohio says that citizens at Muscle Shoals are undertaking to hold up the Government; that the Government ought to have gone and gotten option on these lands. I want to say, for his information and for the information of the House, that before these nitrate plants were located at Sheffield and at Muscle Shoals nearly all of the lands were secured by donations and at fair and reasonable values. I was at home in November, and I helped to conduct a campaign, and we were told that these plants would not be located there if the lands could not be secured at fair and reasonable prices. All the lands which will be overflowed by the erection of Dam No. 2, except one tract of about 150 acres, were either donated or optioned at prices reasonable and satisfactory to the representatives of the Government. The dam sites, worth many thousands of dollars, were donated to the Government. Nearly all of the lands needed for nitrate plant No. 1 not donated were optioned and conveyed to the Government at a fair and satisfactory price. One tract of more than 100 acres of very valuable and high-priced land was donated to the Government. Some of the land necessary for the Government to acquire in connection with the building of plant No. 2 has been either donated or offered at prices satisfactory to the Government, but I am advised by the Government officials that they have not been able to purchase other lands needed and necessary for this plant.

One of the purposes of this bill is to authorize the Government to condemn it in accordance with the condemnation laws of the State in which the land is situated and pay the owners in accordance with the awards in the court condemnation proceedings. If any of the owners are minors, this would be necessary.

Mr. SWITZER. Can the gentleman inform the House approximately the value of the land that will have to be condemned?

Mr. ALMON. Most of the lands in that locality have been optioned to the Government at $50 to $75 an acre and with this development will, of course, be worth a great deal more. I deny most positively and emphatically the charge of the gentleman from Ohio [Mr. LONGWORTH] that the people who own land at Muscle Shoals and vicinity, whom I have the honor to represent, are holding up the Government. They are as good, loyal, and patriotic people as there are anywhere—in Ohio or elsewhere.

The fact that a few of the landowners want more for their land than the representatives of the Government think it is worth does not justify the charge that even they want to hold up the Government.

Mr. SWITZER. How many acres will have to be condemned?

Mr. ALMON. I do not know; probably three or four hundred, or more. I heard that some of the land had been acquired within the last few days, so I am unable to tell how many acres are desired by the Government that have not been offered at prices satisfactory to the Government.

The most that has been said by the gentleman from Ohio [Mr. LONGWORTH] is in criticism of the President in the location of these nitrate plants. It is my recollection that the legislature of his own State—Ohio—indorsed the Muscle Shoals location. The Congress of the United States two years ago authorized the appropriation of $20,000,000 for the construction of one or more nitrate plants.

Mr. SNELL. Will the gentleman yield?

Mr. ALMON. Yes.

Mr. SNELL. I understood a great deal more land than that was to be condemned in connection with plant No. 2 at Muscle Shoals. It runs into thousands of acres.

Mr. ALMON. That is a mistake.

Mr. SNELL. It runs into thousands of acres.

Mr. ALMON. That is not correct. You have been misinformed.

Mr. HAMILTON of Michigan. What does this land commonly sell for down there?

Mr. ALMON. Forty to seventy-five dollars per acre. Some of it was worth that much for agricultural purposes before the plant was located there.

Mr. TREADWAY. Is it used for agricultural purposes now?

Mr. ALMON. Some of the land is in cultivation.

Mr. TREADWAY. Good agricultural land?

Mr. ALMON. Yes; some of it is good agricultural land. After almost two years of investigation the President located these nitrate plants, one at Sheffield, Ala., on the Tennessee River, and one a few miles up the Tennessee River at Muscle Shoals, where there is the greatest inland water-power site in the United States. There is capacity for more water-power development there than has been developed at Niagara Falls, on both the Canadian and American sides.

Mr. LONGWORTH. Will that be available during this war?

Mr. ALMON. That will depend on how long the war will last, but these plants will be completed and put in operation during this year—with steam power. This is all that could have been done at any other place.

Mr. LONGWORTH. If the war lasts 10 years it will?

Mr. ALMON. Oh, no. The water-power dam will be finished in about three years.

Mr. SNELL. Is that great amount of water power available every day in the year?

Mr. ALMON. Not that much at low-water stages, but it can be connected up with other water-power sites near by, so that a greater horsepower can be produced there every day in the year than has been developed at Niagara Falls.

Mr. SNELL. There is one in my district——

Mr. ALMON. I must decline to yield further, for want of time.

The SPEAKER. The gentleman declines to yield.

Mr. ALMON. The President was justified in locating these nitrate plants as he did. In the first place, Muscle Shoals is the greatest inland water-power site in this country. It is within the safety zone established by the War College. It has in close proximity all the raw material needed for the manufacture of nitrates. It has an inexhaustible quantity of phosphate rock, limestone, and coke all in close proximity. It has the very best transportation system facilities, both water and rail. From the agricultural standpoint is well and centrally located.

The act of Congress authorizing the President to locate and build these nitrate plants expressly provides that it shall be done to produce nitrates and other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. ALMON. No; I can not, as I only have about one more minute.

The SPEAKER. The gentleman declines to yield.

Mr. ALMON. With the units now being installed at these two plants, it is expected that about 132,000 tons, or 264,000,000 pounds, of ammonia nitrate will be produced.

Mr. KREIDER. In what length of time?

Mr. ALMON. Annually. The gentleman from Ohio has had a great deal to say about the Government being forced to make a temporary arrangement for power over transmission lines from another plant while the dam is being built, but has failed to tell of any other place where a better arrangement could have been made. Col. Hugh L. Cooper, the man who built the Keokuk Dam, has been called from France to superintend the construction of that dam, and it will be built as soon as possible. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. VESTAL, by unanimous consent (at the request of Mr. PURNELL), was granted leave of absence indefinitely, on account of illness.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] has something about a conference report that he wants to submit.

Mr. GARRETT of Tennessee. Mr. Speaker, I understood the gentleman was willing to defer that until this matter was concluded.

CONDEMNATION OF LANDS FOR MILITARY PURPOSES.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3994, with the gentleman from Texas [Mr. RAYBURN] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of land for military purposes," approved July 2, 1917, and for other purposes, with Mr. RAYBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3994, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of land for military purposes," approved July 2, 1917, and for other purposes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Chairman, this is an emergency measure that is pending before this House. It is for the primary purpose of making nitrate, to provide powder for the prosecution of the war.

Mr. DENT. Mr. Chairman, will the gentleman yield there for a moment?

Mr. QUIN. I will.

Mr. DENT. I believe the rule does not provide who shall control the time. I ask unanimous consent, as the time for general debate is limited to 30 minutes, that half of the time be controlled by the gentleman from California [Mr. KAHN] and half by myself.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that half of the time be controlled by himself and half by the gentleman from California [Mr. KAHN]. Is there objection?

There was no objection.

Mr. QUIN. Secondarily, it is for the purpose of providing nitrates for commercial fertilizers, for agricultural purposes, after the war supplies have been furnished and after the end of this war.

The Committee on Military Affairs had a hard struggle to get the bill for the nitrate plants in shape for presentation to Congress and to get it passed. It finally became a law, and a long time elapsed before the sites were selected; and now, after the sites have been selected and after the work is in progress at Muscle Shoals and in that vicinity, the selection having been made by the administration, by the War Department, and by the commissioners, in order to stop that work now some gentlemen who opposed this measure from the beginning have the

temerity to rise upon this floor and object to this measure, which is for the purpose of condemning such portions of the land, as minors are interested in some of the lands, and others who hold their property at too high a value.

Can any man reasonably object to this measure except for the express purpose of defeating this Government in its plans to manufacture powder in this contest now? No man can reasonably object to this proposition unless it be for the sole purpose of preventing the United States Government from having these powder plants in course of construction for the purpose of making powder to protect this Nation against a foreign foe. Does it seem reasonable that at this stage of the war the gentleman from New York [Mr. SNELL] should rise up here and say that there is on the St. Lawrence River in his New York district a better site than the Muscle Shoals proposition and the Sheffield proposition and Plant No. 3, and therefore the Muscle Shoals nitrate plant should not be put in operation?

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. QUIN. No; I have not the time.

Mr. SNELL. But the gentleman is making a misstatement.

Mr. QUIN. Is there any reason for the gentleman from Ohio [Mr. LONGWORTH] to object to this because it is going to cost some money? We all know that all these propositions are costing money. I do not know whether anybody is profiteering and stealing money down there or not. I hope not. My God! I have heard enough about Hog Island and about the airplane program and the shipbuilding program and everything else. You have not brought any concrete proof before the House. The Congress has no say in the making of contracts. I would not be surprised if there were a few men stealing money down at Muscle Shoals. They are doing it all through New England, according to newspaper reports. Does the gentleman from Ohio object to it because there is a rascally interloper down there in Alabama? See the Executive and the War Department about that. Congress can not fire anybody. I do not know that a few landowners in the Tennessee Valley are profiteering, but I think perhaps some of them think their land is worth more than $50 or $75 an acre.

This bill is for a jury of honest men to pass on it and say what that land is worth. That is the way the eminent domain procedure goes forward in this country. The United States is asking this Congress to put that right into effect against profiteers, against the man who wants an extravagant price for his land; and in addition to that proposition there are some minors that we can not reach except through the courts in order to get title to that land. Does the gentleman from Ohio think it would be wise for the Government to proceed to construct these plants without getting the title that is vested in these minors? Certainly no sane Representative would contend that the Government ought to spend all this money without having a good title to the land. Then when you analyze it you must see that his opposition is for the express purpose, as it has been ab initio, from the beginning of this legislation, to prevent the Government entering upon the general plan of making nitrate to provide this Government with powder, and for the further purpose of providing the farmers of this country with fertilizer with which to raise agricultural products to feed the people of the United States, the allies across the sea, our soldiers who are wearing the khaki, and our boys on the battleships who are defending the integrity and the honor of this Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I yield to the gentleman two minutes more.

Mr. KREIDER. Will the gentleman yield for a question?

Mr. QUIN. I will yield for a question.

Mr. KREIDER. In view of the fact that the gentleman has said this plant will be used to manufacture these nitrates for agricultural purposes, is the gentleman informed as to the cost of manufacture and the commercial value?

Mr. QUIN. I have this to say, that the farmers of this country are paying the highest price that has ever been known in history for fertilizer, and the American Government sends down to plants in Chile and secures nitrates, and brings the nitrates to the United States, and is now selling this fertilizer to our farmers at actual cost, and now, as a further benefit to the farmers, the American Congress, through the instrumentality of law, is endeavoring to erect plants for the purpose of making nitrates to sell to the farmers at cost, and the cost of production is bound to be much less than private parties in this country would sell it to the farmer for. Whatever the cost may be, I do know that it will be less than the private monopolies have been charging, and which they will continue to charge the people of this country after this war is over. I want the farmers of this country to have every benefit possible out of this war.

Mr. KREIDER. I am trying to get information, that is all. I thought the gentleman might have it.

Mr. QUIN. This is my time. The gentleman can speak in his own time. I want the farmers of this country to get fertilizer at cost from the Government, and this bill will give it to them after the war is over when the production of nitrates is no longer necessary for war purposes.

Mr. SNELL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. QUIN. I can not yield to anybody. The gentleman from New York had his say. He exploited himself before this country. Is it possible that he wants the American people to do without powder plants while the Huns have been driving our lines back in Europe? Is the gentleman from New York willing that this country shall have no powder plant, with the prospect of being cut off from the Chilean plants down in South America? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I wish I had more time.

Mr. KAHN. I yield five minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. Mr. Chairman and gentlemen, this bill authorizes the Government to condemn land needed for military purposes and at nitrate plants which are being built by the Government. The hoggish profiteering of certain Tennessee and Alabama landowners, who refuse to sell to the Government at a reasonable price land which is necessary to the building of the two nitrate plants near Muscle Shoals, Tenn., is the occasion for the passage of this act, and I will support the bill because it will enable the Government to build the plants cheaper. The money to build them has already been appropriated.

It appears from the argument just made by gentlemen discussing this bill that the location of nitrate plant No. 3 has been decided upon by the committee making the recommendation, and that this plant is to be located on the Tennessee River near by the location of the other two plants. For more than three weeks I have been hammering the nitrate division of the Ordnance Department and recommended Vincennes, Ind., as the site for this plant. A delegation from Vincennes has been here for a long while, and they have pointed out to these men that Vincennes has all the necessary facilities and requirements needed, and, in my judgment, there is no place in the United States that can make as good showing as this city has made. This plant, No. 3, is demanded by the War Department, by reason of the immediate necessity for nitrate for war purposes. It, of course, would be built with a view of running it after the war to manufacture nitrate for fertilizing purposes. The Muscle Shoals proposition was originally a peace-time water-power nitrate project. In order to get sufficient water power enormous dams are required. This takes years of time, and plant No. 3 was demanded by the War Department for immediate operation.

Within 50 miles of Vincennes there is unlimited limestone. The Wabash River affords an abundance of water. An inexhaustible supply of coal underlies the ground upon which the plant would be located as well as under the whole territory surrounding it. Gravel, sand, brick, and steel are at hand. The Edwardsport power plant, only a few miles away, is now in a position to furnish enough electric power for the construction of the plant, and by the time it is completed the Indiana Power & Water Co., who own the Edwardsport plant, promised to furnish over 30,000 kilowatts at a much lower figure than the Government has agreed to pay to Tennessee concerns. Coking coal at a low freight rate may be had from a near-by coal field. The railroad facilities can not be beaten.

On account of the present disposition on the part of the Government to class certain industries, such as glass factories and stone quarries, as "nonessential," this portion of Indiana has thousands of unemployed men to-day. The stone quarrying district is industrially paralyzed. Many of these idle men refuse to cross the continent to get work. They would go to Vincennes. Besides, this nitrate plant would use limestone from our limestone district. When we complain about these idle men, they say, "We will ship them to places where they can get work." Most of our idle men have so far failed to indicate a willingness to be conscripted in this manner, because their homes and families are there in Indiana. They have lived there a lifetime; many of their homes are in the building and loan; all their earthly interests are there and it is a big proposition to pull out and leave.

The whole Indiana delegation, both Democrats and Republicans, have tried to get Army contracts and different kinds of war activities for this part of Indiana, but we have failed to land anything for them. We made such a wonderful showing for Vincennes that it did not seem probable that our offer would be rejected. Talk about condemning land. Why, the Vincennes fellows would give you the land. Now, it leaks out

that this committee we have been laboring with are about to recommend, or have recommended, that plant No. 3 go down in Tennessee where the other two have gone; where the profiteers are holding up the Government. Is it possible that the good Lord, in His wisdom, only provided one spot in this great Republic suitable to the manufacture of nitrate? I will tell you what is the matter, gentlemen, Vincennes is not far enough south to get the plant; it is far enough north to furnish the money and the men to help whip the Kaiser, and you bet we are going to help regardless of what happens, but we are too far north to get in on the pie cutting. We have been buying liberty bonds at a great rate out there; but if all of our money goes out and none of it comes back I do not know what is going to happen to us financially after a while. Army contracts, cantonments, armor-plate plants, and war activities go south and east, while the great Middle West is left out in the cold. And if any of us fellows happen to give voice to our disappointment and disapproval of everything worth while going south, some fellow immediately says, "You are sectional." I suppose it is not sectional to plunder the Treasury and profiteer the Government for the benefit of one section of the country, but it is only sectional when you protest against it. Why do not some of you Democrats, over on that side of the House, who are interested in the great Northwest and the Mississippi Valley come out of your shells and speak your convictions?

Mr. SMITH of Michigan. Would it require any auxiliary steam plant if this nitrate plant was located in Vincennes?

Mr. BLAND. Certainly it would. This plant No. 3 is a hurry-up affair and they can not wait for the development of water power. Besides, you will find out, gentlemen, that a highly developed steam plant does not require but a small amount of money for its construction, as compared with a water plant, and in the long run, the interest rates and everything considered, the steam plant will be the cheapest. I venture that there is no place in Alabama or Tennessee where a water-power plant can be built that can provide for 100,000 kilowatts that will not require an auxiliary steam plant for dry weather.

Mr. ALMON. Is it not a fact that the Indiana Legislature and the farmers' organizations of that State indorsed Muscle Shoals as the location for a nitrate plant?

Mr. BLAND. Yes; in peace time; but before No. 3 was dreamed of. They are not indorsing the location of three nitrate plants in the same location.

Mr. ALMON. No; but No. 3 has not been located.

Mr. BLAND. According to the latest reports the nitrate board yesterday submitted their report recommending their location down in Tennessee, and I know that the farmers and the legislature of my State did not approve of this, but would favor Vincennes, Ind.

Mr. ALMON. I am making no objection.

Mr. BLAND. With several thousand idle men in this section of the country, and with all the facilities at hand, it does seem as if we should have some consideration. But we did not have the pass word, so we can not get in. Keokuk, Iowa; Cincinnati, Ohio; Toledo, Ohio; and several other locations in the Mississippi Valley were presented, but they do not need to expect to get anything of this kind.

I desire to insert in the RECORD a synopsis of the data we furnished:

SYNOPSIS OF DATA FILED WITH THE NITRATE DIVISION OF THE ORDNANCE DEPARTMENT.

Re: No. 3 Nitrate Plant.

Site.—Two miles north of Vincennes, Ind., level plateau on the Wabash River, 1,500 acres of land practically level.

Transportation.—Two railroads adjacent to site—Vandalia Railroad, Chicago & Eastern Illinois—requiring 1 per cent siding. Two other trunk lines—Big Four and Baltimore & Ohio—connect with Vincennes.

Coal.—Unlimited supply No. 3, 5, and 6 bituminous coal directly underneath site. Oliphant-Johnson mine, capacity 6,000 tons per day, 4 miles distant.

Limestone.—Largest limestone deposits of following analysis at Bedford, Ind., and vicinity, 60 miles from proposed site:

Calcium carbonate	98.27
Magnesium carbonate	.84
Aluminum oxide	.15
Silica	.64
	99.90

Coke.—Suitable coke of the following analysis obtainable at Vincennes and Indianapolis:

Fixed carbon	90.36
Ash	6.78
Sulphur	.52

Gravel.—Unlimited supply of gravel, containing proper combination of aggregates for concrete construction purposes, immediately adjacent to site.

Water.—Sufficient flow at all periods of the year of chemically pure water for all purposes required.

Building materials.—Lehigh Cement Co. plant at Mitchell, capable of supplying ample supply Portland cement for all purposes. Lumber, brick, fire clay, etc., obtainable at Vincennes.

Structural steel.—One of the largest structural-steel plants in the Middle West at Vincennes, capable of fabricating 5,000 tons per month, with a large and complete supply of structural steel, standard form and size, constantly on hand.

Electrical energy.—Three thousand K. W. immediately available and 85,000 K. W. to be supplied by January 1, 1919. The price on 5-year basis of cost plus 1 mill per K. W. hour.

Labor.—Five to eight thousand laboring men immediately available, owing to the shutdown of nonessential manufacturing plants.

Fertilizer market.—The large area of farm lands stretching in all directions from Vincennes are demanding an ever-increasing supply of nitrates for fertilizer, with its four trunk lines of railway extending to the four points of the compass, makes Vincennes an ideal site for the manufacture of commercial nitrate.

Living conditions.—Vincennes possesses fine graded vocational and high schools, library, water and sewer systems, paved streets, fraternal and civic organizations and clubs, churches of all denominations, public buildings, and beautiful parks.

Mr. KAHN. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, this is another one of those tests of our patriotism by being asked to vote for a so-called war proposition in which it is difficult to see the direct war connection but very easy to see some other things. I am willing to vote with the gentleman from Ohio for this bill, and I expect to vote for it on his representations and the representation of the department that it is desirable from a war standpoint. I do not think that the gentleman from Ohio made a very convincing argument as to the benefit from the war viewpoint of the Muscle Shoals proposition when he said that there probably would be no result in production within a three-year period.

Mr. LONGWORTH. I beg the gentleman's pardon.

Mr. TREADWAY. If the gentleman did not say that, I withdraw it.

Mr. LONGWORTH. There is no question but that they will produce within six months ammonia nitrate, but they will have to produce it by steam power or by water power carried across the country 90 miles.

Mr. TREADWAY. The gentleman further stated that steam power, as we all know, could be developed in one place as well as in another. But Muscle Shoals has been selected. I have every sympathy with the worthy Representative from that district in the comments he made upon the hospitality and patriotism of the people in that neighborhood. They are delightful hosts and we were delightfully entertained there, but this proposition goes back of the individuality of the neighborhood, it goes to the very foundation of the effort to load a great big proposition upon this Government, for goodness only knows what purpose. I can not explain it, and I do not think any man on the floor can explain it.

At three different times has this thing been before us; the Committee on Rivers and Harbors has had it, the Committee on Agriculture has had it, the Committee on Military Affairs has had it, and every time when the House itself or the committees of the House have had the opportunity to vote on the question on its merits it has been defeated. Now, then, what is it to-day? Here is the situation, as I view it: After we have defeated the proposition on its merits three different times in different ways, then it is foisted on the Government through some unknown method contrary to its merits, contrary to the opinion of the War Department as expressed at one time, and then out of some so-called emergency fund, without one word being said upon the subject as before us, the general proposition itself is accepted.

I want to ask this House what is the power higher up that can load such a proposition as this on the American people and on the Government? Nobody has said who that power was or what it was, but there is some mysterious power at work capable of placing an expense of $125,000,000 on the American people contrary to the wishes of their Representatives in Congress assembled.

Who exercises this power? What authority has it? Where does it come from? Why is it not out in the open? It never has been in the open; never. I have known Muscle Shoals River for five years, during my term of service in Congress, and, while there is an opportunity to develop a great water power there, there has never to my knowledge been a time when the parties interested to foist this thing on the Government were not looking for the best end of the trade. That is the Yankee situation of it to-day—nothing else, gentlemen. I think it is proper for some one to rise on the floor and explain to the membership of this House what the power is that can put such an unmeritorious proposition as this across, in view of the action of the committees of this House and in view of the action of the House. What is the ulterior purpose? What is that mysterious power? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

[Mr. TREADWAY had leave to extend his remarks.]

Mr. KAHN. Mr. Chairman, I yield to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman—

Not in the thick of the fight;
Not in the press of the odds
Do the heroes come to their height,
Or we know the demigods.

And whether their names go down
With age-kept victories,
Or whether they battle and drown
Unreckoned, is hid from our eyes.

They are too near to be great,
But our children shall understand
When and how our fate
Was changed, and by whose hand.

Our children shall measure their worth,
We are content to be blind,
For we know that we walk on a newborn earth
With the saviors of mankind.

—Rudyard Kipling.

Mr. Chairman and gentlemen of the committee, I have hesitated somewhat in imposing myself upon the time of Congress and have done so only because of the possibility that my observations may be of some value to you, my colleagues, and at the same time carry a message to those who may read these pages, for the part which those at home must play in this great conflict is only a degree less important than the part which will be played by those at the front. Upon every man and woman in America there rests the obligation of service. This war can not be won by lip loyalty or stinted sacrifice. Success can only be achieved by the united effort and unswerving determination no less of the thousands in the trenches, than of the millions back of the lines.

This war is calling forth the patriotism, the genius, and the supreme power of a mighty people. We are proving to the world that democracy, which has opened the flood gates to opportunity, can rise to the highest plane of national unity. It is a demonstration of democracy in its fullest, truest expression, calling upon manhood without distinction and upon wealth without exception. In this crisis, Mr. Chairman, partisanship has disappeared and we rejoice that patriotism knows no party distinction; loyalty no sectional divisions; and that Americans of every race and creed and station stand united in the presence of the common danger. We have subordinated all internal differences, all political animosities to the noble cause of our Nation's welfare and our Nation's triumph; and in solid phalanx stand behind the Commander-in-Chief of the Army and Navy.

I will not attempt a discussion of economic, social, or political questions; neither will I burden you with statistics or military problems. Very briefly and very simply I am going to tell the story of my trip along the battle fronts, taken in conjunction with several of my colleagues in Congress. First let me tell you a little story of the war. It shows how a Yankee is always up to the last notch. This Yankee, who had been over in France only a few days, happened to meet some Canadians. He went up to where they were seated at a table and sat down with them, at the same time drawing out of his pocket a door knob. The Canadians asked him, "Why do you carry that old door knob?" and he said, "That is an old pal of mine." "But why do you call it your pal?" "Because," said the Yankee, "the other day I was up on the firing line and was just entering a house; I put my hand on this door knob and just then a shell struck and blew the house away, leaving only this door knob in my hand."

About the middle of October we sailed from New York, the purpose of our trip being to learn from first-hand observation the needs of our soldiers and to ascertain conditions both at the front and back of the lines. Our party was composed of Congressmen PARKER of New Jersey, TAYLOR of Colorado, JOHNSON of Washington, DALE of Vermont, MILLER of Washington, STEPHENS of Nebraska, GOODWIN of Arkansas, DILL of Washington, TIMBERLAKE of Colorado, and myself as Representatives, and Messrs. Patton, Hammond, Stout, and Rich. We left about 5 o'clock in the afternoon, with dusk coming on, and the last thing any of us saw of our native land as we went down the bay was the brilliantly illuminated Statue of Liberty, lighted from base to torch, emblematical of the great struggle in which we are engaged to-day. The moment we passed out of the channel at Sandy Hook we realized that we were in war, for at night every outside light on the ship was extinguished, not even the running lights or red and green side lights were operated, and every porthole was bolted fast from the outside. We were not allowed even to smoke on deck for fear that the flare of a match might disclose the location of the ship. Day after day we plowed across the deep, with no incident other than the daily target practice and deck drills. Several hours of each day were devoted to this fire drill, a float being dropped overboard, around which the ship maneuvered as the gunners worked the guns. Our ship was armed with several rifles, and the accuracy and swiftness with which the crew loaded and fired them elicited our praise as well as our admiration. We had on board a unit of Red Cross nurses and a number of officers of various branches of the service, splendid men and women anxious to do the part assigned them.

Two days before we landed, two destroyers met us and convoyed us into the harbor of Liverpool. I can assure you that it was a very welcome sight to see those American vessels, prepared to defend us in case of submarine attack. In Liverpool we saw several great ships discharging their human freight of American soldiers. It was inspiring to see our boys in their khaki uniforms marching through the streets of Liverpool, following the flag, 3,000 miles from home. From Liverpool we went to London, where we were met by Ambassador Page and Mr. Ian Malcolm, of the British foreign office. The next day we were informally received at the American Embassy by Mr. Page and attachés. It is both a duty and a pleasure to pay a well-merited tribute to our representative in London and his staff. The United States has never sent to Great Britain a more popular or more able ambassador than Mr. Page, and the work he is doing and has done reflects the greatest credit upon our country and is deserving of the highest praise.

London to-day is different from the London of peace times. We saw in the city and near-by towns buildings partly completed and temporarily abandoned, for practically all construction work not incident to the war was stopped at the outbreak of hostilities. On the face of everyone you meet there is that stern, set expression which means undying determination to win the war. There are soldiers marching up and down the streets, some wounded, others on leave of absence, and still others who are on their way to the front. At night almost total darkness prevails, just a faint glimmer in the streets, for only one out of three lamps is lighted and these have great reflectors to prevent any glare shining upward. No shop windows are allowed to have their shutters open at night, and in the hotels the blinds are all tightly closed. It is a severe offense to open them when a light is burning. We had an interesting experience in an attempted air raid, and, while we were not bombed, we had all of the sensations. We were at a conference when suddenly we heard the cry "Take to shelter," "Take to shelter," as the Boy Scouts, who are charged with this duty, ran through the streets warning the people. The authorities knew of the approach of these raiders, because when the airships fly over the channel the moment they are spotted on their approaching land, it is telegraphed to London, and the officers have an hour's leeway in preparing for defense. When we started for our hotel the streets were almost deserted, the only sound being the scurrying of feet and the cry of those boys. The few people remaining were hurrying in every direction to shelter. All through the streets signs are posted with a directing finger to indicate "Safety zones," "Fifty can be accommodated in this cellar," "Seventy-five can find shelter here." Stations in the tube, cellars, underground passages, every refuge that will afford protection, is utilized. I can assure you we did not waste much time going to our hotel. We finally reached our destination with the night air still resounding with the cry, "Take to shelter." However, there was no raid that night, for the aeroplanes had been checked by anti-aircraft guns some distance from London, and so we missed the experience of having bonds dropped upon us. You will naturally ask what is the object of bombarding London when the number of casualties is insignificant? Ten or fifteen persons killed a week would not win the war in a thousand years, and the material damage is also very slight. Then, why is it done? Because of the psychological effect on the minds of men and women—the suspense and ever-present fear that something is going to come out of the sky. It is the uncertainty which causes the nerve racking. It is this same dread of danger that can not be forestalled which is so demoralizing in the hospitals which the Germans bomb. Remember, out in these hospitals there is little protection, only canvas or at best wooden or galvanized roofs over the heads of the nurses, which afford little or no protection.

In food supplies, England is feeling the effect of the submarine sinkings, and there is a shortage of some of the staples, especially flour and sugar. The portions placed before one in the restaurants, though sufficient, are small, and strict limits are placed upon the quantities served. At breakfast, for instance, two pieces of brown war bread were the allowance, and two small lumps of sugar—lumps no larger than raisins—and if one ordered oatmeal the little pieces might be exchanged for the same amount of brown granulated sugar, and then one would have to drink one's coffee without being sweetened.

I want to speak for a moment of some of the great hospitals in London, and especially the orthopedic hospitals, where they rebuild the human wreckage of war. It was one of the most de-

pressing as well as one of the most encouraging sights I saw abroad. It was really marvelous to see the way in which surgeons at these institutions salvage the men who are sent there, and it means much for the economic future of the nation. Some men come in without arms, some without legs, some are blind, others are so shattered in their heads or bodies that it seems impossible to do anything to remedy their pitiful condition. I have seen men with parts of the jaw fractured, others with nose and cheeks lacerated by a piece of shell. In restoring face wounds where the bone has been cut away they take a piece of a rib of the wounded man to replace the loss, carefully fitting the new part into the cavity. Or, if this be impracticable they take the rib from a brother or sister or some other near blood relative. I saw one of these men after he had been treated for several months. They showed us a picture of him taken the day he was received at the hospital. The change was almost unbelievable—his nose, cheek, and one-half of his jaw had been blown away. When I saw him several months after the initial treatment, while there was still a frightful scar, he was able to use his jaw almost as well as you or I. He could speak, he could eat, and all without pain. One man who had lost a leg at the thigh and the other at the knee was so reconstructed by the use of artificial limbs that for several moments after I saw him I was not aware he was not using his natural legs. Another man had lost an arm at the shoulder and had an artificial one, which was so adjusted with contrivances and pulleys that he could use it with almost the same power and dexterity as formerly. He was able to write, ride a bicycle, use a typewriter, row a boat, dig with a spade, and even shave himself. I saw him lift, at arm's length with the artificial limb, a 50-pound sledge hammer, and what was probably more startling was to see him take his pouch of tobacco from one pocket, which he held in one hand with his pipe, and then with the contrivance on the artificial hand take a pinch of tobacco and pack it into his pipe. Many soldiers suffer from shell shock, due to the terrific bombardment to which they have been subjected. They may be physically sound and in perfect health except for dislocated nerves. Some are unable to walk; others can not use their arms or hands. For hours volunteer nurses sit beside these men, searching with electric vibrators for a nerve which yet has life. Perhaps at first the dormant nerve will respond by only an almost imperceptible quiver, but by constant treatment day after day it will be restored to its normal condition. Then another nerve is treated, until finally the man can again walk or use his hands.

At the military hospital at Sheperds Bush, 1,200 patients are cared for, and, in addition to medical treatment, when they are strong enough they are taught gainful trades, so that they may again become factors in the industrial life of the nation. In one of the wards I met a young fellow who had come to the hospital so terribly mangled that his case was considered hopeless. He had been buried for four hours by a shell explosion along the Somme. After months of careful treatment his broken body had been rebuilt and he was bright and cheerful. I asked him how he felt. "Oh, I am feeling fine. Better days ahead."

Great Britain cares for her blinded sailors and soldiers at St. Dunstans Hospital, where 350 of these unfortunates are quartered. The hostel is situated on the estate of Mr. Otto Kahn, of New York, who contributes the use of his property to this splendid work. Sir Arthur Pearson, himself blind, is the financial sponsor to the institution. The men are taught useful occupations and everything is done to prevent the blinded soldiers from falling into the slough of despond, which usually engulfs a man who has suddenly lost the sense of sight. Instead of this, his fighting spirit is aroused as he learns of the full and wonderful lives of usefulness achieved by others, and he realizes that closed eyelids do not mean lack of vision. He is inspired with the motto, "What others can make of life, I can also make." Gainful trades are taught, which will enable these sightless men to take their places in the economic world. Shorthand writing, telephone operating, shoe repairing, mat and basket making, joinery, gardening, poultry raising, and massage are the occupations in which these blind veterans find their opportunities to again become factors in the industrial life of the nation. Many volunteer workers give their time and patience to this noble work. The men are taught to read and write by the Braille system, and a short address I made to some of the workers was handed me as it had been taken down by the blind typist in this code of the sightless. The days are divided into class and lecture room exercises, shopwork, and recreation. In many of the workrooms the men were singing as their nimble fingers plaited the baskets and mats, and everywhere there was an absence of that depression and helplessness which is so often associated with a life of blindness.

In the shops, although there are sighted foremen in each department, the instruction is mainly given by men who are themselves blind. The more intelligent and apt soldiers are kept to be pupil teachers, in order to encourage the newcomer by the fact that he is profiting by the knowledge of a man who was himself blinded on the battle field only a short time before.

Manuel, former King of Portugal, is devoting his life as a volunteer to this work, and his wife is doing her part by scrubbing floors and performing every kind of work, no matter how menial. The amount of ingenuity that has been put into this salvaging of human beings is one of the marvels of the war. The science of medicine and surgery under the spur of necessity has made rapid strides in the past three years, and the knowledge and experience acquired will be one of the compensations for the sacrifices made. When the true history of this war is written in the perspective of future years it will tell of the movement of ships and of armies, of victories on land and sea, of heroism in the air and in the depths. It will speak also of that great human side of the conflict—the silent, prayerful sorrows of devoted mothers, wives, and daughters. It will tell of the men of genius and women of patience who gave every ounce of their strength and the full measure of their skill to the task of restoring human beings, of rebuilding the bodies and the minds of men seemingly hopelessly injured, and implanting in their shattered frames hope and confidence to fight life's battles anew.

Last summer I happened to have a neighbor living next to me on Long Island by the name of William Soloman, a banker, but I had to go to London to find out the philanthropic work he is doing and I want to pay my tribute to his generosity. In one of our trips I visited a magnificent house in Regent Park that had been turned into a hospital, equipped with a staff of nurses, doctors, and all the necessary appliances, and I was told that it was maintained by Mr. William Soloman, of New York City.

On our first Sunday in England a very gracious compliment was paid us. Under the escort of Mr. Ian Malcolm, M. P., we were conducted through Windsor Castle, the great halls of this ancient fortress-palace being opened as a special favor. We were first taken to St. George's Chapel, the meeting place of the Knights of the Garter, where we were honored by being seated in the stalls occupied by the knights when in attendance. At the close of the services the great organ, in deep, dulcet tones, peeled out the "Star-Spangled Banner," the first time in history that the American national anthem had echoed in this stately church.

The day previous to our departure for the Continent was a memorable one, for we had the opportunity of hearing Lloyd-George deliver in the House of Commons one of his masterpieces of oratory. This great commoner, every fiber of whose being responds to the call of democracy—alert, resourceful, courageous, and determined—delivered on behalf of the sailors and soldiers of Great Britain, one of the finest, most inspiring eulogies that I have ever listened to. We lunched that day with many of the leaders of Parliament, and to my oft-repeated query, "What can America do to help bring this war to a speedy termination?" I invariably received the answer, "Build ships, aeroplanes, and guns." Transportation is undoubtedly the greatest factor in the struggle. On it depends not only the sending of soldiers but the shipment of supplies to maintain them. Transportation is vital also for the support of our allies. Both airships and artillery are almost as assential to the success of our cause as ocean tonnage. As Sir Charles Beresford, retired admiral of the British Fleet, said, "We want guns, guns, guns; and then more guns." Mr. Lloyd-George was equally as emphatic about the need of ships, aircraft, and artillery. He said, "Do not overlook the supreme importance of a large number of guns of all sizes, especially the 3-inch caliber and larger."

Let me put the requirements of this war in the form of an alliteration: Men, money, munitions, merchant ships, motor planes, and moral courage to fight to the end.

Among other things we saw during our stay in England was the censorship bureau which exercises control over all communications not domestic in origin and destination, whether sent by cable or messenger, by ship or wireless. Five thousand persons are employed in this important service, 2,000 of whom are attached to the Liverpool office and 3,000 to London. All mail is divided into two great classes, social and commercial. Every package and every letter, many thousand pieces a week, are examined by the readers. A great staff of language experts is employed, capable of translating 150 different languages and dialects. The newspapers, books, medals, photographs, and merchandise condemned for violation of the censorship or contraband regulations, fill warehouses. Many were the ingenious devices employed to send rubber into Germany. It was sent in

the form of candy, macaroni, and even gilded jewelry. We were shown one of the medals struck off to commemorate the sinking of the ill-fated *Lusitania*, as well as badges bearing the portrait of the deposed King of Portugal, which had been sent to Lisbon in the hope that this would stir up civil strife and thus weaken one of the allies.

One department is devoted to the detection of invisible writing—a laboratory equipped with chemicals and test tubes, where experts examine every letter suspected of containing hidden information. But no secret code is too subtle, no method of transmission is too cleverly devised to evade the vigilance of the censor inspectors, and every bit of information, no matter how trivial, is examined and tabulated. The bureau furnishes the navies and armies of the allies with intelligence of military and naval operations and plans of the enemy and cooperates with the navy in maintaining the blockade by sending to the patrolling fleets advance information pertaining to ocean-borne cargoes. It prevents disloyal British citizens and enemy spies from forwarding valuable information to Germany and by its close scrutiny of transactions has stopped all trading with the enemy. Many tons of propaganda sent out from Germany to neutral and allied nations have been seized and destroyed. By intercepting all correspondence it has paralyzed the enemy's commercial enterprises in foreign lands; it has also foiled his plots and checkmated his widespread spy system; it has made it impossible for unpatriotic persons in Great Britain to send securities abroad to escape burdensome taxes and the possible conscription of their wealth; and to a large extent, by withholding their mail, it has put a stop to the machinations of German agents who were endeavoring to raise the cost of supplies by sending to dealers in neutral countries spurious and extravagant offers to purchase foods and munitions. The British censorship has three principal functions—to prevent information of military value from reaching Germany; to collect and coordinate "intelligence" for the use of the various departments of its own Government; and to act as a deterrent to all enemy undertakings. In addition to supplying information to the British authorities, it has also furnished our Government with much valuable information. In many ways it has been an important factor in preventing Germany from obtaining supplies, money, or credit from foreign countries and has lessened to a large degree the full effect of the insidious propaganda which has been carried on.

Another very important department and one somewhat closely related to the censor bureau is that of the blockade. We were shown files containing 500,000 cards giving the names, addresses, shipments, and so forth, of business firms all over the world. This vast amount of data enables the blockade committee to study and become familiar with market conditions everywhere and to know in advance of shipments intended for Germany.

From London we proceeded to Folkstone to take the morning boat to Boulogne, but a heavy gale was blowing and the sea was running so furiously that the authorities closed the port. We had to await the abatement of the storm, and it was not till afternoon that the ship was finally permitted to sail. Then followed two hours of misery. Sixteen hundred soldiers and 100 civilians made up the passenger list, and out of that 1,700 I think at least 1,699 were seasick. Our passage was protected by English gunboats and aeroplanes. Through this lane of destroyers, men and supplies in ever-increasing numbers are sent to France.

As they are not operating sleepers on any of the railroads, we had to sit up all night on our journey to Paris. We were received in France with the same courteous attention and the same hearty welcome that had been extended to us in England. After paying our respects to our ambassador, Mr. Sharpe, we made arrangements for our trip to the front. Before leaving for the battle line we visited the tomb of Lafayette in its obscure corner of the old cemetery. We placed a wreath entwined with red, white, and blue ribbons upon the grave of this great patriot and companion of Washington. The tomb of Napoleon, about which cluster such memories, such associations of the great conqueror, was opened to us. In the courtyard of the Invalides, just in front of the chapel where lie the remains of Napoleon, a vast collection of war relics has been deposited. In the place of honor, decorated with flowers and rosettes, stands the aeroplane of Capt. Guynemer, the "Vieux Charles." In this machine the gallant Guynemer, the idol of France, brought down 16 of the 54 enemy planes credited to his valor before fate overtook him.

That evening we were the guests of Gen. Pershing and his staff. The impression made upon us by Gen. Pershing was that of an officer of ability, force, and courage, capable of leading our troops to victory. His charge to the American soldiers voices the spirit of our Nation:

> You are now in France to expel an enemy that has invaded this beautiful land. Your first duty is to fight against this foe and protect our Ally.
>
> You are here also to lift a shield above the poor and weak. You will be kind, therefore, to the aged and to the invalid. You will be courteous to all women, and never have so much as an evil thought in your mind. You will be very tender and gentle with little children. You will do well, therefore, to forswear the use of all liquors.
>
> You will do your duty like brave men. Fear God. Honor your country. Defend liberty.
>
> God have you in His keeping.

We had the keen pleasure of meeting our colleague, Congressman LAGUARDIA, of New York, now a captain in the Signal Corps of the Army. Last summer Congressman LAGUARDIA, who had in the few months of his membership in the House won distinction for his activities in legislative work, enlisted in the Aviation Service. His patriotic and unselfish action, placing his loyalty to country above his personal interests, won for him the praise of every Member of Congress. He is now stationed at the American training camp just outside of Naples, Italy, and I feel confident that he will bring credit to his uniform and honor to himself.

Paris to-day presents almost the same appearance that it did before the war. It is true that the streets are full of soldiers, and that women and old men have to a very large degree taken the places of men in the stores, but the streets at night are as brilliantly lighted as formerly, the restaurants and theaters are open, the shops offer their usual display of attractions, and business goes on in much the same way as it did in pre-war days.

Mr. John Ball, writing from Paris, gives this picture of the city under war conditions:

> The grand boulevards, from the Madeleine to the Bonne Nouvelle, are crowded as of old. Morning or afternoon, whether there are fitful gleams of sunshine or "chill November's surly blasts" sweep the leaves from the trees, they are a blaze of color and movement. The horizon blue uniforms of French officers mingle with British and American khaki and Italian gray-green, with here and there a red fez and black face; and the gray days do not exclude touches of color from women's toilets. At nighttime the same crowd, but with civilian black preponderating, jostling and good-humored. The cafés and terraces are full. At half past 9 shrill whistles and distinctive clapping of hands are heard. No need to ask what these sounds portend. They are the signals that the closing hour is come. There is no grace. The cafés empty as if by magic.

Underlying it all, there is that ever-present nervous strain and the faces of the men and women show the tension under which they are living. They are economizing, too, and husbanding their resources, as France, for three and a half years, has borne the brunt of the conflict. Think for a moment of her burden; think, too, of the rekindled heroism of her people that carried forward her soldiers under the most terrible blows of war ever known. One and a half million of her sons dead, one and a half million more either prisoners or so injured as to be of no further military service; thousands of her women and children victims of the savagery of war; scores of her cities and towns shapeless ruins; hundreds of acres of her rich soil desolate wastes; her churches desecrated, her homes destroyed, and yet the spirit of France rises supreme to the horrors, the losses, and the sacrifices that she has made and will continue to make. The heroic nation, bleeding and maimed, yet neither unnerved nor vanquished, still stands steadfast between Prussia and her ambition to rule the world. It is the soul of France that speaks through the tears and gloom, giving a promise, like the rainbow in the heavens, that democracy is safe in her keeping.

Over and over again I have been asked, "Are the French not weary of the struggle? Will they not give up?" Having seen the faces of thousands of her soldiers on the march to the trenches, faces that wore that calm, steady, undaunted expression of men willing to die that France may live, the answer invariably must be, "No; the French will never stop." France may bleed to death, but so long as her heart beats, her sons will march forward to the guns on the battle line and sacrifice their lives freely, gladly, for the cause. French courage and morale is not weakening; her determination is not waning. France has sent to the front her youth, and it has been spent on the battle fields of the north. Countless graves scattered far and wide upon shell-torn hills and valleys and crowding the waste of shattered villages tell the story of those early struggles. She is sending her older manhood now, men of mature years. Later, perhaps, it may be old men who will shoulder the rifle. But these grim, blue ranks will be filled, for France, indominable France, still lives. Her destiny bids defiance to the holocaust of destruction thundering along her borders and leads onward to a greatness made sublime by the consciousness of duty nobly, heroically rendered for France, for democracy, and for humanity. How the world misjudged her. How it doubted her steadfastness. Many there were who thought her tottering from decay, with spirit sordid and crushed, but from the crucible in which the souls of her men and women have been tried, there

emerges a glorified, ennobled France, radiant with right, true and brave and strong.

Capt. André Tardieu, French High Commissioner to the United States, in an address delivered in New York on February 6 last, said, in speaking of what France had done:

"We have in the line 15,000 guns of every caliber, and every day more than 300,000 shells are turned out by our factories. To get those guns, to produce those shells, we created an industry which did not exist before the war, and which has enabled us not only to arm ourselves but also to arm our allies.

"Without speaking of what we manufacture for you, and that is several hundred guns a month, we have during the last three years given to our allies in Europe 1,350,000 rifles, 15,000 automatic rifles, 10,000 machine guns, 800,000,000 cartridges, 2,500 guns, and 4,750 airplanes.

"And the day when faithful Italy found herself in peril—a peril which is now averted—within a few hours we brought to her front the troops which prove the unbreakable brotherhood of our alliance.

"Gentlemen, that is France, such as you must know her, you whose children are already fighting on her soil. Such is France, who for three years has awaited you, certain that you would come."

Early on the morning of November 3 we left Paris under the escort of Col. Parker, United States Army and Lieut. Count Le Marois, of the French Army. Our first point of interest was reached about 20 miles east of Paris, when we came to the battle field of the Marne, where France rose to the fullest height of her courage, stood fast, and won the greatest victory in her history. In that famous retreat of the allied armies from the Belgian frontier they had been overpowered but not crushed. Under the deadly hammer blows of the German drive they had been forced back, but always in perfect order. There was neither rout nor panic under that smashing offensive, and every inch of abandoned ground was valiantly contested by the soldiers of Gen. Joffre and Gen. French. For weeks success had crowned the attacking German columns, and their marvelous fighting machine, perhaps the best disciplined and trained military organization of which the world has any knowledge, seemed to be invincible. But the onrolling tide was at the height of its flood; the German Army had reached the extreme limits of its range when it crossed the banks of the Marne.

Gen. Joffre on the morning of September 6 issued to his troops the spirited command:

> At a moment when a battle on which the welfare of the country depends is going to begin I feel it incumbent upon me to remind you all that this is no longer the time to look behind. All our efforts must be directed toward attacking and driving back the enemy. An army which can no longer advance must at all costs keep the ground it has won and allow itself to be killed on the spot rather than give way. In the present circumstance no faltering can be tolerated.

It is estimated that 3,000,000 men faced each other on that bright Sunday morning, when the great battle opened. I will not attempt a description of the fight except in a general way. The German advance was in five main divisions, with Gen. Von Kluck on the extreme right, nearest to Paris. Next to him was Gen. Von Bulow's army. Opposed to them were the allied forces under Gen. Joffre, with Gen. Manoury commanding the Sixth French Army facing Gen. Von Kluck. During the night the famous "taxicab army" of some 5,000 or 6,000 men joined Gen. Manoury's forces. This army had been rushed from Paris by Gen. Gallieni, who commandeered motor buses and wagons for its transportation to the battle field. Gen. Manoury's army engaged so vigorously that Von Kluck, evidently thinking he was opposed by a heavy force, deployed to the westward in order to meet the attack without endangering his flank. This caused Von Bulow to swing over to the support of Von Kluck, leaving an opening in the center. Gen. Joffre, quick to see his advantage, ordered Gen. Foch, who commanded the French center, to take the offensive. His divisions broke through the gap, rolled back in panic the German columns, and the advance on Paris was ended. This battle will go down in history as one of the decisive battles of the world. There is little left to-day to tell the story of that great victory, for in this stage of the war the fighting was more in the old, open formation rather than in the trench method, later resorted to, when armies "dug themselves in." The sturdy French peasants in the three years which have elapsed since the booming of cannon rolled over the countryside have repaired the villages, rebuilt the roads, and restored the land to its former state of cultivation.

The first real battle front we saw was at Soissons, where there was a terrific bombardment last summer. It was here at Chemin des Dames, "the road of the ladies," a long, low, nearly level ridge, that the French, in seven days' fighting, expended $100,000,000 of ammunition. As we approached the line, the highways became choked with the moving mass of men, guns, and trucks. There was no shouting or singing by these silent, grim, determined soldiers. No bands played, no colors waved, no sound was heard save the thud of marching feet and the clank of moving wagons. The men appeared well fed and clothed, and the horses were in superb condition. We found this true along the whole battle front, and especially among the British troops. There is something inspiring about great masses of men; something that stirs one's blood at the thought of the power of a mighty army. All the way from Paris we had met and overtaken large numbers of autotrucks, called "lorries," which go back and forth carrying ammunition and supplies. We passed thousands of British and French troops on their way to Italy to reenforce the Italians after their reverse. Here let me digress a moment from my story.

The French were already in bitter mood over the Russian collapse when the Italian debacle occurred, and while there was neither despair nor discouragement as to ultimate victory, there was resentment caused by the breakdown of one ally and disappointment over the reverse of the other. To thoroughly appreciate the feeling of the people, one must remember that for years France had been the financial sponsor for Russia, and that Russian bonds were a favorite investment of the French people, nearly every family owning securities of France's great northern friend and Ally. The complete breakdown of responsible government at Petrograd meant, therefore, not only an additional burden from a military standpoint, but it meant also the loss of millions of dollars of savings. Then came the German drive against Italy, with its sudden, unexpected, and overwhelming success.

The Italian disaster was as much the result of Prussian intrigue and insidious propaganda as of Prussian bullets and shells. Italy, after months of courageous fighting by her army of soldiers and no less arduous exertions by her army of engineers, had advanced her battle front far into the territory of her foe. It was confidently expected that another smashing offensive would bring about the downfall of Vienna. While Italy was consolidating her gains and completing preparations for the new attack, the forces of German propaganda came to the aid of stricken Austria. The Italian Army, exhausted after months of intensive fighting among the Alps, where one bloody campaign had been followed by yet another, petitioned insistently for furloughs. Many of the soldiers had been away from their homes since the outbreak of the war, and it was stated that leaves of absence had been promised them in the fall. When these furloughs failed to be granted because of the exigencies of the military situation, the men became restive. At the psychological moment German agents began their work by appealing to the patriotism of the Italians and playing upon their incredulity and strong national pride. German spies in large numbers began to mingle with the soldiers, harping upon their wrongs, enlarging upon their hardships, and emphasizing the injustice of their commanding officers. The soldiers were congratulated upon their victories, extolled for their valor, and told that as they had driven the enemy from their soil they had won their fight and that further fighting was needless, but that they were compelled to continue the conflict because of the selfishness and greed of the British.

Subsidized newspapers carried on the propaganda back of the lines, assuring their readers that Italy had accomplished her full purpose in entering the war and recounting the probabilities of an early and honorable peace which would restore sons and brothers to the family circle. This propaganda not only held out the assurance that Germany did not seek to conquer Italy, but that, on the contrary, Prussia would undertake the restoration to Italy of her lost Provinces of Italia Irridenta. As the result of these newspaper articles and pamphlets, sent broadcast over Italy, letters poured in upon the soldiers from their wives and mothers imploring them to return home. The soldiers, already aggrieved and embittered, became dispirited, and when the onslaught, led by Gen. Mackensen at the head of several hundred thousand veteran Prussian troops, poured down upon them, they gave way.

The suddenness of the attack swept them back in precipitate retreat, large numbers of prisoners and vast quantities of military stores and equipment falling into the hands of the enemy. But to-day Italy, cognizant of the sinister influences that had wrought her disaster, is reunited in the presence of the danger of an invasion, which threatens not only the destruction of her historic cities, filled with the art treasures of the centuries, but her national existence. She is making an heroic stand in her mountain passes and along her rivers, against the hordes of Huns, that seek to overwhelm her.

As we approached Soissons we obtained our first view of aeroplanes operating in the war zone. Soaring above the rolling country, like great eagles, these daring bird men—the cavalry

of the air—whose fields of battle are the clouds, darted hither and yon across the line, scouting for the enemy. For miles here and on our way to Rheims we passed along camouflaged roads, protected from aircraft observation by great screens of woven grasses and artificial hedges.

Soissons was first bombarded in September, 1914, and on every side are desolate evidences of the destruction wrought. Under that terrific fire, walls collapsed as though they had been made of pasteboard, and women and children were buried beneath the ruins or blown to fragments as they sought safety in the streets. From Soissons to Rheims the road was all but blocked by the cavalry, infantry, artillery, ambulance and supply trains. Despite the heavy traffic and the incessant rains, the roads were in splendid condition. The French take good care of their highways, for they know how essential it is to an army to have open communications. Negroes from French Africa, Cambodians, Algerians, and the peoples from Indo-China, as well as German prisoners, are employed in keeping the roads in repair. Mile after mile of dugouts, many of them still in use, lined the roads, while wire entanglements and trenches ran in every direction. These labyrinths of ditches, stakes, and barbed wire cut and sear the land from the Alps to the Channel. We saw piles of timber cut and trimmed, ready for the trenches and underground work, with here and there great depots stacked high with shells and ammunition.

As we neared Rheims I happened to see several dark puffs of smoke smudge the leaden sky over the lines. Col. Parker, who was with us, said that they were shells from antiaircraft guns. While we were looking, one of the shells struck home, for the great black envelope of a French balloon silhouetted itself against the clouds. Like a handkerchief cast to the winds, the torn bag flattened itself out, and in fantastic curves slowly sank to the earth, a mass of flames. Late in the afternoon, when the lengthening shadows of a gray November twilight were casting their somber hues upon the battered and broken walls, we entered Rheims—ill-fated, battle-scarred Rheims—the center of an ancient civilization and for ages the sought-for prize of military aggression. What memories and associations of the past; what pathos and sorrows of the present are awakened by that name! History, religion, art, romance, and chivalry—the epitome of human endeavors and aspirations—crowd the centuries of her existence. Rheims today is a melancholy ruin, a city of the dead, abandoned and closed to the outside world. Crowded cemeteries, empty houses, demolished sanctuaries, crumbled walls, and battered pavements tell the story of the bombardment of Rheims.

Surmounting all, a pathetic monument to the wreckage and frightfulness of war, stands the shattered cathedral. For 800 years this masterpiece of architectural splendor has been the shrine of countless thousands. But yesterday the pride of France, to-day a bleak and broken relic of its former glory. Birds flight their passage through the empty windows, once studded by the noblest product of the glazier's art; gothic arches and chiseled columns, rich with the tracings of a master hand, lie as heaps of dirt upon the pavement, mixed with bits of glass and fragments of holy figures. A pile of débris now defiled the altar where stood Joan of Arc when her king was crowned. Ah, the pity and the wantonness of it all!

Cardinal Lucon, gray haired and benign, to whose care the sacred edifice and its service have long been intrusted, extended to us a sad welcome. In the gathering gloom of his ruined church this patriotic and devoted prelate, who has remained steadfast at his post, came forward to meet us. He grasped the hand of each and in a few simple words expressed gratification at America's entrance into the war, "For," he said, "it will mean the restoration of my devastated country." A total of 305 shells have struck the edifice since the beginning of the war, 64 of which were fired within the last few months, and the ancient church is yet a target for the artillery, each shell taking its toll of carved statue and molded arch.

During its early bombardment the cathedral was used as a hospital, Red Cross flags flying from its spire. But this did not save it from destruction, despite the fact that it was filled with wounded German soldiers. A scaffolding which had been erected for repair work was fired by an exploding shell and the flames spread to the woodwork above the main entrance. Soon the interior became a raging furnace, which threatened to incinerate the helpless men within. The old cardinal and a young priest began the work of rescue. By this time a great crowd had gathered outside. Suddenly one of those strange and unaccountable phases of mob fury seized the throng made frantic by suffering, the killing of relatives and friends, and infuriated at the sight of their beloved church in flames. The mob rushed to the entrance, demanding that the German soldiers lying on their cots be compelled to die in the hell created by their comrades in arms. It is related how the aged cardinal stepped forward and confronted the angry crowd. Placing himself between the mob and its intended victims, with hands outstretched in appeal, he said to them, "Very well, my children; but you must kill me first." Silence and shame fell upon the frenzied crowd. Then madness gave place to reason, revenge to sympathy, and with a mighty impulse, as their hearts were moved to pity by the benevolence of the cardinal's act, they sprang forward, vieing with one another in their efforts to rescue their hated enemies in distress. As we lingered in the presence of these doleful scenes the only sound that broke the stillness of the deserted streets was the deep detonation of distant guns, booming on the battle front. That and the echo of one's footfall on the stones and the throbbing of one's own heartbeats as the terrible sacrifices and the suffering of it, all struck home!

Passing through the country around Soissons and Rheims we noted the seeming indifference of the inhabitants to all personal danger. Old men and women were working their farms close up to the firing line, women at the plow and old men bent double by age and toil spending their ebbing strength at the tasks forced upon them by the necessities of war. Occasionally a shell would burst overhead, but they kept right on at their work, oblivious to all danger, so accustomed have they become to the artillery. On our way to Verdun we passed acre after acre of vineyards, which have made this part of France famous for its wines. For miles before reaching the historic fortress of Verdun we saw grim evidences of the titanic struggle. Houses destroyed—they are always the object of attack—bridges wrecked, trees felled, and everywhere soldiers, supply trains, and motor kitchens. The very air was laden with depression—a silence of dejection reigned over all, as if the spirits of those in the ranks were stilled by the memory of those who had made the supreme sacrifice.

One of the peculiar sensations of the battle front is the feeling of loneliness. Back of the lines one sees soldiers by the thousands, but close to the firing line one sees or hears none. Except for the roaring of the guns and the whining of the shells, one might imagine one's self in a desert land. When standing on the hills at Verdun, knowing that there were thousands of soldiers near by, we saw not one of that vast army. The men were concealed in dugouts, trenches, and underground galleries. Without the blare of trumpets or the waving of banners, they silently awaited the command to "Carry on!" This war is devoid of all the glamor, glitter, and romance—yes, of all the chivalry, too—which in the past has been associated with great military movements. No flags float above the clouds of smoke and mist, inspiring men's hearts with love of country; no martial music stirs their drooping spirits; no strains of national anthems thrill their souls and steel their courage for the coming charge. Everywhere it was the same. Once only in that long journey along the line did I hear music, and then it was a single fife and drum corps marching with its company to a reserve camp, miles behind the trenches.

We reached Verdun at noon and dined with the commanding general in a vaulted mess hall, deep in the recesses of this ancient fortress. Miles upon miles of galleries have been constructed in the fort, 40 and even 60 feet below the surface. As we ate our war lunch the plates and glasses on the table trembled when the French guns answered the German artillery, for the bombardment still goes on. Verdun stands at the apex of a great triangle, where the hills that rise from the River Meuse crowd down to a narrow pass. Verdun, the rock of destiny, against whose slopes were hurled the mightiest assaults in the history of man! Verdun, whose hills burst asunder beneath the shock of the heaviest cannonading that the world has known! It was here that civilization paused before that impact, then tottered and fell as the Prussian hosts swept onward; then rose again as the dauntless soldiers of France responded to that watchword of liberty, "They shall not pass," and rolled back again, and yet again, the onslaught of the Huns! For ages that name will be the brightest page in the history of France, and you, as long as you live, will know of the glories of Verdun.

This historic spot has a place in history as far back as the time of the Roman invasion, and from ancient days has been the guardian of the eastern frontier. In the reign of Louis XIV, Vauban erected a fortification which at that time was the greatest in the world, and succeeding generations have added to its defenses. The solid rock has been blasted into a vast labyrinth of passages, tunnels, and chambers. A great wall and moat still surround the citadel—useless to-day, but silent reminders of the evolution of the science of warfare.

With the development of modern siege guns the defenses of Verdun were strengthened by the construction of a series of fortresses on the surrounding hills. There are 11 of these great forts, including Vaux, Douaumont, Froidetterre, Hardau-

mont, Thiaumont, and Souville, and it was for the possession of these strongholds that the soldiers of France and Germany fought and died. The great battle of 1916 opened on the morning of February 21 with a terrific cannonade from the German artillery. The imperial general staff had allotted four days for the reduction of the fortifications and the capture of the city, to be followed by a triumphant march to Paris. "Nach Verdun" was the battle cry of the German hosts as their helmeted ranks swept forward behind their barrage of fire. A most graphic description of these four days of fighting has been written by Mr. F. B. Austin, from whose article in the Saturday Evening Post I quote the following:

"There was one simultaneous vast roar, which leaped from an arc stretching from far in the northwest and passing round behind them to the south. It did not cease. Minute after minute it continued, unabated, prolonged. In the first sudden shock it appeared one colossal bellow of sound, evenly maintained. But as the ear became accustomed to it, instinctively analyzed it, it was possible to distinguish spasms of even fiercer sound than the general welter—the ponderous concussion of specially heavy ordnance, the frenzied hammering of the quick-firing field guns. The sense of hearing was overwrought, but the view changed not. The mist still hung over the landscape, was a curtain before the straining eye. Only down below them on the right a howitzer battery, adventurously pushed forward, rent the fog with stabs of orange-red flame.

"It seemed, in the overpowering blast of the German guns, that the French artillery was making no general reply. From time to time a shell came whining over toward them, finished in an ugly rush and a crash somewhere upon the knoll. They scarcely noticed these occasional jinns of death, so ineffective were they by contrast with the whirlwind of destruction that swept the other way. The habitual ear could now pick out the rumbling tramcarlike progress of the heavy shells overhead, the fierce rushing drone of the missiles from lighter guns, mingling interwoven with the uninterrupted sheet of sound.

"What was happening over there among the dark wooded hills? Nothing could be seen, but the experienced imagination sketched, conscious that it fell below the reality, fearful havoc distant in the fog. Trees suddenly blasted, toppling; parapets leaping into the air—horrors in the spout of earth that had been a sheltered dugout; trenches whose walls fell in; men who cowered, fear-paralyzed, in a shambles; overhead a ceaseless cracking that rained down death; shock upon shock, chaos—such flitted through the minds of those who strained their eyes at the fog.

"The bombardment continued, became monotonous. The fog thinned somewhat, but permitted no clear vision. The batteries were firing by the map, according to a prearranged program. Grouped behind each were the busy gunners, in rapid movement of arms and torso, crouching, laboring with swift concentrated intensity as they passed the long gleaming projectile from hand to hand, thrust it into the breech, closed, and fired. Behind them was a heap of brass cartridge cases, the flat compartmented baskets that had held three rounds. The watching officers, helmeted, in long closely-buttoned coats, stood behind their sections. The battery hurled out its stream of death in absolute immunity. No enemy shell came to seek it. The fog veiled its target.

"Beyond that battery was another, in the open like the first, almost wheel to wheel with it. And beyond that another, and yet others, an endless chain of them, all scorning concealment, all firing as fast as sweating, straining men could load and pull the lever. From behind came the prolonged, heavy, linked detonations of yet other batteries of more weighty metal. Overhead the rumble and rush of hurrying shells was as the sound of heavy traffic. And ever the indefatigable batteries hammered and crashed, spewing forth death in volumes that the men they served might live. From behind every hedge, every hillock, in long lines across the open—so many that they could afford to neglect the enemy's reply—their tongues of flame shot out, flickered, indefinitely repeated into the distance. Their infinitely repeated detonations smote splittingly upon the ear, were gathered into one overpowering roar.

"During the black night, while the gun teams of the German batteries strained and stumbled forward over shell-torn ground to new positions, the French left flank had fallen back from Brabant. The German guns hurled an avalanche of projectiles blindly upon the new lines of defense, more or less at hazard, since no longer did they have them accurately marked upon the map. Once more the gray masses swept forward; once more the hail of shells beat them down. The end of that day saw the center pushed in with wild confusion; but the French resistance, still alive, determined to perish rather than break. Once more the objective had not been attained. Douaumont was not even menaced.

"The fourth day dawned—the appointed day for final victory—and still the struggle continued fiercer than ever. Slowly, slowly the German infantry pressed forward, leaving behind them a sea of helpless bodies—a gray carpet as perceived from a distance. The artillery fire swelled and mounted in paroxysms of incredible violence, the German guns hammering in savage persistence; the French batteries, lurking for their target, overwhelming it in a deluge.

"On and on pressed the gray infantry, thrust dangerously, as night fell, straight at the heart, toward Fort Douaumont. A fierce conflict—body to body, rifles that flashed in the face of the victim, bayonets perforce shortened for the thrust, gripping fingers clutching at the throat as men wrestled and swayed, roared in an indescribable tumult upon the Ornes-Louvemont Road. The defenders had made a supreme rally. The Germans fought like men who grasp at victory, maddened that it is withheld. The French fought like heroes, desperately outnumbered, who knew their duty was to die. When night fell the defense was still intact, but the French had withdrawn to their last line, covering Douaumont.

"On the morning of the 25th the German guns roared over white fields of snow, through veils of the softly falling flakes that fluttered inexhaustibly from the leaden sky. Their thunder swelled louder and even louder, as the batteries, which had changed position consequently upon the French withdrawal during the night, got to work, searching for their target, more or less accurately finding it, despite the difficulty of observation. Not a minute was to be lost. The anxious German staff knew that the reenforcements of their foes must be hurrying, hurrying. Some perhaps had already arrived. If night fell without definite victory, the morrow would surely see fresh masses against them, reinvigorating the defense. Victory to-day, complete victory, Douaumont captured, the pursuit pressed into the streets of Verdun, meant victory indeed.

"Mighty, therefore, was the effort. By noon every German battery was firing at its maximum. Under the leaden sky, over the white ground, in the still cold of a bitter frost, their thunder swelled and crashed, roaring in a never-ending frenzy. Eighteen German divisions were massed to break down all opposition. Already they had attacked; again and again. Again and again the rapid detonations of the French guns had leaped into the din, smiting desperately, frantically, to stay them. Over there, in the mist hung gullies of the plateau, on its bare open spaces between the woods the snow had ceased to be white, save where it fell freshly upon the huddled bodies of the fallen.

"In the afternoon the weather cleared somewhat. More distant views were possible. On the higher of the Twins of Ornes, the knolls just southwest of the Foret de Spincourt, stood the figure who, more than any other individual, would have to dare the answer for all the agony rolled out there before him; for all the agony that no eye could measure, spread over continents, crying to strange stars. Spiked helmet on his head, a long gray cavalry cloak wrapped about him, his field glasses held to his eyes by the right hand only, he gazed upon the now distant conflict. At his side stood a younger figure, his face masked also by the binocular.

"The great masses of woodland rose dark from the snow of the plain, a long stretch of undulating, climbing treetops. Beyond them the bare bulk of the plateau humped itself yet higher, dirty gray against the sky. It rose to a culminating knoll—Douaumont! All that bare plateau was whelmed in a drifting reek; but the highest point was like a volcano in eruption. Great founts of smoke shot up from it incessantly, spread in the air in heavy plumes that overhung. Everywhere the infantry stood thick, waiting. The cannonade mounted to a frightful intensity, appalling even the ears now habituated to it, bewildering the senses, troubling the sight. French shells came whining, screaming, rushing, to burst with loud crashes in the woodland arising on the right hand, on the road, and in the fields through which the infantry passed. Domes of dark smoke leaped upward from the earth, preceding the stunning, metallic detonation. White shrapnel puffs clustered thickly above the trees.

"Across the open space, from a whelm of smoke and noise in the distance, groups of gray men were running swiftly toward them, shouting inarticulately. Along the edge of the woods was a line of pickets. Their weapons rose to the shoulder. Sternly, every fugitive but those wounded was driven again into the fight. Those who hesitated, screaming under the menace of the rifle, dropped, shot. That night, in the great map-hung apartment, the war lords received the news that their further advance was barred. Next morning a furious counter-attack surrounded a handful of defenders in the fort for which they had paid so much. The French reinforcements had arrived."

They did not pass, and the days became weeks, weeks months, with the tide of battle ebbing and flowing, attack being met by attack, charge by countercharge, with the artillery continually blasting away the hills. In September the last assault of the Prussian veterans was halted on the northern slope of Fort Souville. Then the French took the offensive, and by the 18th of December they had regained more than they had lost, and the Germans, after weeks of almost constant fighting, were driven back to positions further away from Verdun than when they started 10 months before.

The city of Verdun is an utter ruin, crumbled and crushed and desolate. It has long since been abandoned by its inhabitants, and is closed to all civilians. The work of destruction varied with each house. Here the blast had swept squarely through the building, carrying into ruin behind in the yard the contents of the house. Perhaps the telephone still hung to the walls in just the same position it had hung when the owner of the house had received the message of danger and in precipitate haste had departed into the outer darkness. But the house next door had lost only its front wall, and you looked into the vacant rooms, still set with chairs and beds and all the domestic economy of the house, as if you were gazing upon some stage effect in a theater with the scene all prepared for a performance, and with you sitting before the footlights looking into the interior. Then a great gap in the row of houses, a gap filled with piles of bricks, where shells had wrought their havoc. Houses completely demolished—front walls, side walls, everything gone, the stones and bricks ground into dust, the ironwork twisted into shapeless masses, the timbers splintered and charred. House after house roofless, others with great holes in their tottering walls, and others still that had succumbed to the ravages of the storms and had toppled over into the streets, the wreckage blocking the passage.

The great battle of two years ago took place on the hills which encompass the city. We went out to Fort Souville, 5 miles from the citadel. The hill on which it stands has been blasted almost to its base. Everywhere are trenches, wire entanglements, camp equipment, broken gun carriages, shells, guns, hand grenades, and pieces of shell. Here is the most stupendous, the most terrible example of the waste and destruction of war imaginable. I have seen the ruins of Port Arthur, in Manchuria, and have been to the top of 303 Meter Hill, where the Russians and Japanese fought for supremacy, but what I saw at Verdun was ten times more awful than the ruins of Port Arthur. The whole hill has literally been blown to pieces and is a desolation of shell holes and craters, filled with cartridges, unexploded bombs, and pieces of rifles. The ghastly wastage is appalling. When the Germans made that terrible attack they swept on over these hills and came up the crests, line after line, like waves of the sea. Where once a forest had stood, now nothing but blackened stumps remain. Fifty yards from where we were on the summit was a shattered tree trunk, torn and blasted, which marks the high-water mark of the German advance. One remarkable occurrence of that onrush was related to us. The infantry attack had been preceded by a heavy artillery fire, which buried in the ground a French machine gun and its crew, over which swept the first line of Germans. These Frenchmen dug themselves out of the débris, set up their machine gun, and began firing at the Germans from the rear. Caught between two lines of fire, the advancing Germans, not knowing the strength of the attack, became panic stricken and fell backward. The few who managed to escape were glad to seek refuge behind their own lines. All of the men at this machine gun were killed, but they saved the day for France. Eight hundred thousand men laid down their lives at Verdun—500,000 Germans and 300,000 Frenchmen. We saw cemeteries containing 35,000 graves. I asked where the rest were buried, and the commandant replied, "Here they lie beneath your very feet, ground back into the elements." Five men were killed for every 9 square feet of earth on this blood-soaked hill! The battle field extended over about 3½ square miles; every hill and every valley tells its story of tragedy and death. A beautiful tribute was paid the memory of his sleeping comrades by the general, who in reverence saluted the graves as he passed. At the present time the firing line is several miles distant, but the French artillery all around us were firing at the German trenches and the German guns would respond. Every few minutes we heard the sharp report of a Boche gun as a shell was hurled toward us. There was a constant roar of artillery, our conversation at times being interrupted by the din. No greater glory will ever come to France than the victory of Verdun; no greater honor will ever come to a Frenchman than for him to be able to say "I, too, fought at Verdun." To-day, with all its devastation and ruin, with all the sacrifices of life, with all the sorrow it represents, Verdun stands forth as the greatest monument to courage, bravery, and determination of which the world knows. Let us hope, too, that it is the sepulcher for the hopes and ambitions of Prussian military autocracy.

From Verdun we went to the headquarters of the American Army, traveling all night in our machines, the darkness unbroken by any lights for fear of aeroplanes. Mile after mile we sped along, passing train upon train of army supplies, artillery, and regiments of soldiers. But instead of men and trucks and guns, the impression made upon one was of some vast machine of belts and moving benches that swiftly, steadily, and silently carried forward all this vast material, of things human and inanimate, to those hills beyond. We had dinner at Bar le Duc, an old French town, famous for jams and jellies. This once prosperous city of 30,000 is now only half populated, for the incessant bombardment of the town by German aircraft has driven away thousands of citizens. A large number of people were killed the day before we arrived. At the American Army headquarters we met the general staff who are planning the campaigns for our boys. They told us of their plans and how they were caring for the men and arranging the details of future battles. From there we went to Gen. Sibert's headquarters, passing en route Domremy, the birthplace of Joan of Arc. The little house in which she was born still stands, and in the room where she first saw the light of day is a cupbord she used and a few personal relics. Gen. Sibert took us to the training school where our soldiers are being taught trench warfare. They are building great cantonments here and everything is being done for the comfort and welfare of our men. I talked to many of them and they were all full of courage and snap, only chafing at the delay in getting to the front. I asked them how they were being fed and clothed, and they said "all right." "How are your quarters?" "Fair, but we realize the difficulty of getting supplies." "Have you any complaint?" Then they gathered around me, not a few but scores, and with one accord they said "Yes; the delay; for God's sake, give us a chance to fight!" Fear not, oh, my friends, of the result. Fear not for the honor of the flag, when these brave boys from America, meet man to man, the men on the other side. The "invisible" army of the United States, as the Kaiser has sneeringly called it, will rise to the full power of its splendid manhood and strike down the oppressor of humanity, for it has sounded the bugle which never knows retreat. On November 3, a few days before we arrived, three American soldiers had been killed, a number wounded and several made prisoners. They were the first on America's roll of honor. Let me quote the eloquent words of a French officer at the burial of these heroes, words that burn with a living light:

> Men! These graves, the first to be dug in our soil of France at but a short distance from the enemy, are as a mark of the mighty hand of our allies, firmly clinging to the common task, confirming the will of the people and the Army of the United States to fight with us to a finish, ready to sacrifice so long as it will be necessary, until final victory, for the noblest of causes—that of the liberty of nations, of the weak as well as the mighty. Therefore the death of this humble corporal and these two private soldiers appears to us in extraordinary grandeur.
>
> We ask, therefore, that the mortal remains of these young men be left here; be left forever to France. We will, in the fullness of peace, inscribe indelibly upon their tombs: "Here lie the first soldiers of the Republic of the United States to fall upon the soil of France in the cause of justice and liberty." And the passer-by will stop and uncover his head. Travelers through France and from France, from every Allied nation, from the United States, those who, in reverence of heart, shall come to visit these battle fields of France, will deliberately go out of their way to visit these graves, and bring to them tribute of respect and gratitude
>
> Corpl. Gresham, Pvt. Enright, Pvt. Hay, in the name of France, I thank you. God receive your souls. Adieu.

As reports at this hour come from the war-swept valley of the Somme—how welcome the news, how inspiring the tidings from those shell-torn fields of Picardy—telling us that the khaki-clad boys from America in ever-increasing numbers are standing shoulder to shoulder with the blue-clad boys of France. They are redeeming the pledge and the promise of 150 years ago, when the soldiers of America and France together triumphed in the cause of human freedom. Those laurel wreaths of victory, scented by hallowed memories of sympathy, friendship and sacrifice, will again entwine the banners of the great Republics as their sons march onward to triumph and to glory. In my car I carried a large American flag, and, as we went past squads of American soldiers, salute after salute was given to the Stars and Stripes. In referring to our boys let me quote from Gen. Odlum, of the Eleventh Infantry, Fourth Canadian Division, C. E. F.:

> We have recently had quite a number of American officers attached to us. They are splendid fellows. The Canadians have taken to them at once. We have a great deal of faith in them, and we wish we were working together. The Americans are making a splendid impression over here.

That night we slept at Chalons and in the morning proceeded to Amiens, in northern France, where we were met by British

officials, who escorted us to a chateau used for the entertainment of visitors. On the way to Amiens, for several miles we drove along the Valley of the Marne. After crossing the Marne, we passed numbers of villages partly destroyed by shell and bomb fire. Crossing the Aisne River, we came upon a part of the battle field of the Aisne, where we saw wire entanglements and old trenches and piles of worn-out army paraphernalia. For miles these plains are marked by the devastation of war. Innumerable dugouts line the road on either side, just as they were when they were abandoned. Two miles north of the river we passed a village blown to atoms, with not a house standing; nothing but foundations, with broken walls a few feet high. I saw not a living thing in that city of once happy homes. Yes; I did see one living thing. It was a raven on the stump of a tree, the only inhabitant of this city that had not been destroyed by German artillery.

We lunched at Noyon, the birthplace of Calvin and the scene of the coronation of Charlemagne in 768 as King of the Franks. Owing to the rapidity of the German evacuation, this city had been but little damaged, but its destruction was evidently only postponed, for as I utter these words reports tell of the burning of the great cathedral and the ruin of the town. For ten days now the region between Noyon and Arras has been swept and torn by the world's greatest battle. There has been no such battle before. Along that sixty-mile front more men are fighting, more cannon are belching, more aeroplanes are maneuvering, more poisonous gases are killing, more machine guns are spurting, more deadly weapons are maiming, and more carnage is seen and experienced than ever before upon the earth. The desolated wastes, the broken trenches, the gaping shell holes are strewn with the dead and dying as thick as leaves after an autumnal frost. The losses are appalling and stupefying. The advancing lines by the hundreds are mowed down before the withering fire of the machine guns, but the gaps are filled and other lines take the place of those fallen, to be in their turn sacrificed to the ambition of the Kaiser.

That line of fire is creeping seaward like a demon of destruction, in a desperate effort to divide the allies and crush their lines of communication. It is a path of ruin and despair, of plunder and carnage, of rape and outrage, devouring, devasting, annihilating. The laws of humanity and of nations alike are ignored and trampled upon. Midst the roaring of cannon, the whining of shells, the cracking of rifles, rise the cries of the mangled, the terrified shrieks of children torn from their mother's side, the agonized moans of girls and women, victims of brutal lust. The floodgates of hell have been burst asunder! What is the answer? How can the tornado be stopped; how can civilization be rescued and humanity saved? There is but one answer—only one. Send forward 1,000,000 American soldiers, 3,000,000, yea, 5,000,000, if need be, and in the name of all that is sacred and holy we will do it! That thin line of defense has been bent, it may bend more, but it will never break. It is defended by men who do not give up, who may die but never yield.

In a cable dispatch just published by the Washington Post, the famous Franco-British charge which wrested Moreuil from the hands of the enemy is graphically described by a wounded French noncommissioned officer:

We had been in line since the night before, meeting almost uninterrupted attacks. Twice during the night we had to yield ground against overwhelming forces, but each time our counter attacks had restored the situation.

At dawn the Germans attacked with evergrowing violence, throwing two fresh divisions into battle. In spite of the prodigious tenacity of our British comrades and ourselves we had to yield one street after another, until we finally fell back 300 yards west of the little town.

At 9.45 the boches were just about to launch a fresh onslaught, but we got in first with a tremendous bayonet charge, in which Tommies and Poilus fought shoulder to shoulder. The shock took place on the edge of the town and was desperate hand-to-hand fighting, in which we soon gained the upper hand, though we were one against three.

The Canadians fought like lions. I saw two of them at grips with 10 boches. After putting half of their antagonists hors de combat with knives and bayonets, they disposed of the remainder by grabbing a bag of grenades carried by one of the boches and hurling one of the grenades into the midst of the group.

Two seconds later the ground was clear, and in no time we were in the middle of the town, but the enemy clung desperately to the eastern portion. By a clever turning movement from the south we soon had them at our mercy.

The cool determination of our allies was remarkable. They brilliantly avenged their comrades who fell in the first day's fighting. One huge Canadian, driving his bayonet into a boche, was heard to say, contentedly, "Six," and he went on to find the seventh. At 11 o'clock not a living boche was in Moreuil, but the streets were covered with corpses.

On leaving Noyon we entered the battle field of the Somme, where, in the late summer of 1916, it is said the English suffered 320,000 casualties and the Germans 500,000. We passed mile after mile of complete devastation, where hardly a house remains. A cold drizzling rain was falling, which added to the depressing effect of the frightfulness that stretched away in every direction. Just as night fell we reached a spot where once stood the city of Chaulnes, with a population of 10,000, now a mass of bricks, without even the semblance of a house standing. We stood on piles of débris at what was once the center of the city; the sight in that dead silence and in the gathering darkness was of the ravages of the demon of destruction, in his full power of annihilation. Not a sound save the sighing of the winds and the falling of the rain, where but a few months ago the laughter of children rang out; not a light piercing the night, where only a little while ago the lamp on the table, in even the humblest home, welcomed those children to the family fireside. Words fail to describe the anguish and the sorrow of it all. In one corner of a wall we saw three mounds marked by the tricolors of the Republic. They are the sentinels of the tomb watching over the city of the dead, where the solitude is broken only by the wind, moaning as it were, a requiem over the graveyard of homes and happiness; every gust whispering of suffering, sadness and sacrifice.

Before reaching the chateau we visited at Etaples, a Red Cross hospital under the direction and care of Americans. It was here that a few months ago a young Boston surgeon, Dr. McLeod, was wounded when the Germans bombed the hospital; both legs had been cut off, and, owing to his condition, it was necessary to operate upon him four times. I talked to him as he lay in his bed. He was cheerful and bright; in fact, this cheerfulness prevails in all of the hospitals I visited. To my oft-repeated queries of "How do you feel?" these brave boys would answer, "I am all right; don't bother about me; we are going to win." And in speaking of these wounded soldiers in the hospitals, let me read to you extracts from letters penned by a Canadian volunteer, written to his loved ones at home from his cot, where he lay with both legs paralyzed after the drive on Calais:

Capt. Morris, of the Queen's Own, of Toronto, led an attack on the Germans with two companies. He got an alignment of an X nature, got within 200 yards when his arm was shot. "Come on, boys," he said, and waved his arm, only to get a mortal wound.

He told of a joke, how one of the boys in writing to his grandmother related that they "drove out the Germans" from a certain town. "Drove them out," said the old lady. "If I had been there I would have made them walk."

Again he wrote:

It is noticeable that officers never ask men to go on a hazardous duty that they wouldn't do themselves. It was never too rainy a night for our captain to go out on the listening patrol.

Everything in England is self-sacrifice, cheerfully rendered, from newsboy to banker and railroad president. The farmers gather their eggs and produce to take them to place on the altars of their churches, to be forwarded to the hospitals and wounded. The children give their pennies to the tobacco funds, Belgian, or patriotic funds. It's a fine old world, and I sincerely hope St. Peter is blind, tired, and forgetful in opening the gates for any of our army.

Col. ———, of Toronto, called to his men, "Center close." Only 196 responded out of 887. The poor old colonel wept, the boys said, as he remarked, "Boys, there will be many sad homes in Canada to-night." He had fought with rifle and bayonet, too.

I never heard of the Scotch running away, or a Canadian. They stand as steady as wildcats. God, how they die! They must think and know they live again.

There is a Scotch corporal here who is much of a fatalist—always saying that when your time comes it comes. He was going over the top one night, and we twitted him about covertly putting an extra pistol in his pocket. He said, "Weel, Ah might meet wi' er German whose last day haed come."

By the way, have you heard the latest gossip about Kaiser Bill? The boys say they are going to bust the mainspring of the "Watch on the Rhine." We hear he has bought up all next year's crop of Georgia watermelons so he can feed his men on the Rhine.

The reckless courage and desperate, absolutely fearless fighting of the Scotch have earned for these men from the land of the heather the sobriquet of "Ladies from Hades." A story is told of two old French women when for the first time they beheld the kilts and tartans of a highland regiment. "Zay must be weemen," said one. "Non," replied her friend, "zay are men." "Ah," said the other after deep thought, "eet is ze famous Middlesex regiment."

From the chateau we visited Calais, the great distributing point for a part of the British Army. Here is where the supplies are received and sent forward—ammunition, food, and everything that is required at the front, from pins to projectiles. Many Chinamen are employed in these great storehouses loading and unloading ships and trains. They told us a very interesting story about these Chinamen, who, by the way, come from northern China. This town is frequently bombarded from the air. After these Chinamen had been here a short time they became panic-stricken and went to the boss and told him, "We came contract to work, no contract bomb." I do not know how they settled the strike, but the Chinamen remained. One day, when a very heavy bombardment was going on, an officer happened to look up at the trees and was amazed to find them full of Chinamen, who had conceived the idea that it was the safest place to be and the higher the better. To assist them in their

scramble to the branches the Chinamen had left their shoes behind at the base of the trees. As the officer approached, he noticed one Chinaman coming to the ground, and he said to him, "What is the matter; are you coming down for your shoes?" "No," said the Chinaman, "me no wantee shoes, me wantee tallee tree."

At Calais are great reconstruction works where everything from the battle fields that can be of service is made over and sent back to the lines. Immediately after a battle the first consideration is the care of the wounded and then of the dead. After this the salvage corps, depending, of course, upon conditions, come with their lorries and gather up everything that is of value—helmets, rifles, gas masks, bicycles, wagons, artillery, and shoes. I was much impressed by one shop employing hundreds of persons, where they reconstruct 25,000 pairs of shoes a week. They are first disinfected and scrubbed, then sorted to cull out those too badly damaged to be renovated—these may be cut up for patches or made into shoe laces; they are then soaked in a compound to make them pliable, after which experts go over them and designate by chalk marks the repairs to be made, placing with each shoe the new part. After they have been half-soled or patched, they are again sorted, this time to bring the same sizes of rights and lefts together. The final treatment consists of a bath in oil which makes them strong and serviceable. Strangely enough the soldiers prefer these second-hand shoes to new ones. Many soldiers unfit for military duty, women, and prisoners of war are employed in these shops. The prisoners are paid a small wage and all whom we saw seemed happy and well satisfied. There were shops where rifles and machine guns are repaired, bicycles remade, helmets cleaned and restored, and wagons made ready for service. The heavy artillery and the brass cartridge cases are sent back to England, and we were told that by refilling and repriming old cases which, for instance, when new cost $36,000 a saving of $30,000 was effected. We saw them building large pigeon cotes on wheels, the use of homing pigeons being a very effective method of communication along the battle line. I have seen it stated that despite the use of shotguns by the enemy, 98 per cent of the carrier pigeons reach their destination. The breeding of these pigeons is now one of the war industries of Great Britain, and these well-trained birds are an important adjunct to the wireless, telegraph, telephone, wigwag, flash, bicycle, and messenger services employed in the transmission of orders and reports. From the salvage plants we went to the army bakery where two hundred thousand 2-pound loaves of white bread, made from American-grown wheat, are turned out every 24 hours. Every loaf is weighed and seasoned before being shipped to the front. While noncombatants are required to use war bread, the soldiers very properly are supplied with wheat loaves.

France is also doing wonderful work in her restoration plants, saving annually millions of dollars by the utilization of this jetsam of battle, which in the early stages of the war was considered worthless. In and around Le Mans are establishments where they renovate monthly 50,000 uniforms and overcoats, 125,000 undergarments, 3,500 pairs of shoes, 60,000 pairs of trench boots, 270,000 sheepskin capes, 25,000 steel helmets, and 120,000 pieces of equipment. In addition, each month there are made from clothing that is not repairable 100,000 pairs of slippers, 50,000 caps, 120,000 canteen cases, 75,000 shoe laces, 10,000 wash rags, and 20,000 cloth bags for bread loaves.

If some one should ask me as to one of the many things that impressed me from a business man's standpoint, I would say that it was the system with which this war is being conducted, not only from a military standpoint but from an industrial one. It is organized efficiency on a grand scale, where nations, not armies, are making a business of warfare. Great Britain, France, and Italy realize they are not fighting a war as wars have been fought in the past. To-day it means mobilization of all man power and the utilization of all resources. Sacrifice and economy are synonymous terms in this great struggle.

One of the most impressive facts along the battle fronts as well as behind the lines is the order which prevails everywhere and in everything. There is neither confusion nor hurry. Every man has his appointed task to do, and he does it methodically. Nothing is left to chance, for every action of the soldier, every movement of the guns or supply trains, every action on the land or in the air, goes forward according to a regular, closely dovetailed plan. When a barrage is lifted and the charge takes place, it is timed to the second, the watches of the commanding officers being regulated to the exact time. Here let me deviate a moment from my narrative and speak of the deadly gases, the horror of the trenches. A new chapter of warfare was opened when the Germans introduced the use of poisonous gases. It was at the second battle of Ypres that this instrument of death was inaugurated. They first used large steel tanks containing the liquefied gas. These were set up on the outer edge of the trenches with the nozzles pointed in the direction of the British lines. When a favorable breeze sprang up the gas was released, which was carried down with the wind. The method of installing the gas containers was soon recognized, for the preparations were always visible, and it became easy to destroy them by artillery fire, which frequently did great damage to the Germans themselves. The present method is to fill shells with the liquid gas, which are fired from the guns in the same way as other shells. For short range a special gun has been devised.

Upon our return to the chateau from Calais we had the pleasure of meeting Gen. Fawkes and the judge advocate general of the British Army. The next morning we drove to Arras, which has been badly damaged by shell fire. The great cathedral is a mass of ruins, only one arch remaining over the lofty aisle. Wherever there had been a bronze tablet or statue in any church or upon any monument, it had been chiseled off by the Germans for the manufacture of cartridges and fuzes. Many troops are stationed in Arras, it being close to the firing line. From here we went to the American engineers' camp, some distance away. There we met the boys from home, many of them from the city of New York, and it was a keen pleasure for us to meet them and, I feel, for them to have met us. They were comfortably housed in galvanized roofed barracks, ceiled with wood and warmed with stoves. They were happy in their condition and satisfied with their equipment and food. They were laying railroads, digging ditches, and building bridges, preparing for the great forward move which will mean victory to our arms. We went from here to Vimy Ridge, passing on the way innumerable dugouts and abandoned barracks. I was much amused by many of the signs in these barracks, for the British and Canadians had marked the crude streets with names from home. One street was called "Picadilly," another the "Strand," while yet another was "Manitoba Boulevard." One sign in particular caught my attention. It read, "To Petrograd," with a finger pointing to that far-off capital.

In one of the early campaigns, when the British were using more oriental troops than at present, it is related how a stranded Sikh, arms upraised, walked over to the German first-line trench. He had been surprised in a "starlight" in "No Man's Land," and with oriental cunning decided he had no recourse but to surrender. Upon reaching the Boche trench he assumed an attitude of high glee at being freed from bondage (?). Scores of his comrades, dissatisfied and in revolt, were ready to desert, he said. The Germans were delighted at the news and gave him a fine night and suggested his going back to the allied lines to bring over his comrades. He reached his own first-line trench, telling his officer in command of his adventure and ruse to get back to his friends. For this he was gazetted for a commission.

We saw troops going into the lines and troops returning from the trenches, the latter very grimy and dirty; but they were swinging along the roads in that happy-go-lucky way which tells that they are in this fight to the finish. We climbed up Vimy Ridge, passing by a great gun which had taken part in the bombardment only the day before. From the summit of Vimy we obtained a splendid view of Lens and could see the German lines in the distance. The hill was a mass of shell holes filled, as at Verdun, with the relics of war. In one hole I saw the skeleton of a poor soldier whose life had been given in the cause for which he fought. The uniform was so faded and tattered that I could not tell whether it was Canadian or German. The fleshless hand still grasped a book, torn and weather worn. I reached down and found that the last thing which the glazing eyes of that poor soldier had beheld as the twilight of life had faded into the night of eternal sleep, had been a message from the Holy Bible. We could see the flash of the German guns, hear the shriek of the shells, followed by the detonation of the explosion. We could see where the shells struck, for great masses of brick and dust would be thrown into the air as the projectiles exploded. The allies' guns would respond, and flash after flash, followed by the roar, came to us as we stood there watching this scene of actual warfare. Above us in the clear sky many airships circled about, taking observations and noting the effect of the artillery fire. Vimy Ridge will forever stand on the roll of honor of Canada's fight for home and freedom. Here the blood of the Dominion soldiers was given like water when these brave boys from across the border marched up those heights and drove back the Germans. Vimy Ridge will stir the blood of Canadians for generations to come,

for it represents the heroism and courage and the supreme sacrifice of Canadian manhood in the great struggle to make the "world safe for democracy."

The next day we went to Albert, which has been only partly destroyed. The great modern cathedral, however, is a mass of ruins. This famous church of Notre Dame de Bebrieres is crowned with a statue of the Virgin, which has bent forward and is now hanging from the campanile with the face of the Madonna gazing on the ground. The French have the belief that the statue will not fall until the war ends in their triumph. From there we went to Fricourt, or at least to what had been that city, for it exists no longer.

The whole country shows the effect of the battles that have been fought here. For miles and miles it is nothing but desolation, with the ruins of houses, broken trees, and implements of agriculture standing out in the weather, going to decay. In many places in this valley of the Somme the land has been so torn up that it is not possible to raise enough to support a single family. It must all be leveled and cleared of the débris before people can live here again. We walked over many parts of this battle field, picking up pieces of shell, grenades, and belts. We went down into many of the dugouts, great rooms excavated in the chalky earth, 30 or 40 feet below the surface. Everything is just as it was when the battle swept over the field, save for the rescue work of the hospital staff and the activities of the salvage corps. The underlying strata of the ground along the Somme is chalk, which, under the heavy downpours, is turned into slimy mud. As John Buchan wrote:

It filled the ears and eyes and throats of our men; it plastered their clothing and mingled generously with their diet. Their grandfathers who had been at Sebastopol could have told them something about mud, but even after India and South Africa the mire of the Somme seemed a grievous affliction.

Let me give you a description of this battle, where Briton and German contended for mastery.

"All night long, without cessation, the batteries of both sides, knowing exactly their opponent's range, fired perpetually. All night long searchlight bombs were thrown. All night long golden and red and yellow streams of flame or the sudden jagged flash of an explosion lit up the black smoke of burning buildings and fields in the valley or showed the white pufflike low clouds of the bursting shrapnel. Not for an instant did the roar diminish, not for a second was the kindly veil of night left unrent by a fissure of vengeful flame. Yet all night long, as ceaselessly as the great guns poured out their angry fury, so did men pour out their indomitable will, and in that hell light of battle flame engineers labored to construct bridges, small bodies of troops moved forward to join their comrades in the trenches who had been able to make a footing the day before, and all night long those ghastly yet merciful accompaniments of a battle field—the ambulance corps—carried on their work of relief. The searchlights swept up and down the valley like great eyes that watched to give direction to the venom of war."

At Peronne we visited the citadel and saw the city a complete mass of ruins, where the devastation had been planned and consummated by the German Army. Some shelling, as at Albert, had been done by the attacking allies, but the bulk of the destruction had been wrought by the Germans when they evacuated the place. The favorite way of demolishing a house was to blow out the front wall, which would let in the elements and eventually cause the whole building to collapse. Street after street presented the terrible spectacle of frontless houses, and here in the deserted rooms we saw beds, bureaus, and chairs, with the carpets still on the floors and pictures on the walls. I went into many of these former homes and saw hanging on the hooks clothing and hats, just as they were left when the poor people were driven out. In one house I saw lying on a table a child's tin horse, dented and marred by the little infant who had played with it. Where, my friends, to-day is that little tot, and where is its mother and the thousands of girls and women who once lived in this happy valley?

From here we went to Bapaume, another town deliberately destroyed. The huge cathedral, as in other cities, had been demolished. While we were here we could hear the bombardment at Cambrai, for we were not many miles away from the firing line. It was here that squadrons of tanks, those terrible engines of war adapted from American tractors, were used with such deadly effect. The general in command of the corps sent before the battle to every officer and man of the tanks this order of the day: "The Tank Corps expects that every tank this day will do its damnedest." They did. As the pilot of one of them told me, they played "merry hell." "They moved forward in small groups, several hundred of them, rolled down the German wire, trampled down its lines and then crossed the deep gulf of the Hindenburg main line, pitching their noses downward as they drew their long bodies over the parapets, rearing up again with their long forward reach of body and heaving themselves on to the ground beyond. The German troops knew nothing of the fate that awaited them until out of the gleam of dawn they saw these great numbers of gray, inhuman creatures bearing down upon them. A German officer whom I saw to-day, one out of thousands of prisoners who had been taken, described his own sensations. At first he could not believe his eyes. He seemed in some horrible nightmare and thought he had gone mad. After that from his dugout he watched all the tanks trampling about, crunching down the wire, heaving themselves across his trenches and searching about for machine-gun emplacements, while his men ran about in terror, trying to avoid the bursts of fire, crying out in surrender."

On our way back to Amiens we stopped at the Butte de Warlencourt, which the French Government has reserved as a national monument. It is a low salient, only about 45 feet high, and here was witnessed some of the most terrific fighting of all. Nothing has been touched on this blood-soaked hill. Shells and rifles lie about just as they fell, and dead men too; a simple cross crowned with a helmet or twisted rifle marks the spot where a nameless hero, a lost but not forgotten son or brother, sleeps the eternal sleep. Graves, graves everywhere; the rude mounds marked by yet ruder crosses, melancholy sentinels standing, here alone, there in groups, and beyond in thousands; at the bottom of shell craters, beside the highway, on some lonely hilltop:

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards, with solemn round,
The bivouac of the dead.

Frenchmen and Germans are at peace at last in the sleep of the ages. Graves of the soldiers of France are decorated with rosettes of the tricolors of the Republic, tributes of a national patriotic society. Each German grave is marked by a cross on which is written, "Here lies a German hero."

The view from the top is awesome. Ruins everywhere as far as the eye can see, an unbroken stretch of desolation, destruction, chaos, with the land so cut up that one can walk over it only with the greatest difficulty. Shell holes and craters, craters and shell holes crowd one upon the other in this inferno of man's making. Every foot of land scarred with pits like pox marks, as if nature herself, under the carnage wrought on her bosom, had sickened and died of this dread disease. Near by were several abandoned tanks, those great caterpillars which have been so effective in many of the engagements. We saw one of them that had been destroyed by an explosion, which had burned the interior and, of course, killed the crew. In front of it were the graves of the men who had manned it. There they lie by that great engine of war, with the machine they operated standing as their monument! Farther on was a great crater, about 30 feet deep and 200 feet in diameter, the result of the industrious work of the British sapper. Above this hole at one time stood some German barracks, but when the explosion took place soldiers, wagons, and mules were thrown into the air, lost forever to the German cause. Men are not only killed in these mine explosions but their bodies are dismembered—bleeding fragments of men and animals, equipment, and trench paraphernalia mingle in a gruesome heap. As an officer who had seen the explosion said to me, "Some of those Germans haven't come down yet."

An observer with the Australians has described the unceasing bombardment on the Somme as follows: "Hour after hour, day and night, with increasing intensity as the time went on, the enemy rained heavy shells into the area. Now he would send them crashing in on a line south of the road, eight heavy shells at a time, minute after minute, followed by a burst of shrapnel. Now he would place a curtain straight across this valley or that, until the sky and landscape were blotted out, except for fleeting glimpses seen as through a lift of fog. Day and night the men worked through it, fighting the horrid machinery far over the horizon as if they were fighting Germans hand to hand; building up whatever it battered down, buried some of them, not once, but again, again, and again. What is a barrage against such troops? They went through it as you would go through a summer shower, too proud to bend their heads, many of them, because their mates were looking. I am telling you of things I have seen. As one of their officers said to me, 'I have to walk about as if I liked it; what else can you do when your own men teach you to?'"

One of the striking features of the battle line are the huge concrete "pill boxes" in which the Germans mount machine guns. These deadly bomb-proof structures, with walls many feet in thickness, connect with the communicating trenches and are always a serious menace to charging troops.

Even at the risk of tiring you with a narrative which I feel is already too extended, I can not omit mentioning the noble

work being done by the Red Cross, the Young Men's Christian Association, the Knights of Columbus, and other kindred organizations. This war, which is a battle of nations, fighting not alone on the firing line, but throughout their length and breadth, calls to humanity for help, and the Red Cross has answered generously, ably and fully. Its workers minister to the sick and wounded, reconstruct villages, purge towns of disease, supply farm implements and seeds, and carry on relief wherever it is needed. It has established canteens and bathhouses on the firing line, supplied milk to babies and food and clothing to the old and feeble. In the operating rooms, in tuberculosis wards, in tenements, in devastated villages, in stricken homes, it has made France, Belgium, and Italy know that America from across the seas is at their side and will be with them till the end. In addition, and primary to the practical relief to the military and civilian population of our allies, the Red Cross stands ready to care for our own soldiers and sailors on duty, wherever and whenever that care may be needed. It is cooperating with the Army and Navy for the protection of the health and welfare of soldiers in camps and cantonments and has established agencies for the care of dependent families of men in the naval and military services.

Closely allied to the Red Cross are the Young Men's Christian Association and Knights of Columbus organizations. They are the foster mothers to these far-away boys of ours, supplying the home influences to the men in uniform, giving to our valiant fighters a spark of spiritual life, cheering them in the performance of their duty, comforting them in their loneliness, and stimulating their mental and social instincts under proper guidance. It is impossible to more than touch upon the varied activities of these splendid institutions; of the hotels and restaurants maintained for soldiers arriving or on leave of absence; the huts with dining rooms, sleeping accommodations, and reading rooms supplied with American papers and magazines where men can read and write to their families at home; the portable lunch counters awaiting incoming trains; the rest stations and bathhouses near the front; refreshment booths; the canteens which supply wants; the entertainments and moving-picture shows; the circulating libraries, concerts, lecture courses, religious and educational classes; sports and sight-seeing trips; and the ever-present offer of friendship, sympathy, and assistance to all in distress or perplexity. In the lounging room of the Paris Y. M. C. A. I overheard two soldiers talking. They were discussing guide books, a number of which were lying upon the table. One had been studying the historic places in Paris and asked his comrade if he knew of a good guide for Berlin. "Yes," said the other, "General Pershing."

On our return to Paris we were given receptions by the President of the French Republic and by the Speaker of the Chamber of Deputies, as well as by the premier. Nothing was left undone to make our visit both instructive and enjoyable. From Paris we went to Belgium—desolate, almost annihilated Belgium. Belgium as it exists to-day is only 26 miles long and 6 miles wide. It is not as large as my own Nassau County, but there in that little remnant of a nation resides Albert, the heroic King of Belgium, who will not leave his native soil. It was on his birthday that we arrived in Belgium, and he invited us to come to his simple house. We were dressed in our trench clothes. I had on a pair of blue overalls, heavy tan shoes, an old flannel shirt, and a sweater; and I assure you it was hardly court attire for a reception. But the King was glad to see us, because he knew we came as sympathizing friends and that we were representing the power, the prestige, and the purposes of the great Republic of the west, with its 110,000,000 of free and determined people. That great democrat, King Albert, 6 feet 6 inches, stood in his home and welcomed us in a most democratic manner. He said, "We are going to continue the fight until every Belgian is killed and Belgium is no more." I asked him what message I could take back with me to America. He laid his hand on my shoulder, and said, "Take this message to your people: Tell them that without their generous aid my people would have starved to death, and from the bottom of my heart I thank them." When we left the headquarters of the King it was about 6 o'clock in the evening, and as we came out into the darkness the sky to the northeast was bespangled by the flash of guns on the firing line and there was an incessant roar of cannonading which shook the ground on which we stood.

We went to our hotel but a few miles from the line and at 2.30 a. m., my room being on the side of the hotel facing the line, I was awakened by the roar of a terrific bombardment. It kept up for 45 minutes as the big guns along the battle front saluted each other with deadly shells. We had breakfast at 4.30 and with darkness still about us set out for the trenches. We arrived about daybreak at the point where we were to enter the communicating trench which led to the front line on the Dixmude sector. We found that the bombardment of the morning had destroyed many parts of these trenches. There were great holes in the road, and a few dead horses were lying about. We saw, too, soldiers who had been killed within an hour being carried back to the cemetery. We were all provided with gas masks and steel helmets in case of an attack, for we were going to the frontier of "No Man's Land." The fields we passed were desolate, ground torn up, fences down, trees broken and shattered, for the country surrounding this section of the line has been for months in the war zone. Every house had long since been pounded into fragments, the only habitations being the rude improvised shelters erected by artillerymen from the débris that lay scattered about.

Just as we entered the communicating trench two gray German airships swept over our heads, and as our costumes were of a different color than the uniforms of the Belgium soldiers, we felt certain that our presence was known. The trenches were a mass of mud, slimy and treacherous. Crude wooden revetments lined the bottom of the zigzag ditches, over which we slipped and stumbled. We passed many dugouts—concrete bombproof structures—in which men were sleeping on straw or blankets spread on the wet ground. Here a few soldiers performing their morning toilet from a bucket of water, there a group preparing breakfast over an improvised stove of stones and discarded tin cans. Everything was mixed with dirt, mud, and slimy water, but the men were cheerful and bright and looked healthy despite their comfortless surroundings. They all saluted us, for they knew we were Americans and that our Nation had come to help their crushed country.

As most of us were fairly tall we had to keep our heads well down, for these trenches were built for Belgian soldiers, who are not as tall as we, and we knew that "somewhere in Flanders"—and that less than 100 yards away—the Boche had declared an open season for Americans. These trenches are different from those we had seen elsewhere, for as the land here is low and wet they are built above ground, being constructed by piling up bags of dirt which are reenforced by wooden stakes. "No Man's Land" was a great lake, with several feet of water and mud between the opposing lines, for the Belgians, to prevent an infantry attack, had flooded the land between the trenches. Finally we came to the front line, with the Germans only 40 yards away. We were among the men charged with the duty of holding the line or dying in the attempt. Then came to me that admonition of Demosthenes to the Athenians:

> Go yourselves, every man of you, and stand in the ranks and either a victory beyond all victories in its glory awaits you or falling you shall fall greatly and worthy of your past.

Trench mortars, machine guns, rifles, hand grenades, cartridges, gas masks, helmets all in place ready for instant use. That we had been discovered was soon evident, for we had hardly reached the front trench before the Germans opened fire. We crouched down in a heap as the machine guns and the snipers concentrated their fusillade upon us. Zip, zip, the vicious bullets flew over our heads or with a thud embedded themselves in the soft dirt of the trench a foot or two from us. We were spattered by mud, but fortunately none were hit. Then they opened with howitzers. The whine of the shells is an uncanny sound, half moan, half screech, and it is a peculiar sensation to have these projectiles, intended for your destruction, come screaming toward you. First you hear the sound on the left, then on the right, then it seems as though the shell were directly overhead, the roar gaining in intensity until the shell strikes the earth. Fortunately all of the projectiles passed over us and exploded in the mud several hundred yards away. The captain who had escorted us to the front deemed it unwise for us to remain longer, so we retired to safer ground. The one great trouble about these visits to the trenches, aside from the personal danger, is the fact that after the visitors leave, the poor soldiers who remain at their posts must endure the bombardment. While we were in this front line an officer was killed just next to us and a soldier wounded.

That morning's bombardment—the one which had awakened us—had destroyed parts of the communicating trench, leaving great gaps fully exposed to the enemy's fire. Coming in, as there was no firing, we did not realize our danger, but on our return, knowing that the Boche were aware of our presence, these gaps became real danger spots. We would wait a moment on one side of the broken trench and then throw ourselves across the opening in the hope that the sharpshooters would not have time to bag us. At one gap I asked the captain where one of the machine guns which was playing on us, was located. He said "Just over there where you see the old foundations of a mill." I peered around the open space—I can assure you my

head did not protrude very far—and looked in the direction the captain indicated. There, sure enough, about 60 yards away I saw the machine gun resting on the wall of the old mill and could see the flames spurt from the barrel as the gunner blazed away at us. We then visited the northern part of the line and met the major in command. He invited us to his palace. We found it a miserable little lean-to, built against the only remaining wall of a house, just large enough for two or three people to squeeze into. We told him that after the war we would visit him in his headquarters in Brussels. "Surest thing you know," he replied in perfect American, and we felt very much at home.

From the trenches we went to a Belgian observation station, from which they send out aeroplanes equipped with photographic apparatus to make pictures of the enemy lines. We saw photographs taken from high elevations, and it was most interesting to hear the officers explain from these photographs the various objects that were shown and which to the untrained eye meant nothing. Bidding good-by to our Belgian friends, we went to Boulogne and took the steamer back to England. Most of our party returned to America immediately upon reaching London, but two or three of us remained and went to Scotland, where we were accorded a review of the great fleet. By strange good fortune we had the opportunity of seeing, not only the fleet at anchor, but the return of a large number of the ships from a victorious encounter in the North Sea. The motor launch on which we were crowded plowed her way through water, spume, and spindrift; when suddenly the curtain of mist and spray was broken by the form of a big oncoming gray ship. More followed, and then more, destroyers, battle cruisers, big men-of-war, steaming quietly along on the crested waters. Then, from the turrets and engine rooms of the ships at anchor men poured to the decks and the scene was alive with seamen, cheering the boys on the returning ships. Silent, grim, and battle scarred, coming in with perfect formation through those ships at rest, and as they passed one ship after another, the crews raised tremendous cheers, cheers which carried over the gale. Here a cap was raised from the bridge, here an arm waved in recognition, but absolute silence from the fighting, victorious forces. Signs of burnt paint and marks of shell fire and muzzles of uncovered guns, yellow and brown, told of the fight.

Our next visit was Glasgow, where we had the opportunity of seeing the shipping of the port and the great shipyards on the Clyde, where they are turning out in ever-increasing quantities destroyers, submarines, aeroplanes, tanks, and munitions of all kinds. At the Singer Sewing Machine Co. works we saw them manufacturing shells and fuses, nearly all the work being done by women. Great 16-inch shells, weighing, in the rough, a ton were handled by these women as though they had been pieces of cord wood, so perfectly adapted are the lifting devices. I am not at liberty to state the weekly output of these plants, but if Germany thinks Great Britain is short of munitions, she will have to revise her estimates.

From Glasgow we went to Carlisle, and there saw the wonderful powder plant that employs 20,000 persons, one-half of whom are women. Eighteen months ago there was nothing here but a green pasture. To-day over 60,000 people have their homes in this locality. They have schools, lecture rooms, stores, theaters, bakeries, electric lights—everything that a complete city has. We went through the houses where the employees live. The girls, if they are without their families, are quartered in large wooden buildings called "cubicals," one-story dormitories accommodating 96 girls, each in charge of a matron and an assistant. Each girl has her own little room, with partition extending part way to the ceiling, furnished with a bed, rocking chair, and bureau. There is in each cubical a general assembly room for reading and social meetings. Everything in this plant is carried on with mathematical precision. Every ounce of powder is an exact ounce, for any variation in the quantity anywhere along the line would upset the range of the guns on the front. At first they had great difficulty in making the girls realize the importance of accuracy, and many cases were reported of overcharges. When spoken to, the girls would reply, "What difference does it make? It's all for Jock, and a little extra good measure will help him win the fight." Here let me pay my tribute to the splendid womanhood of Great Britain; to the women who, irrespective of social position or financial standing, are doing their part in the great struggle. No sacrifice is too great, no hardship too severe, whether it be in the hospitals, in the workshops, on the farms, in the offices, their determination, their zeal, and their courage surmounts all difficulties and nerves them to face sorrow and suffering without a murmur. Ambassador Page related an instance which happened to him. He knew a lady and gentleman of rank and wealth, who had an only son. This boy volunteered in the army. One day Mr. Page met the lady at a reception, and with a smile on her face she came up to him and said, "Mr. Page, have you heard of the great honor which has come to my husband and myself?" He, knowing of the promise of the boy and the brightness of his future as well as of the hopes they had in him as the heir of their title and wealth, supposed, of course, she referred to some promotion. He said, "No; I have not heard of the honor." She replied, "Our boy has been killed fighting for his country." My colleagues, when you think of what this must have meant to that woman, when you think of what the heartache must have been as she faced the future, you can realize what courage means when the supreme test comes, and her case is only one of thousands. From the mansion to the hut, the poor and the wealthy, the high and the low, meet on common ground in the great democracy of patriotism and death.

Let me recount another pathetic story, or at least one showing the splendid spirit of these magnificent women. While in Flanders I became acquainted with an auto driver, a young soldier who had been in the regular army, had been wounded and honorably discharged, and then had volunteered as chauffeur. He asked me which way I was going home, and I told him by way of Liverpool. He said, "I have a mother in Chester, and would it be asking too much if you would go and see her?" I told him if I were to be in Liverpool I would also be in Chester and that I would call on his mother. I did so, and found the address he had given me in a very lowly part of the city. It was a simple house, an humble home. I knocked at the door and an elderly woman with pleasant face and kindly manner greeted me. Sleeves rolled up and a great apron showed that she was at work in her kitchen. I told her I came with a message from her boy, and her face became radiant as the sun this morning. She invited me to the kitchen where she was preparing dinner, and I met there her five daughters, who had come home from their work to take lunch with their mother. I told her her boy was safe and happy, and had sent his love to her and his sisters. She said, "Oh, he is a good boy; he is the hope of my life. I have been his father as well as his mother, because my husband died when he was only two years old. When the war came he was determined to do his part and enlisted. I did not try to stop him. After his honorable discharge on account of his wounds I thought perhaps he would stay at home, but he was not satisfied because he thought there was still some work he could do, and so he enlisted in the auto service. I did not argue with him, for I knew where his heart was and mine was there too; it was the call of duty." She told me that her five daughters were all in the service, one in an ammunition plant, one in a gun factory, one a conductor on a trolley car. I have forgotten what the other two were doing, but they were all doing their "bit" in the war; and then the mother said, "Husband gone, one son at the front, five girls at work, my only regret is that I have no more children to give in the cause of my country."

Let me pay my tribute to the noble womanhood of America, to the mothers and sisters heroically doing their part in the contest, who by thought and action, by generous deeds and cheerful words are upholding the traditions inherited from an historic past. They are steadfast and resolute in the trials of to-day, as were their forbears in the dark days of the Revolution and when the thunder from southern battle fields rolled over the land. The splendid organizations of women, who are giving their strength and their hearts to war work, are mighty factors in the great struggle, and the Nation thanks them for what they are doing.

Each one is doing her part the best she knows how, conscientiously, courageously. With her thoughts of the boys at the front, her patient fingers ply the needle for their comfort, her gentle hands soothe their brows when wounds have laid them low, her cheerful words, though her heart be breaking, speeds them on their path of duty. You can always depend upon the loyalty and the patriotism of the American woman. Oh, I know the anguish of the mother when the call comes for her boy, and my heart feels for you in your sorrow. I know that the stars upon the service flag have been wet with your tears, but those tears of grief will become tears of gladness when your boy comes marching home in victory, and until that longed-for day comes, may you bear with fortitude the sacrifice you have made and be sustained in your loneliness by the consolation that you have given your all for the flag. I received a letter a few weeks ago from a woman on Long Island. I will not give her name. No lettered tablet or sculptured stone will ever be reared to her memory. Her monument will be the consciousness of duty valiantly performed. She said, "I am not writing to you to complain; I am not writing to ask a favor, but as my Representative in Congress I want you to know my position in this great conflict. I have a husband in the Navy and two boys in the Army, and my nightly

prayer is that they may be spared long enough to be of service to their country, and my only regret is that I have not more to offer."

Fellow Congressmen, fellow Americans, that is the spirit of the hour to-day in France and Great Britain, in Canada, in Australia, in Italy. It is the spirit of freedom and liberty ringing out from brave hearts. That is the spirit which inspired Washington and the patriots of our own Revolution. It is the spirit, too, of America of the present, calling to her sons and daughters in this hour of trial. That is the spirit that impels men to follow onward and plant the Old Flag forward in the fight.

Before leaving London, I spent several hours with Admiral Sims, discussing the part being played by the Navy of the United States in the great conflict. He is an officer of unquestionable ability, possessing a thorough grasp of the situation and it was gratifying to learn from British naval men, of the high esteem in which he was held by them. The snap and dash of the American is typified in Admiral Sims and by all the officers under his command. Despite submarines and mines, despite raiders and aeroplanes, whether lying ready for an offensive move or convoying ships across the war zone, wherever they may be on the surging seas, the navies of the allied nations are still the masters of the wave.

We found Liverpool congested with ships, and for three days after we boarded our vessel, owing to the submarine activities, we laid at anchor in the Mersey. Finally in the teeth of a gale, at midnight we sailed out of the harbor and after a most tempestuous voyage, losing one man overboard and being struck by a huge wave, which carried away part of the bridge and stove in a deckhouse, reached again the homeland.

I feel that the following editorial from the Washington Post of March 9 is most expressive of the present situation:

Without minimizing any of the advantages which Germany has gained by the temporary conquest of Russia and Roumania, it is well to take a broad view of the situation in which the belligerents find themselves. Is Germany now so much more powerful that the outcome of the war is rendered doubtful?

Let it be granted that Germany can help herself to anything movable in Russia. Let it be assumed that Germany can actually rule Russia, at any rate for the next year or two, to the extent that the Russians will not be able to revolt. Let it be assumed that Japan will not come to the aid of the allies. What is the situation in which Germany finds herself?

The outstanding fact, paramount over all others, is that Germany is unable to escape a life and death battle with three enemies who are impregnably armed against her two great weapons, corruption and brute force. Two of these enemies have been tested by Germany's strongest blows and Germany has failed to bring them to their knees. The third is an enemy more populous and resourceful than the other two, and its strength is fresh and unwearied. Broadly speaking, it has not yet begun to draw upon its immense reservoirs of man power and natural resources. Its war passions are not yet aroused to the point where obstacles to victory are brushed aside like chaff, whether these obstacles be enemy forces or misfits in the domestic war machine.

Six months ago the Post observed that even if Germany should completely disable Russia and gain access to all Russian resources she would still have to face the United States and defeat this Nation in battle before she could permanently hold an inch of soil that is not her own. That is the case now. The downfall of Russia has not enabled Germany to extricate herself from the inevitable. She must give an account to the civilized world for the crimes she has committed. The agents of the world, executing the summons upon Germany, are France, Great Britain, and the United States. There is no possibility of dodging this summons.

Germany tried by the strategy of the tiger's leap to pounce upon and tear France to pieces. She failed. Then she massed her brute force and attempted to hack France to death at Verdun. She failed.

Germany will fight with all the ferocity of a tiger. She will use every weapon, every stratagem, and every ounce of strength she possesses. But she will fight in vain. The France that balked her twice stands indomitable, better armed and better skilled than ever. The British armies are there, stronger than ever, keener for fight, more advantageously posted than before. The Americans are there in respectable numbers, the advance guard of an army that will never cease to march upon Germany until victory sounds the call for peace.

That is the situation. It foretells nothing but glory and victory for the hosts that are battling for the right. They are armed with a spirit that Germany does not understand and can not find weapons against. Intrigue is as powerless as bullets in trying to destroy this chief arm of the allies. For once in the sad history of mankind right is supported by might and liberty is armed with death. Every lover of liberty throughout the universe should rejoice that the hour is at hand when the powers of evil will no longer be able to elude the grasp of the avenger.

You will ask me, how many men will it take to win this war, and I answer I do not know. You will ask me, how long will it take to win this war, and again I answer, I do not know. But I do know that no matter how many men it will take or how long it will last, this war will go on, backed by all the resources and by all the men of America, until we win it for justice, humanity and righteousness.

Autocratic Prussia has flung to the nations its challenge of world supremacy, and democratic America hurls back its defiance, a tocsin that echoes from trench to trench along the battle line from the Adriatic to the Channel. You shall not crucify civilization upon the iron cross of one man's ambition.

The pathway we will follow will be a pathway of sacrifices, sorrows, and hardships; it will be a road which will lead by the graves of sons and brothers, heroes who have fallen in the fight. It will pass down into the darkness of suffering and into the shadows of tears, but it is the pathway to that victory which will mean a permanent peace and the supremacy of the principles of our great Republic now and for evermore.

THE SONS OF THE FLAG ADVANCE.

Here's to the Blue of the wind-swept North
When we meet on the fields of France,
May the spirit of Grant be with you all
As the Sons of the North advance.

And here's to the Gray of the sun-kissed South
When we meet on the fields of France,
May the spirit of Lee be with you all
As the Sons of the South advance.

And here's to the Blue and Gray as one
When we meet on the fields of France,
May the spirit of God be with us all
As the Sons of the Flag advance.

—George Morrow Mayo.

ADDENDUM.

Having had many inquiries in relation to the resources and fighting strength of the nations at war, as well as to the numbers of killed and wounded, I give below a series of tables, some of which were published by the Bankers' Trust Co., of New York. A few of the estimates were compiled by the New York Times. Definite figures as to the number of men now under arms, or of those killed and wounded, can not be ascertained and at best are largely approximations:

Area, population, wealth, and debt, Aug. 1, 1917.

ALLIES.

	Area, square miles.	Population, 1914.	National wealth (000,000 omitted).	National debt (000,000 omitted).
United States	3,027,000	103,600,000	$225,000	$3,000
France	207,000	40,000,000	62,000	20,000
Italy	111,000	36,000,000	25,000	6,000
Portugal	35,000	6,000,000	5,000	1,100
Japan	148,000	56,000,000	28,000	1,300
Russia	8,373,000	170,000,000	58,000	17,000
Total	11,901,000	411,600,000	403,000	48,400
United Kingdom	121,000	46,000,000	85,000	23,500
Canada	3,700,000	8,000,000	65,000	1,100
Australia	3,063,000	5,000,000		795
New Zealand	105,000	1,100,000		830
South Africa	473,000	1,300,000		800
Total	19,363,000	473,000,000	553,000	75,425

CENTRAL POWERS.

Germany	209,000	68,000,000	$82,000	$24,000
Austria-Hungary	260,000	53,000,000	40,000	13,000
Turkey	710,000	21,200,000	8,000	1,500
Bulgaria	43,000	4,800,000	4,000	1,000
Total	1,222,000	147,000,000	134,000	39,500

Fighting strength.

ALLIES.

	Man power ages 18–45, 1914.	Man power ages 18–45, Oct. 1, 1917	Estimated enlisted strength Oct. 1, 1917.	Per cent of man power under arms.
United States	22,000,000	22,000,000	1,640,000	7.4
France	9,000,000	6,500,000	3,000,000	46.1
Italy	8,000,000	7,700,000	2,000,000	28.9
Portugal	1,200,000	1,200,000	400,000	33.3
Japan	10,500,000	10,500,000	1,500,000	14.2
Russia	34,000,000	30,000,000	(?)3,000,000	10.0
Total	84,700,000	77,900,000	12,540,000	.....
United Kingdom	12,000,000	11,000,000	5,000,000	42.4
Canada	3,220,000	2,800,000	860,000	
Australia				
New Zealand				
South Africa				
Total	99,920,000	91,700,000	18,400,000	27.5

CENTRAL POWERS.

Germany	14,000,000	9,400,000	6,100,000	64.9
Austria-Hungary	12,000,000	11,150,000	2,400,000	20.5
Turkey	4,000,000	3,500,000	1,000,000	28.5
Bulgaria	1,000,000	1,000,000	500,000	50.0
Total	31,000,000	25,050,000	11,000,000	43.5

Cost of war to Aug. 1, 1917.

ALLIES.

	In men.				In money (000,000 omitted).
	Killed.	Seriously wounded.	Captured or missing.	Total.	
United States					$2,000
France	1,500,000	900,000	693,000	3,093,000	18,000
Italy	150,000	61,000	68,000	279,000	5,200
Belgium	70,000	40,000	149,000	259,000	
Serbia	100,000	60,000		160,000	
Russia	2,000,000	1,223,000	1,243,000	4,466,000	15,500
Japan and Portugal	(1)	(1)	(1)	(1)	(1)
United Kingdom, Canada, Australia, New Zealand, South Africa	300,000	177,000	182,000	659,000	26,500
Total	4,120,000	2,461,000	2,335,000	8,919,000	67,200

CENTRAL POWERS.

Germany	1,500,000	$59,000	704,000	3,163,000	$20,000
Austria-Hungary	849,000	540,000	833,000	2,222,000	10,000
Turkey	200,000	160,000	87,000	447,000	800
Bulgaria	25,000	20,000	7,000	52,000	500
Total	2,574,000	1,679,000	1,631,000	5,884,000	31,300
Grand total	6,694,000	4,140,000	3,969,000	14,803,000	98,500

(1) Not given.

To December 31, 1917, the estimated cost is placed at $121,000,000,000.

Belgium, with a population of 7,600,000 in 1914, with men of military age in proportion, has been all but annihilated and her army now does not exceed 150,000 soldiers. As soon as the call came from France, England rushed over her regular army, the "contemptible little army," as the Kaiser in derision dubbed it, an expeditionary force of 160,000 men. It fought at Mons and at the first battle of Ypres. Its losses were appalling. In one engagement a division of 12,000 men and 400 officers came out with only 3,000 men and 50 officers. Then Great Britain began the raising of a mighty army, which on August 1 last, including troops from her over-seas possessions, was estimated to number nearly 5,000,000 men. Since these tables were compiled, the casualties on both sides, the result of the terrific fighting of last summer and fall, have been colossal, and when to these figures are added the losses resulting from the German drive of 1918 the totals are prodigious.

The total cost of the war to both sides on August 1, 1917, is given as $98,500,000,000, and it is estimated that should the war continue until August 1, 1918, this amount will approach the staggering total of $160,000,000,000, a sum larger than the national wealth of any nation in the world with the exception of the United States. To bring these expenditures to a comparison of figures, the cost of the war on August 1, 1917, was over three times the total deposits of all the banks in the United States; seven times the annual value of our agricultural products; and fifteen times the value of our yearly foreign trade. For every month the war continues it means an expenditure of money greater than that expended during the entire Russo-Japanese War, which lasted 18 months. It means that the cost of the Franco-Prussian War is being spent every five weeks. It means that our Civil War, hitherto the greatest conflict in the history of the world, and which lasted four years, is being duplicated in cost every 85 days.

To visualize $98,500,000,000, that amount would construct 258 Panama Canals; it would build a railroad which would encircle the earth at the Equator 56 times; it would build such a vast number of standard steel ships that, placed bow to stern, they would make an unbroken floating bridge from New York to Liverpool and from New York to Panama; it would construct 2,042 stone highways of standard specifications across the United States; it would purchase 221,000,000 Ford automobiles; and, if laid out in $1 bills placed end to end, it would make a chain of notes that would encircle the globe 464 times and would make 48 bands of money between the earth and the moon. That stupendous sum represents a daily expenditure of $138,240 for every day that has passed since the beginning of the Christian era, and, if distributed equally among the hordes of humanity, would give $66 to every man, woman, and child upon the earth to-day. It would build 6,560 National Capitols at Washington, and, if laid out in $1 bills, 2,224 years would be required to count it, the operator working at the rate of five bills per second, and eight hours per day for every working day.

History records no other war or combination of wars which offers a parallel in the expenditures of money to the present conflict. In fact, the total direct cost of the six greatest wars which occurred during the 125 years which preceded the present world war was $21,000,000,000. One of these six wars lasted 21 years and another 4 years, yet this sum equals the cost of but 8 months' fighting at the present rate of expenditures.

The direct cost to the United States for the year 1917 is estimated at $6,700,000,000, of which amount $3,000,000,000 are loans to the entente allies. The amount of money appropriated by the last Congress for expenditures and authorizations was about $18,000,000,000, which represents a daily gross cost of the war to the United States of $49,000,000.

While the wars of ancient times and those in the Middle Ages frequently, if not usually, called to arms all the able-bodied freemen, the slaves and serfs were almost always exempted from military service. This exemption assured the contending forces of a constant supply of food. Perhaps for the first time in history the present conflict has made it necessary to withdraw for a long period from productive pursuits one-half of the population normally engaged in such enterprises. This withdrawal of farm labor has caused a serious shortage in the food supplies of the world. To the shortage in those countries which have been engaged in war since 1914, caused by lack of labor and the loss of territory, there has been added the loss of food cargoes shipped from neutral countries by submarine activities. The Food Administration has kindly furnished me with the following tables:

Great Britain and Ireland.

CEREALS PRODUCED IN 1917.

[In American bushels.]

Crops.	Normal consumption.	Prewar average, 1911–1913.	1916	1917	Per cent increase or decrease, 1917, compared with—	
					1916	Prewar.
Wheat	277,920,980	59,470,720	59,775,072	64,322,051	+ 7.6	+ 8.2
Barley	113,323,000	63,070,466	55,104,583	59,940,758	+ 8.7	− 5.0
Oats	242,702,000	200,287,831	208,004,375	253,721,018	+22.0	+26.6
Beans		7,709,352	7,140,576	3,792,803	−46.8	−50.6
Potatoes	204,618,000	259,477,737	204,171,557	321,108,774	+57.3	+23.7

Compared with the prewar average, the crops of 1917 show a considerable gain, with the exception of barley and beans. The wheat crop in Ireland has doubled, and it increased 57 per cent in Wales. In England, where by far the largest part of the crop is grown, there was an increase of 2.2 per cent. The decrease in barley was small, occurring in both England and Scotland. Oats showed a tremendous gain—over 50,000,000 bushels—especially in Ireland. The potato crop is one of the largest ever produced, and shows an increase of 23.7 per cent, distributed over all sections of the country.

These same comparisons generally hold good when comparing 1917 with 1916, except that barley shows an increase, while the increase in potatoes over 1916 is larger than over the prewar average.

The aggregate weight of horse-chestnuts collected by volunteers at the instigation of the Government will amount to 10,080,000 pounds. If, as is probable, the total eventually reaches 11,200,000 pounds, it will mean that 5,600,000 pounds of grain will have been saved. Assuming the grain to be wheat, an additional 3,700,000 2-pound loaves will be given the country.

In beef the normal consumption is 2,622,000,000 pounds and the 1917 production is estimated at 384,875,000 pounds.

In pork the normal consumption is 1,656,000,000 pounds and the 1917 production is estimated at 387,000,000 pounds.

The normal consumption of sugar is 2,056,000 short tons.

France.

CEREAL PRODUCTION, 1917.

[In American bushels.]

Crops.	Normal consumption.	Prewar averages 1911–1913.	1916.	1917.	Per cent increase or decrease, 1917, compared with—	
					1916.	Prewar.
Wheat	377,872,559	324,327,000	204,883,134	145,057,455	−29.2	−55.3
Mixed grains			4,102,191	3,344,758	−18.5	−40.3
Rye	49,285,049	49,154,000	33,352,611	27,535,192	−17.4	−44.9
Barley	54,976,000	48,360,000	38,268,371	41,249,320	+ 7.8	− 1.5
Oats	343,662,129	313,038,000	277,101,827	237,412,645	−14.3	−24.3
Potatoes	498,014,000	(1)	334,000,000	333,440,846		
Corn	43,092,310			4,000,000		
Rice, pounds	429,142,000			13,000,000		

(1) In 1913 the production was 499,000,000 bushels.

France is thus producing about 30 per cent less wheat than last year and less than half of her normal prewar production. In beef the normal consumption is 1,548,000,000 pounds, and the 1917 production is estimated at 1,378,644,000 pounds. In pork the normal consumption is 751,800,000 pounds, and the 1917 production is estimated at 555,930,000 pounds. In sugar the normal consumption is 704,830 short tons, and the 1917 production is estimated at 235,200 short tons. In 1913, 234,060,000 bushels of sugar beets were grown. Owing to the occupation by the enemy of the most valuable producing lands and to the scarcity of labor, the 1917 crop was only 85,000,000 bushels.

Beginning January 1 rules were established limiting the consumption of bread, according to advices received through consular sources. Each department of France will have allotted to it a fixed quantity or ration of flour, to be distributed among the millers intrusted with furnishing flour to the several communities.

While no final decision has yet been reached concerning the quantity allowed per capita, certain differences will be admitted, except that no individual ration will be sanctioned in excess of the ration allowed soldiers at the front. For the ordinary consumer it is likely that the daily bread ration will be 250 grams (9 ounces) or 200 grams (7 ounces).

Hon. André Tardieu, French high commissioner to the United States, at a meeting in Baltimore, March 18, in referring to the food situation, said:

You are aware that the French nation has always lived mostly on wheat bread. Our prewar consumption was 700,000 tons per month. Our present consumption has been now reduced to 530,000 tons, a reduction of about 25 per cent.

Of course, it was impossible to reduce to any great extent the bread ration of the soldier. That ration, which amounted in the first years of the war to about 25 ounces, has been progressively cut down to a little over 21 ounces.

But, on the other hand, as regards the civilian population, we had to establish the individual bread card, allowing only about 10 ounces per day, which means barely the third part of the average daily bread consumption of the French peasant or workman before the war.

We have radically suppressed, on the other hand, all flour-consuming industries. The manufacturing of biscuits and of pastry has been completely prohibited. Strict rules have been imposed on hotels and restaurants, namely, absolute suppression of fancy bread.

This suppression of meatless days resulted from the lack of cereals for the cattle feeding which involved the killing of cattle, and the killing of cattle was meant, on the other hand, to bring about a reduction in the human consumption of these same cereals.

We have reduced our sugar consumption by 49 per cent; our rice consumption by 61 per cent; our imports of dried vegetables have been reduced by 52 per cent; of oils and fats by 48 per cent.

All cereals will be subject to requisition by the Government, with the exception of the quantities necessary for seeding purposes and the quantity consumed by the families of the farmers or required for feeding the animals on the farms of the producers. The present requirement that 85 per cent of the wheat ground shall be turned into flour is abolished, and now comes the reintroduction of white flour, representing an extraction of about 72 per cent of the wheat.

It must be remembered that Germany still occupies about 8,000 square miles of the richest wheat fields of France, an acreage only slightly less than the area of Massachusetts. In addition to the actual loss of tillable land there are other conditions which have operated against production—the depletion of the soil due to lack of chemical fertilization, the shortage of labor, the destruction of barns and agricultural implements, and the wastage of the land evacuated by the enemy.

Beside the ruin wrought by fire and sword there are thousands of acres of rich land grown high with thistles and weeds for lack of labor to cultivate them. To remedy the shortage of farm workers—a shortage which the old men, women, and children have valiantly endeavored to supply—the French Government, it is stated, last year released from military service for agricultural work 274,000 soldiers of the older classes, of which over two-thirds were farm owners. In addition 2,000 interned civilians, 45,000 prisoners of war, and several thousands of Tunisians have been placed upon the farms. Temporary leaves of absence from the army have also been granted to 30,000 soldier farmers.

LIVE STOCK IN FRANCE.

CATTLE.

Before the war there were about 15,000,000 cattle in France and an exportation of 1,000,000. Since the occupation of the north of France, Germany has seized about 2,700,000 head of cattle, including 1,800,000 head of Belgian cattle. Since the declaration of war hasty and improvident measures have resulted in large slaughtering of cattle. From August, 1914, to January, 1915, there was a decrease of 1,600,000 head. At the present time the number of cattle begins to show an increase, although there is a deficit of about 2,500,000 cattle as compared with 1913. However, the herds consist, for the most part, of animals too young for consumption, and without value as food for two or three years to come. Meanwhile France is dependent upon her colonies, Madagascar and Africa, for the importation of frozen meat.

SHEEP AND HOGS.

There is a great scarcity of sheep in France, due to excessive slaughter and the fact that requisitioning of wool at low prices has made the owners willing to sell their sheep. The minister of agriculture accounts for the scarcity by the lack of labor and the difficulty of maintaining the herds. There is also a marked decrease in the number of hogs.

The following table shows the decrease in the number of cattle, sheep, and hogs:

	Cattle.	Sheep.	Hogs.
1913	14,787,710	16,131,290	7,035,850
1914	12,668,243	14,038,361	5,926,291
1915	12,514,414	12,379,124	4,915,781
1916	12,341,900	10,845,280	4,361,000
1917 (July 1)	12,442,000	10,596,000	4,211,000

Summary of the actual decreases in food production since 1913.

	Quantity.	Per cent of decrease.
Wheat.....bushels..	176,000,000	52.1
Potatoes.....do....	165,000,000	33.1
Sugar beets.....do....	148,000,000	67.9
Cattle.....head..	2,435,000	16.5
Sheep.....do....	5,535,000	36.6
Hogs.....do....	2,825,000	40.2

Italy.

CEREALS PRODUCED IN 1917.

Crops.	In American bushels.			Per cent increase or decrease, 1917, compared with—	
	Prewar average, 1911-1913.	1916	1917	1913	Average 1911-1915.
Wheat	199,840,000	176,529,000	139,700,176	−20.7	−23.3
Rye	5,390,000	5,342,000	4,460,621	−16.5	−13.5
Barley	10,029,000	10,104,000	7,422,288	−26.6	−22.8
Oats	37,581,000	26,188,000	24,000,000	+30.7	− .9
Corn	100,245,000	78,736,000	83,676,998	+ 6.2	−17.8
Rice	3,874,000	25,490,000	25,093,247	− 1.6	− .2

Although last year's harvests were about equal to those before the war, this year's yields of wheat, rye, and barley show a decrease of about 20 per cent. Oats and corn show increased yields over last year and rice remains about the same. Figures on the cattle situation are not obtainable.

WHAT AMERICA HAS DONE IN FEEDING THE ALLIES.

TOTAL FOOD EXPORTS TO THE ALLIES, JULY 1, 1914, TO JANUARY 1, 1918.

Since the beginning of the war we have averaged to supply our allies with food enough each year to support 16,314,552 persons, and with an excess of both protein and fats sufficient for several millions more.

Principal foodstuffs exported to the allies during the past 3½ years.

	United Kingdom.	France.	Italy.	Total.
Barley.....bushels..	38,870,019	1,264,184	24,966	40,159,169
Corn.....do....	16,203,341	6,649,312	479,926	23,332,579
Oatmeal.....pounds..	86,657,875	4,757,301	81,225	91,496,401
Oats.....bushels..	46,439,923	112,138,023	49,403,285	207,981,237
Rice.....pounds..	6,924,595	6,912,814	22,060	13,859,470
Rye.....bushels..	2,952,082	26,000	429,740	3,407,822
Wheat.....do....	145,348,413	79,798,281	87,136,475	312,283,166
Wheat flour.....barrels..	8,512,513	5,462,908	1,895,625	15,871,052
Canned salmon.....pounds..	219,927,094	2,862,655	39,104	223,828,853
Dried apricots.....do....	15,215,221	8,086,265	1,025,372	24,326,858
Dried peaches.....do....	11,315,073	1,247,868	377,124	12,941,065
Dried prunes.....do....	28,012,591	14,219,284	2,170,085	44,401,957
Canned beef.....do....	125,387,620	16,381,114	2,941,191	144,702,925
Fresh beef.....do....	215,423,735	160,400,094	67,441,815	443,268,644
Pickled beef.....do....	25,397,867	363,095	596,176	27,267,138
Bacon.....do....	688,866,348	122,532,231	12,762,354	824,160,933
Hams and shoulders.....do....	537,643,480	16,201,334	27,813	553,872,627
Lard.....do....	435,991,630	87,603,111	8,042,796	531,637,543
Fresh pork.....do....	41,061,815	2,594,057	143,289	43,799,161
Pickled pork.....do....	22,419,602	10,033,028	2,138,619	34,594,249
Lard compound.....do....	51,889,633	360,386	51,705	52,301,784
Butter.....do....	28,095,794	6,492	2,500	28,104,786
Cheese.....do....	103,460,188	2,445	.....	103,462,633
Condensed milk.....do....	118,052,388	5,224,721	6,240	123,283,349
Corn oil.....do....	912,860	236,984	17,880,758	19,030,602
Cottonseed oil.....do....	117,052,460	42,268,127	25,397,365	184,717,952

Principal foodstuffs exported to the allies during the past 3½ years—Continued.

	United Kingdom.	France.	Italy.	Total.
Corn oil cake and oil-cake meal.....pounds..	1,680,000	41,233,472	729,296	43,642,768
Cottonseed oil cake and oil-cake meal.....pounds..	451,975,390	2,166,240	1,998,000	456,139,630
Linseed oil cake and oil-cake meal.....pounds..	95,040,417	1,521,223	27,750	96,589,390
All other oil cake and oil-cake meal.....pounds..	11,596,484	484,000	516,942	12,597,423
Sirup.....gallons..	16,323,289	199,940	61,832,920	78,356,149
Refined sugar.....pounds..	1,340,433,779	924,479,927	4,394,807	2,269,308,513
Glucose and grape sugar....do....	309,813,923	16,504,802	2,154,059	328,472,784
Canned vegetables.....value..	$3,864,417	$66,227	$6,394	$3,937,038

The total exports of wheat and wheat flour to the three principal allies are equivalent to about 384,000,000 bushels, or an average of about 110,000,000 bushels per year.

The exports to the three principal allies of all-pork products, including bacon, hams, shoulders, lard, neutral lard, fresh and pickled pork, amount to nearly 2,000,000,000 pounds for the three and one-half years, or a yearly average of about 570,000,000 pounds.

The total sugar exported to the same countries is over 2,269,000,000 pounds. This is a yearly average of about 648,000,000 pounds.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, I did not intend to say anything more, but I shall ask for a few minutes' time to reply to the gentleman from Massachusetts [Mr. TREADWAY]. The Muscle Shoals proposition as a purely Government proposition or as a war proposition or as a site for an ammunition plant has never been before Congress. It is very unfortunate that Congress did not adopt the recommendations of the engineers for rivers and harbors. These improvements would have been completed before the war and at very much less cost. The cyanamide process has proven successful in Germany, England, France, Italy, Austria-Hungary, Japan, and Canada.

Mr. LONGWORTH. What form of power does Germany use?

Mr. ALMON. I understand Germany uses steam for want of water power.

Mr. LONGWORTH. She uses steam power and not water power.

Mr. ALMON. Because they have no water power.

Mr. LONGWORTH. And you are asking for water power and using Germany as an example?

Mr. ALMON. Everyone informed on the subject knows that air nitrogen can be made more cheaply with the hydroelectric power than with steam power. The gentleman from New York asked the question what we expected the Government to sell this fertilizer for after the war. It is claimed that the Government will make fertilizer at Muscle Shoals with 60 or 70 per cent of plant food products and sell it for one-half for what fertilizer with 20 per cent of plant product now costs.

Mr. FOCHT. The gentleman states that by the use of hydroelectric power he can manufacture the nitrate cheaper than by steam.

Mr. ALMON. Yes.

Mr. FOCHT. Why is it that 90 per cent of the hydroelectric plants in the United States in competition with steam have gone into bankruptcy?

Mr. ALMON. I do not believe that is true. Hydroelectric power can be produced cheaper than steam power.

Mr. FOCHT. Absolutely not. I would like to have the time to reply to the statement of the gentleman. The gentleman is entirely in error. I would like to cite some instances to prove the gentleman is in error.

Mr. ALMON. It would require the gentleman a long time to do it, even if he does represent a great coal-mining district in Pennsylvania.

Mr. KAHN. I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, there are two things I wish to refer to in connection with this debate in the few minutes which have been allotted by the gentleman in charge of time. One is in reference to the statement made by the gentleman from Alabama to the effect that power can be more cheaply produced by hydroelectric methods than by steam. This might be true in some remote instances, but up to this time, generally speaking, it is far removed from the fact. I might call attention to at least three or four hydroelectric plants on the Susquehanna River, which great stream drains almost the entire State of Pennsylvania. None of these were successful on the original plan of financing, for the simple reason that notwithstanding the density of the population the supply of coal is abundant and in normal times cheap. I could take you up and down and all over the State of Pennsylvania and at the foothills of those great mountains draining the mighty watersheds, and you will find few hydroelectric plants. In normal times bituminous coal in Pennsylvania is cheap and it can be found in every State in the Union west of the Susquehanna River, and as long as coal is as cheap and available as it is now in most places it will be impossible for any hydroelectric plant, unless some rare exceptions prevail, to compete with steam. I hope the gentleman is satisfied as to that, but if he is not I will later amplify and prove by statistics and statements by financiers and those who have had to do with the financing of water-power plants.

Now, I wish to consume the other minute of my time in a brief observation concerning some evident manipulation or extraordinary transposition of a vast sum appropriated in one bill and applied for purposes not designated in that measure. I can not conceive by what species of legerdemain this sort of transfer could be made. An emergency deficiency bill always has the right of way because of the urgent need of funds, but according to the statements made on the floor of the House to-day $105,000,000 was transferred from the emergency deficiency appropriation made for imperative war purposes, for the construction of a nitrate plant. Why, my friends, in any country town, if a school board should transfer moneys from the poor account to the school account, or vice versa, the whole crowd of officials would be put in jail. In all my legislative experiences, here and elsewhere, I never heard of anything so extraordinary and out of alignment with propriety and which would so greatly excite suspicion and mistrust among the people. I have voted, and will vote, for all measures looking to the winning of the war and guaranteeing the perpetuation of the national integrity, but I believe that these bills for appropriations, no matter what they may be for, nor the amounts carried, should come to the Congress on their merits and give notice what they are expected to accomplish, and not, as appears to be the case in this instance, show the purpose of expending $20,000,000 for nitrate plants and then, through a yet unexplained method and without knowledge or consent of the House, jump to $105,000,000. This sort of procedure may be legal, and it may be that one or more individuals are clothed with power to make such transfer, but at best it is in bad taste and should not be sanctioned by anybody.

Let us hope that such methods may soon become obsolete and that the public trust be discharged in a way more in accord with the trend of popular thought and desire. [Applause.]

Mr. DENT. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I desire to use those two minutes which the chairman has so kindly yielded me to deliver a message to Congress sent from my constituents:

LEWISBURG, MARSHALL COUNTY, TENN.

Two thousand citizens, in mass meeting assembled here yesterday, voted unanimously to ask Congress to pass some measure drafting all men between the ages of 16 and 60 years to some service toward the winning of the war, believing that such a measure would materially relieve the labor situation, and we beg that you give it your careful consideration.

J. N. MCCORD,
Chairman.
C. C. HOUSTON,
Secretary.

Now, Mr. Chairman, in delivering this message I want to call attention to the spirit of heroism and patriotism that inspired this meeting, this large and unanimous action. It is significant in two respects. Tennessee is the State in the Union that has won the proud distinction of being the Volunteer State, that has responded nobly to every call of her country, and in that State it shows how thoroughly they have come to approve the draft system for the purpose of winning this war. Furthermore, it shows that they are in favor of using every atom of strength they have in the young and the old to the utmost toward winning victory in this great struggle. [Applause.]

Mr. DENT. Mr. Chairman, just one word on the subject of this particular bill. This discussion that has been indulged in has involved almost every proposition except the matter involved in the bill. This bill has nothing to do with the appropriation for Muscle Shoals. This bill has nothing to do with the location of the plant at Muscle Shoals. This bill simply gives the Secretary of War authority to condemn land for something that the President of the United States has already established.

Mr. LONGWORTH. Will the gentleman yield?

Mr. DENT. It simply amends the condemnation bill which was passed by the Congress at the last session.

Mr. LONGWORTH. Can the gentleman state what information the committee had as to the number of acres which were necessary to condemn?

Mr. DENT. I am sorry I can not give the gentleman that information.

Mr. LONGWORTH. It is a large amount.
Mr. DENT. Several hundred acres, I will say.
Mr. LONGWORTH. Quite a number.
The CHAIRMAN. The time of the gentleman has expired.
Mr. DENT. I ask that the bill be read.
The Clerk read the first paragraph of the bill.
Mr. MILLER of Minnesota. Mr. Chairman, is this bill all to be considered as one paragraph, or shall it be considered as two paragraphs?
Mr. DENT. I think it is one paragraph.
Mr. MILLER of Minnesota. It is really two paragraphs, but I have no objection to its being considered as one.
Mr. DENT. There is only one.
Mr. GARRETT of Tennessee. It makes no difference for the purpose of amendment.
Mr. MILLER of Minnesota. I did not want to lose any right.
The Clerk read as follows:

Be it enacted, etc., That page 1, line 8, of an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, be, and the same is hereby, amended by adding after the word "camps" the following: "and for the construction and operation of plants for the production of nitrates and other compounds and the manufacture of explosives and other munitions of war and for the development and transmission of power for the operation of such plants," so that the same when amended will read as follows:

"That hereafter the Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land, temporary use thereof or other interest therein, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications, coast defenses, military training camps, and for the construction and operation of plants for the production of nitrate and other compounds and the manufacture of explosives and other munitions of war and for the development and transmission of power for the operations of such plants; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land, interest, or rights pertaining thereto shall fix a price for the same, which in the opinion of the Secretary of War shall be reasonable, he may purchase or enter into a contract for the use of the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of land and the interest and rights pertaining thereto required for the above-mentioned purposes: *And provided further*, That when such property is acquired in time of war, or the imminence thereof, upon the filing of the petition for the condemnation of any land, temporary use thereof or other interest therein or right pertaining thereto to be acquired for any of the purposes aforesaid, immediate possession thereof may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes, and the provision of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended during the period of the existing emergency."

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 2, line 11, after the word "compounds," insert the words "needed for munitions."

Mr. LONGWORTH. I assume the chairman of the committee will accept that amendment.
Mr. DENT. I did not exactly catch the amendment; I would like to have it again reported.
The CHAIRMAN. Without objection, the amendment will be again reported.
Mr. KAHN. I think it should be in line 11.
Mr. DENT. No; I can not consent to that amendment.
Mr. STAFFORD. Let it be reported again; there is some confusion as to where it should be offered.
The CHAIRMAN. Without objection, the amendment will be again reported.
The Clerk read as follows:

Page 2, line 11, after the word "compounds," insert the words "needed for munitions."

Mr. LONGWORTH. Mr. Chairman and gentlemen, the Committee on Military Affairs refused to accept this amendment; in other words, they say that this is not a bill for war purposes. My amendment confines these compounds of nitrate to munitions of war. The gentlemen here refused to accept that amendment.
What do you propose to make out of these nitrates? I ask the chairman of the Committee on Military Affairs.
Mr. DENT. I will state to the gentleman that if his amendment is adopted this plant could not be used for agricultural purposes even after this war.
Mr. LONGWORTH. What is this measure for if it is not for war purposes? Are we here to vote $125,000,000 to a private corporation to manufacture fertilizer after the war? Is this a war measure or is it a graft measure? What is it? If any man on this floor votes against this amendment he will be voting, consciously or unconsciously, for the proposition that this money is to be used by private individuals for their own enrichment after the war.
Mr. DENT. If the gentleman will yield a minute, I will state that the fertilizer and munitions propositions are both involved in this program, and certainly the gentleman does not contend that fertilizer is not necessary in order to produce food to support an army even during the war?
Mr. LONGWORTH. Is it intended during the war to produce fertilizer at this factory?
Mr. DENT. It is intended to do so if——
Mr. LONGWORTH. This is a fertilizing proposition. It is not for war at all. You are bringing in this bill to amend a military bill to permit the Government to condemn land around military posts, and now you say that you are going to have that condemned land around the property of individuals who are going to make fertilizer after the war. Of all the outrageous propositions that has ever been submitted to the Congress of the United States I say this is about the worst, and I challenge contradiction by any Member of this House on that proposition.
Mr. BYRNS of Tennessee. Will the gentleman yield?
Mr. LONGWORTH. Yes.
Mr. BYRNS of Tennessee. Does the gentleman overlook the fact that when the appropriation of $20,000,000 was made it was made on the recommendation of the Committee on Agriculture, and it was contemplated at that time to establish a nitrate plant for the purpose of making nitrate for agricultural purposes?
Mr. LONGWORTH. This comes out of another fund entirely.
Mr. BYRNS of Tennessee. But this plant——
Mr. LONGWORTH. The nitrate fund has this proposition:

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

You could not put over this thing under the nitrate provision. So you have gone to the urgent deficiency bill, in the provision for armament of fortification, to take $90,000,000 out of that fund, which was never contemplated to be used for that purpose, and now you resist an amendment which shall provide that this nitrate shall be used for munitions, simply because you want to protect these individuals who are going to get this plant to manufacture fertilizer—the fellows that wanted to get the plant free—and when the Government would not be bound down by such a contract as that are now in a position to get the plant cheaper than anybody else when the war is over. And here you gentlemen come to this House and say that this is not a war measure. I say it is a most outrageous proposition, and I call upon you gentlemen to realize that those who vote against this amendment will be voting to benefit private individuals and not to help the Government to win the war. Put that in your pipe and smoke it. [Applause.]
Mr. KAHN and Mr. SWITZER rose.
The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized.
Mr. KAHN. Mr. Chairman, I rather think the gentleman from Ohio got unduly excited about this thing. I have never been for the Muscle Shoals proposition, so far as I recall, but that matter is not under consideration in this bill. The fact remains that the War Department did locate this plant at Muscle Shoals. They had a right to do it under the law which Congress passed. The responsibility is theirs. Now, the gentleman from Ohio has overlooked some language which immediately follows the language where his amendment goes in. He offered an amendment on line 11, after the word "compounds." I think his amendment says——
Mr. LONGWORTH. "Needed for munitions."
Mr. KAHN. "Needed for munitions." Immediately after that the language of the section is this:

And the manufacture of explosives and other munitions of war.

Mr. LONGWORTH. Surely. But mine applies to the nitrate produced at this plant, and that it must be used for munitions and not for other purposes.
Mr. KAHN. But the gentleman has maintained that because they did not specify that the nitrate should be used for munitions of war there was no provision for munitions of war in the bill, and therefore it was not a war measure.
Mr. LONGWORTH. Let me call the gentleman's attention to the fact that the only materials this plant will produce are nitrates. They do not produce other munitions of war. I want to confine it to nitrates and munitions, and not to fertilizers. That is all there is to it.
Mr. McKENZIE. Is it not a fact that this bill simply provides an amendment to a section of existing law by inserting the word "nitrate" following the language that is now in the section of the law, and that it does not change the law in any other particular? And, therefore, if the gentleman from Ohio

[Mr. LONGWORTH] would succeed in getting his amendment in, he goes further and changes the law that is now on the statute books.

Mr. LONGWORTH. I beg the gentleman's pardon. This is all new legislation that I offered my amendment to.

Mr. KAHN. No; I do not think so.

Mr. LONGWORTH. It certainly is. That is the amendment to the bill.

Mr. McKENZIE. If the gentleman will permit, this is an amendment to the permanent law.

Mr. LONGWORTH. This is all new from line 10 to line 14. The gentleman is wrong. I will read the new language.

Mr. DENT. The gentleman from Ohio [Mr. LONGWORTH] is correct.

Mr. LONGWORTH. Of course this only applies to this bill.

Mr. KAHN. I simply want to call to the attention of the committee that the proposed amendment is intended for the purchase of something like 240 acres of land that are necessary for this plant.

The plant has cost many millions of dollars. The people who own this land will not sell it to the Government. The Government proposes to condemn it. That is all that is involved in the proposed change in the bill. Unless the amendment carries, the $20,000,000 or more that has been expended there is practically tied up indefinitely.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SWITZER. Mr. Chairman, I wish to be recognized.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. SWITZER. Mr. Chairman, I desire to oppose the amendment of my colleague from Ohio [Mr. LONGWORTH]. It seems to me it would be ridiculous to limit the manufacture of these basic elements that enter into high explosives to that only. Suppose that more is manufactured in six months, or in a year, than is needed for war purposes. Why should it not enter into the production or manufacture of fertilizer? Can anyone give any good reason why it should be thrown away and wasted? Can anyone give any good reason why this great plant should stop operation simply because the war stops, provided the product it manufactures will be of great benefit to the people of this country in the production of a cheaper fertilizer?

But, Mr. Chairman, I did not rise particularly for that. A great many gentlemen here in the past have been opposing the development of the water-power site known as Muscle Shoals, in northern Alabama. These gentlemen have attacked time and again, for the last five or six years, propositions that would have already led to the construction of a dam in the Tennessee River and a number of dams for eight or ten million dollars which now will cost the Government $18,000,000 or $20,000,000, if they are all constructed; and in place of saving the Nation money by defeating those propositions, at a time when there was an abundance of cheap labor, when the materials entering into the construction of such dams would have cost less than ever before in the history of the country, they will now be constructed when the cost of material is higher than ever known before, when labor is scarce, and at a higher wage than ever before in our history. It is, of course, galling to these gentlemen who have stood upon the floor of this House fighting water-power development bills, and who tried to point out to the country the fact that they were saving money to this Nation, when it now appears that their efforts will lead to greater expenditures on the part of the Government to bring about this necessary and useful development of water power on the Tennessee River, where the possibilities are not surpassed elsewhere in this country, other than at Niagara Falls and on the Columbia River, in the State of Washington.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SWITZER. Not now. I think that one of those plants probably ought to be constructed near the Niagara River, but I can see no good reason why one of these plants should not be constructed on the Tennessee River, where, after the war—yes, during the war—it is possible to produce cyanamid, which will enter into the production of fertilizer and make it cheaper to the farmers of that vicinity—yes, even possibly cheaper to the farmers of my own State of Ohio.

Now, I will yield to the gentleman from Oregon.

Mr. McARTHUR. Would any of these expenditures be necessary now if Congress a few years ago had met the water-power problem fairly and squarely, instead of making a political football out of it?

Mr. SWITZER. I say to the gentleman that they have been trying to put through legislation here that would make the profits of the men who are to develop the power so low that they have hesitated to enter into the scheme and thereby held back the development of these water-power sites for 10 or 20 years. But nitrate is needed, and the President of the United States has come to the conclusion that the development of this water-power site to produce nitrate is necessary to carry on the war. If this power site had been developed at Muscle Shoals some years ago, it would have saved last year probably the consumption of 5,000,000 to 8,000,000 tons of coal.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The gentleman from Virginia [Mr. SAUNDERS] will be recognized.

Mr. SAUNDERS of Virginia. Mr. Chairman, I find great difficulty in relating the bulk of this argument to the bill before the committee. The gentleman from Ohio [Mr. LONGWORTH] led off in a very fiery, and excited speech, in which he denounced with great vehemence something that occurred in another connection, and then after stating with reference to the action that he was denouncing, that of all the most outrageous proposition he had ever heard of, it was the worst, he concluded his remarks with the delicious non sequitur that he intended to support the bill now under consideration. If one tithe of what the gentleman stated in the course of his remarks is true, that is if it has any sort of relation to the pending bill, then that measure is one that no Member ought to support.

Following the gentleman from Ohio, the gentleman from Indiana [Mr. BLAND] made his contribution to the debate to the effect that some great wrong had been done or would be done to the Middle West. But looking through this bill, I fail to find in it any reference to the Middle West, much less the outline of a great wrong proposed to be done to that, or any other section of the United States. This bill is designed to afford the right of condemnation proceedings, in order that certain great projects heretofore arranged and agreed upon may be effectively prosecuted. Further than this, the pending bill is not related to, or concerned with these projects.

The gentleman from Pennsylvania [Mr. FOCHT] contributed a very disturbing thought, to the effect that the general, I might say universal idea in relation to hydroelectric power, and its possibilities, is altogether at fault, and that in our throwing over the possibilities of developing cheap power, through the utilization of the tumbling waters of our great rivers, we had been living in a dream world—that the cheapest power within our present reach, will come from the combustion of coal.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. FOCHT. I say the gentleman is all wrong.

Mr. SAUNDERS of Virginia. We are all wrong?

Mr. FOCHT. Yes. Ultimately I hope the hydroelectric power is all right, but with coal as cheap as it is now it can not be.

Mr. SAUNDERS of Virginia. Well, I leave that thought with this body. I have no time in which to develop it. At any rate it has nothing to do with this bill.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. BURNETT. The gentleman from Pennsylvania speaks of coal being cheap. Is it not a fact that during the winter we could not get it?

Mr. FOCHT. I mean in normal times.

Mr. SAUNDERS of Virginia. These are not normal times.

Mr. FOCHT. I say in normal times.

Mr. SAUNDERS of Virginia. It is present available power that we are seeking. The coal from Pennsylvania is not available, but the water of our rivers is flowing by our doors. It is our purpose to harness it, and make its potentialities available for domestic use, in this hour of national stress.

The gentleman from Massachusetts would have us believe that there is some great, mysterious, and sinister influence somewhere that is operating upon the officials of this Government to the very great detriment of the public interests. If these suggestions are well taken, if these sinister influences exist, then these gentlemen instead of concluding their remarks with the statement that they intend to support this bill, should one and all square their action with their declarations, and intimations, and vote against the pending proposition. I wish to say in this connection that I do not understand how it is loyal to indulge in statements, intimations, and suggestions, calculated to make the general public believe that what the Government is doing is vicious, or profligate, or inefficient, and then seek to cure, or correct the impression thus created, by the statement that the speaker responsible for these utterances, intends after all, to support the proposition before the House. If there are sinister influences that are operating somewhere, and somehow to inflict great wrongs upon the public, then an administration that knowingly, or ignorantly yields to those influences does

not deserve the support of the people of the United States or of the Members of this body. These sinister influences ought to be exposed.

Gentlemen ought not to be satisfied to get up before the American people—because what is said here goes out to the American people—and make statements that are calculated to shake the confidence of that people in the integrity of their Government at this, the very greatest crisis in its history. That may be loyalty, but I do not believe in loyalty of that character. Hardly a word has been said thus far in the way of opposition to this bill that taken in its natural implication is not calculated to cause the great body of our people to believe that surrounding the simple proposition now under consideration, there is some sinister influence at work, or some great wrong upon the body politic that has been inflicted, or is in contemplation. If our present administration has yielded to sinister, or improper influences, then it should receive, not support, but the severest condemnation both at the hands of the representatives of the people, and of the people themselves. I repeat my statement that if there is anything sinister in connection with this measure, or if there is anything proposed to be done, that can not stand the full light of day, then that evil, or sinister influence should be exposed by the gentlemen who make the intimation that these influences exist, and have been operating to the public prejudice. Further if this bill will make effectual some evil, or wrong perpetrated at some other time, it should receive the stamp of severe disapprobation at the hands of this body. The gentlemen who have indulged in these criticisms ought to make it abundantly clear by their opposing votes, that they will not stand for a measure which is not promotive of the public interests. It is our present task to promote those interests, and any measure, or proposition to their prejudice ought to be sternly and instantly rejected.

Mr. LONGWORTH. Now, will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LONGWORTH. I ask unanimous consent that the time of the gentleman from Virginia be extended two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Virginia be extended two minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Does the gentleman support this bill because it is intended to facilitate the manufacture of nitrates for the purpose of making explosives for the Government in time of war, or for the making of nitrates to supply fertilizer in time of peace?

Mr. SAUNDERS of Virginia. I support this bill because the war authorities of the United States say that it is necessary at this time to make immediately effective certain great projects heretofore agreed upon.

Mr. LONGWORTH. Yes; but they do not say it is for fertilizer. They say it is for munitions, and that is the reason I support it, because we must have explosives.

Mr. SAUNDERS of Virginia. This is not a fertilizer bill. It is a condemnation bill, that in the result will afford munitions for the effectual prosecution of our part in the great world war.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. McKENZIE], a member of the committee.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, it seems to me this is a matter that we might discuss calmly and without any feeling of excitement or partisanship, or anything that might tend to ruffle the feelings of anyone. My understanding of this bill is that it simply gives the Government the power to condemn land for the establishment of a plant for the manufacture of nitrates and other compounds, explosives, and so forth, to be used as munitions of war. I may be wrong in my view of the matter, but if I am correct in my construction of the language, then the amendment of the gentleman from Ohio [Mr. LONGWORTH] will not change the purpose of the bill. The Government will still be confined to the manufacture of nitrates and compounds to be used as munitions of war.

Mr. LONGWORTH. No; not at all.

Mr. McKENZIE. That is my understanding of the language, and I would like to have the gentleman from Ohio [Mr. LONGWORTH] or some gentleman in the House who differs from me explain wherein that construction is not sound.

Mr. LONGWORTH. The chairman of the committee refuses to accept my amendment on the express ground that this bill provides for more than nitrates for munitions, and on that ground only.

Mr. McKENZIE. Now, if the gentleman will permit me, I care not what position the chairman of the committee may take on the matter. It ought not to change our minds as to the meaning of the plain language. And, further, if it is the intention of the Government under the law to enter into the manufacture of nitrates and other compounds, then the Government ought to have the right to condemn the land that is necessary to carry on an activity that has been authorized by law. And even taking that view of it, gentlemen of the House, I can see no good reason why any amendment should be put upon this bill. I have no objection to the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], for, in my judgment, it will not alter the purposes of the bill. But even if it does not alter them, it will do no harm if it is accepted. However, if it is voted down I am satisfied that the gentlemen interested at Muscle Shoals will have no greater power than they now have. I would be the last man who would be willing to give private individuals or corporations the right to condemn land, as provided for in this bill; but if the Government goes into the manufacture of these articles, then the right to condemn ought to follow.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. SAUNDERS of Virginia. If the amendment suggested by the gentleman from Ohio is put in, with the meaning that he seeks to give it, would it not bring about this result, that hereafter, in the years to come, when we want to utilize this power, possibly, for the development of nitrates for agricultural purposes, we could not do it?

Mr. LONGWORTH. I think probably.

Mr. SAUNDERS of Virginia. If we are condemning land with reference to the use of this great agency for war purposes alone, then when these war necessities are past and the time arrives when in due course we may want to use the output for agricultural purposes, may we not be handicapped?

Mr. McKENZIE. That is exactly my contention, that as the bill is now written you would have no power under the bill to engage in the manufacture of nitrates or any other compound to sell or to be used for fertilizer purposes.

Mr. LONGWORTH. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. LONGWORTH. The gentleman makes a slight mistake when he says the Government has no power—the cyanamide plant is to be operated under a contract with the Government by private individuals. It has to be put under another appropriation than the nitrate appropriation originally passed by this Congress, because that provides specifically that these plants may not be operated by individuals.

Mr. McKENZIE. That may be true; but even if that is true I can not see wherein the Government would be surrendering any of its rights.

Mr. QUIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, the gentleman from Illinois is supporting this proposition, but in my judgment he makes a mistake when he says that it is just as good with the amendment on it as proposed by the gentleman from Ohio [Mr. LONGWORTH]. With that exception the gentleman from Illinois [Mr. McKENZIE], my colleague on the committee, and I stand together on this proposition without question. I want to speak in opposition to the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], for the very reason that it curtails the law establishing the nitrate plant. If the amendment of the gentleman from Ohio is put in operation they could not do anything except to make nitrates for the purpose of manufacturing powder. The law never contemplated any limitation on it. The act which created the Muscle Shoals proposition carries with it one of the very things for which I and other members of the committee fought—the proposition to make nitrate for commercial fertilizer for the agriculture of the United States. The farmers must have nitrates to fertilize their soils to produce abundant crops.

Now, the gentleman from Ohio proposes to strike that vital portion of the law out, and proposes to do it on this bill, which I claim is not germane to condemnation proceedings. This is a bill called for by the War Department, to give the right of condemnation to the Government to condemn a few hundred acres around the Muscle Shoals district.

Now, then, could this Congress accept the amendment offered by the gentleman from Ohio without doing violence to the original act, without doing violence to the purposes of the War Department, and without doing great violence to the best interests of this Government in this time of war. Could the Congress adopt that amendment and do justice to the American people. The gentleman from Ohio has to a certain extent reversed his position. In the original bill he was against the proposition in toto. Since the Muscle Shoals proposition has been accepted and is in the course of erection, he proposes an amendment to do away with a part of the purpose for which the nitrate plants are being constructed.

Mr. LONGWORTH. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. LONGWORTH. Does the gentleman claim that this is being built out of the funds provided for in the nitrate provision?

Mr. QUIN. It is immaterial what fund it comes from; it is immaterial, as far as the American people are concerned, where the money comes from, whether it is provided by the Committee on Military Affairs, the Appropriations Committee, or the Agricultural Committee, or any other fund. The vital point is, Will it be constructed in a manner that will furnish nitrates at cost to the farmers, as the law now provides? I say that it is going to be constructed, and I dare say that it will be constructed as the War Department wants it, regardless of any amendment which the gentleman from Ohio may offer. His amendment is in the interest of the coke-oven industry of the country, in the interest of the steel corporations of the country, as well as the private factories producing nitrates. From the time the original bill was introduced in the House by the Military Committee those interests have made a stubborn and united fight against this measure. They kept it up for many days. They fought it in committee; and after we got it on the floor of the House they were successful in causing the House of Representatives to kill this as a war measure when we were preparing the country for defense in 1916. And after the Senate placed it back in our bill we fought it out again on this floor and won a great victory for our country and the American farmer. Now, at this late date, those same interests appear on the floor and try to keep the Government from getting title to this land, with the hope of killing the manufacture of nitrates by the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the liberty-loan drive.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the liberty-loan drive. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, the gentleman from New York, who just asked the Chair for the privilege of extending his remarks on the liberty-loan drive, touches the heart of the situation here to-day. The gentleman from Virginia [Mr. SAUNDERS] says, "Are you loyal?" Loyal for what? Loyal for fertilizer purposes when you are just about to go out through the country asking the people to shake down their stockings, to give money for what? To carry on the war, not for fertilizing factories.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. FREAR. In just a minute. Many have talked on the subject against the amendment, and I will address myself to that subject. Are we loyal? I have a boy in France at the front, many of you have boys at the front, and we are trying our best to give them the support to which they are entitled. But we are doing it by war measures and not by fertilizer factories. The House defeated this Muscle Shoals scheme first in the river and harbor bill in 1915. After it was reported by the River and Harbor Committee unanimously, we took it up on the floor and defeated it here by a simple statement of facts. Then the gentleman from Illinois who has just spoken [Mr. MCKENZIE], from the Military Committee, came before us and disclosed facts that lay behind this same Muscle Shoals proposition, and he voted with us to drive it out of the military bill. It is the same proposition here. This bill is necessary, because it is for condemnation proceedings for manufacturing munitions. [Laughter.] Oh, you may laugh, but this is another proposition. It is what lies behind the bill that will be stopped by the amendment offered by the gentleman from Ohio, the Muscle Shoals fertilizer proposition, which we object to at this time. We object to giving $125,000,000 for a fertilizer factory unless Congress shall determine with full knowledge what the facts are and what is involved. It is right to go on with the nitrate proposition, it is right to go on with the condemnation of lands for manufacturing munitions. We will all support that. We are all loyal, but we object to the fertilizer proposition, which we have defeated here repeatedly before, first for navigation, when $18,700,000 was the amount involved, and next to the extent of $20,000,000 for a private nitrate factory. We defeated that on the floor as well, and now comes this question of a small plant for manufacturing nitrates, but behind it lurks the $125,000,000 fertilizer proposition.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. SAUNDERS of Virginia. Then without the amendment of the gentleman from Ohio [Mr. LONGWORTH] this, in the gentleman's judgment, is a fertilizer proposition?

Mr. FREAR. No. With the amendment of the gentleman from Ohio, we all know it will be confined to munitions of war and you can not put a fertilizer proposition in it. The chairman of the committee [Mr. DENT] says that is what is wanted—a fertilizer factory as well. The gentleman from Ohio [Mr. LONGWORTH] says that is what you propose to do—to put a $125,000,000 fertilizer proposition at Muscle Shoals and to require the people of this country at this time, of all times, when you are going out through the country to raise money for liberty bonds, to make unprecedented sacrifices in order to build a great fertilizer manufactory in Alabama. That is what we object to.

Mr. SAUNDERS of Virginia. What is this proposition without the amendment of the gentleman from Ohio?

Mr. FREAR. You can read into it a fertilizer proposition, because the chairman of the committee says that is what he wants it in for when not used for manufacturing nitrates.

Mr. SAUNDERS of Virginia. Then, without the amendment, this bill ought to be defeated?

Mr. FREAR. No; but in the present form it has a concealed purpose and forces us to take it under the guise of a nitrate factory.

Mr. SAUNDERS of Virginia. The gentleman can not be caught in a trick, for he says he sees the trick. In vain is the net spread in sight of the bird.

Mr. FREAR. You can put in the fertilizer proposition, because you have the votes to do it and carry it through as a nitrate proposition.

Mr. SAUNDERS of Virginia. Oh, no; you have as many votes in this House as we have.

Mr. FREAR. It seems to me if you will study this situation in the cold light of fairness—not because it is going to Alabama, not because it is going to the South or any other place, North or South, for that is not the thing we ought to determine—this amendment should be accepted because it is right. It shows what the plant is for. I can not see how gentlemen can object to this amendment, which is for the purpose of confining the products of manufacturing to munitions of war.

By unanimous consent, Mr. FREAR was granted leave to extend his remarks in the RECORD.

By unanimous consent, Mr. JOHNSON of Washington was granted leave to extend his remarks in the RECORD.

Mr. BLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] calls this a fertilizer proposition as now written in the bill, and yet he says he proposes to vote for it as a war measure. I am at a loss to understand the consistency of the gentleman's argument. This is not a fertilizer proposition. The primary and supreme purpose of the establishment of these nitrate plants at the present time is for the making of nitrates to be used in the manufacture of powder. If the amendment of the gentleman from Ohio [Mr. LONGWORTH] is adopted it will absolutely destroy the purposes and objects of the establishment of this nitrate plant. The gentleman from Wisconsin [Mr. FREAR], who speaks eloquently of the fact that we are going to spend millions of dollars in building these nitrate plants for munition purposes, would have the Government totally abandon them after the war and after there is no longer need for the manufacture of nitrates in such great quantities for munition purposes. Gentlemen will remember that nearly two years ago and before the war opened it was determined, on the recommendation of the Agricultural Committee, to expend $20,000,000 for the purpose of establishing a nitrate plant to be used in the making of munitions and also for making commercial fertilizer.

Shall we expend millions of dollars to build these plants, which are now so necessary on account of the war, and then abandon them after the war is over? The amendment of the gentleman from Ohio would result in that very thing, for if it is adopted and land is condemned under it, the plants can be used only for the making of munitions. Why should we not use them to make nitrates for fertilizer for the farmers after the war is over. That was one of the original ideas; why abandon it now? Every argument is being put forth to increase the productivity of the soil, and that is as distinctly a war purpose as the making of powder, for we must have food to feed

our soldiers and also furnish the allies. These plants will be used primarily to make material for munitions, but I do not want to see an amendment adopted which would not admit of their use in order to provide farmers with cheaper fertilizer, which will be of benefit not only to them but also to the cities. I do not want to see this amendment adopted and thus make these expensive plants so much junk after the war is over, and which would prevent the Government applying to a useful purpose the by-products which will not be needed for munition purposes even while the war is in progress.

Gentlemen have criticized the fact that the War Department has selected a point in the South for the location of that plant. As a matter of fact, the engineers of the Army, not from the South or from any other particular section of the country, engineers who were interested only in securing the best location for such a plant, after a most thorough investigation of every section of the country and every site offered, selected Muscle Shoals as being the best site obtainable. Why? Because there can be developed at Muscle Shoals more water power than in any other place in these whole United States, unless possibly on the Columbia River in the State of Washington, and not excepting the place on the St. Lawrence in which the gentleman [Mr. SNELL] is interested, and as the gentleman from Alabama stated, both of these places are on the border and are outside of the safety zone established by the War Department. They contend that this water power will not soon be available, but let me admit the point made by the gentleman, that it will not be, and that it will be necessary to use steam power to some extent.

Mr. LONGWORTH. Yes; and carry the power 90 miles across the country. Does the gentleman contend that these plants are to be operated by the Government?

Mr. BYRNS of Tennessee. They are to be eventually operated by the Government.

Mr. LONGWORTH. Not at all. They are operated by private individuals, under contract with the Government.

Mr. BYRNS of Tennessee. That is true; but under a contract which has been made by the War Department and under the control and supervision of the Government.

Mr. LONGWORTH. The Government has nothing to do with the operation of these plants.

Mr. BYRNS of Tennessee. How does that change the proposition?

Mr. LONGWORTH. It absolutely does change the proposition.

Mr. BYRNS of Tennessee. Whether operated under a contract for the Government, and whether it is operated near Cincinnati or in the district represented by the gentleman from Indiana [Mr. BLAND], or at Muscle Shoals, how does it change the proposition as to whether or not Congress should give the right to condemn land so that the Government may secure it at a reasonable price for the purpose of establishing these plants?

The Government is now building possibly the largest powder plant in the world at Nashville. It is the part of wisdom and good business to put these plants in close proximity thereto and also in a section of the country which would not be subject to easy attack in the event of an invasion.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HEFLIN. Mr. Chairman, I regret very much to see this controversy arise here between the coke and coal industries and the water-power industries of the country. I know how jealous gentlemen are, some of them, who are interested in the coke and coal business, when you talk about developing water power that is now going to waste, wasted strength that can now be utilized by the Government for the benefit of our farmers and the people generally. I can not understand how gentlemen can vote to appropriate eight or ten million dollars to buy seed wheat to experiment with in territory where the wheat crop is often a failure and then stand up here and talk about withholding from the farmers generally of the country nitrate with which to increase the supply of food for our soldiers and our allies. This proposition is to utilize a by-product, a great deal of waste substance that will not go into the manufacture of explosives, but that will go to waste unless utilized as it accumulates while powder and other explosives are being made. Why not turn this stuff to good account and use it to help the soldiers of the agricultural army of the United States as they go forth to produce food supplies for our soldiers on the battle field. They talk about manufacturing nitrate some time in the future in time of peace. Why, gentlemen, it has already been stated here that we are going to commence the manufacture of nitrates in August this year for war purposes and for farm purposes, too. We need nitrates under the plant just as you need explosives in the shell at the battle front. You can not win this war over yonder without producing the food supply over here. [Applause.] I can not understand the tactics of some gentlemen here. The gentleman from Wisconsin [Mr. FREAR], who has just taken his seat, said it is not because it is in the South, and I hope that it is not the case, that it is not because it is in the South. I visited Muscle Shoals with gentlemen from the North, the gentleman from Ohio [Mr. SWITZER] being one of them. They were wonderfully impressed with the place and the power site at Muscle Shoals. There is no better place in the wide world for the location of this nitrate plant, and, gentlemen, it is down there at a place far removed from the coast, where even the long-range guns of Germany could not reach it. It is a meritorious measure, and the condemnation pronounced upon it by the gentleman from Ohio [Mr. LONGWORTH], who lives where the American Chemical & Fertilizer Co. has its habitat, can not be sustained by the facts. If you are loyal to the flag, show it in your vote on both sides of this House when these important war measures are up for consideration. Gentlemen talk about us going to call on the people to buy liberty bonds. Yes; that is true. I addressed 15,000 people last night in the big armory at Baltimore for that purpose. We will secure these liberty bond subscriptions in a very little time, and, gentlemen, if you could get away from here, some of you, and hear how the people talk and see how they actually feel at home about this war there would not be so much dillydallying here, quibbling and quarreling about these measures that the President thinks necessary for the successful conduct of this war. Let us quit it; let us vote for this measure and vote for it quickly and get behind the President and have unity of purpose and concerted action in the righteous work of winning this war. [Applause.]

Mr. DENT. Mr. Chairman, I would like to close debate on this amendment at some time.

Mr. MILLER of Minnesota. I would like to have five minutes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed in 20 minutes.

The CHAIRMAN. How is the time to be controlled, by the Chair?

Mr. DENT. The gentleman from Minnesota [Mr. MILLER] wants five minutes, the gentleman from Massachusetts [Mr. GILLETT] wants five minutes, the gentleman from Mississippi [Mr. VENABLE] wants five minutes, and the gentleman from Alabama [Mr. BURNETT] wants five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment close in 20 minutes. Is there objection?

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, may I have the attention of the chairman of the committee? I think I ought to take five minutes.

Mr. DENT. I will ask to have an additional five minutes to go to the gentleman from Ohio.

Mr. HARDY. I would like to have five minutes.

Mr. DENT. Mr. Chairman, I make this request, that all debate on this amendment and all amendments pending thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment and the bill close in 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Chairman, the gentleman from New York [Mr. SNELL] in the beginning of this debate stated that it was proposed in connection with the development of water power for the operation of units No. 1 and No. 2 to purchase electricity from a private plant and pay therefor $30 per horsepower.

Mr. TREADWAY. More than that.

Mr. MILLER of Minnesota. No; $30. That, of course, is an extravagant price for any section of the United States. It is way beyond the average price paid for hydroelectric power in the United States. I want to read for the RECORD a part of a statement here made by gentlemen who were arguing before the Committee on Foreign Affairs of the House to secure legislation for the further development of Niagara Falls.

In that I find that the mechanical energy of Niagara Falls is sold at the following rates, $8, $9.50, and $13 per horsepower per annum, dependent upon the kind of contract which happens to be made. When that horsepower is changed from mechanical into electrical energy the expense is fairly considerable, and we find that the power thus transformed and sold is sold at from $14 to $15 per horsepower per annum. In other words, the Niagara Falls location is furnishing hydroelectric power to-day for one-half or a little less than one-half of the price that it is proposed to pay for this hydroelectrical power in Alabama. I have not very much that I care to say on this measure. I do not believe that any man, however, can have in mind the things that transpired in this House during the last five years and feel

very favorably toward this proposition. It may or may not be a wise thing to develop water power at Muscle Shoals. We do know that the proposition has been before the House at least three separate times, and each time defeated on its merits. I refer now to Government development for the purpose then indicated.

We find that, in defiance of the will of Congress—and it is not too strong language thus to express it—that this same improvement is being made, but on a scale vaster, more elaborate, and more expensive than anybody ever had the nerve even to suggest in the years gone by. Instead of spending the $20,000,000, as first suggested, an appropriation of over $100,000,000 has been made, and it has been deliberately taken from money expressly appropriated for another purpose. Language certainly can not be too strong that is used in condemnation of that practice. Acts of that character usually put men in jail.

I see the distinguished gentleman from Kentucky [Mr. SHERLEY], the chairman of the Committee on Appropriations of the House, immediately before me. I know that when the gentlemen who were before him on ordnance and coast fortifications said they needed so much money, they produced proof for it, designating exact, existing need, or he never would have inserted it in the bill.

I have that confidence in him, and so has the House. Now, when they inserted proof for that $80,000,000 or $90,000,000 or $100,000,000 they must have distinctly demonstrated that the sum was needed for artillery, ammunition, or building of fortifications. Having stated they needed the money for military purposes of described character, they diverted that money from those purposes to an entirely different one. Such an act can not be too strongly condemned. Conduct of this kind is calculated to undermine the confidence of the Congress in the administrative agents of the Government. This feeling is intensified when we consider that those administrative agents have not only misapplied the funds, but in that misapplication have done exactly that which Congress three separate times said should not be done. This project, as it stands, can not be claimed to be military in its real nature.

The amendment offered by the gentleman from Ohio [Mr. LONGWORTH] is absolutely pertinent and correct. It probably will not prevail, for reasons which are very apparent, but if it does not prevail the real purpose back of this legislation is still more apparent. Under the guise of doing something to help our military efficiency we are, in effect, erecting a gigantic enterprise in a certain part of the South for the manufacture and production of fertilizer. I say it is a shame thus to divert funds appropriated for a specific purpose. I say it is a shame to accomplish this in an indirect way, when Congress has specifically and directly said it should not be done. It will take years to build the plant; the war will have ended long before this plant can be used. The purpose is to have the Government provide cheap fertilizer for the South.

Mr. TREADWAY. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GILLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] is recognized.

Mr. GILLETT. Mr. Chairman, I do not care to follow the wide range which this debate has taken about Muscle Shoals and the advisability of developing the power there. That is a question which has been up many times in Congress, which has been settled several times in Congress, always the same way, but which the administration, with the right given to it by Congress, has negatived, and it has gone into the development of the Muscle Shoals project. It had a right to do so. And while I have my opinion of the influences which determined the selection of Muscle Shoals, I do not care to discuss that now, because it is not involved here. I do think that it is proper that this House should register its criticism of the use of money for this development, which was provided and appropriated by the fortifications bill, for, as we supposed, an entirely different purpose, Muscle Shoals never, to my knowledge, being suggested in the hearings. And yet that money has been diverted from one purpose to another. That seems to me indefensible, and it seems to me that it is quite probable that this whole Muscle Shoals proposition, when it is investigated, as it doubtless will be, will bring deserved criticism, if not scandal, upon those who are responsible for it.

But the only question before us at this moment is the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], and the purpose of that amendment, as I read it, is very simple. It simply provides that the condemnation proceedings which this bill is brought in to allow, which by the arguments of those in favor of it are simply for the acquisition of land for war purposes, shall be confined to the acquisition of land for war purposes only. The gentleman from Tennessee [Mr. BYRNS] and the gentleman from Alabama [Mr. ALMON] were very fervid in their appeals to us to authorize this bill for war purposes. The gentleman from Ohio [Mr. LONGWORTH] simply provides by his amendment that the condemnation of land, not necessarily at Muscle Shoals, but anywhere, shall only be made for the manufacture of nitrate when it is for war purposes. That is the sole purpose of his amendment, and therefore, if these gentlemen are sincere when they appeal to us to vote this for war purposes and say that it is necessary for war, I do not see how they can fail to vote for the amendment which the gentleman from Ohio offers, because that simply provides that this land shall be taken only for the production of nitrates needed for war purposes.

The gentleman from Mississippi [Mr. VENABLE] very properly and logically, it seemed to me, discussed the purposes of this amendment. It would probably be true that if we did take over the lands for war purposes, they could afterwards be used for peace purposes, and therefore that very argument, it seems to me, would compel this House to vote for the amendment, because the amendment simply says you shall not condemn the lands to make nitrates unless those nitrates are needed for war purposes, and for the whole argument made in support of this bill the very ground upon which it is brought into the House is that it is for war purposes, and that is all that this amendment provides for. Therefore it seems to me logical, by the very argument which those who are proposing this amendment bring forward, that we must adopt the amendment of the gentleman from Ohio.

Mr. ROBBINS. By whose authority was this fund diverted from the fortification bill to the purchase of this land? It was a clear diversion.

Mr. GILLETT. By the War Department, but I do not know just who.

Mr. ROBBINS. Who has authority to divert it—the President or the Secretary of War?

Mr. GILLETT. The Secretary of War, and above him the President is responsible.

Mr. LONGWORTH. I can answer just which officer did it.

Mr. GILLETT. The gentleman from Ohio says he can answer as to just what officer did it.

Mr. ROBBINS. I would like to know it.

Mr. GILLETT. Of course, the administration is responsible for it.

Mr. LONGWORTH. In the gentleman's time, if he will yield——

Mr. GILLETT. Yes——

Mr. LONGWORTH. I will read from a letter on that proposition. It is the Acting Secretary of War. He says:

> The fund being used for the construction of the plants near Sheffield for the fixation of nitrogen in accordance with the cyanide process is the appropriation for the armament of fortifications. (See urgency deficiency act, approved June 15, 1917.) These plants are for the production of high explosives as components of ammunition and the cost is therefore regarded as more properly chargeable to the appropriation mentioned above than to the one made by section 124 of the national-defense act approved June 3, 1916.

Mr. ROBBINS. That is the letter of the Secretary of War?

Mr. LONGWORTH. Yes. They deliberately took it from this appropriation.

Mr. BUTLER. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LONGWORTH. I would like to take a little time later.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. BUTLER. Will the gentleman from Ohio give us his figures? I would like to know what this will cost.

Mr. LONGWORTH. I will wait before I take the time. I ask that gentlemen on that side consume some time.

Mr. GILLETT. The gentleman from Ohio is entitled to five minutes.

Mr. ALMON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALMON. To whom is the balance of the time allotted?

The CHAIRMAN. To the gentleman from Ohio [Mr. LONGWORTH], the gentleman from Texas [Mr. HARDY], and the gentleman from Alabama [Mr. BURNETT].

Mr. HARDY. If the gentleman from Ohio does not care to proceed now, I will be glad to.

Mr. LONGWORTH. All right.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. HARDY. Mr. Chairman and gentlemen, I have been today amazed at the quivering and flaming earnestness, to characterize it by no stronger term, manifested by the gentleman from Ohio [Mr. LONGWORTH], who is usually so suave. He had

20 minutes' time given him under the general debate on the rule. He has interrupted speaker after speaker, and he wants more time, and so far as I have heard up to now he has not touched any feature of the bill before the House, except to assume that this bill is for the purpose solely of allowing condemnation of property at Muscle Shoals, and then to denounce the Muscle Shoals project with all the bitterness he has displayed every time that question has come before the Congress, coupling it with a kind of sinister criticism of the official administration of the Government and a vigorous denunciation of practically the whole people of that vicinity.

Now, it seems to me that the amendment proposed by the gentleman is absurd and ridiculous, because if this plant is built by the Government for the purpose of manufacturing nitrates essential to the manufacture of powder, and they should easily manufacture, we will suppose, more than is necessary for that purpose, he would cut off the operations of the plant although they might be able to furnish nitrates for fertilizer at half what the public was paying for it.

And if in the manufacture of nitrates other compounds and by-products should be so easily manufactured as almost to be without cost, he would cut them off, and that is the kind of economy that the gentleman would have this administration guilty of. No; the whole question is, here is a great water power that may not be used during the war, but it is necessary to establish a plant for the purposes authorized by the law, for the manufacture of nitrates somewhere, where in the future as well as at present it would be to the interest of this Government and of our people to have that plant located. It is admitted by the gentleman from Indiana [Mr. BLAND] that in his district they would have to manufacture nitrates by the use of steam, and so for a while it will be necessary here. But you will have a great plant established, and the purpose is that it be established for all time, and that when the uses of war are over the uses of peace will find it there for the benefit of the people, and especially of the farmer. Now, it seems to me that the gentleman from Ohio lost all of his usual suavity. He even charged over onto this side and attempted to insinuate that every Member who did not vote for his amendment must have something sinister up his sleeve.

Mr. LONGWORTH. Oh, I never said or suggested any such thing.

Mr. HARDY. His language bore that imputation, and, with quivering cheek, charging over onto this side, he seemed to intimate that we must vote for his amendment or be stigmatized as insincere and hypocritical.

Mr. LONGWORTH. You had better vote for it.

Mr. HARDY. The gentleman now says we had better vote for it. Well, the gentleman had better go back and learn where the word "better" comes from, for I tell him we vote for this measure because we believe it is essential to the prosecution of the war to locate this plant; and if they do manufacture some other compound, and if after the war they manufacture fertilizer, it will still be the right thing to vote for this measure; and we vote against his amendment because we know it is vicious. I do not believe that the limitation the gentleman proposes is sensible, and it seems to me it must have an ulterior purpose. Why? Does he want to cut off the owners of that plant or the Government from using it for the manufacture of any compound that incidentally would be a by-product? If so, why? What is the reason? I was sorry to hear some gentlemen use the expression or say that the Army officials who located it there had some yearning for the South. Gentlemen, that is not worthy of us in this day and time. I do not know what Army officials located the plant, but I believe they were honest. This is a great crisis of this country. We have not complained that Hog Island is located up yonder.

Mr. BUTLER. The gentleman is welcome to complain of it, although it is located in my district.

Mr. HARDY. I do complain of its cost and the waste, if not graft, that have shown up there.

Mr. BUTLER. You are welcome to complain of it. I do not defend it.

Mr. HARDY. I notice you got it there just the same.

Mr. BUTLER. I invite you to complain of it.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Gentlemen, in order that there may be no misapprehension as to just what this proposition is, I will read you the main provisions of the contract with what is known as the Air Nitrates Corporation, which is building these plants. The Air Nitrates Corporation, which is a subsidiary of the American Cyanamid Co., is to build the plant. Government money is invested, but they are to build it and supervise it, and get for that 3½ per cent on all costs, not to exceed $1,000,000. On $45,000,000 3½ per cent will, of course, be at least $1,000,000. Then they are to get one-quarter of a cent per pound on the ammonium nitrate produced in the plant. Then comes in the American Cyanamid Co., which owns the patents and the machinery and various other things, and it gets 6 mills per pound of nitrogen fixed as lime nitrogen. I am informed by the War Department that this will amount to something over $1,250,000 a year for each plant. They do not invest a cent, and they do not take a particle of risk. They are the ones who are interested in this proposition. The United States Government does not want to manufacture fertilizer. I asked the Secretary of War what it was proposed to make in these plants after the development of the water power at Muscle Shoals, and he said—I quote:

> When this power becomes available it will be used for nitrogen fixation or for any other war need which to the Government may seem more urgent.

In response to a further request for information as to just what was meant by the term "any other war need" to be produced at Muscle Shoals he mentioned the following: "Ferrosilicon, ferrochrome, phosphorus, silicon, chlorine products, and electrodes." There was no suggestion of fertilizer. The whole proposition is this, gentlemen, in a nutshell: The Air Nitrates Co. wanted to get the plant free—both these plants—after the Government invested some $90,000,000 or $95,000,000 in them.

Mr. BUTLER. How did the gentleman get those figures?

Mr. LONGWORTH. They cost each about $45,000,000.

Mr. BUTLER. How many are there?

Mr. LONGWORTH. There are two; one now in course of construction, and the other has been authorized.

Mr. JOHNSON of Washington. There are now to be three.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. HUSTED. As I understand it, there is a clause in the contract under which these plants that are being built may be operated by private interests?

Mr. LONGWORTH. Exactly.

Mr. HUSTED. Which gives them a preference when it comes to the sale of the plants after the war.

Mr. LONGWORTH. That is correct.

Mr. HUSTED. Now, if the gentleman's amendment is not adopted, will not these plants be made infinitely more valuable to these private interests if they are permitted to use them for the manufacture of fertilizer?

Mr. LONGWORTH. With or without my amendment, these plants, so far as the actual needs of the Government are concerned, will be so much junk when the war is over. Without my amendment they will be of infinite value to this private corporation to make fertilizer, and that is the reason why they do not want this amendment adopted.

Mr. HARDY. Will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. HARDY. The gentleman seems to abhor fertilizer. Would the gentleman object to the manufacture of nitrates because they might be used in fertilizer?

Mr. LONGWORTH. I would not object to fertilizer if it were brought in on its own merits. But this is a war measure, you say.

Mr. HARDY. Grant that; but will the gentleman oppose the manufacture of nitrates?

Mr. LONGWORTH. The only way this money could be obtained without further action of Congress was to make a violent assault upon a provision put in the fortifications appropriations bill passed last year, which the gentleman from Kentucky [Mr. SHERLEY], I think, will say was never even suggested by the War Department as intended to erect plants to make ammonium nitrate.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LONGWORTH. I will not yield any more. Now, we are in this position: Gentlemen have accused me of inconsistency in saying that I will vote for this measure. I will be compelled to vote for the measure, even if you do not adopt my amendment, because we are in a position where we must have nitrates, but it comes with an ill grace in a war measure like this to have inserted in it a provision with a sting in its tail which simply and solely provides for making fertilizer after the war. [Applause.]

Mr. ALMON. Mr. Chairman and gentlemen of the House, I have been associated with you for the past three years. You know I have not taken much of the time of the House, and I feel like apologizing for speaking so often to-day, and would not take this additional time if I did not deem it necessary in order

to correct some statements which have been made since I last addressed the House.

If the amendment of the gentleman from Ohio is adopted, one of the very purposes of Congress in making provision for the building of nitrate plants will have been utterly destroyed, viz, the making of fertilizer. The act itself provides that these nitrate plants are to be erected for the purpose of producing by hydroelectric or other power nitrates or other products needed for munitions of war and useful in the manufacture of fertilizer and other useful products. After the war is over, with this amendment of Mr. LONGWORTH's adopted, these plants will be of no value to the Government. They are Government plants, being built by the Government through the Ordnance Department of the War Department.

Mr. TREADWAY. Will the gentleman yield?

Mr. ALMON. No; I can not; I have only a few minutes. When the President decided to build these plants it was necessary to select a process or processes for making nitrates. One selected for the small plant was the synthetic process of the General Chemical Co., and the other—the large plant—the cyanamide process of the American Cyanamid Co., which owns the patent and exclusive right to make nitrates by the cyanamide process. So the Government made a contract with that company by which that process could be used. I have never seen the contract, but we have the right to presume the representatives of the Government who took part in the making of the contract protected the interest of the Government and made the best contract that could be secured under the circumstances. The gentleman from Ohio [Mr. LONGWORTH] has had much to say about the connection of the American Cyanamid Co. and the Air Nitrate Corporation with the construction of plant No. 2. I understand that plant No. 2 is being constructed by the Air Nitrates Corporation, an organization without capital stock, but financed by the Government and officered by experts of the American Cyanamid Co. This arrangement has been perfected with a view to eliminating official red tape and expediting the building of this plant. The Westinghouse, Church, Kerr Co., of New York, has the main contract, doing the work under the direction of the Air Nitrates Corporation. The J. G. White Engineering Corporation is building a steam plant that will furnish 60,000 horsepower, while the Alabama Power Co. will transmit 40,000 horsepower from its auxiliary steam plant on the Coosa River, thus insuring 100,000 horsepower for the operation of nitrate plant No. 2 until power dam No. 2 has been completed.

These plants can be used for making fertilizers during the war if the full output is not needed for munitions of war. After the war we hope and expect that these nitrate plants can be used almost exclusively for the manufacture of fertilizer for the benefit of the farmers of this country, and render them independent of the Chilean Nitrate Trust, which has robbed the farmers of this Nation for almost a half century, as well as our Government when purchased to make explosives.

Our Government has wisely decided to no longer depend exclusively upon Chile saltpeter or sodium nitrate for the manufacture of explosives for the following among other reasons:

First. That the production of the plants in Chile are limited and are divided between several nations by an international board.

Second. Organized labor trouble there might interfere with the production.

Third. It is shipped along the Pacific coast and through the Panama Canal, and if for any reason the enemy should be able to prevent such shipments our supply would be cut off and we would not have explosives sufficient to conduct the war for a month.

Fourth. On account of the high cost and freight charges.

Fifth. The ships now being used to transport it to the United States are needed in the transportation of troops and supplies to Europe. It is said that 3,000 tons of ammonium nitrate that we produce at home will save a round-trip voyage for a large cargo vessel between the United States and Chile, requiring as much time as it would for this vessel to make two round trips to Europe.

It will be possible to produce a complete fertilizer at Muscle Shoals, containing from 60 to 70 per cent plant food, at one-half the price which American farmers are paying for the inferior fertilizer containing 12 to 14 per cent plant food which they are now using.

There has been no diversion of funds or appropriations in the building of this plant, as charged by Mr. LONGWORTH. The fund which he claims is being improperly used is for ordnance. The nitrate plants are being built by the Ordnance Department. What is the business of the Ordnance Department if it is not to provide arms and ammunition? What money does he expect the Ordnance Department to use except the appropriation for this purpose and ordnance appropriations? There has been no diversion of appropriations. Do not be deceived by the statements of the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired, and the question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were—57 ayes and 67 noes.

Mr. LONGWORTH. I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Alabama [Mr. DENT] and the gentleman from Ohio [Mr. LONGWORTH].

The committee again divided; and the tellers reported that there were 61 ayes and 68 noes.

So the amendment was rejected.

Under the rule the committee rose; and the Speaker having resumed the chair, Mr. RAYBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes, and had directed him to report the same back without amendment, with the recommendation that the bill do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, and was read the third time.

Mr. LONGWORTH. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LONGWORTH. No, sir; I shall vote for the bill.

The Clerk read as follows:

Mr. LONGWORTH moves to recommit the bill to the Committee on Military Affairs with instructions to report it back forthwith with the following amendment: Page 2, line 11, after the word "compounds," insert the words "needed for munitions."

The SPEAKER. The question is on the motion to recommit.

Mr. LONGWORTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 187, answered "present" 3, not voting 119, as follows:

YEAS—122.

Bacharach	Gillett	McKenzie	Siegel
Britten	Glynn	McLaughlin, Mich.	Sloan
Browne	Gould	McLaughlin, Pa.	Smith, Idaho
Burroughs	Graham, Ill.	Madden	Smith, Mich.
Campbell, Kans.	Greene, Mass.	Magee	Snell
Chandler, N. Y.	Greene, Vt.	Mapes	Snyder
Chandler, Okla.	Griest	Merritt	Stafford
Clark, Pa.	Hamilton, Mich.	Miller, Minn.	Stiness
Cooper, Ohio	Haugen	Moore, Pa.	Strong
Cooper, W. Va.	Heaton	Moores, Ind.	Sweet
Copley	Hersey	Morgan	Swift
Cramton	Hicks	Mott	Timberlake
Dale, Vt.	Husted	Mudd	Towner
Dallinger	Hutchinson	Nelson	Treadway
Darrow	James	Nichols, Mich.	Voigt
Dempsey	Johnson, Wash.	Paige	Volstead
Denison	Kearns	Parker, N. J.	Waldow
Edmonds	Kelley, Mich.	Peters	Walsh
Elliott	Kennedy, R. I.	Platt	Ward
Ellsworth	Kiess, Pa.	Purnell	Wason
Esch	Kinkaid	Ramsey	Watson, Pa.
Fairchild, G. W.	Knutson	Ramseyer	Wheeler
Fairfield	Kraus	Rankin	White, Me.
Farr	Kreider	Reavis	Williams
Focht	La Follette	Robbins	Wilson, Ill.
Fordney	Longworth	Rodenberg	Wood, Ind.
Foss	Lufkin	Rowe	Woods, Iowa
Francis	Lundeen	Sanders, Ind.	Woodyard
Frear	McArthur	Scott, Iowa	Zihlman
French	McCormick	Scott, Mich.	
Fuller, Mass.	McFadden	Sells	

NAYS—187.

Alexander	Buchanan	Crago	Doughton
Almon	Burnett	Crisp	Drane
Anderson	Byrns, Tenn.	Currie, Mich.	Dupré
Ashbrook	Caldwell	Dale, N. Y.	Dyer
Aswell	Candler, Miss.	Davidson	Eagle
Austin	Cantrill	Davis	Elston
Ayres	Caraway	Delaney	Emerson
Barkley	Carlin	Dent	Ferris
Beakes	Cary	Denton	Fields
Bell	Clark, Fla.	Dickinson	Fisher
Beshlin	Claypool	Dies	Flood
Black	Cleary	Dill	Foster
Bland	Coady	Dillon	Gard
Blanton	Collier	Dixon	Garner
Booher	Connelly, Kans.	Dominick	Garrett, Tenn.
Bowers	Cooper, Wis.	Doolittle	Garrett, Tex.
Brand	Cox	Doremus	Glass

Godwin, N. C.	Key, Ohio	Park	Stephens, Miss.
Goodwin, Ark.	Kincheloe	Phelan	Stephens, Nebr.
Gray, Ala.	King	Polk	Sterling, Ill.
Gregg	Kitchin	Pou	Sterling, Pa.
Hadley	Lazaro	Quin	Stevenson
Hardy	Lea, Cal.	Rainey	Sumners
Hastings	Lee, Ga.	Raker	Switzer
Hawley	Lesher	Randall	Tague
Hayden	Lever	Rayburn	Taylor, Ark.
Hayes	Linthicum	Riordan	Temple
Heflin	Little	Robinson	Thompson
Helm	Littlepage	Romjue	Tillman
Helvering	London	Rouse	Venable
Hensley	Lunn	Rubey	Vinson
Hilliard	McKeown	Russell	Walker
Holland	Maher	Sanders, La.	Walton
Houston	Mansfield	Saunders, Va.	Watkins
Huddleston	Mason	Schall	Watson, Va.
Hull, Tenn.	Mays	Shackleford	Weaver
Humphreys	Miller, Wash.	Sherley	Welling
Igoe	Montague	Sherwood	Welty
Jacoway	Neely	Shouse	Whaley
Johnson, Ky.	Nicholls, S. C.	Sims	White, Ohio
Jones, Va.	Nolan	Sinnott	Wilson, La.
Kahn	Oldfield	Sisson	Wilson, Tex.
Keating	Oliver, Ala.	Slayden	Wingo
Kehoe	O'Shaunessy	Smith, C. B.	Wise
Kelly, Pa.	Overmyer	Snook	Wright
Kennedy, Iowa	Overstreet	Steagall	Young, Tex.
Kettner	Padgett	Stedman	

ANSWERED "PRESENT"—3.

Barnhart	Browning	Butler

NOT VOTING—119.

Anthony	Fess	LaGuardia	Rogers
Baer	Flynn	Langley	Rose
Bankhead	Freeman	Larsen	Rowland
Blackmon	Fuller, Ill.	Lehlbach	Rucker
Borland	Gallagher	Lenroot	Sabath
Brodbeck	Gallivan	Lobeck	Sanders, N. Y.
Brumbaugh	Gandy	Lonergan	Sanford
Byrnes, S. C.	Garland	McAndrews	Scott, Pa.
Campbell, Pa.	Good	McClintic	Scully
Cannon	Goodall	McCulloch	Sears
Carew	Gordon	McKinley	Shallenberger
Carter, Mass.	Graham, Pa.	McLemore	Slemp
Carter, Okla.	Gray, N. J.	Mann	Small
Church	Green, Iowa	Martin	Smith, T. F.
Classon	Griffin	Meeker	Steele
Connally, Tex.	Hamill	Mondell	Steenerson
Costello	Hamilton, N. Y.	Moon	Sullivan
Crosser	Hamlin	Morin	Talbott
Curry, Cal.	Harrison, Miss.	Norton	Taylor, Colo.
Decker	Harrison, Va.	Oliver, N. Y.	Templeton
Dewalt	Haskell	Olney	Thomas
Donovan	Heintz	Osborne	Tilson
Dooling	Hollingsworth	Parker, N. Y.	Tinkham
Dowell	Hood	Porter	Van Dyke
Drukker	Howard	Powers	Vare
Dunn	Hull, Iowa	Pratt	Vestal
Eagan	Ireland	Price	Webb
Estopinal	Johnson, S. Dak.	Ragsdale	Winslow
Evans	Jones, Tex.	Reed	Young, N. Dak.
Fairchild, B. L.	Juul	Roberts	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HOWARD with Mr. NORTON.

Mr. STEELE with Mr. BUTLER.

Mr. CAMPBELL of Pennsylvania with Mr. MCKINLEY.

Mr. CHURCH with Mr. FESS.

Mr. GALLAGHER with Mr. GRAHAM of Pennsylvania.

Mr. THOMAS F. SMITH with Mr. MCCULLOCH.

Mr. THOMAS with Mr. PRATT.

Mr. TAYLOR of Colorado with Mr. POWERS.

Mr. HAMLIN with Mr. HEINTZ.

Mr. WEBB with Mr. ANTHONY.

Mr. BYRNES of South Carolina with Mr. CANNON.

Mr. CARTER of Oklahoma with Mr. GOODALL.

Mr. CONNALLY of Texas with Mr. COSTELLO.

Mr. DECKER with Mr. CARTER of Massachusetts.

Mr. DONOVAN with Mr. OSBORNE.

Mr. EVANS with Mr. DOWELL.

Mr. HARRISON of Virginia with Mr. STEENERSON.

Mr. JONES of Texas with Mr. TEMPLETON.

Mr. BANKHEAD with Mr. JUUL.

Mr. LOBECK with Mr. MONDELL.

Mr. MARTIN with Mr. YOUNG of North Dakota.

Mr. OLNEY with Mr. HULL of Iowa.

Mr. PRICE with Mr. SCOTT of Pennsylvania.

Mr. RUCKER with Mr. DRUKKER.

Mr. SEARS with Mr. VARE.

Mr. SMALL with Mr. JOHNSON of South Dakota.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Maryland, Mr. TALBOTT. I wish to withdraw my vote and be recorded "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, did the gentleman from Pennsylvania, Mr. STEELE, vote?

The SPEAKER. He did not.

Mr. BUTLER. I have a general pair with him. I voted "yea." I will withdraw that vote of "yea" and answer "present."

The name of Mr. BUTLER was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. DENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 0, answered "present" 1, not voting 110, as follows:

YEAS—320.

Alexander	Edmonds	Kitchin	Russell
Almon	Elliott	Knutson	Sanders, Ind.
Anderson	Elston	Kraus	Sanders, La.
Ashbrook	Emerson	Kreider	Saunders, Va.
Aswell	Esch	La Follette	Schall
Austin	Evans	Lazaro	Scott, Iowa
Ayres	Fairchild, G. W.	Lea, Cal.	Scott, Mich.
Bacharach	Fairfield	Lesher	Sears
Baer	Farr	Linthicum	Sells
Barkley	Ferris	Little	Shackleford
Barnhart	Fields	Littlepage	Sherley
Beakes	Fisher	London	Sherwood
Bell	Flood	Longworth	Shouse
Beshlin	Focht	Lufkin	Siegel
Black	Foss	Lundeen	Sims
Bland	Foster	Lunn	Sisson
Blanton	Francis	McArthur	Slayden
Booher	Frear	McCormick	Sloan
Bowers	French	McFadden	Small
Brand	Fuller, Mass.	McKenzie	Smith, Idaho
Britten	Gard	McKeown	Smith, Mich.
Browne	Garner	McLaughlin, Pa.	Smith, C. B.
Buchanan	Garrett, Tenn.	Madden	Snell
Burnett	Garrett, Tex.	Magee	Snook
Burroughs	Gillett	Maher	Stafford
Butler	Glass	Mansfield	Steagall
Byrnes, S. C.	Glynn	Mapes	Stedman
Byrns, Tenn.	Godwin, N. C.	Martin	Steenerson
Caldwell	Goodwin, Ark.	Mason	Stephens, Miss.
Campbell, Kans.	Gould	Mays	Stephens, Nebr.
Candler, Miss.	Graham, Ill.	Miller, Minn.	Sterling, Ill.
Cannon	Gray, Ala.	Miller, Wash.	Sterling, Pa.
Cantrill	Greene, Mass.	Mondell	Stevenson
Caraway	Greene, Vt.	Montague	Stiness
Carlin	Gregg	Moore, Pa.	Strong
Carter, Mass.	Griest	Moores, Ind.	Sullivan
Carter, Okla.	Hadley	Morgan	Sumners
Cary	Hamilton, Mich.	Mott	Sweet
Chandler, Okla.	Hamlin	Mudd	Swift
Church	Hardy	Neely	Switzer
Clark, Fla.	Hawley	Nelson	Tague
Clark, Pa.	Hayden	Nicholls, S. C.	Taylor, Ark.
Claypool	Hayes	Nichols, Mich.	Temple
Cleary	Heaton	Nolan	Thompson
Coady	Heflin	Oldfield	Tillman
Collier	Helm	Oliver, Ala.	Timberlake
Connally, Tex.	Helvering	Osborne	Towner
Connelly, Kans.	Hensley	O'Shaunessy	Treadway
Cooper, Ohio	Hersey	Overmyer	Venable
Cooper, W. Va.	Hicks	Overstreet	Vinson
Cooper, Wis.	Hilliard	Padgett	Voigt
Copley	Holland	Paige	Volstead
Cox	Houston	Park	Waldow
Crago	Huddleston	Parker, N. J.	Walker
Cramton	Hull, Iowa	Peters	Walsh
Crisp	Hull, Tenn.	Phelan	Walton
Currie, Mich.	Humphreys	Platt	Ward
Dale, N. Y.	Husted	Polk	Wason
Dale, Vt.	Hutchinson	Pou	Watkins
Dallinger	Igoe	Pratt	Watson, Pa.
Darrow	Jacoway	Price	Watson, Va.
Davidson	James	Purnell	Weaver
Dempsey	Johnson, Ky.	Quin	Webb
Denison	Johnson, Wash.	Rainey	Welling
Dent	Jones, Tex.	Raker	Welty
Denton	Jones, Va.	Ramsey	Whaley
Dickinson	Kahn	Ramseyer	Wheeler
Dies	Kearns	Randall	White, Me.
Dill	Keating	Rankin	White, Ohio
Dillon	Kehoe	Rayburn	Williams
Dixon	Kelley, Mich.	Reavis	Wilson, Ill.
Dominick	Kelly, Pa.	Riordan	Wilson, La.
Doolittle	Kennedy, Iowa	Robbins	Wilson, Tex.
Doremus	Kennedy, R. I.	Robinson	Wingo
Doughton	Kettner	Rodenberg	Wise
Dowell	Key, Ohio	Romjue	Wood, Ind.
Drane	Kiess, Pa.	Rouse	Woods, Iowa
Dupré	Kincheloe	Rowe	Woodyard
Dyer	King	Rubey	Wright
Eagle	Kinkaid	Rucker	Young, Tex.

ANSWERED "PRESENT"—1.

Browning.

NOT VOTING—110.

Anthony	Crosser	Ellsworth	Garland
Bankhead	Curry, Cal.	Estopinal	Good
Blackmon	Davis	Fairchild, B. L.	Goodall
Borland	Decker	Fess	Gordon
Brodbeck	Delaney	Flynn	Graham, Pa.
Brumbaugh	Dewalt	Fordney	Gray, N. J.
Campbell, Pa.	Donovan	Freeman	Green, Iowa
Carew	Dooling	Fuller, Ill.	Griffin
Chandler, N. Y.	Drukker	Gallagher	Hamill
Classon	Dunn	Gallivan	Hamilton, N. Y.
Costello	Eagan	Gandy	Harrison, Miss.

Harrison, Va.	Lever	Parker, N. Y.	Smith, T. F.
Haskell	Lobeck	Porter	Snyder
Hastings	Lonergan	Powers	Steele
Haugen	McAndrews	Ragsdale	Talbott
Heintz	McClintic	Reed	Taylor, Colo.
Hollingsworth	McCulloch	Roberts	Templeton
Hood	McKinley	Rogers	Thomas
Howard	McLaughlin, Mich.	Rose	Tilson
Ireland	McLemore	Rowland	Tinkham
Johnson, S. Dak.	Mann	Sabath	Van Dyke
Juul	Meeker	Sanders, N. Y.	Vare
LaGuardia	Merritt	Sanford	Vestal
Langley	Moon	Scott, Pa.	Winslow
Larsen	Morin	Scully	Young, N. Dak.
Lee, Ga.	Norton	Shallenberger	Zihlman
Lehlbach	Oliver, N. Y.	Sinnott	
Lenroot	Olney	Slemp	

So the bill was passed.

The Clerk announced the following additional pairs:

Mr. STEELE with Mr. FESS.

Mr. BYRNES of Tennessee with Mr. CHANDLER of New York.

Mr. DECKER with Mr. GOODALL.

Mr. DELANEY with Mr. COSTELLO.

Mr. HASTINGS with Mr. DAVIS.

Mr. OLNEY with Mr. FORDNEY.

Mr. LEE of Georgia with Mr. HAUGEN.

Mr. LEVER with Mr. MCLAUGHLIN of Michigan.

Mr. LOBECK with Mr. YOUNG of North Dakota.

Mr. HARRISON of Virginia with Mr. MERRITT.

Mr. VAN DYKE with Mr. ROSE.

The result of the vote was announced as above recorded.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWARD, for the balance of the day, on account of illness in his family;

To Mr. MILLER of Washington, April 6 and 8, on account of delivering addresses on liberty loan; and

To Mr. THOMAS F. SMITH, for another week, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ASHURST, Mr. OWEN, and Mr. CURTIS as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. RUBEY. Mr. Speaker, on behalf of the gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture, who is detained from the Chamber on account of being in a committee, I ask unanimous consent that the Agricultural appropriation bill be taken from the Speaker's desk, the Senate amendments be disagreed to, and a conference asked.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 9054. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

The SPEAKER. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent to take the bill H. R. 9054 from the Speaker's table, disagree to all the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan.

THIRD LIBERTY LOAN.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11123, and move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 11123) to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes.

The Senate amendments were read.

Mr. GILLETT. Mr. Speaker, I would like to have some explanation of the amendments.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent, then, for two minutes.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. The Senate made only one material amendment to the bill. They made a few trivial amendments in the interest of clearness, by the transposition of language, and in naming the first two acts the "First liberty bond act" and the "Second liberty bond act," in accordance with the plan we adopted in this bill, namely, by providing that the short title of this act should be "Third liberty bond act." Now, I have mentioned most of the changes, except the amendment to section 5. This is the only material amendment. The Senate struck out section 5, which relates to the tax by the States upon the shares of banks, the section upon which there was so much discussion in the House for two days. The Senate put it on the ground that there was such a conflict of opinion, both in the committee and in the Senate, that it would precipitate a debate of perhaps several days, and it would be impossible with such a debate for the bill to become law in time to begin the liberty-loan campaign on April 6. And in the interest of facilitating and expediting the passage of the bill in time, they struck that provision from it.

Mr. MOORE of Pennsylvania. Striking out paragraph 5 leaves the law of 1864 stand and operate as heretofore?

Mr. KITCHIN. Just exactly as it was before we introduced the bill.

Mr. MOORE of Pennsylvania. That law has reference to the right of the States to tax the value of bank shares?

Mr. KITCHIN. Yes. I might notify the House, too, that we shall expect the same proposition to come before us some time in the future in some other bill, and gentlemen who are interested might keep on guard and look out for it.

Mr. WALSH. Will the gentleman yield for a question?

Mr. KITCHIN. Yes.

Mr. WALSH. The Clerk in reading the amendment putting in a new section, naming the other acts, read that amendment as coming on page 12 after line 2. I want to inquire if it does not come after line 4?

Mr. KITCHIN. No; it properly comes after line 2, which is a new section to the act of September 24, 1917, reading as follows:

SEC. 17. That the short title of this act shall be "Second liberty bond act."

Mr. WALSH. It is the next amendment I am inquiring about.

Mr. KITCHIN. The next amendment is the short title of the act of April 24, 1917. This is a new section to the bill.

Mr. WALSH. And that names it the "First liberty bond act." Would not that come after line 4?

Mr. KITCHIN. No; because section 7 is a new section to the bill. It is not an amendment to the act of September 24, 1917.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

The SPEAKER. The Clerk will report the first amendment.

Mr. KITCHIN. We have already concurred in the amendments. I have just explained it.

Mr. DENISON. I want to ask the gentleman if there was not a very strong opinion at the other end of the Capitol to the effect that this Government had no right to limit the power of a State to tax the shares of stock in its own banks?

Mr. KITCHIN. No; I do not think that was the trouble at all. From what I could understand, a majority of the members of the Finance Committee favored the proposition in the House bill, but they got to discussing it and found out that there was so much conflict of opinion that they thought it would delay the bill unnecessarily, and so struck it out.

I ask that the Speaker put the question on all the amendments together.

The SPEAKER. The question is on agreeing to the amendments.

Mr. WALSH. The question is on concurring in the Senate amendments?

Mr. KITCHIN. The gentleman is correct.

The SPEAKER. That is what the Chair was putting. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the Senate amendments were concurred in was laid on the table.

ADDITIONAL SECRETARIES OF WAR—CONFERENCE REPORT (NO. 451).

Mr. PADGETT rose.

The SPEAKER. The Chair promised to recognize the gentleman from Alabama [Mr. DENT] first.

Mr. DENT. Mr. Speaker, I move to take from the Speaker's table the conference report on the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, and move that the conference report be adopted.

The SPEAKER. The Clerk will report it.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed, strike out all after the word "Senate" in line 10 of the engrossed bill down to and including "year" in line 11 of said bill, and insert a period and the following:

"The Assistant Secretary shall be entitled to a salary of $5,000 per annum, payable monthly, and the Second Assistant Secretary and Third Assistant Secretary shall each be entitled to a salary of $4,500 per annum."

And the Senate agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
F. E. WARREN,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PAY OF RETIRED CHIEF WARRANT OFFICERS, UNITED STATES NAVY—CONFERENCE REPORT (NO. 455).

Mr. PADGETT. Mr. Speaker, I desire to call up the conference report on Senate bill 3400, to regulate the pay of retired chief warrant officers and warrant officers on active duty, and move its adoption.

The SPEAKER. The Clerk will report it.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers, on active duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House amending the title, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House inserting section 2, and agree to the same with an amendment as follows: In lines 1 and 2 of the engrossed amendments, strike out the words "performed or," and in lieu thereof insert the following: "been on active duty since August 29, 1916, or who"; and the House agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report:

The amendment to the House amendment inserting section 2 makes the provision regulating the pay of retired warrant officers conform to that regulating the pay of retired chief warrant officers by substituting in the beginning of said section 2 the same language as is in section 1.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, should not the statement also be read?

The SPEAKER. The Clerk will not read both of them unless somebody especially desires to hear them.

Mr. WALSH. We want some explanation of it.

Mr. PADGETT. The effect of the amendment agreed to by the conferees is to make the language the same as in section 1. Section 1, relating to the chief warrant officers, provided for those who had been on active duty since August 29, 1916. Section 2, which was the House amendment, did not contain that language, but says, "who has performed active service," without the limitation of August 29, 1916. We struck out the words "performed or," so that it reads, "warrant officers who have been on active duty since August 29, 1916," the same language as in section 1. That is all.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. I would like to ask my colleague on the Committee on Naval Affairs if he will not yield to me 10 or 12 minutes out of the hour he is entitled to on this conference report, in order that I may address the House?

Mr. PADGETT. I will ask unanimous consent that the gentleman may have 10 minutes in which to address the House after the adoption of the conference report. I do not want to delay it.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois [Mr. BRITTEN] may have 10 minutes in which to address the House after the conference report is agreed to. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

UNITED STATES MARINE CORPS.

The SPEAKER. The gentleman from Illinois [Mr. BRITTEN] is recognized for 10 minutes.

Mr. BRITTEN. Mr. Speaker, I think this is an opportune moment to bring to the attention of the House one of the most serious or vital injustices being done by any of our departments operating military matters that has come to my attention, at least during the war.

If I should say to the Members of this House that there are thousands of trained soldiers, trained for from 6 to 10 months with the same implements of war, trained under the same conditions of training, the same rules practically governing their entrance into the military, excepting that they are all volunteers, and that these thousands of men are literally praying God to be permitted to go to the other side, and if I should tell the House that they are not being sent, most Members would rise in astonishment; they could hardly believe that such a state of affairs could exist to-day, when France is bleeding and crying for men, and more men; and all because of mere petty jealousy that has existed for many, many years in the War Department against the United States Marine Corps, thousands of these young men are being retained on this side of the water. That condition exists to-day.

I am quite sure the Secretary of the Navy is anxious to have marines sent to the other side.

The uncontradicted German claim that 75,000 prisoners, 900 cannon, large quantities of war munitions, and tremendous destruction of life and property have accrued from their stupendous drive in northern France, which almost shakes the earth from its axis, has caused me to wonder just how much material aid America is now giving to her allies, and to ponder over "what might have been," had we not been sadly handicapped by the lack of vision which permitted three years to go by before any military preparations were made for the conflict which must have been inevitable to those who were following international affairs.

With our allies in such a desperate struggle for life and existence as the world has never before known, and France crying to the heavens for more men, more men, and an official announce-

ment from London that many of the partially trained men in the American Army will be immediately assigned to French and British units, I think the time opportune to say to the House that because of some military jealousy, some prejudice, or the action of some military clique, thousands of the most finished human mechanisms of war, thoroughly prepared for every eventuality, are literally begging with outstretched arms for an opportunity to blaze the way in France for the Stars and Stripes, but whose prayers fall on deaf ears.

There are from 6,000 to 10,000 marines down at Paris Island and at Quantico, many of them trained to the minute——

Mr. BUTLER. And armed, too.

Mr. BRITTEN. Armed to the minute with machine guns and artillery.

Mr. BUTLER. And fully officered.

Mr. BRITTEN. Fully officered, and praying to God to be sent to the other side where they can deliver their punch that we all know the Marine Corps have. The Secretary of the Navy is just as anxious to have these fighters sent to the other side as I am or as any other lover of the Marine Corps is; but because of some jealousy, some petty prejudice in the War Department, they are not permitted to go, but are retained on this side of the ocean. That one condition will do more to wreck the Marine Corps for all time to come than anything else I could think of. If it were the intention of certain officials in the War Department to wreck the Marine Corps—and I know it is not—to destroy its morale, its esprit, this will certainly do it. The motto of the Marine Corps is known the world over. I am glad to say I heard it in China when I was there some three years ago. It is "First to fight." That is the attractive slogan of the Marine Corps, "First to fight." To it will soon have to be added the word "mosquitoes"—first to fight mosquitoes at Paris Island, Quantico, and other marine training camps, where many of these splendid young men have had from six to nine months of the most intensive training known to military minds, unless some power sweeps away this prejudice that exists in the War Department against the marines. I am afraid the Marine Corps will have to bury Gen. Barnett unless his boys are given a chance to fight. In the name of Heaven, who is keeping them on this side? I call upon the Secretary of the Navy to tell the country who is keeping them from France, when they should be over there fighting and blazing the way for the Stars and Stripes. There are over 30,000 men in the Marine Corps. My good friend from Pennsylvania reminded me a moment ago that many of them have been trained for 10 years, and thousands of them have been in training for more than eight or nine months. They are thoroughly equipped and officered, and they use the same weapons that the Army are using. Yet they are kept on this side of the water.

Mr. BUTLER. Will the gentleman tell the committee how many are on what is known as the waiting list, waiting to be enlisted in the Marine Corps—waiting for months to be enlisted?

Mr. BRITTEN. There are many boys waiting to be enlisted because of that attractive slogan "First to fight." The marines are all volunteers. There is not a drafted man among them.

Mr. BUTLER. The officers come from the ranks.

Mr. BRITTEN. Yes; the officers are promoted from the ranks. Gentlemen of the House, I am sure, will agree with me that there is no sense in keeping on this side men who are trained and equipped to fight in France, while others who are not their equals are being sent to the front.

Mr. HICKS. Is it not a fact that many of these marines are under the age of 21, and therefore the Marine Corps does not conflict with the selected army?

Mr. BRITTEN. That is very true. Further, the marines will not enroll a recruit unless he bring with him the approval of his exemption board. The Navy will not take him either. So there is nothing to conflict with the Army or Navy. These men are all volunteers. They want to go across. Many of the drafted men will not make as good fighting men as the marines do.

Mr. GARRETT of Tennessee. The gentleman says it is apparently due to the jealousy of some official in the War Department that they are not sent across. Does the gentleman mean to say that exactly?

Mr. BRITTEN. I did not say some official in the War Department.

Mr. GARRETT of Tennessee. The question of facilities, of course, does not enter into it?

Mr. BUTLER. The facilities are ample.

Mr. BRITTEN. The facilities are ample. It is just a matter of sending trained men.

Mr. GARRETT of Tennessee. A matter of who shall go there first.

Mr. BRITTEN. Yes; and these men are trained and equipped to the minute in every way. I do not want the House to understand me as saying that an official in the War Department is responsible for this injustice.

I mean that some military clique in the War Department is keeping these young men from the other side. I have no idea who it is, or what the clique is. I have tried to find out and I can not. I should like to know who in authority is responsible for the marines in France being kept on patrol or police duty until very recently, and who under the heavens dares to say that from six to ten thousand of these thoroughly trained fighting machines should be kept on this side of the water doing patrol duty in Cuba, Santo Domingo, Haiti, and at our various navy yards and naval stations, when France is crying for men, men, men?

Can it be due to the same false pride which even now prevents utilization of the unquestioned military ability of such generals as Leonard Wood and Thomas Barry? Political and personal prejudices should be cast aside and every ounce of our military strength placed on French soil just as quickly as it can be made available.

Mr. FARR. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. FARR. I understand that Gen. Pershing is very anxious to get the assistance of the marines.

Mr. BRITTEN. Maybe he is, but if he is why were not the marines, until very recently, put on the fighting line; why were they kept doing police duty that any policeman or any constable could do instead of being put in the first line? Gen. Pershing may want many more marines, but so far they are not going across when their training period has been finished.

Mr. BUTLER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BUTLER. Is the gentleman aware of the fact that within the last three weeks Gen. Pershing has taken four captains in the marine service and made them colonels in the Army?

Mr. BRITTEN. Yes; and I know a number of marines taken from the corps and put into the Army. One of my constituents got into the corps because he understood that he could get quick action in France. He got to France, but with no chance for early action. They recognized his ability in the Infantry, and he was immediately transferred by the consent of Gen. Barnett, who said at the time that he never opposed the transfer or promotion of anybody if he can improve his condition. The young man, who was Ferdinand Jelke, went into the Infantry, as other Marines have gone, and is now a lieutenant.

Mr. TOWNER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. TOWNER. Is it not true, to return to the question of transportation, that the Secretary of the Navy is anxious to transport these men across?

Mr. BRITTEN. That is true, if my information is correct.

Mr. BUTLER. That is right.

Mr. BRITTEN. But suppose it was a mere matter of transportation; they are sending partially trained recruits across, and, according to a dispatch from London yesterday morning, by agreement entered into between Lloyd-George, President Wilson, and Secretary Baker, we are going to send green men into the front line and let them fight shoulder to shoulder with the French and British units. That may be all right. They are not green men, but they are men partially trained—infantrymen. Why should we send them to fight with the British and French units when we have thousands of marines on this side who have been in the service anywhere from nine months to nine years, and who are kept here because of some prejudice or some jealousy of some clique on this side, and the Lord only knows what they are kept here for.

I am calling on Secretary Daniels now to tell the country what is keeping the marines on this side when he wants them to go across as badly as I do.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HAMILTON of Michigan. Can the gentleman put in words what is this prejudice that he speaks of?

Mr. BRITTEN. I wish to God I could.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SAUNDERS of Virginia. Do I understand the practical situation to be this, according to the gentleman's statement, that we have the facilities available for the transportation of a considerable body of soldiers who are ready and anxious for service on the other side; but that the authorities who are charged with the arranging for the transportation of soldiers, refuse to send them to France, in other words decline to put them on the fighting line?

Mr. BRITTEN. No; that is not quite my statement. I am not so certain about available facilities for transporting the

men; men are being transported every week, however, and what I complain of is that the Marine Corps, with its experience, its equipment, its length of training, should go across first. They are sending across men who have not had the experience and training that these men have had.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman may continue for two minutes more.

Mr. SAUNDERS of Virginia. I ask that the gentleman may continue for five minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the gentleman from Illinois may have five minutes more. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. May I ask a further question?

Mr. BRITTEN. Certainly.

Mr. SAUNDERS of Virginia. Who controls the order of transportation and the personnel of the troops that are transported to France?

Mr. BRITTEN. The War Department.

Mr. SAUNDERS of Virginia. Do they do this, on the request of Gen. Pershing?

Mr. BRITTEN. I think it is understood that all available troops shall be sent as soon as possible.

Mr. SAUNDERS of Virginia. If Gen. Pershing desired a particular body or unit of troops and made a request to that effect, I presume that the authorities on this side would take the action that would conform to that request?

Mr. BRITTEN. I do not think he requests any particular troops. He will accept all he can get. The Marine Corps is not in the Infantry and not under the jurisdiction of the War Department, but under a different department.

Mr. SAUNDERS of Virginia. Gen. Pershing is aware of these groups of marines now available for active service, is he not?

Mr. BRITTEN. He may and may not be.

Mr. SAUNDERS of Virginia. Presumably, as the head of the Army in France, Gen. Pershing is kept advised as to the available material in the way of soldiers on this side of the Atlantic?

Mr. BRITTEN. I venture to say that Gen. Pershing does not know that there are 4,000 marines at Paris Island. He does not know we have 4,000 marines at Quantico, nor does he know we have 3,000 marines at Mare Island.

Mr. SAUNDERS of Virginia. I will leave Gen. Pershing out of my inquiry. The authorities who are charged with the transportation of troops to France certainly ought to so order the movement of our forces that those units which are calculated by reason of their training to be of the best and most immediate service will be first moved. On that proposition I presume that we are all agreed.

Mr. BRITTEN. Yes; but here are two different characters of troops.

Mr. SAUNDERS of Virginia. But they are all under the control of the War Department.

Mr. BRITTEN. No; they are not.

Mr. SAUNDERS of Virginia. Who controls them?

Mr. BRITTEN. The Navy Department controls the Marine Corps.

Mr. SAUNDERS of Virginia. Do I understand that the War Department can not send the marines without the request of the Navy Department?

Mr. BRITTEN. No; it can not. The Navy Department has requested and is requesting continually, and the War Department is continually rejecting.

Mr. SAUNDERS of Virginia. But the War Department can send them and presume on the request of the Navy Department?

Mr. BRITTEN. Yes.

Mr. SAUNDERS of Virginia. Well, since the Navy Department has made that request upon the War Department then the suggested lack of authority in the War Department, has been removed, and has been afforded the authority required for action on its part.

Mr. BRITTEN. Oh, no; I am not complaining about the Navy Department.

Mr. SAUNDERS of Virginia. So that I am justified in saying that the War Department is now empowered to move this group of fighters, if it chooses to do so?

Mr. BRITTEN. Yes.

Mr. SAUNDERS of Virginia. Then the situation, according to the gentleman, is that the military authorities of this country distinctly decline to take advantage of the opportunity to move this body of highly efficient fighters?

Mr. BRITTEN. That is exactly true.

Mr. SAUNDERS of Virginia. And preferably I understand you to say, they are sending inferior material?

Mr. BRITTEN. That is exactly true.

Mr. SAUNDERS of Virginia. That then is what the military authorities of this country are doing at this time of national peril?

Mr. BRITTEN. Yes; that is true.

Mr. SAUNDERS of Virginia. That is a very grave accusation that you are bringing against these authorities.

Mr. BRITTEN. Then I will ask the gentleman to explain why the thoroughly trained and equipped marines are not in France?

Mr. SAUNDERS of Virginia. I can not explain the situation for the simple reason that I know nothing about the facts, but we have been told that the military authorities are entitled at this particular time to receive our loyal support and cooperation. Yet I understand you to say that these authorities with no difficulties arising from lack of transportation, and with full authority to move a body of troops of a highly efficient character, distinctly decline to take that action.

Mr. BRITTEN. That is correct.

Mr. SAUNDERS of Virginia. Why if the gentleman is correct in his statements that is almost treason to the United States, on the part of the authorities who are charged with this grave responsibility.

Mr. BRITTEN. The Marine Corps is the greatest fighting aggregation for its size in all the world. We appropriated for its upkeep and improvement last year the sum of $53,000,000, and the Navy bill now on the calendar for the coming fiscal year carries more than $95,000,000.

Thoroughly trained Artillery regiments at Quantico might well be designated to fight side by side with the French, the Americans, or the Canadians, and yet some group of military directors in our own War Department are deliberately preventing from going abroad these men who volunteered for a service that promised all the early glory of the battle field, to which their splendid physique, wonderful discipline, and natural American courage has so brilliantly qualified them.

Mr. WELTY. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WELTY. Do I understand that the marines are not in the trenches now?

Mr. BRITTEN. Some marines are now in the trenches. They have been put there very recently.

Mr. WELTY. The Navy Department informed me a month and a half ago that Gen. Pershing had assigned them to a place there.

Mr. BRITTEN. The Navy Department could not inform the gentleman a month and a half ago, because they were not there a month or more ago, when the Secretary of the Navy and the Commandant of the Marine Corps were before the Committee on Naval Affairs. The gentleman has his dates confused.

Mr. GARRETT of Tennessee. There have been marines there.

Mr. BRITTEN. Oh, there have been marines in France for months, doing patrol duty.

Mr. GARRETT of Tennessee. If the gentleman had had his way, according to the resolution that he presented, there would not have been anybody over there.

Mr. BRITTEN. The gentleman is entirely mistaken, if I am guessing correctly at what he alludes to. What resolution has he in mind?

Mr. GARRETT of Tennessee. The resolution which the gentleman introduced provided that no one should go abroad and fight——

Mr. BRITTEN. The gentleman is mistaken. The gentleman is as wrong as it is possible to be. I am glad that he has brought the matter up. The caption of my resolution read:

> A bill to authorize the President to exempt from foreign military service, upon their request, such citizens of German or Austrian birth or descent whose blood ties in the enemy country might discourage the supreme effort that is necessary for the victory of our troops on foreign soil.

It was intended to increase the efficiency of the Army and not to evade the draft. It specifically exempts no one from the draft. It is in line with an order from the White House issued by the President on March 22, 1918, directing that conscientious objectors drafted into the National Army and who are unwilling to accept combatant service, as provided in the draft law, shall be given the choice of a wide range of activities, including almost everything except actual fighting, in order to keep them in the Army, where they may be utilized to the Government's very best advantage. This presidential order is in complete accord with the desires of my resolution. If there is objection to my resolution, then there must be the same objection to that presidential order just issued to the War Department.

The SPEAKER. The time of the gentleman has expired.

Mr. LITTLE. I ask unanimous consent that the gentleman be allowed a minute more in order to answer some questions.

Mr. BRITTEN. Mr. Speaker, I have been interrupted rather freely, and I would like to have five minutes more.

Mr. LITTLE. I ask that his time be extended for five minutes.

The SPEAKER. The gentleman changes his request to five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Now will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LITTLE. I just want to call the attention of the gentleman to a fact illustrating his position, that marines from the district which I represent have several times visited me, urging that they volunteered last summer and joined the marines for the purpose of getting into the fight, and they feel very much aggrieved, having been so thoroughly drilled for months, at being kept at home; and I want to ask the gentleman the question, Is it not a fact that sometimes people are awfully anxious to start a fight and other people sometimes have to bear the brunt of it when they get into it?

Mr. BRITTEN. Oh, yes; it is easier to start a fight than to finish it successfully.

Mr. LITTLE. Anybody can start a fight, but it often takes a good man to finish it.

Mr. BRITTEN. This is not a War Department war nor is it a Democratic war, but a conflict in which all of the resources, whether they be physical, financial, political, or otherwise, of the country should be utilized to their utmost, and I question whether Congress will sit idly by while the War Department is keeping our most efficient volunteer fighting men at home and at the same time drafting into the service thousands of sons, brothers, and fathers whose military value may be far below that of the average marine who practically fights his way into a service where quick action is promised.

According to a statement made by Maj. Gen. George Barnett, Commandant of the Marine Corps, when he appeared before the Committee on Naval Affairs recently, there is nothing that will more seriously affect the morale of his corps for many years to come than to prevent them from performing a solemn duty they so sincerely desire.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. GARRETT of Tennessee. Does the gentleman think it is possible for this House to direct military movements from the floor of the House of Representatives?

Mr. BRITTEN. No; I do not suggest that any military movement be directed from this floor. Is the gentleman in favor of keeping trained marines on this side or sending them to France?

Mr. GARRETT of Tennessee. I am in favor of the military powers doing that which is necessary according as it appears to them, and I have absolute confidence in the patriotism of the military powers of this country and their disposition to do the thing that will win this war.

Mr. BRITTEN. I have equal confidence with the gentleman, and I say this, that Americans are in no mood to trifle with military prejudices or jealousies, and will, if need be, insist upon the Marine Corps getting into the front line of battle to fight shoulder to shoulder with the French or with the Canadians if the War Department does not want them, and the quicker we get a large number of them on the other side the better. They belong there and not here. I have every confidence in the War Department. I am not accusing any particular individual, but I do say that most of the marines are on this side of the water and they are begging to go over to France. Ninety-two per cent of the marines are good marksmen—sharpshooters.

Mr. MAGEE. Will the gentleman yield?

Mr. BRITTEN. Yes; I will yield.

Mr. MAGEE. I want to ask a question for information. Now, are the marines under the orders of the Secretary of the Navy?

Mr. BRITTEN. Yes; they are.

Mr. MAGEE. Has the Secretary of the Navy offered the marines to the War Department?

Mr. BRITTEN. I am satisfied that he has. And I am calling upon the Secretary to tell to the country the reason why the marines are kept on this side.

Mr. MAGEE. The point I raise is that I can not understand where the friction would be provided the Secretary had made such a request.

Mr. BRITTEN. Most members of the Navy Committee believe the request has been made and refused.

Mr. KELLEY of Michigan. I think perhaps I ought to say in that connection that when the marines operate with the Army they are under the Secretary of War.

Mr. BRITTEN. When they operate with the Army of course they are. I want to say this also: That the marines have the machinery and an organization capable of recruiting from 4,000 to 5,000 men per month who will in no way interfere with the draft law of the Army or the regulations of the Navy. The majority are volunteers between the ages of 18 and 21, young men from colleges, full of enthusiasm, the kind that make good scrappers. That is the reason the marines are so successful.

Mr. FIELDS. The gentleman would consider that Gen. Pershing is in position to know possibly what we need on the other side, would he not?

Mr. BRITTEN. Yes; and I think he will take all the fighting men we can send him. And I am told that in the last 30 days he has said that he wished he had 500,000 marines on the other side.

Mr. FIELDS. I am told by the War Department that the orders of Pershing are followed out in the sending of men and supplies.

Mr. BRITTEN. I do not know that he has ever said that he did not want marines on the other side.

Mr. FIELDS. That is not the question. I am told by the War Department that they follow the orders of Pershing.

Mr. BRITTEN. Can the gentleman tell the House why trained and equipped marines are not on the other side?

Mr. FIELDS. I do not know. But I am saying that the War Department follows the advice and orders of Pershing.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, we have all listened with surprise to the very vehement statement of the gentleman from Illinois [Mr. BRITTEN], and I am glad to know that he is now desirous of getting troops on the battle fields of France, because I can not help but recall that when the declaration of war was pending in this body the gentleman offered the following amendment:

Provided, however, That no part of the military forces of the United States shall be ordered to do land duty in any part of Europe, Asia, or Africa unless so directed by act of Congress, excepting those troops who specifically volunteer for such service.

If the gentleman is still of that viewpoint, before the marines or any other force could be sent abroad there would have to be a poll taken in order to see how many of them specifically volunteered, though I am glad to say that both for the marines and all other enlisted men of the service the poll would show all of them volunteering for that service. [Applause.]

Mr. BRITTEN. Will the gentleman yield?

Mr. SHERLEY. No.

But, Mr. Speaker, I took the floor for a particular purpose—a purpose larger than that of the gentleman from Illinois—it is to emphasize that the House can make no more fatal mistake than upon the statement of some one, or the desire or complaint of some one, in or out of Congress, to undertake to say what troops shall be sent abroad, and when and how. [Applause.] The marines have been and are abroad. They were one of the first organizations to go to Europe, as they are always one of the first organizations to go where there is fighting. There is no reason to assume, and I have heard nothing that warranted the assumption, that the marines were being discriminated against. The matter of placement of men is a matter requiring very intricate knowledge of the whole situation, not possessed even by the distinguished gentleman from Illinois [Mr. BRITTEN]. The marines have expanded just as the Regular Army has expanded. They have in their ranks new men, untrained, to just the same degree that the Army has new and untrained men. Most of the very 5,000 men that the gentleman speaks of have not been in the service except since the war. The marines have been increased greatly in their number. The gentleman referred to those that were down at Quantico, and many of them are new recruits that have recently come in.

Mr. BRITTEN (interrupting). The gentleman is mistaken. There are no new recruits at Quantico.

The SPEAKER. The gentleman from Illinois must not interrupt unless permitted to do so by the gentleman from Kentucky.

Mr. BRITTEN. The gentleman is entirely in error.

The SPEAKER. The Chair does not care if he is. It is against the rules of the House.

Mr. BRITTEN. Will the gentleman yield for a suggestion?

Mr. SHERLEY. The gentleman is not in order, and is not even willing to exercise the ordinary courtesies that should mark Members of the House.

Mr. BRITTEN. I am very sorry, and I apologize.

Mr. SHERLEY. Let that be the end of that.

I repeat that the marines have gone through an expansion, as the Army has, and that as a necessary result of that expansion they have had to take in, as the Army has had to take in, new men, new recruits.

Now, the marines are one of the most efficient organizations of this or any other country, and I would not by any word or suggestion of mine detract in the slightest degree from their magnificent history. But there is no warrant for the bald accusation of the gentleman that officials having in their keeping the safety and the honor of the Nation are willing to trifle with them in order to discriminate against this corps. [Applause.] I repudiate such a suggestion; but I again congratulate the gentleman that his zeal has at least carried him to the point where he now wants to see a part of the forces of America on the other side. [Applause.]

Mr. FIELDS rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. FIELDS. I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Speaker, I shall not take all of the five minutes, but I want to say that we can not prosecute this war from the floor of this House. I have conferred with high officials of the War Department, and we have had them before the Committee on Military Affairs, and the one thing that I have understood from them all the time is that Gen. Pershing's orders are followed out to the letter as to the character of troops that shall be transported, and the supplies, and so forth.

Will the gentleman from Illinois [Mr. BRITTEN] impugn the motives of Gen. Pershing, the man in charge of our forces in Europe?

Mr. BRITTEN. Mr. Speaker, is the gentleman asking me a question?

The SPEAKER. Does the gentleman from Kentucky yield?

Mr. FIELDS. Yes.

Mr. BRITTEN. No. I do not impugn the honor or the glory or the intention of Gen. Pershing. I have every confidence in the general; but the fact remains that the troops are still in this country.

Mr. FIELDS. Does not the gentleman think that Gen. Pershing is better informed as to the character of troops that should be sent to Europe than the gentleman from Illinois?

Mr. BRITTEN. I question whether he knows what character of troops we have in this country to-day.

Mr. FIELDS. Does the gentleman suppose that Gen. Pershing is not informed as to the number of marines that we have in the United States to-day?

Mr. BRITTEN. He knows the number, but not the location.

Mr. FIELDS. That is very immaterial. He knows that they are in the United States and that they are in the service of the Government.

Mr. BRITTEN. They may be scattered all over, and he would not want them. There is a large unit right close here.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. MILLER of Minnesota. Does the gentleman know whether Gen. Pershing, in any sense, at any time, in any way, has indicated to the War Department here what division or what part of a corps or what class of troops should go over?

Mr. FIELDS. He does not indicate what particular division or part of division that shall be sent, but he does indicate what class of men he wants, whether they shall be trained men or raw, or partially trained, whose training shall be completed over there.

Mr. MILLER of Minnesota. Is it not a fact that Gen. Pershing makes no recommendation or request beyond the fact that he wants to get men there just as rapidly as they can come—all men who are efficient? In other words, is not the selection of men in this country, the divisions to go over, purely in the province of the officials on this side?

Mr. FIELDS. It is my information that Gen. Pershing's orders are observed in the selection of men and supplies to go over.

Mr. MILLER of Minnesota. Gen. Pershing really is not to be considered in connection with this discussion at all.

Mr. FIELDS. Gen. Pershing is consulted as to the character of troops that are sent forward. Whether they send them there for training, or whether they send trained men, that is a question left to Gen. Pershing, and the character of supplies that is most needed is left to Gen. Pershing. In fact Gen. Pershing is in charge on the other side. There is where the work is being done. Gen. Pershing's orders are being carried into execution, and a man can not criticize the work without criticizing Gen. Pershing.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes."

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Friday, April 5, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct, reported the same with amendment, accompanied by a report (No. 459), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases, reported the same without amendment, accompanied by a report (No. 460), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WATKINS, from the Committee on War Claims, to which was referred the bill (H. R. 2866) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls, reported the same with amendment, accompanied by a report (No. 461), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11004) granting a pension to Jennie K. Burke; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1867) granting a pension to Joseph F. Flynn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3106) granting a pension to Elizabeth M. Keefe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VAN DYKE: A bill (H. R. 11231) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARRETT of Texas: A bill (H. R. 11232) to fix the punishment of persons acting as spies, and for other purposes; to the Committee on the Judiciary.

By Mr. GOULD: A bill (H. R. 11233) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 11234) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to civilian employees of the United States Coast Guard and Life-Saving Service; to the Committee on Naval Affairs.

By Mr. SWIFT: Resolution (H. Res. 302) authorizing the Committee on Expenditures in the Treasury Department to audit certain accounts and expenditures of the Treasury; to the Committee on Expenditures in the Treasury Department.

By Mr. GALLIVAN: Memorial of the General Court of the Commonwealth of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial of the Legislature of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of the Legislature of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11235) granting an increase of pension to William H. R. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) granting an increase of pension to B. L. Walker; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 11237) granting a pension to George Maybury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11238) granting a pension to Nathan N. York; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11239) granting an increase of pension to James R. Lewis; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11240) granting an increase of pension to Lillis C. Keech; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 11241) granting a pension to Drucilla T. Collier; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11242) for the relief of Dr. R. B. Leister and Mercy Hospital, Tiffin, Ohio; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEAKES: Papers to accompany House bill 11220 to increase the pension of Alfred Dobbins; to the Committee on Invalid Pensions.

By Mr. CARY: Memorial of General War-Time Commission of the Churches, urging the passage of House bill 6320, to increase the number of chaplains in the Army; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Phillips-Jones Co., New York City, urging the passage of the bill providing for partial payments of excess-profits taxes; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of W. Benton Crisp, New York, N. Y., favoring the passage of House bill 9406; to the Committee on Irrigation of Arid Lands.

By Mr. ESCH: Papers in support of House bill 783, granting a pension to Marcia J. Dewey; also papers in support of House bill 784, granting a pension to Jennie M. Nichols; to the Committee on Pensions.

Also, resolution of the Trades and Labor Council of La Crosse, Wis., asking for an amendment to the Federal Constitution, providing for popular election of and short terms for the Federal judges; to the Committee on the Judiciary.

By Mr. GALLIVAN: Resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Pauline W. Holme, president Baltimore Woman's Christian Temperance Union, urging war prohibition; to the Committee on the Judiciary.

By Mr. LUNDEEN: Evidence in support of House bill 10140, granting an increase of pension to Mathias Logelin; also papers in support of House bill 10138, granting a pension to Maggie Coss; also evidence to accompany House bill 10139, granting an increase of pension to Robert A. Robinson; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10141, granting an increase of pension to Conrad H. Rowe; also papers to accompany House bill 10137, granting a pension to Catherine Mahady; to the Committee on Pensions.

By Mr. NOLAN: Petitions of Countess Markievic Branch, Friends of Irish Freedom (Timothy O'Leary, president; Hugh O'Connor, secretary; and Mrs. Maude McGoldrick, recording secretary); Columbia Division, No. 2, Ladies' Auxiliary, Ancient Order of Hibernians; and Connaught Social and Benevolent Association (Bernard Boyle, secretary), all of San Francisco, Cal., favoring House joint resolution 204, by Jeanette Rankin; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Papers to accompany House bill 10056; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *April 5, 1918.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father, we thank Thee for the light of another day and for all its possibilities and opportunities. We thank Thee for the land in which we live and all that it represents, not only to us within its borders, but of liberty beyond the seas. Grant that in this great struggle of the nations there may be given unto those who represent truth and righteousness and freedom final and splendid achievement on the battle front and may peace soon crown their endeavors. We ask it in the name of our Lord and Savior, Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. SMITH of Maryland. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Overman	Sterling
Baird	Hollis	Page	Sutherland
Borah	Jones, Wash.	Penrose	Swanson
Calder	Kendrick	Pittman	Thomas
Chamberlain	Kirby	Poindexter	Thompson
Colt	Lewis	Pomerene	Tillman
Culberson	Lodge	Ransdell	Townsend
Curtis	McCumber	Saulsbury	Trammell
Dillingham	McKellar	Shafroth	Underwood
Fall	McLean	Sheppard	Vardaman
France	McNary	Sherman	Walsh
Frelinghuysen	Martin	Shields	Warren
Gallinger	Myers	Smith, Ga.	Williams
Gore	Nelson	Smith, Md.	Wolcott
Hale	New	Smith, S. C.	
Hardwick	Norris	Smoot	

Mr. CURTIS. I desire to announce the absence of the junior Senator from Pennsylvania [Mr. KNOX]. He is taking part in the liberty loan campaign.

I wish also to announce the absence of the Senator from Indiana [Mr. WATSON], who is also taking part in the campaign for the sale of liberty bonds.

Mr. JONES of Washington. I desire to state that the junior Senator from Iowa [Mr. KENYON] is absent and will be absent for some time in the liberty loan campaign.

Mr. SUTHERLAND. I announce that my colleague [Mr. GOFF] is detained on account of illness.

Mr. SHEPPARD. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] is detained on important public business. I also wish to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from California [Mr. PHELAN] are detained on official business.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 10205) to provide for the consolidation of national banking associations, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present certain memorials from the Montana Legislature to the Congress of the United States. I ask that they be printed in the RECORD in the order in which they have been arranged. I will state that the first memorial is in favor of the antisedition legislation which is now pending before this body.

The memorials were ordered to be printed in the RECORD, as follows:

House joint memorial 1. Introduced by Holt, Griffin, Kemmis, Davis, Sand, Hawks, Sektnan, and White.

A resolution memorializing Congress to pass necessary legislation defining as a crime, and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas under the present laws of the United States successful prosecution of persons has not been maintained in the Federal district of Montana for the making or circulating of false statements, arguments, and reports concerning the objects and purposes of executive officers of the United States and of legislative bodies thereof in declaring that a state of war exists between this Government of the United States and the Imperial German Government, criticizing, belittling, and ridiculing the armed forces of the United States to the detriment of the successful enlistment and procuring of men for service in the Army and Navy of the United States and interfering with the success of the sale of bonds of the United States for the purpose of raising money in carrying on the war with the Imperial German Government; and

Whereas the successful prosecution of individuals and organizations can not be maintained under the present laws of the United States for advocating and threatening the destruction of industrial and agricultural properties and interfering with the management and production thereof under the guise of bettering the conditions of workingmen, and such actions being detrimental to the industrial and agricultural institutions in the various communities in the State of Montana: Now, therefore, be it

Resolved by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring therein, now assembled in extraordinary session, That we do hereby petition the Congress of the United States for the passage of the necessary legislation defining as a crime, and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships done or attempted to be done for the purposes aforesaid; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to the honorable Members of the United States Senate and House of Representatives from the State of Montana, requesting them to exert every effort within their power to enact such legislation.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved, February 20, 1918.

S. V. STEWART, *Governor.*

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial 1, memorializing Congress to pass necessary legislation defining as a crime, and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

House joint memorial 2. Introduced by Kemmis.

Memorial to the Senate in Congress of the United States to pass an amendment to the Federal Constitution and submit the same to the several States for ratification, extending and giving throughout the United States the right of suffrage to women.

To the honorable Senate in Congress of the United States of America:

Your memorialists, the members of the Fifteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas the State of Montana has granted the franchise for the ballot to the women of this State and accorded to them equal political rights; and

Whereas the woman's suffrage in this State has been conducive to good government, has purified our politics, made better homes, and the enobling influence of Montana's womanhood, exerted at the polls, has been for the best interests of this young and prosperous Commonwealth; and

Whereas there is now pending in the Senate in Congress of the United States a measure known as the "Susan B. Anthony amendment to the Constitution of the United States," the purpose of which measure is to propose an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women, and which measure has been passed by the House of Representatives, and is now pending in the Senate: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we, the members of the Fifteenth Legislative Assembly of the State of Montana, in extraordinary session assembled, do hereby petition and earnestly pray the Senate of the United States that such measure so proposing an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women, be passed and submitted to the several States for ratification; and

Resolved further, That a copy of this memorial be forwarded by the secretary of the State of Montana to the Senate of the United States; and that copies hereof be transmitted to the Senators in Congress of the United States from the State of Montana.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 23, 1918.

S. V. STEWART,
Governor.

Filed February 23, 1918, at 2.30 o'clock p. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial No. 2, petitioning the Senate in Congress of the United States to pass an amendment to the Federal Constitution and submit the same to the several States for ratification, extending, and giving throughout the United States the right of suffrage to women, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 23d day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State. Done at the City of Helena, the capital of said State, this 12th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

House joint memorial No. 6. Introduced by Henderson, Rainey, and Belden.

A resolution memorializing Congress for the passage of proper legislation enabling the President to order railroads to make additions and improvements necessary for war purposes and the public interest, and petitioning for an order directing the construction of the proposed line of the Great Northern Railway Co. from Richey, in Dawson County, to Winnett, in Fergus County.

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

Whereas in the year 1909 the Dakota & Eastern Montana Railway Co., a subsidiary of the Great Northern Railway Co., made a survey for a railroad from Newlon Junction, Mont., to Lewistown, Mont., passing through the central portion of the counties of Dawson and Fergus from east to west, and being equidistant from the main lines of the Great Northern and Northern Pacific Railways; and

Whereas during the year 1910 the right of way for the construction of said railroad was procured, and that during the year 1916 the said railroad was constructed as far as Richey, in Dawson County, Mont., on the eastern end, and as far as Winnett, in Fergus County, Mont., in the year 1917, on the western end; and

Whereas there is approximately 175 miles of the said proposed railroad between the said towns of Richey and Winnett which has not been constructed; and

Whereas the territory through which the railroad is proposed to be constructed is very fertile and productive agricultural land, and there are approximately 30,000 people residing in the territory now wholly without railroad service which would be tributary to the proposed line, practically all of whom are engaged in agriculture, and there are about 7,000,000 acres of agricultural land which would be tributary to the said proposed railroad, a very large percentage of which would immediately upon the construction of said railroad be cultivated and used in the production of small grains; and

Whereas the said proposed railroad will, when completed, form the only direct connection between the smelters of Great Falls and Lewistown and the rich and highly developed farm lands of the Judith Basin, on the one hand, and the markets of the east, on the other; and

Whereas there is a great emergency justifying the use of money and steel necessary to be used in the construction of said railroad, and that the said proposed railroad would be of great benefit to the Government as a war measure in increasing the production of wheat and other small grains and the marketing of said products; and

Whereas, section 4 of Senate bill No. 3385, now pending before the Congress of the United States, provides: "The President may also on or in connection with the property of any carrier make or order any carrier to make any additions or improvements necessary or desirable for war purposes or in the public interest": Now, therefore, be it

Resolved, That the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, in extraordinary session assembled, the Senate concurring therein, petition the Congress of the United States for the passage of necessary legislation enabling the President to order the construction of necessary improvements to and extensions of railroads necessary or desirable for war purposes and in the public interest; and be it further

Resolved, That we respectfully petition the President of the United States, in case of the passage of such legislation, to order the construction of the said proposed extension of the Great Northern Railway Co.; and be it further

Resolved, That a copy of this resolution be transmitted by the secretary of state of the State of Montana to the presiding officer of each House of the National Congress and to the Senators and Representatives in Congress from the State of Montana and to the Director General of Railroads, and that every effort be used for the accomplishment of the purposes herein indicated.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 22, 1918.

S. V. STEWART,
Governor.

Filed February 22, 1918, at 9.10 o'clock p. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial No. 6, memorializing Congress for the passage of proper legislation enabling the President to order railroads to make additions and improvements necessary for war purposes and the public interest, and petitioning for an order directing the construction of the proposed line of the Great Northern Railway Co. from Richey, in Dawson County, to Winnett, in Fergus County, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 22d day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 14th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

House joint resolution 1. Introduced by Mason.

A joint resolution relating to the labor situation throughout the State of Montana and the Northwest and the urgent need for legislation providing for the location, registration, classification, and proper assignment thereof.

Be it resolved by the house (the senate concurring), That—

Whereas the principal industries of the State of Montana, to wit, lumber, sugar beet, mining, and farming industries, are at the present time confronted with a very grave situation owing to the fact that there now exists a serious shortage in the various classes of labor required to properly conduct those industries and to the further fact that this condition is largely due to a lack of sympathetic organization of the available men therefor; and

Whereas the same situation confronts the railroads in this State and the United States, and State public road building now under way, and also the efficiency of the Forestry Department; and

Whereas owing to the fact that a tremendous number of men of various classes have been called to the defense of their country, leaving these industries and work of all kinds in the State of Montana and throughout the Northwest with a great deficiency of labor and more especially experienced help; and

Whereas at the present time the Government is in great need of lumber, more especially for shipbuilding and aeroplane construction, and also of minerals of the various kinds that are being daily used in the manufacture of armor and munitions, these therefore being necessary supplies for the conduct of the war and to properly and efficiently supply our allies; and

Whereas this Government is undertaking to provide the world with foodstuffs, in addition to provisioning our own Army and Navy and feeding our people, and will require therefor great quantities of wheat, sugar, meat, potatoes, and other farm products; and

Whereas these industries of the season of 1918 will not be able to operate at their full capacity and greatest efficiency without the proper steps being taken to relieve this condition; and

Whereas there has been great congestion of railroad business in the country due to this shortage of labor and a shortage of help which makes it impossible to give proper protection to the forests from fires of incendiary and other origin; and

Whereas it is now the immediate and paramount duty of every man, regardless of his business or station in life, to make every sacrifice and to bend every energy to aid and assist in carrying on the business of production and the accumulation of the energy and resources of our State and country; and

Whereas, without the location, registration, and proper classification and assignment of every man available for the work in which he can do the most good for his country, it will be impossible to save the crops that will be grown in Montana this year, and impossible to conduct other industries at their full capacity: Now, therefore, be it

Resolved by the Legislature of the State of Montana, That the Congress of the United States be urged to enact such laws as may be necessary for the proper registration, classification, location, and assignment of the various classes of labor in this State and throughout the northwestern part of the United States in order that this situation may be relieved and the industries and business above mentioned may be operated at full capacity; and be it further

Resolved, That a copy of these resolutions be forwarded to the Senators and Representatives of the State of Montana in the Congress of the United States with the urgent request of this assembly that they use their utmost efforts to immediately secure the enactment, if possible, of legislation which will relieve this condition and thereby greatly aid our Government in prosecuting this great world war to an early and a successful conclusion.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 20, 1918.

S. V. STEWART, *Governor.*

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House joint resolution No. 1, relating to the labor situation throughout the State of Montana and the Northwest, and the urgent need for legislation providing for the location, registration, classification and proper assignment thereof, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 16th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

House joint resolution 2. Introduced by Kemmis.

A joint resolution ratifying an amendment to the Constitution of the United States, prohibiting the manufacture, sale, and transportation of intoxicating liquors.

Whereas both Houses of the Sixty-fifth Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress." Therefore be it

Resolved by the Senate and House of Representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of Montana; and, further, be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

JAMES F. O'CONNOR.
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 20, 1918.

S. V. STEWART,
Governor.

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint resolution No. 2, ratifying an amendment to the Constitution of the United States, prohibiting the manufacture, sale, and transportation of intoxicating liquors, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

Substitute joint house resolution 3. Introduced by Harbert, Mason, and Larse.

A resolution memorializing Congress for an appropriation of $750,000 for the Flathead irrigation project for the ensuing year.

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

Whereas the Fifteenth Legislative Assembly of the State of Montana meeting in extraordinary session in response to a proclamation of the governor calling this body together for the consideration of measures necessary to a successful prosecution of the war, among which of primary importance is a bill providing for loans at low rates of interest to needy farmers for the enhancement of agricultural production in the State: Now, therefore, be it

Resolved, That the Fifteenth Legislative Assembly of the State of Montana hears with grave concern reports from Washington of the intention of Congress to reduce a contemplated appropriation of $750,000 toward the completion of the Flathead Reservation irrigation project in western Montana to $250,000, and does hereby go on record as in favor of and registers its wish for an appropriation of $750,000 for said project; and it is further

Resolved, That a failure of the Congress of the United States to make such appropriation of $750,000 would be violative of the best interests of this Nation, a great discouragement to the farmers and to the farming interests of Montana, thereby resulting in decreased farm production in one of the most fertile sections of the State of Montana, and being prompted by a consideration for the best interests of this Nation and the State of Montana demands favorable action by the United States Congress of an appropriation of $750,000 toward the completion of the Flathead Reservation project, and it is hereby ordered that a

copy of this resolution be telegraphed to the Speaker of the House of Representatives, the President of the United States Senate, with the recommendation that it be read before both bodies and referred to the proper committee.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 19, 1918.

S. V. STEWART, *Governor.*

Filed February 19, 1918, at 3.20 o'clock p. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of substitute joint house resolution No. 3, memorializing Congress for an appropriation of $750,000 for the Flathead irrigation project for the ensuing year, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 19th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

House joint resolution 4. Introduced by C. F. Holt.

A resolution memorializing Congress to vest in the President such authority as may be necessary to regulate the production, distribution, and price of commodities necessary for the production of the cereal crops of the Nation.

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

Whereas farm implements, grain sacks, binding twine, and other commodities necessary to the production of wheat and other cereals have increased in price from 50 to 400 per cent; and

Whereas there is either an actual or artificial shortage of some of these commodities; and

Whereas this condition threatens to lessen the food production of the Nation: Now, therefore be it

Resolved, That we petition the Congress of the United States to vest in the President such authority as may be necessary to regulate the production, distribution, and price of such commodities, and that such action be taken in time to guarantee an abundant supply and reasonable price of such commodities for the production of the 1918 crop: And, further, be it

Resolved, That a copy hereof be transmitted by the secretary of State of Montana to the Senators and Representatives in Congress of the State of Montana with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 22, 1918:

S. V. STEWART,
Governor.

Filed February 22, 1918, at 9.10 o'clock p. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint resolution 4, memorializing Congress to vest in the President such authority as may be necessary to regulate the production, distribution, and price of commodities necessary for the production of the cereal crops of the Nation, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana and approved by S. V. Stewart, governor of said State, this 22d day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

—

House joint resolution 10. Introduced by Holt.

A resolution petitioning Congress to take steps and measures to investigate the feasibility of constructing a spur track from the main line of the Great Northern Railroad running through the city of Belt, State of Montana, to the coal fields lying on the east edge of said city.

To the honorable Senate and House of Representatives in the Congress of the United States assembled.

Whereas at the present time the demand for coal throughout the United States greatly exceeds the output now available; and

Whereas on the east side of the city of Belt, Mont., lies an immense coal field, containing millions of tons of coal with several mines already producing jointly from 250 to 300 tons of coal daily, but, owing to the fact that there is no railroad spur constructed to the said coal field, the output of said mines is limited, and the cost of producing coal under present conditions is almost prohibitive; and

Whereas should a spur track be built from the main line of the Great Northern Railroad, a distance of approximately 1½ miles to said coal fields, the production thereof could very easily be increased from the present tonnage to approximately 3,500 tons daily: Now, therefore, be it

Resolved, That the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, in extraordinary session assembled (the Senate concurring herein), that we petition the Congress of the United States to take steps and measures to investigate the same and if feasible to construct such a spur at the earliest possible time so that the increased tonnage from said coal field will be available for use within the near future; be it further

Resolved, That a copy of this memorial be forwarded by the secretary of state of Montana to the Senate of the United States; and that a copy of this memorial be forwarded by the secretary of the state of Montana to the House of Representatives of the United States; and be it further

Resolved, That a copy hereof be transmitted by the secretary of state of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 22, 1918.

S. V. STEWART,
Governor.

Filed February 22, 1918, at 9.10 o'clock p. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House joint resolution No. 10, petitioning Congress to take steps and measures to investigate the feasibility of constructing a spur track from the main line of the Great Northern Railroad running through the city of Belt, State of Montana, to the coal fields lying on the east edge of said city, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 22d day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 16th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

Mr. RANSDELL. I present a communication from the Teachers' Association of Porto Rico, expressing appreciation and gratitude to the President and Congress of the United States for conferring a larger measure of self-government and full citizenship upon that island, and pledging loyalty and support of the Government in the world war. I move that it be referred to the Committee on Pacific Islands and Porto Rico.

The motion was agreed to.

Mr. RANSDELL. I also present a telegram transmitting resolutions unanimously adopted at a mass meeting of citizens of Monroe, La., one of the largest towns in the northern part of my State, urging me to use my best efforts to secure amendments to the espionage law so as to make the punishments thereunder more severe, and to include women, and so forth, in order that they may be prosecuted. I move that the telegram be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BORAH. I desire to present a large number of petitions, signed by a number of people in my State, asking for the enactment of a law to punish those who impede or interfere with the operations or success of the United States in the war or in recruiting or enlistment, and so forth. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN. I present resolutions from the Interstate Association of Building Contractors and also a memorial from the Chamber of Commerce of the city of East St. Louis, Ill., which I ask be printed in the RECORD without reading.

There being no objection, the resolutions and memorial were ordered to be printed in the RECORD, as follows:

INTERSTATE ASSOCIATION OF BUILDING CONTRACTORS.

Whereas it is essential to the welfare of our entire country that each and every part of the country participate to the greatest possible extent in all activities leading to a successful and honorable prosecution and termination of the war; and

Whereas the experience of the past year has demonstrated the necessity of avoiding an unbalanced condition of business caused by concentrating an undue proportion of war activities along one edge of the country, with the resultant evils of traffic congestion, coal and food shortages, labor difficulties, and lack of housing, all of which reacts on the entire country and leads to profiteering and unwarranted increase in the cost of living; and

Whereas the States of Iowa, Nebraska, Missouri, Kansas, Minnesota, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin have enormous resources, available to the Government but not yet made full use of, in the lines of finance, manufacture, production of raw material, rail and water shipping facilities, housing, labor supply, and construction facilities, which can be made use of most effectively in their several home localities, thereby restoring the country to its normal balance and relieving it from the evils due to unbalanced conditions: Be it

Resolved, That we, as loyal citizens and business men of the loyal States above mentioned, do hereby tender to the Government of the United States the immense uncontracted resources of these great States, and do most strongly urge the utmost possible use of these resources toward the attainment of an honorable and lasting peace.

Resolved, That we urge concerted action by the building organization and all other business and labor organizations in these States to place before the authorities at Washington complete and up-to-date data regarding such of our resources and output as are not yet contracted for or susceptible to increase and, if desirable, to maintain a permanent bureau at Washington for prompt cooperation by these States with the Government in war and other activities.

Resolved, That we, the representatives of the building industry of the States of Iowa, Nebraska, Missouri, Kansas, Minnesota, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, assembled here at the city of Des Moines, Iowa, this 20th day of March, 1918, do hereby unanimously request that a representative from the States mentioned above be appointed to serve upon the war emergency construction board; and be it further

Resolved, That our Representatives in Congress be requested to present this request to the proper authorities for their immediate and favorable consideration.

—

CHAMBER OF COMMERCE,
East St. Louis, Ill., April 2, 1918.

To the Illinois delegation in Congress:

The cities comprising the East St. Louis district are lacking in postal service; it might be said that they have no service at all. East St. Louis has 93,000 inhabitants, and the whole district, which includes Granite City, National City, and Dupo, besides other towns, has a combined population of nearly 200,000. This district forms practically one community.

The joint congressional committee has just recommended an extension of the pneumatic-tube system in St. Louis, Mo., but has ignored the imperative requirements of this district in Illinois, which is now approximately one-fourth as large as St. Louis.

We feel that this disregard of interests of East St. Louis justifies us in calling on the whole Illinois delegation in Congress to cooperate with Senators LEWIS and SHERMAN and Congressman RODENBERG in securing justice for us.

You will notice in the report of the hearings conducted by the committee that we showed that this city and district are grossly neglected, and that improvements, including a tube extension, are necessary. All the mail from all parts of the United States, as report shows, is handled at the round table of the St. Louis post office.

We respectfully request you to urge the committee to recommend extensions to East St. Louis, and that due pressure be brought to bear also on the Post Office Department. We have asked the First Assistant Postmaster General to assign an expert to investigate conditions here, with the object of improving the postal service generally. We would be glad to have you join in this request.

As you know, St. Louis is using the war as a subterfuge to get unfair advantages over the neighboring Illinois cities. You are familiar, no doubt, with the recent fight which we have had over our coal differential. St. Louis is employing every means and artifice against this district, and therefore we ask you to support our cause at every opportunity with Senators LEWIS and SHERMAN and Congressman RODENBERG. We need your support and cooperation.

Truly, yours,

J. N. FINING, *Secretary-Manager.*

Mr. SHEPPARD presented a petition of the congregation of the Boulevard Baptist Church, of Fort Worth, Tex., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Oakland County, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of sundry members of the Academy of Medicine, of Kalamazoo, Mich., praying for advanced rank for officers of the Medical Corps in the Army, which was referred to the Committee on Military Affairs.

Mr. WARREN presented petitions of sundry citizens of Fort Laramie, Guernsey, Lingo, Thermopolis, and Gebo, all in the State of Wyoming, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Newport, Corvallis, and Portland, all in the State of Oregon, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Peak, Oreg., praying for a repeal of the present zone system of postage rate on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a resolution adopted by the Symposium Society of Los Angeles, Cal., favoring the enactment of legislation providing for advanced rank for officers of the Medical Corps in the Army, which was referred to the Committee on Military Affairs.

Mr. WALSH. I send to the desk various memorials and resolutions passed by the Legislature of the State of Montana, and ask that they be incorporated in the RECORD and appropriately referred. I shall ask that the Secretary read from the desk one which relates to a piece of legislation now pending before the Senate.

The Secretary read as follows:

House joint memorial 1. Introduced by Holt, Griffin, Kemmis, Davis, Sand, Hawks, Sektnan, and White.

A resolution memorializing Congress to pass necessary legislation defining as a crime and providing punishment therefor all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas under the present laws of the United States, successful prosecution of persons has not been maintained in the Federal district of Montana for the making or circulating of false statements, arguments, and reports concerning the objects and purposes of executive officers of the United States and of legislative bodies thereof in declaring that a state of war exists between this Government of the United States and the Imperial German Government, criticizing, belittling, and ridiculing the armed forces of the United States to the detriment of the successful enlistment and procuring of men for service in the Army and Navy of the United States and interfering with the success of the sale of bonds of the United States for the purpose of raising money in carrying on the war with the Imperial German Government; and

Whereas the successful prosecution of individuals and organizations can not be maintained under the present laws of the United States for advocating and threatening the destruction of industrial and agricultural properties, and interfering with the management and production thereof under the guise of bettering the conditions of workingmen and such actions being detrimental to the industrial and agricultural institutions in the various communities in the State of Montana: Now, therefore, be it

Resolved by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana (the Senate concurring therein), now assembled in extraordinary session, That we do hereby petition the Congress of the United States for the passage of the necessary legislation defining as a crime and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships done or attempted to be done for the purposes aforesaid; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to the honorable Members of the United States Senate and House of Representatives from the State of Montana, requesting them to exert every effort within their power to enact such legislation.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 20, 1918.

S. V. STEWART,
Governor.

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial 1, memorializing Congress to pass necessary legislation defining as a crime and providing punishment therefor all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

Mr. WALSH presented a joint resolution passed by the Legislature of Montana, which was read and ordered to be filed, as follows:

House joint resolution 2. Introduced by Kemmis.

A joint resolution ratifying an amendment to the Constitution of the United States prohibiting the manufacture, sale, and transportation of intoxicating liquors.

Whereas both Houses of the Sixty-fifth Congress of the United States of America at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"'ARTICLE —.

"'SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"'SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress'";

Therefore be it

Resolved by the Senate and House of Representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of Montana; and further be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the Presiding Officers of each House of the National Congress.

JAMES F. O'CONNOR,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Approved February 20, 1918.

S. V. STEWART, *Governor.*

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,
Secretary of State.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint resolution 2, ratifying an amendment to the Constitution of the United States prohibiting the manufacture, sale, and transportation of intoxicating liquors, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,
Secretary of State.

Mr. WALSH presented a joint resolution adopted by the Legislature of the State of Montana, relating to the labor situation throughout the State of Montana and the Northwest and the urgent need for legislation providing for the location, registration, classification, and proper assignment thereof, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Legislature of the State of Montana, memorializing Congress for the passage of proper legislation enabling the President to order railroads to make additions and improvements necessary for war purposes and the public interest, and petitioning for an order directing the construction of the proposed line of the Great Northern Railway Co. from Richey, in Dawson County, to Winnett, in Fergus County, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Legislature of the State of Montana, petitioning Congress to take steps and measures to investigate the feasibility of constructing a spur track from the main line of the Great Northern Railroad running through the city of Belt, State of Montana, to the coal fields lying on the east edge of that city, which was referred to the Committee on Interstate Commerce.

He also presented a petition adopted by the Legislature of the State of Montana, memorializing Congress to vest in the President such authority as may be necessary to regulate the production, distribution, and price of commodities necessary for the production of the cereal crops of the Nation, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Legislature of the State of Montana, memorializing Congress to pass an amendment to the Federal Constitution and submit the same to the several States for ratification, extending and giving throughout the United States the right of suffrage to women, which was ordered to lie on the table.

COST OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. Mr. President, some time ago the Senate passed a bill requiring the Government to furnish uniforms to officers at cost. That bill was referred to the proper committee in the House, and the chairman of that committee sends me a report from the office of the Quartermaster General that I think it is appropriate to call attention to, especially in view of many letters I am receiving from persons interested. I quote a paragraph from this report:

> At the present time the Quartermaster Corps will sell to all officers all quartermaster supplies that are in stock for issue to troops, with the exception of the wool coat and breeches, which are only furnished to officers overseas or on priority lists. This slight restriction will be entirely removed when there is an availability of wool garments. The Quartermaster Corps can easily comply with the act and keep in stock the equipment referred to, provided a uniform specification for each item is furnished, so that the same shall be similar in quality and design.

That is one of the important provisions in the bill the Senate passed. It gave to the Secretary of War the authority to fix the quality and design of these uniforms. In view of the report of the Quartermaster Department, it seems to me there ought to be no objection anywhere to the passage of the bill. It is very important that it should be passed so as to prevent the recurrence of a situation which has existed heretofore, where the Government has refused to furnish these supplies, and which led to the passage of this bill by the Senate. It is very important that the department should be given the authority to determine the quality and the design, and then, as the department says here, it can very easily comply with the act. There seems to be no objection from any source that should be given any weight.

So I hope the House committee will act very promptly and that the House will act promptly. I am glad I can make that reference without violating the parliamentary rules of this body.

I ask that the letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, March 25, 1918.

(Memorandum for Secretary of War.)

With reference to Senate 3433, an act requiring the Government to furnish uniforms to officers of the Army and Navy, sent to this office for report by the chairman of the Committee on Military Affairs, House of Representatives, the following is submitted:

At the present time the Quartermaster Corps will sell to all officers all quartermaster supplies that are in stock for issue to troops, with the exception of the wool coat and breeches, which are only furnished to officers overseas or on priority lists. This slight restriction will be entirely removed when there is an availability of wool garments. The Quartermaster Corps can easily comply with the act and keep in stock the equipment referred to, provided a uniform specification for each item is furnished, so that the same shall be similar in quality and design.

At present officers are required to purchase all their own clothing and quartermaster equipment for personal use, except as noted below:

Special articles of clothing for aviation purposes issued to all officers on duty in the Aviation Section.

Pins, tent shelter, issued to officers below the rank of major.

Poles, tent shelter, issued to officers below the rank of major.

Tent, shelter, half, issued to officers below the rank of major.

Whistle and chain issued to company, battalion, and regimental officers, except chaplains and medical officers.

GEO. W. GOETHALS,
Acting Quartermaster General.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3943) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws, reported it without amendment and submitted a report (No. 357) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3923) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise, reported it with an amendment and submitted a report (No. 358) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 3572) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims, reported it with amendments and submitted a report (No. 359) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 4273) canceling Indian trust patents Nos. 307319 and 366449; to the Committee on Indian Affairs.

By Mr. RANSDELL:

A bill (S. 4274) providing for the establishment of the Port of San Juan, customs district of Porto Rico, as a port of entry for immediate transportation without appraisement of dutiable merchandise; to the Committee on Finance.

A bill (S. 4275) to relieve Congress from the adjudication of private claims against the Government; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 4276) to provide for the care and relief of destitute Indians in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4277) providing for the protection of the uniform of friendly nations, and for other purposes; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 4278) granting an increase of pension to Charles A. Nimocks (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 4279) for the relief of Francis L. Flanders (with accompanying papers); to the Committee on Claims.

By Mr. CALDER:

A bill (S. 4280) to amend the act of October 3, 1917, entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 4281) referring claim of Fred Hartel et al. to the Court of Claims; to the Committee on Claims.

By Mr. KING:

A bill (S. 4282) to prevent in time of war departure from or entry into the United States contrary to the public safety; to the Committee on the Judiciary.

By Mr. RANSDELL:

A joint resolution (S. J. Res. 146) extending to Porto Rico the same rights and privileges as is accorded the several States under the act of February 23, 1917, providing for the promotion of vocational education; to the Committee on Education and Labor.

By Mr. MYERS:

A joint resolution (S. J. Res. 147) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. SHIELDS submitted an amendment proposing to increase the compensation of postal employees, etc., intended to be pro-

posed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ELIZABETH CROCKETT.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 5481, Sixty-fourth Congress, second session, granting a pension to Elizabeth Crockett, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PAY OF RETIRED CHIEF WARRANT OFFICERS—CONFERENCE REPORT.

Mr. SWANSON. Mr. President, on yesterday I submitted to the Senate a conference report on the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty, and it was received and ordered to lie on the table, as it had to be acted upon first by the other House. I understand a message from the House has been received, announcing that the report of the committee of conference had been adopted, and I ask that the conference report submitted by me be taken from the table and considered at this time.

The VICE PRESIDENT. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House amending the title, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House inserting section 2, and agree to the same with an amendment as follows: In lines 1 and 2 of the engrossed amendments strike out the words "performed or" and in lieu *thereof insert* the following: "been on active duty since August 29, 1916, or who"; and the House agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
H. C. LODGE,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

The VICE PRESIDENT. The report is agreed to.

PROMOTION OF EXPORT TRADE—CONFERENCE REPORT.

Mr. POMERENE. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes. I ask that the report lie on the table for the present and await action thereon by the other House.

The report was read and ordered to lie on the table, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 5 and 6, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter inserted by said amendments strike out in lines 1, 2, and 3, page 3, all of section 2 after the word "or," in line 1, page 3, the matter stricken out being "intentionally and unduly enhances prices within the United States of commodities of the class exported by such association," and insert in lieu thereof the following: "intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 18, page 5, in addition to the matter stricken out by the Senate amendment, strike out the words "and unduly," and in addition to the words added by the Senate amendment add in line 20, page 5, after the word "association," and before the word "it," the following: "or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

ATLEE POMERENE,
JOE T. ROBINSON,
ALBERT B. CUMMINS,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. GRONNA, and Mr. NORRIS conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 10205. An act to provide for the consolidation of national banking associations, was read twice by its title and referred to the Committee on Banking and Currency.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On April 4, 1918:

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*.

On April 5, 1918:

S. 3714. An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The VICE PRESIDENT. Is there further morning business? [A pause.] The morning business is closed.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 8753.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neurality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. BORAH obtained the floor.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do.

Mr. LODGE. I merely desire at this time to offer an amendment, which I propose later to move to the bill now pending. I ask that the amendment be read. It is very brief.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The use of the mails shall not be permitted to any newspaper, magazine or periodical, circular, or pamphlet, which is printed in whole or in part in the German language.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I do.

Mr. WALSH. I desire to inquire if the amendment which has just been read is intended to be proposed to the bill now under consideration?

Mr. LODGE. Yes; it is to be proposed to the bill now under consideration.

Mr. WALSH. I rose to say to the Senator from Massachusetts that the Judiciary Committee has under consideration another bill, the purpose of which is to exclude from the mails matter that is regarded as not properly mailable, and that, in my judgment, the amendment would be more germane to that bill than to the bill now under consideration. Possibly the Senator being so advised, he might choose for the present to withhold the amendment.

Mr. LODGE. I am glad the Committee on the Judiciary is considering the subject, but I can see no objection to adding the amendment to this bill. This is simply exclusion by act of Congress, and does not leave the matter to the discretion of the Postmaster General.

Mr. BORAH. Mr. President, I suggested yesterday that I should like to see the word "calculated," in line 24, page 2, stricken out, and the word "intended" or the word "designed" inserted in its place. I desire to ask the chairman——

Mr. HARDWICK. The word "intended" is better than "designed," for "designed" might mean "calculated."

Mr. OVERMAN. I can not agree to substitute the word "intended," because it is very hard to prove an intent. I think "designed" is a better word.

Mr. BORAH. I think the word "intended" there would be perfectly safe. A man is presumed to intend the natural consequence of his act, but I think as it now exists the intent would have to be proved, because the authorities——

Mr. OVERMAN. I merely suggested that I thought "designed" was the better word. I am not objecting to the Senator's amendment.

Mr. BORAH. Then, Mr. President, I move to strike out the word "calculated" and to insert the word "intended," in line 24——

Mr. POINDEXTER. Mr. President, will the Senator from Idaho permit me to interrupt him?

Mr. BORAH. Certainly.

Mr. POINDEXTER. I hope the Senator from Idaho will not assume from the statement of the Senator from North Carolina [Mr. OVERMAN] accepting his amendment that it is an immaterial amendment, or that the entire committee is willing to accept the amendment.

Mr. OVERMAN. No, Mr. President. The Senator from Washington misunderstood me. I only speak for myself always and from my own personal standpoint. I do not intend to bind the committee. I said I would not fight the amendment. That is all I said.

Mr. POINDEXTER. My opinion is that it is a very important amendment, and I wish the Senator from Idaho would reserve it for a while, in order that we may confer a little further about it.

Mr. BORAH. I am perfectly willing to reserve the amendment for the present.

Now, Mr. President, I want to make some general remarks in regard to this bill before we proceed to its further consideration. The amendment which the Committee on the Judiciary have reported to the bill as it came from the other House begins upon page 2, line 18, and reads as follows:

> And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States—

Leaving the remainder of the amendment out for the present, and discussing the portion which I have just read, the first provision provides for the protection of the form of government, the Constitution, the soldiers and sailors, and the uniform of the Army and the Navy. Any scurrilous, abusive, profane, or contemptuous language used against these several objects or subjects is made punishable under this proposed act. I take it that up to that point there would be very little difference of opinion; I rather suppose that no one would object to that portion of the amendment. I assume that in these times it will not be deemed improper to punish those who profane those things for which our people are making such great sacrifices and for which many of our countrymen are offering their lives.

Mr. LODGE. If the Senator from Idaho will allow me to ask him a question in regard to the phrase "the form of government"; as it reads it is all right, but is that supposed to cover the persons engaged at the moment in the Senate or in the House of Representatives or elsewhere who are carrying on the Government?

Mr. BORAH. I do not so understand at all; in other words, I understand that a person would be perfectly free, under this bill should it become a law, to discuss, for instance, the incompetency of any officer, or the policy of any office or officer, or the policy of the administration, or the inefficiency of any department. That is my understanding of it; I believe that to be a fair interpretation of it. I do not believe the courts could place any other construction upon the language here used.

Mr. POINDEXTER. Mr. President, I understand that the words "form of government" as used there principally have reference to language that is used in the Constitution and in oaths administered to certain officials, to immigrants arriving in the United States, and not to laws already on the statute books—namely, a republican form of government.

Mr. BORAH. Yes.

Mr. POINDEXTER. That is the principal significance of that language, in my judgment.

Mr. JONES of Washington. Mr. President——

Mr. BORAH. I yield to the Senator from Washington.

Mr. JONES of Washington. I have just received a resolution as to which I should like to ask the Senator's judgment whether or not it would come within the prohibition of this proposed law? The resolution reads as follows:

> Whereas the courts of the United States are the most serious menace to the constitutional rights of the American people;
> Whereas the power now exercised by the courts to declare laws passed by a legislative body unconstitutional was expressly denied the judiciary by the convention that framed our Federal Constitution;
> Whereas the constitutional rights of the American people are not secure while an irresponsible oligarchy are permitted to exercise the powers above enumerated. Democracy does not and can not exist while such unlimited powers are wielded by judges responsible to nobody. The American people have permitted the judiciary to assume all of the governmental functions;
> Whereas there are problems in modern industrial life that must be solved by the ordinary machinery of popular government. If the courts continue to hamper the people in the exercise of that sovereign power, then the courts must be controlled by the people: Therefore be it
> *Resolved by the Spokane Central Labor Council in regular meeting assembled*, That we demand that Congress shall immediately prepare and submit to the American people, through the proper channels, an amendment to the United States Constitution providing for the election of all Federal judges, with short terms of office, and placing the power to recall Federal judges in the people, the only place that power should exist.

Mr. BORAH. From simply hearing the matter read I understand that it is the advocacy of an elective instead of an appointive judiciary. I do not believe that would come under this proposed law. I am sure it would not. Our Constitution itself provides for amendments.

Mr. JONES of Washington. It struck me that it would; but I have not given the measure very much consideration. I merely wanted to get the Senator's judgment about it.

Mr. BORAH. I do not understand that that resolution has any other import or purpose than that of asking for a change in the Constitution so as to provide for the election of judges instead of appointing them.

Mr. JONES of Washington. It denounces the present form of government, as they construe it.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BORAH. I yield.

Mr. GORE. I was wondering whether the Senator thinks that one who advocates by argument and by peaceful means State socialism or the substitution of social democracy for our present form of government would be liable to punishment under this act?

Mr. BORAH. I do not think so. This law punishes the denunciation of our Government through profane and scurrilous language.

Mr. GORE. I wanted to get the Senator's opinion in that regard, because it might be serviceable in the future.

Mr. HARDWICK. Mr. President, if the Senator from Idaho will yield to me, I was wondering how he could have condemned Mr. George Creel's editorial if he thinks that the resolution just read does not come within the prohibition of this bill?

Mr. BORAH. The Senator seems to have confused the Senator from Idaho with the Senator from Indiana [Mr. WATSON].

Mr. HARDWICK. But the Senator said that Mr. Creel could, in his judgment, be indicted for the editorial in the Rocky Mountain News, which is about the same thing.

Mr. BORAH. I think that was an entirely different proposition. That, as I was impressed from hearing it read, was a denunciation of our entire scheme of government.

Mr. HARDWICK. If the Senator will examine he will find it is not any different, I think. I listened to it very carefully.

Mr. BORAH. Then I would change my view with reference to the editorial; but, as I remember the editorial, it was an attack in abusive language upon our entire system of govern-

ment; that the writer was opposed to republican representative form of government.

Mr. HARDWICK. The editorial I had in mind—the Senator may not have based his opinion on that editorial—was almost entirely on this identical subject.

Mr. BORAH. I do not understand, Mr. President, that this bill goes that far. If I thought the bill covered the right to present a demand to change our Constitution by amendment, or anything of that kind, I certainly would be opposed to it; but the resolution to which reference has been made does not propose to change the form of government, but simply amplifies some particular power covered by the fundamental law and already preserved by it.

Mr. NORRIS. Mr. President——

Mr. BORAH. I yield.

Mr. NORRIS. I wonder if I am correct in drawing the conclusion from what the Senator has just stated, that he thinks anyone who favors a complete change of our form of government would come within the prohibition of the pending measure?

Mr. BORAH. I do, if the change is advocated by methods other than provided in the Constitution and by the use of profane and disloyal language.

Mr. NORRIS. Then, if that be true, the man who believes that a monarchical form of government, for instance, is the best—assume that he honestly believes it and is conscientious in his belief—would be liable to be sent to jail if he dared advocate it.

Mr. BORAH. Well, not if he simply dared to advocate it; but if he advocated it in disloyal, profane, scurrilous, or abusive language I think he would. For instance, I received a paper from a Western State this morning that gave an account of an incident one day last week, when the German Army seemed to be winning its cause, where a number of persons congregated and made eulogistic speeches upon the German form of government, eulogized the Kaiser and the Hohenzollern dynasty, and said it was a much better and more efficient and more effective form of government than this Republic for which we are fighting now. I want to say that I am perfectly aware that it is very difficult to enact a law to cover that kind of a situation without seeming to cover cases which ought not, of course, to be covered by the law, and to cover acts which ought not to be punishable; but there was just one thing that saved those gentlemen from mob law, and that was the fact that there happened to be at hand just at that time sufficient authority to protect them.

Mr. NORRIS. Mr. President, if the Senator will permit me, I do not want him to get the idea by any question I ask or by anything I may say that I am defending any conduct of that kind. Those men were disloyal, and I would be glad to see that kind of men sent to the penitentiary; but they were disloyal because they were opposed to our Government; they would have been opposed to it no matter what the form might have been; they were loyal to Germany rather than to the United States. I take it that in their disloyalty the probabilities were the form of government did not enter as a moving feature; but it seems to me it does not quite answer the question I put. I do not advocate it, and of course do not believe in it at all, but I can conceive of men—and I know there are a good many such men, loyal men; I have talked often with them—who think our form of government is not the best, who think that a monarchial form of government would be better. While I do not agree with them, I can see how that kind of a man might be just as loyal as though he believed our form of government was the best in the present emergency, for instance.

Mr. BORAH. I should like to say to the Senator that it is impossible for me to conceive of that man being as loyal as the man who thinks our form of government is the best.

Mr. NORRIS. It seems to me that he might be just as loyal.

Mr. BORAH. He might; but I can not grasp it.

Mr. NORRIS. In other words, if the Senator's statement is entirely correct, then the man who favored an amendment to the Constitution giving suffrage to women, for instance, would not be quite as loyal as the man who is absolutely satisfied with the Constitution as it now exists.

Mr. BORAH. No; the advocacy of suffrage does not change the form of government at all; it does not affect the form of government in any way, shape, or form; if anything it accentuates and strengthens the form of government from the standpoint of a wider basis for the electorate.

Mr. NORRIS. A more liberal basis?

Mr. BORAH. Yes.

Mr. NORRIS. Well, suppose we take the man who is opposed to the appointment, for instance, of members of the Supreme Court, or who adopts the idea Col. Roosevelt expressed before the Ohio convention and advocated publicly, and that a great many good men believe in, that there ought to be some sort of appeal from the decisions of the Supreme Court to the people. I know there are men who think that would be absolutely disastrous to our form of government, although it is supported by those who want to make the form of government more liberal than it is now. I should like to go just as far as I possibly can to punish any man who in any way is disloyal, but I would not want to punish a man because he advocated a different form of government if he honestly believed in it.

Mr. BORAH. Mr. President, I will ask the Senator a practical question. Suppose that a person held the view that the Senator has just expressed with reference to the election of judges, instead of the appointment of judges, or with reference to the recall of judicial decisions instead of the present system, and suppose that some district attorney should bring that man into court and undertake to prosecute him for presenting such a proposition in a reasonable and in a proper way, how far does the Senator think they would get toward punishing that man under this bill?

Mr. NORRIS. If I were on the jury I am satisfied that I would not agree to a conviction, no matter what the bill might say. My own idea is that he could not be convicted. But even though that would be true in every case, that they could not be convicted, if there were prosecutions even that we knew would result in the release of the defendant, that is a very serious proposition.

Mr. BORAH. Precisely so; but the Senator will understand that right now, if a district attorney is corrupt enough and crooked enough, he can bring into court any citizen of the country, however innocent he may be, and undertake to give him a trial, and put him through the form of a trial, regardless of whether he hopes to convict him or not.

Mr. NORRIS. I think that is true; and we ought to be careful, in passing laws, that we do not encourage that kind of conduct.

Now, on the recall of decisions——

Mr. BORAH. Let me ask the Senator another question in that connection. I have asked the Senator one question, and now I ask him this question: How would the Senator deal, under any present law upon the statute books, with the case which I cited to his attention a few moments ago? What law is there on the statute books now to punish the man who simply eulogizes the advances of the German Army and the superior worth of the Hohenzollern dynasty? What law is there by which we can punish him?

Mr. NORRIS. I do not know that there is any; and I will go just as far as the Senator will in enacting a law that will inflict any kind of severe punishment on anybody that will do that.

Mr. BORAH. What law will suffice to meet that situation other than the measure which we now have before Congress?

Mr. POINDEXTER. Mr. President, I beg leave to interject, if the Senator will permit me, that if we had juries and judges that responded to the needs of the situation, so as to give a construction to the existing law in harmony with the purposes for which it was enacted—a law which provides a penalty for the man who does an act which obstructs the enforcement of the draft act or the sale of liberty bonds—they would find that such conduct as the Senator has described had that effect and was a violation of that law.

Mr. BORAH. It may be true that the law as at present upon the statute books would cover that situation if it were properly construed; but we do know that it has been so construed as to relieve that kind of conduct from punishment, and that is the very object of this bill, as I understand.

Mr. GORE and Mr. STERLING addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from South Dakota, and then I will yield to the Senator from Oklahoma.

Mr. STERLING. Mr. President, let me call the attention of the Senator from Idaho to the very language of the bill now. In order that the party may be amenable under the bill, the language must be disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government.

Mr. BORAH. Exactly.

Mr. STERLING. Does the Senator from Idaho think that a mere academic discussion of the forms of government, and an assertion by one that he believes a monarchial form of government superior to a republican form of government, would render a party liable under this law?

Mr. BORAH. No. I stated, as I thought, in answer to the Senator from Nebraska, that if it was simply a presentation of a man's view in a proper way, as to his difference of opinion as to the worth of different forms of government, or as to a change in the Constitution, or something of that kind, it would not come within the purview of the law at all.

I now yield to the Senator from Oklahoma, if he desires to interrupt me.

Mr. GORE. Mr. President, I first want to suggest that there is another provision in the pending bill which would meet that exact situation. It is found in the provision contained in line 17, page 3:

Whoever shall by word or act support or favor the cause of the German Empire.

But I wanted to ask the Senator this question: The Declaration of Independence, after reciting certain inalienable rights of life, liberty, and the pursuit of happiness, and averring that to secure these ends governments are instituted among men, adds that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, to organize its powers in such form, and so forth. Does the Senator think that that declared right would collide with the provision in the bill?

Mr. BORAH. No; I do not.

Mr. GORE. Then, I will ask the Senator one other question. If anybody outside of Congress should insist that the Constitution of the United States is suspended or should be suspended pending war, and that we should substitute an autocracy during war, that a democracy is unfitted for war, would that subject him to prosecution under this bill?

Mr. BORAH. I do not so understand, if a man should make that kind of a statement; but if a man should speak of the Constitution and the Government of the United States in an abusive or profane way, I think he would come within the purview of the proposed law.

Mr. GORE. Then, Mr. President, there is a provision that anyone using any language calculated to subject the Constitution to contempt is liable to prosecution.

Mr. BORAH. We will come to that in a minute.

Mr. GORE. I am anxious, the Senator will see, to protect some of our associates and others. I want to know exactly the boundaries of this provision.

Mr. BORAH. I do not understand that the Senator from Oklahoma is uneasy about himself.

Mr. GORE. No. I cherish some lingering respect for the charter of our liberties.

Mr. POINDEXTER and Mr. COLT addressed the Chair.

Mr. BORAH. I yield to the Senator from Washington; then I will yield to the Senator from Rhode Island.

Mr. POINDEXTER. I wish to ask just a very brief question of the Senator from Oklahoma, in view of the question that he has just asked.

Of course, this legislation is a product of the times. Many of the things that are proposed to be punished by this bill might very well go unnoticed and be of trivial public importance in times of peace; but the bill ought to be judged by its application to the emergency that confronts the country. It is a great emergency. Everything that the country stands for is in the balance as the result of the efforts of our people, acting under our Government, under the laws as they exist to-day. Now, does the Senator think that it is consonant with good public policy in that situation to speak contemptuously of the Government or of the Constitution or of the Army and Navy of the United States?

Mr. GORE. Not at all; not at all. I think perhaps that has been done in some high places, and I wanted to know just the boundary of the rights and privileges the people would be permitted to enjoy hereafter and the words and acts that would be subjected to punishment.

I think that one of the chief objects of our free institutions—in fact, the object recited in the first amendment to the Constitution, and the assurance that that amendment would be adopted procured the ratification of the Constitution—was the guaranteed right of freedom of thought and freedom of speech. Now, if our institutions stand for anything at all, freedom of thought and freedom of speech are among the cardinal and inalienable rights of American citizens, and those rights are baptized with the blood of our ancestors. I think the Senator put his finger on the point when he said there were trivial things in times of peace, and I think there may be trivial things in times of war that ought not to be magnified into serious breaches of the law or the Constitution.

I think Lloyd-George was right when he said that the Government which could not hear the truth about itself, which was not virile enough to hear the truth about itself, had not reached the status of a first-class power. It is an ancient and it is a correct principle of law that the law takes no account of trifles. All I desire is to differentiate between trifles and matters of serious moment.

Of course, everything done and everything said, intended, and calculated to inspire sedition ought to be punished. This bill undertakes to penalize a man who merely favors certain things, unaccompanied by word or act. It undertakes to turn an X ray into hearts and minds of men. As I remember, Monus, one of the Greek gods, had a window in his breast, so that you could read his feelings and his thoughts. If we had any intellectual X ray of that sort, I should not hesitate to vote even for the word "favor"; but I know of no means of scrutinizing the inner thoughts of men as disembodied from word or deed. I think we ought to be careful not to go too far or too fast and not to become too intolerant. I am afraid that some acts of intolerance in this country have contributed more or less to the social dissolution prevailing in Russia.

The guaranties in favor of freedom of thought and freedom of speech are the fruits of immemorial centuries of experience. They were embodied in our Constitution because experience had demonstrated that freedom of thought and freedom of speech did not work as much mischief as the intolerance and the despotism which undertook to cut the tongues out of the throats of men who sought to give utterances to honest convictions.

Mr. POINDEXTER. Mr. President, that is very beautiful rhetoric that the Senator from Oklahoma has entertained the Senate with, but it is not very practical in the solution of the problems of this war.

Mr. GORE. Mr. President——

Mr. POINDEXTER. Just a minute. Let me ask the Senator——

Mr. GORE. It will not be necessary, if the Senator will permit me to interrupt long enough, to say that I will join the Senator in all practical and well-advised measures.

Mr. POINDEXTER. I do not think it is necessary myself, but it is appropriate. The Senator says there is no way provided in this bill for determining whether or not a man favors the German cause. I assume from his argument that he thinks that a citizen of the United States should be allowed to favor the German cause.

Mr. GORE. Mr. President, I do not think so.

Mr. POINDEXTER. Then, if the Senator does not think so, he ought to vote for this bill.

Mr. GORE. The Senator misunderstands my criticism. I did not refer to the word "favor" where it appears in connection with the German Government. In that connection the bill expressly requires, as it should, that such fact shall be proved by words spoken or acts done. I approve of that. I referred to the word "favor," in line 15, where it is merely defined as a state of mind, unaccompanied by word or deed. I think that any American citizen who favors the German cause, if that fact can be proved by competent evidence, ought to be subjected to swift and merited punishment. He is entitled to no immunity in the courts of this country. He has no right to live in this country under our flag and enjoy its protection, and favor any other country or any other government which is at war with our own, if that fact can be established by competent evidence. We want no double allegiance, no divided loyalty in this country. In their nature these things are indivisible. They must be one or they must be none, if I may say so.

Mr. BORAH. Mr. President, permit me to say that if that is the attitude of the Senator this bill is not strong enough. This bill does not go to any such length as that. This bill does give the man who favors the German Government the benefit of the institutions of America, its representative form of government, its courts, and its juries, to determine whether he is guilty or innocent.

Mr. GORE. That ought to be so. Perhaps I did not finish the statement. I intended to say that the fact that he favors the enemy ought to be proven in a court by admissible evidence, and by evidence that accords with the established principles of law and civilized jurisprudence. Now, I will point out to the Senator from Idaho and the Senator from Washington the distinction which I make.

The word "favor," as it occurs in line 15, page 3, provides no rule of evidence and suggests no principle of law by which that fact shall be ascertained. In line 17, page 3, it provides that whoever shall by word or act favor the German cause shall be subject to punishment. Unquestionably such a person should be subject to punishment, but that prescribes a method of proof or a character of proof that is sanctioned by time and approved by experience. Men's motives and men's intentions can be ascertained only by acts done and by words spoken. That prescribes a method of proceeding which comports with the spirit of free institutions, but the word "favor" as used in the other sentence does not. That was the distinction which I had in mind.

Mr. BORAH. Mr. President, this bill does not purport to deal at all with the question of rules of evidence. The same mode of procedure, the same rules of evidence, the same method

of establishing a fact, the same presumption of innocence, would accompany a party through the trial from the beginning to the end under this law just as it would under any other statute of the United States.

Mr. GORE. Mr. President, in line 17 the bill provides for the punishment of any person who by word or act favors the German cause.

Mr. BORAH. Any person who supports or favors it.

Mr. GORE. Yes. In the other line it does not say "by word or act." A court would construe the omission of the phrase "by word or act" in the first instance as meaning that Congress had left out those words deliberately and by intention.

Mr. POINDEXTER. Which are the lines?

Mr. GORE. Line 15 in the first instance, line 17 in the second. The point I was making is that we ought to insert "by word or act" in line 15 as well as in line 17; and if that be done, certainly that objection is removed.

Mr. POINDEXTER. I do not think anyone could reasonably object to that suggestion. That is a very practical suggestion. There is no objection to that, I am sure, on the part of the chairman of the committee or anyone else.

Mr. GORE. That is the point which I had in my mind.

Mr. POINDEXTER. I should like to add just this word as to the criticism which the Senator has made that there is no rule of evidence provided. That being the case, the rule of evidence as it is now established in our courts remains. It is not changed in any way, as the Senator says.

Mr. GORE. Well, here was the point: Perhaps I did not make it plain. In one instance we use the expression, "Whoever shall, by word or act, favor." In the other instance we do not use the phrase, "By word or act," and yet we make the favoring of certain things a crime. Now, the omission of those words in the one instance would be construed by a court to be deliberate and intentional.

Mr. BORAH. Mr. President, it would be interesting to know how you could possibly prove that a man favored a thing except by some word or act.

Mr. GORE. That is the point; and I thought the safeguards ought to be erected in both instances as they are in one. The committee thought it advisable, if not necessary, to state how you would prove it in line 17, "by word or act." They did not conceive it to be necessary or advisable to state the way in which it should be determined in the other instance. I do not know why the difference was made. I assumed that there was some reason for making it. If the clauses are exactly identical, notwithstanding the omission of those words, of course, that is satisfactory. I do not know how we can determine in advance that they are; and they might be differently construed.

Mr. NELSON and Mr. COLT addressed the Chair.

Mr. POINDEXTER. I should like to suggest to the Senator from Oklahoma that part of the section of the bill he has quoted is a copy of an act of the Legislature of Montana, and a part of it was framed here in the Committee on the Judiciary, without any reference to the act of Montana; and that accounts for the difference in the language.

I agree with the Senator from Idaho that, so far as the protection of the party accused is concerned, the insertion of the words "by word or act" adds nothing whatever, because it is obvious that you never could show a man's guilt except by some word or act. My impression is that the insertion of the words "by word or act" tends to strengthen the statute from the standpoint of the Government, because without the insertion of those words it might well be argued, and certainly would be argued if lawyers in the courts are as technical as lawyers are in the Senate in the debates on this bill in defining its terms, that a mere act could not be construed as favoring the cause of Germany. The reason why "by word or act" is inserted in the bill is in order to enable a court to punish a man for taking an attitude, even though it is shown only by his act and not by his word.

Mr. NELSON. Will the Senator yield?

Mr. BORAH. I yield.

Mr. NELSON. I think the controversy here arises over a misapprehension of the two paragraphs. They relate to different subjects. The part which the Senator from Oklahoma refers to in line 16 is as follows:

> Whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated.

That paragraph relates only to the acts enumerated in the law. Then the next paragraph is of general character and is more comprehensive. I will read it:

> And whoever shall by word or act support or favor the cause of the German Empire—

And so forth.

One is of a general character and the other is confined to the matters referred to in the bill. We have those words of a general character.

If the Senator will allow me, some criticism of that paragraph was indulged in on yesterday. There are some offenses that are committed that we have to define by general terms. Take the crime of usury. Take the crime of fraud and deception. You never can get into any statute a specific definition as to what acts shall constitute usury or what acts shall constitute fraud or deceit. The courts are unwilling to lay down any definition in those cases.

So in this case it is impossible, any more than you can define in the case of fraud or usury or deceit, to define specifically what acts or what words will be in favor of the Germans and will be against our Government. You have got to lay down a general term; it is unavoidable; and it is for the court and jury to determine whether the act committed by the defendant is hostile to the United States and in favor of the German Government, just as it is for the jury and the court in a case of usury to determine whether the roundabout acts committed in a usurious case are acts that constitute usury, and just as in the case of fraud whether the acts resorted to taken collectively as a whole constitute an act of fraud.

Mr. BORAH. I quite agree with the construction of the Senator with reference to this general clause. Let me call attention, while it is upon my mind, to the fact that there has been upon the statute books of the United States for 40 years, at least, a general provision punishing those who conspire to injure the United States. There could scarcely be a broader definition of a crime than a conspiracy to injure the United States; but, as the Senator has just said, when the matter comes to be dealt with in the courts before a jury all the acts and deeds of the parties charged are taken into consideration, and the court and the jury come to the conclusion whether or not combined as a whole it constitutes an injury to the United States. You can not define every crime that you mean to punish by specific or limited terms or definitions so as to prevent the possibility of unwise construction.

Mr. HARDWICK and Mr. GORE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from Georgia first.

Mr. HARDWICK. The Senator, I understand, offers an amendment to strike out the word "calculated," in line 24, page 2, and substitute the word "intended."

Mr. BORAH. I suggested that amendment.

Mr. HARDWICK. Does the Senator also intend to suggest an amendment to strike out the word "calculated," in line 5, page 3, and substitute the word "intended"?

Mr. BORAH. If I should succeed in inserting the word "intended" for "calculated" in the first instance, I think the second would follow.

Mr. HARDWICK. That would make the intent apply to every one of these sentences?

Mr. BORAH. I think so, but I desire to say that I am not at all sure that that is necessary, because, with the single exception of one decision, I have found no authority that holds that the word "calculated" involves the intent of the party, and, with the single exception of a Federal case, that has been the definition which has been given. The purpose of the party, the intent of the party, the design of the party, is synonymous with "calculated," and it was only for clarity that I suggested it.

Mr. HARDWICK. Are there not two decisions exactly the reverse of that?

Mr. BORAH. I would be glad to see them. I have found that one.

Mr. HARDWICK. A decision of the United States Supreme Court?

Mr. BORAH. No; a decision of a lower court.

Mr. COLT. If the Senator from Idaho will allow me a question, I would like to ask him if he does not think the word "disloyal," which precedes the word "profane," is the most significant word in that paragraph?

Mr. BORAH. I think it characterizes the whole statute.

Mr. COLT. It characterizes the whole statute. I think in the construction of a statute we should always fall back upon the great principle of reasonableness, or what is a reasonable and fair construction under all the circumstances. I should like to ask the Senator if he does not construe the word "disloyal" to mean that the utterance, or writing, looking at all the circumstances, must be, by reason of its very nature, disloyal; and, further, that no academic discussion of the question of the form of government was intended to come within the statute.

I do not think this act was intended to include the discussion of the question whether under the Constitution the court has the power to declare a law unconstitutional, or the discussion of true democracy as distinguished from a republican form of government, or the discussion of a constitutional monarchy as distinguished from a republican form of government—all those questions when discussed in an abstract way, I think the Senator will admit, do not come within this act.

The question, then, is not whether a man may express his belief in one form of government rather than another, but whether he expresses his belief in such a way and under such circumstances as to show a disloyal intent.

Mr. BORAH. I thank the Senator from Rhode Island for his suggestion.

Mr. GORE. Mr. President——

Mr. BORAH. I yield to the Senator from Oklahoma.

Mr. GORE. I presume I did not quite make my point clear. To advocate or defend or conspire are, of course, affirmative acts. In the nature of things they involve either the utterance of words or the performance of deeds. Favor may be a mere state of mind, never taking form either in act or word.

Mr. BORAH. You can not prove favor except by some fact, however.

Mr. GORE. That is true. It seemed to me that the phrase "by word or act" ought to be inserted in both instances or ought to be omitted in both instances. I did not know the history of this bill, but I am familiar with the high abilities of the Judiciary Committee, and when they inserted the phrase "by word or act" in one instance preceding the word "favor" and omitted it in another sentence containing the word "favor," of course I was compelled to presume that they had done so for some reason, and that the use of different language was to impart a different sense and significance. It was to call attention to that disparity that I injected myself into this debate.

Mr. BORAH. The Senator from Rhode Island refers to the word "disloyal" as characterizing this section, and I think it does; but all the adjectives used—disloyal, profane, contemptuous or abusive language, in speaking of the Government and the Constitution—imply a willful, a criminal, or a disloyal mind or spirit on the part of the party who is using the language. Of course, there would have to be, in my judgment, a clear proof of that state of mind or that condition of mind in order to satisfy any court or jury that the party was guilty under the law.

Now, Mr. President, may I say in reference to some remarks made by the Senator from Oklahoma [Mr. GORE] and others since I have risen that if our soldiers are not in France for the purpose of maintaining and protecting against assault our form of government, our Constitution, and our flag, the things which are here protected, I should be glad to know why they are there at all. If they are there for that purpose, I ask in all sincerity is it too much to ask complete devotion upon the part of those who remain at home to the things for which our boys are fighting and dying upon the western front?

It may be that this will interfere to some extent with the mental processes of some of those who remain behind and are out of sympathy with the purpose for which those boys have been called into foreign lands; but I submit when you consider the ten thousand ways in which a disloyal man may pour his subtle poison into a community to embarrass the cause in which those boys are engaged, it is not too much to place upon the statute books that which will turn upon him the calcium light of investigation by a court and by a jury. I know this is a drastic law, and I would not support it except in times like these and unless I believed it necessary to prevent things far worse.

I am just as well satisfied as that I stand here that unless the Senate of the United States provides an orderly method by which to deal with this class of cases, unless it provides a means by which it can be taken into court and determined by the court and by the jury, just so surely as matters proceed as they are we will either come to military trial or to mob rule or vigilance committees.

Mr. OVERMAN. Will the Senator let me introduce a telegram just received?

Mr. BORAH. Certainly.

Mr. OVERMAN. I send to the desk a memorandum, including a telegram handed me by a distinguished Senator from the West along this same line. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Senator CURTIS received the following telegram recently from an assistant attorney general of the State of Kansas:

"Good men from central Kansas complain that American citizens of German birth frequently and publicly express desire for German success in the war and their own wish to help Kaiser; also complain that Department of Justice declares it has no power to act. They fear serious trouble. Can you advise me definitely as to power of Federal authorities under present law; and if new legislation is needed, can you secure such legislation soon?

Mr. OVERMAN. I want to say that we have no law at all to cover it.

Mr. BORAH. Now, we come to the second clause, to which most objection has been made:

Or any language calculated—

Or, I will say, "intended"—

to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

Mr. President, is it too much to ask that those who are not making the supreme sacrifice, but are here enjoying the protection of our form of government and the protection of our Constitution and the protection of the flag, to refrain from the use of such language as is profane or abusive or calculated to bring these different objects into contempt? Is it too much to ask that they conform their words, their language, and their conduct so as to harmonize with the feelings and sentiments of those who have sent their boys to the front?

I might myself individually be willing, treating him with the contempt which I should feel for him, to listen to one who would advocate the success of the German cause, or I might be willing to content myself while some would express doubt as to our form of government and as to whether it were better for the human race that it should survive or not, but I venture to say, Mr. President, that the countless hundreds of thousands of homes in this country whose own kith and kin and blood are in Europe fighting for the preservation of these things will not be tolerant about it. The true friend of representative government and of order and of law is the man who undertakes to deal with these classes in the courts and in a method established from time immemorial by Anglo-Saxon procedure rather than to leave it to the movement of those whose passions are aroused by this constant carrying on in their community. It is too much to ask, too much to expect of human nature that those who are giving up those who are near and dear to them, who are making the supreme sacrifice to preserve our Government and maintain our flag to stand unmoved while disloyal individual denounces and profanes the one and insults the other. If we do not do our duty here, the impulses of loyal men and women will seek justice in rougher ways. Senators may hesitate and draw back, but already the news comes over the wire that patriotic citizens are taking the law in their own hands. I abhor military trials. I shudder at the thought that this proud Republic is about to resort to the law of riot and disorder. I would rather trust the courts and the jury with a drastic law, believing that in that way we can still protect the innocent and punish the guilty. We live in days of sad hearts and agonizing minds, and such days involve hazard and some new experiments. We would not pass this law in peace, but I believe it is demanded now.

I know, Mr. President, that there have been letters pouring into my office, as I have no doubt there have been in other offices in this city, for the last six months calling attention to just this situation, and already movements have been started locally to deal with the matter. I heard a very able Senator say upon the floor a few days ago that his people dealt with such a situation with the shotgun. I do not believe that it is necessary for us to resort to mob law or to the vigilance committee or to the shotgun, used indiscriminately by those whose passions have been aroused, if we will properly appeal to our courts and our juries to enforce a drastic law in the ordinary method. It is for this reason that we are driven to the adoption of such a law. It is for this reason that we must appeal to it in time of war, whereas, as the Senator from Washington [Mr. POINDEXTER] said, that might not be thought of at all in time of peace. Indeed this law itself expires when peace comes.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. FRANCE. I am very sorry to say that I do not agree with all the Senator is saying.

Mr. BORAH. That is discouraging to the Senator from Idaho.

Mr. FRANCE. Personally I believe that this country is essentially sound. I believe we have here a country of patriots devoted to our cause. I refuse absolutely to believe that we have in this great Republic any substantial number of people who under these circumstances favor the cause of the German Empire.

I interrupt the Senator to ask him a question——

Mr. BORAH. Just a moment. Before the Senator proceeds further I will pay the Senator the courtesy to say I agree with the Senator entirely. I approve all that the Senator says, that this country as a whole is essentially sound. I further say that the great mass of the German citizens are patriotic. But the Senator will not contend that there are not in this country those who are conspiring to embarrass the Government in the prosecution of the war. Fortunately the percentage is very small.

Mr. FRANCE. I entertain the highest regard for the Senator from Idaho. I believe that he is a statesman whose reputation is fully established, and I like to follow him when I can. I rose to ask the Senator a question, and that question is this: Upon what theory can he explain the alleged fact that there is in this country a large body of American citizens who favor the cause of the enemy? I can myself find no ground for such an allegation. I am very happy to say that, so far as Maryland is concerned, there is no evidence which compels me to adopt any such theory, because we have a loyal people. I do not know of a single man in Maryland who favors the cause of the enemy.

Mr. BORAH. Mr. President, I am very frank to say that I have no theory upon which I can explain it at all. I am simply dealing with concrete facts.

Mr. FRANCE. I can not understand how such a condition could possibly arise, and I do not believe that it exists. So far as I am concerned, I voted against the espionage bill, and I shall vote against this measure, because I believe in the soundness of the American people, and I believe that when a man complains he is complaining against conditions which need correction, and there are conditions which need correction, and I believe that we should correct them. I believe that we have a patriotic country, and that these men who are, perhaps in a tone of petulance or irritation, uttering sentiments which might seem to be disloyal are not in heart disloyal. I believe our country is sound, and I do not believe that such legislation as this is necessary.

Mr. BORAH. I am very frank to say that I have no theory upon which I can explain the disloyalty of a man to this Government. I can not conceive, and I have never been able to conceive, how a man could flee from the environments of the Old World, to get away from conditions which he there believed to be unfriendly to his interests, and come to this country and enjoy the freedom of this Republic, avail himself of the western opportunities, and then turn, whenever the crisis arises, to aid the power from which he had fled.

I have no theory, Mr. President, whatever by which I can explain why it is that a few days ago when the Germans seemed to be conquering there were bodies of men congregated in different parts of this country who shouted for the success of the German cause. I have no theory by which I can explain it. I simply state that it is a fact; that is all I know; and with the fact I deal.

I call the Senator's attention to the fact that a man was a candidate for the Senate in one of the great States of this Union a few days ago who advocated the withdrawing of our soldiers from Europe, who advocated, according to the papers, the abandoning of the cause of America in this fight, and who got a hundred thousand votes. I deal with facts and not with theories.

Mr. FRANCE. I am glad he ran——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. FRANCE. I wish to say with reference to the candidate that some people would have withdrawn him from the field from fear that he might be elected; but I am glad that he ran, and I rejoice that he was defeated in a fair and square election. I know that many thousands of the men who voted for him were not disloyal citizens, but they voted for him because they hold a theory of government which they think, if adopted, would mitigate some of the unnecessary evils which we have allowed to exist in this Government. Many of the men who voted for him I believe were not disloyal.

Mr. BORAH. Mr. President, I do not want to discuss that question with the Senator from Maryland; and I trust, when the Senator from Maryland comes to reflect upon his language that, out of respect to the Senate of the United States, he will strike that part of it out.

Mr. HARDWICK. Mr. President, will the Senator from Idaho yield to me?

Mr. FRANCE. Mr. President, I will appreciate it if the Senator from Idaho will tell me what portion of my remarks he would like to have stricken out as indicating a lack of respect for the Senate?

Mr. BORAH. When the Senator says that he is glad a man who ran for the Senate on the platform upon which Mr. Berger ran, a platform, if correctly reported, of disloyalty in every sense of the word and received 100,000 votes, he is uttering sentiments not creditable to this body.

Mr. FRANCE. I did not say that. I said I was glad that he was defeated, instead of being withdrawn, because that is the proper method of dealing with such a man under our system.

Mr. BORAH. I leave the Senator to review his language when he comes to read it.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. HARDWICK. I thoroughly disagree with all I have read which was published about Mr. Berger's platform, but I rise to ask, Does the Senator from Idaho contend that a man is disloyal to this Government if he advocates the conclusion of peace with Germany now or later?

Mr. BORAH. That would depend upon the terms on which he advocates it. If he advocates it upon the terms that Mr. Berger does, I contend that he is disloyal.

Mr. HARDWICK. I do not know what those terms are.

Mr. BORAH. They mean the triumph of the Hohenzollern dynasty and the domination of that Empire over this Republic. They mean the ruin of all which we as Americans hold dear and all for which our fathers and our forebears fought.

Mr. HARDWICK. What I want to ask the Senator is, Can it be true in a free country that it is perfectly loyal to advocate one policy and absolutely disloyal, no matter what the circumstances are, to advocate another?

Mr. BORAH. No; that is not the proposition.

Mr. HARDWICK. Who is to judge of the circumstances?

Mr. BORAH. The Senator from Georgia did not understand me to state any such proposition.

Mr. HARDWICK. That is exactly the proposition. This man, you say, advocated the conclusion of peace, and you say that, in your judgment, he favors a peace now which would mean the triumph of the Hohenzollern dynasty. Probably Mr. Berger does not agree to that; but can it be contended under this proposed law that any man who either now or later advocates a conclusion of peace by this country, either on the terms suggested by Mr. Berger or on other terms, or any man who contends that the time has come to begin peace negotiations, is disloyal to his country, and is subject to indictment under this bill, should it become a law?

Mr. BORAH. Mr. President, I repeat that it depends upon the conditions of peace which such a man advocates. If the conditions are such as to involve the ruin of my country, he is a traitor.

Mr. HARDWICK. But who is to be the judge of that?

Mr. BORAH. He is to be judged in that matter by the institution set up in this country to pass judgment. It is perfectly easy to determine whether a proposition for peace is in conformity with loyalty to this Government; there would be no difficulty about that at all. We had that same situation to deal with from 1861 to 1865. The copperheads of the North advocated peace from the first hour of the fight, and they advocated it upon the proposition of permitting the South to go out from the Union and to destroy the Republic. It was disloyalty; and Mr. Berger's scheme is just as disloyal. Both mean ruin—absolute ruin—to the Republic.

Mr. HARDWICK. I do not know anything about Mr. Berger's scheme; but the Senator from Idaho can not maintain here, or in any other forum of reason, at least—and I do not think the Senator from Idaho would undertake to do it—that loyalty to this country necessarily always means that this country shall continue at war. Otherwise how would we ever end the war?

Mr. BORAH. The Senator from Idaho has not advanced any such doctrine at all.

Mr. HARDWICK. I was wondering if the Senator's argument did not lead to that.

Mr. BORAH. I have said that whether advocacy of peace is loyal or disloyal depends upon the conditions upon which the peace is advocated.

Mr. LODGE. Mr. President——

Mr. BORAH. I yield to the Senator from Massachusetts.

Mr. LODGE. Is it not true that Mr. Berger favored withdrawing our troops?

Mr. BORAH. I so stated.

Mr. LODGE. That is what I understood; and I think in the present situation that is an absolutely disloyal proposition.

Mr. BORAH. It is not only disloyal, but, in my judgment, if it is not, it ought to be brought within the purview of the criminal law. The advocates of peace of this kind encourage the enemy and nerve them on to kill a few more American

boys. They are just as truly the aids and friends of that blood-soaked dynasty as if they stood on the other side of that fearful battle line and hurled their poisonous gas at our soldiers.

Mr. LODGE. One other thing. Is it not true that Mr. Berger is now under indictment?

Mr. BORAH. Yes; that is true.

Mr. HARDWICK. What I wanted to ask the Senator was this: Of course, I do not know anything about what Mr. Berger contended in Wisconsin——

Mr. BORAH. That is all we are discussing.

Mr. HARDWICK. I know, but I am merely discussing the general proposition of how in the world a nation would ever arrive at peace.

Mr. BORAH. That proposition has not been adverted to by the Senator from Idaho.

Mr. HARDWICK. But you have referred to one man who, you say, is guilty of treason because he did want to conclude peace.

Mr. BORAH. I referred to that man because he was the party under discussion and stood on a disloyal platform.

Mr. HARDWICK. I know that.

Mr. BORAH. I say, now, generally, that a man may advocate peace, even with the Germans, under conditions which are in conformity with the preservation of free institutions and the honor of the American Government and the future safety of the American people and be perfectly loyal.

Mr. HARDWICK. Who is to be the judge—each man for himself?

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I do.

Mr. FALL. I merely want to suggest that if this bill becomes a law the courts and the juries will be the judges, and that is exactly what those of us who are advocating this bill want to bring about.

Mr. HARDWICK. In other words, you want to have it—and if this bill becomes a law you will have it—so that if the time has come when what a man regards as perfectly honorable terms of peace could be concluded he could not advocate it without being guilty of treason.

Mr. BORAH. Neither the Senator from Idaho nor the Senator from New Mexico has made any such suggestion.

Mr. HARDWICK. I merely wanted to see how far it is going.

Mr. POINDEXTER. If the Senator will allow me just a word, I would suggest that Mr. Berger did not propose honorable terms, or what he regarded as honorable terms of peace; he did not propose any terms at all, but he proposed an unconditional surrender.

Mr. BORAH. He proposed precisely what Trotsky and Lenine gave Russia—a surrender to the German Government. That is disloyalty; it is treason in every conceivable sense of the word.

Mr. LODGE. It is.

Mr. HARDWICK. The Senator from Idaho will not, of course, understand that I favor any such policy as that.

Mr. BORAH. No; I did not so understand.

Mr. HARDWICK. The very reverse is true about that; but I want to get this plainly before the Senate. The time may come when we may be able to conclude peace, and will be able to conclude peace, I hope, on terms that are perfectly honorable to this country.

Mr. BORAH. Then all of us will be for it.

Mr. HARDWICK. When that time does come, is not the humblest citizen in this land to have just as much right to advocate it as the President of the United States or anybody else in authority, without being guilty of violating the criminal laws of this country?

Mr. BORAH. I am perfectly satisfied with the Senator's proposition now. Nothing in this proposed law would interfere with the humblest citizen advocating peace upon that kind of a basis; and there will never be any law passed by the Congress of the United States which will do so, in my judgment.

Mr. HARDWICK. I was just wondering whether it would or not.

Mr. FRANCE. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. FRANCE. The Senator from Idaho has apparently misunderstood me, and evidently I did not make myself clear. I desire to say that the Socialist candidate in Wisconsin in no way represents my views; in fact, all of his views, all of his theories of government, and all of his doctrines concerning this war are utterly repugnant to me; but believing, as I do, in the essential soundness of our people, and believing, as I do, in the reliability of the judgment of our citizens, inasmuch as Mr. Berger had declared himself as a candidate, I much preferred to have him defeated fairly at the polls to having him withdrawn as a result of threats or violence against him. I think that the results of the election in Wisconsin have proved conclusively the soundness of the American people and the soundness of the judgment of the people of Wisconsin.

Mr. BORAH. Yes; Mr. President, Mr. Berger enjoyed all the privileges and blessings of a representative Republic; he was permitted to run for office without hindrance and without disturbance; he was given all the rights of a free citizen to acquire position and place in a Government which he stood ready to surrender to the domination of the Hohenzollern dynasty, and I can not conceive of a more despicable and contemptible creature under the protection of the American flag than the man who would seek to avail himself of the privileges and the honors of this Republic at a time when he stands ready to surrender it to a foreign power. His plan to withdraw our Army and our support would place bleeding and heroic France where torn and dismembered Russia is to-night. It would probably bring ruin to England, whose soldiers are fighting our cause in this very hour; and it would ultimately bring additional misery and suffering to our own land, if not complete ruin to our whole form of government, and annihilation to our entire conception of civilization. I do not know Mr. Berger, but his platform, if properly reported, was moral if not technical treason.

Mr. FRANCE. Mr. President, will the Senator from Idaho, in order that my record may be perfectly clear, allow me to indorse all that he has said in that very eloquent paragraph? He has expressed himself far more eloquently and forcefully than I could have done.

Mr. BORAH. I am glad to have the Senator's conversion.

Mr. FRANCE. I will say, in order to correct the Senator again, that there has been no conversion.

Mr. BORAH. Then I express my keen regret.

Mr. FRANCE. My attitude toward this war has never changed since last April. My policies have not changed. I would unite this whole country to a man and organize it for the prosecution of the war, and I believe that the country would respond.

Mr. BORAH. If the Senator ever assumes that task, I assign to him first the duty of converting Mr. Berger himself and bringing him into the cause. [Laughter in the galleries.]

The PRESIDING OFFICER. Before the Senator from Idaho proceeds, the Chair will say to the occupants of the galleries that, under the rules applying in this body, no evidence of approval or disapproval is permitted. The statement is made merely for the sake of order and that the debaters may not be disturbed. The Senator from Idaho will proceed.

Mr. BORAH. Now, Mr. President, I go to the other clause, which reads:

> Or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

Mr. KING. Before the Senator proceeds to a discussion of that clause——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. May I venture to inquire of the Senator whether it would weaken the general purpose, indeed the specific purpose, of the measure if the words last discussed by the Senator were eliminated, the words being—

> Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

Do not the preceding words in the section characterize the things that are offending, the acts and words which are criminal, so that the words which I have just read really are meaningless, and will lead to controversy, misunderstanding, and honest, legitimate criticism? If the Senator will further pardon me, if we say:

> And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States.

Does not the very fact of saying or writing or publishing these things tend, directly or indirectly, to bring into contempt

the Government of the United States, the Constitution, the flag, and the uniform; so that we might, without weakening the purposes of this measure, eliminate from it the words to which I have alluded?

Mr. BORAH. I am rather inclined to think that would be a better expression.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. NELSON. I call the attention of the Senator from Utah to the clause following that to which he alluded. It constitutes an entirely different offense from that provided in the preceding clause. It reads:

> Or shall utter, print, write, or publish anything calculated to incite or inflame resistance to any duly constituted Federal or State authority.

Mr. KING. Mr. President, if the Senator will pardon me, I did not allude to those words. I would leave those words in.

Mr. NELSON. I thought the Senator referred to that language.

Mr. KING. No; I was not asking for the excision of those words from the measure. While fully concurring in all that the able Senator from Idaho has said and indorsing every word he has uttered, my judgment is that the elimination of the words to which I have referred would perhaps relieve this bill of some objections and criticism, relieve it from the criticism which has been urged that some persons, not using wisdom or discretion, might employ the act oppressively, and thus insure a more hearty response upon the part of the Members of the Senate.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I yield.

Mr. STERLING. I did not quite understand what language the Senator from Utah would eliminate.

Mr. KING. I was merely suggesting it; I am not quite clear in my own mind, but it occurred to me, in listening to the discussion and in reading the bill, that the words I alluded to were not necessary and did not add to the strength of the section itself.

Mr. OVERMAN. What are the words?

Mr. KING. The words are found in lines 24 and 25, on page 2, and lines 1, 2, and 3, on page 3, and a part of line 4, as follows:

> Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

The very acts charged in the preceding language of the bill necessarily would bring or have for their object bringing into scorn, contempt, and contumely the Constitution, Government, and the uniform of the sailors and soldiers; and if we state that the uttering of certain words shall constitute a crime, why go on and attempt to define what the effect would be? Necessarily the effect of language of the character referred to would be calculated to bring the Government into disrepute.

I am not moving that as an amendment, because the Senator from Montana [Mr. WALSH], who more than anybody else is responsible for this provision, is not here, and I would not offer the amendment in his absence, but I suggest it to the able Senator from Idaho, because he has been discussing so ably the provisions of this bill.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. HARDWICK. I want to call the attention of the Senator from Idaho to the concluding section of this bill, which contains seven substantive proposals, if he will allow me to do so—and I dislike to trespass so much on the time of the Senator——

Mr. BORAH. The Senator from Georgia knows that the Senator from Idaho is always glad to have his suggestions.

Mr. HARDWICK. I read the following from the last paragraph of the bill:

> And whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein—

The Senator from Idaho will recall that some time ago, when the President of the United States presented to both Houses of Congress what he termed the war aims of this country and made what might have been regarded, and was regarded, throughout the world as a proposal which presented a substantive basis upon which peace could be concluded, in his judgment, even then so high an official as the President of the United States did not escape criticism, and severe criticism, from some people in this country on the ground that he was injuring the cause in this country in the war and was really aiding the German cause by doing that.

Now, having laid that much premise for the question I am about to ask, let me say that I did not intend—as, of course, the Senator from Idaho and, I take it, every Senator understands—to convey the impression by the question I asked just now that I approved in any way, shape, form, or fashion of Mr. Berger or his campaign for the Senate or his platform. As a matter of fact, the very reverse of each one of those propositions is true. But it was stated baldly here on the floor of the Senate that this man was disloyal to the country because—as I understood it, at least, it was stated in that way—he had proposed peace with Germany.

I believe it is fundamental, if this is to remain a free country, and even the remnants of free speech are to be left to its people, that people should have just as much right to advocate peace as to advocate war. The advocacy of peace, on conditions that are honorable to this country and on terms that are fair to its opponents, at some proper time must come.

Mr. POINDEXTER. Mr. President——

Mr. HARDWICK. Just a moment.

Mr. BORAH. Mr. President, if the Senator will permit me, I was going to say that I should be glad to yield the floor, and then the Senator can go ahead with his statement. I dislike to hold the floor quite so long, and I am really through.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. HARDWICK. All right. Then I will yield to the Senator from Washington in just a moment.

Mr. President, what I had in mind was not to have anything enacted into law, based on which the contention could be made in any moment of hysteria, from which any possible construction could come from any court, that the humblest citizen of this land, in private station though he be, should not have just as much right to advocate a peace as the mightiest official in all the Republic should have a right to advocate a continuance of war; and I am afraid that some of the language in this bill is capable of a construction that makes it doubtful whether that right—one of the inherent and fundamental rights of freemen in a free land through all time—will remain unimpaired if this bill is enacted.

At a later period during this discussion I propose to address the Senate at length on this question, and I propose to show how certain provisions in this law may quite probably be construed to deny a great many of the fundamental rights of free speech to people who are in no sense disloyal, who have a right to differ with anybody on earth they please about what policy this Government shall adopt, or what plan it shall pursue, or what methods it may take, either in the prosecution of this war or in the conclusion of a peace.

Now, I yield to my friend, the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. Mr. President, I was just going to inquire of the Senator if he thought that Mr. Berger's program, or the program of the people advocating peace whose rights he is defending, tends toward the maintenance of liberty of speech and free government?

Mr. HARDWICK. I must confess that while I believe myself that this is no time to talk peace—we have not done enough in the war yet to give us the right to force a peace, and while I would be anxious to see one concluded if it could be done with honor to this country, I do not think that time has yet come—but I hope, in the providence of an Almighty and Merciful God, it may come to this country before too much blood is shed and before too much misery is undergone; and when the time does arrive when we can in honor compose our quarrels with our foe, I do not want to see any statute on the law books of this country that will make it possible for men who venture to assert their belief that the time has arrived to be treated as criminals.

Mr. POINDEXTER. The great mistake which I think is made by men who are so jealous of the liberty of speech being preserved, regardless of its effect upon the conduct of the war, is the assumption that under German rule we would have all sorts of these beautiful privileges. Another thing that seems strange—and I am not applying this to the Senator from Georgia but to the general class of people who do contend that none of their privileges must be interfered with—is why they attach so much more importance to and value so much more preciously the right to talk as they choose and express all sorts of opinions than they do the right of life and the right of property and the right of trade, all of which were involved in our cause against Germany when they opposed any action

on the part of the United States to protect those rights. Ships were being sunk with American citizens, who, under every guaranty of government and of law that the human race knew anything about up to that time, were within their rights. They were engaged on business as important to them as business can be to anybody. Their property was just as essential to life, liberty, and the pursuit of happiness as the Senator's property is or his business or anybody else's. We went to war, among other things, for the purpose of giving to those people, in the enjoyment of those privileges, the protection of the Government of which they formed a part. That was opposed by a great many people who did not think that those rights and privileges were important or precious enough to involve the United States in a war. Why is it that, regardless of its effect upon the war, they attach so much more importance to the right of free speech, while at the same time we take men's bodies, conscript them into the Army, and subject them to the dangers of the firing line? We pass laws here without very much objection as war measures, to commandeer manufacturing plants, to take the property of the citizens of the country and subject it to the purposes of the war. Now, I should like to know what distinction there is, if in the judgment of men it is necessary to the successful prosecution of the war, while we are taking their bodies and their property if we also take away from them somewhat of this license of speech which is so much defended.

Mr. HARDWICK. If the Senator has finished his interruption, which I welcome, my reply to him, of course, is that I fully agree with him in his last statement. Liberty of speech, freedom of speech, does not mean license. No man ever did have in this country, in time of war or in time of peace, the right to speak freely his own opinion except subject to the laws of the land; and if he spoke falsely or injured or maligned or abused or slandered his neighbor, he must answer to the law. Liberty of speech in a free land has never meant license of speech. People who are guilty of licenses of the kind and character to which the Senator refers are now, and have always been, amenable to law.

I fully agree also with the statement of the Senator that we went to war with Germany because Germany fired upon our flag and sank peaceful and innocent American citizens on the high seas, and I believe that we went to war with Germany for that reason alone. If Germany had not sunk our ships and murdered our citizens and fired on our flag, I do not believe either House of Congress would have voted a declaration of war with Germany.

What boots it, however, to discuss those matters? The water that is past turns no wheel. We are in this war with Germany. I voted for it for the reason, and the sole reason, stated by the Senator from Washington, but that reason was all-sufficient with me and for me. When a Government which professed to be at peace with us deliberately ordered its navy to fire on our flag and kill our people I wanted no further or other reason than that to embark upon a war with that Government.

We are in this war. We ought to prosecute it vigorously, effectively, with every power of mind and body and heart and soul. I agree to that. But it is by no means necessary, I say to the Senator from Washington and to this body, in the proper prosecution of that war to either sacrifice or abridge American rights or American liberties. On the contrary, the very reverse of that proposition is true.

If we are fighting freedom's battles, let us fight in a cause worthy of freemen. Let us preserve the ancient and immemorial rights of freemen as they come down to us not only from the Constitution which this bill protects—and that part of it I agree with heartily—but from Magna Charta and from days that were before Magna Charta, from our Anglo-Saxon ancestry for generations back unnumbered. Let us preserve those rights in their entirety and integrity and we will do better for this country, we will make more for the efficient prosecution of this war, we will serve this country and its cause more loyally and more patriotically than if we continue to surrender those rights on every occasion, if we continue to hedge about those rights on every occasion, if we continue to deal with the American people as if they were a race of disloyal people who are plotting against this Government and disloyal to its cause simply because some of them do not approve every plan that may be suggested or every method that may be devised.

Senators, in times of war people grow hysterical, and when people grow hysterical even executives, even legislative bodies, are not exempt from the contagion of hysteria. It is better to move along slowly; it is better to be deliberate about these things; it is better not to confer powers that are so broad that they are not only capable of abuse but liable to abuse; that are so broad that not only the miserable German that you are striking at may be reached, but honest, loyal American citizens may be persecuted.

That is what happened once before. It is not a new proposition in the history of this country for a bill of this kind and character to be suggested to an American Congress. One came to this body—yea, originated in this body—120 years ago, when the alien act and a sedition act, one approved June 24, 1798, and the other July 14, 1798, were passed by these two Houses of Congress.

Mr. OVERMAN. Mr. President, that was not during war.

Mr. HARDWICK. Well, Mr. President, we were in the situation then which led up to the War of 1812. We were then fighting a war that never was officially declared with the French Government, during which we had, if my recollection is not inaccurate, five naval engagements with the navy of France, fights between battleships flying the flag of the Union and the flag of the French Republic. It is the one unofficial and undeclared war of our history; and one of the very sections of those two bills, although it was stricken out, proposed to declare every citizen of France, every alien who came from France, a public enemy of this country; so that we faced then practically the situation that we face now. We were in an actual state of war with France. We were in complications growing out of our right to the freedom of the seas to our commerce, both with France and with England, that finally resulted in the War of 1812.

What happened? We passed that bill. Before this debate is concluded, I expect to lay its terms before the Senate. I expect to submit it, word for word and paragraph for paragraph, to this great body; and I tell you now that this act is twice as drastic as the sedition act of 1798.

Mr. President, that act changed the course of American history. It murdered a great and powerful party. It sent to its political doom and to its early and unwept grave a party that at that period of our political history was puissant in American councils. Take care that we repeat not the performance now. Too much unnecessary and unjustified and unjustifiable meddling with fundamental rights and the fundamental liberties of freedom will not help win this war, and there will be a heavy reckoning to pay some time on this earth when accounts are settled about it all.

What is the necessity for this legislation? The department is urging it. The Senator from North Carolina says he must press it because the department wants it pressed, and of course he concurs in the idea that it is necessary to have some such legislation as this. But as this legislation passed the House it did not contain anything that was seriously offensive or that could be used to either mistreat or abuse some of our people if they happened to have honest differences of opinion with people who are no more loyal than themselves, but who happen to hold public office at the moment.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARDWICK. Yes.

Mr. KING. I did not hear the statement of the Senator from North Carolina, who has this bill in charge.

Mr. HARDWICK. I do not know that I ought to have referred to it. He told me that——

Mr. OVERMAN. Mr. President, I will state to the Senate what I said privately to the Senator from Georgia—that I have just had a special message from the Department of Justice begging that I proceed with this bill to its conclusion, calling my attention to the forthcoming sale of bonds, etc., and I will say to the Senator from Georgia, to do the Attorney General justice, that the Attorney General did not suggest these amendments.

Mr. HARDWICK. I am glad he did not, and I hope the Senate will strike them out. I am glad to hear the Senator make that statement.

Mr. OVERMAN. I will do him the justice to say—and I am saying this now to do the Attorney General justice—that the amendments he suggested to the committee are not contained in the language we are discussing, but those amendments were made by the committee. I say that because I think I ought to do it for the Department of Justice. The Department of Justice is anxious to get this bill through, and sent me a special message on the subject; and I expect—with the consent of the Senate, of course—to ask the Senate to lay aside temporarily what is known as the Overman bill and continue the consideration of this bill, realizing myself the importance of it. If the Senate wishes to amend it, all right; but the bill ought to pass, and it ought to pass to-day. It ought to be the law next Monday.

Mr. KING. If the Senator will pardon me, I merely rose for the purpose of making the observation the Senator from

North Carolina has just made, namely, that the Attorney General was not responsible for the latter part of this bill and did not urge it.

Mr. HARDWICK. I am very glad indeed to hear both Senators avow that.

Mr. KING. But, if the Senator will pardon me, the members of the Judiciary Committee——

The PRESIDING OFFICER. Will Senators pardon the Chair? Under the rule the Chair must remind Senators that the hour of 2 o'clock having arrived the regular order of business proceeds, and the Senator from North Carolina [Mr. OVERMAN] is recognized. The unfinished business will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be temporarily laid aside. In doing so I give notice that I am going to ask the Senate to remain in session until the bill which has been before the Senate is disposed of.

Mr. HARDWICK. I object to that.

Mr. OVERMAN. That is a matter for the Senate to determine.

Mr. HARDWICK. But the Senator can not move it.

Mr. OVERMAN. I can resist an adjournment.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. It is in order for the Senator from North Carolina to move to proceed to the consideration of House bill 8753, which is the bill the Senate has just been discussing.

Mr. OVERMAN. Yes; having laid aside the unfinished business temporarily, my purpose is to proceed with the consideration of that bill.

The PRESIDING OFFICER. The request made by the Senator from North Carolina will require unanimous consent, and that seems to have been objected to.

Mr. HARDWICK. No; I did not object to that, but the Senator from North Carolina wants us to consent to stay in session until we pass this bill.

Mr. OVERMAN. That will come up afterwards. I merely gave notice.

The PRESIDING OFFICER. Then the Chair misapprehended the objection.

Mr. HARDWICK. The request of the Senator from North Carolina was to lay aside the regular order.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. The Chair recognizes the Senator from North Carolina to make his motion.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 8753.

Mr. LODGE. That motion, of course, displaces the other bill.

Mr. OVERMAN. I do not want to displace that bill. I ask that by unanimous consent the Senate proceed with the bill that was pending when the hour of 2 o'clock arrived.

Mr. GALLINGER. It does not need any motion.

Mr. OVERMAN. I ask unanimous consent. That is included in the request for unanimous consent.

The PRESIDING OFFICER. The Chair hears no objection, and the Senate resumes the consideration of House bill 8753. The Senator from Georgia having the floor upon the interrogation of the Senator from Utah [Mr. KING], the Senator from Utah is recognized with the permission of the Senator from Georgia.

Mr. KING. I just want to complete the sentence which was suspended by the announcement of the unfinished business, and the part of the sentence I wanted to complete was that at least some members of the committee had numerous requests from their constituents and others for legislation to deal with the subject embraced in this bill, and in their judgment—certainly, in mine—some legislation was deemed necessary.

Mr. HARDWICK. Mr. President, I am in sympathy with the Senator's view as to trouble along that line; but, to continue for just a moment, the Senator from Idaho [Mr. BORAH] suggested that there would be ample safeguards for the rights and liberties of the American people because trial by jury was provided. So it is; and yet I invite the attention of the Senator from Idaho to the fact that when the alien and sedition laws of 1798 were passed trial by jury was provided in those statutes; and, more than that, because it was in derogation of the common law to so provide—it was thought it would take a special statutory provision to change the law—it was expressly provided in the sedition act that the truth could be given in evidence in answer to the charge laid in the indictment. So I say the experience of this country in its very infancy with an alien act and with a sedition act is not such as to encourage us to repeat it now.

Mr. KING. Will the Senator yield?

Mr. HARDWICK. I will in just a minute. Not only that, but the Senator from Idaho said that there was little danger of unjust conviction. Again I refer him to history and again I rely on history rather than prophecy. What was the situation then when the excitement was far less intense than it is now? How was it in the Lyon case, where a jury had convicted and both Houses of Congress, by practically a unanimous vote, voted to refund the fine out of the Public Treasury?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield, of course.

Mr. BORAH. May I be permitted to say that there has always been a very grave doubt by historians but what the jury was right and Congress was wrong?

Mr. HARDWICK. The Senator entertains that view?

Mr. BORAH. Yes; I entertain a doubt, and I think I can submit some facts if the debate continues which will convince the Senator that in all probability that resolution was put through Congress under the whip of party and not upon an examination of the evidence.

Mr. HARDWICK. I do not think the Senator will convince me of that, for I have studied the case pretty closely, although I have great faith in the power of the Senator.

Mr. BORAH. The Senator will agree that historians have said it was party interests and the party lash put it through.

Mr. HARDWICK. Only Federalist historians wrote that. There was a good deal of party feeling about the matter, I admit.

Mr. BORAH. I do not remember whether they were Federalist historians alone.

Mr. HARDWICK. I do not know how Democratic and Republican historians may write about some of the party issues that we have now or may have later.

Mr. BORAH. Let me say to the Senator the fact that a man might have been unjustly convicted is not a conclusive argument against the justice of a law, because men have been unjustly convicted of murder.

Mr. HARDWICK. Undoubtedly. The Senator from Georgia is making no such argument as that.

Mr. BORAH. I am glad to hear that.

Mr. HARDWICK. The Senator did not suspect the Senator from Georgia of that, I know. But the fact remains that there were so many and so notorious instances where, in the opinion of the legislative branch of the Government, at least, the court had decided wrong and the jury had decided wrong in respect to this matter, that not only in the Lyon case, but in other cases—I can not remember the names of any more, but there were several of them—the Congress of the United States refunded the fine that had been imposed on the defendant out of the Public Treasury of the United States.

Mr. BORAH. Let me call the Senator's attention to another refunding upon the part of Congress. The Senator will remember that when Gen. Jackson was in New Orleans he refused to obey the order of a judge and that he was fined for refusing to do so. In that case was involved the great question of the right of the civil authority as against the military authority. The judge fined the general. The general paid his fine. Nobody that I know of has ever contended but what the action of the judge was entirely correct, and Gen. Jackson conceded it to be correct by paying the fine. Yet Congress refunded the thousand dollars which he paid.

Mr. HARDWICK. Because Gen. Jackson violated the civil law in the performance of a great military duty. Congress did not refund the fine that was paid by Lyon and these other men because they had rendered great military service to the country. Congress refunded those fines to these men, if you will read the debates at that time—and I suppose the Senator has—on the ground that they had been martyrized in the cause of free speech and had rendered as great a service to this country as any soldier ever did on the battle field.

Mr. BORAH. I know that was the reason assigned.

Mr. HARDWICK. That was the true reason, too; and, according to my view, I am sorry if the Senator disagrees with me, as it is the absolute truth and right about it.

Mr. President, I see no need of taking this sort of a step. There is certainly none in most parts of the country. I understand that the real—in fact, practically the only—object of this section is to get some men called I. W. W.'s, who are operating in a few of the Northwestern States, and you Senators from those States have been exceedingly solicitous to have legislation

of this kind enacted, so as to curtail some of the very undesirable activities of those particular people.

Mr. President, I dislike to be confronted by a situation in which in the name of patriotism we are asked to jeopardize the fundamental rights and liberties of 100,000,000 American people in order to meet a situation in a few Northwestern States, where those States themselves ought to be able to handle those questions for themselves and by themselves. It is another illustration of the inefficiency and impotency of the State under this growing custom of carrying all their troubles and all their burdens and all their woes and all their responsibilities to Washington and laying them upon the back of Uncle Sam.

Senators from those States, so far as I have been able to confer with them personally, admit to me freely that they have ample State statutes to deal with most of the things these I. W. W.'s are doing or are threatening. Why do they not enforce them instead of coming and asking us to pass a statute that is much worse than the sedition act of 1798, and applying that statute to 100,000,000 people, among the majority of whom at least there is no excuse or justification for any such legislation?

Mr. WALSH. I understood the Senator from Georgia to infer that there was some language in the bill which would prohibit one from advocating a negotiation of peace.

Mr. HARDWICK. The Senator will pardon me. I ask him not to interrupt me now on that subject, because I have not come to it. I am going to discuss that. I did, however, an hour or two ago make that statement, but I do not want to anticipate my argument. I have not quite reached that point. I shall be delighted to be interrupted by the Senator when I do.

Mr. POINDEXTER. Mr. President——

Mr. HARDWICK. I yield to the Senator from Washington.

Mr. POINDEXTER. I was just going to suggest that the substance of the Senator's argument seems to be that the Western States ought, if they see fit, to prohibit people from favoring the cause of Germany and leave the citizens of Georgia the right to favor the cause of Germany.

Mr. HARDWICK. That suggestion is not worthy of the Senator. There is no citizen of Georgia who favors the German cause—not one that I know of or ever heard of——

Mr. POINDEXTER. The portion of the bill the Senator criticizes would not affect him.

Mr. HARDWICK. No; I am not afraid of that part of the bill. I will tell the Senator what I am afraid of before I get through. There is no trouble like that in Georgia, and there is none in most of this country. It looks to me like this is a question the Northwestern States could handle as to the I. W. W.'s, in a few States there, without asking the entire country to jeopardize some of its fundamental rights and liberties. It is because they will not do it or do not do it or can not do it.

Mr. KING. Will the Senator allow me just a moment?

Mr. HARDWICK. I yield.

Mr. KING. One of the observations just made by the Senator I so heartily indorse that I want first to express my approval of the same, and then probably express very briefly a dissent from others of his views, and then to propound a question to the Senator. I do agree with the Senator most heartily that many of the States are becoming impotent; they utterly fail to discharge the responsibilities resting upon them under the Constitution, and are attempting to place upon the Federal Government the duty of discharging the police powers and functions which as sovereign States appertain to them.

It is lamentable, indeed, that there is not more of a spirit of virility and strength on the part of the executive and legislative officers of the States, so that they might lead the States to a discharge of their duties. But the point concerning which I am going to ask the Senator a question is this: There is an organization in the United States known to all of us, the object of which is to destroy all government.

Mr. HARDWICK. Let me interject there. There is no man on this earth more utterly opposed to them than the Senator from Georgia.

Mr. KING. I know that. I know somewhat the views of the Senator from Georgia, and I know that he believes in order and in the Constitution and in the orderly growth and development of our Government. But that organization aims at the destruction of all government, the dislocation and destruction of our industrial and economic system. Its members do not strike for higher wages or improved conditions of labor; they strike for the purpose of absolutely destroying government. It is an anarchistical organization; a murderous, wicked, destructive organization. It does seem to me that as it is pursuing its diabolical work so effectively and, as it has been pursuing it during the past year, intruding itself into industrial organizations not only in the Northwestern States but in Eastern States, where war preparations are in progress, and by reason of which activities it is interrupting the progress of the war, it is high time that the Federal Government did something to protect itself and to aid the States in their attempts to protect themselves and the Government of the United States in the stupendous undertaking entailed by the war.

Mr. HARDWICK. Of course the Senator knows wherever these men by acts interfere with the Federal Government's preparations for war and industrial movement they can be handled under the law as it now stands?

Mr. KING. Oh, yes; if the law is sufficient, but as to that I am not sure.

Mr. HARDWICK. I do not think there is any doubt about that. I am sure the law is amply sufficient already, but if not I will say to the Senator that no Senator in this Chamber will go further or act quicker to enact such laws as are necessary to accomplish that purpose than the Senator from Georgia. But there is a great difference between mere words and acts. There has always been recognized in the jurisprudence of all free people that difference between words and acts, and I dislike to go so far along the pathway of making the spoken word a crime. The Senator knows the danger of false witnesses and of false information and of persecution that inheres in any such course as that. Every thoughtful lawyer recognizes the danger that lurks in any such pathway as that.

Mr. KING. Yes; of course. The common law, as the Senator well knows, did not protect the individual against the effects of his speech. It is true it did not censor speech, but after he spoke——

Mr. HARDWICK. He was subject to the law.

Mr. KING. This statute, as I interpret it, does not interdict free speech, but it make the person subject to penalities for such speech if it culminate in harm.

Mr. HARDWICK. I will say to the Senator from Utah if he were a judge construing it, and the only judge, I would not have the slightest hesitation in voting for it except on account of the precedent which it might establish. I am not criticizing any judge when I am making that statement. I happen to know the Senator from Utah and to understand his mental operation, but when you have brought here a measure that is capable of almost any construction and that can be used as an engine of persecution where perfectly loyal men who have honest difference of opinion may be punished, I tell you I halt and hesitate and gag over it. I tell you I can not vote for it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. Certainly.

Mr. CUMMINS. I want very much to clearly understand the position being taken by the Senator from Georgia. As I gather it, his argument is being made against the amendment——

Mr. HARDWICK. From the Senate committee.

Mr. CUMMINS. Beginning with line 18 on page 2.

Mr HARDWICK. I am going to particularize now the language that I think is objectionable, and how I think it is objectionable.

Mr. CUMMINS. Did I understand aright when I gathered the impression that the Senator from Georgia would regard that amendment as proper State legislation?

Mr. HARDWICK. Oh, no.

Mr. CUMMINS. He suggested that these troubles ought to be covered by the States rather than by the General Government.

Mr. HARDWICK. I said that they could be cured in the States in most instances by the enforcement of existing State statutes.

Mr. CUMMINS. Then I am wrong in assuming, which I did at the moment, that the Senator from Georgia thought the legislation might be profitable if enacted by States but improper if enacted by the General Government.

Mr. HARDWICK. Oh, no; of course the State could not enact any such legislation; and then I do not think any legislature, State or Federal, ought to enact it.

Mr. CUMMINS. I do not want to continue the assumption.

Mr. HARDWICK. The trouble that has arisen out of the I. W. W. situation, in my judgment, as far as I have been advised, could largely be handled by the States.

Mr. CUMMINS. But the Senator from Georgia believes this proposed legislation would be too severe, no matter by what authority enacted.

Mr. HARDWICK. Yes; I would not enact any such legislation as this by any authority.

Now, let us see what this bill is and what the real objection in detail to its provisions are. It contains seven substantive propositions, three of which came from the House in the form

of a bill that passed there practically without contest, I am informed, and which I think could have passed this body practically without contest in the form that the House passed it. We are now informed by the Senator in charge of the bill, the Senator from North Carolina, that the amendments that make the bill particularly obnoxious, the amendments that give the bill the same features that made the sedition law of 1798 obnoxious and infamous, in my judgment at least, come from the Senate committee. So if the amendments or the amendment—I presume I might say it is all one amendment—suggested by the Senate committee were eliminated the bill would be far less objectionable. It is to be remembered also that the Department of Justice that framed this bill is not committed, and I am glad it is not, as long as it is my own party, to any such monstrous proposition as those now embodied in this bill and that are represented by it. As I said, in the bill as it now stands there are seven distinct substantive propositions. I am going to discuss them and I am going to tell the Senate what my objection is to each one of them.

First:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements—

Now, that is the end of that proposition. Nobody can oppose that. I do not think it is necessary. I believe it is covered by the original espionage law. I think any Senator who has any recollection of that law will probably concur in that opinion. I made a somewhat hasty examination of that law *in connection* with this measure and that is my offhand opinion on that question. I believe it is already the law now, and I have no particular objection to it, except that it is unnecessary to repeat it—

Or—

And here is the second substantive proposition—

Or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States—

That is all right. I am not sure but that is already the law. The Department of Justice, however, thinks not, and it is on account of this second substantive proposition relating to the bonds and to the making of false statements with reference to bonds that the Department of Justice suggested this legislation and is urging expedition in connection with its consideration, because the administration desires to use that provision of the law in connection with the proposed and immediately pending liberty loan about to be offered.

Now, third:

And whoever, when the United States is at war, shall willfully cause or attempt to cause or incite or attempt to incite insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct or discourage or willfully attempt to obstruct or discourage the recruiting or enlistment service of the United States.

That is the end of that. I am certain that is the law already. There may be some words added which do not materially change the sense of the legislation already passed, but anyhow that is the end of it and it was the end of the House bill. My judgment is that almost everything, if not quite everything, embraced in the House bill was already the law; but to remove some doubt on that subject, especially on the liberty-loan part of it, the Department of Justice presented this bill to the Judiciary Committee of the House of Representatives, and by that committee it was presented to the House of Representatives. If the bill had stopped there, every one of us could have afforded to pass it without the slightest objection. But in the Senate committee, for reasons that, of course, appear sound to that committee, or it would not have been done, very material and very far-reaching amendments were adopted, that entirely change the purpose, the scope, the object of this bill and that make it a measure altogether different and an altogether new proposition from that which came from the House of Representatives or from that which came from the Department of Justice or from that which the Attorney General to-day is urging this body to pass as expeditiously as possible in the interest of the third liberty loan.

What are those new propositions added by the Senate committee amendment? Here is the fourth:

And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language—

The use of all these adjectives seems to have greatly strengthened this proposed statute in the minds of its proponents. To my mind they weaken it. The weakest part of speech in the English language is the adjective qualifying and shading and changing and twisting meaning, so much so that one of the wisest lawyers I know, an old man, has a supreme contempt for the adjective, and says it destroys the virility of the Saxon speech; and when he wants to be unusually severe about some younger lawyer who visits his town he classes him as one of those "infernal adjective lawyers."

What is "abusive"? You might think "abusive" was one thing; I might think "abusive" was another thing. Many men, many minds; many courts, many constructions.

"Disloyal!" I know men who are foolish enough to insist that anybody in this country who does not do whatever the President of the United States tells him to do about anything that comes up is disloyal to the country. Of course those men themselves are more disloyal to the country than are the men they criticize. This country is no longer fit to be a free country if that is sound doctrine; and yet there are some men who call that disloyal.

Mr. CUMMINS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Georgia, however, would not suggest that there is any court in Christendom which would hold or could hold that a refusal to adopt all the advice of the President of the United States would constitute disloyalty to the United States. There is no danger, at least, of that construction being put upon that word.

Mr. HARDWICK. I think I am with the Senator from Iowa on that question, but I am not absolutely dead certain. A Federal judge in Texas abusing the bench, dishonoring himself, dared to impugn and challenge the patriotism of Members of this body whose shoestrings he is not worthy to tie. Do you tell me that judge would not hold that because, forsooth, they did not agree with him about legislative questions they were disloyal? I do not know what he would hold; but I think that man would hold anything that he could get his hands on. I think he would even hold a stove until it burned him.

Oh, adjectives! God save us from the adjective lawyers and the adjective courts! I do not know what they will say is "abusive"; I do not know what they will say is "disloyal."

Any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of Government of the United States.

The suggestions made on this floor that the extreme advocates of woman suffrage might be liable to indictment under this language is not at all far-fetched. Some of them have contended that it was a denial of fundamental liberty to deny the women the right to vote; that it was a mockery to call this country "the land of the free" so long as all freedom was denied to them; and that it was worse than mockery to term this a democracy when they had no part or parcel or voice in its deliberations.

Some of the language that I have seen in print from the advocates of that propaganda would subject them, in my judgment as a lawyer—and I say it deliberately—to indictment, and certainly to conviction, if they were tried in this Texas court to which I have referred.

or the Constitution of the United States—

I do not know how many people would be safe under that language. Some people say that the Constitution is a sort of an elastic thing; that it does not mean anything much, except what they want it to mean for the time being. Some people abuse it, and say it is an iron band around the forehead of progress, and some people high in authority—the very highest in this land—have used just about such language. Would they be subject to indictment? Some things they have said about the Constitution of the United States are pretty abusive, and some of their talk about it has been even worse. Could we indict them? I do not know what would happen under this section.

or the soldiers or sailors of the United States—

You know I am for them. They are about the only people who are doing any real fighting, and I have a thousand times more respect for men who fight as they are fighting than for the lip patriots who fight with their tongues, but at the same time, as pointed out by the distinguished senior Senator from Missouri [Mr. STONE] on yesterday, I am not sure how far that language would go. It seems that here in Washington, if we can credit the reports that are being published, we have an army of swivel-chair soldiers larger than the force of officers that lead our fighting forces, who walk around in gold braid and brass buttons, with jingling, clanking spurs, admiring themselves, and admired generally by the public, or at least so they seem to think——

Mr. SMITH of South Carolina. Why do they have spurs on them?

Mr. HARDWICK. A distinguished member of another body, if I may say it without offending my friend from New Mexico [Mr. FALL], said that, in his opinion, these swivel-chair officers,

who are wearing uniforms in such large numbers around Washington, hiding out from the draft, wore spurs so that when they put their feet upon their desks they would not slip off. [Laughter.] That is the only useful purpose the spurs can serve, so I suppose the distinguished gentleman was right. I am not, however, sure that if we should pass this bill, even with an earnest desire to remedy this condition that I regard as an evil, even to invite public attention to the fact that political favoritism of the lowest and basest type has been employed to shield these men from the manly duties that they owe to their country at the front, on the battle fields, and in the trenches, and that they are merely hiding them out from the draft in these bombproof office positions—I am not sure that a man who should say that would not be indicted for abusing soldiers and sailors of the United States Army and Navy.

or any language calculated—

The Senator from Idaho [Mr. BORAH], who is the ablest proponent of this bill—of course, not making any invidious comparisons between the various gentlemen who present it and stand sponsor for it, but who, at any rate, has made the longest argument in its support—admits that he thinks that the word "calculated" probably had better be changed to "intended." I promised to cite the Senator some authorities to show that "calculated" and "intended" have a very different legal signification. I am afraid I can not do so now, for I did not intend to speak until to-morrow, and I am speaking entirely without notes, entirely without preparation, except as my general reading has prepared me for the argument——

Mr. KING. If the Senator will pardon me, I think I have two decisions here to support his view in that regard.

Mr. HARDWICK. I know there are several such decisions, from having spent most of my life at the bar. I will let the Senator put the decisions to which he refers in in my time, if he will interrupt me, and cite them.

Mr. KING. I read from the Ninetieth Circuit Court of Appeals the case of Industrial Press against W. R. C. Smith Publishing Co., from the syllabus, as follows:

"Calculated to deceive" does not mean or include intent to deceive. There should be a clear averment that the name is used with intent to deceive in the respects claimed in the bill.

Mr. FALL. May I ask the Senator a question?

Mr. HARDWICK. I yield to the Senator from New Mexico for that purpose.

Mr. FALL. I simply want to clear up a question in my mind. Was that not a case where the statute required that the indictment or information should aver intent?

Mr. KING. Let me read a little further.

A bill for unfair competition in trade by the use by defendant of a name for a periodical similar to one used by complainant must clearly allege that it was so used with intent to deceive the public or patrons, and an allegation that it was "calculated to deceive" is insufficient.

Mr. FALL. I understand the distinction.

Mr. KING. Reading further from the syllabus:

Smallwood *v.* Com. (40 S. W., 248; 19 Ky., 344), where it was held that the word "calculated," as used in an instruction authorizing the jury in a prosecution for murder to convict if they believed that defendant willfully struck another with a pistol that was a deadly weapon or "calculated to produce death," was not equivalent to "intended," so as to render the instruction erroneous, but was synonymous with "fitted," "adapted," or "suited."

Without taking up any further time, I will merely call the Senator's attention to the case of the People ex rel. Springs against Reid, in One hundred and thirty-ninth Appellate Division Reports, Supreme Court of New York, page 555.

Mr. HARDWICK. Mr. President, there is no doubt whatever in my mind that the word "calculated" has a very different meaning from the word "intended" in statutes. One is objective and the other is subjective; that is the difference.

Mr. SMITH of Georgia. Will my colleague allow me a suggestion?

Mr. HARDWICK. Yes.

Mr. SMITH of Georgia. If it is thought that the word "calculated" has the same meaning as "intended," why not meet that question by adding the words "and intended," so as to read "calculated and intended"?

Mr. HARDWICK. It would be better to substitute the one word for the other, I think.

Mr. SMITH of Georgia. I think it might be well to use both. I think the meaning should be "calculated to produce the result and intended to produce the result."

Mr. HARDWICK. I believe my colleague is right about that; but, at any rate, as I have said, one of those words is subjective and the other is objective; one means what the man who did the thing had in his mind when he did it, and the other means what the effect of the thing he did was after he did it.

Mr. SMITH of Georgia. In the one case a man might be perfectly innocent, and it might be held that his act was calculated to produce the result, when he had nothing of the sort in his mind and would not have done it at all if he had thought it was calculated to produce an evil result.

Mr. HARDWICK. Precisely; and it has been so held by the courts, I think, in a great many cases. I am sorry I do not have the time to answer the challenge made by my friend from Idaho [Mr. BORAH] and to present the authorities, but the Senator from Utah [Mr. KING] has presented several. It seems to me, however, a self-evident proposition that there is a material and substantial difference between the two words, and that the proposed statute would be infinitely better one way than the other. I might do an act which is "calculated"—not calculated by me, but calculated so far as the results are concerned—to bring about a certain state of affairs without intending at all to bring about that state of affairs.

Mr. CUMMINS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. The Senator from Idaho [Mr. BORAH] is not now in his seat, but I think I heard him make the statement to which the Senator from Georgia now refers. The Senator from Idaho did not assert that there was no difference between the word——

Mr. HARDWICK. He said he was not certain, I think.

Mr. CUMMINS. Between the word "calculated" and the word "intended." I think he very clearly recognized the difference between the legal meaning of those words. So far as I am concerned, I agree entirely——

Mr. HARDWICK. Let me say to the Senator, because I was here and heard every word said, that the Senator from Idaho denied it and challenged me to produce any authority. He said he had been able to find only one himself.

Mr. CUMMINS. Just a moment. The Senator from Idaho is so well convinced that there is a difference in the meaning of those words that he has offered, or is about to offer, an amendment substituting the word "intended" for the word "calculated."

Mr. HARDWICK. And I am trying to strengthen him in that, because he said he would just as soon withdraw it, as it was not very important.

Mr. CUMMINS. The Senator from Georgia, I think, understood the Senator from Idaho correctly when he said he found but one decision which indicated a difference between the meaning of those words; but the Senator from Georgia challenged him upon that, and I think that he has sustained the challenge very successfully, for there is an obvious difference between the meaning of those words, and the Senator from New Mexico [Mr. FALL] very clearly pointed out yesterday the difference between the two in their practical application.

I understood the Senator from Idaho to say that in the great majority of instances in actual practice there would be no difference in the result of trials whether we use the word "calculated" or the word "intended." I only say this because the Senator from Idaho is not here.

Mr. HARDWICK. I think he thinks that, but the trouble is that is a mere prediction, and I am not fond of relying on predictions in matters of this sort.

To resume the reading from the bill—

or any language calculated—

"Intended," I think, it ought to be, or "calculated and intended" would do—

to bring the form of Government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute—

And so forth.

Now, the sixth substantive proposition—

or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

The most outrageous proposition is embraced in those few words that, in my judgment, ever was submitted to a legislative body in connection with a measure of this kind. Members of the two Houses of Congress in the performance of their constitutional duties have been compelled to stand on these floors and vote against certain measures which in the opinion of the majority were best calculated to prosecute the war.

Now, some of them—and I do not hesitate to say that I am one of them—have been very bitterly assailed by a lot of people, for whom I have the utmost scorn and contempt, because they exercised their own judgment and followed their own conscience in matters of this sort. We have been branded as disloyal to this country because we did not take orders and because we did not follow every plan and every method that was suggested, but had our own ideas and thought that perhaps there might be some other and different and, in our judgment, better way to wage this war. While lying newspapers and

lying men have maligned us, are we not to be permitted to go home and defend our own honor without being branded as felons when we undertake the defense?

Is that what representative government means, and is that the low estate to which the representatives of the people have fallen? If I thought so, I would not be very much devoted to this form of government myself; and yet, if any man who found it necessary, like the chairman of the great committee that reported the bill and, like I did, to vote against the food-control law, goes home and explains the reason why he opposed it some one may say "that is calculated to incite or inflame resistance to a law relating to the prosecution of this war, either as conducted by Federal or State authority, or both." Is that right? Is that fair? Is that just? Is a country in which that can be done a free country? Does free speech still live and is free thought still enthroned in the hearts and minds of a people who will submit to any such proposition as that? Yet that is what we are proposing to do in this bill.

Not only that, Mr. President, but I lay down the proposition—and it is fundamental and as sound as the ark upon which our covenant rests—that any man in this Republic—I do not care how humble he is, how poor he is, how lowly his station in life—has just as much right as the highest and mightiest official who sits enthroned in power to advocate a change in policy, a change in law, a change in plan, and a change in method even about conducting a war in a free country. So long as these men tell the people that they are in favor of the enforcement of the law as it is written, so long as it is so written they have the right to advocate a change, a repeal, or a modification of that law.

Oh, Senators, I tell you when you pass legislation of this character you will have gone further and faster than the Federalists ever went when under Alexander Hamilton's whip and spur they signed the death knell of their own party as they passed the sedition bill of 1798.

Mr. MYERS. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Georgia yield to the Senator from Montana?

Mr. HARDWICK. I yield.

Mr. MYERS. Does the Senator find anything in this bill that would forbid anyone advocating a change in the law governing the Food Administration?

Mr. HARDWICK. I do. I have just explained that to the Senate.

Mr. MYERS. Or that would forbid anyone to say that the law ought to be changed? Is that forbidden? Where does the Senator find that? I ask him to point it out, please.

Mr. HARDWICK. Has the Senator been in the Chamber during all of my remarks?

Mr. MYERS. I have been in the Chamber a part of the time.

Mr. HARDWICK. A part of the time is, I think, a correct answer, because I just explained exactly the way I thought that came in. Still, for the benefit of the Senator, whom I esteem very highly, I will explain to him exactly how that can and will be done.

The sixth substantive proposition in this bill is that you are going to put in prison for a period of not more than 20 years or you are going to punish by a fine of not more than $10,000, or both, any man who—

shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted State or Federal authority in connection with the prosecution of the war.

Suppose the Senator from Montana had voted against some one of the measures which have been passed for the prosecution of the war, and that he was bitterly, viciously, and falsely assailed at home in connection with his vote, and that he went out, as would be his right, to defend his honor, his character, his manhood, and his position before his own constituency, and in order to do that he had to tell them why he was against the food-control bill, we will say, or the draft law. Assailed on every corner and from every angle and from every side, he has got to show why he did not support those measures; and yet when he does it they will say: "That is calculated to inflame the people to resist or oppose the law."

Mr. MYERS. Not "oppose." "Oppose" is not in the provision, but "resist" is.

Mr. HARDWICK. What is the difference between "resist" and "oppose"?

Mr. MYERS. "Opposing" is a mental operation, while "resisting" is refusing to subject one's self to the law.

Mr. HARDWICK. I hope the Senator is right about that; it would make it just a little better if he is; but I am afraid to risk that matter; I am afraid that some Texas judge, like the "misfit" we have down there to whom I have referred, might say, as he did say of those who took a certain view on certain of these measures, that they ought to be taken out and shot.

Mr. MYERS. Still, the Senator never heard of that suggestion being carried into effect?

Mr. HARDWICK. I would not like to risk it in that Texas court over which that distinguished and able-bodied citizen presides; I would not care to risk my liberty with any such man as that. Really, of course, he is not fit to be on any bench; that stands to reason, and can not be disputed by anyone. Senators must see the danger. That judge would unhesitatingly say, if I lived in Texas and went home to defend my vote on the food-control legislation, which I am very proud to say I opposed, that I was trying to inflame resistance to the execution of a law which was necessary to the prosecution of the war. Ah, Senators, I say you have opened a Pandora's box when you enact any such legislation as this. The furies that Alexander Hamilton and his co-Federalist chiefs unloosed to gnaw the very vitals of the party they loved, and to which they owed allegiance, were as nothing compared to what the result will be if you enact legislation of this character and continue to walk along this pathway. Instead of destroying one political party, you may destroy two political parties, if you keep it up and both continue to unite in the accomplishment of such results, and instead of having, as you will have after awhile, an autocracy that is only rivaled in modern history by the Romanoff dynasty in Russia before it lost power, you will invite that which you fear most, the other extreme, the reign of American Bolsheviki in this country. One extreme begets the other. Ah, Senators, half way between those two camps I stand; I am neither for the autocracy of the Romanoffs nor for the socialism of the Bolsheviki.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. I think there is no man who values the right of criticism in public affairs more than I do, and there are not very many who exercise it more freely than I do. If I believed that this amendment could have any such effect as is suggested by the Senator from Georgia, I would condemn it quite as severely and emphatically as he does.

Mr. HARDWICK. I am sure of that.

Mr. CUMMINS. But I do not understand that it means any such thing; and I am going to ask the Senator from Georgia to elaborate a little upon it, in order that I may be able to view it from every possible angle. Does the Senator from Georgia understand that anyone who refuses to accept a recommendation of the President of the United States with regard to the propriety of a law is resisting lawful authority?

Mr. HARDWICK. The Senator from Georgia most emphatically does not; but there are a lot of fools in this country who mighty nearly think that, or claim to do so.

Mr. CUMMINS. Then let us go one step farther. I want to know what the Senator from Georgia understands by resistance to "any duly constituted authority." What is the character of the act of resistance?

Mr. HARDWICK. I do not think it is quite so important what the Senator from Georgia may understand about it as it is important what the Texas judge might thing about it.

Mr. CUMMINS. Well, Mr. President, I do not think we can make laws to suit the idiosyncracies or the idiocies of a Texas judge.

Mr. HARDWICK. No; but we can make laws that an unfit judge can not twist into all sorts of constructions that are quite possible from the language employed. We had better quit making them at all if we can not do that. It would be better never to have another law from now until judgment day if we can not make laws that are incapable of as many misconstructions as this Senate committee amendment is.

Mr. CUMMINS. I doubt if we could pass any law that a corrupt judge could not twist into an instrument of injustice.

Mr. HARDWICK. I doubt that, too.

Mr. CUMMINS. But I come back to this matter. Agreeing with the Senator from Georgia that the word "calculated" ought to be stricken out and the word "intended" ought to be inserted instead of "calculated," "resistance to a duly constituted Federal authority" is a refusal to obey a duly constituted authority.

Mr. HARDWICK. Will the Senator let me elaborate that a little, or does he understand what I mean?

Mr. CUMMINS. Yes; I should like to know what the Senator means by "resistance," because it can not be that if the Senator from Georgia were to go home and defend his views with regard to any law he would be a lawbreaker.

Mr. HARDWICK. Why, Mr. President, a newspaper published in Georgia that was supposed to be reputable contended that I ought to be indicted for doing this very thing, under a law just like this.

Mr. CUMMINS. There is no reputable man who would contend anything of that kind about the Senator from Georgia. He was a disreputable man, whoever he may be, or wherever he may live, who would contend that the Senator from Georgia has not that right, both morally and legally.

Mr. HARDWICK. Well, Mr. President, here is the way they do it, and here is the way they have done it. I am not dealing in prophecy now; I am talking about history. I do not have myself in mind more than I do many other people throughout this country, in office and out of office, who have views that do not agree with everything that has been done, and who think other plans might have been pursued with more hope of success in some of these matters.

Whoever * * * shall utter, print, write, or publish any language calculated to incite or inflame resistance——

Mr. CUMMINS. Will not the Senator read that "intended to"?

Mr. HARDWICK. We have an amendment here, and of course I have to discuss the amendment as it is. Of course, if it is calculated, it is a little worse; but if it is intended, it is somewhat better. But here is the argument they will make: "Why, it is just as plain as a pikestaff. This man goes out, and he makes these speeches. He shows that they were mistaken about these things. He attempts to show, at least, that these laws are wrong, and the result is that the people are opposed to them, and they resist them, and the ultimate result is that they do not obey them."

How are you going to escape his logic? I am not sure but that the courts would be justified in so holding, if this language is left exactly like it is. If the language is made to read "intended," then, of course, they would have to convince any jury that tried a case like that that the man, whoever he was, who was taking that position, intended to interfere with the country, and then there would be only one more step of reasoning, "Why, surely, as a sensible man, he could not have done that unless he intended to accomplish the natural result of his acts."

Mr. CUMMINS. Precisely. Well, in the execution of any of our criminal laws which I have opposed, for instance, and which I may be at liberty to criticize elsewhere, does the Senator from Georgia mean to say that if I express my view with regard to the righteousness or propriety of any criminal law I am inflaming or inciting some one to resist an officer who is in the execution of that law, who has a warrant of arrest, and is about to take one into custody? Could my opposition to the law itself be construed into an invitation or a suggestion that one who was about to be arrested by an officer should resist the law?

Mr. HARDWICK. Why, undoubtedly. I would not so contend, but it has been so contended on this floor. I heard a distinguished Senator of the United States stand in this presence, in the Senator's hearing, I think, and in mine, I know, and say that people who opposed these laws thoroughly obstructed the draft, for instance—he was discussing the draft in that particular case—because, although they did not advise anybody to resist the law, the effect of their argument was that people got opposed to it and would resist it, and that they were infinitely more guilty of stirring up opposition to the law than people who went out and advised folks flatly and expressly to resist it. Why, that contention has been made right in this Chamber.

Mr. CUMMINS. I did not know that the Senator had accepted any such rule as that.

Mr. HARDWICK. I do not accept it, but it has occurred. I despise it, but men have been indicted and dragged into court for less than that.

Mr. VARDAMAN. Mr. President, I should like, with the consent of the able Senator from Georgia, to ask the Senator from Iowa his opinion of this question that might arise under a law of this character.

Quite a number of Senators, while the revenue bill was under consideration, insisted upon raising a larger per cent of the money with which to pay the expenses of this war by taxation instead of by selling bonds. Now, suppose a Senator should go on the stump and, in defending his record, criticize the injustice of the present law, should urge that the money necessary to defray the expenses of this war which is now being raised by selling bonds and thereby putting the burden upon posterity ought to have been raised by levying taxes upon excess war profits and swollen incomes. Does the honorable Senator think that would be a violation of this proposed statute in the way of discouraging or hindering the prosecution of the war?

Mr. CUMMINS. Mr. President, very clearly not.

Mr. VARDAMAN. The Senator thinks not?

Mr. CUMMINS. I believe that a greater portion of the expense incident to the war should be raised by taxation, and I intend to say so, here and everywhere.

Mr. VARDAMAN. I intend to do the same thing, and do it boldly and emphatically.

Mr. CUMMINS. But it is impossible for me to conceive a judge so corrupt or so ignorant as to construe a criticism of that kind into an obstruction of the sale of bonds, because, the law having been passed, I think that no one should attempt to interfere with the sale of the bonds, because that is the way in which the duly constituted authority has determined to raise the money for the prosecution of the war; and while I believe that I have a perfect right to criticize the law and to endeavor to change or modify it, yet there could be no obstruction to the sale of bonds by any course of that kind.

Mr. VARDAMAN and Mr. GORE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and to whom?

Mr. HARDWICK. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I wish to say that I agree with the Senator from Iowa that every effort should be made by every patriotic citizen to raise this money according to the law as now written; but does not the Senator think that probably there are people who would not buy these bonds, thinking that if the bonds were not taken the Government would be forced to the extreme of conscripting the money for defraying the expenses of the war as it has conscripted the men to fight the war?

Mr. CUMMINS. Mr. President, that is not inconceivable—that is, that some minds would operate in that way—but it is inconceivable that any judge should hold that a person who acted upon those motives would be a violator of the law.

Mr. GORE and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. HARDWICK. I yield first to the Senator from Oklahoma.

Mr. GORE. Mr. President, with reference to what the Senator from Iowa says, there is no doubt as to the justice of the point for which he is contending. I dislike to introduce a personal reference; but I may say that during the last liberty-loan campaign, in October, I had occasion to deliver an address in New York City. During the course of my remarks I insisted upon the raising of a larger part of the revenue for the conduct of the war from taxation, and a lesser proportion from the sale of bonds. I did take occasion, however, to urge the necessity of subscribing for the bond issue then being floated. I declared, during the course of my remarks, that the failure of the loan would be almost as bad as the loss of a battle, and that it was just as much a public and patriotic duty to subscribe for the bonds as to pay taxes; and yet the leading publication in my own State assailed me most bitterly for attacking the liberty loan and discouraging the purchase of bonds. I do not imagine that any judge would share the views of that editor; and yet it shows how, when passion is rampant, the minds of otherwise prudent men are unbalanced or led astray.

Mr. McKELLAR and Mr. McCUMBER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. HARDWICK. I yield to the Senator from Tennessee.

Mr. McCUMBER. I think the Senator from Tennessee rose first.

Mr. McKELLAR. I want to ask the Senator from Georgia—and I should also like to ask the Senator from Iowa, who is on the committee—about the words "any duly constituted Federal authority." Just what does that term mean?

Mr. HARDWICK. It means every branch of State and Federal authority.

Mr. McKELLAR. This troubles me: Take the commission that is in control of Hog Island. Is that a duly constituted Federal authority? If it is, would a person who criticized or who incited any one to criticize or inflame against that commission, which has charge there—I am just using it as an illustration, of course—come within the provisions of this bill? If so, it is very important for some of us to know it before we vote for the bill.

Mr. CUMMINS. Mr. President, I am not the author of these words. I accepted them when they were presented in the committee by the Senator from Montana [Mr. WALSH], who usually employs the proper phrase to express the idea that he has in mind. I do not know what authority in the Hog Island enterprise the Senator from Tennessee has in view. I am not very familiar with that enterprise.

Mr. McKELLAR. I will say to the Senator that I have not any at all; I do not know who it is; but evidently there must

be a duly constituted Federal authority in control of that project.

Mr. CUMMINS. I do not know that. If the Senator from Tennessee will kindly describe to me the relation which the Government has toward that enterprise, which I understand is a private enterprise, then I shall be able to answer the question a good deal more intelligently.

Mr. McKELLAR. I understand that it is under Government control.

Mr. FLETCHER and other Senators addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield? Seven Senators are on their feet.

Mr. HARDWICK. If the Senators will pardon me just a minute, I am willing to yield to any of them; but I think the language is just as broad as it can be. It covers everything that is a Federal authority. The Senator will have to find out whether that is a Federal authority or not, and then he can answer his own question.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. HARDWICK. I yield to the Senator from Florida.

Mr. FLETCHER. I was just going to state the situation at Hog Island. The Emergency Fleet Corporation, through the agency of the International Shipbuilding Corporation, is in charge of the yard and building the ships; so the Federal authority there would probably be the Emergency Fleet Corporation. I merely mention that in view of what has been said.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Shields
Borah	Hardwick	Norris	Smith, Ga.
Calder	Henderson	Overman	Smith, Md.
Chamberlain	Jones, Wash.	Page	Smith, S. C.
Colt	Kellogg	Pittman	Smoot
Cummins	King	Poindexter	Sterling
Curtis	Kirby	Pomerene	Sutherland
Dillingham	Lodge	Ransdell	Swanson
Fletcher	McCumber	Reed	Thomas
France	McKellar	Robinson	Tillman
Frelinghuysen	McLean	Saulsbury	Townsend
Gallinger	McNary	Shafroth	Trammell
Gore	Martin	Sheppard	Vardaman
Hale	Myers	Sherman	Warren

Mr. SAULSBURY. I have been requested to announce the absence of my colleague [Mr. WOLCOTT] on necessary public business.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. There is a quorum present.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. HARDWICK. I yield to the Senator, and I beg his pardon for not yielding sooner.

Mr. McCUMBER. I desire to ask the Senator from Georgia possibly two questions. The first one is this: What would be the Senator's view of the possible construction of any judge upon a provision in the penal laws of a State which provided that any person who, by word or act, advised another to disobey any of the laws of the State should be guilty of a misdemeanor? Would the Senator contend that any judge fit to be called a judge could ever possibly hold that a mere condemnation of the law itself was equivalent to advising its resistance?

Mr. HARDWICK. Not if the language was as stated by the Senator; but that is not the language in this bill.

Mr. McCUMBER. The second question is this: If a judge could possibly so hold, I do not think the Senator would contend that we ought to abolish a law of that kind simply because some one unfitted to hold the position might so hold.

Mr. HARDWICK. Probably not. If the Senator had followed my argument throughout, however, he would not ask either one of those questions. The difficulty is that we have not used language like that. If you will merely put in this bill exactly the language which the Senator has stated, and which is now of record, I should vote for that part of it with little hesitation.

Mr. McCUMBER. I agree with the Senator that we should have used the word "advise" and not "calculated"; and I think probably there will be very little difference in the Senate about that proposition. I can not see the logic of the use of the word "calculated" at all.

Mr. HARDWICK. Well, "to incite or inflame resistance"—there is no need of those words.

Mr. McCUMBER. I know; but the Senator certainly could not claim that any court would hold that merely expressing opposition to a law would be construed to mean that the person so objecting was inciting or inflaming resistance.

Mr. HARDWICK. They have held that in this country.

Mr. McCUMBER. Let us take a case like this: Take the case of a State like mine, a prohibition State. The question of prohibition is a question that comes up at every election and at every session of the legislature, and we have orators on both sides, those proclaiming in favor of it and those proclaiming against it, those contending against it arguing that it is a denial of the freedom of the individual. Now, no court would hold, or could possibly hold, that the person who was against prohibition was committing an offense against the law or was inciting anyone to resist the law.

Mr. HARDWICK. The trouble about it is, if the Senator pleases, that the language used here is not the language that the Senator has used. If the language used here were that "any person who shall by utterance, writing, or publication use language which is intended to cause resistance to any law" should be punished, I would be for it. I would find no objection to it. But it is "to incite or inflame resistance"; and there are courts in this country that have held—I will not undertake to specify them now, but I think I can substantiate that statement—that any argument that goes to the very roots of the law itself has a tendency to inflame and to incite resistance. I do not think it is a sound contention, but it is not an unusual one.

Mr. McCUMBER. I do not think it is a contention that any court could possibly stand by.

Mr. HARDWICK. The trouble is that they have, Senator.

Now, Mr. President, I have but a very few more words to say about this matter.

The next proposition is that any person who—

shall by utterance, writing, printing, publication, or language spoken urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged—

is a felon.

Mr. SMITH of Georgia. Mr. President, the next sentence limits that—

With intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

Mr. HARDWICK. My colleague is right. I think that removes the most objectionable thing that I had in mind about that. I do not think there is any particular trouble about that with that limitation; without it, it would be unspeakably dangerous.

Now we come to the final proposition:

And whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein—

Shall be a felon, and punished as prescribed by this act.

That language, if it is to stay in the bill at all, undoubtedly ought to be amended. It ought to be "whoever shall favor the German Empire or its allies in the present war, or by word or act oppose the United States therein." We do not want to leave any room for construction about what the cause of the United States in this war is. Senators say they do not mean anything more than to oppose the country while it is prosecuting this war. If they mean no more than that, they ought not to employ language which is easily capable of a different construction than that, and that may embark us on the broad field of inquiry as to exactly what and how broad the cause of this country is in prosecuting this war.

Mr. McCUMBER. What would the Senator strike out in that phrase?

Mr. HARDWICK. I would strike out the words "the cause of," and just say, "whoever favors the German Empire and its allies, or opposes the United States, in this war," if I were going to have the language at all.

I have a further objection to that proposition, even as amended. I undertook to state it in a colloquy I had with the Senator from Idaho. It is a serious objection; it is not a factious objection; and I predict that if we leave this language in the day will come when we will see some grave abuses growing out of this very thing.

There are men in this country, and there are newspapers in this country, who insist now that if anybody should propose to make peace with Germany he would be very close to a traitor to this country. Senators for whom I have the greatest respect, and for whose opinions and judgment I have the greatest respect, I know entertain that view. Yet they must realize that they have neither a monopoly of wisdom nor a monopoly of patriotism, and that other men might just as well feel otherwise about that and still be as loyal and as patriotic as they are.

Personally, I am inclined to agree for the present; but the time may come when all of us, or all sensible men, can agree that

we have an opportunity to conclude an honorable peace. Yet if the time did come when we could obtain a peace with honor, and anybody undertook to lead a movement of that sort in this country, there are men and there are newspapers and there may be courts, or judges thereof at least, who would say that when he did it he was opposing the United States in this war, and favoring Germany and her allies. It is a dangerous proposition to risk. There are men in this country who go so far as to say—one I have in mind now—that the President of the United States did this country a great disservice when he discussed at a joint session of Congress not long ago the terms on which the United States might conclude peace.

As far as I am concerned I do not contend that the time has arrived when anybody ought to suggest peace. My idea is that we are in the fighting business now, and that we have not yet come to a point where we could hope to get a proper peace. But I hope the time may come when we can honorably compose our differences with our enemy, when we can with honor to the United States end this slaughter that is now devastating the world. When that time comes I do not want myself or any other man in this country, whether he is in office or out of it, to be muzzled so that he can not speak. I insist now, as I insisted earlier in the day to the Senate, that the humblest citizen of the United States, out of office though he be, unclothed with power though he stand, has just as much right as the President of the United States or anybody else in office, however high their authority, to advocate whatever course of action he thinks is right with respect to this matter. It is utterly impossible in a free country to enact and enforce a statute without muzzling freedom by which you can say it is patriotic and lawful to advocate a continance of this war from now until doomsday but unpatriotic and disloyal and treasonable and criminal to advocate a conclusion of peace, even when it can be honorably concluded.

Mr. President, I think, no doubt, if the committee in charge of this bill will strike out all except what the House of Representatives passed we can readily agree to the passage of the bill. The vice of a large portion of it, at least practically all of it, comes from the Senate committee amendments. I do think that in the interest of free speech, of liberty, order regulated by law, and fundamental rights in this land of the free, that that is about far enough to go to-day, and I again warn the Senate that even as the sedition act of 1798 spelled and sounded the death warrant of one political party, too much of this sort of thing can easily spell and sound the death knell and the death warrant of two political parties in this country.

Mr. LODGE. Mr. President, before saying the little I desire to say about the committee amendments to the bill I wish to refer to some remarks that were made here as to the candidacy of Mr. Berger, of Wisconsin, and the question of peace. At this time, Mr. President, no peace could possibly be made that was not a German peace, made in her interest, equivalent to a loss of the war; and I think any allusion or any talk of a peace at this time is most unfortunate, for I believe the idea cherished by anybody that we can separate the German people from the Kaiser——

Mr. HARDWICK. Will the Senator let me interrupt him?

Mr. LODGE. Certainly.

Mr. HARDWICK. I merely want to say, so that neither the Senate nor the country may misunderstand my position, that I agree with the Senator.

Mr. LODGE. I know the Senator does, for I have been listening to him.

Mr. HARDWICK. I do not think this is any time to talk about peace, but I do not want to be muzzled when the time comes.

Mr. LODGE. I understand the Senator's position; he stated it very clearly. Anyone who cherishes the idea that we can separate the German people from the Kaiser or that we can separate Austria from Germany, or Turkey and Bulgaria from Germany, is cherishing the merest delusion. I think for that reason all talk about peace is harmful, for it tends to divide and confuse opinion here and among our allies and to strengthen the German determination to stop at nothing short of the fulfillment of all their demands.

Mr. President, there is another form of demanding peace which is much worse, and that is the kind of peace that was demanded by Mr. Berger, as I saw it reported in the newspapers. It was to make peace now and make it at any price practically. That seems to me to be so disloyal as to border on treason. The man is under indictment for similar offenses. I think his candidacy was most unfortunate, and that he should poll 100,000 votes in a great State of this Union is to me to the last degree melancholy.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I do.

Mr. LEWIS. Let me ask my eminent friend from Massachusetts, Does the Senator from Massachusetts assume that the United States Senate under the Constitution of the United States, until it is amended or destroyed, would allow a man to take a seat in this body who had to swear he would support the Constitution when his campaign had been both against the Government and for the destruction of the Constitution?

Mr. LODGE. Mr. President, that fortunately is a hypothetical question now. I for one should hope to see a seat refused such a man as the Senator describes.

Mr. President, as to this bill, the worst offenders in this country are those agents and spies—the word "spies" has been used here very loosely—but those agents of the German Government who have been engaged not merely since we entered the war but since the beginning of the war in dynamiting factories, in starting great incendiary fires, in attempting to destroy railroad bridges, in poisoning food, and in mixing glass with bread. Those are criminal acts of the worst kind, and they are being committed frequently throughout this country. There are other men in this country who are furnishing information to the German Government injurious to us and helpful to the German Government. Those are spies. We have a law to reach those people, but the criminals who put a bomb on a ship or blow up a factory and destroy innocent lives according to my idea have been treated altogether too delicately. I saw in a paper that two have been arrested and the charge against them dropped out of sight. They come to trial and they get some short term in the State prison or the prison of the United States, a punishment for which they care nothing. The only way, in my opinion, to put an end to those criminal activities of organized German agents and spies is to treat them as spies and agents of that kind always have been treated in time of war—try them by a court-martial and shoot them. Germany does not hesitate to do that. No other country hesitates to do it. We have ample law for that. This proposed law does not touch those classes at all. The German agents and the German spies do not go about this country publishing their views. On the contrary, they probably pretend to be loyal to the United States in order to cover their opposition. This bill is directed against those who print or publish or utter language injurious to the Government and helpful to the German cause. To state it very broadly, it is aimed at certain classes of agitators who exist in different parts of the country.

With the purposes of this bill I think everybody must be in sympathy. I do not suppose there is the slightest objection anywhere to the bill as it came from the House with the committee amendments to that portion of the bill; but the Senate committee has seen fit to add an amendment which is longer than the original measure and which is designed to meet certain very dangerous expressions or outbreaks of opinion in different parts of the country. They ought to be met, they ought to be dealt with in some way, and dealt with lawfully. It should not be left, as it now is, to the rough hand of popular justice or injustice to settle. Undoubtedly the cases which this law intends to cover will be dealt with by lynch law if we do not deal with it ourselves.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. LODGE. Certainly.

Mr. CHAMBERLAIN. I am glad to hear the Senator suggest that these men ought to be dealt with by a military tribunal.

Mr. LODGE. The spies and German agents?

Mr. CHAMBERLAIN. I mean the spies and German agents. Germany has not hesitated to deal with them under the military code, and if our military code is not broad enough to cover that class of cases it seems to me it ought to be amended so as to place within the jurisdiction of military tribunals the classes of men—and women, too, if you please—mentioned by the Senator.

Mr. LODGE. I feel very strongly about that, and I think we have increased and continued these crimes by the tender way in which we have handled spies and criminal agents. There is no other way to describe it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. BORAH. The Senator referred to the fact that unless these people were dealt with in an orderly way and a legal way the mob would undoubtedly deal with them, and that the Senator did not desire to have occur. I simply call attention to the fact that I have received notice by telegraph that at Collinsville, Ill., April 5, a mob of 300 men lynched a man by the name of Prager for disloyalty.

Mr. LODGE. That is an illustration of the point I was making.

Mr. OVERMAN. Will the Senator yield to me?

Mr. LODGE. Certainly.

Mr. OVERMAN. I want to say that I have messages here from my own State, where the Federal court is in session. A man was on trial who said he cared nothing for the American flag; that he loved the German flag better, and would rather fight under the German flag than the American flag, and he hoped Germany would win.

Mr. HARDWICK. He ought to have been sent over there.

Mr. OVERMAN. He was turned loose by the court because there was no law to punish him, and the marshal has reported to me that unless we did something mob law would break out in North Carolina pretty soon.

Mr. STERLING. Mr. President, in connection with what is being said in regard to mob violence or the fear of mob violence, I call the attention of the Senator from Massachusetts to an account of a meeting of the governors of the various States here, and I read this statement:

> Govs. Manning, of South Carolina, and Milligan, of Maine, warned that unless drastic steps were taken soon mob violence would be expected.

Mr. LODGE. I think there can be no doubt of that, Mr. President.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Tennesssee?

Mr. LODGE. I do.

Mr. SHIELDS. There is no one more opposed to mob law than I am. I think the course of justice ought always to run smooth. There ought always to be a resort to the courts to punish all unlawful conduct. But I think there has been too much argument here in favor of this statute in order to protect the emissaries of Germany. I understand this law is to punish them in order to prevent them from doing wrong to this country, wrong to our Army and our Navy and our Government, and not for their protection against lynch law. Of course we would rather not have the mob law, but the object of this law is to suppress the infamous and murderous conduct that is going on in this country and not to protect these murderers and incendiaries and emissaries of Germany.

Mr. LODGE. Mr. President, I hope nothing that I have said could be possibly twisted into a suggestion that I wanted to protect these people.

Mr. SHIELDS. Certainly not; I did not intend to say that; but I only called attention to the fact that since this bill has been up we constantly refer to it as a measure which ought to be passed to stop lynching and to stop mob law. That is one of the consequences which will follow if we do not have a law to punish them, and I would not go so far as to say it ought to follow.

Mr. LODGE. Mr. President, my first criticism is that the law under which we could reach spies and German agents is not enforced in such a way as to really strike terror to their hearts and put an end to it.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I yield.

Mr. FALL. I ask the Senator how he would apply the law we have now upon our statute books so as to vest in a military tribunal the trial of those charged with treason or with being spies?

Mr. LODGE. I think that to bring them before a military tribunal we must have additional legislation. In the law we have, as I recall it, there are certain offenses described, and if a person is convicted of those offenses he is liable to the death penalty.

Mr. FALL. But the tribunals constituted for the trial of those cases are the ordinary civil tribunals.

Mr. LODGE. Undoubtedly.

Mr. FALL. The only method by which a military tribunal could obtain jurisdiction to try the cases would be by a suspension of the writ of habeas corpus or else the civil tribunal would, under our law, take possession of the accused upon an application for a writ and withdraw him from the operation of the military law and put him to trial before that civil tribunal. If the law fails now, it is because of the failure of the civil tribunals to visit sentence.

Mr. LODGE. It is the failure of the civil tribunal to punish these crimes as they should be punished, in my judgment.

Mr. OVERMAN. There ought to be some law providing for a court-martial to hang these people. I want to know if the Senator can cite me to a law on the statute books that enables them to be punished? The truth is——

Mr. LODGE. I do not mean the cases covered by the act we are now considering.

Mr. OVERMAN. I know you can not convict a man of treason under our law. You must have a different law.

Mr. LODGE. The Senator remembers the espionage act better than I do, but I think in that bill we made provision——

Mr. OVERMAN. We have no law on the subject, and the truth is we can not convict anybody for it. It is utterly inefficient.

Mr. LODGE. The language of the Constitution, as I recall it—I have not it open before me—is "giving aid and comfort" to the enemy.

Mr. OVERMAN. That is it.

Mr. LODGE. I know the difficulties that have occurred in the past in the definition of treason. What I was referring to, and I may be wrong, in the espionage act, as it is called, which we passed, which included really, I think, 12 different bills, I thought there was a provision for the crimes which I have mentioned, the using of dynamite, or anything of that sort, or plotting against the Government, for which death was one of the penalties.

Mr. OVERMAN. The Senator is right; but I am sorry to say the provisions were stricken out. The bill we passed here six months ago would cover it. It came back from the House yesterday. The Senate has tried to take care of the situation in conference. As soon as the consideration of this bill is over, that bill, which, I think, will take care of that situation, will be brought up. It did pass the Senate six months ago.

Mr. LODGE. Difficulty is found in the course of the civil tribunal and that is the reason why I agree so strongly with the Senator from Oregon that it would be well if we could have legislation which should bring certain cases of spies and criminal agents before a court-martial.

Mr. NELSON. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. NELSON. I want to read one paragraph of the Constitution which I think is absolutely prohibitive against trying men not in the military and naval service of the United States by a court-martial:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

I take it that under this provision of the Constitution, unless a man is in the military or naval service of the United States, he could not be tried by a court-martial. At all events, he could not unless we suspend the writ of habeas corpus, and that would have to be suspended by an act of Congress and not by the President.

Mr. LODGE. One very great President did suspend the writ of habeas corpus.

Mr. WALSH. I call the attention of the Senator to the fact that the Constitution was construed in the Milligan case, so often referred to during the present Congress, in which the defendant Milligan and others who had been convicted by a court-martial in Indiana were discharged on a writ of habeas corpus.

Mr. LODGE. I remember the case; but, of course, a district can be declared under martial law in time of war.

Mr. FALL. If the Senator will permit me, only upon the theory that there is a revolution in that district.

Mr. LODGE. The theory is not so important as the fact.

Mr. FALL. That is what the Constitution provides; and it is only upon the theory that the civil law can not be enforced either by the State authorities, if it happens to be in the State, or by the National authority, where the unheaval is of such force in that State that the civil process can not be invoked successfully; and then by a tribunal properly constituted. As the Senator suggested, that tribunal has been considered to be the President of the United States, and not only in one case, but Mr. Jefferson was the first authority in the United States who suspended the writ of habeas corpus. Mr. Lincoln was compelled to suspend it, and the courts recognized it as being suspended, even when Mr. Lincoln had not declared a revolution to exist.

Mr. LODGE. There was a man who, in 1863, said it could be done if necessary.

Mr. President, I have gotten away from the bill. This amendment, as I understand it, was taken from the Montana statute, and I believe from what has been said here the passage of that statute was due to if not suggested by the decision of a judge out there who acquitted a man charged with offenses which certainly, in my judgment, deserved punishment. The origin of the statute seems to me to make it necessary that, however meritorious it is, we should scrutinize it with care. If I may use a phrase, which I borrow from the Senator from Tennessee [Mr. SHIELDS], it was what might be called an impulsive statute,

and I think an impulsive statute deserves to be carefully examined, because we do not desire, certainly in meeting these undoubted evils, to create a situation which might terrorize and prevent men from engaging in free and legitimate discussion—I mean loyal men. It is one thing to punish a man for what is described here and another thing to use it as it might be used in the hands of unscrupulous officials to stifle opinion, either in a newspaper or an utterance by an individual.

We do not want to put the innocent in peril in our desire to reach the guilty. I think we can amend this clause so that it will be safe and at the same time carry out the purposes that we desire. As to the word "calculated," the Senator from Tennessee read the legal definition of it, which was rather looser than I had expected. I think the word "calculated" is too broad a word. I think it leaves too dangerous a power in the hands of the men who are called upon to administer the law. If any danger arises from this statute it will be in its administration, not in the clause as it reads here, as it is read and understood by us, but in the way in which it is administered.

I am aware that the Senator from New Mexico [Mr. FALL] yesterday in a colloquy with the Senator from Tennessee [Mr. SHIELDS] called attention to the difference between the use of the word "calculate" and the use of the word "intend" as shifting the burden of proof. I think that is undoubtedly true, but it seems to me that that degree of protection which is carried in the word "intend," and which we find in most of our statutes in the form of the adverb "knowingly," prevents the punishment or the persecution of the innocent. I think the word "calculated" ought to be changed to "intended," and we should give that much advantage. I do not think it would interfere with the effective operation of the statute, for it is to be remembered that although this statute only carries the accused person into court and before a jury and gives him a trial, that is a great protection. I think we ought to have in all such cases the protection of trial by jury. That is the reason why I am so much opposed to the wholesale power that we have given to stop the passage through the mails of any publications simply on the judgment of one man.

But it is to be remembered that the mere threat of prosecution, the mere threat of bringing a man or a newspaper or any publication into court, to the average man is a very serious matter; and a threat of prosecution would undoubtedly deter many men who are just as loyal men as stand in the country to-day from expressing their honest opinion, which they would have a right to express.

I hope the Senate will be willing to change the word "calculated" to "intended," as suggested by the Senator from Idaho.

In line 5, page 3, occur the words "or inflame." "Inflame" to my mind is rather a novel word in a statute. It is not very clear to me what the legal interpretation would be. It seems to me it would be better to put in some word with which we are familiar in statutes, such as the word "encourage." That is a small point, but it seems to me to be a necessary one.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. WALSH. I wish to suggest to the Senator from Massachusetts that the word "incite" conveys to the mind very much the same idea.

Mr. LODGE. I think it does.

Mr. WALSH. I do not think the statute would be to any extent affected if the word "inflame" were entirely omitted.

Mr. LODGE. Incite, as I understand it, involves the idea of beginning resistance. I think there is another idea to be covered, and that is the encouraging of resistance which already exists. Stimulating it, inflaming it, in ordinary conversation is perfectly understood; but I think a better statutory word could be found. I think, however, there are two stages of resistance: One covered by incitement, which starts it when perhaps it does not exist; and the other, which stimulates and encourages it after it is begun; but that is not a very vital point.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I do.

Mr. FALL. Mr. President, of course this has been a very interesting discussion all the way through, and certainly by no means the least interesting portion of it is that to which we are now lisening. I mean that very sincerely. I am, however, impressed with the statement which was made by the Senator from Massachusetts, in answer to a suggestion of the chairman of the Committee on Military Affairs, the Senator from Oregon [Mr. CHAMBERLAIN], in which the Senator indicated that he would like to see certain offenders in the United States tried by military tribunals. The point I am arriving at is this:

It has been suggested here, and agreed to I think by nearly all, that unless the law itself provides some method of dealing with those who are outraging public opinion by attacks upon our form of Government or upon our Constitution or upon our soldiers or upon the uniform, unless something is done one of two things must inevitably happen—that is, that lynch law will be invoked against those people or that sooner or later they will be dealt with by a military tribunal.

Now, I want simply to ask the Senator from Massachusetts if it is not his understanding, as it is mine, that, while before the civil tribunals, which some of us are anxious to retain as the proper tribunals before which offenses shall be tried, "hair-splitting"—if the Senator will allow me to use that term—definitions as to what "inflame" and what "calculated" mean and what "incite" means, and so forth, may very properly be indulged in, before no military tribunal will ever any defense be listened to for one moment based upon such attempted definitions of words?

Mr. LODGE. I entirely agree to that.

Mr. FALL. No presumptions are engaged in before a military tribunal as to "intent," and the principle of our civil law that the presumption of innocence, which is always the sheet anchor of the defense in any case, is a necessary shield and protection to the accused, in no instance will apply in a trial before a military tribunal. Does not the Senator agree with me that that is the distinction practically between civil and military tribunals?

Mr. LODGE. I think that distinction is probably sound.

Mr. FALL. Then is it not a fact, if I am not trespassing upon the Senator——

Mr. LODGE. Not at all.

Mr. FALL. Is it not a fact that, possibly because none of us here, or very few of us, have ever dealt with public affairs during a time of war, even those of us who are most determined to assist in every possible way in carrying this war to what we conceive to be its legitimate conclusion, being influenced by the fact that we have been legislating and considering matters during the "piping times of peace," while recognizing that we are at war, can not bring our minds to grasp the fact that the people of the United States are to-day in war and that the distinctions that we have had in mind, the hairsplitting—I will again use that term—definitions of words applicable to penal statutes and thrown around penal statutes for the defense of the accused do not apply to this present condition when the object of legislation of this kind is to enable us to carry this war to a successful conclusion?

Mr. LODGE. Well, if in any way we can get the class of crimes which I have in mind and the spies who are carrying information before military tribunals, the Senator from New Mexico will not find me making any trouble about hairsplitting definitions. One reason that I favor military tribunals for crimes of that kind is that they are prompt, and yet the accused can be represented by counsel and can know the charge against him.

Mr. FALL. Undoubtedly.

Mr. LODGE. It is a prompt procedure, and a great deal of delay is avoided; but I should think nobody would think of putting the offenses involved in this bill before a military tribunal.

Mr. FALL. If the Senator will allow me, I think inevitably, if you do not put them in the hands of the courts——

Mr. LODGE. That is what we are proposing to do.

Mr. FALL. But if you do not put them in the hands of the courts, and put them there in such a way that people will believe that justice will be meted out, if Senators are so insistent upon still throwing around the accused the protective language which will enable him simply to throw the burden upon the prosecution to prove his intent, although the effect of his language may be most disastrous—if insistence upon shielding the accused by placing upon the prosecution in these cases the burden of proving intent is successful, you will try these cases either by a military tribunal or Judge Lynch will preside over the court. To me there is no other conclusion, and I have been insistent—trespassing further upon the Senator's time—from the introduction of the original so-called espionage bill, upon one line of legislative procedure, which is that authority should be vested in the tribunals of the United States to try certain cases where in times of peace they had no jurisdiction under our ordinary civil law, for the very purpose of attempting to carry along with us in our own country here through this war the jurisdiction of the civil tribunals, the constitutional courts, and those legislative courts formed under the Constitution; that all crimes might be tried before those courts; and that we might not be compelled to invoke the military courts. That has been my purpose——

Mr. LODGE. I understand.

Mr. FALL. And it is yet my purpose; but I say to the Senator very frankly that if the statutes which we have attempted to enact fail, as they have failed, under decisions of the courts such as were read at the request of the Senator from Montana [Mr. WALSH], if guilty persons can not be punished under such statutes because of legal technicalities, the people of the United States will see that they are punished in some way, and the efforts of the Senator from Massachusetts and myself to keep open the civil tribunals, to afford to all accused the right to the writ of habeas corpus, the right of trial by jury, the right to be confronted with witnesses, to have the accusation read, and the accusation itself founded upon indictment or upon affidavit or upon information alleging the crime committed will be of no avail.

If all those things can be carried along with us through this war, then some of us will be perfectly satisfied with the result of our labors; but if the statutes of Congress fail, as they have failed invariably, because of the very fact, as in the case of the espionage bill itself, in my judgment, that they are so emasculated by hypercritical amendments and hairsplitting definitions that within the legislation itself defining the offense there is carried such a defense to the accused as to render it practically impossible for the United States Government or the State authorities to convict him of any crime or offense whatsoever, then, I say to the Senator—and I think the Senator will agree with me—that the military tribunals inevitably will be compelled to deal with the situation or the people will take the law into their own hands.

Mr. LODGE. Mr. President, this bill does not deal with any crimes or any offenses which I should think for a moment of suggesting to place before a military tribunal; but it seems to me the Senator from New Mexico wants to keep the jurisdiction of all offenses in civil tribunals—in which desire I very largely sympathize—but he also wants to make the civil tribunals as much like military tribunals as he can. I think we had better keep them separate. As to the men who are committing crimes and who are genuine spies, I think a military tribunal is the only fit place for them.

Mr. CHAMBERLAIN. May I interrupt the Senator from Massachusetts?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Certainly.

Mr. CHAMBERLAIN. I thought there was a provision in the Articles of War which reached the class of individuals mentioned a while ago by the Senator from Massachusetts, and I find that is true. I find that article 82 of the Articles of War provides:

ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

Articles 46, 47, and 48 provide as follows:

ART. 46. Approval and execution of sentence: No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include:

"(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to approve or disapprove the whole or any part of the sentence."

ART. 48. Confirmation; when required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

"(a) Any sentence respecting a general officer;

"(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;

"(c) Any sentence extending to the suspension or dismissal of a cadet; and

"(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

"When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary."

So that it appears that we have recourse now to the Articles of War to punish the class of offenders mentioned by the Senator from Massachusetts.

Mr. FALL. Mr. President, the Senator, of course, is correct in the strict sense of the term. In any military district or upon a military reservation or within five miles of a cantonment, or any place of that kind, which is purely under military rule, and where military authority is supreme there the Articles of War apply, but the Senator certainly does not mean that the eighty-second article of war, which he has just read—the courts have passed upon the proposition too often for there to be any doubt about it—suspends the writ of habeas corpus.

Mr. CHAMBERLAIN. I do, so far as the State courts are concerned.

Mr. FALL. In the United States to-day?

Mr. CHAMBERLAIN. Yes.

Mr. FALL. Then all legislation here of this character is entirely unnecessary; there is no doubt about that.

Mr. CHAMBERLAIN. The Articles of War only cover the case of spies outside of those connected with the military service.

Mr. FALL. No; it does not make any difference, Mr. President. The Articles of War govern the Army and the conduct of civilians in connection with the Army in any military zone.

Mr. CHAMBERLAIN. I beg to differ from the Senator. The articles speak for themselves. They define who shall come within their provisions; they specify those who are within the military service, camp followers, and others.

Mr. FALL. Precisely.

Mr. CHAMBERLAIN. And then go ahead and, in article 82, specify spies as coming within the jurisdiction of military tribunals.

Mr. FALL. Certainly. There is no difference between the Senator and myself except the question of jurisdiction; that is all.

Mr. BORAH. It applies if the spy is in a military district.

Mr. CHAMBERLAIN. May I say that a spy anywhere in the United States is in a military district? He may not be near a fortification or a post or a cantonment, but he is a spy just the same; and if he is within a cantonment or near a cantonment or near a post or fortification he is subject to the jurisdiction of a military court.

Mr. LODGE. Mr. President, I have a case in mind which illustrates what I mean. I have seen a report in the newspapers that a man—I think he was an Austrian or a German—in one of our factories, which was under military supervision and which was making shells, was found to be putting in short fuses, so that the shells would not explode when they landed; in fact, destroying their usefulness. He was caught in the act, was remanded to the civil tribunals, and that is the last I have heard of the case. I do not know what has become of him. A man like that, working on military supplies in a factory over which the Government has supervision, I think, ought to go before a court-martial and be tried there quickly and disposed of there quickly; but such cases go to the civil courts, or, apparently, the case to which I referred to went to the civil courts.

This bill, however, to come back to it, does not touch the cases of the dangerous criminal agents and the spies; and the danger of it is that it will be used, if loosely drawn, to suppress free and legitimate discussion by the great mass of the loyal people of this country. That is not desirable, from my viewpoint.

Now, Mr. President, to go on with the bill, in line 18, on page 3——

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield.

Mr. McCUMBER. Before the Senator leaves line 5, where he suggested that some other word than the word "inflame" should be used, as "inflame" is an uncommon word and has probably not been construed by the courts, I would suggest that there be used in place of the word "inflame" the words "urge or provoke," so as to read: "Calculated to incite, urge, or provoke resistance." Those are the statutory words commonly used.

Mr. LODGE. Yes; something of that kind, I think, is better than the word "inflame," which certainly is not a common statutory word.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly.

Mr. JONES of Washington. Before the Senator proceeds to line 18, I want to ask him if he does not think it would be well to strike out, in lines 13 and 14, the words "with intent by such curtailment of the production of things necessary in the prosecution of the war"; in other words, ought not the urging of the curtailment of the prosecution of things necessary in the prose-

cution of the war to be prohibited without being compelled to show further that it was done with the intention to hinder?

Mr. LODGE. My attention has not heretofore been called to that; but I am disposed to agree with the Senator that that is needless, and it is better to make it simple.

Mr. JONES of Washington. I think it is not only needless——

Mr. LODGE. I think it might be harmful.

Mr. JONES of Washington. I think it would be very harmful, and I hope the Senator from Montana will consider that, as I understand this provision of the bill is his suggestion.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I yield.

Mr. WALSH. Upon the reflection that I have been able to give it, I should think it would be inadvisable. I want to make the statute as strong as I can consistently; but I can very readily conceive how it might be grossly abused if that clause were, as a matter of fact, taken out. One might dissuade his neighbor from sowing wheat, and urge, for instance, that flax is a much more profitable crop and one that is equally necessary for the conduct of the war. He might be charged, then, with urging the curtailment of the production of wheat, a necessity of the war, but he does not do it at all to injure the United States. I fear that the bill would be open to very just criticism if that particular clause were eliminated.

Mr. JONES of Washington. What I fear is that if it remains in the bill we will not stop any of the incitement to curtail production.

Mr. WALSH. I am not unmindful of the difficulty of the situation suggested by the Senator from Washington; and yet I should feel that the bill would be open to much of the criticism that has, I think undeservedly, been directed against it in other respects if those words were not left in.

Mr. LODGE. Of course the words "necessary or essential" are open to a great deal of possible discussion.

In line 17 there occurs this language:

By word or act support or favor the cause of the German Empire or its allies.

Who are the allies of the German Empire—I am speaking of her legal allies? Austria, Bulgaria, and Turkey. We are not at war with Turkey and Bulgaria. I think we ought to be; but, as a matter of fact, we are not at war with them. Yet we have a bill here that punishes a man who says anything favorable to a country with which we are not at war. It seems to me that it might be improved by some rewording, because that presents one of those difficulties to which the Senator from New Mexico [Mr. FALL] has alluded in respect to hairsplitting technicalities.

Mr. NELSON. To what does the Senator refer?

Mr. LODGE. I refer to the language "the German Empire or its allies."

Then we come to the last clause; and I must say it seems to me it would be better if it read "oppose the United States." I think the word "cause" is another loose word, and that it is much simpler to say "oppose the United States"; and that will cover everything.

Mr. President, some time ago I presented an amendment, which I am now going to move. I do not know whether there is any amendment pending.

The PRESIDING OFFICER. There is no amendment pending.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I do.

Mr. CUMMINS. Before the Senator from Massachusetts goes to the amendment that he intends to offer, I want to call his attention to one of the things that has bothered me with respect to the bill. I am generally very much in favor of it.

Mr. LODGE. So am I.

Mr. CUMMINS. I agree to the substitution of the word "intended" for the word "calculated," as I have already said, and I had hoped that while the Senator from Massachusetts, with his critical judgment respecting the use of words, was considering lines 4 and 5, he would refer to the word "resistance" and give us the benefit of his opinion with regard to the proper meaning of that word. The provision is—

Or shall utter, print, write, or publish any language—

I will read it now as I would have it—

intended to incite or inflame resistance to any duly constituted Federal or State authority.

What is "resistance to any duly constituted Federal or State authority"? Is the word "resistance" the equivalent or the synonym in this case of the word "disobedience"? If it covers mere disobedience to the law, its propriety could very well be doubted; but if it means something other than mere failure to obey the law, then its employment may be very wise. I look upon the word as meaning or requiring something more than mere failure to comply with a law or a lawful order. Our statutes already attach penalties for failure to comply with their provisions or with orders which were made under them. I am led, therefore, to ask the Senator what, in his opinion, is the real meaning of the word "resistance"?

Mr. LODGE. Mr. President, I should not think it covered mere disobedience; for example, if Mr. Garfield commanded the people of this country not to fill their bins with coal—not to "hoard" it, as he called it a year ago—or to fill their bins, as he now commands them, I do not think a failure in either case could be interpreted as resistance to the law. "Resistance to the law," as I read it, means resistance to the execution of the law.

Mr. NELSON. Mr. President, will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. With pleasure.

Mr. NELSON. I wish to call the attention of Senators to section 62 of the Penal Code, which gives an illustration of such language.

Whoever shall forcibly assault, resist—

I call attention to the word "resist"—

oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined—

And so forth.

There the word "resist" is used and, I think, it is used in the sense of impeding an officer in the performance of his duties.

Mr. LODGE. As I have said, resisting the execution of the law——

Mr. NELSON. Yes; I think that is the sense in which it is used here.

Mr. CUMMINS. I suspect that the word "resist" in that statute is qualified by the word "forcibly."

Mr. NELSON. No.

Mr. LODGE. No; that only qualifies one word.

Mr. CUMMINS. I will ask the Senator to read it again.

Mr. NELSON. It does not qualify the word "resist"; there is a comma after the word "assault"—

Whoever shall forcibly assault—

Then there is a comma, and it proceeds—

resist, oppose, prevent, impede, or interfere—

The word "resist" is not qualified.

Mr. CUMMINS. May I ask the Senator from Minnesota what he understands by the word "resistance"? Is it mere failure to obey?

Mr. NELSON. No; I do not think it is mere failure to obey.

Mr. CUMMINS. Well, what is it, then?

Mr. STERLING. If the Senator will permit me, I will read the general statute with regard to resistance to an officer.

Mr. CUMMINS. To an officer?

Mr. STERLING. Yes, sir. It is as follows:

Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving or attempting to serve or execute any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing him to be such officer, or other persons so duly authorized, in serving or executing any such writ, rule, order, process, * * * shall be fined—

And so forth.

Mr. CUMMINS. Of course that means, as I said in the case of the statute read by the Senator from Minnesota [Mr. NELSON], resistance to the execution of an order of the court, or of the law.

Mr. LODGE. Yes.

Mr. CUMMINS. It does not mean a mere failure to obey a law, or an order which may be issued by some lawful authority.

Mr. STERLING. A failure to obey a subpœna, for example, would not be resistance to the order of the court.

Mr. CUMMINS. And I wanted it to be perfectly clear, at any rate, when I voted for the statute, that I did not vote for it with the understanding that the mere suggestion of a failure to obey the law should visit upon one the extreme penalties that are here provided.

Mr. LODGE. It is my opinion that the word "resistance" is usually interpreted to mean and conveys the idea of resistance to the execution of a law.

Mr. NELSON. Mr. President, if the Senator will yield to me for a moment, I think the two words that precede "re-

sistance" indicate that it can not be the mere failure to obey the law. The words are, "calculated to incite or inflame resistance." That means that somebody outside is acting or inciting. The two words there have different shades of meaning. The word "incite" implies, among other meanings, personal solicitation, while the word "inflame" does not imply that. For instance, a man makes a harangue or speech before a mob, before a crowd, encouraging them to disobedience. That is inflaming them. But if a man, by personal solicitation in any form, does the same thing, that comes under the head of "inciting." So I think the two terms cover different shades of meaning.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LEWIS. I beg pardon. I was about to tender an amendment, and I thought the Senator had yielded the floor.

Mr. LODGE. No; I have not, yet. I have been trying to regain it.

If I may say one word more before I pass to the little amendment I am going to offer, I think it would be wise, after "German Empire," in line 18, to leave out "or its allies." If you say "the cause of the German Empire," you cover whatever is done in her favor, whether it is done in Turkey or Bulgaria or Russia or Finland or anywhere else. Germany is sending troops at this moment to Finland. I think the more general you make it, the better; but if you leave in the word "allies" you at once embarrass yourself with the fact that we have not declared war on Turkey and Bulgaria, as we ought to have done.

Mr. President, the amendment I want to offer was read from the desk this morning. The Senator from Idaho [Mr. BORAH] has offered an amendment repealing the clause of the espionage bill which gives to the Postmaster General, without any restriction whatever, the power to shut out from the mails practically any newspaper, periodical, or publication that he does not happen to like.

I think that is a very dangerous power to be conferred on one man. It is not only inferior to the civil tribunals, but I think there is a less chance of justice than in a court-martial. I shall vote for the amendment of the Senator from Idaho with the greatest pleasure, but I do believe that it is well within the power of Congress to decide what shall be excluded from the mails.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. WALSH. I dare say the Senator from Massachusetts will recall that when the bill was originally under consideration in the month of June last, that particular provision was the subject of very extensive discussion; and attention was then called to the fact that we have already in times of prosperous peace conferred upon the Postmaster General the power to exclude from the mails publications that are deemed inimical to the public interest.

Mr. LODGE. The peace power is very carefully limited. It is confined to obscene publications and other things that are perfectly capable of definition. The other was very much broader. But if we want to exclude from the mails, let us do it by law here, and determine ourselves what we want excluded.

It is in that view that I offer this amendment:

The use of the mails shall not be permitted to any newspaper, magazine, or periodical, circular, or pamphlet which is printed in whole or in part in the German language.

Those circulars, pamphlets, and newspapers are the nests in which all of these treasonable and injurious utterances are hatched. I do not say that applies to them all, of course, but it applies to a great many. They are not prevented from publishing. They can publish in English and supply it to their constituency perfectly well. The language of the United States is English; and I think in time of war we had better circulate through the mails the language of the United States, and not the language of our enemies.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I yield; yes.

Mr. KING. What I am about to say is scarcely a question. I was just about to observe to the Senator that, speaking for myself, I would prefer to see the first section of the bill which is now under consideration defeated, and not passed, than to have adopted the amendment offered by the Senator from Idaho and which the Senator from Massachusetts has just indorsed. I know from investigation that that section has proven a powerful weapon and a very valuable weapon in the hands of the Government in preventing this wicked and criminal propaganda that has been carried on by the I. W. W.'s and other traitors in this country.

Mr. LODGE. Mr. President, this bill is designed to meet that very propaganda and that very language and those very publications, and let them go to the courts, and not leave them to be dealt with by a Cabinet officer.

Mr. KING. I want to say to the Senator that in a number of instances—several scores, I am told—they have resorted to the courts, and in every single instance the action of the Postmaster General has been supported. He has not exercised in an arbitrary or a capricious way the power which we have given him.

Mr. LODGE. I am not attacking the Postmaster General, or the way in which he has exercised his authority. I am putting the proposition on the broad ground that it is too great a power to be intrusted to one man. I would a great deal rather trust it to a court-martial.

Mr. KING. I think it would be a very great mistake in time of war, such as this is, to deny to some agency of the Government the power to prevent treasonable, disloyal, anarchistic, or seditious publications from being transmitted through the mails, especially where, as the law now provides, there is a remedy by appeal to the court.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I yield. I yield the floor.

Mr. NORRIS. I want to suggest to the Senator before he yields the floor that the good that the Senator from Utah believes has been accomplished, even conceding it to be true, still leaves in the power that to my mind is a greater danger than what he suppresses as the law now stands, and that is the power to coerce newspapers that he does not suppress; that the indirect danger is greater than the direct danger.

Mr. LODGE. Mr. President, I move the amendment which I send to the desk, and which I have already read.

Mr. LEWIS. Mr. President, I desire to offer an amendment, with the purpose of having it read and printed, and calling it up later. It is rather an important amendment, and I will ask the attention of the Senate to it, as I should like to have the judgment of the Senators upon the amendment.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The SECRETARY. The Senator from Illinois proposes the following amendment:

SECTION —. Whenever any person in the United States or in any Territory or country under the jurisdiction of or administered by the United States, who, being a citizen of the United States or exercising and enjoying the rights and privileges of a citizen of the United States, shall by conduct, acts, or declaration, show that such person is a disloyal citizen of the United States and unworthy of citizenship of the United States, or of enjoying the rights and privileges of a citizen of the United States, such fact, when established by procedure provided in this bill, shall forfeit his citizenship in the United States and all rights, privileges, and emoluments that go therewith, and shall forfeit all right to become a citizen of the United States and enjoyment of all privileges that attend, enter upon, and follow the becoming a citizen of the United States.

SEC. —. Any person described in the foregoing section who shall, in the manner provided in this act, have been proven to be a disloyal citizen and unworthy of the citizenship of the United States shall, by the judgment condemning such citizen to forfeit the said citizenship, have all property held under the laws of the United States and enjoyed under the protection of the laws of the United States forfeited and returned to the United States, to be taken by the United States under proper judgment and decree and appropriated for uses for the defense by the United States and for the protection of the United States against all foes that are at war with and against the United States.

SEC. —. Any person or persons who may have knowledge of any acts or conduct or declarations of any person named in this law, showing such person or persons to be unworthy of the citizenship of the United States, shall have the right to make complaint before any court having jurisdiction to grant citizenship to any person, and said court upon said complaint shall have process served upon the person or persons complained of, to be answered in the form of the proceeding in court of the condemnation of property, and issue upon the said cause be duly entered in such form of pleading as is provided in the practice within the particular State or District where the action is brought. The cause shall be heard before a jury after the order and manner of causes heard before a jury involving the rights of persons and property as prescribed for civil procedure in matters in which juries are provided by the law of the State or district where the action is brought. The verdict of the jury shall state the finding of the jury as to the matter of disloyalty, and also shall state whether there shall be forfeit of property or not, as in each case may be by the circumstances to the jury justified.

SEC. —. That hereafter, following the declaration by court or jury of disloyalty and the withdrawal of citizenship from any person or persons or of property, it shall be in the power of any court having jurisdiction to grant citizenship, to restore citizenship, and make order of restoration of property or the value thereof, upon the showing to the court through the ordinary legal procedure, by petition under the form of practice in equity, that the said person has become loyal and worthy to be restored to citizenship. That upon the decree of restoration the said person shall be at once restored to all privileges and im-

munities, rights, and honors, that attend and follow citizenship in the United States of America, as though to the full extent he had no judgment or forfeiture rendered against him.

Mr. LEWIS. Mr. President, I merely ask that the amendment be now printed and lie upon the table, as I shall move its adoption at the proper time.

Mr. LODGE. I was about to ask the Senator to have it printed. It is a long and very important amendment.

Mr. LEWIS. Yes, sir.

Mr. THOMAS. Mr. President, the discussion of this bill has very naturally assumed a very broad range, and the amendments which have been offered from time to time, I think, need but one more to demonstrate how far we are at sea from that sort of legislation which it is within our power to enact. If some Senator will now introduce another amendment abolishing the right of trial by jury, I am inclined to think that the bill as it now stands will be reasonably perfect.

The last proposed amendment reads to me like a bill of attainder, and I am inclined to think that it would be so construed as to property and as to individual rights if it should be enacted into law and become the subject of judicial construction.

Mr. President, I want to cast my vote for a bill which will accomplish the object which the Judiciary Committee had in view when they reported the measure to the Senate by a practically unanimous vote. I do not desire, in the effort to accomplish that purpose, to go so far as to enact a measure so radical and far-reaching as to virtually defeat itself. It is the history of all drastic penal legislation that when it becomes too extreme it is incapable of enforcement. The courts, by a liberal construction or the reverse, and the juries having the power to pass upon the facts, will refuse to effectuate the purposes of a statute so radical in its character as to meet with their disapproval.

There was a time in the common law of England when the pettiest of offenses were punished by death. I think the larceny of a shilling was such an offense. The juries, by an almost constant system of conduct, and the judges, by winking as far as they could at that conduct, very frequently, perhaps in a majority of cases where grand larceny had been committed, accepted testimony which indicated the value of the property to be less than the minimum amount, which, upon conviction, was followed by execution or punished capitally.

That, Mr. President, was not only a practice justified by the humane instincts of an enlightened community, but it was the application of the principles of justice, as far as they could be applied, in view of an express law too rigid in its penalties and its provisions to receive the sanction of public opinion.

Mr. President, there is no question but that the use of language, written or spoken, in the hands of a capable individual, can create much mischief, can undermine the cause of the Nation to some degree, and can produce injurious consequences of a far-reaching character. That is obvious not only because of our present experiences but we are so told by the history of nations. To the extent to which that mischief can be restricted and punished in times like these, legislation is necessary. To the extent that it can not be restricted and punished by legislation, no matter how drastic it may be, we should not go.

Of course it would be perfectly legitimate for me to be asked at this point to point out the limit which defines proper and constitutional legislation from that which is improper and unconstitutional. Frankly I can not do it. I think no man can; and that suggests the difficulty with which the committee were confronted in their efforts to phrase something adequate to the exigency. What they have produced here is doubtless as nearly perfect as can be phrased in language, but in my judgment it is not such language as we should crystallize into a statute at this time or at any other time.

I took occasion yesterday to call attention to the absence of an element which is absolutely inseparable from crime, and without which, no matter how grave the act, there can be no crime. I refer, of course, to the intent with which an act may be committed. I know of no exception to the fundamental proposition that acts, to be criminal, must be willful or deliberate, except those which indicate a carelessness, a rashness, a disregard for the rights of others, so obvious as to become the equivalent of a willful intent.

The Senator from Washington a few moments ago suggested that where the term does appear it should be eliminated, lest the object of the statute should be defeated by its inclusion. Mr. President, I think the Senator upon reflection will admit the very obvious wisdom of the reply of the Senator from Montana with regard to that suggestion. We can not afford, Mr. President, and at this time of all times we can least afford, to break down or disregard so fundamental a safeguard in the enactment of criminal legislation as the element of intent. Otherwise, Mr. President, the innocent and the guilty will alike be included within the recitals of this criminal statute. Otherwise we make no distinction whatever between the man who deliberately commits an offense and the man who innocently commits an act which, if it were intended, would constitute the offense.

Hence, I shall move at the proper time on line 18, page 2, between the last two words of the line, to insert the word "willfully," and to insert the same word on line 4, page 3, between the words "shall" and "utter," and between the words "shall" and "display," on line 7, of page 3, and also between the words "shall" and "advocate," in line 14, so that the acts which are to be prohibited shall constitute offenses when they shall have been performed willfully or with deliberate intent; and I do not believe, Mr. President, that any court in this country will sustain an act from which those words or their equivalents are absent.

If they do sustain it, they will import into the law the old common-law element of intent, and wherever it does not appear that the act complained of was so committed they will instruct the jury accordingly. But it seems to me to be a reflection upon the experience of the Congress and upon the wisdom of its Members to pass a bill of this sort, which does not contain that essential element of criminal intent.

Mr. MYERS. Mr. President, I should like to ask the Senator a question.

Mr. THOMAS. I yield for that purpose.

Mr. MYERS. Can any man utter any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States without intending to speak the words which pass his lips?

Mr. THOMAS. Oh, no. When a man speaks a word he intends to speak it; but he may not intend willfully to slander his Government in speaking it. I got a letter yesterday morning from a private soldier, who complained very bitterly because he had not received his pay. His contention was that those dependent upon him were suffering because he had not received his pay, and he expressed his opinion of the Government of the United States in language far more forcible than elegant. Now, that soldier did not mean to defame his Government. He did not mean to speak words of disloyalty. In his resentment at what he considered unjust treatment he expressed himself to me as I have stated. There is an instance, Mr. President, in which the boy would be punished, sent to the penitentiary for a term of years or fined far beyond his means, perhaps, if we are going to enact this statute in the precise terms in which it was reported from the Committee on the Judiciary.

Now, let me call attention to another word which seems to me, Mr. President, to carry this law far beyond the intentions of its framers, and certainly far beyond the legitimate purpose of the act. I allude to the word "defend"—

> Whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated—

Mr. President, John Doe may be indicted for seditious utterances in violation of this act. My friend the Senator from Montana may be employed to defend him, and of course if he is so employed he will endeavor to the best of his ability to acquit his client; but if, in so doing, he defends the act, however necessary and legitimate it may be to the purposes of the defense, he in turn may be indicted and punished, together with his client, for defending that client.

Mr. STERLING rose.

Mr. THOMAS. It may be, Mr. President, that that is a far-fetched illustration, but certainly it is within, and far within, the opinions which I have heard expressed here to-day as to what this statute ought to be and as to what they intend it shall be.

I yield to the Senator from South Dakota.

Mr. STERLING. I was just about to ask the Senator in substance what he has stated, that it might be a far-fetched illustration; but does not the Senator think that the court would exclude from the operation of a statute the defense made by an attorney in behalf of his client?

Mr. THOMAS. I think a court would; but why should we enact here a statute which would make it necessary for a court to do so?

Mr. STERLING. It would be a violation of his constitutional right, of course, if he was deprived of his defense.

Mr. THOMAS. Yes; that is true; and yet one Senator has said that unless we pass this law and make it drastic enough the military authorities will assume jurisdiction of these cases and punish them according to military codes. That, with all due respect to my distinguished friend, for whose legal ability

I have the highest opinion, was, to my mind, one of the most astonishing utterances that I have heard in the course of this debate.

Mr. OVERMAN. Will the Senator yield to me?

Mr. THOMAS. I yield.

Mr. OVERMAN. Mr. President, I had an idea of going on with the bill until it was completed, but some Senators have dinner engagements, and so on. I wonder if I could not get unanimous consent to consider the bill to-morrow, and that at not later than 5 o'clock to-morrow afternoon we shall agree to vote on it. I suggest that the Secretary read the agreement I propose, and then if anyone here objects that will be the end of it.

Mr. THOMAS. I do not want to yield for the purpose of submitting that proposition because I understand it would require a call of the roll under the rule.

Mr. OVERMAN. I will just present it, and if anyone objects it will go over.

The VICE PRESIDENT. A quorum has to be developed. Otherwise there can be no unanimous-consent agreement as to the final passage of the bill.

Mr. OVERMAN. I will let the Senator from Colorado proceed, and I shall present the agreement after he gets through.

Mr. THOMAS. Mr. President, of course the failure of legislation under the civil law for the regulation of crime even in times of war could not transfer jurisdiction to military tribunals under our form of government; nor, as the Senator from Minnesota [Mr. NELSON] well suggested, can any crime under the Constitution of the United States be punishable except by the verdict of a jury, unless it was committed by those directly within the jurisdiction of the military or naval authority. So, whether we enact this statute or not, there can be no assumption of power, except possibly through the declaration of martial law in districts that are said to be in insurrection, to stretch their authority and assume jurisdiction of a solitary offense here to be created or anything like it. That has been the law ever since the Milligan case.

Mr. FALL. Mr. President——

Mr. THOMAS. I will yield in just a moment. I have had occasion once or twice to refer to the Milligan case, and now refer to it as one of the great landmarks in the judicial history of the United States. I yield to the Senator from New Mexico.

Mr. FALL. I simply want to say, in view of the fact that the Senator apparently had reference to something I said, I did not mean for one moment to say that if we failed to enact legislation of this kind the military authority would extend all over the United States. In fact, I deny that absolutely.

Mr. THOMAS. I understood the Senator to say—and, of course, if I misunderstood him I must apologize—that unless legislation of this sort was adopted, these offenses would go to a tribunal that would not only not quibble upon the meaning of words, but which would deny to the defendant those presumptions which exist for his protection at common law.

Mr. FALL. I would not have the Senator for a moment think I meant that military law would go of its own accord. What I meant to say was that to save this Government and this country of ours the President of the United States would be justified in doing exactly what Abraham Lincoln did in declaring a state of revolution to exist while possibly the State itself was not in revolution. The military law would then apply.

Mr. THOMAS. I, of course, accept the Senator's correction, and I am sorry I misunderstood him; but, Mr. President, the Executive of the Nation is powerless to clothe military tribunals with jurisdiction over criminal offenses not committed by military people. Of course, he may suspend the writ of habeas corpus, and within the limits of that suspension, there being no law except military law, those committing offenses may be arrested, imprisoned, probably shot; but in every instance where the courts are open the mere declaration of martial law does not close them. In every case where the courts are open the accused has a right to appeal to the civil tribunals of the country, and in the past that appeal has not been made in vain, to my knowledge. However, sufficient unto the day is the evil thereof. Let us not enact measures now which may be too broad in their aim and consequently too sweeping in their consequences because of an apprehension that unless we be swift about this legislation the Executive may interfere and put the country under the edict of martial law.

I think, Mr. President, the suggestions which I have made with regard to the amendments here should be adopted. I will not promise now to vote for this measure even if they are adopted, for in the absence of clear language imputing willful intent to a citizen who may be guilty of a violation of these provisions I could not under my construction of my oath of office here vote for the passage of the bill.

Mr. OVERMAN obtained the floor.

Mr. SMITH of Georgia. Will the Senator yield to me, that I may present two amendments?

Mr. OVERMAN. I yield for that purpose.

Mr. SMITH of Georgia. I wish just to offer, so that they may go into the RECORD, two amendments. On line 22, page 2, strike out the words "soldiers or sailors" and insert "Army and Navy"; and on page 3, line 5, at the close of the line, add before the word "any" the words "legal order of any," so that it will read:

To incite or inflame resistance to any legal order of any duly constituted Federal or State authority—

And so forth.

Mr. MYERS. I should like to ask the Senator from Georgia a question about that proposed amendment. Suppose an officer of the United States or of a State government goes to arrest a man who is doing something forbidden by this bill after it is enacted into a law, and the man about to be arrested resists, where would the legal order be?

Mr. SMITH of Georgia. This refers to the criticism——

Mr. MYERS. The officer sees that a man is violating this law and, without any warrant, proceeds to arrest him, and the man resists. Where is the legal order?

Mr. SMITH of Georgia. It has no reference to that case at all. The right of arrest exists, under certain circumstances, everywhere, without indictment and without a warrant. This is the paragraph which refers to the criticism——

Mr. MYERS. I will amplify my question. Suppose that anyone uses language calculated——

Mr. OVERMAN. I did not yield for the amendments to be debated. I yielded to the Senator to offer his amendments, and they can be debated later.

I now propose the following unanimous-consent agreement.

The VICE PRESIDENT. The Secretary will read the proposed agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed, by unanimous consent, that at not later than 5 o'clock p. m., on the calendar day of Saturday, April 6, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. OVERMAN. I wish to say if this is agreed to I shall ask the Senate to take a recess until 11 o'clock to-morrow, which will give from 11 to 5 o'clock to debate the bill and all amendments to it.

Mr. SMITH of Georgia. Surely, we will have time to get through with it if we can take the ordinary adjournment until 11 o'clock. The Senator knows more about the probable talk upon it than I do. I should be glad to give unanimous consent to vote not later than 5; but then, as to an adjournment, I want to bring up to-morrow, not for any length of time, a very important bill. I want to introduce a bill.

Mr. OVERMAN. Could not the Senator wait until Monday?

Mr. SMITH of Georgia. No; I want to introduce it to-morrow.

Mr. OVERMAN. I will agree to let the Senator introduce his bill at any time.

The VICE PRESIDENT. Is there objection from any Senator present to the proposed agreement?

Mr. KING. Mr. President, of course I am going to vote for this bill and I am in favor of it, with a few amendments. I know there are several Senators who are opposed to it, and in good faith. While I share the desire of the Senator from North Carolina to pass the bill, and pass it speedily, and appreciate the necessity of speedy action, I am inclined to think that it might not be wise to urge the proposed agreement at this time.

Mr. OVERMAN. I am going to urge it, and if anybody wants to object let him object.

Mr. SMITH of Georgia. Can we not at least give unanimous consent to dispose of it during the calendar day to-morrow? And if we have to sit a little later than 5, let us stay and dispose of it. I am perfectly in accord with the desire to complete the bill.

Mr. KING. I am not going to object, but I want full opportunity for those who desire to discuss it to have that opportunity.

Mr. OVERMAN. The bill has been debated. It is a very short bill, but it is an important bill, and there have been fine speeches made upon it.

The VICE PRESIDENT. The Chair understands that the Senator from Utah does not object?

Mr. KING. I do not.

The VICE PRESIDENT. Then the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Overman	Smoot
Chamberlain	Jones, N. Mex.	Phelan	Sterling
Cummins	King	Pittman	Stone
Curtis	Kirby	Pomerene	Swanson
Fall	Lewis	Robinson	Thomas
France	Lodge	Sheppard	Trammell
Frelinghuysen	Martin	Shields	Underwood
Gore	Myers	Smith, Ariz.	Vardaman
Hale	Norris	Smith, Ga.	Weeks

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KENDRICK, Mr. NEW, Mr. SHAFROTH, Mr. TILLMAN, and Mr. TOWNSEND answered to their names when called.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. OVERMAN. I move that the Sergeant at Arms be directed to request the attendance of absent Members.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. MCKELLAR, Mr. THOMPSON, Mr. REED, Mr. SMITH of South Carolina, Mr. COLT, Mr. BECKHAM, Mr. SAULSBURY, Mr. MCNARY, Mr. GALLINGER, Mr. BORAH, and Mr. NELSON entered the Chamber and answered to their names.

Mr. SAULSBURY. I desire to announce that my colleague [Mr. WOLCOTT] and also the Senator from South Dakota [Mr. JOHNSON] are detained on important public business.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. OVERMAN. Mr. President, I ask that the Secretary now read the proposal for a unanimous-consent agreement as to the pending bill.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the legislative day of Saturday, April 6, 1918, the Senate will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock p. m. of April 6 no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 10 minutes upon any amendment offered thereto.

Mr. STONE. What is the hour fixed for a vote?

Mr. CUMMINS. No hour is fixed.

The VICE PRESIDENT. No hour is fixed.

Mr. MYERS. Mr. President, I suggest that the hour of 1 o'clock be changed to 2 o'clock. It seems to me that three hours should be allowed for speeches.

Mr. OVERMAN. I have no objection to that.

Mr. REED. Mr. President, it seems to me that we ought to vote on the principal amendments which may be offered to this bill before a unanimous-consent agreement of this character is had. The time fixed is very short. The fact that it is now within 25 minutes of the ordinary hour of adjournment, and that the Senate will probably not convene until 12 o'clock to-morrow——

Mr. OVERMAN. I have given notice that I would ask the Senate to take a recess until 11 o'clock to-morrow.

Mr. REED. That only adds an hour.

Mr. OVERMAN. But there will be no morning hour, and the whole day will be devoted to the bill.

Mr. REED. That interferes with committee work, which is crowding constantly for attention.

I think that the Senator ought not to ask for a vote upon this bill at so early a date. I think we ought to vote upon the principal amendments before debate is limited. This proposed unanimous-consent agreement is almost equivalent to asking for 10-minute debate, beginning at the present time.

Mr. OVERMAN. There will be three hours for debate, if the Senate meets at 11 o'clock.

Mr. REED. The bill is a very important one. It is a bill with the spirit of which, I think, every man in the Senate is in accord. It is a bill which I believe every man in the Senate who has considered the matter thinks goes further than it ought to go, and I see no reason in the world for any such haste as is involved in the proposed agreement. I do not think the Senator ought to ask it.

Mr. OVERMAN. Then, we will let it run into Monday, Tuesday, or Wednesday of next week.

Mr. REED. Suppose that we really go on until Monday or Tuesday of next week, what would be the harm? Here is a bill that involves questions that are almost vital in their importance; it is a bill that many patriotic men fear will work injury in some respects. I am not going to call any names, but I talked to a Senator who was largely instrumental in helping to draft this bill, and, as I understood him, he himself thought that the matter ought to be carefully reviewed. That is my opinion.

Mr. SHAFROTH. Will the Senator suggest a time?

Mr. REED. I do not think we have reached a stage to suggest a time; I think we ought to vote upon the principal amendments that may be offered to this bill. Then we will know what the measure is really to be, and when we come to give our consent to a final vote we will give it in the light of that situation; but if the amendments are brought up, as they ordinarily are brought up, under unanimous-consent agreements of this character when the debate is limited to 10 minutes, it frequently happens that questions receive but very meager consideration. If we can dispose of the principal amendments by going on with the bill to-morrow, I have no doubt that we will very speedily reach a time when we can vote. There has been no delay of this bill.

Mr. OVERMAN. I think we have had about all the debate that is likely to take place on the main amendments in connection with the speeches which have been made to-day. There are a few Senators who desire to speak to-morrow, but only a few. I have talked with the leader of the opposition, and he is perfectly willing that this course be taken. I refer to the Senator from Georgia [Mr. HARDWICK].

Mr. REED. I do not number myself in the opposition.

Mr. OVERMAN. No; I am not referring to the Senator; I refer to the Senator from Georgia, who is willing to vote at 4 o'clock to-morrow. Now, we propose to go further and provide for a vote on the legislative day.

Mr. REED. I simply want to have the principal amendments to this bill disposed of before we are asked to proceed under a 10-minute limitation on debate. I do not think any amendment ordinarily receives proper consideration under those circumstances, and I think this is a matter that ought to be carefully thought out.

Mr. OVERMAN. Mr. President, the Senator has not been here—I know he had business elsewhere, and I am not criticizing him—but the principal speeches have been made in the five hours' debate to-day on the main amendments to the bill.

Mr. REED. Mr. President, it is true that there have been one or two speeches made, but that is not the point I am making. Amendments will be offered to this bill, and amendments when offered ought to be properly discussed. If there had been a great consumption of time on this bill the necessity for a unanimous-consent agreement might be apparent, but I see no necessity for it.

Mr. OVERMAN. I would not insist on it if it were not for the fact that expedition is necessary.

Mr. REED. There has not been any disposition on the part of anybody to delay action; and what reason is there why we can not go on in the ordinary way with the bill?

Mr. OVERMAN. Mr. President, I will suggest to the Senator—he was probably not here—that I have already stated that I had an urgent message which came down from the Attorney General, urging that this bill be passed to-day.

Mr. REED. Why?

Mr. OVERMAN. Because he said the sale of the bonds was to commence on Monday next, and he would like to have the bill passed before the sale began. He said that so far as he was concerned, rather than to see this bill not passed he was willing to see those amendments go out of the bill. He was so anxious to have the bill passed that he asked me to do that; but I could not afford to do it, because the committee had urged that these amendments be made. So far as he is concerned, rather than not have this bill passed, he will just limit it to the bond sale; but I could not listen to that.

Mr. REED. Mr. President, we hear some very strange and very peculiar reasons offered for sudden action by the Congress, but about as strange a one as I have heard is the one just offered. There is not a man in this Chamber who does not know that the sale of the bonds does not depend upon the passage of this bill. Why, Mr. President, if the sale of the bonds that we are about to offer to the American people depends upon the passage of a bill of this character, we are already defeated in this war.

I hear Senators about me speak about people denouncing the sale of these bonds. I will venture the assertion that there will not be found in the United States a single man of any prominence or influence who will say one word against the sale of these bonds. There will be, perhaps, some criminal, some crank,

some Bolshevik, who will mouth a little bit about them; and every time he opens his foul lips to say anything against the sale of these bonds he will only increase the market. It is utter nonsense to talk about the sale of the bonds depending upon the passage of a bill of this character. It is not true.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. REED. Mr. President, I do not desire to make a formal objection. I am asking the Senator to go on with this matter. Let us take up these amendments and pass upon them in an orderly way. Nobody is going to be hurt. We all want to enact a proper statute; but do not let us be rushed into a hasty agreement on the ground that otherwise the bonds will not sell.

I expect to go out and give some of my time to helping persuade people to buy these bonds, and I expect to do as I did on the other bond issue—to bankrupt myself temporarily and borrow money to buy bonds. Almost everybody else in the United States is going to do the same thing; but the sale of the bonds does not depend upon the enactment of this statute.

Mr. LODGE. Mr. President, if the sale of the bonds depended upon the enactment of this bill, we would not place the loan at all.

The VICE PRESIDENT. Is there objection?

Mr. REED. Mr. President, if the Senator will not accede to my request, which I think is reasonable, I am going to object to unanimous consent to a vote at this time.

The VICE PRESIDENT. That disposes of the matter.

Mr. OVERMAN. The Senator is not insistent in regard to going on with the amendments this afternoon?

Mr. REED. I am perfectly willing to go right along with them, and after the principal amendments are disposed of I would just as soon come to a vote.

Mr. OVERMAN. Let us vote on the amendments, then, Mr. President.

The VICE PRESIDENT. The amendments of the committee will be stated.

The first amendment of the Committee on the Judiciary was, on page 2, line 6, after the word "statements" to insert "or say or do anything except by way of bona fide and not disloyal advice to an investor or investors."

The amendment was agreed to.

The next amendment was, on page 2, line 12, after the word "cause," to insert "or incite or attempt to incite."

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the word "obstruct," to insert "or discourage or willfully attempt to obstruct or discourage."

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the words "United States," to strike out "to the injury of the service or of the United States," and insert "and whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein."

Mr. THOMAS. Mr. President, I move to amend the amendment of the committee by inserting the word "willfully," on line 18, page 2, between the words "shall" and "utter"; also the same word on page 3, line 4, between the words "shall" and "utter"; also on line 7, between the words "shall" and "display"; also on line 14, between the words "shall" and "advocate."

Mr. BORAH. What page?

Mr. THOMAS. Page 3.

Mr. MYERS. Mr. President, I think that is putting useless verbiage in the bill. I do not see how a man can utter any disloyal, profane, scurrilous, contemptuous, or abusive language about anything without willfully speaking the words, without intending to do it, unless he did it in his sleep or while he was delirious or while he was insane. Those are the only three exceptions of which I can think. If you are going to put in the word "willfully," some highly technical judge will simply extend the meaning of the word "willfully" to more than it ought to qualify, and we shall have decisions that a man must willfully intend to defame the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States. Every qualification that you put in there is simply going to make the law harder to enforce, and going to make the spirit of it harder to carry out. I think the law ought to be as it is in the State of Montana, that a man who utters words of that character is conclusively presumed to know what he is doing and is guilty under this act.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

Mr. LODGE. Mr. President, this is a very important amendment. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kendrick	Phelan	Thomas
Borah	King	Reed	Tillman
Colt	Lewis	Robinson	Townsend
Cummins	Lodge	Shafroth	Underwood
Fall	McNary	Sheppard	Vardaman
France	Martin	Smith, Ariz.	Wadsworth
Frelinghuysen	Myers	Smith, S. C.	
Gallinger	Nelson	Smoot	
Jones, N. Mex.	Overman	Swanson	

The VICE PRESIDENT. Thirty-three Senators have answered to the roll call. There is not a quorum present.

Mr. GALLINGER. Mr. President, I have taken no part in the debate. I presume I have no right to say much; but I will ask the Senator from North Carolina to move an adjournment now. I think he will make more progress with his bill.

Mr. OVERMAN. Mr. President, I am inclined to think so. The Senator from New Hampshire, who always does his duty, had left the Chamber, and has returned to it, notwithstanding sickness in his family. Appreciating what we asked for, he returned to the Chamber under those circumstances. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 6, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 5, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and everliving God our Heavenly Father, in whom all wisdom, power, and goodness are centered, we lift up our hearts in fervent prayer with the millions who are at this moment praying for the success of our allied forces, who are engaged in a most terrific battle against the barbarians who would break through all barriers and check the onward march of civilization so well begun and so far advanced.

Give, we beseech Thee, courage, strength, victory to our arms, that liberty, justice, peace, and righteousness may live, a blessing to untold generations; and all praise we will ascribe to Thee, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF PROHIBITION AMENDMENT BY DELAWARE.

The SPEAKER. The Chair has a communication from the secretary of state of Delaware announcing the ratification by the legislature of that State of the prohibition amendment. The communication will be filed.

HERBERT A. MEYER.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 297, directing the Secretary of War to furnish the House the facts in reference to the issuance of a commission as captain to Herbert A. Meyer.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 297.

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the House, for information of the House, as soon as practicable, the facts in reference to the issuance of a commission to Herbert A. Meyer as captain in the Aviation Section of the Signal Corps; also any information as to whether the recent official statements of the War Department discontinuing the issuance of commissions in the Army of the United States to persons in civil life and to registrants under the selective-draft act of May 18, 1917, were violated in the case of Herbert A. Meyer; also a list of all commissions which have been issued in violation of such procedure.

The SPEAKER. Is there objection?

Mr. KITCHIN. Reserving the right to object, I did not catch exactly the purpose of that resolution.

Mr. ANTHONY. It is a resolution asking the War Department for information with reference to certain appointments in the Army. The resolution is reported favorably from the Committee on Military Affairs and is now on the calendar.

Mr. KITCHIN. Was it unanimously reported?

Mr. ANTHONY. It was.

Mr. STAFFORD. Reserving the right to object, what is the purpose of the resolution of inquiry?

Mr. ANTHONY. The purpose of the resolution of inquiry is to get some information from the War Department in regard to appointments which are reported to have been made of men who are registered and liable to draft and about to be called to duty who have been given commissions in the Army and assigned to noncombatant places. It seems that about four or five months ago the War Department, through its bureau chiefs, in letters to Members of Congress and others, announced that it was its purpose henceforth not to give any more appointments in the Army to men who were registered under the selective draft law. Members of Congress so notified their constituents, and it was generally accepted all over the country that that was to be the policy of the department. In spite of that statement from the department we find that commissions have been issued to men who are registered under the draft who are about to be called to service, and that in many cases these men are commissioned to safety-first, noncombatant places. The committee believed that that was hardly fair, and we wanted full information as to the extent to which this pernicious practice has been allowed to go on.

Mr. KITCHIN. As I understood the gentleman to answer me a while ago, this is a unanimous report from the committee?

Mr. ANTHONY. It is.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent for the present consideration of an omnibus pension bill that should have been passed two weeks ago to-day. I understand there is no objection to it.

The SPEAKER. This is not pension day.

Mr. RUSSELL. I know it is not, but I ask unanimous consent.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of an omnibus pension bill. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, is it just one bill?

Mr. RUSSELL. One bill from the Invalid Pensions Committee. I think the Pensions Committee have two small bills, but the chairman of that committee has not come in yet.

Mr. WALSH. The bill from the Invalid Pensions Committee, I understand, is a short one.

Mr. RUSSELL. A short bill. I do not think it will take 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. What is the number of the bill?

Mr. RUSSELL. No. 10850.

The SPEAKER. This bill is on the Private Calendar.

Mr. RUSSELL. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill (H. R. 10850) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John S. Mott, late of Company E, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arabella Miller, widow of William Miller, late of Company D, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Joshua Markley, late of Company K, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael P. Wells, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew King, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lafayette Crouser, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Johnson, late of Company H, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Thompson, late of Company C, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George J. Wilson, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isabella C. Waddell, late a nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month.

The name of Edward O. Wright, late of Company E, Second Regiment New York Veteran Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orrin J. Belden, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Lantz, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Conkle, late of Company D, Fourth Regiment West Virginia Cavalry, and Company —, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Rowland, late of Company E, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel H. Samples, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wilson Gaskill, late of Company C, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Eply, late of Company I, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newitt F. Gorrell, late of Company D, Forty-fifth Regiment, and Company F, Fiftieth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonas F. Fortney, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ambrose Wells, late of Company C, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Schmook, late of Company F, One hundred and eighteenth Regiment, and Company C, One hundred and fifty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Johnson Harris, late of Company I, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Martha E. Sellers, widow of Samuel S. Sellers, late of Capt. Gilbreath's company, Independent Scouts and Guides of Alabama, and pay her a pension at the rate of $25 per month.

The name of William Criswell, late of Company G, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theresa E. Bright, former widow of Henson Bright, late of Company I, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of David E. Rench, late of Company B, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Lanham, late of Company K, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi Mattern, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Seth W. Gray, late of Companies I and L, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Mitzel, late of Companies H and C, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Kilgore, late of Company K, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Roads, late of the Second Independent Battery, Wisconsin Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alonzo W. Covert, late of Company I, Twenty-fifth Regiment, and Company B, Ninth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Guthrie, helpless and dependent child of Perry Guthrie, late of Company K, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of David Compton, late of Company K, Sixty-seventh Regiment Indiana Volunteer Infantry, and Company K, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George S. Winans, late of Company I, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Katie Edds, helpless and dependent child of Finis Edds, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert McGill, late of Company K, Fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Houts, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Butler George, late of Company E, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander Klinedinst, late of Company D, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Myron I. Hartwell, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry H. Crane, late of Company B and G, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucius A. West, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Krieger, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James D. Montgomery, late of Company D, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph M. Wagner, alias Joseph Mann, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Leathers, late of Company G, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Lakey, late of Company A, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James G. B. Lamb, late of Company K, Twenty-sixth Regiment, and Company C, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Story, late of Company K, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shoup, late of Company B, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Gooding, late of Company F, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Burkhart, late of Company A, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Harris, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Esto A. Makepeace, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James D. Webb, late of Company G, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nicholas Wetzel, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Page, late of Company E, Maine Coast Guards Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Van Riper, late of Company A, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Shoeman, widow of David Shoeman, late of Company I, Fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Hezekiah S. Williams, alias Hezekiah Straw, late of Company H, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace W. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas A. Jamison, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William M. Henderson, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Rosborough, late of Company E, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Williams Sollars, late of Companies A and D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oliver J. Boord, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Allice L. Enloe, helpless and dependent child of Edwin T. Enloe, late of Company D, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John Van Schoyk, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob P. Ellis, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucretia Napier, dependent mother of Richard Napier, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Seth K. Coats, late of Company D, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper N. Woods, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. P. Morelock, late of Company B, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel McCammon, late of Company A, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi P. Fodrea, late of Company A, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David R. Pringle, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jeremiah Hyatt, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jarrett E. Burgess, late of Company K, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Lemon, late of the Twenty-second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Arthur W. Brittingham, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of L. Ethel Bolton, helpless and dependent child of Charles W. Bolton, late of Company I, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Maggie L. Oliver, helpless and dependent child of John M. Oliver, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Philip Kissel, late of Company B, First Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose J. Knapp, late of Company A, Third New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Milton T. Monroe, late of Company A, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Aultman, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias B. Green, late of Battery D, Third New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Annia Branigan, widow of John J. Branigan, late of Company C, Fourth Regiment, and Company L, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John M. Culver, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Berry, widow of Caleb Berry, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Isaac L. Prescott, late of Company B, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Newton, late of Company A, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Kendall, late of Company G, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cyrus Riffle, late of Company C, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Powers, late of Company E, Thirty-ninth Regiment, and unassigned, Thirty-third Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Olmstead, late of Company C, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Robison, late of Company B, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Shidler, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edwin Andrews, late of Company D, Hatch's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Uriah Smith, alias William Edwards, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth A. Munday, former widow of Donaldson Martin, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Daniel Ault, late of Company F, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Brummett, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eva M. Bevier, widow of James E. Bevier, late of Company H, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Eli Abbott, late of Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Megehee, late of Company L, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Crooks, late of Company B, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nelson White, late of Company F, Fortieth Regiment and Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Kiplinger, widow of Reuben D. Kiplinger, late of Company C, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of David L. Buchannan, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Chester E. Kyte, late of Company A, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mortimer L. Woodward, late of Company G, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah McIntosh, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Ham, late of Company H, Forty-sixth Regiment, and Company G, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmon Wade West, late of Company G, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel J. Vaughn, late of Company C, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frank W. Henninger, late of Company D, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Garrison J. Jaques, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah L. Seltzer, widow of A. Frank Seltzer, late of Company G, One hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles G. Mack, late of Company B, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Moore, late of Company G, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Irving Holcomb, late of Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William C. McGhee, late of Company H, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Harper, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Smith, late of Company K, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rachel Woggerman, former widow of Daniel Lobaugh, late of Company F, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John Wisner, late of Company K, One hundred and fifty-first Regiment, and Company E, Forty-sixth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry B. Towner, late of Company H, Seventeenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Reuben Sumpter, late of Battery A, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Williamson, late of Company L, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Robinson, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Cross, late of Company L, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David G. R. Potect, late of Company I, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Croasmun, widow of Oliver Croasmun, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John H. Nickerson, late of Company D, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William D. Dunkerson, late of Company B, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Peter Jacoby, late of Company I, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William G. Abbott, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sabina Chaney, former widow of William J. Burcham, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Michael Reichert, late of Company H, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Hollander, late of Company I, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William T. Eager, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Aaron Hall, late of Company D, Eighth Regiment, Kentucky Volunteer Infantry, and Company H, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William S. Kiddey, late of Company K, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Andrew J. Martin, late of Company D, First Regiment West Virginia Volunteer Infantry, and Company F, First Regiment United States Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Sprague, now Ett, dependent mother of George W. Sprague, late of Company F, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Henry Weitzel, late of Company F, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Logan, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marcus L. K. Wells, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. Dorton, late of Company G, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Patton Coomer, late of Company H, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Uriah T. Alley, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar W. Lauck, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Columbus Sampson, late of Companies F and C, First Regiment District of Columbia Volunteer Infantry, and Company B, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Campbell, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry G. C. Rose, late of Company G, Tenth Regiment Pennsylvania Reserve Infantry, and Thirty-seventh Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Simonds, late of Company H, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Williams, late of Company M, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James A. Burk, late of Company K, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 594. John S. Mott.
H. R. 788. Arabella Miller.
H. R. 1350. Joshua Markley.
H. R. 1362. Michael P. Wells.
H. R. 1380. Andrew King.
H. R. 1382. Lafayette Crouser.
H. R. 1483. Thomas Johnson.
H. R. 1941. Hugh Thompson.
H. R. 1986. George J. Wilson.
H. R. 2038. Isabella C. Waddell.
H. R. 2519. Edward C. Wright.
H. R. 2520. Orrin J. Belden.
H. R. 2558. David Lantz.
H. R. 2761. Jacob Conkle.
H. R. 2802. James W. Rowland.
H. R. 3513. Samuel H. Samples.
H. R. 3595. Wilson Gaskill.
H. R. 3598. William H. Eply.
H. R. 3870. Newitt F. Gorrell.
H. R. 4337. Jonas F. Fortney.
H. R. 4621. Ambrose Wells.
H. R. 4751. William Schmook.
H. R. 5233. Johnson Harris.
H. R. 5304. Martha E. Sellers.
H. R. 5330. William Criswell.
H. R. 5352. Theresa E. Bright.
H. R. 5355. David E. Rench.
H. R. 5464. Abraham Lanham.
H. R. 5503. Levi Mattern.
H. R. 5603. Seth W. Gray.
H. R. 5618. David Mitzel.
H. R. 5754. Charles Kilgore.
H. R. 5759. John W. Roads.
H. R. 5844. Alonzo W. Covert.
H. R. 5921. Martin Guthrie.
H. R. 5946. David Compton.
H. R. 6207. George S. Winans.
H. R. 6423. Kattie Edds.
H. R. 6471. Robert McGill.
H. R. 6475. George Houts.
H. R. 6498. Butler George.
H. R. 6557. Alexander Klinedinst.
H. R. 6686. Myron I. Hartwell.
H. R. 6804. Henry H. Crane.
H. R. 6806. Lucius A. West.
H. R. 6814. Jacob Krieger.
H. R. 6834. James D. Montgomery.
H. R. 6991. Joseph M. Wagner, alias Joseph Mann.
H. R. 7109. John W. Leathers.
H. R. 7200. Charles H. Lakey.
H. R. 7202. James G. B. Lamb.
H. R. 7210. Charles Story.
H. R. 7216. John Shoup.
H. R. 7278. Samuel Gooding.
H. R. 7308. Joseph Burkhart.
H. R. 7371. Robert Harris.
H. R. 7373. Esto A. Makepeace.
H. R. 7420. James D. Webb.
H. R. 7482. Nicholas Wetzel.
H. R. 7499. James W. Page.
H. R. 7508. James Van Riper.
H. R. 7612. Elizabeth Sboeman.
H. R. 7706. Hezekiah S. Williams, alias Hezekiah Straw.
H. R. 7755. Horace W. Brown.
H. R. 7805. Thomas A. Jamison.
H. R. 7819. William M. Henderson.
H. R. 7823. William J. Rosborough.
H. R. 8080. William Sollars.
H. R. 8112. Oliver J. Boord.
H. R. 8123. Allice L. Enloe.
H. R. 8136. John Van Schoyk.
H. R. 8155. Jacob P. Ellis.
H. R. 8206. Lucretia Napier.
H. R. 8220. Seth K. Coats.
H. R. 8262. Jasper N. Woods.
H. R. 8284. James K. P. Morelock.
H. R. 8285. Daniel McCammon.
H. R. 8475. Levi P. Fodren.
H. R. 8483. David R. Pringle.
H. R. 8510. Jeremiah Hyatt.
H. R. 8256. Jarrett E. Burgess.
H. R. 8537. David Lemon.
H. R. 8671. Arthur W. Brittingham.
H. R. 8794. L. Ethel Bolton.
H. R. 8818. Maggie L. Oliver.
H. R. 8955. Philip Kissel.
H. R. 9020. Ambrose J. Knapp.
H. R. 9113. Milton T. Monroe.
H. R. 9125. William A. Aultman.
H. R. 9134. Elias B. Green.
H. R. 9177. Annie Branigan.
H. R. 9231. John M. Culver.

H. R. 9419. Margaret Berry.
H. R. 9433. Isaac L. Prescott.
H. R. 9447. William Newton.
H. R. 9448. William H. Kendall.
H. R. 9471. Cyrus Riffle.
H. R. 9472. James Powers.
H. R. 9526. Henry J. Olmstead.
H. R. 9595. John M. Robison.
H. R. 9596. Eli Shidler.
H. R. 9606. Edwin Andrews.
H. R. 9658. Uriah Smith, alias William Edwards.
H. R. 9660. Elizabeth A. Munday.
H. R. 9676. Daniel Ault.
H. R. 9687. William R. Brummett.
H. R. 9742. Eva M. Bevier.
H. R. 9745. Eli Abbott.
H. R. 9763. John Megehee.
H. R. 9851. Henry C. Crooks.
H. R. 9859. Nelson White.
H. R. 9938. Mary A. Kiplinger.
H. R. 9940. David L. Buchannan.
H. R. 9954. Chester E. Kyte.
H. R. 9982. Mortimer L. Woodward.
H. R. 9983. Jeremiah McIntosh.
H. R. 10002. Michael Ham.
H. R. 10004. Edmon Wade West.
H. R. 10030. Samuel J. Vaughn.
H. R. 10116. Frank W. Henninger.
H. R. 10169. Garrison J. Jaques.
H. R. 10173. Sarah L. Seltzer.
H. R. 10174. Charles G. Mack.
H. R. 10179. James C. Moore.
H. R. 10212. Irving Holcomb.
H. R. 10222. Philo M. Russell.
H. R. 10229. William C. McGhee.
H. R. 10248. Robert Harper.
H. R. 10256. Eli Smith.
H. R. 10260. Rachel Woggerman.
H. R. 10276. John J. Wisner.
H. R. 10278. Henry B. Towner.
H. R. 10279. Reuben Sumpter.
H. R. 10283. James Williamson.
H. R. 10315. William W. Robinson.
H. R. 10341. Charles W. Cross.
H. R. 10345. David G. R. Poteet.
H. R. 10374. Mary E. Croasmun.
H. R. 10382. John H. Nickerson.
H. R. 10383. William D. Dunkerson.
H. R. 10388. Peter Jacoby.
H. R. 10389. William G. Abbott.
H. R. 10402. Sabina Chaney.
H. R. 10420. Michael Reichert.
H. R. 10421. John A. Hollander.
H. R. 10441. William T. Eager.
H. R. 10442. Aaron Hall.
H. R. 10449. William S. Kiddey.
H. R. 10451. Andrew J. Martin.
H. R. 10461. Mary Sprague, now Ett.
H. R. 10465. Henry Weitzel.
H. R. 10489. William Logan.
H. R. 10497. Marcus L. K. Wells.
H. R. 10498. William P. Dorton.
H. R. 10528. Patton Coomer.
H. R. 10532. Uriah T. Alley.
H. R. 10538. Edgar W. Lauck.
H. R. 10541. Columbus Sampson.
H. R. 10545. William A. Campbell.
H. R. 10566. Henry G. C. Rose.
H. R. 10574. John P. Simonds.
H. R. 10576. John B. Williams.
H. R. 10806. James A. Burk.

Mr. RUSSELL. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to call up a pension bill, House bill 10924.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a pension bill, which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 10924) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. WALSH. Mr. Speaker, reserving the right to object, does the gentleman intend to call up any other bills?

Mr. TILLMAN. This is the only bill, as far as I am concerned.

Mr. WALSH. It is a short bill?

Mr. TILLMAN. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George W. Keenan, late of Company I, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James E. Martin, late of Company M, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John P. Kirby, late of Company H, Ninth Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas E. Tanner, late of Company H, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Leslie G. Phillips, alias Gordon L. Phillips, late of Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Orville C. Bolt, late of Company I, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lorenzo D. Romine, late of Company K, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James A. Annas, late of Company L, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank A. Crawford, late of Troop D, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles H. Howell, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Bernhard Bolen, late of Company A, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred Yeomans, late of Troop C, Sixth Regiment United States Cavalry, and Company L, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Groth, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Percy H. Allen, late of Company F, Second Battalion of Engineers, United States Army, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leo A. Kelly, late of Companies E and H, Twenty-sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Margaret C. Fargo, dependent mother of William H. Fargo, deceased, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of T. McElvaney, late of Company C-2, Arkansas Veteran Infantry, and Company K, Thirty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Otis H. Sidener, late of Company F, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank C. Barrow, late of Company B, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Louis Settles, late of Company E, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joshua W. Reed, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Julian A. Wiggins, late of Company M, First Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James L. Henderson, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Lewis Speie, late of Troop A, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of George A. Holmes, late of Company H, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles A. Swander, late of Company C, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary Diven, dependent mother of Edward T. Diven, jr., deceased, late of Company I, First Regiment Maryland Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William J. McCabe, late of Company I, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Eugene A. Hendricks, late of Company A, First Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mace H. Corsbie, late of Company B, Second Regiment Mississippi Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 1432. George W. Keenan.
H. R. 1819. James E. Martin.
H. R. 2238. John P. Kirby.
H. R. 2244. Thomas E. Tanner.
H. R. 2246. Leslie G. Phillips, alias Gordon L. Phillips.
H. R. 2422. Orville C. Bolt.
H. R. 2276. Lorenzo D. Romine.
H. R. 2280. James A. Annas.
H. R. 3887. Frank A. Crawford.
H. R. 4011. Charles H. Howell.
H. R. 4080. Bernard Bolen.
H. R. 4291. Fred Yeomans.
H. R. 6238. Percy H. Allen.
H. R. 6340. Leo A. Kelly.
H. R. 6568. Margaret C. Fargo.
H. R. 7322. Otis H. Sidener.
H. R. 8217. Frank C. Barrow.
H. R. 8684. Louis Settles.
H. R. 9207. Joshua W. Reed.
H. R. 9365. Lewis Speie.
H. R. 9421. Julian A. Wiggins.
H. R. 9463. James L. Henderson.
H. R. 9484. George A. Holmes.
H. R. 9892. Charles A. Swander.
H. R. 10053. William J. McCabe.
H. R. 10133. Mary Diven.
H. R. 10146. Eugene A. Hendricks.
H. R. 10584. Mace H. Corsbie.
H. R. 15567. John Groth.
H. R. 73112. T. McElvany.

Mr. TILLMAN. Mr. Speaker, I move the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. TILLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9352. An act to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported on April 4, 1918, that they presented to the President of the United States for his approval the following bill:

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds

to meet expenditures for the national security and defense and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes."

BRIDGE ACROSS CLARK FORK RIVER, BONNER COUNTY, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4102, and consider the same.

The SPEAKER. The gentleman from Idaho asks unanimous consent for the present consideration of the bill S. 4102, a bridge bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 4102) granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

Be it enacted, etc., That the consent of Congress is hereby granted to the county commissioners of Bonner County, Idaho, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Clark Fork River, in Bonner County, Idaho, at a point suitable to the interests of navigation, at or near the village of Clark Fork, in the county of Bonner, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill (H. R. 10593) of similar tenor was laid on the table.

PENSIONS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10843, a pension bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take up the bill H. R. 10843, a pension bill. Is there objection?

Mr. WALSH. Reserving the right to object, when was this bill reported?

Mr. LINTHICUM. On March 19, 1918.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

A bill (H. R. 10843) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Andrew Heuser, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of James Park, late of Company K, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edmund S. Auld, alias Storey E. Auld, late of Company K, First Regiment North Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jeddo Q. McNatt, late of Company B, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James R. Hays, late of Troop L, First Texas Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William L. Snider, late of Company I, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas J. Harris, late of Company C, Eighth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George Tuffendsam, late of Company M, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Pauline A. Randt, dependent mother of John W. Randt, deceased, late of Company I, Twenty-first Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Andrew E. Younginer, late of the Thirteenth Recruit Company, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George H. McCauley, late of Company G, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Dick Parker, late of Company A, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Francis O. Nash, late acting assistant surgeon in the United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Kappes, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Eddy B. Stevens, late first lieutenant, Third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Arthur H. Locmis, late of Company E, Twenty-second Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Howard A. Littlejohn, late of Heavy Battery, South Carolina Volunteer Artillery, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Pollock T. Harbold, late of Company M, First Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lemial S. Darr, late of Troop B, Eighth United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Frank W. Allen, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph E. Neargarder, late of United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Wilburn Hall, late of Company A, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Bean, late of Company F, Eighth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harry Owen, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of John Ashton, late of Company E, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John T. Garrett, late of Company K, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ralph A. Finicle, late of Company L, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Arthur J. Jerome, late of Company D, Thirteenth Regiment Minnesota Volunteer Infantry, and Company I, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John E. Root, late of Troop D, Eighth Regiment United States Cavalary, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Pearley P. Beal, late of Company I, Ninth Regiment Illinois Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month.

The name of David Mann, late of Company G, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Greene B. Caywood, late of Company A, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rosco Wilkins, late of Eleventh Recruit Company, General Service Infantry, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Trigg Lewis, late of Company G, Third Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph Harris, late of Troop C, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John F. Smoot, late of Company E, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Carl Z. Work, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George M. Federkiel, late of Company B, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank A. Pfefferle, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Martin L. Payne, late of Company F, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George W. Hyland, late of Company I, First Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter L. Jewell, late of Troop B, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Leo Voelker, late of Company B, Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William V. Schwoyer, late of Company M, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Howard P. Hare, late of the Eighteenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edward P. Gallagher, late of Company G, Two hundred and third Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Boling late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles F. Schiller, late of Troop B, First Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Simpkins, late of Company D, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Robert Dinsmore, late of Company E, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hulbert O. White, dependent father of Claude R. White, deceased, late of Company A, Twenty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William Weddington, late of the Eighteenth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Michael Lacey, late of Company L, Third Battalion Engineers, United States Army, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles L. Johnson, late of Troop M, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John D. Bridgman, late of Battery B, Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of George W. Craig, late of Company D, Third Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles F. Sparger, late of Company K, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William J. Shirley, late of Company A, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles L. McClure, late of Company M, Second Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Amos H. Archer, late of Company D, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Franklin A. Peters, late of the Hospital Corps, United States Army, and Company E, First Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of William Leihsing, late of Troop K, Fifth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Bernard Klatt, late of Company G, Fifteenth Regiment United States Infantry, and Troop I, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William F. Graham, late of Company D, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Olaf H. Heiele, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Elmer R. Harrington, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thaddeus M. Kelly, late cadet, United States Military Academy, West Point, N. Y., Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Martin Quinn, late of Company D, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Martin Salmon, late of Company K, Ninth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elmer F. Malone, late of Twentieth Battery United States Field Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James Manning, late of Company E, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John Bush, late of Company F, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Christine Cook, dependent mother of Frederick H. Cook, deceased, late of Company L, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles H. Carey, late captain and assistant surgeon Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert T. Ridings, late of Battery F, Fourth Regiment United States Artillery, and general service United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Beattie, late of Company H, Fifteenth Regiment United States Infantry, War with Mexico, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert W. Griffin, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luther S. Campbell, late of Company C, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Samuel D. Lee, late of the Twenty-sixth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Leontine M. Cremerieux, late nurse, Medical Department United States Army, War with Spain, and pay her a pension at the rate of $12 per month.

The name of William C. Crockett, late of Company G, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William M. Simms, late of Troop L, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stanley W. Lemley, late of Company L, Third Battalion United States Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of Mary Leahy, dependent mother of Cornelius J. Leahy, late of Company A, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harry E. Bryan, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Stapleton, late of Company I, Two hundred and second Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mart Bradshaw, late of Company A, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

This bill is a substitute for the following House bills referred to said committee:

H. R. 701. Andrew Heuser.
H. R. 753. James Park.
H. R. 957. Edmund S. Auld, alias Storey E. Auld.
H. R. 996. Jeddo Q. McNatt.
H. R. 1194. James R. Hays.
H. R. 1244. William L. Snider.
H. R. 1613. Thomas J. Harris.
H. R. 1817. George Tuffendsam.
H. R. 1925. Pauline A. Randt.
H. R. 2210. Andrew E. Younginer.
H. R. 2237. George H. McCauley.
H. R. 2706. Dick Parker.
H. R. 2824. Francis O. Nash.
H. R. 2994. Henry W. Kappes.
H. R. 3188. Eddy B. Stevens.
H. R. 3629. Arthur H. Loomis.
H. R. 3693. Howard A. Littlejohn.
H. R. 3943. Pollock T. Harbold.
H. R. 4008. Lemuel S. Darr.
H. R. 4089. Frank W. Allen.
H. R. 4275. Joseph E. Neargarder.
H. R. 4555. Wilburn Hall.
H. R. 4926. George W. Bean.
H. R. 5178. Harry Owen.
H. R. 5302. John Ashton.
H. R. 5458. John T. Garrett.
H. R. 5509. Ralph A. Finicle.
H. R. 5689. Arthur J. Jerome.
H. R. 5785. John E. Root.
H. R. 5860. Pearley P. Beal.
H. R. 5884. David Mann.
H. R. 5898. Greene B. Caywood.
H. R. 6212. Rosco Wilkins.
H. R. 6222. Trigg Lewis.
H. R. 6313. Joseph Harris.
H. R. 6502. John F. Smoot.
H. R. 6735. Carl Z. Work.
H. R. 6768. George M. Federkiel.
H. R. 6770. Frank A. Pfefferle.
H. R. 6871. Martin L. Payne.
H. R. 6897. George W. Hyland.
H. R. 7045. Walter L. Jewell.
H. R. 7056. Leo Voelker.
H. R. 7124. William V. Schwoyer.
H. R. 7242. Howard P. Hare.
H. R. 7317. Edward P. Gallagher.
H. R. 7458. George W. Boling.
H. R. 7485. Charles Schiller.
H. R. 7502. David Simpkins.
H. R. 7524. Robert Dinsmore.
H. R. 7592. Hulbert O. White.
H. R. 7704. William Weddington.
H. R. 7707. Michael Lacey.
H. R. 7723. Charles L. Johnson.
H. R. 7878. John D. Bridgman.
H. R. 7933. George W. Craig.
H. R. 7975. Charles F. Sprarger.
H. R. 8060. William J. Shirley.
H. R. 8064. Charles L. McClure.
H. R. 8072. Richard Thrash.
H. R. 8403. Amos H. Archer.
H. R. 8572. Franklin A. Peters.
H. R. 8578. William Leihsing.
H. R. 8653. Bernard Klatt.
H. R. 8654. William F. Graham.
H. R. 8664. Olaf H. Heiele.
H. R. 8676. Elmer R. Harrington.
H. R. 8813. Thaddeus M. Kelly.
H. R. 8907. Martin Quinn.
H. R. 9030. Martin Salmon.
H. R. 9126. Elmer F. Malone.
H. R. 9127. James Manning.
H. R. 9189. John Bush.
H. R. 9334. Christine Cook.
H. R. 9342. Charles H. Carey.
H. R. 9362. Robert T. Ridings.
H. R. 9381. John Beattie.
H. R. 9401. Robert W. Griffen.
H. R. 9655. Luther S. Campbell.
H. R. 9664. Samuel D. Lee.
H. R. 9692. Leontine M. Cremerieux
H. R. 9702. William C. Crockett.
H. R. 9756. William M. Simms.
H. R. 9803. Stanley W. Lemley.
H. R. 9848. Mary Leahy.
H. R. 9915. Harry E. Bryan.
H. R. 10042. James Stapleton.
H. R. 11020. Mart Bradshaw.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I move to strike out the last word. I desire to ask the gentleman in charge of the bill in reference to pension bills. I notice that this is granting increase of pensions in some cases and original pensions in others to the soldiers in the Regular Army and soldiers of the Spanish War, and so on.

Mr. KEY of Ohio. That is correct.

Mr. DYER. Are these cases where men have applied for a pension under the general law and been rejected in each case?

Mr. KEY of Ohio. Where they have made applications to the bureau for original or increase pensions, and they have been rejected.

Mr. DYER. Is it necessary that a soldier must have made application to the Pension Bureau and been rejected before the committee considers his claim?

Mr. KEY of Ohio. Unless it is apparent that the soldier would not have had a pensionable status under existing law.

Mr. DYER. I want to ask the chairman of the committee about the cases of widows of the Spanish War and Philippine insurrection soldiers. In this bill I do not see a single widow provided for.

Mr. KEY of Ohio. I will explain the situation. It is like this: Last fall the House, when it passed the war-risk insurance bill, increased the rate of pensions of Civil War widows and Spanish War widows to $25 a month; that is, for those widows whose names were then on the roll and those who hereafter may be placed on the roll. That, in a large measure, disturbed the present rate that the Pension Committee had agreed upon, and before we could proceed to grant further pensions and increase of pensions to widows it was necessary for us to get in touch with the Senate Committee on Pensions and have some understanding as to the rate that the two committees would give, if possible. The chairman of the Senate committee recently died, and there being no head to that committee, it was impossible to get in touch with any member of the committee who would assume responsibility in such matters. Recently Senator Walsh, of

Montana, has been appointed chairman of that committee, and he has stated that he would appoint a subcommittee to confer with a subcommittee on pensions in the House with a view to taking up and fixing some rate that would be agreeable. That subcommittee will meet some time this week, I hope, to determine the rate, and as soon as the committee can get together and have an understanding the House committee will proceed to consider pensions for Spanish War widows and all other widows.

Mr. DYER. I am glad to hear the gentleman state that, because there are many deserving cases awaiting action. I am sure the chairman of the committee and the committee itself is doing its full duty, but there are many cases of widows of the Spanish War and of the Philippine insurrection whose applications have been rejected on some technicality in the Pension Office. Many of them are dependent, with children, and suffering to some extent, and they have not been receiving the same consideration as other war widows.

Mr. KEY of Ohio. They will receive consideration very soon.

Mr. DYER. I hope the gentleman will urge it.

The following committee amendment was agreed to:

Page 14, line 4, strike out the following: "The name of Harry E. Bryan, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving," the soldier having died.

Mr. LINTHICUM. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ARLINGTON HOTEL PROPERTY.

Mr. POU. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 262.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10022, entitled "A bill authorizing the Secretary of the Treasury to purchase the site and building now under construction thereon, known as the Arlington Hotel property"; that there shall be not to exceed two hours of general debate to be divided equally between those supporting and those opposing the bill; that at the conclusion of general debate the bill shall be considered under the five-minute rule for amendments, and after the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such amendments and recommendation as the Committee of the Whole may make, whereupon the previous question shall be considered as ordered upon the bill, and all amendments thereto, to final passage without intervening motion except one motion to recommit the bill.

Mr. KITCHIN. Mr. Speaker, if the gentleman from North Carolina will pardon me, I thought it was understood that this rule was not going to be reported. The gentleman from Tennessee [Mr. GARRETT] and myself tried this morning to get in touch with the gentleman, in order to confer with him about the matter. We agreed that it was not necessary to call up this rule, and concluded that it was not necessary at this time to pass the bill to which the rule referred; that the matter could be adjusted by a simple appropriation from the Appropriation Committee reimbursing the emergency fund with the amount which the President took from such fund and expended for the purchase of the Arlington site and building. I talked with the Secretary of the Treasury a few moments ago. He had no objection to this course.

Mr. POU. Mr. Speaker, I am glad indeed to learn that from the gentleman, and very glad indeed to learn that the resolution is not necessary. The fact is, the provisions of the bill authorizing the purchase of the Arlington property will have to be changed. I got here just as quickly as I could, but was not present when the conference took place. I ask unanimous consent, if that be necessary, to withdraw the resolution.

The SPEAKER. The gentleman does not have to get unanimous consent. The gentleman withdraws the resolution.

Mr. MILLER of Minnesota. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MILLER of Minnesota. Do I understand that the rule that was submitted by the gentleman from North Carolina has been withdrawn?

The SPEAKER. It has been withdrawn.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. Pending that motion I would like to inquire if the gentleman from Iowa [Mr. KENNEDY] is in the Hall?

Mr. GILLETT. Mr. Speaker, Mr. KENNEDY was here a few moments ago, but he went away understanding that the other matter was coming up just submitted and withdrawn by the gentleman from North Carolina [Mr. POU]. I suggest to the gentleman from North Carolina [Mr. SMALL] that he arrange that general debate shall proceed with the understanding that the time shall be controlled by him and Mr. KENNEDY in equal parts, postponing the fixing of the amount of time until later.

Mr. SMALL. Mr. Speaker, pending the return of Mr. KENNEDY, then, I ask unanimous consent that the time of general debate be controlled one-half by myself and one-half by the gentleman from Iowa [Mr. KENNEDY].

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the time for general debate be controlled half and half by himself and the gentleman from Iowa [Mr. KENNEDY]. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I trust the House will indulge me for just a moment. I hope that we shall all cut down general debate on the appropriation bills and on other bills as much as possible, not, however, to interfere with a full and fair discussion of their merits. I am confident that if the membership of the House will cooperate with the gentleman from Massachusetts [Mr. GILLETT] and myself we shall be able to adjourn certainly by the 1st of July, and we hope earlier. [Applause.] Heretofore we have all had our fears in respect to the Senate; we have thought that it mattered not how early we concluded our business here, the Senate could be relied on to take its full and dignified time in concluding its business, but I am assured by Senators, and I am confident that they will make good the assurance, that if nothing unforeseen happens the Senate will be ready to adjourn as early as the House. They think Congress should be ready to adjourn not later than July 1.

Mr. CANDLER of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. CANDLER of Mississippi. A good many requests are being made—I have had some myself as I presume others have—urging me and others to go away from here at the present time or soon to make liberty-loan speeches. Of course, I would be glad, and others would be glad, to help in every way possible in this patriotic work. Does the gentleman from North Carolina believe it would be best for Members of the House to leave their duties here at the present time or soon and go away for that purpose, or does he think it necessary for the membership to remain here?

Mr. KITCHIN. As a rule, I think it is very necessary for the membership to remain here and transact the business of the House and the necessary work of Congress. Of course, there may be exceptional individual cases here and there where a Member can safely go away for a reasonable time, and in such cases there should be no criticism of a Member leaving, but I would say generally that it is very necessary for the membership of the House to remain here.

Mr. CANDLER of Mississippi. And if the membership does remain here important war measures can be promptly passed and the adjournment may be expedited?

Mr. KITCHIN. Not only adjournment may be expedited, but important war measures necessary to be passed will be expedited. Without knowing the urgent necessity of the early passage of some important measures, some Members have made engagements to make liberty-loan speeches. Of course, they will have to keep those engagements, and we will have to make proper arrangements for their absence. There may be and are no doubt exceptional cases, as I say, here and there, but I would say generally that the membership of the House will do a great deal better service to their country by remaining here and getting through the necessary legislation than by going away.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. CAMPBELL of Kansas. For some weeks the Provost Marshal has been urging the House to pass a bill which has already passed the Senate revising the draft law. An urgent meeting of the Committee on Rules was called a few days ago in respect to it, and the committee agreed on a resolution making that bill in order in the House. It was to take precedence over all other rules that had been agreed to. I thought it would have been called up on last Wednesday. Nothing has been done, however. Why has that important war measure been set aside by the River and Harbor Committee this morning?

Mr. KITCHIN. Mr. Speaker, I would say to the gentleman that my understanding from the Committee on Military Affairs is that it is not quite ready to take up this bill; but whenever the committee is ready to take it up, and that will be probably Monday, I am sure the Committee on Rivers and Harbors will give way. The gentleman from North Carolina [Mr. SMALL] will confirm me in the statement that it was understood that the draft bill would have precedence over the river and harbor bill whenever the Military Affairs Committee was ready, even to the extent of displacing the river and harbor bill during its consideration, for such time as may be necessary for the consideration and passage of the draft bill.

Mr. ANTHONY. Mr. Speaker, it is my understanding that the Committee on Military Affairs is still waiting for some figures and statistics from the Provost Marshal General's office, which they have been delayed in furnishing.

Mr. KITCHIN. I am very glad that the gentleman, who is a prominent and active member of the Military Affairs Committee, made that statement. I do not want the House and the country to think that we are putting anything ahead of that, or any war measure.

Mr. CAMPBELL of Kansas. The gentleman is not surprised that the question was raised why this committee should take precedence with this bill?

Mr. KITCHIN. No. I raised that question two or three days ago and went to the chairman of the Committee on Military Affairs, and he stated to me what the gentleman from Kansas [Mr. ANTHONY] has just stated.

Mr. MONTAGUE. Mr. Speaker, I have not quite understood the gentleman from North Carolina [Mr. KITCHIN], and I desire to propound a question. Do I understand that the reason for the delay in the consideration of the draft measure is not due to any lack of diligence on the part of the House, but of the War Department in supplying information?

Mr. KITCHIN. No; I would not say that there is any responsibility either way. I say that the War Department is doing its best to get such figures and facts as the committee desires, and the committee is doing its best to get ready to have the bill properly considered in the House.

Mr. MONTAGUE. Then this is the fact: The War Department is doing its best—there is no criticism of that—but we are waiting upon the War Department?

Mr. MADDEN. If I may be allowed, I object to that——

Mr. KITCHIN. So far as I know, the committe is waiting on the War Department.

Mr. MADDEN. I do not want any misunderstanding. I do not think the committee is waiting for the War Department at all, but waiting for some members of the Committee on Military Affairs absent from the city to come back, and arrangements have been made that the bill would not be called up until the return of those members. I happen to know that Gen. Crowder, Provost Marshal General, has been urging early action on the new draft law, and the delay is embarrassing the War Department, and action should not be delayed longer by the House; at any rate, the blame should be placed where it belongs.

Mr. KITCHIN. I will state that the delay, even an unnecessary delay for a week or longer, will postpone the actual draft. The failure to pass the bill earlier has not embarrassed the department.

Mr. GARNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GARNER. I want to know if I can interrogate the gentleman from Kansas in the time of the gentleman from North Carolina?

The SPEAKER. The gentleman from North Carolina governs that.

Mr. GARNER. That is what I am seeking recognition of the Chair for, to ask the gentleman from North Carolina if he will permit me to interrogate the gentleman from Kansas?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Texas and the gentleman from Kansas to have an interrogatory debate? [Laughter.]

Mr. KITCHIN. Mr. Speaker, well, I reluctantly yield.

Mr. GARNER. I want to ask the gentleman from Kansas [Mr. ANTHONY] whether the statement made by the gentleman from Illinois is based on facts?

Mr. ANTHONY. I did not hear the statement.

Mr. GARNER. The statement of the gentleman from Illinois was to the effect that they were not waiting for information from the War Department, but waiting on certain members of the Committee on Military Affairs to return to the city.

Mr. ANTHONY. I would say both statements are correct. It is my understanding that the committee is waiting, or, rather, some of its members are waiting, on information to be furnished by the Provost Marshal General, and it is also true that one very efficient member of the Committee on Military Affairs, who is somewhat alarmed about the quota from his own State under the new classification, has gone to his home for the purpose of securing information as to how this new classification will work in his own State.

Mr. LONGWORTH. He has not been in Wisconsin?

Mr. ANTHONY. I do not think he has been in Wisconsin.

Mr. GARNER. Do I understand the gentleman to say the entire draft law will be held up an indefinite period of time for a gentleman to go to his district to ascertain what effect it will have on his district?

Mr. ANTHONY. Oh, no; it is my opinion the whole matter will be ready in a few days; that the Provost Marshal will be able to furnish all the information desired, and members of the committee prepared to discuss intelligently some of the radical changes proposed.

Mr. HUMPHREYS. Will the gentleman yield for me to put a question to the gentleman from Kansas? Would your committee be ready to proceed now if the Provost Marshal General had furnished the information?

Mr. ANTHONY. In my opinion the committee is ready to take up the bill at this minute if the House desires to do so. I do not believe this information for which some of the Members are waiting vitally affects the bill, but others believe it does. If it be the desire of the House to take it up and pass it to-day, it could be taken up.

Mr. HUMPHREYS. What—if the gentleman can state it—what is the opinion of the Provost Marshal General on that subject—that we ought to proceed without the information, or had better wait?

Mr. ANTHONY. I have not heard any intimation from him in regard to it, but individual Members think they should have certain information before proceeding, and out of deference to them, I understand, it has been held up for a few days. While undoubtedly the bill is one which should be speedily enacted into law, so that the country may know what to expect, yet it is my understanding that no draft under this new legislation is to be made in the near future, perhaps not until June, when the new quota of men who have become 21 years of age since the last registration will be called upon to register. Nearly all of these young men will go into class 1, and it is our impression that, under the authority proposed to be given, the War Department means to fill the ranks of our armies from that time on almost entirely from the men of the first classification.

Mr. CAMPBELL of Kansas. Mr. Speaker——

Mr. KING. Regular order!

The SPEAKER. The gentleman from Illinois demands regular order. The regular order is, Is there objection to the request made by the gentleman from North Carolina [Mr. SMALL] that he control the half of the time and the gentleman from Iowa [Mr. KENNEDY] the other half? [After a pause.] The Chair hears none. The Chair understood the gentleman from Massachusetts [Mr. GILLETT] to make some kind of a request.

Mr. GILLETT. Mr. Speaker, I ask if I may address the House for two minutes.

The SPEAKER. How much time?

Mr. GILLETT. For two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Speaker, no Member of the House is more earnest or desirous of getting away early than I am, or will cooperate more to that end when I think such cooperation will be effective, but I have been here so long and I have heard so many of these rainbow suggestions that we could get away by the middle of June or the 1st of July and seen them disappointed, that I will confess I am rather pessimistic in reference to the suggestion which the gentleman from North Carolina makes. I have not as much confidence in the power of the Senate to suppress their love for expression [laughter] as to hope that they will be ready to adjourn by the time the gentleman mentions, and, therefore, while I say I will be very glad and I am sure we will all be on this side, to cooperate toward that end, I do not think that that argument should compel us to suppress any important facts which we think it would be wise to communicate to our fellow Members here on the floor, and I do not think it ought to be used as a lever to prevent reasonable discussion.

Mr. KITCHIN. I will assure the gentleman it will not be so used.

Mr. GILLETT. I did not mean to intimate any such intention.

Mr. KITCHIN. Mr. Speaker, I would like to have two minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to speak for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I just want to call the attention of the House to the fact that those rosy predictions by me delivered during the last Congress or the last session were all verified. I made the prediction that the House could and would get through with its business before July—by June 1, if necessary—but I could not be responsible for the Senate. I wish to say now my confidence in the Senate's facilitating business has grown considerably in the last three or four months, because it has done more work, passed more legislation, from December till now than it has in the last 18 years in the same length of time. I agree with the gentleman from Massachusetts [Mr. GILLETT] that there should be full discussion on the merits of every bill considered, but I do wish the Members of the House to cut out a good deal more gas and hot air than they usually do in the long session.

Mr. MADDEN. I congratulate the gentleman from North Carolina on his power to exercise his salutary influence over the Senate. He is the first man in the House that has been able to do it.

The SPEAKER. The time of the gentleman has expired.

PROMOTION OF EXPORT TRADE (H. REPT. 468).

Mr. WEBB, by direction of the Committee on the Judiciary, submitted a conference report on the bill H. R. 2316, an act to promote export trade, and for other purposes, for printing under the rules.

ALIEN WOMEN.

Mr. WEBB, by direction of the Committee on the Judiciary, submitted a conference report on the bill (H. R. 9504 to amend section 4067 of the Revised Statutes by extending its scope to include women, for printing under the rules.

RIVERS AND HARBORS.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union.

Mr. SMALL. Mr. Speaker, the gentleman from Iowa [Mr. KENNEDY] is in the Hall now, and I would like to see if we can agree on the time for general debate.

Mr. KENNEDY of Iowa. I suggest that we run along during the day, and we can make an agreement this afternoon for closing debate. I have requests for about four hours on this side, and I think most of the speakers desire to speak to the bill.

Mr. SMALL. There are requests for only about two hours on this side.

Mr. KENNEDY of Iowa. Let us run on the balance of the day, and we will agree on time for general debate this evening.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 121, noes 8.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the river and harbor appropriation bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, the Committee on Rivers and Harbors present the annual river and harbor bill, and I would wish to emphasize the statement that this is an annual bill. The maintenance and improvement of rivers and harbors for navigation constitute as valuable an activity of the Government as any other. Upon their navigability depends the water transportation of the country. Water transportation is one of the instrumentalities for the movement of traffic and a most valuable factor in transportation, and any lapse in the passage of the annual river and harbor bills means a distinct detriment to this instrumentality of transportation.

In the drafting of this bill the committee have been controlled by a well-defined policy. The bill contains appropriations for the maintenance of rivers and harbors heretofore completed. It contains, further, appropriations for the further improvement of projects which have been heretofore adopted but not completed. It further contains appropriations for a few new projects which have been adopted in the bill. Those constitute the only appropriations, except an item for examinations and surveys. A word of explanation now about the policy by which the committee has been governed.

The appropriations for maintenance and for further improvement have been primarily based upon recommendations by the Chief of Engineers, and in no instance has the committee included an appropriation above the estimates so submitted. These estimates have been formulated in the interest of economy and with due regard to war conditions. Recognizing the large demand for labor, for materials which enter into river and harbor works, the large demands upon the Treasury for exclusive war purposes, the committee deemed it proper to reduce each appropriation to the limit of wise economy; and appropriations have only been recommended for maintenance and further improvements which are necessary to maintain the organization of the War Department in the prosecution of this work.

This policy of the committee was not adopted without discussion, without incurring disappointments, but the committee believe that under all the conditions its wisdom will appear to be so obvious that it will meet with the approval of the House and the country. We hope the House will deem it wise to agree with this policy of the committee and decline to increase any appropriations in the bill.

As to new projects, the committee adopted the same policy which governed them in the formulation of the last bill; that is to say, they have recommended no projects for inclusion in this bill which were not intimately associated with the prosecution of the war and so recommended by the Secretary of War. As a matter of fact, there are only three new projects, and two of them only might be termed new projects. One is for the construction of a channel connecting Long Beach and Los Angeles Harbors, Cal., which was strongly urged upon the committee by the United States Shipping Board, growing out of shipbuilding activities, particularly at Long Beach. That carries an appropriation. Another new project is for Crescent City Harbor, Cal., which was urged upon the committee by the War Industries Board, because of the existence of chrome, a valuable mineral in the making of explosives and other war materials, and the necessity of providing facilities for transporting same. The paragraph adopting this new project for Crescent City Harbor carries no appropriation. The original report recommended the imposition of local cooperation to the extent of $100,000, and the locality voluntarily agreed to increase that cooperation to the extent of $200,000, which is the extent of the initial appropriation; therefore, nothing is appropriated in this bill at this time.

Another is a modification of the project for Galveston Harbor and Channel, for deepening the channel over the bar. The present depth is maintained by the construction and maintenance of jetties, but the engineers believe that an increased depth from 30 to 35 feet could be secured by dredging, and with a view to making that experiment, and if successful, thereby saving a large sum of money to the Treasury in expensive jetty construction, the committee have adopted a modification of the project in order to give an opportunity for that experiment, involving only $65,000, which is provided for out of the existing available appropriation and therefore requires no appropriation in this bill.

In a general way I have stated the policy which controlled the committee, and it may be well now to refer to the actual appropriations, which have been made for these several purposes. The bill carries for maintenance, $2,358,050; for maintenance and continuing improvement, $2,642,500; for further improvements, $14,027,350; for surveys and contingencies, $200,000; total appropriations carried in the bill, $19,227,900. The statement of that aggregate sum will at once impress the House with the result of the policy controlling the committee in the formulation of the bill. The bill is modest and absolutely conforms to all the necessary conditions imposed by the war.

I would like to say a word now about surveys. After mature deliberation the committee determined to omit from this bill any authorizations for examinations and surveys. In this conclusion they took into consideration these conditions.

Many of the United States Army Engineers heretofore engaged in river and harbor work have been detailed to active

military duty, and quite a number of engineer districts in the country have been placed in the charge of civilian engineers, in nearly every instance trained men who have had years of experience in the particular works in progress in such districts.

Again, there are about 150 authorizations of surveys heretofore made upon which no report has yet been submitted. I may say again that in the last bill an amendment was inserted in the House as to surveys authorized in that bill, to the effect that no survey so authorized should be made until after the close of the war with Germany, except such as the Secretary of War shall direct. So, in view of all those considerations gentlemen will understand the reason for the conclusion of the committee in determining to omit any new authorizations for examinations and surveys.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. LITTLE. I did not catch the sentence just ahead of the last one, to the effect that nothing shall be done in the way of surveys except upon suggestions or orders from the Secretary of War; but there was a statement just before that as to the ground or basis upon which that conclusion had been reached.

Mr. SMALL. There was an amendment to the last river and harbor bill, made while the bill was under consideration. There were a number of surveys in that bill, and the House thought it proper, under war conditions, that none of those surveys should be made except when specifically directed by the Secretary of War.

Mr. LITTLE. That is a statutory provision?

Mr. SMALL. Yes. It is a part of the last river and harbor act.

I think I will submit nothing further upon those features of the bill itself which involve appropriations. I will now refer to all of the general provisions in the bill which the committee thinks are important. Section 5 of the bill is intended to prohibit the unnecessary pollution of navigable streams by discharging into such streams any free acid or acid waste. The Secretary of War and the Chief of Engineers made a most earnest recommendation for this provision. I shall not take the trouble to read the memorandum from the War Department upon it. It is incorporated in the report. But, in substance, it is stated that the introduction of these acids into streams not only impairs the potability of the water but destroys the fish. If it were only the pollution of the stream itself, impairing it for domestic purposes, or only the destruction of the fish, that evil might be remedied through the action of the States and municipalities. But such pollution of the water also results in deterioration of the boilers of steamboats and the hulls of vessels constructed of steel so as to reduce their life by at least one-half. In addition to that it is impairing the metallic parts of structures connected with the locks and dams so that they very rapidly deteriorate.

These two reasons affect questions which are within the jurisdiction of Congress, and it is believed that the time has come when some inhibition should be placed on industrial plants so polluting these streams. Some objection has been made to the chairman of the committee, since the bill has been reported, that it might unduly interrupt the activities of some industrial plants; but the paragraph is so framed and so flexible, placing it within the discretion of the Secretary of War as to the extent to which it would be applied, that no danger need be apprehended from that source.

Mr. ROBBINS. Mr. Chairman, will the gentleman permit an interruption at that point?

Mr. SMALL. Yes.

Mr. ROBBINS. The district I have the honor to represent in Pennsylvania is a mining district, and for many years the mine water has been thrown into streams until it has polluted the rivers of the country there and creeks and smaller streams until they are absolutely unfit for portable purposes or for steam or domestic uses of any kind whatever. These mines, of course, have been in process of development for 50 years. It is absolutely impossible to exclude the mine water which flows by drainange into the streams, or where the water from the mines is pumped into the streams; and yet the acid from these mines, impregnating the water, has caused the effects complained of. Now, how can the law possibly be enforced against conditions of that kind? And if it can not be enforced, does the chairman of the committee think it is wise to embark upon a proposition of that kind in a river and harbor bill?

Mr. SMALL. Whether it is practicable to prohibit altogether the introduction of this free acid and acid waste into the streams is a matter on which I am not fully informed; but if the gentleman will turn to section 5 he will observe the language there, "That, within limits to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge," and so forth. It is unthinkable that the Secretary of War would take any action which would unnecessarily interrupt the activity of any mines producing coal. Of course, if it should be possible that they could avoid the discharge of this material into the rivers, they ought to be willing to yield to the conditions. But if it is impossible, or if it involves any great expense, I am very sure that in the administration of the law by the Secretary of War no condition will arise which will interfere with industry.

Mr. ROBBINS. If the gentleman will permit another observation on this point, the reason I am so deeply concerned about it is that an attempt to enforce it would have the effect of destroying the mining industry of western Pennsylvania without doubt. It is impossible to purify the water coming from those mines, impregnated with acids and impurities, and which, as the gentleman has stated, destroys all iron entering into the water and makes it even incapable of being used in the boilers on the Monongahela River and tributary streams; and I think the enforcement of such regulations here would tend to destroy the mining industry of a great part of our country, and it would be a rather dangerous thing, which I could not agree to without looking into it very carefully. Therefore I have directed the attention of the chairman of the committee to this point, to what I believe is a dangerous provision in the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. COOPER of Wisconsin. On the point suggested by the gentleman from Pennsylvania [Mr. ROBBINS], was there any testimony taken by your committee as to whether it would be practicable for the mine owners to dispose of that acid waste otherwise than by putting it into these streams?

Mr. SMALL. No; we did not. But we did inquire carefully as to whether in the enforcement of this law there would be any purpose or intent to interfere unduly with industry, and we were assured on that point.

Mr. COOPER of Wisconsin. I know there has been many times legislation here which affects great interests, as to which on the floor it has been said that the proposed legislation would be utterly impossible of enforcement, and for years its enactment was prevented. Finally, when put upon the statute books, it proved not only to be entirely practicable, but very beneficial to all concerned.

I remember that the railroad companies said it would be utterly impossible for them to put on safety appliances and many similar things which Congress required, but only after years of agitation, and I wondered whether there would not be some way in which acid could be neutralized, rather than allowed to run into the streams to kill fish and destroy other property.

Mr. SMALL. If I may simply express an opinion, I believe that a way can be found. The gentleman from Wisconsin is entirely correct in his statement that many things which have been stated to be impossible have been found to be entirely feasible and in the public interest, when we finally had the courage to enact some law upon the subject.

Mr. MERRITT. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. MERRITT. Has the chairman of the committee information as to whether the Secretary will promulgate general regulations, or will he consider each river and each case by itself?

Mr. SMALL. Each river on its own merits, because the industries and conditions differ.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. MOORE of Pennsylvania. There is a regulation preventing the throwing of ashes into navigable streams.

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. As from passing vessels.

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. This proposes to prevent the throwing of what becomes flotsam into a stream. Ashes sink, and by lessening the depth of channel tend to impede navigation, so that there may be a good reason for that regulation; but this material would float.

Mr. SMALL. I understand that it is soluble when discharged into the stream.

Mr. MOORE of Pennsylvania. Flotsam—as, for instance, oil—and the water from a mine containing culm. The question with me is whether the inclusion of this paragraph might not interfere to a certain extent with some of the rights of States in the matter of industry. Take the Schuylkill River, for instance, where much oil oozes out into the stream in some way or other. It may pass out from the pipes or find its way into the stream

because of the method of handling. While that affects the fish life it does not necessarily impede navigation, but to penalize it might in some instances injure the business on that stream.

Mr. SMALL. I do not anticipate that the fears of the gentleman will prove to be well founded.

I might mention another injury from this pollution of the streams. The hulls of steel and iron vessels are injuriously affected, so that their owners have to exercise constant care in order to minimize deterioration; and even under the best conditions the presence of these acids makes the deterioration of metal hulls quite rapid. It therefore results in the aggregate in great loss.

Mr. MOORE of Pennsylvania. We have certain State laws and regulations in Pennsylvania that forbid the pollution of streams and make it punishable. Such a law might apply to the cook on a tugboat who throws his waste material into the water. But here is a provision including a penal clause involving fine and imprisonment, and the business aspects of it merit our careful consideration.

Mr. SMALL. The gentleman will understand that with a view to meeting a case where this law could not be enforced without unduly injuring some industry, in order to meet that contingency, it was left within the discretion of the Secretary of War to fix the limits within which it should be enforced, and I think there need be no fear of any unnecessary injury to industry.

Mr. SNELL. I should like to inquire of the gentleman how this would affect the large paper mills in the northern part of the country that have a large amount of waste water which it seems apparently necessary to discharge into the stream.

Mr. SWITZER. Would that water impair or injure boats or machinery?

Mr. SNELL. There are no boats and there is no machinery on these streams, but they run into navigable waters. For instance, the small streams in the northern part of New York State fall eventually either into the Hudson or the St. Lawrence. Of course, there is no navigation on the small streams where these paper mills are located.

Mr. SMALL. I would infer from the statement of the gentleman that there might be no necessity for applying the law in that case, because if there is no navigation on the stream, but the waste material finally reaches a navigable stream, by the time it reaches the larger river it may be so diffused and attenuated in the larger volume of water that the injury would be negligible.

Mr. SNELL. That is what I would like to know.

Mr. SMALL. I should think so.

Mr. LINTHICUM. Does not the gentleman think it might be well to go further and provide against the pollution of streams by sewage? Here we have the great city of Washington polluting the Potomac River. In Maryland we have the great Naval Academy polluting the Severn River. It seems to me we might go further and prevent that.

Mr. SMALL. As I tried to say in the beginning of my remarks on this paragraph, if the only injury to these streams consisted of results outside of the jurisdiction of Congress, the committee would probably have not presented this paragraph, but the pollution of streams by sewage is largely a matter for State and municipal correction.

Mr. LINTHICUM. How can the State regulate it? Maryland and Virginia own both sides of the Potomac, except these 10 miles here in the District of Columbia, where a great amount of sewage is dumped in. How can the States control that? It is an absolute impossibility.

Mr. SMALL. It is true that in the case of a river constituting the boundary line between States that Congress might assume jurisdiction and prohibit acts which polluted navigable streams, even if such pollution did not directly affect navigation.

Mr. LINTHICUM. We could not control it in Annapolis.

Mr. SMALL. The pollution of streams through the discharge of sewage usually occurs in smaller rivers.

Mr. SWITZER. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. SWITZER. If I understand the provision in the bill, the Secretary of War would not make any regulations unless the pollution resulted in the product of acid water that would interfere with navigation or had some deteriorating effect on the material entering into the construction of boilers and material entering into the construction of locks and dams. It would not matter what the pollution consisted of unless it produced an acid water.

Mr. ALMON. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. ALMON. Section 5 uses this expression, "free acid or acid waste in any form." There is nothing in the bill defining what that means or what it embraces, or what the effect of it will be as referred to in debate. What does the chairman of the committee understand to be meant to be included in the term "free acid or acid waste"?

Mr. SMALL. I can only answer that by the statement that the committee were informed that those terms had a well known meaning in chemistry and that there would be no ambiguity by the use of the words.

Mr. COOPER of Wisconsin. Will the gentleman from North Carolina yield?

Mr. SMALL. Gladly.

Mr. COOPER of Wisconsin. In reply to the gentleman from Alabama, my understanding is that free acid would mean acid uncombined, practically pure acid. It would not be entirely so, but we speak of free oxygen which is oxygen uncombined, and free acid would be practically pure; that is, the major part of it would be acid. But acid waste I should construe to mean water flowing away from a mine, for instance, mixed with acid.

Mr. SMALL. I think the gentleman is right both as to free acid and acid waste.

Mr. WALSH. The gentleman would apply the acid test.

Mr. COOPER of Wisconsin. I was not referring to the acid test.

Mr. WALSH. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. WALSH. Are the estimates upon which the appropriations provided for in this measure based on the report of the Chief Engineer's office of the War Department as in the past?

Mr. SMALL. They were, and no appropriation in the bill exceeds the estimate so submitted.

Mr. WALSH. What has become of the provision providing for a water commission? Did that become a law in the last bill?

Mr. SMALL. Yes; but the President has never yet appointed the commission.

Mr. WALSH. That important body which it was urged was the most important during the war emergency has not been appointed by the Executive?

Mr. SMALL. I confess to the impeachment. We were informed by those who advocated it, not by the President as I recall, but by many others, that it was a most important provision and ought to be inserted in the bill forthwith.

Mr. WALSH. I recall the argument, but my question was prompted by curiosity to know whether this board had cooperated in any way in preparing the estimates or outlining the program to be carried on under the appropriations in this bill. Of course, if the commission has not been appointed that answers the question.

Mr. ALMON. Will the gentleman yield further?

Mr. SMALL. I will.

Mr. ALMON. The gentleman has stated that there were no public hearings in regard to section 5, and that the industries of the country have not been heard from as to how they would be affected by that section. The gentleman has also stated that he has assurances that the regulation and enforcement of this provision would be in such a manner as not to affect unduly public industries. From what source did the gentleman receive that assurance, and is it in writing?

Mr. SMALL. The assurance was received from the Secretary of War. That was oral, but I think the assurance is contained in the hearings on the bill, which are printed and accessible.

In order that we may hurry along on the paragraph, I want to give as an additional reason why the fears of Members may be unfounded that the Du Pont powder people through their representative called on the chairman of the committee and said that with this provision in the bill they could not operate their plant, but when I referred them to the language of the paragraph and advised them to go and see the Chief of Engineers about the matter I heard nothing more about it. One or two representatives of paper mills mentioned the matter to me, and when I pointed out the language in the paragraph and referred them also to the Chief of Engineers nothing more was heard from them. So it would appear that on investigation the gentlemen who made the complaint were satisfied, and I think it is fair to deduce that as a reason why the provision will not do unnecessary injury to business.

Mr. BARKLEY. Before the gentleman leaves that section, I notice the bill carries no appropriation for continuing the work of canalization of the Cumberland River below Nashville. The hearings seem to indicate that Col. Newcomer felt that the

available funds were sufficient for the coming year. Does the gentleman know whether this work is to be continued without being stopped on the locks now under construction, and that available funds are sufficient for that purpose?

Mr. SMALL. The balance available on July 1, 1917, for the Cumberland River below Nashville was $1,243,140.02. As to the manner in which this will be applied I refer the gentleman to the last annual report of the Chief of Engineers for 1917, pages 1200 and 1201, particularly the paragraphs entitled "Condition at end of fiscal year" and "Proposed operations." The existing project provides for the construction of Locks and Dams A, B, C, D, E, and F, beginning with Lock A, 41 miles below Nashville, and ending at Lock F, a distance of 43.6 miles above the mouth of the river and open channel work below Lock F. The minimum project depth is 6 feet. Lock A was completed in 1904. With the available balance it is proposed to complete Locks and Dams B, C, D, E, and F.

Section 6 provides that whenever the Secretary of War is authorized to acquire land by condemnation the United States, upon the filing of the petition, shall have the right to take immediate possession. That is a matter of great importance. Quite often public works or improvements are held up for one, two, and three years awaiting the conclusion of litigation arising out of the condemnation proceedings, this delay being brought about through appeals and other incidental causes, and this paragraph is intended to give the Government the right to take immediate possession. But that right is surrounded with provisions for the protection of the property owner. For instance, before the Government can take possession there must have been an appropriation made, or if the right of way or property are to be provided by local interests and title made to the United States then they are to give a bond to meet such award as may be finally adjudicated. This paragraph if enacted into law will prevent these unnecessary delays and at the same time throw every protection around the property of the citizen and is a very essential provision.

Section 7 permits juries in making awards under condemnation proceedings to take into consideration special benefits. That is to say, if the Government takes half of a tract of land and, as a matter of fact, the remaining half is enhanced by reason of this public improvement, that benefit or enhancement in value shall be considered in making the award of just compensation to the owner of the land. The committee has given careful consideration to this provision. It is a question that has been several times discussed by the Supreme Court of the United States, and they hold in general terms that in ascertaining what is just compensation under the provision of the United States Constitution it is allowable to take special benefits into consideration in making the award. But in one or two districts of the United States, if not more, courts have held that special benefits could not be taken into consideration unless there was a statutory provision to that effect, and in some States the courts have held likewise, so that in order to remove that question from all doubt and to translate into law what has been already said by the Supreme Court ought to be considered in arriving at the just compensation to be awarded to the landowner, the committee have deemed it wise to prepare and submit this paragraph for your consideration.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. GREEN of Iowa. I highly approve the action of the committee in this respect, which I think is very necessary and proper. As the gentleman has stated, I know it has been a subject of consideration before his committee. Under the statutes enacted in the past that have come from his committee there is more occasion to use such a provision probably than anywhere else in connection with Government action. I take it that what has developed this action, as the gentleman stated, is that in a number of States, as in my own, the rule is not applied. The rule applied there, I think, is all wrong, unjust, inequitable, and particularly so at a time like this. It is very unjust that a man who is getting benefits out of the action of the Government should not make any allowance for it when his property is taken.

Mr. SMALL. In some instances the property not taken has so increased in value as to have a market value in excess of the value of the whole tract prior to the expropriation of a part by the Government and the completion of the improvement, and it would be unjust not to take such special benefits into consideration in making the award.

Section 8 directs the Chief of Engineers hereafter in his annual report to indicate in a general way the terminal and transfer facilities existing at every city located upon a harbor or stream under improvement by the United States, and directs him to make from time to time special reports upon the existence of terminal and transfer facilities. That is as we believe an exceedingly wise provision and is constructive in character. As I shall refer to that briefly later, I shall not take more time now.

And I wish in conclusion to direct the attention of the committee to a brief consideration of the broad question of water transportation. It is unnecessary to consume the time of the committee in emphasizing the value of transportation by water. We have substantially three modes of transport—the highway, the railway, and the waterway. They are all important, and they all are or should be coordinate. Each one should be a unit in the general system of transportation of the country. For instance, a very distinct movement is in progress at this time toward the larger use of motor cars in the movement of traffic upon our highways, and if we could have represented in tonnage the amount that is now moved annually upon the highways of this country in motor trucks, I doubt not all of us would be astonished. Likewise, waterways are simply one of the coordinate units in our system of transportation. It is useless to take up the time of the committee also in giving expression to the need of water transportation, particularly in this acute period of congestion of traffic. I take it that there will not be a dissent to the proposition that water transportation is valuable and that any legislation or activity which promotes transportation by water is distinctly in the public interest.

In these annual river and harbor appropriation bills we endeavor to improve harbors and channels so as to make them more navigable and more easily usable for the purposes of transportation, but the difficulty in the past has been that we, the Congress of the United States and the American public, have been content to rest upon the statement that channels ought to be provided, and we have forgotten the concurrent proposition that channels alone to not produce water commerce. I have attended, as you have, organizations intended to promote the improvement of channels throughout the country for navigation, and I have heard emphasized many times the importance of larger appropriations for the purpose of improving these channels, but very seldom have I heard any advocacy of the other activities needed in developing water transportation. As a matter of fact, deeper and better channels, while a necessity for water trainsportation, are only the primary essential. Other things must be considered. I desire to present to you just briefly some of these other things. Of course we must have water transportation lines. These lines must have ample capital; they must have the type of boat appropriate to the particular navigation to be engaged in; they must be organized and operated under business and traffic management in a manner substantially analogous to the railroads. But even that is not all, because some of us have seen water transportation lines upon navigable rivers go out of use and be abandoned and water commerce decline when there was a navigable channel and when also there were transportation lines.

What is another need? There must be water terminals. It is impossible to maintain water transportation profitably without these. Terminals are as essential for navigable channels as are terminals for railroads. The uses of these terminals are primarily for transfer and for storage of freight, but more largely to afford better facilities for transfer. These terminals should be located upon ample areas; they should have capacious warehouses; they should be appropriately located upon a river and harbor accessible to shippers and the main highways and railroads. There must be good highways leading from the water terminal to the general system of highways of the community and section. Further, the water terminal should be connected with all the railroads serving the community by one or two belt lines, and all of this improvement under the general name of a water terminal should be owned by the public and regulated in the interests of the public.

It is astonishing when one comes to study the navigable waterways of the country to learn to what extent the providing of these adequate water terminals has been neglected. Let me give you an illustration. The committee determined early at the beginning of this session that they would lay down a constructive policy and endeavor, in so far as practicable and within reasonable limits, to confine appropriations for the improvement of waterways to those where the contiguous communities and localities, which means primarily the cities and towns, would give satisfactory assurance that they would provide water terminals. May I illustrate? In 1910 we adopted an expensive project for the improvement of the Ohio River, involving the construction of 54 locks and dams, with a view of providing 9 feet of water the year round under all stages of water, at a total cost of more than $60,000,000, and we have appropriated, including the appropriation in this bill, a little more than half of the money for

the construction of that great improvement. I would not say a word to disparage the importance of this improvement, but I would submit this proposition and stand upon it. We may complete that improvement of the Ohio River, we may give them 9 feet the year round, and unless the cities and towns contiguous to the Ohio River provide terminals there will not be developed upon that river a commerce commensurate with the expenditure for the improvement. [Applause.] And the Congress of the United States can not afford to expend public money unless we are going to get value received. We took up the matter of terminals upon the Ohio River. The committee addressed letters to the mayors of every city and town and the secretaries of every commercial organization, inquiring what kind of terminals they had and if they did not have any what they proposed to do, and told them unless we had satisfactory assurance when we came to formulate the next bill the committee would seriously consider abandoning this improvement.

We received letters varying in tenor and, I am glad to say, generally satisfactory; and that correspondence, which is continuing, indicates a status of public opinion in the cities and towns along the Ohio River which will result in these water terminals at every appropriate point. But some of them insisted, and among them some intelligent men, contended that all the cities and towns had adequate terminals already. We addressed a letter to the Chief of Engineers, asking him to direct some district engineer to investigate the condition of the terminals along the Ohio from Pittsburgh to Cairo, and he made a report stating that there was not a single water terminal on the river which would answer the purposes of a terminal to meet the needs of water transportation. I mention that as a condition not alone affecting the Ohio River, but as affecting other rivers of the country, and I believe I can state as the consensus of the opinion of the Committee on Rivers and Harbors—certainly it expresses my attitude—that the committee hereafter will consider whether localities contiguous to streams to be improved are going to do their part in order to promote transportation before we made appropriations for the improvement of those streams. [Applause.]

There is another essential in the development of water transportation, and that is interchange of traffic between the water carriers and the railroads. Now, however essential water terminals may be for local traffic—that is to say, water traffic which is initiated at a water point and has its destination at a water point—interchange of traffic between water carriers and railroads is impossible without these water terminals.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SMALL. Certainly.

Mr. COOPER of Wisconsin. Speaking of water terminals, it is true, is it not, that it may be very difficult for some cities, without a very great expenditure, to secure adequate water terminal facilities because of the fact that the railroads have seen to it that they—the railroads—have gotten all the property that can be used for terminals?

Mr. SMALL. That is unfortunately true in some cities on rivers, and particularly on some harbors.

Mr. COOPER of Wisconsin. Take East St. Louis. Has not the Wiggins Ferry Co. obtained a monopoly of the water front there?

Mr. SMALL. I am not sufficiently familiar with conditions there to state whether such a monopoly exists.

Mr. COOPER of Wisconsin. It is practically that.

Mr. SMALL. But I have in mind several cities where the railroads own most of the available water front. In this connection I may state this proposition: When a railroad owns water front which it has purchased in the past for the purpose of establishing a monopoly, and all of that water front is not needed for its own traffic purposes, it is within the power of the sovereign by appropriate legislation to condemn and take that property for the benefit of the public, just as it could take it from an individual, and any State or any city may rest assured that it need not be deterred from securing adequate front for terminal facilities by reason of the existence of such conditions. But, coming back to the question of the interchange of traffic, it is impossible to interchange traffic between railroads and the waterways unless you have these terminals and transfer facilities.

For instance, by way of illustration, an adequate terminal should have between the warehouse and the bulkhead on the water at least two railroad tracks. Those railroad tracks would connect with the belt line on which cars may be moved loaded with products to be transferred to a boat or with products which have been transferred from a boat and intended to be moved into the interior by rail. Such rail tracks which are an immediate part of the terminal would be located between the bulkhead where the boat is moored and the warehouse. A properly equipped terminal, with its movable power crane, could pick up the freight from the water carrier quickly and load it immediately into the cars, in order that it might be transported further by rail, or likewise transfer it into the warehouse. One of the purposes of a terminal is to enable this transfer to be made in the cheapest and quickest manner. Why, it is true at some particular landings in cities on the Mississippi River, for instance, that it actually costs as much to get freight out of the water carrier onto the elevation constituting the bank of the river and transport the same a mile to the consignee as it costs to transport it a hundred or more miles by water carrier on the river itself. And the wate terminal removes that obstacle and reduces the cost of transfer to a minimum.

The Panama Canal act, passed in 1912, contains provisions which enable any water transportation line or any municipality to apply to the Interstate Commerce Commission to have a prorating system adopted between the boat lines and all the railroads, have joint rates fixed, and to compel physical connection between the terminal and the railroads. Although this act has been in existence more than seven years it has been enforced in only a few instances. The shippers in cities and towns along navigable waterways should be advised as to their rights in securing joint traffic arrangements between the boat lines and the railroads.

There is one other essential for the establishment of a sane system of water transportation growing out of the vicious idea which prevailed for many years in the past, that the waterways were competitors of the railroads, and, therefore, that water-transportation lines were to be destroyed in the interest of the railroads. In the past, particularly from 1870 to 1900, many railroads were constructed paralleling navigable rivers. During this period they reduced rail rates competitive with water and generally so low as to render the operation of boat lines unprofitable. This resulted usually in the ultimate abandonment of the boat lines. In some instances the railroads purchased the boat lines and later, upon one pretext or another, withdrew the boat lines from operation. The result has been that upon many of the rivers of the country, particularly on the rivers of the Mississippi Valley, water commerce of prior years, which had existed in large volume, has gradually diminished to such an extent as to be incomparable to the volume of former years.

What is the remedy for this condition? It is my individual opinion that no good ground can be found for a lower rate by rail competitive with water than a rate into the interior. It costs the railroad as much. There is no difference in that respect. And the only justification which can be furnished is to give the railroad a monopoly of the traffic of all that section, a reasonable amount of which would under normal conditions go by water, or to destroy transportation altogether upon the waterways. I believe upon every principle of economics and of transportation that no good reason can be found for a lower rail rate competitive with water than prevails under the same condition for railroads serving an interior section. But whether that proposition is well founded or not, there can be absolutely no reason furnished why there should not be a readjustment of rail rates competitive with water, so as to afford a sufficient differential in favor of water lines, in order that they may be established and operated for the benefit of the public. [Applause.]

I have with the concurrence of the committee taken up this question with the President, who, I may say, is in sympathy with it, with the Director General of Railroads, and also with the Committee on Inland Water Transportation, appointed by the Director General of Railroads. And I hope and believe that they will take some action which will result in a readjustment of these rail rates, so that this unnecessary obstacle to the development of water transportation upon our rivers shall be removed; and if it shall transpire that the railroad act which was recently passed by Congress does not give the Director General and the President sufficient power to so readjust these rates in the interest of water transportation, Congress ought to make any further amendment to the law which may be essential to that end.

I have consumed much more time of the committee than I had intended, but——

Mr. LONERGAN. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. LONERGAN. I would like to ask a specific question here.

On page 2, line 15, of the bill, I notice a provision for an appropriation of $15,000 for maintenance of the Connecticut River below Hartford. In the last bill, if my memory serves me, there was an appropriation of approximately $71,000 or $72,000.

Will that represent part of an appropriation to be made in the future to carry out improvements recommended by the Board of Engineers of the War Department?

Mr. SMALL. The gentleman will remember that for the Connecticut River above Hartford there is a new project, and a most important one, which we hope some day will be adopted. It involves the development of a very large and valuable volume of hydroelectric energy. But you are speaking now of the Lower Connecticut, below Hartford?

Mr. LONERGAN. Yes, sir.

Mr. SMALL. The available balance for the present fiscal year there was $70,204, and that, with the appropriation carried in the bill, which I think is $15,000, was regarded as sufficient for the maintenance of that project during the remainder of this fiscal year and for the fiscal year ending June 30, 1919. But I will remind the gentleman that there is also a new project for the Connecticut River below Hartford, a modification of the existing project, so as to provide for additional dikes, retaining walls, revetments, and accessory works at an estimated cost of $211,000. The committee under its policy did not see its way to adopting that modification in the present bill.

Mr. LONERGAN. Can the gentleman state the amount that will be necessary to carry out the work where $70,000 has already been appropriated? Is it not approximately $281,000 or $282,000?

Mr. SMALL. If the gentleman is assuming that the existing project has not been completed, I would suggest he is in error in that. The existing project for the Connecticut River below Hartford has been substantially completed, and it is only now a question of maintenance until we adopt the modification of the project on which a favorable report has been submitted. I would not, I think, make an improper statement if I said that in good time, inasmuch as the modification of that project is so meritorious, it will receive the approval of the committee.

Mr. HICKS. Mr. Chairman, will the gentleman permit an inquiry?

Mr. SMALL. Certainly.

Mr. HICKS. On page 2, commencing at line 18, a number of items are mentioned—some 13 altogether—and for the maintenance of these the amount given is $22,000. Now, I assume that as all these different harbors and breakwaters are mentioned, part of $22,000 at least must be used to cover each individual item. It strikes me that there must be some very small items to have $22,000 divided up among 13 propositions.

Mr. SMALL. I will say to the gentleman that for many years—25 years or more—certain projects under improvement have been grouped, usually projects within a given area, and always projects within a given engineer district, and grouped for this primary purpose: While appropriations for maintenance or further improvement might be recommended only for a part of them, yet the value of grouping lay in this, that if by reason of any unforeseen contingency, such as storm or flood, any of those projects which did not seem to require any appropriation at the time of the submission of the report of the engineers or at the time of the enactment of the law, might require improvement or restoration on account of these subsequent events, the Chief of Engineers could divert a part of the gross appropriation for this purpose.

Mr. HICKS. Then I understand that some of these items will not receive any of this money this year?

Mr. SMALL. Duck Island, Branford, New Haven, Milford, Bridgeport, Southport, Norwalk, Five Mile River, Stamford, and so forth—is that the paragraph?

Mr. HICKS. Yes.

Mr. SMALL. In that group the only items for which an estimate was submitted were New Haven Harbor, $14,000, and Housatonic River, Conn., $8,000.

Mr. HICKS. A number of them are in my district, and I was wondering what was being done there.

Mr. SMALL. I might refer the gentleman to section 2 of the bill, on page 16, where he will find the law controlling the application of funds for consolidated or grouped items.

Mr. HICKS. I thank the gentleman.

Mr. SMALL. Mr. Chairman and gentlemen, I would like to say this in conclusion: The river and harbor bill has been an object of attack by some citizens of the country and by some of the press and by some Representatives in this body. These criticisms have never been wholly justified. There have been defects in river and harbor bills, just as there are in every other large appropriation bill submitted to this House. There have been some errors, there have been some items subject to criticism, certainly from the viewpoint of the critic; but whatever grounds of criticism there have been against river and harbor bills in the past have been due to the fact that by reason of our own inertia and that of the public we have made appropriations simply for improving channels in rivers and harbors and for the construction of canals, without at the same time adopting a constructive policy which would result in the promotion and establishment of water transportation upon those channels and in those harbors so improved.

I admit, and the membership of the Committee on Rivers and Harbors admit, that we have made appropriations perhaps in the past for some rivers where the commerce did not seem to justify the appropriations, but many of them are great rivers.

Take the upper Mississippi River, if you please, which has been a target for criticism, or the lower Mississippi as well. There ought to be a large commerce upon that river. What is the duty of our committee and of Congress in that regard? To abandon it in the face of the need of additional facilities for transportation, or to adopt a policy which will result in the establishment of water transportation upon that great river?

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. DYER. Has any policy been established with reference to that, with respect to barges and things of that kind, by the Government?

Mr. SMALL. I may say that the Shipping Board has allotted a fund of $3,360,000, as I recall, for the construction of 24 barges and 4 towboats, to be operated between St. Louis and Minneapolis.

Mr. DYER. I am glad to have the gentleman state that, and I am sure it will result in great work in that section, and it will be an answer forever to those who have been criticizing what has been done in the past with reference to the Mississippi River.

Mr. SMALL. Let us hope so. I submit that the correct policy of this committee and the correct policy of Congress, instead of abandoning a navigable river, is to adopt a constructive policy which will establish water transportation upon that river, and so act in the public interest. That is what your committee have attempted to do.

Let me give you an illustration, and I will only advert to it for a moment, to show the importance of terminals for water transportation. Last fall Mr. Goltra and perhaps other gentlemen evolved a plan for the purpose of demonstrating the availability of the upper Mississippi River from Minneapolis to St. Louis for water transportation. Not as a gratuity, but for a valuable consideration, they secured some barges and a towboat from the War Department. They carried coal to Minneapolis and transported down the river iron ore. When they reached Minneapolis they had to wait a week or two until some temporary appliances and facilities could be constructed before they could unload that cargo and take on a cargo, and by reason of the absence of terminal facilities at Minneapolis and St. Paul the profit which they otherwise would have made upon that trip was consumed in the ensuing delay and in the additional cost involved in the transfer of the traffic to and from the barges. That is an illustration of the great value and necessity of terminals for water transportation.

In conclusion, let me say that while these criticisms have been indulged in, let us adopt a better policy, and instead of criticizing the projects themselves let us bring about the conditions under which there will be water transportation upon all these streams, and justify them, and also at the same time benefit the country.

Let me say as to this particular bill that it is immune from criticism. Criticize it if you can or will. We are prepared to meet any criticism from the membership of the House, from the press, or from the public at large. We have a bill which has been formulated along the lines of the policy which I have endeavored to explain to the House. We submit it as a bill which is entitled to the approbation and to the support of the House, and as one which is distinctly in the public interest. [Applause.]

By leave of the House I extend my remarks so as to embrace certain additional information.

According to a preliminary report of the Census Bureau on "Water Transportation in 1916," it appears that 376,000,000 tons of freight were carried on the waterways of the United States in 1916. This traffic would fill 9,400,000 average 40-ton freight cars, or about four times as many cars as are owned by the railroads of the United States.

There has been discussion from time to time regarding the depths of channels which should be provided for some of the principal harbors of the United States. Naturally conditions differentiate some harbors from others. For instance, San Francisco and Seattle possess such natural depth in their harbors that no improvements have been required other than the removal of a few obstructions at San Francisco. In some harbors which have a large commerce, but which naturally had restricted depths, the providing and maintenance of deeper

channels has been quite expensive. It will be impracticable to provide an equal depth for all the important harbors either on the Atlantic, the Gulf, or Pacific coasts. Nor does it seem essential that every harbor should be placed on a parity as to depth of channel or other navigation facilities. New York is the only great harbor for which a depth of 40 feet has been provided, and above the upper bay a channel of this depth only exists in the Hudson River. While the trend in ship construction has been toward larger hulls and greater carrying capacity, yet the great bulk of our foreign trade is carried in ships with a loaded draft of less than 30 feet, and a very large proportion with a loaded draft of less than 26 feet. I have been unable to secure the draft of vessels engaged in the coastwise trade arriving or departing from our ports, but I have secured, through the Chief of Engineers, information as to the draft of vessels for a certain period arriving at and departing from New York and a list of vessels departing from Galveston, all in the foreign trade.

Statement of the combined number and draft of vessels arriving at and departing from New York Harbor from January 1 to June 30, 1914. (Compiled from Pilots' Records.) Note that coastwise vessels are not included:

Draft of vessels. ARRIVALS OR DEPARTURES.	
12 feet and less than 13 feet	152
13 feet and less than 14 feet	188
14 feet and less than 15 feet	232
15 feet and less than 16 feet	213
16 feet and less than 17 feet	185
17 feet and less than 18 feet	270
18 feet and less than 19 feet	332
19 feet and less than 20 feet	321
20 feet and less than 21 feet	282
21 feet and less than 22 feet	350
22 feet and less than 23 feet	251
23 feet and less than 24 feet	294
24 feet and less than 25 feet	230
25 feet and less than 26 feet	230
26 feet and less than 27 feet	172
27 feet and less than 28 feet	138
28 feet and less than 29 feet	147
29 feet and less than 30 feet	78
30 feet and less than 31 feet	50
31 feet and less than 32 feet	28
32 feet and less than 33 feet	44
33 feet and less than 34 feet	21
34 feet and less than 35 feet	5
35 feet and less than 36 feet	10
36 feet and less than 37 feet	8
37 feet and less than 38 feet	4
38 feet and over	5
Total	4,340

It will be observed that the above table covers the period from January 1 to June 30, 1914, just prior to the European war, which probably represented the normal period of commerce. The total number of boats arriving and departing drawing 35 feet and over was only 27, or six-tenths of 1 per cent out of the total number, 4,340. The total number of boats having a loaded draft of 30 feet and over was 175, or 4 per cent, of the total number. The total number of boats having a loaded draft of 25 feet and over was 940, or 21.7 per cent of the total number.

I now append a table giving the number and draft of vessels departing from Galveston in the foreign trade for the calendar year 1916:

Statement of the number and draft of vessels departing from Galveston, Tex., to foreign ports for the year 1916 (coastwise vessels not included):

Draft of vessels.	Number.
11 feet and less than 12 feet	1
12 feet and less than 13 feet	2
13 feet and less than 14 feet	3
14 feet and less than 15 feet	3
15 feet and less than 16 feet	19
16 feet and less than 17 feet	6
17 feet and less than 18 feet	22
18 feet and less than 19 feet	38
19 feet and less than 20 feet	29
20 feet and less than 21 feet	25
21 feet and less than 22 feet	57
22 feet and less than 23 feet	54
23 feet and less than 24 feet	51
24 feet and less than 25 feet	42
25 feet and less than 26 feet	33
26 feet and less than 27 feet	18
27 feet and less than 28 feet	11
28 feet and less than 29 feet	7
29 feet and less than 30 feet	3
Total departures	424

Many of the vessels in the above table arrived and departed several times during the year. Information is not available as to whether or not each vessel was fully loaded.

The total number of boats departing drawing 25 feet and over was 72, or 17 per cent of the total number—424. The total number of boats departing drawing over 20 feet was 301, or 71 per cent of the total number.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. MILLER of Minnesota. Mr. Chairman, I make the point of order that there is not a quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that there is no quorum present. Evidently there is not. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Fordney	Kelly, Pa.	Robinson
Austin	Foss	Kiess, Pa.	Rogers
Bankhead	Fuller, Ill.	King	Rose
Blackmon	Gallagher	Kitchin	Rowe
Borland	Gallivan	Knutson	Rowland
Brodbeck	Gandy	Kreider	Rucker
Browning	Garland	LaGuardia	Sanders, N. Y.
Brumbaugh	Garrett, Tenn.	Langley	Saunders, Va.
Burnett	Garrett, Tex.	Larsen	Scott, Iowa
Campbell, Pa.	Good	Lehlbach	Scott, Mich.
Cannon	Goodwin, Ark.	Lenroot	Scott, Pa.
Carew	Gordon	Lever	Scully
Carter, Okla.	Graham, Pa.	Lobeck	Sells
Chandler, N. Y.	Gray, Ala.	Longworth	Shallenberger
Classon	Greene, Vt.	McAndrews	Siegel
Costello	Griest	McClintic	Slemp
Crosser	Griffin	McCormick	Smith, Mich.
Currie, Mich.	Hamill	McLaughlin, Mich.	Smith, T. F.
Curry, Cal.	Hamilton, N. Y.	McLaughlin, Pa.	Snyder
Darrow	Hamlin	McLemore	Stafford
Davidson	Harrison, Miss.	Maher	Stedman
Davis	Haskell	Mann	Steele
Decker	Haugen	Mecker	Stevenson
Delaney	Hayes	Mondell	Stiness
Denison	Heintz	Moon	Sullivan
Dies	Helvering	Morgan	Swift
Donovan	Hensley	Morin	Talbott
Dooling	Hollingsworth	Mudd	Taylor, Colo.
Doughton	Hood	Norton	Templeton
Drukker	Howard	Oliver, N. Y.	Thomas
Dunn	Husted	Olney	Tilson
Eagan	Hutchinson	Parker, N. Y.	Tinkham
Edmonds	Ireland	Porter	Towner
Estopinal	Johnson, S. Dak.	Powers	Vare
Fairchild, B. L.	Johnson, Wash.	Ragsdale	Venable
Fairchild, G. W.	Jones, Va.	Ramsey	Vestal
Fess	Juul	Rayburn	
Flynn	Kelley, Mich.	Riordan	

The committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the river and harbor appropriation bill, H. R. 10069, and finding itself without a quorum, he had caused the roll to be called, whereupon 282 Members, a quorum, answered to their names, and he presented the names of the absentees to be printed in the Journal and RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 30 minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, the newspapers on yesterday contained an item stating that the President, on the request of the Secretary of the Treasury, had taken $4,200,000 out of the $100,000,000 emergency war fund placed in the President's hands by Congress to purchase the Arlington Hotel property. The newspapers by the publication of this item do both the President and the Secretary of the Treasury a great injustice. The Secretary of the Treasury has not asked the President to take $4,200,000, or any other sum, out of an emergency war fund for any such purpose. The Secretary of the Treasury has a high sense of responsibility for the position he holds and for the manner in which the public funds are expended. Therefore he would not ask the President of the United States to violate the spirit of the law under which the $100,000,000 had been placed in the President's hands by taking out of that sum $4,200,000, or any other amount, for any other purpose than that for which it was placed in the hands of the President. So I say the newspapers have done both the President and the Secretary of the Treasury great injustice.

Mr. Chairman, it would require most convincing proof to establish the fact that the Secretary of the Treasury would think of asking the President to divert moneys from an emergency war fund for the purposes indicated. The Secretary of the Treasury has too high a regard for the President and too high a regard for the oath of office that the President has taken, and too high a regard for the oath of office that he himself has taken, to think of making such a request as the newspapers charge that he made of the President. It is inconceivable that the Secretary of the Treasury would think of making such a request of the President. I do not understand how the press of the country, that usually has been friendly to the President and to the administration, could think of publishing such a statement.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather proceed for a time.

Mr. MOORE of Pennsylvania. The gentleman's argument is very interesting, but I think there is some ground for the statement of the newspapers.

Mr. CAMPBELL of Kansas. I would require most convincing proof. It would require the verbal statement of the President that he had been requested by the Secretary of the Treasury, an admission by the Secretary of the Treasury that he had made the request, or in lieu of that a confirmation of the deal that the newspapers allege was the result of the request of the Secretary of the Treasury and the grant of the request by the President. If the Arlington Hotel property has been purchased and the deal is consummated, that, of course, will be convincing evidence; but until that proof is forthcoming hearsay testimony is not convincing. I would doubt the authenticity of a copy of a letter alleged to have been written by the President bearing his signature. I would doubt any sort of evidence except direct evidence of the fact.

Mr. MOORE of Pennsylvania. May I ask the gentleman if the Rules Committee had information before them that this deal had been consummated?

Mr. CAMPBELL of Kansas. They had not. The Rules Committee have not had any such evidence or admission.

Mr. MOORE of Pennsylvania. The gentleman is aware of the fact that a bill was to have been called up this morning——

Mr. CAMPBELL of Kansas. I wish the gentleman from Pennsylvania would allow me to proceed.

Mr. MOORE of Pennsylvania. Very well.

Mr. CAMPBELL of Kansas. I have stated that it would require the most convincing evidence that the Secretary of the Treasury would make these astounding requests of the President. I do not believe they have been made. It is stated in the same article that the requests were made by the Secretary of the Treasury because the necessities of the Treasury for additional room really amounted to a war emergency. That can not be true, because it is not true. I stated that it could not be true that the Secretary of the Treasury had made these requests of the President or the statement that it was a war emergency. First of all, it is not a war emergency. The building in question is not a war necessity. Recently under an authorization from the Congress we have repaired and altered many buildings south of Pennsylvania Avenue belonging to the Government, which will house many hundreds of Government employees. We are building acres upon acres of public buildings in which to house the employees of the Government.

Mr. GLASS. Will the gentleman submit to an interruption?

Mr. CAMPBELL of Kansas. I would rather not at this time. We are appropriating millions and hundreds of millions of dollars for the construction of office buildings throughout the city. In addition to that, more than half a year ago the Secretary of the Treasury asked authorization for the construction of an annex to the Treasury on the Belasco Theater site. That authorization was granted on the 27th of September last. It was stated when the authorization was asked for that, if it was made, the building would immediately be thrown up there to relieve the necessities of the Treasury; that it was imperative that the authorization be made. The Committee on Rules made a bill in order, and the authorization for the expenditure of $1,200,000 for building a Treasury annex on the site south of the Belasco Theater was passed. That was the 27th of September—more than six months ago. So far only discussion and working on plans have been done toward the erection of that building.

If there had been an immediate necessity for office room to relieve the congested condition in the Treasury, the Secretary of the Treasury would have rushed the construction of the Treasury annex under the authorization and the appropriation that he has. That has not been done, and, of course, it has not been done because the necessities of the Treasury did not require it.

Further, there is ample space for one of the bureaus in the Treasury Department in the Bureau of Pensions—that of allotment to soldiers' relatives. I have it on the very highest authority that the Pension Commissioner can handle with the force he now has the allotments to the relatives of soldiers in the cantonments and at the front. That would relieve the congested condition in the Treasury to a large extent. The matters to be dealt with are so peculiarly within the work of the Pension Bureau that it should be done there, and at a time when money is so much in need for war purposes, so difficult to secure, every advantage should be taken of economy in the employment of men and in the utilization of space.

Mr. BARKLEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather not at this moment. Every effort should be made, therefore, to economize for the one purpose of conserving the resources of the Nation in order to prosecute the war to a successful conclusion. Therefore advantage should be taken by the administration of the opportunity to handle the war allotment out of the Pension Office.

Further, a building is now being constructed between Eighteenth and Nineteenth Streets, up near the Interior Department Building. It is an eight-story building, with over 800 rooms, which will accommodate all the office force that could possibly be required for the work that is being done in the Treasury Department. This building is available for the Secretary of the Treasury; it will be completed in a few days, and is ready now for any such preparation as might be required in order to make it suitable for the needs of the Treasury.

So I say, for all of these reasons it could not be possible that the Secretary of the Treasury has made such an astounding request on the President of the United States as a war measure. I repeat, I do not believe that the Secretary has made such a request.

So far I have confined my observations on this subject to the Secretary of the Treasury. I now address myself to the President of the United States. That great office, towering above all other in the world to-day, occupied by a man fitted by education and training for the high station, would never think of violating a sacred fund placed in his hands to accomplish purposes secretly, wisely, and efficiently in preparing this country for war, to the consummation of a real estate transaction of this character. The President of the United States has a high appreciation of the duties and responsibilities of his office, and would never think of diverting a fund that was placed in his hands to prepare the Nation for war to erect or buy a public building, complying in all respects to the tests of the Fine Arts Commission, containing spacious apartments and appointments for numerous bureau chiefs, with hundreds of clerks, many of whose services might well be dispensed with, providing room for additional mahogany, quarter-sawed oak, and swivel chairs.

Oh, no; the President of the United States has done no such thing. He will not do any such thing. It is unthinkable that the President would take out of a fund placed in his hands by Congress to be used secretly by him, because matters with which from time to time he has to deal are of such a character that they can not be discussed openly here or in any other forum, matters in which he makes the expenditures of large sums of money, without specific appropriation or discussion by Congress. That was the reason for placing the $100,000,000 in his hands. That is the reason the remainder of it is there to-day. Does any newspaper publisher think the President would take any part of that fund and use it for the purpose indicated? Oh, no. The President would do no such thing. He has done no such thing as the newspapers have stated.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. CAMPBELL of Kansas. I would rather not. I have stated that this fund was placed in the hands of the President to enable him to do things without consulting Congress or anyone else because of the secrecy that is required in the consummation of certain transactions in preparing the Nation to meet a foreign foe. Does the purchase of a building to provide additional office space for clerks come within the scope of that authority? Oh, no. Those are matters that should be and are discussed on this floor. The wisdom or unwisdom of every specific proposition has been and ought to be discussed here. This is the place where authorizations for the purchase of sites for public buildings and the erection of public buildings are made here in Washington. They are not done in secret. Oh, no. And the President has not done this thing in a corner, nor in secret, and I challenge the newspapers of the country, the newspapers of Washington, that have published this statement to produce the evidence. I repeat neither the Secretary of the Treasury ever made such a request nor did the President of the United States ever grant such a request. It is unthinkable that it is so.

Now, for a moment about the Arlington site. The old Arlington Hotel was one of the most celebrated in the country. Travelers from all over the world made it their stopping place when in Washington. Guests from every quarter of our own country were entertained there. It was the stopping place of captains of industry, finance, and politics. Mr. J. Pierpont Morgan and Tom Platt made it their abiding place in Washington.

Mr. MOORE of Pennsylvania. Do not forget the Gridiron Club, which made it famous.

Mr. CAMPBELL of Kansas. And the Gridiron Club, which made the hotel famous. It was the situs of the most celebrated birthday dinner that has ever been given in the United States, the occasion of Uncle JOE'S seventieth birthday anniversary. [Applause.] Early in 1912 it was decided by the company to tear down the old building and erect a new one, larger and more spacious in its appointments. The old hotel was torn down and a hole made in the ground. A series of

incidents occurred. The Democrats were successful in 1912; J. Pierpont Morgan, whom, it is alleged, was going to finance the enterprise, died; and the Arlington Hotel proposition failed. Court proceedings and foreclosure sales ensued. The property was offered for sale under a mortgage held by the Equitable Life Insurance Co. early in January, 1914. It was purchased by a company of gentlemen from Richmond, Va. Owing to some failure of a financial transaction immediately following the sale, the sale was not consummated, and the property was readvertised and sold again a week later. It sold for $850,000. Some days later it sold for $847,000, the purchasers giving a certified check for $50,000 on the day of the sale, and subsequently giving another $100,000, making a total that the purchasers have in the property of $150,000. Since then financial embarrassment has attended the mutations of the Arlington Hotel Co. They have made many efforts to unload the property and to get rid of it. It has been a great burden to them. It was far from a financial success. They attempted a year and a half ago to rent it to the Navy Department. They made a proposition to erect a spacious office building and rent it to the Navy Department for 65⅝ cents a square foot for a period of five years. This was submitted to the Committee on Appropriations, carefully considered, and the committee refused to take the lease of the property. Then there was more embarrassment in the Arlington Hotel Co.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. MADDEN. The Committee on Appropriations refused to authorize the lease of the Arlington property and preferred to recommend an appropriation of $2,000,000 to build temporary office buildings, the cost of which from an interest charge standpoint would not be anything like what the rent of that building would have been if they had rented it.

Mr. CAMPBELL of Kansas. The Committee on Appropriations acted wisely.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. For a question.

Mr. CALDWELL. Is the gentleman's speech intended as a demonstration of the Republican support that his party is so proudly claiming for the President?

Mr. CAMPBELL of Kansas. Mr. Chairman, the Arlington Hotel Co. then sought to sell the property to the Treasury Department. That offer, so far as the Treasury Department was concerned, was apparently accepted. Authorizations were asked of Congress to consummate the purchase. Congress has been hearing evidence pro and con and has been dealing with the matter without very much enthusiasm. There has never been shown a very great disposition to make the purchase. Even this morning a resolution from the Committee on Rules making in order a bill for the purchase of the Arlington Hotel site, after having been offered was withdrawn, so that the Congress does not seem to be very enthusiastic over a transaction that would relieve the Arlington Hotel Co. of the great burden they have been carrying on an investment of $150,000. The reasonableness of the price asked or the questions incident to it I shall not discuss at this time.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield now?

Mr. CAMPBELL of Kansas. Just for a question.

Mr. MOORE of Pennsylvania. When Congress voted to the President a lump sum of $100,000,000 for war purposes, did it not also grant to him the power to appropriate a part of that money for the purchase of the Arlington Hotel site or any other site if he thought it necessary as a war emergency?

Mr. CAMPBELL of Kansas. It did not.

Mr. MOORE of Pennsylvania. Does the gentleman think that if in the estimation of the President it was necessary for purposes of war that he or the Secretary of the Treasury should purchase the Arlington Hotel or any other site that he did not have the power to do it with his $100,000,000 fund? The practice, of course, is unusual.

Mr. CAMPBELL of Kansas. Oh, it would be a most violent assumption that the President would consider the purchase of hotel properties as war measures. What we need to win the war are arms, ammunition, airplanes, battle planes, ships, munitions of war of all kinds. We do not need hotel properties.

Mr. MOORE of Pennsylvania. The gentleman would not yield to me a moment ago, and I was hoping some Democrat would take my place and ask the question whether or not the President had actually made this authorization. My own judgment is that he has——

Mr. CAMPBELL of Kansas. I refuse to believe it.

Mr. POU. Mr. Chairman, if the gentleman will permit, I will state to the gentleman that the President has authorized the expenditure of this fund upon the ground that it is a war-emergency measure, and upon the ground that in order to carry on the war the men who are working here in Washington must have a roof under which to work to protect themselves.

Mr. CAMPBELL of Kansas. Unless the gentleman from North Carolina, whose word I would not dispute under any sort of circumstances, has positive proof coming to him from the President himself I still stand upon the assumption that the President has done nothing of the kind. [Laughter.]

Mr. POU. With the gentleman's permission, I have a letter here, it will take just a moment if the gentleman will permit me, from the Secretary of the Treasury——

Mr. CAMPBELL of Kansas. Well, that is not the admission of the President. [Laughter.]

Mr. POU. With the permission of the gentleman, it says here:

> I inclose copy of a letter I sent to the President in reference to the Arlington Building. The President has authorized me in the circumstances to acquire it out of the war-emergency fund.
>
> The exigency is so great that it is not possible to delay action further. I earnestly hope, however, that the bill now pending in the House, and favorably reported by the Public Buildings and Grounds Committee, will be passed as promptly as possible, in order that the President's war-emergency funds may be reimbursed.

That is dated March 28, 1918. [Applause.]

Mr. MOORE of Pennsylvania. So that the gentleman believes the question now is one of reimbursement. [Laughter on the Republican side.]

Mr. RAINEY. Will the gentleman permit me to read——

Mr. CAMPBELL of Kansas. I would rather go on and let the gentleman from Illinois take time in his own right.

Mr. RAINEY. As to the law under which this is done——

Mr. CAMPBELL of Kansas. I will ask the gentleman to take time in his own right.

The CHAIRMAN. The gentleman declines to yield.

Mr. CAMPBELL of Kansas. How much time have I remaining?

The CHAIRMAN. About half a minute.

Mr. CAMPBELL of Kansas. Mr. Chairman, notwithstanding the statement of the gentleman from North Carolina [Mr. POU], notwithstanding the reading of the letter from the Secretary of the Treasury, I do not modify a single statement that I have made here with respect to this subject and to the duty of the President with regard to this $100,000,000 war fund. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CANTRILL]. [Applause.]

Mr. CANTRILL. Mr. Chairman and gentlemen of the committee, I was very much in hope when spring came that the gentleman from Kansas [Mr. CAMPBELL] would catch the spirit of the season and get in a good humor. He seems to have been in a bad humor especially with all measures which seem to have the recommendation of the President of the United States and the executive heads of our departments, upon whom the responsibility for the proper conduct of this war exists, and I sincerely hope——

Mr. CAMPBELL of Kansas. Mr. Chairman, I hope——

Mr. CANTRILL (continuing). That this House will have the pleasure some time in the near future of hearing the gentleman from Kansas stand up here upon this floor and, as a patriotic American citizen ought to do, do something to uphold the hands of the President of the United States [applause on the Democratic side] instead of vicious and idle criticism of every move that the President and the departments undertake to make in the great crisis now facing this Nation. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kansas?

Mr. CANTRILL. As to the merits of this proposition——

Mr. CAMPBELL of Kansas. Will the gentleman yield? I hope the gentleman will not charge me with failing to support the President of the United States in all war measures. I have worked and voted for every measure——

Mr. CANTRILL. Mr. Chairman, in answer to the gentleman from Kansas I will say that he, like some of the other Members of this House who take up all the time of the House on idle measures day after day in idle talk, when the roll comes does not dare stand before the American people and vote against what the President and the people want. [Applause on the Democratic side.]

Now, as to the merits of this proposition, Mr. Chairman, the facts in the case are—and that is what this House wants are the facts—no man in my 10 years' experience here has ever heard me make a partisan speech criticizing gentlemen on the other side; this is no time for it and no place for it. What this

House wants to-day are the facts connected with this case for the purchase of the Arlington Hotel property. As a member of the Committee on Public Buildings and Grounds, who heard in detail all of the facts connected with this property, and as a member of the Rules Committee, where those facts were rehearsed before that committee, I say to the committee, and the RECORD of the House bears me out, that the Committee on Public Buildings and Grounds by almost a unanimous vote, if not unanimous, decided to report a measure authorizing the appropriation of $4,200,000 for the purchase of the Arlington Hotel property. The Members of the House know that the calendars of the House are loaded down, and the only way to get consideration of that measure was to come before the Rules Committee and get a rule to expedite the passage of this bill because it was a war measure, and I will prove it before I leave the floor. The Public Buildings and Grounds Committee thought it was a war measure and gave their unanimous support to it. The Committee on Rules, with the exception of the gentleman from Kansas, was of the opinion that it was of sufficient importance to bring in a special rule and ask this House to give this bill immediate consideration. Yet the House, acting under other rules, took up days and days in idle discussion of minor measures. The time had come when in order to secure this property at a reasonable price some one had to act, and pending the legislation in Congress, which has the indorsement of the Committee on Public Buildings and Grounds and the Rules Committee, the President has seen fit to act, and I, for one, say that he did right in doing what he did do, in giving the money to buy this property. [Applause on the Democratic side.]

Now, the facts in the case—facts are strange things to the gentleman from Kansas, but the House wants them—the facts in the case are these: That this building is now in course of construction. I walked over it the other day and looked at it, and I think there are four stories above ground of steel construction now up. The building that is being erected there is not, as the gentleman from Kansas stated, a hotel piece of property, but it is a modern, up-to-date office building, and the hearings before the Committee on Rules showed that, and the gentleman from Kansas was not fair with the House when he undertook to make the House believe that it was a hotel going up there instead of a modern, up-to-date office building with the approval of the various building commissions of this city here behind it. Now, this building is to be used for the Commissioner of Internal Revenue and by the Bureau of War-Risk Insurance.

And I want to say to this House that the room for these employees of the Government is absolutely needed at this moment, and that is why the President acted. The testimony, the facts, before the Rules Committee and the Committee on Public Buildings and Grounds showed that the three stories of this building underground are to be used for the preservation of the policies of the soldiers and sailors who are now in the service of their country, 1,000,000 life insurance policies having been taken out by the loyal soldiers and sailors of Uncle Sam. Where are those policies to-day? It would not be wise for me to state it here upon this floor. The committee members were advised in secret as to where they were located. Suffice it to say they are not where they ought to be, for their proper preservation. They now are being guarded day and night by armed soldiers in order to protect the interests of our boys.

The purpose of buying this property is to have proper storage immediately for these million policies of our soldiers and sailors, because, as stated before the committee, the strongest blow that could be given us to-day would be the destruction of these 1,000,000 policies, which would wipe out the record of every loyal soldier and sailor and deprive his family of the insurance that the Government intends him to have.

Mr. GILLETT. Will the gentleman yield?

Mr. CANTRILL. I will.

Mr. GILLETT. When is this building going to be completed, so that it can be used for that purpose?

Mr. CANTRILL. The building is now under construction?

Mr. GILLETT. I understand it will be finished by the 1st of next October.

Mr. CANTRILL. I understand it is to be finished just as rapidly as it can be pushed to completion, whereas if we had to go into other parts of the city and buy property it would be delayed a year. And, gentlemen, let me say this to you, that in my opinion this is a proper place for the President of the United States to buy property. As said by the gentleman from Kansas, the Belasco corner has been purchased by the Treasury Department and a building authorized there. It ought to go there. It is just across Pennsylvania Avenue from the Treasury Department proper. It can be connected by tunnel under the Avenue with the Treasury, and just as soon as possible a building will be put up there and ougth to be put up there, and Congress has already authorized it. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. Can I get two or three minutes more?

Mr. BOOHER. I yield to the gentleman five minutes more.

Mr. CANTRILL. Thank you.

Now, as the Members of the House know, the Arlington Hotel property is just a square beyond the Belasco property. So that makes the Treasury Building and the Belasco property building, connected by tunnel under the Avenue, and the Arlington Hotel property, practically all within one square, under the direct control of the Treasury Department. It would be better if they could all be in one building, but every Member of Congress knows it is impossible to remodel the old Treasury Building so as to bring them under the same roof, and this is the nearest that can be done to put them together. It is in the proper location to be properly connected with the Treasury Department. It is upon very high ground, too, which is absolutely necessary, inasmuch as these million war policies have to be stored in the basement, and we need dry basements in order to store those policies properly or to store any other valuable papers of the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CANTRILL. Just for a question.

Mr. MOORE of Pennsylvania. Ordinarily, when property is to be purchased by the Government, the procedure is for the department to come to Congress with an estimate to the committee that has real charge of the matter here?

Mr. CANTRILL. I will answer your question directly, because I want to give the House all the information I have, and I do not want to take up any time in indulging in anything but facts.

The gentleman from Kansas [Mr. CAMPBELL] complains about the price of the property. The record before the various committees shows that the Government paid for this lot about $1,000,000. At forced sale it brought almost $1,000,000, and for years has been listed and taxed by the city of Washington upon the basis of almost $1,000,000.

Mr. KEARNS. Will the gentleman yield?

Mr. CANTRILL. Just let me finish my answer to the gentleman from Pennsylvania first.

And the Government has paid exactly what experts in the city have said it is worth, and not a dollar more than it is worth. The building which is going up has been carefully looked into by the Supervising Architect and his entire force, and the head men of that office and of the Treasury Department, after a full investigation of the cost of building material, labor, and all, and the cost of the lot, came before two committees of Congress and told us that the price paid in the bill is reasonable and practically the cost price of the property. And in that connection permit me to say to the House that in private conversation not long ago with a real estate man in this city, who had no interest whatever in the property and who happens to be my personal friend, I asked him for information on this subject, and he, as a practical real estate man in the city of Washington, told me that the Government was getting the full worth of its money in the purchase price of the Arlington Hotel property.

Mr. CANNON. Will the gentleman yield for a question purely for information?

Mr. CANTRILL. Yes.

Mr. CANNON Does the $4,500,000 measure the cost of the building when it is completed?

Mr. CANTRILL. Yes, sir.

Mr. MOORE of Pennsylvania. Four million two hundred thousand dollars.

Mr. CANTRILL. Four million two hundred thousand includes, I will say to the gentleman, the cost of the lot and the entire completed cost of the building, taking in the entire surface of the lot. There is but one-third of that lot that was not in the original plans when they started out to build this office building; but, in order to make room for the department, the third of the lot was added on, and the proposed building will cover the entire area. And I will say to the House that, in order to transact the business of the Government in the Commissioner of Internal Revenue's office and in the Bureau of War-Risk Insurance, which is now housed in six different places in this city, with the records scattered from one end of the city to the other—and I am supported in my contention both by the Committee on Public Buildings and Grounds and by the Committee on Rules—this purchase should be immediately put through; and I say the President was right in taking advantage of the opportunity and that it is the duty of this House to reimburse that fund.

Now, in answer to the gentleman from Kansas, undertaking to say that this is a secret fund given to the President, I will say it is no such thing. It is an emergency fund given to the President by this Congress to utilize as he pleases, and the President has done nothing in secret as intimated by the gentleman from Kansas [Mr. CAMPBELL]. He has no secrets from the American people. He stands here doing what he believes is his duty, and I believe he did right, and I believe it is our duty in all fairness and all honesty to reimburse that fund. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills of the following titles:

On April 4, 1918:

H. R. 5351. An act providing for the disposal of certain lands in block 32, in the city of Port Angeles, State of Washington;

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes"; and

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*.

On April 5, 1918:

S. 3714. An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. BOOHER. Mr. Chairman, I yield 20 minutes to the gentleman from North Carolina [Mr. POU].

The CHAIRMAN. The gentleman from North Carolina is recognized for 20 minutes.

Mr. POU. Mr. Chairman, I merely wish to supplement what has been so well said by the gentleman from Kentucky [Mr. CANTRILL] by submitting one or two observations.

If any gentleman has any doubt as to the necessity, the urgent necessity, of the action taken by the Secretary of the Treasury, indorsed by the President of the United States, I respectfully request that gentleman to send to the rooms of the Committee on Rules and get a copy of the brief hearing upon this proposition and read it. The hearing did not take up very much time, and every question that has been asked, I think, has been answered in the hearing by that committee. I understand the hearings had before the Committee on Public Buildings and Grounds have not been printed. They are somewhat fuller and go more into detail than the brief hearing held by the Committee on Rules.

The records of the War-Risk Insurance Bureau at this time are kept at eight different places in the city of Washington.

Mr. GLASS. Mr. Chairman, may I interrupt my colleague?

Mr. POU. Yes; I yield.

Mr. GLASS. Did it appear in the evidence before the Committee on Rules that the Secretary of the Treasury did write a letter to the President, and that the proposition did receive the indorsement of the President?

Mr. POU. At the time the hearing was had by the Committee on Rules that action had not been taken.

The records of the War-Risk Insurance Bureau are kept at eight different places, in all sorts of buildings, some of them in highly combustible buildings.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. POU. I do.

Mr. MOORE of Pennsylvania. I think the gentleman has a copy of the letter. Does he intend to insert it?

Mr. POU. Yes. I am going to ask to have it inserted in the RECORD and consume part of my time in having it read to the House.

These records of the War-Risk Bureau, which can not be replaced, are, as I have said, distributed in eight different buildings; and, as the gentleman from Kentucky has said, they are guarded night and day. Ten additional buildings are occupied by the Internal-Revenue Bureau, making 18 in all. There is no other available place in the city of Washington except this Arlington Building wherein these two great bureaus can be housed. Their records can not be consolidated under one roof unless the Arlington Building is acquired, and in the circumstances the Secretary of the Treasury decided that the urgency was so great, that the danger was so great, he would not take the risk of destruction any longer, and he assumes the full responsibility for all that has been done.

Mr. REAVIS. Mr. Chairman, will the gentleman yield for a question, entirely for information?

Mr. POU. I do.

Mr. REAVIS. I think all the Members of the House appreciate the necessity for the Treasury Department having more room. The complaint, if it may be called such, of the gentleman from Kansas [Mr. CAMPBELL], as I understood it, was the alleged impropriety of purchasing this property out of the usual way. Ordinarily such things come on the floor of the House, where the necessity of the purchase and the price to be paid are debated and discussed. I wish the gentleman would state, if it will not interfere with his line of thought, what was there in the condition that would lead to the belief that Congress was not ready to act upon this and that would justify the President in making this purchase out of that fund and without waiting the action of Congress?

Mr. POU. The urgency, as I understand it, was simply this: If these records were to be put in a fireproof building and as nearly as possible under one roof, the Government must acquire this particular building, there being no other available building in the city; and the Secretary of the Treasury decided that the urgency was such that he felt it to be his duty to act; the urgency was such, the risk was so great, that he did not dare to wait longer upon the action of Congress. To him his duty was so obvious he felt he had the right to assume that his action would be ratified by Congress.

Mr. REAVIS. Just a word further.

Mr. POU. Yes.

Mr. REAVIS. That was the decision of the Secretary of the Treasury? What I want to know from the chairman of the Committee on Rules is this: Would the facts justify that opinion? I mean by that this: Is it not possible, and was it not possible, for the Committee on Rules to submit that measure to Congress, so that it could have been acted upon immediately and without unnecessary delay?

Mr. POU. The Committee on Rules was intending to submit the matter to Congress. The rule had already been authorized, but the Secretary of the Treasury decided that it was a matter that ought to be acted upon at once, and for that he assumes full responsibility. As a matter of fact, one option held by the Government on this property had expired on the 11th of March. The Secretary did not know how long the offer of the owners to accept $4,200,000 would be held open. He could not know that some private individual or corporation would not purchase the property. He simply knew it could be had now if proper action were taken. He had exhausted every effort to acquire space, and as the price was deemed fair and reasonable the Secretary decided he could not afford to wait.

Mr. SHERLEY. Mr. Chairman, if the gentleman will yield to me for a moment, I think I can help the whole situation by a plain recital of what occurred.

Mr. POU. I will yield to the gentleman.

Mr. SHERLEY. There came to the Committee on Appropriations an estimate for the purchase of the Arlington site and the erection of this building in exact accord with the action that has now been taken, the price being the same; but the estimate coming after the hearings had closed on the urgent deficiency bill, it was impossible at that time to have a hearing and make the item a part of that bill. When the urgent deficiency bill came on the floor it carried provisions for buildings for housing other activities of the Government. The question was raised by the Committee on Public Buildings and Grounds as to the action of the Committee on Appropriations in carrying provisions for buildings that had not been authorized. The point of order was made by the gentleman from Florida [Mr. CLARK], and the provision in regard to the housing of other activities went out of the bill. Subsequently it was permitted to be restored without the obtaining of a rule to make it in order.

In view of those facts it did not seem to the Committee on Appropriations that it would be warranted in undertaking to act upon the Arlington matter until authorization had been made by the Congress. In the meanwhile there has been a legislative congestion in this House. The Committee on Public Buildings and Grounds some time ago reported a bill to authorize the purchase of this sight and buildings. If that bill were passed tomorrow there still would have to be an appropriation carried. Presumably the Secretary of the Treasury felt the need for either carrying out this project or undertaking some other, and as he believed this to be a desirable thing, and the action of the Committee on Public Buildings and Grounds confirming his

judgment, he has felt warranted in going ahead without waiting for the authorization and appropriation by Congress, which would probably have delayed action a month or two further.

I think this also ought to be said in view of what has been said by the gentleman from Illinois [Mr. MADDEN]: The Committee on Appropriations has never functioned in this matter and has never turned down or approved this proposal, for the reasons I have stated.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman permit me to make an inquiry, if it will not interrupt him?

Mr. POU. I have but little time.

Mr. MILLER of Minnesota. The gentleman can get more time if he wants it.

Mr. POU. I will yield to the gentleman.

Mr. MILLER of Minnesota. Having regard for the construction of a new building as a permanent building for the Government, is it not desirable that the building when constructed shall have certain architectural features that will make it a desirable public building and an addition to the city of Washington, especially in that location? The Fine Arts Commission has a plan, which has been carefully worked out, embracing the construction of a building on that site. Has any consideration been given to the kind of building to be erected on that site; and if so, does anybody know what it will look like and what it will be worth?

Mr. POU. That matter was taken up and was considered in the agreement that the Secretary of the Treasury has made in respect to the purchase of the property.

The situation in a word was about this: The Secretary of the Treasury did not know how soon Congress was going to give him authority to take over this building. Of course, he could not know for certain that authority would be given, but he assumed it would be. That is the truth of it, and he decided that it was so necessary to act in the premises that he was willing to take the responsibility without waiting. He has done it, and he submits willingly to any criticism that may properly be made.

Mr. DILLON. Will the gentleman yield?

Mr. POU. In a minute or two I will yield. Now, as to the cost of the building, any gentleman can determine that by reading the hearings. So far as I am concerned, I think there can be no just criticism as to the cost. As to the necessity for prompt action, let us bear in mind that these records are scattered over seven or eight different places, and may be destroyed at any minute. Every available building has been considered by the Treasury Department. I want to emphasize that this is the only building in the city of Washington which can be obtained anywhere in the near future for the housing of the invaluable records of the War-Risk Insurance Bureau. I send to the Clerk's desk and ask that the Clerk read in my time the letter of the Secretary of the Treasury.

The CHAIRMAN. Without objection, the Clerk will read.

Mr. MOORE of Pennsylvania. Reserving the right to object, this is the letter which bears the authorization of the President?

Mr. POU. It is.

Mr. MOORE of Pennsylvania. I think this letter ought to go into the RECORD.

Mr. DILLON. Will the gentleman yield for a question?

Mr. POU. I yield to the gentleman for a question.

Mr. DILLON. Will the gentleman tell how much has been paid down on this proposition by the Secretary of the Treasury?

Mr. POU. I do not know. I presume nothing has been paid. I think nothing has been paid up to this time.

Mr. SLOAN. Just for information, I desire to know if the depositing of these insurance policies in some place for the Government is a requirement of the statute, or simply a policy of the Government? Ordinarily, these policies are sent to the holders or somebody who may be designated by the man for whose benefit a policy is taken out.

Mr. POU. I understand that records are kept in the city of Washington which, if destroyed, could not be replaced, and the destruction of which would bring about endless confusion. That is the information I get from the War-Risk Bureau.

Mr. DILLON. That is true of the records of the policies; but the gentleman spoke of keeping these policies on deposit.

Mr. POU. No; I was misunderstood. I simply alluded to the records of the War-Risk Bureau. My information is that it is desired to keep these records in a fireproof building, because if destroyed they could not be replaced and that the confusion resulting therefrom would be practically endless. I ask the Clerk to read the letter.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 22, 1918.

DEAR MR. PRESIDENT: You were good enough to approve, on February 12, an estimate, which was promptly submitted to the Congress, for the purchase by the Treasury Department of the Arlington Building, now under construction, involving a cost, including the proposed annex to it, and such changes and modifications as will make it suitable for Treasury needs, of $4,200,000. A bill was promptly introduced in the House, was reported favorably by the Committee on Public Buildings and Grounds, and is now pending. I am hopeful of early action by the House, but the calendar is somewhat crowded with other important matters and I do not know when this bill will be reached; and even after it has passed the House it must pass the Senate. How much time this will require I do not know. I am sure that there is every disposition on the part of the House and the Senate to expedite consideration of this matter, but at best it will take considerable time.

The situation in the Treasury Department is so exigent that I am deeply concerned about its ability to perform the vital work now required of it in the public interest unless immediate measures are taken to provide the amount of office space imperatively demanded. It is not only a question of amount of space, but also of the time within which it can be obtained. It is equally important that this space should be, as far as practicable, under one roof in order that efficiency and speed in the administration of important functions of the department may be secured. Not alone that, but the building should be fireproof in order that invaluable records, especially those in connection with the administration of the War-Risk and Internal-Revenue Bureaus, may not be imperiled by fire.

The Arlington Building is partly constructed. It will have sufficient space to fill the imperative needs of the Treasury, and if taken hold of immediately by the Government can be pushed to prompt completion. If taken hold of now, it can also be constructed with reference to the Treasury's particular requirements, and, in addition to that, the exterior treatment of the building can be greatly improved without large additional cost, so as to make it far more attractive architecturally than the building as now designed.

As you know, the War-Risk Insurance Bureau is now taking care of the dependent families of our soldiers and sailors who are at the front, is administering over $12,000,000,000 of insurance on the lives of our soldiers and sailors, and is performing the most prodigious task of its kind ever undertaken by any Government. This work is rapidly increasing, and of necessity must continue to increase with the growing list of killed and wounded and with the enlargement of the Army and Navy which must come with the progress of the war. The Internal Revenue Bureau must continue to grow as the war proceeds, in order to administer successfully the additional duties which will have to be imposed upon it. These two activities alone require more than 500,000 square feet of space in addition to the 96,000 square feet to be provided by the Treasury Annex soon to be erected on the corner of Pennsylvania Avenue and Madison Place. At present the War-Risk Bureau is being administered in 8 different buildings in Washington, the Internal Revenue in 10 different buildings. The inefficiency, delay, and unnecessary expense resulting from this scattering of the activities of these important bureaus are greater than I can describe. It is extremely hurtful to the public interest; in fact, it works an injustice to the dependents of our soldiers and sailors, and to our soldiers and sailors themselves, when the functions of the War-Risk Bureau are made inefficient because of inadequate office space in which to do the necessary work.

Not the least serious feature of this situation is the fact that the invaluable and irreplaceable records of the War-Risk Insurance Bureau and of the Internal Revenue Bureau are now in considerable part stored in nonfireproof buildings and might be destroyed, to say nothing of the possibilities of loss of human life from overcrowding in such buildings and the insanitary conditions under which the employees are now forced to work.

The activities of these two important bureaus are equaled in large measure by other bureaus of the Treasury, which administer the liberty-bond issues. It is impossible to describe the difficulties under which the Treasury is now laboring in its effort not only to raise essential money through the sale of liberty bonds, but to find room for the employees to work, in order to turn these bonds out promptly and deliver them to purchasers throughout the country. The corridors of the Treasury Building, where light and ventilation are poor, must be used from time to time for this service. It is an injustice to the employees and a reproach to the Government.

The railroad administration will require a large amount of space in order to efficiently manage the railroads of the United States now in the possession and control of the Government. The Interstate Commerce Commission has been good enough to give me as much space in their building as could be spared, but it is wholly insufficient. The railroad administration is seriously hampered even now for want of space, and that condition will grow more acute each day.

The War Finance Corporation, which will spring into existence as soon as the pending law is enacted and receives your approval, must have adequate space in which to do the important work assigned to it. This work will constantly increase with the progress of the war, and room must be provided for that purpose.

The responsibilities resting upon the Secretary of the Treasury are so numerous and important that it adds enormously to his burdens if the agencies under his control are unnecessarily scattered. Efficiency of administration will be greatly promoted by the consolidation, as far as practicable, of these great and responsible activities.

This is a war emergency of the most serious character. I can not overstate it. Every day of delay is aggravating the problem and imperiling the public interest. In these circumstances I am moved to beg you to allot to the Treasury $4,200,000 out of the war-emergency fund in your control, with authority to expend so much of it as may be necessary in the purchase of the Arlington property and the completion of the building now under construction and in the erection of the proposed annex thereto. This will enable the Treasury to get back of the contractor and expedite the work greatly. If the Treasury can take possession of this property immediately, it will be possible to complete a large part of the building and have it ready for occupancy in the early fall.

If you will grant this request, the war-emergency fund may be reimbursed when the Congress passes the pending bill for the purchase of the Arlington property. I am most reluctant to make this request, but the situation is so exigent that I would be derelict in my duty if I did not do so.

I inclose a list of the 18 different buildings, together with a map, upon which is indicated their location in the city of Washington, from which you can see how widely the business of these two bureaus of the Treasury is now scattered.

It is far more economical and far more advantageous to the Government to buy the Arlington property and complete the building than to erect temporary, combustible structures which would represent a large loss in the end and be wholly unsatisfactory for the purposes in view.

Moreover, the activities of the Treasury Department, even after the restoration of peace, will necessitate the use of the Arlington building for a long period of time, if not permanently.

There is no other opportunity in Washington which will meet the Treasury's imperative need within a reasonable time or at all, so far as I have been able to discover.

With the earnest hope that this request may receive your prompt and favorable consideration, I am,

Faithfully, yours, W. G. McADOO.

The PRESIDENT,
The White House.

Inclosure.

Approved and authorized.

WOODROW WILSON.

25 MARCH, 1918.

Mr. POU. The authority under which the President acted appears to be full and ample. After reading the law I submit there is absolutely no ground upon which any criticism of the President or of Secretary McAdoo can be based. The President clearly had authority to authorize this purchase of the property.

That part of the act of Congress approved April 17, 1917, under which the President acted reads as follows:

NATIONAL DEFENSE.

For the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President, and to be immediately available and to remain available until December 31, 1917, $100,000,000.

The act of December 15, 1917, continuing the appropriation reads:

EXECUTIVE.

The appropriation of $100,000,000 "for the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President," contained in the general deficiency appropriation act approved April 17, 1917, is continued and made available until June 30, 1918.

Mr. MOORE of Pennsylvania. That letter carries the approval and authorization of the President?

Mr. POU. Yes.

Mr. MOORE of Pennsylvania. Therefore out of the $100,000,000 fund the President has authorized the use of $4,200,000 for this purchase.

Mr. POU. Four million two hundred thousand dollars.

Mr. MOORE of Pennsylvania. Now, it seems to me that the question as to the propriety of the authorization is the question which concerns the gentlemen who have spoken.

Mr. POU. I am going to conclude by asking unanimous consent to have printed, along with the letter which has just been read, a letter of Secretary McAdoo, of March 9, addressed to myself, answering several questions as to why the Government does not acquire this building and why the Government does not acquire that building.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to insert in the RECORD a letter addressed to him by the Secretary of the Treasury, Mr. McAdoo. Is there objection?

There was no objection.

The letter is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 9, 1918.

Hon. EDWARD W. POU,
House of Representatives.

MY DEAR CONGRESSMAN: I take pleasure in replying categorically to your three questions of the 8th instant indirectly bearing on the purchase of the Arlington property.

Question No. 1. Why doesn't the Government use the Poli Theater property?—Answer No. 1. Theater property is not at all suitable for departmental use. The lobby, auditorium, and stage occupy seven-eighths of the building and, being practically without natural light and ventilation, could not be utilized in their present condition. The cost of remodeling and reconstructing the building would be prohibitive, and even then the space would not be suitable for use by the Government nor would the amount of space be sufficient.

Question No. 2. Why doesn't the Government use the Oxford Hotel?—Answer No. 2. This building is in very poor repair and is cut up into small rooms, which would make the maintaining of an efficient organization impossible. The war-risk insurance and internal-revenue work require large spaces of from 5,000 to 10,000 square feet in one division. The building is also nonfireproof and of very light construction, so that it would not support the files in current use by these bureaus without strengthening the construction. Furthermore, the arrangement has been reached with the lessee of this hotel by which, in exchange for permission to keep the hotel in operation, he has turned over for Government use the four-story building No. 1209–11 Pennsylvania Avenue, containing 12,000 square feet of fairly satisfactory office space against 29,000 square feet in the Oxford Hotel of unsuitable space. Moreover, the demand for living rooms and space in Washington is so great that this property is more useful for hotel or boarding-house purposes than for any other.

Question No. 3. Why can't the Government utilize the G. A. R. Building?—Answer No. 3. A division of the Internal-Revenue Bureau is occupying this building with the exception of the hall on the top floor, the continued use of which has been granted to the Grand Army of the Republic.

There are several other buildings in the block bounded by Pennsylvania Avenue, E, Fourteenth, and Fifteenth Streets which are being utilized to such an extent as is possible, and one four-story building, No. 406–8 Fourteenth Street, has been repaired and an extension built thereto, thus supplying about 26,000 square feet, but these buildings furnish only a very small fraction of the space required by the Treasury Department. The War-Risk Insurance and Internal-Revenue Bureaus alone require 250,000 square feet each, or 500,000 square feet in all, which is half the size of the temporary building recently erected in Henry Park.

All these buildings are highly combustible and should not be used for valuable records.

I hope the above information will furnish you the data required.

Sincerely,

W. G. McADOO.

Mr. BARKLEY. Will the gentleman have put into his remarks the law appropriating this $100,000,000 for the use of the President, so that we may see that he had the authority to use it for that purpose?

Mr. POU. The law is, of course, available. If I can do so conveniently, I will have it inserted.

Now, Mr. Chairman, I conclude with just this statement: Even after the building is erected adjoining the Belasco Theater, and even after this building is acquired, there will still be a deficit of some 20,000 or 30,000 square feet of necessary space, as I understand it. It will take every inch of these buildings in order to house those engaged in this Government work.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9054) disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. GRONNA, and Mr. NORRIS as the conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. KENNEDY of Iowa. Mr. Chairman——

Mr. SMALL. Will the gentleman from Iowa kindly allow me to yield 10 minutes to the gentleman from Florida [Mr. CLARK]?

Mr. KENNEDY of Iowa. You have used twice as much time on that side as we have used on this side, and the gentleman from Wisconsin [Mr. FREAR] desires to follow the gentleman from North Carolina [Mr. POU].

Mr. SMALL. I am aware of that. I hope the remarks of the gentleman from Florida [Mr. CLARK] will end this discussion about the acquisition of the Arlington Hotel building. The gentleman from Florida [Mr. CLARK] is chairman of the Committee on Public Buildings and Grounds, and desires to speak now.

Mr. FREAR. I am very desirous of finishing to-day.

Mr. KENNEDY of Iowa. Under the circumstances, I do not think the gentleman from North Carolina [Mr. SMALL] ought to ask that the gentleman from Florida speak now. You have used twice as much time as we have, and the gentleman from Wisconsin [Mr. FREAR] is a member of the committee.

Mr. SMALL. I assume that the gentleman from Wisconsin does not desire to discuss the Arlington proposition. The gentleman from Florida [Mr. CLARK] desires to discuss that, and we hope to end the discussion on that subject with his remarks.

Mr. KENNEDY of Iowa. Would it not be just as well to have a little discussion on the bill?

Mr. FREAR. I do not inflict myself on the House very frequently. I would be very glad to listen to the gentleman from Florida [Mr. CLARK], but there may be others who may desire to be heard on the same proposition following him.

Mr. SMALL. The gentleman from Florida says he will be satisfied with five minutes.

Mr. FREAR. All right.

Mr. SMALL. I yield five minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Chairman, I do not care to enter into any lengthy discussion of this matter. It has been pretty thoroughly discussed, and I do not care to take up the time of the committee. I want principally to ask unanimous consent to print in the RECORD a couple of letters, one of them being a letter from the Secretary of the Treasury, Mr. McAdoo, of the same date as the letter that has been read, and in which he inclosed a copy of that letter to me. I also want to ask unanimous consent to put in the RECORD a letter from Secretary McAdoo of February 26 last on this same subject.

Mr. MOORE of Pennsylvania. Reserving the right to object, I want to ask the gentleman if the letter of the Secretary is the same letter which bears the approval and authorization for the use of the $4,200,000 by the President of the United States?

Mr. CLARK of Florida. Yes.

Mr. MOORE of Pennsylvania. His approval is there?

Mr. CLARK of Florida. Absolutely. Mr. Chairman, this building will contain 10 stories and an attic above ground and 3 stories below ground, which makes splendid space for the storage of records, and so forth. It is to be a building in keeping with the Treasury Department Building and buildings of that character. It is to be a magnificent building. It will save the Government about $104,000 a year in rent. The Secretary wants the building mainly on account of the War-Risk Insurance Bureau. The War-Risk Bureau had about $12,000,000,000 of insurance applications pending at the time of the hearings, and all of the papers are scattered about in fire traps liable to be destroyed at any time.

It occurs to me, Mr. Chairman, that under the law giving the President the $100,000,000 fund he had a perfect right to divert this much of it for this great war necessity. All of the men and women of this country who have boys in the trenches are interested in the preservation of these papers, which could not be replaced if they were lost. Therefore this arrangement has been made, and nothing has been attempted to be concealed about it. I understand that the Secretary of the Treasury wrote the same letter that he sent to me to the gentleman from North Carolina [Mr. POU] and to the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Michigan [Mr. FORDNEY], and there was absolutely no attempt at secrecy. If the gentleman from Kansas [Mr. CAMPBELL] had not heard of this transaction, he is perhaps the only Member of Congress who had not the information that this action had been taken. There was absolutely no purpose on the part of anybody to conceal it; it was open and aboveboard.

The Secretary of the Treasury had a right to ask it and the President had a right to do it, and they are both willing to stand on their rights to enter into this contract under the law which we enacted. Now, Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to insert these letters that I have referred to in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letters are as follows:

TREASURY DEPARTMENT,
Washington, February 26, 1918.

Hon. FRANK CLARK,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

DEAR MR. CLARK: Referring to your communication of the 23d instant, I take pleasure in transmitting herewith the following additional data regarding the Arlington proposition:

Estimated cost by the Office of Supervising Architect:

Main building	$2,262,848
(This includes $118,751 for changes required by the Treasury Department, such as modification in design, strengthening floor construction, etc.)	
Extension to building	859,502
Site as valued by the Treasury Department	1,000,000
	4,122,350

The actual proposal of the Arlington Building (Inc.) is $4,119,072.

The estimate and the actual proposal are in very close agreement.

The Treasury Department has asked for $4,200,000, so as to have a contingent fund for changes incident to assignment, such as rearrangement of partition work, conduits, and wiring for addressograph and other machines, and also for awnings, shades, etc.

The cost per cubic foot is 40 cents for the main building and 44 cents for the extension. The higher cost of the extension is accounted for because as yet there are no subcontracts in force and consequently labor and material will have to be paid for at a higher rate.

The unit cost of the building and extension combined is 41½ cents per cubic foot.

The site has been included in the estimate at $1,000,000, which is based on the valuation of three real estate experts, as follows:

No. 1. Minimum value	$1,257,745
No. 2. District assessor's office	1,042,821
No. 3. $900,000 to $950,000, average	925,000

The average value of the three valuations is $1,075,188.

This appears to fully justify the valuation by the Treasury Department at $1,000,000.

The structural design of the building has been examined by engineers of the Office of the Supervising Architect and found satisfactory with the exception of the floor construction, which was considered too light for Treasury use, in consequence of which an agreement has been reached with the owners to strengthen the floors so as to make them safe for a live load of 100 pounds per square foot for offices and 120 pounds for corridors.

It is pertinent in this connection to call attention to the beams connecting the columns, which are very light in appearance. This has led to some criticism by people not conversant with the method of construction used in this building. However, these beams are not designed to carry the floor loads but serve to hold the columns in position during erection and in the completed structure become tension members of concrete girders. This method of construction has the approval of building bureaus of several large cities, among others, New York, Baltimore, and the District of Columbia.

I have previously shown the necessity of providing suitable quarters for the Internal-Revenue Bureau, and especially the War-Risk Insurance Bureau, and I believe your committee is fully convinced of this as an urgent war measure. The only two methods of providing space is by erecting a temporary structure or acquiring the Arlington Building, and that the latter is greatly to the advantage of the Government is shown by the following comparative figures:

The temporary buildings recently erected have cost from $2 to $2.35 per square foot of floor area. Assuming the cost at only $2, and the operating expense at 21 cents against 27 cents in the Arlington Building, and assuming the life of the temporary building to be four years, which is probably longer than it can be maintained, then the Government will at the end of the four-year period have expended $1,921,280 for the temporary building against only $1,648,640 for the Arlington Building, or $272,640 less. The following table gives this information in detail:

Life of temporary building assumed at four years—depreciation 25 per cent, interest 4 per cent, operating expense 21 cents, cost assumed at $2 per square foot gross floor area.

Arlington Building—depreciation 2½ per cent, interest 4 per cent, operating expenses 27 cents.

Temporary building.

Interest, 4 per cent on $1,216,000	$48,640
Depreciation, 25 per cent on $1,216,000	304,000
Operating expenses, 21 cents on 608,000 square feet	127,680
Total per year	480,320

Arlington Building.

Interest, 4 per cent on $4,200,000	168,000
Depreciation, 2½ per cent on $3,200,000	80,000
Operating expenses, 27 cents on 608,000 square feet	164,160
Total per year	412,160

At end of year.	Temporary building.		Arlington building.	
	Per square foot.	Total.	Per square foot.	Total.
First	$0.79	$480,320	$0.67½	$412,160
Second	1.58	960,640	1.35	824,320
Third	2.37	1,440,960	2.03	1,236,480
Fourth	3.16	1,921,280	2.71	1,648,640

Temporary building	$1,921,280
Arlington Building	1,648,640
Saving in favor of Arlington Building	272,640

Considered on a rental basis, the temporary building costs 79 cents per square foot per year against 67½ cents for the Arlington Building.

It is now not possible to rent any more office space in Washington, but if it were obtainable it would cost not less than twice as much, and probably three times as much, as the Arlington Building.

It is evident that this is a first-class business opportunity that the Government should not neglect, especially as the price is considered reasonable.

Sincerely, yours,
W. G. MCADOO, *Secretary.*

THE SECRETARY OF THE TREASURY,
Washington, March 28, 1918.

Hon. FRANK CLARK,
House of Representatives.

DEAR MR. CLARK: I inclose copy of a letter I sent the President in reference to the Arlington Building. The President has authorized me in the circumstances to acquire it out of the war emergency fund.

The exigency is so great that it is not possible to delay action further. I earnestly hope, however, that the bill now pending in the House and favorably reported by the Public Buildings and Grounds Committee, will be passed as promptly as possible, in order that the President's war emergency fund may be reimbursed.

Assuring you of my appreciation of all that you have done in this connection, I am, with warm regard,

Cordially, yours,
W. G. MCADOO.

Mr. CLARK of Florida. Mr. Chairman, I want to state one thing further, and then I am through. The testimony was not printed, at the special request of Assistant Secretary Love, who made statements which he said ought not to go to the public. The testimony has been transcribed, is in my office, and any gentleman of the House is at liberty to see it at any time he desires.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 45 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, I desire to digress from the river and harbor bill for a few moments. There is a matter of far more importance before the country at this time than the river and harbor bill. I desire to speak on the subject of Wisconsin's position before the country at large and to discuss matters of national moment that concern the whole country. My attention has been called particularly to an advertisement which I will read and may again refer to later. This advertisement was published in the Rockford Morning Star, a Democratic paper at Rockford, Ill. It could not be published in my own State without having attached to it the signature of the person authorizing it at that time. It violates the Wisconsin law, because it is unsponsored. It is an advertisement two columns in width and is addressed to Wisconsin soldier boys in the camp near Rockford, Ill., and is as follows:

TO THE WISCONSIN SOLDIERS AT CAMP GRANT.

Tuesday, April 2, you are entitled to vote for United States Senator from Wisconsin to succeed Paul O. Husting.

President Wilson, your Commander in Chief, desires all loyal Americans to vote for Joseph E. Davies for United States Senator.

Davies's election means joy at Washington and gloom at Berlin.

Davies's defeat means gloom at Washington and joy at Berlin.

Mr. Chairman, one of the ablest Democrats at either end of the Capitol recently said in public debate:

It will be conceded without argument that I have been, perhaps, as bitter a partisan Democrat as has sat in this Chamber for many years, * * * but when it comes to a question of loyalty to this Government, I deny that there can be drawn a line between a loyal Democrat and a loyal Republican.

I know as I look across the aisle—

He continued—

that I am looking into the faces of men whose sons are, some of them, upon the battle line, some of them in training camps, and some of them upon the blue waves of the ocean. * * * As I look upon this side I see men whose sons are engaged in the same loyal service. As I look into the hearts of all here I know that each man would give his last drop of blood that surges through his veins if he could bring victory to our armies and a glorious fruition to our hopes. * * * Let the election go on in Wisconsin. Let us go on with our business here. * * * I say as a Democrat that if either one of the leading candidates is returned, a loyal man will be sworn in at yonder desk.

Mr. Chairman, I have quoted the words of a distinguished Senator [Mr. REED], whose patriotism rises far above the plane of petty partisanship, and I do so for the purpose of making a brief observation on the same subject.

In opposition to this spirit of loyalty and patriotism the Democratic senatorial whip, Mr. LEWIS, declared in the New Hampshire special election last year that a vote for the Republican candidate for Congress was a vote for the Kaiser. His statement was repudiated by an intelligent electorate, and a Republican Member from New Hampshire was added to those on this side of the aisle, all of whom are supporting every war measure in the present world conflict. The same Democratic senatorial whip has recently presented his usual arguments to the people of Wisconsin in the senatorial campaign with like results, the election of a Republican. [Applause on Republican side.]

That partisan issue of comparative loyalty was attempted last election in Indiana, the home of Vice President MARSHALL, and a former Democratic Member of this body, Mr. Gray, sought reelection through a letter approving his candidacy written by President Wilson. Notwithstanding other active support, Mr. Gray was defeated and a Republican elected who has supported every war measure. [Applause on Republican side.]

Every measure for the prosecution of the war has been supported by practically every Republican and Democrat in the House. There has been no aisle between us in this expression of loyalty to our common Government, and we have not distinguished between upholding a Democratic or Republican President. Although we differ here on political questions, it is not a Democratic country or a Democratic war that commands our allegiance, but a common country and that country's cause which we unitedly support and will continue to support.

This much may properly be said at this time, because of partisan attempts outside of Congress to misrepresent those who are giving their boys on this side of the House and who have loyally contributed all that can be given to our Government in her hour of national crisis.

Ever since the beginning of the European war, nearly four years ago, demands for a united national spirit have been voiced by administration Members and the press. Since our own entrance into the war, legislative criticism of administration mistakes, inefficiency, or extravagance have been tabooed by Republicans and partisanship relegated to the rear. Republican Representatives have unitedly supported every war measure asked for by the President and have avoided criticisms of the party in power, which, on the other hand, has maintained close party supremacy in all matters. We will continue to uphold the President in the prosecution of the war, loyally and wholeheartedly. Our country's cause is greater than any party. [Applause.]

DURING A GREAT WAR CRISIS.

A senatorial election occurred in Wisconsin this week, and the political dogs of war let loose. Closely following claims of grave war inefficiency made to the country by the Democratic leader, Mr. CHAMBERLAIN, chairman of the Senate Military Committee, who startled the country with disclosures of lack of arms, clothing, and proper sanitary conditions for our soldiers; on the same day of a senatorial investigation, disclosing that $800,000,000 in appropriations by Congress for aeroplanes had not yet resulted in a single war plane being shipped to Europe or a single cannon sent to our troops abroad; on a day when important war measures were pending in both branches of Congress; on the day of the greatest battle in all history, with our own American troops engaged, in France; on a day when the world waited in breathless suspense for tiding from that battle—on that day the Vice President of the United States and the Democratic senatorial whip were reported by the press to be far away from their post of duty, demanding of the people of Wisconsin support for the Democratic candidate for the Senate under penalty of being denounced as against their country and for the Kaiser, and as a disloyal people, while the Democratic candidate for Senator, armed with a letter from the President, with its "acid test" of the same import, was repeating bitter partisan claims of superloyalty.

A startling two-column advertisement, presumably with authority from the Democratic National Committee, appeared in a Rockford (Ill.) paper prior to the Wisconsin election:

That advertisement I have already read to the House.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MADDEN. Will not the gentleman again read the advertisement of which he speaks?

Mr. FREAR. I have already read it, but I will read it again. It is as follows:

Tuesday, April 2, you are entitled to vote for United States Senator from Wisconsin to succeed Senator Paul O. Husting. President Wilson, your Commander in Chief, desires all loyal Americans to vote for Joseph E. Davies for United States Senator.

Davies's election means joy at Washington and gloom at Berlin.
Davies's defeat means gloom at Washington and joy at Berlin.

Mr. BRITTEN. Mr. Chairman, one moment. I think the gentleman omitted to read the heading of the advertisement.

Mr. FREAR. It is headed, "To the Wisconsin Soldiers at Camp Grant." There we have several thousand Wisconsin soldiers, and I wish to refer particularly to the soldiers of Wisconsin before I have finished.

For extreme partisanship, nothing in American politics has ever equaled this infamous statement that Davies's defeat means gloom at Washington and joy at Berlin.

Who gives joy to Berlin? Who gives joy to the Kaiser? Those who make that false issue in New Hampshire and Wisconsin. [Applause on Republican side.] Those who sink all interests, State and National, through miserable appeals to prejudice in hopes of thereby securing partisan success. They, and they alone, have given to Berlin and the world a false issue. Those who printed that statement are more to be condemned than ignorant men who are misled and act on such palpable falsehoods.

Mr. Chairman, the soldiers will not be deceived, although a few may be improperly influenced. I served with the Wisconsin National Guard for 11 years in addition to 5 years' service in the Regular Army, and know the boys in service.

[NOTE.—The Camp Grant soldier vote for Senator was: Lenroot, 576; Davies, 403; Berger, 85.]

The boys of Wisconsin are intelligent and not easily misled, but the men who sought to deceive them by that wicked article have an account to settle with the American people. [Applause on Republican side.]

Democratic governors, Congressmen, Senators, and heads of bureaus by the score from Washington were called upon to join in this recent drive to make Wisconsin safe for partisan Democracy. The battle has been fought before an intelligent, discriminating electorate. The partisan methods are to be deplored, but the result is a triumph for the American spirit of fair play and high ideals, which refuses to measure loyalty by lip service or party labels.

Mr. Chairman, I do not care to discuss the unprecedented action of distinguished officials in seeking to advance interests of the Democratic candidate by charges of wholesale disloyalty against my State at a time when every ounce of energy should be joined in united effort here; when Wisconsin's sons are giving their full measure of devotion in France; and when every man, be he a Democrat or Republican, is first of all a loyal American. That slander has been publicly rebuked by the electorate of Wisconsin. I do say that the "acid test" of loyalty mentioned in President Wilson's letter and Vice President Marshall's speech on the McLemore and other prewar measures would empty the seats of one-third of the membership of this House, Democrats and Republicans alike, notwithstanding these same members have stood for and voted for every war measure presented to Congress.

That "acid test" of votes before the declaration of war would bar Congressman MANN, the distinguished leader of the House minority, whose loyalty and patriotism is unimpeachable. Even the veteran leader and eminently patriotic ex-Speaker CANNON [applause], the grand old man who sits before me, with his four score years and lifelong record of great public service and unrivaled loyalty, would fail the President's test. Congressman WOODS, chairman of the congressional committee, who enjoys the respect and high esteem of every House Member, and Representatives LENROOT, ESCH, HAUGEN, COOPER, HAYES, MASON, DAVIS, and scores of other strong, loyal Republicans, would be disqualified by the President for public service.

DEMOCRATIC LEADERS AND THE ACID TEST.

More remarkable, the President's "acid test" on votes cast prior to the war would remove from Congress the distinguished Democratic leader of the House, Mr. KITCHIN, of North Carolina, whose able direction of war measures has been loyally supported by Members on both sides of the party aisle. Representative Fitzgerald, the Democratic wheel horse from New York, and FOSTER, KEATING, SLAYDEN, SHACKLEFORD, General SHERWOOD, hero of over 40 battles during the Civil War [applause], and many other strong Democratic Members voted against measures that the President now declares in his letter are "acid tests" of loyalty when applied to a Republican candidate for the Senate in Wisconsin. All these distinguished men and loyal Americans are included in the indictment lodged against the State of Wisconsin. Wisconsin, indeed, is in good company. If acid tests apply in Wisconsin and New Hampshire, then surely they applied to Gray, of Indiana, who voted against the "acid-test" measures and yet received the President's written approval. Does not the test apply to Democrats in Missouri, Mississippi, Texas, and North Carolina? Can the President say, "One rule for northern Republicans, but another for southern Democrats"? If so, why?

More significant of present-day partisanship, the President's acid test, if applied to Abraham Lincoln, who actively opposed the Mexican War, would have disqualified our greatest American and martyred war President from reelection to this House or from any higher office, notwithstanding his unquestioned loyalty to his Government after war was once declared.

Senator Stephen A. Douglas, Gen. McClellan, both candidates for the presidency, and many Democrats whose names are high in history and who loyally supported their Government after war was declared in 1861, would not meet the "acid test" of present-day partisanship as now applied to loyal Republicans.

Is there any difference in the loyalty of the official, however high, and that offered by the humblest mother in the land who hoped and prayed against war, but gave her all when her country called?

Even President Wilson said to us in his messages prior to the war, "I am inclined to think that Germany had a right to sink belligerent ships without warning," and five weeks before entering the war he said he was "not contemplating war or any steps that might lead to it."

Who will question the right of utterance of such sentiments prior to the declaration of war, or the patriotism of the President, or of hundreds of thousands of fathers and mothers who anxiously prayed against war and for guidance from on High for the President in his hours of trial and responsibility. What proportion of the people of this country would have passed this "acid test" before the declaration of war no man can tell, and candidates who make claims of superloyalty now, must offer their own records of service for war and greater sacrifice in its prosecution. Silence in the past on the part of those without records will not meet "acid tests," though they bear a President's indorsement, for the same reason that Congressman Gray, of Indiana, who failed in the test and election, received that same high indorsement before defeat.

SELF-ANNOINTED AND SELF-APPOINTED PATRIOTS WILL BE TESTED IN THE CRUCIBLE OF FIRM AND TRIED AMERICANISM, NOT BY POLITICAL OR PARTISAN STANDARDS.

When Congress declared war, Representatives in Congress, Democrats and Republicans, unitedly gave loyal support to every measure that would help win the war, and their example has been emulated by every State and every community throughout the country. That must be the true test of loyalty.

WISCONSIN'S PROVED LOYALTY.

Wisconsin has been criticized by men high in authority. Let them bring forward the record of their own States, native or by adoption, for comparison. Evidenced by volunteer enlistments the official record shows 54 per cent, or proportionately more soldiers have volunteered from Wisconsin in this war than from any other of the 12 largest States drawn upon for our Army. Wisconsin has over 40,000 men under arms now in this war, and measured by the number of her soldiers in France, approximating 20,000, Wisconsin is second to none at the battle front.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. COOPER of Ohio. I would like to say that in an article published in a newspaper just a few days ago the statement was made that for every 15 soldiers in France at this time there was 1 soldier from Wisconsin.

Mr. FOCHT. And let me say, in further tribute to the patriotism of Minnesota and Wisconsin, that, but for the troops from those States, when Meade rode up to Hancock on the slopes of Gettysburg and on that fateful day asked him for God's sake to hold those lines for five minutes, the Union would have been lost; but the troops from Minnesota and Wisconsin did rush up and they held the lines and gallantly helped roll back the tide of treason to defeat and brilliantly aided in rescuing the Union from destruction.

Mr. BRITTEN. And I would like to say to the gentleman from Wisconsin that my father was among those troops from Wisconsin.

Mr. FREAR. My father was in a Wisconsin Cavalry regiment, with three and one-half years' service, and I had two uncles wounded in the Battle of Gettysburg, which the gentleman from Pennsylvania so eloquently described, and I have a boy now in France. [Applause.] The remarks of the gentleman from Pennsylvania [Mr. FOCHT] and other gentlemen are greatly appreciated, for I was about to refer to the fact that Wisconsin furnished the greater part of the Iron Brigade that saved the day at Gettysburg and saved the Union, and a hundred thousand brave soldiers was my State's contribution to that war. In financial aid and quick support of her country's cause in this war and past wars Wisconsin's record for patriotism invites comparison with any State, North or South, none excepted.

New York, New Jersey, Indiana, Virginia, and Mississippi have given loyal support at different times in past history. Wisconsin's critics have arisen from such States, but in past wars and in this war not one of these States has been more consistently loyal or unflinching in tests of sacrifice, national love, and defense of country than my own State. History records the constant loyalty of her people and their glorious achievements. Wisconsin has never wavered in devotion to that flag.

However high the station, critics will find no State with better record for progress, legislative accomplishment, or steadfast patriotic support of our Government in peace or war.

MEN ARE NOT MISLED BY TRANSPARENT PURPOSES.

Attempts have failed to frighten men into the ranks of the Democratic Party either in New Hampshire, Indiana, Wisconsin, or any other State by raising a partisan cry, more to be condemned than the bloody shirt of old, and my distinguished colleague, Mr. LENROOT, one of the ablest Members of this House, whose record for loyalty is unimpeachable, has been vindicated by the people of the great State of Wisconsin.

By a vote of over 150,000 he has been selected by those who know him best for the highest honor in the gift of the State—to represent a people whose intelligence, discriminating judgment, and patriotism will meet every test of loyalty and service in the future as in the past, to represent Wisconsin, the State that is and always has been loyal to this Government. [Applause on the Republican side.]

Mr. Chairman, I have here a telegram from the adjutant general of the State of Wisconsin, to whom I applied for information respecting the Wisconsin troops to-day under arms. That telegram is as follows:

MADISON, WIS., *March 31, 1918.*

Hon. JAMES A. FREAR, M. C.,
House of Representatives:

To date Wisconsin has put into military service under draft act 14,690 men, the excess of 1,814 over draft quota requirement being result of voluntary induction. Credit for voluntary enlistment Wisconsin National Guard previous to August 5 not fully settled, but War Department offers total credit of 19,217 men.

War Department has also given credit for Regular Army enlistments, period of April 1 to June 30, inclusive, 1917, 1,586 men. Total known credit, 35,493. The foregoing takes no account of enlistments, Regular Army, except during those months named, National Guard since August 5 last, nor of any voluntary enlistment, engineers, forestry, or other special organizations, nor in United States Navy, since no official data as to these are available in this office, but indications are that total of these, including Navy, exceeds 7,500. It is known that the entire Guard except a few casuals is with the Rainbow and Thirty-second Division now somewhere in Europe. With Wisconsin men in other units, it may safely be stated that there are approximately 20,000 Wisconsin soldiers on or near the battle lines.

ORLANDO HOLWAY, *Adjutant General.*

I believe no State in the country in proportion to its population can offer such a splendid record. I state this on all the facts that have come to my hands.

When the *Tuscania* was sunk not long since, there were 89 men from my district alone on that boat. Wisconsin had more troops on the *Tuscania* than any other State. The first soldier boys killed in this war and in the Spanish-American War were from Wisconsin. Our boys are in France to-day, many of them with the State guard of which I was a member for many years, and among them is the company I organized over 25 years ago. They are fighting for this war with boys of parents on the Democratic side of the aisle of this House.

WISCONSIN'S SPLENDID RECORD FOR LAW AND ORDER.

I sent to the Attorney General of the United States for a statement regarding Wisconsin and the record of offenses in a

State possessing nearly 3,000,000 people. You have understood, I suppose, that there have been mobs and lawlessness there like in other States recently, burnings, explosions, mob-rule, strikes and riots. The Attorney General's office, Washington, D. C., gives the following list of offenses in Wisconsin in both the eastern and the western districts. Remember this State has over 2,500,000 people within its borders, and practically 42 per cent of our boys who are at the front to-day, according to statements I will submit, are soldiers of German extraction. Here are the number of suits: Conspiracy in connection with the draft in Wisconsin, how many? One. Explosives act, how many suits were brought by the Government under that act in the State of Wisconsin? One. Trading-with-the-enemy act, how many cases have been brought—remember this is the official statement from headquarters? None.

The national-defense act, how many cases of violation of that act? None. The espionage act, how many cases under that act that covers practically every offense that can be suggested? Seven; all are pending; not one has been tried. No civil cases were brought by the Federal Government in the State. Selling liquor to soldiers, 37. That is the record. There have been no riots, no strikes, no mobs, or attempts to blow up or destroy either Government or private property; not one in the entire State of Wisconsin. Wisconsin is a lawabiding, loyal State. Gov. Philipp, of my own State, wrote me a personal letter recently, from which I read a brief extract. He says:

I am heartily tired of seeing our people abused every day by an element of the press and a class of men who seriously regard themselves as patriots, but who, as a matter of fact, do not now, nor will they in the future, render the State or the Nation any service that is worth while. I propose to make a fight against the men and the newspapers that engage in that sort of falsehood and at least show them up, if I can not do any more.

Mr. Chairman, that is about all we can do. Falsehoods and misrepresentation can not be reached by us under the espionage act. Everyone can take his fling at the people of a great State.

I have a brief statement received from one of my good Democratic friends in New York the other day about the New York City election, where over 150,000 plurality was given Hylan over Mitchel, who insisted on running as a loyalist or royalist candidate, better than his fellow citizens, as though we are not all loyal. The man who won out, Hylan, had for his father a Union soldier, as was mine. [Applause.] I understand Mitchel's was not. Every newspaper in New York City with one exception—I have a list here—was in favor of Mitchel, who ran on that platform. A vote against Mitchel was to be a message to the Kaiser that New York was disloyal; that was the miserable twaddle indulged in by reputable papers. Two million dollars was contributed to Mitchel's campaign. Were the people of New York disloyal? Only those who made the false issue; only those who stuffed the ballot boxes for Mitchel, of whom 36 officials were convicted out of 72 indicted.

The people of New York are loyal, although they defeated Mitchel over 2 to 1. They are as loyal as the people of New Jersey, Wisconsin, Tennessee, Louisiana, or any other State. They are loyal, and you can not make me believe otherwise. [Applause.] Their boys are going to the front to-day just as willingly and gladly as the boys of fathers who plume themselves on superpatriotism, and their fathers are back here in the factories, mills, offices, and workshops doing what little they can to help win the war. I will insert an exhibit relating to Wisconsin and then speak briefly on the river and harbor bill, which is the order of business. [Applause.]

WISCONSIN IS FIRST IN LOYAL SERVICE.

LOYALTY RESOLUTION BY REPUBLICANS OF WISCONSIN LEGISLATURE.

The following resolution, adopted by the Republicans of the Wisconsin Legislature at the last legislative session, gives a full and complete answer to charges of disloyalty registered against the citizenship of Wisconsin. The last paragraph is commended to the attention of those who engage in factional loyalty:

The people of the State of Wisconsin, represented in senate and assembly, hereby again renew their allegiance to the Republic, and pledge their loyalty and undivided support to the National Government in its prosecution of the present war to a successful end, and in this moment of struggle, which threatens the very existence of the Nation, will never shirk in their duty as loyal citizens of their beloved country.

The State of Wisconsin stands second to none in meeting the demands made upon it by the Federal Government for our national defense.

Wisconsin took the initiative in providing for the dependents of its soldiers, and has made the most liberal provision for them of any State in the Union.

Wisconsin placed its entire election machinery at the disposal of the United States in the first registration for selective service.

Wisconsin was the first State in the Union to file a complete return of its registration under the selective law with the Federal Government at Washington.

In Wisconsin less than 2 per cent of the men called under the selective-service law failed to respond to the call, while in the United States as a whole 8.2 per cent of those called failed to respond.

Wisconsin stands at the head of the list of her neighboring States in the percentage of volunteer enlistments, which numbered over 17,000, 45 per cent of which are of Teutonic blood. The percentage in Illinois was 34.8; Indiana, 41.6; Iowa, 50; Michigan, 31.1; Minnesota, 34.1; Kentucky, 35.8, while in Wisconsin our percentage was 54.5.

Wisconsin's troops when they left Camp Douglas were fully equipped, not by the Federal Government, but by the State.

Wisconsin's citizens have contributed over $125,000,000 to liberty loans, Red Cross, Young Men's Christian Association, Young Women's Christian Association, Knights of Columbus, and other war activities. Our subscription to the first liberty loan was $36,236,750; our subscription to the second liberty loan was $87,056,900. In the seventh Federal reserve district the subscription of this State was 155 per cent of its minimum allotment. In this loan Wisconsin stood at the head of all the States in this district. Illinois stood second, with a percentage of 152.8; Michigan third, with a percentage of 142.5; Indiana fourth, with a percentage of 122, and Iowa fifth, with a percentage of 111.4.

Wisconsin is proud of the foregoing record, and submits the same to the fair and impartial judgment of all loyal citizens of the Nation and pledges itself to even greater accomplishments in the future.

The people of the State of Wisconsin have and always will stand squarely behind the National Government in all things which are essential to bring the present war to a successful end, and we condemn as unpatriotic all activities which seek to breed the spirit of disloyalty among the people of our State.

EXTRAVAGANCE, PROFITEERING, AND TAXATION.

THE 1918 WATERWAY BILL IS REDUCED OVER $20,000,000, BUT CONTAINS MANY WASTEFUL ITEMS.

Mr. Chairman, I will now address myself to the pending river and harbor bill before us, which carries $19,227,900, or less than one-half the amount generally appropriated. At a time when war expenditures demand every dollar that can be spared that fact makes the bill an improvement over its predecessors.

The Army engineers have recommended some appropriations that seem to me inexcusable. I have mentioned them in my report, and I will speak briefly about them here, and in addition point out what are inexcusable and wasteful expenditures by new bureaus organized apparently for self-glorification, judging from newspaper accounts of their proposed labors, written by paid publicity agents.

The committee has reported only items urged by Army engineers at this time. No new projects, excepting two so-called Pacific coast war items, are included. As in the past, the minority report points out what seems inexcusable extravagance at this time, reaching many millions of dollars in the aggregate, as will be more fully set forth, while the right to criticize or oppose such items was reserved. It is realized, however, that many real waterways need improvement, and several large harbor projects are needed for war purposes, so the bill is not opposed as a whole.

Let me offer comparisons found on page 3 of the minority report, which speak for themselves and are indicative of others contained in the 1918 bill. They deserve the study of every Member, and are taken from the 120 river and harbor items that reach $19,227,900, as stated:

Amazing comparisons of water-borne commerce and cost.

[From United States Engineers Reports, 1917.]

	Tons.	Value	Average miles hauled.
Harbors:			
Superior-Duluth	52,177,330	$387,219,625	850
Ashland	10,076,703	29,489,599	800
Milwaukee	7,925,488	267,155,651	300
Total	70,179,511	684,264,875	800
Three rivers:			
Ohio	4,000,000	38,773,721	28
Mississippi	300,000	Indefinite.	14
Missouri	24,000	6,335,313	100
Total	4,324,000		23

Appropriations.

	Total.	1918 balances.	Appropriation, this bill.
Three harbors:			
Superior-Duluth	$8,116,028	$447,002	
Ashland	644,500	20,876	$6,000
Milwaukee	2,460,475	51,387	12,500
Total	11,221,003	519,265	18,500
Three rivers:			
Ohio	59,016,460	7,550,164	5,000,000
Mississippi	170,000,000	4,500,000	2,412,000
Missouri	22,594,591	2,383,162	500,000
Total	251,611,060	14,433,326	7,712,000

Three harbors in Wisconsin handled 70,000,000 tons of commerce in 1916 (the last report), valued at about $700,000,000,

and hauled on an average about 800 miles. Total appropriations for these harbors in past years reached $11,221,003; balances for 1918 were $519,265; and this bill carries $18,500 for 1919. Compared with this, three rivers—the Ohio, Mississippi, and Missouri—floated less than 5,000,000 tons of actual commerce last year, an average distance of only 28 miles, 90 per cent of which commerce was coal, valued at $2.40 per ton. Total appropriations for the three rivers in past years reached $251,611,060; balances for 1918 were $14,433,326; and this bill carries $7,712,000 more for 1919.

In other words, in 1916 three harbors in one State handled fourteen times as much commerce as our three greatest rivers and carried it twenty-eight times as far, or a ton-mileage of about 400 to 1 in favor of the harbors. On the other hand, the three rivers have cost the Government twenty-two times as much as the harbors, and the river balances on hand are twenty-eight times as great as for the harbors, while this bill carries appropriations for the three rivers four hundred times larger than that carried for the harbors.

The ton-mileage of the three harbors is four hundred times larger than for the rivers, and this bill carries four hundred times more money for the rivers than for the harbors, as stated, and the total appropriations for the rivers are twenty-two times as great as for the three harbors. Can the facts be made plainer?

NOT ONE PROPER TERMINAL ON THE OHIO.

From the minority report it further appears not one proper river terminal exists on the Ohio; only one on the Missouri and three or four on the Mississippi, which are more ornamental than useful. Similar comparisons can be made on other harbors and rivers showing how wasteful and prodigal we have been with the people's money. Hog Island scandals are not the only scandals that need to be probed.

Every river contractor, every private land reclamationist, every private water-power interest, and every other beneficiary is on the job during these war times, as I propose to show, while every farmer and laborer in the fields, shops, mines, and offices is shaking down the old stocking in order to help win the war.

In the bill before us Government engineers have over $14,000,000 on hand for three rivers with a comparatively small commerce, and yet recommend $7,712,000 more for the same three rivers. In order to get appropriations for New York, Philadelphia, Baltimore, Norfolk, San Francisco, and other harbors that are handling commerce for the war, we must give nearly $8,000,000 in this bill, or 40 per cent of the whole bill, for three rivers that have been improved for 40 years or more with a decreasing commerce, that have a total navigable length of over 4,000 miles, with only 28 miles average haul.

War grips the world by the throat, and we are calling on every capitalist, every banker, every farmer, and every laborer to do his bit toward winning the war, and any man who is able to contribute and fails to do so is a slacker. All are patriotically doing their part in this great national crisis, and those who divert the money collected for war purposes, in order to prosecute questionable enterprises unrelated to the war, will be called to account by an outraged people. I have no personal quarrel with the man who disagrees on the subject of Government expenditures, but any man who at this juncture fails to disclose public extravagance of which he is cognizant fails to do his duty.

Waterway improvements for actual commerce are necessary in peace as well as war and can not be neglected now or at any other time without hampering legitimate war operations. This applies to waterways that carry actual commerce and includes maintenance of all channels on the rivers used for commerce. It does not include extravagant canalization or dam operations, or land reclamation schemes that have no immediate or early use or possibly any future use, and every dollar so wasted now is indefensible.

THE OHIO RIVER EXTRAVAGANCE.

Five million dollars contained in this bill for the Ohio River is recommended by Government engineers. It is not directly or indirectly related to war purposes. Over $59,000,000 has been appropriated by the Government for 1,000 miles length of the Ohio River, and during the same time the actual river commerce has greatly diminished, the average lock-and-dam haul is only 28 miles, or one thirty-fifth of the river's length, and apart from coal near the headwaters the commerce is insignificant. A balance of $7,550,000 was on hand at time of the last report, and according to experience not 5 per cent of that amount is needed for open channel work, the remainder being used for extravagant locks and dams, and yet all these millions will be expended by Government engineers in 1918 and $5,000,000 more will be filched out of the pockets of taxpayers in order to continue this carnival of waste on a stream that has not a single municipal terminal along its 1,000 miles of lengh. The following extract, taken from the report of Maj. John Stewart, Army engineer, dated December 22, 1917, filed with the committee, states:

> There are no municipal water terminals along the Ohio River. All terminal facilities are privately owned and are inadequate to properly provide for water transportation of any magnitude and are not constructed or equipped for joint rail-and-water transportation.

Again, he says of a stream that varies 70 feet at different stages:

> The towns and cities have sold the privileges of their water gates for a very low rental—some for nothing. In a number of cases the business of the water carrier has been shut off by the municipalities granting unrestricted franchises to the railroads to the right of way along the river front.

Terminal facilities are inadequate and privately owned, practically all river frontage has been sold to railways or other interests and a 28-mile canalization haul is the net result on a few shaky relics of bygone river glories.

A St. Louis paper takes umbrage because a contract proposed by the Government with Edward F. Goltra, Democratic national committeeman from Missouri, is discussed in the minority the Ohio River after Army engineers have expended over $50,000,000 in its "improvement."

With seven and a half millions on hand for the Ohio, this bill carries five millions additional that must be extracted from taxpayers during these war times.

Army engineers recommended the amounts contained in this bill, and the Rivers and Harbors Committee has adopted their recommendation in order consistently to follow their advice as to new projects, and Congress is expected to pass this bill as recommended. Not one ton more will be hauled during the war by reason of the $5,000,000 expenditure, so far as any evidence has been offered. Not one nickel now exacted from the public will be struck from the price of coal.

Private interests have corralled the coal situation on the upper Ohio as elsewhere throughout the country, yet in these days of strict private and public economies we are called upon to carry out the extravagant recommendations of engineers whose predictions of future commerce have not been realized on 2 per cent of the rivers of the country.

THE MISSOURI AND MISSISSIPPI RIVER EXTRAVAGANCES.

I will not discuss in detail the Mississippi or Missouri Rivers, but $6,883,000 was the balance on hand for these two rivers for 1918, or twelve times the balance reported for the three Wisconsin harbors previously compared, while in 1916 these harbors handled two hundred times as much commerce as the two rivers, and hauled it on an average fifty times as far.

In this bill the Mississippi and Missouri receive $2,912,000, or one hundred and fifty times as much as the three harbors that handled two hundred times as much commerce.

The cost to the Government, I have demonstrated, is $60 a ton for Missouri River commerce, which includes floating cordwood valued at $3 per cord, or about $1.50 per ton.

It would pay the Government twenty times over to pay all railway freight bills for handling the river commerce, and yet this bill carries a half million dollars more for the Missouri 500,000-acre private land reclamation project that is back of the improvement.

GOVERNMENT PAYS FOR PRIVATE LAND RECLAMATION.

In the minority report it is disclosed that out of $1,699,000 spent by Government engineers in Missouri last year, 85 per cent was used for private bank protection and 5 per cent for "experimental dredging." That is the purpose for which tax payments are levied during these war times and given to the Missouri River, not for channel work to accommodate the insignificant commerce, but for private land revetment at Government expense. The official report is undisputed.

We are going to test the navigability of the Mississippi River. Eight years ago we gave $500,000 to the Army engineers with which to make tests of experimental boats. We have never received any intelligible report from the engineers since that day as to what has been accomplished on this deserted river, but many millions of dollars have followed other millions every year, and our river advisers have been content to squander money for useless dams and other extravagances that are monuments to their skill in wasting money.

About $120,000,000 has been appropriated for the Mississippi River below the mouth of the Ohio. It is the finest river channel in the world—it has been for years—from St. Louis to New Orleans, but it is a deserted waterway without a single boat line running between the two cities. Only a little local river traffic now remains, and the loss is estimated at 95 per cent compared with the traffic of a half century ago before river improvements were begun.

Fifty million dollars more has been appropriated by Congress for that part of the Mississippi above the mouth of the Ohio, or $170,000,000 thus far for the greatest inland waterway in the world that is deserted commercially from St. Paul to New Orleans, excepting for an insignificant local traffic carried by report. Mr. Goltra personally appeared before the Rivers and Harbors Committee and explained his proposed contract. The Government is to build for him a couple dozen or more boats at an estimated cost of $3,360,000—it may cost much more—and turn the boats over to him for his private use on the river at a nominal rental. The boats can not be completed before 1919, possibly not for years, and are not directly or indirectly for war purposes. Mr. Goltra testified before our committee—page 48 of the hearings—that the boats will cost double ordinary prices through being built at this time of high prices, but if he can make a profit by them, he expects to buy them from the Government at half price. If not profitable, they may be scrapped.

HELPING OUT A ST. LOUIS STEEL PLANT.

Mr. Goltra has a steel plant at St. Louis and needs ore, so he proposes to bring ore from St. Paul down to his steel plant and incidently carry coal up the river, aided by a railroad which he "controls"—page 48 of the hearings. His application, out of many received by the committee, is the only one approved. The only experiment he ever made on the river was last year when he used Government steamboats for towing, for which a small charge was made. The trip cost him $11,384, over and above receipts, according to his own statement; but he now asks the Government to spend $3,360,000 for new boats, and he is willing to experiment again for his private steel plant at Government expense.

Hundreds of men and hundreds of interests on the different inland waterways of the country would welcome such a gift from the Government. How and why does it go to Mr. Goltra? What chance has a profiteering concern on Hog Island to make profits compared with a steel plant that "controls" a railway, controls the only contract on the Mississippi, and makes the Government pay the bill? Mr. Goltra has frankly presented his case, but the contract can not be justified, excepting on the ground that his company wants it—and is able to get it.

Mr. MADDEN. Will the gentleman yield?

Mr. FREAR. I will.

Mr. MADDEN. How much money was expended out of the Treasury, for the construction, of the funds that were turned over to Mr. Goltra?

Mr. FREAR. There is to be expended $3,360,000. That is the authorization as stated by Mr. Goltra in the hearings.

Mr. MADDEN. What excuse is given for that?

Mr. FREAR. I have been reading about that. The justification is that he can make an experiment in order to see whether or not he can make a success of it for his business.

Mr. MADDEN. Does the gentleman mean to say to the House of Representatives that the Committee on Rivers and Harbors has proposed an item——

Mr. FREAR. No; it was not proposed by the River and Harbor Committee. Mr. Goltra voluntarily came before the Committee on Rivers and Harbors. We have nothing to do with the contract or appropriation. It is the Shipping Board and this new Waterways Committee that is undertaking to make the contract. His object in coming before us was to satisfy us as to his proposition.

Mr. MADDEN. I have not got it in my head, then. Three million three hundred and sixty thousand dollars is to be paid out of the Treasury of the United States for the construction of boats——

Mr. FREAR. At this time.

Mr. MADDEN. To be turned over to some private individual?

Mr. FREAR. This private plant; Mr. Goltra's; yes.

Mr. MADDEN. Who is to own the boats?

Mr. FREAR. He is to run them, with the privilege of buying them at half price, according to his proposal.

Mr. MADDEN. He is to operate the boats?

Mr. FREAR. He is to operate the boats. They are to be turned over to him for his use exclusively.

Mr. MADDEN. And what does the Government of the United States get?

Mr. FREAR. Two per cent on the investment is the proposition that he made when he came to my office. Four per cent is the suggestion to the committee. He hopes to buy them at one-half price.

Mr. MADDEN. And what would be the interest charge on the money invested?

Mr. FREAR. Two per cent he proposes on the basis of $3,360,000.

Mr. MADDEN. The cost is to be $3,360,000, and he will be given an opportunity to buy them at $1,700,000?

Mr. FREAR. He says that after the war is over they will depreciate in value, and he expects to buy them at $1,700,000. That is the statement in the hearings.

Mr. MADDEN. Boats in use a couple of years ought to be better than they were the day they were put in the water.

Mr. FREAR. I will leave that to experts like my friend from Illinois.

Mr. MADDEN. We have had boats in service now for 15 years that are better to-day than they ever were before.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent for 15 minutes more.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent for 15 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Is that provided for in this bill?

Mr. FREAR. No. It is not related to this bill. Mr. Goltra was before our committee.

Mr. MADDEN. What fund does it come out of?

Mr. FREAR. It comes out of the Shipping Board fund, as I understand. Out of the $500,000,000 fund I have understood.

Mr. BOOHER. Is it not a fact that the building of those barges and running them to-day is a public matter, and that Mr. Goltra's offer was to run those boats a certain length of time and see if they could be made profitable?

Mr. FREAR. I will read what the Army engineer says about it.

Mr. BOOHER. I am talking about what Mr. Goltra said about it.

Mr. FREAR. I would rather trust the judgment of an Army engineer instead of Mr. Goltra, who is a party in interest.

Mr. BOOHER. Did any Army engineer ever report anything of the kind about that matter?

Mr. FREAR. Yes. I have read that in the RECORD, and I want to finish another point before concluding. I have read that to the House. I want to finish another point now.

Mr. BOOHER. I want to get this right. The Rivers and Harbors Committee has had nothing to do with that contract.

Mr. FREAR. I stated that repeatedly.

Mr. BOOHER. It was done by the Shipping Board.

Mr. FREAR. Yes.

Mr. BOOHER. In an effort to determine whether or not barges could be run on the Mississippi River.

Mr. FREAR. No. It was given by the Shipping Board to Mr. Goltra for his own private interest. There has not been any attempt to do it generally. The engineer says it can only be a test for his business.

Mr. BOOHER. Where do you get the authority for that?

Mr. FREAR. I have got it in the hearing.

Mr. BOOHER. Was there any such evidence as that adduced before the Committee on Rivers and Harbors?

Mr. FREAR. In that hearing the engineer said it was given for Mr. Goltra's special interest, and that no other business, in his judgment, on the upper Mississippi could be made profitable.

Mr. BOOHER. I want to set the gentleman right on that matter.

Mr. FREAR. Oh, I have already quoted the book and the page.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me?

Mr. FREAR. In a moment.

Mr. BOOHER. You did not quote from Col. Keller's testimony?

Mr. FREAR. Yes; I quoted from Col. Keller's testimony.

Mr. BOOHER. You say he said that was the only one?

Mr. FREAR. I said he said Mr. Goltra was the only one who was given the opportunity to make the test, and that in his judgment he was the only one who could make it profitable.

Now, I can not yield more unless you give me more time. I have made my statement fairly, and I have repeated it.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. LONGWORTH. Is it not a fact that the Shipping Board has also recommended an appropriation of $20,000,000 to buy barges to take coal from the Alabama mines on the Black Warrior River, which is to furnish power on the Muscle Shoals to New Orleans?

Mr. FREAR. Yes. I wanted to refer to that. I was going to talk about Muscle Shoals, but the distinguished gentleman from Ohio [Mr. LONGWORTH] who has just spoken has referred to Muscle Shoals. He presented it so strongly last

night that all I ask is to add a brief word in regard to it later.

MILLIONS OF DOLLARS FOR QUESTIONABLE CONTRACTS.

But these extravagances are modest compared with others. By a singular coincidence another $21,000,000 has been recommended by Charles Montecon and A. J. Mason, special examiners for the Shipping Board, who urge the building of 100 steel barges and towboats by the Government for the Warrior River to accommodate parties interested in Alabama mines. The announcement was made by the press during the present month. Private capital refuses to put boats on the Warrior just as it refuses to put boats on the Mississippi, Missouri, and Ohio, so the Government is advised by its own agents to give $21,000,000 for boats for the Warrior, in addition to $12,000,000 for dams and locks already spent through the River and Harbor Committee on a deserted river. The same amount—$21,000,000—was the estimate of Hog Island's carnival of money waste. The actual cost is nearly double. Underestimates are sure to follow in every case.

Why put $33,000,000 in the Warrior River, way down in the wilds of Alabama, and not one dollar in the New York Barge Canal? Who pays the $42,000,000 that is to be extracted from the Federal Treasury in 1918 for the Mississippi, Missouri, Ohio, and Warrior Rivers, and why?

THE MUSCLE SHOALS ALSO GOES OVER THE TOP.

Yesterday the Muscle Shoals lock and dam proposal, also in Alabama on the Tennessee River, was agreed upon out of some of the numerous funds Congress has provided for war activities. This item first appeared, recommended by Army engineers, in the river and harbor bill of 1915 for $18,700,000, with an initial appropriation. When exposed, the project was stricken out of the bill by the House and never dared again to invite disaster through that committee recommendation.

Like a crafty shell game, it has been practically impossible to keep trace of this elusive power scheme, which has been stricken out of bill after bill, but, through the cooperation of Government agencies, finally bobs up again serenely. Its estimated cost now is from $20,000,000 to $100,000,000, a mere bagatelle; the time to build is several years, and after having been urged for navigation, nitrates, fertilizer, and always for power, we find its power of pull is finally supreme. By a coincidence it is also down in Alabama, where the powerful Muscle Shoals and profiteering warriors grow.

SMALL RIVER EXTRAVAGANCE.

It may be absurd to point out in detail comparatively small extravagances in this bill, like the $500,000 item for a deserted $6,000,000 section of the Norfolk-Beaufort Canal, or $343,000 carried in this bill for locks and dams on the Tennessee in addition to $1,087,743 balance on hand, according to the Engineer's reports, or to the $500,000 item for locks and dams on the Allegheny, and other items unrelated to the war or present commerce found in the river and harbor bill before us.

Why question hundreds of thousands of dollars here or there throughout the bill when over $60,000,000, largely of wasted money, not related to the prosecution of the war, is to be filched from the Public Treasury for five rivers? Why permit profiteering for every conceivable purpose, from shipbuilding contracts and shoddy-uniform contracts down to private fleets, private-land reclamation, and water-power schemes, all at Government expense?

Mr. Chairman, we are engaged in a great war. Practically every man, from the stripling in school to the battle-scarred veteran of the Civil War, is pulling to win the war. Only a few profiteering or political patriots or egoists are promiscuously slandering the loyalty of their fellow countrymen, while practically every man, woman, and child is engaged in Red Cross or other war service, and all are rigidly observing rules of self-denial, down to wheatless, meatless, and heatless days.

PATRIOTISM VERSUS PROFITEERING.

War is a serious business, and the American people are putting every ounce of strength into the war. They are subscribing to the limit for liberty loans and war certificates. Mothers are sending their most precious treasures, their own sons, to France to help win the war. All are doing nobly and all are terribly in earnest. We have passed the time for lip loyalty or political patriotism, and sacrifice is the keynote of every community and every household.

SOME ACID TESTS ON EXTRAVAGANCE.

Ringing denunciation against extravagance comes from the lips of an able Democratic leader, Mr. SISSON, of Mississippi, who said on the House floor in debate:

I must apologize to you Republicans for having ever used the words "criminally extravagant" in criticizing the appropriations that you made, for if that expression "criminally extravagant" was proper to apply to you, my God the English language has never found an adjective strong enough to apply to Democratic extravaganee.

Mr. SISSON was not questioning war appropriations, but waste.

Again, a heart-stirring denunciation against Treasury looting from the distinguished Democratic leader, Mr. Fitzgerald, of New York, rings in our ears:

Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party, I am tempted to quit my place. * * * If I placed my political fortunes above my sworn duty under the law, I would not attempt to carry out the promises of the Democratic platform, but I should place myself at the head of this band of Treasury looters upon every occasion.

Pursuant to that threat Mr. Fitzgerald resigned from the House, and on the day he bid good-by—December 14, 1917—Chairman KITCHIN, leader of the Democratic majority, feelingly said of pork appetites:

I sometimes fear that too many of our colleagues set up as the true measure of service here the amount of money which they can filch out of the Treasury into their districts and States for creeks or rivers or public buildings.

Let the record of public extravagance, unrelated to war measures, rest with the testimony of prominent Democratic administration leaders of the House, either in opposition to unfair division of pork on the one hand or against "Treasury looting" on the other, according to statements submitted. And these three fearless Democratic leaders voted against the prewar "acid tests" offered by the President.

OVER $100,000,000 STRICKEN FROM BILLS.

In opposition to the votes and protests of some of these same leaders, a vigorous onslaught has been made year after year, beginning with 1914 against pork-barrel bills, with the result that over $100,000,000 has been saved to the taxpayers of the country through defeat or reductions in these vicious bills.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FREAR. No.

Mr. GARRETT of Texas. I think I will ask for a quorum.

Mr. FREAR. All right. You can call for a quorum if you want to.

Mr. GARRETT of Texas. Mr. Chairman, I make the point that there is no quorum present.

Mr. FREAR. I refuse to yield, whether the gentleman does that or not.

Mr. GARRETT of Texas. You can not do it unless there is a quorum present.

The CHAIRMAN. The gentleman from Texas makes the point that there is no quorum present.

Mr. FREAR. Mr. Chairman, I desire to continue my remarks.

Mr. DEMPSEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DEMPSEY. The gentleman can not break in while the gentleman from Wisconsin has the floor.

The CHAIRMAN. The Chair thinks the gentleman from Texas is in order in calling for a quorum.

Mr. SMALL. Mr. Chairman, I suggest to the gentleman that he withdraw his point of no quorum.

Mr. GARRETT of Texas. The object I had in view was that inasmuch as the gentleman from Wisconsin had such a large audience at the beginning of his remarks he ought to have a quorum at the close. I have no disposition to curtail the remarks of the gentleman, and I therefore withdraw my point of order. [Laughter.]

Mr. FREAR. I thank the gentleman. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD, and will then continue.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, the bill before us is little better in character than its predecessors, although it has $20,000,000 to $25,000,000 carved off from the usual hogshead dimensions. Only about $8,000,000 of the present bill is for the five rivers described. The remaining $54,000,000 is through the Shipping Board or other new agencies.

Not one of the $60,000,000 to $100,000,000 extravagances on the five rivers pointed out in the foregoing statement is for war purposes. At a time when selfish interests are concealing their purposes by shouting their loyalty from the housetops, we need many Fitzgeralds, SISSONS, and KITCHINS to scourge the money changers from the temple, not alone from the Capitol but

wherever unconscianable profiteering exists under the Government. Let the slogan be, "Billions to win the war, but not one penny for profiteering."

Against this striking record we find only nominal taxes placed on great wealth, although we have repeatedly promised to conscript wealth even as we have conscripted the youth and man power of the land to win the war.

WE MUST MORE THAN DOUBLE WAR-PROFITS TAXES.

Great Britain levies a tax on war profits of 80 per cent, while our own tax of 30 per cent is abnormally modest. I have confined my remarks to wasted millions in 1918 on five rivers, without discussing general extravagance, but I annex a brief statement of enormous profits made by a couple of score of business interests out of hundreds that could be named as an appropriate supplement to a Government gift for a specially favored steel plant owned by Mr. Goltra, Democratic committeeman.

With this statement I leave responsibility for present extravagances, which, according to Representative SISSON, can not fitly be described by the English language.

Public expenditures are being met by bond issues or taxation. It is estimated that American corporations in 1917 made in war profits in excess of their average profits during prewar years approximately $3,600,000,000. During a time when our boys are fighting at the front and every citizen at home is called upon to contribute liberally to the support of the war these unconscionable profits can not be defended and should be reached by rigorous taxation to help meet war expenditures. It would serve to curb extravagance and inflation that thrives on bond issues. I append a few specific cases of war profits in 1916 which convey their own argument:

War profits of a few concerns out of thousands reported.

	Average net income, prewar period (1911-12-13).	War profits, 1916.	Net war profits, 1916.
COPPER.			
American Smelting & Refining Co	$9,060,396	$22,152,250	$13,091,854
Anaconda Copper Mining Co	11,741,185	58,892,980	47,151,795
Butte & Sup. Mining Co	942,988	8,873,446	7,930,458
California & Arizona Copper Co	2,966,934	11,155,004	8,188,070
Greene Can. Copper Co	1,407,902	3,435,879	2,027,077
Miami Copper Co	1,296,602	7,759,784	6,463,182
Nevada Consolidated Copper Co	3,419,263	15,419,266	11,582,785
Phelps-Dodge Corporation	7,442,399	21,974,263	14,531,864
Ray Consolidated Co	1,634,665	11,716,428	10,082,063
Utah Copper Co	7,723,435	39,738,675	32,005,240
Total, 10 companies	47,635,772	200,700,763	153,055,288
LEATHER.			
American Hide & Leather Co	334,198	1,643,280	1,309,082
Central Leather Co	3,473,804	15,489,202	12,016,398
Total, 2 companies	3,808,002	17,132,482	13,325,480
MEAT.			
Armour & Co	4,746,642	20,100,000	15,352,368
Morris & Co	1,588,799	3,632,213	2,043,414
Swift & Co	7,879,167	20,465,000	12,585,833
Wilson & Co	1,344,926	4,915,872	3,568,947
Total, 4 companies	15,559,534	49,113,085	33,550,562
OIL.			
Standard Oil:			
California	9,877,964	17,605,304	7,727,340
Indiana	14,687,695	30,043,614	15,355,918
Kentucky	1,002,458	2,068,598	1,066,140
New York	16,212,985	36,638,495	20,425,510
Total Standard Oil (4)	41,781,103	86,353,011	44,574,908
Texas Co. (The)	3,855,667	13,898,862	10,042,195
Total, 5 companies	45,637,770	100,254,873	54,617,103
POWDER.			
Du Pont Powder Co	5,525,964	82,107,693	76,581,529
Hercules Powder Co	1,017,212	16,658,873	15,641,661
Atlas Powder Co	322,837	2,939,839	2,616,952
Total, 3 companies	6,866,013	101,706,405	94,840,342
PAPER.			
American Writing Paper	126,430	2,524,378	2,397,948
International Paper Co	1,105,913	4,620,727	3,514,814
Total, 2 companies	1,231,343	7,145,105	5,811,762
RUBBER.			
Ajax Rubber Co	348,196	1,268,311	920,115
Goodrich Rubber Co	3,040,745	9,447,299	6,406,554
United States Rubber Co	6,661,777	11,226,208	4,564,431
Total, 3 companies	10,050,718	21,941,818	11,891,100

War profits of a few concerns out of thousands reported—Continued.

	Average net income, prewar period (1911-12-13).	War profits, 1916.	Net war profits, 1916.
STEEL.			
Allis-Chalmers Co	$755,125	$3,165,020	$2,409,895
American Locomotive Co	3,872,807	10,709,429	6,896,622
Bethlehem Steel Corporation	3,075,108	43,593,568	40,518,860
Crucible Steel Co	3,629,467	13,223,656	9,594,189
Lackawanna Steel Co	1,282,500	12,218,234	10,935,734
Republic Iron & Steel Co	2,265,694	14,789,162	12,523,468
United States Steel Corporation	63,585,777	271,531,730	207,945,953
Total, 7 companies [1]	78,466,478	369,290,799	290,824,721
SUGAR.			
American Beet Sugar Co	1,246,650	6,126,677	4,880,027
American Sugar Refining Co	5,751,688	8,319,882	2,568,194
Cuban American Sugar Co	409,988	8,235,112	7,825,124
Total, 3 companies	7,408,326	22,681,671	15,273,345
WOOL.			
American Woolen Co	1,754,792	5,681,671	4,109,026
Total, 40 companies	218,418,748	895,830,819	677,298,729

[1] Col. Goltra's company and associated interests are not included in the above, but will be found among the many thousands of corporations that necessarily are omitted from the list.

Mr. SMALL. I yield 30 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I think under the circumstances that it was proper for the gentleman from Wisconsin [Mr. FREAR] to make some remarks about his State, and I agree that Wisconsin is a great American State. The gentleman, however, has charged up to the Democratic administration a mysterious and unsigned circular published over in the State of Illinois and floating about somewhere for political purposes.

Mr. FREAR. If the gentleman will yield, I do not believe that the President of the United States knew anything about that. I am sure of that.

Mr. HEFLIN. I am glad to hear the gentleman say that.

Mr. FREAR. Why, certainly.

Mr. HEFLIN. I do not know who issued that appeal to the soldiers, but I do know that it is not necessary to make an appeal to the American soldier to cast a loyal vote, because he can be counted on to cast a loyal vote; and whether Members in this House or the other branch measure squarely up to the standard of American loyalty, the soldier can not pass upon that question effectively until he is called upon to vote. The Bible tells us that "by their fruits ye shall know them." A man may say that he is a patriot, but he may do things and say things that do not square with his statement. Now, there are gentlemen in this House and some in the other branch of Congress who, according to my judgment, have not measured fully up to the standard of complete loyalty.

Mr. MADDEN. Will the gentleman yield?

Mr. HEFLIN. I yield to the gentleman.

Mr. MADDEN. Does not the gentleman think it would be wise to let other people decide what they should do, and each man be responsible for his own actions, without some one man trying to become the critic of the actions of every other man?

Mr. HEFLIN. That is not my purpose. I have the right to criticize the conduct of Members here, and I invite their criticism of my conduct. Last year, Mr. Chairman, after this Government had solemnly declared a state of war to exist, after the President of the United States had called the boys of our country to the colors, the gentleman from Illinois [Mr. MASON] introduced in this House a measure which would have tied the hands of the President and left him without authority to use our military forces against Germany on the battle fields of Europe. When the battle was raging in Europe, when the greatest enemy of mankind was in the field with his forces, struggling to overcome Europe and then to come and invade this country, I repeat, the gentleman from Illinois introduced a measure in this House which would have stopped the President with his Army at the ocean side and left this Government puny any helpless, humiliated and ridiculous before the world. I did not think that his conduct on that occasion was in keeping with the spirit of true Americanism. We had declared war and we had laid down a war program, we were mobilizing our forces and moving to the battle field to meet the bloody-handed monarch of the Old World. I was disposed, gentlemen of the House, to let that un-American act go by; and when this Congress reassembled, after stating here last year that some gentlemen's

conduct did not square with my idea of their duty as patriotic Members of Congress, and I discussed the matter with Members of the House and decided to let that matter rest unless something else was done or said which needed attention. But on the 7th day of February, in this House, this same gentleman from Illinois [Mr. MASON] made a speech of 30 minutes and then extended his remarks in the RECORD, all in criticism of this Government and its position in the war. There was not one word of abuse in it for Germany. There was criticism in it of our allies, but nothing against Germany, the arch enemy of mankind. About the only thing that he said in which I could locate him definitely was, "For God's sake, let us quit quarreling among ourselves and fight the Kaiser." But strange to say, after that he branched off and said, "Since the secret peace treaties have been published"—and I thought he was speaking by authority, that he was about to disclose to us facts that he had obtained at the State Department. I did not know that he was bringing here and putting into this RECORD stuff published by the hired agents of Germany and the bolsheviki, their hirelings in Russia. I made investigation at the State Department, and they said, "No; we have nothing about any such secret treaty except from that source" that I have mentioned. But the gentleman says, "That according to these so-called secret peace treaties we find that our English cousins and our French allies and Russia were going to slice up Germany." That suggestion is in his speech. I know that it passed the notice of many patriotic Republicans on that side as it passed the notice of many patriotic Democrats on this side. And I want to say here in passing that there are some as brave and patriotic Republicans on that side as ever stood beneath the flag. I pay you that compliment, because you are entitled to it. There are but few on either side who do not stand square up to the standard in either branch. But the gentleman criticized the position of our Government. He talks here about these mysterious secret treaties, while our boys are over there fighting to preserve democracy and liberty, to preserve the American Republic. We are trying to make the world safe for America to live in, and for our children to live in long after we are dead. The gentleman insinuates that the secret treaties between our allies, which they deny, disclose the fact that they have a bargain between themselves, and that they are fighting to slice up Germany. No, gentlemen, I do not propose that this RECORD shall become the vehicle to carry over the country the propaganda of the enemy. This RECORD should not be used for that purpose, and I have a right as you have to pass upon things said here to see whether or not they square with true Americanism. Now, what else? The gentleman makes a fling at Japan. About that time Japan, it is said, was here asking our Government what she could do to aid the great forces of civilization in this war. But the gentleman's speech is a fling at Japan, and accuses her of having a secret treaty with somebody to fight America at some future time. At a time when we ought to have been sounding every word that suggested harmony and unity that would bring to our aid every force that sympathized with us, a Member stands on this floor and antagonizes a nation in sympathy with the allies and speaks in this solemn place that which can be circulated by German agents in this country who will say, "See what you Americans are fighting for; you are not fighting to preserve the Republic, you are fighting to help England, France, and Russia slice up Germany."

What else? Why, in another place in that speech the gentleman from Illinois [Mr. MASON] said that we would not have any riots in this country, that the people have not had a chance to speak on the question of life and death, and the reason that there will be no riots is that they know that in the cool, quiet days of November they will speak. What does he mean by that? That the American people are not with their Government; that this Congress has instituted a program and is backing up the leader of this Nation in a way contrary to the wishes of the people? What does he mean when he says that they will not riot, because they know that in the cool and quiet days of November they will speak? Is that an insinuation that they are going to indorse the program? No, gentlemen, it is an insinuation that they will repudiate it. What else can you make of it? Further on in that speech the gentleman says that our mothers are interested in this matter—and they are, God bless them—they are giving their sons heroically to the cause of their country; and following that statement the gentleman says that no woman who has been through the high school ever knew boys conscripted before to settle the title to real estate in Europe. What does he mean by that? Before what time? Now. What are they doing now? Fighting to settle the title to real estate in Europe? That is the inference obtained from the statement of the gentleman from Illinois. "No girl who has been through the high school ever saw boys conscripted before to fight abroad to settle the title to real estate in Europe." God of our fathers, move upon the State of Illinois! She has some as brave and patriotic Representatives here as ever lived. Fighting to settle the title to real estate in Europe! This Nation that we love never drew the sword except in the cause of right and liberty; she has no ancient hate to gratify and no lust for power impelled her to the battle field, but it was the love of right, of liberty, and justice that caused her to draw the sword; and yet the gentleman from Illinois would throw her cause lightly aside and say that our boys are being conscripted to settle the title to real estate in Europe.

In another place the gentleman says, "Let us look this thing squarely in the face; no dodging. The only thing that stands between us and honorable peace," he continues, "is the disposition of Alsace-Lorraine." Ah, gentlemen of the House, I regret that those words have been uttered by one honored with a seat in this body. We never thought of Alsace-Lorraine when Germany shot down our flag, destroyed our commerce, and murdered our citizens. No, gentlemen, the disposition of Alsace-Lorraine never entered our minds. When France sent her brave and heroic army to fight that immortal battle at the Marne she was not thinking of Alsace-Lorraine; she was thinking and fighting to save the life of the French Republic. The gentleman suggests that the truth is that the disposition of Alsace-Lorraine is the only thing that stands between us and honorable peace. Why? Because he says that we have achieved what we wanted when we entered the war—a free sea, that the belligerents have agreed to. Germany agreeing to it? Did not Germany come and lay her hand upon the open Bible, as it were, and tell the President that she was not going to murder any more of our women and children or sink any more ships without giving them warning, and that she would help us to keep an open sea, and also that she would not disturb noncontraband commerce between neutral nations? And did she keep the faith? No. Did she break it? Yes; she said it was a mere "scrap of paper"; that she did not regard it as binding upon her honor; and now, with her hands dripping with the blood of women and children of America, France, and Belgium, with all the crimes and cruelties committed against France and Belgium, with all these crimes at the door of Germany, the gentleman from Illinois [Mr. MASON] would have us say to the Kaiser, "Do you agree to give us a free sea?" and that murderous monarch should answer "Yes," then he would have us lay down our arms and go home, and then the Kaiser would wake up next morning and start his bloody butchery afresh, finish up the European countries, and come and fight us when there would be no ally to stand and help us fight.

That is not all, Mr. Chairman. The gentleman goes on in that speech and suggests that we discuss peace. Discuss peace now. For three years the President talked peace all the time. He had an olive branch in one hand and the dove of peace in the other, but the Kaiser brushed him aside with his mailed hand and would not listen to him. Then the Kaiser drew this Government into war by his own brutal and murderous act, and this Government, under its matchless leader, said to the American people, "Go and conserve the food supply, go tell the good housewives of America that we must conserve the food supply, go tell the farmers that we must make a bumper crop to feed ourselves and our allies," and the agricultural army is in motion; "take over the railroad lines of the country," and that was done; "appropriate billions for war purposes," and that is done; "summon 10,000,0000 of men and put them on the roll, this the fighting force of the country," and that is done; and the President says, "The flag and the battle field now." But the gentleman from Illinois says, "Halt your forces; it is barbarous not to stop and discuss peace terms. Here stands this war-mad monarch, who wants to talk peace with us; let us stop and parley with him." The President says, "He did that in Russia; that was his propaganda there," and poor, distracted Russia stands humiliated and despoiled before the world. But still the gentleman insists that "it will be barbarous not to stop and discuss peace terms with Germany." God of our fathers! What are we coming to in this body? Do you know what was done with that speech? It was printed in the RECORD and then put into pamphlet form and circulated over the country. There is not a clear-ringing American note in it; there is nothing in it that exalts the American cause; there is no tribute to the merit, the virtue, and courage of the allied armies. There is in it no stricture upon the brutal German horde, not one. What was the purpose of that speech? Was it intended to help America? If the gentleman, when making that speech, was standing for our cause, "then cast me back into pagan night, to take my chances with Socrates for bliss than be the Christian of a faith like this!" But that is not all that the gentleman said. Talk peace! Yes; and the Kaiser suggested that we talk peace. The gentleman says in another

part of his speech that there is a party that says no peace without victory. He did not even tell us that it was the Kaiser who said that recently. The Kaiser not only said no peace without victory but no peace until it is achieved by German arms and acknowledged by our allies. That is the substance of his statement, and yet this Hall is the forum for the delivery of such a speech and this RECORD the vehicle to carry it over the country. All this, Mr. Chairman, while our boys—God bless them—are going forth to fight and to die for our country. Gentlemen, I serve notice on you now, on both sides of the aisle, I am a humble Member of this body, but I do not intend, as long as I serve here, that this body shall become the forum and this RECORD the vehicle to spread German propaganda through the country.

Mr. Chairman, there is another gentleman here from Illinois, Mr. BRITTEN. Mr. BRITTEN introduced a resolution or an amendment which exempted boys of German and Austrian blood from service in the United States Army against Germany.

Mr. BRITTEN. Mr. Chairman, that is absolutely false. The gentleman does not recall correctly my statement.

Mr. HEFLIN. The gentleman will not apply any such epithet to me inside of this House or outside of it. I stated that the gentleman introduced a measure which gave to boys of German blood, every one of them, and every boy of Austrian blood an opportunity to get out of the service in a foreign country in the war against Germany. Is not that so?

Mr. BRITTEN. I do not recognize the gentleman in the House or in the street, but I will say to the chairman of the committee that his last statement is correct.

Mr. HEFLIN. I do not permit the Member from Illinois to interrupt me in this manner.

The CHAIRMAN. Does the gentleman yield?

Mr. BRITTEN. The gentleman asked a question and I supposed he wanted an answer.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. HEFLIN. I do not yield to the Member from Illinois, that is my language. Now, Mr. Chairman, the gentleman introduced a bill or measure putting it in the hands of every boy of German blood to come up to the President and say, "I do not want to fight in this war against Germany. My father came over here to live, it is true. I was born here, my father has accumulated this world's goods here, and I am an American citizen, but I do not want to fight for the United States against Germany." Mr. Chairman, is not that an awful thing? My God, in all the glorious history of this Republic that anybody from anywhere should want exemption from her service is more than I can understand. If George Washington had said, "Exempt me from service against the mother country, I am an Englishman," we might have no Republic to-day. Now, the gentleman from Illinois introduced this bill that I am telling you about. There is a copy of it here somewhere; I thought I had it, some of the Members had it yesterday. It exempted boys of German and Austrian blood from service in the war against Germany. They were not to go out of this country if they did not want to go. Other boys could go, but Germany and Austria, the deadly enemies of our country, are favored especially by a Member of this House. I would not have been surprised if that bill had been introduced in the German Reichstag, but I was surprised that it was introduced in the American House of Representatives. I hold here a statement issued this year by Mr. Harre, of the Council of Defense, or the American Defense Society, who talks about this bill and said that Viereck, the traitor in New York, who was the editor of the Fatherland, notoriously against this Government, notoriously in sympathy with Germany, that—

On the afternoon of June 25, the day upon which this bill was introduced by Congressman BRITTEN, of Illinois, Mr. Viereck read to me the text of the bill proposing that citizens of German or Austrian birth or descent upon their request should be exempted from military service in foreign lands.

So then——

Mr. SWITZER. Will the gentleman yield? By whom is that issued, what society?

Mr HEFLIN. By T. Everett Harre, and these extracts are signed by the secretary of the American Defense Society. Now, gentlemen, what do you think of that—that Viereck wrote that bill. Did he send it to the Member from Illinois? How came that bill here? How came it to be introduced in this body? Those are questions that we must consider; while our boys are fighting at the front we must not fail to do our duty here. [Applause.] If our boys have the courage to go over yonder and fight for the flag, let us have courage to do our duty here, it matters not how unpleasant it may be. I recall that this same Member from Illinois [Mr. BRITTEN] said here last year that Members of Congress would not speak to me when they met me on the street. There is not one word of truth in that statement. No Member of this House that I care to speak to has ever failed to speak to me, and I speak to the most of them, I am glad to say. I stand well with most of them and they with me, and if any man does not want to speak to me he compliments my patriotism by not speaking, because I stand square to every wind that blows about that flag. [Applause.]

Now, Mr. Chairman, I have just received a copy of the Britten bill. It says:

Citizens of German or Austrian birth or descent, selected for draft in the military service, may, upon their own request, under rules and regulations prescribed by the President, be assigned to military or naval service on American soil or in American waters, or directed for duty in such industries including agriculture—

Oh, yes, God bless them, service out in the field of agriculture—

found to be necessary to the maintenance of the military establishment or the effective operation of the military forces or the maintenance of national interests during the emergency.

God of our fathers, I repeat, "Germany and Austria," American boys of that blood may be excused from service, but come on you boys of Scotch or Irish origin, of French, Italian, Hebrew, or English extraction, and all of the other brave blood of our country and go to the front. But these citizens of German and Austrian blood are the chosen. They are the objects of our special favor, because they do not want to fight against their kindred who are trying to destroy the Republic.

Gentlemen, if that is Americanism, I can not subscribe to the doctrine. If that is loyalty to the boys at the front and to the flag, then I am not loyal myself.

And, Mr. Chairman, the gentleman from Illinois got up here yesterday and told the world where all of our boys in the marine service were located, just how many were down here, 9,000 of them, and so many yonder, and so many over yonder. Germany has been trying to find out how many men we have moved across the sea and how many are still at home. The gentleman did not intend to give out that information, of course. German spies have tried to find out where our Cavalry horses were located. They found 500 of them in Kentucky and they poisoned them.

If you have criticism to make, gentlemen, go to the President, to the Secretary of War, to the Secretary of the Navy, and make known your complaint to them, where no German spy will get hold of it. Do not let spies get hold of something that they can use to the injury of our country.

The gentleman from Wisconsin [Mr. FREAR] quoted Mr. REED, of Missouri. Mr. REED, of Missouri, is an able man, but he is not my guide either in democracy or patriotism. [Applause.] Another man over there said the other day that we had not sent any aeroplanes abroad. That very day we were shipping them to France, and that very afternoon three American boys were shooting down three German aeroplanes above the battle lines in France. That is what is going on. Some men are hindering us and helping the enemy. And in God's name they ought to quit it.

Let me say this in conclusion. I am trying to do my patriotic duty, although it is an unpleasant thing to do sometimes. I rejoice that Wisconsin has shown to the world that she is loyal. I never had a doubt about that. There are some people in that State, however, who are not loyal. Do not tell me that a bunch that will march up to the polls behind that fellow Berger, indicted by the court for seditious conduct and wanting us to call our Army home and crawl before the Kaiser, is loyal. [Applause.]

I will tell you another thing, gentlemen; I know a body that is not a mile away from here which would render great service to itself and to the country if it would expel a Senator that I know. [Applause.]

The gentleman from Illinois [Mr. BRITTEN] by his speech on yesterday caused me to bring the Britten bill, to exempt boys of German and Austrian blood from service, to the attention of the country. The Bible tells us that "by their fruits ye shall know them," and that "as a man thinketh in his heart, so is he." And also that "out of the abundance of the heart the mouth speaketh." So I must judge these men by what they do and say, and if I believe them to be wrong I am going to call their names.

Now, let me say in conclusion, God bless this great American Union. Gentlemen, we are a peculiar people. God Almighty gathered here under this flag the persecuted men and women of every clime and country, and America does not ask anybody from what country he comes. She only asks whether he is a loyal American citizen. Citizens of German blood, and there are thousands of them here who are as loyal as anybody, and brave boys of German blood are fighting under our flag in Europe to-day, owe it to their children to repudiate all acts

on the part of public men that put them in the attitude of crawling around and wanting to be exempt from the service of their country in the hour of its peril.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I would like to have two minutes more.

Mr. BOOHER. I yield two minutes more to the gentleman.

Mr. HEFLIN. Now, gentlemen, let me say in conclusion, let us stand together and all together by the President, this great American, the Commander in Chief of our Army and Navy. [Applause.] Away with the things that divide us. Honest criticism is all right; but I want to tell you this: I do not care whether the man is a Democrat or a Republican, the Member will not speak here two minutes before I know where his heart is. He may say, "I am with the President and I am with the country, but, and if." Do you know what President Lincoln said about that, gentlemen? He said, "Beware of the fellow who says, 'I am with you, but, and if'; he is not right down here in his heart." That is what Lincoln said. In this trying time let there be nothing here but real Americanism. Let us make true Americanism the paramount issue and complete American loyalty the supreme test. [Applause.]

And, now, let me say of Illinois, God bless that historic old State. In her soil sleeps the sacred dust of the martyred Lincoln. God knows, if he could have been spared, the South would have been spared the horrors of reconstruction. No section of the country suffered as much as the South on account of the blow of the assassin's bullet. Some months ago Gov. Lowden, of Illinois, said to the legislature of that State: "It is my duty and yours and the duty of the people of Illinois to get whole-heartedly behind our Commander in Chief." God bless the patriotic governor of Illinois. [Applause.] I served with him in this House, and he is my personal friend. He was the first governor in our union of States to call the State legislature to the standard of the Nation. How fitting and appropriate, gentlemen, that the governor of the Commonwealth of Illinois, in whose bosom sleeps the dust of the martyred Lincoln, should be first to come forward with the colors of his State entwined about the standard of the Union. [Applause.] This is the centennial year of the great State of Lincoln; 100 years ago she took her place in the great sisterhood of American States. Illinois, bright daughter of the Nation, well may you lift up your voice and be glad when on this proud anniversary of your birth time he who holds the highest office within your gift crowns you with the glory of unadulterated Americanism. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. KENNEDY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. BRITTEN. Mr. Chairman, the Member who just preceded me [Mr. HEFLIN] said, "By their fruits, so shall ye know them." It makes me weary, this canned and pickled patriotism that the House is subjected to from time to time by a certain number of gentlemen who are continually winding themselves about with the American flag for fear that the country will not know that they are patriotic.

"By their fruits, so shall ye know them." If I had voted in past years against every naval appropriation and against every military appropriation that was intended to put our country in a state of preparedness I also would want to stand around on this floor and continue to wave the flag about myself to convey to the people of the country the idea that I am patriotic at last, notwithstanding the fact that I had attempted to throttle every increase in the Army and the Navy during my term of service in Congress. I would continue to yell "flag" and "patriotism" and "loyalty" until the very heavens reeked with my voice and the people of my country had forgotten my misguided conduct. I would be ashamed of having voted the way I had in times gone by. I would continue to bray, and bray, and bray about patriotism and about that flag, and then crow like a barnyard rooster about what I was going to do, now that we have gotten into this war.

It is not necessary for a Member of Congress to continually roll himself in the American flag in order to induce people to believe that he is patriotic, that he is loyal. He is known by his fruits, as the Bible says, and as the Member who just preceded me repeated.

In the annual Navy bill of 1912, before I was a Member of this House, a motion was made to build but one battleship, notwithstanding that the Navy General Board, presided over by the late Admiral George Dewey, had recommended to the Congress that four first-line battleships be built that year. Is it not quite ridiculous to recall that these very spellbinders of patriotism, these wasters of valuable time telling of their own loyalty while the House should be considering important war legislation, including the Member from Alabama [Mr. HEFLIN], voted against even one first-line fighting ship; and there was none authorized that year.

On February 26, 1913, the self-styled patriots of to-day voted to reduce a two-battleship bill to only one battleship, and again, on March 3, 1913, their votes permitted the building of but one battleship, notwithstanding the Navy General Board's recommendation of that year for six first-line ships.

I could go down the line and recite vote after vote for military as well as naval preparedness up to the very moment that we entered the war and these new patriots are always found on the side opposed to real preparedness. If they had had their way, we would to-day have no first-line fighting ships, and our military, small and weak as it was a year ago when we entered the war, could not have been found with a microscope.

Perhaps I am inconsiderate and it is necessary for them to bray their patriotism whenever possible. Their conscience may bother them now that they see the folly of their votes and we are into a world's war, with every ounce of our capabilities about to be taxed.

They habitually refused to vote for preparedness legislation recommended by the Navy General Board, the General Staff of the Army, the Navy League, the Security League, and other purely patriotic societies. It will take a lot of talking and wasting of valuable time to bring our people to recognize the sincerity of these noisy flag wielders.

The speaker who just preceded me tried to ridicule a resolution which I introduced last year that would exempt, upon their request, certain American citizens who still had warm and fresh blood ties in Germany and Austria from going across, under certain rules and regulations to be prescribed by the President. What the speaker said in opposition to my resolution also applies in opposition to the order sent out by the President on March 22 to the Secretary of War, telling him that certain rules should be provided for conscientious objectors to combatant service abroad. The President said they should be given a wide range of military duties from which to select, that were not combatant, in order that they might be used to the very best of their ability and their efficiency in the National Army. And, gentlemen, that is exactly what my resolution intended—to increase the efficiency of the Army, to make our soldiers at the front more dependable; and whatever the previous speaker just said in opposition to my resolution applies equally against the order just sent by the President, the distinguished gentleman at the other end of Pennsylvania Avenue, to the Secretary of War. So much for that.

The previous speaker referred to a statement having been issued by the Council of National Defense, which he afterwards corrected and said it was the American Defense Society.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. May I have five minutes more?

Mr. KENNEDY of Iowa. I yield to the gentleman five minutes more.

Mr. BRITTEN. The American Defense Society did send this statement out, a copy of which was forwarded to me by my clipping bureau, and one from Mr. Vierick, of New York, the gentleman referred to as having boasted of writing my bill, to Mr. T. Everett Harre, the author of the article. Mr. Vierick said the statement was a complete falsehood and he was ready and willing at all times to take oath to that effect.

This society is composed of such gentlemen as Col. Roosevelt, Dr. David Jayne Hill, former ambassador to Germany, Hon. Robert Bacon, Mr. Hudson Maxim, and many other equally distinguished Americans. It did me the honor of placing my name on its public "roll of honor" because of my consistent endeavor in the direction of "preparedness," alongside of such names as our dear former colleague, the late "Gussie" Gardner, and Capt. Richmond P. Hobson, from your side of the House.

We have stood for preparedness measures at all times, whether they were for the military or the Navy. And the Lord knows, five or six years ago it was lots of trouble to pass even a one-battleship program bill through this House, because of men like you, who wanted no preparedness of any kind.

Mr. GREENE of Massachusetts. That is, the gentleman from Alabama.

Mr. BRITTEN. Oh, I do not care to mention the gentleman's name.

Mr. HEFLIN. Mr. Chairman, what does the Member mean by that last remark?

Mr. BRITTEN. I have my own way of designating you.

Mr. HEFLIN. You will do it in a respectful way as long as you are in this House.

Mr. MOORE of Pennsylvania. A point of order, Mr. Chairman.

The CHAIRMAN. The point of order is well taken. The gentleman should not interrupt without rising from his seat.

Mr. EAGLE. Mr. Chairman, I raise the point of order that no speaker has a right to point his finger at anybody and refer to him as "you."

Mr. BRITTEN. My friend is correct. I was about to withdraw that; I do not wish to be disrespectful of the rules of the House.

The CHAIRMAN. The point of order is well taken by the gentleman from Texas.

Mr. BRITTEN. Yes, Mr. Chairman; and I am sorry that it occurred. Of course, I immediately realized that a mistake had been made, and that the society would rectify it to its fullest ability. I exchanged several letters with the society, with the result that a statement is about to be issued which will clear the entire matter. Certainly Vierick had nothing to do with my bill, which was prepared without the slightest outside assistance. Mr. Harre's article referred to me as "one of those willful men" referred to by the President more than a year ago, who in the Senate of the United States had talked to death the bill (S. 8322) authorizing the President to supply American merchant ships with arms. This reference to me was in complete error, as was another paragraph of the article, which suggested by indirection that I was the author of a bill to repeal the draft law. The official RECORD shows that I voted favorably on each of these laws. Naturally the American Defense Society is but too pleased to remedy the injustice which has been done to me, and they will shortly issue a public statement, disassociating me from any connection with Mr. Vierick, as far as its article applies, and at the same time correcting the mistakes I have just referred to.

I do not want to be disrespectful to any Member of this House. We all choose our own friends, and if any of us care to disregard others when we meet them on the street that is our privilege. But I can not help recalling that these gentlemen who are continually throwing the American flag around themselves are the very gentlemen who opposed real preparedness on the floor of this House for these many years past. I have their votes in my pocket, and I am prepared for a dozen of them, particularly on that side of the House, who are continually saying that we on this side are giving aid and comfort to the enemy every time we offer constructive criticism. They aim to prevent honest criticism by accusing us of disloyalty. It will have to be stopped. We all are heart and soul for our Government, and there should be no division on necessary war measures.

I require no apology for my patriotism. My father fought and suffered for that flag [pointing], and that is more than many of these new self-styled patriots can say. I love it as I love my life. [Applause.]

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FRANCIS].

Mr. FRANCIS. Mr. Chairman, on February 25 of this year I received a letter from one of my constituents which was unusual. It consisted of two newspaper clippings pasted on a sheet, with a brief written comment by the sender. The first clipping was an editorial entitled "Congress sound asleep," and which began "Alone of all the great nations engaged in this conflict we are making no preparations for the revolutionary conditions that will prevail at its close." The second clipping was a news item about one of our great powder companies. It featured a statement of its president that "the men who so successfully met the recent emergency are engaged with equal energy and foresight in working out plans for the use of these vast works after the war." The comment of the sender was, "Your attention is respectfully directed to these items."

My first reaction to this communication was that we had problems enough on hand to get the war going, and that to talk about reconstruction was premature. Reflection, however, led me to determine to give the subject an hour in the Congressional Library. To make a long story short, in that hour I found such an avalanche of material on present reconstruction activities in England, France, and Germany, covering every phase of social, political, and economic life, that I realized that the matter was of vital importance. Moreover, in addition to the foreign material, I found numerous domestic references, indicating that the subject was already coming to the front at home. Since that time, only four weeks ago, constantly accumulating news items have shown that it is definitely before us, and it is my opinion that it is time for Congress to give it earnest consideration. True reconstruction is as much a war as a peace problem, and the time to face it is while we are yet in the midst of war.

A brief view of the reconstruction work abroad will show its extent and importance.

GREAT BRITAIN.

On August 21, 1917, Parliament passed an act known as the new ministries act. This created a ministry of reconstruction. It gave the minister full power to consider the problems which might arise out of the war, and to institute such inquiries and prepare such schemes, and to make such recommendations as he might think fit. It gave him an ample salary and staff and power to sit in Parliament. Under this ministry a great number of commissions and committees have been created to deal with questions already arising, and to arise at the close of the war, and many existing committees were gathered under its jurisdiction. A list of these committees, of their duties, and their personnel was published in England at the first of the year. It made up a large-paged pamphlet of 30 pages. A synopsis of this vast scheme was published in the Official Bulletin of March 14, 1918. In brief, under the minister, all reconstruction work is divided into 15 divisions. These 15 divisions cover the subjects of trade development, finance, raw materials, coal and power, intelligence, scientific and industrial research, demobilization and disposal of stores, labor and employment, agriculture and forestry, public administration, housing, education, aliens, legal questions, and miscellaneous.

Eighty-seven separate committees are doing the work. It would take too long to recite the names of these different committees and their respective fields. Suffice it to say that their greatest activity is on questions of trade development and in scientific and industrial research, but they reach into such questions as electricity, coal, horse breeding, local government, and mine-rescue apparatus, which gives us an idea of their inclusiveness. These many committees might seem enough, but one of my friends, who is investigating this work for himself, informs me that there are upward of 250 reconstruction committees at work to-day in Britain, including, for instance, several of the British Labor Party. Many have already made important interim reports. They are recommending the creation of a vast commercial structure with a trade bank, enjoying the support of the Government. Without going further it is superfluous to comment upon the value of this tremendous preparation. It not only forecasts the continued greatness of Great Britain, but it means that she has lost no time in preparing to recast her life and industry. This item of time alone is worthy of particular notice.

FRANCE.

In France the problem of reconstruction is particularly affected, if not overshadowed, by the problem of rebuilding her invaded territories, which, of course, are yet to be recaptured. An interparliamentary committee for the reconstruction of these lands has the problem in charge, and has working with it a subcommittee for the purchase of materials for the restoration. There is also a national institute for the care and reconstruction of disabled soldiers. In general, it may be said that there are upward of 300 laws which have been passed solely to aid in reconstruction. France desires to become economically independent. She has purchased great quantities of machinery abroad. She contemplates establishing a trade bank with ample capital. The State has already entered into contracts to turn over munition plants to various industries after the war, and expects to loan money to aid her shipbuilders. The Paris Chamber of Commerce is also working on the problem, and plans are being made to take an industrial census of the entire nation at the close of the war. I can not pretend to give a thorough outline of the reconstruction work of this nation. Not all the material on this subject is available and much of the available material remains untouched. It is evident, however, that France has started a thorough and practical consideration of the question.

GERMANY.

The information that comes to us from Germany has become limited of late. An Imperial Ministry of Economics was created October 21, 1917, and this has charge of the social, economic, and trade questions after the war. Germany and Austria have already entered into an extensive customs union. From such reports as we have it appears that there will be a national central organization for the purchase and distribution of all raw materials used in the nation upon the arrival of peace. A syndicate is to be created for the cotton trade to eliminate all commission houses. There is a scheme on foot to establish German manufacturing companies in foreign

lands with German capital, but with French and English names to defeat any prospective boycott.

A vast workmen's relief committee has been organized, and there are reports of huge trans-Atlantic liners already on the ways, to restore the lost commercial position. The German Government has always fostered trade and may at the close of the war take over the entire cargo space of its fleets. The British Trade Journal of January 31, 1918, gives a history of these new activities, and says that "the component States of the Empire have been honeycombed with committees appointed to investigate and report on the future of their respective industries or territories." While such information as I have found reflects chiefly upon the commercial side of the life of Germany, it points to a vigorous policy of reconstruction, and we may justly believe that it is being carried into other fields.

Let us now turn to our own country.

UNITED STATES.

When I started to inform myself about the situation in the United States I found it exceedingly difficult to do so. There was nothing available but a most miscellaneous lot of information consisting of clippings and items and articles from all kinds of publications dealing with totally uncorrelated activities. There were plenty of evidences of interest and preparation, but none of order and organization. It all reminded me of the opening days of the great war in Europe before our entry into it, when hundreds of charities sprang up overnight and importuned us daily for contributions. Though eager to give, we could not tell where to give most wisely, and could not have given to all if we had given ten times more than we would. Our reconstruction situation to-day is about as chaotic as the charity situation was then.

Certain activities are at the present time outstanding.

The American Red Cross is studying the rehabilitation of wounded and crippled soldiers.

The Surgeon General is at the head of a movement to create reconstruction hospitals in large cities, which will include shops for vocational training.

The Federal Board for Vocational Education is studying the vocational rehabilitation of disabled soldiers and is training teachers for the work.

The Secretary of the Interior is agitating the question of eradicating illiteracy and teaching Americanization.

The educators of the blind are preparing to make their charges self-supporting.

Conferences at the University of Illinois and elsewhere have been studying the labor problem.

Numerous chambers of commerce are studying trade conditions after the war.

I am sure there are many more which have not been brought to my attention, because they are so rapidly developing. Valuable as these activities are, however, they are to-day almost uncorrelated. All about us charities and societies and communities are plunging into this work for themselves and going ahead independently, with few exceptions.

If left alone these organizations will develop into hundreds of separate committees throughout the country, overlapping in their fields, duplicating in their work, promoting disorganization and wasting a vast amount of energy. While our immediate reconstruction problem is simple and is chiefly to take care of our wounded, by a year from now it is going to be a tremendous one. If we are going to be forehanded we must prepare ourselves immediately to grapple with the tremendous and complicated problems of trade, finance, banking, tariff, food, labor, shipping, immigration, taxation, housing, and education that are going to perplex us as they have the foreign nations.

CONCLUSION.

What, then, is Congress going to do to meet this situation? Is Congress sound asleep, as the editorial said? On January 16 of this year a resolution to provide a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness came before the House. It carried an appropriation of $50,000. The enacting clause was stricken out and the bill was defeated. Does that mean that Congress was not ready to face the problem of reconstruction? I do not think so. I think it was merely unwilling to authorize a pretentious committee to take such a small bite at so large a problem. I think that it realizes that something has got to be done, and would gladly consider some plan of wider scope to absorb and organize our reconstruction activities. I have confidence enough in Congress to feel that if the question were presented to it in a practical way it would respond with a generous appropriation.

The practical way has been indicated in England, France, and Germany, and we should profit by the experience of these countries. We should either have a secretary of reconstruction, who shall sit in the President's Cabinet and supervise all this highly necessary work, or we should have a commission of Congress, with a permanent organization to investigate and report on necessary legislation. Congress should face this great need promptly and should belie in this crisis the repuation of democracies for unpreparedness. [Applause.]

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the river and harbor appropriation bill, and had come to no resolution thereon.

Mr. SMALL. Mr. Speaker, I would like to see now if we can not agree upon some time to close general debate upon the bill.

Mr. KENNEDY of Iowa. Mr. Speaker, how much time has been consumed by each side?

The SPEAKER. The gentleman from North Carolina has used 2 hours and 32 minutes and the gentleman from Iowa 1 hour and 50 minutes.

Mr. KENNEDY of Iowa. Mr. Speaker, I would say to the gentleman from North Carolina that I have requests for 2 hours and 50 minutes more time.

Mr. SMALL. So far as I can now tell I have requests for an hour and 50 minutes. Could we agree on general debate closing at the end of four hours to-morrow, say at 4 o'clock?

The SPEAKER. The Chair will suggest that there are two or three or four conference reports to be taken care of to-morrow, and if a fixed time is set gentlemen are liable to get into trouble.

Mr. SMALL. Then we can fix it at so many hours, say four and a half hours more of general debate.

Mr. KENNEDY of Iowa. That would not give me 2 hours and 50 minutes.

Mr. SMALL. Make it 4 hours and 40 minutes, the gentleman to have 2 hours and 50 minutes of that time.

Mr. KENNEDY of Iowa. That is satisfactory.

Mr. MOORE of Pennsylvania. Mr. Speaker, to-morrow is the day for the opening of the third liberty loan drive. Public announcement has been very generally made, and the Secretary of the Treasury is very earnest about the matter of inviting Members of Congress to participate in the movement wherever they may be available. I know a great many Members will be called away from the House to-morrow on that patriotic duty, and many of them would like to be here when the reading of the bill begins. They will be unable to participate in general debate, as they desire to do, because of the necessity of keeping these engagements made for this patriotic day. Can we have an understanding that after general debate is concluded and the first section of the bill is read there will be no further proceedings?

Mr. SMALL. That seems reasonable, and yet I am mindful of the fact that we are urged to conclude the bill as soon as possible. If much time is to be occupied to-morrow on conference reports there will be small opportunity to reach the bill under the five-minute rule. I hesitate to agree that we will not begin the reading of the bill if there is opportunity to make progress.

Mr. MOORE of Pennsylvania. Four hours and forty minutes, if you start at 12 o'clock, will take us to 4.30 and after on Saturday afternoon.

Mr. CALDWELL. Mr. Speaker, the remarks of the gentleman from Pennsylvania apply very strongly to Members on this side and particularly myself. I have engagements to talk in the liberty loan drive throughout the State of New York, and I can not possibly get back here before Monday. It would please me if we could agree not to start the reading of the bill until Monday.

Mr. SMALL. May I ask the Speaker unofficially if it would be safe to agree to that?

The SPEAKER. The Chair is inclined to think so. There are three or four of these conference reports and one can never tell what may happen about a conference report. If Members get to disputing about it it may consume an hour on each one.

So the Chair would think that the chances are that if you should run debate for four and a half hours plus the time that is taken up by preliminaries in the morning and these conference reports it will be time to "take out," as Col. Kilgore used to say.

Mr. SMALL. Then, Mr. Speaker, I ask unanimous consent that we conclude general debate to-morrow, and having con-

cluded general debate on the bill that it will not be taken up under the five-minute rule until Monday morning.

Mr. MOORE of Pennsylvania. That will be entirely satisfactory.

Mr. SMALL. So we will complete general debate to-morrow with that understanding.

Mr. GARRETT of Tennessee. Does that mean the gentleman expects the bill will be taken up on Monday, making it in order on Monday?

Mr. SMALL. That was my intention, Mr. Speaker.

The SPEAKER. Of course, if the Committee on the District of Columbia has important business that is their day, but the gentleman might talk them out of it. The request, as the Chair understands it, is that general debate on this bill be limited to four and a half hours to-morrow, of which the gentleman from Iowa [Mr. KENNEDY] shall control 2 hours and 50 minutes and the gentleman from North Carolina control the rest of it, but the bill shall not be taken up to-morrow under the five-minute rule.

Mr. KENNEDY of Iowa. Mr. Speaker, I think the last suggestion made by the chairman of the committee was 4 hours and 40 minutes.

The SPEAKER. Yes; 4 hours and 40 minutes. Is there objection?

Mr. SEARS. Mr. Speaker, reserving the right to object, I want to state I am in hearty accord with what Mr. KITCHIN said this morning about rushing matters. I have not taken up the time of the House, and the chairman has just stated that he wants to push this bill rapidly to passage. I am also in accord with that, but I have a very important amendment I shall offer at the proper time, and I would rather discuss it and have a reasonable length of time on the amendment. I would like to know of the chairman what will be his policy of allowing a little extra time when we reach the amendment stage, as much of the debate to-day has not been on this bill? I do not care to discuss my amendment and mix it up with other matters.

Mr. SMALL. Of course, I can not control the time, and I can only say I would make no objection to any request for a reasonable time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Speaker, the understanding is that we close general debate to-morrow before adjournment——

The SPEAKER. Yes; and not take it up under the five-minute rule to-morrow. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following letter:

The Clerk read as follows:

DEAR MR. SPEAKER: Having agreed to take part in the liberty-bond campaign, I ask permission to be excused from attendance in the House for two weeks.

Cordially, FREDERICK C. HICKS.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE REPORT ON S. 383, TO PUNISH DESTRUCTION, ETC., OF WAR MATERIAL, ETC. (H. REPT. 470).

Mr. WEBB. Mr. Speaker, on the part of the House conferees I desire to present a conference report on the bill S. 383, together with a statement on the part of the conferees, and ask that it be printed under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid the hostile use of property during time of war, and for other purposes.

The SPEAKER. Ordered printed under the rule.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3994. An act to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes; and

S. 3400. An act to regulate the pay of retired chief warrant officers and warrant officers on active duty.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3388. An act to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

Mr. MOORE of Pennsylvania. Mr. Speaker, was there objection to the unanimous-consent request?

The SPEAKER. No.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, April 6, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth B. Beal, administratrix of the estate of George L. Beal, deceased, against The United States (H. Doc. No. 1017), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 8004) authorizing the resurvey or retracement of lands heretofore returned as surveyed public lands of the United States under certain conditions, reported the same without amendment, accompanied by a report (No. 463), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 9830) providing for the disposition of opium, its salts and derivatives, coca leaves, their salts and derivatives, and any other drugs seized by the United States Government, in the enforcement of the provisions of the act of October 1, 1890, as amended by the acts of March 3, 1897, February 9, 1909, and January, 17, 1914, or the act of December 17, 1914, reported the same without amendment, accompanied by a report (No. 466), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 9457) authorizing national banks to make contributions to the American National Red Cross, reported the same without amendment, accompanied by a report (No. 469), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WELLING, from the Committee on Claims, to which was referred the bill (H. R. 8509) for the relief of Paul Guenther (Inc.) and Paul Guenther and Olga Guenther, reported the same without amendment, accompanied by a report (No. 464), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 2013) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen, reported the same without amendment, accompanied by a report (No. 465), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVILA: A bill (H. R. 11243) providing for the establishment of the port of San Juan, customs district of Porto Rico, as a port of entry for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 11244) to amend section 5 of an act entitled "An act to regulate commerce," as amended, relating to the authority of the Interstate Commerce Commission to allow ownership of certain vessel lines by railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 11246) to prescribe the personnel of the Army Nurse Corps, the qualifications for appointment, and the method of appointment therein; the method of discharge, removal, and relief from duty; the rank, pay, allowances, and leave of absence of members of said corps; and the conditions under which they may be retired; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 11247) providing for the protection of the uniform of friendly nations, and for other purposes; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 11248) amending section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. CURRY of California: A bill (H. R. 11249) to amend section 19 of an act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes, approved October 6, 1917; to the Committee on Mines and Mining.

By Mr. FLOOD: Resolution (H. Res. 303) requesting the United States Food Administration to furnish to the House of Representatives information relative to its activities; to the Committee on Foreign Affairs.

By Mr. DAVILA: Joint resolution (H. J. Res. 276) extending the operation of the act providing for the promotion of vocational education in the several States of the Union to Porto Rico; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 11250) granting an increase of pension to Josiah B. Magruder; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11251) granting a pension to Joseph J. Johnson; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 11252) granting an increase of pension to Charles J. Smith; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11253) granting an increase of pension to William T. Abel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11254) granting an increase of pension to Lafayette Murry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11255) granting a pension to Lucinda Hewkin; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11256) granting an increase of pension to Charles A. Wilson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Memorial of Tacoma (Wash.) Business Women's Club and executive committee of the Authors' League of America, opposing the zone system as to second-class mail matter; to the Committee on Ways and Means.

By Mr. DAVILA: Communication from the Teachers' Association of Porto Rico, expressing appreciation and gratitude to the President and Congress of the United States for conferring a larger measure of self-government and full citizenship upon that island and pledging loyalty and support of the Government in the world war; to the Committee on Insular Affairs.

By Mr. DILL: Petition of Sherman Grange, No. 421, of Kettle Falls, Wash., relative to regulating food prices; to the Committee on Agriculture.

By Mr. DOOLING: Petition of the American Game Protective and Propagation Association, opposing the second-class postage rates of the war-revenue act; to the Committee on Ways and Means.

By Mr. HILLIARD: Resolutions adopted by the Albuquerque (N. Mex.) Woman's Club, protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of T. D. Cobbey, Charles H. More, Thomas E. Gray, and 14 others, all of Denver, Colo., praying for immediate war prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of members of the Pierce County Medical Society, Tacoma, Wash., favoring House bill 9563; to the Committee on Military Affairs.

Also, resolutions of the board of trustees of the Tacoma Commercial Club and Chamber of Commerce, Tacoma, Wash., favoring House bill 9286; to the Committee on Military Affairs.

Also, petition of various citizens and members of the United Spanish War Veterans of Tacoma, Wash., favoring the passage of House bill 1736; to the Committee on Pensions.

By Mr. KELLEY of Michigan: Petition of Rev. Ira W. Cargo and 52 other residents of Clarkston, Mich., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, resolution of Flushing (Mich.) Farmers' Club, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUFKIN: Memorial of the Legislature of the State of Massachusetts, relating to the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. NOLAN: Petition of Langley & Michaels Co., Electric Appliance Co., Levi Strauss & Co., all of San Francisco, Cal., and Adolph Lewisohn, of New York, N. Y., favoring Senate bill 3963 and House bill 10526; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Employers' Association of Rhode Island, protesting against section of naval appropriation bill on page 77, lines 9 to 22; to the Committee on Naval Affairs.

By Mr. TAGUE: Memorial of the Boston Surgical Society, urging the passage of House bill 9563 and Senate bill 3748; to the Committee on Military Affairs.

By Mr. VARE: Memorial of Rotary Club, of Chester, Pa., asking for the establishment of military tribunals for those showing treasonable intent or committing disloyal acts; to the Committee on Military Affairs.

SENATE.

SATURDAY, *April 6, 1918.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father, upon this anniversary day, so fateful in our national and international history, we would again set up our banners in the confidence of the righteousness of our cause and in the belief that our God is on our side. Grant, we beseech of Thee, in these days of renewed sacrifice and enlarged patriotism, that there may be an increased devotion on the part of the people to meet the demands of the hour. May Thy blessing rest upon those high in authority and in all the various phases of governmental responsibility. Hear our prayer. Bless also those beyond the seas who represent us, and may the grace of Thy wisdom be imparted to all in this hour. We ask for Thine own name's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 4102) granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 383) to punish the destruction or injury of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill

(H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 10850. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10924. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3400. An act to regulate the pay of retired chief warrant officers and warrant officers on active duty; and

S. 3994. An act to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes.

THIRD LIBERTY LOAN.

Mr. THOMPSON. Mr. President, I have here a short statement denominated "Nation's pledge for liberty day, indorsed by the President." It appears in this morning's Washington Herald. I should like to have it printed in the RECORD, together with a short statement of Secretary McAdoo, showing the importance of the campaign for the third liberty loan.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE PRESIDENT TAKES THIS OATH—WHY NOT YOU?

On the anniversary of America's entry into the great war I affirm my undivided loyalty to the cause for which we fight—the cause of justice and human liberty. I gladly lay upon the altar of the Nation's need my material possessions, my bodily strength, and my mental powers to serve and to save America and those ideals for which it stands, and to keep the Stars and Stripes on high with honor, I pledge my hand, my heart, and my life. (Nation's pledge for liberty day, indorsed by President Wilson.)

URGES PATRIOTIC RESPONSE TO DUTY'S CALL.

[By William G. McAdoo, Secretary of the Treasury of the United States.]

The campaign for the third liberty loan will be opened to-day, the first anniversary of the declaration of a state of war between the United States and Germany.

This date will forever be a consecrated day in American history, and it seems peculiarly appropriate that the opening of the second year of our participation in this war for the honor and rights of America and the freedom of the world should be celebrated with a nation-wide drive for another liberty loan.

The campaign should begin with great demonstrations of patriotism in every city, town, and hamlet in the country that will truly express the spirit of aroused America.

On this date every American should pledge anew to his Government the full measure of his resources and resolve to make every required sacrifice in the same fervent spirit that impels our gallant sons in the trenches of France and on the waters of the Atlantic to shed their blood in America's sacred cause.

To carry forward America's essential part in this war for righteousness and justice, every man and woman in the country must lend their available means to the Government; and I know of no more fitting time for such a patriotic response to the call of duty than the beginning of the second year of the war.

W. G. MCADOO.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present sundry resolutions of the Legislature of Massachusetts, which I ask may be printed in the RECORD.

The resolutions are as follows:

THE COMMONWEALTH OF MASSACHUSETTS, IN THE YEAR 1918.

Resolutions requesting Congress to provide for public ownership and operation of coal mines.

Whereas the inhabitants of this Commonwealth have suffered severely from the exactions of the present operators of the coal mines, who have frequently driven their employees to desperation by their inhuman treatment, have failed to provide sufficient coal when it was greatly needed by the public, and have charged exorbitant prices for such coal as has been procurable; and

Whereas it is the opinion of the General Court of Massachusetts that public ownership and operation of coal mines would be of great advantage to the citizens of this Commonwealth: Therefore be it

Resolved, That the General Court of Massachusetts respectfully requests the enactment of legislation by Congress providing for public ownership and operation of coal mines; and

Resolved, That the Senators and Representatives from Massachusetts in Congress are hereby earnestly requested to make every proper effort to secure the quick passage of the legislation aforesaid; and that copies of these resolutions be sent to them, and also to the clerk of each branch of Congress, by the secretary of the Commonwealth.

In house of representatives, adopted, March 21, 1918.

In senate, adopted, in concurrence, March 26, 1918.

A true copy.

Attest:

ALBERT P. LANGLEY,
Secretary of the Commonwealth.

THE COMMONWEALTH OF MASSACHUSETTS, IN THE YEAR 1918.

Resolutions in favor of free railroad transportation for soldiers and sailors in the service of the United States.

Resolved, That the General Court of Massachusetts hereby expresses its opinion that the War Department should furnish free transportation on the steam railroads of the Commonwealth of Massachusetts for all soldiers and sailors in the service of the United States; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the Secretary of War and to each of the Senators and Representatives in Congress from this Commonwealth.

OFFICE OF THE SECRETARY,
Boston, March 26, 1918.

A true copy of resolutions adopted at the present session by the Senate and House of Representatives of Massachusetts, in general court assembled.

Attest:

ALBERT P. LANGLEY,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of the Boston Surgical Society, of Massachusetts, praying for the enactment of legislation providing advanced rank for officers of the Medical Corps in the Army, which was referred to the Committee on Military Affairs.

Mr. NELSON presented resolutions adopted at a mass meeting of sundry citizens of Fergus Falls, Minn., favoring universal military training, which were referred to the Committee on Military Affairs.

LANDS IN POINSETT COUNTY, ARK.

Mr. ROBINSON. I desire to submit a telegram from the Chamber of Commerce of the city of Jonesboro, Ark.; a letter from A. B. Jones Co.; a letter from E. C. Barton; a letter from the president and secretary of the Chamber of Commerce of Jonesboro; a letter from Gordon Matthews, and another from H. A. Elder, and still another from Hon. J. F. Gautney, relative to a bill introduced by the junior Senator from Tennessee [Mr. MCKELLAR], on April 6, 1917, to relinquish and quitclaim to the trustees of the Hatchie Coon Hunting and Fishing Club title to certain lands in Poinsett County, Ark. I ask that these communications be referred to the Committee on Public Lands, to accompany the bill.

The PRESIDENT pro tempore. Without objection, the papers will be referred to the Committee on Public Lands.

AMERICAN RED CROSS.

Mr. OWEN. Mr. President, I send to the desk the bill (S. 3911) authorizing national banks to subscribe to the American National Red Cross, with a favorable report from the Committee on Banking and Currency. It proposes that the directors of national banks shall have the right to subscribe to the Red Cross if they see fit to do so. I think it will be an unobjected bill, and I would be glad to have it acted on now.

Mr. SMOOT. Let the bill be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That during the continuance of the state of war now existing it shall be lawful for any national banking association to contribute to the American National Red Cross, out of any net profits otherwise available under the law for the declaration of dividends, such sum or sums as the directors of said association shall deem expedient. Each association shall report to the Comptroller of the Currency within 10 days after the making of any such contribution the amount of such contribution and the amount of net earnings in excess of such contribution. Such report shall be attested by the president or cashier of the association in like manner as the report of the declaration of any dividend.

SEC. 2. That all sums so contributed shall be utilized by the American National Red Cross in furnishing volunteer aid to the sick and wounded of the combatant armies, the voluntary relief of the Army and Navy of the United States, and the relief and mitigation of the suffering caused by the war to the people of the United States and their allied nations.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Jones, N. Mex.	Norris
Beckham	Frelinghuysen	Jones, Wash.	Overman
Chamberlain	Gallinger	Kellogg	Owen
Colt	Gore	Kendrick	Page
Culberson	Hale	King	Phelan
Cummins	Harding	Lodge	Pittman
Curtis	Hardwick	McKellar	Poindexter
Dillingham	Henderson	McNary	Pomerene
Fall	Hitchcock	Martin	Ransdell
Fernald	Hollis	Myers	Reed
Fletcher	James	New	Saulsbury

Shafroth	Smith, S. C.	Thompson	Wadsworth
Sheppard	Smoot	Tillman	Walsh
Sherman	Sterling	Townsend	Warren
Shields	Stone	Trammell	
Smith, Ariz.	Swanson	Underwood	
Smith, Ga.	Thomas	Vardaman	

The PRESIDENT pro tempore (Mr. SAULSBURY). I desire to announce the absence of my colleague [Mr. WOLCOTT] on important public business.

Mr. HENDERSON. I wish to announce the absence of the Senator from Idaho [Mr. NUGENT] from the Chamber on account of illness. I ask that this announcement may stand for the day.

Mr. BECKHAM. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present. The question is on the passage of the bill reported from the Committee on Banking and Currency.

The bill was passed.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. OVERMAN. Mr. President, I send forward several telegrams, which I ask the Secretary to read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

ST. LOUIS, MO., *April 5, 1918.*

Senator OVERMAN,
Chairman Judiciary Committee, United States Senate,
Washington, D. C.:

I feel it my duty in view of the lamentable happening in Collinsville last night to urge upon your committee the necessity of the enactment of more stringent laws and their more vigorous enforcement with respect to disloyalty along the lines of the measure reported by your committee. The lynching of Robert Prager was the direct result of a widespread feeling in this community that the Government will not punish disloyalty, and although I depreciate the existence of this feeling, it is nevertheless not without some foundation. We have repeatedly reported to Federal authorities cases of disloyalty where no action has been taken, and probably could not be taken, by reason of the inadequacy of the law. Such a case occurring in this community last Sunday contributed directly to Thursday night's tragedy. This spirit is not confined to Collinsville but is universal in this section; all local officers are opposed to such lawlessness; but its spirit can be overcome only by such legislation and its enforcement as your committee proposes.

J. H. SIEGEL,
Mayor of Collinsville, Ill.

—

ADRAIN, MICH., *April 4, 1918.*

Hon. LEE S. OVERMAN,
The United States Senate, Washington, D. C.:

The State War Committee for Lenawee County earnestly urges the enactment of legislation embodying the substance of Senator POINDEXTER'S amendment regarding disloyal acts and utterances. Many exasperating cases of disloyalty have arisen in this county, but local public officials and patriotic workers can get no action from Department of Justice at Detroit, owing to weakness of existing law. This will surely result in acts of violence unless legal redress can be obtained.

LENAWEE COUNTY WAR COMMITTEE,
By STUART H. PERRY, *Secretary.*

—

ADRIAN, MICH., *April 4, 1918.*

Hon. LEE S. OVERMAN,
The United States Senate, Washington, D. C.:

The patriotic league of Lenawee County most heartily approves the amendments of Senator POINDEXTER and Senator KING touching disloyal acts and utterances and German publications, and urges that such legislation be speedily enacted and rigorously enforced.

ROBERT DARNTON, *President.*
R. C. ROTHFUSS, *Secretary.*

STATEMENT BY THEODORE ROOSEVELT.

Mr. OVERMAN. Mr. President, I saw an article in the Washington Post this morning headed "Roosevelt denounces provision in the pending disloyalty bill." I read one paragraph from that article:

The Senate Judiciary Committee has just recommended the passage of a law in which, among many excellent propositions to put down disloyalty, there has been adroitly inserted a provision that anyone who uses "contemptuous or slurring language about the President" shall be punished by imprisonment for a long term of years and by a fine of many thousand dollars.

Mr. President, every Senator here will bear me out that that statement is not true. It is a false statement, and if Mr. Roosevelt has the courage and the love of truth that he formerly had he will apologize publicly to the Judiciary Committee and to the people of the United States.

Mr. HARDWICK. I am not an apologist nor a defender of Mr. Roosevelt, but my impression is that the Senator from Washington [Mr. POINDEXTER] introduced an amendment which was pending before your committee which would have done just that.

Mr. OVERMAN. No; the article says "the bill now pending before the Senate."

Mr. HARDWICK. I think he probably fell into a very natural error on account of the Senator from Washington introducing the amendment.

Mr. OVERMAN. I have quoted the words, and the Senator from Georgia knows they are not true.

Mr. HARDWICK. Undoubtedly, but the Senator from Washington offered such an amendment in the committee, if I read the press report correctly, which provided exactly that.

Mr. OVERMAN. I do not think it did.

Mr. HARDWICK. I never rely on newspaper reports, but——

Mr. OVERMAN. I do not either.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. OVERMAN. Yes; I want the Senator to tell the truth about this matter.

Mr. POINDEXTER. I want to correct the apprehension of the Senator from Georgia, or rather the newspaper report that he refers to. I did not see the newspaper report, but I never proposed or conceived any such amendment as that referred to. The amendment that I offered was in substance a provision to punish those who support and favor the cause of Germany in this war, and that is about all there is to it, and I think that that is about all that is necessary. This country is filled with people who are going about spreading German propaganda, eulogizing Germany, the German Army, the German Kaiser, and the German cause in this war.

Not very long ago, for some strange reason—I suppose through misinformation—there was an effort here to get the Senate to make a man a brigadier general in the United States Army who had gone about the United States saying that the Germans were justified in sinking the *Lusitania;* that the United States had no reason to enter this war; and that the American people would find out how big a mistake they had made in going into it as soon as their maimed and crippled soldiers began to return from the battle field.

My amendment is not only to prevent a man from being put in command in the Army of the United States who entertains those views but to put him in jail. That is where he ought to be.

Mr. HARDWICK. Will the Senator from Washington be good enough to present to the Senate during this debate the amendment exactly as he offered it in committee?

Mr. POINDEXTER. These are the words, beginning at line 16, page 3:

Whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished.

Mr. HARDWICK. Was that the only amendment the Senator offered? It went no further than that?

Mr. POINDEXTER. No; that was not all the amendment that I offered. It went further than that, but it was very similar in its nature to this.

Mr. HARDWICK. Will the Senator do me the kindness and the Senate the justice of printing in the Record the entire amendment he did offer?

Mr. POINDEXTER. Oh, yes; I shall take pleasure in doing that. I should like to see the entire amendment adopted, but it has no relation whatever to the suggestion that the Senator spoke of a while ago.

The amendment in full, which I would like to see adopted as offered, but which was only reported in part, though I think the part reported will, if properly enforced, accomplish the object in view, is as follows:

Mr. POINDEXTER submitted the following amendment: Page 2, line 12, before the words "shall be punished," insert the following: "or whoever shall by word or act support or favor the cause of Germany in the present war or by word or act oppose the cause of the United States in the present war against Germany, or whoever shall make any statement or do any act which in its probable effect upon public opinion, or otherwise, shall tend to aid Germany or to be of disadvantage to the United States in the conduct of said war."

Mr. OVERMAN. None whatever, Mr. President. I want here to print the bill, and every Senator here will bear me out that there is not a word of truth in the statement Mr. Roosevelt has made.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. OVERMAN. I yield.

Mr. WALSH. Before the Senator passes from that I want to inquire of him whether at any time an amendment was offered in the Judiciary Committee such as was suggested by the Senator from Georgia?

Mr. OVERMAN. Never at any time. The committee considered the matter and discussed the question whether the bill might not be construed that way and decided to narrow it so that it could not be done.

Mr. WALSH. That is not the question. The question is whether such an amendment was ever offered or considered by the committee.

Mr. OVERMAN. It was never offered and never considered.

Mr. WALSH. Let me ask the Senator another question. The statement of Col. Roosevelt just spoken of refers to a bill which has been reported by the Senate Judiciary Committee. It is perfectly obvious that the bill which is now the unfinished business contains no such language, but I ask the Senator if any other bill reported from the Judiciary Committee contains such language?

Mr. OVERMAN. No bill of that kind was ever reported or ever considered by the Judiciary Committee, but Col. Roosevelt denounces the pending bill, and I want him to see that he has made a false statement; probably he has been misinformed. I say now, again, that if he has his old-time manhood and is a lover of truth and courage he will apologize to the people of this country; and I give him the opportunity by sending the bill to the desk and asking that it be printed in the RECORD, so as to let him see it.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that a copy of the bill now under consideration be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The bill referred to, as reported by the Committee on the Judiciary, is as follows:

Be it enacted, etc., That section 3 of title 1 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, or shall willfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct or discourage or willfully attempt to obstruct or discourage the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both."

Mr. THOMAS. Mr. President, will the Senator from North Carolina yield to me for a moment?

Mr. OVERMAN. I yield.

Mr. THOMAS. I think we are making altogether too much out of a comparatively trivial incident. In all probability the only result will be to place the Senator from North Carolina [Mr. OVERMAN] and the Senator from Montana [Mr. WALSH] in the Ananias Club. [Laughter.]

Mr. OVERMAN. Somebody else also may go there.

Mr. REED and Mr. LODGE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Missouri?

Mr. REED. It looks to me very much more like an attempt on the part of Col. Roosevelt to qualify for membership in one of his own clubs. [Laughter.]

Mr. LODGE. Mr. President——

Mr. OVERMAN. I yield to the Senator from Massachusetts.

Mr. LODGE. Of course, the Senator from North Carolina states the truth. There is no such provision in the bill, and none such has been reported. I think the mistake arose from the fact that it was printed in the Washington Post, where I saw it, and I have no doubt in other newspapers all over the country, that the Judiciary Committee had adopted an amendment containing the precise sentence on which Col. Roosevelt comments. I know no such amendment was ever adopted by the committee; but that was given out by the press. I saw it myself.

Mr. OVERMAN. I said in my remarks that I thought Col. Roosevelt had been misinformed, and I want him to see that he is. I say again that if he has any manhood or any truth left in him, he will apologize, because he says the Judiciary Committee had adroitly put it in, and he quotes the words. I say probably he is misinformed. I am not denouncing him. I will wait and see what he does.

Mr. BORAH and Mr. KELLOGG addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the Senator from North Carolina, of course, is entirely correct in his statement that no such language as is quoted in Col. Roosevelt's article was ever considered by the committee, and certainly not to my knowledge was it ever reported out of the committee in any bill; but, Mr. President, I did read in one of the New York papers that precise language, and I went myself and reread the bill after reading that report in the newspapers.

Mr. LODGE. So did I. That was stated specifically.

Mr. BORAH. I knew there must be an error.

Mr. GORE. Mr. President——

Mr. BORAH. I think the error crept in by—well, the way the language was framed in the report, it read as if the President was specifically named; but it might have been simply the conclusion of the reporter.

Mr. KELLOGG and Mr. GORE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield, and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Minnesota.

Mr. KELLOGG. The Senator from Idaho has stated substantially what I was going to state. I saw this in the press, and it was stated so specifically as an amendment which had been reported by the Judiciary Committee that I supposed it was in the bill until the bill was brought before the Senate for discussion the other day. I think the Senator from North Carolina should not accuse Col. Roosevelt of falsehood under those circumstances.

Mr. OVERMAN. I did not do so. I said that I would have the bill printed in the RECORD for him to see; that I thought he had been misinformed; and I said that if he had been misinformed I believed he would not want to mislead the American people.

Mr. KELLOGG. I do not think he does.

Mr. OVERMAN. I do not think he intends to make a false statement, and, therefore, I bring to his attention the bill and will let him see that he has made a mistake, probably unwittingly. I do not charge that he did it wittingly.

Mr. KELLOGG. I am sure he did not.

Mr. GORE and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Oklahoma.

Mr. GORE. Mr. President, I was trying to obtain the floor either while the Senator from Idaho [Mr. BORAH] or the Senator from Minnesota [Mr. KELLOGG] was on the floor.

It is certain that the language quoted by Mr. Roosevelt is not contained in the bill; and I was intending to inquire whether or not the fact that the President is Commander in Chief of the Army and Navy would, by legal implication, bring him within the terms of the bill.

Mr. OVERMAN. Certainly not. That is understood by every one. That has not been contended by anybody who has read the bill.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, not only have the people in the East seen the same statement in the press generally, but the people of the West have also seen that same statement published in newspapers there, for I have received a number of letters complaining of the bill and quoting the exact language as quoted by Col. Roosevelt in this article.

Mr. OVERMAN. Therefore what I am asking is that Col. Roosevelt may have an opportunity to see the language of the bill. I again repeat that if he has got the courage I always thought he had and his love of truth, as I think he has and as he used to have, he will state the truth about it.

Mr. STONE. Will the Senator from North Carolina permit me to interrupt him?

Mr. OVERMAN. I will.

Mr. STONE. I read former President Roosevelt's statement; and I desire to say there is no such language in the bill as stated by him; but I wonder—and I express that wonderment now—whether the former President merely wanted to get out of the zone of danger himself and leave everything else and everybody else subject to criticism, to arrest, and to indictment.

Mr. OVERMAN. I think we had better have the whole article put into the RECORD with the quotation marks around what ex-President Roosevelt said was in the bill, so that he may understand what our contention is.

The PRESIDENT pro tempore. Does the Senator from North Carolina request that the matter he refers to be printed in the RECORD?

Mr. OVERMAN. Yes.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of Apr. 6, 1918.]

ROOSEVELT DENOUNCES PROVISION IN THE PENDING DISLOYALTY BILL.

KANSAS CITY, *April 5.*

The Kansas City Star to-morrow will publish the following editorial:

CITIZENS OR SUBJECTS.

(By Theodore Roosevelt.)

In a self-governing country the people are called citizens. Under a despotism or autocracy the people are called subjects. This is because in a free country the people are themselves sovereign, while in a despotic country the people are under a sovereign.

In the United States the people are all citizens, including its President. The rest of them are fellow citizens of the President. In Germany the people are all subjects of the Kaiser. They are not his fellow citizens, they are his subjects. That is the essential difference between the United States and Germany, but the difference would vanish if we now submitted to the foolish or traitorous persons who endeavor to make it a crime to tell the truth about the administration when the administration is guilty of incompetence or other shortcomings. Such endeavor is itself a crime against the Nation. Those who take such an attitude are guilty of moral treason of a kind both abject and dangerous.

WHERE LOYALTY IS DUE.

Our loyalty is due entirely to the United States. It is due to the President only and exactly to the degree in which he efficiently serves the United States. It is our duty to support him when he serves the United States well; it is our duty to oppose him when he serves it badly. This is true about Mr. Wilson now, and it has been true about all our Presidents in the past. It is our duty at all times to tell the truth about the President and about every one else, save in the cases where to tell the truth at the moment would benefit the public enemy.

Since this war began the suppression of the truth by and about the administration has been habitual. In rare cases this has been disadvantageous to the enemy. In the vast majority of cases it has been advantageous to the enemy, detrimental to the American people, and useful to the administration only from the political, not the patriotic, standpoint.

The Senate Judiciary Committee has just recommended the passage of a law in which, among many excellent propositions to put down disloyalty, there has been adroitly inserted a provision that anyone who uses "contemptuous or slurring language about the President" shall be punished by imprisonment for a long term of years and by a fine of many thousand dollars. This proposed law is sheer treason to the United States; under its terms Abraham Lincoln would have been sent to prison for what he repeatedly said of Presidents Polk, Pierce, and Buchanan. Under its terms President Wilson would be free to speak of Senator-elect LENROOT as he has spoken, but Senator LENROOT would not be free truthfully to answer President Wilson. It is a proposal to make Americans subjects instead of citizens. It is a proposal to put the President in the position of the Hohenzollerns and Romanoffs.

GOVERNMENT BY THE PEOPLE.

Government by the people means that the people have the right to do their own thinking and to do their own speaking about their public servants. They must speak truthfully, and they must not be disloyal to the country, and it is their highest duty by truthful criticism to make and keep the public servants loyal to the country. Any truthful criticism could and would be held by partisanship to be slurring or contemptuous. The Delaware House of Representatives has just shown this. It came within one vote of passing a resolution demanding that the Department of Justice proceed against me because in my recent speech in Maine I "severely criticized the conduct of our National Government." I defy any human being to point out a statement in that speech which was not true and which was not patriotic, and yet the decent and patriotic members of the Delaware Legislature were only able to secure a majority of one against the base and servile partisanship of those who upheld the resolution.

CALLS IT UNCONSTITUTIONAL.

I believe the proposed law is unconstitutional. If it is passed, I shall certainly give the Government the opportunity to test its constitutionality, for whenever the need arises I shall in the future speak truthfully of the President, in praise or in blame, exactly as I have done in the past. When the President in the past uttered his statements about being too proud to fight and wishing peace without victory and contending that we had no special grievance against Germany, I spoke of him as it was my high duty to speak. Therefore I spoke of him truthfully and severely, and I care nothing whether or not timid and unpatriotic and shortsighted men said that I spoke slurringly or contemptuously. In as far as the President in the future endeavors to wage this war efficiently and to secure the peace of overwhelming victory I shall heartily support him, but if he wages it inefficiently or if he should not champion a peace without victory or say that we had no grievance against Germany, I would speak in criticism of him precisely as I have spoken in the past. I am an American and a free man. My loyalty is due to the United States, and therefore it is due to the President, the Senators, the Representatives, and all other public servants only and to the degree in which they loyally and efficiently serve the United States.

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Mr. KELLOGG. Mr. President, I should like the attention of the Senator from North Carolina on the pending bill. As I understood the Senator in charge of the bill——

Mr. NORRIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. I think the Senator from Minnesota is probably laboring under a misapprehension, or else I am. Has the morning business been finished?

The PRESIDENT pro tempore. Reports of committees are in order under the morning business. There is no pending bill.

Mr. NORRIS. But the Senator speaks of the pending bill. I should like to have the morning business finished.

Mr. KELLOGG. I should like to make an observation in connection with the statement of the Senator in charge of the bill on Col. Roosevelt's editorial, if the Senator will permit me.

The Senator from North Carolina has said, as I understood him, that no such bill had ever been introduced or ever been before the Judiciary Committee or considered by the Judiciary Committee. The Senator from North Carolina is mistaken. On the 17th day of August, 1917, the Senator from Montana [Mr. MYERS] introduced exactly such a bill, from which I read:

That when the United States shall be engaged in war it shall be unlawful for any person or persons in the presence or hearing of others to utter any disloyal, threatening, profane, violent, scurrilous, contemptuous, slurring, abusive, or seditious language about the Government of the United States, or the Constitution of the United States, or the President of the United States, or the Army or Navy or soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or the good and welfare of the United States, or any other language calculated to bring the United States or the United States Government, or the President of the United States, or the Constitution of the United States, or the Army or Navy or soldiers or sailors of the United States, or the flag of the United States, or the good and welfare of the United States into contempt, scorn, contumely, or disrepute—

And so forth.

Now, undoubtedly that was published. The Senator from North Carolina was entirely mistaken in his statement.

Mr. OVERMAN. Oh, Mr. President, I did not say that it had not been introduced. I can not tell, out of 3,000 bills, what has been introduced. I intended to say that such a bill has never been before the committee or considered by the committee. There are hundreds of bills there that have never been read and have never been considered.

Mr. KELLOGG. If the Senator will let me complete my statement, I am informed by a member of the Committee on the Judiciary that the bill was before the Judiciary Committee and was considered——

Mr. OVERMAN. I have no recollection of it.

Mr. KELLOGG. And that the Senator from Montana [Mr. MYERS] appeared before the committee.

Mr. OVERMAN. I was not present then. The Senator from Montana [Mr. MYERS] has never been before the committee while I was present.

Mr. MYERS and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to anyone?

Mr. MYERS. Will the Senator yield to me or to the Senator from South Dakota? I do not care which. I want to be heard before this matter is laid aside.

The PRESIDENT pro tempore. The Senator from Minnesota has the floor.

Mr. KELLOGG. Now, of course, Col. Roosevelt was mistaken in his editorial. No such language was ever reported by the committee.

Mr. HARDWICK. Mr. President, will the Senator yield?

Mr. KELLOGG. I yield.

Mr. HARDWICK. But the press of the country generally carried the news that it was being considered and about to be adopted.

Mr. KELLOGG. It did.

Mr. OVERMAN. What—this bill?

Mr. HARDWICK. This proposition.

Mr. KELLOGG. I thought the language, when I saw it in the paper, was most remarkable, and I was very glad to see afterwards that it was not in the bill.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. KELLOGG. I yield.

Mr. STERLING. Since the Senator from Minnesota has referred to it, I think perhaps I am his informant in regard to the bill which he has just read, and which was before the Judiciary Committee. The Senator from Montana [Mr. MYERS] appeared before that committee, I think, at least two months ago. I think the Senator from North Carolina [Mr. OVERMAN] was not present at that meeting of the committee. Only three or four

members of the committee were present. They heard the statement of the Senator from Montana, and no consideration has been given the bill by the committee since that time. That is my recollection.

Mr. MYERS. Mr. President, on the 15th day of August, 1917, I introduced in the Senate the bill, a part of which has been read to the Senate by the Senator from Minnesota [Mr. KELLOGG]. That bill was aimed at the same object—had the same purposes—as the bill which is now pending before the Senate and embodied very largely the same identical language, only there was more of it. It was more comprehensive, covered more ground. My bill was referred to the Senate Committee on the Judiciary. It was never considered by that committee; that is, not by the full committee. After being referred to the Committee on the Judiciary it was referred by the chairman of the committee to a subcommittee, consisting of the Senator from Georgia [Mr. SMITH], the Senator from Tennessee [Mr. SHIELDS], and the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. Mr. President, if the Senator from Montana will permit me, I stand corrected in one respect, and that is, it was before the subcommittee that the Senator from Montana appeared rather than the full committee.

Mr. OVERMAN. Ah! I am glad the Senator corrected it, because I thought I had been present at every meeting of the committee.

Mr. MYERS. If I may be permitted, so long as this matter is under discussion, I should like to give a complete and correct chronological history of my bill, which has never seen the light of day since it was referred to the Judiciary Committee.

At my suggestion it was referred to a subcommittee, consisting, as I have said, of the Senator from Georgia [Mr. SMITH], the Senator from Tennessee [Mr. SHIELDS], and the Senator from South Dakota [Mr. STERLING]. A little later—a few days or a week later—at my urgent request, made of all the members of that committee, the subcommittee held a meeting in the committee room of the Judiciary Committee, and I there appeared before that subcommittee, consisting of those three gentlemen, all of them being present, and I made what I considered and intended to be quite an extended argument in favor of my bill, and urged many reasons why it should be favorably reported by the subcommittee to the full committee. But while I think the necessity for such legislation was almost as great then as now, I was apparently unable to interest the members of the subcommittee in the bill; and, notwithstanding I urged action, the subcommittee apparently put the bill to sleep with the slumber that knows no awakening. It is still slumbering, I am informed, in the files or archives or keeping of the subcommittee. It may be in the pocket of one of its members. No action was ever taken upon it by the subcommittee. It was never reported to the full committee.

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. MYERS. With pleasure.

Mr. KELLOGG. May I put the full bill into the RECORD?

Mr. MYERS. With pleasure; because I am proud of it.

The PRESIDENT pro tempore. Without objection, the bill referred to, offered by the Senator from Montana, will be printed in full in the RECORD.

The bill S. 2789, introduced by Mr. MYERS on August 15, 1917, is as follows:

Be it enacted, etc., That when the United States shall be engaged in war it shall be unlawful for any person or persons, in the presence or hearing of others, to utter any disloyal, threatening, profane, violent, scurrilous, contemptuous, slurring, abusive, or seditious language about the Government of the United States, or the Constitution of the United States, or the President of the United States, or the Army or Navy or soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or the good and welfare of the United States, or any other language calculated to bring the United States, or the United States Government, or the President of the United States, or the Constitution of the United States, or the Army or Navy or soldiers or sailors of the United States, or the flag of the United States, or the good and welfare of the United States into contempt, scorn, contumely, or disrepute; or any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of war; or to threaten the good or welfare of the United States or the United States Government; or to advise, urge, or incite any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of such war.

SEC. 2. That any person duly convicted of any such foregoing offense shall be for each such offense punished by a fine of not less than $500 nor more than $5,000 or by imprisonment for not less than six months nor more than five years, or by both such fine and imprisonment.

Mr. MYERS. I have inquired recently of the chairman and clerk of the Judiciary Committee if any action was ever taken by the committee on my bill, and I have been told by both that no action was ever taken, so I am satisfied that my bill was never brought before the full committee. I have been so informed repeatedly by the clerk of the committee, and I am satisfied that it was never considered by the full committee; that it was never even before the full committee; that the full committee knew nothing of it and knows nothing of it now, save what has been here said to-day. I am satisfied that it was never offered as an amendment to the pending bill nor any other bill. The clerk of the committee tells me it was not; and therefore any assertion or idea that my bill was offered as an amendment to the pending bill or any other bill, or was considered by the Judiciary Committee, or was before the Judiciary Committee, I am satisfied is wholly incorrect. I do not think any member of the Judiciary Committee, aside from the three who composed the subcommittee, which is supposed to be still considering the bill, ever heard of the bill until this morning.

Mr. CUMMINS rose.

Mr. MYERS. I yield to the Senator from Iowa.

Mr. CUMMINS. I did not rise to interrupt the Senator.

Mr. MYERS. I want a few minutes, probably four or five minutes longer.

Mr. CUMMINS. I intend, as soon as the Senator from Montana finishes, to demand the regular order, because I think it is a great deal more important that the Senate shall give its consideration to the bill that was before it yesterday than it is to discuss Col. Roosevelt or anything that he may have said.

Mr. MYERS. I am not discussing Col. Roosevelt. I have nothing to say about him. I thank the Senator for allowing me to proceed a few minutes longer. Having been drawn into this matter, I think I am entitled to be fully heard on it.

So those are the facts, just as I have related them, because I have taken pains to keep in touch with my bill and to make inquiry about it and know what the facts are. As I say, the bill apparently slumbers where it was put to sleep. A few weeks ago the Montana Legislature apparently took the greater part of my bill and embodied it verbatim in a statute of that State.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to his colleague?

Mr. MYERS. With pleasure.

Mr. WALSH. I rise to correct my colleague.

Mr. MYERS. I would be very glad to be corrected if I am incorrect.

Mr. WALSH. The language attributed to the Judiciary Committee by Col. Roosevelt is not found in the Montana statute.

Mr. MYERS. Oh, the Senator is correct about that. I was going to get to that in a second. Just let me make a complete statement, please. I want to follow it up. It will take only a very few minutes.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. MYERS. I yield, with pleasure.

Mr. FALL. Apparently, while Mr. Roosevelt was premature, he was correct in his statement, because the Senate is considering it.

Mr. MYERS. Well, Mr. President, if I may have three or four minutes without interruption, I will finish this statement.

The PRESIDENT pro tempore. The Chair will protect the Senator if he desires not to be interrupted.

Mr. MYERS. I can decline to yield, of course, though I know that any Senator to whom I may decline to yield can call for the regular order. If I may be permitted, I will finish in a few minutes.

As I say, a few weeks ago the Montana Legislature took literally a large part of my bill—not all of it; it rejected some of it—it apparently took literally a large part of the language in my bill and enacted it into a statute of the State of Montana; but that part which was enacted into a statute of the State of Montana has no reference to the President of the United States. That part of my bill which had reference to the President of the United States was eliminated by the Montana Legislature, as well as other portions of my bill; while the rest, I am told, was taken and enacted into a statute of the State of Montana. I am so informed by officials of Montana. Then it appears that the Judiciary Committee of this body took the Montana statute and made some changes in it and some additions to it and offered it, with those changes and additions, as an amendment to the pending bill. Neither the Montana statute nor the amendment to the pending bill, however, contains that part of my bill which made reference to the President of the United States.

I made some comparison yesterday, and the following language in the pending committee amendment appears to be practically identical with the language in the bill which I offered last August:

Whoever, when the United States is at war, shall utter any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United Sates, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall utter any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

That language appears to be identical with language in my original bill and to have been taken therefrom. The remaining language in the committee amendment was put in either by the Legislature of Montana or by the Committee on the Judiciary of this body. It emanated from one or the other of those sources. So that part of my bill which referred to the President of the United States, it appears, was not considered by the Judiciary Committee nor was it before the Judiciary Committee in any way whatever, for I particularly inquired about the matter.

As for my bill, which contains some language to which Mr. Roosevelt objects, I will say that I am proud of it. I think it a far better bill and a more effective one than the provision which is now before this body as a committee amendment to the pending bill. I believe it covers more comprehensively and effectively the object to which this amendment is aimed to remedy than does the committee amendment to the pending bill. When I introduced my bill I showed it to a number of Senators, especially some from the Western States, and consulted with them about it, and every one of them approved it and promised to give it their support, but as it made no headway in the committee they had no opportunity to do it.

These are the facts, Mr. President. I have correctly narrated them, and they cover the entire subject that seems to have thrown the Senate into a turmoil this morning.

Mr. CUMMINS. I demand the regular order.

The PRESIDENT pro tempore. The regular order is reports of committees.

PENSIONS AND INCREASE OF PENSIONS.

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 9641) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 360) thereon.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4283) to add certain lands to the Crater Lake National Park, Oreg.; to the Committee on Public Lands.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 2d instant approved and signed the joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 10843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 10850. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10924. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

REMOVAL OF ALIEN ENEMIES—CONFERENCE REPORT.

Mr. OVERMAN. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women. I ask that the report go over until next week.

The PRESIDENT pro tempore. The report will lie on the table for the present.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

PROTECTION OF WAR MATERIAL AND TRANSPORTATION FACILITIES—CONFERENCE REPORT.

Mr. OVERMAN. I submit a conference report on Senate bill 383, for the protection of war material, and so forth. Any Senator on the floor may object, and it will then go over; but I am going to ask unanimous consent for its present consideration. I desire to have read the telegram which I send to the desk.

The PRESIDENT pro tempore. Without objection, the telegram will be read by the Secretary.

The Secretary read as follows:

TUCSON, ARIZ., *April 2, 1918.*

ATTORNEY GENERAL,
Washington, D. C.:

Please advise under what law we can indict person for mixing glass in bread. Only law we can find applicable is prohibition against unlawful engaging in deceptive and wasteful practices or devices provided by section 4, food-control bill, for which, apparently, no penalty provided. Grand jury now in session. Probably will adjourn Wednesday. Desire to have your advice in matter before adjournment of grand jury. Reply Tucson.

FLYNN.

Mr. OVERMAN. Mr. President, we have no law against putting glass into bread or poison into candy, or the poisoning of stock, or the burning of elevators, or the destroying of war materials, or the destroying of great munition plants. The Senate passed a bill about six months ago that we thought might cover such a case. The House of Representatives has at last passed that bill with some amendments. Your conference committee met and agreed on the conference report, which I am going to make. Right here in the city of Washington a Representative's daughters are now suffering from having eaten bread with glass in it. I think there is no more important bill than this.

Mr. LODGE. There is none.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. OVERMAN. I yield.

Mr. POINDEXTER. I do not know what the conference report is, but from the Senator's preliminary statement I am satisfied that I agree with him about the importance of its adoption, and I merely wish to take occasion to express an idea that I have had for some time in regard to the punishment of people guilty of the acts the Senator has described. The Senator says that there is no law for the punishment of people who put glass in bread and no law for the punishment of a man who burns an elevator.

Mr. OVERMAN. I mean no Federal law.

Mr. POINDEXTER. I saw the other day an article in a newspaper purporting to have come from the Department of Justice, which said that there was no such law. That article was written by one of the busy newspaper correspondents who write signed articles in one or two newspapers, always defending everything that the administration does and criticizing and denouncing everybody who undertakes to say that any part of the administrative machinery of the Government is not perfect. He said that the Attorney General could not prosecute a man for putting a bomb on board of a ship for the purpose of sinking the ship. I assume that what the Senator from North Carolina has said and what this correspondent—defender and apologist of all the different administrative bureaus, who is so busy every day defending them—has said represents the idea and attitude of the Department of Justice of the United States.

That is one thing that is the matter with the country to-day, that we have a Department of Justice which says there is no law for punishing men who, in the most diabolical way that the human mind can conceive of, undertake to destroy valuable property and take human life. Mr. President, there is not a law student who has studied the first volumes of criminal law who ought not to know that that is not the situation. There are ample laws on the statute books of every State in the Union——

Mr. OVERMAN. I said Federal law.

Mr. POINDEXTER. I did not understand that the Senator limited it to Federal law.

Mr. OVERMAN. Oh, yes.

Mr. POINDEXTER. Whether or not there are Federal laws under which such men can be punished, there are ample laws in the States, and I am satisfied that the State authorities would cooperate to the fullest extent with the Department of Justice in using the State jurisdiction and the State judicial machinery to punish the men who are guilty of such crimes and relieve the country of the spectacle of that department of the Government which is responsible for the protection of life and the preservation of order spreading abroad the statement that men can commit these acts with impunity, and that there is no law to punish them.

I say that there is a law to punish them, and, if there were a proper administration and execution of it, very soon we could put a stop to this sort of arson, murder, and treason in the country.

Mr. OVERMAN. Mr. President, there are such laws, probably, in every State, but they are not being enforced. This has been a peaceful country and we have passed very few criminal laws on this subject. I will tell what has fallen under my observation. To-day a German is walking the streets who has confessed that he found defective rods in airplanes which were under construction, and instead of rejecting them, he being the inspector, he ordered that they be varnished over so that they could not be discovered; and so there were put in airplanes defective rods. That man has confessed, and yet he is walking the streets because there is no law to punish him.

Mr. STONE. Why?

Mr. OVERMAN. There are plenty of State laws, but no Federal laws covering such crimes.

Mr. KIRBY. Mr. President——

Mr. HARDWICK. Take the proposition the Senator makes——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. If there is going to be debate on it, I will ask that the conference report be printed and go over.

Mr. POINDEXTER. I suggest that it be read.

Mr. OVERMAN. I asked unanimous consent for the consideration of the conference report, the conferees of both Houses having concurred in the report; but if there is going to be debate on it I will let it go over.

Mr. POINDEXTER. Who has objected?

Mr. GALLINGER. Nobody has objected.

Mr. OVERMAN. It seems there is objection to it.

Mr. FLETCHER. I do not think there is any objection, and I suggest that the Senator ask that the report be agreed to.

The PRESIDENT pro tempore. The Chair desires to know what is the motion of the Senator from North Carolina.

Mr. OVERMAN. I asked unanimous consent to proceed to the consideration of the conference report, not thinking there would be any objection; but, if there is objection, I will ask that it go over.

The PRESIDENT pro tempore. The Senator from North Carolina has submitted a conference report and asks unanimous consent for its present consideration. Is there objection?

Mr. GALLINGER. Let the conference report be read.

Mr. HARDWICK. I ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places, wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

"SEC. 3. That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

"SEC. 4. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

The PRESIDENT pro tempore. The Senator from North Carolina has asked unanimous consent for the present consideration of the conference report. Is there objection?

Mr. GALLINGER. Mr. President, as it will delay this matter only one day, I ask that the report be printed, and the Senator can call it up on Monday morning. I should like to look at one or two sections of the report, because, as I caught the reading of them, I think it is well enough to look into them.

The PRESIDENT pro tempore. The Chair understands, then, that the Senator from New Hampshire objects to the present consideration of the conference report.

Mr. GALLINGER. Yes; I object to its present consideration.

The PRESIDENT pro tempore. Objection is made, and the conference report will go over.

PROMOTION OF EXPORT TRADE—CONFERENCE REPORT.

Mr. POMERENE. I ask unanimous consent to have laid before the Senate for present consideration the conference report on House bill 2316, which is known as the export-trade bill, and which was submitted by me on yesterday.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). The Senator from Ohio asks unanimous consent for the present consideration of the conference report on the export-trade bill. Is there objection? The Chair hears none, and the conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 5 and 6, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter inserted by said amendments strike out in lines 1, 2, and 3, page 3, all of section 2 after the word "or," in line 1, page 3, the matter stricken out being "intentionally and unduly enhances prices within the United States of commodities of the class exported by such association," and insert in lieu thereof the following: "intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 18, page 5, in addition to the matter stricken out by the Senate amendment, strike out the words "and unduly," and in addition to the words added by the Senate amendment add in line 20, page 5, after the word "association," and before the word "it," the following: "or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

ATLEE POMERENE,
JOE T. ROBINSON,
ALBERT B. CUMMINS,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. POMERENE. I ask that the Senate agree to the conference report.

The report was agreed to.

PRICE OF WHEAT.

Mr. GORE. Mr. President, I send to the desk a resolution, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 222), as follows:

Resolved, That the Secretary of Agriculture be directed to transmit to the Senate forthwith a full and unedited copy of the minutes, proceedings, and resolutions, including portions expunged, if any, of all meetings of the agricultural advisory committee.

Mr. GORE. Mr. President, I wish to trespass on the time of the Senate to offer a word or two of explanation touching this resolution. First, I ask to have read by the Secretary a marked sentence in this morning's Washington Post, which I send to the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

Wheat growers, general farmers, and general grain men, forming the agricultural advisory committee, have determined that the price of $2.20 wheat, set by President Wilson in his latest proclamation, gives the wheat producers a generous margin of profit.

Mr. GORE. There is more of like kind. I need not say that this statement may or may not be true.

If true, there are three points in connection with the passage just read to which I wish to call the attention of the Senate. The passage says the wheat farmers, general farmers, and general grain farmers adopted a resolution a few days since in Washington expressing it as their opinion that the price of $2.20 per bushel for the wheat crop of 1918 was sufficient and was satisfactory, giving a generous margin of profit. This resolution is alleged to have been adopted by the so-called agricultural advisory committee. This is a committee of farmers, or alleged farmers, selected by Secretary Houston and by Food Administrator Hoover. One Senator suggests to me that they are swivel-chair farmers.

Mr. President, if the real farmers of the United States have expressed it as their deliberate opinion that $2.20 is an adequate price for wheat for the crop of 1918, that ought to be conclusive upon the Senate, it ought to be conclusive upon the House, and it ought to close and foreclose this entire controversy.

Mr. President, there are farmers and there are farmers. I have no doubt that the 24 members of this advisory committee are all excellent gentlemen and are patriotic citizens. Whether they be actual farmers or not I can not testify of my own knowledge.

I hold in my hand a sort of biographical symposium. It is a series of autobiographies prepared by the several members of the agricultural advisory committee.

The first name mentioned as the chairman is former Gov. Stuart, of the State of Virginia, a man whose character and reputation are known of all men and are, of course, beyond challenge. Gov. Stuart states himself that he owns or operates 35,000 acres of land which he cultivates on the tenant system. He is chairman of the committee.

There is Mr. Hagenbarth, of Idaho. If rumor speaks the truth, he is an industrious, a thrifty, a prosperous farmer. He is a woolgrower and used to operate large ranches in Mexico. It is alleged that by strict economy he has amassed perhaps a million dollars or more; indeed, some reports place it much higher than that. I disclaim any knowledge upon that subject myself.

Another member of this agricultural advisory committee is a Mr. Lincoln, of South Dakota. His name certainly excites a prepossession in his favor. Mr. Lincoln, I understand, owns a ranch of 1,700 acres. He is a man whose savings have brought him prosperity. He is president of the State Savings Bank, of Aberdeen, S. Dak. Not only that, his agricultural savings have enabled him to secure a place on the board of directors of a very large and substantial bank in the city of Minneapolis. Whether Mr. Lincoln farms within the corporate limits of Minneapolis this deponent is unable to testify.

These are samples of the agricultural advisory committee. I will print this aggregation of autobiographies in the RECORD in order to blazon forth the admitted facts touching these farmers:

ADVISORY COMMITTEE OF FARMERS CALLED TO WASHINGTON TO CONSULT WITH SECRETARY HOUSTON AND FOOD ADMINISTRATOR HOOVER.

A committee of representative citizens identified with agriculture in its various phases has been organized by Hon. D. F. Houston, Secretary of Agriculture, and Hon. Herbert Hoover, Food Administrator, to meet in Washington on call from time to time to advise with the Department of Agriculture and the Food Administration concerning agricultural and food problems as they arise. The first meeting was held on March 28. The members of the committee are as follows:

Henry C. Stuart, appointed chairman by Secretary Houston, Elk Garden, Va.

Henry C. Stuart is one of the leading farmers of Virginia, operates a tenant system and 35,000 acres of land. He is a cattle breeder and feeder and interested especially in the development of the live-stock industry on southern cut-over lands of the coastal plains region. Mr. Stuart has served as governor of Virginia.

C. S. Barrett, Union City, Ga.

C. S. Barrett for several years has been president of the National Farmers' Union, one of the largest farmers organizations in the United States. He is an experienced and successful farmer and has long been identified in his State and in the South with agricultural progress.

Elbert S. Brigham, St. Albans, Vt.

Elbert S. Brigham has specialized in dairying and has developed an excellent dairy herd. He is also an extensive bean and potato grower, developing a special market for seed potatoes. For a number of years he has served as institute worker in Vermont, and during the past four or five years Mr. Brigham has been commissioner of agriculture for the State.

W. L. Brown, Kingman, Kans.

W. L. Brown is a wheat grower. He went to Kansas in 1876, proved a claim, taught school, and farmed. He has served for three sessions as a member of the State legislature. He was the first man in his State to enlist in the Spanish War, and raised a regiment and was commissioned as major. Mr. Brown is a member of the State board of agriculture and is on the executive committee of the State Cattlemen's Association. He has had a wide experience in breeding of pure-bred cattle and hogs, and his farming experience has also included the raising and production of many kinds of grains and fruit.

Milo D. Campbell, Coldwater, Mich.

Milo D. Campbell is a native of Michigan, born in 1851. His chief vocation is farming and his specialty dairying. He is now president of the National Milk Producers' Federation. He has held other public offices, and taught school.

David R. Coker, Hartville, S. C.

David R. Coker is one of the most successful farmers in South Carolina and is especially interested in cotton growing. The long-staple cotton developed by Mr. Coker now displaces 75 to 90 per cent of the short-staple cotton formerly marketed in his county. He operates one of the most extensive seed and experimental farms in the South. He is president of a pedigreed seed company and operates a plant breeding, live stock, and seed business. Mr. Coker is president of the South Carolina Plant Breeders' Association. He is chairman of the South Carolina Council of National Defense and director of the Richmond Reserve Bank.

W. R. Dodson, Baton Rouge, La.

W. R. Dodson lives on his large farm near Baton Rouge, La. He is thoroughly informed regarding the cotton, sugar, rice, truck, and live stock farming of the lower Mississippi Valley. He received his university training at the Universities of Missouri, Michigan, and Harvard. For many years he has been director of the Louisiana Agricultural Experiment Station and dean of the College of Agriculture of Louisiana State University. He is a member of the State council of national defense.

Eugene Funk, Bloomington, Ill.

Eugene Funk is one of the foremost producers of seeds in the United States. During the last several years he has conducted a seed business at Bloomington, distributing numerous varieties of seeds, but specializing in seed corn. He operates a large farm, and during the last two years has cultivated approximately 20,000 acres of grain and corn. He also is a feeder of cattle and hogs. He is ex-president of the National Grain Association, charter member and president of the National Corn Association, and a member of the Illinois Seed Corn Growers' Association. He represented the producing interests in the preparation of rules and regulations for the enforcement of the United States grain standards act.

N. H. Gentry, Sedalia, Mo.

N. H. Gentry, farmer and hog breeder, has done a great deal to improve the Berkshire breed of hogs. His herds have often taken the blue ribbons at the International Live Stock Exposition and at State fairs. He has represented the agricultural interests, and especially the swine industry on many occasions.

Wesley G. Gordon, Humboldt, Tenn.

Wesley G. Gordon is a successful farmer in Gibson County, Tenn. He has demonstrated improved agricultural methods on his own farm, and with other leading farmers he has exerted an influence for the improvement of the agriculture of his county, especially in introducing crimson clover and other legumes. He is interested in live stock and general farming in his region.

John Grattan, Broomfield, Colo.

John Grattan has been farming for the past 10 years near Broomfield, Colo. He is a cattle feeder and grain and alfalfa grower. Mr. Grattan is a member of the Grange, the Farmers' Union, and a member of the board of directors of the American National Live Stock Association and of the Farmers' Congress. Mr. Grattan was in the banking business near Medford, Okla., for four years, and during the last five years has been a member of the board of directors of the Stockyards Bank at Denver, Colo. He has been editor of the live-stock department of Ranch and Range, a Western agricultural paper.

J. N. Hagan, Deering, N. Dak.

J. N. Hagan has spent 17 of his 45 years in farming. He grows spring wheat on a large scale. In 1916 he was elected to the office of commissioner of agriculture and labor of North Dakota.

Frank J. Hagenbarth, Spencer, Idaho.

Frank J. Hagenbarth is heavily interested in sheep and wool growing and in cattle raising. He has encouraged modern methods of range and forest development in the West. Formerly he operated large ranches in Mexico. For many years he has been president of the National Wool Growers' Association.

W. W. Harrah, Pendleton, Oreg.

W. W. Harrah is known as one of the largest wheat growers in the Pacific Northwest. He is a director of the Oregon Seed Stocks Committee and has devoted much energy to increasing the acreage of wheat and distributing seed wheat. He is a director of a large terminal warehouse company of Seattle, a director of the Farmers' Union Grain Agency of Pendleton, and a member of the Farmers' Educational Cooperative Union.

C. W. Hunt, Logan, Iowa.

C. W. Hunt and his sons are engaged in general farming, but give special emphasis to swine production and cattle feeding. They produce large corn crops. Mr. Hunt has served in the Iowa State Legislature and in other ways has been honored by his community and State.

H. W. Jeffers, Plainsboro, N. J.

H. W. Jeffers is manager of a large and successful dairy enterprise, including several farms. On one farm between 400 and 500 dairy cows are kept for the production of high-grade market milk. Alfalfa and potatoes are major crops. Recently he was made president of the Walker-Gordon Laboratory Co. He is a member of the New Jersey State Board of Agriculture and interested in a broad way in all agricultural activities.

Isaac Lincoln, Aberdeen, S. Dak.

Isaac Lincoln is one of the most prominent growers of special varieties of seed grains in South Dakota. On his large stock ranch of 1,760 acres near Aberdeen he personally superintends the growing of choice stocks of wheat, oats, barley, flax, emmer, and corn. He is a strong advocate of better quality grain and seed. Mr. Lincoln went to the Dakotas in the eighties and became the owner of large tracts of farm land. He has given much attention to forwarding the development of the country, particularly about Aberdeen. Mr. Lincoln is president of the State Savings Bank at Aberdeen and director of the Scandinavian-American National Bank at Minneapolis. As vice president of the State fair he has been instrumental in developing it to its present successful status.

D. O. Mahoney, Viroqua, Wis.

D. O. Mahoney is a farmer specializing in cigar-leaf tobacco in Vernon County, Wis. He has devoted much time to the organization of the tobacco growers in his State for the collective selling of their crops. He is a graduate of the University of Wisconsin and has served the public in many ways. For several years he was county judge. He has been president of both the State branch and of the national organization of the American Society of Equity.

David M. Massie, Chillicothe, Ohio.

David M. Massie is a business man with large farm interests. He gives much attention to practical farm questions and is interested in agricultural problems in relation one to another and from a standpoint of their relation to other lines of business.

William F. Pratt, Batavia, N. Y.

William F. Pratt is a successful farmer in western New York. He is engaged in general farming and has given considerable attention to feeding lambs. For a long period he has been an agricultural representative on the board of trustees of Cornell University. He is a member of the State farm and markets council.

George C. Roeding, Fresno, Cal.

George C. Roeding is a fruit grower, nurseryman, and irrigation farmer. He has been especially active in the development of raisin, fig, and olive production in California. Mr. Roeding is president of the agriculture society of his State.

Marion Sansom, Fort Worth, Tex.

Marion Sansom has been identified with the live-stock industry in the Southwest for the last 40 years as farmer, feeder, and breeder. Formerly he was a live-stock commission merchant. He is a director of the Federal reserve bank, Dallas, Tex.

C. J. Tyson, Floradale, Pa.:

C. J. Tyson is widely known as a general farmer and fruit grower, specializing in apple production and marketing. For many years he was an active worker in the Adams County Horticultural Society and the State Horticultural Association of Pennsylvania, of which he was secretary for several years and president in 1914.

Oliver Wilson, Peoria, Ill.

Oliver Wilson has been prominent for some time as a farmer and especially as an officer of the National Grange. He was editor in chief of the National Grange Monthly for many years. Prior to 1911 he filled the office of master of the State Grange of Illinois, and was lecturer for the National Grange. In November, 1911, he was elected master of the National Grange, which office he has held since.

I am advised by a farmer who farms with his own hands that four or five members of this committee of 24 are satisfactory to the farmers themselves. They wish to disclaim responsibility, however, or rather they wish to challenge the credentials of certain other members of this committee who speak for the actual farmers of this country.

In what I say, Mr. President, I mean to cast no reflection upon any member of this committee, as far as his character and reputation, and so forth, are concerned. The only point I would raise is the question of their fitness to speak for and to bind the 6,000,000 actual farmers in the United States, the men upon whom the hundred millions of our citizens must depend for their daily bread, and upon whom the allies and their embattled armies must depend for bread during this terrific contest.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. GORE. I yield.

Mr. NORRIS. By whom were these farmers on this farmers committee first selected?

Mr. GORE. I am informed that they were selected by the Secretary of Agriculture and by Food Administrator Hoover. As far as I know they were neither suggested by farmers nor was their appointment ratified by farmers, but upon that point I am not personally advised.

Mr. MYERS. I should like to ask for information, as I did not hear the first part of the Senator's statement, what is the board called?

Mr. GORE. It is an agricultural advisory committee.

Mr. MYERS. Of how many members?

Mr. GORE. Twenty-four.

Mr. MYERS. When were they appointed?

Mr. GORE. Early in March. I am not certain as to the date.

Mr. MYERS. Whom are they intended to advise?

Mr. GORE. They advise, as I understand, the Secretary of Agriculture and the Food Administrator.

Mr. MYERS. Are they supposed to be actual farmers?

Mr. GORE. That is the supposition. Whether it is a fact or not I do not know.

Mr. MYERS. I thank the Senator.

Mr. GORE. I am informed by actual farmers that they are not quite satisfied with the representatives chosen not by themselves but by the Secretary of Agriculture and the Food Administrator. The latter has not always manifested quite so earnest and continuous a solicitude for the welfare of the farmer as would recommend him or his choice to the actual farmers of this country.

I will have this series of autobiographies printed in the RECORD, in order that each gentleman may speak for himself. The passage which I had read states that this advisory committee adopted a resolution declaring, in effect, that $2.20 was sufficient for the crop of 1918, and that $2.50 was not desired or desirable by the farmer.

Mr. REED. Mr. President——

Mr. GORE. I yield to the Senator.

Mr. REED. I understand that this advisory committee of 24 was selected by the Food Administrator and the Secretary of Agriculture. Of course, it is well known that they are committed to the $2.20 a bushel wheat proposition. I understand the Senator also to say that there are 6,000,000 farmers in the United States. Does the Senator think it is a very difficult problem for a well-advised commission to be able to fix upon a jury of 24 out of the general panel of 6,000,000 who would render a verdict in favor of a proposition that a man wanted accepted, provided he was allowed to pick a jury himself?

Mr. GORE. Mr. President, there are real farmers, there are professional farmers, and there are political farmers. I mean by political farmer mere drooling, driveling sycophants, who have a greater regard for the smiles and the favor of power than they have for the interests of the farmers of the country. How many on this committee fall within that category I can not now say, but it is a hand-picked committee.

Next, Mr. President, as to the resolution which is alleged to have been adopted by this advisory committee, naturally I am not in a position to know all of the proceedings of the committee, but I am advised in ways that I had not doubted before this morning's publication that the committee went no further than to say that the price of $2.20 for wheat for the crop of 1917 should not now be increased. I am advised in a way that I had not previously doubted that a Mr. Brown, of Kansas, introduced a resolution declaring it as the sense of the committee that the price for 1918 should be $2.20, and that they were not desiring $2.50. According to my informant, the discussion became so—I had almost said "fast and furious"—that the resolution was withdrawn, and that the record of its introduction had been expunged from the minutes of the meeting. I am pleased to say, sir, that in my judgment it is greatly to the credit of the advisory committee that this resolution was not adopted. A contrary course would have been a self-impeachment.

First, I wish to have read to the Senate a statement from real farmers. It will shed some light on this committee and also reflect the attitude of the farmers touching $2.50 wheat. The advisory farmers are trying to "bear" their own products, according to the morning paper.

I wish to state, Mr. President, why I can not speak with fuller knowledge as to the resolution. I called up Secretary Houston this morning. He was not in the city. I called up Food Administrator Hoover and he was not available and would not be during the day. For this reason I am not able to state what their views or representation as to the facts would be.

The PRESIDENT pro tempore. Is there objection to reading the matter sent to the desk by the Senator from Oklahoma? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

Senator T. P. GORE,
Washington, D. C.

DEAR SENATOR: In this morning's papers there is a report of a meeting of supposed farmers alleged to have passed a resolution in their meeting stating that $2.20, Chicago basis, No. 1 wheat, was a just and equitable price and satisfactory to the wheat farmers.

I have been in many conventions of farmers since price was fixed on wheat and in every one of them we have condemned the $2.20 price on wheat and have asked for revision upward until wheat was in line with other prices. I know the farmers of this Nation do not recognize the agricultural advisory committee as representing them at all, and I know that organized farmers were not consulted in the selection of these men. We were allowed about 4 of the 24 members in making up the committee. We indorse the Gore amendment and hope it will become a law.

JOHN A. SIMPSON,
President Farmers' Union of Oklahoma, President State Presidents' Association of Farmers' Union, and Secretary of the Wheat Growers' League.

Mr. GORE. Mr. President, I know Mr. Simpson personally. I know him to be a man of character and I know that his word is entitled to great weight. He speaks not only as president of the Farmers' Union of his own State, I believe the third State in the production of winter wheat in America, but he is also president of the State Presidents' Association of the Farmers' Union. I wish to introduce as a witness the president of the National Grange of the United States.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PEORIA, ILL., *April 5, 1918.*

C. H. GUSTAFSON,
National Hotel, Washington, D. C.:

Committee not on record favoring $2.20 wheat. It said that it did not believe higher price would affect production of spring wheat more than 10 per cent. National Grange favors Gore amendment as passed by the Senate and worked for its passage. Do all you can with House of Representatives.

OLIVER WILSON.

Mr. GORE. Mr. Wilson is president, I understand, of the National Grange, the oldest, one of the most important, and, I might say, one of the most influential farm organizations in this country. He declares that the advisory committee is not on record as favoring $2.20 for the crop of 1918. On the contrary, the National Grange favors the proposed increase to $2.50. Mr. Wilson is a member of the advisory committee, and I understand is one of the satisfactory members.

I send another telegram to the desk from a man who I believe was formerly president of the Farmers' Equitable Society of America.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

VIROQUA, WIS., *April 5, 1918.*

GEORGE P. HAMPTON,
Bliss Building, Washington, D. C.:

Left Washington March 31. Up to that time no action was taken by advisory committee to indorse President Wilson on wheat price.

D. O. MAHONEY.

Mr. GORE. According to my information Mr. Mahoney was formerly president of the Farmers' Equitable Society, a very large farmers' organization, embracing the principal wheat-growing States.

I have here another letter. These come from men who represent the real farmers in this country, and Senators may decide for themselves between those who think $2.50 would more nearly compensate the farmer for his outlay in the production of wheat and those who, according to press reports, declare that the men who grow wheat do not want the price increased to $2.50 for their own product.

I am not insisting that farmers should be allowed to fix their own prices. They have a right to be heard. The press of this city, pretending to speak authoritatively, represents that they have been heard and that they are antagonistic to an increase in the price of wheat, an increase which the Senate has voted in a patriotic effort to guarantee a sufficient supply.

Mr. President, I send another letter to the desk, which comes from a man who has some title to speak for the farmers in the third winter wheat producing State of the Union. I ask that the letter may be read.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Senator T. P. GORE,
United States Senate.

MY DEAR SENATOR: I noticed in the morning paper what purported to be action taken by the Agricultural Advisory Committee, in which it is stated that the committee was favorable to $2.20 wheat and opposed to fixing the price on the 1918 crop at $2.50. As president of the Nebraska Farmers' Union, representing 35,000 organized farmers in the State of Nebraska, also chairman of the Farmers' War Council of Nebraska, representing all the farm organizations in the State, and speaking for those whom I represent, I desire to most emphatically say that we favor the adoption of the Gore amendment to the Agriculture appropriation bill fixing the price of wheat at $2.50. I desire to say further that I have made investigation privately and have been assured by members of the so-called Agricultural Advisory Committee that no such action as stated in the morning papers was taken by that committee.

Very truly, yours,

C. H. GUSTAFSON.

Mr. GORE. Mr. Gustafson is not only president of the Farmers' Union of Nebraska, one of the leading wheat-producing States of the Union, but he is also president of the Farmers' War Council of that State, a patriotic organization.

I now send to the desk, Mr. President, another letter coming from one who, I believe, has credentials entitling him to speak for the farmer who farms.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Without objection, the communication will be read.

The Secretary read as follows:

WASHINGTON, D. C., *April 6, 1918.*

Senator T. P. GORE,
United States Senate.

DEAR SENATOR: Have been delegated by the State of North Dakota to represent the farmers of North Dakota protesting against the action of the so-called Farmers' Advisory Committee in stating that the farmers were satisfied with $2.20 wheat. Our farmers are doing all possible to speed up production, and offer a direct protest against such action and declare that in order to increase production of wheat some quick action must be taken by Congress to insure a price for wheat in proportion to oats, barley, and rye, and that we fully indorse the Gore bill.

(Signed) W. J. MOZLEY,
Director State Union, North Dakota.

Mr. GORE. Mr. Mozley is a sincere friend of the farmer. His heart and soul are in the movement to enable the farmer to discharge his great national duty and to honor all the drafts of patriotism.

Mr. CURTIS. Mr. President, will the Senator from Oklahoma yield to me for just a moment?

Mr. GORE. Yes, sir.

Mr. CURTIS. I desire to state that I have received a large number of letters from the wheat growers of Kansas, all of which were in favor of the Gore amendment fixing the price of

wheat for the 1918 crop at not less than $2.50 per bushel. I have had only one letter protesting against it and claiming that $2.20 a bushel was sufficient for wheat.

Mr. GORE. Mr. President——

Mr. CURTIS. That letter was not from a farmer, but from a gentleman living in one of our cities.

Mr. GORE. I was about to suggest, interrupting the Senator from Kansas, that probably that letter did not come from a farmer. The Senator, however, anticipated me and stated a fact that was self-evident. There was a meeting held in Kansas at Hutchinson, I think it was on the 20th of March, at which a resolution was adopted declaring that $2.20 a bushel was a sufficient price for wheat, but it was a meeting which had been called by the Department of Agriculture, and was made up of millers, elevator men, and grain dealers. Of course, their testimony can go into the RECORD for whatever it is worth.

Mr. President, I send to the desk a telegram which tends to raise a doubt as to the representative character of this agricultural advisory committee when they undertake, if they undertake, to advise the Nation that $2.20 a bushel for wheat is satisfactory to the farmers.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

WENATCHEE, WASH., *April 3, 1918.*

C. H HYDE,
National Hotel, Washington, D. C.:

Am sorry Northwest can not be represented. Will rely on you to represent us. Two fifty for wheat necessary for producers to break even. A less price will force wheat raisers out of business next season.

E. A. MCCLEAN,
President of Washington State Farmers' Union,
Bridgeport, Wash.

Mr. GORE. Mr. President, the president of the Farmers' Union of the State of Washington does not seem to be in accord with the action imputed to this Agricultural Advisory Committee. I send to the desk another telegram from the State of Washington, and I ask that it be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WENATCHEE, WASH., *April 3, 1918.*

C. H. HYDE,
National Hotel, Washington. D. C.:

Time is too short to get representation to Washington for 4th from Northwest. Farmers feel that they must have guaranty of $2.50 at local railroad point to cause normal sowing of spring wheat. Unless this is done farmers here will produce this crop at a loss.

R. E. DARLING,
President of National Wheat Growers' League.
Bridgeport, Wash.

Mr. GORE. The last two telegrams were addressed to Mr. C. H. Hyde, of my State. Mr. Hyde is a member of the Oklahoma Council of Defense. He is a prominent and responsible citizen. He is one of the leading farmers of the State. In matters of this kind he is conservative. He is entirely responsible. He is here representing the farmers of Oklahoma and urging the wisdom of the proposed increase in the price of wheat.

Mr. President, I find that I have not with me, but I received a letter through the mail this morning, coming spontaneously from an actual farmer. He had seen a statement in the press a few days ago to the effect that this advisory committee was contemplating action of this sort. He wrote me to protest that it did not represent his views, and that it did not represent the views of the farmers with whom he had come in contact; also stating that he had made it a point to ascertain the views of the farmers in his section. I will ask to print extracts from the letter just mentioned and from a clipping in relation to the advisory committee, of which the writer makes mention.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

Just now the evening paper came and I inclose three clippings from it. As far as that farmers' advisory committee is concerned, I feel sure it can not be composed of practical, representative farmers, but rather of so-called speculative farmers, or possibly fancy-stock breeders, by courtesy called "farmers," but not at all dependent on actual farming conditions. I read the list of men included in one of the farm papers and see that there is no representative farmer, or otherwise, from this State or section at all.

I am constantly coming in touch with more farmers than the average man, and I have yet to find one farmer who was satisfied with the $2 price. You see we do not get two twenty here, of course. Even that would be better than the $2.

In reading the list of men on the farmers' advisory committee it occurred to me to call your attention to the fact that the States represented show a majority that are either entirely nonwheat-producing States or at best soft-wheat producing States.

The clipping referred to is as follows:

Farmers representing 23 States, in convention at Washington, declared their opposition to the measure now pending in Congress asking that the price of wheat be raised to $2.50 per bushel. They assert that the price as fixed now is sufficient.

Mr. GALLINGER. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. GORE. Yes, sir; I yield.

Mr. GALLINGER. I will ask the Senator whether this advisory committee, be they farmers or not, are salaried men or are they volunteers?

Mr. GORE. I can not answer that. I assume that they are volunteers. I am informed that Mr. Brown is a dollar-a-year man.

Mr. GALLINGER. And they were appointed by whom?

Mr. GORE. As I understand, they were appointed by the Secretary of Agriculture and by Food Administrator Hoover to counsel as to policies that would best promote production.

Mr. GALLINGER. It is rather a cumbersome committee, is it not—24 men to advise the Secretary of Agriculture?

Mr. GORE. Yes, sir; it is rather a numerous committee; but I will say that if this action which is attributed to it has actually been taken, the committee is either too large or it is too small; I am unable to decide which.

Mr. President, I will say in this connection, since the Senator from New Hampshire has brought up the subject, that I do not know whether these members of the agricultural advisory committee are so well fitted to discharge their duties as is Mr. Hoover's choice of an assistant to supervise the meat industry of the country. I send to the desk answers to certain questions by Mr. Joseph P. Cotton, who is Mr. Hoover's chief of the meat division of the Food Administration. I wish to say that Mr. Cotton is undoubtedly a lawyer of high standing. He was formerly associated with ex-Senator Spooner, with offices at 15 Wall Street, New York. That, of course, is a recommendation in itself to the farmers of the country, if I may be pardoned for that observation. Mr. Cotton was recently before the Committee on Agriculture and Forestry, and his fitness for this particular place was brought out, or attempted to be brought out, by the questions and their answers which I send to the desk to be read, taken from the hearings.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the memorandum as requested.

The Secretary read as follows:

The CHAIRMAN. Dr. Durand is your first assistant, is he not?

Mr. COTTON. Yes; but he is not only that; he is my first assistant, and he was there before I was.

The CHAIRMAN. Yes. You stated a few moments ago that you had had no experience in the live-stock business yourself.

Mr. COTTON. Yes, sir.

The CHAIRMAN. Has Dr. Durand had any experience in it?

Mr. COTTON. I think not.

The CHAIRMAN. Who are your other assistants?

Mr. COTTON. The only other assistant who is other than a clerical assistant is E. L. Roy, of Chicago.

The CHAIRMAN. What was his business?

Mr. COTTON. He is a technical hog man, after you kill it.

Mr. GORE. That has no relation to Hog Island, I will say, Mr. President.

The Secretary continued the reading, as follows:

The CHAIRMAN. Has he been connected with any of the packing houses?

Mr. COTTON. I am not sure.

The CHAIRMAN. He has not been engaged in the production of live-stock, has he?

Mr. COTTON. No.

* * * * * * *

The CHAIRMAN. I mean there is nobody connected with the Food Administration who is vested with any power who is engaged in the live-stock business, or the handling of meats—or who is an actual producer?

Mr. COTTON. Well, there are people in the Food Administration who have power enough, but no man in the meat division that I know of who has that combination.

Mr. GORE. Mr. President, I am merely presenting these facts in order to show that it appears to be the opinion of those in authority in the Food Administration that ignorance is the highest mark of fitness for positions of this character.

I now send to the desk an extract from the testimony of Dr. E. Dana Durand—mark the symphony, the harmony, and the euphony of that cognomen—and ask the Secretary to read it.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The CHAIRMAN. I will ask you a few questions, Doctor, perhaps abbreviated, merely for the sake of the record. Have you had any experience in the production of live stock?

Mr. DURAND. No, sir.

The CHAIRMAN. Have you had any experience in the feeding of live stock?

Mr. DURAND. No, sir.

The CHAIRMAN. Have you had any experience in the packing business?

Mr. DURAND. No, sir.

The CHAIRMAN. Have you made any studies of the cost of production?

Mr. DURAND. Of live stock?

The CHAIRMAN. Yes, sir.

Mr. DURAND. Substantially none.

The CHAIRMAN. Have you made any study of the cost of feeding?

Mr. DURAND. Well, I have been examining these reports that Mr. Cotton has referred to that has come in with regard to present conditions, and am fairly familiar with them. But as a general thing I would say I was not an expert on the question of the costs of feeding.

Mr. GORE. Mr. President, this Dr. Durand—I beg pardon, E. Dana Durand—is alleged to have prepared the report of Mr. Garfield in the famous—I will say "famous"—packing-house investigation. Dr. Durand is the Durand referred to in the letter of January 21, written by Mr. Cudahy's representative in Chicago to Mr. Cudahy's representative in Omaha, in which the former represented that at a meeting of the packing-house representatives Mr. Durand said that the one thing above all others to be kept in mind was that the price of cattle should not be advanced. I should say that Mr. Durand has made an explanation of that statement which does not explain.

Mr. President, there was a meeting of actual wheat growers held in Kansas City on March 21. There were present about 250 delegates, men who grow wheat. I wish to have the marked extracts in the resolutions adopted by that meeting read to the Senate at this point.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

* * * * * * *

It must be admitted by all that the grain producers are occupying the second line of defense in the prosecution of the war. Consequently we ask Congress and the Food Administration to make it possible for us to do our part in winning the war.

Whereas the price of labor and machinery, the two principal items of expense in the production of wheat, has readvanced, since 1916, 100 to 200 per cent, and since that advance, coupled with a period of unfavorable seasons for the growth of crops, makes it impossible for farmers under present conditions to grow wheat for less than $2.75 per bushel at the home market. If such a price is not fixed for the 1918 wheat crop, the acreage of spring wheat now being sown will be materially reduced. The condition of the winter wheat is such as to justify an estimate of not more than half a crop. Taking this fact into consideration, it is possible that the winter wheat growers will not get cost of production even at the price above named.

We believe that a fair price on agricultural products should be determined on a basis of cost of the factors entering into production. We realize the necessity of encouraging the wheat grower to continue in the production of wheat, and suggest that corn and wheat at approximately the same price means a larger acreage of corn and a smaller acreage of wheat. Furthermore, it is practical to encourage greater production of wheat by the Federal Government paying a bonus for every acre of wheat as the administration may deem best. But unless prices of the products the farmer has to buy be regulated on the basis of the price of the products he sells, we demand that all price fixing on wheat be discontinued.

Whereas the consumer of the wheat products may object to any increase in the price of wheat, erroneously believing that the price asked for wheat, if granted, will materially enhance the price of bread, we call the attention of the consumer to the fact that the producer now gets $8.80 for the wheat that goes into the making of a barrel of flour, and which, according to Government estimates, makes 300 16-ounce loaves of bread. This retails at 10 cents a loaf, or $30. The 68 pounds of mill products now sell for more than 2 cents per pound, or $1.36, leaving $22.56 for the expense of manufacturing and distribution. We do not think this margin justifiable while the country is at war, believing, as we do, that all unnecessary expenses between the producer and the consumer should be eliminated as much as possible. The producer gets less than 3 cents for the wheat in a 10-cent loaf. If $1 per bushel was added to the price of wheat, it would increase the price of a loaf of bread 1⅓ cents.

When wheat was 90 cents per bushel crackers retailed at 5 cents per pound. When wheat was selling at $2 per bushel crackers were retailing at 20 cents per pound. While the increase in wheat has been 100 per cent, the increase in the price of crackers has been 300 per cent.

Realizing that the wheat now in the farmers' hands should be placed on the market as requested by President Wilson, we ask that all wheat now held be sold at once, but ask that the Federal Grain Corporations guarantee that the farmer now holding wheat for seed, in the event of a failure of the 1918 crop, be furnished seed at the same price that he sells the wheat which he now holds.

Mr. GORE. Mr. President, I should say that the omitted parts of the resolutions adopted by this convention of farmers breathe the very highest and warmest spirit of patriotism, and reiterate the determination of the farmers to do not only "their bit" but their best in the prosecution of this war to an acceptable conclusion. It was not made up of such men as those to whom I have referred—Mr. Cotton and Mr. Durand. I should say, in passing, that other assistants of Mr. Hoover in the meat and other divisions are in the employ of the packing houses of this country.

I hold here the Chicago Tribune for February 26. The names were brought out in the so-called Heney investigation. It mentions a Mr. Brooks, who is in the employ and in the pay of Swift & Co., or was until recently. It mentions a Mr. Heyl, who was also in the employ and in the pay of one of the "big five" packing-house companies, receiving pay from that concern and receiving a dollar a year, as I am informed, from the Government of the United States; also a Mr. Priebe, who, I suppose, hatched out this embargo on hens and chickens. He is a representative of one of the big packing concerns—their poultry man. I do not mean to intimate that he placed an embargo on hens in order that the cold-storage establishments could get rid of their stocks; but he was in their pay and employ and receiving, as I am told, a dollar a year from the Government of the United States and from his packing-house employer $250 per month, plus 25 per cent of all the profits above 7 per cent per annum—I mean the profits of the particular subsidiary with which he was connected.

I ask to have printed in the RECORD, accompanying my remarks, this article from the Chicago Tribune.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Charging that the packers had "packed" the Hoover food board and other war boards in Washington with their own "confidential" men, Francis J. Heney, general counsel of the Federal Trade Commission, read some 150 letters—confidential letters and notes passing between the packers—into the records yesterday. The hearing was before Joseph E. Davies, examiner for the commission, and was held in the Federal building.

Mr. Heney indicated that there are many of these "dollar a year men" on the Government's pay roll who at the same time are on the pay of the packers at fancy salaries. He named three of these in the letters he read:

E. O. Heyl, of Libby, McNeil & Libby, a subsidiary of Swift & Co.
W. F. Priebe, of W. F. Priebe & Co., a subsidiary of Swift & Co.
F. S. Brooks, of Swift & Co.

OTHER EMPLOYEES "GROOMED."

Mr. Heney showed that efforts had been made to place other "trusted" men in similar Government war capacities. He also read into the records letters to show that Swift & Co. had employed Prof. L. D. H. Weld, of Yale, and had "donated" his services to the Government.

He read letters to show that plans had been laid to get "friendly" men into Government committees even before it was fully settled that Herbert Hoover was to be in control. The letters, it was explained, are not the famous "Veeder vault" letters, but other letters, secured at the packing-plant offices before the time of the Veeder clash. The Veeder documents are still tied up under court orders.

It is indicated by Mr. Heney that some of these high-salaried men, probably most of them, are drawing salaries around $10,000 a year, while from the Government they get "one dollar a year."

"HALF DOZEN DUAL JOBS."

"How many of these are there?" Mr. Heney was asked.

"Oh, say a half dozen, for a starter," he answered; and then he added: "They seem to be serving their employers in proportion to the pay they get."

He did not charge, except by inference, that these men were unfitted for the war jobs. The intimation was that a man on the pay roll of food producers was not properly on the Government boards.

Tom Creigh, connected with Cudahy & Co., was quoted as saying, in discussing meat prices to be fixed:

"I think the price should be as high as the consumer will stand."

MANY STRINGS PULLED.

Letters showed the methods employed in getting "favored" men on the boards and how they pulled the strings to approach Mr. Hoover. The object of the presentation of the letters before the Federal commissioners, apparently, is to show that the packers, by hook or crook, diplomacy, scheming, and clever ways brought about the naming of men recognized as "friendly" to their interests.

Letters were read from the various members of the Swift family; from Henry Veeder, recently the center of much legal maneuvering; from various other Swift employees; from Thomas E. Wilson, of Wilson & Co.; from David R. Forgan, banker; and many others. They are all regarded as throwing light on the business-getting methods of the packing magnates.

PRIVATE WIRES TO CAPITAL.

The fact was brought out that the various packers, after the war started, put private telegraph wires into Washington.

"They did not have them before, Mr. Commissioner," said Mr. Heney, addressing Commissioner Davies.

Henry Veeder, according to the Government men, was the "policy-maker" of Swift & Co., also for other packers. Mr. Veeder sat in the courtroom during the reading of the letters, as did M. W. Borders, whose vaults were taken over for investigation by the examiners.

J. P. Cotton, an attorney, it was explained, is head of the meat department for the Food Administration. Before that he was associated with Cravath, Henderson & Co., New York. Mr. Cravath's firm handled the reorganization of Wilson & Co. at the time it took over S. & S.

PACKERS GOT INSIDE TIPS.

Letters were read to show that the packers, through some "pipe line," knew of coming events in the Food Administration well in advance of Government announcements. As an example:

On October 7 Mr. Cotton was in Chicago and was shown over the stockyards. On October 11 Mr. Wilson wired other packers that Mr. Cotton was to get his appointment and asked that the information be kept "confidential."

It was also revealed that the men in the Food Administration tried to "pass the buck" to the Federal Trade Commission in the matter of fixing prices for foods. Members of the commission declined to act, on the suspicion that to do so would tie their hands in the investigations that were planned.

FISHER SMILES AT KNOCK.

Walter L. Fisher, attorney, representing cattlemen, sat in the court room as a spectator at the hearing. He smiled when letters between the packers and their representatives were read to the effect that "Fisher's influence with the committee is about gone. I think he will be dropped."

Here Mr. Heney explained that Mr. Fisher was not "dropped."

A memorandum was read from Louis F. Swift to N. A. Chaplin, dated October 7, 1917, directing that his automobile get Mr. Cotton at the Chicago Club and take him to the directors' room of Swift & Co. for a private meeting.

From another letter the quotation was given, "We'll get together and influence Cotton."

It is expected that a number of other names will be read into the evidence to-day. Also a number of witnesses are expected to come to-day from Missouri, Wisconsin, and elsewhere to tell of the plans of the packers and their attempts to monopolize the creamery and butter industries, which, Mr. Heney declared, are competing with oleomargarine and other packing-house products.

SWIFT MAN ON JOB.

An interesting lot of letters relate to E. O. Heyl, former manager for Libby, McNeill & Libby, a corporation, all the stock of which is owned by Swift & Co. Mr. Heyl had charge of the canning department and was put in charge of the canning policy of the Food Administration on regulations and fixing of prices.

Mr. Heney read the letters to show that Heyl while on the pay roll of Swift & Co. sought the place on the Hoover board, and made careful plans to get it even before it was known just what position and power Mr. Hoover would have.

The first letter, addressed to Julius Rosenwald, is dated April 9, 1917, shortly after war had been declared. It says:

"I have a very earnest desire to help to do something big for my country along lines I am especially equipped in. I am now the director of a division of departments, including all canned vegetables, for Libby, McNeill & Libby.

"If I could be a link in possibly a president's committee of business men who would, without expense to the Government, devote time and facilities at their disposal to the stimulating, mobilizing, and perhaps buying a portion of the Government's needed food supply, it would be an inspiring work for me and the field in which I could render best service."

GIVES PACKING REFERENCES.

A list of business references follows, including President Burrows, of Libby, McNeill & Libby, and Harold Swift. He adds:

"For confirmation of my sincerity of purpose the following men will assure you: The Rev. William Chalmers Covert, First Presbyterian Church; President M. W. Stryker, Hamilton College; Judge K. M. Landis and his intimate friend, my brother-in-law, Dr. Frank Cary."

BURROWS URGES AID.

Heyl is again referred to in a telegram from W. F. Burrows, an employee of Swift & Co., to L. F. Swift at Washington. It says:

"Understand Meeker and White in Washington and part of purpose of trip is to get identified with and offer services to Julius Rosenwald's advisory council and help stimulate food production and mobilize food supply. If anything like the above in prospect, believe representation by us desirable, and if we can give them portion of Heyl's time they would have for canned vegetables one who could do the country good and save them money. As we have no canned vegetables to speak of and won't have more till fall, Heyl's and our own sincerity of purpose will be evident."

The Meeker referred to there is Arthur Meeker, of Armour & Co., and the White is White of Armour & Co.

HEYL REPORTS TO SWIFT.

In a letter addressed to Louis F. Swift, Mr. Heyl said:

"At Mr. Burrows's request I send you copies of what I have written in the matter of trying to become a link in the Rosenwald committee of the Council of National Defense.

"One of this committee of three, Mr. Stanley King, * * * is an intimate friend of mine—met him in Russia. I saw King in Washington last week.

"My idea was to offer my services. * * * I know that the Rosenwald committee has now been given power to themselves to buy hundreds of millions of dollars' worth of supplies. They also 'sit in with' and vote on proposed outlays by Navy and Army commissaries. In this field, to buy right, they need a canned-food expert, and in such capacity I think I could be a big help to them and be a credit to my principals.

"From conversation with King, I doubt if such 'heavy ornamentation' as Arthur Meeker or prominent officials of other firms would be acceptable to the committee, and I also believe that much pushing of my case by my business friends might make them question our sincerity of purpose, but I thought the answer King sends me to my letter today—copy attached—would give me a line on the next best move."

PLAN TO "IMPRESS" HOOVER.

Next followed a letter from Louis F. Swift to G. F. Swift, jr., in which he says:

"If you want to go to Washington this week or next, you might arrange for Mr. Heyl to meet you there, as I think you and he might make quite an impression on Mr. Hoover. If you don't care to do this, I will have Charles Swift and Mr. Heyl do it."

Then came a letter from Charles H. Swift, dated White Sulphur Springs, W. Va., to Louis F. Swift:

"Will meet Heyl, New Willard, Washington, 8 o'clock Friday evening. You or Gus please keep me fully posted his movements as far in advance as possible."

CRIMINAL STATUTE CITED.

Other letters along the same line followed. These led to some by-talk in the hearing, as follows:

Commissioner DAVIES. Isn't there a Federal statute that makes all contracts void if there is any direct interest?

Mr. HENEY. Any interest——

Commissioner DAVIES. Through an employee of the Government—a dollar-a-year man?

Mr. HENEY. There is a statute making it a criminal offense.

Commissioner DAVIES. Makes the contract void, too, doesn't it?

Mr. HENEY. Yes; the general rule of law would make it voidable, at any rate.

PLANNED TO USE WELD.

The next letter, addressed to Louis F. Swift by William B. Traynor, was read. Following are quotations:

"As you know, we have been figuring to employ an economist and have been talking about Prof. L. R. D. Weld, of Yale. Dr. Weld is a recognized authority on just the subjects which Mr. Heyl states that Mr. Hoover will cover; in fact, he has been called to Washington before the Senate committee considering food control.

"If we succeed in hiring Dr. Weld and could arrange to have him come with us in a month or so, it might be a good move to tender his services to Mr. Hoover at our expense.

"The fact that Weld had not been in our employ would free our action of any appearance of self-seeking. At the same time it would be recognized as a patriotic and useful act."

HEYL'S APPOINTMENT ANNOUNCED.

Now comes a letter from Louis F. Swift to Henry Veeder, dated May 16, 1917, in which he says:

"Mr. E. O. Heyl, who has charge of the pickle, condiment, and similar departments in Libby, McNeil & Libby, and whom you probably know, has been appointed an assistant to Mr. Julius Rosenwald on the advisory commission of the Council of National Defense, and it is expected that he will have charge of the food end of Mr. Rosenwald's work.

"In connection with your recent interview with Dr. Weld, of Yale, and the possibility that we may engage him, the thought occurred to me, when reading Mr. Heyl's report on his interview with Mr. Hoover, that Dr. Weld would probably make him a valuable assistant."

He adds that, if agreeable, the firm contribute Dr. Weld's service * * * possibly for the duration of the war.

VEEDER IS CAUTIOUS.

Henry Veeder, replying to W. H. Traynor, Swift & Co., casts a doubt, saying:

"I would suggest that our acquaintance with Dr. Weld is rather recent and our knowledge of his work is rather limited for us to recommend him to the Government."

After this letter followed this conversation:

Mr. HENEY. Mr. Commissioner, up to that time all he knew of Dr. Weld was that he was recommended by E. Dana Durand, who seemed to think that his economic theories were correct, and Mr. E. Dana Durand, in the Garfield report of 1905, which was compiled by him, had quite strongly indorsed the economic claims of the big packers as to the importance of the position occupied by them in the industry and the correctness of it from an economic standpoint. Now, that was to lead them to try to employ him to appear as an expert witness for them before the Judiciary Committee of the House in 1916, at the time the Borland resolution was up.

Commissioner DAVIES. Nineteen hundred and sixteen?

Mr. HENEY. When they wanted to prevent the passage of the resolution that would bring about an investigation.

Commissioner DAVIES. You mean 1916?

Mr. HENEY. Yes; 1916. Prof. Weld has been employed by Swift & Co., and the correspondence shows the salary was to be $10,000 a year.

OFFERS ANOTHER EMPLOYEE.

Next comes another letter, dated from Santa Barabara, Cal., date July 24, 1917, from "F. S." to Edward F. Swift, Charles H. Swift, G. F. Swift, jr., and Henry Veeder:

"If there is any opportunity our Mr. F. L. Washburn would be glad to get on Hoover's committee. While I am sure of no chance, if it does come up, do what you can in way of mentioning his name. He is pretty keen on it, about like Heyl of Libby was."

He adds as a postscript: "As you perhaps know, Mr. Washburn is general manager of the Western Meat Co., San Francisco."

Here Mr. Heney explained:

"The Western Meat Co. stock is owned by Armour, Swift, Morris, and some others, but they all own it, and we have quite a little correspondence taken from the files of the Western Meat Co., which shows quite clearly a combination in the meat business in California, which I will produce later. Mr. Washburn, the manager out there, wanted to get on the Food Commission, but so far he has not arrived."

FORGAN ASKS SUGGESTION.

The next letter, addressed to Thomas E. Wilson, of Wilson & Co., on the stationery of the National City Bank, of Chicago, is signed by David R. Forgan. He asks Mr. Wilson to suggest a man "big enough" to assume the responsibilities of purchasing foods for the allies. The reply suggests George L. Marcey, of the Armour Grain Co.

Another letter, very brief, from Louis F. Swift to Mr. Forgan suggests that he might submit the name: "Carter H. Harrison, offering services to Government."

VEEDER ADVISES ACTION.

Henry Veeder, now in Washington, writes to G. F. Swift, jr., in Chicago. In his letter he says:

That the business of Swift & Co. in Washington warrants the placing of a Swift & Co. man—"of good appearance and good ability"—in Washington. That "with the assistance of Mr. Hamilton, such a man could quickly find his way around to the different departments in Washington."

He adds that he believes "such a man would be of more value in the departments of Washington than a strictly business man," and suggests a lawyer. Commenting further, Mr. Veeder suggests:

"Besides, his letter files could not be quite as easily open to inspection by the Federal Trade Commission."

Again, he remarks: "For your information, Libby, McNeil & Libby have found it necessary to place a man in Washington. They have sent Mr. Bettcher."

WHEELER TIPS OFF WILSON.

A letter from Harry A. Wheeler, of the Food Administration, to Thomas E. Wilson, Wilson & Co., dated Chicago, October 11, 1917, follows:

"DEAR MR. WILSON: Hoover's reply to my wire asking for information relative to buying committee was delayed, owing to telegram being misplaced. The understanding is that on Sunday Mr. W. V. S. Thorne, of the Harriman Lines will tentatively accept position of chief of the purchasing department of the Food Administration and will continue in that position if he feels he can be of definite assistance.

"There will be a conference between Mr. Thorne and the members of the British committee in New York, at which time a preliminary outline will be made of the best general plan to follow. This would indicate that the matter is so far open as to be subject to such influence as you may wish to exert."

FOR "FRIENDS AT COURT."

The next is a file of letters relating to general appointments of the Food Administration.

A memorandum of September 10, signed H. J. Nelson, an employee of Swift & Co., says:

"L. F. S. and C. H. S. agree to Mr. L. J. Wilbur's recommendation that A. C. Bigelow, our wool agent at Philadelphia, be permitted to accept a request from Mr. Gifford Pinchot to serve on a subcommittee under the Hoover food committee, in connection with increased production and conservation of sheep and lambs, Swift & Co. to pay his salary while so engaged."

URGES "FRIENDLY" AGENT.

A letter from "W. A. J.," Jersey City, manager for Swift & Co., to G. F. Swift, jr., Chicago, dated April 25, 1917, is, in part:

"We can not recommend to you too strongly the importance of doing everything in our power to see that whoever the provision representative on the new [Hoover] bureau contemplated is, that he will be friendly to Swift & Co."

The words "friendly to Swift & Co." are underscored.

FRIEND OF PACKERS ON JOB.

A letter of July 31 from James P. Moon, of Swift & Co., addressed to Louis F., E. F., Charles H., and G. F. Swift, jr., says:

"This morning's papers announce that Mr. John McE. Bowman, director of the Biltmore Hotel, New York, has been appointed a member of the food commission. As you are aware, he is very close to J. Ogden Armour and a good friend of Swift & Co."

Of this Mr. Heney said: "I think the record shows, Mr. Commissioner, that J. Ogden Armour owns $250,000 worth of stock in the Biltmore Hotel, of which Mr. Bowman is the manager. At any rate, that is the fact."

PROVIDING FOR FUTURE.

Then Mr. Heney read this letter, dated Chicago, June 20, 1917, addressed to Arthur Meeker:

"DEAR SIR: I suppose you are acquainted with Mr. Frank W. Harding, who has a fancy live-stock farm at Waukesha and who is secretary of the American Short Horn Breeders' Association.

"He was at the Saddle and Sirloin Club Monday when we were there with the Italian commission, but, of course, was not in our party. I think that Ed White knows him very well. The thought occurred to me, if later on we need any additional names of the character for Mr. Hoover's committee his name would be worth consideration.

"LOUIS F. SWIFT."

The reply from Mr. Meeker to Mr. Swift is:

"WASHINGTON, D. C.

"I think this is an excellent suggestion, and I'll make it if the opportunity offers.

"A. M."

REPORTS TO ARMOUR.

Next was read a note from T. J. Connors to J. Ogden Armour:

"DEAR OGDEN: Hoover has urged me to go to Washington to discuss matters of importance concerning food administration. I understand 'cold storage' is especially prominent now with them. I will be in Washington on Wednesday at the Shoreham. Tom will meet me, and anything you may send in his care will reach me.

"T. J. CONNORS."

The reply, dated June 28:

"I have your letter, and I certainly hope that you will find it possible to accept position that Hoover will offer you. I believe you can do your country a great deal of good by accepting this position, and it will please us all here very much if you can see your way clear to do so. My best regards to you.

"J. OGDEN ARMOUR."

Mr. Heney said: "It may be interesting to know that Mr. T. J. Connors was a prominent official of Armour & Co. until a short time ago. He has retired and is living in New York City."

SEEKS TO AVOID JOB.

A telegram from J. P. Lyman, connected with the Boston office of Armour & Co., to J. Ogden Armour, dated September 19, 1917, follows:

"Hoover wires asking for a few days of my time in Washington to advise on packing matters. I would like to avoid it, if possible, and be courteous. Have you any suggestions?"

Mr. Armour's reply to Mr. Lyman was:

"Meeker tells me when the packers were in Washington last week with Hoover he asked the packers about you in connection of representing Hoover and the Government in regulating the packers. Naturally all the packers told him you would be the ideal man for this position and most satisfactory to everyone interested. I think the position is of greater importance, much more so than the other one suggested by Rosenwald. I would suggest you at least see Hoover, and you can tell then better whether you want to accept it. I personally would be much pleased if you would see your way clear to accept this place."

SWIFTS DEBATE APPOINTMENT.

Charles H. Swift wrote a note to the other members of his packing house, under date of September 14, saying:

"For your information: It is reported here that Mr. Hoover is looking for a man to organize and head a department to investigate storage space, stocks on hand, how long stored, etc., and that Walden W. Shaw, Chicago, has offered his services without compensation.

"I never happened to run across Mr. Shaw, but am told he is a high-class man, of good appearance and education, and well fixed."

At the bottom of Mr. Swift's note is the notation: "Taxicab man."

On the next day Louis F. Swift replied to the foregoing as follows:

"Referring to the attached, I think it would be ridiculous to bring in a man from this branch of the business"—that is, the taxicab—"and I would like to talk with you at your convenience about whether we should take any action on this through the packers' committee or any other way. I think Harry Boer would be ideal although I do not know if the other job which they have in view for him will take up all of his time.

"LOUIS F. SWIFT."

The next lot of letters refers to food administration and several other things.

MORE APPOINTMENT TALK.

CHICAGO, *August 20.*

Louis F. Swift wrote to Edward F. Swift:

"I have been told that Tom Wilson is offered a department under Mr. Hoover to handle the meat business, and that he still has it under consideration but doubts the possibility of leaving his firm that long.

"I am told that Mr. Hoover would let the packers do anything that they wanted to do if they would join in recommendations, and it looked like a public benefit and economy in expense and the high cost of living.

"The best posted people in Washington think that there is going to be a big change from now on—that Mr. Hoover is going to be the big man—that the interstate commerce law will be nullified, and even after the war large corporations are going to be handled more in the United States as they are handled in England and Germany, and I think it behooves us during the war to see what we can think of to economize and also after the war to see what suggestions we have.

"LOUIS F. SWIFT."

The next telegram is dated Washington, D. C., November 18. Herbert Hoover to Thomas E. Wilson, Union Stockyards, Chicago:

"Numerous complaints here indicate your branch houses doing wholesale business are not observing regulation forbidding dealers to sell at more than reasonable advance over cost of particular goods without regard to market or replacement value at time of sale. Subject should have your immediate attention as head of your business. Answer.

"HERBERT HOOVER."

MR. WILSON'S REPLY.

The reply, dated Chicago, November 20, was:

HERBERT C. HOOVER,

United States Food Administration, Washington:

Referring to your telegram, I have investigated matter fully and find our branch prices are controlled by instructions from Chicago. Think you are mistaken in statement that they are not observing regulations. If you can point to any specific case to the contrary, I would appreciate your doing so. It is our purpose in all cases to have instructions carried out.

THOMAS E. WILSON.

MEEKER ASKS APPOINTMENT.

A letter dated May 11, 1917, signed Swift & Co., per W. A. Johns, addressed to H. H. Swift, Chicago, is, in part, as follows:

"Mr. Williams advised us yesterday that the commission had received a very urgent letter from Mr. Meeker, impressing upon them the necessity for his appointment, and unless you favor Mr. Meeker's appointment it can only be prevented by your using every means in your power to keep your personality before Mr. Hoover."

MORRIS TO MEEKER.

Another letter, dated June 1, 1917, is from Morris & Co. to Arthur Meeker of Armour & Co.:

"Answering yours of even date, the only suggestion I have in reference to your letter to Mr. Hoover would be that I am a little doubtful of the advisability of the following paragraph contained therein:

"'A general plan of operating was quite fully discussed, and it was the unanimous opinion of all present that, given the proper authority, the committee could bring about lower prices to the consumer on meat products generally, with fair treatment to all concerned in the industry.'

"I would also call your attention to the fact that Mr. James B. Forgan is chairman of the board of the First National Bank. Have no further suggestions."

MEEKER WRITES TO HOOVER.

The letter to which it refers is one from Arthur Meeker to Mr. Hoover, in which he outlines a meeting of the executive officers from Armour & Co., Cudahy Packing Co., Morris & Co., Swift & Co., and Wilson & Co.

In this letter Mr. Meeker suggests a number of men as good material to make up a committee for the packing trades, including the butter, egg, poultry, and cheese industries. The list includes a representative from each of the five large packers and also from the Hammon-Standish Co., Detroit; Kingan & Co., Indianapolis; and Miller & Hart, of Chicago. Then follows a long list of representatives from the live-stock industry, from the butter, egg, poultry, and cheese interests, and additional names of men who are in outside trades, or in public life. In the latter list were: Julius Rosenwald, Edward N. Hurley, Harry A. Wheeler, James B. Forgan, and James Simpson, vice president Marshall Field & Co.

SWIFT MAN ON FOOD BOARD.

Mr. Heney introduced another set of letters relating to the Food Administration, particularly to Edward Chambers, a vice president of the Santa Fe Road, and F. S. Brooks, an employee of Swift & Co., who is now acting on the Food Administration for a dollar a year from the Government, but whose salary, Mr. Heney says, contiuues with Swift's.

This letter is dated Chicago, July 9, 1917, written by F. S. Brooks:

"Mr. W. B. TRAYNOR: Edward Chambers, vice president in charge of traffic, Santa Fe system, informed me confidentially Saturday afternoon that he had, through Mr. Ripley, been called to Washington to serve with Mr. Hoover as an associate in direct charge of the transportation end of the food conservation program.

"Mr. Chambers will undertake to bring about complete cooperation and harmony among the railroads of the United States in the execution of such plans affecting their interests as may be promulgated from time to time by Mr. Hoover and his advisers.

"Mr. Chambers said that in his new duties he thinks he will from time to time be brought in contact with our interests, and in that connection that we may depend upon him to the limit as our friend.

"Mr. Chambers in this capacity will be one of the most powerful railroad men in the United States, and it is peculiarly gratifying to say that he is probably the best friend I have among my friends."

BROOKS GETS JOB.

Next is a telegram dated Washington, D. C., August 15, 1917, addressed to Swift & Co.:

"I will appreciate very much your contributing the services of your Mr. F. S. Brooks to the United States Food Administration to assist Mr. Chambers in handling transportation matters. Mr. Brooks is very highly recommended, and this request is made for patriotic reasons. Would like him to report here Monday next.

"HERBERT HOOVER."

AS TO FRIENDS AT COURT.

A telegram from Thomas Creigh's cattlemen who went down to Washington to attend the meeting of the live stock committee with Hoover, under date of September 10, last, reads:

"Fisher and Burke, of the marketing committee, very much disliked by Hoover. [The Fisher is Walter L. Fisher, of Chicago.] They have no influence in Washington. E. C. Chambers, vice president Santa Fe, on Hoover's staff, will have the naming of the meat products men who will handle that end of the business. I believe Hoover will put a price on hog products, but not on beef or mutton. Chandler is very friendly to packers. The packers will have a real influence on the price to be put on meat products and I think it is wise for them to use a great deal of discretion in making this price, for two reasons: (1) To be fair to the producer; (2) to stimulate production.

"And I think the price should be as high as the consumer will stand.

"I think the marketing committee will be discontinued at the next meeting of the American National Live Stock Association, as most of the members are disgusted with their talk and actions. They are still in Washington."

$1-A-YEAR MAN REPORTS.

In a letter dated November 16 last to Mr. Traynor, of Swift & Co., Mr. Brooks wrote:

"As a matter of general information, Messrs. Pinchot and Lasater have retired from the Food Administration. Their activities were largely of a negative character, hence the remodeled plan of administering live stock jointly with the meat division, under Mr. Cotton."

Mr. Heney called attention to the fact of Mr. Brooks, a dollar-a-year man, reporting thus to his employers—Swift & Co.

FEARS EMBARRASSING LETTER.

The next document read by Mr. Heney was, in his words, "a statement which is marked at the bottom 'Original in the law department.'" It bears the heading "Washington, D. C., November 16, 1917," and is addressed to Swift & Co., and is signed by C. A. Hamilton:

"I learn that the letter which Lasater wrote to Hoover in response to the latter's request for a bill of specifications was a most severe roast upon the packing industry of the country. Mr. Lasater goes so far as to make accusations against one of Mr. Hoover's closest associates, and even says that this gentleman is directly connected with banks which handle packers' paper.

"The letter is a loud one, and its publication has been suppressed. * * * If, as is possible, a copy of the Lasater letter should get into the hands of some of the gentlemen in Congress who are always looking for ammunition with which to attack the packing industry it may lead to further congressional investigation and further embarrassment to business."

REFERS TO OMAHA ATTACK.

A note written to L. F. Swift by W. Leavitt on September 3, 1917, says:

"Advise you get a copy of resolution drawn up by Ed Burke, of Omaha, and which was presented to market committee at a meeting held at Walter L. Fisher's office in Chicago last week.

"It is rank, and against the packers. I expected to get a copy to send to you, but find it is unobtainable.

"Think same resolution will be presented in Washington this week at the Hoover meeting, represented by Chicago and outside cattlemen."

SWIFT TO MEEKER.

A letter written by Mr. Swift to Arthur Meeker on this same subject follows:

"I understand there was quite a meeting of the market committee at Fisher's office last week, where Burke presented a resolution very detrimental to the packers.

"I am trying to get a copy, but doubt my ability to do so. If you happen to know of any way to get one would be glad to have it, as I really do not know who was there."

Written in pencil on this same note was this:

"H. V. [Veeder] says does not think will be able obtain. Fisher gone to Washington. Leigh, of Cudahy, has friend on train en route Washington, who thinks will keep us posted."

The Mr. Burke referred to is a member of the market committee of the National Live Stock Association.

A later note to L. F. Swift from Henry Veeder indicates that a copy of the resolution referred to was obtained.

STOCKMEN VOTE LOYALTY.

The live-stock men's resolution, which Mr. Heney then read into the record, expressed the loyalty of the live-stock interests and their desire to do all possible to help on the food situation and to increase the herds, but it is asked that the Government "see that the large packing concerns do not by the present control of the central markets deprive the producer of a just profit, and that every agency of the Government should be employed to eliminate all manipulative and speculative efforts in the handling of live stock and its products."

CUDAHY COMMUNICATIONS.

Next Mr. Heney introduced some letters and telegrams relating to Hughes and Cudahy. Here is a part of a telegram from E. A. Cudahy to P. L. Hughes, at Washington (Hughes was representing Cudahy there):

"MAY 31, 1917.

"It looks like the Government will control food products, and Mr. Hoover has had several meetings with the Chicago packers. The five packers met on Tuesday to discuss ways and means of assisting the Government, but I was unable to get a general line on what was in the mind of Mr. Hoover that he expected the packers to do. If possible, I wish you would get from Mr. Hoover a general outline of how he expects the packers to handle their end of it."

On the same day, in a letter to Mr. Hughes, Mr. Cudahy said:

"If the packers are going to have representation on a general committee located at Washington, I would be very glad to offer my services to the Government in that capacity, except for the fact that Edward, as you know, is at Fort Sheridan for three months' training, and I would be very glad to see you represent the company in that capacity."

CUDAHY WANTS TO GET IN.

Next is part of a letter dated May 31, 1917, addressed to P. L. Hughes, Washington:

"As already advised you by wire, Armour and Swift and, I think, Wilson and Morris have had several interviews with Mr. Hoover in regard to the handling of the meat food products of the country in some way that will be satisfactory to Mr. Hoover and that will comply with and be controlled by the measures that are before the Senate now in regard to food control. * * * Of course, whatever plan the packers arrive at will have to be satisfactory to Mr. Hoover. * * * I wish you would establish in Mr. Hoover's mind that we are in the business and give him an outline of our volume, because the Government authorities think that Armour, Swift, and the other two are all there is in the packing business."

HUGHES MEETS HOOVER.

The next letter is dated July 5, 1917, from P. L. Hughes in Washington to E. A. Cudahy, Chicago.

"DEAR SIR: As per instructions, I arranged a meeting with Mr. Hoover at 11.30 Tuesday. * * * I suggested that no doubt a number of packers were visiting Mr. Hoover, and he said he did not remember seeing anyone there for some time except Mr. Meeker. They may be coming to Washington and talking over those matters with others, but I don't believe that there have been any conferences with Mr. Hoover regarding committees or organizations worked out with his approval. I think a good deal of this is worked out at Chicago and they are seeking Mr. Hoover's approval, which is going to be no easy matter to get until he can approach the subject with an open mind and after the Trade Commission has made an investigation and reported. Those are practically his words to me.

"He inquired about prices to the dealers, and I told him they were still pretty high—entirely warranted by the prices paid for live stock, and while the live-stock costs remained as they were, there was little prospect of lower prices, but that the grass cattle coming on later would have a tendency to reduce the price on beef and mutton, but that the demand abroad as well as the cost of live hogs was keeping up the price of pork, but as to how long that would continue one guess was as good as another.

"I felt I should be frank with him, as I felt quite sure he is well informed on this subject himself. * * *

HOOVER IS NONCOMMITTAL.

"I felt quite free to say that you would undertake to serve him on any commission that might be appointed for the purpose; but he was entirely noncommittal * * * so that I don't think it would be wise to press this question of personal representation for our company any further for some time.

"I feel morally certain he does not talk any other language to other packers' representatives than he has to me in the two interviews I have had with him, and this regardless of what they might say in Chicago when they get home. He took the same position last Tuesday that he did the first time I met him, namely, that we should get together and formulate plans for our own government, and see that the public is protected after a fair profit on our output is taken. * * *

"The fact is he likes to talk more about the billions of dollars that will be saved to this country by organizing the housewives of America and inducing them to be frugal and avoid waste, which will not only be a benefit to this generation, but for generations to come.

COMMENDS HOOVER'S STAND.

"He seems to be an earnest, straightforward man, and has certainly some original and practical ideas on the food question from the producer to the consumer, and I also think he will be conservative and use any powers given to him discreetly. * * *

"He was free with his conversation on all subjects except the one of commission appointments, and especially in our line.

"There is the largest lobby ever known in Washington, and I had an opportunity to talk with several I had met from other States, and they all seemed to be disappointed and sore and generally indulged in severe criticism on the bill for the control of food products of every description. The bill will have a hard time yet before it passes the Senate. There are a great many Senators opposed to it secretly, and they are endeavoring to kill it by amendments."

FOR MAXIMUM PRICES.

Another letter read at the hearing by Mr. Heney is dated Chicago, April 10, 1917, signed by Louis F. Swift. It was a statement given out to the newspapers. That was shortly after war was declared. It follows:

"Am very much in favor of the Government establishing maximum prices on all the principal items of food, and also the principal items and necessities of life, to the civilians as well as to the Government, if a practical way can be found.

"LOUIS F. SWIFT."

ON MAXIMUM PRICES.

Then, on April 19, 1917, two days later, a letter from Louis F. Swift and addressed to Harold H. Swift was:

"Reporting on the packers' trip to Washington our main object was to try to get Secretary Houston and other members of the Cabinet interested in maximum prices, to stop inflation and circulation, and also to offer our best services to the Government. While Secretary Houston promised to try to get a bill through Congress putting this power of price fixing up to the Council of National Defense—consisting of the following: N. D. Baker, Secretary of War; J. Daniels, Secretary of the Navy; D. F. Houston, Secretary of Agriculture; F. K. Lane, Secretary of the Interior; W. C. Redfield, Secretary of Commerce; W. B. Wilson, Secretary of Labor—letting them use their power whenever they found it necessary. He has stated pretty plainly that he was not in favor of maximums, and that he was not in favor of using the power unless he had to, but we all think that the club which Congress would give would be a big help.

"Secretary Houston seems to think that minimums are just as necessary, but I think he is absolutely in the wrong about this and that they will do more harm than good.

"LOUIS F. SWIFT.

"Copies to G. F. S., jr., and L. A. C." [That is, to George F. Swift, jr., and L. A. Carton, who is the treasurer of Swift & Co.]

DEFINING POLICY.

The next one is May 9, from Louis F. Swift to Charles H. Swift and G. F. Swift jr.:

"DEAR BROTHERS: If anyone should ask you about the policy of Swift & Co. and their views regarding food products, such as all grain, which might include ribs and lard—in fact, anything that is sold on recognized boards of trade or exchanges throughout the country—please be free, if practicable, to state most unreservedly that we regret to see them so high and would be glad to have the maximum prices established, eliminating speculators if possible. Neither would I have any objections to minimum prices as well.

"In regard to maximum prices on hogs and cattle, would have no objections, if practicable.

"Yours, truly,

"LOUIS F. SWIFT."

EMPHASIZES PRICE APPROVAL.

Then a letter from Louis F. Swift to Harold H. Swift, dated Chicago, December 10, 1917:

"Please notify Mr. Charles H. Swift by letter, care of the beef house, Washington, or by wire that the policy of the firm has been fully decided to say that we are in favor of maximum prices on grain and lard, short ribs and mess pork, cotton and wool—in fact, anything that has the board of trade valuation or a classified valuation.

"We also have no objection to minimum prices. The reason we have decided this way is that the packers in Washington have gone on record this way. We also had a meeting here at Chicago, going on record in the same way, and there are several committees at work on the same lines; and it is the only patriotic and proper thing to say. If we would say we are not in favor of it, it looks as if we were knocking the efforts of the people to live economically.

"As to what effect this would have on live cattle is problematical, but we believe that if the product did not advance the cattle would not. This also applies to mutton, beef, dressed and alive, the same way if they put a maximum on the short ribs, mess pork, and lard, without a maximum on the live hogs. We think the sympathetic effect would be satisfactory, if they are willing to take our changes yesterday; however, if they want to say that we should not pay any more for live hogs than we did this week recommend that we conform to that. I do not say that these things are practicable. I think there will be opposition enough from the farmers' society to prevent anything special happening, but I think the only thing to say is that we are in favor of maximum prices. Think it is better to send no letter to Mr. Hoover at the present time.

"LOUIS F. SWIFT."

ADMITS "GALLERY PLAY."

This letter follows it the same day, May 10, 1917:

Mr. CHARLES H. SWIFT,
Swift & Co., Washington, D. C.

DEAR BROTHER: Referring to my telegram of this morning and to the attached copy of letter, some of this is gallery play when we say we are in favor of maximum prices. But I repeat that it is the only proper thing to do, and I believe that it is possible to follow it out if the Government wants to. I am well satisfied that they do not want to and are not going to. At the same time, it does not make any difference—I mean our public announcement.

Yours, truly, LOUIS F. SWIFT.

CITES BRITISH METHODS.

Letter from A. D. White, who is publicity man for Swift & Co.:

CHICAGO, *May 1, 1917.*

(Addressed to Mr. L. F. Swift.)

Replying to inquiry made yesterday by John Brisbane Walker as to something authentic in regard to food prices control by the British Government, Messrs. Alden B. Swift and R. Mair state that London dealers were given to understand that if they did not fix some maximum price the Government would, and they got together and fixed their prices and are working in conjunction with the Government in the matter, but there has been no legislation so far that covers this situation. Mr. Mair is endeavoring to locate a copy of the minutes of one of those meetings, which Mr. Walker may have and which you want to send him.

A. D. W.,
Advertising Department.

The next one is from the same party—Arthur D. White—dated Chicago, May 2, 1917, addressed to Louis F. Swift:

"Referring further to mine of the 1st regarding some specific material to be sent to Mr. John Brisbane Walker, at his Denver address, showing British Government control of food prices, I have talked this matter over with Messrs. Alden B. Swift and R. Mair and Harry McLerre. I think it would be better to tell Mr. Walker that the Home and Foreign Produce Exchange (Ltd.), of Hibernia Chambers, voluntarily agreed on prices at which various products handled by members of the exchange should be sold, and agreed to restrict resales among the various similar channels of trade. For instance, wholesalers would not resell provisions between themselves at a profit, but would sell to retailers and retailers to consumers."

HENEY OFFERS COMMENT.

Mr. Heney broke off reading at this point to make the following comment:

"I am going to show the commissioner later that that rule has been very grossly violated during this war by some of our big packers by selling even to their own departments and reselling—the department being handled under a different name than the name under which the big packer does business generally—contrary to the rules issued by the Food Administration."

Then he resumed reading from Mr. White's letter, which concludes as follows:

"We feel that this whole subject of Government control of food prices is rather a questionable subject for us to have much to say about, because of the effect it may have upon the live-stock producers; and, on the other hand, the more this is agitated the more the politicians will see an opportunity for price control, and possibly a personal profit to whoever does the controlling. I think Mr. Walker can be satisfied with a statement such as I have suggested without having to send him any documents in support of it. If you approve of this policy of handling the matter, I will outline such a letter as I suggest for sending to him.

"ARTHUR D. WHITE."

TELLS OF MEETING HOOVER.

The following letter, headed "Swift & Co., president's office," was dated May 7, 1917. It was written in lead pencil, and Mr. Heney announced that it was an exact copy of the original from the files:

"Swift & Co. (Inc.). Central office, 3234 Tenth Avenue, New York. L. F. S.: H. H. S.

"Mr. Hoover arrived this morning, and I would probably have had an appointment for a short interview with him this afternoon, but fortunately myself, George J. Edwards, and W. A. Johns ran into his party at the Bankers' Club after luncheon and met him and learned the following:

"Up to date he has not been officially appointed to any Government position, and therefore had not planned for an advisory board or anything of the kind. In this connection, I left L. F. S.'s letter with him. He has, however, been asked by the President, or our Government, for his views and recommendations regarding the restriction of food consumption and maintenance of reasonable prices; or, in other words, the restriction of excess prices of food products in this country; and at the same time increased production of food products, and this is what he wants to work out to a conclusion and to a point to where he can give his recommendations, and, I take it, possibly to put them into effect if he is requested to do so, although he says he is not seeking such a position.

"PRICE FIXING NOT A SUCCESS.

"He says the establishment of the maximum prices has not been a complete success in any country up to date, principally for the reason that while they establish prices for the time being, it does not necessarily prevent the producer holding back or hoarding in anticipation of higher prices later, and it does not bring increased production.

"He is particularly concerned with and dealing with cereals and pork products, and would like us to give the subject our serious thought and see if we can offer any suggestions for a solution of the problem, such as fixed prices for a certain period, say, 12, 18, or 24 months, of grain, hogs, and provisions, the latter to give a reasonable profit to the packers; and he seemed to think it might be possible for the packers of experience to name a fixed price for these commodities that would be low enough to be fairly reasonable but high enough to encourage increased production and give a fairly satisfactory profit to all concerned, if they were reasonable and reasonably patriotic. He has fixed prices decidedly in mind as compared to a range in prices.

PROMISES PATRIOTISM.

"I told him I thought he would find the people pretty patriotic and that he would find considerable patriotism among the packers, and that, as far as we were concerned, we wanted to be of any assistance we could in working out the problem, and that he would find us satisfied with any reasonable adjustment of the subject and a reasonable profit, and that seemed to please him, although, while he is approachable and seems to desire cooperation, he is not at all flowery or democratic. We told him that inasmuch as the agitation for increased production of potatoes, beans, etc., and cereals was having a good deal of effect the same kind of agitation for increased production in hogs might bring corresponding results."

EXPECTED GOVERNMENT CONTROL.

The next letter read was from G. F. Swift, addressed to Messrs. L. F. Swift, L. A. Carton, and Charles H. Swift, a separate letter to each, dated Chicago, December 10, 1917. At the top was written "Strictly private." It follows:

"I think the possibilities are quite great that after the Food Administration discontinues at the termination of the war (their authority going no further) the regulating of the packers' profits it is quite likely to be picked up by the Federal Trade Commission or Congress as a permanent thing along the lines of a public utility. Of course, there is a possibility of their picking it up before the end of the war, with the idea of continuing it permanently, but I hope not.

"If there is a break between the end of the war at the time the Food Administration lets go of it and the time that some other body might pick it up, it seems to me especially important that in this period of the break it would be proper to increase our capital stock on the basis of that appraised value, and as it no doubt takes a long time—maybe a year or so—to get an appraisal of our property, I think we should start right away, so we may have it in hand. I therefore am strongly recommending that we go ahead and have our properties appraised by an appraisal concern with a good reputation. Are you agreeable to going ahead to this extent? Please reply.

"G. F. SWIFT, Jr."

INCREASE OF CAPITALIZATION.

The next letter is December 12, 1917. It is also marked "strictly private" and addressed to G. F. Swift, jr.:

"DEAR SIR: Replying to your letter of December 10, don't think that I would object to an appraisal of Swift & Co.'s properties being made. However, I think this is a matter that should have the approval of and the plan of making this appraisal agreed on by all the Chicago directors, if possible. Think a present date appraisal of values might be useful in many ways. I have no doubt an appraisal of Swift & Co.'s property in the United States and abroad would make the book value of the stock considerably over $200 a share."

Mr. Heney here broke in with a comment:

"I think you will recall, Mr. Commissioner, that the $75,000,000 of stock was increased last year to $100,000,000."

He then continued reading:

"I believe the following situation might be developed at the expiration of the war, i. e., that some United States private bankers or capitalists, or possibly the United States and English bankers or capitalists, or possibly bankers or capitalists from additional countries, might be brought into the proposition, first, by forming a syndicate to buy Swift & Co.'s stock on the open market, paying, say, up to $150 a share for it, and buying the bonds at par. Directors of Swift & Co., with the cooperation of this syndicate, formulating a plan and organizing two new corporations to buy outright the assets of Swift & Co. and liquidating the present Swift & Co., the two companies purchasing the assets of Swift & Co. to be organized and operated with a view of handling:

"First, the packing interest in the United States; second, a holding company to hold the stock and own the business done in foreign countries and to own the business now done by Swift & Co. in the United States that is not a part of the meat-packing business, as the tanning of hides, and soap, glue, butterine, fruit canning, etc. Possibly it might require three corporations to handle the whole thing instead of two.

"Yours, truly, EDWARD F. SWIFT."

MEETING WITH COTTON.

The next letter was dated Chicago, October 7, 1917. It was from Charles H. Swift to Mr. J. N. Chaplin, one of the head men of Swift & Co. It follows:

"My yard car will be at the general office at 8.30 Thursday morning; I would like you to go with it to the Chicago Club, calling for Mr. Joseph Cotton, of Cravath law office, of New York, who has been appointed by Mr. Hoover to represent him on packing-house business and live-stock interests, bringing him to the directors' room on the fourth floor for a meeting, letting L. F. Swift, E. F. Swift, G. F. Swift, jr., and myself know when you arrive and we will come immediately into a meeting.

"You have a copy of G. F. Swift's and my report on Tuesday's meeting with Mr. Cotton, and I think he will be glad to be talking with you on the way out.

"CHARLES H. SWIFT."

ON INSIDE TRACK.

The next thing read was a telegram dated New York and sent over the New York private wire of Wilson & Co. It was addressed, "V. D. S. Personal."

"V. D. S." Heney explained, is V. D. Skipworth, who is vice president of Wilson & Co., and this is from T. E. W., who is Thomas E. Wilson." The telegram says:

"Mr. Joseph Cotton, prominent New York attorney, has been selected by Mr. Hoover to handle packing-house and live-stock matters.

"He formerly was in Mr. Cravath's office, and I had luncheon with him to-day. Treat this confidential.

"T. E. W."

"GET MORE OUT OF COTTON."

Letter dated November 23, 1917, addressed to Messrs. Louis F. Swift, Edward F. Swift, and Charles H. Swift, signed by G. H. Swift:

"I have been thinking a great deal about the proposed packers' arrangement with Mr. Cotton, and it seems to me that the packers have been a good deal swept off their feet with his sudden change in the basis of figuring, with his rush to put the matter through to a conclusion, and after thinking the matter over, I believe we can get more out of Mr. Cotton than we have."

CONFERENCE WITH WHEELER.

A letter from Charles H. Swift on October 2, 1917, addressed to Louis F., E. F., and G. F. Swift, jr., reports a meeting in Harry A. Wheeler's office attended by Mr. Wheeler, E. Dana Durand, and a representative of each of the Chicago packers. This letter says in part:

"Mr. Wheeler opened the meeting by saying that after consideration Mr. Hoover thought the proposed basis of limiting profits to 3 per cent would not work out satisfactorily. * * * Mr. Hoover wanted Mr. Durand to make a brief study of the situation, cost of product, etc., to see if they could arrive at a better plan. All expressed themselves agreeable to the plan.

"Mr. Durand explained probably one day at each of the packing houses represented at the meeting and one day at from five to eight of the smaller packing houses would be sufficient, and it was arranged accordingly that he should start this morning at Swift's office, which was his preference.

"And Mr. Wilson as chairman of the committee agreed to write each of them (the smaller plants) explaining the situation and getting them committed.

"Mr. Traynor has some notes, including a list of the food products which Mr. Hoover is trying to regulate, and will no doubt also write a report."

HENEY ON DURAND.

On Mr. Durand, Mr. Heney here remarked:

"You recall, Mr. Commissioner, I put in evidence some correspondence showing that Mr. E. Dana Durand was employed a short time before this by the big packers; he refused to accept compensation, but did accept the service of going to Washington to endeavor to induce the Agricultural Committee to undertake certain work of publishing certain data to be furnished by the packers, which the papers put in evidence from the files of the big packers showed was a part of the plan they had to defeat and prevent the passage of the Borland resolution and prevent an investigation by the Federal Trade Commission.

"And subsequently Mr. Durand accepted employment to edit certain articles to be published by one or more of the packers setting forth the economic defense of the packing industry as it is conducted, for which he was paid the sum of $300."

PROUD OF ACCOMPLISHMENT.

The next batch of letters read by Mr. Heney related to miscellaneous matters.

A telegram from F. J. Hagenbarth to Louis F. Swift, sent from New York on August 19, 1917, says:

"Hoover and Houston release public statement on Wednesday advising lambs and baby beef as most economic forms of meat production. Am proud of this accomplishment, as case at first seemed hopeless. This information confidential."

Mr. Hagenbarth is the president of the Wool Growers' Association.

On July 31, 1917, Armour & Co. wrote Everett C. Brown, president Live Stock Exchange, Chicago:

"DEAR SIR: General agitation against waste suggests the advisability of eliminating excessive feeding of hogs in the yards. Your exchange has already given this consideration, we believe. Along these lines, and as a conservation proposition, it is our belief that a rule should be established that after hogs have been sold no further feeding should be done but should be sent to the scales as soon as practical after sales have been consummated. Your consideration will be appreciated.

"ARMOUR & CO."

Beneath this letter was a memorandum that copies should be sent to the various Swifts and to other packing chiefs.

"Evidently after the hogs were purchased," Mr. Heney commented, "the delays occurred in getting them to the scales, and instead of stopping them from feeding the owners were letting them continue to fill up so they would weigh more when they got to the scales."

Mr. Heney read a letter addressed to Thomas E. Wilson, of Messrs. Wilson & Co., Chicago:

"MY DEAR MR. WILSON: Will you kindly have some one indicate to me the character and standing of Mr. A. W. Green, of 747 Postal Telegraph Building, Chicago? He writes to me in a 16-page letter concerning criminal practices of packers and the absolute necessity of our nationalizing the transportation lines of the packing companies, including also the stockyards and packing centers.

"I am interested to know who this man is. If you will turn this letter over to the proper person I shall be glad.

"I am drafted by Mr. Hoover in undertaking to standardize all of the churches of the country in connection with the propaganda that you helped me inaugurate in the First Presbyterian Church. It is a big job and opening well.

"Yours, sincerely,

WM. C. COVERT."

ASKS TO HAVE LETTER DESTROYED.

In his reply to the Rev. Dr. Covert Mr. Wilson said:

"I have yours of July 26 inquiring about A. W. Green. I happen to know of this gentleman. He is a man well along in years, and, while he seems to think that he has some grievance against Mr. Armour in connection with some grain deal of many years ago, I am of the opinion that he has become a crank on such subjects on which he has been communicating with you. He is given to much letter writing, and I am sure if encouraged will make it necessary for you to take on an extra secretary to handle his correspondence.

"I would appreciate it if you would destroy this letter, as I do not want to be brought into any argument with this gentleman, and I am writing this confidentially, as I want to save you a lot of useless work.

"Yours, very truly,

"T. E. WILSON."

HENEY COMMENTS ON GREEN.

"I have had quite a number of communications," said Mr. Heney, "from Mr. A. W. Green, and I consider them about as clear an exposition of the situation in regard to the control of the big packers as I have seen anywhere in writing."

VEEDER IS "MORE THAN A LAWYER."

During the reading of the packers' letters, Attorney Heney called attention to the fact that copies of the various packers' letters were ordered sent to "H. V."—Henry Veeder.

"They do not relate," Mr. Heney said, "to questions of law, and they do not require the advice of an attorney, and I am merely emphasizing the fact that the Veeder vault contains a great many papers on all kinds of subjects that haven't anything whatever to do with the business of an attorney as such.

"That was the theory upon which the search warrant was issued to seize some papers there; but there was a good deal of argument made before the court by the attorneys for Veeder to the effect that he was a lawyer—an attorney's office.

"As a matter of fact, Swift & Co.'s down-town office is adjoining Veeder's, and they both open into the same library; the doors open against the same library room in which this vault is located, and there is a directors' room that opens directly out of this library, in which directors' meetings are held. The National Packing Co. has its office there and records there. The National Packing Co. is still in existence."

Commissioner DAVIES. The old National Packing Co.?

Mr. HENEY. The old National Packing Co., that was organized in 1903, and distributed its property in 1912, after the trial of the packers here.

"NOT LOOKING FOR ORNAMENT," MEANING MEEKER.

An interesting letter from W. F. Burrows, head of Libby, McNeill & Libby, to Louis F. Swift was read yesterday by Attorney Heney before Commissioner Davies at the packing-house hearing. Mr. Burrows is a subordinate of Mr. Swift. His letter, written on May 7, 1917, indicates no great prejudice in his mind in favor of his neighbor, Arthur Meeker, of Armour & Co. The letter says:

"Mr. L. F. Swift, U. S. Yards, Chicago: I understand Mr. Herbert C. Hoover, who is to be Food Controller, has reached New York and will be in Washington this week, where his activities will be more or less in connection with the National Council of Defense.

"I also understand that Mr. Arthur Meeker is 'moving heaven and earth' to be First Assistant Food Controller under Mr. Hoover.

"From what I learned in Washington, I believe this committee is not looking so much for ornamentation, such as Mr. Meeker would give it, as they are for men who can render, in a quiet way, real service.

"I understand that McDowell, in the fertilizer department of Armour & Co., has been appointed on the national fertilizer advisory board, and that other Armour men are being offered for this kind of semi-public service."

"DO GOOD" IN A PUBLICITY WAY.

Some letters regarding "publicity" for Wilson & Co. were read by Mr. Heney. One sent to Wilbur D. Nesbit, of the Rankin Advertising Agency, to V. D. Skipworth, vice president of Wilson & Co., dated June 2, 1917, says:

"DEAR MR. SKIPWORTH: You may be interested in the inclosed copy of a letter just to hand from Mr. Thomas R. Shipp."

The letter referred to is this:

MAY 29, 1917.

Mr. WILBUR D. NESBIT,
10½ South Michigan Avenue, Chicago.

DEAR WILBUR: I tried to be as nice as I could to your friend Skipworth. He is a prince. Not for a long time have I encountered a man coming into Washington at this time who seemed to have such a thorough appreciation of the situation.

He had a good talk with Hoover, whom I had him meet, and we put a story into the Chicago Examiner and Chicago Herald, and had a promise from the International News that they would carry something along the same line, although I do not know whether they did or not. The Tribune man sent a story to his paper, but it was killed at that end of the line. Maybe you know why.

T. S.

This evoked from Mr. Skipworth a note to Mr. Nesbit, as follows:

"DEAR MR. NESBIT: I acknowledge receipt of your letter of June 2 inclosing copy of letter from Mr. Shipp. Mr. Shipp's kind expressions in regard to me are highly gratifying, I assure you.

"I told Mr. Wilson that Mr. Shipp was certainly a live wire and was in position to do us a great deal of good in a publicity way, which we may to some extent take advantage of in the future."

Mr. GORE. Mr. President, I do not mean to classify this agricultural advisory committee along with the gentlemen I have last named. Indeed, I do not mean to impeach those men. They are men of undoubted character, and, as I am informed, did not adopt the resolution which the morning paper imputes to them; but that has been heralded forth, a sort of camouflage, to deceive the farmers of this country and to mislead the people of this country. I have, therefore, taken occasion to put into the RECORD testimony from actual farmers, upon whom the Republic must rely in this hour of supreme peril.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. GORE. I yield.

Mr. NORRIS. Do I understand the Senator to say that he has information that a report such as he has outlined from this committee has been sent to all the newspapers of the country to be printed to-morrow?

Mr. GORE. I called up this morning one of the departments which took part in the appointment of this committee, and I was told that the resolutions, presumably those mentioned in this morning's paper as having been adopted, had been placed in the hands of the press and released for to-morrow morning. Of course, I can not speak advisedly or with certainty as to the character of the resolutions. As yet I have not seen them.

Mr. NORRIS. How is that sent out? Is there a bureau of information in the department that does that work?

Mr. GORE. Mr. President, I must protest my ignorance. However it comes, it seems to be a universal sort of publicity, heralded everywhere, and I imagine that even the contradiction will not receive attention.

Mr. NORRIS. The Senator is aware, is he not, that there is such a bureau?

Mr. GORE. Yes, sir. It is currently reported and commonly believed that there is a full-grown, if not very effective, publicity bureau.

Mr. NORRIS. I am not speaking of Mr. Creel's bureau. I mean a different bureau—in the Food Administration.

Mr. GORE. Yes, sir.

Mr. NORRIS. Does the Senator mean that this information is sent out to all the newspapers of the country through the instrumentality of that bureau of information?

Mr. GORE. No, sir; I did not mean that. I do not know the particular agency through which the public is to be taken into the confidence of these gentlemen. The party who advised me did not go into details. I have repeated the statement as it was made to me.

Mr. NORRIS. Let me ask the Senator whether that is not one of the provinces or prerogatives of that bureau of information?

Mr. GORE. Oh, I assume so; I assume so. I take it that is what they are paid for.

Mr. NORRIS. I was going to ask the Senator about the pay. Can the Senator give us any idea how much money it costs to keep up that bureau, and if they are using it for this purpose?

Mr. GORE. The latest statement I saw was that they had expended, I believe, $1,300,000. They have been in existence, I believe, seven or nine months. At any rate, I figured it out, and it amounted to about $5,000 a day.

Mr. NORRIS. Which one of the bureaus of information does the Senator have reference to?

Mr. GORE. I refer to the Creel bureau.

Mr. NORRIS. I was not asking about that bureau, but the one that handled this particular information.

Mr. GORE. So far as the Hoover publicity bureau is concerned, I imagine that it is voluntary and gratuitous. There is not money enough on the globe to pay for the publicity accorded to that institution. [Laughter.]

Mr. NORRIS. No; I am not asking the Senator whether the newspapers are paid to publish it; but the newspapers have to get this information. I wanted to get what the fact was as to how they got it, and through what instrumentality, and whether that was one of the bureaus that we pay for out of the public funds, and whether this information that they are sending out was like the information that went out from the airplane bureau the other day, and which was shown to be a very great stretching of the truth.

Mr. GORE. The statement was that for the present the resolutions were confidential, but that they have been given the press and released for publication to-morrow morning. I ought to say, by way of apology to the Senate, that my reason for inflicting these remarks on them is in order that if such resolutions have been adopted and should be published they may be accompanied, if they are accompanied, by these challenges and contradictions. Perhaps if I could have obtained all the facts this trespass and apology alike would have been unnecessary. I have no sesame by which I can secure their publication in the public press of the country.

Only one other observation, Mr. President.

Mr. SMITH of Georgia. Mr. President, has no appropriation been made to carry the views of Congress to all the press, when their views are attacked elsewhere?

Mr. GORE. No, sir; I think not.

Mr. OVERMAN. They have to rely on the gentlemen up there in the press gallery.

Mr. GORE. There seem to be certain thumbs somewhere that are turned up or down that are quite efficacious.

Now, Mr. President, there is only one other word or two that I wish to say. The article from which I had the passage read contains a threat—I speak advisedly—that if Congress passes the bill raising the price of wheat to $2.50 Mr. Hoover will proceed to commandeer all the wheat in the United States—he has the power to do that—excepting seed wheat held by the farmers. He ought to do that if it becomes necessary to maintain the armies of ourselves or of our allies.

I do not see why such a threat should be made. I do not see why such a threat should be coupled with the prospective action of Congress. I do not see why its execution should be made contingent upon the action of Congress within its appointed and constitutional sphere. The Senate, animated by a sense of public duty and a patriotic desire to stimulate production, adopted an amendment raising the price of wheat to $2.50 per bushel. The Senate was actuated by patriotic motives and a spirit of public service. The other branch of Congress has the constitutional right to concur in and adopt this amendment. If it should concur in the amendment it would do so from the conviction that its adoption would encourage production and contribute to our efficiency in the war. But, sir, if Congress does not behave to suit the Food Administration it is to be rebuked and chastened by the Food Administrator. If the Congress assumes to discharge its constitutional function and its patriotic duty it is to call down upon its offending head the sword of retributive justice in the hands of the Food Administrator. If the Congress acts upon its own responsibility and acts contrary to the views of Mr. Hoover, he is to convert himself into an avenging deity. He is to wreak his wrath not upon the Congress alone but upon the unoffending farmers of the country. He does not threaten to commandeer wheat because it is being willfully hoarded. That would be a sufficient reason. He does not threaten to commandeer wheat because the necessity is impending and is imperious. That would be a sufficient justification. He threatens to commandeer all the wheat in the country if the Congress should slip its leash, should defy the lash, and should decide upon its own responsibility to do justice to the American farmer and, as time will reveal, an act of preeminent service to the American people and to their allies. I must be permitted to say that this threat, if true, is a brazen affront and an unprovoked insult to the Congress of a great and of a free people.

I called up Mr. Hoover to see what the facts were. I called up the Washington Post and asked to be connected with their city news service, in order to ascertain, if I could, the foundation for this statement in the morning paper. I was unable to get in touch with them. I could not obtain the light. I am, therefore, of necessity in the dark. Perhaps I ought to say that the article also suggests that the American people will be urged to reduce their consumption of wheat 50 per cent from the already low and established level. I do not complain of that. I think the American people ought to reduce their consumption of wheat to a point that will guarantee the efficiency of our own armies and the efficiency of the armies of our allies. The sacrifice, however great, will be cheerfully made and submitted to by the American people. But it strikes one as just a little amazing that we should be advised to reduce the consumption of wheat 50 per cent from the present low margin of consumption, that we should have wheatless days, and at the same time we should have a price fixed upon wheat which is less in many instances than the cost of production; that in order to stimulate the production of an article of which there is a dearth, an indispensable article of which the supply is now too limited, we should fix a price upon the product which will discourage those who are engaged in its production.

Mr. President, in 1770, in Calcutta, the Government established a price on grain that was too low. The people lived riotously every day. They consumed the available supply—the inevitable result of fixing too low a price on any article of primary consumption. When the supplies were exhausted, famine—gaunt and grisly famine—stalked abroad, the direct and legitimate offspring of governmental folly. That we should duplicate that experience and the multiplied experiences which have occurred in all the tides of time is at once astounding and incredible. No one can with justice complain of wheatless days if wheatless days be necessary. No one can complain of reduced consumption if reduced consumption be necessary. We yield with obedience to the dictates of necessity and of patriotism. But what excuse can be urged if the infatuation which would in disregard of our imperious needs and in defiance of universal human experience reduce the price of wheat below the cost of production, which would reduce the price of wheat to such a point as would discourage rather than encourage the production of this article of primary and preeminent necessity? Shall such dangerous folly be unleashed and allowed to run rampant over this country without let or hindrance? Perhaps I could not say with propriety that Jesse Holmes seems to be off on a furlough.

The farmers will make any sacrifice, they will bear any burden necessary to the winning of this war and for the vindication of the Nation's honor. They only ask that whatever burdens and sacrifices are imposed upon them shall be fairly apportioned among the other classes of their fellow citizens. If this be done, the farmers will be the last to complain.

Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary again stated the resolution, which was considered by unanimous consent and agreed to.

THIRD LIBERTY LOAN.

Mr. SMITH of Georgia. Mr. President, I desire to read a two-line telegram from real farmers. It has reference to the subscription to the third liberty loan. It is from Trion, Ga., a little town in Chattooga County. Chattooga is one of the largest agricultural counties in the State. There is not a town in it that passes beyond rural classification. They were notified of the number of bonds for which the county is expected to subscribe, and they met this morning in Trion to consider raising the subscription, and they have telegraphed me the result. I am so proud of it that I want to read this two-line telegram:

TRION, GA.

Senator HOKE SMITH,
Washington, D. C.:

Chattooga County quota third liberty loan oversubscribed to-day. Trion district subscribed double her quota.

N. K. BITTING,
County Chairman.
W. I. BENNETT,
District Chairman.

STATEMENT BY THEODORE ROOSEVELT.

Mr. SMOOT. Mr. President, I just want a moment of the time of the Senate to refer again to the article in the Kansas City Star, or in the Washington Post, written by Col. Roosevelt.

I find that on April 2 the Associated Press sent to all of the papers of this country using that service the following telegram:

The Poindexter amendment would make it unlawful "for any person or persons, in the presence or hearing of others, to utter any disloyal, threatening, profane, violent, scurrilous, contemptuous, slurring, abusive, or seditious language about the Government of the United States; or the Constitution of the United States; or the President of the United States; or the Army or Navy or soldiers or sailors of the United States; or the flag of the United States; or the uniform of the Army or Navy of the United States; or the good and welfare of the United States; or any other language calculated to bring the United States or the United States Government, or the President of the United States, or the Constitution of the United States, or the Army or Navy or soldiers or sailors of the United States, or the flag of the United States, or the good and welfare of the United States into contempt, scorn, contumely, or disrepute; or any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of war; or to threaten the good or welfare of the United States or the United States Government; or to advise, urge, or incite any curtailment of production in this country of anything or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of such war."

Mr. President, that is the exact language that was used by Col. Roosevelt; and that language was sent, as I say, by the Associated Press and given to them by a clerk of the Judiciary Committee.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I yield.

Mr. HARDWICK. I did not hear the beginning of that. Was that dated April 2, and was that described as the Poindexter amendment?

Mr. SMOOT. It was.

Mr. HARDWICK. That was the same thing that I referred to. I read the same thing.

Mr. SMOOT. Now, Mr. President, to show how universally that was accepted by the papers of the United States, I refer the Senate to the New York Times of April 3, 1918.

Mr. GALLINGER. Mr. President, may I ask the Senator a question before he takes that up?

Mr. SMOOT. Yes.

Mr. GALLINGER. Do I understand the Senator to say that it was given to the Associated Press by a member of the Judiciary Committee?

Mr. SMOOT. Not a member of the Judiciary Committee; as I understand, it was given by a clerk of the committee.

Now, Mr. President, let me call attention to the fact that, based upon that telegram, the New York Times of April 3 published an editorial in which they commented upon the report as sent by the Associated Press, and in which the identical words found in that report are used. Mr. President, four days have elapsed since it was sent out. No Senator upon the floor of the Senate has found objections to the report until this morning, when they found in the press that same language used by Col. Roosevelt and commented upon. I am not going to take the time of the Senate to read it, but I ask that this editorial in the New York Times of April 3, 1918, headed "Punishment for the Disloyal," be printed in the RECORD, so that the RECORD will show just what the country understood the bill contained.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

PUNISHMENT FOR THE DISLOYAL.

Tardily, but with serious minds, the national lawmakers are repairing the astonishing defects in the Federal statutes relating to seditious and disloyal utterances. Treason, as was shown by the result of the trial of the editors of a German-language newspaper published in Philadelphia, can be established only when an "overt act" has been committed. For that crime the punishment of death may be inflicted. Disloyalty manifested in speech is equally offensive and scarcely less dangerous, but the penalties imposed by existing law are grotesquely inadequate.

The bill unanimously reported by the Senate Judiciary Committee yesterday, after it had adopted Senator POINDEXTER'S amendment, prescribes penalties severe enough to be really deterrent. Under its provisions whoever in the presence or hearing of others utters disloyal, threatening, violent, abusive, or seditious language about the Government, the Constitution, the President, the flag, or the uniform of the Army and Navy of the United States, or any words calculated to bring the Government or its institutions into contempt or disrepute, or calculated to incite resistance to Federal authority or to hamper the efforts of the Government in the prosecution of the war may be punished by imprisonment of 20 years and a fine of $10,000. The POINDEXTER amendment further provides that "whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein" shall be subject to the same penalties.

These are punishments proportionate to the magnitude of the crime. Although it is becoming more prudent, less open, disloyalty is still rife, and manifestations of joy over recent German successes, toasts to the Kaiser, to Hindenburg, and expressions of the hope that the German arms may yet triumph are reported almost daily. These offenders are not our pacifists, they are now becoming quiet, doubtless because of the moral conviction that when so flagrantly criminal and abominable a disturber of the peace as the German Empire has defied the force of civilization, discussion of peace and theories of peace must be deferred until he is overthrown and chained for a thousand years. The toasts to the Kaiser of which we hear nowadays are offered in the German language, and in places of German resort by Germans, actually alien enemies or other Germans whom birth or naturalization has not yet made American. These offenses are going to be made too dangerous to be persisted in. While we are at war with Germany utterances in support of the enemy or expressions of the hope that he may triumph can not be tolerated. The bill reported by the Senate committee, we hope, will be speedily enacted and its provisions rigorously enforced. It may be expected further that, putting aside all soft squeamishness about inflicting the death penalty, Congress will duly provide that criminal acts designed to impede our preparations for war, acts which destroy property and endanger human life, like the blowing up of munition factories or warehouses or attempts to destroy ships, shall be punished by death.

Mr. OVERMAN. Mr. President, I do not want to say anything more about this matter; but my language in regard to Col. Roosevelt applies to the Associated Press and any paper which has published under quotation marks that this is in the bill. I do not believe the Associated Press ever put any quotation marks around language not in the bill, and I know the clerk of the Judiciary Committee could not have given the Associated Press such language, because there is no such language.

Mr. SMOOT. Do I understand the Senator to say that as I read it the words were not in quotation marks?

Mr. OVERMAN. I do not say that; but anyway it says here——

Mr. SMOOT. Here are the quotation marks.

Mr. OVERMAN. If he puts that in quotation marks implying that this bill is that way, we ought to have an apology from him.

I wish the Senator from Washington [Mr. POINDEXTER] was here, because it recites the Poindexter amendment when there is no such thing, and the clerk of the Judiciary Committee says it was not possible for him to have given it.

Mr. MYERS. I wish to say——

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OVERMAN. I say that newspaper or person who says that such language is in the pending bill, who makes that statement and sends by the Associated Press stuff like that, sends out a false statement. What right has the Associated Press man to copy and put in quotation marks language as occurring in the bill that does not occur in the bill? I would trust the clerk to give him a statement, but to put quotation marks around it himself I do not believe it. Therefore I do not think there are any quotation marks around the words, because I can not see how an honorable newspaper reporter could send out a statement of something occurring in a bill under quotation marks that does not occur there.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SMOOT. I have the floor.

Mr. MYERS. Just for one remark.

Mr. SMOOT. I will not take more than a minute or two. I want to say to the Senator that the language used by the Associated Press is the exact language in the bill as reported to the Senate with a single exception as to the President of the United States.

Mr. OVERMAN. Of course, and that is the meat in the coconut. Did the press agent here at the Senate put into the language of that Associated Press dispatch under quotations that sentence and add to it when it is not true? Did Mr. Roosevelt do it upon his own authority or did he do it upon the Associated Press dispatch? I think he has the courage to come out and say he was misinformed.

Mr. SMOOT. Col. Roosevelt took the Associated Press report just the same as millions of people of the United States have taken it, and they were justified in doing so and I do not think they are to be condemned for so doing.

Mr. OVERMAN. I am not condemning anybody. I am saying this is not true. The New York Times did not put that quotation mark in, I am glad to say.

Mr. SMOOT. The New York Times uses the language used in the Associated Press dispatch. Of course, they do not put it in quotation marks, but they use it based no doubt upon the Associated Press dispatch.

Mr. OVERMAN. I have no doubt that is true. I can not see how the Associated Press man whoever he is would put in language in the bill that is not in it. The clerk would not give it to him and put it in quotation marks. That is an impossibility. I can not understand why he would insert those words in the amendment to mislead Mr. Roosevelt.

Mr. MYERS. Mr. President——

Mr. OVERMAN. The clerk is as good a man as there is in Washington and he never gave out such a statement. Here he is; he comes to me. He is entitled to be heard. He is, I say, as good a man as there is in Washington, one of the most valuable clerks here. All the words are in the bill except those about the President, and there is something strange about it; that the Associated Press should have misled the American people and misled Mr. Roosevelt. I say that I expect in the presence of the representative of the Associated Press, I think he ought to telegraph to the country the truth about it and how it happened. He should tell why he sent out a dispatch which misled the public, unintentionally, of course. I do not say he did it intentionally, but I say he has done it and misrepresented the truth. He is put in the same class with Mr. Roosevelt and he ought to have the courage to say it was not true and that he was mistaken.

Mr. KELLOGG. Mr. President——

Mr. OVERMAN. Now, I want to say another thing. I can not yield until I make a statement. The Senator from South Dakota has got the matter right. He is on the Judiciary Committee, and corroborates what I said. It never had the bill before it. Of course, the Judiciary Committee sometimes refers bills by numbers, but the bill he talks about, the Myers bill, was never considered in the Judiciary Committee. The Senator bears me out in the statement, and he naturally could do so, because he was there; he is a member of the committee. I yield to the Senator from Minnesota.

Mr. KELLOGG. Does not the Senator think his strictures upon the Associated Press are rather severe when they got their information from the clerk of the Judiciary Committee who undoubtedly handed out the wrong bill?

Mr. OVERMAN. He had no bill to give them.

Mr. KELLOGG. One moment. The bill which I read was before the Judiciary Committee and was considered by a subcommittee of the Judiciary Committee.

Mr. OVERMAN. Months ago.

Mr. KELLOGG. It is not at all likely that the Associated Press would deliberately take the bill that was reported and change it.

Mr. OVERMAN. He has not given the language of that bill.

Mr. KELLOGG. The bill that I read is exactly the language quoted by Mr. Roosevelt.

Mr. OVERMAN (reading)—

> Any disloyal, threatening, profane, violent, scurrilous, contemptuous, slurring, abusive, or seditious language about the Government of the United States or the Constitution of the United States, or the President of the United States—

That language is used when there is no such thing in the Poindexter amendment. The Poindexter amendment does not say anything of that sort. It shows the Associated Press representative did not have the Myers bill. If he wanted to give out the Myers bill, why did he not give it out? It is not the Poindexter amendment.

I have great respect for the man who represents the Associated Press, as I have for Col. Roosevelt, but having sent out language to the American people that is not true, I ask the Senator if he does not think it their duty to correct it?

Mr. KELLOGG. I think that they ought, and I have no doubt they will.

Mr. OVERMAN. That is all I ask.

Mr. KELLOGG. They have no desire, I am sure, to misrepresent any bill.

Mr. OVERMAN. I am making no strictures on anybody, except to say that they misrepresented, and the Senator admits it, and having admitted it is not true, then let them say there has been a mistake.

Mr. KELLOGG. If the Senator will ask me his question and give me an opportunity to answer it, I will try to do so.

Mr. OVERMAN. All right.

Mr. KELLOGG. I say undoubtedly the Associated Press will correct it, as they ought to do, and I have no doubt they are perfectly willing to do it. The surprising thing is that it created no sensation until Col. Roosevelt wrote about it.

Mr. OVERMAN. He is a sensational man, and he sends in a day ahead to the Washington Post an article which will appear Sunday morning in another paper in this country, a syndicated letter. He gave this notice of it, this man who is always in the limelight.

Mr. CUMMINS. May I ask the Senator from North Carolina a question. Is it his intention to endeavor to correct in this way all the misrepresentations that are made concerning committees of Congress and Members of Congress?

Mr. OVERMAN. No.

Mr. CUMMINS. If so, he will be very fully occupied during the next few weeks. There is not an issue of a paper I see anywhere that does not slander Congress or some committee of Congress or some Member of Congress.

Mr. OVERMAN. That is a different thing from slandering the Committee on the Judiciary and putting in words in quotations. It is a slander on the Senator who is a member of that great committee. Mr. President, to say that it was referred to our committee, and the Judiciary Committee adroitly did, it slanders the Senator as well as myself and every member of the Judiciary Committee.

Mr. CUMMINS. I do not defend the statement. I think the Senator from North Carolina magnifies its importance—that is all—and I do not believe we ought to take up the time of the Senate in endeavoring to correct a statement of that character.

Mr. OVERMAN. Representing that great committee on this floor, I think I would be untrue to the committee as a member of the committee not to defend the Senator himself, because Roosevelt said the committee adroitly put it in. The Senator is a member of the committee and so am I.

Mr. CUMMINS. I hope the Senator will always defend me when slanders and libels are uttered about me. The Senator then will have his hands full.

Mr. OVERMAN. I will when the Senator is a member of the Committee on the Judiciary, and the whole committee is slandered, and he is a member of it.

The Senator is a member of the committee, and when this dispatch says the committee adroitly put it in there he is slandered as well as every other member of the committee.

Mr. VARDAMAN. I hope the Senator will not confine his defense to the members of the Committee on the Judiciary exclusively. I should like to put myself in his hands.

Mr. OVERMAN. Mr. President, I ask that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of House bill 8753 to amend section 3, title 1, of the act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside and that the consideration of House bill 8753 be proceeded with. Is there objection? The Chair hears none. The bill is before the Senate. The pending amendment is that offered by the Senator from Colorado [Mr. THOMAS], in line 18, after the word "shall" to insert the word "willfully," and also in line 4, page 3, the same amendment, and in line 7, the same, and in line 14, the same.

Mr. REED. Mr. President, the bill under consideration deals with the character of publications that may be permitted in the United States. The discussion which has just ended has to do with the principal contributor to the Kansas City Star, Mr. Roosevelt. There has been a good deal of question raised about his misquotation of a bill. There has also been a good deal of discussion as to whether the statement of ex-President Roosevelt was based upon a misquotation. I only desire to say that Mr. Roosevelt has written other articles for the Kansas City Star, some of which have contained statements of a most remarkable character. I do not intend to comment upon them, but I do call attention to the general attitude of the Kansas City Star, and I think its attitude is proper to consider in connection with the kind of propaganda Mr. Roosevelt is carrying on.

Mr. President, I read an editorial that appeared in the Kansas City Star on Saturday, March 16, 1918, and ask the attention of the Senate to it, particularly I desire the attention of those who are raising questions regarding the scope of this bill:

IF YOU WERE A GERMAN.

Suppose you were a German born and bred. Suppose you had been brought up to feel that your country possessed a superior civilization that was the object of envy and hatred of your neighbors. Suppose it had always been borne in you that your nation owed its place in the world to its armies, and that it must extend its power by armed force

or else be overthrown. Suppose you had been fed with assertions that your country had been attacked by jealous foes, and that it was fighting a successful war against them.

Do you have any idea that under such circumstances you could be brought by persuasion on the part of your enemies to disown your government?

Wouldn't your disposition be to sneer at enemy propaganda and to become more set in your ways? Would anything except military defeat make you check up and inquire into the real significance of a world policy that had involved the nation in disaster?

I now read in connection with that editorial from the Star an editorial which appeared on the same day in the Kansas City Post. The Kansas City Post is a loyal pro-American newspaper:

SO THE PEOPLE MAY KNOW IF YOU WERE A GERMAN.

"Suppose you were a German, born and bred. Suppose you had been brought up to feel that your country possessed a superior civilization that was the object of envy and hatred of your neighbors. Suppose it had always been borne in you that your nation owed its place in the world to its armies, and that it must extend its power by armed force or else be overthrown. Suppose you had been fed with assertions that your country had been attacked by jealous foes and that it was fighting a successful war against them.

"Do you have any idea that under such circumstances you could be brought by persuasion on the part of your enemies to disown your government?

"Wouldn't your disposition be to sneer at enemy propaganda and to become more set in your ways? Would anything except military defeat make you check up and inquire into the real significance of a world policy that had involved the nation in disaster?"

The above article appears as an editorial expression in to-day's Kansas City Star—and when you remember that this paper is managed by August Seested and some of the facts to which he swore a little less than a year ago, you will understand its full import and effect.

Seested, in securing the rights of American citizenship after this country was forced into war by the ruthless Hun, swore that he was born in Germany, lived there until almost maturity, received his education in the schools of the country which teaches that they "possess a superior civilization which is the object of envy and hatred of your neighbors."

View these facts concerning the man who dictates the policy of the paper and then read again that editorial.

Remember, too, that it is the speeches of President Wilson which are now classed as "enemy propaganda"—those great documents of humanity, which express the fundamentals of equality, liberty, democracy.

Remember that it is President Wilson who is holding aloft the torch of truth, that its rays may fall upon the deluded subjects of the Kaiser to let them know that we are not fighting peoples, but are fighting against that system of autocracy which ravaged Belgium and Serbia, which plots in other countries, which has been guilty of the greatest atrocities of all times.

Remember that this war must last until all peoples shall rule themselves and democracy become a reality in all the world—a reality for even the people of Germany, who are even now breaking away from that feeling of superior civilization and looking for the benefits of peace and freedom from subserviency to a mad monarch.

Remember that the Kaiser has used millions in this country in a futile effort to arouse the people of German blood to some sense of love and reverence for their fatherland, has instilled his subtle poison into the press wherever possible, has used every means that intrigue could suggest to obtain aid for his falling cause by dividing the people of this Nation.

Remember, and then read again. Do you believe it is an appeal to more vigorous war effort? Or do you believe that it is a subtle appeal to every former subject of the Kaiser who may be hesitating between a fondness for the place of his birth and loyalty to his chosen home to remember the teachings of his youth?

When you mark the fact that the speeches of President Wilson are classed as "enemy propaganda" you can not mistake the answer.

I think, Mr. President, that the attitude of that paper toward the Government ought to be considered at this time, together with the fact that it did the astonishing thing of going half-way across the continent and securing a citizen of New York to contribute to its columns, and that since he began writing for that paper there has not, so far as I know, been a single kindly or complimentary statement in regard to the officers of the Government appeared in a single article written by Mr. Roosevelt and published in the Star in his article. I think those facts ought to be taken into consideration, and I think Mr. Roosevelt knows the proper place in which to carry on his propaganda.

Mr. VARDAMAN. Mr. President, I have no desire to prolong the discussion of the Roosevelt incident, but I want to say that in his fulmination of error as it has been described he said some things that every American citizen should make a part of his political creed. I think no one will charge me with playing the very unusual rôle of defending Mr. Roosevelt. I have had the fortune, good or bad, to have his most cordial dislike and opposition since I entered public life. But, as I said a moment ago, from the gush of this human Vesuvius has fallen, perhaps accidentally, some jewels of truth which I commend to the serious consideration of every American citizen. I will read it:

Our loyalty is due entirely to the United States. It is due to the President only and exactly to the degree in which he efficiently serves the United States. It is our duty to support him when he serves the United States well; it is our duty to oppose him when he serves it badly. This is true about Mr Wilson now, and it has been true about all our Presidents in the past. It is our duty at all times to tell the truth about the President and about everyone else—

He might have added in public and in private life—

It is our duty at all times to tell the truth about the President and about everyone else, save in the cases where to tell the truth at the moment would benefit the public enemy.

To that sentiment I subscribe unconditionally. He may have said some things in this editorial he ought not to have said, but a fairly satisfactory explanation has been made here, and I am always charitable enough to think in the language of Irving Russell that—

* * * de sinfulness ob sin
Is 'pendin' 'pon de sperrit what we goes an' does it in.

Mr. President, with the consent and kindly indulgence of the Senate I wish to submit a few observations upon the pending bill. Mr. President, there is much fundamentally un-American, and many of the elements of potential despotism in the pending measure. The intentions and purposes, however, of the committee that recommended it to the Senate were entirely pertinent and patriotic. The end sought to be accomplished by them is the country's good, and if the proposed law should be enforced in line and in accord with the spirit and purposes of its proponents, no harm could possibly grow out of it, but, on the contrary, good would result.

But I fear the bigot, the charlatan, the man in office who would prostitute a public function to the promotion of his partisan or private interests will find in this measure a convenient engine of oppression. There are evidences at hand that all men in high official station are not like Cæsar would have his wife in that regard—altogether above suspicion. However high, noble, and grand the head of the Government may be, there is always some groveling politicaster to do the little dirty things to please the annointed one and punish the disobedient.

The fevered state of the public mind at this time prevents calm, dispassionate discussion and fearless reasoning upon any subject. Men are not permitted in some instances, be they ever so honest and patriotic, to express their honest thoughts, if indeed those thoughts should be in discord with the wave of popular passion. It is a lamentable state of affairs—the times are all out of joint.

Thomas Jefferson, in his animadversions upon the Federal judiciary, if uttered to-day, would be denounced under the terms of this bill as savoring of treason or disloyalty to his Government.

Mr. President, the strength of this Republic consists in the moral qualities and intellectual acquirements of the individual citizens thereof. The Government is strong and great in proportion to the strength of mind and moral force of the individual man and woman. The citizens can not develop to their utmost in mind and morals without fully enjoying unrestricted the privilege to think, the freedom of speech, and unproscribed action in the performance of the duties of citizenship. A citizen of this Republic has got a right to think, and that right carries with it the right to think incorrectly, if perchance his mental machinery shall be somewhat warped. The mental strait-jacket has never been used with success in a republic, and it has no place in America.

Thomas Jefferson held to a doctrine which he expressed in a letter to Spencer Roane, which would now be looked upon in these ungodly times as heretical. He said:

My construction of the Constitution is very different from that you quote. It is that each department is truly independent of the others and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal.

That sounds rather revolutionary, don't you think, in these abnormal times? His denunciation of the Federal judiciary as "sappers and miners of the Constitution, changing our form of government by judicial construction" would under the terms of this measure subject him, if not to imprisonment, to the humiliation of trial in a criminal court.

Mr. President, all proscriptive legislation of this character originates in the minds of men who question the capacity of the citizen for self-government. It is a manifestation of lack of confidence in the intelligence and patriotism of the American people and their ability to govern themselves and, in their individual capacities, to protect and uphold the institutions of the country. I believe with Jefferson that you can rely upon the citizen to do his duty, do the things needful for the preservation of the institutions of this country and the protection of our Government against enemies in the open and under cover.

It is fresh in the minds of Senators, doubtless, the vigorous fight that Abraham Lincoln made against the rulings of the court in the famous Dred Scott case. You will recall his reply when attacked as to the way he proposed to resist the court's decision in that case. He said:

We oppose the Dred Scott decision in a certain way, upon which I ought perhaps to address you a few words. We do not propose that when Dred Scott has been decided to be a slave by the court we, as a mob, will decide him to be free, * * * but we nevertheless do oppose that decision as a political rule which shall be binding on the voter to vote for nobody who thinks it wrong, which shall be binding on the Members of Congress or the President to favor no measure that does

not actually concur with the principles of that decision. * * * We propose so resisting it as to have it reversed if we can and a new judicial rule established upon this subject.

What would be said of a Senator or Congressman who expressed sentiments of that character at this time touching legislation which has been enacted of an extraordinary and unusual character since 1914? The war-generated spirit of intolerance would demand the application of the thumbscrew or burning at the stake or perhaps with a brand of infamy upon the right cheek of the man who would dare, for his country's good, to express such heroic and salutary sentiment as that expressed by Mr. Lincoln, who, it will be remembered, quoted Thomas Jefferson to sustain his defense of the right of the liberty of speech and the freedom of expression. One may differ in opinion regarding the object for which Lincoln contended, but no brave, self-respecting American citizen will question his constitutional right to do that which he did.

Mr. President, I yield to no man in my devotion to America and the cause for which our sons are dying in the trenches of France. There is no sacrifice that I would not make, personally, for the good of my country at this desperate moment. I, along with other fathers whose age debar them from active service in the ranks, have contributed of the priceless jewels of a father's love to the toll which the god of war demands, and I did it with my boy's consent and by his invitation, imbued with the spirit of that peerless Roman youth who gave himself to the gods Manes for the safety of his country. It is a beautiful story, expressive of the highest order of the purest patriotism, which has been exemplified by American youths in this war.

A wide gap, called afterwards Curtius lacus, had suddenly opened in the forum, and the oracle had said that it would never close before Rome threw into it whatever it had most precious. Curtius, on hearing the answer, demanded of his countrymen whether they possessed anything so valuable as their arms and courage. They yielded a silent assent to the question put them by the heroic youth, whereupon, having arrayed himself in full armor and mounted his horse, he plunged into the chasm, and the people threw after him flowers and fruit, the usual tribute which virtue always pays to heroism. And, as the story goes, the earth closed immediately over him. The price had been paid and Rome was saved.

Mr. President, the superb example of this mythological character has become common actuality in America since the declaration of war a year ago to-day. From all the walks of life, the high and the lowly, the rich and the poor, the weak and the strong, have come, men demanding that they be permitted to sacrifice all, if need be, for the Stars and Stripes—for American independence and for the preservation of American ideals and American liberty. Fathers and sons have offered their services, mothers have given their boys, wives have offered their husbands, and with their benediction pronounced by loving lips, have sent them forth to do and die in defense of our country. A spectacle more heroic, more inspiring, and sublime does not glorify the pages of American history. In recognition of those heroic facts let us be careful lest we enact laws that will be misinterpreted and misconstrued, laws that reflect upon the intelligence and patriotism of the people, laws that question the capacity of the people for self-government. The enemy to his country who stands upon the street corners and prates his cowardice or infidelity has no influence upon the patriotic citizen. His criminal vaporings evanesces as bad air. You can rely upon the inherent patriotism and the individual good judgment of the citizen to take the grains of wisdom from the talks of men and appropriate them to his use and cast aside the chaff. The people can take care of themselves. They do not need the guardianship of the Congress and the White House.

I believe in an hour like the present that the fullest and freest discussion should be permitted. In the sheol of a world disaster, which adumbrates the whole earth, we need that light which is generated only by the attrition of ideas and the exchange of thought.

> Words are things; and a drop of ink,
> Falling like dew upon a thought, produce
> That which makes thousands, perhaps millions, think.

Or, to use a more homely illustration, when we are going around sharp curves or crossing the breakers under a full head of steam, all the headlights should be turned on. The rights and privileges guaranteed by the Constitution should be upheld and scrupulously respected. I would not proscribe men and women in the expression of their views, for the reason that in doing so I fear that I might be influenced by my own feelings and my own earnest desires, which might carry me too far in certain directions. There is danger in proscription. There is absolute safety in freedom of thought and liberty of speech. The lie is harmless as long as truth is free to combat it. To make myself better understood I will be permitted, I trust, to paraphrase a statement made by one of America's greatest constitutional lawyers and noblest patriots: "It is not from the exercise of despotic power, nor yet from the headlong passions of a raging people that we will learn our duty to one another and to our country." When the prophet Elijah stood on the mountainside and looked for some token of the Divine will, he did not see it in the tempest or the earthquake or the fire, but he heard it in the "still, small voice" which reached his ears after they had passed by. We have heard the storm of political debate, we are feeling the earthquake shock of a world war, we are seeing to-day the effect of legislative persecution. We shall find the truth when they are all passed and gone, and we will find it by hearkening to the "still, small voice" which speaks to our consciences in the articulate words of the Constitution from the graves of our fathers. If we can not get the truth from them, if their words of wisdom and the light of their patriotic example do not lead us in the straight and narrow path, then, Mr. President, the days of this great Republic are numbered. The end is not far away. I would counsel moderation in this hour of trial. Laws that originate in intense hatred or excessive love are equally unreliable and necessarily unstable.

It is a mistake to legislate upon the presumption that all the wisdom and all the patriotism are confined to Congress and the executive branch of the Government. Reasoning from that hypothesis leads inevitably to a false conclusion, finally to disaster.

Mr. President, may I be permitted at this point to counsel with my colleagues and urge upon them the necessity for concord of purpose, calmness of discussion of all questions pertaining to the war? America should present a united front to the common enemy. And no word or act should be said or done that indicates in the slightest a division of sentiment in our ranks. No man or coterie of men in this body or out of it have a corner on all the wisdom and all the patriotism of the American people. Patriotism is a common attribute, and the inherent wisdom and good judgment of the average citizen is the sheet anchor of our national hope.

I can not more fittingly close what I have to say than by quoting from an ancient Greek who had felt the hot iron of adversity in his heroic soul. He understood the fallibility of men, the unreliability of human judgment, and in the shadow of doubt, conscious of human limitations, he uttered these wise words for the guidance of his people. I commend them to your careful consideration:

> Tossed on a sea of trouble, soul, my soul,
> Do thou myself control
> To meet the weapons of advancing foes
> A stubborn breast oppose,
> Undaunted by the hostile might of squadrons
> Burning for the fight.
> Thine no vain boasting when the victor's crown
> Wins the deserved renown;
> Thine no dejected sorrow when defeat
> Would urge a base retreat.
> Rejoice 'mid joyous things, nor overmuch
> Let grief thy bosom touch
> 'Mid evil; still bear in mind
> Now changeful are the ways of human kind.

Mr. MYERS. Mr. President, I want to come to the rescue, if I may, of some of the language of the committee amendment to the pending bill, which has been attacked. I shall endeavor to be brief about it.

I feel a peculiar interest in the language, for much of the amendment was taken verbatim from my now suddenly-famous bill of last August, and enacted into a statute in the State of Montana by the legislature of that State; and the greater part of that Montana statute appears to have been taken by the Judiciary Committee of this body and incorporated in the committee amendment; so I suppose I may modestly claim to be the author of a part of the language of this committee amendment.

There have been offered upon the floor of the Senate a number of amendments to the committee amendment. To most of them I am opposed. There have been some amendments offered to extend the scope of the bill and to make it more comprehensive and far-reaching. Those I favor, because I favor hitting deviltry and disloyalty and mischief in this critical crisis just as hard as we can hit them. I believe in making this bill just as comprehensive and drastic as it may legitimately be made under our Constitution and form of government, in order to attain the purposes at which it is aimed. But to the other amendments, those to change the wording of the committee amendment, I am opposed naturally, for a number of reasons.

In the first place, as I have said, I find some of this language which it is proposed to change was framed by me in the bill which I introduced here last August. It is often said by judges in writing opinions of courts, when referring to certain language, that they have no pride of authorship; but I believe I

can not say that as to the words affected by some of the proposed amendments, because I believe they are fitting words and are best adapted to the purposes for which they were intended.

There has been an amendment offered, I believe, to strike out the word "inflame," in line 5, page 3, of the bill, or at least there has been some objection made to it, the language there being:

Or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. I yield, with pleasure.

Mr. KING. Does not the Senator from Montana think that the word "inflame" is rather unhappily selected, and that the word "cause" would be better and stronger to effectuate the result?

Mr. MYERS. No; I can not say so. The disjunctive form of language here used is "to incite or inflame." "Incite" is to cause, to initiate, to start, to begin. A man who incites resistance causes people to resist who otherwise would not resist. Therefore, he causes resistance. I think the word "incite" is synonymous with "cause." A man who by a disloyal and traitorous harangue incites a crowd to resistance to duly constituted Federal or State authority causes them to resist.

The word "inflame," as I understand, means to increase, to augment something which is already in existence. It means, where there is already resistance or a disposition to resist, to "inflame," to increase that tendency; to increase that which already exists.

Mr. BORAH. Mr. President, may I interrupt the Senator from Montana?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. With pleasure.

Mr. BORAH. I think the distinction which the Senator from Montana makes is probably a correct one, but I doubt if in the practical operation of the bill, should it become a law, the court and the jury would make any such distinction.

Mr. MYERS. As I have said, to "incite resistance" means to cause it where it did not before exist; to "inflame resistance" is where there is already resistance, to increase it; to cause people to resist all the more; to encourage them to continue or to increase their resistance.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Arizona?

Mr. MYERS. With pleasure.

Mr. ASHURST. Then, why not substitute the word "encourage" in lieu of the word "inflame"?

Mr. MYERS. Well, "encourage" might serve the same purpose; but why not leave the word "inflame"? What is the matter with "inflame"? I think "inflame" is just as good a word as either of the others.

Mr. ASHURST. "Encourage" is a word that has had a judicial interpretation in very many cases; but "inflame" has not had a judicial interpretation.

Mr. MYERS. I heard that objection urged yesterday; but let the courts begin to give the word "inflame" a judicial interpretation as soon as this bill is enacted. The mere fact that the word never has had judicial interpretation or has not had a settled and stable judicial interpretation is no reason why it should not receive one. The definition of "inflame" is given in the Standard Dictionary as follows:

To make larger; to aggravate; to augment.

That is what the word means—to increase that which already exists. It seems to me that it is wise to have a provision forbidding action or language which would incite resistance, and also forbidding action or language which would increase it if there were already resistance. I do not believe that the word "inflame" there will do any harm; but if Senators can suggest any synonymous word which would better express the idea I would be willing to have them do so.

There is, I believe, a motion pending to strike out the word "calculated," in line 24, page 2 of the bill, and to substitute therefor the word "intended," where the bill forbids—

any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

Some of the Senators who spoke on the bill yesterday objected very much to the word "calculated," on the ground that it did not have a well-settled judicial meaning or definite judicial interpretation. I think that word serves the purpose which it was intended to serve. In the forepart of the amendment it is provided—

and whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States—

And then follows the blanket provision—

or any language calculated to bring the form of Government of the United States * * * into contempt, scorn, contumely, or disrepute.

I think the word "calculated" is the proper word to use there. It means that if a man uses any language the reasonable and probable result of which is to bring the form of government, the Constitution of the United States, and so forth, into disrepute he is guilty. "Calculated" there means "reasonable, natural, and probable result." Any human being of ordinary intelligence knows what kind of language is calculated to bring the form of government and the Constitution of the United States into disrepute. Nobody is so ignorant as not to know.

Anybody knows that a profane denunciation of our form of government or of our Constitution, or saying that our form of government is not as good as the German form of government—which remark I have read in the newspapers of late, and it has been uttered on a number of occasions and has created much disturbance in different parts of the country—anybody knows that such language as that is calculated to bring the Government of the United States into disrepute. It is impossible to enumerate every kind of language that would bring the Government of the United States into disrepute. The words "disloyal, profane, scurrilous, contemptuous, or abusive" do not necessarily cover every form of language that would tend to bring the Government of the United States into disrepute. So the clause of that sentence, "any language calculated to bring the form of government of the United States * * * into * * * disrepute" is added to cover anything that might occur which is not especially defined in preceding clauses of the bill.

Suppose a man should say that the Government of Germany is a better government than the Government of this country, or employ any of many other such expressions, it might be hard to find any adjective enumerated in the beginning of the committee amendment which would cover it; and I think it is wise to have a provision of that kind so as to see that any language calculated to bring the form of government of the United States into disrepute is adequately punished.

"Calculated" is defined in the Standard Dictionary as meaning—

Suited, proper, fit, tending—

Tending to bring the form of government of the United States or the Constitution of the United States into disrepute. I think, if a man utters language in this country that is calculated in the mind of any ordinary human being of average intelligence to bring this Government into disrepute, he ought to be held responsible for it and ought to be punished for it.

My objection to changing the word "calculated" to the word "intended" is this: If the change were made, it would read:

Or any language intended to bring the form of government of the United States or the Constitution of the United States * * * into contempt, scorn, contumely, or disrepute.

If we should employ the word "intended" there, then some highly technical Federal judge somewhere in the country doubtless will be instructing juries that it must not only be proven beyond and to the exclusion of all reasonable doubt that the defendant uttered the language charged, but it must also, in addition, be proven beyond and to the exclusion of all reasonable doubt that he intended by such language to bring the form of government of the United States, or the Constitution of the United States, into disrepute, scorn, contumely, or contempt. The defendant will go on the witness stand and say: "I had no such intention." He is the only human being on earth who knew what his intention was—only he and the Almighty know what was in his mind and what was his intention—and if he denies it, if he says that such was not his intention, you will, I fear, often find at least one of the 12 jurors stoutly insisting that he has a reasonable doubt as to whether or not the defendant intended to bring the form of government or the Constitution of the United States into disrepute; and you will have a hung jury and a mistrial. If jurors were confronted with such instructions and a defendant declared that he did not intend to bring our form of government or our Constitution into disrepute, I

fear we would find that clause of this proposed law very hard of enforcement; I fear that in many cases it would signally fail of its object; it would make it, I feel, in some jurisdictions of the United States almost impossible to convict a defendant of violating that clause of the proposed law. I do not believe in rendering this bill next to impossible of enforcement; I believe that it ought to be so worded as to facilitate its enforcement in the spirit in which it is intended, in order to accomplish the object for which it is designed.

I believe those are the only two amendments that were suggested yesterday that I care to comment upon now, save the pending amendment to the committee amendment, of which I will say a few words.

The pending amendment is the amendment offered by the Senator from Colorado [Mr. THOMAS] to insert the word "willfully" in a number of places in the bill; but I think that is wholly unnecessary and would be only confusing and loading the bill down with unnecessary verbiage. The statutes of many States describe misdemeanors without the use of the word "willfully"; they merely say that if a man shall do so-and-so—a certain prohibited act—he is guilty. Many misdemeanor statutes do not employ the word "willfully"; and this is such a plain inhibition, the character of language that is forbidden is so plainly described, that I do not see the use of putting in the word "willfully." A man can not utter words without intending to do so.

Now, Mr. President, a few words on the general nature of the bill. I believe it is a most important bill. Men are going about in this country saying that the Government of Germany is a better Government than the Government of this country, saying that the Constitution was made by men who intended to keep the people down, to oppress the people; and some are even now expressing the hope that the Germans will win this war, that they will win great successes at arms, and that there will be more and ever-increasing victorious drives by the German Army. There seems to be doubt as to whether or not there is sufficient law on the statute books for the punishment of such utterances of disloyal and traitorous people in this country, and the object of this bill, as I understand, is to remove all such doubts and administer proper punishment, drastic punishment, to that class of creatures who are carrying on their insidious, loathsome, poisonous, disloyal, and traitorous work in this country.

The principal object of this bill, or one of its principal objects, I believe, is to prevent mob law. The Senator from Tennessee [Mr. SHIELDS] said yesterday he did not believe so much attention should be paid to that feature of it as had been bestowed by the remarks of some of the Senators in the debate yesterday; but I believe that is one of the highly important objects of the amendment, or rather that it would be a highly beneficial result of its enactment.

When I introduced the bill last August, which had the same object as this bill and contained much of the same language, I did it on account of a lynching that had occurred in Montana just a short time before. The lynching occurred late in July or early in August, and I introduced my bill on the 15th day of August.

A man named Little was lynched in Butte, Mont. It was reported that he referred to the United States soldiers as "Uncle Sam's scabs in uniform," and said that this Government would not be able to send any troops to Europe to fight, because the I. W. W.'s would keep all our troops busy in this country, and many like things. There was no effort by officers of the law to punish him; it was claimed that there was no law to punish him; and, as a result, one morning he was hung by a mob. Having that in mind and fearing a repetition of such occurrences unless we had more and better law to suppress, prevent, and punish such utterances, I introduced a bill on the subject; and I apprehend that the object of the committee's amendment to the pending bill is the same. There is going to be more of mob law and lawlessness and lynching in this country unless we speedily enact a measure of this kind.

Night before last there occurred a lynching in Collinsville, Ill. I noticed in last evening's papers that a man who was charged with disloyal utterances was lynched there; and I read in the Evening Star, of Washington, last evening, after the account of the lynching, this statement, coming from the Department of Justice:

> Until the Federal Government is given power to punish persons making disloyal utterances, Department of Justice officials fear more lynchings, such as that at Collinsville, Ill., last night. This was the first report reaching here of such extreme mob violence to a German, although officials who have observed the general feeling against Germans have feared such occurrences.
>
> The Government has no authority to take action against the lynchers. Officials of the department deplored the act and expressed the hope that State or local authorities would speedily punish the lynchers.
>
> At the same time it was pointed out that as soon as Congress passes the pending bill making it a Federal offense to speak or write obviously disloyal criticism of the United States in war the Government can punish these acts and reduce the danger of mob action.

That appeal of the Department of Justice to Congress should not go unheeded. It should be responded to speedily by the enactment of the pending bill, as amended by the Judiciary Committee. Now is the time for action!

In the Washington Evening Times of last evening I read some pertinent comment on the nature and object of the pending bill, and conditions which it is intended to overcome, which I indorse and which I will here read:

> Different sections of the country are reacting differently to the German propagandist, but the bitterest kind of a feeling is being gradually bred by such things as the discovery of poison and glass in bread. Just as happened in England after every German drive, the Germans who were indiscreet in showing their exultation over the Teutonic advance have recently been handled rather roughly in Western States.
>
> It is precisely because Congress has failed to empower the Department of Justice to deal at its discretion with cases of disloyalty or seditious activities of German residents that officials really fear the situation may get out of hand in some parts of the country. When there is no law, people are tempted in times like these to make law on the spot.
>
> The Department of Justice, however, has been severely criticized of late for not doing away with more Germans. Absence of authority has been one handicap and the laxity of some Federal judges in disposing of cases brought before them by the department has been another.
>
> Behind the explicit powers granted to the department by Congress must exist always a public opinion that will indicate to Federal judges that they, too, in time of war must consider the possible menace to the country of letting aliens loose or inflicting insignificant penalties on Germans who openly take issue with the American Government. In one case, when a German addressing a public meeting not only expressed a profane criticism of the President of the United States, but advised all American soldiers to shoot their officers, he was promptly arrested and indicted.
>
> But the Federal judge released him on the ground that no American soldiers actually were present to hear the German's advice. Instances of this sort are behind the Department of Justice's efforts to get laws that will enable them to obtain severe penalties for those engaged in disloyal utterances, particularly those of German sympathy who go about advising against the purchase of Liberty bonds and thrift stamps.
>
> Unquestionably Senator HIRAM JOHNSON is right in saying that under some of the proposed legislation people engaged in legitimate criticism of the administration can be punished and freedom of speech interfered with. But if the administration wanted to interfere with that institution it was given sufficient power under the original espionage act to bar newspapers and magazines and otherwise embarrass critics, but no such abuse of authority has occurred on a wholesale scale in the past year, and there is little likelihood that it will in the future.
>
> It looks as if the Senate were going to be technical again and try to draw legislation so explicitly that the German propagandist and spy will be just as able to detect the loopholes as American citizens who do not agree politically with the administration.
>
> If the administration had abused its power in the last year and had shown a disregard of public opinion in handling those who are engaged in criticizing the acts of the Government, there would now be every excuse for hesitation. But the question to-day is whether the Senate is going to have faith in the Department of Justice and the executive branch of the Government in dealing with the ticklish question of disloyal utterances or whether it is going to hamper and restrain the efforts which would otherwise be made to stamp out disloyalty and enable the Government to float the liberty loan without opposition from the insidious German propagandist.
>
> Public opinion has always been able to apply its remedies whenever any flagrant case of abused authority occurred, and the courts and the people will always be able, as heretofore, to recognize purely American criticism of war policies and that which springs from foreign sympathizers. Also the Department of Justice and other branches of the Government will be obliged to offer to the Federal courts in prosecuting the cases contributory circumstances to show the sympathy of the offender with the cause of Germany.
>
> Power is not being asked to punish anyone who disagrees with the policies of the Government, but those who are obviously engaged in a propaganda to spread their own criticism with intent to hinder and embarrass the war machinery of America in the most critical moments of its life.

I say there is great need for this legislation, Mr. President, and I hope it may be speedily enacted; and I hope it may be enacted so strongly and so effectively and with such far-reaching provisions and with such drastic punishment that it will completely suppress the hydra-headed monster of treason and disloyalty in this country, which is rearing its head very extensively and most ominously, to the alarm not only of the Government officials but of many of the good people of this country, and is actually causing lawlessness, causing the people to take the law into their own hands, and which will cause more lawlessness if it is not prevented by wholesome legislation.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. MYERS. I yield, with pleasure.

Mr. SHIELDS. The Senator from Montana has referred to a colloquy that occurred between the Senator from Massachusetts [Mr. LODGE] and myself in regard to mob law. The substance of my observation was that this bill was not for the purpose of protecting these German spies and emissaries from mob law, but for the purpose of punishing them for crimes they are committing against the United States and its people. It may have the effect, by meting out dire punishment to them, of obviating

the necessity of mob law, and, I think, it will have that effect, but that is not the reason for enacting it.

The argument that it will prevent the resort to lynch law is not required to sustain it. The object of it is to punish these men who are now lurking in every city and infesting every rural community of this country, blowing up our mills, interfering with the manufacture of munitions, the production of supplies for the maintenance of our armies and the support of our allies, and sowing the seeds of murder, sedition, and treason.

The several States have ample laws to punish lynching, mob violence, and riots of all kind. We need not legislate for that purpose. We have no power to legislate for that purpose. That is a police matter of which the States have exclusive jurisdiction, except where it interferes with some Federal function.

We can punish and suppress the wrongs to the Federal Government and our Army and Navy these alien enemies and their cowardly allies are perpetrating, and it is our duty to do it without further delay. We have been too lenient with them. They must be given to understand that no further disloyal conduct will be tolerated. The punishment should be certain, speedy, and severe. This is a most wholesome bill, and I shall vote for it for the purposes I have stated.

Mr. MYERS. Mr. President, I certainly had no intention of in any way misrepresenting the Senator from Tennessee. I think I understand his attitude perfectly, and I am in very hearty substantial accord with him.

Mr. SHIELDS. I did not understand that the Senator was reflecting on me. I knew that he would not do so. What I said was not with a view of correcting anything of that kind.

Mr. MYERS. I am always glad to have the Senator's views upon any occasion. I know that he is for this bill. I understand that he was for it in the committee. I understand that the committee was unanimously for it and that it was reported without a dissenting vote of those Members present, and the Senator has given some very strong reasons for the speedy enactment of the measure. I believe, though, that one very great and beneficial result of the enactment of the bill would be to stop outbreaks of lawlessness and to cause the law to be administered in a proper way, a legal way, and to save the people of this country the necessity of taking the law into their own hands, as I am sure they will continue to do unless we give them such a law as this bill.

I do not believe for a minute the people of this country will tolerate disloyalty and treason, and if Congress does not afford the remedy they will take the remedy into their own hands. I think one of the most desirable objects of the bill is to relieve the people of that necessity, and punish in the proper way disloyalty and treason, and while we are at it I believe in making the bill good and strong, all-powerful and far-reaching, without throwing any unnecessary obstacles in the way of its enforcement in the courts, without affording any opportunity for the raising of hairsplitting technicalities that will enable violators of the law to escape the just punishment due them. The people are demanding such a law. Conditions demand it. Necessity demands it. Loyalty to our country demands it. Loyalty to our soldier boys on the firing line demands it. The Department of Justice requests it. Let us give it to them and not be squeamish or timorous about it.

AVIATION STATION NEAR MIAMI, FLA.

Mr. ROBINSON. Mr. President, under date of March 27 a statement was sent out from the city of Washington and published in an Indianapolis paper; I think it was the Indianapolis Sun. I desire to call the attention of the Senator from Indiana [Mr. NEW] to this statement and to express the hope that the Senator from Indiana will, at his earliest opportunity, make an investigation of the matter referred to in the statement which I am now about to make, and, if the circumstances in his judgment justify, make a correction concerning it.

The statement to which I refer is as follows——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON. I do.

Mr. SMOOT. I believe that the Senator from Indiana is now at a meeting of the Committee on Military Affairs; and if the Senator really wants an answer to-day to the subject matter which he is about to present, I think we ought to have time for the Senator from Indiana to be here.

Mr. ROBINSON. The Senator knows that if I had desired to suggest the absence of a quorum, I could have done that myself. I should like to make the statement, and, as I have already indicated, the Senator from Indiana can then, after he has read the statement, if he does not find it convenient to appear in the Chamber, take such action as he desires to take concerning the matter.

Mr. SMOOT. The only reason why I interrupted the Senator was that, if he desired it, I myself would have suggested the absence of a quorum.

Mr. ROBINSON. The Senator can not, unless I yield for that purpose, suggest the absence of a quorum; and I do not desire to have that done, because I doubt whether a quorum can be procured at this time. I do not wish to force an adjournment of the Senate; so I decline to yield to the Senator from Utah for the purpose of suggesting the absence of a quorum.

Mr. SMOOT. I have no intention of doing so——

Mr. ROBINSON. The Senator from Utah can send in to the Committee on Military Affairs and procure the attendance of the Senator from Indiana in a moment or two, if he desires.

Mr. SMOOT. I will say to the Senator that that has already been done.

Mr. ROBINSON. Very well.

Mr. SMOOT. I had no intention of asking for a quorum if it was disagreeable to the Senator from Arkansas.

Mr. ROBINSON. I decline to yield for that purpose. I think I have made that plain to the Senator from Utah. I realize that a quorum can not be had at this time, and I do not wish to force an adjournment of the Senate, as I have already stated. If the Senator desires, I will wait until the Senator from Indiana has arrived in the Chamber.

Mr. President, the statement to which I was about to refer is as follows:

SENATE TAKES IT UP—ALLEGED AVIATION GRAFT CASE GOES UNDER MICROSCOPE.

WASHINGTON, *March 27, 1918.*

Investigation of alleged graft in the building of an aviation field at Miami, Fla., was undertaken by the Military Committee of the Senate to-day at the instance of Senator NEW, of Indiana.

Letters received by Senator NEW from Carl G. Fisher, of Indianapolis, and Miami substantiate reports which Senator NEW had received from Miami to the effect that the aviation department is engaged in converting a swamp and mud flat of Biscayne Bay into an aviation field.

Thousands of yards of filling is being used, it is said, to reclaim the land, and contractors are working knee deep in mud to build airplane hangars for the eventual use of aviation students. It will be at least a year or possibly longer before the field can be made fit for use, it is said, and the cost will approximate something like $300,000.

In the meantime, Fisher had offered the aviation department the use of a tract of 63 acres on Biscayne Bay at $1 a year. The site offered is 5 feet above high-tide level and is entirely dry. The offer was refused for some unknown reason.

The reasons why I have asked the attention of the Senator from Indiana to this statement are: First, the statement is erroneous, as I shall attempt to show; second, the implication in the statement is that it originated with, or was authorized by, the Senator from Indiana. I have no knowledge concerning the origin of the news item except what is derived from the newspaper report itself.

Mr. President, there is no Army aviation field at Miami, Fla. I have heard that there is a hydroplane station being located there by the Navy Department. The Signal Corps and the Aviation Section of the Army have nothing whatever to do with the location of any sites or with any building operations carried on by the hydroplane division of the Navy. It is therefore manifest that the statement contained in the newspaper report which I read and which refers to information furnished by the Senator from Indiana is an unfair and unfounded reflection on the Aviation Section of the Signal Corps. As to whether the site which is being used for the establishment of a hydroplane station is an improper one and as to whether its selection was brought about through graft I have no knowledge whatever, and am, therefore, not prepared to make any statement.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

Mr. ROBINSON. I yield to the Senator from Florida.

Mr. FLETCHER. When the Senator from Indiana laid before the Committee on Military Affairs the two letters received by him there was at once made known precisely what the Senator from Arkansas has stated—that the aviation section of the Signal Corps had no field at all engaged in that locality and had established no plant there and no site for an aviation station. All in the world they had done was to send officers down there to make an investigation; and therefore the statement, as far as it meant to say that an aviation site for the Army had been improperly chosen or in any other wise chosen in that vicinity, was wholly without any truth. There was no selection made; there was no contract made, no field, no anything with reference to the aviation section of the Signal Corps, except that certaing officers had been sent down there to make an investigation regarding certain sites that had been offered to them.

With reference to the aviation station for the Navy which is located at Dinner Key, about 8 or 10 miles south of Miami, and opposite Cocoanut Grove, that site and that location have the absolute approval of the Navy Department and of all the officers

connected with it. The buildings have been all erected, except some additional ones which were directed to be built by the department after the first buildings had been constructed. Only three hangars are now needing completion, and these were added to the original buildings; and they would not have been added, of course, if it had been found that the site was improper or that there was anything irregular about the selection of it.

The station is an ideal one. The plant is a splendid one. The contractors are thoroughly responsible and have practically completed their work. There is not the slightest foundation for the statements made in these letters that were offered to the Committee on Military Affairs and referred to in this newspaper article. The Senator from Indiana recognized at once that that committee had nothing at all to do with the subject, and that the Army had nothing to do with it; but I am speaking now with reference to the Navy aviation station. It is perfectly satisfactory to all the officers, to everybody concerned. There has been no graft since the Government pays nothing for the use of the land. It has an option to purchase the land, and by filling from the bay it has enhanced the value of its own property if it exercises the option. There has been no complaint by the Navy Department or officials at all.

My information is these two men, Mr. Carl Fischer and a Mr. Gage, who wrote these letters, it appears, called at that plant and wanted to inspect it.

The officer in charge asked if they had passes. They said no, they did not have passes. They insisted, in substance, that they were American citizens, that this was public property, and that they thought they ought to have the right to inspect it. The officers said, "We can not permit that without proper authorization"; and thereupon a disturbance arose and they had to be put off the grounds.

That is the fact with reference to what brought about, I think, those communications. At least those are the facts that have been reported to me. When these letters were offered before the Committee on Military Affairs I immediately telegraphed down there to find out the facts in regard to the naval station, although that committee had nothing to do with it. I received replies by wire, which I afterwards submitted to the committee, and which appear in the hearings before the Committee on Military Affairs, giving the facts with reference to the matter.

It is true that a portion of that site at Dinner Key was somewhat low. They wanted it on the water. As stated, that is a Navy station, and they use hydroplanes and they have to come down in the water. They do not want it on high ground, and they want it to be fronting on the water. It has extensive frontage. The department concluded to raise the ground somewhat, and as the most feasible way to do that and accomplish the two results at the same time—deepening the bay and filling in the ground—they used a dredge to pump from the bay the sand onto this ground, and therefore raise it, or some portion of it, to some extent, according to their plan. It was a perfectly feasible and proper way to do, and a great many very handsome homes are built upon similar ground all along that bay for 8 or 10 miles up and down the coast about Miami. Mr. Fischer himself owns a vast amount of property that has been made in the same way, by pumping sand from the bay onto the land, and it has since been improved and magnificent residences and homes are built upon that sort of property.

So that there is no foundation whatever for these statements; and the newspaper article is grossly unjust to the Navy station, as well as to the Signal Corps and to the people in that vicinity and to the whole subject.

Mr. ROBINSON. Mr. President, I observe that since I began this statement the Senator from Indiana [Mr. NEW] has entered the Chamber. I will state that I have already read into the RECORD a newspaper statement purporting to have been sent out from Washington under date of March 27, alleging that information submitted to the Senator from Indiana [Mr. NEW] has disclosed graft in connection with the location of an aviation field at or near Miami, Fla. The remarks of the Senator from Florida [Mr. FLETCHER] confirm the statement which I have already made that there is no Army aviation field there, and that therefore a gross injustice has been done the Aviation Section of the Signal Corps in the newspaper report to which I have referred. The Senator from Florida has also stated that the hydroplane station which is located at the point mentioned was properly located there, and that the objections which have been made to the location are unfounded.

Mr. NEW. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. ROBINSON. Just a moment.

Mr. President, it is unfortunate for the public service that statements of this character are circulated in the press. It is of course always right, when graft occurs in connection with the public service, to expose it, in order that such transactions may be prevented in the future, but this is a time when statements of this kind should not be made unless they are well founded.

I now yield to the Senator from Indiana.

Mr. NEW. Mr. President, with reference to the matter to which the Senator from Arkansas alludes, I would say that several days ago a letter came to me written by a gentleman whose intention I am sure was perfectly straightforward and honest, in which he conveyed the impression that a great deal of money was being injudiciously and unnecessarily spent on an aviation site in the neighborhood of Miami, Fla. I wrote to a friend at Miami, who was in a position to either corroborate those alleged facts or refute them, and my answer from that gentleman was rather indefinite and inconclusive.

I undertook, merely for the purpose of ascertaining whether or not the statement was true, to make some inquiries at the aviation section. I showed the letter that I received to the Senator from Florida [Mr. FLETCHER], and I did ask some questions at the Aviation Department. There I learned that the site was not being built by the Aviation Department of the Army at all; that it was something that was being done by the Navy. I therefore turned the letter over to a member of the Committee on Naval Affairs, Senator HARDING. Afterwards Senator FLETCHER made an explanation to me of what was going on.

Afterwards another Miami friend whom I have long known, he formerly having been a resident of Indiana—I refer to Mr. Frank B. Shutts—made a statement to me of what was going on or what had been done and the reason for it. I had a letter from the Navy Department also explaining it, and I am entirely satisfied that what is being done there is being done with good reason for it. I have never said anywhere or to anyone that a dollar was being spent injudiciously. I never made any charge to the press or any intimation of the kind in connection with it. I merely made an inquiry following the receipt of a letter from a very reputable and responsible gentleman, who, as I said, I am sure thought he was bringing to the attention of somebody connected with the Government what he thought was an abuse. I am satisfied that the gentleman was mistaken. I never have made any statement to any newspaper man except to a correspondent of a Miami paper who came to me in the lobby here. He said he understood I had some letters. I said, "Yes; I have them; I do not know anything about this matter; I am making no charges," and I turned them over to him.

I am perfectly willing to say my present impression is that money is not being injudiciously spent in that case, and I have never made any charge or intimation that anything of the sort was being done.

Mr. ROBINSON. Mr. President, when I rose I merely knew that there was no aviation site or field at Miami, Fla., and I was not informed as to the facts relating to the hydroplane station there, as disclosed by the Senator from Florida and as confirmed by the statement of the Senator from Indiana. I am very glad to have the matter corrected. It is unfortunate that unfair and unfounded reflections should be made in the press of the country upon the military service. We are passing through a very great crisis now, and the confidence of the public in the integrity of the men who are controlling the military forces of the Nation should not be unfairly diminished or weakened. We ought to support, wherever we can do so conscientiously and consistently, the efforts of the military authorities to carry forward the mandates of Congress for the development of the various branches of the military service, so essential to win the war in which we are engaged.

Mr. MCKELLAR obtained the floor.

Mr. FLETCHER. Will the Senator allow me, in this connection, to put in the RECORD a few words?

Mr. MCKELLAR. Certainly.

Mr. FLETCHER. Of course I had nothing to do with bringing this subject up, either before the Committee on Military Affairs or here, but in view of the insertion in the RECORD of the newspaper clippings I feel that the facts ought to be made to appear a little more fully than I stated them and my authority given for stating them.

In just a minute, I should like to say that on the 29th of November last I was in Miami. Mr. T. J. Peters took me to this aviation station at Dinner Key. It was under process of being constructed. Some of the buildings were under way. The dredge was laying out in front of the grounds, in the bay, and some pumping was to be done to deepen the water and raise the

elevation of the site. There is a stretch of 4 or 5 miles of open waterway clear out to the Atlantic Ocean. It is an ideal place, and the air and the conditions are simply superb for aviation whether on land or on sea. The climate could not be excelled anywhere in the world. There is no foundation whatever for this sort of criticism, even if it was an Army station, for that matter.

The Senator from Indiana never showed me these letters until he appeared before the Committee on Military Affairs, and I knew nothing about it until they were offered there. So I had no opportunity to furnish him any data to the contrary or to clear up or to make any refutation of the statements in the letters until they were furnished to the committee in the hearing. Then I immediately wired Mr. Peters to give me the facts about the situation, and he also took it up with the contractors, and I have their telegrams here. They are not very long, and I should like to have the telegrams inserted in the RECORD and a recent letter, received to-day from Mr. Peters, also on the same subject, which is very brief, giving the facts as regards the lands in that vicinity, and showing that because some of it had to be filled by pumping from the bay is no evidence at all that it is an undesirable site. I would just like to have these papers inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PETERS, FLA., *March 28, 1918.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

Your wire came yesterday. Recently Carl Fisher and George F. Gates came together to Dinner Key Aviation Camp and made request that they be allowed to inspect the grounds and buildings. Not being able to furnish satisfactory explanation as to why they should make such inspection, the request was refused. They used abusive language and were ejected from the premises. The buildings are occupied and grounds carefully guarded. This, I think, accounts for their letters of misrepresentation read by Senator NEW before the Military Affairs Committee yesterday.

THOS. J. PETERS.

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PETERS, FLA., *March 28, 1918.*

Senator D. U. FLETCHER,
Senate Office Building, Washington, D. C.:

Referring to your wire to Thomas J. Peters, we wish to thank you for the interest in us which you are taking. Letters read before Military Affairs Committee are not in accordance with facts, and we would be very glad if the committee would request a report upon our responsibility and work from the Bureau of Yards and Docks. All buildings occupied or ready for occupation except three hangars recently added. These will be ready within two weeks. Regret that department does not permit us to have photographs taken.

WARD & PRIDE.

—

MIAMI, FLA., *March 28, 1918.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.:

We note comments on Dinner Key aviation station by some disgruntled landowner. This station located on merits of the available deep water in front, which was required by Navy officials. The land was donated for the use of the Government. The fill that was necessary to make is made of sand and shell mixture. It was expensive to dredge, as the Navy specified where water should be made deeper, on account of accommodating their boats. Everyone at the Dinner Key station is well and happy, and it is considered the ideal naval air station.

S. G. SWELL,
President Miami Chamber of Commerce.

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PETERS, FLA., *March 28, 1918.*

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.:

Dinner Key site most appropriate location in this part of the State. Filling in gives ample elevation and drainage. Soil sand on top. Construction work highly praised by officials in charge. Contractors absolutely reliable and have met every requirement for efficiency, capacity, and financially responsible. Building and material used thoroughly satisfactory. Every effort consistent with good business management has been made to protect the Government's interest with regard to cost. Proposed site at Sandpoint practically the same as Dinner Key was in the beginning. Will wire you again.

THOS. J. PETERS.

—

PETERS, FLA., *April 1, 1918.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR: Referring further to letters from Carl G. Fisher and George F. Gates, read before the Military Committee by Senator NEW on the 27th, stating that Dinner Key aviation site was a marsh, contractors irresponsible, and work unsatisfactory.

I beg to inclose herewith a list of wealthy resident owners of the city of Miami, who have their homes located on land which was made by pumping soil out of the bottom of Biscayne Bay, the same as the Dinner Key aviation camp site was made. If such land was objectionable it is hardly probable that this list of wealthy resident owners would have built their homes on it.

I regret the officer in charge at Dinner Key camp will not permit photographs to be made of the grounds and buildings, as the buildings are all finished in good shape and occupied, except the three last large hangar buildings, all of which will be completed inside of the time, April 15.

Yours, truly,

THOS. J. PETERS.

This is a partial list of people who live on land that has been filled or raised by pumping the sand from the bottom of the bay onto the same, just as it has been done at Dinner Key:

Robert Henkel, of Detroit, Mich. (millionaire flour manufacturer), cost of home estimated at $50,000.

Mr. Gray (wealthy winter tourist), cost of home at Belle Isle, $25,000.

Mr. Mulford (weathy winter tourist), cost of home on Belle Isle, $25,000.

Mr. McCutcheon (wealthy winter tourist), cost of home on Belle Isle, $25,000.

The Belle Isle fill was made by Mr. Carl G. Fisher, of Indianapolis, Ind., who sold these tracts of land to the parties mentioned.

Mr. James Deering's palatial million-dollar home was built largely on filled land and practically all of his grounds fronting on Biscayne Bay were at one time a swamp, the same as at Dinner Key.

Mr. Arthur Curtis James, of Phelps, Dodge & Co. His home while built on high land, the front part of the place for about 1,000 feet is all filled land.

Mr. W. J. Matheson, of the Corn Products Refining Co. His home in Point View subdivision is all filled land, being at one time the bottom of Biscayne Bay.

Mr. L. T. Highleyman, president of the Fidelity Bank & Trust Co., recently sold his home in Point View for $60,000.

Mr. E. C. McGraw, president of the McGraw Tire & Rubber Co., of Palestine, Ohio, has a home there which cost between $50,000 and $75,000.

Mr. J. P. Logan has a similar home.

In fact, Point View has a great many residences costing from $5,000 to $20,000.

In Miramar, another high-class residential subdivision, which is practically all filled land:

Mr. E. C. Hinnmann, of Battle Creek, Mich., owns a home in Miramar.

Mr. Van Camp, of Indianapolis, Ind., and Mr. W. P. Adams, of Chicago, and a number of others, including Mr. E. C. Romfh, president of the First National Bank, have homes costing from $5,000 to $20,000.

PROOF IN CASE OF DEATH OF SOLDIERS.

Mr. WILLIAMS. I ask the Senator from North Carolina to yield to me for just a moment to submit a report upon a bill from the Finance Committee and to ask unanimous consent for its immediate consideration.

Mr. OVERMAN. I yield for that purpose.

Mr. WILLIAMS. I will state, Mr. President, that the only object of the bill is to dispense with the usual requirements of proof of death in the case of soldiers who are insured by the United States Government. It provides that the report from the War Department, that is, the certificate of the Adjutant General to the effect that they have been killed in action, shall be sufficient to prove the death.

I report from the Committee on Finance favorably without amendment the bill (S. 3475) to prescribe a requisite form of proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes, and I submit a report (No. 361) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in all cases arising under policies or contracts of insurance covering the lives of members of the military or naval forces of the United States or the lives of persons serving with or attached to such forces, proof of death of insured shall be deemed to be complete, either in an action in any court of the United States or of the States and Territories thereof, or in any formal proof of death required in any policy or contract to be presented to the insurer by or on behalf of the beneficiary, when there shall be presented in such court or to such insurer a certificate of death executed by The Adjutant General of the Army of the United States setting forth the following facts:

First, name of deceased; second, rank or designation of the deceased; third, name of organization of which deceased was a member, or with which he was serving or to which he was attached; fourth, that deceased has been officially reported as having been killed in action or as having died from other causes or has been officially reported missing, and that after full inquiry no information has been obtained which would indicate that he is not dead and that it has, therefore, been presumed for official purposes that he died on or since the date he was thus missed; fifth, the date on which the deceased was officially reported to have been killed or to have died from other causes or to have been missing; and sixth, the name and address of next of kin as given by deceased upon entering the service.

SEC. 2. That in all cases where the insurer, upon proof of death made as in section 1 hereof provided, shall voluntarily pay to the beneficiary the amount due under the policy or contract of insurance, and it shall subsequently be established that the insured is alive, and the beneficiary shall, on demand made therefor, refuse or fail to refund to the insurer the amount of the payment so made, then there shall be paid to the insurer, out of any money in the Treasury not otherwise appropriated, the amount by which the payment so made to the said beneficiary shall exceed the actuarial reserve maintained by the insurer in respect to such policy or contract of insurance at the date on which the said payment is made: *Provided*, That as a condition precedent to the payment by the United States of the amount aforesaid to said insurer, said insurer shall assign to the United States all its claim and right of action against said beneficiary for a refund and repayment of the amount paid as aforesaid to such beneficiary.

SEC. 3. That The Adjutant General of the Army be, and he hereby is, directed upon request from any person claiming to be a beneficiary under a contract or policy of insurance mentioned in section 1 of this act to furnish to such beneficiary the certificate of death provided for in section 1 of this act in all cases where the records of his office disclose that the person alleged to have been thus insured is dead or is presumed for official purposes to be dead.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. McKELLAR. Mr. President, the bill before the Senate is a bill to punish disloyalty. I am going to violate what seems to be the regular order to-day by taking a very few moments in a discussion of this bill. Senators may be shocked at this statement, but nevertheless I am going to talk about the bill itself for just a very few moments.

I am in very hearty sympathy with the purposes of this bill. The object and purpose of it is to punish the disloyal in our country at this time. Surely this is a high and worthy purpose. Surely it is a purpose in which we can all agree. For myself I had no idea until the recent election in Wisconsin that there were so many disloyal people in this country. If my opinion had been asked before that election I would have said that I did not believe there were 100,000 disloyal men in the whole United States, much less in any one State. When we think of this expression of *disloyalty* in our country it is high time that we were taking steps to stamp it out.

This bill will certainly go a long way toward stamping it out. If we can not reason with men to be loyal it is high time we forced them to be loyal. A man who has no more sense than to think that some other government is greater or better than the American Government, or that some other constitution is greater or better than the American Constitution, ought not to be in this country, and it is a pity we could not deport him instead of putting him in the penitentiary. The man who is so unpatriotic as to be willing to cast aspersions upon our flag, or upon our bonds, or upon the uniform, or against our Army and Navy, or against the Government of the United States, ought to be put in the penitentiary and kept there the balance of his days. So the punishment awarded in this bill seems to be a very reasonable one for the high crime of which a person would be guilty if he violated its provisions.

Mr. President, in Tennessee, I am glad to say, there is no spirit of disloyalty. I know of no one and have heard of no one down there who is not whole-heartedly loyal to the American Government, to the American Constitution, to the flag, to the Army, and to the Navy, and who does not desire the defeat of the Germans in this war. Our people are intensely patriotic. We have few of foreign birth among us, and those of foreign birth and lineage are for America. The people of Tennessee are perhaps as purely American as any in this country. This law will have no terrors for them, but I believe nothing could please them better than its early enactment.

Mr. President, this is a drastic law. It ought to be drastic. But it is only drastic toward the disloyal. Loyal persons have nothing whatever to fear from it. No one can defend disloyalty at such a time as this or at any time. Our Government has a great task before it. Our Army and Navy are fighting our battles. We already have hundreds of thousands of soldiers fighting for our Government, and our Constitution, and our flag in foreign lands. Surely we should not permit anyone back here in our own country to decry against or defame the very institutions which these soldiers and sailors have gone abroad to defend and protect and are offering up their lives to defend and protect. If we permit it we are not upholding and defending our soldiers and sailors. Surely no loyal citizen will object to this law, and I do not think a disloyal person ought even be heard to make a suggestion about it. If any man or woman is disloyal to America in this time of her trouble he or she should get out or be transported out of America and never permitted to return.

Necessarily in passing a bill of this kind, it seems to me we ought to be particular about the wording of it, as was pointed out yesterday by the distinguished Senator from Massachusetts [Mr. LODGE]. Accordingly that is the only thing to which I now wish to call the attention of the Senate. I will ask Senators to take copies of the bill and look first on page 2, in line 4, at the words "military or naval forces." It will be seen from an examination of this clause of the bill that it is made an offense to "interfere with the operation or success of the military or naval forces of the United States." This is absolutely right. In line 22 of the bill, on the same page, where we might naturally expect to see the term "military or naval forces," it is changed into "soldiers or sailors of the United States," and so on the first line of page 3 it will be seen that the term "soldiers or sailors of the United States" is used. The term "military or naval forces" should be used all through the bill.

Manifestly there ought to be a correction there. I imagine it was the purpose of the framers of the bill to make it an offense to abuse the Army or Navy or the military or naval forces, using the terms collectively. It certainly is not intended to make it an offense, for instance, for a private citizen, if he should get into a difficulty with a soldier while the soldier is not engaged in his duties, to use an improper epithet toward the soldier or to abuse him personally. In other words, it is not intended to be personal, but it intends to refer to the Army and Navy collectively. I have therefore offered an amendment, which has been printed, striking out the words "soldiers or sailors," in line 22 of page 2 and in line 1 on page 3, and substituting the words "military or naval forces." I hope the acting chairman of the committee will be willing to agree to that amendment. I will ask him to agree to that amendment, because I know that was manifestly the purpose of the committee in reporting it out.

Mr. OVERMAN and Mr. STERLING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I yield to the Senator in charge of the bill first.

Mr. OVERMAN. I do not think it would have the effect the Senator suggests, because it speaks of soldiers and sailors as a class. I do not see that there should be any doubt about it.

Mr. McKELLAR. If the Senator will pardon me, I think the same expression ought to be used all through the section; in other words, inasmuch as the words "military or naval forces" are used as in the first part of this section, the same words should be used in the second and third parts where the subject occurs. There should be uniformity, and if different terms are used it will give rise to the view that a different class of persons or that individuals are intended.

Mr. OVERMAN. Suppose some one would abuse soldiers as a class—the Army or the Navy——

Mr. McKELLAR. That would come in under the head of military or naval forces. I think the words "military or naval forces" are better than the words "Army or Navy."

Mr. OVERMAN. Are they not more restrictive?

Mr. McKELLAR. I think not.

Mr. OVERMAN. A person might abuse the Army and Navy and bring into contempt soldiers and sailors as a class, but whether abusing soldiers or sailors of the United States would be abusing the Army or the Navy is a question I want to think about.

Mr. McKELLAR. The Senator is making a distinction between the expression "soldiers and sailors" and the expression "Army and Navy." My amendment is to substitute the words "military or naval forces," which will have precisely the effect the Senator has in mind. I yield to the Senator from South Dakota.

Mr. STERLING. I think there was some reason for the distinction made in the language of the bill. Where it refers to military or naval forces it refers to any "false reports or false statements with intent to interfere with the operation or success of the military or naval forces." When it refers to soldiers and sailors, in line 22, to which the Senator has called attention, it seems to me it refers more particularly to the soldiers and sailors of the United States as such and not to the Army of the United States or the Navy of the United States, and the language might not interfere with the operation of the military and naval forces of the United States. Epithets against soldiers and sailors are in the same class, for example, as epithets used against the flag or the uniform of soldiers or sailors. It seems to me there is some reason for the distinction.

Mr. McKELLAR. Does the Senator think that the present provision as to soldiers or sailors was intended to apply to individual soldiers or sailors? For instance, if a civilian stated any thing disrespectful about any particular soldier as a man, and not referring to the Army or Navy at all in connection therewith, would he violate the act?

Mr. STERLING. A reference in an abusive or contemptuous way to discourage the soldiers——

Mr. McKELLAR. That would come entirely under "military or naval forces."

Mr. STERLING. I hardly think it would. I think there is some distinction made there. One is intereference with military operations and the other will not interfere with military operations and yet something that ought not to be borne by people interested in the maintenance of the soldiers who go to make up our Army or Navy.

Mr. GORE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Oklahoma.

Mr. GORE. I desire to ask the Senator from South Dakota if he thinks the words "soldiers or sailors" as used in the bill refer to soldiers taken collectively and in the aggregate?

Mr. STERLING. I think not. I think they may refer to a division or to a regiment.

Mr. GORE. If so, then the word "army" or the words "military forces" should be substituted, should they not?

Mr. STERLING. If so——

Mr. GORE. Here is what I had in mind, the incident that occurred at Houston, Tex., which was participated in by a number of soldiers. A number of murders were committed by colored soldiers. They have been court-martialed. I do not know whether they have been executed or not. Would a criticism of the men who participated in that riot and did the killing come within the purview of this act?

Mr. STERLING. I think not.

Mr. GORE. Would it not come within the purview of the act if you merely use the word "soldiers"?

Mr. STERLING. I think that would hardly come within the purview of the act. It would not be an offense for which anybody would be punishable to criticize soldiers who acted as those soldiers did.

Mr. GORE. I take it that is the very point the Senator from Tennessee is trying to drive home. I think the language of the bill would make it an offense to criticize those murderers, if I may be permitted to allude to them as murderers. I think they were convicted by court-martial.

Mr. STERLING. If scurrilous or contemptuous language was used against a regiment or division of soldiers or against soldiers in cantonments—for example, in a particular cantonment—it would be wholly unjustifiable.

Mr. McKELLAR. I will say to the Senator, if he will look at the clause on page 2, line 4, he will find the words "military or naval forces" will do all he is contending for.

Mr. President, I wish to call attention very briefly to two or three other words. I am in entire sympathy with the substitution of the word "intended" for the word "calculated," which question has already been fully argued by various Senators. "Calculated" is not a legal term and "intended" is. It would clear up the situation very much and make everybody understand just what the law is to use the word "intended." In that portion of the bill found in lines 4, 5, 6, and 7, on page 3, about which I asked a question yesterday as to its meaning, the Senator from Georgia [Mr. SMITH] has introduced an amendment and had it printed, to insert after the word "any," on line 5 of page 3, the words "legal order of any," which will make that clause absolutely certain and will not lead to the result that I feared on yesterday it might lead to. It will clear it up; and I hope that amendment will be adopted. We must not make legitimate criticism of official conduct a crime. This act is to punish disloyalty, not to punish those who want to see the greatest efficiency in prosecuting our enemies.

Mr. MYERS. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. With pleasure.

Mr. MYERS. In regard to the amendment of the Senator from Georgia, suppose some disloyal person would indulge in a harangue before a crowd which would cause some members of the crowd to resist the officer who ordered them to disperse when they were making disloyal remarks, where would the order be?

Mr. McKELLAR. The order would be from the duly constituted authority. He would be acting in his legal capacity, and it would certainly render the person thus inciting and inflaming resistance liable under the bill as amended by the Senator from Georgia, just as it would under the bill unamended.

Mr. MYERS. The Senator means a verbal order to the crowd to disperse.

Mr. McKELLAR. If he had legal authority, it would, whether the authority was verbal or written. If an officer is acting under authority of law, it is immaterial whether his authority is verbal or written in cases like the one the Senator has in mind.

Mr. MYERS. Suppose they were making a disturbance as the result of disloyal remarks, and an officer would undertake to arrest one of them and to take him to jail, and he would resist the officer, where would the legal order be? He would be arresting a man on the spot for violating the law. He would have no legal order.

Mr. McKELLAR. He has a legal order, and the authority for that is placed by the statute in his hands. A statutory authority to make an arrest in the case supposed by the Senator is as much a legal order as if it were written out.

Mr. MYERS. He would have authority of law, but he is not putting in force any legal order of the court. It seems to me to be very complicated.

Mr. McKELLAR. I understand what the Senator desires to accomplish by this provision, and I understand that it is a matter of prime importance in his State. I am inclined to yield to any suggestion he and others situated as he is may make about the matter, but it seems to me it would clear it up and give the exact force which was intended to be given if words were inserted so as to read "any legal order of." To leave it as it is might be to give the clause a scope that is not intended.

Mr. MYERS. In regard to substituting the word "intended" for the word "calculated," suppose a charge were made and a man put on trial for using language in contempt of our form of government and the language was proven, and the defendant would testify that he had no intent to bring our Government into disrepute, and the court would instruct the jury that not only the utterance of the words be proven beyond all reasonable doubt, but the fact that by uttering them he intended to bring the Government into disrepute must be proved beyond all reasonable doubt, how would you prove the intent?

Mr. McKELLAR. All I can say to the Senator is that I think the difference between "calculated" and "intended," as used in this bill, is largely no difference at all. It is the difference between tweedledum and tweedledee.

Mr. MYERS. Let me illustrate it.

Mr. McKELLAR. I think either word is all right, and I do not think the difference between them has merited all the debate which has been had about it. The only thing about it is that the word "intended" is a legal term that has been interpreted from time immemorial by our courts and we know exactly what it means, whereas the word "calculated" is not such a legal term. It seems to me that we ought to use the legal term; that is all.

Mr. MYERS. There is this difference: The word "calculated" is used here to qualify the language; it is calculated to have a certain result. It qualifies and describes the language. The language uttered is subject to the word "calculated," whereas "intended" means what the man has in his heart. I think there is a distinction.

Mr. McKELLAR. I do not agree with the Senator that the difference exists that he thinks exists about the use of these words. I think it is a very immaterial difference. It does not amount to enough to discuss it, and I am going to vote for the bill regardless of whether the word "calculated" or the word "intended" is used. It is immaterial, in my judgment.

Mr. President, this is all I intend to say about the bill. I think we ought to be careful about its phraseology. I am heartily in favor of the bill. I think it should pass, and I hope it will be passed this afternoon. The debate on the bill yesterday was most helpful and most interesting, and we will have a better bill because of it; but it does seem to me a bill of this importance, when we have had such an illustration as has recently been given us in Wisconsin as to the necessity of acting upon this question, ought to have action, and we ought to take action now. I hope the Senate will pass the bill this afternoon. We ought not to delay it a day longer. We should let the country know that we are a unit against disloyalty.

Mr. OVERMAN. Mr. President, it is very evident that there is no quorum present. I am informed that it will be impossible to get a quorum this afternoon. Many Senators are away making patriotic speeches for the liberty loan issue. I have found that they can not be here, and therefore I am compelled to let the bill go over until Monday.

Mr. POMERENE. If the Senator will yield to me for a moment I want to say just a word with regard to the bill.

Mr. OVERMAN. Very well.

Mr. POMERENE. Mr. President, I am very much in favor of the bill. In some respects it does not go as far as I would like to have it go. I am obliged to be away on Monday and Tuesday to aid in a small way in the liberty bond sale. If I were here I would vote for the bill. I simply wanted the RECORD to show that fact.

Mr. OVERMAN. I ask that the telegram which I send to the desk be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

CLEVELAND, OHIO, *April 6, 1918.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.:

The people of Ohio, and I think all over the country, are expressing the earnest hope that the Senate will make this April 6 memorable for national security by passing the pending legislation for adequate punishing of traitors and spies. Effective laws to stamp out treason is the supreme need of this hour that Congress can meet.

JOSEPH DANIELS.

EXECUTIVE SESSION.

Mr. OVERMAN. Mr. President, if there were no objection to this bill I should like to have it passed this evening, but I know there are certain Senators who desire to be heard upon it, and I do not want to press it when those Senators are absent and can not be here. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate took a recess until Monday, April 8, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 6, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art ever constant in Thy ministrations and always interested in the welfare of Thy children, the same yesterday, to-day, and forever; help us to renew our confidence in Thee and make us faithful to our duties, both private and public; that we may fulfill our destiny upon the earth and hear at last the "Well done, good and faithful servant, enter thou into the joy of thy Lord."

This we ask in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MAIL ADDRESSED TO AMERICAN EXPEDITIONARY FORCE.

Mr. TREADWAY. Mr. Speaker, I move to discharge the Committee on the Post Office and Post Roads from the further consideration of House resolution 296, and ask for its immediate adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 296.

Resolved, That the Postmaster General be requested to furnish the House of Representatives, if not incompatible with the public interest, information relative to the amount of mail matter which has been addressed to members of the American Expeditionary Force during the past 30 days of the class which has now been restricted in transportation; also information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information, how it has been distributed, and whether mail matter of this kind has been restricted in further transportation.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COINAGE OF 50-CENT PIECES FOR ILLINOIS CENTENNIAL.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 8764.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union.

Be it enacted, etc., That, as soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union as a State, there shall be coined at the mints of the United States 50-cent pieces to the number of 200,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the minor coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

Also, the following committee amendments were read:

Page 1, line 6, after the words "United States," insert the word "silver."

On page 1, line 7, strike out the word "two" and insert the word "one."

So that as amended the lines will read:

There shall be coined at the mints of the United States silver 50-cent pieces to the number of 100,000, etc.

Mr. KITCHIN. Mr. Speaker, reserving the right to object, is that a unanimous report from the committee?

Mr. WHEELER. It is a unanimous report of the committee; yes, sir. There is no objection to this bill at all.

Mr. KITCHIN. Do you know whether or not the committee conferred with the Treasury Department?

Mr. WHEELER. I conferred with the Treasury Department, and I have a letter from the Secretary of the Treasury in which he states he will be glad to coin them if the bill is passed; and also I have a letter from Mr. Baker, the Director of the Mint, saying he has no objection to the bill. There is no expense whatever attached to the Government, and the State of Illinois, by an act a few years ago, appointed 14 centennial commissioners for the purpose of celebrating the anniversary this year of the admission of the State of Illinois into the Union, and they are celebrating it in every county of the State.

Mr. KITCHIN. Of course it is at no cost to the Treasury Department at all?

Mr. WHEELER. None whatever.

Mr. KITCHIN. The State pays it?

Mr. WHEELER. Yes, sir.

Mr. KITCHIN. Does the gentleman know whether there is any precedent for this or not?

Mr. WHEELER. Oh, yes.

Mr. KITCHIN. I mean in the case of a State celebrating the anniversary of the admission of the State into the Union?

Mr. WHEELER. I can not say.

Mr. KITCHIN. I have no objection on that account.

Mr. WHEELER. At the World's Fair in Chicago this was done, and also at the exposition in St. Louis.

Mr. KITCHIN. I understand that the Treasury Department and the Director of the Mint passed on it and raised no objection?

Mr. WHEELER. The Director of the Mint stated to me that he had no objection to this bill.

Mr. ASHBROOK. If the gentleman will permit, I would like to say, as chairman of the Committee on Coinage, Weights, and Measures, that this bill was considered by that committee and it was the unanimous report of the committee that the bill should be passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the other amendment.

The Clerk read as follows:

Third committee amendment: Page 2, line 12, insert the following proviso:

"*Provided*, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE AMERICAN'S CREED.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to address the House not to exceed three minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for not to exceed three minutes. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, as chairman of the Committee on Education, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the stenographic report of the proceedings held in the caucus room of the House Office Building on Wednesday, April 3, 1918, on the occasion of the official announcement by the Commissioner of Education, on behalf of the Government, of the award for the best creed of an American citizen. The award was made to Mr. William Tylor Page, a veteran employee of the House, and "The American's Creed," of which he is the author, was accepted in appropriate remarks by Speaker CLARK and former Speaker CANNON.

I desire to say, Mr. Speaker, that this creed is brief, but it expresses the sentiments of every loyal American citizen. I sincerely trust it will be taught in every school and that it will be committed to memory by every man, woman, and child in the United States. I am sure, when I say I want to sincerely and heartily congratulate this efficient employee upon his success, not so much in winning the $1,000 but for the heritage

which he can leave to his relatives and children, that I but express the sentiment of each and every Member of this House, and I trust my request will not only be granted but that the Committee on Printing may deem it appropriate to make the proceedings a public document. [Applause.]

The SPEAKER. The gentleman from Florida asks unanimous consent to have the proceedings printed in the RECORD. Is there objection?

There was no objection.

WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, House bill 10887, relative to weights and measures in the District of Columbia, was referred to the Committee on Interstate and Foreign Commerce. I have spoken to the chairman of that committee, the gentleman from Tennessee [Mr. SIMS], with a view to asking that the reference be changed from that committee to the Committee on the District of Columbia, and I now make that request.

The SPEAKER. The gentleman from Kentucky asks that the reference of the bill be changed from the Committee on Interstate and Foreign Commerce to the Committee on the District of Columbia. Is there objection?

Mr. ASHBROOK. Reserving the right to object, Mr. Speaker, the Committee on Coinage, Weights, and Measures is not especially anxious to load up with propositions of this kind, but I would like to inquire of the gentleman from Kentucky why this bill should be referred to the Committee on the District of Columbia rather than to the Committee on Coinage, Weights, and Measures if it has to do with coinage, weights, and measures?

Mr. JOHNSON of Kentucky. I would say to the gentleman that if he wants the bill he is perfectly welcome to it. The gentleman from Tennessee wishes to get rid of it. It relates to weights and measures in the District of Columbia. If the gentleman will make a motion to have it transferred to his committee, I will agree to it. [Laughter.]

Mr. ASHBROOK. Mr. Speaker, I withdraw the objection. [Laughter.]

The SPEAKER. Without objection, the reference asked for will be made.

There was no objection.

NEW LIBERTY LOAN.

Mr. WOOD of Indiana rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. To ask unanimous consent that the Clerk read a telegram showing how the liberty bonds are going out in Indiana.

The SPEAKER. The gentleman from Indiana asks one minute in which to have read a telegram. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the telegram.

The Clerk read as follows:

EAST CHICAGO, IND., *April 5, 1918.*

Hon. WILLIAM R. WOOD,
Washington, D. C.:

Since 6 o'clock to-night the people of the city of East Chicago, Lake County, Ind., have purchased their full quota, $780,000 worth of third liberty loan bonds, and will purchase many hundred thousands dollars additional before the drive is over.

LIBERTY LOAN COMMITTEE,
WALTER J. RILEY, *Chairman.*

[Applause.]

Mr. LEE of Georgia rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. LEE of Georgia. I ask for one minute to have a telegram read in the RECORD in regard to liberty bonds.

The SPEAKER. The gentleman from Georgia asks unanimous consent for one minute in which to have read a telegram in regard to liberty bonds. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

TRION, GA., *April 6, 1918.*

Congressman GORDON LEE,
Washington, D. C.:

Chattanooga County quota third liberty loan oversubscribed to-day. Trion district quota doubled.

N. K. BITTING,
County Chairman.
W. I. BENNETT,
District Chairman.

BUSINESS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. GARRETT of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I present a privileged report (No. 472).

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 301.

Resolved, That Monday, the 8th day of April, 1918, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of such business as may be presented by the Committee on Military Affairs, not to include any bill making appropriations for the support of the Army or the Military Academy; and if any bill shall be under consideration and not disposed of when the House adjourns on that day, the consideration of such bill shall continue from day to day, immediately after the reading of the Journal, until disposed of.

Mr. KITCHIN. Mr. Speaker, I would like to interrupt the gentleman just a minute.

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. KITCHIN. I suggest that the gentleman put that in the shape of a unanimous-consent request. I am sure that the House would give unanimous consent. Not a Member would object, and it would appear a great deal better that the House gave unanimous consent to the consideration of the bills than to be put in the position to have to get a rule to consider them. The gentleman from Kentucky [Mr. JOHNSON], of course, has Monday, District day, and I am sure that he will not object.

Mr. JOHNSON of Kentucky. Next Monday under the rule is District day. I would not object, provided I can come to some understanding with the majority leader that there will be no effort to take the following day from my committee.

The SPEAKER. No unanimous request has been made.

Mr. KITCHIN. I make that suggestion.

Mr. JOHNSON of Kentucky. I would like to have some expression from the gentleman from North Carolina that there will be no effort to take away the next District day.

Mr. KITCHIN. No. I can say that, for my part, if the gentleman surrenders the coming Monday I would be willing to give him another day.

Mr. GARRETT of Tennessee. I am willing to ask unanimous consent, if the gentleman from North Carolina prefers it should be done in that way.

Let me explain what the rule is and the necessity for it. The Committee on Military Affairs has on the several calendars of this House at this time a number of bills—I think perhaps 12 or 15 in all; maybe more—some of them of very great urgency, and all of them are so related to the war as to entitle them to prompt consideration. Now, it is the purpose to undertake to give the committee that day, in order that they may dispose of these bills. The appropriation bill is expressly excluded from that rule, and I may state that the quota bill or resolution—the Senate joint resolution 123—amending the draft law, will not come up on that day, although it would be in order.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. Why not? Why should it not come up? That is one of the most important bills we have.

Mr. GARRETT of Tennessee. I will say to the gentleman that there is an agreement in the Committee on Military Affairs touching that question. It will probably come in under a rule of its own, if a rule is necessary, on Thursday, perhaps.

Mr. MADDEN. If the gentleman will yield, I would like to suggest that there is no more important bill pending in the Committee on Military Affairs, or in the House from the Committee on Military Affairs, than the change in the draft law, and I sincerely hope that there will be no agreement between the members of the Committee on Military Affairs that will postpone the consideration of that bill.

Mr. GARRETT of Tennessee. I think they have already agreed upon the time they will present it.

Mr. MADDEN. When do they propose to call it up?

Mr. GARRETT of Tennessee. I think next Thursday.

Mr. DENT. If the gentleman from Tennessee will yield, I think I can satisfy the gentleman from Illinois.

Mr. GARRETT of Tennessee. I will yield to the gentleman.

Mr. DENT. When the so-called quota bill was reported out of committee the gentleman from California [Mr. KAHN], the ranking minority Member, was called to Wisconsin, and we agreed to hold it up during his absence; and then the gentleman from Nebraska [Mr. SHALLENBERGER], who was leading the minority report, was called to Nebraska, and we had an agreement that we would not call it up until he returned.

He is expected back Monday or Tuesday, and as soon as he gets back the gentleman from California [Mr. KAHN] and myself will ask the Committee on Rules to report that rule immediately, and I hope it can be considered on next Thursday.

Mr. MADDEN. May I ask one further question in connection with it? Suppose the gentleman from Nebraska [Mr. SHALLENBERGER] does not get back before Thursday, will there be any further postponement?

Mr. POU. No; there will not.

Mr. DENT. I do not expect to ask any further postponement.

Mr. MADDEN. Beyond next Thursday?

Mr. DENT. I hope it will be Thursday.

Mr. MADDEN. I hope it will be.

Mr. KITCHIN. Permit me to ask the gentleman from Alabama a question. Is the delay in the passage of this so-called draft bill until Thursday, or until the latter part of next week, delaying the actual draft proceedings of the War Department?

Mr. DENT. Oh, I think not at all; Mr. Speaker——

Mr. KITCHIN. It could not do it.

Mr. DENT. Because the arrangements have been made for the draft, and the War Department is not ready yet to fill up camps with the second quota. I do not think it will mean any delay at all in the second draft.

Mr. WISE. Mr. Speaker, I want to suggest to the gentleman from Alabama [Mr. DENT] that the delay of this bill until Thursday can not delay the draft, because the very purpose of that bill is to place the quota basis on what will be known as class 1 under the new plan of the questionnaire. The department has not the returns from the local and district boards as to the number that will be placed in class 1. They can not possibly proceed with the draft until they get returns from all the local boards and the district boards as to the number placed in class 1. These boards are now classifying these registrants, to place them in the different classes. Some members of the committee thought we ought to have that information before we acted on this bill, because every Member of the House will want to know the number placed in class 1, so as to be able to determine and know the effect of the change.

Mr. KAHN. Will the gentleman yield?

Mr. WISE. Yes.

Mr. KAHN. I want to say that the Provost Marshal General informed me a day or two ago that they have the full returns from all the States except two.

Mr. WISE. Our committee and different members of the committee have been trying to get that information from the provost marshal. As I understand it, he has not yet received and furnished the committee with that information.

Mr. KAHN. He has not furnished it to me, because I did not ask for it.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not yield further on that matter, which is not involved in this rule, and I would like to make this further statement, and then I will yield to the gentleman from Kentucky [Mr. SHERLEY]. The rule provides that if at the time the House adjourns on Monday it has a bill under consideration, the consideration of that particular bill may be continued on the following day until it is concluded. That does not mean, of course, that any other bill except the one pending at the time of adjournment on Monday can be considered on the following day.

Mr. SHERLEY. Right at that point I want to ask the gentleman to yield. It is possible that a bill of considerable controversy may be taken up Monday and then, under the order now proposed, be made a continuing order from day to day. We have reached a point where we have got either to speed up the supply bills, or all talk of adjournment by July or August or September is going to disappear into thin air. There is no use deceiving ourselves, and I do not want to see orders made that are going to interfere with the passage of the necessary supply bills.

Mr. GARRETT of Tennessee. Let me say this to the gentleman from Kentucky: It is necessary to pass the supply bills, of course. We all realize that. But surely it is necessary to pass the military bills—those directly related to the present war.

Mr. SHERLEY. Yes; but it is one thing to call a military bill one directly related to the war, and it is another thing to bring up a bill of less importance and make it the medium for a lot of delay. We had a bill here last week and spent a full week on it. We are simply wasting days in the consideration of bills that ought to be passed very much more rapidly.

Mr. GARRETT of Tennessee. The gentleman from Kentucky is quite correct about that, and while it has not been the policy of the Committee on Rules for many years to bring in what are known as drastic rules, limiting the time of debate and cutting off amendments, I want to say for myself that I think the business of this House has about reached the period where we are going to have to make up our minds in the future to vote for rules somewhat more drastic than those for which we have been voting—rules cutting debate to the bone and cutting off amendments.

Mr. SHERLEY. If the gentleman will yield further to me, the remedy is in our own hands. If we will simply be honest with ourselves and talk only about business, and for no other purpose, we can get through with these bills without days and weeks of discussion. [Applause.]

Mr. HAMILTON of Michigan. Then indeed we will see the dawn of the millenium.

Mr. GARRETT of Tennessee. I want to prefer a request for unanimous consent that this resolution may pass. Before I do that I want to yield to the gentleman from Kansas [Mr. CAMPBELL] such time as he may desire. Then I shall prefer the request for unanimous consent that the resolution pass.

Mr. KITCHIN. Without further debate?

Mr. GARRETT of Tennessee. Without further debate.

Mr. CAMPBELL of Kansas. Mr. Speaker, the Committee on Rules had a request from the chairman of the Committee on Military Affairs and the ranking minority member of the committee and other members of that committee, supplemented by requests from the War Department and from others interested in the legislation. The President is urging the passage of some bills that are made in order by this resolution. It is most important that some of these bills be enacted at the earliest day possible. The committee thought that there was no matter more pressing than some bills made in order by the resolution. The Committee on Military Affairs is given discretion to call up bills in the order of their importance and give them precedence in that order. First, the request was to give a rule making these bills in order under a number of rules. We thought the time of the House could be conserved and public business expedited by bringing in a rule making all bills in order in this way. I sincerely hope that the resolution will be agreed to by unanimous consent.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the resolution may pass.

Mr. SMALL. Reserving the right to object, for the purpose of asking a question, as I understand, consent involves the proposition that if any bill is pending and not concluded on Monday when adjournment takes place, that that particular bill goes over and no other.

Mr. GARRETT of Tennessee. The gentleman is correct.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the resolution pass. Is there objection?

There was no objection.

The resolution was agreed to.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 9352. An act to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills of the following titles:

On April 2, 1918:

S. J. Res. 133. Joint resolution authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

On April 6, 1918:

H. R. 9352. An act to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes.

PROMOTION OF EXPORT TRADE—CONFERENCE REPORT (NO. 450).

Mr. WEBB. Mr. Speaker, I call up the conference report on the bill (H. R. 2316) to promote export trade, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendments numbered 5 and 6: That the House recede from its disagreement to the amendments of the Senate numbered 5 and 6, and agree to the same with amendments as follows: In

lieu of the matter stricken out and the matter inserted by said amendments strike out in lines 1, 2, and 3, page 3, all of section 2 after the word "or," in line 1, page 3; the matter stricken out being "intentionally and unduly enhances prices within the United States of commodities of the class exported by such association," and insert in lieu thereof the following: "intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 18, page 5, in addition to the matter stricken out by the Senate amendment strike out the words "and unduly," and in addition to the words added by the Senate amendment add in line 20, page 5, after the word "association" and before the word "it," the following: "or which substantially lessens competition within the United States or otherwise restrains trade therein,"; and the Senate agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

ATLEE POMERENE,
JOE T. ROBINSON,
ALBERT B. CUMMINS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

On amendments Nos. 1, 2, 3, and 4, on which the House recedes: Have the effect of excluding from the comprehensive definition given in the section of "export trade" the selling of the goods, wares, or merchandise for resale as well as for consumption within the United States or any Territory thereof.

On amendments Nos. 5 and 6, on which the House recedes with amendments: Do not substantially change the act. The language substituted was agreed upon in conference as more clearly and accurately defining the things which an association formed under the provisions of this act could not do and be protected by the provisions of the act.

On amendment No. 7: Is a change in language used to make it conform to the amendments made in Nos. 6 and 7.

On amendment No. 8: The Senate here recedes, which leaves the matter involved as originally passed by the House.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. VOLSTEAD rose.

Mr. WEBB. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, I am opposed to the passage of this bill. As I have signed this conference report, a word of explanation seems to me necessary. I have signed the report on the theory that in doing so I was acting for the House in carrying out its views rather than my individual views. In making this explanation I do not desire to enter into any extended argument in regard to the merits of the bill. I only wish to call attention, briefly, to some reasons for my opposition.

I am satisfied that when this becomes a law, if it is taken advantage of by the various industries in this country, as it may be, we shall have, in effect, by indirection repealed the Sherman Antitrust Act. I have consulted a number of different lawyers in reference to this matter, thinking that perhaps in my zeal to preserve that law I might be oversolicitous and mistaken; but I find that, after explaining the bill to them, nearly all substantially agree with the view I entertain. There are Members on this floor who will vote for this report that entirely agree with my position. There are men now charged with the enforcement of the Sherman antitrust law that do not hesitate to express the same views.

Let me say in explanation of my position that the object of the Sherman Antitrust Act is to preserve competition. It has been repeatedly stated by the Supreme Court that that was the prime object in enacting it. Now, how does it seek to do that? It does it by condemning combinations, contracts, and conspiracies to create trusts or monopolies or otherwise restrain trade.

What does this bill do? Instead of condemning such contracts, combinations, and conspiracies it expressly authorizes them and then attempts to limit their operation to the foreign trade. Gentlemen say we are only creating agents for the purpose of carrying on foreign trade. That is not true at all. This bill expressly authorizes every industry in the United States that is engaged in the domestic trade to combine in any way it may see fit. That means that every shoe factory, every cotton mill, every sawmill, and all other industries may combine by a contract as one corporation. When such combinations have been entered into, what becomes of the restriction that they must confine their operations to the domestic trade?

Let me illustrate. Take the cotton industry in the South. This permits every mill engaged in the production of any sort of fabric that has to purchase cotton and everybody else engaged in such purchases to combine for the foreign trade. They will have the power when combined to practically fix the price of cotton in the foreign market or may, to exclude their foreign competitors, make a price for a season's supply. To secure the cotton in this country it will have to be purchased at figures to meet the contracts they make abroad. When they buy it will be impossible to distinguish between cotton to be used in this country for the domestic trade and cotton to be used in the foreign trade. This will clearly eliminate competition.

The same is true of wheat. This will permit every miller and elevator man in the country to combine for the foreign trade. They can go to England, France, or anywhere else, and make arrangements to furnish wheat at a certain figure. When they come to buy wheat in the domestic market for export to fill this contract it is absolutely impossible to make a distinction between wheat purchased for the domestic or the foreign trade. The same will be true of manufactured products. Where is your competition under such an arrangement? Every one in the combination will know at what price goods are sold in the foreign market, as in consulting one with another in regard to cost of production and sale of goods in the foreign trade no one can reasonably expect that this consultation will not inevitably involve a like discussion as to prices in the domestic trade and a like elimination of competition in that trade.

I know the answer to this contention. It is claimed by the friends of this bill that as to domestic trade the Sherman law is preserved. If it is, then you have not eliminated competition in the foreign trade nor relieved that trade from the effect of that law. Courts are not going to hold that this legislation has no effect. Besides, it should be borne in mind that this bill does not even attempt to preserve the Sherman law as to domestic trade. It is not enough under this law, as it is under the Sherman law, to make a combination or contract illegal that its effect tends to create a monopoly or restrain trade. Nothing is said about monopolies in this bill, and it permits prices in the domestic market to be enhanced or depressed, if it is not done intentionally or artificially, and competition may be lessened, unless it is a substantial lessening. It will be practically impossible to prove a violation under language such as that, and courts can not be expected to punish the natural effect of the combination expressly authorized or the natural effect of the elimination of competition in the foreign market.

A law similar to this could have been drafted that would have given to foreign commerce practically every advantage that this is expected to give, and that at the same time would have kept our domestic commerce subject to the provisions of the Sherman Antitrust Act.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SLOAN. Does this bill seek to give advantage to foreign trade over domestic trade, giving a sanctity to the trade of foreigners over that of the trade of our own people?

Mr. VOLSTEAD. No; this bill undertakes to relieve the foreign trade from the provisions of the Sherman Antitrust Act, but in doing that it authorizes combinations that must of necessity have a like effect upon the domestic trade, because you can not separate the two. They are inseparable.

Mr. SLOAN. Is that the professed object of the bill?

Mr. VOLSTEAD. No; the professed object of the bill is simply to affect the foreign trade.

I am in sympathy with some legislation along this line, and if gentlemen will take the report submitted by the Trade Commission in support of this measure they will find suggestions in that report for a bill that I think would have given practically all of the advantages of this bill and at the same time made reasonably safe the situation here at home.

Mr. WALDOW. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WALDOW. Do I understand that this is to be a permanent law?

Mr. VOLSTEAD. This is to be permanent law. Let me call attention, in conclusion, to this situation: To-day throughout

this country there undoubtedly are violations of the Sherman antitrust law right and left. There is no question but that profiteering of the most outrageous character is going on, profiteering through combinations and contracts of the very kind you are authorizing here. This will give them the right to continue that sort of profiteering. Some day I believe the American people will wake up to what this Congress is doing and resent it. I do not believe the Sherman antitrust law is the best law possible, but it is the only thing we have to restrain profiteering. I believe the time is coming when we shall have to pass a different kind of law from the Sherman Antitrust Act, but until we pass it we ought to preserve what we have. If we want to repeal it, we ought to do it openly and not in the guise of an export law.

Mr. WEBB. Mr. Speaker, the argument of my friend from Minnesota [Mr. VOLSTEAD] might well have been directed against the original passage of the bill, but certainly not against this conference report, because your conferees have acted under the direction of the House, as it passed by a vote of 240 to 26, I think. We have acted strictly in accordance with the direction of the House, and I do not care at this time to take up the time of the House in discussing and debating the merits of the bill, which were so thoroughly gone into when it passed in two separate Congresses. The bill absolutely protects the home market from contemplated or supposed unlawful or trade restraining acts of any of these corporations. In the first place, they are not permitted to do any act or enter into any conspiracy which would artificially or intentionally enhance or depress prices, nor can they do anything which substantially lessens competition or otherwise restrains trade within the United States. That language is a perfect preservation of the Sherman law in all its virility within the confines of this country. The object of the bill is to permit our exporters to do in other countries what those other countries permit them to do, and that is form such combinations and organizations as will enable them to successfully compete with the very same kind of organizations they are compelled to compete with to-day without the privilege extended in this bill. I believe it will be the salvation of our export trade. After the war is over conditions are going to be acute, the times will be critical, and nearly every foreign country permits exporters to combine for the very purpose of underselling the American exporters in every market of the world. If we are not permitted to let our exporters use the same kind of ammunition and weapons we might as well ask our exporters to tear down their factories and confine their production to home uses entirely. I therefore ask that the conference be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

WILLFUL DESTRUCTION OF WAR MATERIALS—CONFERENCE REPORT (NO. 470).

Mr. WEBB. Mr. Speaker, I call up the conference report upon the bill (S. 383) to punish the injury to war materials, war utilities, and war premises, and, as I think the House will understand the matter better if the statement be read rather than the report, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

"SEC. 3. That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

"SEC. 4. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The Senate recedes from the amendment of the House striking out all of the bill after the enacting clause and substituting

therefor the bill as agreed upon in the House, with certain minor changes and additions.

The definition of "war material," in the first paragraph of section 1, is enlarged so as to include live stock, stores of clothing, foodstuffs, or fuel, also munitions and any part or ingredient of the things included in the definition, and defines the use by the words "intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war."

In the third paragraph of section 1 the words "about to be" are changed to "may be," so as to make the clause limiting "war utilities" read, "whereon or whereby such war material or any troops of the United States, or of any associated nation, are being or may be transported," etc. It is further amended so as to include water and gas mains, etc., by which water and gas is being furnished or may be furnished to any war premises as well as to the military and naval forces of the United States as originally provided in the House substitute.

Section 3 of the House amendment was changed so as to limit the purposes of agreeing together to stop work or not enter thereon to cases for the sole and bona fide purpose of securing better wages or conditions of employment.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, will the chairman of the Committee on the Judiciary yield for a question?

Mr. WEBB. With pleasure; yes, sir.

Mr. WALSH. I have been unable to get a copy of the bill as it appears as amended by the House. I notice in the definition of "war premises," in the first page of the conference report, a definition of "war premises" includes forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation, as war premises. Now, in the section providing for a penalty it is provided that whoever should destroy war materials being made upon war premises or inflicts damage to war premises should be subject to a fine of $10,000 or imprisonment for not more than 30 years, or both. Was that in the bill as reported by the House committee?

Mr. WEBB. Yes, sir; I will say to my friend that is the exact language used in the House Judiciary Committee substitute which was offered and which the House passed. The conferees did not change a line or word of that definition of war premises. I can explain to my friend the several changes that we made, if he desires, in the definition of "war materials." The chief change was the definition of war materials.

Mr. WALSH. Putting in live stock, stores of clothing, and so forth?

Mr. WEBB. Yes.

Mr. WALSH. But under the bill as now reported if a citizen of Brazil should enter into an arsenal or fort in Canada and undertake to interfere with some war material over there, upon the Canadian property, and should come back and be passing through the United States, he could be arrested and convicted for interfering with Canadian property in Canada which was designed to be used in the conduct of this war. In other words, he could be arrested and convicted for an offense committed in a foreign country?

Mr. WEBB. Oh, no; I do not think so at all, I will say to my friend, because the words "United States" are defined in the bill and the act must be committed in the United States, as thus defined.

Mr. WALSH. But war premises includes like premises in a foreign country, and it is made a crime to destroy property in a foreign country.

Mr. WEBB. Oh, not at all. We can not legislate extraterritorially, as we say. The only case where we thus legislate is for a United States court in China, which we have extraterritorially over there, but we could not make a criminal law operate extraterritorially, except by treaty.

Mr. WALSH. Now, if the gentleman will listen to the reading of this concluding part of section 2:

> And all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

Now, an arsenal in Canada is war premises under this act.

Mr. WEBB. No. The definition of "United States" would cover that and includes the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States, and certainly no Canadian territory would be subject to the jurisdiction of the United States.

Mr. WALSH. I am not contending that Canadian territory would be subject to the jurisdiction of the United States, but under section 2 of this measure you are making a Canadian arsenal or Canadian fort or a British fort or a French fort or an Italian fort war premises, and in the further provision of this bill you impose a penalty for acts committed on war premises. My inquiry was prompted by the thought that that was not just as it was passed by the House committee in its original form.

Mr. WEBB. I can say to my friend that is the identical language that the Judiciary Committee presented to the House and which the House adopted.

Mr. WALSH. It was not in the original Senate bill, and my recollection was that we agreed to the language of the Senate bill in considering the bill in the Judiciary Committee of the House.

Mr. WEBB. The gentleman remembers that the House Judiciary Committee rewrote the Senate bill 383, because that confined these injuries to fire and violence. Now, we struck out the idea of fire and violence and make a man guilty of a crime if he in any way injures any of these war premises or war utilities or war material where he has reasonable ground to believe that such injury might impede or retard the progress of the war. We have made the bill very broad and under it it seems to me that every man who is charged with sabotage, or whatever it is—I have never learned exactly what the word means, but it has been used frequently and I think I have the idea—so every act, whether it be violence or by stealth, which may injure the prosecution of the war, will be caught under this bill because it is very, very broad.

Mr. WALSH. Of course, the gentleman appreciates that I in no way in the past opposed the measure——

Mr. WEBB. Not at all. I know the gentleman desired to perfect it, and helped to do so in the committee.

Mr. WALSH. But my recollection was when this matter came up in the committee the words "or any associate nation" were not included, but I know the recollection of the distinguished chairman of the Committee on the Judiciary is probably accurate.

Mr. WEBB. I will say to my friend the Judiciary Committee of the House put the words "or any associate nation" in the bill. They were put in because we thought it was necessary, as they had arsenals and manufacturing plants over here just as useful in the progress of the war as ours, and we put in a new section providing that any man who designedly makes false or defective tools or machinery for the purpose of delaying the progress of the war, we get him and make him guilty of a like crime. If there are no further questions, Mr. Speaker, I will be glad to have a vote on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

AMENDING SECTION 4067, REVISED STATUTES—CONFERENCE REPORT (NO. 467).

Mr. WEBB. Mr. Speaker, on behalf of the House conferees I desire to call up the conference report on the bill H. R. 9504, and I ask that the statement, which is very brief, be read instead of the report. It explains the conference report. I can explain it very briefly, but it is explained in the statement of the conferees.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement be read in lieu of the conference report. Is there objection. [After a pause.] The Chair hears none.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of

the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, submit the following written statement explaining the effect of the action agreed on:

On amendments Nos. 1 and 2: Simply transpose the word "a," so as to make the text read "a declared war" instead of "declared a war." The House recedes on these amendments.

On amendment No. 3: The Senate recedes on this amendment. The Senate having added no other amendments, the act is left as it passed the House with the exception of the slight change made by amendments Nos. 1 and 2.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. WEBB. Mr. Speaker, this is a bill amending section 4067 of the Revised Statutes so as to include women among alien enemies. The bill we present here to-day for your adoption is just exactly like it passed the House originally. The Senate amended it, but the Senate receded.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

OVERSUBSCRIPTION TO LIBERTY BONDS, HAINES CITY, FLA.

Mr. DRANE. Mr. Speaker, I ask unanimous consent for one minute in order to read a telegram.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

HAINES CITY, FLA., *11.01 p. m., April 5, 1918.*

Hon. HERBERT J. DRANE,
Member of Congress, Washington, D. C.:

We are pleased to report to you one second after 12 o'clock a. m., eastern time, that 70 citizens of Haines City, Polk County, Fla., have subscribed to the third liberty loan $22,300, which is over three times our allotted quota.

STATE BANK OF HAINES CITY.

[Applause.]

Mr. DRANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DIPLOMATIC AND CONSULAR APPROPRIATIONS—CONFERENCE REPORT (NO. 458).

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 10, 11, and 14, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$8 per day"; and the Senate agree to the same.

Amendments numbered 12 and 13: That the House recede from its disagreement to the amendments of the Senate numbered 12 and 13, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"LEGATION BUILDING AT SAN SALVADOR.

"For the erection at the city of San Salvador on ground presented by the Government of Salvador of a suitable building, to be constructed of reinforced concrete, for the use of the legation to Salvador, both as a residence of the minister and for the offices of the legation, $50,000, or so much thereof as may be necessary, said sum to include $10,000 for the purchase of the necessary furniture for the building: *Provided*, That the President is hereby authorized to accept on behalf of the United States the plot of ground graciously presented by the Government of Salvador as the site for the erection of a legation building or buildings."

And the Senate agree to the same.

H. D. FLOOD,
J. CHARLES LINTHICUM,
Managers on the part of the House.
LEE S. OVERMAN,
JOHN F. SHAFROTH,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On No. 1: Corrects a total in the bill as proposed by the Senate.

On No. 2: Fixes the rate of not exceeding 10 cents per mile to diplomatic and consular officers in going to and returning from their posts as proposed by the Senate.

On No. 3: Appropriates $37,500 for the International Boundary Commission, United States and Mexico, instead of $47,500 as proposed by the House and $25,000 as proposed by the Senate.

On Nos. 4 and 5: Strikes out the per diem allowance for the commission on the boundary line work, Alaska and Canada and the United States and Canada, as proposed by the Senate, and fixes the subsistence allowance of the commissioner when absent from Washington on official business at $8 per day as proposed by the Senate instead of $6 as proposed by the House.

On No. 6: Fixes the allowance for actual expenses of the judge of the United States Court for China when sessions of the court are held at other cities than Shanghai at $5 per day as proposed by the Senate instead of $10 per day as proposed by the House.

On No. 7: Appropriates $25,000 for the International High Commission as proposed by the Senate.

On No. 8: Strikes from the bill the provision authorizing a representative of the International Geodetic Association to vote with representatives from other nations as proposed by the House.

On No. 9: Restores to the bill the provision as proposed by the House making certain unexpended balances of appropriations for the Fifteenth International Congress available until expended.

On Nos. 10 and 11: Limits the pay of post allowances to consular and diplomatic officers to those stationed in belligerent countries and countries contiguous thereto, and reduces the appropriation therefor from $800,000, as proposed by the House, to $700,000, as proposed by the Senate.

On Nos. 12 and 13: Appropriates $50,000 for the public building at San Salvador, $10,000 of which to be expended for furniture therefor, and makes certain verbal corrections in the bill.

On No. 14: Appropriates $2,000 for an addition to the legation building at Peking, China, as proposed by the Senate.

H. D. FLOOD,
J. CHARLES LINTHICUM,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. WALSH. Mr. Speaker, will the gentleman from Virginia yield for a question?

Mr. FLOOD. Certainly.

Mr. WALSH. Will the gentleman state the difference in the amounts for this building at San Salvador between, when it passed the House originally, and what is now provided in the report?

Mr. FLOOD. There is $10,000 difference in the appropriation. It is $10,000 less. The amendment as it was finally

adopted by the House was not very clear, but what we intended to do was to appropriate $60,000 for the building and furnishings. The conference report provides for $50,000, $10,000 to be used for the furniture and $40,000 for the building—a difference of $10,000.

Mr. WALSH. Did not the original bill as passed by the House carry $60,000 for the building and $40,000 for the furniture?

Mr. FLOOD. The amendment adopted by the House was not clear, but the purpose of the House was to appropriate $60,000, not $100,000, and that was an increase over the reports of the committee, but our purpose was to appropriate $60,000 for the house and all.

Mr. WALSH. And the conferees have agreed upon $50,000?

Mr. FLOOD. Yes.

Mr. WALSH. This was the one that was to be erected in that ant country?

Mr. FLOOD. They had to have concrete.

Mr. WALSH. They had to have concrete on account of the appetite of the ants?

Mr. FLOOD. Yes.

Mr. GILLETT. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GILLETT. I notice that the minority representative did not sign the conference report. Did he not agree to the report?

Mr. FLOOD. He was not present.

Mr. GILLETT. He did not object?

Mr. FLOOD. I do not think so. He was for all the items as they went through the House.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. BRITTEN. I was not paying strict attention to the reading of the report. I think I heard something about a legation building at Peking, China.

Mr. FLOOD. Just an improvement.

Mr. BRITTEN. Was that carried in the House bill?

Mr. FLOOD. No.

Mr. BRITTEN. It was inserted in the Senate. How much money?

Mr. FLOOD. Two thousand dollars.

Mr. BRITTEN. I would like to say that the building is in a bad state of repair, with wooden bathtubs full of slivers, a building falling apart and the foundation rotting away.

Mr. FLOOD. The Department of State made no representation to the House in reference to the improvements, but did make them to the Senate, and asked for $2,000 for improvements, which was allowed by the Senate and concurred in by the House conferees.

Mr. WALDOW. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. WALDOW. In changing the appropriation for building at San Salvador, you have not changed the specification of the building itself in any way? Is it still going to be a concrete building?

Mr. FLOOD. Yes.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the rivers and harbors bill. The question is on the motion of the gentleman from North Carolina.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 57, noes 0.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, it was agreed that the gentleman from Iowa [Mr. KENNEDY] would use some time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WATSON of Virginia having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes.

RIVERS AND HARBORS APPROPRIATION BILL.

The committee resumed its session.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. DEMPSEY]. [Applause.]

Mr. DEMPSEY. Mr. Chairman, this rivers and harbors bill comes before the House at the most important time for such a measure in the history of the country. In the fall of 1917, before the stress of the added freight from war conditions was felt at all, our railroads had failed in their effort to transport the ordinary business of the country. What was true of the Union generally was peculiarly true of the State of New York.

Along the northern boundary of the United States there lie the Great Lakes, the greatest bodies of inland water in the world, all leading down to and ending at the city of Buffalo, and then from Buffalo across the State of New York the great Empire State has constructed the Barge Canal, which ends at Albany and is connected with New York Harbor by the Hudson River.

We are all told to save food, that that will win the war; and we are told also not to eat bread made from wheat flour because we here can eat bread made from corn meal and other substitutes, and the wheat flour can be transported and used, as they are accustomed to using it, on the other side. Most of the wheat comes down through the Lakes to Buffalo, and when it reaches Buffalo, what do we find? We find that that great port, with a tonnage of 18,000,000 tons annually, has so narrow an entrance, only 200 feet, that navigators are afraid to bring their big boats in, and they end and begin each trip in terror of disaster.

However, the War Department and the committee said to us, when we urged that situation, that they had removed one obstacle to navigation at Buffalo—the Lackawanna coal trestle, and that we could wait another year to see what the effect of that was and what we needed, and although a year is a long time, and although commerce is rapidly growing, and although the Barge Canal will be used for the first time and increase tonnage immensely, we have acquiesced in that decision, and are willing to wait another year and run these constantly increasing perils.

But down at the other end of the State of New York there is quite a different situation. Along in May of last year, after war had been declared, the Secretary of the Navy wrote a letter to the chairman of this committee, and I want to read that letter:

Hon. JOHN H. SMALL, M. C., NAVY DEPARTMENT, *Washington.*
Chairman Committee on Rivers and Harbors,
House of Representatives, Washington, D. C.

MY DEAR MR. SMALL: In a letter of May 7, 1917, regarding the approaches to the navy yard at New York, I quoted from the General Board as follows:

"Deepen, widen, and straighten channels through Hell Gate to Long Island Sound to a depth of 35 feet, and eventually to 40 feet, with a channel adapted to the use of vessels up to 1,000 feet in length."

While deepening and straightening the channel through Hell Gate will be of unquestioned advantage to the commercial interests of the country, the strategic value to the Navy is so great that I believe consideration should be given to securing this channel of 40 feet depth at the present time. While in the beginning a concession was made to obtain a depth of 35 feet and ultimately 40 feet, it is considered that it would be highly desirable, both from an economical standpoint and from a strategical standpoint, to have the work, after it was once begun, continued until the depth of 40 feet had been obtained throughout, and the straightening of the channel, in order to allow the easy and free passage of large ships as well as to prevent the formation of tidal eddies and currents, had been accomplished.

It will be readily understood that with a 40-foot depth of channel leading to the navy yard from the south and an equal depth through Hell Gate would practically double the strength of our fleet if concentrated in Long Island Sound, for the reason that the exits at Ambrose Channel and Montauk Point are so far apart that it would take double the force to contain our fleet in these waters in order to guard the outlets at both of these points to prevent the egress of our fleet.

A deep channel through each entrance is desired in order to permit of the passage of vessels at all stages of the tide and without undue risk to the large and very expensive battleships of the near future, and also to permit the passage of these vessels through either entrance after having been injured in an engagement off the coast in the immediate vicinity. New York, being the center of commercial interests on our coast and the great commercial activity and wealth extending particularly to the northward of this point, increases the probability of an engagement somewhere in the vicinity of the eastern end of Long Island Sound. This also increases the desirability of having a deep channel through Hell Gate in order to carry a vessel or vessels safely through that may have been injured in an engagement in the vicinity of Block Island or Montauk Point.

Sincerely, yours, JOSEPHUS DANIELS.

That was transmitted with a letter from the Secretary of War, which also indorsed the immediate 40-foot project, and requested the committee to make an amendment to insure 40 feet at once instead of 35 feet now and 5 more later. That letter reads as follows:

WAR DEPARTMENT,
Washington, May 15, 1917.

Mr. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: In the river and harbor bill, which I ventured to send for the consideration of your committee and for introduction into the House, I undertook, as you know, to provide for the continuance of necessary projects and the introduction of such new projects only as were directly concerned with the national defense in the present emergency. Many very desirable projects had to be omitted in view of the situation, and I have desired as far as possible to refrain from suggesting additions to the program contained in the bill. I have, however, taken up with the Secretary of the Navy the situation respecting the channel through Hell Gate in the harbor of New York, and after a full discussion of the subject the Secretary of the Navy has written you a letter in which he recommends that the bill be amended so as to provide for a 40-foot channel at that point. The bill under consideration looks to a present depth of 35 feet, and my judgment at the time the bill was drawn was that while the ultimate depth of 40 feet was contemplated the present improvement to 35 feet was all that could be at this time undertaken. As the result of mature reflection and in view of the recommendation of the Secretary of the Navy, I beg leave to concur in the suggestion that an amendment be introduced providing for the present increase in this proposed depth to 40 feet. In other words, I am seconding the recommendation of the Secretary of the Navy, and I trust that you and your associates on the committee will find it possible to make this one change in the proposed measure.

Cordially, yours,

NEWTON D. BAKER.
Secretary of War.

In response to those two letters from the Secretary of the Navy and the Secretary of War the bill on August 8 was passed containing the following provision:

East River, N. Y.: For improvement in accordance with the report submitted in House Document 188, Sixty-third Congress, first session, and for a 40-foot channel through East River and Hell Gate, in accordance with the report submitted in House Document No. 140, Sixty-fifth Congress, first session, $1,250,000.

Now, gentlemen, let us bear in mind the order of events. The Secretary of the Navy and the Secretary of War concur in a letter in which they ask the immediate securing of a 40-foot channel through Hell Gate, and they ask the committee to frame the proper amendment so that that depth may be secured instead of 35 feet at once and 5 feet later. In response to that suggestion this House and the committee of the House passed the amendment which I have read. And then what followed? After the Secretary of War and the Secretary of the Navy had both recommended the immediate prosecution of the 40-foot project the War Department construes the act which we have drawn under their direction, which we have drawn in consultation with them, to act in accordance with those letters—the War Department construes this amendment, which they have helped to prepare to carry out the intention of the letters, as one which means a 35-foot project now and a 40-foot project later on.

This would be astonishing, it would be amazing, if it were fiction. It is all the more astonishing and amazing to find that it is true, and the most astounding part of it is that the representative of the War Department, Col. Newcomer, a man who stands well in his profession and with this committee, and of whom I have only kind things to say, comes before the committee and displays an absolute ignorance of all the facts contained in these letters.

In the first place, the Secretary of the Navy says that it is of the utmost importance that we have two exits—the one at Montauk Point by way of Hell Gate and the other through Ambrose Channel; that we have those two exits and entrances for the vessels of our fleet, because they may be damaged; there are likely to be engagements there, and the fleet ought to be able to come in through Hell Gate as well as through the other channel.

Mr. COOPER of Wisconsin. What is the date of the letters?

Mr. DEMPSEY. The two letters were transmitted in May. The amendment, which was adopted in accordance with the letters, was passed in August.

Mr. COOPER of Wisconsin. Last year?

Mr. DEMPSEY. Last year, 1917; and the testimony to which I am now going to refer, the testimony of Col. Newcomer, was given in 1918. He absolutely knows nothing about it. He testified to the contrary of both letters. I am going to call attention to his testimony. I examined him before the committee. I read:

Mr. DEMPSEY. What is the draft of the largest battleship, * * *?
Col. NEWCOMER. The heaviest draft is about 32 to 33 feet. That is the normal boat in normal condition. Of course, damaged they might draw more.
Mr. DEMPSEY. Suppose that one of those boats was damaged in the sound and wanted to get in that way to the Brooklyn Navy Yard, might it not draw very easily under those conditions 37 feet?
Col. NEWCOMER. I should think that is quite conceivable.
Mr. GALLAGHER. What is the tide there?
Col. NEWCOMER. About 5 feet, giving 40 feet at high tide.
Mr. DEMPSEY. But supposing there was an enemy ship pursuing our ship in the sound?
Col. NEWCOMER. I think the enemy would not get that far. We have fortifications in the sound that the enemy would hardly pass.
* * * I understand also that it is a matter of importance to the Navy to get that 35 feet available, not for handling disabled battleships, but for handling good battleships for strategic reasons, and they want to get that as soon as they can.
Mr. DEMPSEY. How long does the flood tide last, and at what times does it occur—that is, the full flood tide?
Col. NEWCOMER. That occurs substantially twice a day, and it shifts at all times in the day at different times of the year.
Mr. DEMPSEY. How long does it stay at the highest mark?
Col. NEWCOMER. It lasts about an hour.
Mr. DEMPSEY. Then they have 2 hours of high water during each 24 hours; so that if a battleship was disabled it might have to wait 11 hours before it could get in.
Col. NEWCOMER. I do not think that you will find that the Navy is fearing any trouble with their battleships lying in here—

And he pointed to the Sound.

Contrast that testimony with the letter of the Secretary of the Navy which I just read, which says that the great wealth of the United States is located north of Long Island Sound, so that an engagement is likely to happen there; that we must have two exits for battleships; that we must have those entrances and the channels 40 feet deep at once, in order to enable the great battleships that we are now constructing to come in through Hell Gate, and it displays absolute unfamiliarity with the facts, which render it necessary that a depth of 40 feet be obtained immediately. I am not criticizing the colonel. He is simply an Engineer officer. I am coming to that later. We ought not to put upon his shoulders the responsibility of deciding all these questions. I am not criticizing Col. Newcomer. I am criticizing the committee, ourselves. We have a good committee. We have an able and diligent chairman. We have members who attend the meetings. Why should we not adopt a policy of our own? Why should we not have something to say about these matters? Why should we leave them all to a man who obviously is unable to grasp the details and weave them together? Here he comes in and testifies in direct contradiction of both of these letters, which were written just before the amendment was adopted, and both of them written in order to secure the adoption of the amendment. The Secretary of War specifically pointed out that he wanted this single amendment adopted, so that we would have a 40-foot channel immediately, in conformity to the wishes of the Secretary of the Navy. And then Col. Newcomer gives this testimony.

Let me point out another piece of testimony upon this question. Here are these two letters, urging logically, and convincingly showing the necessity for this 40-foot channel immediately. Yet on the 4th of January, in the hearings at page 6, what does Col. Newcomer say about it? He testifies as follows:

We understand that the question of when the 40-foot depth should be provided should be left to the future entirely; in other words, whenever circumstances develop—

They might, you know, at some time. He said it is possible. Of course, he did not know anything about this letter of his chief. He did not know anything about the letter of the Secretary of the Navy. He says it is possible that circumstances might develop—

which indicate a need for that, then the estimates could be submitted under authority already given, and Congress will determine, of course, whether it is ready to proceed with the 40-foot project.

Now, gentlemen, that is the astonishing state of the testimony upon which the committee has failed to provide for a depth of 40 feet at Hell Gate, the work to be done at once. And I am calling attention, first, to the right of this House to have its laws obeyed when solemnly enacted upon due consideration, for a most important purpose, to which their attention was directed by the Secretary of the Navy and the Secretary of War. I am calling attention to the right of the House to have legislation obeyed when enacted under such circumstances, and of such grave import. After we had done what the Secretary of War asked, after we had done that which the Secretary of the Navy said was imperative, a colonel of engineers construed the act contrary to its plain language, contrary to the two letters, as not meaning what it says upon its face, but as meaning that we should have a 35-foot channel, and if eventually Congress so determines, a 40-foot channel. If circumstances should perhaps or peradventure arise, and there became evident a condition—which apparently he does not anticipate at all—then, under those very remarkable circumstances, if we enact future legislation, we are to have 40 feet.

The thing to which I direct attention is this: A year ago, when I had the pleasure of speaking to this House, I said I did not agree with the idea that engineers should tell the committees of this House just what kind of legislation they should

pass. I said that if business men were going to build a railroad or develop a waterway they would call upon engineers to advise them as to the feasibility and cost of the project, but they would not dream of taking their advice about the business aspects of it. And yet under this rule adopted by the committee, and adopted for good purposes, the deliberate action of Congress is nullified. Understand, I am not criticizing the committee. I say that the committee and its very able and distinguished chairman adopted this rule with the best motives and for the highest purposes. They believed that they were adopting that policy in order to conserve expenses during a time of financial stress. But in what has it resulted? Why, it has resulted in 21 men, chosen from varied walks in life, with wide and extended experience, whose judgment would have been valuable upon these questions, waiving their judgment in favor of one subordinate employee of the War Department, a gentleman of standing in his profession, whose judgment would be good and excellent upon engineering projects, but I believe that there is not a member of the committee whose judgment would not be fully as valuable, if not more valuable, upon any business proposition. How infinitely more valuable would the combined judgment of the committee be.

Members are sent here from the 435 districts covering the entire country, because the people believe that they will be able to conduct the legislative business of the country wisely; that they will provide for its protection in war and for its happiness and prosperity when at peace. The people who sent us never dreamed that we would surrender the right to legislate to any executive department, much less to an employee. The country needs, in this time of stress and difficulty, the continued exercise of the combined wisdom of this House. The Executive needs us and will need us, and we should exercise diligently and conscientiously the legislative duties which we were sent here to perform. We have no right to delegate them or to yield them to anyone else.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. DEMPSEY. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. What would happen to one of our ships, injured in the way which has been described, near the entrance to that sound, if the 40 feet of water were not there? That is a practical question.

Mr. DEMPSEY. I am going to answer it in just that way. I developed it subsequent to this letter of the Secretary of the Navy. The Secretary of the Navy says in this letter that this is the most probable place for a naval engagement to take place. Col. Newcomer says that if we have 35 feet it would not do if a battleship were disabled, because it would undoubtedly draw 37 feet. Now, they have there a tide of 5 feet, but it lasts only one hour, twice a day; so that if a battleship were disabled it might have to wait 11 hours, exposed to the fire of the enemy, exposed to foundering, exposed to going to pieces, without being able to get in. The Secretary of the Navy directed attention to that condition and asked that it be remedied. The House, in accordance with that request, remedied it; and then a subordinate official of the War Department, whom I am not criticizing personally, but who can not do everything and can not know everything, not having these letters in his mind at all, construed our provision, made to meet these conditions, as doing exactly the opposite thing. And then the committee falls into his present recommendation, ignoring the letters of the two Secretaries, ignoring all that occurred. These letters were put into the RECORD last year when we passed the bill. All the circumstances and history of the case were ignored because Col. Newcomer says he does not think it is necessary, and he is sure there will not be any battle where the Secretary of the Navy says there is likely to be a battle, because Col. Newcomer says there are fortifications there which would prevent the enemy from coming in, and the Secretary of the Navy says directly the contrary.

Now, I say, gentlemen, we are providing for war. It is a most serious business. We have an able committee with an able chairman. We have members who are conscientious—because the members of the Rivers and Harbors Committee are conscientious—and they attend the committee hearings. If they had taken this matter into consideration, this misinterpretation of the law would not have stood for one moment.

Now, let us take the situation in the city of New York. Ninety-one million tons of cargoes pass through the city of New York, and the values annually run way up into the billions of dollars.

I believe, and we all do, that the shipping of this country is going to be vastly increased during the coming year. We all expect that we are going to have new ships with which to carry all kinds of supplies to the allies, with which to transport our own troops and munitions abroad, and the strain on the harbor at the city of New York at the end of Hudson River, at the foot of the Great Lakes, the strain on the harbor of the seven great trunk railroad lines entering there is going to be increased enormously. If there is one place in the whole world in which America is interested, if there is one place on which the eyes of the United States should be directed in the shipping question, it is that great metropolis of which we are all so proud.

I voted yesterday morning, and I intended to vote—and I voted and will vote with full knowledge—that we should have 40 feet in Charleston Harbor, with only 3,000,000 tons of tonnage, and yet we hesitate to give 40 feet to New York, with 91,000,000 of tonnage. Forty feet to Charleston Harbor, with only a few million dollars of cargo, and we hesitate to give 40 feet to New York, with the value of its cargoes running up into the billions. Now, so far as the State of New York is concerned, we do not know at the present time any North or any South; we do not know any West or any East. We know only the United States. [Applause.]

We ask the gentlemen of this committee, and we ask the gentlemen of the House, to look at this matter in the same way; and we ask it to right an obvious wrong; we ask you to do that which should have been done in committee, and I trust that this committee and the chairman of the committee will recognize the necessity of this amendment and not force an individual Member to propose it on the floor, or, if it is proposed, that the committee will adopt it.

Why, New York is doing its part, and far more than its part, at this time of national stress. The first liberty loan was $3,032,729,000. And how much of that do you suppose the great Empire State patriotically and promptly took? It took $1,108,067,000; one-third of the entire issue was absorbed in that State.

The second liberty loan was $4,617,532,000, and the State of New York took $1,413,045,800, again about one-third of the entire issue.

Of the third liberty loan, the city of New York alone is allotted $900,000,000 and to-day the leaders of the campaign in the present loan telegraphed Washington saying:

We will not take simply our allotted quota, we will not take alone $900,000,000, but we will take a billion and a half dollars.

[Applause.]

Our great State, too, has contributed $29,270,000 to that greatest of all war-time philanthrophies—the Red Cross—which is doing and will do more to mitigate the suffering and horrors of the war than all other agencies combined. It reaches every one of our soldiers and sailors here and abroad. It diverts and entertains them when in camp; it relieves their sufferings on the battlefield; and it smooths their pillows and nurses them back to health when wounded and in the hospital.

New York has not given of its money alone. It has contributed as generously of its young manhood—349,352 men have enlisted in the Regular Army since the declaration of war, and 38,267 of them came from the State of New York; 150,000 men have enlisted in the Navy since the outbreak of hostilities, and 12,900 of them have been contributed by New York State.

And yet, gentlemen, with Charleston with 40 feet, with Norfolk 40 feet, with the Secretary of War and the Secretary of the Navy demanding that we have 40 feet immediately, with this House having passed the amendment upon that recommendation, believing it was clear and could not be misunderstood, a subordinate in the War Department interprets it to mean 35 feet, and says: "Why, sometime in the future it may be, perhaps, that Congress may see fit to legislate for 40 feet." And the committee not inquiring, doing what it believes to be their patriotic duty, adopted the present bill of the War Department; but it is not its bill, it is the bill of a subordinate. The letter of the Secretary of War has never been changed; the letter from the Secretary of the Navy has never been withdrawn or changed. Col. Newcomer says there is no danger, and the Secretary of War and the Secretary of the Navy say that there is acute danger. Col. Newcomer is not in touch with the department. I say, in view of the fact that the honor of the House is involved, in view of the fact that when we pass legislation its terms should be obeyed and carried out, in view of the fact that Col. Newcomer is mistaken in every item of his testimony—I examined him at length, and the other members of the committee did not know what I had in mind; but I had these facts in mind, for I thought the temper of the committee apparently was to follow the colonel of engineers instead of the Secretary—and I thought the proper place to call attention to it was here on the floor of the House, where a great wrong could be righted, where the patriotism, loyalty, and devotion of the great Empire State could be recognized, where

we could say that there was no North, there is no South; and that New York with its 43 votes will vote for Charleston; with its 43 votes will vote for Norfolk; and New York says that we have 91,000,000 of tonnage, worth billions of dollars, and we say that we ought not to be left without this protection to our fleet.

It is a serious thing, with all the great wealth of that city scattered along the Sound. The Secretary says that a battle may occur there at any time, and is most likely to occur, and why should not we have protection, so that a fleet can come and go, so that it can come into the navy yard and maneuver and fight strategically through two entrances instead of one?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I yield the gentleman two minutes more.

Mr. DEMPSEY. I believe in that way you will be doing what the last Congress intended to do. Now, I am going to speak about other matters in regard to New York, but they are of minor importance. What I have been directing your attention to is vital and goes to the life, salvation, and safety of the great metropolis of this Republic.

I am going to speak of some other things, but they are of less importance. I am going to direct the attention of the House to some other improvements in the city of New York when it comes to the amending stage of the bill.

Mr. BOOHER. Mr. Chairman, the gentleman says that he has an amendment to propose so far as this channel is concerned?

Mr. DEMPSEY. Yes.

Mr. BOOHER. Will the gentleman please read it, so that we may have it before us?

Mr. DEMPSEY. It is to strike out the numerals "$2,200,000," in line 24, page 2, and to insert in lieu thereof the following:

Six million dollars, and the Secretary of War is hereby directed to prosecute the work of improvement with a view to securing a depth of 40 feet in the channel through East River and Hell Gate immediately.

Mr. BOOHER. Does the gentleman remember the testimony of Col. Newcomer that $2,000,000 is all that could be expended profitably at this time?

Mr. DEMPSEY. Yes; I remember the testimony of Col. Newcomer, and I remember that in connection with his other testimony. He testified also that there was no danger of any battle in Long Island Sound; that the fortifications would prevent that, in direct conflict with the testimony of his own chief and the Secretary of the Navy. I remember also that he testified that the 35-foot channel was all that was required by the act, and that that testimony was given, although he knew or should have known that these two letters had been written asking for 40 feet immediately. I have in mind also the testimony of Col. Newcomer that the East River channel through Hell Gate would not be used by the larger ships, which is in direct conflict with the statement of the Secretary of the Navy that we need the 40-foot channel for the use of our largest battleships. I had in mind all of the testimony of Col. Newcomer, and while I regard him as a high-minded, honorable gentleman, I think that he is overworked and is liable to make many mistakes. I believe that we can spend the money to make this improvement. I believe that we can make the improvement and have it for use in this war. I believe that it is imperative that we do have it for this war. I believe that Congress intended we should have it, and I believe that this time it should be written in such plain language that he who runs may read, and there may be in the future no misinterpretation, no legislation by interpretation, but simply and solely obedience to the statute and enacted law. There will be a 40-foot channel, except at Hell Gate, as appears from the following testimony of Col. Newcomer, viz:

The CHAIRMAN. So, omitting any reference to the width of the channel, a depth of 40 feet exists (between the upper bay and Long Island Sound) except at Hell Gate and except at Diamond Reef, and the improvement at Diamond Reef is now under construction to a depth of 40 feet?

Col. NEWCOMER. Yes, sir.

A channel is no deeper than its shallowest part. It would be a waste of the work of excavating to a depth of 40 feet at all other points to secure 35 feet only at Hell Gate. This waste should be avoided and this much needed 40-foot channel should be obtained immediately. It will be worth many times its cost in the added protection it will afford to billions of property in and near New York and to the millions of people living there.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, as a former member of the Committee on Rivers and Harbors I wish to congratulate the present committee on the bill which is now under consideration before the House. It seems to me that the committee has carried out the express wishes of some of the Members in the last session, wherein we endeavored to have the bill made a war measure. Certainly it bears every resemblance of being of that nature at the present time, and it is a great gratification to me to look over the bill, as I have casually, and find that there has been removed from it by the committee the character of items that caused the criticism some of us made against former bills. It is the first one, I think, of the kind that the House has had before it, and I especially wish to congratulate the chairman upon the auspicious way in which he has conducted the difficult task of the chairmanship of that committee. The work of river and harbor improvement throughout the country is one of great value to the Nation, and it is possible to have a bill of a kind that avoids the nature of criticism that has been offered against it previously. I am glad, indeed, as I say, to be able to most heartily approve of the action of the committee at this time.

The short time that I have remaining I wish to use in reference to the order which was adopted by the House this morning in connection with the soldiers' mail. I introduced last week a privileged resolution, which the House has just recently adopted, asking for certain information from the Postmaster General. The resolution is as follows:

House resolution 296.

Resolved, That the Postmaster General be requested to furnish the House of Representatives, if not incompatible with the public interest, information relative to the amount of mail matter which has been addressed to members of the American Expeditionary Force during the past 30 days of the class which has now been restricted in transportation; also information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information, how it has been distributed, and whether mail matter of this kind has been restricted in further transportation.

At the time of introducing the resolution I addressed a letter to the Acting Secretary of War asking for information relative to the amount of parcel-post packages that were being sent to soldiers across the seas, and the reason for the restriction. The following is a copy of the letter:

MARCH 28, 1918.

Hon. BENEDICT CROWELL,
The Acting Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: According to an official announcement, I understand an order has recently been issued restricting relatives of members of the American Expeditionary Force sending to them packages by parcel post. I would greatly appreciate information relative to the necessity of the issuance of such an order.

My correspondence indicates that such parcels have been of great comfort both to the senders and recipients. I respectfully ask for full information in the premises.

Yours, very sincerely, ALLEN T. TREADWAY.

As you doubtless are aware, the order of the Post Office Department was issued March 29 and went into effect April 1. That has since been postponed in actual operation until April 15. I sincerely hope that still further postponements, if not entire withdrawal, of that order will seem advisable to the Post Office Department. I have received no information relative to the amount of parcels post or mail matter being sent abroad by the Committee on Public Information, but I am reliably informed that there has been a very large amount of that class of mail matter sent over. My criticism is that that class of mail matter is allowed to be sent to boys overseas, and for what reason? No one knows. They are getting all they want of the knowledge of the war situation and conditions first handed without information being forwarded to them by the so-called Creel Bureau here in Washington; but it is a well-known fact that great quantities of that class of matter has been placed in their hands overseas. Mr. Chairman, if the mails are being clogged by any kind of material and any supplies are being delayed in transportation that are necessary, let us, for goodness sake, stop that kind rather than the home packages from the parents, and brothers, and sisters, and relatives, and friends of the boys in the trenches. [Applause.] If there is one thing that will encourage the spirit of the brave boys over there, it is the feeling that those at home are thinking of them and are remembering them by these little mementoes, whether useful or otherwise. [Applause.]

I fail to see, Mr. Chairman, the reason for the order restricting parcel-post mail to the soldiers, provided this other class of mail to which I refer is allowed to continue to occupy space on transports. Further, the order that has been promulgated by the Post Office Department is so absolutely impossible and impracticable that it would be better to tell the parents and the boys in the trenches outright that they can not receive packages from home rather than use this sort of postal departmental subterfuge, as the order very plainly is. It provides that in order to receive packages from home the soldier must make application to his commanding officer that he desires such an article or articles and that his written request has been approved by his commanding officer and duly forwarded

to this country and then is indorsed by a red-tape notice as follows:

This parcel contains only articles sent at approved request of addressee, which is inclosed.

In making public this announcement, the Official Bulletin of Mr. Creel carries the news on the front page of his daily publication under big headlines, and states "wide publicity is requested" of the new order concerning the shipment of parcels to soldiers.

I am wondering how many boys will receive those welcome little remembrances of the dear ones here under any such regulation as this. Could there be anything more absurd than that sort of permission?

Mr. SMALL. Will the gentleman permit an interruption?

Mr. TREADWAY. Certainly.

Mr. SMALL. I am not sure in my recollection, but is it not true that Gen. Pershing has recommended that the distribution of the mail to our expeditionary forces be taken over by the War Department?

Mr. TREADWAY. I understand, Mr. Chairman, that after the mail reaches the other side our Postal Department avoids any further responsibility by saying that this mail has been transferred to the war clerk, or person with some such title as that. In other words, after the mail is taken across the ocean, they seem to want to shake the responsibility of delivering it to the boys. That is the amount of it.

Mr. BLACK. Will the gentleman yield?

Mr. TREADWAY. Yes, sir.

Mr. BLACK. In our hearings before the Committee on the Post Office and Post Roads we had up this matter of the distribution of mail after it got to the front, and the official authorities stated to our committee that it was the wish of the military authorities that, after the mail reached the boys at the front, that it be distributed by the military authorities. That was the testimony.

Mr. TREADWAY. That is very proper; and I do not think there would be any criticism of that method at all, provided it will expedite delivery to the boys.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. SMITH of Michigan. I would like to know whether or not in the gentleman's investigation—I did not hear all of his remarks—he ascertained why there is so much delay in the transportation of mail from this country before it is delivered?

Mr. TREADWAY. I can not positively answer that question, because it was not in the line of the inquiry I was making; I was inquiring the reason for the adoption of the order which was given out but which has now been postponed from April 1 to the 15th, and will go into effect at that time. I received a very courteous letter from The Adjutant General, stating the amount of mail that was being transported to the soldiers, which is of a very large amount, and I will insert Gen. McCain's letter in connection with my remarks. The letter is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, April 5, 1918.

Hon. ALLEN T. TREADWAY,
House of Representatives.

MY DEAR MR. TREADWAY: Referring to your letter of March 28, 1918, requesting information relative to the necessity of the issuance of an order restricting relatives of the members of the American Expeditionary Force sending packages to them by parcel post, I have the honor to inform you that the amount of mail, parcel post, and boxes, going to our troops in France was growing out of all proportion to the number of soldiers serving abroad. A committee embracing all departments concerned, investigated this subject and found that up to date the amount of such freight amounted to an average of 250 tons per week. This was fast interfering with the handling of urgent war supplies. It can readily be seen that with any considerable increase in the number of men abroad it would have very seriously hampered the prosecution of the war.

Very truly, yours,

H. P. MCCAIN,
The Adjutant General.

But that does not cover the point I am speaking of, namely, the relationship between the people here at home and the boys at the front. I have a large number of letters that have come to me during the past week referring to the gratification of the boys at the front and the relatives of the boys at home at being able to send to them over there these little packages and comforts and so on that have been going. Not only is it a comfort to them, but it actually keeps the spirit of the boy encouraged, as I have already stated, and there should be the very greatest reason from a military standpoint to retain that right and privilege to the boys.

Mr. REAVIS. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. REAVIS. In line with the encouragement that mail from home gives the soldier I saw in an English paper in the library not long since that an order had gone out by the head of the English Army that if it was impossible to get both food and mail to the boys in the trenches to send mail.

Mr. TREADWAY. I thank the gentleman for the reference. While they must have physical support in the way of food, the mental and moral support of receiving mail is tremendous. Let me just read a few words of an extract from two letters to a father from a boy in the trenches:

Just received three boxes, lots of letters, and some papers and magazines. Box with cigars and candy; box with rock candy, bakers, and crackers; and box with fruit cake. Wow! Great! You can just believe, mother, I am some happy to-night.

From the same boy a few days later:

I wish you could see the pleasure every box brings to Mac and I, for we share the contents of each other's boxes. I think I have received every package you have sent—thanks to the splendid packing. Quite a few fellows get boxes that are pretty well battered up, but only one of mine has ever had as much as a string broken.

Now, there is satisfaction enough to pay for the transportation of those two boxes to that boy. [Applause.] And so I could continue, Mr. Chairman. Here is a letter from another father:

I have just read with great interest your championing of the rights of the boys who are at the front with reference to their mail matter, and I want to congratulate you on the stand you have taken. The boys at the front will appreciate this, and I am going to make it a point to cut out several of these clippings and mail them to the boys. It is a perfect crime the way the inefficient men in office in Washington are handling this situation. The idea of trying to rob these boys of the only comfort they can get because our Washington officials have not been efficient enough to prepare for this work. I am sure you will feel well repaid for your efforts, having performed such a pleasant task as you have undertaken.

And another, from the father of a young lieutenant:

I was very much pleased to know that you had asked for an investigation of the order forbidding the sending of packages to our Army in France.

One of my sons is a lieutenant in the — Infantry, and we have been sending him certain things regularly since he left here last September. While I can not say that these are absolutely necessary, I am confident that it not only gives pleasure to those who send but also a great pleasure to the men who receive such packages. Of course, if it is necessary to stop this as a military necessity, either on account of lack of transportation or any other reason, the decision will be accepted with good grace. I am glad to see, however, that before this is accepted you have asked for an investigation, and I trust that as a result some means will be found which will enable us to keep in touch in this way with our boys in France.

If it is true that the mails are being filled with literature sent out by the Committee on Public Information, there can be no question that it will be better to stop such literature and send other articles to the boys—

And so on indefinitely through these various letters.

Let me read you an anonymous letter from a mother. She signs herself "A mother of four sons in the Army." The letter is written from New York:

There can be no substitute for the appreciation known to come from a mother, father, brother, or sister's hand. Our boys leave us and go to the other side. We may or may not ever see them again. They go over for a period of two or three years. They are unlike the French or English, who are allowed from time to time, by reason of accessibility, to return again to their homes and see members of the family. With our boys it will probably be never, until and unless the war is over.

That is a very strong point to my mind, that these boys can not have the opportunity for an occasional furlough that the boys of our allies have. They are there permanently, and let us keep in touch with them the very best we can. [Applause.]

A little further on this letter says:

Who would deny that a boy in the trenches will not fight harder while life remains or will die happier when wounded and he feels that his last hour has come, if he has the appreciation warm within his heart of a package which has just come from mother, brother, father, or sister, as the case may be?

It seems to me such evidence as that, coming from the heart of a mother with four boys "over there" fighting for our cause to-day is more worthy of consideration than the request that room be made in the various transportation shipments in order that the Creel bureau may furnish a little more so-called information to those boys, which they do not need. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. Can I have three minutes more?

Mr. KENNEDY of Iowa. I yield three minutes more to the gentleman.

Mr. TREADWAY. Possibly there is no need of my using the time, Mr. Chairman. I have so many other extracts, but I will read this one in closing:

I know from their published letters that they need all the encouragement and sympathy that they can receive in the way of letters and useful remembrances from their home folks. My only son is "over there." I have not heard from him for many weeks, and I know what anxiety and longing for news of him means. If, then, lack of news from our dear boys means so much to those at home still enjoying and surrounded by the comforts of life, how much more must it mean to our brave lads battling in that seething hell in France, surrounded by the horrors and discomforts of this wicked war.

And so I might continue, Mr. Chairman. I hope as the result of the resolution the House has adopted to-day that we will be provided with the information which that resolution calls for, and know how much mail matter is being sent by a department of which, it seems to me, we can very readily spare the shipments and allow the space that they are occupying to be devoted to the space that these mothers ask, in order that they may be given the satisfaction of providing these little comforts for the boys "over there." [Applause.] I trust that the action of the House will be supplemented by a reversal of the stringent order that the Postmaster General has had adopted. [Applause.]

I yield back the balance of my time, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman yields back one minute. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BOOHER. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Chairman——

Mr. McKEOWN. Mr. Chairman, will the gentleman yield so that I may have a telegram read?

Mr. CANDLER of Mississippi. Certainly; with pleasure. The gentleman wishes to have a telegram about the liberty loan read.

The CHAIRMAN. The Clerk will report the telegram.

The Clerk read as follows:

HOLDENSVILLE, OKLA., *April 6, 1918.*

TOM D. MCKEOWN,
Washington, D. C.:

I am pleased to advise that Hughes County has gone over the top, having oversubscribed by $350,000 its full quota to the third liberty loan within one hour after campaign opened to-day.

W. T. ANGLIN, *Chairman.*

[Applause.]

Mr. BRITTEN. If the gentleman will permit, I would like to know who sent the telegram and where it is from. Some of the Members of the House did not hear.

Mr. McKEOWN. The telegram was from Mr. Anglin, from Holdensville, Okla., one of the counties where the antidraft riots progressed last summer.

Mr. BRITTEN. I thank the gentleman.

Mr. CANDLER of Mississippi. Mr. Chairman, I congratulate the gentleman from Oklahoma [Mr. McKEOWN] and his constituency on the information just conveyed to the House in this telegram.

The information from all over the country, as disclosed this morning, is that upon this, the anniversary of the entrance of the United States into this war, the people are responding with enthusiasm, not only with their plaudits but with their dollars from their pockets, to sustain the Government in the awful conflict in which we are now engaged.

This is the anniversary of the day on which the resolution was passed by Congress in which it was declared that a state of war existed. As the days of the year have passed and gone, it has been made more and more evident that there was no other course left open to us. Germany's purpose to overrun the countries across the sea and then invade our country is no longer denied by anyone who has investigated the facts. They had already fired upon our flag, sunk our ships, destroyed to a large extent our commerce, ordered us off the seas, and murdered our men, women, and children and were becoming more aggressive and defiant every day, having boldly notified our President of their intention to continue to sink our ships, destroy our commerce, and slaughter our people in violation of all law, human and divine. Of all civilized nations they are the only one who without hesitancy violate all agreements, all treaties, all laws, and all solemn obligations. With such a nation you can not temporize. There is only one course, and that is to destroy it. When the Kaiser is dead, when Germany is destroyed, when autocracy is suppressed and despotism annihilated, then and not till then will the peoples of the earth be safe, democracy established, liberty enthroned, and Christianity made secure. [Applause.] Therefore our task is to help in every way possible to accomplish this result, and we will accomplish it by the help of our God, the God who is always for justice and the right. We must not, we can not, and we will not fail. To fail would bring to us our first national defeat. From 1776 to the present, in all wars in which we have engaged, we have fought for liberty, and always for some sterling principle of right, and have been successful. We fight now for liberty and right, and we shall prevail. We will be victorious. [Applause.]

On this day, the anniversary of the passage of the resolution declaring that a "state of war" existed between the Imperial German Government and the United States of America I desire to put into the RECORD some letters from the boys themselves, showing how they feel about existing conditions. I want to read one, first, written by Dillard W. Brown, Company I, One hundred and fifty-fourth Infantry, Camp Beauregard, La., dated January 26, 1918. I clipped it from the Itawamba County News, published at Fulton, Miss., by Mr. Theron D. Harden. The letter is as follows:

To the people of Itawamba County:

I want to thank my friends for the many compliments I have received on the letter I wrote some months ago. I do not deserve any credit for it, but was glad to know they agreed with me on a few statements I made in that letter concerning this war.

Many changes have taken place since I last wrote you. The fields have lost their golden green, the forests their leaves, and all the beauties of nature have turned to barren waste.

Remember this was written in January, and we know that was true.

This is only a natural change and deserves little notice. The change that is most impressive to me is one that grieves my heart to think of and causes my life to be overshadowed with sorrow. Since I wrote you last several of my Itawamba County soldier friends have crossed death's chilly tide. They were loyal and patriotic and deserve much credit for what they did. It is true that they died of natural causes, but deserve the same honor as the boys who are being slain by the German bullets. If it was in my power, I would erect a monument to the memory of Aud Nabors, Oscar Sheffield, Audie South, Elmer Shields, and Lenard Crouch that would be visible to every mortal eye and place a bouquet of flowers on their graves as a token of love, that would perfume the air with the sweetest fragrance that was ever wafted across the red hills of Itawamba. To the bereaved let me say, "Grieve not; you have paid a debt to your country that deserves respect from every living person, a debt, not of money, but of blood." I realize that it is hard and seems unjust, but I take the same attitude as a Roman mother did. She expressed my viewpoint in this sentence, "I rather have 12 sons die for this country than have one die against it."

[Applause.]

I understand that a great number of boys are to leave for the training camp soon. Let me bid you Godspeed and ask of you to make the best soldier possible. I hope that you have viewed the situation as I have and feel at the same time that you are doing your duty. I viewed the situation in this manner and hope you will view it from the same standpoint. I took it for granted that my father was standing on a distant hill almost surrounded by a desperate enemy. I could see this enemy inflicting severe blows to his body, torturing him in a thousand ways, and taking his property that he had justly won. During this vision I could hear a faint voice calling for assistance. What do you think I did? Do you think I ignored that call; and if I should have, do you think I deserve the name of an honest son? The answer would be most surely, "No." After he had clothed me, fed me, and protected me, advised me, and brought me up into young manhood, should I have resisted the call I would have deserved the name traitor and not the name of a son. Every young American is facing this same situation, and I hope you will meet it as an honest, red-blooded American should. Your country has protected you, has enacted laws for your benefit, has established educational centers for your good, and has made it possible for you to live in a Christian land unharmed and unmolested. Your country is now at war and is calling for your assistance. Are you going to resist the call after your country has done so much for you? Do you think you would deserve the name of a true American should you ignore the call? I can hear the American boys say no; we hate to leave our parents and friends, but we must do for our country what our country has done for us. We must march out like brave heroes against the foes and bring back victory to the old U. S. A. Boys, when you go with that spirit, victory is ours.

I wish for all of you peace, happiness, and good health in the pursuits of life you are pursuing. I leave you with this little poem; the author I disremember, but it expresses my sentiment:

"When the golden sun is sinking
And your mind from care is free;
While of others you are thinking
Will you sometimes think of me?"

Your friend,

DILLARD W. BROWN.

[Applause.]

You never heard a more patriotic sentiment than is expressed in that letter, and I am sure it finds ready response and approval in every heart present in this historic Chamber. [Applause.] This letter was written by a noble, patriotic boy from the good county of Itawamba, the county in which was born my distinguished friend from the State of Arkansas, who now sits before me, Col. SAM M. TAYLOR, who later lived at Verona, Lee County, Miss., and then removed to Pine Bluff, Ark., and now represents the sixth district of Arkansas so ably upon the floor of the House of Representatives. He came from the same character of brave, sturdy, and splendid stock of chivalrous southern people, from which came the boy who writes this beautiful letter which I have just read. No wonder this splendid boy, Dillard Brown, feels such sentiments, having been born amid surroundings such as exist in this good county and among as patriotic citizens as live in America and from an ancestry who loved liberty, righteousness, freedom, and truth, all of which gave him inspiration as he penned those beautiful lines. [Applause.]

Now, I want to call attention to another letter, written from "Somewhere in France," and dated February 9, 1918. I clipped it from the Maben Press, published at Maben, Miss., by Mr. E. Lovett. Now, listen to this letter:

DEAR UNCLE JOHN: You don't know how much I did appreciate your letter. It was such a cheerful one; it sure made me feel good.

Yes; I have quite often thought of the task we have before us, especially since I have been over here. You are the only person I have heard speak of it as you do. The majority of the people over there I

don't think have fully realized just how large a task we have before us; it is awful large, I think. But if you people send us the stuff to win it with, there isn't any doubt in my mind but that we will come out victorious.

[Applause.]

This peace talk is just a farce, I think. I don't think there will ever be any peace effected until this kaiserism is downed.

Yes; I would like to come back soon, but we won't be back until we can bring Old Glory unfurled to all the world as the emblem of a safe, sound, and everlasting peace; and if I don't get back when they bring her back as that emblem, you can say, "He gave them all he had, helping to bring her back as the emblem of an everlasting peace."

[Applause.]

And I earnestly ask that all of you pray for me; pray that I may be spared to come back.

I have seen quite a bit of this country and like it all right, but nothing looks as good to me as the soil of the good old U. S. A. Yes; I have seen the place you spoke of. It is magnificent.

Write again and tell me all the news. With love and best wishes to you all.

Pvt. HERBERT E. COOKE.

[Applause.]

Did you ever hear anything better than that?

SEVERAL MEMBERS. No.

Mr. CANDLER of Mississippi. That boy has as true patriotism in his heart as ever beat in human breast. Every word in his letter has the true ring of sincere, genuine love of country and of the right. He, too, sprang from noble, brave, and chivalrous southern stock, who have never failed their country in the hour of peril. [Applause.]

This is published in the Maben Press of date March 29, 1918, and is from a boy from Oktibbeha County, in the State of Mississippi. God bless these boys! God bless all our boys wearing our country's uniform! One of those letters was a message to his associates in the county in which he enlisted, appealing to them to come cheerfully, with the full appreciation of the great dangers which are ahead of them, but still with a determination to discharge the patriotic duty which rests upon one and all alike. The other was from "somewhere in France," sending the message back to us that if we send the stuff to them they will bring victory back and bring an everlasting peace, and that if he does not return when the message is brought back with the flag unfurled to the nations of the world as the flag which came at the crucial moment to rescue and save the civilization of mankind to "tell it to my people from whence I came that I gave my all to bring about this result." No nobler sentiment was ever penned than to tell them, "He gave them all he had helping to bring the flag back as the emblem of an everlasting peace." [Applause.]

This is not only the anniversary of our entrance in the war but it is also the day of the beginning of the third liberty loan campaign. Certainly with boys from all over the United States of America at the front and ready to go the people who stay at home while these boys fight for them and our country, and give their all, will cheerfully and promptly give their last dollar, if need be, to buy bonds and to sustain the Government, and to take care of these noble boys in every way. The man who fails to respond in this hour of peril to say the least falls far short of his duty. [Applause.]

I have done in the past and expect to continue in the future to do, as a Representative in the Congress of the United States, everything on the face of the earth I can do for these boys. I invite and request every father, mother, wife, and sweetheart in my district who has a son, husband, or friend in the Army or Navy to write me and send me the name and address of their loved one thus enlisted in the service of the country and I will do all I can to help him, and in addition I will watch and promptly advise them, if possible, should harm overtake him in this country or "over there." [Applause.]

When I was at home in November I spoke in a small interior town by the name of Hatley, in Monroe County, Miss. After I had spoken in a church there, where I was introduced by Rev. Jeff Rogers, a Baptist minister, and my longtime and true friend, and had a large audience, composed of splendid men, lovely women, and beautiful children, who desired to know something about the war conditions that existed, and I had told them as best I could in my speech, and was going down the road to the home of Rev. Robert L. Birmingham, another good friend of mine, who my friend, SAM TAYLOR, to whom I referred a little while ago, knows very well, to break bread with him and his good wife on that occasion, there was a delicate little woman out in the road pushing along a baby buggy, and in the baby buggy there was a beautiful little child. As I passed by she called to me and said, "Mr. CANDLER, please come here, I want to speak to you a moment." I walked out to where she was, and in substance the following conversation occurred. She told me her name and then said, "I want to congratulate you on your speech." I thanked her, and she then continued: "I was anxious to know what the facts were, and I am glad to receive the information which you gave me."

Then she said to me, "My husband has never seen our baby. He has gone to the war. Do you suppose he could get a furlough?" I said to her, "I do not know, but I am willing to try to help him get it." She said, "I would be so glad if he could come to see me one time more and see our baby before he goes to France." I said to her, "I will cheerfully do what I can and assist you in any way possible to secure a furlough for him, and I hope he may be permitted to come and see you and the baby before he goes 'over there'"; but not desiring to raise hopes which might not be realized, I added, "It is doubtful, however, whether he will be able to come or not." Then, looking up as the fire flashed from her eyes like a Spartan mother of old and with the tears in her eyes shining like diamonds in their brilliancy, lit up as they were by the holy fire of patriotism, she threw her head back and said, "Whether he returns to see me and the baby or not, whether he ever returns when he crosses on the other side, I shall always feel proud of him, because he is wearing the American uniform and is enlisted under the American flag, and has gone forth to fight the battles of our country, for liberty, for democracy, and for truth. If he does not return, I shall always honor him because he went to defend our country from the terrors of a country that is violating all the rights of humanity, and to keep them from coming here and killing little babies like they are doing over there, like mine in that little baby buggy." [Applause.] I am not surprised to see the tears in your eyes, my fellow Members, and to hear you applaud as I relate to you this real and true story.

I tell you the tears filled my eyes and flowed down my cheeks as that noble and patriotic little woman walked away pushing that baby buggy before her, in which she had her beautiful baby, and in my heart of hearts I breathed a prayer to Almighty God to take care of them and the soldier husband and father and bring him back to them safe. It is patriotism like that of the boy from Itawamba County, who wrote the first letter I read, and the boy from Oktibbeha County, who wrote the letter I read next, and the pure and holy patriotism that wells up in the hearts of the women of this country like the good woman at Hatley that is going to bring victory and glory to the American flag and that is going to destroy absolutely the Kaiser and despotism and autocracy beyond the seas, and give to the nations of the world the greatest liberty and happiness, peace, and glory ever known in the history of mankind. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask that the gentleman's time be extended.

The CHAIRMAN. The time is in the control of the gentleman from North Carolina [Mr. SMALL] or, in his absence, in the control of the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. I yield further to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

Mr. TAYLOR of Arkansas. Mr. Chairman, I simply rise to thank the distinguished gentleman from Mississippi for his kind words with reference to myself and to the old county of Itawamba, where I was born. I first saw the light of day very near the banks of the Tombigbee River, which flows through this splendid county.

Mr. CANDLER of Mississippi. That is the reason the gentleman from Arkansas is such an able and useful Representative in this House. [Applause.]

Mr. TAYLOR of Arkansas. Mr. Chairman, the first steamboat I ever saw was floating on the bosom of the Tombigbee River. The reference made by the gentleman from Mississippi to the county of my birth and to the district he represents, where I was reared, touches me deeply. Nearly all of the loved ones of my blood lie buried in the soil of the first district of Mississippi, so excellently represented by the able and honorable Representative, Mr. CANDLER, save one brother, who lies buried in the soil of the great battle field of Fort Donelson, Tenn. I am greatly interested in the welfare of the people of Mississippi, and especially in the people residing in the first congressional district.

When I first came to Congress the very first man to greet me was the friend of my youth, familiarly called here by all of us "ZEKE," who had been here some years before I came. He is addressed in this familiar way by the Members because they all love him and know him to be an honest, energetic, useful, and influential Member. We know that he works hard and looks after the business of the people of his district as well as matters affecting the welfare of the Nation. He is loyal to his country and stands by our great President and our boys in the military and naval service here and across the sea in this great world war with vestal fidelity. It pleases me to so speak of him because I knew of his early struggles in life, which tested his

mettle as a boy and developed him into a true man with proper conceptions of the highest ideals and with a sincere sympathy with the best interests of the masses of the people. I am gratified to see him here now as a splendid Member of this the greatest legislative body in the world, always on the watchtower and with energy, ability, and fidelity serving his country and its highest destiny. Were there more men in the world like Mr. CANDLER the country would be safe and we would sooner secure peace on earth and good will to man, the condition so devoutly desired by us all.

May God bless him and give him a long and a continued useful life for his country. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I sincerely appreciate this high compliment, so generously bestowed upon me by my good friend, the distinguished gentleman from Arkansas, who is recognized here as one of the best Representatives in this House, on either side of this aisle. He is close to us, and we all love and admire him. He has done great service, not only for his district but for the country at large, since he has been a Member of this House. He has many elements of greatness, his splendid ability, his large store of knowledge, his extensive experience, his charming personality and genial disposition; but when all these are supplemented with the fact that he was born in my district, in Itawamba County and on the banks of the Tombigbee River—taking all these together—a reason can readily be found for his universal popularity in this House, and his great usefulness and splendid success as a Congressman. [Applause.]

Mr. Chairman, now, in conclusion, let me say I am so glad we have no politics or partisanship in this House now; for, indeed, this is no time for divisions, for bitterness, or strife among us, but above everything it is the time to close up the ranks and present a solid front to the common enemy. Every German and German sympathizer in this country should be arrested and interned; every German spy and every traitor should be shot, and nothing permitted to retard in the least the onward march of our brave soldier boys to victory. He who stands in their way in this country or elsewhere is contributing to the shedding of their blood and in prolonging the war, and should be promptly destroyed. God grant that we may all do our full duty and thus be true to ourselves, our soldier boys, our country, and our God, and thus help to secure victory, and thereby bring honorable and lasting peace at the earliest possible moment. I thank you, gentlemen, for your very kind attention. [Great applause.]

By unanimous consent Mr. DEMPSEY was given leave to revise and extend his remarks in the RECORD.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MASON]. [Applause.]

Mr. BRITTEN. Mr. Chairman, I was in the House on yesterday afternoon when the speech of the gentleman from Alabama [Mr. HEFLIN] was made. It is probable that my colleague from Illinois intends to reply to that speech. I think it is only fair to the gentleman from Alabama [Mr. HEFLIN] that he should be here. I think there should be a quorum here, and I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. MASON. Mr. Chairman, may I be allowed——

Mr. GARRETT of Tennessee. Will the gentleman withhold his point for a moment?

The CHAIRMAN. Will the gentleman yield?

Mr. BRITTEN. Yes; I will be very glad to.

Mr. GARRETT of Tennessee. I understand that if the point of no quorum is made——

The CHAIRMAN. The Chair will state to the gentleman from Illinois that debate is not in order, pending the point of no quorum.

Mr. BRITTEN. I withhold my point of no quorum.

Mr. GARRETT of Tennessee. The gentleman from North Carolina [Mr. SMALL] seems to have been called from the Chamber for a moment, and I want to state that if the point of no quorum is made and sustained——

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry. Is this to be taken out of the time of the gentleman from Illinois [Mr. MASON]?

The CHAIRMAN. No; not at all.

Mr. KEARNS. The Chair asked the gentleman if he would yield.

The CHAIRMAN. The Chair asked the gentleman that question because he is entitled to proceed if he so desires.

Mr. BRITTEN. I assume that we are not trespassing on the time of the gentleman from Illinois.

The CHAIRMAN. No.

Mr. GARRETT of Tennessee. No; not at all. I wish to state that I understand that if the point of order is made, and if the Chair fails to find a quorum, it is then the purpose of the chairman of the Committee on Rivers and Harbors to move that the committee rise, and if the committee does rise, then to move to adjourn, which will close the general debate upon this proposition under the order made yesterday. So that if a quorum is not present general debate will be concluded, and the opportunity for gentlemen to speak under general debate will probably be cut off.

Mr. BRITTEN. Mr. Chairman, I will say that what I particularly desired was to have the gentleman from Alabama [Mr. HEFLIN] in the Hall of the House.

Mr. OLIVER of Alabama. Will the gentleman permit an interruption?

Mr. BRITTEN. I yield to the gentleman from Alabama.

Mr. OLIVER of Alabama. My information is that my colleague [Mr. HEFLIN] is in Greensboro, N. C., where he was called to fill a speaking engagement that he made some weeks ago.

Mr. BRITTEN. Under the circumstances, Mr. Chairman, I withdraw my point of no quorum.

The CHAIRMAN. The gentleman from Illinois [Mr. MASON] is recognized for 20 minutes.

Mr. MASON. Mr. Chairman, I confess that it is with some hesitation that I proceed to reply to the most remarkable performance of the gentleman from Alabama [Mr. HEFLIN]. I would much prefer to have him present, as I did him the honor to listen to his "declaration" on yesterday. I will, however, endeavor not to transgress the rules of the House in making reply. It is in keeping with the gentleman's characteristics that he should assail me and then immediately leave town. [Applause.] It is in keeping with his characteristics that he should make a speech assailing me, which he keeps out of the RECORD, so that I can not reply to it because it is not printed. By reason of his past record when he has been compelled by this House to correct statements which he has inserted in the RECORD that were not made on the floor I have no means of knowing now what will be printed, when he gets back, in what is supposed to be his speech of yesterday.

On the 7th of April, from a sense of duty which I could not resist, in the most humble spirit I made a suggestion as to the message of the President of the United States then before us. Mr. HEFLIN, of Alabama, says that it has no spirit of patriotism and indicates that it was such a speech as would give comfort to the Kaiser. I wish to say for his benefit that inside of three or four days the President of the United States again addressed this Congress and abandoned the doctrine of the return of Alsace-Lorraine, and did it splendidly, and in his announcement of the doctrine of self-determination showed that he agrees with the very proposition I made in this forum; and I never was so happy in my life as when I sat in this Chamber and heard that great President deliver the last pronouncement as to the terms of peace, in which he omitted a demand for the return of Alsace-Lorraine and stood strongly and solely upon the ground of the right of self-determination, an announcement by the President that struck the world as fair and right. Even the German Minister Hertling said that they could accept it if they could get exactly the same proposition from France.

And yet, yesterday, Mr. HEFLIN comes before the House and—apparently forgetting the President has adopted that theory—seeks to make a personal assault on me for calling attention to the righteousness of the proposition. Has he answered one single statement I made in this speech? No. Does he claim that I have misquoted history when the Emperor declared war in 1870? No. But he garbles it and grabs from it and then refuses to print his own speech, but distributes himself far away on some patriotic duty. I want to say to you that when he assaults the speech that I made and circulated he assaults the position taken by the President of the United States. I say, God bless the President for taking the position that we do not want to interfere or change the territory of governments of other countries, but stand for freedom of the seas and the rights of self-determination of small nations. [Applause.]

But he says my speech was not patriotic. I call upon you gentlemen to bear witness, you who heard me on that day, of one word that was unpatriotic. Have I ever complained of the Postmaster General or any member of the Cabinet? Have not I defended your Secretary of War when men of your own party have assailed him?

Let me read a few lines from the speech this distinguished gentleman from Alabama says was unpatriotic:

> I see no profit in fault finding, except where the immediate correction can be made without interfering with our preparation for this war, and I regard it as unwise to discuss in party caucuses anything that affects the successful carrying on of this war; nor do I intend, if I can master myself, to indulge in party claims or party criticism

If there has been any of that in this Chamber, I have not been the guilty man.

Again I said:

I pray God that during this war we may be big enough to wipe out this middle aisle which separates an American Republican from an American Democrat.

That was the tone of my whole speech. I simply was pleading for the President to consider the question whether we should go on and obey the demands of France.

Let me quote another word. I said on that day:

We will not abandon for one moment the league of honor with which we, with our coworkers, fight the Imperial Government of Germany.

Let him sometime show one word, one act of mine that has not been in the line of patriotic defense. But he jumps on me. Why does not he jump on some of my brethren on the Democratic side who voted as I did before the war and who stand as I do for everything we have got in the policy of the war? [Applause.]

Cheap peanut politics! He assaults me because I am a Republican and he hopes to make in his district some little cheap capital that he has been able to assault and insult me.

I purpose now to answer him if I have to get down onto his intellectual level to do it. [Laughter.]

I said in that speech, "For God's sake let us quit fighting each other and fight the Kaiser." Does that sound unpatriotic? He complains that I printed my speech. Well, I had to, people wanted to read it. [Laughter.] Some of you cruel Democrats bought them by thousands to read, I trust by reason of its patriotism, and possibly some on account of its literary merit. But he does not print his speeches, he telegraphs them, writes the headlines, and then they are sent back to him to pay the telegraph bill. [Laughter.] In order that you may understand about it let me read an editorial from the the Age-Herald, published in Alabama. Some of you gentlemen I suppose know whether this is a respectable editor and respectable paper. This is what he says about Congressman HEFLIN:

CONGRESSMAN HEFLIN BREAKS ANOTHER RECORD—CONGRESSMAN J. THOMAS HEFLIN, OF THE FOURTH ALABAMA DISTRICT, HAS SET A NEW RECORD FOR RAPIDITY OF SPEECH.

During the consideration of the prohibition amendment Monday the House was under the two-minute rule, which means that each Member was allowed only two minutes to express himself on the resolution.

Monday night Congressman HEFLIN sent to the Age-Herald by telegraph some 2,700 words of his speech, with the introduction, "HEFLIN holds House in rapt attention while he spoke on the prohibition amendment, in part, at follows."

Then the speech began to come by wire. Sheet after sheet of it rolled into the Age-Herald's office. The telegraph editor thought another deluge had broken loose. Of course he is used to handling some 30,000 words of matter by telegraph every night, but he usually has control of the dike and knows when the floods of messages are coming. But Mr. HEFLIN'S speech was simply overwhelming. When the first thousand words had reached his desk he thought surely Mr. HEFLIN had been speaking at least a minute and a half, but as the flood continued he thought the two minutes would soon be up. When finally the end came he sighed in despair and was heard to mutter, "Two minutes! What if he had spoken an hour."

[Laughter.]

Oh, the modesty of this man! [Laughter.] The alleged patriotism of a man who suspects you people every morning when you get up—"I have suspicion of 14 people," and never had the courage to name them.

Yes; he sent the telegram "collect," and wrote his own headlines. "HEFLIN holds House rapt." I have seen the House rap him several times. [Laughter and applause.] He sends a telegram "collect." But to continue the editorial:

But Mr. HEFLIN not only set a record for rapidity, he was after making another record, so he sent this flood of oratory "collect." Mr. HEFLIN'S long record in Congress makes his Alabama friends feel safe in the assurance that the Congressman knows the Age-Herald maintains a Washington bureau through which all its telegraphic dispatches are filed. But this bureau was too slow for Mr. HEFLIN. He was out for rapidity records and wished to show some real speed, so to save time he filed his dispatches without even the knowledge of the Age-Herald bureau. He wanted this burning speech to reach the waiting and breathless people of Alabama while it was still hot. He, no doubt, felt that extras would begin to fly from the Age-Herald's presses as fast as the dispatches were received.

The Age-Herald regrets that it was unable to make room in its columns for this wonderful two-minute speech, and it regrets further that it was unable to accept his flood of messages collect, and they were politely but firmy returned to their source.

[Laughter.]

Now you understand why he is angry with me. He could not get his telegram published after he wrote the headlines in any paper and has to pay his own telegraph bill. He is mad because I print my speeches and pay for them.

I am getting sick and tired of being bulldozed every time I express an honest opinion in the House. I have served here off and on and find that you are all pretty fair men; I believe you are honest, but every time this man from Alabama gets up in the morning in Washington and gets his trousers on he thinks that this country is about half dressed. [Laughter and applause.]

He goes tilting down Pennsylvania Avenue, usually in a long frock coat, with a white vest, with perfectly manicured eyebrows, and wonders that Pennsylvania Avenue does not tip to one side because he is all on that side. [Laughter.] Then when he comes into the House and walks down the aisle and casts his eye upon the ladies galleries, a hero, an Adonis, and then comes down here and bellows how patriotic he is and how traitorous you are, even without a megaphone he shakes the walls of Berlin [laughter], and that gentleman feels that God and he have a monopoly on all the good things and have the world by the short hair. So far as I am concerned, I am tired of it. He said there are no secret treaties. He did not know. There are the treaties; they have been public for weeks. He says he went to the State Department and they told him they had not received any. Of course the State Department has not received "secret" treaties, but they have been published all over this country, and one of the kindest things the New York Post ever did for our President was to publish those treaties, letting the people know what they had agreed on in advance, but HEFLIN does not know it. You can not blame him. There are 49 miles of bookshelves over here in the Library, and they could not hold what he does not know about these questions. [Laughter.] He knows enough to get up here and insult every man who has a feeling. "HEFLIN holds House in rapt attention; he makes a moving speech." He moves them out as a rule, and those on the front seats without umbrellas usually move back a little to avoid the perspiration and the saliva; but when he bellows, oh, how bad you are and how good he is, and he strikes that attitude so that the ladies in all of the galleries can see him. I give him and his friends notice now that I have had all I am going to take of it. [Applause.]

Why, when my friend BURNETT asked him why he did not enlist, his knees knocked together. He has the most patriotic mouth and the most cowardly pair of legs ever put on a human being. [Laughter.] Then every once in a while he says, "God of my fathers!" Why, the Kaiser, that old devil, is in the same business. He is like HEFLIN, he even puts God in as the junior member of the firm. [Laughter.] "HEFLIN holds the House in rapt attention"—written by HEFLIN, refused to be published, and he had to pay the telegraph tolls. I think that ought to be enough for him for a week and a half or two weeks; but all I want to say to you, gentlemen—and there are some things that I would much prefer to say if he were here—is that when he is asked to show what his patriotism amounts to, as he told our friend BURNETT, "I am willing to sacrifice my sister's son, but I can not go"—a great big, striking, fine, healthy-looking man, and God Almighty never made a man half as brave as he looks. [Laughter.]

Mr. Chairman, I have restrained myself, and I am glad of it. I am glad I was not allowed to speak yesterday, because I might have gotten angry, and I have one rule of life, and that is never to get up mad in the morning. It is what keeps me well and a little stout; but I want to serve notice upon him and those who are trying to drive politics that if they can name one spot or place where I have ever tried to bring my party in on this floor, I shall resign from here. I love my party, but I would kiss it good-bye in one minute to save one man on the western line to-day, where our boys are. [Applause.]

Let him go with my boy, this brave man, with the large lungs, with the courage of a cock robin. Let him shoulder a gun and go with my boy. My boy has written me, and he says:

If any man attacks your Americanism, Dad, and I come back from Berlin with only one arm, so help me God, I shall take him on upon any rules laid down for fighting men.

[Applause.]

Let him show his courage instead of abusing his elders and his betters who are willing to give up their families for this country, and who will be silent when we think we can help the fellows over there. I am tired of it! If the Secretary of War is human, if he has made mistakes, for God's sake let us hide the mistakes from the world and from the enemy. We will win this war, but we can not win it by these men who have the brains of angleworms and the courage of cock robins, who swell and strut and sweat and spit in this body, and tell you that you are all cowards unless you agree with him; who says that he can see within your heart. Why, he does not know the difference between a heart and liver and bacon—never did have any conception of it. [Laughter.] Again I say, let us quit fighting each other and fight the Kaiser.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MASON. Mr. Chairman, I am very much obliged to you all. [Applause.]

Mr. SMALL. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. FISHER], a member of the committee.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, the river and harbor bill during two days has had very little attention given to it in the general debate. With practically no opposition to any single feature of the bill, with a bill which is purely a war measure, naturally the discussion has drifted to other matters. That is quite a strange proceeding for a river and harbor appropriation bill, because those of us who have not been Members of the House but who have kept up with the measures before the House have watched with interest the debates of Congress as to the development of our waterways. This bill yesterday underwent the acid test, though probably many Members of this body did not appreciate it. The gentleman from Wisconsin [Mr. FREAR] is not opposing this bill. It is a war-emergency measure, and while he has heretofore always consistently, vigorously, and sometimes violently opposed river and harbor bills, this bill has been carefully scrutinized by him and, as a war measure, I am sure he will vote for it. His patriotism has won a victory over his opposition to all river and harbor measures. I was present when the very distinguished Member from Wisconsin [Mr. FREAR], patriot that he is, returned from a visit to a training camp where he had a son who was preparing to leave for France. His son now is in France.

I know that he is proud of the fact that he had a son who can now serve the Nation so efficiently in its battle for democracy. But it was a strange procedure on yesterday to hear him in general debate speak of the recent senatorial contest in Wisconsin, and of other matters, none of which related to the provisions of this bill. Year after year, session after session, in season and out of season, he had fought rivers and harbors bills. I think the folks back in Wisconsin and the weeklies of Wisconsin and those magazines of the Nation that have loudest cried, "Pork, pork," when the river and harbor bill has been under consideration were at a loss to-day to know what to say of their leader of years gone by.

My proposition is that the absence of his attack on the river and harbor bill also demonstrates that a new state of affairs has arisen so far as the development of waterways is concerned. It is not my desire to criticize the conduct of the distinguished gentleman from Wisconsin, but it is my desire to comment upon and praise the situation that now exists.

There has been a full realization of what bona fide water lines and water development would mean as a help to the transportation system of our Nation. There could not be a more appropriate time for the Nation to consider the question with all of its problems. It deserves very careful consideration. This attitude was shown by the Council of National Defense when about a year ago they appointed a very distinguished lot of men as a committee to study the inland water-transportation system and to make recommendations as to what could be done to rehabilitate it. It was then recognized that the whole transportation system of the United States was inadequate and there was great need of developing an ally of the railroads, which had been allowed to decline. This distinguished committee made an investigation and studied the situation carefully. The chairman of our committee invited the secretary of that committee, Col. Charles Keller, to appear before our committee and give to us the benefit of their investigation and research, so that we, who were charged with the duty to recommend to this Congress improvements along waterways, could profit thereby.

And just now I want to say a few words about the chairman of our committee. He is a most thorough student of the problems of water transportation. He is fully advised of the needs of waterways, and he is determined that their development shall be made upon a sound basis. If there is a man in this country who is a leader among those who have faith in the future of water transportation and strongly urge development of meritorious projects it is he. [Applause.]

We are all familiar with the very splendid letter that he wrote to the Secretary of War in which he gave the essential elements for successful water transportation. He particularly emphasized the duty of local authorities to provide adequate terminal facilities. This letter was sent to the mayors of the different municipalities where there was any sort of waterway. The Secretary of War sent this letter, with his indorsement, to all engineers in charge of river and harbor improvements. All this has brought about an intelligent discussion of those most important subjects. Our committee was fortunate in having before us Col. Keller, the secretary of the committee of the Council of National Defense. He has had years of experience in inland water development in the discharge of his duty as an engineer. He firmly believes that our idle rivers should be put to work; that they are nature's highways; and that in their development and use we have the solution of our very difficult transportation problems. To those interested in this subject I strongly recommend your reading his testimony before our committee and the report of the committee of the Council of National Defense, of which he was secretary, which is printed in the hearings just after his testimony. From all of the discussions we find the chief reasons for the decline of water lines has been that waterways are irregular and not continuous throughout the year; that there is a lack of adequate terminal facilities, which has discouraged both the shipper and the carrier; that there is a lack of cooperation and coordination with other transportation lines, which, among other things, prevents the issuance of through bills of lading; that railroad competition has been fair and unfair, and sometimes the rate cutting has completely throttled the water lines; that there has been lacking the cooperation of the communities; that we have had no well-defined waterway policy for our country, and capital has not been interested because of the uncertainty of profits. Our railroad system, until a few years ago, was able to handle the load, so that we neglected the study of other means of transportation. Now that the load has become too heavy and has swamped them, legislation should be enacted to remedy, if possible, the evils of the old system.

We can not say this department or that department quit functioning on this proposition. The Chief of Engineers has repeatedly recommended legislation which he thought would help to rehabilitate the waterways, but Congress was content to postpone the consideration of such measures, for no breakdown of the railroads could be foreseen. It is up to this Congress to see that water lines are given a fair chance. It has been repeatedly stated that a righteous war brings on a great awakening. Now, it seems that never before in our country's history have we had so much discussion about the development of our waterways. We are confronted with a situation where the railroads are not able to carry the load that our industries demand. Industries are running at full blast and are tremendously increasing their output, all of which has to be transported somehow.

Some complaint has been made about the tugboats and barges that are being built by the Government for use on the Mississippi River to be used in hauling iron and coal for use in war industries. I want to say that that project was carefully considered by the Chief of Engineers as a war emergency and met his hearty approval, and he recommended that it be adopted. The Government will lease the towboats and barges upon equitable terms. The Government was pressing industries to increase their output of war essentials—for materials used in battleships—and the answer given was that the transportation system could not furnish them sufficient raw materials. The solution given that problem by the Chief of Engineers was an intelligent handling of the proposition. The matter was presented to the President, and it met with his approval. If ever there was an appropriate time for helping war industries increase their output by relieving congested transportation and at the same time giving a stimulus to river navigation this opportunity furnished it.

The question of transportation should be given very careful study along broad lines. It should be treated as a whole, of which the essential parts are railroads, waterways, and electric lines. In the present crisis we need every available agency of transportation intelligently and efficiently utilized. There is a load for each. We have seen a congestion of cotton held in our Southern States awaiting shipment to cotton mills in the New England States relieved by an order of the Director General of the Railroads sending many trainloads to ports where ships delivered the cotton to the New England points, thus preventing further congestion of railroad freight in the East. We have seen thousands of auto trucks using our splendid highways, thus doing their part to hurry war essentials to embarkation points. We are familiar with the frequent use of the auto truck for handling freight between our many large cities and for short hauls. Our water lines have likewise their part to play. Gen. William Black, the Chief of Engineers, has stated that "Not one pound of freight should be shipped by rail that can be shipped by water." We have greatly improved our inland waterways as well as our harbors by the expenditure of hundreds of millions of dollars. No better time could be found to take advantage of this development. Water transportation is cheap. If rail rates are destructive of particular water lines, the present Government control offers a splendid opportunity for a reconstruction of rates upon an equitable basis. If it takes legislation to compel the use of water lines, now is the time to consider it; but the right of way given war materials and foodstuffs acts as a compelling reason for a shipper to use a water line if there is one available.

We could ask no better time to bring about a cooperation and coordination on the part of other transportation agencies with water lines, for much of the load would be a welcome shift

for the railroads. The wide discussion of the development of river navigation with the pressing demand for help for the railroads has awakened communities in their efforts toward the rehabilitation of water navigation. Many new and adequate terminal facilities are either being constructed or plans drawn for their construction. Every ton carried by water relieves the freight cars, so that they can be utilized for carrying foodstuffs, coal, and all war materials. Aid given the solution of the transportation problem of our Nation is now a patriotic service, but these favored communities having rendered that service by the development of water lines as an aid to the railroads will after the war flourish far beyond those communities depending solely upon rail transportation.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I was much surprised a few minutes ago to hear the gentleman from Indiana [Mr. Cox] so vehemently express his indignation that any criticism should be offered on this floor as to the efficiency of the Post Office administration. I had supposed that the innumerable letters which have been cited here, and of which I have cited some, showing the delays in the transmission of letters between the soldiers in France and their homes, of itself was enough to naturally excite criticism. The last complaint of which I heard was of a boy who wrote home saying that he did not receive any letters, but that the camp was flooded with tons of speeches of the Secretary of the Treasury; and I can think of nothing that seems to be more like asking for bread and being given a stone than for a soldier to ask for letters from home and have the Postmaster General send him a franked advertisement of his his colleague in the Cabinet, Secretary McAdoo.

It may be, as is suggested, that it is not entirely the fault of the Post Office administration—that it is in part the fault of the Army officials, of the French Government—that these letters do not reach their destination more promptly; but every day here at home we see evidences of administration which make me, at least, suspect that some of the fault is in the administration itself.

I recently had an experience which shows that the Post Office administration, in my opinion, deserves some criticism right here at home. I saw in the paper a few days ago, and doubtless you saw it, that the merchants of Washington were sending their letters to New York by special delivery in order to have them reach their destination the next day. If they used the ordinary method of transmission, they could not be delivered in that length of time, so they put on an extra 10-cent stamp in order that they might be delivered in one day after leaving here. Now, obviously that is good for the finances of the Post Office Department, of which its chief is so proud, but it is not very good service for the merchants, and it is no wonder that business men outside of Washington are constantly criticizing the department, as we all know they are, and it is not strange that that feeling should be reflected here.

Now, the other day I was going away to a certain city about an 18 hours' journey from here and I wanted a copy of the CONGRESSIONAL RECORD the next morning, when I should reach there, so I asked my secretary to mail it to me. When I left in the evening I asked him if he had mailed it, and he said that he had; but, conscious, possibly, of the uncertainties of the Post Office Department, he told me he had put a special-delivery stamp on it.

The letter started in the morning, and I left at night. When I reached my destination the next noon I asked for it, but it had not arrived; in fact, it had not arrived the next morning, but it did reach there the next evening, 30 hours after my arrival. And then, on Thursday I desired to send a letter to my secretary, which I wanted him to get on Saturday morning, and, mindful of my previous experience, but foolishly still trusting the Post Office Department, I mailed it on Thursday morning with a special-delivery stamp on it. That letter was delivered to my secretary not on Friday or on Saturday, but on Monday morning. It did reach Washington on Saturday evening, according to the stamp on it, but arrived after the office had closed. If I had sent a telegram, the Western Union would have looked up my secretary's address and have delivered the message to him, but probably that was too much to expect of the Post Office Department. At any rate, that letter did not reach the post office in Washington until Saturday evening. So I could have left where I was stopping several hours after that letter left; I could have come to Washington by train and spent a whole day here, gone back and had half a day there before that letter, mailed by special delivery, had reached its destination here in Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT. Can I have a couple of minutes more?

Mr. KENNEDY of Iowa. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. GILLETT. A friend of mine, to whom I alluded in regard to the delay in my first letter, told me that he had telegraphed to New York for the letter that I wanted particularly, and it had been mailed to him by special delivery, and it took exactly one week for that letter to go a journey of 24 hours.

Now, gentlemen, when such things happen, when the merchants of Washington are compelled to send their ordinary business mail by special delivery to New York so that it can be secure—and I think no doubt your experience is like my own, and I do not remember the time when my mail was so uncertain and unreliable as it has been of late—when these things are constantly occurring, the gentleman from Indiana should not be surprised when gentlemen of this House, reflecting the ordinary criticism which the business world feels, do occasionally vent their complaints here in this body. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. GARRETT of Tennessee. If I understand the complaint of the gentleman with reference to the foreign mail to France, it is on the character of the mail that is sent.

Mr. GILLETT. My complaint of the foreign service is of the delay, both in first-class mail and in packages.

Mr. GARRETT of Tennessee. But the question of tonnage, as the gentleman must know, necessarily enters into it?

Mr. GILLETT. Certainly. I did not enter into that.

Mr. GARRETT of Tennessee. But I understand that the gentleman stated they were sending pamphlets or something from the Treasury Department?

Mr. GILLETT. The soldier said there were tons of Secretary McAdoo's speech being delivered in the camp.

Mr. GARRETT of Tennessee. And the gentleman thinks that is being done to the exclusion of letters?

Mr. GILLETT. I do not know whether it has been or not. I did not indicate that. I said they thought they had a just complaint in receiving that instead of receiving letters.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. SMALL. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. DENTON].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. DENTON. Mr. Chairman, something has been said about the question of terminals in connection with river transportation. That there should be adequate terminals, we all agree.

Two things are necessary for water transportation. First, we must have an adequate channel, and, secondly, we must have the proper terminal facilities to take care of the commerce. But without the first of these, it is useless for municipalities to expend large sums of money in constructing terminals. This is the case to a great extent along the Ohio River. Until we get the channel we have no use for the terminal. Indeed, considerable use can be made of the rivers in many instances when a proper channel is secured, even with very inferior terminals. But the best and most expensive terminals are of no value without the channel. In the lower Ohio Valley the difficulty at present is that during a great part of the year the river is so low that transportation is seriously interfered with, and at times entirely stopped. The object and purpose of erecting dams in the Ohio River is to give that section a 9-foot stage of water the year around. When this has been done it will be profitable to organize companies to build boats and barges and engage in river transportation on a large scale. But until this has been done, lack of an adequate channel will render it unprofitable to engage in river transportation in this section extensively.

That the municipalities along the lower Ohio will gladly furnish the proper terminal facilities to handle the traffic, there is no doubt. At the present time such traffic as there is, is handled quite successfully through privately-owned terminals. Almost all the railroads have lines running to the edge of the water at the present time with terminal facilities sufficient to load and unload freight.

I can say for the city of Evansville, which I represent, that she will do her part to make transportation on the Ohio River a success. This city, of about 100,000 population, has all modern facilities and its citizens are among the most public spirited to be found in the land, and they are ready and willing at any time to make any expenditures that will be of benefit to the community. No city of its size in the Union is more

progressive. The city has the largest colosseum in the State; the largest and finest municipal playgrounds; extensive parks; unexcelled hotel and banking facilities, and if there is anything that Evansville has not, that she ought to have, if you will tell us what it is we will go and get it. Terminal facilities will be furnished to the entire satisfaction of Congress. The satisfaction of the people of this city with the present administration of its affairs is clearly shown by the recent mayorality election, in which the present Democratic mayor, the Hon. Benjamin Bosse, was reelected by an overwhelming majority, in a city that is about evenly divided politically, carrying 30 out of 31 precincts.

The recent congestion in freight traffic has brought home to the people, as nothing could have done, the importance of utilizing to the fullest extent our rivers as a means of transportation, and has vindicated the wisdom of those who, in the face of strenuous opposition, have championed the improvements of our waterways.

The cities along the Ohio River have secured great relief during the past year by means of river transportation, hampered even as they have been by lack of an adequate channel. If this river had been thoroughly improved the congestion in freight traffic in the lower Ohio Valley would have been greatly relieved, if not entirely obviated.

One of the greatest obstacles to river transportation has been the opposition of the railroads. As the gentleman from Wisconsin [Mr. COOPER] stated yesterday, in some instances they have carried their opposition to the extent of buying up all the sites suitable for terminals for river transportation. But we have now entered upon a new era in this country in the matter of transportation. Since the railroads have broken down and the Government has taken charge of them there is every reason why river transportation should be encouraged as a means of relieving the congestion. With the railroads controlled and operated by the Government opposition to river transportation will vanish. What will be the result after the close of the war? We can not tell. But one thing is certain, the people are going to demand ample transportation facilities hereafter. If the railroads can not give this, then the Government must and will. The people will never be satisfied to go back to the conditions that existed for more than a year prior to the time the Government undertook the operation of the railroads. Much will depend, of course, upon the success of the Goverment in this enterprise. If Government operation is successful, I for one do not believe that the transportation system of the country will ever be given over again to the hands of private owners for operation. What the people want is service. The railroads are a public utility more important to commerce even than State and county highways. They must be made to meet the needs of the public, for the interests of the public are far above and more important than any private interests, and if operation of these roads by the Government gives the people the relief sought for no doubt satisfactory arrangements will be made whereby the Government will continue to operate the roads for the benefit of the public. Under these conditions we may look for the greatest encouragement of river transportation, instead of its obstruction which we have had heretofore.

I have received many requests during recent months, as no doubt have most of you, to assist in having embargoes lifted and cars furnished for shippers, but I do not think transportation has been interfered with as much along the Ohio Valley as it has been in some other sections for the reason that we have had the benefit of the Ohio River.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SMALL. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. DENTON. The cities along this river were enabled to relieve the coal famine to a great extent, and to relieve the congestion in other ways by the use of the river, even in its present condition. When this great natural waterway has been so improved as to give us a 9-foot stage the year around, with the cooperation which we may naturally expect from the railroads under changed conditions, the Ohio River will become one of the greatest transportation mediums of the country.

Another fact that is emphasized by this bill is that everything is being subordinated to the prosecution of the war. As has already been stated, no new projects are contained in this bill, unless they are war measures. Much as many of the communities may need improvements coming under the jurisdiction of this committee, I prophesy that you will find very little complaint. The people realize that we are at the greatest crisis in the history of the Nation. We are at war with the greatest military power that ever existed. We are fighting not only for our liberty but for our national life and freedom, and everything must be subordinated to the winning of the war. Until this conflict has been brought to a successful conclusion the American people must have and will have but one thought and purpose. [Applause.]

Mr. SMALL. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HUDDLESTON] 20 minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. HUDDLESTON. Mr. Chairman, a few days ago I took occasion to comment in the House upon the unwisdom of our ratio of bond issues to taxation. I expressed the opinion that we should collect more taxes in proportion to the amount of bonds that are being sold to finance the war. The view was expressed at that time by certain Members that business could not stand higher taxation; that higher taxes would cripple business.

I desire now to further refer to that subject and to answer the claim that business will be crippled by increased taxes. I wish to take up the case of the United States Steel Corporation. I refer to that concern for a number of reasons. The first is that it employs 25,000 men, or thereabouts, in my own district, and I believe that comment of this kind ought, like charity, to begin at home. I refer to that concern also because it is the largest employer of labor in the United States.

I refer to it because, on account of its wealth and influence, of the power that it wields, it has been able to get along and carry on its operations without recognizing the right of men who toil to organize, to form themselves into labor unions. The United States Steel Corporation has never recognized any such right upon the part of the men who work for it. Itself constituting the greatest industrial organization in this country, having, as has been charged in the courts, a monopoly of ore supplies, enjoying enormous influence and wealth, thoroughly organized itself, its vast activities carried on under the direction of one or two supreme heads, it has denied to the 275,000 men who work for it the same right, the right to organize and to bargain collectively with their employer.

I also refer to this corporation because it has steadfastly refused to give recognition to the basic eight-hour day. It has refused to allow the principle advocated by the President of the United States, that society has reached the point where it recognizes the justice of the eight-hour day. Men are now compelled to work for the Steel Corporation 8 hours, or 10, or 12 hours, or whatever number of hours the employer demands, without any regard to overtime or of the justice of the eight-hour principle. Therefore it seems fair, in view of all these things that distinguish this great industrial concern, that we should take it as a type and look to it and see what it is doing in this time of war and national distress and what profits it is realizing.

I hold in my hand the report for 1917, recently issued to its stockholders by the United States Steel Corporation. It is not a clear report. I do not think that an accountant could take this report and find out what the net profits of the Steel Corporation were for last year. I will not presume to say that the report is intended to mislead; I will not make that charge. I do say that the profits that the Steel Corporation was able to make during last year are so covered up in it that, although it purports to be a real exposition of that subject, it is impossible for any man, accountant, layman, or whatever he may be, to tell from the report just what it earned.

There are, however, statements in this report that throw some light upon its operations. For illustration, the report states that the net earnings of the Steel Corporation for last year were $304,000,000. That is to say, the net earnings, after deducting "*allowances for estimated proportion of extraordinary cost of facilities installed by reason of war requirements and conditions*, also taxes—including an estimate of $233,465,435 for account of Federal income, war income, and war excess-profits taxes payable in 1918—but exclusive of charge for interest on outstanding bonds, mortgages, and purchase obligations of the subsidiary companies," amounted to $304,161,471.53.

The report states that after making those deductions the net earnings of the corporation were $304,161,471.53. How much would have been shown if those legitimate items had been added—and they ought to have been added if the statement was intended as a candid presentation of the earnings of the company—how much they would have been shown to be with such items included can not be learned from this report.

I do observe, however, the statement that $233,465,435 has been set apart to pay Federal income, war income, and war-excess-profits taxes payable in 1918. Using that as a basis,

and making the best calculation that an expert can make from these figures, which is, take them as 32 per cent of the taxable income of the company, the net earnings of the Steel Corporation for last year was in the neighborhood of $729,000,000. So much for that.

Now, let us see what the earnings of the concern applicable to dividends were according to its own statement. This corporation has $508,302,500 common stock, commonly believed to be practically pure water, without hardly the color of value having gone into the assets of the company. It has $360,281,100 of 7 per cent preferred stock and has a bonded debt, it and its subsidiaries, of $586,828,875.89. Out of the $304,161,471.53 net earnings, as shown by its report to remain after making all deductions for taxes, replacements, and so forth, charged off, the Steel Corporation paid $25,219,677 as the dividend of 7 per cent on its preferred stock, and the interest on all its bonded indebtedness amounting to $30,125,594.67, making a total of $55,345,271.67, which, taken from the earnings of $304,161,471.53, shows that for 1917 alone the net profits of this corporation applicable to the common stock were $248,816,199.86, which was 49 per cent earnings upon the common stock of that corporation for the space of one year.

How can it be argued that a corporation earning such dividends as that can not stand further taxation? How can it be argued that corporations which earn practically 50 per cent upon their common stock, after paying all charges of every kind, should not in this time submit to further taxation? In 1914 the Steel Corporation made only $23,496,796; in 1915, $75,833,833; in 1916, $271,531,730, compared with its prewar average profits of $63,585,777 for the years 1911, 1912, and 1913.

What would have been the taxes of this corporation under the British law, according to the British rate of 80 per cent on excess profits and 25 per cent on average prewar earnings? The Steel Corporation for the prewar years of 1911, 1912, and 1913 earned an average of $63,585,777 annually. On this average the British rate is 25 per cent, or $15,896,444, with a rate of 80 per cent upon the excess above that, which would have yielded the further sum of $371,531,378.40. The figures are based upon the statement in the report of net earnings of $304,161,471.53 plus the sum set apart for Federal taxes, $233,465,435, which makes a total income upon which taxes are to be paid, as admitted by the report, of $537,625,906.53. So that if the Steel Corporation had been doing business in Great Britain instead of America, in place of paying taxes of only $233,465,435 to the Government, it would pay $387,427,822 taxes to the Government. *So that by being in the United States instead of in Great Britain this corporation saves the tidy sum of $153,962,387 in taxes in one year.*

Had this corporation paid taxes according to the British rate of 80 per cent upon their excess profits it would still be able to place to the credit of the common stock 18.9 per cent for 1917 alone. Is not that enough in these war times? Is not that enough profit for even a war contractor to make in this time when men are laying down their lives for the flag?

The Steel Corporation is merely a type; it is merely one of many concerns which are making enormous profits. Such profit-making concerns may be numbered in thousands. I have no sympathy with corporation baiting, and I hope never to be guilty of it. But also I have no sympathy with profiteering when the country is torn with distress, when a million firesides are desolate, and when anguish is entering into a million American homes.

The matter of vast profits being earned that I have referred to relates to the ability of concerns situated as the United States Steel Corporation is to pay a greater rate of taxation than they are now paying. It relates to the justice of requiring higher rates of taxes from such concerns. It relates to the necessity, if we are going to present a clean face to our soldier boys when they come back from France, of having done our duty here while they were doing their duty over there, that we shall increase the taxes on those who are making big profits out of the war and make them furnish the money, so far as they are able while our boys are furnishing the manhood on the battle line.

But there is another aspect to this matter, a purely economic aspect, which does not heed the question of justice, which assumes that profiteers have the right to make all the money they can and that they should not be stayed in their operations. That is, whether it is good from an economic standpoint that we should allow such low rates of taxation at this time, and to issue bonds to get money to carry on the war. We are faced with an inflation of prices such as this country never saw. It began with the outbreak of the war in Europe. We then began to issue more money in this country. We have inflated the per capita circulation from $34.35 in 1914 until it is $49.70 per capita at this time. Practically all of that inflation took place before we entered the war. The result of that inflation was that prices went up and up and up until when we entered the war there had been an increase of over 50 per cent above prewar prices.

Of course, not all of that increase in prices was due to the inflation of circulation. Some of it was due to the laws of supply and demand. The least part of it was due to such laws. The most of it, in my judgment, was due to the fact that we inflated the circulation in this country and that there was a great return of American securities held in Europe prior to the outbreak of the war, those securities being sent back and resold in this country, which furnished a basis of credit and thereby business was stimulated and credits inflated and prices grossly increased. In addition to that, of course, was the fact that foreign countries were permitted to float their own securities in the United States to the extent of—I do not know how much—perhaps as much as $2,000,000,000, and that also furnished a basis of credit and aggravated the inflation.

But the fact remains that we have had an increase in prices of the necessaries of life since we went into the war of 21 per cent, according to the statement issued the other day by the Department of Labor. Now, we have not inflated the circulation very much since we entered the war. But we have issued bonds to the amount of billions of dollars. The bonds that have been issued in this country have been used largely as a basis of credit. There has been a tremendous stimulation of business. There has been a great increase in circulation due to that fact, and the result is that we have had this further increase of 21 per cent in prices since we entered the war. That great increase I attribute principally to the fact that we have been financing this war with bonds instead of financing it with taxes. The result, stated in another way, is that a man who had a dollar last April now has only 79 cents. The men with money all did one of two things. Either they were content with what they had, as far as a man with money is ever content with what he has, and they invested it in tax-free Government bonds and hid their money away so that we could not take it to help pay for the war, or they put it out and started it to work doing something. A man can not afford to hold idle money when it is going down as it has gone down in purchasing power during the past year. A man can not afford to hold idle money to-day, because it is going down still further, if we continue these bond issues. Therefore, he has got to put it into business or industry. And what is the result? There has been a tremendous stimulation of industry. Business is stimulated to a point that this country never saw before.

The inflation of circulation and stimulation of business has made money plentiful, it has fallen into the hands of almost every class of citizens, and the people of the country are going on a joy ride of extravagance and financial profligacy. That applies to all persons more than professional men and those working for salaries; they have had the least out of this change. Practically all other classes are spending money with a free hand as they never did before; they are consuming more than they ever did before; they are eating more food and better food; they are throwing more food away; they are throwing away money on automobiles, fine clothes, and luxuries as they never did before. All this means a waste of our strength and resources. Business is so stimulated that there is a greater consumption of raw materials of all kinds. There is a congestion in transportation; there is a general riot, as you might call it, of waste, lost motion, and extravagance going on all down the line. This does not injure alone the people who are spending the money, it does not hurt alone those who are wasting it, or the business men who are making the money freely and spending it in the same way; it hurts the Nation and it hurts the country as a whole and hinders us in carrying on the war.

Now, I have got to the point. It seems to me that every man who loves his country would want to devote its energies to essential things. We are giving too much of America's strength to things that have no relation to this war. Not one-tenth of our possible strength is going into pressing the war to victory. Men are busying themselves with making money. No man has the right to make money at this time beyond his absolute needs. We must curb business activity by laying a heavy tax on its profits; we must take away the inducement to profiteer; we must turn back into channels of war use all the waste of raw materials and muscle now consumed in profit-making business enterprises; we must release for war purposes the men, the capital, and the materials which have been diverted to activities which have no bearing on the war. This can be done effectively only by heavy taxation on profits.

Mr. FISHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, I want to speak of the Federal farm loan banking system. I never had any faith in its success or the wisdom of establishing that system. I am now more thoroughly convinced than ever that it is a failure, and in many instances frauds are perpetrated on the Government. The people of this country at this time are called upon for taxes and loans by the billions and tens of billions, while at the same time for this Federal Farm Loan Board large sums of money have been appropriated and squandered. The law provides for annual detailed reports, which have not been made. No report was made for that portion of the year 1916 after the enactment of the law, some five months. But a report was made in 1917, not in detail, not in an intelligent manner, not in such a manner that anyone can figure out whether the system is a success or failure, except to show that in the appropriation of $460,000 for expenses an additional sum of $540,000 was taken from the money secured from the sale of bonds. Some 3,800 associations have or had been formed up to the time the report was made on the 30th of November last. That number of associations was created or approved of throughout the country, and the bank located at Spokane, Wash., showed a loss of over $62,000 up to that time.

I have here a carefully prepared statement of the operations of this law and the board created under that law. To my mind it is most startling in that it squanders the money of the people now raised at a time when we need money so badly for carrying on this great war; that it is the next thing to criminal in spending the money in this way. The loans made by this board are not the best loans in the country. They are made chiefly to men who can not go to their local banks where they are known and where the property is well known and obtain the desired loan. I know of an 80-acre tract of land that sold some five years ago for $3 per acre on which this board has made a loan of $15 per acre.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. Has not that land been changed or improved?

Mr. FORDNEY. Not a particle; no improvements from the time it was sold until now. There was no timber on it when sold. It is a most startling thing, and I only mention it because it is startling.

Mr. STEENERSON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. STEENERSON. Was not the money borrowed on the express agreement to improve this cleared land?

Mr. FORDNEY. I do not know, but I do not believe so.

Mr. STEENERSON. Does not the gentleman believe the fact that the farm-loan banks have loaned money to farmers at a low rate of interest, say 5 or 6 per cent, has encouraged agriculture?

Mr. FORDNEY. I doubt very much if it has. Let me say to the gentleman that in their great anxiety to get into business that board, as herein stated—and I take it from the official statistics—has borrowed money on their bonds at 4½ per cent and invested the money in liberty bonds at 3½ per cent, a loss of 1 cent. That is in order to get into business and do something, and furnish positions for men without actual experience in finance. Let me call the gentleman's attention to a statement here; and this is not my statement, but I take it to be correct, because the party making the statement claimed to know what he was talking about:

> None of them (the members of the board) had any previous experience in large-scale banking, business, or financial affairs. Some were politicians and others were connected with farmers' organizations or with benevolent funds, while most of them, including members of the board, favored Government aid, control, and ownership.

Then this man whom I quote goes on and states that some of these men have socialistic tendencies in favor of Government ownership of everything. Down with the Stars and Stripes and up with the red flag is their motto generally.

Mr. STEENERSON. Who is the author of this?

Mr. FORDNEY. A Mr. Ingalls, whose name I shall print with a statement—an editor in the city of New York.

Mr. STEENERSON. I would like to say to the gentleman that the activities of the farm-loan banks in my district have been very beneficial. At the time they started business it was difficult for farmers to obtain renewals, on account of war excitement. A great many insurance companies and large lenders on farm mortgages had refused to extend their loans, and it came at a time when it was absolutely necessary to have some assistance.

Mr. FORDNEY. I have no doubt that many of the loans are meritorious and made in good faith and on good security; but I say the major portion of them, in my opinion—and that was my opinion when we were passing the law would be the result—are made to men who can not borrow money from men who know them and know the value of their property.

Mr. STEENERSON. I can say that several hundred thousand dollars have been placed in my district, and I believe they are absolutely safe. They are placed as first mortgages on cultivated land, and they have been careful in that section to loan money only for the purpose of improving the land or paying off another mortgage.

Mr. FORDNEY. I want to accept the gentleman's statement as correct, because I know the people of his district are honest and intelligent, for they show their intelligence by returning to Congress so often my good friend.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The statement heretofore referred to is as follows:

A REVIEW OF THE FIRST ANNUAL REPORT OF THE FEDERAL FARM LOAN BOARD.

[By R. Ingalls.]

INTRODUCTION.

This article relates only to the 12 Federal land banks and to the National Farm Loan Associations in each of their respective districts through which they make loans.

The other parts of the system, i. e., private concerns organized under State laws and appointed to serve the Federal land banks as agents, of which there are four, and joint-stock land banks, of which there are also four, are not discussed.

The Federal Farm Loan Board consists of four members, whose appointment was made by the President and confirmed by the Senate, with the Secretary of the Treasury ex officio the chairman. None of these has had any special training in farm finance.

The board appointed the registrars that serve as trustees for the bondholders, the appraisers that pass upon the loans, the director of the Federal land banks that make the loans, and the examiners that inspect the system.

None of these officials, although they have entire charge of the lending and bonding operations, can be identified with any other mortgaging or banking system or institution. This is by express provision of law.

As a fact none of them had any previous experience in large-scale banking, business, or financial affairs. Some were politicians, and others were connected with farmers' organizations or with benevolent funds, while most of them, including members of the board, favor Government aid and ownership.

That is to say, they are socialistic and are opposed to private enterprise and to the mobilization, through cooperation, of the farmers' credit and other resources, or the ideas that started the movement for improving agricultural conditions.

All this is shown by their individual words and actions, as well as by the board's report, and may be one of the main causes of the unfortunate situation into which the system has fallen.

This article, in an abridged form, first appeared in the United States Investor, of Boston.

CHAPTER I.

On August 7, 1916, or three weeks after the Federal farm loan act was approved, the Federal Farm Loan Board started the work of organizing its system.

According to the act the board must require quarterly statements of its associations and banks, and publish consolidated statements thereof. This it has not done, nor has it made any orderly publication of its rules and regulations.

The board must also annually make a full report of its operations. It made no report in 1916, although at the end of that year it asked more money of Congress for heavy salaries, which was granted.

The first annual report covers the 16 months prior to November 30, 1917, but contains very little from which the true state of the financial and other affairs of the system can be determined. The report is dated December 29, but copies of it were not generally distributed until late in January and February of this year. Secretary of the Treasury McAdoo, the chairman, thus hints at a motive for this shortcoming:

"There is a small minority of bankers bitterly opposed to the system. They now think they have found their coveted opportunity to attack it. Their first step has been to instigate a call for a report of the 12 Federal land banks. * * * Their next movement will be to institute a suit testing the constitutionality of the Federal farm-loan act * * * to alarm investors who have already bought the bonds and to dissuade others from buying bonds." (Borrowers' Bulletin, January, 1918, official.)

So the absent information about these banks, which are involving the Government in their enormous present and future liabilities, must be sought from outside sources, with the dim light afforded by this meager report and some bulletins of the board.

From these it is learned that by December 1 last the board had granted, or was about to grant, charters to 3,814 associations, or about two for every three rural counties; that through them the Federal land banks had approved $105,136,529 loans and closed $29,824,655 of them, and were to permit another large portion of them to be withdrawn at a loss of the expense in getting them; and that applications for $114,624,211 more loans were pending and others were pouring in by the millions upon millions of dollars.

Also it is learned that the Federal land banks had impaired their $9,000,000 of capital stock by $540,000, although they and the board had received $460,000 for expenses from Congress. The deficit of the land bank at Spokane was $62,531.07, while there is nothing to show whether the condition of the other land banks is any better or worse.

So since the board has made no financial statement, it may be assumed that the business cost the Government at least 3.56 per cent of the closed loans, or over 1 per cent of the approved loans. To recoup, the board allowed the Federal land banks an interest spread of only one-half a point.

True, the spread is to be taken yearly out of unpaid principal, and all the loans were made for long terms. But it is plainly too small for placing mortgages on the books, and so means a loss for an indefinite period, in view of the constantly swelling volume and heavy cost of new loans.

Whether the earnings gradually and normally resulting from loans closed on even a wider spread would ever be large enough to meet defaults, collect dues, find investors, and generally to conduct the business is open to doubt, unless the land banks reform their practice—on which I will comment below—of financing 36-year loans by 20-year bonds.

Then after the Federal land banks had issued $26,970,000 of bonds their sales stopped and they found themselves saddled with a big mass of approved loans and some engraver's bills, without cash to meet their obligations or to continue business with.

The claim that the liberty loans interfered is true, of course, although they were oversubscribed $1,035,226,850 and $1,617,532,300, respectively. But it is somewhat surprising that the board did not appeal to the Secretary of the Treasury and try to obtain from this $2,652,759,150 oversubscription the relatively few millions of dollars which the land banks then needed.

Perhaps all that would have been required, if the board and its system possessed public confidence, was to show wherein the farmers are in want and that the 4½ per cent farm-loan bonds are exempted from taxation and deemed "instrumentalities of the Government of the United States." (Federal farm-loan act, sec. 26.)

This would have been more just than to have taken the money out of the liberty loans, as was, in appearance, subsequently done.

The inference is that the Federal farm-loan system is as useless in war as prophecy said it would be in times of peace. In the face of the fact that the demand for prime farm mortgages is actually greater than the supply, the poor sales of Federal land-bank bonds can not logically be ascribed to the general condition of the money market.

So overanxious was the board for action that it could not await mortgages for security. It bought $10,139,529 of United States bonds and certificates at 3½ per cent. (Report of Comptroller of the Currency, 1917.) If it authorized the issue of a corresponding amount of 4½ per cent bonds against them, it caused the land banks to lose 1 per cent interest thereon; and such appears to be the case, since the first bonds are dated May 1, while the first loans were not made until the summer of 1917. (Borrowers' Bulletin, January, 1918.)

CHAPTER II.

So the causes of the collapse must be sought within as well as without the system. But whatever they may be, these banks were for the time being "in virtual bankruptcy," according to Senator PENROSE (CONGRESSIONAL RECORD, Dec. 18, 1917), although the Government had advanced them $8,891,270 free of their capital stocks, appropriated $460,000 more for their expenses, and given them rent free headquarters and the free use of the mails for their bureau and various free services of the departments of the Treasury, Justice, and Agriculture, besides total tax exemption.

If the amount represented by these privileges were thrown upon the land banks instead of upon the taxpayers, this Government farm-loan system would be more expensive than any other and could not endure.

In December, before filing its report or making a budget, the board went before the Senate and House Committees on Banking and Currency. These committees, without giving previous notice to the press or even a chance for opposition Members to be heard, drafted a bill and hastily railroaded it into a law which authorizes the Secretary of the Treasury to purchase at par $200,000,000 of the land banks' 4½ per cent bonds within this year and the next.

These banks will probably lend one-half of the proceeds at 5 per cent and the remainder at 5½ per cent, making a gain of $1,500,000. They will also save the discount of perhaps 5 per cent at which the bonds would have sold if they had been dumped on the market, thus gaining $10,000,000 more.

So this purchase means a new subsidy of $11,500,000, not to speak of the vast public fund it has immobilized. If this calculation seems too large, it certainly could not be reduced below the discount at which the Government's own bonds are now selling.

The secrecy and haste of the board and Congress, like the inchoate report, naturally invite unpleasant surmises. Indeed, the mere enactment of the bill argues something wrong with either the system or its management, and probably both. So it may be asked whether suspected incompetency deserves concealment or whether a system apparently so defective is itself worth the staggering price the taxpayers are going to pay.

Commissioner Norris excuses the Government's assistance of the Federal land banks by comparing it with the temporary relief to be extended through the War Finance Corporation to private enterprises necessary or contributory to the prosecution of the war. (Commercial and Financial Chronicle, Mar. 9, 1918.) Apparently he overlooks the special purpose of that corporation and forgets that the Federal land banks have been enjoying the cash and credit of the Government and every other imaginable privilege from the start and have not made good with them.

To be accurate in his comparison, the commissioner would have to assume that the War Finance Corporation had become overwhelmed by debts, and that it was saved from a breakdown by the Government's buying up its obligations and taking over the management. The commissioner's specious arguments and their reaction upon himself are a not unusual consequence of the reasoning by analogy into which he was tempted. Analogies are for rhetoric rather than for logic and can not deceive anybody that thinks for himself and is patient enough to analyze.

But it is by analogy of the Federal reserve banks that the Federal land banks were instituted, to be dominated by the Government under a special act in derogation of free banking laws. It is by analogy of the Nation's asset currency that a bureau was established in the Treasury Department, through which owners of farm land may transform their notes and mortgages into governmental paper and cash them at their face value. It is by analogy of the fiscal services and the circulation privilege of national banks that land banks are authorized to issue bonds deemed instruments of the Government of the United States and to receive deposits of public funds at low interest rates.

And it is by analogy and its fallacies that Congress will be expected to duplicate for loans to farmers every dollar that it may hereafter appropriate for any other object, public or private, so long as this politically incepted system, freed from civil-service rules and placed in the hands of appointees detached from the banking and financial world, shall continue in existence with the powers which it possesses to bestow or withhold favors according to district, State, or person.

The Federal farm-loan act is the reverse of the doctrine that President Wilson taught as a private citizen, professor, and writer, as shown by the following passages in his History of the American People, volume 5, page 103:

"Errors of opinion began to prevail there (the South during the Harrison administration) as in the new regions of the West like those which swept through the crude Colonies in the unquiet days which preceded and followed the War for Independence—hopes that the credit of the Government itself might in some manner be placed at the disposal of the farmers in the handling and marketing of their crops."

That Mr. Wilson held to these views, so contrary to the act, after he became President, until he changed them for some unexplained reason, is evidenced by an address delivered before Congress on December 2, 1913, in which he said:

"The farmers, of course, ask and should be given no special privilege, such as extending to them the credit of the Government itself. What they need and should obtain is legislation which will make their own abundant and substantial credit resources available as a foundation for joint, concerted action in their own behalf in getting the capital they must use. It is to this we should now address ourselves. But we must not allow ourselves to depend upon extraordinary expedients."

CHAPTER III.

The regrettable thing is that not one-tenth of the $209,351,270 already appropriated will, if the present course be pursued, increase agricultural production at all. (Commissioner Norris, quoted in CONGRESSIONAL RECORD, Dec. 18, 1917.)

Over 90 per cent of these Government loans will be closed simply to enable some favored rural landowners to exchange old for new mortgages at lower interest rates. The only effect so far has been to help in this way about 30,000 of a special class at the expense of the rest of the people. Tenants, of course, can not be helped, and they range anywhere up to 50 per cent of the 13,800,000 farmers. (Agricultural Yearbook, 1916.)

The board openly avows its intentions by a pamphlet, which it significantly entitled "Old Mortgages for New" and widely distributed among farmers. This official document adroitly assails the business of private banks and lenders, conveys the idea that current charges and interest rates are excessive, and explains to the borrower how he can get easier terms by transferring his debt to the Government. (United States Treasury Department, 1916, Circular 3.)

The board is not content with getting only the mortgages of the private banks, it also wants to take deposits away from them. The "banks have had more farmers' money and money derived from farmers' business than ever before." (Id.) So the board published another widely distributed pamphlet showing that national farm-loan associations can accept "savings accounts and pay 4 per cent interest thereon," and suggesting the use of that right. (Id., 1916, Circular 5.)

The associations can issue deposit certificates convertible into bonds, or instruments of the Government. (Federal farm-loan act, sec. 11.) That is to say, the Government practically guarantees the certificates, although it has no power under the act to stamp or certify them, or to control the aggregate amount to be issued. The output of these certificates, together with the bonds of the land banks, could impose a troublesome burden on the Government.

To hasten this liquidation of private mortgage business the board, besides much traveling, is using "methods of mail-order houses" and has sent out "323,828 letters and 2,032,000 bulletins," to which must be added the redistributions and correspondence of the land banks and associations. Also it published a serial article "syndicated to 700 newspaper, having a circulation of 26,000,000," (Annual Report, pp. 6, 26, and 27.) A rather unnecessary expense, since a mere posting of notice suffices when governments offer money below market prices.

The board believes the loans thus drummed up will flow in at $12,000,000 a month, the ultimate limit set by other more enthusiastic officers being the $800,000,000 estimated to be annually maturing of the $4,000,000,000 of recorded farm mortgages. Owing to present high prices of money, the holders of these old mortgages would pay liberally to get rid of them.

Had the board only thought of this, it could have saved the Government much of the expense of this refunding campaign. But since the board was seemingly seeking undivided glory, it must now regret that it failed, in selling bonds, to apply to this the more difficult branch of the business those methods of mail-order houses so successfully used in getting loans.

The Federal land banks will never get back the foreign capital that the board helped to be taken away from agriculture, because the tax exemption, or chief attraction, of their bonds ends at tidewater. Whether the domestic capital that the board started liquidating can be retained depends upon so amending the act as to give effectivity to individual initiative and private enterprise. This the board partially admits by agreeing to some features of a bill for this purpose now in committee. (Id., pp. 21–23.)

The board had "no available figures showing the cost of business. (Letter of Secretary Flannigan, December, 1917.) Nevertheless, in spite of this lack of exact knowledge, it prescribed a flat rate of 5 per cent per annum for loans. This, although subsequently raised to 5½ per cent, is for the reasons stated below still insufficient, and while it may subject the Government to loss can not save the best refunding mortgagors more than 1 point on interest. Moreover, it will be difficult to make all loans at the same interest rate and schedule of charges in a country as large and diversified as the United States.

The borrowers ought to have been obliged to pay prevailing rates, to be reduced after the war if they then appear excessive. This the borrowers could do soon enough under the clauses which enable them to make prepayment and to alter the terms of loans at their own will. (Federal farm-loan act, subsecs. 2 and 5, sec. 12.) The board erred in this. Also it made a blunder in allowing the Federal land banks to issue 20-year bonds and to invest the proceeds in 36-year loans. (Circulars, Jan. 24, 1918.)

CHAPTER IV.

The only means for paying dues on the bonds is the receipts from borrowers in small annual installments. Under the law their principal payments must be placed in a trust fund and can not be used for interest on bonds or any other expenses. (Federal farm-loan act, sec. 22.) The annual interest on each $1,000 bond is $45. According to the board's own amortization tables, each $1,000 loan at 5 per cent will yield only $44.24 interest in the tenth year, and gradually less in succeeding years. (U. S. Treasury Department, 1917, Cir. 7.)

By profitably reinvesting excess yields of the first nine years there might possibly be enough money to meet interest outgo until the nineteenth year. But only $69.37 will be left to pay the $90 interest due in the last two years of the bond.

The tables further show that no land bank, after paying 4½ per cent interest on the bonds and earning 5 per cent interest on loans and 5½ per cent interest compounded on reinvestments, will have more than $558.39 in the trust fund at the end of 20 years for paying principal on any $1,000 of its bonds.

The situation will be even worse, because the trust funds are being reinvested in long-term loans, which still further protracts recovery. The use of principal repaid on new loans for meeting maturing bonds would be robbing Peter to pay Paul, since against each loan a bond of the same amount is being issued. Nor is the capital stock available, since it is gradually to be immobilized in advances to the associations and individual borrowers.

Prepayments on loans might help. But they are not likely to total much, since the borrowers must know they will never get money again as cheap as that now being lent to them. Rather there will be defaults, and costly ones, from deaths, disabilities, crop failures, and panics, not to mention moratory laws. The board says, "Most of the mortgages will run for 36 years, and you (the borrower) may not live until your debt is paid off." (Borrowers' Bulletin, October, 1917.)

The average size of the loans is about $2,000. (Ann. Rept., p. 20.) They are being made "at heavy expense." (Id., p. 24.) Experience of private lenders is that it required about three years and 30 to 50 per cent of the principal to carry such a small loan on default through to foreclosure and a reinvestment of the money. Yet the Federal land banks have not provided for accumulating a surplus for this or "for a limitation of risks" or for a protection against "anticipated losses." (Id., p. 16.)

With the same improvidence they are making loans from day to day as applied for, without matching the loans and bonds in respect to the due dates of either interest or principal. Consequently, even though not one cent be lost on loans or spent in business, the land banks will have no more than $53,839,000 with which to meet at maturity the $100,000,000 of bonds now probably authorized.

The only escape from insolvency is more big appropriations from Congress, unless the future deficit—$46,161,000 from these first issues alone—can be refunded by new bonds. Perhaps such a refund is the alternative contemplated, since the board has full jurisdiction over the system to the exclusion of the courts at vital points.

The registrars are the trustees; they are appointed by the board, but can not bring foreclosure suits or sell the collateral in order to pay the bonds. (Federal farm-loan act, secs. 4, 18, 19, and 22.) No receivers can be appointed for failed land banks, except by the board; and it alone decides whether there shall be any dissolution or liquidation. (Id., sec. 29.) In brief, has a bondholder any right at all that he can enforce in the courts? Even if he has any enforcible right, very little advantage would accrue from it in view of what the borrowers could and might do.

As the act was passed the borrowers can add their costs and also the amount of their obligatory shares to the face of the mortgage, and thus delay the complete recovery of this outlay until the last year of the loan or reduce the funds available for productive purposes. Bonds have presumably been issued against this outlay, thus impairing the guaranteeing value of the initial capital stock, as well as its increases that come from the 5 per cent contribution of every loan granted.

The borrowers can use capital stock for unsecured advances to their associations for expenses; also through these associations, they can deduct one-eighth of 1 per cent of the unpaid principal of each loan at every interest date for commissions; and in this way they can materially reduce the income of the land banks. Moreover, they can not only designate the interest rate and period of new loans, but can likewise alter closed loans in these respects, and by repeated renewals make them perpetual. (Id., subsec. 5, sec. 12.)

In other words, while the board regulates the tenor, term, and effect of the bonds the borrowers can prescribe these qualities for the underlying mortgages. The board has no power to prevent the borrowers from doing this since the act expressly provides that the trusteeing of the collateral shall be "by assignment * * * reserving the right of substitution of other mortgages." (Id., sec. 19.)

This incongruity were bad enough without the other absurdities mentioned; and yet this is not all. Congress can make mortgages on urban dwelling houses as eligible as farm mortgages as the security for the bonds, and may do so to comply with the unmistakable demand of union workmen; and so the security does not rest as it should upon contractual relation between the land banks and their bondholders, but depends upon what Congress might do from time to time.

CHAPTER V.

By reason of these statutory provisions the future security of the bonds has an unknown character and value, while their term is the 20 years advertised plus a possible indefinite extension. Conversely, the bonds can be retired at the land bank's option five years after issue. (Id., sec. 20.)

Owing to the amortization of the underlying mortgages, many must, as a matter of law, be so retired before maturity, because their outstanding principal can never legally exceed the amount of their collateral. (Id., sec. 19.) The bondholder can not be awarded any premium or other compensation for this disturbance of his investment.

Since the bonds are not payable only in gold their redemption might be coincident with some paper-money era, and the constitutionality of their tax exemptions is still to be tested. Such bonds, whether refunds or original issues, must have ups and downs in the market. Quite naturally large institutional investors, like life insurance companies, have announced their preference for the old-style farm mortgage, whose book value always remains the same as its face value. (Interviews with the companies' officers, New York Sun, Dec. 27, 1918.)

In the view of all this, the bare statement of Commissioner Norris that "there is nothing unsound" in lending for 36 years money that must be repaid in 20 years is not altogether reassuring. (His article, Commercial and Financial Chronicle, Mar. 9, 1918.)

Maybe the Federal land banks, with their Government aid, can "renew their maturing obligations," as he puts it. (Id.)

But does the commissioner intend that the private joint-stock land banks, soon to be formed in numbers, shall adopt these same practices? If so, then farm finance within a few years will have sunk again as deep into disrepute as it fell in 1893 after the crash of the old farm-mortgage craze.

The security issued under the Federal farm-loan act is actually worse than the kind it was intended to replace. Unless the act or management be reformed deficits are possible, although bad conditions could go on unnoticed for some years owing to the long term of bonds and loans. However, the Federal land banks are "in substance an incorporated bureau of the Federal Government." (Gov. Charles E. Hughes in his opinion on the act's constitutionality.)

Hence the taxpayers must in honor protect the bondholders from any defaults, even though the Supreme Court knocks out the act. The country is perhaps rich enough to bear further heavy appropriations, but it can not so easily endure the setback agriculture must suffer if it relies upon a system organically wrong that has proved itself useless for emergencies.

So there is a reverse side to the sanguine hopes that Commissioner Norris expresses of avoiding the consequences of not properly matching bonds and mortgages. Indeed, from his public announcements in the Chronicle that funds for retiring the bonds are to come from such uncertain sources as the renewal of obligations and from "voluntary prepayment by the borrower and foreclosure for default," it may be concluded that he is experimenting on untried ground, has abandoned true land-credit principles, and is depending on the credit, unfortunately not yet established, of the land banks.

In attempting to refute the true reasons for the predicament of the Federal land banks, Commissioner Norris, discarding the argumentative style, resorts to such denials as "It is a wide departure from the truth to suggest," etc.; and to such unsupported assertions as "It (a land bank) will have accumulated a large reserve, because its business is bound to be very profitable." (Id., Mar. 9, 1918.) However, the commissioner disproves his own case in the same article by making the amusing inconsistency that "an agricultural bank does not pay in the ordinary commercial sense." (Id.)

Instead of requiring the associations to pay their obligatory share subscriptions and the costs of the loans in cash, each land bank has in most cases added these sums to the principal of the loan, and is recouping them by issuing bonds up to the full amount of the mortgages. By thus incurring a corresponding liability for every such increase of capital stock or assets, each land bank is not only impairing the guaranteeing value of its capital stock; it is also preventing its shares, including those held by the Government, from being withdrawn until the maturity or redemption of the bonds.

This results from the provision which forbids capital stock to be reduced to less than 5 per cent of outstanding bonds. (Federal farm-loan act, sec. 7.) Is one-fourth of the capital stock which represents the associations' subscriptions being held in quick assets, as the act requires? (Id., sec. 5.) If not, then it may be assumed that the Government's original stock contribution of $8,891,270 and 5 per cent of the new $200,000,000 appropriation will be a permanent investment.

Supervision, which would seem to be the board's chief duty in the system, is in the case of the 7,638 national banks more cheaply and efficiently done by one sole officer—the Comptroller of the Currency. Being too large for mere supervision, however, and not having enough other legal duties to justify the large salaries and expenses of its members, the board exercises managerial powers to an unnecessary extent, assuming the officers of the land banks to be competent.

CHAPTER VI.

This top-heavy arrangement and duplication of work, giving rise to complications and delays, are also responsible in part for the high cost of business. So it is generally agreed that should the act not be entirely repealed or annulled, the board must be abolished or reduced in size, or else that the land banks must be reduced in number or replaced by one single institution. The board naturally recommends the latter alternative. (Annual Report, p. 20.)

A very important point should here be noted, which is: The Federal land banks are nonprofit making. Being apparently managed for the borrowers' sole benefit, they have no adequate sources for accumulating a surplus; and so, if their bonds go to a discount, they can not easily make good the resulting deficiency in their funds; in fact, their lending operations would be blocked.

The latest bid on the bonds was 99 in a market showing symptoms of a further decline, after an announcement by the board that the Government does not guarantee them. So the depletion of funds might begin almost any time, since all but $104,214,741 of the Government's appropriations were allocated by November 30, last, and since $100,000,000 of this remainder is not available until the next fiscal year, while the aggregate of loans being approved every month equals expectations.

Nevertheless, the act gives the borrower the option to say whether these bonds shall be used instead of cash in making his loan, and allows him to tender them at par in payment of dues on his mortgage and share subscription. (Federal farm-loan act, secs. 12, 22, and 23.)

This favors prosperous farmers, who can buy the bonds at the expense of necessitous farmers who can not buy them. It also deprives the land banks of advantages coming from any premium on their own credit, and will also interfere with the accumulation of surpluses. A similar provision, before repeal, damaged even an institution as strong as the Crédit Foncier de France.

Another objection lies in the method of paying off loans by a series of installments that becomes fixed when once specified in the mortgage. The loan, of course, is the present worth of the series. Consequently if any prepayment should be made a new series would have to be calculated. Prepayments exactly divisible by $25, however, must be accepted if tendered after installments of the first five years, and be "duly" credited on the mortgage, i. e., by a amortization plan. (Id., secs. 12 and 22.) The board admits that "the cost of these new calculations would be prohibitive." (Annual Report, p. 26.)

But costs is not the only possibility. A series of sums different in size from the original installments might not be a valid lien on the mortgaged property, while a new mortgage could not prevail against the rights of intervening third parties to the title. The board suggests a way by which the land banks may account for a prepayment without losing their liens. (United States Treasury Department, 1917, circular 7.)

But this way leaves the installments fixed at their original sums, and so affords no relief to a borrower desiring to reduce his annual dues. It would have been better had the act embodied in the amortization plan the arrangement of the German landschaften or of the American building and loan associations, under which all the mortgagor's payments go into a sinking fund and may be increased or withdrawn with the leader's consent. This would have allowed annual dues to be changed without affecting the mortgage.

Contrary to the case of such an association, however, the obligatory shares of a borrower under the act do not total the full amount of his loan, nor do his credits on them offset his debt, nor may they be withdrawn within the span of a borrower's active life. These shares equal only one-twentieth of the loan, and their only relation to and

effect upon it is to increase the borrower's actual interest 5 per cent over the written rate in the first year and a considerable percentage over the written rate in subsequent years.

The product of $50 at 5 per cent annually compounded for 36 years is $343.60. This is the addition to interest that the borrower pays for a $1,000 loan. The only part of the $50 that he can ever withdraw is what his double liability may leave of it in some future generation. Nevertheless, this assessment will not help the land banks much in accumulating funds, since it will be nearly all absorbed by the interest on the bonds issued against the shares.

The board attempts to square this with the farmers by speaking of dividends to them. (United States Treasury Department, 1916, Circular 3.) But it does not explain how borrowers can make distributable profits out of themselves. The whole thing is a badly modified adaptation of Austria-Hungary ideas, and looks like camouflage to cover up overhead charges of a cumbersome and costly system.

Eventually the borrower will see through it and realize that he is paying more than the apparent interest, and that he can not easily rid himself of his long-term obligations; also that he can not, without probable foreclosure, sell his mortgaged farm or pass it on to heirs unless the new owner is eligible for membership in the association guaranteeing the debt. (Federal farm-loan act, sec. 12.) The board has ruled that no executor or administrator, as such, can be a member of an association.

The inconveniences of these features, irritating and worrying the borrower, will necessarily affect the moral risk of the loans. To make matters worse, during the last two years members of the board, like political campaigners, have exaggerated the financial distress of the farmer and promised that the Government would get him money at impossibly cheaper rates than those of private lenders. (See speeches of Chairman McAdoo and Member Quick.)

CHAPTER VII.

In a similar vein the board gives assurances that the Government will soon be making loans without any delays or "economic waste" in examining titles. Since one of the land banks turned down only two titles out of 1,056 examined, the board seems to deduce "that the mortality of the average run of farm titles in this country is no greater than one-tenth of 1 per cent." (Annual Report, p. 21.)

One year's experience of just one lender, and that lender being a newly formed Government bank, is a poor criterion by which to strike averages for use in revolutionizing the land-title business of the entire United States. But this is exactly what the board proposes through an amendment of the act, which "we shall suggest at some future day, with every confidence that its necessity will be as readily recognized by Congress as by ourselves." (Id.)

The board leaves the details of this innovation to the imagination, but by obscure sentences indicates that it will make the loan requirements of the Federal land banks "less exacting than those of other institutions," but will at the same time protect them from "a largely increased percentage of bad titles," that would naturally result from such leniency. (Id.) Statements like these, while they may attract applicants for loans, are not, of course, intended for investors in the bonds.

The Federal land bank at Louisville, Ky., after having granted a $1,200 loan to an Ohio farmer, George Neundorfer, charged him $139.99 for expenses, etc. This is nearly 12 per cent of the principal or considerably more than the usual charges of a private lender. Mr. Neundorfer requests, "so as to save other farmers from disappointment," that publicity be given of the following items:

Application	$0.50
Application fee	5.50
Appraisal	4.00
Bringing abstract down to date	2.25
Extra abstract work demanded by bank	65.00
Affidavits	2.50
Stamps for note	.24
5 per cent of principal for stock	60.00
Total	139.99

Unquestioably the various defects in the act and errors of managing the system are why the board had to get $200,000,000 in January from Congress. And Congress, evidently alarmed by them, provided in making the appropriation that as long as the Government holds any of the bonds or the majority of the stock of the Federal land banks it shall continue in control.

But since the system was established upon the solemn promise that it was to be cooperatively financed and managed by the farmers, and since influential farmers' organizations are insisting upon that promise, the borrowers will probably get the control back again. The country was reconciled to the system by similar arguments, and everybody thought that it would be extended only gradually as the farmers proved their ability for it.

But the board went wild in its discretionary powers, and tried to do within a few months what could not rationally be expected inside of many years; and now through these amendments it hopes to hide or avert the trouble which its reckless course brought upon the system.

Disloyalty to cooperative principles has given the board about the same standing among farmers that it enjoys among bankers on account of its novel financial methods and lack of conservatism. It is incredible that a body of intelligent men, attached to the Treasury Department and knowing war conditions, should have authorized the land banks to make enormous commitments without first finding the money for meeting them and to grant cheaper loans than justified by the cost of business and the rate at which money could be borrowed on bonds.

Such practices would subject any private State or National bank to official investigation, and they exemplify how easily one depending upon public funds and the Government's credit can drift into evil ways.

If Congress had refused to give the $200,000,000, some members of the board and some officers of the land banks would undoubtedly have been compelled to resign. The appropriation staved off disaster but did not save reputations.

The worst that was predicted does not now look improbable. The Reclamation Service was to be repaid its expenditures by 10 annual installments from each settler on the land benefited. These installments, although not drawing interest, had to be extended to 20 years. Then the Government, in order to avoid stoppage of work if not insolvency, gave the service $1,000,000 and authorized it to issue $20,000,000 of bonds, and has so far invested $114,044,801.26 in it within 15 years. The farm-loan system in a little over one year has about trebled the Government's loans to private individuals.

The creation of bureaus is a means by which Congress delegates legislative power or assigns executive or judicial powers to avoid direct responsibility for the expenditure of taxpayers' capital or other consequences and to contravene the orderly division of government established by the Constitution; and if democracy falls it will be through them.

When a bureau has once been created Congress usually forgets it and does not again awake to the dangers of it until called upon for appropriations to make good the waste and loss occasioned by the reckless exercise of its unsupervised discretion. Not unfrequently those appointed to manage bureaus could not be elected by popular vote to anything.

CHAPTER VIII.

It may not be amiss to recount a few of the alleged happenings so far in the Federal Farm Loan Bureau. Congressman FORDNEY says he himself sold a piece of land for $2.50 the acre which the purchaser claims to have mortgaged to the Government at $15 the acre. (CONGRESSIONAL RECORD, Jan. 4, 1918.) Senator MCCUMBER asserts that he has information from a great many sources that in certain sections of the country loans are being made for more than the full value of the land upon which the loans are being taken. (Id., Dec. 17, 1917.)

Some credence to the Senator's remark is given by Commissioner Norris himself when, in apologizing for letting each of the Federal land banks become in the main a refunding institution, he says: "It must make loans partly for refunding purposes, because it can make no loan except on first mortgage, and most farmers have existing mortgages on their lands." (Commercial and Financial Chronicle, Mar. 9, 1918.) Thus by the commissioner's own admission most of the loans made by the Government seem to exceed in amount the limit set by the liquidating private lenders.

The price of cotton is not fixed. Southern planters, it is alleged, are hoarding cotton, and have resorted to the land banks for support until its price rises to 40 cents the pound, etc. Although these rumors may not be fully substantiated, they are not more ugly than some of the board's own official statements and records.

As a sample, the board commends as "simple words full of human interest" the following remarks of a 72-year-old man, eligible for a loan to be wiped out when he is 108 years old: "We own our land and want to improve it, and are not particular how. We are not beholden to Uncle Sam, but do appreciate," etc. (Annual Report, p. 9.)

A South Carolina country banker says, so the board approvingly relates: "There is nothing that would do us so much good as to dump in this State sufficient money to take care of our standing loans, which, if not directly, are indirectly composed of farm loans. (Id., p. 7.)

Such trivialisms were unbecoming the report of a great system, but they are of service in showing the bias of the board. Title abstracts of irresponsible people were tendered by associations in district 12. (Borrowers' Bulletin.) "Most loan committees and directors approve loans that are excessive" in the associations of a certain other district. (Id., January, 1918.) The Federal land banks may lend to "alien residents" on land "rented" and "not under cultivation" and in drainage and irrigation districts, despite risks which the board admits. (Annual Report, p. 15.)

Thus the security is not all as good as the mortgages offered by many a private company, and it is also somewhat different from the promised kind. It is not necessarily a small improved tract tilled by the borrower's own hand under official inspection. In fact, all the boasted statutory restrictions are nugatory as safeguards, since by other provisions of the act their violation does not invalidate the mortgage nor oblige these borrowers' banks to foreclose. (Federal farm-loan act, subsecs. 10 and 11, sec. 12.)

Hence they can legally take any kind of mortgage. Moreover, the board, discouraged by the task of helping small farmers economically, recommends that the maximum for loans be raised to $25,000, so as to increase the proportion of profitable business. (Annual Report, p. 25; also Secretary McAdoo's 1917 Report.) That is to say, if the board's advice prevails, the original intent of the act would be modified to no good for the security, while the privileges of the system would be utilized by planters and other big speculative landowners, who could just as well be financed by private capital and who have not the remotest right to Government aid or special favors.

By contrast with itself and on the very pages whereon it tells of drumming up millions of dollars of farm loans, the board, however, issues a note of warning and despair. "Directors of the land banks are inclined to look out for the interests of their own States." (Annual report, p. 11.) Most of the officers and directors of one bank and some in another of the banks were, in fact, compelled to resign. (Id., p. 12.)

There is "doubt whether competent secretary-treasurers can be secured" for the associations. (Id., p. 24.) Incidents like these, even though they should occur in only one of the Federal land banks, would affect all of them by reason of their mutual liability; so it is to be hoped that none of these loans was closed. "In many parts of the country the organization of national farm loan associations is inspired by a desire of individuals to create jobs for themselves." (Secretary of the Treasury McAdoo, Feb., 1917.)

Here is one of many instances to show that Mr. McAdoo has not overstated the truth: A real estate agent formed an association, made himself secretary-treasurer, and got the members to buy land from him. The land was "all unimproved, timbered, and undrained." The members were "all irresponsible tie-cutters and possessed no live stock or any farming tools" and "couldn't possibly handle five acres apiece," let alone the 80 to 160 acres apiece that he had sold to them. (Borrowers' Bulletin, Jan., 1918.)

There must be a whole lot more that the board has not divulged, else it would not have concluded that "it is doubtful whether the management and control of any bank can be safely delegated to the borrowers," (Annual Report, p. 13), nor have come out as it has, practically in favor of "one single bank," in which the farmers shall have no voice. (Id., p. 20.)

Be it known, however, that no borrower has so far had any say. All officers and directors of the Federal land banks were appointed by the board, and none can act without its authority. The board should not try to escape any deserved censure by hiding behind the farmers.

NEW YORK CITY,
307 East Seventeenth Street, March, 1918.

Mr. SMALL. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, before making some brief observations along the line of the suggestions made by the gentleman from Alabama [Mr. HUDDLESTON], I ask unanimous consent to

extend my remarks in the RECORD by inserting therein an editorial which I recently wrote for my home publication headed "The true spirit of 1918."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Chairman, this true spirit in 1918 was referred to by the gentleman from Alabama [Mr. HUDDLESTON], and my conception of that spirit as enunciated and amplified in the editorial is this: The gentleman thinks that corporations should pay more taxes. I am in hearty accord with that, provided you do not go too far; that you do not go so far as to destroy their activity and hence the taxing value of their properties. I believe, according to statistics, that the purchasing power of the dollar is just about one-half what it was in 1914. In view of that fact the only possible hope for the existence of the salaried man and the laboring man is that a readjustment be made by increasing their salaries. When you increase the wage then the net income of the corporation referred to is necessarily reduced, unless it is made up by increased prices. I am in accord with the gentleman from Alabama, providing, as a gentleman stated here the other day, some one will tell me when a pig becomes a hog. In other words, just how far are you going to tax these corporations so as not to destroy their usefulness or depreciate the taxing asset and their productiveness.

I have gone so far with that view that in this article I speak of I assume a certain advanced position. I do not believe that the article is a classic, such as is "The American's Creed," which should be dedicated to the P. O. S. of A., the Jr. O. A. M., and other patriotic societies of the country, written by my friend Mr. Tyler Page, an attaché of the House, and for which he received $1,000 from a newspaper in Baltimore, embodying, as it does in 20 lines, the broadest possible conception of the fundamental principles of this Government, of the rock upon which it rests, of the war, its objects, and the fruitage of the final triumph over German autocracy, if not savagery. But this little editorial article says this, and I shall be personal, because I have a sense of pride in the fact that I have conducted a newspaper plant for more than 37 years, though I am sure I do not look it, and in all that time I never discharged a man nor reduced a wage, but always raised a wage. In this crisis I raised the wages of every man in the place, and I made this announcement under the caption of "The True Spirit of 1918," that in order to meet the depreciated purchasing power of the dollar, we would raise the wages, but not raise the price of the paper nor of the business production in any detail, upon the theory that this is no time for accumulation, but that every resource and every energy of the country should be applied to winning the war. Therefore and therein I agree with the gentleman from Alabama that, if necessary, you go right straight up to the limit of the profit of corporations above their fixed charges, sinking fund, reasonable dividends, bond interest, depreciation, and so forth.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMALL. Mr. Chairman, I yield five minutes more to the gentleman, and I suggest to the gentleman that before he concludes, as a part of this interesting symposium he is giving, that he include a word of approval of the river and harbor bill.

Mr. FOCHT. Well, of certain portions of it, that is, the navigable part. I do not like the aeroplane portion of the bill, that which provides for the further raising of the bed of the Mississippi River, which is now much higher than the adjacent land. I at least am prepared to pay tribute to the ability and certainly the sincerity of our friend who has so ably championed this bill, and, notwithstanding the assaults that have been made by various Members upon the provisions of the bill, I must say I admire his challenge to the House, not only as an exhibition of courage, but as one of confidence and assurance, evidently born of full knowledge and certainly of honesty of purpose, or he would not have asked the Members of the House to produce one single case provided for in the bill that was on dry land or where the willow trees grow through the bridges, or where they had to use artesian wells to raise a fog in the neighborhood.

In other words, Mr. SMALL did this, and it impressed me. He offered a challenge to my eloquent and able committee friend, Brother FREAR, to name an instance, or, as he put it, "Cite me an instance where there might be possible suspicion of graft."

This bill has been called a pork-barrel bill and a graft bill, and if anything would cause me to vote for it it would be due to my confidence in the manner in which Mr. SMALL presented the case. He is a good advocate. I do not say an apologist, because I am somewhat convinced of the merits of portions of the bill, and possibly I would feel more like voting for it at some other time, for the reason there is nothing you can do with the money if now appropriated that would be helpful in the war, because——

Mr. SMALL. Will the gentleman yield?

Mr. FOCHT. I will.

Mr. SMALL. May I suggest that any criticism of the bill indicating any item in which it would not be helpful in the war would also be welcome.

Mr. FOCHT. Oh, it would; I had no idea that the gentleman would hazard——

Mr. SMALL. This bill was framed under war conditions.

Mr. FOCHT. That is an awful chance you are taking, my friend, because it may take a long while to dredge these little creeks.

Mr. SMALL. Will my friend undertake to mention an item which will not help in the war?

Mr. FOCHT. I was for years a friend of Senator Quay. His home was on the banks of the Ohio, near where Beaver River flows into that majestic stream; where Aaron Burr sailed forth with his flotilla down to Blennerhassett; and there for long years, it seemed as though the years would never end before they got those dams along the Ohio River, and do you expect this war to last as many years as it took to complete the dams I saw them working on there? If so, God help the universe. We will all be under the daisies, and there will be nothing of humanity left, all ground to ashes and translated into another existence.

Mr. SMALL. May I make a further suggestion?

Mr. FOCHT. I am going to be as generous as I can and accept this water bill "jolly," because I want the gentleman to give me time to touch upon the subject which I really had in mind when I asked the indulgence of the House.

Mr. SMALL. I think the gentleman will have that opportunity; but without conceding the correctness of the gentleman's suggestion about the Beaver River, at the present moment does the gentleman know of any project to construct locks and dams——

Mr. FOCHT. On the Ohio. I referred to the Beaver River just incidentally and historically.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I yield three minutes additional to the gentleman. I suggest that in the Ohio River 27 dams have been completed already.

Mr. FOCHT. How long did it take to build those dams?

Mr. SMALL. Since the project was adopted in 1910 substantially all of them have been constructed, and since that time with the appropriations carried in this bill we will have 9 feet of water the year around from Pittsburgh to Cincinnati, a distance——

Mr. FOCHT. A very valuable piece of work, I realize——

Mr. SMALL (continuing). Of 460 and odd miles from Pittsburgh to Cincinnati.

Mr. FOCHT. That is eight years ago. I know of a dam that was constructed way back in 1897 or 1898——

Mr. SMALL. But whether the criticisms of the gentleman as of that time are merited or not, I will remind him at least that is ancient history, and we are talking about the river and harbor bill of 1918.

Mr. FOCHT. We want to anticipate what is going to be done to-morrow; that is the idea. What happened yesterday is gone, and the information desired is how to do things to-day. I hope you will be able to work out of the bill something in full harmony with the spirit of the times and in step with the march of advancement, and ultimately result to great good to a great people.

Mr. SMALL. I expect the gentleman to admit it has been done.

Mr. FOCHT. I appreciate the gentleman's great services rendered and would be willing to vouch that some good will follow.

The discussion this morning seemed to be around the question of political management, or management in a political way of the Post Office Department, or, rather, that those who criticized the Post Office Department attempted to make it a political matter. Now, I doubt very much whether there is anybody on this side or the other side who would for a moment attempt to cope with the Postmaster General as a master mind in political manipulation, and I do not say that to his discredit. That is his business, even though his activities may be in bad taste.

By way of digression I just referred to a man whose real virtues will not soon be written at great length any more than it took a hundred years for the popular mind to comprehend the broad, humane purposes of Napoleon Bonaparte, and the great mind and great service of Matthew Stanley Quay can not be seen nor comprehended nor appreciated now, and were not in the

generation in which he lived, for the reason that he had his opponents just as any man who seeks preferment is bound to be assailed. As John Gay said:

He who free from malice would pass his days
Must live obscure and never merit praise.

This may all apply to Postmaster General Burleson. Who knows, and who cares? Nobody.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOCHT. I would like two minutes more, if you please.

Mr. SMALL. I yield two minutes more to the gentleman.

Mr. FOCHT. Now, the gentleman from Indiana [Mr. Cox] had his mind, it seemed, centered upon one idea, and that was that these, what I call observations or information furnished the House, constituted a political assault, or were in the spirit of an attempt to gather some political advantage. I do not think so at all. At least, what I am about to say is not offered through any such spirit.

I read into the RECORD here not long ago a letter from Dr. Warfield, of the Wilson College, at Chambersburg, Pa. Dr. Warfield has a son in the Army in France and is justly proud of him, and he would go himself, as we would all go, if necessary. I did not hear the inflammatory speeches to-day, and I do not care much about these assaults on the question of men's loyalty here in the House or elsewhere. Take it for granted, we are all loyal. When we find some one who is not, we understand what can be done to him. If he stands by any enemy flag he is simply a traitor; and there are laws, I think, to take care of a traitor.

Now, Dr. Warfield told in detail about sending letters to his son and how that son had written him and lamented the fact that he had never received any letters; that of two packages received by him, one was badly crushed and the other had had the contents removed. It seems to me that that ought to be regarded as information; that the Post Office Department should appreciate the fact that we do not condemn their management because they have been overloaded with something that is entirely new, or that the Post Office and the railway post-office clerks of the country are overworked and underpaid, which fact has been established.

Exploring a new field, like delivering mail throughout the camps of Europe, is something quite untried for the Post Office Department. But I can not agree with the gentleman from Indiana [Mr. Cox] as to the nonexistence of such deficiencies. I have just recited this one of many instances. I will now bring something nearer home, which we will be reasonable enough to concede is in part the result of congestion; that is unavoidable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. I would like just one minute more, and then I will surely stop.

Mr. SMALL. I yield to the gentleman one minute more.

Mr. FOCHT. That is with regard to the delivery of mail right here.

I have repeatedly used every possible precaution with regard to the dispatch of mail to my home town, which is 200 miles directly north of here, on the Northern Central Railroad, a line over which the Buffalo trains go from here and from Philadelphia and New York. Probably 50 trains a day go each way past that town on that and another line. And yet the postmaster himself, Mr. Chance, a fine gentleman and who understands his business, virtually told me, when I brought him numerous, not 2, 3, 4 but 50, cases where letters had been mailed here of a night at, say, 10 o'clock and that had not reached their destination 200 miles away, on a run of five hours, for two and three days, even though they had a special-delivery stamp on them. And I found that the only hope of getting letters from here on the following morning after they were mailed would be to take them myself not to the post office over at the House Office Building, not to the city post office even, but actually out into the station, and hand them to the clerk who handles the mail on the car.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOCHT. Just one minute in which to finish.

Mr. SMALL. I yield to the gentleman one minute more.

Mr. FOCHT. I am not willing to suggest a new Postmaster General, nor am I able to supply one under this administration. Certainly the Democratic Party could not get a better politician, and it may be that no one else could fill this bill any better at this time, and I doubt whether you could get a better postmaster than Mr. Chance. I am willing to allow the thing to rest as the result of congestion caused by war conditions, but let us hope that Mr. Cox will not consider that these observations, such as I have made—concrete, specific, definite—are offered through any desire to gain political advantage for my party. Let us hope that inasmuch as they exist, and it can not be denied that they exist, both parties act harmoniously in the hope of breaking the embargo or the deadlock in the distribution of the mail on the battle fields of Europe and at home, wherever it may be, and that in this effort there may be accomplishment in the elimination of some of this mail—I do not know what to denominate it, but it has been characterized here to-day, I think, sufficiently well for everybody to understand what is meant by Creel excess of junk. Let there be first dispatched not nonessential mail but personal mail that goes to your family, goes to your boys at the front. This ought to be 100 per cent delivered. By harmonious activity here I am sure that can be accomplished without anyone being subject to the criticism of any Member who has it in his heart to challenge a Republican on the ground that he is making these charges for political advantage.

[From the Lewisburg Saturday News.]

THE TRUE SPIRIT OF 1918.

During this time of war and blood and world desolation the true national spirit is manifesting itself on every hand. That spirit carries the thought and cherished hope, as well as determined resolution, that this Nation shall live on for future generations of free men, and for distant centuries to applaud. In this sacred national spirit the aim is to survive the storm and not to think of profit or accumulation at such a time.

This suggestion comes straight home to the Saturday News at a time when many publications are advancing the subscription price, and justifiably so since the cost of all materials is constantly advancing. But the Saturday News has a covenant with its patrons, and that is that if all pay then our price will remain the same, and every sacrifice will be made to meet our part of the contract. We do not hope nor aim to profit during this struggle to maintain liberty's priceless jewel—just to live it through and win! Although we have met the higher cost of necessaries by advancing our employee's wages, we are not going to advance the subscription price.

BENJAMIN K. FOCHT.

STORY OF THE AMERICAN'S CREED.

The idea of laying emphasis on the duties and obligations of citizenship in a national creed originated with Henry S. Chapin and was first announced by him in Educational Foundations in September, 1916. The contest was to have closed in December, 1916, but patriotic societies, among which the Vigilantes figured prominently, asked that the closing be postponed until Nation-wide publicity be given the announcement.

In March, 1917, the city of Baltimore, as the birthplace of the "Star-Spangled Banner," offered, through Mayor James H. Preston, a prize of $1,000. Committees were then appointed to pass upon the creeds submitted. These committees were: (1) A committee on manuscripts, consisting of Porter Emerson Browne, Henry S. Chapin, Hermann Hagedorn, and representatives from leading American magazines; (2) a committee on award, consisting of Matthew Page Andrews, Irvin S. Cobb, Hamlin Garland, Ellen Glasgow, Julian Street, Booth Tarkington, and Charles Hanson Towne; (3) an advisory committee, consisting of Dr. P. P. Claxton, United States Commissioner of Education, and other National and State officials.

Several thousand creeds were submitted to the committee on manuscripts. Fifty of these were turned over to the committee on award, and "Creed No. 384" was selected as the best. The envelope containing the author's name was opened in New York City March 6, 1918.

It was then disclosed that the author of No. 384 was William Tyler Page, of Friendship Heights, Md. His creed was selected because it was not only brief and simple but remarkably comprehensive of the best American ideals, history, and tradition as expressed by the founders of the Republic and its greatest statesmen and writers. Those authorities are appended in the key below. Inquiry developed also that the author was a descendant of a President of the United States, John Tyler, and of a signer of the American Declaration of Independence, Carter Braxton; that he was born in Frederick, Md., the birthplace of Francis Scott Key; and that he attended the public schools of Baltimore, the birthplace of "The Star-Spangled Banner."

THE AMERICAN'S CREED.

I believe in the United States of America as a Government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I have heard so many charges upon the floor of the House in reference to expenditure of pub-

lic funds that I desire to make a suggestion. It seems to me that the greatest legislative body on earth owes it to itself and to the country to take some appropriate action that will eliminate forever all probable cause for a Member of the House to rise in his seat and charge that public moneys are being unwisely, unlawfully, and shamefully expended.

To this end I have introduced a resolution to amend Rule X of the Rules of the House by striking therefrom the several standing committees on expenditures in the several departments of the Government and substituting in lieu thereof a committee on public accounts. I have not taken this action in any spirit of criticism of the work of such standing committees. Undoubtedly these committees have rendered valuable services in the past. I do not know the full extent of their active functions now. I have heard some discussions in the House, instituted by one of more of these committees, in reference to the appointment of an additional clerk or increased compensation for some employee.

My motive in introducing the resolution is purely in the public interest, and the resolution is not intended to reflect in any manner or degree, directly or inferentially, anything of a personal nature.

I have been impelled to introduce the resolution to meet existing conditions, and particularly in view of the vast expenditures required for the vigorous and successful prosecution of the war. As I understand, the estimated expenditures for the fiscal year ending June 30, 1918, aggregate nearly $20,000,000,000, including loans and prospective loans to our allies. The estimated expenditures for the fiscal year ending June 30, 1919, as stated by the recent distinguished chairman of the Committee on Appropriations last December, aggregate, in round figures, $12,000,000,000, which estimate, in my judgment, is too low, and much more than this amount will be needed to meet the actual expenditures of such fiscal year.

In my judgment, during the period of the war an annual expenditure of $15,000,000,000 is a very moderate estimate. This sum is almost beyond human grasp. As a yearly expenditure it would mean, in round figures $41,000,000 per day, $1,700,000 per hour, $28,000 per minute, and over $450 every second.

The question in my mind, as to these vast expenditures, is, What responsibility rests upon each Member of the House? In my judgment, a greater responsibility rests upon the Members of the House than upon the Members of the Senate, because under the Federal Constitution all bills for raising revenue must originate in the House.

Since the declaration of war the Congress has invested the Executive with tremendous and extraordinary powers during the duration of the war. We, upon this side of the aisle, have most generously supported every measure demanded by the Executive for the vigorous and successful prosecution of the war and will continue to do so. In addition, take, for instance, the act creating the War Finance Corporation. Under that act it would be possible for those vested with authority to carry out its provisions to so abuse their power as to make one man and at the same time to break financially a competitor. We must assume that this law will be executed wisely, impartially, and solely in the public interest. This act also will require the raising of vast sums of money.

It is apparent that to meet the public needs during the war the taxpayers of the country must submit to further heavy exactions, and that patriotic American citizens must subscribe for and purchase, even to the point of great personal sacrifices, many billions of dollars worth of liberty bonds. Our Army and Navy at home and abroad must be equipped and maintained in the most efficient manner. The hands of the administration must be resolutely upheld, and all the needs of the Government for the vigorous prosecution of the war must be supplied by the people of this country.

Taking into consideration that the estimated visible wealth of this country is something like $230,000,000,000, it at once becomes apparent, in view of our enormous expenditures and of our future financial requirements how important it is that our citizens who pay heavy taxes and who subscribe for and purchase most liberally liberty bonds, shall have absolute confidence that the Congress will see that the vast sums of money raised and provided shall be expended by the Government lawfully, wisely, and economically.

In the declaration of war we have pledged all the resources of the country for the vigorous and successful prosecution thereof. In view of the foregoing facts, and in view of existing conditions, and the probable long continuance of the titanic conflict in which the Nation is now most actively engaged, I most respectfully contend that the responsibility of a Member of the House does not end with the authorization of these vast expenditures. There is, in my judgment, an additional grave responsibility resting upon each Member to do all within his power to ascertain whether these vast expenditures required by war are being lawfully, wisely, and economically made. We are entitled to have this information and the country is entitled to have it. [Applause.]

It is impossible, in my judgment, under existing conditions to obtain this information. It is hardly practicable, and probably not desirable that any one of the existing standing committees on expenditures should make a particular investigation and report to the House under the limited jurisdiction of any one of these 10 committees. What we want and should have is one committee vested with the power to investigate all governmental expenditures and report thereon to the House.

My proposed amendment to Rule X, if adopted, will meet the exigencies of the situation. This is apparent from the results obtained and the great public benefits derived from the creation and existence of the committee on public accounts in the House of Commons.

The organization, character, and duties of this great committee have been excellently described by Mr. Thomas Gibson Bowles in his testimony before the select committee on national expenditure in 1902, to wit:

The committee of public accounts is a standing committee of 11 members—I think it has been increased now to 15—whereof 5 constitute a quorum. It was established in 1862; that was the date of the first standing order. The committee is nominated at the commencement of every session by the House of Commons under standing order 57, for the "examination of accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure"—a phrase which, as will, I think, be seen, by no means completely describes the duties it performs, those duties being considerably wider than that phrase would suggest. The chairman of the committee is by usage appointed from amongst the members of the committee belonging to the opposition. Though not restricted to the ground covered by the comptroller and auditor general in his annual reports on the appropriation accounts, the committee in its usual practice is guided by those reports in its selection of subjects for consideration, and of the officials, whether accounting officers or others whom it directs to attend for examination. The comptroller and auditor general calls its attention to the points whereon question has arisen during the audit of those accounts conducted by himself and his staff, and the committee elucidates each point and reports on the whole to the House. Thus the comptroller and auditor general is to a large extent the acting hand of the committee. He detects the points of question, presents them with such information concerning them as he has obtained, and leaves the committee to pursue them further, to consider them, and report on them. It is therefore essential that the preliminary work of the comptroller and auditor general should be well and thoroughly done, or the committee may fail in its subsequent work, and in its final object of securing and enforcing parliamentary control over the public accounts.

The comptroller and auditor general, I may say, always attends the committee sittings, as does also a principal permanent officer of the treasury. Now, the functions of the public accounts committee extend beyond the formality of the expenditure, to its wisdom, faithfulness, and economy. Those functions, it must be remembered, embrace as well the receipt side as the issue side of the account. They amount to an enlarged revision of the comptroller and auditor general's report on his appropriation audit. They supplement the inquiries made by him and his officers in the course of that audit, by further inquiries made by oral examination, not alone of the accounting officer strictly so called, but of any other officials concerned in the expenditures whom the committee may call before them.

Moreover, and this is most important, the functions of the committee extend to a supervision over the form and number of the estimates for the grants in supply, any change in which should be submitted to be approved by the committee before being made, as was done in 1867 and 1881.

The committee has always shown itself, I may say, strongly opposed to any diminution in the number of votes of which the estimates are composed as being calculated to diminish the control over those votes of the House of Commons; it has set its face generally against making large votes of lump sums, and has favored the subdivision of votes rather than their inclusion in one. I have illustrative references here to a number of documents, with which I need not at present trouble the committee.

I may add that the functions of the committee extend to an examination of the executive action of the treasury as regards its compliance with the law. (See Second Report, 1900.) With so wide a horizon, so considerable a freedom in action, and so great opportunities in its methods of inquiry as the public accounts committee possesses, its capacities for public uses are great. It does actually on the appropriation accounts what the House of Commons does theoretically on the estimates, and does it to far more purpose, for it deals not with possibly inaccurate estimates of expenditure, but with the actual ascertained expenditure itself, and has before it for examination not alone a minister often imperfectly informed, but the very officers concerned with all the details of the expenditure, whom, in case of question, it puts upon their defense and elicits their first-hand explanations. As a check upon not merely extravagant or unauthorized expenditure, but also upon unwise methods of management, this committee is probably more effectual than the House of Commons itself. (Financial Administration of Great Britain, by Willoughby, Willoughby & Lindsay, pp. 228–230.)

On page 232 of this work is found the following important statement, to wit:

Another point of no little importance is the fact that this committee, both in its personnel and its work, is essentially nonpartisan in character. With the chairman chosen from "the opposition," there is no danger of the committee passing over delinquencies of the executive as a matter of party expediency. On only two occasions has the custom of choosing the chairman from "the opposition" been departed from. All officials interviewed emphasized in the strongest way possible this high character of the committee and the spirit in which it performs its duties.

Durell, in Parliamentary Grants, on page 134, in reference to this committee, says:

> The functions of the public accounts committee which have been so far dealt with are, in the main, those whereby it examines the actual accounts before it with a view to recording its opinion, in the first place, of their correctness as accounts, and, secondly, as to their "wisdom, faithfulness, and economy."

I think that it is entirely feasible for a great committee of this House to act in a nonpartisan manner and wholly in the public interest. I have the honor to be a member of the great Judiciary Committee of the House, and I have never observed any action taken by that committee in a spirit of partisanship. [Applause.]

The power to tax means the power to destroy, the power to confiscate all the property that a citizen possesses. It is a power that should be exercised with the greatest precaution and wisdom, and should be so exercised, particularly in time of war, as to gain the confidence of the persons taxed. Our people are most loyal and patriotic. They are willing to give all they have, if necessary, to preserve free democracies, and for the advancement of Christianity and civilization. They are willing to fulfill our pledge made in the declaration of war—the pledging of all the resources of our country.

We must not shirk our responsibility. If profiteering exists, it must be ruthlessly eliminated. Our boys have been going, are still going, and will continue to go over-seas, ready to make the supreme sacrifice if needs be for their country, and we must unitedly and fearlessly sustain them in upholding the most righteous cause that soldiers and seamen ever fought for. [Applause.]

Therefore, I want to warn you and to impress upon you that the responsibility of a Member of the House does not end with the authorization of vast expenditures. There exists the further imperative duty of seeing that public moneys shall be lawfully, wisely, and economically expended.

We, upon this side of the aisle, the minority, do more than ask you upon the other side of the aisle, the majority, to meet this responsibility; we demand that you meet it in the public interest and for the sake of our common country. [Applause.]

Mr. SMALL. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. STRONG]—how much time does the gentleman wish?

Mr. STRONG. Fifteen minutes. I probably will not use that much.

Mr. SMALL. I yield 15 minutes to the gentleman from Pennsylvania.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STRONG] is recognized for 15 minutes.

Mr. STRONG. Mr. Chairman and gentlemen, what I wish to say will be somewhat in the nature of a report, which I feel, as a matter of duty, I should make to the House at this time, and because of the character of the report I shall make use of figures in the course of my remarks, and to avoid error I have made a note of the main facts I wish to discuss.

No doubt every Member of Congress recognizes the necessity, because of the war, of strict economy in Government expenditures, and I assume that every Member is glad to have facts submitted to justify the appropriation of public money for any particular project. I therefore respectfully call your attention to certain facts which alone will in a large measure justify the appropriations for two projects provided for in the pending bill, which facts no other person could submit unless having first obtained them from myself, or unless first making an investigation such as I made.

That you may understand how I acquired the information I refer to, I will explain that during the year 1900 I was retained by a firm located in New York City to prospect for and to purchase coal lands in western Pennsylvania. My investigations covered several counties, but my principal work was along the Allegheny River, where I found the greatest quantity and best quality of coal. I was employed almost constantly for a period of 15 years in searching for and purchasing coal property. There was no difficulty in finding coal in that country by its outcroppings on the hillsides, but, as in probably all hill countries, there has been more or less disturbance of the strata, creating what are called "faults," in places completely crushing out the coal, it was hazardous when purchasing to rely upon a superficial examination of the territory. Therefore, in order to ascertain for a certainty whether the strata or formations were in their natural position and the coal running an even and satisfactory thickness, I made use of drilling machines for the purpose of testing the coal and other minerals.

The result of my investigation will interest you in connection with the bill under consideration. In a strip of territory about 75 miles long and 5 miles wide on each side of the Allegheny River I put down about 800 test holes with my drilling machines. In connection with this investigation I made a general study of the geological formation of that country, with the following result:

I found that in western Pennsylvania there are 16 seams or veins of coal, 11 of which, at various points, are thick enough to be workable.

You know that because the Monongahela River was improved by the Government some years ago and because of the presence of coal the tremendous tonnage-producing manufacturing plants established in the Monongahela Valley have made that district the most wonderful industrial center in the world, and the same result is bound to follow the improvement of the Allegheny River. While it is not generally known, it is, nevertheless, a fact that there is more coal tributary to the Allegheny than to the Monongahela, and, in addition, the Allegheny district is rich in other minerals, which I will refer to later in my remarks.

It is true the Monongahela can boast of the famous Pittsburgh vein of coal. This vein, like the other strata in western Pennsylvania, rises to the northeast and dips to the southwest. When we go up the Monongahela to where the coal is being operated, we travel south from Pittsburgh. Going north, the last trace of the Pittsburgh vein is found in the top of a high hill in the southwest corner of Indiana County, one of the counties in the congressional district I have the honor to represent. North of this point the Pittsburgh vein is "up in the air," so to speak, and is not found again.

The several seams of coal under the Pittsburgh vein are in the following order:

Name of vein.	Thickness.	Additional depths.	Below the Pittsburgh vein.
	Feet.	*Feet.*	*Feet.*
Not named	0 to 1	88	88
Elklick	0 to 3	190	278
Not named	0 to 1	43	321
Bakerstown	0 to 4	80	401
Brush Creek	0 to 2	119	520

These veins are in what is called the lower barren measures.

We now come to the several veins of coal under the Pittsburgh vein, some of which, rising to the north, come to the surface and outcrop on the hillsides bordering the Allegheny River, and which are in what are called the lower productive measures:

Name of vein.	Thickness.	Additional depths.	Below the Pittsburgh vein.
	Feet.	*Feet.*	*Feet.*
Upper Freeport	4 to 6	83	603
Lower Freeport	4 to 6	51	654
Upper Kittanning	1 to 3	65	719
Middle Kittanning	1 to 4	45	764
Lower Kittanning	3 to 6	38	802
Clarion	1 to 4	70	872
Brookville	4 to 5	30	902
Upper Mercer	1 to 2	45	947
Lower Mercer	4 to 5	32	979
Sharon Block Coal	3 to 4	136	1,115

You will observe that the Upper Freeport, Lower Freeport, Lower Kittanning, and the Brookville are the valuable veins in the Allegheny Valley group. These veins are all accessible for drift mining on the river, except the Brookville vein, which is about at water lever and would be reached with a slope or short shaft.

The Lower Mercer and Sharon veins could also be reached with a shaft, but in view of the quantity of coal in the more easily accessible veins, they are not being considered at present by the Allegheny Valley operators within the zone of my investigation.

While it is true that the four veins of value mentioned as tributary to the Allegheny River, all of which are now being operated, do not run an even thickness over the entire area, in some places where one is thick the others being thin, it is conservative to say, after a careful consideration of my investigation, that they are at least equivalent to one continuous vein 7 feet thick, extending about 75 miles along the river and

averaging 5 miles wide on each side, making 750 square miles, or 480,000 acres, containing more than 5,000,000,000 tons of marketable coal.

I also found the following additional minerals along the Allegheny River, all above water level and easily accessible: Three veins of limestone, one 15 feet thick, which, with water transportation, could be mined and shipped to the furnaces in the Pittsburgh district for fluxing purposes, or it could be burned and shipped by water to enrich the farms along the lower rivers.

Eight veins of clay, some of which are being used at the present time in the manufacture of pottery ware, building brick, fireproofing, sewer tile, silica, or fire brick, and furnace blocks, the latter being used for lining the great furnaces in the Pittsburgh district. These clay veins come to the surface at different points and extend along the river a distance of about 75 miles, finally running out because of the natural rise of the strata. Being easily accessible along the river and its tributaries, it is certain that, following the improvement of the river, the Allegheny Valley will become one of the greatest clay-product manufacturing centers in the United States. The Plaza Hotel of New York City was built of brick manufactured on the banks of the Allegheny River.

I also found seven veins of shale ranging in thickness from 12 to 50 feet, which, used in connection with certain of the clays, make vitrified paving blocks excelling others thus far in competitive tests.

The Mahoning sandstone, 40 feet thick, and another vein 30 feet thick, high in silica and suitable for the manufacture of glass.

We also have along the Allegheny River and its tributaries a vein of iron ore 20 inches in thickness. While this is not of appreciable value at present, I might mention as an interesting fact that from 1830 to 1850 14 blast furnaces drew their supply of ore from this vein, and the iron turned out was transported down the river in flatboats to Pittsburgh. It was from iron made on the banks of the Allegheny River that the guns were manufactured in Pittsburgh with which the Army of Gen. Scott was equipped when in 1847 he fought his way into the City of Mexico.

Beginning immediately on the top of the hills bordering the Allegheny River and along its entire length are beautiful farms, well cultivated and occupied by a highly intelligent people. During the years of my investigation I practically lived with these people. The city daily papers are delivered at their doors, and in the majority of the homes you will find a telephone. These men on the farms nowadays are, as a class, better posted on what Congress is doing than is the average city club man, and I have heard many bitter comments from them and from the business men in cities and towns along the river about the neglect of the Allegheny while other and less promising streams are favored.

I notice in the minority report on the bill under consideration, filed by the distinguished gentleman from Wisconsin, that no particular criticism is made of the item for the Allegheny River, for which I commend his good judgment. In fact, his criticism of the bill is in general terms and somewhat against the improvement of all inland waterways. He points out that the average haul on the Ohio is 28 miles; then adds that the plan for the improvement of the Ohio includes 54 locks, and that of this number the first 20 are not fully completed. The expected results to follow the improvement of the Ohio or of any other stream can only be realized when the work is finished.

I read a recent newspaper item which appeared under the head of "Slack-watering of river boosts business":

PITTSBURGH, *March 29.*

Manufacturers along the banks of the Allegheny River are looking ahead. Already plans are being laid by several concerns for the opening and developing of coal lands in the upper river as soon as that part of the stream has been slack-watered. Millions of tons of coal are awaiting shipment by river, which only will be available when the proposed dams are completed. The Kittanning Iron & Steel Co. and the Carbon Steel Co., with mines on the Cowanshannoc Creek, one of the tributaries of the Allegheny River, 49 miles above the mouth, are making plans for the mining of its coal and for shipment by river to the plants on the lower shores. This mine is in the proposed seventh pool. The coal is said to be of the Kittanning seam and is of excellent quality for coking purposes. A number of years ago coal was mined and coked near that place, some of the coke ovens still being in existence.

The United States Aluminum Co. received a Federal permit to construct a coal tipple and erect dolphins on the left bank of the Allegheny River, Westmoreland County, 6 miles above Lock No. 3 and 22.7 miles above the mouth. The mine opening is exactly opposite Tarentum.

We of the Allegheny Valley are anxiously looking forward to the time when we will be able to develop our vast natural resources and find a market for our mineral and manufactured products by an inland waterway extending 2,000 miles from the Allegheny to the Gulf, but to realize all this the work so well and wisely begun on the Ohio and Allegheny must be completed. [Applause.]

Mr. Chairman, I want to add, for the information of the chairman of the Committee on Rivers and Harbors, that some few years ago I appeared before that body and made an argument in support of the Allegheny River project, at which time I submitted very many of the figures which I have given to-day, but at that time my investigations were still in progress. The figures I give now are up to date as the result of my complete investigation, which will explain the slight differences between the figures in my remarks to-day and those contained in my remarks on the former occasion.

Mr. SMALL. Mr. Chairman, the gentleman from Pennsylvania [Mr. STRONG] has made a very interesting address, particularly regarding the commerce on the Allegheny River. The gentleman called my attention this morning to an article in the Pittsburgh Post of April 5 giving some information regarding river tonnage on the Monongahela River, and I ask permission to extend my remarks in the RECORD by publishing this interesting statement, illustrating the growth of commerce there. The last reports of the Engineers gives the commerce for 1916 as 12,000,000 tons, while this clipping from the Pittsburgh Post indicates a tonnage of 20,000,000 for 1918.

The CHAIRMAN. The gentleman from North Carolina asks leave to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following is the clipping referred to.

[From the Pittsburgh Post, Apr. 5, 1918.]

RIVER TONNAGE BREAKS RECORDS DURING MARCH—20,000,000 TONS TOTAL DURING 1918 IS FORECASTED—COAL BUSINESS HUGE.

Transportation on the Monongahela River has broken all records during the past month. The end of the present year will see figures beyond the 20,000,000-ton mark.

During the last month Lock 3, at Elizabeth, Monongahela River, broke all records when 1,392,460 tons were locked through, as against 1,073,720 tons during the same period last year. The lockages during the last month at this point were 1,243,000 tons of coal, 43,500 tons of coke; sand and gravel, 69,460 tons; miscellaneous cargo, 36,500 tons; lockages, 1,260. During the same period last year the amount of coal shipped was 969,000 tons; miscellaneous cargo, 28,700 tons; sand and gravel, 75,000 tons; and 944 lockages. The lock was out of commission for two days during the month on account of high water.

More than 25,991,000 bushels of coal passed through Lock 4, Monongahela River, during March. During the same time 1,658,000 bushels of coke passed that lock. This tonnage established a record, as the lock was in operation only 29 days on account of high water, while the mines were idle for a long period. One hundred and two thousand bushels of sand and gravel were locked through upstream during this period; also 47,000 cubic feet of lumber. The number of lockings both up and down stream during the month of March were 1,061.

The shipments for March show that the figures for the same period of last year were almost doubled. In 1877 the shipments of coal through this lock, which then was owned by the Monongahela Navigation Co., were 2,300,700 bushels of coal, on which tolls were collected amounting to $6,499.34, while the shipments for the entire year amounted to 14,440,200 bushels, on which the tolls amounted to $49,061.51. The shipments during the past month were almost double those of the entire year 41 years ago.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. FRENCH].

The CHAIRMAN. The gentleman from Idaho is recognized for 10 minutes.

Mr. FRENCH. Mr. Chairman, before beginning I want to ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, during the extra session of Congress we were called upon to consider a vast amount of legislation made necessary by reason of the war.

One of the most important pieces of legislation was the war-risk insurance act. Under that law we granted to every commissioned officer and enlisted man, to every member of the Army Nurse Corps and Navy Nurse Corps, when employed in active service under the War or Navy Department, the privilege of taking out insurance up to the amount of $10,000, upon the payment by such persons of insurance rates based upon the American Experience Table of Mortality, the Government itself carrying the extra risk of insurance which a private insurance company would regard as worth many times the premium rate that the Government requires.

Under this law those eligible to take out insurance have very generally availed themselves of the opportunity. Many, however, have not, and this fact should call to our attention one of the provisions of the insurance act that we should modify at this time.

Under the law it was provided that all who were in the military or naval service on the 6th day of April, 1917, or who should be in such service at the time of the publication of the terms

and conditions under which insurance would be issued, would be regarded as insured, regardless of whether or not they had made application for insurance, for a period of 120 days. It was also provided that all those in the service, as indicated, would have the opportunity for 120 days of taking out insurance, and all who would be enlisted in the service subsequently to the publication of the terms and conditions of the insurance would likewise have 120 days within which they could take out insurance. Early in February the Congress extended the time of those in the service when the act became effective to April 12.

The Congress did not provide that any person who otherwise would be eligible to take out insurance who failed to avail himself of the privilege within the time indicated would ever again have the opportunity of taking out insurance under the war-risk act. Let us consider this.

Why should a soldier who has omitted to take out an insurance policy within the period of 120 days following his enlistment be denied that privilege? We may be engaged in war for a number of years. Why should a soldier be compelled once for all to decide within the first several months after his enlistment that during the entire period of the war—which may be two years or five years or seven years—that he will or will not take out an insurance policy in behalf of his wife, his child, his mother, or other dependents?

I think if we study over the question we must come to the conclusion that there can be no good reason. Let me give a few cases to illustrate my point:

NEW RESPONSIBILITIES.

Here is a young man who has enlisted as a volunteer and who is but 18 years of age. As he leaves home to become a member of the Army his father is living and is amply able to support the family. His father is scarcely 40 years of age. There are other children—little folks, from 10 years old to a babe in arms—in that household. Why should the young man of 18 years be put upon notice that unless he anticipate all the future changes that may occur at home within a period of 120 days, and determine wisely within that time, he will be denied the privilege of revoking his decision after 120 days shall have passed by? After this young man has been enlisted for a period of six months, suppose the father dies. Who then, next to the mother, is the mainstay of the family? Who is the wage earner? Why, in our country we are proud to recall that thousands upon thousands of our boys—18, 19, and 20 years of age—have become the strong support of a family of a mother and little brothers and sisters. And yet, under the law as it now is, if the father die, and notwithstanding the fact that the young man by his enlistment has placed himself in such a position where he can not give the protection and support to the home that he would like to give, we say to him: "No; you must serve your country for two or for seven years; but, while your associates may carry insurance to protect their loved ones, you may not."

Suppose another case. Here is a young man who enlisted as a private and goes away from home, leaving father and mother well along in the sixties. A flourishing business is theirs. The young man sees no reason why he should carry an insurance policy. He is not receiving as a soldier the compensation that he was receiving in his business before he enlisted or was drafted. At home the family has the normal comforts of life and only a prophet could foresee that misfortune would overtake that household. Yet it is only the history of common experience, and brought to us by observation over and over again, that families of opulence and wealth are often brought to poverty through fire, through flood, through tornado, through disaster of one kind or another, that can not be foreseen any more than it can be withstood. Let us suppose that this home—a home of comfort when the young man enlisted or was selected under the draft—has become impoverished. The father may be able to make a bare living for his family during the days that he may live; but he may not be able to rally again, financially, and this young man is denied, under the terms of the law as it is, the privilege of doing what most of the soldiers have already done—the privilege of taking out an insurance policy that will give that last protection, and only substantial protection, that, as a soldier, he can give to his mother or to his father.

Again, here is a soldier, a private, who took out a policy for $500 or $1,000. His pay was small; the demands of those dependent upon him were large. More than that, when the campaigns for the floating of liberty loan bonds were made he subscribed liberally, he gave to the Red Cross, and the young man felt that he could not take an insurance policy greater than $1,000 or $2,000. The young man is industrious, capable, efficient. He earns a promotion—he becomes a corporal, a sergeant, possibly a lieutenant, a colonel. The needs of his family are no greater now, it may be, than they were at the time of his enlistment. But the young man is much more able to care for his responsibilities than when he was a private. Yet, after 120 days have passed by, he may not increase his insurance.

So I could continue, and without drawing upon the imagination, but merely suggesting that which is commonplace and within the experience and observation of us all, I could call attention to case after case of change of circumstances that would make it wholly desirable for a soldier to take out an insurance policy subsequent to 120 days after he enlisted when circumstances shall come about that no foresight could protect against.

WHY WAS NOT PROVISION IN LAW?

The question is asked, Why was this provision not placed in the law? Well, the question seems not to have received a great amount of attention, and yet as we look back two reasons seem to have been responsible for it:

First, the Congress desired that those in the service of the country would not delay, but that they would take advantage of the opportunity afforded.

Again, it was probably felt that unless a time limit were placed in the measure there would be some who would be indifferent to taking out an insurance policy who, after having suffered some disability, possibly of critical character, would, while under such disability and before being discharged from the service, throw a heavy responsibility onto the Government without paying very much for it.

PENDING BILL MEETS BOTH REASONS.

I believe that my bill will take care of both of these propositions. In the first place, there will constantly be the incentive to those eligible to take out a policy to do so within a period of 120 days, because during that period they will not need to accompany their application with any kind of certificate showing that they are on duty or that they are capable of reporting for duty. This added requirement, it would seem, would constitute a very impelling reason for one capable of taking out an insurance policy to act within the period of 120 days after enlistment.

Again, to prevent anyone from throwing the responsibility of the insurance onto the Government at a time when the applicant might be ill or disabled, my amendment provides that following the period of 120 days the application shall be accompanied by a certificate from an officer of the company of the applicant, or in lieu thereof a certificate from any medical officer in the service of the Government.

I have provided these two alternatives as regards certificate, for this reason: If a person is on duty, we may assume, as we do for the period of 120 days, that he is physically able to be on duty. I have provided that in lieu of a certificate from an officer of the company of which an applicant may be a member he may accompany his application by a certificate from a medical officer in the service of the United States, for the reason that it oftentimes happens that men are detached from the company to which they belong. They are granted furloughs, or they are on detached service, and it seems that to such men there should be accorded some opportunity of taking out an insurance policy, and it seemed to me that the practicable way to meet the situation is to provide that such a person could appear before any medical officer of the Government in any place and receive from him a certificate touching his physical condition indicating that he is fit for duty.

REASONS THAT SUPPORTED ORIGINAL MEASURE SUPPORT THIS BILL.

Every reason that impelled the Congress in the first instance to pass the war-risk insurance act applies equally as strongly in favor of the bill that I have now proposed, to the extent that there will be those who will desire to avail themselves of its provisions.

I approve most heartily of the statement of Secretary McAdoo before the Committee on Interstate and Foreign Commerce, on August 17 last, when he urged the passage of the war-risk insurance bill, saying:

> When the Government destroys the earning power of the individual to that extent (that is, by drawing men under the selective-draft law into the military service at $30 or $33 per month when the earning capacity of these men is very high) destroys his insurability, and then drafts him into extra hazardous service, which may result in the destruction of his life or in permanently disabling him, it owes that man restitution. I use that word because it expresses my idea exactly.

Why, then, did we pass the war-risk insurance act in the first place? It was because we are taking men and women from their usual vocations within which they could take out life insurance policies in some one of the commercial life insurance companies of our country, and we are placing them in a service where the insurance companies could not continue to bear the insurance at the old rate, but would require premiums equal to eight or ten times the normal premium risk on each policy.

Now, that same condition exists with regard to those who may not take out the insurance policy within a period of 120 days. Those who may not and who will desire to avail themselves of the privileges of the measure that I am advocating will be those upon whose shoulders responsibilities have been placed for the most part following the period of 120 days. Can they be distinguished from those who took out an insurance policy within the period of 120 days? They are in the service of the Government. They are in a service that is hazardous. They are in a service that will prevent them from taking out an insurance policy in any of the life insurance companies at the normal premium rates that apply to people in civil life. Why should they not have the opportunity that their fellows have of taking out an insurance policy with the Government, they paying the normal standard premium for the insurance and the Government assuming the hazard for which private insurance companies would charge large sums?

There is still another consideration in favor of this bill. Under the terms of the law as it now is there are undoubtedly thousands of persons who have taken out policies within the period of 120 days after enlistment in order to be on the safe side. They are people who are in comfortable financial circumstances, and they do not have immediate dependents. However, they do not know but that circumstances at home will be modified after a period of 120 days, and in order to insure themselves against that peradventure they have been willing to write an insurance policy that they did not care for—place it in the name of somebody to whom they were not under obligation or responsibility for support, pending the time when possibly they would have responsibilities that the policy could serve to protect.

Under the measure that I have introduced, persons of that character could feel that they could wait until a responsibility presented itself and then take out the insurance in favor of the person toward whom the responsibility extended, and the Government would be saved the risk in the meantime.

And furthermore, while there may be men in the service of such means that they will carry a policy for an indefinite period pending the time they may need it, what shall we say of the humbler soldier, who is not financially able to carry a policy until he shall be in actual need of protecting some one? Shall we not let this soldier avail himself of the benefit of an insurance policy?

There is another feature of the law touching the war risk that the Government is glad to assume for the officers and privates in the service of the United States that I can not fail to call to your attention. We want to be fair by the private just as we want to be fair by the officer, yet what is the situation? Under the law the private receives but a small allowance to tide him over the period that he is in the service and to help him contribute something to the support of those who have claim upon him; an officer receives a compensation that is somewhat commensurate with his responsibilities. The pay of a second lieutenant is $1,700; the pay of a lieutenant general is $9,000; and of a general, $10,000. The other officers in the ratio of their rank and responsibilities receive salaries that fall in between these extremes. It will be seen that the officer can much more readily carry a large insurance policy, possibly the maximum, than can a young man who is merely a private drawing $30 or $33.

Mr. GARRETT of Tennessee. But the amount he can carry is limited.

Mr. FRENCH. The limit is $10,000 in both instances. But the officer can carry that maximum much more readily than can the young man who is merely a private.

Mr. McKEOWN. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. McKEOWN. Is it not a fact, however, that the officers are compelled to pay large expenses out of their salaries, so that they really do not net much more than a private?

Mr. FRENCH. Oh, it is true that they have very heavy responsibilities to meet. I was going to mention that. But it is also true that an officer, especially above the grade of lieutenant, can far more easily bear the item of carrying an insurance policy than can a private. The cost to the officer is no more than the cost to the private, and the private will often be limited to a small policy by the state of his finances. I submit we ought to provide an opportunity for the private, when he, through his merit and efficiency shall have been promoted to the rank of an officer, to increase the insurance that he would like to carry. Under the law as it now is he may not do this.

If as a private all that he can see his way clear to lay by from his allowance to carry an insurance policy will enable him to carry one of $2,000 or $3,000, when he shall be advanced to the grade of an officer and his compensation will permit him to carry an insurance policy that will protect those dependent upon him as they ought to be protected, under the law as it now is he will be denied the opportunity.

SUMMING UP OF PLAN.

One word in conclusion by way of summing up. If the bill that I have introduced shall be enacted into law, then what will the situation be?

First. It will permit those eligible to take out insurance under the present law to take it out after a period of 120 days after enlistment, which they may not now do.

Second. The incentive will continue to exist in the law to impel those eligible for insurance to act within 120 days; after 120 days application must be accompanied by a certificate of fitness for service.

Third. The Government will be protected from having thrown upon it insurance of persons who have delayed making application until they have become physically unfit, by the certificates that must be filed certifying to physical condition.

Fourth. The amendment should prevail, because—

1. Those eligible to insurance can not foresee the contingencies that may be thrust upon them by reason of changing home conditions following a period of 120 days after enlistment; and

2. Every reason that can be advanced in favor of the war-risk insurance idea urges the passage of the amendment.

Mr. Chairman, the time is about up within which we may enact this measure and be sure that we shall do the right thing by everybody. It will be up on April 12. Unless we shall speedily enact the amendment that I propose, I am fully confident we shall have furnished to us many illustrations from real life similar to those that I have suggested in urging the passage of the bill.

The measure is short and for the convenience of the Members I shall place in the RECORD a copy of the same. It is H. R. 10886 and reads as follows:

Be it enacted, etc., That the provisions governing the time within which application for insurance may be made as set forth in section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, are hereby amended so that hereafter every person defined in section 400 of said act as entitled to make application for insurance may, during the period of his service, make application for insurance under said act: *Provided*, That when such application shall be made after a period of 120 days after enlistment it shall be accompanied by a certificate from a commissioned officer of the company of which the person applying is a member, setting forth that such person is on duty, or by a certificate from a medical officer in the military or naval service of the United States that the person making application is physically able to report for duty.

SEC. 2. That nothing in this act shall be construed to modify any obligations or rights which have heretofore accrued under the war-risk insurance act referred to herein.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the board of education in the city of Cleveland.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution is as follows:

To the President of the United States of America, Woodrow Wilson:

Resolution adopted by the board of education of the city school district of the city of Cleveland, Ohio, at a meeting held March 18, 1918, No. 7374, introduced by the president, Mr. M. L. Thomsen, indorsing universal military training.

Whereas there is a bill now pending before the Congress of the United States providing for universal military training and education for men between the ages of 19 and 21 years; and

Whereas one of the purposes of said bill is to improve the character of the young men of our Nation, mentally, morally, and physically; and

Whereas the passage of said bill in our opinion will materially aid and strengthen the resources of our national defense: Now, therefore, be it

Resolved by the board of education of the city school district of the city of Cleveland, That it is the judgment of said board that said bill now pending in Congress deserves the active support of the citizens of the United States, and that we favor its general purpose; be it further

Resolved, That a copy of this resolution be forwarded by the clerk of this board to the President of the United States, the Secretary of War, to the Senators for the State of Ohio, and to the Representatives in Congress of the twentieth, twenty-first, and twenty-second districts of the State of Ohio.

M. L. THOMSEN,
President Board of Education.
ROBT. I. CLEGG,
Vice President Board of Education.
F. E. SPAULDING,
Superintendent of Schools.
SARAH E. HYRE,
Clerk, Board of Education.
J. G. HOGAN,
Director of Schools.

Mr. SMALL. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, my attention has been called to some misinformation written into the RECORD yesterday by the gentleman from Wisconsin [Mr. FREAR].

It is to be regretted that a member of the important Committee on Rivers and Harbors who should speak with accuracy, knowledge, and authority, is so often guilty of the careless habit of inserting in the RECORD misleading an inaccurate statements on important questions relating to the development of our rivers and harbors. It will be recalled that the chairman and other members of this committee found it necessary at the last session to frequently check up and correct inaccurate statements made by the gentleman from Wisconsin.

On yesterday he referred in a vein of criticism to a report made by two able, competent engineers to the Shipping Board on the very important matter of extending and further developing barge navigation on the Black Warrior River in Alabama. Inaccurate statements were made relative to facts set out in a written report by these engineers. As a sample of such inaccuracies I call attention to the statement made by the gentleman from Wisconsin, that $21,000,000 had been recommended by the engineers in the report referred to for expenditure on the Black Warrior, whereas the report in fact recommended less than $2,250,000. I will later insert as a part of my remarks the report of the engineers.

Mr. SMALL. Who were the engineers?

Mr. OLIVER of Alabama. Mr. Mason and Mr. Bentecou.

It will be seen from the reading of their report that the gentleman from Wisconsin had no knowledge of the facts on which it was based, nor the conclusions announced, nor the recommendations therein made. The report shows there is now being mined in territory immediately adjacent to the river large quantities of coal of splendid quality, and equal in every respect to that now furnished at Norfolk. The Navy purchases for all its needs at Pensacola, New Orleans, and Mobile coal mined in this section. In addition to the great quantity of coal mined on the river there is within 50 miles of my home city, of Tuscaloosa, more than a billion and a quarter feet of lumber cut every year. The report calls attention to the large tonnage in coal, lumber, and the finished products of iron and steel that can be diverted and transported by water, if sufficient barges are provided on the Warrior River. Attention is further called in the report to the large number of freight cars and locomotives that will thus be released and which are now greatly needed. I commend the report to the very careful reading of the Members of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama to extend his remarks in the RECORD?

There was no objection.

The report is as follows:

MARCH 2, 1918.

Memorandum regarding an examination of the Warrior River, Ala., and the problem of utilizing it, primarily, for the transportation of coal and, secondarily, of other materials.

1. The territory which must depend upon the Alabama coal fields for fuel is suffering from a short supply of coal. New Orleans has until recently depended largely upon water-borne shipments from Pennsylvania. That supply has been cut off and the service abandoned by reason of the increased demand at Pittsburgh and the unprofitable 1,900-mile river haul. As a result the railroads have been called upon to transport a large additional tonnage at a time when they were already taxed beyond their capacity by the conditions arising from the war.

2. The problem, therefore, is to provide for a supply of coal that will meet the present and the probable future requirements, and also to relieve the railroads of the transportation of a large low-rate tonnage and enable them to move other commodities with more efficiency.

3. The territory adjacent to the Warrior River is a well-developed coal field and can produce an abundant supply of coal that is satisfactory for bunkering ships and for industrial and domestic use.

4. The Warrior River has been improved by the Government at a cost of $11,000,000 and is being maintained at a further cost of about $200,000 per year. It has a capacity of about four times the present coal requirements and has been in limited use since 1915.

Since a remedy for the conditions can not be sought in building more railroads, we must obviously turn to the river for relief.

5. The records of the local companies which have operated boats on the river disclose the fact that navigation might be conducted with proper methods and adequate facilities and equipment at rates no greater than the existing railroad rates. On the other hand, the railroads do not consider the business satisfactory at the rates and can not haul a regular and ample supply.

6. The companies which have attempted to conduct transportation on the river have in great measure developed a suitable type of equipment, but they are confronted with many difficulties—lack of sufficient boats and proper terminals, of systematic methods and cooperation—and with the uncertainties entailed by war prices and general conditions.

It follows that there is no ground for dependence upon securing relief from the river in the near future through expenditure of private capital.

7. Transportation by river to be successful must fill the same requirements as transportation by rail—a regular and adequate service, full responsibility of the carrier, and absorption of terminal charges.

8. We are satisfied that those essentials can not be secured under private ownership and therefore recommend that the Government commandeer the equipment now existing on the Warrior River and, as far as necessary, on other accessible rivers, build certain other equipment, and create a strong commission to establish and conduct a transportation system on the Warrior River.

9. The total present demand for coal at Mobile and New Orleans is over 2,000,000 tons per year. The present requirement for bunker coal will probably be increased as soon as the permanence of the supply is assured, and there will probably be a further increase due to a call for export coal to Cuba.

10. We consider that equipment should now be provided to transport 1,000,000 tons of coal per year, and that this capacity will need to be increased as the market develops.

11. It should be possible to give service to the extent of 15,000 tons per month within three months after the existing equipment is acquired and to have the entire system in operation within six months.

12. We realize that this project is peculiar and differs in three essentials from the normal problems of inland-river transportation:

(a) The business to be done already exists in proper volume between the terminals.

(b) There are no problems arising from winter operations; no tie-ups and destruction from ice.

(c) The equipment largely exists and is partly now idle.

13. The sum necessary to establish this work is rather over $2,000,000, and, while we recognize that the course recommended is radical, we consider that the war emergency justifies it.

THE ROUTE.

The Alabama coal fields are traversed by the Warrior River, which has been improved for slack-water navigation with 17 dams and locks, the latter being 285 feet long, 52 feet wide, and 6½ feet on sills. The minimum width of the river is about 100 feet; the depth 6 feet.

The channel is crooked and requires moderate dredging in spots after floods, and also some removal of snags. During the two years past only minor interference has arisen from this cause. The distance from the head of navigation is approximately 450 miles to Mobile.

The route from Mobile to New Orleans is through Mississippi Sound and Borgne Lake, thence either to the Mississippi River by the Borgne Canal, or, for city delivery, via Lake Ponchartrain to a point on the new canal at Howard and Rampart Streets. The distance is about 150 miles.

The Lake Borgne Canal is 7½ miles long, 100 feet wide, and 7 feet deep, with one floodgate. It connects Lake Borgne with the Mississippi River, and belongs to the Alabama & New Orleans Canal Co. This canal and the storage facilities for bunker coal at Violet can be used under some equitable arrangement:

THE COAL.

There are four principal veins of coal which appear on both sides of the river. Their product has various characteristics and value depending on the analysis and the care in mining.

A few mines have been recently opened on the river, but are not yet fully developed. The larger mines on which the proposed supply would have to depend, at least temporarily, are on the railways near the river, and they are abundantly prepared to furnish the coal needed for bunker, industrial, and domestic use.

The bunker coal is generally washed, and its quality is equal to that now supplied at Norfolk, Va.

The railroad haul from the most convenient mines to the river is in all cases short, and if an equitable rate is fixed the cost would not be a serious charge upon the operators. Any difficulty, however, in securing access to the river tipples can be met by building short railroad connections.

TRAFFIC EXCEPTING COAL.

A small amount of miscellaneous traffic has been developed in the river, and it is probable that the downstream movement of lumber, pipe, pig iron, coke, etc., would soon reach respectable proportions if a good river service was sustained.

An indefinite but large return freight tonnage is quite possible. It can only be created by good management, proper terminal facilities, regularity of movement, and financial strength of the transportation organization.

EXISTING EQUIPMENT.

The equipment which has been found most suitable to the river is of the Ohio River type. The barges, however, are only 24 feet wide, and two Ohio River barges 26 feet wide can not be placed side by side in the locks, thus making it necessary to build the additional barges required.

There are now on the river 6 towboats, 31 open barges of about 500 tons capacity, and at New Orleans 6 self-propelled barges, 800 tons capacity.

These towboats will each move 2,200 tons of coal from the mines to Mobile in five days, but are admittedly somewhat underpowered.

The open barges should be strengthened at small additional expense.

The six self-propelling barges of the Alabama Transportation Co. are fairly well adapted to the conditions between Mobile and New Orleans, but should be supplemented by suitable tugs and barges now existing in the district that are stronger than those used in the river before described.

THE COAL MARKET.

The principal market at seaboard for Alabama coal is New Orleans, where 500,000 tons of bunker coal and about 1,550,000 tons of coal for railroad, industrial, and domestic use are now required.

The coal for bunkers and for westbound railroad and other coal must be handled through the Lake Borgne Canal.

The remaining coal at New Orleans should be handled through Lake Pontchartrain to the city basin, a most favorable point for local distribution.

The Mobile coal demand amounts to about 250,000 tons, of which about 70,000 tons is bunker coal.

Both markets would be materially increased if the Government should route trans-Atlantic freight through the Gulf ports to relieve Atlantic ports.

We deem it wise that ships sailing for Europe from Gulf ports should stop the practice of coaling en route at Norfolk.

We consider it necessary that operations on the Warrior River, to be of material service, should be planned to handle at least 1,000,000 tons per year.

This requires a large addition to the existing equipment, full provision for coal storage at Mobile and New Orleans in order that the movement may not be interrupted, and suitable equipment for transfer of coal from barges to either stock piles or ships.

We estimate the cost of the existing and the new equipment necessary to transport 1,000,000 tons a year at $2,100,000, and conclude that this expenditure would release 1,500 railroad cars and 30 locomotives, valued at $4,000,000.

Should the Government establish the transportation system we recommend, it will not, in our judgment, succeed unless controlled by a board of not more than three men, who are chosen for their business sagacity, familiarity with local conditions, their business standing and proved executive capacity. We therefore recommend the appointment of such a board—one member from Birmingham district, one from Mobile, and one from New Orleans—to carry out the program.

Estimate.

For suitable railroad spur connections from coal to river	$100,000
Loading stations on river	63,000
20 river towboats (stern wheel—6 now on river, 14 now idle on Ohio River)	700,000
100 open river barges (31 now existing, 69 to be built)	369,000
1 storage yard and transfer at Mobile	125,000
6 self-propelled barges	240,000
4 tugs (in New Orleans)	100,000
13 dock barges (in New Orleans)	78,000
1 storage yard at New Orleans	125,000
Working capital and contingencies	200,000
	2,100,000

Operating cost.

Interest	105,000
30 towboats—tugs and self-propelled barges at $36,000 each per year	1,080,000
3 storage transfer yards at $40 per day	43,800
Maintenance and depreciation	200,000
Administration	25,000
	1,453,800

Total cost, $1.45 per ton.

A project is under consideration to increase the depth of the river from 6 to 8 feet, at a probable cost of $250,000, by raising the dams 2 feet. Doing this would have a marked and beneficial effect upon the economics of transportation, and it is safe to say that the above costs of operation would be reduced 20 per cent.

ARTHUR J. MASON.
DANIEL BENTECOU.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD made on yesterday.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SMALL. Mr. Chairman, as far as I am aware there are no more demands for debate on this side.

Mr. KENNEDY of Iowa. We do not want further time.

Mr. SMALL. Then, Mr. Chairman, I understand that general debate is closed on the bill, so that when we resume consideration again the bill will be read under the five-minute rule. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the river and harbor bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 121. An act to prevent the desecration of the flag of the United States, and to provide punishment therefore (Rept. No. 279);

S. 3691. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men of the Army traveling on duty under competent orders;

S. 3801. An act to amend section 8 of "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917 (Rept. No. 278; and

S. 3874. An act providing medals for certain persons; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9314. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

EXTENSION OF REMARKS.

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WALSH. Mr. Speaker, reserving the right to object, upon what subject?

Mr. McKEOWN. Upon the housing bill. I was ill at the time it was being discussed.

The SPEAKER. Is there objection?

There was no objection.

TELEPHONE SYSTEM, DISTRICT OF COLUMBIA.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to file a supplemental report (H. Rept. No. 379, Part 2) on the bill H. R. 10337.

Mr. WALSH. Mr. Speaker, what bill is that?

Mr. HILLIARD. A bill to postalize the telephone system in the city of Washington.

Mr. GARRETT of Tennessee. Is it a general bill?

Mr. HILLIARD. No; it is for the city of Washington. The bill has been reported by the District Committee.

The SPEAKER. The Committee on the District report the bill, accompanied by a report.

Mr. GARRETT of Tennessee. The gentleman from Colorado filed a minority report on that, did he not?

Mr. HILLIARD. No; I filed the majority report. No minority report was filed. I wish now to file a supplemental report, which is a study made of the situation by the engineers of the Bureau of Standards. It is a report that the chairman of the committee asks that I make.

The SPEAKER. The committee's report?

Mr. HILLIARD. Yes.

Mr. GARRETT of Tennessee. Oh, requested by the chairman of the committee?

Mr. HILLIARD. Yes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Monday, April 8, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Miss RANKIN, from the Committee on the Public Lands, to which was referred the bill (S. 41) to authorize the sale of certain lands at or near Yellowstone, Mont., for hotel and other purposes, reported the same without amendment, accompanied by a report (No. 474), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

She also, from the same committee, to which was referred the bill (S. 934) authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State, reported the same without amendment, accompanied by a report (No. 475), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

She also, from the same committee, to which was referred the bill (S. 936) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain lands for alley purposes, reported the same without amendment, accompanied by a report (No. 476), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, reported the same without amendment, accompanied by a report (No. 473), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto approved October 6, 1917, reported the same without amendment, accompanied by a report (No. 471), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11229) granting a pension to Walter Sewell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 11257) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

Also, a bill (H. R. 11258) to authorize the addition of certain lands to the Weiser National Forest, Idaho; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply; to the Committee on Mines and Mining.

By Mr. MONTAGUE: A resolution (H. Res. 304) directing The Adjutant General of the Army to furnish the House of Representatives certain papers in the case of John B. H. Waring, late a captain in the Medical Corps of the United States Army; to the Committee on Military Affairs.

By Mr. MAGEE: A resolution (H. Res. 305) to amend standing Rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11260) granting a pension to Keziah Zink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11261) granting a pension to Sanna Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11262) granting an increase of pension to John T. Gregory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11263) granting an increase of pension to James Kinser; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11264) granting an increase of pension to George W. Toland; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11265) granting an increase of pension to John W. Farmer; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 11266) granting a pension to Julia Moll; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11267) granting a pension to Arthur A. Haussner; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 11268) granting a pension to Cynthia Rudler Osgood; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11269) granting a pension to Luvina Avery; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11270) granting an increase of pension to Addison A. Eggleston; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 11271) granting a pension to Nellie Conover; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11272) granting an increase of pension to Hugh McGuckian; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11273) granting a pension to Mary J. Van Denbergh; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11274) granting a pension to Julia Sprinkle; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 11275) granting an increase of pension to John K. Freeman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Resolutions of the Alabama State Highway Conference, urging that the National Government build more and better roads; also indorsing the Chamberlain-Dent bill providing for Federal planning of military roads; to the Committee on Roads.

Also, resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

Also, memorial of the board of directors of the Friends of Our National Parks, favoring House bill 171 and other bills, and also stating principles with regard to the national parks; to the Committee on Public Lands.

By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., and vicinity, asking for an increase in the amount of tax imposed on excess war profits; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of the City Club of New York, favoring continuance of the pneumatic mail tube; to the Committee on Post Offices and Post Roads.

Also, petition of Channing Pollock, asking for the repeal of the postal-zone law as applied to periodicals; to the Committee on Ways and Means.

By Mr. ELSTON: Petition of Alameda County (Cal.) Medical Society, favoring House bill 7563, relative to rank of Medical Reserve Corps of Army; to the Committee on Military Affairs.

By Mr. ESCH: Resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

Also, resolutions of the Interstate Association of Building Contractors, offering to the Government the resources of the States of Iowa, Nebraska, Missouri, Kansas, Minnesota, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, and asking for the appointment of a citizen of this section of the country on the War Emergency Construction Board; to the Committee on Military Affairs.

By Mr. GALLIVAN: Resolution of the Boston Surgical Society, asking for the passage of the bill to give advanced rank to officers of the Medical Corps and the Medical Reserve Corps of the United States Army; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: Petition of members of the Kalamazoo Academy of Medicine, urging the passage of the Dyer bill to give advanced rank to officers of the Medical Reserve Corps; to the Committee on Military Affairs.

By Mr. HILLIARD: Petition of Carrie J. Reynolds, Elizabeth W. Bowman, Edith L. Young, H. M. Barrett, Helena C. Fisher, J. A. R. Reynolds, Mrs. J. T. Crews, Mrs. E. P. Phelps, and Mrs. Addie M. Berrian, all of Denver, Colo., praying for immediate war prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Morgan County (Colo.) Federation of Farm Women's Clubs, protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Walter H. Sweet, of Providence, R. I., protesting against the Senate amendment to section 14 of the Agricultural appropriation bill; to the Committee on Agriculture.

By Mr. TINKHAM: Resolution of the Boston Surgical Society, urging the passage of the Owen bill (S. 37480) and the Dyer bill (H. R. 9563) fixing the grades of commissioned officers in the Medical Corps and the Medical Reserve Corps of the United States Army; to the Committee on Military Affairs.

SENATE.

MONDAY, *April 8, 1918.*

(*Legislative day of Saturday, April 6, 1918.*)

The Senate met at 12 o'clock m.

The VICE PRESIDENT resumed the chair.

Mr. HARDWICK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Overman	Sterling
Beckham.	Henderson	Page	Sutherland
Borah	James	Pittman	Swanson
Calder	Jones, N. Mex.	Poindexter	Thomas
Chamberlain	Jones, Wash.	Ransdell	Thompson
Colt	Kellogg	Reed	Tillman
Culberson	Kendrick	Robinson	Trammell
Cummins	King	Saulsbury	Underwood
Curtis	Kirby	Shafroth	Vardaman
Dillingham	Lodge	Sheppard	Wadsworth
Fletcher	McKellar	Sherman	Warren
France	McNary	Shields	Weeks
Frelinghuysen	Martin	Smith, Ga.	Williams
Gallinger	Myers	Smith, Md.	Wolcott
Hale	Nelson	Smith, S. C.	
Harding	New	Smoot	

Mr. SAULSBURY. I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

Mr. SUTHERLAND. I wish to state that my colleague [Mr. GOFF] is absent on account of illness.

Mr. JONES of Washington. I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is absent in the liberty loan campaign.

I also desire to state that the junior Senator from Iowa [Mr. KENYON] is likewise absent in the liberty loan campaign.

Mr. RANSDELL. I announce the absence of my colleague [Mr. BROUSSARD] on account of illness.

The VICE PRESIDENT. Sixty-two Senator have answered to the roll call. There is a quorum present.

NITROGEN AND NITROGENOUS MATERIAL.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of September 27, 1917, a report concerning ammonia, nitrogen, and nitrogenous materials manufactured, imported, and used in the United States, which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill H. R. 9314, an act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Mercedes, Tex., remonstrating against enactment of legislation for the protection of secret societies, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented resolutions adopted at a mass meeting of citizens of Worcester, Mass., favoring the independence of Lithuania after the war, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented resolutions adopted by the Trades Council of Sacramento, Cal., favoring independence of Ireland, and requesting that the President's peace proposal be redrafted by the Senate Foreign Relations Committee so as to allow Senators who have definite views on peace terms to open debate thereon, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 4285) for the relief of Charles E. Kaiser; to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 4286) granting an increase of pension to Persis M. McKee (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 4287) granting an increase of pension to Frances Brosnan (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4288) granting a pension to Jessie P. M. Hynes; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4289) to give indemnity for damages caused by American forces abroad; to the Committee on Claims.

A bill (S. 4290) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the State of Arkansas for a site for an armory and training camp of the Arkansas National Guard; to the Committee on Public Lands.

By Mr. WALSH:

A bill (S. 4291) granting an increase of pension to Mary P. McIntire (with accompanying papers); to the Committee on Pensions.

VOCATIONAL REHABILITATION.

Mr. SMITH of Georgia. I ask unanimous consent to introduce a bill to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military and naval service of the United States.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 4284) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval service of the United States, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

Mr. SMITH of Georgia. I ask that the bill be printed in full in the RECORD. I also have several memoranda with reference to it, one the history of the proposed bill, one showing, among other things, what has been done in France, England, Canada, Belgium, and Germany upon this subject, others presenting the value of the measure, and concluding with the success of vocational rehabilitation in foreign countries.

There being no objection, the bill and memoranda were ordered to be printed in the RECORD, as follows:

A bill (S. 4284) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

Be it enacted, etc., That this act shall be known as the vocational rehabilitation act.

SEC. 2. That every persor who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and who, in the opinion of the Federal Board for Vocational Education, is unable to resume the former occupation or to enter upon some other suitable or gainful occupation or having resumed or entered upon such occupation is unable to continue the same successfully and may be vocationally rehabilitated, shall be ordered by the Bureau of War-Risk Insurance to follow such course of vocational rehabilitation as the Federal Board for Vocational Education shall prescribe and provide, or when deemed advisable by said board shall be retained in the military or naval forces of the United States and be detailed to the control and direction of said board until the course of training prescribed has been satisfactorily completed.

The Bureau of War-Risk Insurance shall have power, and it shall be its duty, to order the persons included in this section to follow suitable courses of vocational rehabilitation to be prescribed and provided by the Federal Board for Vocational Education, and every person so ordered to follow a course of vocational rehabilitation shall, while following the same, receive monthly compensation in a sum equal to the amount of his monthly pay for the last month of his active service, or to the amount to which he would be entitled under Article III of the said act approved September 2, 1914, as amended, whichever amount is the greater, and if such person was an enlisted man at the time of his discharge he shall, for the period during which he is so ordered to follow a course of vocational rehabilitation, be subject to all the requirements and entitled to all the benefits of Article II of the said act approved September 2, 1914, as amended, in the same manner as if he were an enlisted man, and for the purposes of the said Article II his monthly compensation shall be deemed to be his monthly pay: *Provided*, That if and while a person willfully fails to follow the prescribed course of vocational rehabilitation in a manner satisfactory to the Federal Board for Vocational Education the said board shall certify to that effect to the Bureau of War-Risk Insurance, and the said bureau may, in its discretion, withhold any part or all of the monthly compensation due such person and not subject to compulsory allotment.

The military and naval family allowance appropriation provided for in section 18 of the said act approved September 2, 1914, as amended, shall be available for the payment of the family allowances provided by this section; and the military and naval compensation appropriation provided for in section 19 of the said act approved September 2, 1914, as amended, shall be available for the payment of the monthly compensation herein provided. No compensation under Article III of the said act approved September 2, 1914, as amended, shall be paid for the period during which any such person is ordered by the Bureau of War-Risk Insurance to follow a course of vocational rehabilitation.

SEC. 3. That the courses of vocational rehabilitation provided under the provisions of this act shall, as far as practicable and under such conditions as the Federal Board for Vocational Education may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the said act approved September 2, 1914, as amended, and who is not included in section 2 hereof: *Provided*, That no monthly compensation, family allowances, or expenses as provided by this act shall be paid on account of any such person availing himself of the courses under this section.

SEC. 4. That the Federal Board for Vocational Education shall have the power, and it shall be its duty, to provide, or procure to be provided, such facilities, instructors, and courses of vocational rehabilitation as may be necessary to insure proper training for such persons as are required to follow courses of vocational rehabilitation as herein provided; to prescribe the courses to be followed by such persons; to pay, when in the discretion of the board such payment is necessary, the expense of travel, lodging, subsistence, and other necessary expenses of such persons while following the prescribed courses; to provide for the placement of rehabilitated persons in suitable or gainful occupations; and to do all other things appropriate or necessary to insure the vocational rehabilitation and placement in suitable or gainful occupations of persons following the courses of vocational rehabilitation. The board shall have the power to make such rules and regulations as may be necessary for the proper performance of its duties as prescribed by this act, and is hereby authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations.

It shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suitable or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board, in its discretion, may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this act.

The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this act.

SEC. 5. That all medical and surgical work or other treatment necessary to give functional and mental restoration to disabled persons prior to their discharge from the military or naval forces of the United States shall be under the control of the War Department and the Navy Department, respectively. Whenever prevocational training is employed as a therapeutic measure by the War Department or the Navy Department a plan shall be established between these agencies and the Federal Board for Vocational Education acting in an advisory capacity to insure, in so far as medical requirements permit, a proper process of prevocational training and the proper preparation of instructors for such prevocational training.

The board shall, in establishing its plans and rules and regulations for vocational training cooperate with the War Department and the Navy Department in so far as may be necessary to effect a continuous process of prevocational and vocational training.

SEC. 6. That the Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States and shall constitute a permanent appropriation, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said board, in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted and all disbursements therefrom shall be submitted annually to Congress.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used by the Federal Board for Vocational Education for erecting, renting, and remodeling buildings and quarters, repairing, maintaining, and equipping same, and for equipment and other facilities necessary for proper instruction of disabled persons, $250,000; for the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000; for traveling expenses of disabled persons in connection with training and for lodging, subsistence, and other necessary expenses in special cases of persons following prescribed courses, $250,000; for tuition for persons pursuing courses in existing institutions, public or private, $545,000; for the placement and supervision after placement of vocationally rehabilitated persons, $45,000; for studies, investigations, reports, and preparation of special courses of instruction, $55,000; for miscellaneous contingencies, including special mechanical appliances necessary in special cases for disabled men, $110,000; for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses, $200,000: *Provided*, That the said board shall file with the Clerk of the House and the Secretary of the Senate on July 1 and every three months thereafter, for the information of the Congress, an itemized account of all expenditures made under this act.

SEC. 8. That section 304 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby repealed.

HISTORY OF PROPOSED BILL FOR THE VOCATIONAL REHABILITAION OF DISABLED SOLDIERS AND SAILORS.

CONFERENCE TO FORMULATE A COMPREHENSIVE PLAN OF REHABILITATION.

Because of the widespread interest and the uncertainty as to the final program which Congress will establish, different departments and branches of the Government, as well as private organizations, have been studying the problem and making tentative plans to meet it. To prevent confusion and the development of many separate and duplicating efforts the Surgeon General of the Army, at the suggestion of the Secretary of War, recently called together in conference representatives from the Departments of the Treasury, War, Navy, Interior, and Labor, the Federal Board for Vocational Education, the Public Health Service, the United States Employees' Compensation Commission, the Council of National Defense, the National Chamber of Commerce, the division for civilian relief of the Red Cross, the National Manufacturers' Association, and the American Federation of Labor to give full consideration to the problem and to formulate a definite and comprehensive plan which would provide a continuous process for the physical and mental restoration of disabled soldiers and sailors and their vocational rehabilitation and return to civil employment.

In order to be of the largest assistance, this conference terminated its labors by the adoption of a tentative bill embodying the principles and policies of which the conference approved. This measure was respectfully submitted, through the Surgeon General, to the Secretary of War for his consideration, with the recommendation that after it had passed through the hands of the solicitors of the departments concerned for the correction of such technical defects as the proper description of all the beneficiaries to be reached by the measure the same should be presented to the Congress for its consideration.

A delay ensued which led certain disinterested parties to take the matter to the Council of National Defense. The council approved the substance and, for the most part, the exact language of the conference bill above described. It sustained the idea that economic control should supersede military control at the close of the hospital experience, as far as possible at least. It stood for the idea of a civilian board to deal with the problem of vocational rehabilitation. It felt that a sharp line of distinction should be drawn between the physical rehabilitation, which should be committed to the Surgeon General's office of the Army and the Bureau of Medicine and Surgery of the Navy, and vocational rehabilitation, which should be put in the hands of a civilian board properly qualified to deal with the problem. All these things were contained in the spirit, purpose, and provisions of the conference bill.

Only one radical change was made in the conference bill by the Council of National Defense. The conference bill provided for an administrative board of vocational rehabilitation made up of one representative from each of five governmental agencies—the War Department, the Navy Department, the Labor Department, the Bureau of War-Risk Insurance, and the Federal Board for Vocational Education. The council believed that it was inadvisable to establish a new board, and recommended that the Federal Board for Vocational Education, under the Smith-Hughes Act, already well equipped for the task, be made the board of control.

With the changes just described, the bill now submitted represents the spirit and purpose and in large part the exact language of the conference bill prepared by a conference of experts and representatives from all the different governmental and civilian interests concerned in any way with the problem. After the measure in its present form was prepared, its language was gone over by the solicitors of the different departments concerned and approved from the standpoint of its technical accuracy. The understanding also is that these departments are agreed, in the main, with the provisions of this measure. The bill in its present form was also resubmitted to Secretary Houston, as chairman of the Federal Board for Vocational Education, and to Mr. Gifford, chairman of the Council of National Defense, and approved by them.

MEMORANDUM ON LEGISLATION FOR THE VOCATIONAL REHABILITATION OF DISABLED SOLDIERS AND SAILORS.

NEED FOR EARLY ENACTMENT OF LEGISLATION.

The rehabilitation of disabled soldiers and sailors is a task so important, so large, so complicated, and therefore so difficult, that Congress should at the earliest possible moment provide by legislation a clear and definite plan for the organization, administration, and support of the work.

Although the United States has been at war more than a year, no specific appropriation has yet been made by Congress for establishing and operating vocational training for men handicapped by war. Indeed, no such appropriation has been made even for the proper study and investigation of the many problems involved.

It is true that section 304 of the war-risk insurance bill (Public, No. 9, Sixty-fifth Congress—H. R. 5723), which became a law October 6, 1917, apparently places the work of rehabilitation, reeducation, and vocational training for disabled men in the hands of the Director of the Bureau of War-Risk Insurance, who, under the Treasury Department, has the duty and responsibility of administering the entire act.

Section 304 reads as follows:

"That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his active service and his family allowances and allotment as hereinbefore provided in lieu of all other compensation for the time being.

"In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases, and no compensation shall be payable for the intervening period."

For reasons which I shall discuss below this section has remained inoperative. Indeed, the section is more a promise of what should be done than a workable program for the vocational rehabilitation and the return to civil employment of disabled soldiers and sailors.

Section 304 of the war-risk insurance act makes no appropriation to meet the expense of carrying on the course or courses for the rehabilitation and vocational training promised by that section. All the appropriations are for insurance, compensation, allowances, funeral expenses, and similar items; none are for rehabilitation, reeducation, and training. Without additional legislation, Congress is placed in the position of having made a promise to enlisted men, without providing a dollar to carry it out. Outside of a small part of the $100,000 appropriated for the administration of the war-risk insurance, which might possibly be used for section 304 (though in what way is not clear), the section is meaningless for want of funds. This has doubtless caused a delay, when every consideration demands immediate planning for action. Otherwise this great national duty and exigency will be left to private philanthropy and control, a procedure which has met with signal failure among the allies.

Section 304 is buried in an act, every one of whose other important sections deals with war-risk insurance. Admittedly it was inserted as a promise by Congress that the rehabilitation, reeducation, and vocational training of injured soldiers and sailors would be more definitely provided for at the ensuing session. Naturally, under these circumstances, this very difficult and highly specialized work is committed, under the general terms of the act, to an organization and administration, which, while admirably adapted for war-risk insurance—for which it was primarily intended—is inadequate, so far as section 304 is concerned, for the proper care, education, and placement in industry of injured men.

Furthermore, very grave uncertainty exists from the legal standpoint as to duties, powers, and relationships between the Treasury and the War and Navy Departments in dealing with this problem of vocational rehabilitation. On the one hand, the War-Risk Insurance Bureau of the Treasury Department is charged with the duty of administering the compensation and annuities for disabled men, a task which involves, of course, dealing with them almost from the time they receive their injuries. On the other hand, the Surgeon General's offices of the War and of the Navy Departments have traditionally dealt with the surgery, the medical care, and the functional rehabilitation of injured men.

While funds in the hands of the Secretary of War under liberal appropriations made by Congress have been appropriated for the hospital and medical care of wounded men, the use of these funds for vocational reeducation has not been specifically granted. Therefore, if these funds are so used it must be under the broad assumption either that vocational rehabilitation is a part of functional rehabilitation or that the wounded man is still enlisted and that this training is a part of his discipline as an enlisted man. There seems to have been no agreement up to this time at least between the Treasury Department, the War Department, and the Navy Department as to their respective authority and responsibility under existing legislation or as to how they can effectively cooperate. Under these circumstances, every consideration requires the early enactment of legislation designed to relieve present uncertainty and to provide ample funds for entering with certainty and speed upon the study, planning, and execution of a comprehensive scheme for the care, rehabilitation, and reemployment of the victims of this war.

LEGISLATION MUST BE BROAD AND FLEXIBLE.

No more difficult problem was ever presented to a people than the sacred task of restoring the victims of this great conflict to normal life and happy, self-dependent employment.

It is not known how long the war will last; how many soldiers will be sent to Europe; how many will be injured; how many will die; how many will return totally disabled; how many will be subjects for vocational rehabilitation; what means of employment will be open and to what extent; what the character of injuries will be; what forms of employment will be advisable for men returning, as is usual, with a complication of disabilities; how they may be best trained; where and how they should be placed; what will be the economic conditions during and after the war; what Government and civic employments will be open; what cooperation can be secured from the States, employers, organizations of employers, private foundations, institutions, and philanthropic foundations; what will be the cost of carrying on the work; how this cost is to be distributed during the years the work is being carried on; and what social and economic adjustment must be faced.

Any legislation dealing with this question must be broad and flexible. Experience of foreign governments has shown not only that the support and control of rehabilitation must be in the hands of the National Government, but that the work itself must be done by a national board equipped with ample funds and having broad discretionary powers, designed to meet the rapidly changing conditions in the conduct of the war and to cover the growing experience of the country in dealing with the reeducation and placement of handicapped men.

This national board should be a board already in existence, designated because of its experience and facilities for the administration of vocational training and because of the representative character of its membership. If a new board should be created by Congress for the purpose, all existing facilities for the study and administration of vocational education now possessed by the National Government should be recognized and utilized so as to avoid confusion, overlap and duplication of effort, and needless expense.

THE VOCATIONAL REHABILITATION OF DISABLED SOLDIERS AND SAILORS.

All the leading belligerent countries are retraining their disabled men, with the exception of the United States. The consideration which moved England, Canada, France, Italy, Belgium, New Zealand, Australia, South Africa, India, Germany, and Austria to undertake this work is one which will appeal with even greater force to the people of this country.

Vocational reeducation of disabled soldiers and sailors is required for these reasons: (1) To insure economic independence, (2) to avoid vocational degeneration, (3) to prevent exploitation, (4) to conserve trade skill, (5) to insure national rehabilitation, (6) to adjust supply of labor to demand, (7) to develop new vocational efficiency. These reasons are summarized below.

1. To insure economic independence: Vocational reeducation will reestablish the disabled soldier or sailor as an independent, self-respecting economic unit. Any other policy will inevitably induce economic dependency with its inherent moral and social evils. For these men and for the community, also, moral and social as well as economic well-being is in a large measure at stake.

It is to be noted that the age of the conscripted army (21 to 31 years) is such that the men are young enough to be susceptible to training, and that the benefits of such training will accrue during a period equivalent to the normal expectation of life for men in early manhood.

Recognizing the value of vocational training some of the men were taking such training when drafted. This interrupted training should be resumed.

2. To avoid vocational degeneration: Experience has demonstrated that disabled men while under hospital treatment naturally tend in many instances to fall into a state of chronic dependence, characterized by loss of ambition. The difficulty of lifting them out of this well-recognized phase increases rapidly during the period immediately following convalescence. Initiation of vocational training at the earliest possible moment and persistent, systematic development of this training after convalescence will avoid this danger of vocational degeneration.

Once the men have fallen into this state of chronic dependence or have drifted back into industry without training, they can not be industrially recovered.

3. To prevent exploitation: Without the protection of vocational reeducation, together with systematic reestablishment in wage-earning employment, the handicapped man will drift about in industry, an unskilled laborer and a subject for exploitation by the unscrupulous.

4. To conserve trade skill: The policy of vocational rehabilitation is one of conservation. Disabled men skilled in specific trades will be, so far as possible, reestablished in those trades by vocational reeducation. Without such training acquired trade experience will in many cases be lost, and the ranks of skilled labor will be to that extent depleted. Incidentally, the drifting of handicapped men in any considerable number into unskilled employments will occasion demoralization and impair wage standards.

5. To insure national rehabilitation: The European countries have found the conservation of trade skill and experience to be a factor of vital importance in national rehabilitation. In these countries the conduct of industries, commerce, and agriculture, even during the progress of the war, has become largely dependent upon the reestablishment in civil employment of men disabled for further military service.

It should be borne in mind that the disabled men are, in many cases, specially trained and skilled. If allowed, through lack of such reeducation as they require, to sink into the ranks of the unskilled, their places in the Nation's scheme of economic productivity can not be filled. No supply of skilled men is now, or will be after the war, available from other countries, since every country at war is experiencing and will continue to experience in the years following the war a great scarcity of skilled labor.

Vocational reeducation of men disabled for military service is, therefore, a means not only of conserving trade skill, but of conserving it in a time of national emergency and of preventing in some degree the scarcity of skilled labor that is certain to develop as the war progresses. The nation which does not conserve the vocational skill of its trained workers will to that extent weaken its recuperative and competitive power, and to that extent will consequently fail to achieve the immediate national rehabilitation of its industrial, commercial, and agricultural power.

6. To adjust supply of labor to demand: The return to civil employment of large numbers of men under the abnormal conditions of the period of demobilization will occasion far-reaching economic disturbance and maladjustment of labor supply to demand, unless that return is made under some comprehensive scheme of administration. Vocational reeducation will provide one means of so directing the return of men into civil employment as to occasion the least possible disturbance, and will go far to avoid impairment of established standards of living.

7. To develop new vocational efficiency: In individual cases, undoubtedly, new vocational capacities will be developed in handicapped men by systematic vocational reeducation. In many cases the selection of wage-earning employments has been originally accidental, and without due regard to natural aptitude. Vocational rehabilitation, by training for new employments for which the men have natural aptitude, may develop entirely new vocational capacities, making the men even more efficient producers than they were before.

Vocational training has established its claim as a means of producing and increasing economic efficiency, and in the Smith-Hughes Act, among others, Congress has indorsed this sort of training by appropriating Federal money to its support in the public schools. Such training can not consistently be denied to the disabled soldier and sailor—whose need is special and peculiar on account of his handicap incurred in the public service—while extending it to all other workers having no special claim to Government favor. All workers may have their productive efficiency increased by vocational training, but in the case of the disabled soldier or sailor the need of such training is imperative and the obligation to give it is clear.

THE SIZE OF THE PROBLEM.

Accepting the Canadian ratios as significant for the overseas forces of the United States, and assuming that the United States will send over 1,000,000 men the first year and will increase its expeditionary force by 1,000,000 each year for the duration of the war, the following deductions are, perhaps, warranted as forecasting conditions as the close of one year of fighting:

Number of men overseas	1,000,000
Number of men returned unfit for military service	100,000
Number not requiring vocational reeducation	80,000
Number requiring vocational reeducation:	
Complete	10,000
Partial	10,000

In a word, for each million men overseas it may, perhaps, fairly be expected that 100,000 men will be returned each year, of whom 20,000 will require complete or partial vocational reeducation. This number of men may in fact be in hand to be provided for by the close of the summer campaign of 1918.

But long before the close of activities in the summer of 1918 the return of men will begin, and vocational reeducation must start with the first men sent back, and must be developed as the number of men in hand for training increases. The development of facilities for undertaking vocational reeducation must, in fact, anticipate the return of the men, since adequate provision can not be improvised after the men are actually in hand for training.

As regards numbers to be vocationally reeducated, Canadian experience would appear to indicate 20,000 for the first year, 40,000 additional for the second year, and 60,000 additional for the third year, an aggregate for three years of war of 120,000 men.

Immediate provision should be made for the training during 1918 of at least 20,000 men. In the second year of fighting, on the above assumption, the discharges from the military hospitals will provide each month between 3,000 and 4,000 candidates for vocational training, and in each month of the third year of the fighting approximately 5,000 candidates.

If the vocational training course averages six months per man, the number of men actually in training may be roughly estimated to be 10,000 at the close of one year of fighting, 20,000 at the close of the second year, and 30,000 at the close of the third year.

The training and organization of a staff of teachers for this work will constitute a large factor in the problem of vocational education.

It should be noted, however, that the above calculation is based upon rather meager accounts of Canadian experience, and that proportions as low as 4 or 5 per cent of the disabled men returned have been indicated as the proportion of men requiring vocational reeducation. If this range of estimate is taken into account, the number of men requiring vocational reeducation during the first year of the war may fall as low as 4,000 or 5,000 per million men overseas. But, on the other hand, as has been noted, experience in past years of the war does not necessarily measure the maximum possibility of casualties, nor does it necessarily measure the maximum provision for vocational reeducation either in Canada or in any European country. It is highly probable that in very many instances vocational reeducation has not been undertaken where such training would be of real value to the disabled man, and would, in fact, be economically advantageous to the community.

It must be remembered, however, that the above estimates include not only men who are incapacitated from wounds and dismemberments, but those who are so disabled as the result of disease that they can not follow their old occupations and therefore must be retrained for some new occupation.

THE COST OF VOCATIONAL REHABILITATION.

Owing to the rapidity with which foreign governments have had to meet this problem and the inevitable confusion and uncertainty surrounding much of the work undertaken in such haste for an unknown number of beneficiaries, it is impossible to secure at this time any statement as to either the total cost of this work or the cost per man trained.

Perhaps the most significant indication of the cost is derived from Germany, where the vocational rehabilitation of the victims of the war is given by Provinces and by local communities of Provinces within the Empire, upon whom necessarily almost all the cost of the actual training falls. Yet we find the Imperial Government appropriating in 1915 the sum of $1,250,000 to supplement all local efforts, presumably because the Provinces were not able to meet all the costs without this aid. Under the imperial edict none of this money was to be used except for training and placement of disabled soldiers. It must be remembered that the Germans, deliberately planning for this war, had the facilities ready to take care of this important problem of conservation before hostilities began. Consequently much of the cost which this country must meet in establishing the work and providing facilities for it is not an item of expenditure in the German scheme. It must be remembered also that the above appropriation by the central Government was in the early stages of the war and doubtless has been increased many fold.

The French scheme provides for central administration of the centers for vocational rehabilitation, the administrative expenses of which are paid by the French Government and the operating expenses of which

are met by local governments and by private philanthropy. It seems clear that more than a million dollars has been sent from America for the aid of this work in France, yet in 1915 the Government appropriated 4,500,000 francs from the central treasury to aid in the training of the disabled persons.

It would seem that the proposal to appropriate $2,000,000 annually for the work newly begun in the United States, which is to be supported entirely by the National Government, is a low initial estimate.

FRANCE.

The number and character of the employments for which training is given in the rehabilitation of disabled soldiers and sailors show both the seriousness and extent of the problem and the strong belief of all the belligerent countries in the need for it.

France reported at the close of 1916 that definite training classes had been established for the following 45 occupations:

Jewelers, agriculturists, machinists (fitters), plastic arts, shepherds, harness makers and saddlers, suspender makers, brush makers, chairmakers and caners, cutlers, shoemakers, stenographers and typewriters, draftsmen (not specified), designers of lace, industrial designers, draftsmen (tracers), draftsmen on cotton fabrics, electricians, carpenters, boiler makers (iron and copper), firemen (not specified), chauffeurs, sheet makers (cutters), notary's clerk, hairdressers, bookkeepers, ladies' tailors, makers of instruments of precision, woodworkers (not specified), metal workers, goldsmiths, manufacture of fishing articles, painters (not specified), carriage painters, house painters, photographers, mercantile and office employees, salaried employees in shops and factories, fencing masters, sandal manufactures, tinsmiths, net makers, furriers, watchmakers, primary and general instruction, gardeners and horticulturists, toy makers, morocco dressers, masseurs, machinists (not specified), machinists (tool workers), makers of artificial teeth, pattern makers and molders, music and singing (blind), building trades (not specified), opticians, orthopedics and bandage makers, manufacture of pipes, wireless telegraphers, bookbinders and paper-box makers, wooden-shoe and galosh makers, sandal makers, soap makers, sculptors (not specified), wood carvers, locksmiths, statuary makers, wood cutters (toy factories), upholsterers, decorators, tailors, dyers, coopers, turners (not specified), metal turners, compositors, basket makers, motormen, miscellaneous.

England has organized a system of placement through which the retrained man is placed in a definitely organized trade under an apprenticeship arrangement. So far the training and placement covers the following trades:

Electrical trades; tailoring; leather trades; furniture trade; boot and shoe repairing; hand-sewn boot and shoe making; gold, silver, jewelry, and watch and clock jobbing; trade employment in moving pictures and theaters; trades connected with motor-tractor work; aircraft manufacture; dental mechanics.

In addition, the ministry of pensions has published the following list of occupations suitable for discharged tubercular sailors and soldiers:

Basket making, bath chairman, bus and tram conductors, canvassers, caretaker (if not compelled to sleep in unhealthy basements), drivers, coachmen, commissionaires, carpenters and joiners, farm laborers, foresters and underforesters, fishermen (line fishing only), gamekeepers, general laborers (except very heavy and dusty jobs), hawkers, insurance and commission agents, light porters, lodge porters, market and flower gardeners, motor gleaning, motor tractor and van drivers, night watchmen, park rangers, park attendants, policemen, postmen (if already in one of these services), rent collectors, station-bookstall attendants, travelers, timekeepers, ticket collectors, window cleaning, woodmen to be employed if the afforestation scheme is carried out, and wood-road layers.

Canada has established carefully worked out courses preparing disabled men for the following lines of employment:

Motor mechanics; elementary electrical engineers; carpentry and building construction; cabinetmaking; machine-shop practice; plumbing, heating, and pipefitting; electrical construction; motion-picture operating; architectural and building construction; machine drawing; horticulture; agriculture, poultry culture, and similar lines.

BELGIUM.

Belgium has established a great school for vocational rehabilitation at Port-Billez, France. Here the Belgium Government has provided training for these lines:

Raking, basketry, bookbinding, box nailing, brush making, cabinetmaking, chauffeurs, electricians, engraving, furriers, industrial art workers—designing and drawing, laboratory work, leather work—shoemaking, saddle and harness making, lithography, mechanical drawing, metal work, metal work—zinc plumbing, clock making, modeling, painting, photogravure, planing, printing, sculpture, tailoring, telephone exchange, wigmaking, woodcrafts—polishers, toy and fancy articles making, wood carving, wooden-shoe making, mechanical joinery, hand joinery, tool making, modelers, woodturning.

GERMANY.

Germany has used her scheme of vocational rehabilitation as a means of securing, as far as possible, mechanics and technicians for the war. The rehabilitated man is, if his condition permits, trained for a mechanical or technical occupation in the army, or any one of the essential war industries. Where this can not be done he is retrained so as to enter, to advantage, in view of his handicap, the same trade or line of employment which he was following before the war. The elaborate system of industrial and technical skill of the Empire is used for this purpose. Consequently, it may be said with safety, that disabled men are being trained in Germany to fill all necessary army occupations, necessary war industries, and all the well-recognized trades and employments of the Empire in civil life.

When one remembers that practically every man in the German Empire has been definitely trained for some line of work early in his career, the task before Germany is comparatively simple, since it requires only a readaptation for a man with a previous training and experience, and consequently with a suitable amount of adaptability.

The situation is very well illustrated by the list of occupations for which the great engineering school at Dusseldorf is now engaged in the training of men. This list covers all of the following trades: All the wood and metal trades; operating of steam engines, commercial courses; telegraphy; agricultural courses of many kinds; a special course in trade administration; machinists and mechanics of all kinds; modeling and plaster casting; bookbinding; leather work; graphic trades, photography, etching, etc.; painting trades—house decorating, letter and sign painting, glass painting, varnishing and lacquer work; courses in upholstery and decorating; and laboratory work for technical denistry.

In the Province of Brandenburg, with its 43 large and small reserve hospitals, not less than 17 factories have been given up by their owners for this purpose of training in the trades.

The success of the vocational rehabilitation given by foreign countries is indicated by a number of things: The increasing appropriations for the work, the enlargement of facilities, and the constantly increasing number of disabled men being trained and placed show that foreign governments have found the scheme advisable and necessary. As a result of enthusiastic interest in the problem, English manufacturers and trade unionists have organized trade committees throughout Great Britain, which are cooperating with the minister of pensions in organization, courses of study, and placement, on an apprenticeship basis, of the retrained man. In France, up to December 1, 1916, the employment office in Paris had placed approximately 10,000 disabled soldiers. Up to October 1, 1916, 45 departmental and local committees had placed 5,550 disabled. About 1,500 were placed with State establishments under ministry of armament munitions; about 3,000 working in shops for national defense. Germany uses successfully 85 to 90 per cent of her disabled back of the lines when they have been retrained, and the majority of the remaining 10 or 15 per cent are entirely self-supporting. This should be the aim of any system of vocational rehabilitation undertaken by this country.

A careful reading of the above will show that, aside from its humane aspects, which are undeniable, the vocational rehabilitation of disabled men is a wise business venture on the part of the Nation, because it is a necessary part of any national program for the conservation of our human resources.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $15,000 for two reporters to committees, at $6,000 each, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

ARTICLE BY CHARLES WARREN.

Mr. OVERMAN. I have a copy of an article by Charles Warren, Assistant Attorney General, being a memorandum of law on the power of Congress to subject civilians to trial by court-martial under the Constitution. I ask that the matter be referred to the Committee on Printing with a view to having it printed as a public document.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

ADDRESS BY PRESIDENT WILSON.

Mr. JAMES. Mr. President, I have a copy of an address delivered by President Wilson in Baltimore on last Saturday, the 6th instant, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

ADDRESS.

"FELLOW CITIZENS: This is the anniversary of our acceptance of Germany's challenge to fight for our right to live and be free, and for the sacred rights of free men everywhere. The Nation is awake. There is no need to call to it. We know what the war must cost, our utmost sacrifice, the lives of our fittest men and, if need be, all that we possess. The loan we are met to discuss is one of the least parts of what we are called upon to give and to do, though in itself imperative. The people of the whole country are alive to the necessity of it, and are ready to lend to the utmost, even where it involves a sharp skimping and daily sacrifice to lend out of meagre earnings. They will look with reprobation and contempt upon those who can and will not, upon those who demand a higher rate of interest, upon those who think of it as a mere commercial transaction. I have not come, therefore, to urge the loan. I have come only to give you, if I can, a more vivid conception of what it is for.

"The reasons for this great war, the reason why it had to come, the need to fight it through, and the issues that hang upon its outcome, are more clearly disclosed now than ever before. It is easy to see just what this particular loan means, because the Cause we are fighting for stands more sharply revealed than at any previous crisis of the momentous struggle. The man who knows least can now see plainly how the cause of Justice stands and what the imperishable thing is he is asked to invest in. Men in America may be more sure than they ever were before that the cause is their own, and that, if it should be lost, their own great Nation's place and mission in the world would be lost with it.

"I call you to witness, my fellow countrymen, that at no stage of this terrible business have I judged the purposes of Germany intemperately. I should be ashamed in the presence of affairs so grave, so fraught with the destinies of mankind throughout all the world, to speak with truculence, to use the weak language of hatred or vindictive purpose. We must judge as we would be judged. I have sought to learn the objects Germany has in this war from the mouths of her own spokesmen and to deal as frankly with them as I wished them to deal with me. I have laid bare our own ideals, our own purposes, without reserve or doubtful phrase, and have asked them to say as plainly what it is that they seek.

"We have ourselves proposed no injustice, no aggression. We are ready, whenever the final reckoning is made, to be just to

the German people, deal fairly with the German power, as with all others. There can be no difference between peoples in the final judgment, if it is indeed to be a righteous judgment. To propose anything but justice, even-handed and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonour our own cause. For we ask nothing that we are not willing to accord.

"It has been with this thought that I have sought to learn from those who spoke for Germany whether it was justice or dominion and the execution of their own will upon the other nations of the world that the German leaders were seeking. They have answered, answered in unmistakable terms. They have avowed that it was not justice but dominion and the unhindered execution of their own will.

"The avowal has not come from Germany's statesmen. It has come from her military leaders, who are her real rulers. Her statesmen have said that they wished peace, and were ready to discuss its terms whenever their opponents were willing to sit down at the conference table with them. Her present Chancellor has said,—in indefinite and uncertain terms, indeed, and in phrases that often seem to deny their own meaning, but with as much plainness as he thought prudent,—that he believed that peace should be based upon the principles which we had declared would be our own in the final settlement. At Brest-Litovsk her civilian delegates spoke in similar terms; professed their desire to conclude a fair peace and accord to the peoples with whose fortunes they were dealing the right to choose their own allegiances. But action accompanied and followed the profession. Their military masters, the men who act for Germany and exhibit her purpose in execution, proclaimed a very different conclusion. We can not mistake what they have done,—in Russia, in Finland, in the Ukraine, in Rumania. The real test of their justice and fair play has come. From this we may judge the rest. They are enjoying in Russia a cheap triumph in which no brave or gallant nation can long take pride. A great people, helpless by their own act, lies for the time at their mercy. Their fair professions are forgotten. They nowhere set up justice, but everywhere impose their power and exploit everything for their own use and aggrandizement; and the peoples of conquered provinces are invited to be free under their dominion!

"Are we not justified in believing that they would do the same things at their western front if they were not there face to face with armies whom even their countless divisions can not overcome? If, when they have felt their check to be final, they should propose favourable and equitable terms with regard to Belgium and France and Italy, could they blame us if we concluded that they did so only to assure themselves of a free hand in Russia and the East?

"Their purpose is undoubtedly to make all the Slavic peoples, all the free and ambitious nations of the Baltic peninsula, all the lands that Turkey has dominated and misruled, subject to their will and ambition and build upon that dominion an empire of force upon which they fancy that they can then erect an empire of gain and commercial supremacy,—an empire as hostile to the Americas as to the Europe which it will overawe,—an empire which will ultimately master Persia, India, and the peoples of the Far East. In such a programme our ideals, the ideals of justice and humanity and liberty, the principle of the free self-determination of nations upon which all the modern world insists, can play no part. They are rejected for the ideals of power, for the principle that the strong must rule the weak, that trade must follow the flag, whether those to whom it is taken welcome it or not, that the peoples of the world are to be made subject to the patronage and overlordship of those who have the power to enforce it.

"That programme once carried out, America and all who care or dare to stand with her must arm and prepare themselves to contest the mastery of the World, a mastery in which the rights of common men, the rights of women, and of all who are weak, must for the time being be trodden under foot and disregarded, and the old, age-long struggle for freedom and right begin again at its beginning. Everything that America has lived for and loved and grown great to vindicate and bring to a glorious realization will have fallen in utter ruin and the gates of mercy once more pitilessly shut upon mankind!

"The thing is preposterous and impossible; and yet is not that what the whole course and action of the German armies has meant wherever they have moved? I do not wish, even in this moment of utter disillusionment, to judge harshly or unrighteously. I judge only what the German arms have accomplished with unpitying thoroughness throughout every fair region they have touched.

"What, then, are we to do? For myself, I am ready, ready still, ready even now, to discuss a fair and just and honest peace at any time that it is sincerely purposed,—a peace in which the strong and the weak shall fare alike. But the answer, when I proposed such a peace, came from the German commanders in Russia, and I cannot mistake the meaning of the answer.

"I accept the challenge. I know that you accept it. All the world shall know that you accept it. It shall appear in the utter sacrifice and self-forgetfulness with which we shall give all that we love and all that we have to redeem the world and make it fit for free men like ourselves to live in. This now is the meaning of all that we do. Let everything that we say, my fellow countrymen, everything that we henceforth plan and accomplish, ring true to this response till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who flout and misprize what we honour and hold dear. Germany has once more said that force, and force alone, shall decide whether Justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, the righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust."

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States; to punish espionage; and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Colorado [Mr. THOMAS] to the amendment of the committee, which will be stated.

The SECRETARY. On page 2, line 18, after the word "shall," insert the word "willfully"; on page 3, line 4, after the word "shall," insert the word "willfully"; on the same page, line 7, after the word "shall," insert the word "willfully"; and on line 14, after the word "shall," insert the word "willfully."

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 3, line 17, I move to strike out the words "the cause of," so as to read:

And whoever shall by word or act support or favor the German Empire—

And so forth.

Mr. POINDEXTER. The amendment proposed by the Senator from Georgia would strike out the word "favor"?

Mr. HARDWICK. No; because I want to simplify it and strengthen the language so as to make it incapable of any misconstruction.

Mr. POINDEXTER. Mr. President, the Senate should give careful consideration to the effect of such an amendment as that; or even if the Senator from Georgia would consider it in its full effect, it seems to me he would not insist upon his amendment.

The thing that is aimed at by this legislation is the prevention of those who owe allegiance to the United States from taking the side of the German Empire in this war. That is what it is aimed at.

Mr. HARDWICK. That is exactly what I am aiming at.

Mr. POINDEXTER. The Senator is missing it a long ways. He is missing it about as far as it would be possible to shoot in the opposite direction.

Mr. HARDWICK. Let me say——

Mr. POINDEXTER. If the Senator will pardon me, I will conclude in a moment.

Mr. HARDWICK. All right; I shall answer in my own time.

Mr. POINDEXTER. The amendment left as it would read after the amendment of the Senator from Georgia was adopted would not only eliminate the issue of war, the cause of the German Empire in the war, as the matter upon which the attitude of citizens of the United States was to be controlled, but it would substitute in place of that everything which the German Empire has ever stood for, whether in literature or art, if they ever had any art, whether it should be in the military organization of its army, the method by which it equips and supplies its troops, the kind of clothing that the people wear, the school system of the empire, things which are utterly removed from the cause of Germany in this war.

I think if the amendment of the Senator from Georgia were adopted it would punish people for doing a great many innocent things, and it would make it extremely difficult to punish them for doing a thing which is almost equivalent to treason against the United States. It is readily conceivable that a lawyer might argue in a court that a man who favors the cause of the

German Empire in this war was not necessarily favoring the German Empire in the sense in which the amendment would read after it had been changed in the way in which the Senator from Georgia proposes to change it.

I do not see any objection to the amendment of the committee as it stands now; that is, I can not conceive what purpose the Senator from Georgia would have in striking out of it the words "the cause of the German Empire," unless he wants to weaken the amendment; and I am sure he does not want to do that.

Mr. HARDWICK. I thought the Senator said just a moment ago that I proposed to strengthen it too much.

Mr. POINDEXTER. The Senator is mistaken if he thought I said that. I said the Senator broadens it and includes some things which are utterly irrelevant. That does not strengthen it; that weakens it. It would constitute a crime of things which in themselves might not constitute any offense at all or do any harm to the United States, but, on the contrary, might be of benefit to them. That is a very different thing from strengthening the amendment. I think it would make the amendment unreasonable and consequently weaken it. It would punish things which are innocent and not connected with the war and permit treasonable support of Germany's cause in the war.

Mr. President, I should like to submit to the Senate in this connection, as bearing upon the merits of the question which is under discussion, which is the provision for the punishment of favoring the cause of Germany in this war, a letter which, I think, condenses and expresses in precise form the entire issue and also indicates the viewpoint of the people of the United States—at least, a large number of them—and the manner in which they express it. It is very well to have considered by the Senate the view which the man at home takes of this question, and I ask that the Secretary may read it.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

ST. JOSEPH, MO., *April 3, 1918.*

Hon. MILES POINDEXTER,
Washington, D. C.

MY DEAR SENATOR: Your amendment prescribing imprisonment for 20 years and $10,000 fine for "whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war," etc., was reported here in yesterday's newspapers.

I hope you will not think it amiss of me to write you that the people of this section are heartily in favor of the most drastic measures being taken for the suppression of disloyalty of every kind. In fact, we think the day long since past when the present lenient course of the Government should have changed.

The accounts of this bill before me do not disclose its scope, but I most earnestly hope that it provides for the use of the death penalty in every case where outright disloyal acts are shown or where words are used which in their natural consequences would bring about such acts.

It was perfectly clear last summer when Kerensky abolished the death penalty that Russia was doomed; that the native Germans in Russia and their associates and the German propaganda would ultimately destroy the morale of the Russian Army and people; that only a revolution such as Korniloff attempted could turn Russia from its enfeebling sentimentalism.

The native Germans in America and their associates and the German propaganda are taking the same course here, and, if unchecked, can not fail to effect similar results. Only the immediate and drastic application of the death penalty will serve to repress the traitors who engage in unlawful acts and the equally culpable though less courageous traitors who spread sedition.

How long must we suffer German intrigue to render useless 60 per cent of the gas masks put out by a certain factory before we invite the perpetrators to don the ruined masks and enter one of the gas chambers provided for teaching soldiers? How long will we permit plotters to weaken the framework of our aeroplanes before we give them the opportunity of falling a few thousand feet? How long will we let Mr. Berger, of Milwaukee, preach "Heaven or hell, peace or war, socialists or profiteers and their following, * * * do your duty to outraged humanity to-morrow," before we take him to the line of trenches in France and invite him to cross No Man's Land to German territory?

Must we wait until the loyal citizens of every community take these matters into their own hands, as they are doing with increasing frequency on every hand, before Congress and the administration will meet the German menace at home in the manner we expect our soldiers to do in France?

As you will see, I am writing you not only a commendation on your amendment but a plea for Congress to act immediately in a way which can not be misunderstood by our enemies here in the United States, and to say that you need have no fear about the country supporting the most drastic measures that Congress can be persuaded to take.

Sincerely, yours,

H. R. MCMURTRIE.

Mr. SHERMAN. Mr. President, will the Senator from Washington yield to me?

Mr. POINDEXTER. I have yielded the floor.

Mr. SHERMAN. Mr. President, I believe there is no one more solicitous than I that there be adequate support at home of all men who are in the service. I have five young relatives in the service, and I think I have as strong a desire to protect them in their facing an open enemy against hidden attacks in the rear as anyone could have because of personal reasons. I am not unmindful, however, Mr. President, that in the zeal we might display in extreme legislation we may pass the limit of wisdom. That is a common error into which patriotic citizens fall as well as indiscreet ones. I wish to support any measure here that will be calculated even, if I may use that phrase in an argumentative way, to check any growing disposition to interfere with the cause of the United States in this war; but it is like a good many other measures we have seen passed in the four years since I have been here. I think this particular amendment to the espionage law is beyond the limits not only of prudence but of the power of Congress.

Not very long ago we passed an act that provided in substance that you could break open any man's desk, his safe, invade his office, take whatever papers or property of that character were discovered which might be alleged to be the instrumentality for the commission of a felony, and such a measure was justified because it was one of the means by which the commission of crime was prevented; that the guilty person could be apprehended before the crime had become consummated, and thereby the public interest could be protected.

I know that measures of that kind are difficult to criticize; they are more difficult to defeat; they are more difficult to amend so as to bring them within the powers of Congress. I know as well as do some of my associates here the danger of criticizing anything approved by the administration. I always do so reluctantly and with the knowledge that one's motives are apt to be misunderstood, their conduct adversely commented upon, and facts perverted in order to make it appear in a very unfavorable light; but we passed certain sections in the espionage bill under the belief that they were good laws. The circuit court of appeals in the seventh circuit of the United States, sitting in Chicago recently in what is known as the packers' case, had occasion to pass on that provision of the law.

They used the language which I shall read in regard to the taking of papers of defendants charged with an offense under a general warrant. Be it said that these warrants are of this character: They do not describe the property to be seized; they simply, in a general way, state that there are papers in the hands of certain persons, naming the defendants, which are to be used or have been used in the commission of certain offenses. They are very similar to the John Doe warrants, issued in due form, but describing the person whose property is to be taken or whose premises are to be searched as John Doe. When officers take such a writ to search anybody it is in the nature of a pocket writ, a general warrant, issued against the American people, so that any Senator or any citizen of the United States could, under a John Doe warrant, be searched without having his name inserted in the warrant, or any premises could be searched or any property could be seized.

Some limitations upon the power of Congress are found in the requirement that the person be named in a warrant who is the subject matter of the search; that the premises be described; and that the property to be seized also be described with reasonable certainty. All of those provisions were ignored in the execution of the act passed by Congress. The espionage act, I believe, goes beyond the limits of congressional power. What may be left of that act finally, when the courts shall have interpreted and applied it to specific cases, would be a matter of conjecture if I were to enter upon an attempt to decide; but in the case where, in the investigation in Chicago, a deputy marshal broke into Mr. Veeder's office and took papers it led to a hearing before a court. Mr. Veeder was the general counsel of the packers.

Mr. STERLING. Mr. President, will the Senator from Illinois permit an interruption?

Mr. SHERMAN. Yes, sir.

Mr. STERLING. The Senator calls attention to the espionage act and that part of it relating to search warrants, I suppose. Let me call the Senator's attention to section 3 of title 11 of the espionage act. Under the head of search warrants it provides:

SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

I recall some discussion in the committee and also in the Senate upon this proposition, and, as I recall the discussion, it disclosed the fact that search warrants under that provision were issued only under the conditions under which search warrants are usually issued and under conditions imposed by the statutes of the several States relative to search warrants. How is it that any personal right was violated in the issuance of search warrants in the Chicago case? I should like to ask the Senator from Illinois that question.

Mr. SHERMAN. I will reach that point in a moment. All the forms of the procedure on search warrants are carefully observed in the section of the espionage act which has been

read by the Senator from South Dakota, but it is like the pending bill would be if enacted into the form of law. When it falls into the hands of agents to execute it, they may make it the instrumentality of abuse.

As a matter of fact, under this same section and another provision about taking papers that are alleged to be instrumentalities for committing offenses, a warrant was issued under which deputy marshals broke into a private office, into the safe in which were found private papers, and attempted to take a number of documents—letters, telegrams, and other communications—passing between different persons connected with the packing business, on the claim that they either had been used to commit a felony or an offense or would be used for the commission of future offenses. Those documents were not the property of the Government or of some complaining witness. They were the property of the packers who were threatened with prosecution. There was in the warrant in the hands of the marshal no sufficient description of the documents to be seized. It described Mr. Veeder's office, but it did not describe with any reasonable degree of certainty the documents to be seized.

Mr. STERLING. Mr. President, would not that, then, be rather the fault of the commissioner or the judge who issued the warrant?

Mr. SHERMAN. It was issued by a United States commissioner.

Mr. STERLING. Because an affidavit must be made before him, and if the property is not sufficiently described he should not issue the warrant. Section 4 of the espionage act provides that:

> The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

Mr. SHERMAN. That only shows, when it is applied, the general tendency of the present times. It is true that the packers were not charged with being disloyal; they were charged with not paying their employees a sufficient wage or giving them the proper conditions of service; but the commissioner settles that. By the way, in an ex parte proceeding the United States commissioner is a Federal justice of the peace; and, according to my experience, there is about as much use in arguing a case before a United States commissioner as there is before a justice of the peace who has decided to hang your client or to divorce the parties because he married them and ought to have equal jurisdiction to untie that which he has tied; that was an argument once used by a justice, and I have had similar experiences with justices. A justice of the peace is the only court in the country that has unlimited jurisdiction of both State and Federal matters at common law and in chancery, and a United States commissioner is very much the same. He gets his business just like a justice of the peace gets his; just like a justice in the justice shop court in Chicago used to get it; he gets it because he is popular with the prosecuting officers; and if he does not do what they want the commissioner gets no business. I have letters in my files in my office here in Washington from a commissioner in Chicago soliciting business, and asking that I use my political influence, of which I have a remote vestige, being a minority Senator, to obtain business from the United States attorney in his district. I have not complied, except to answer in a good-humored way, as I hope, that I did not think my recommendation would do any good, and I doubted very much the propriety of it if it would. United States commissioners issue such warrants as the one to which I have referred. It is only when the question is heard at last before a court who is free from any motives or any bias that finally the law becomes settled. I read only this paragraph from the opinion:

> One's person and property must be entitled, in an orderly democracy, to protection against both mob hysteria and the oppression of agents whom the people have chosen to represent them in the administration of laws which are required by the Constitution to operate upon all persons alike.

This language was used in reference to warrants that did not sufficiently describe the documentary matter to be seized, giving no dates or descriptive words by which the defendant could be advised in advance what particular documents were to be seized out of his safe or office. It was argued—and the brief when read discloses that this was one of the arguments offered—that naturally the papers could not be described; that the district attorney would be unable to give the dates and describe the persons to whom the papers were addressed or the character of the documents with any more certainty than was given in the warrant that was drawn, and these are the remarks of the court on the question, holding that the warrant was utterly void and conferred no power.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SHERMAN. Yes; certainly.

Mr. KING. Does the Senator think because the provisions of the statute were not strictly complied with, as they must be where a warrant is sought to search a man's premises and to seize property, that is a fair and rational argument against the law itself?

If the Senator will pardon me, in the Senator's own State, and in every State of the Union so far as I know—but I know it is true in the Senator's State, because I took occasion to look it up when we had the espionage act under consideration—there is a statute in regard to search warrants, and the espionage statute is fashioned somewhat along the lines of the statute drawn in the State of Illinois. In nearly every State it has been found necessary and proper to have statutes providing for search warrants. There, of course, may be abuses at times; but because there may be abuses in the enforcement of the law would not be an argument against the validity of a statute or the wisdom of a statute of that character.

If the States may have statutes with regard to search and seizure, why should not the Federal Government along legitimate and proper lines have like statutes? If a statute which authorizes a search warrant in a given cause relating to crime or felony is proper in a State, why should not a statute of like nature be passed by the Federal Government? Does the Senator think—of course I am asking a number of questions in a rather jumbled way—that because the court to which the Senator has just invited our attention has held that the authorities did not proceed in conformity with the statute, it is fair to say that this statute was not authorized and the validity of it has been challenged?

Mr. SHERMAN. Mr. President, it is a proper and intelligent inquiry that the Senator makes, and the substance of it is this, that the abuse of the law by agents or officers who go beyond their powers ought not to be a legitimate criticism of the law itself or of a bill that proposes to embody those features into a law. Ordinarily that is true; but here is the inherent weakness of that provision of the law as enacted ordinarily. We have always thought that a defendant's papers could not be taken by process, his safe or his desk broken open, and those papers used in evidence against him. We have thought that; whether it is right or wrong is a question for the courts. I know that if the courts adhere to what they have ruled in many other cases of this kind, they will hold that, if I have in my possession papers that may be used in evidence against me on a charge of felony, I can not be made to produce those papers nor can any officer break open my private office or seize my papers, take them away from me, and use them against me in the prosecution. If they pass out of my possession, if they are found in somebody else's possession, then the inhibition is removed. I no longer have that protection.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. SHERMAN. Certainly; I yield.

Mr. POINDEXTER. I will ask the Senator from Illinois if he argues that there is anything in the pending bill that enlarges or extends in any way the authority to issue search warrants or to seize papers? I am asking in perfect good faith. My understanding is that the passage of the bill now before the Senate would leave the question which the Senator is discussing just as it was before.

Mr. SHERMAN. Certainly; but if this amendment should prevail it will be a part of the same law, amending it. I am using this illustration to show how the law has already been employed—it is true, I think, by abusing its provisions—but it shows that this general search-warrant feature that some Senators criticized when the bill was on its passage here some time ago has been construed to mean that you can issue a general search warrant, and take papers away from defendants, and use the papers for the purpose of convicting them. Now, that is one of the provisions made in the original espionage act to which the pending amendment will add some more drastic provisions.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHERMAN. Yes, sir.

Mr. KING. I apologize to the Senator. I have before me the Illinois statute; and a hasty examination of it and comparison of its provisions with the provisions for search warrant in Title XII of the espionage bill, I think, will convince the Senator, as the hasty examination has convinced me, that the espionage act is more carefully drawn in the interest of the defendant, or the person whose premises are to be seized, than is the Illinois

statute. I will not take the time to read the Illinois statute, but I feel sure that I am correct in making that statement.

If the Senator will pardon me, the provision of the espionage act which authorizes searching for papers is connected with section 22. I will read the section:

Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

That section which authorizes search for papers and the seizure of papers relates to papers which in their character involve international relations; and the Senator will recall that at the time of the discussion of this bill, frequent allusion was made to papers in the possession of German spies in New York which had been seized, and the necessity of seizure became very apparent at the time of the seizure, and subsequently. So there is no general provision for search warrant with respect to private papers of individuals.

Mr. SHERMAN. The general law would apply. There is a restriction. There is a general act of Congress on these matters, or there is a procedure that is always followed in the issue of search warrants in process of that kind, which is specific. That is enlarged by the section read by the Senator from Utah, where it relates to disturbances of an international character; where, for instance, a German spy, or an unfriendly employee of a legation—as was the case, in fact, when Von Bernstorff was still here—has in his possession papers that might be used to create international disturbances; and the query is whether we ought to extend the search-warrant provision so that these may be taken out of the possession of the defendant and to be used against him.

It may be an employee, but they are all liable to indictment under this law—not only the spy, but all of his employees. That person is indicted in the usual way; or, if it be before the espionage act passed, there is a general neutrality law in this country that has been in force for some time, providing that if any person, a resident alien or one found in our country, should set on foot any expedition or military enterprise of any character, or any conspiracy that might be called a military enterprise, against any friendly power, or against the citizens or subjects of any friendly power, it is an offense against the neutrality laws.

We prosecuted many persons on the Mexican border—some Americans—who set on foot such enterprises against the peace and good order of Mexico. The same thing has been used in the prosecutions in certain of the district courts on the Canadian border, in Maine or New York, where railroad bridges were dynamited by German subjects or spies found in our country, the conspiracy being framed on our soil. The query is whether persons engaged in such unlawful enterprises, tending to disturb the peaceful relations of one nation with another, can have these documents—their own property—taken away from them by search warrant, to be used against them. I would rather not have such a law than to take the chances on such a precedent. A precedent, once made, by which private offices are broken open and one's own documents removed, to be used against him in his prosecution, is violative of the rights one has to be secure in his person and property and not be compelled to give evidence against himself. The fact that he has them is enough to extend to him that guaranty.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. REED. I have not heard all of the Senator's remarks—I have been at a committee meeting—but the Senator is aware, is he not, that the very question that the Senator is discussing has already been passed on by Mr. Justice Bradley, of the Supreme Court?

Mr. SHERMAN. I did not get all of the Senator's question.

Mr. REED. I state, by way of apology, that I may be in error about the aspect the Senator was discussing; but, as I understood him, he was referring to the right of the Government to enter the house of a citizen and take his papers; and I understood the Senator to say that he would rather not have such a precedent established, asserting that he believed that it would be declared unconstitutional. I am asking the Senator if the fact has escaped his recollection that the precedent has been already made; that Mr. Justice Bradley, in a very powerful decision, held that the right of search could not be so employed?

Mr. SHERMAN. That is true; there is no doubt about it. The Senator, as usual, is timely and accurate in his citations. But we are seeking here to amend the espionage law, under which the abuse of the writ has already been made in the case I refer to, in the seventh district, decided by the Court of Appeals, in violation of the opinion of the Supreme Court by Mr. Justice Bradley, to which the Senator from Missouri refers. It shows the danger, in these times of stress, of introducing such amendments into existing laws, or proposing them by pending bills.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I do not understand that the matter of search warrants, or searching for papers, is involved in this bill, or in this amendment.

Mr. SHERMAN. Not in this amendment; but it becomes a part of the law of which this amendment will be a part when it is adopted, so that it is part of a system; and I am commenting upon the entire law as it would be amended in the event of the adoption of this amendment in its present form.

Mr. NELSON. The Senator will find, if he examines it, that the search law is in a separate chapter of the espionage law, and we are not amending that by this bill.

Mr. SHERMAN. Oh, certainly it is a separate section, but it was passed in the same bill and is part of the same legal system.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SHERMAN. Yes, sir; I yield.

Mr. KELLOGG. I do not understand the Senator, and I should like to ask him a question. The search-warrant clause of the espionage bill particularly provides that the warrant can only be issued on probable cause, supported by affidavit naming or describing the person, and particularly describing the property and the place to be searched. Now, the Supreme Court has held, in a number of cases with which the Senator is familiar, that you can not use any process to search a person and take his private papers and use them against him in a criminal case. This does not provide that you can do it; and I do not see how the amendment before the Senate in any way changes the rules of law or the espionage statute, which seems to me to protect the person whose person or premises are to be searched.

Mr. SHERMAN. I will repeat, that if this amendment is adopted it will become an amendment to the espionage act, because, as I read it——

Mr. KELLOGG. That is quite true; but the espionage act itself does not violate the Constitution.

Mr. SHERMAN. Oh, I understand that; whether one's own papers can be taken from him and used against him in a criminal case by observing all the solemn formalities hedging about such a process is yet to be determined under the case cited by the Senator from Missouri [Mr. REED], but of what earthly use is law even, with public sentiment so inflamed? What does a nisi prius or trial court or a United States commissioner care for it when you have once started on such legislation? Several judges have manifested mob-law symptoms themselves. It is true that you can take it to the Supreme Court or the court of appeals at last and have it reviewed; but nobody but packers or millionaires can hire lawyers by the year to carry cases to the Supreme Court.

Mr. KELLOGG. But, Mr. President, then the fault is in the administration rather than in the statute.

Mr. SHERMAN. I am not criticizing the law itself. I am saying that you are furnishing a precedent by which you will incite people to do these lawless things.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. SHERMAN. Yes, sir.

Mr. OVERMAN. Has the Senator's attention been called to the fact that the espionage law is divided up into separate laws or titles? The section the Senator is talking about, relating to search warrants, is Title XI. In other words, when we came to pass that law, we put 12 bills together. If the Senator will notice, on page 13, that is a title, which is the same as a separate law; and the pending bill does not at all amend the search-warrant title.

Mr. SHERMAN. Oh, no; it does not change the law with regard to search warrants, but when the amendment is adopted it is a part of the act; it is a part, then, of the system.

Mr. OVERMAN. No; it is a part of a certain title of the act.

Mr. SHERMAN. I know; but then the espionage law itself becomes an entire fabric. Every section in it, together with the amendment, then becomes a part of the espionage law, to be administered by the local authority.

Mr. OVERMAN. No; I will give the Senator the act, and I think he will agree with me that Title I is the espionage act.

Mr. SHERMAN. It is section 3.

Mr. OVERMAN. The Senator will see that the search-warrant part is a title; it is not a chapter.

Mr. SHERMAN. I understand that; but the amendment that is pending says it is to amend section 3, Title I, of the act entitled "An act to punish acts of interference with the foreign relations * * * of the United States," and so forth, and to punish espionage. So, when it is amended by the pending bill, it then becomes a part of the entire system. It was all one bill when it was pending here.

Mr. OVERMAN. No; it is a part of the title "Espionage."

Mr. SHERMAN. Oh, well, you might just as well say that a man's leg is not a part of his anatomy because it is a good way removed from his head and has more bone and usually less brains than the cranium. It is a part of the entire organism.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. SHERMAN. Yes, sir; I yield.

Mr. HARDWICK. I want to suggest to the Senator that what I think the Senator has in mind, and what I believe is a very strong argument, is that the Senator is showing that, even as to the parts of this law that we have already passed, there have been strained constructions and misconstructions of it by the courts, and therefore we ought to be slow to enact other things that are capable of like misconstructions.

Mr. SHERMAN. Certainly. The Senator states the purpose I have in view. These very experiments that we are making here tend to enlarge the oppressive and often destructive discretion of the local authorities.

Mr. President, I have heard considerable comment on what could be done and what could not be done under this bill in the event it is passed. I want to know—and I invite the attention of Senators to this circumstance—whether I could read a letter of the kind I produce now, if this bill became a part of the act as an amendment. I should like to know whether I could read a letter of date of April 4, 1918, addressed to a person in Washington—Miss S. L. Keyser, of 29 B Street NW., Washington, D. C.—and make appropriate comments on it, in view of the fact that there is an antiprofiteering rent bill pending in the Committee on the District of Columbia; whether I could read this letter and comment upon the governmental action, without landing myself in jail, if I did so at any place outside of the Senate Chamber?

Referring to your contract with this department, dated November 18, 1916, leasing to you premises No. 31 B Street NW., from month to month, at a compensation of $5 per month, I have to state that the records of the department show that you have only paid rent for the premises up to and including March 18, 1918. I have therefore to advise you that, exercising the right reserved to the Government in the contract, you will be required to vacate said premises within seven days from the date of this notice, and any and all of your effects in the building should be removed by that time. From and after the expiration of said period the building in question has been leased to Mrs. Mary B. King, at a rental of $30 per month.

Suppose I were to comment upon that on a platform. Suppose I were a Chautauqua profiteer myself, and were doing a lusty gladiator's act some hot July afternoon, appealing to the populace, and suppose I should read this letter. I would comment further on the fact that private owners of property, tenants in Washington, had been severely criticized for profiting to the extent of from 100 to 200 or 300 per cent. I would then refer to the fact that a Government department, through a letter signed by its chief clerk, had undertaken itself to profit to the extent of 600 per cent. I would say, "What would you think of a government of that kind?" And about that time a deputy marshal would seize me and start me on my trip to the bastile.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. SHERMAN. Yes, sir.

Mr. BORAH. With a large part of the Senator's argument I agree; but it would not come under any clause of this bill if the Senator were to make the same speech, even if he should make it out here on the stump. It is not inhibited by this law. Let it be understood, Mr. President, that those who are advocating the passage of the law do not believe that it at all touches the proposition of discussing the competency or the incompetency of an administration, the policy or the wisdom or the unwisdom of an administration, the efficiency or the inefficiency of an administration, or the competency or incompetency of an officer, or the honesty or corruption of an officer. It does not cover that subject.

Mr. REED. Mr. President, would the Senator be willing to put the remarks he has just made in the bill by way of amendment?

Mr. BORAH. Mr. President, I have not any doubt at all but that I am correct in that interpretation, and it is in there now, because there is nothing in it now which covers that subject matter at all. Why, Mr. President, knowing that the Senators who are opposed to this bill are sincere, if they can convince me that we are about to pass a measure here by which you can not discuss the competency or incompetency of an administration, or the competency or incompetency of an officer, or the wisdom or unwisdom of a measure, I shall oppose this measure to the bitter end.

Mr. SHERMAN. I call the Senator's attention to the following language:

Whoever when the United States is at war—

And we are now, and unhappily may be so for some time—

shall utter, print, or publish any disloyal—

To which I have no objection at all—

profane—

I have none to that; I do not think a person ought to talk profanely about anything, Government or otherwise—

scurrilous—

I have no objection to that—

contemptuous—

I have to that. I would express myself in a contemptuous manner if I said that a Government department that undertook to profiteer, and representing this Government under which I live, 600 per cent was not practicing what it preached. Now, it continues:

contemptuous, or abusive language about the form of government of the United States.

Mr. BORAH. Does the Senator think that when he attacks an officer acting corruptly or improperly he is attacking the form of government of the United States?

Mr. SHERMAN. I have not any doubt about that interpretation by various deputy marshals running around over the country.

Mr. BORAH. I should like to see eliminated from this law entirely the ability of any departmental officer to interpret any part of the law, and if I should have my way, when the espionage bill is finally passed no one will construe its terms except the courts of the country in the presence of a jury. If a deputy marshal should make that construction he would not last long, in my judgment, assuming, as I do and as I believe, that the courts are still impartial and still sane in the construction of its language, because no court would construe an attack upon an officer as an attack upon our Republican form of government, neither would he construe it as an attack upon the Constitution of the United States. Rather would he construe it as a support of our form of government and the Constitution of the United States to assail those who are bringing the Government of the United States and its Constitution into disrepute.

Mr. SHERMAN. Does not the Senator know that practically laws are made by the departments and bureaus and not by Congress?

Mr. BORAH. Mr. President, if that be true, we need not worry ourselves at all, because this law will be enforced by the bureaus and the departments, whether it is passed or not. If the bureaus and the departments are going to make the laws, very well and good; I have no occasion to dissent with the Senator at all; I surrender the proposition. I assume that the law which this Congress will make, if it is delegated to the courts to construe, will be construed by the courts, and the courts will perform their functions as they have been performing their functions, in my judgment, with great wisdom and sanity in this great crisis.

Mr. SHERMAN. The Senator forgets that it takes from one to five years for the courts of this country to reach the average humble citizen's rights. Here were pickets, delicate, well-reared women, arrested in the city of Washington, almost in the shadow of the White House. Did any court discharge them? What became of them? Some of them from Southern States were confined with negro felons or convicts.

Mr. BORAH. Mr. President, the court did discharge them as soon as they were able to reach the court.

Mr. SHERMAN. When?

Mr. BORAH. Just as soon as the court could reach them and they could reach the court.

Mr. SHERMAN. That is what I am insisting, just as soon and no sooner. Before the court to which an appeal was taken from the trial court convicting them could discharge innocent women, they had been jailed for weeks with criminals in vermin-infested cells that disgrace the name of law.

Mr. BORAH. Fortunately, it does take time to have adjudication in this country. Fortunately, we do not adjudicate the same hour through a town meeting or a mob movement, but we adjudicate through the final determination of a court, and that takes time and properly takes deliberation; it takes consideration, and properly takes consideration; and when a precedent is established, as it is now established by the court in regard to that matter, it is the practice then.

Mr. SHERMAN. That is a valuable precedent for future use. It does not relieve the suffering of innocent women who were imprisoned for weeks in the heat of summer with vile criminals amid filth and vermin and all the surroundings of an ill-kept penal institution.

The difference between the Senator and myself is that when I by my vote undertake to help to make laws I wish to protect the average citizen of small means in the making of the law. I am not making laws for millionaires to litigate and construe, who employ lawyers of ability by the year. I wish to take care of citizens in the making of a law, so that it will be plain enough and its intent will be plain enough to keep the small public officers, deputy marshals and others, from committing these outrages upon helpless persons.

Mr. POINDEXTER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. POINDEXTER. I should like to ask the Senator a question, for sometimes by questioning we can get at the real issue much more than we can by statements. I ask him whether or not he is of the opinion that it should be lawfully permitted while we are engaged in this war for people under the jurisdiction of the United States to willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of the Government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army of the United States? I am interested to know, aside altogether from the abuses which the Senator refrered to, some of them which he says arose under the espionage act and some of them that did not have anything at all to do with the espionage act, such as the suffragist pickets——

Mr. SHERMAN. That was only an illustration. I did not claim that it had anything to do with that.

Mr. POINDEXTER. Aside from those abuses, I ask the Senator from Illinois, with the desire which I know he has to have as nearly as good laws as we can get and come as near avoiding abuses of them as we can arrive at, whether he believes that citizens of the United States ought to be permitted by law to do the things which I have just read?

Mr. SHERMAN. Not all of them. I will specify. When the United States is at war no disloyal act or word ought to be permitted from either alien or citizen. I think if the bill stopped there it would cover all practical purposes so as to prohibit disloyal words or acts. That covers it. It is for the court or the jury, if a question of fact, to say whether the act is disloyal. What is added to the rest of it?

A profane expression about the form of government would be disloyal in time of war. A scurrilous or contemptuous reference to it in time of war would be disloyal if it ought to be punished at all. If it is a mere idle criticism of the Government, I do not think it ought to be punished at all under the guise of a war measure.

I have heard in the National League for Popular Government more abusive language about the United States Government and the United States Supreme Court than I ever heard in a meeting of red-handed anarchists on the lake front in Chicago.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. Has not the Senator heard words of bitter denunciation of the Supreme Court in this Chamber?

Mr. SHERMAN. I have. I thank the Senator for reminding me of it; it had escaped my attention. I have a right to argue on such definitions of disloyalty by extending it so that officious persons, so that every person who wishes to construe it, is given the liberality for the construction that it is profane or it is scurrilous or it is contemptuous. What does it all amount to? If it amounts to anything that ought to be taken within the scope of an amendment to the law, it is disloyalty.

Mr. POINDEXTER. Does the Senator think that disloyalty is any more specific or confines the action of judicial officers to any more definite line than these things which are specified in the statute? Is it not true that, on the contrary, disloyal and disloyalty are more general terms and subject to a wider range of definition than the specific things mentioned in the bill?

Mr. SHERMAN. I think not in the application I refer to. I think the word "scurrilous" gives to a deputy marshal a discretion that is dangerous to be vested in any petty official who is running about over the country trying to make a record to arrest somebody.

Let me call the attention of the Senator or of the Senate generally to what was introduced in the RECORD here by the Senator from Indiana [Mr. WATSON]. I have said that contemptuous or scurrilous language about the form of government of the United States or about the Constitution, if it is worthy to be considered in a bill, is disloyalty. Disloyalty charges a well-known offense. It has been the subject of judicial investigation and decision in our own courts and in England for many years. It is a well-known act. I want to legislate on that so long as I have a vote in this body.

A scurrilous remark about the Constitution or our form of Government is made in nearly every issue of a paper of which Louis F. Post, the Assistant Secretary of Labor, is the responsible owner. He is the First Assistant Secretary of Labor to William B. Wilson. The Post family founded it, and I wish to make this statement on my own responsibility. Louis F. Post and his family still are the responsible owners of the newspaper called The Public. It is a single-tax sheet. It is socialistic at heart. It is the exponent and the mouthpiece of every governmental error, every fad, every superlative bundle of farago in the shape of criticism that I have known from the time since the first number of it came out. He occupies a place in the Department of Labor, is a responsible agent there. Among those who contribute to this paper signed articles are Mr. Post himself and various members of that particular cult in the United States, among whom appear Raymond Robbins and Jane Addams, and a great variety of social settlement workers of the country, all of whom are high in the councils of this administration.

The difficulty is that these laws as well a part of the Government are administered by social settlement workers and not statesmen. My dear friend Raymond Robbins is now in Russia. Press reports coming across in a cablegram day before yesterday indicated that Mr. Robbins had been taken by the vile bolshevik of his own kind and cast out upon the street in Petrograd, I think, where he administered a portion of the Red Cross fund. In other words, he is getting in practice what he has advocated in theory all his life, and I am glad of it. He finds how a government of his kind of reformers really operates when well under way. They treated him scurrilously and contemptuously, but he has been treated to what he has been preaching or Louis F. Post has been preaching all his life. Mr. Post is a responsible Government official.

Mr. POINDEXTER. Does the Senator approve that sort of preaching?

Mr. SHERMAN. I do not.

Mr. POINDEXTER. That is what this bill is intended to prohibit.

Mr. SHERMAN. How will you enforce it when the very men who preach it and attempt to put it into practice execute this same law? When they agree with you it is statesmanship, it is economical wisdom, it is social justice, it is a few more sonorous and mouthfilling phrases that have become governmental and reformatory in character. When they do not, they arrest you as a disturber.

Mr. POINDEXTER. The Senator ought to propose an amendment to the bill that no Bolsheviki shall have anything to do with the enforcement of it.

Mr. SHERMAN. That would break up the administration, Mr. President. I have no desire to embarrass it in war times.

There is in the CONGRESSIONAL RECORD, inserted in the matter I referred to by the Senator from Indiana [Mr. WATSON], an article by another one of these officials at the head of the publicity bureau. In that he says the Constitution of the United States was written by rich men to protect rich men's rights. Of course he was not at the head of the publicity bureau when he said that, but he is now. His statement is there in words that yet live, and it is the same Constitution of the United States. Do you want to put in his hands the power to censor public matters? We get a great deal of "pitiless publicity" from sources of that kind. I do not want to put in his hands further power.

I am in sympathy with the amendment offered by the Senator from Massachusetts [Mr. LODGE] to specify in the law and govern men who are inclined to go wrong by law and not by the administrative discretion of heads of departments. I shall vote, therefore, during the war to provide that matter introduced into the mail for distribution shall be in the English language, or rather to prohibit it in the German language, because that is the language of the public enemy, and I think there ought to be a restriction upon that during the war.

In addition to that the head of the publicity department of this administration, Mr. Creel, in the same series of statements said that the Supreme Court had by its decisions carried into effect the conspiracy of the rich men who framed and formed the Government under which we are living, the Constitution. If I were to say that outside of the Senate Chamber when war is on and make that charge myself, I ought to be jailed. I think the Senator from Georgia [Mr. HARDWICK] was right when he said that an adjective law or an adjective lawyer was about the limit; that he showed by adjectives the lack of knowledge. If I were to say these things, therefore, outside of the Senate Chamber, repeating all these adjectives, leaving all these adjectives off, leaving simply disloyalty, under that law I ought to be fined or sent to the penitentiary.

If I spoke of the Constitution in such language, it would be disloyal to say that it was a conspiracy of rich men in its original framing, and in the decisions of the Supreme Court since that time that they have carried into effect the original conspiracy by their decisions. I can not think of anything that is more hurtful, that would be more disloyal, than to carry conviction with a statement of that kind into the hearts of citizens of the United States, who are asked to buy liberty bonds, asked to encourage enlistments, or be loyal in the prosecution of this war. Still the same men who say these things and do these things are to execute this law, and we are asked to add the language of this bill to the espionage act.

I tell you what we need in this country more than anything else. It is not additional legislation. We need men who know how to administer the affairs of government. I will not criticize the President; I shall support him. I have an abiding sense of loyalty toward him in the prosecution of this war. I will do like the loyal Englishman does. The Briton never criticizes King George. Lord Northcliffe never criticized King George in his ministry or agency for conducting the war. He did criticize his ministry; and I have a right, and I think it is my duty, to criticize the ministers of this administration. As to those who surround him, those who are the keepers of the Executive conscience, those who tell him in time of stress and trouble what to do, I have a right to say that their advice is unsound and that their practices are not calculated to strengthen this country in this struggle.

We have too many of this variety, who, until recently, have exhausted their eloquence and their powers of denunciation in trying to bring into disrepute and disrespect the Government of the United States. This administration is now reaping what it sowed through its ministers, who are irresponsible, unpatriotic in time of peace, and, wrapping themselves in the mantle of war-time preparations, conceal the vileness of their civic imperfections before the war began.

I know that breed. In every place west of Pittsburgh to the Pacific coast I have seen them; I know what they are; and some of them are the responsible ministers of the present administration. I am against delegating into their hands further great powers. I will give such power to the President when the President is to exercise it himself, but if he is to delegate it to those of the kind I have described, and if they are to enforce such laws as this, then better by far were it that we should not legislate at all, but depend upon such laws as are already in force. We are heaping laws upon laws. We are repeating the great American failing. We mistake laws for men and fitness and sacrifice. We can not conquer Germany by legislation.

Mr. NELSON. Mr. President——

Mr. SHERMAN. I yield to the Senator from Minnesota.

Mr. NELSON. There is nothing in this amendment which gives the power to these officials to enforce the law. The proposed law lays down a rule of conduct, and its violation is enforced in the courts, and nowhere else. Neither Mr. Creel nor any of the statesmen to whom the Senator from Illinois refers will have anything to do with the enforcement of the law. It will be a law to be enforced through the courts by juries and judges, and not by these men.

Assuming that all the Senator from Illinois says is true—and there is a great deal of truth in it—he is setting up a man of straw and beating him unnecessarily in this case. If this amendment proposed to leave the enforcement of the law to the officers to whom the Senator refers, I should sympathize with him; I should agree with him; but it does not do anything of the kind. I hope that my good friend, the Senator from Illinois, will not intimate that the jurors and the Federal judges of this country belong to the bolshevik family or are socialists in a body.

Mr. SHERMAN. Oh, no. I know the Senator from Minnesota does not want to put me in the attitude of doing so. He is simply making the inquiry for information, in a spirit that is seeking for the truth.

Mr. NELSON. Will the Senator allow me to ask him merely to read the bill?

Mr. SHERMAN. I have read it.

Mr. NELSON. I ask the Senator to read the amendment which we propose to incorporate in the bill, and see if he can find anything in it which gives to the men to whom he refers—and I do not find any fault with that part of the Senator's remarks—any jurisdiction over this matter.

Mr. SHERMAN. The particular officers to whom I have referred?

Mr. NELSON. Yes; or any of their class.

Mr. SHERMAN. Any of them?

Mr. NELSON. It only gives jurisdiction to the juries and the courts of this country to enforce this law as they enforce any other law. It is the same law that the Senator and I have to submit to, the same tribunal, if we should make a mistake and violate the law. The juries and the judges of this country, and not Mr. Creel or any of his affinities, will execute the law.

Mr. SHERMAN. I fear I have not made myself as plain to the Senator from Minnesota as I should like to do, but if the bill will stop with words or deeds that cover disloyalty, I am with the Senator.

Mr. NELSON. Will the Senator allow me to interrupt him further?

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I want a friendly talk with him.

Mr. SHERMAN. Certainly; I am always open to friendly talks.

Mr. NELSON. The object of this proposed law is to prevent violence. If we allow men to go abroad and to utter sentiments which this proposed law prohibits, it will breed violence; the people will not submit to it. It is for the sake of keeping the peace of the country, to prevent a breach of the peace, that it is necessary to insert this provision in the bill. Would the Senator from Illinois like to have me come to him in his committee room or in his house and talk of the flag of the United States in a scurrilous, profane, and contemptuous manner?

Mr. SHERMAN. You must stick to a strict definition.

Mr. NELSON. The Senator must observe that the object of this proposed law is to prevent people from taking the law into their own hands. If the Senator from Illinois will read this provision of the bill, he will find that it is intended to meet the gospel of the I. W. W.'s. What is their gospel? It is to denounce our Government, our flag, our Army. Does the Senator want that to prevail? Does he want men of that kind to go abroad, with a tendency to create riots and disturbance, so that the good people, losing all patience, will resort to such violence as took place in the Senator's own State a few days ago in reference to a coal miner? I think we ought to stop it; that we ought to look at it in a broad way, and not in a picayunish or Lilliputian way. We ought to remember that the object of the passage of this legislation is not altogether to stop disloyalty, but to prevent conduct such as will tend to create and promote breaches of the peace, riots, and other lawlessness. This legislation is necessary for the protection of our own people as well as for protection against Germany. That is my view of it, and I think the Senator from Illinois, on reflection—I always admire the Senator, for he takes a broad, cosmopolitan view of these things—I think if he looks at it from that standpoint, he will be inclined to agree with me.

As to some of the other matters to which the Senator from Illinois has referred, I desire to say that there is a great deal of merit in what he says. There are a great many things that are occurring here and which have occurred which are distasteful to me, but I shut my eyes against them; I cast all that aside. I am so eager to make our Government successful in this war and to put our people into the proper spirit and attitude for carrying it on that I am even ready to swallow a bolshevik lion, if he goes in my way.

Mr. SHERMAN. Mr. President, I have no disposition to differ from the Senator from Minnesota on much of what he has said. Our confession of faith would be substantially the same thing, but it is covered up by inhibitions on disloyalty. You are opening up by using the words "scurrilous" or "contemptuous" or "profane" a gate through which—of course, it is applied to the form of the Government of the United States—any deputy marshal on any statement you might make that would reflect on a department would arrest you at sight.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. Allow me to answer just for a moment.

It is true, as the Senator from Minnesota says, that after my arrest I have a right to a trial by jury, to a hearing before an impartial court, the evidence to be adduced, and to be acquitted if I can or the Government to convict me. If I fail, in that event, after I have been arrested and tried and acquitted,

I have been under bail for a considerable time, and these very words which, if there is any merit in them, must cover a charge of disloyalty, have been made the handle by a deputy marshal to subject me to all of this humiliation.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, one year ago I left a sick bed to come to this Chamber to vote in favor of the declaration of war against the German Empire, which declaration, I believe, ought to have been made sooner than it was. Since then I have voted for every bill called a war measure that has been presented to Congress. For some of them I have hesitated to vote, because I thought they were very extreme; but I have believed that we would reach a point where we would in calmness and reason legislate on this subject, but I fear that we are going from bad to worse. I have on my desk a bill that has been introduced and is before a committee which provides that the Government can take all the real estate and personal property of any citizen of this country.

Mr. SHERMAN. And forfeit it entirely.

Mr. GALLINGER. Yes; forfeit it entirely. Under it the Government can go into any man's home, take his personal property, commandeer his house if need be, and turn him out of doors, under the plea that the Government needs it. I do not know that the Senate will ever pass that bill. I hope it will not.

So with this bill, Mr. President, it has seemed to me that there were very extreme provisions in it, and particularly in the amendment. The provision in regard to criticisms of "the form of government" has troubled me. What is the "form of government"? I suppose the President is a constituent part of the Government; and I am not quite sure that in the coming campaign, provided this amendment is adopted, if I should say that the President acted not only unwisely but, perhaps, I might say, foolishly when he wrote a letter for publication in the State of Wisconsin denouncing Mr. LENROOT as a disloyal man, I might be trenching upon the provisions of this amendment and I might be called to account for criticizing in a contemptuous manner, because I should feel contemptuous about that particular incident, and I might be subject to the pains and penalties of this proposed law, which imposes a very large fine and imprisonment for the term of 20 years.

Mr. President, the people are troubled about this amendment. I have on my desk two letters from responsible editors, one of an independent newspaper and one of a Republican newspaper, saying that they do not know but that they will have to abandon their editorial departments if this amendment becomes a law. I have in my hand an extract from an editorial recently printed in one of the most widely circulated papers of the country, which I will ask the Secretary to read, as it is very brief, if the Senator from Illinois will permit me.

Mr. SHERMAN. Certainly.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

That latent mischief in all laws like this Poindexter amendment, which trespass upon the constitutional rights of free speech and free thinking, is the opportunity given to evil-disposed persons to use them for the gratification of private grudges and enmities.

If this Poindexter amendment became law, there is no man in New York City or in the whole United States, no matter how upright and how loyal he may be, who would be safe from the accusations and the perjury of malignant and unscrupulous enemies.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to suggest this thought to him, that there is a clear distinction between the Government or the form of government and the administration or any officer in the administration?

Mr. GALLINGER. Yes.

Mr. FLETCHER. A person might criticize the administration of the Government or criticize any officer having charge of the administration of the affairs of the Government, which would be entirely legitimate, and thereby create no offense at all, whereas a criticism of the Government itself or of the form of the government of the United States is an entirely different matter.

Mr. GALLINGER. Well, Mr. President, I hope that is so; but multitudes of men will, I apprehend, tremble when they undertake to discuss political matters next October if this amendment is agreed to. I am not sure, I have not been able to determine—and perhaps that is not to my credit exactly—what the term "form of government" means. For instance, if I should say that I believe that a limited monarchy, such as Great Britain has, is better than is our system, if I should say that the Government of Canada or of Australia or of New Zealands is, in my judgment, better than our form of government, would I be criticizing the form of government under the provisions of this bill if it is enacted? I am afraid I would be, and yet a great many loyal men in this country believe that our form of government in all its details is not the best that human ingenuity and human wisdom have devised.

Mr. President, I want to vote for this bill; I have voted for everything up to the present time, and I want to vote for this bill; but I think the Senator from Illinois has touched the vital point, the crux of the situation, when he says that when we provide punishment for disloyalty we ought to stop, and not talk about scurrilous language and use a long list of adjectives of that kind that would permit any evil-minded person to say that another person scurrilously said something about the Government or about the Army or the Navy and arrest the individual, hale him into court, and possibly convict him and send him to prison.

I hope the Senator from Illinois will offer an amendment to modify the amendment the Senator from Washington has offered in good faith, and with a provocation in his own home State that I do not wonder leads him to feel that we ought to resort to extreme measures.

Mr. POINDEXTER. Mr. President——

Mr. GALLINGER. Just one more word. I say I hope the Senator from Illinois will offer that amendment for which I will gladly vote, at the same time holding my views as to my final vote in reserve until the debate closes and until I see what shape the bill is then in. I would now yield to the Senator from Washington, but the Senator from Illinois [Mr. SHERMAN] has the floor, and I am speaking by his courtesy.

Mr. POINDEXTER. Will the Senator from Illinois pardon me for a brief interruption?

Mr. SHERMAN. I yield.

Mr. POINDEXTER. Will the Senator from New Hampshire kindly state the person who is responsible for the publication which has just been read at the desk?

Mr. GALLINGER. Oh, Mr. President, I have no concealments about the matter. It was printed in a newspaper that I very rarely read, a newspaper edited or owned by a man with whom I have no special sympathy; but, nevertheless, that man or any other man may utter a great truth. I clipped it from the New York American, a copy of which was sent to me through the mails; it was not marked, but I read the editorial, and there was a great deal of truth in it.

Mr. POINDEXTER. If the Senator will pardon me, there may be a great deal of truth in it, but the basic fact that the writer starts out with is not the truth at all.

Mr. GALLINGER. That is the Senator's opinion, and possibly he is correct.

Mr. POINDEXTER. No; it is not a matter of opinion, if the Senator will allow me. The writer uses my name in that editorial as being responsible for a certain amendment, and I think he has misled the Senator from New Hampshire, as a great many others have been misled in regard to that. Then, upon the statement that I introduced a certain amendment, he starts out with a fulmination against the amendment which he does me the honor to characterize by my name.

There is another little error, which might be regarded as immaterial by the writer, whoever he was, who wrote the editorial, namely, that there is no such amendment. The whole hysteria is on a subject that does not exist. I never conceived and never offered such an amendment. In the first place, there is nothing before the Senate that even contains the language that that editorial is directed at; but even the language that is before the Senate is not my language, and the amendment the Senator from Illinois is discussing is not my amendment. The history of it was given here by the Senator from Montana [Mr. MYERS] several days ago. It originated in a bill that was introduced by the Senator from Montana. He did not consult with me about it. I myself thought that there was a great deal of merit in that bill; but, regardless of that, it was not mine. It was taken up by the Legislature of Montana and, with some changes, enacted into law, and was then taken by the Senate Judiciary Committee and, with some further changes, including the elimination of those features which are objected to by these editorials, was reported to the Senate. That is a very good illustration of the degree of accuracy and reliability that the public can depend upon in some of our newspapers from newspaper writers.

Mr. GALLINGER. Mr. President, if the Senator from Illinois will permit me a word I will add that I have no disposition to attribute to the Senator from Washington the authorship of anything that does not belong to him, or that he would repudiate. It has been generally known as the Poindexter amendment. I read it in at least 10 newspapers, and I supposed the Senator was in some way responsible for it, as it was so stated. At any rate, the Senator has been a very warm advocate of the

amendment, and I do not criticize him for that. The extract that was read from the desk, I think, does touch upon the provisions of this amendment, and to that extent I think no great offense has been committed by the publication.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. SHERMAN. I yield to the Senator from Idaho.

Mr. BORAH. As I recall, the portion of the editorial which was read from the desk was a paragraph from a much longer editorial.

Mr. GALLINGER. Yes.

Mr. BORAH. Mr. President, I thought I had the entire editorial with me, but I have not; but I read it, and it is based upon a supposed amendment which seems to have gone out to the country which is not in the bill at all. The amendment itself is incorporated in the editorial, and the amendment as incorporated in the editorial would be justly subject, in my judgment, to criticism and to opposition; but there is quite a difference between the amendment as it was copied in the editorial and this bill.

Mr. MYERS. Mr. President, will the Senator yield to me to ask a question?

Mr. SHERMAN. Yes, sir.

Mr. MYERS. I entered the Chamber while the Senator from Washington [Mr. POINDEXTER] was just speaking. I should like to inquire of the Senator from Washington to what editorial he referred, in the remarks he just concluded.

Mr. POINDEXTER. The editorial that was inserted in the RECORD a moment ago by the Senator from New Hampshire.

Mr. MYERS. I did not hear it read. From what paper was it?

Mr. POINDEXTER. It was stated that it was from the New York American.

Mr. MYERS. Oh, I have read that editorial, and I just want to say that the impression seems to have gone out broadcast over the country, through the newspapers, that the Senator from Washington [Mr. POINDEXTER] took my disloyalty bill, Senate bill 2789, introduced on the 15th of August last, and in the Judiciary Committee offered it bodily as an amendment to the pending bill. I would be very proud to think that the Senator from Washington had done so. I should be glad to think that he thought enough of my bill—which is practically the same as the committee amendment before us, except that it also includes the President of the United States, as well as the form of government of the United States, the Constitution, flag, Army and Navy, and so forth—so to offer it as an amendment; but I learn that he did not do anything of the kind, and that it never was offered as an amendment, in committee, to the pending bill or any other bill. I do not know why such a report has gone out to the country.

Mr. POINDEXTER. Mr. President, if the Senator will allow me just one second——

Mr. SHERMAN. Yes, sir.

Mr. POINDEXTER I should like to state what my amendment is. I think it is even better than the one of the Senator from Montana, but I think there is a great deal of merit in the bill proposed by the Senator from Montana. In view of all this discussion and misapprehension, I should like to put into the RECORD again what my amendment was.

Mr. JONES of Washington. Is it the Senator's bill?

Mr. POINDEXTER. No; it is not the bill. It is somewhat changed from that. It is very much like it. I think I have it right here.

Mr. NELSON. Mr. President, I can easily pick out from this bill what the Senator's amendment is. It commences after the word "enumerated," in line 16, page 3.

Mr. POINDEXTER. I thought I had it in the RECORD of Saturday.

Mr. NELSON. I call the Senator's attention to the bill. His amendment commences after the word "enumerated," in line 16, page 3. It is these words:

> And whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war, or by word or act oppose the cause of the United States therein.

That is the amendment of the Senator.

Mr. POINDEXTER. That is correct.

Mr. NELSON. And that is all there is of the amendment of the Senator.

Mr. POINDEXTER. That is all the amendment that was reported by the committee. The original proposition which I proposed was incorporated in a bill which I introduced on the 1st day of April, and which I afterwards offered as an amendment to the bill; and, with a few slight changes, that is the amendment that was adopted by the committee. This is the language of it as I originally proposed it, and it contains no such language as that which has been the subject of these animadversions in the pro-German press of the country:

> That whoever shall, by word or act, during the continuance of the present war between the United States and Germany, support or favor the cause of Germany in that war, or oppose the cause of the United States therein, or who shall make any statement or do any act which, in its probable effect upon public opinion, or otherwise, shall aid or tend to aid Germany, or to be of disadvantage to the United States in the conduct of said war, shall be punished—

As provided in the bill.

Mr. GALLINGER. Mr. President, will the Senator from Illinois permit me?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. I think we will all agree to that beyond a question. It is true that the amendment that was criticized in that editorial is slightly different from the amendment we are now considering. For instance, the President of the United States is mentioned in the bill that the Senator from Montana offered, and the good of the country or some such phrase as that, which is not in this amendment; but the criticism was upon the adjective "contemptuous," and all that sort, which would enable an evilly disposed person to make trouble for a man who had no purpose of disloyalty in his heart, but who made a criticism upon the form of government—it might be innocent criticism, believing it justifiable—or upon some of these matters that are enumerated, not constituting disloyalty. Now, let us legislate—at least that is my feeling about it—against disloyalty in any words that the human language can devise—I do not care how strong they are—and I shall vote for it freely and gladly. Perhaps I will vote for this bill when it emerges from the Committee of the Whole. I hope it may be amended still further in some particulars. I want to vote for it, and I want to go with the Senator from Washington to the extreme limit in crushing out the disloyalty that there is in this country at the present time and which is emphasized in the State that the Senator so ably represents in this Chamber.

Mr. POINDEXTER. I will say that the condition in my State to which the Senator has referred is a real menace to all those things which the Senator, from his training and experience and intuitive knowledge of the American Constitution and American privileges and rights, holds precious. The existence of those things is menaced. The right to own property, the right to labor freely, to contract labor, and to enjoy the fruits of labor in peace and under the protection of the law are all threatened by this condition to which the Senator from New Hampshire refers.

Mr. SHERMAN. Mr. President, will the Senator from Washington tell me how many convictions have been had in his State on the public disturbances or riots caused by Hindus and I. W. W.'s, and so forth? I am asking for information.

Mr. POINDEXTER. I have not counted them, Mr. President. There have been some. There have not been nearly as many as there should have been.

Mr. SHERMAN. That is generally the case.

Mr. POINDEXTER. I am sorry to say that some of the municipal authorities in our State—which, the Senator knows, have a great deal of responsibility in preserving order and peace and putting down the beginnings of sedition and disorder—have not been as firm as they should have been, and I think that they are subject to criticism in that respect; but there have been a number of convictions.

Mr. SHERMAN. Mr. President, no Senator can have more desire to punish disloyalty, I think, than the Senator from New Hampshire and myself. We join with you in that; but when we have leveled a statute against disloyalty I think we have gone far enough. If language which is scurrilous, profane, or contemptuous has any tendency or produces any result that ought to be within the inhibition of an act of Congress, it would of itself amount to disloyalty. In other words, disloyalty is the greater term and the greater offense. It constitutes the offense against which we ought to legislate; but the greater always includes the lesser. An alien or a citizen might speak in a contemptuous way, and it might not amount to disloyalty. I do not think he ought to be prosecuted unless the contemptuous language or conduct amounts to disloyalty; and, if it does, it is a mere step in the chain of proof when the charge of disloyalty is made.

Mr. NELSON. Mr. President, will the Senator excuse me?

Mr. SHERMAN. Certainly.

Mr. NELSON. It seems to me that my worthy friend from Illinois overlooks one material matter involved in this proposed law, and that is, it is not only to prevent disloyalty but it is to prevent this rioting and breach of the peace.

Now, let me put a case to my good friend. Here is a procession of men passing along the street with the flag of the

United States at the head of the procession. Some ruffian on the sidewalk says, "Damn that dirty flag! Pull it down!" Now, that is language that is calculated to create a breach of the peace. All people who are loyal to the country of the United States, all people who are in favor of our Government and our flag will resent it; and among a mass of unthinking men in a procession like that such language may breed a riot. It may breed violence and result in a serious breach of the peace. It is because of that fact that we need just such language in the bill.

Mr. BORAH. Mr. President, may I say, in that connection, that for language practically similar to that which the Senator has used two men were shot instantly without ceremony in Oklahoma the other day, three bullets being put through one of them and two through another, in less than an hour.

Mr. NELSON. I want to say to my good friend from Illinois that I am in favor of this legislation because I look at it from a different angle than the Senator does. It is not merely to prevent men from making disloyal utterances, but to prevent men from making utterances of a kind that will breed riot, breach of the peace, and disorder, and lead to violence and such acts as the Senator from Idaho has referred to, and such as occurred in the State of the Senator from Illinois a short while ago, in respect to that coal miner. Now, I do not want anything like that to occur in this country. I think that the case of the coal miner in the Senator's State was one of the most outrageous things that could possibly occur, and I think the shooting of these men in Oklahoma was almost as bad, and it is because we want to stop that and prevent that that we need this legislation. It is needed for the good of the American people, for our own good, in order to preserve law and order. I think if my good friend the Senator from Illinois will look at it from that angle he will see the necessity for the law.

In the case of the expression that I referred to a moment ago, where the man on the curb, when a procession passes by with a flag of the United States, says: "Damn that dirty flag!" that is profane language, that is scurrilous language, and that is contemptuous language, and language that we ought to prevent in order to prevent a breach of the peace in this country and to preserve law and order. That is the way I look at it. It is not merely a question of preventing disloyalty. It is something we need for our own protection.

Mr. SHERMAN. Mr. President, we do not need to indict a man for contemptuous language of the kind supposed to be used by the offender in the illustration given by the Senator from Minnesota. Such an expression is itself disloyal. The greater definition or the greater act includes all of the incidental steps in the chain of evidence that leads to the proof of the act. Such an expression is disloyal. Such an expression about the President of the United States is disloyal. Arrests are made every day at some place in the country because some one uses language of a disrespectful kind about the President. The offender is arrested under the existing law on that subject. Therefore it must be on the ground that it is a threat against the President of the United States, which of itself is a specific kind of disloyalty. If we use the term "disloyalty," it is a general expression, under which any kind of proof of disloyalty would be admissible in a prosecution.

Mr. NELSON. Mr. President, will my good friend yield to me again?

Mr. SHERMAN. Yes, sir; I yield.

Mr. NELSON. I want to call the attention of the Senator from Illinois in this connection, with his permission, and also the attention of the Senator from New Hampshire, to the fact that this whole paragraph is qualified by two important words. We have just adopted the amendment of the Senator from Colorado [Mr. THOMAS] inserting the word "willfully," so that it now reads "whoever shall willfully utter" these words, and then we qualify it still further by using the word "calculated." It is suggested that that word be changed to "intended," and I have no objection to that. If you add those two qualifying words, nothing in the shape of the dangers that the Senator from New Hampshire apprehends, nothing that is a mere criticism of the Government, nothing that suggests that we ought to have a different administration, nothing with relation to the suggestion of an amendment to the Constitution, would come within the purview of the law. Now, the words "form of government" are intended—and we have something like it in our naturalization laws which we recently adopted—to meet those classes of men who are opposed to any form of government except their form of government, a government of utter lawlessness. It is not the character of our Government as compared with the government of other countries, but it relates to the form of our Government as an entirety. Then in respect to the Constitution of the United States or the soldiers and sailors of the United States or the flag of the United States or the uniform of the Army and Navy of the United States, I say to my good friend from Illinois, I once wore the uniform of the United States, and I never felt more like fighting the Confederates than I did the men who sneered and spoke contemptuously of the blue uniform that I wore in those days. I do not want any citizen in this country, alien or native born, to have the right to go on the streets of the cities of this country and speak with profane language, contemptuous language, of the soldiers of the United States or the uniform of the United States or the flag of the United States. It is intolerable. It leads to a breach of the peace, and it is our duty as legislators to prevent it and check it in order that the reign of lawlessness may not prevail in this country.

How would the Senator from Illinois like it, if he wore the uniform of an officer of the United States, to have a man speak of that uniform and say, "That dirty suit of clothes that man from Illinois has! It is a miserable, wretched uniform, unfit for any patriot to wear." How would he like to have that said about it? Would he take it in a Christian spirit and turn one cheek to him and then turn the other cheek and let him utter it on the other side of his head? I know he would not. I have too much faith in the broad, Christian, patriotic spirit of my good friend from Illinois to think he would indulge in any such thing as that.

Mr. SHERMAN. I had not gotten to that part of it yet—about the uniform nor about being smitten upon one cheek. It depends entirely on who smites me whether I would turn the other one or not. I might stand it from some and become restless if applied by others.

Mr. NELSON. I did not intend to have it apply to Mr. Creel, that he should do the smiting.

Mr. SHERMAN. I have no controversy with the Senator about protecting the uniform or the flag. I think such expressions a form of treason of themselves. I have no objection to that form of the bill, and I have not intimated that I wish it stricken out. I have been so far confining what little time I have taken to the gates that are open to irresponsible deputy marshals and petty officials to annoy and harass those who criticize officers of the United States or departments. That raises this question. The criticism might appear to this officer to be scurrilous or contemptuous. He construes it on the spot, if you are criticizing an officer of the United States, to be a criticism of the form of government. Before you escape from his construction you are in jail or out on bail, like the women pickets.

I want to advance a step further. I have not reached that point yet. The Senator from New Hampshire touches a vital principle in this language. What is the form of government? You can not discuss the form of government without discussing some particular manifestations of that form, same agency, some department, some officer, some law, some institution. How, Mr. President, could you discuss the contour of a graceful person in the ballet? The Senator and I have almost reached the age where we could sit in a front seat without suspicion. If we were to discuss the contour, the grace, the agility, the cultivated form, we might refer to the form as an entirety, but if we criticized any particular feature which goes to make up the form as an entirety we still make ourselves liable to horsewhipping by some admirer who is waiting at the stage door on the outside. I use that homely sort of illustration in order to illustrate what I mean.

If we criticize the form of the government I do not understand we have to criticize the entire Government, taking it as a whole, to say that the republican government that we have here, representative in character, is the best government or the worst, as we might favor or oppose it. I do not understand we have to criticize it under this law under the rule of construction that shall apply to it as an entirety. I think I can criticize, for instance, in this language and render myself liable to be arrested. I have here the North American Review of March, 1918. This is an editorial by George Harvey. Under this bill George Harvey could not print such an article in the North American Review about Secretary Baker and stay out of jail in New York City. Under the language of this bill I think he is criticizing the form of government when he criticizes the Secretary of War. The Secretary of War is the agency and, with the generals and armies in the field, is the whole Government on land of the United States.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. I yield.

Mr. STERLING. I was going to ask the Senator whether it is not a principle of construction of language that the expression of the one excludes the other, and must it not be the

very form of government itself that is criticized, not even a department of the Government, but the form of government, because, for example, it is a republican form of government, and it is to speak in derision of it as a republican form of government or to use scurrilous or abusive language toward the American republican form of government? Is not that what is meant, and can anything else be said of the expression "form of government"?

Mr. SHERMAN. If that is so, then write it so. I have always followed the familiar line of preparation, when men began to argue about what anything meant I stopped the argument and began to write more plainly. This is the language:

Whoever, when the United States is at war, shall—

With the amendment made—

willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States or the Constitution of the United States.

How will you criticize the form of government? I can criticize it as an entirety or I can take up the War Department, the Navy Department, the Food Administration. It is a manifestation of our form of government; it is the concrete instance as to how it is applied. It is intended to reach a person who outside of this Senate Chamber criticizes the act of an essential agency of the Government in the prosecution of the war. What is the Army? The striking force in the field. It is the President, the Commander in Chief, the Secretary of War, all his helpers and assistants of the Army, and all its officers and privates. That constitutes for war purposes on land our Government. It is an entirety.

I am in accord with what the Senator from Minnesota [Mr. NELSON] says in protecting the uniform, contemptuous language about the colors, because I think that is an essential instance of disloyalty of itself. I would protect the uniform of officers by express enactment. Leave that in. I have no objection to that form of the bill and I will be glad to vote for it. But if we go further and leave the language in that of itself amounts to nothing more than disloyalty, contemptuous and scurrilous language, then we are going beyond the purpose of the bill. The purpose of the bill is to punish disloyalty. That is the essential point of view always.

But the Senator goes further and says, and I think he wishes to protect the community from breaches of the peace, the mob, and riots that are caused in various parts of the country by contemptuous, scurrilous, profane, and abusive remarks about the Government, the flag, the soldiers, or our common cause against the public enemy. Let me remind the Senator that unless it is connected with the prosecution of the war, unless it is something that interferes with the enlistment of marines or soldiers, unless it is something that, in other words, is disloyalty in the prosecution of the war, Congress can have no power to punish mere breaches of the peace in communities. That belongs to the police power of the States. I, therefore, believe that the Senator must, in the angle at which he views this, agree that if the Government is given power to punish disloyalty, these contemptuous and scurrilous remarks, the greater including the less, will be covered by it.

Mr. NELSON. No.

Mr. SHERMAN. The Senator does not think it does; very well. I think it does. The Senator disavows it and I shall take it that way without further comment. But if the charge of this profane or scurrilous language amounts to disloyalty the Government then reaches out through its marshal and arrests the offender. He is then in the custody of the United States. He then is beyond, it is supposed, the reach of mobs. There is no longer the provocation to breach of the peace in the community that otherwise might lead to riots, as in Oklahoma and in Illinois. The charge of disloyalty will cover that. The remarks about the flag are covered by disloyalty. To keep sacred the uniform and the officers in the Army or the Navy is covered by specific language in the bill. I think it ought to remain there. I believe in the fullest enforcement of that. I think that is a matter in which Congress has a right to insist that the Government shall take cognizance of and protect our men. I think that is a part of the loyalty of the country, and I have no objection to it; but I am in favor of the loyalty specifically defined in that way. But contemptuous language may not amount to disloyalty. It may or may not reach the conditions or circumstances. It might in an alien be cause for provoking a riot. An alien can not be guilty of disloyalty to this country. He does not owe it any allegiance. Allegiance signifies a duty to a sovereign of those who owe to the sovereign power allegiance.

An alien owes no such allegiance to our Government. He is found here. If he is guilty of the language that would provoke disturbances or prevent men from enlisting in the Army or Navy he ought to be dealt with. He is a resident alien and ought to comply with any regulation that Congress might have power to make to make him behave himself. I believe in that; but if you charge disloyalty, it necessarily and ordinarily applies to citizens of the United States. They are the ones about whom I am solicitous in making these regulations. In a charge of disloyalty against a citizen, when the proof is forthcoming, a jury will convict and a court will impose, and let him receive the penalty of the law. I believe in that. I will vote for that kind of a measure. But the greater including the lesser, I will leave disloyalty to be dealt with as disloyalty and not undertake by merely scurrilous and abusive words to take that which is matter of police regulation by the States to prevent breaches of the peace.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. SHERMAN. Certainly.

Mr. NELSON. Does the Senator realize where his last argument leads him?

Mr. SHERMAN. I do.

Mr. NELSON. I say this in a Christian spirit. He intimates that those who are not citizens of this country do not owe it any allegiance, and it would not be disloyal. Then, according to his definition, disloyalty could only apply to those who are citizens. We have in this country a large mass of people who are not citizens. Would he let them go out——

Mr. SHERMAN. No, sir.

Mr. NELSON. Would he have no law to prevent them from speaking in a contemptuous or profane or scurrilous manner of our Government, of our flag, of our soldiers, of our sailors, and our uniform?

Mr. SHERMAN. No.

Mr. NELSON. Would he grant them immunity? According to his definition, if you limit the bill to the word "disloyalty," according to the premises he laid down a moment ago, they would be immune under this paragraph of the bill.

Mr. SHERMAN. No, sir. I should like to have the Senator understand, and I know he does keep in mind, that an alien owing allegiance to Italy, or Austria, or Germany, or of the English-speaking race, Great Britain or her colonies, could not be guilty of disloyalty to this country. You can provide punishment for him. That is what ought to be done in this bill. Anything that tends to interfere with enlistment in the Army or Navy, or if the act should go further, to interfere with any of the operations of an officer or any department of the Government or, I think Congress can go that far, of any State or of any municipality, or any act of Congress as provided in the bill if it interfere with the conduct of the war. I think that provides, then, a punishment for the alien. Disloyalty is something, though, that belongs to a breach of allegiance. The native born here of citizen parents by the mere act of birth owes allegiance to the Government of which he becomes a citizen by the mere accident of his being here at that time.

Mr. NELSON. Mr. President——

Mr. SHERMAN. Yes, sir; I yield.

Mr. NELSON. I think the Senator fails to distinguish between the loyalty that is due from a citizen of the United States and the loyalty that is due from a man resident within our borders who came here lawfully, and who is not a citizen. My view of the matter is that any person in this country who came here, lawfully residing in our midst enjoying the benefits of our Government, owning property and having all the rights practically of an American citizen except that of voting, owes obedience to the laws of this country; that he owes allegiance to it, that qualified allegiance which makes it his duty to obey the laws of the country just as much as though he were a native-born citizen. I can not see any distinction in that respect between those two classes of men.

We have in this country a large class of people who are not yet citizens of the United States. They are residing here. Some of them are classed as enemy aliens and some belong to neutral countries, but whether they belong to one class or the other, while they reside here they owe allegiance to the laws and institutions and Government of this country. It may not be to the degree perhaps that one who is a citizen of the country owes. They are not liable to military service, for instance, but in other respects they are amenable to a certain species of loyalty to this country. In the distinction that the Senator has dwelt upon with regard to these men I again say to him, as I said before, they would be immune if you left only the word "disloyalty" in the bill.

Mr. SHERMAN. I think the best way to legislate is to legislate so as to fit existing conditions and specifically reach the

two classes. We recognize the differences between citizens and aliens. We intern aliens. We confine them to a certain territory, and properly so. It is a war measure.

Mr. NELSON. Excuse me; that is only enemy aliens, but we have a lot of aliens in this country who are not enemy aliens, and we do not intern them.

Mr. SHERMAN. Certainly. All of the enemy aliens, Austrians or Germans, are interned or required to be registered or to keep out of a certain prohibited zone. The aliens of our allies resident in this country are not so interned, but do they owe loyalty? Loyalty is a synonymous term with allegiance. Loyalty and allegiance are necessary to be shown in an indictment and trial for treason. An alien can not be guilty of treason against this country. These are established distinctions. I am only referring to them, not because I wish to exempt this class—I do not—but to call attention to the fact that this bill does not take cognizance of these conditions, which I think it ought, and provide apt penalties for aliens. I think there ought to be some provision here to reach aliens, whether enemy aliens or friendly ones.

The breaches of the peace that are sought to be prevented by such measures as this are ones I wish to allude to briefly.

Mr. STERLING. Will the Senator permit an interruption right there?

Mr. SHERMAN. Certainly.

Mr. STERLING. The Senator says he wants to include alien enemies within the language of the bill, or to make it plain, anyhow, that they will be included. I will ask the Senator now, omitting the word "disloyalty," with these series of acts or descriptions of series of acts made punishable, would not the words "profane, scurrilous, contemptuous, or abusive" apply not only to citizens but to aliens and enemy aliens as well, leaving out the word "disloyalty" as a word applicable only to citizens?

Mr. SHERMAN. It would, but insufficiently. It would be applying the lesser of the penalties to an alien and the greater to citizens. It would create a discrimination that really is favorable to an alien. I think there ought to be the inhibition against disloyalty, so that a charge could be prosecuted against citizens whose enumerated acts, opposed to our form of government, to the Constitution, that are reflecting on the uniform or the colors of the United States, and when committed by an alien shall come within penalties to be provided in this bill. Then we get them all. But I submit that under the present wording of the bill there is ground for judicial construction that might defeat the very purpose of the bill itself. I think we want, if anything, to punish an alien who is here claiming the protection of our laws, municipal and national, even more, or at least equally so, with our own citizens who are guilty of similar acts. Under the bill, as I look at it, and probably it will be the interpretation put on it by the courts, an alien would have lesser penalties than another.

Mr. NELSON. Let me put a question to the Senator.

Mr. SHERMAN. Very well.

Mr. NELSON. Let me ask the Senator in the matter of preventing a riot and preventing a breach of peace, if a man on the curbstone sees a procession pass by with the banner of the United States at the head of the procession, and he damns the flag of the United States, calls it a damned dirty rag, what difference does it make whether the man who does that is a citizen of the United States or is an alien, a neutral alien, or an enemy alien? What difference does it make in one case more than the other? It is liable to lead to a riot and breach of the peace.

Mr. SHERMAN. It is; certainly. It does not make any difference in the essential immorality or impropriety of the act. I think that ought to be punished in both cases. The Senator's constant solicitude is to preserve the peace and good order of the communities where these utterances are made. His anxiety can be no greater than mine. I have been through, I think, three well-established riots that have been conducted—the shortest two days and the longest extending over a period of three weeks; one in Chicago and some elsewhere. I am as anxious that the good order of the communities in the different States of the Union shall be preserved, I think, as anybody can well be. I am bearing two scars on my person received in riots. I was hit at one time with a coupling pin in a railroad riot. I have some practical knowledge of the spirit of the mob, not only in quelling it but in going about it sometimes to serve process when there was some difficulty in the particular locality from which I came. Mob law is recognized as an imminent danger at all times.

We know that in such times as these we are especially liable to incur the prejudices of numbers of people who collect upon very slight provocation, and sometimes the provocation, it is true, is great. It is the police power of the State that must check it. The property of aliens is burned, their persons outraged, their lives taken constantly, in different parts of the United States. That is because of the weakness of the police powers of the several States. If ever these powers of the States shall decree that they will cease, that they will be absorbed by the central government here at Washington, it is because the States themselves no longer possess the virility and the strength that will punish these offenses and restrain seditious acts of the kind referred to.

I regret exceedingly that at Collinsville, Ill., the event occurred that has been referred to recently. I possess myself in patience that I can properly reach this matter in order to comment upon it. Robert Prager, a German born in Dresden, Germany, moved to the United States in 1905. At the time of the occurrence referred to he was residing in Collinsville, Ill. Collinsville is a mining town with a big ore smelting plant, because of the proximity of good smelting coal with the zinc ore brought from the Joplin (Mo.) district. A great number of miners congregate in and about Collinsville. A small mining town known as Marysville is not far distant—a kind of a suburb, so to speak, of the place. My recollection now is that both these places, as most of these mining towns down in that part of Madison County, Ill., are, are saloon towns.

Prager had become a member of the mine workers' union. He had some difficulty in becoming a member. There were some difficulties after he became a member. There was some opposition to him inside of the local union. Several controversies had arisen, some of them not connected with the matter of loyalty or of proper behavior toward the Government of the United States at all.

On the occasion referred to, or a short time before, the miners assembled in a saloon in Collinsville, in the suburb. Their patriotism and desire to inflict punishment grew much more zealous after they had imbibed some of the products over the bar of that saloon. I do not know that that destroys a man's patriotism, but I do know that it removes the discreetness of conduct that ought to mark the conduct even of a loyal patriotic American citizen. I believe that this mob of coal miners that went from that saloon took the alien Prager when they were in a state of drunkenness. It was a drunken mob masquerading in the guise of patriotism. The mob itself was a greater disgrace to Madison County, Ill., and to republican government than any contemptuous, profane, or scurrilous language that could be employed by anyone, alien or citizen.

A telegram was read here, Mr. President, from Siegel, the mayor of Collinsville. The telegram is a disgrace to Collinsville and its municipal government. It is to me an indication of the abject cowardliness of the mayor. Why did not he protect the victim? He is anxious to place his failure to perform his duty to the lack of law. What good does law do in the hands of a spineless mayor who is mainly concerned about his reelection? I have no high regard for Mr. Siegel whatever in view of the conditions.

I have heard the jest many times on a sober subject that the shooting of a negro inside of the city limits in a certain State was not an offense calling for the assailant to be punished for murder, but he was simply fined for shooting in the city limits; that is all there was to it. That practically was what happened in Mr. Prager's case—a ghastly tragedy by the inefficiency of municipal government.

The police followed this drunken mob to the edge of the city, where the city limits of Collinsville end. There are four policemen in that town to preserve the peace. That magnificent constabulary followed to the city limits; they said they had no jurisdiction beyond it; and the mob was allowed to wreak its bloody purpose upon the helpless victim. It was a drunken mob. I do not know just what they drank, but I shall find out in due season. More than likely they were filled with the celebrated product "that made St. Louis famous."

Mr. NELSON. Evidently they were not filled with grape juice. [Laughter.]

Mr. SHERMAN. They were not filled with grape juice of the Bryan brand. [Laughter.] It was more exhilarating; it aroused their patriotism to a greater pitch. I have my suspicions that some of it came from the Anheuser-Busch Brewing Association, and probably some was a left-over stock from Peoria, Ill., with its celebrated product. At any rate, these lusty patriots, who were so outraged, committed this act. I have no apologies to make for Mr. Prager; he made a mistake; he owed this country a better return for the protection it had given him and the laws that had thrown their protecting arm about him and the occupation that gave him the chance to make a living and better wages than he had received in his own country that he left 13 years ago; I have no apology to make for him; neither have I any apologies for the mayor, who

lifted not a hand, who did not even liberally construe the law of Illinois, to prevent the lawless conduct of this drunken mob that sought the blood of this victim.

What else? That is bad enough. How could you blame those ignorant men in the mob who were inflamed with liquor when authorities of greater moment have done and said things that lent them encouragement?

Madison County has a sheriff, who is a general peace officer. I happen to know him. I want these facts to go into the CONGRESSIONAL RECORD. The story has never been told; and I will take the time of the Senate to tell it. The sheriff, under our law, is the general peace officer for the entire county. He possesses unlimited power to summon as a posse every able-bodied citizen in the county to preserve the peace. This poor, drunken outfit, most of whom could hardly intelligently speak the English language, thought they were justified, no doubt, in going to any limit they saw fit. The sheriff of Madison County himself was once fined $500 for violation of the order of a Federal court in that district; and he was fined under such conditions as showed an open, contemptuous, scurrilous effort on his part to set aside and nullify an order of the court. Let me briefly state what he did:

There was a strike on in an industrial plant in Madison County, which takes a great deal of the overflow from St. Louis, at Granite City. The Niedringhaus Granite Works are there. Many of the iron and steel industries have overflowed on that side. When the industrial plant got into trouble over an open shop, working conditions, and the like, they obtained an injunction from the Federal court. They were inhibited from interfering with the operation of the plant. Pickets were thrown around outside of the prohibited area. Every man who went into the plant to work in the morning was stopped by the pickets and told not to go in; that he was associating himself with "scab labor"; that it was dangerous; that a number of the workmen had been beaten up and some shot—which was true—the pickets using the various arguments that belong to that form of controversy, with which we are all familiar.

Matters reached such a pass that a deputy factory inspector, representing the governor of the State, at his request, went down to investigate conditions. He started to go in. The deputy sheriff, representing the sheriff of the county, arrested the factory inspector. The inspector made himself known. He was laughed at; he was continued under arrest and searched. Because of his police powers, he carries weapons. His weapons were taken away from him and he was told to beat a retreat and to go back home where he came from. That is all he could do.

The Federal judge, being somewhat curious to know to what extent the local authorities would proceed, sent a deputy marshal down to investigate. The doughty sheriff arrested the deputy marshal at the same time and place, proceeded to search him, removed his weapons, gave him the same friendly advice, that he was an undesirable citizen in a danger zone, so to speak, and to beat a hasty retreat for headquarters. The marshal went back and reported.

The next thing, a squad from the court went down and arrested the sheriff and all of his assistants and brought them up. They were tried for contempt. They were not tried by a judge, but they were tried by a jury, in accordance with the law that Congress at one time passed. The sheriff was convicted almost immediately by the jury. It was an outrageous case of the abuse of power by a peace officer of Madison County. That is the kind of sheriff there is in Madison County to encourage these drunken men, who can scarcely understand the English language, to go abroad and commit acts of violence of the kind I have described. Who set the example of lawlessness?

Not many days ago, in Hillsboro, Montgomery County, Ill., a boy within the draft age went down to St. Louis and enlisted in the Navy. He was examined and accepted. He came home, the recruiting officer telling him that they would assign him to duty in a short time. He came back to Hillsboro. His father and mother lived there. Montgomery likewise is a mining country; coal mines are scattered all over the county. The night of his return a rumor was bruited around in the neighborhood that an I. W. W. had been seen to go to this young recruit's home. The rumor spread, as those things do. Presently an armed mob went to the house. They knocked roughly on the door. The young fellow went to the door, opened it, and saw men with angry countenances. He closed the door and attempted to keep them out. His father and mother were in bed. He asked the men to retire. He became frightened and got a gun. About that time one of the mob climbed in through a window that he had raised. The boy shot him. He did not know who these men were—whether they were burglars, thieves, or what not. The man shot was not wounded to kill; he will recover; but about that time some one of the mob through an open window shot this young recruit, who was awaiting service in the Navy, and the day following he died in the hospital. It was found that same night, and after the boy was mortally wounded, that the mob was entirely mistaken; that nothing of the kind that was rumored had ever occurred; that no I. W. W. had gone to his house; but some idle rumor had gained circulation, causing the tragedy to which I have referred.

Would such a case as that be helped by anything in the language contained here—"scurrilous, contemptuous, abusive" conduct? Here is the difficulty in all such cases. It is because the local community itself is intrinsically wrong and does not enforce the laws of the community. I never have had any apology for mobs in my section of the country; I have none now.

East St. Louis last summer was a horrible example of such an instance. The first Senator who denounced it in proper terms here was the Senator from Colorado [Mr. THOMAS]; and in fitting words he stigmatized those outrageous acts as they deserved. I wish to say that I think 55 convictions have been had of those lawless men engaged in all kinds of occupations. Some of them are high in authority in union labor in East St. Louis; some are employees of the packing houses and of the factories; but they have been convicted and given all the way from 30 days in jail and fines, up to five years or more in the penitentiary. Such laws as the one proposed here will not change conditions; they will not make less frequent mobs of that kind and the consequent tragedies. What we want here, what we must have, is a more awakened public sentiment in the States and communities where these things occur. We may pass laws here in endless profusion, but they will make no change. We can not usurp the police powers of a State; they must be administered by the local authorities in whatever form the State legislature delegates the sovereign power of the State in local matters, to the different counties or municipalities. That is what is the matter in our States. In every instance where a mob has acted it has been because the people themselves elect sheriffs and mayors, and maintain police departments who passively acquiesce in acts of lawlessness by the vicious and idle, by men claiming to represent the holy cause of union labor or other causes. By passive acquiescence and tolerance conditions have gone from bad to worse until they have wound up in bloodshed. I know the genesis, the development, and the end of mobs. There never was a time that I have seen a mob when a hundred resolute men, whose hearts were right, could not have stopped it in its inception if they had been on the ground under a leader determined to quell the rising disturbance.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. I yield.

Mr. McCUMBER. Will the Senator tell me how many people were murdered in the riots at East St. Louis?

Mr. SHERMAN. That never will be definitely known, Mr. President.

Mr. McCUMBER. Well, can the Senator give me a general idea?

Mr. SHERMAN. Yes, sir; I think 110 people lost their lives directly.

Mr. McCUMBER. And for the murder of 110 people some few persons have been imprisoned for as many as five years. Does the Senator point with pride toward that example of justice in the State of Illinois?

Mr. SHERMAN. I do not; I have no pride in it; I am simply stating the facts. It is so much more than usual I am encouraged. I say, though, that that is a much better result than most riotous communities can point to, for usually they never punish anybody at all for anything.

Mr. McCUMBER. I might suggest to the Senator that I am not sure that there would have been meted out something nearer to justice if another mob had organized and hung all the murderers.

Mr. SHERMAN. I think so; I think they were richly deserving of the same outrages that they inflicted upon their victims. No one can read of the death of even this alien enemy, if I may call him that, without feeling that this intoxicated mob was guilty of a crime whatever he might have done.

In Prager's pocket was found a long "proclamation," in which he stated his loyalty to the United States and to union labor and told of his difficulty in entering the miners' union—

That is a matter of local history there—

Before the rope was placed about his neck Prager wrote the following note in German:

"CARL HENRY PRAGER,
"*Dresden, Germany.*

"DEAR PARENTS: I must on this the 4th day of April, 1918, die. Pray for me, my dear parents. This is my last letter and testament.

"Your dear son and brother,

"ROBERT PAUL PRAGER."

Here are some of the things that Prager did:

It was also discovered that he registered for the Army draft on June 5 last, and that in April, 1917, he caused the arrest of a man on a disloyalty charge. His friends assert that he was radical in his views on socialism, but when the United States entered the war he declared he was "All for America."

Concede that Prager was an alien enemy, however, and that punishment was due him, I submit that hanging him under the conditions disclosed was a deliberate, willful act of murder, and the men guilty of it themselves ought to be hung under the laws of Illinois.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. SHERMAN. I yield.

Mr. GALLINGER. The Senator has very eloquently pointed out the fact that the mob that hung Prager was inflamed by strong drink, and that is usually so in the case of mobs—not always, but usually. While this is somewhat foreign to the discussion, I will ask the Senator why, when the President of the United States is so anxious for us to be loyal—and he is right about that—he has not exercised the power that Congress placed in his hands to forbid the use of grain in the manufacture of beer, and thus accomplish two valuable purposes—one, increasing the food supply, and the other, lessening the output of beer, which the men who are alleged to be disloyal are very much in the habit of using? Can the Senator give any reason why that is not done?

Mr. SHERMAN. I apprehend not, except that in States like Wisconsin, which contains the city of Milwaukee, the home of various brands of beer that have "made Milwaukee famous around the world," the brewers are men who must be considered in elections. [Laughter.]

Mr. GALLINGER. The Senator will remember the fact that Congress was ready to put that inhibition in the statute, but an appeal was made that it had better be left in the hands of the President. That was done, and no action has been taken since the law was enacted.

Mr. SHERMAN. Yes, sir; that is the record.

Mr. GALLINGER. It has astonished me that, in view of the fact that we are asked to limit our food supply—and I notice in the newspapers to-day we are going to be asked to limit it still further for the purpose of feeding the allies—the President of the United States does not see that the food supply can be largely increased by saying to the brewers of this country that they can not have any more grain out of which to manufacture beer and thereby, in addition to conserving the food supply, lessening the use of an article which inflames the brain and leads directly to breaches of the law.

Mr. SHERMAN. Yes, sir; the Senator is correct about that; and I might just as well say what I want to on that subject now, because if this bill in the form that it is written becomes a law I will never be able to say it outside the Senate Chamber without being arrested.

Mr. GALLINGER. I was about to make that very suggestion, that I thought that I would take advantage of saying that before this bill becomes a law.

Mr. SHERMAN. Yes, sir; that is a very wise precaution to take, although the CONGRESSIONAL RECORD has a very limited circulation, particularly under recent printing orders; but still the suggestion will be in the RECORD. I suppose it will be excluded from the mails, for I am satisfied that the Postmaster General, if this bill should become a law, would believe that he had power to exclude from the mails any copies of the CONGRESSIONAL RECORD containing any suggestions of this kind.

The power referred to by the Senator from New Hampshire was given. The President, I think it is reasonably certain, is a part of the form of Government of the United States, especially in war times; and if we asked these questions, it would be regarded as a criticism. I will say that if he had exercised the power vested in him to prohibit the brewing of beer from food grains, instead of Wisconsin voting for the election of Mr. LENROOT by 10,000 or 12,000 it would have voted for him by 35,000 or 40,000. The brewers would have resented it so they would have voted accordingly.

Milwaukee is the greatest "wet" city in the United States in that it is the source of supply of the malt liquor. Outside of St. Louis, where, I believe, the Anheuser-Busch is said to be the largest brewery in the world, the greatest malt-liquor brewing city is Milwaukee. It would not do to lose this vote. I do not want to talk politics; you can not get any political argument out of anybody on the question; you can get "wet" and "dry" arguments, but you can not get one on the political situation. However, what the Senator from New Hampshire suggests will not be done, and no proclamation will be issued stopping the brewing of malt liquor from food grains in this country until after the November, 1918, elections. [Laughter.]

Mr. President, 70,000,000 bushels of food grains were used in the brewing of beer in 1917 and about 40,000,000 bushels were used in the distilling of liquor before the prohibition of distilled liquors went into effect. The 70,000,000 bushels include barley, which is the main malting grain, rice, and corn. Practically 70,000,000 bushels of these food grains are used. Barley is a substitute for wheat flour, and a very healthful substitute. My recollection is—I am quoting now from memory, subject to correction—that about 45,000,000 bushels of barley were used in malting last year, and possibly more than that. Much of this is sent abroad. Some of the barley we ship abroad in order that England may use it in brewing beer in that country. I understand that habits are more liberal there, and that the use of beer is not looked upon as we look upon it here in many cases; but nevertheless the fact remains that some 70,000,000 bushels were used last year when it ought to have been saved for bread. Under this bill such a criticism could not be made on any platform. It would be regarded as interfering with the prosecution of the war, because the Commander in Chief has decided to use 70,000,000 bushels of breadstuffs in brewing malt liquor and it is nobody else's business, as he has the power to do so; and if a deputy marshal sat in the audience and I made the statement that the President was not conserving food supplies and was not exercising the power vested in him for the welfare of the United States, but, on the contrary, to its detriment, I would be subject to arrest under this bill, because the President is a department of the Government, he is the head and the Commander in Chief of the Army and the Navy, and so on.

I know what these marshals will do. I have seen them in operation. They are scattered around, hordes of them, all over the country, each of them anxious to distinguish himself. In Florida, in March, a man with a German name, from a Northern State, went down to Palm Beach. He thought that was a real hot country all the time, and so one morning he put on the usual Palm Beach suit and went out; but a norther had struck that section of the country, and he nearly froze to death before he got back. When he reached the boat landing he said with considerable disgust, "Damn such a country as this," and was arrested by a local deputy who stood there, under the espionage act, on the ground that his statement reflected upon the form of government of the United States, when he simply meant that the Florida climate was not what he supposed it to be. [Laughter.] He had to go to all the trouble and humiliation of furnishing bond and employing a lawyer. He had the misfortune to inherit a German name from his German parents, but he himself was as good a citizen as there is anywhere in this country. The same thing can be done by any deputy marshal in any kind of an audience.

James A. Petersen was arrested five days ago in Minneapolis, Minn. I do not know whether the Senator from Minnesota [Mr. NELSON] knows him or not. I do not know anything about him. It was alleged that he was interfering with the enlistment or draft law. He was a candidate for United States Senator in the coming Republican primaries, and made some public address which was conceived to interfere with the enlistment of men, and therefore he was arrested for violating the draft law. What these same numerous gentry would do when a political campaign is on, if this bill becomes a part of the espionage law, nobody knows. I apprehend that it is designed to prevent full, fair discussion of governmental questions in the campaign, and will be so used.

The first thing that a campaigner must provide himself with—and some of them are Democrats as well as my associate Republicans here—is a liberal number of blank petitions for writs of habeas corpus when he starts out in a campaign. They all follow the usual formula. You will have to get a great number of them, make carbon copies, have your lawyer handy, take him with you, and be ready the instant you are arrested to go before some court and apply for a writ of habeas corpus to liberate yourself in order to keep your next date. Why, the Senator from Missouri [Mr. REED] will have the same trouble; the Senator from Georgia [Mr. HARDWICK] will have the same trouble.

I have been called a copperhead three times by newspaper editors in Illinois because I did not vote for every kind of a measure written by departments and sent into this Chamber. I will not do it. The editors have never called me that to my face. I invite them severally to do so. There may be a breach

of the peace and somebody will be the victor when the smoke of conflict rolls away, but it will be a little bit more exciting than writing on a pad with a lead pencil in the editorial sanctum by the time they get through with it. I invite them to repeat it in my presence when I go home.

I have no lost time to make up on patriotism, Mr. President. My earliest recollection is of my people coming home from the Civil War. I have no lost time; I have no ancestors that ever tried to destroy the Union, and I thank the Lord equally that all of us have forgotten the time that that happened, and are here together now as a united American people. But I take it very illy from those who criticize me and use those epithets that they themselves have never manifested any desire to save the country themselves until they suddenly wrap the mantle of patriotism around them and become patriots for pelf and office they now hold. My attachment to our country is not based on my ability to hold an appointive office. Some of the clamorous ones are Republicans. I do not care what office they hold or what ticket they vote; but some of those who are talking of their exceeding patriotism have but little to prove it. "Patriotic is as patriotic does," and I measure the lip service of patriots of that kind by the practical effects of their acts.

Here is an article published in the New York Times of yesterday, Sunday, April 7, 1918. I have no quarrel with the New York papers. I look on them just as I do on other papers. Sometimes they are right and sometimes they are wrong. If they have any reasons, I like to listen to them. If they have any abuse, I do not care to take it. I do not read it; life is too short. But here is an article headed: "Baker and his task," and a picture on one side of Edwin M. Stanton and on the other side of Newton D. Baker. I am not a phrenologist, and I do not have very much use for that alleged science, but if I were starting out to conquer the Kaiser and had to choose between those two men, I would not hesitate a moment. If they were both reincarnated on earth and I could choose between them for fighting heads, I would not hesitate a moment in the choice.

This article, which is by Albert Bushnell Hart, goes on to say a great many things. It asks some very pointed questions. It is, in effect, an attack upon our form of government as administered in time of war. It is not anything else. It could not be construed in any other way. If that article were published in the New York Times after this amendment becomes a law, some responsible head of that newspaper would be in durance vile by the time the newspaper was at the stands in the morning; and Albert Bushnell Hart himself would be called to answer a charge of attacking the form of government and lending aid and comfort to the enemy by such criticisms.

I referred to the article in the North American Review on the same official, in which George Harvey does practically the same thing. There will be an end of this.

Great Britain has lasted to this time because she encourages open discussion. Anything that is calculated to interfere with the prosecution of the war I think we ought to include. I have no objections to it, and I would be glad to vote for it; but I do not want, under the guise of such an amendment, to make it impossible for a discussion of public measures to be held in this country. In the heat of a campaign, when we have differences of opinion—not always of a partisan character, because they cross lines a good deal, and go from one party to the other, and sometimes the novice in the zeal of his conversion is the most offensive in his criticisms of anybody on the platform—when these things happen, then some of the provisions of this bill will be availed of. It is then that we will find that we have lost the freedom of the press and of speech.

Congress has no power to regulate freedom of speech, except so far as it interferes with the progress of the war or with some of the responsible agents in conducting the war. That is left to the States. The amendment, one of the first 10 amendments adopted, provides that Congress shall make no law establishing religion, or prohibiting the freedom of speech, or freedom of the press. That is an inhibition on Congress. It reserves that right to the States. It is the history of the first 10 amendments, as everyone knows, that they were adopted for the purpose of hedging in the power of the States and preserving them from destruction at the hands of a centralized government. They were Jefferson's amendments. They were the amendments of the earlier time, for the purpose of preserving the local powers reserved to the States against the encroachments of a strong centralized government.

Mr. President, in the present form of the bill I can not bring myself to support it. If some amendments were adopted, so that disloyalty can be punished, so that resident aliens may be made subject to any of the laws either of the State or of Congress with reference to the matters mentioned in this bill or its amendments, or extending their punishment to anything under the espionage bill, if you want to cover it by a blanket provision, I have no objection to that. I am for it. I think it ought to be done. But to go beyond that, and interfere with the freedom of speech and the freedom of the press, which I regard as essential to the preservation of our form of government, I think is going where we ought not to tread.

There are some further things, Mr. President, which I should like to say, but because of lack of time I do not think more ought to be taken here. I trust that amendments will be offered, along the lines that I have tried to suggest, that will make this a more tolerable bill in order that some of us may vote for it. I realize fully the invidious criticisms that are offered against one who opposes a bill of this character, and while I should very much like to be in accord with my critics, yet I would prefer the criticisms to surrendering my convictions in regard to the support of such a measure as this.

I ask permission to print at the end of my remarks, without reading, the article from the New York Times to which I have referred, and the letter from which I read, referring to the renting by the department of the Government of a house in this city.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times, Sunday, April 7, 1918.]

BAKER AND HIS TASK—HE HAS DONE MANY GOOD THINGS, SAYS HARVARD HISTORIAN, BUT DOES NOT DO HIMSELF JUSTICE AS SECRETARY OF WAR.

(By Albert Bushnell Hart.)

Could you give us your attention for a few minutes, Mr. Secretary of War? It's this way: We know that you are a tireless public servant, a laborious executive, a busy man, every moment of whose time is precious; but, then, we are busy, too, and on the same job. You will not refuse to give ear to what millions of your fellow servants of the public have in their minds and would say if they had the chance.

We bear testimony to your courtesy and good sense; we are good-tempered, too, and feel no personal hostility to a man who has given evidence of a desire to deserve well of the Republic. Only it's this way with us: We want to have certain things done; we believe they ought to be done; and they've got to be done! Yet you are not doing them.

First of all, we have a right to discuss what you are doing and not doing, because you are our hired man; you are appointed by the President for our benefit, to perform our service, subject to our eventual decision as to whether you have done the best that can be done. There can be no question of our right to inquire into your service, through Congress, through public meetings, and through the press. The United States of America, and all that in them is, belong to the people of the United States of America, and they have an absolute right at all times to know what goes on in the public service, barring the observance of secrecy with regard to military, naval, and, possibly, diplomatic affairs, so long as secrecy is for the public interest.

It's this way: The great constructive operations of the War Department, such as the drafting and assembling of troops, their fitting out, the manufacture of guns, of submarines, of airplanes, of rifles are matters that can not be kept secret, and, as a matter of fact, are probably known in more detail and accuracy to our enemies than to most people in the United States.

A meek individual in Massachusetts within a few days wrote to a Boston paper: "If the people do not know all the facts, and I agree that they do not, why should they? The people have intrusted the conduct of their war to their Government, and they must permit the Government to use its best judgment. The Government may have made mistakes, but it has made no mistake in withholding facts that might have depressed the people and made them dissatisfied. Any newspaper that criticizes the administration on that score is animated by destructive partisanship, or something worse."

It's this way with such stuff: Any attempt to treat those matters as sacred subjects, which must not be mentioned on the floor of Congress or alluded to in the public press, is an affront to the intelligence of the American people. Our countrymen are entirely competent to judge for themselves as to the working of their Government, and the effect on their minds of knowing instead of suspecting that some things are not going well. All they ask is to be furnished with accurate, complete statements of things that are known piecemeal to hundreds of thousands.

How do you, how does anybody suppose that the American people can be held up to their work in this war if rumors go floating about unchallenged that the airplane factories and the shipyards are filled with disorganized and therefore inefficient workers? It's this way: If that statement is true, we ought to know it, in order to help correct it; if it is untrue, you ought to give us the facts, so that we may rejoice.

In the next place, it does not satisfy us to be assured that you are honest and patriotic and doing your best. I am honest up to the filing of the last income-tax return; I am patriotic, or else I should not undertake the ungracious task of writing this article; I do my best in the sphere to which Providence has appointed me. But I do not claim the ability to carry on a department of war any more than to run a newspaper or a university. It's this way: The question at issue is not whether you are doing your best, but whether anybody in the United States could do better; for this is not a time to be satisfied with even the best work of a good man if it is not up to the needs of the country. In this crisis we need and are entitled to a Secretary of War that knows how to handle large numbers of men on a great variety of converging tasks.

You have lived a respectable and useful life for 46 years; but previous to your appointment your sole national service was as private secretary to the Postmaster General, and your responsible administrative experience was gained as city solicitor of Cleveland for nine years and mayor for four years. It might be said that being mayor of Cleveland is like learning the Russian language; when you have got that far anything else in the same line is easy. Nevertheless, where have you had opportunity to show the master mind of the administrator who appoints the tasks for a hundred other men and combines their activity into a harmonious effective whole? Grover Cleveland could do that; President Harper, of Chicago University, could do that; James J. Hill could

do it; Edwin M. Stanton could do it; can you do it? If you can, why have you not done it? You are a man capable of rendering great service to your country in many administrative posts; you are not doing yourself justice at the head of the War Department. We might like you as a brother-in-law better than as a husband.

The proof of this statement is what you yourself say about your department and its work. As recently as January 3, before the Senate committee, you assured that committee, and through it the United States, that the airplane manufacture was going forward well and that airplanes were being shipped to France. On that point we may accept the testimony of Senator LODGE, of Massachusetts, in the CONGRESSIONAL RECORD of March 26, as a statesman of great experience, a member of important committees, with especial advantages for securing even unwilling information from the departments, and a reputation for saying nothing which he can not back up with proof. He is a better witness than you, because he plainly knows more about your department than you do.

And this is what he says: "The Secretary of War spoke a short time ago of our beginning to send fighting planes to France. He said the number was small, but we had begun to send them. We returned at that time the two French models which we had had here. Since then I believe one American plane has gone; it may be on the water now; it may have been landed—we have not a fighting plane in France. The front where our men are is not defended in the air. We have spent $840,000,000 for airplanes in the past year and we have not a fighting plane in France. The facts I have recited in regard to airplanes are known to Germany. It is time our people understood them."

Then there is the question of guns, which has been before your department ever since you assumed office March 9, 1916. This is what Senator LODGE says, and it is God's truth: "We have no guns in France except a few old coast guns which we sent out early, and for which the French are making carriages. We are using French guns. That is the hard fact."

Senator POINDEXTER, of Washington, who is not always in agreement with LODGE, summed the whole thing up in a sentence: "The substantial fundamental fact in the situation is that we have been engaged for a year in this war, which the Senator from Massachusetts says may ultimately result in a struggle for the independence of this Nation, and that we have NO airplanes. That is all there is about it."

Now, let us bring this issue to a head, so that there may be no mistakes. We who censure your administration of the War Department do not claim that you are responsible for making airplanes and big guns with your own hands, nor for the failure of the men directly in charge of the work to come up to the scratch. It's this way: You are the man who took the responsibility of the War Department and thereby bound yourself to the people to know what was going on in your department—particularly in the one branch of your service where speeding up seemed possible and where the result of the speeding up might turn the scale in Europe. You further made yourself responsible by roseate promises and prognostications. Therefore we hold you personally responsible for a failure to follow up your own orders; to know for yourself whether they were up to the expectations that you held out.

All these distinctions between light flying planes and heavy battle planes mean nothing to us. What we want is airplanes that will protect our soldiers and aid our allies on the front; and up to the 26th of March, nearly a full year after the outbreak of war, only two such airplanes had been constructed and shipped. Even on that point the Committee on Public Information permitted a trick of camouflage to be played. It would be unjust to hold Mr. Creel responsible for the sending out of pictures of airplanes with the statement that "hundreds have already been shipped. Our factories have already reached quantity production, and thousands upon thousands will follow." When it turned out that the pictures were photographs of training planes and not battle planes at all, and that the accompanying information was false and misleading, Mr. Creel was right in putting the responsibility on Mr. Rubel. Mr. Rubel pushed it further back on one Strunsky, who had volplaned the story for the newspapers out of the empyrean heights of his own misinformation. We should like to know whether Strunsky is still on the job.

Camouflage seems the order of the day. In the same newspaper you find Edward N. Hurley quoted in a speech before the National Marine League as saying that, "Of this total steel construction, 2,121,568 dead-weight tons, or approximately 28 per cent, has been completed: that is, the program for steel ships has advanced 28 per cent toward completion." Then he goes on to boast of the repair of the German and Austrian ships and the opening of shipyards with a "total of 298 steel building ways." He absolutely blinks the fact that "28 per cent completed" means only two brand-new ships launched; and apparently he includes in the percentage the completion of ships which had been laid down without any agency of the United States Government more than a year before our war with Germany broke out.

Fortunately you are not responsible for the shipbuilding; but you are responsible for the same gross fault as that of Mr. Hurley, namely, a disinclination to tell the country clearly just what you have done and what you have not done; an inability to secure coordination such as will enable you to bring to pass what you undertake.

You have done many good and remarkable things for which, so far, the country is duly grateful, such as the registry of eligibles, the draft, the rapid building of cantonments, the officers' training camps, the organization of the various special branches of service. We condole with you on the piteous suffering which a Secretary of War must have undergone in the knowledge that some artillery regiments drilled for months in camps without a single field gun with which to exercise or use for target practice.

It's this way: You came into the War Department under unfortunate circumstances. Secretary Garrison, by all accounts one of the best administrators in the country resigned his post as Secretary of War on February 10, 1916, because the military bill upon which Congress insisted and which the President did not feel like making an issue was, in his judgment, inadequate and not calculated for the defense of the country. The proof of his good judgment is that the vital parts of that act had to be changed before a real army could be raised. You came in because you were willing to work under that act.

Perhaps you are no more blamable than half a dozen of your predecessors for not shrieking into the ears of Congress the military deficiencies of the Army, except that you must have realized that the clouds of war were steadily darkening. What did you do, or urge, or insist on, or threaten to resign if it were not done, in the way of preparing the United States for a war which was always possible and steadily grew probable? How was it that you were so debonnaire when war was declared, knowing that the United States of America did not possess a single war airplane or modern heavy field gun, not one movable siege cannon such as brought about the fall of Belgium (possibly there were a few such in the arsenals, but that made little difference, because there were said to be only four flat cars capable of carrying one)? What evidence did you give your unusual ability as a Secretary of War? With what tried and trained general officers did you habitually take counsel?

The truth is, and everybody knows it, that the administration did not appear to realize that when war broke out it would be necessary to fight.

Perhaps Congress and the people could not have been brought to the point of making preparation in advance of actual war. We criticize ourselves as well as you for not being able to read the signs of the times. But it's just this way: We were not Secretaries of War, whose reason for being was a superior judgment and foresight. We are only humble constituents.

What has this lack of foresight before the war and hindsight during the war cost the people of the United States? Vast sums in money. Forty million dollars spent in airplanes might build 84,000 airplanes at $10,000 each—of course, part of that sum remains to be expended on the service. Henry Ford knows what he is talking about when he undertakes to build 500,000 automobiles, at $500 each retail; or when he declares that 00,000 tractors can be built in six months. The War Department has not known what it was talking about in its forecast as to the probable work of the contractors under Government pressure.

It's this way: What makes us hot under the collar is not that the work has been slow, but that you have been slow to find out that it has been slow.

Still our feelings are not poured out to the full. What are airplanes for, big guns and rifles, and soldiers to carry the rifles, and trucks to carry the soldiers, and ships to carry the trucks? All that is not a Palm Beach race against time, it is an effort to bring the physical forces of the Nation to bear against the Hun, against the national enemy, against a dreadful danger to democracy, against the ruin of civilization. We admit that you are a good sport, have the personal bearing of a gentleman, have shown excellent temper in trying circumstances—that does not satisfy.

It's this way with us: We want to win the war. We wanted our men to get to the war; and the one branch of the service in which a great advantage could be gained by a proper combination of food and steel and aluminum and cloth, with a comparatively small amount of man power, was in the airplanes. If we could have put 84,000 or 8,400 airplanes on the front, before the recent German drive, the Huns could not have made that awful bulge in the allied defense.

In the matter of airplanes you were not able to bring the desired result about.

James J. Hill could have brought it about.
Theodore Roosevelt would have brought it about.
Leonard Wood would have brought it about.
Lindley M. Garrison would have brought it about.

That's the way it looks to us. Good as you are, you are not up to the job.

Whose job? Our job. I wear every hour of the day a two-star service pin. It's my job that the lives of young men, which are the frankincense and myrrh of national patriotism, shall be given to the best purpose; that they shall be provided with the best equipment for offense and defense, with the best arms; that they shall be protected by the best big guns; that they shall have the advantage of the best airplane service obtainable. Furthermore, some of them are going to the aid of our distressed brethren overseas, in the most dangerous battle of the war, and apparently they must go without a single battle plane of ours to detect the enemy's approach and to join them in the fight for liberty.

My boys, everybody's boys, are entitled to the biggest, ablest, most farsighted, experienced, magnetic, powerful Secretary of War that can be found among 100,000,000 of Americans. It's this way, Mr. Baker: You do not measure up to that standard!

[EDITOR'S NOTE.—In reference to Prof. Hart's quotations from Senators LODGE and POINDEXTER, it should be stated that there have been unofficial denials of the airplane charges. It is asserted by administration supporters that the situation is not so bad as was pictured by the two Senators and that they spoke without full knowledge of the facts.]

DEPARTMENT OF THE INTERIOR,
Washington, April 4, 1918.

Miss S. L. KEYSER,
No. 29 B Street NW., Washington, D. C.

DEAR MADAM: Referring to your contract with this department, dated November 18, 1916, leasing to you premises No. 31 B Street NW. from month to month at a compensation of $5 per month, I have to state that the records of the department show that you have only paid rent for the premises up to and including March 18, 1918. I have therefore to advise you that, exercising the right reserved to the Government in the contract, you will be required to vacate said premises within seven days from the date of this notice, and any and all of your effects in the building should be removed by that time. From and after the expiration of said period the building in question has been leased to Mrs. Mary B. King at a rental of $30 per month.

Respectfully,
E. J. AYERS, *Chief Clerk.*

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK] to the amendment of the committee.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, S. C.
Beckham	Hardwick	Nelson	Smoot
Borah	Henderson	New	Sterling
Chamberlain	Hollis	Nugent	Stone
Colt	James	Overman	Sutherland
Culberson	Jones, N. Mex.	Owen	Swanson
Cummins	Jones, Wash.	Page	Thomas
Curtis	Kellogg	Phelan	Thompson
Dillingham	Kendrick	Poindexter	Tillman
Fall	King	Ransdell	Trammell
Fletcher	Kirby	Robinson	Vardaman
France	Lewis	Shafroth	Wadsworth
Gallinger	Lodge	Sheppard	Warren
Gerry	McCumber	Sherman	Weeks
Gore	McKellar	Smith, Ga.	Wolcott
Hale	McNary	Smith, Md.	

Mr. ROBINSON. I desire to announce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on important official business.

Mr. SUTHERLAND. I announce the necessary absence of my colleague [Mr. GOFF] on account of illness. I ask that this announcement may stand for the day.

Mr. HENDERSON. I desire to announce the absence of the senior Senator from Nevada [Mr. PITTMAN] on account of official business.

The PRESIDING OFFICER. Sixty-three Senators having answered to the roll call, there is a quorum present.

Mr. OVERMAN. Mr. President, the call of the roll having disclosed the presence of a quorum, and being very anxious to close this debate and dispose of this bill, I propose a unanimous-consent agreement, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The Secretary will state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from North Carolina asks unanimous consent that at not later than 5 o'clock p. m., on the calendar day of Tuesday, April 9, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations," and so forth, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m., on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. STONE. Mr. President, do I understand that beginning at 1 o'clock to-morrow debate will be confined to 10 minutes?

The PRESIDING OFFICER. The Chair is advised that 2 o'clock is the hour named in the proposed agreement.

Mr. STONE. Mr. President, I expect to vote for this bill, although I wish to say some things about one or two of its provisions. What I wish to say about those particular provisions I do not regard as being of sufficient importance to delay the passage of the bill for a moment, but there are one or two amendments pending upon which I do desire to be heard, and I do not want to be confined to 10 minutes. What I will have to say upon those amendments will not perhaps occupy more than 30 minutes, or 40 at the utmost, but I do not desire to be shut off from saying what I have in mind to say with respect to them.

If the amendment, for example—to be perfectly frank—of the Senator from Massachusetts [Mr. LODGE] should be offered now, I would be willing to take it up at once, as far as I am concerned, and dispose of it. I am willing to take up either of the amendments about which I feel particularly concerned and dispose of them this afternoon, but if the time should be otherwise occupied, and if we should adjourn until to-morrow, I appeal to my friend, the Senator from North Carolina, not to deny me an opportunity of saying what I should like to say with respect to them.

Every Senator here knows that I am not trying to obstruct the passage of the bill. I do not mean by this to say, Mr. President—for it would not be fair or true for me to say—that I approve of all the provisions of the bill, but I feel that at this time, and have felt all along, after reading it and going over it with such care as I could, that I not only would not seek in any way to obstruct its passage, but if the Senate desired to pass it I would even vote for it, although, as I say, there are provisions in it that do not appeal to me. But there are some amendments pending, Mr. President, that I should like to say something about before they are agreed to, and I do not wish to be confined to 5 or 10 minutes in expressing what I have to say about them.

Mr. OVERMAN. Do I understand that the Senator objects?

Mr. STONE. I hope the Senator will not put it in that way. If the Senator wishes me to object——

Mr. OVERMAN. Mr. President, I do not want to put the Senator or anyone else in the position of objecting, though we must close this debate at some time. I want to know if we can not get some agreement to vote on it within the next day or two. We have been on it for three days, and it ought to have been passed in one day.

Mr. STONE. I agree to that.

Mr. OVERMAN. If the Senator can suggest anything by which we can agree on a compromise, I shall be glad to have him do so.

Mr. STONE. Mr. President, if it should go over to-day, so far as I am individually concerned, I feel quite sure that the particular amendments about which I desire to speak, one of which I have indicated with perfect frankness, and I will indicate the other—oh, well, no matter—I wish just time enough to express my views with respect to it; and if the bill goes over and they are offered to-morrow, as I should think they might naturally be, in the ordinary course, whatever the vote of the Senate may be will end the matter with me.

Mr. CUMMINS. Mr. President, while the Senator from North Carolina is considering a modification of the proposed agreement, I desire to say that I am as anxious as he can be to bring the bill to a conclusion; and I do not object to a vote to-morrow at 5 o'clock. I have had a desire to express some views which I hold about the measure, for I am in favor of it, with some modifications which are not vital to the principle involved in it. I have had no chance yet, however, to give my reasons for the belief which I hold; and I think that there ought to be made a part of this agreement the stipulation that at the close of to-day's proceedings the Senate will take a recess until to-morrow at 11 o'clock, giving opportunity between 11 and 2 for such further discussion of the bill as Senators may desire to indulge, but not postponing the final disposition of the bill beyond the time mentioned in the agreement.

Mr. OVERMAN. I am very glad to accept that; and that will give the Senator from Missouri time to make the speech he desires to make.

Mr. STONE. Why, Mr. President, of course, the Senator from North Carolina would accept that, very naturally; but we meet at 11 o'clock, and, according to the suggestion of the Senator from Iowa, we practically close the debate at 2. That would be more than agreeable to me if I got in on those three hours. But, Mr. President, the particular matters about which I wish to speak may be presented after 2 o'clock. Of course, I might speak of them in advance, if I could have the recognition of the Chair; but even as to that I must take my chance.

Mr. OVERMAN. Mr. President——

Mr. STONE. I think, Mr. President, if my friend will indulge me, that it would be better to let the bill go over until to-morrow. I need hardly assure him that I have no wish to obstruct its passage. I have stated what I have about my attitude, but I do not wish to be shut out of presenting to my colleagues some views I have with respect not to the bill itself so much as to pending amendments, and I do not know when the opportunity will come to do that.

Mr. OVERMAN. Mr. President, is now half-past 3, and I will ask the Senate to sit until 6 o'clock, so that we will have six hours of debate.

Mr. STONE. Well, I am ready to go on.

Mr. OVERMAN. Suppose the Secretary reads the proposal as modified by the suggestions of the Senator from Iowa.

The PRESIDING OFFICER. The Secretary will read the modification.

Mr. CUMMINS. Does the Senator accept the suggestion I made?

Mr. OVERMAN. I do.

The SECRETARY. Add at the end of the proposed unanimous-consent agreement the following words:

And it is further agreed that at not later than 6 o'clock of this calendar day the Senate will take a recess until 11 o'clock on the calendar day of Tuesday, April 9.

Mr. STONE. Is that a proposal that we shall sit until 6 o'clock to-day and then take a recess until 11?

The PRESIDING OFFICER. The Chair so interprets it—not later than 6 o'clock.

Mr. STONE. At not later than 6 o'clock, and then a recess is to be taken until 11 o'clock.

The PRESIDING OFFICER. Until 11 o'clock.

Mr. STONE. Then what?

The PRESIDING OFFICER. Then the Senate will proceed, as the Chair interprets the agreement, until 2 o'clock under general debate, at which time amendments will be considered.

Mr. STONE. And the 10-minute rule apply?

The PRESIDING OFFICER. The 10-minute rule will apply to the bill and 5 minutes to amendments.

Mr. GALLINGER. And when is it provided that the vote shall be taken?

The PRESIDING OFFICER. The vote shall be taken at 5 o'clock.

Mr. STONE. That puts up a pretty hard proposition to me. One Senator, sotto voce, suggested to me that one could say a great deal in that time. Yes; I could say a vast deal more than I have any idea of saying; but I want to speak to the amendment when it is before the Senate. I have something to say to the Senate about it that I think worth while. But whether that is so or not, we can go on until 6 o'clock and let the time be consumed in the consideration of other features of the bill or other amendments and take a recess until 11 o'clock,

but I am brought at 1 o'clock or 2 o'clock to 10 minutes, and I am not willing to consent to that.

I wish to say, while I am unwilling, it is not because I want to make a speech. God knows, I can make a speech at any time upon the bill when I feel under the impulse, but I want to speak because I think I have something to say worth while to the Senate for the Senate to hear, and I do not want to be shut off from an opportunity of doing it.

Mr. OVERMAN. I do not want to shut off anybody. Everyone knows that I have been very liberal about these matters. It seems to me that 6 hours' debate and 10 minutes upon the bill and 5 minutes upon an amendment for every Senator ought to be enough and will give every Senator an opportunity to speak.

Mr. STONE. I will consent to sit until 6, 7, 8 o'clock, if you wish—I have no objection to that—and to take a recess until 11 o'clock to-morrow.

Mr. OVERMAN. Let the debate go on, then, until 6 or 7. It may be that we can get a unanimous-consent agreement then.

Mr. LODGE. Mr. President, I introduced an amendment the other day, to which the Senator from Missouri [Mr. STONE] has just referred. I desire to make a modification of it, so that it can be printed. It provided as I introduced it that—

The use of the mails shall not be permitted to any newspaper, magazine, or periodical, circular, or pamphlet which is printed in whole or in part in the German language.

I modify it by adding the words:

Unless the German text is accompanied by a translation into English printed beside said German text and in the same issue of such newspapers, magazines, periodicals, circulars, and pamphlets.

That agrees to the rule now adopted by the Post Office Department. I will give my reasons for the amendment when the time comes. I can not offer it at present, because we are now engaged in perfecting the amendment of the committee.

The PRESIDING OFFICER. The modified amendment suggested by the Senator from Massachusetts will be printed and lie on the table.

Mr. HARDWICK. Mr. President, I shall detain the Senate but a minute. I am perfectly ready to take the sense of the Senate upon this very simple amendment that I have offered, but I think because a number of Senators were not present when I presented it I ought to take a moment to explain it.

The concluding paragraph of the bill reads:

And whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished—

And so forth.

The amendment I have offered suggests that in line 17 of the language I have just read the words "the cause of" shall be stricken out. If that amendment should be adopted, of course the same words in line 19 should then be stricken out, and I shall so move. So this proposition, as modified by my amendment, if it were adopted, would read as follows:

Whoever shall by word or act support or favor the German Empire or its allies in the present war, or by word or act oppose the cause of the United States therein, shall be punished—

And so forth.

Mr. President, I am aware that in the minds of a good many Senators who take an honest view of this matter, fully as honest as either I or anyone else takes, they do not happen to agree with those on this side of the Chamber and think there is not much difference in the two proposals. Yet I beg the Senate to remember that when we are enacting a statute that makes spoken words a serious crime, punishable by 20 years' imprisonment in penitentiaries of the United States, we can not be too careful in using language so simple, plain, and direct that it is capable of but one construction—language that is incapable of misconstruction and language about which there might not be two honest opinions.

It is a dangerous pathway at best to make spoken words so serious an offense, and I am aware of many localities where Senators who live in those localities view it that great provocation exists for embarking on this most dangerous course; but, I insist, if we are to depart from one of the fundamental principles of our jurisprudence we ought to guard the departure with all the care possible.

Of course, if the cause of the German Empire and the cause of Germany are words synonymous with "side" in saying the "side" of the German Empire and the "side" of the United States in this war, and can mean no more than that and nothing else, there would be no reason whatever for the Senate to adopt my language and to say plainly that we are trying to legislate against the people who favor the German Empire and its allies in this war and oppose the United States in this war.

But what is the cause of the German Government in this war? Under one construction of language, the construction suggested by the Senator from Washington [Mr. POINDEXTER], it may be that the cause of the German Empire in this language means no more than the side of the German Empire in this war. If I were certain that the Senator only would construe the language and the Senate committee only that reported the language would construe it, I would not waste one second in advocating a change, because I am satisfied that is what they meant. But "the cause of" the German Empire in this war is qualifying language. The words "the cause of" qualify the rest of it. There are men who think that the real cause, using the word "cause" in the sense of being equivalent to purpose or object or motive, of the German Empire in this war is commercial. Other people insist that it is the territorial aggrandizement in Europe. Still other people insist that it is world dominion, and that that is the German cause.

When you come to the cause of the United States in this war there may be even more room for difference of opinion among people, whom I am bound to concede are equally honest. Some people say the cause of the United States in this war is the democratization of the world. Some people say that the cause of the United States in this war is to make the world safe for democracy. Other people, dissenting from that view, believe that the cause of this country is the assertion of our immemorial and undoubted rights to freedom of the seas, and we are at war with Germany simply owing to the fact that Germany fired upon our flag and murdered our people upon the high seas.

Mr. McCUMBER. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. McCUMBER. I wish to ask the Senator if he would not, in construing this law, give it rather a narrower meaning? Is it not the cause of the United States to-day to conquer her enemy? Is not that the sole cause to-day? Is it not the cause of the German Empire and her allies to defeat her enemies, including the United States? Could we not properly limit our construction to that view?

Mr. HARDWICK. I thought I had already answered that question, but the Senator probably did not hear what I said before. That may be true. Yet this language may be construed in a totally unnecessary way. If that is all the Senator means, we can use the same language that is found in the treason statutes, universally used, adhering to our enemies, giving aid and comfort and assistance to them. Why do you qualify it? Why use these words at all when we say people are helping Germany, are aiding Germany in this war? Why do we not say exactly what the Senator says it means?

Mr. McCUMBER. May I ask the Senator another question, and it will help us to understand the purpose of the amendment. Suppose we strike out the words "the cause of," so that it will read "and whoever shall by word or act support or favor the German Empire or its allies." Can the Senator explain to me how anyone by word or act could support the Empire of Germany without supporting its cause, or vice versa, and would he punish anyone for saying something in support of Germany unless it in reality was in support of her cause? Let me elucidate it. For instance, I might think that the military system of Germany was a splendid system, and everyone probably who would support a military system in the United States and would speak in favor of it would be speaking in favor of the German Empire, in favor certainly of some features of the action of that Empire. Yet that ought not to be a punishable offense.

It is barely possible with the very limited construction that some of us are giving to this language that some court might construe it to mean that. So, does not the Senator think that if he so limits the matter that it refers only to the German Empire he might be endangering the liberty of people who spoke in favor of some feature of the German Empire, even though they were bitterly opposed to the German cause?

Mr. HARDWICK. No; I do not think so, because the language as I would leave it would mean no more and no less. It is neither broader nor narrower than the Senator from Washington claims his language meant. It is neither broader nor narrower than the Senator from North Dakota contends is the real meaning and intent of the words now written in the amendment. But if you mean no more than that, if you mean no less than that, and that is favoring or adhering to the German side and opposing or injuring the American side in this war, why not say so in so many words? It is difficult to say if you would give the word "cause" its broadest significance exactly what the cause on either side of some of these powers is, in connection with this war. I mean by that, it is difficult to lay down a definition that even the responsible rulers of those

Governments would agree about on either side of the battle line. If the cause is or can possibly be held to mean anything of that sort, in this connection, you can see the room for an infinite variety of constructions. It would lead to an infinite variety of constructions, and possibly to persecutions. I do not think we need do that.

What we mean is to say that people shall not side with Germany and her allies in this war. Let us say so and leave out these words, because a man can admire some things about Germany—her wonderful business methods, her chemical progress, and a great many other things about her—without siding with her or favoring her in this war. There can be no trouble about that, and there is no danger of the kind the Senator from North Dakota suggests. Otherwise, I would not vote for such a change myself under any circumstances. So it is when it comes to the next amendment that I shall suggest.

Mr. McCUMBER. Can the Senator give an instance by which a person by word or act could favor the German Empire for which we would impose a punishment unless it was favoring the cause of the German Empire in this war?

Mr. HARDWICK. That is not an easy thing to do, and yet I can suggest a point to the Senator's mind, or a discrimination between the two things. Suppose a man believed that the German cause in this war, primarily at least, was to conquer France or to gain certain territory in Europe, and that, independent of the entry of this country into it because our flag was fired on and our people murdered and the freedom of the seas denied us, he did not feel any great concern over that cause one way or the other. I can conceive that honest, patriotic Americans might feel somewhat that way. Of course, if the cause of Germany is world dominion, and if she is aiming at the conquest of this country and invasion of these shores, a very different situation would exist, and probably a very different feeling would exist on the subject of the war and what the cause of the war is. That may be more or less metaphysical and involved to the mind of Senators. But if the Senator means no more than that for a person taking the side of Germany in this war we make it a crime to adhere to our enemy and give comfort to our enemy, in the words of the treason statutes, then we might just say that without putting these words in at all. I do not see any need to invite possible misconstruction, to invite the possibility of honest difference of opinions on account of a broader significance in meaning being given to a word than we intended to employ when we enacted the statute.

It is the purpose of the amendment not to broaden it or to narrow it, but simply to clarify an expression that I believe, and to express exactly, the Senate has in mind, and only what the Senate has in mind, and to express it in a way that nobody can possibly be mistaken about it, and that there can be no room for reasonable and honest differences of opinion concerning it.

Mr. LODGE. Mr. President, when I first examined this amendment I was inclined to think it would be better to omit the word "cause," in lines 17 and 19. The more I have considered it, the more I have heard in debate, the more it seems to me that it is the best word to retain. The word "cause" as used here has no relation whatever to the causes or reasons. It means simply the side.

Mr. HARDWICK. Will the Senator yield to me for just a moment.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. HARDWICK. If that is true, and it means only that, why would it not be all right to leave it out?

Mr. LODGE. I think it makes it broader and clearer. The dictionary says:

CAUSE.

* * * * * * *

7. That side of a question which an individual or party takes up; that object to which the efforts of a person or party are directed.

They never fail who die in a great cause. (Byron, Marino Faliero, ii. 2.)

* * * * * * *

To make common cause with, to join with for the attainment of some object; side with strongly; aid and support.

I think that meaning is very desirable: Anyone who aids or supports or sides with, or joins with. I think that is all the word "cause" undoubtedly means in this connection. I do not think it could mean anything else. It is used as representing the side of Germany and the side of the United States. I think it would have been perhaps wiser to have left out the word "allies," as we have the confusion of being at war with one of Germany's allies and not with the other two. To say "the cause of Germany," would cover all those who are fighting with her just as much as putting in the word "allies." But that is an insignificant point. It seems to me, however, that the word "cause," as used in this connection, is correct language.

Mr. POINDEXTER. Mr. President, I only desire to say a word in answer to the reasons given by the Senator from Georgia [Mr. HARDWICK] for his amendment. The Senator from Georgia is a distinguished lawyer and knows that the word "cause" is in common use as indicating not merely the side of an adversary in litigation but as meaning the case of an adversary. It means the movement which the adversary is making in the courts, whatever it may be, against the opposite party.

Mr. HARDWICK. And the cause behind it. Now, if the Senator will allow me——

Mr. POINDEXTER. No; I differ with the Senator in his last statement.

Mr. HARDWICK. The Senator said "the case." That is the trouble I have in my mind. The case of the United States—what its purpose and object may be in entering this war—may be different with loyal people who honestly disagree about it, and one side is just as right as the other.

Mr. POINDEXTER. I think I understand the Senator's position. I almost feel ashamed of myself for arguing about such niceties of definition of words here when the general popular conception of these words is so well defined. I do not think the American people are going to have very much patience with us for what might be termed quibbling about the meaning of words in a statute which everybody understands.

The cause of an adversary does not mean the causes which are back of the case. It does not mean that at all. A man might be utterly out of sympathy and opposed to the motives of a party—he might be opposed to the original causes which led up to the war, whether it is a war of litigation in court or war with the implements of battle between two great nations—and yet he might favor the cause of that party.

What the Senator said a moment ago I think throws a great deal of light upon his amendment, and furnishes the best argument why it should not be adopted. As I understood him—I do not want to misquote him—he said that if the cause of Germany was to conquer France, he could conceive of patriotic American citizens supporting that cause.

Mr. HARDWICK. Oh, no.

Mr. POINDEXTER. What was it the Senator said in that regard?

Mr. HARDWICK. Patriotic American citizens who might think, and probably did think, before the United States Government became involved that it was no immediate concern of the United States.

Mr. POINDEXTER. But the Senator knows that this bill does not relate in any way whatever to what happened before the United States became involved. What he is talking about is this war. That is what he ought to be talking about.

Mr. HARDWICK. I beg the Senator's pardon. The Senator ought not to say what I ought to talk about. I state what I am talking about, and the Senator is not in a position to sit in judgment upon his fellows. The Senator from Georgia thinks the Senator from Washington should not undertake to do that.

Mr. POINDEXTER. I do not agree with the Senator on that proposition. I think when we are debating here, as long as we observe courtesy between each other, it is our business to sit in judgment upon each other. That is what a debate is, and I am giving my opinion as to what is proper in a parliamentary way to be argued in relation to this bill. I am of the opinion that the question of how such a law as this might affect what people said or did before the United States went into the war is irrelevant, and that it is not proper to be argued here, because it has nothing to do with the bill.

Mr. HARDWICK. Will the Senator pardon me just one moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. HARDWICK. That is exactly what the Senator from Georgia believes. The Senate ought to make it plain beyond all peradventure. Take a man who felt in the beginning that it was a war for territorial acquisition and was no concern of the United States until we became involved; you do not want, by any possible construction of language, to brand him as failing in proper loyalty to this country after this country declared war; and here I suggest that we make the Senator's amendment mean what it is intended to mean, and that we do not go back to that and embarrass such a person about it.

Mr. POINDEXTER. We would not want to go back so as to punish any word or act that was committed or uttered before we got into the war, but according to what the Senator himself said a moment ago, it is rather a metaphysical distinction which he makes. I understand his argument to be that a man could

not be expected readily to give up his views about the origin and merit of Germany's attitude in the war which he entertained before the United States got into the war. If he is to make that argument relevant to this bill at all, it would have to be followed up with this, that we ought not to punish a word or act in support of those views now, even after we have gotten into the war. I say it would be necessary to follow it up with that, because that is the only thing this bill purports to do, and the Senator says the bill ought not to be passed as now framed. I believe the Senator knows it is clear—the Senator knows perfectly well, and he will not advocate anywhere, here or elsewhere, the doctrine that this bill is going to have any retroactive effect—to punish any word or act that was said or committed before it goes into effect.

Mr. HARDWICK. Let me say a word there.

Mr. POINDEXTER. I will yield the floor in just a moment, if the Senator from Georgia will pardon me.

Mr. HARDWICK. Allow me right at that point, and then I shall not bother the Senator any more. I am always willing to yield to the Senator from Washington, or any other Senator, when I have the floor.

Mr. POINDEXTER. I yield to the Senator, if he insists upon it.

Mr. HARDWICK. What I had in mind was this: Suppose a citizen of the United States who is loyal to the core, and willing to shed his blood, if need be, for this country, were to express this opinion—I am going to put it plainly, for in the beginning I did not think this war was any business of the United States——

Mr. POINDEXTER. I understood that was the Senator's attitude.

Mr. HARDWICK. I merely want to make it perfectly plain that in the beginning I did not think this war was any business of the United States.

Mr. POINDEXTER. I thought it was our business.

Mr. HARDWICK. I know that; but soon after it began the President of the United States by proclamation told us he did not, and I reckon he is loyal; nobody will question that; and a great many people did not think it was any business of the United States—millions of people; it looks like a majority of them thought so, from the last election returns.

Mr. POINDEXTER. Is the Senator still of that opinion?

Mr. HARDWICK. Whether they have changed their minds on that or not, I do not know.

Mr. POINDEXTER. I ask is the Senator still of the opinion which he entertained upon the subject?

Mr. HARDWICK. I said millions of people entertained that view.

Mr. POINDEXTER. You said——

Mr. HARDWICK. Of course, there is no concealment of the fact that the Senator from Georgia always thought that the United States ought to maintain its neutrality, and keep out of this war, if possible.

Mr. POINDEXTER. Does the Senator from Georgia think that now?

Mr. HARDWICK. I do not think so, for I would not have supported the war resolution if I had, and I voted for the war resolution.

Mr. POINDEXTER. Will the Senator be good enough, for the purposes of the argument, to state whether he still entertains the opinion which he says he previously entertained?

Mr. HARDWICK. What is that? I do not understand the Senator.

Mr. POINDEXTER. That he thought we ought not to have entered into this war when we did?

Mr. HARDWICK. Well, I will answer the Senator. I say I did not think we ought to have entered into this war, and, in my judgment, we would not have done so if Germany had not denied us the freedom of the seas and fired upon our flag——

Mr. POINDEXTER. The Senator begins to qualify.

Mr. HARDWICK. The Senator from Georgia never qualifies and he never dodges.

Mr. POINDEXTER. I say that the Senator did qualify his statement, because he said a moment ago that he thought we ought not to have entered into the war. Now he attaches the qualification that we ought not to have entered into the war unless Germany had denied us the freedom of the seas.

Mr. HARDWICK. The Senator from Washington shall not put sentiments into my heart that do not exist or words into my mouth which I have not used.

Mr. POINDEXTER. I will yield to the Senator from Georgia in just a moment, if he will allow me to comment upon what he has just stated.

Mr. HARDWICK. If the Senator is going to misunderstand me, I would rather not interrupt.

Mr. POINDEXTER. I had rather the Senator would not interrupt me until I have finished the sentence. I am perfectly willing, however, to yield to the Senator.

Mr. HARDWICK. But, if the Senator please, the trouble is—and then I will not interrupt him further—the Senator insists upon putting me in a position I do not occupy and in imputing sentiments to me that I do not entertain. I think—because I have long liked the Senator—that it is because he misunderstands the situation, and that is the only reason I interrupt him; that is the only reason I trespass on his courtesy. I was sure he was doing it——

Mr. POINDEXTER. Doing what?

Mr. HARDWICK. I do not think he was intentially misunderstanding the Senator from Georgia. Now, does the Senator want me to make it plain or would he rather leave it as it is?

Mr. POINDEXTER. I am going to take my seat in just a moment.

Mr. HARDWICK. Well, it does not matter much.

Mr. POINDEXTER. If the Senator from Georgia wants to make a speech, I should prefer that he wait until I get through; but if he will answer my question I would prefer that he should answer it now.

Mr. HARDWICK. The Senator from Georgia is not accustomed to being asked to give categorical answers, as if he were on the witness stand—questions that are phrased by a Senator who evidently is not anxious to do him justice in the matter.

Mr. POINDEXTER. I only stated my understanding of what the Senator said. Of course, the Senate reporters will be the best witnesses as to that.

Mr. HARDWICK. Oh, yes.

Mr. POINDEXTER. And the Senator himself, I suppose, so long as he is a public man, in the Senate and out of the Senate, on a question of the importance of this is going to take some position; and, of course, the position which he takes he will determine for himself, and it is a matter about which there can not be very long any misapprehension or misunderstanding.

Mr. HARDWICK. Not at all.

Mr. POINDEXTER. The Senator from Georgia either was in favor of and supported, to use the language of the bill, the entry of the United States into the war or he was not.

Mr. HARDWICK. The Senator from Georgia has a public record on that question, as much so as the Senator from Washington. There is no room for misconstruction or doubt about that.

Mr. POINDEXTER. Yes. The Senator from Georgia stated that men who entertained, we will say opposite views to his, who thought that Germany was right——

Mr. HARDWICK. No, no.

Mr. POINDEXTER. That Germany had a good cause——

Mr. HARDWICK. No.

Mr. POINDEXTER. Ought to be allowed now to continue by word and act to express those views which they entertained before we entered into the war.

Mr. HARDWICK. The Senator from Georgia did not say that and never thought it. If the Senator from Washington got that impression, the Senator from Georgia has been very unhappy in his method of expressing himself. What the Senator from Georgia did say was that there were many people in this country who believed that this country ought to have kept out of this war, if it possibly could be done, and who believed—in the beginning they believed, at least, and whether any of them have changed their minds since I do not know—that this was an European quarrel from which the concerns of the United State were far remote; but many of those men when this Government declared war abandoned whatever predilections whatever—well, I will use a different word—whatever aversion they had to entering this war, because the country went into it and they went with it, and that many of those men did not doubt but that the cause of this country was just in so far as it was based upon the fact that Germany insulted our flag, fired upon our flag, and sunk our ships; but that many of these men—the Senator from Georgia and the President of the United States, so far as I may judge from his public utterances, included—had thought so in the beginning——

Mr. POINDEXTER. I am perfectly aware of the harmony between the Senator from Georgia and the President of the United States.

Mr. HARDWICK. Yes; of course the Senator is—had thought prior to the firing upon our flag by Germany, and prior to the trouble about the freedom of the seas, that the best policy of this country was to keep out of this war; and therefore at

that time, at least, did not entertain any such opinion as that this was a war to make the world safe for democracy or to democratize the world, or anything like that.

Mr. POINDEXTER. Well, now we are willing to forego all of that for the time being, and confine this act to conditions which existed not only after we had got into the war but after we pass this bill. We shall agree here, if the Senator from Georgia has any doubt upon the subject, to put into the bill an express declaration to that effect; so that if the Senator is in favor of punishing those who continue to do what he said that he and others did before we got into the war, he can have no objection to the passage of this bill.

My opinion is that, so long as we are involved in the war and committed to it beyond withdrawal, we should provide a penalty against those who fight against us whether with their mouths or by their acts, while at the same time they owe us their allegiance and are drawing their support and their livelihood from the opportunities which this Government gives them. It is a matter of public policy.

Now, to conclude what I was going to say and to get back to the particular objection which the Senator from Georgia has to the words of this amendment, supplemented by what he has just said, that there may have been those who, we will say, before Germany interfered with our rights upon the seas—although my impression is that the Senator from Georgia was among those who were opposed to our taking steps for arming our merchant vessels to repel interference with our rights upon the seas——

Mr. HARDWICK. If my friend from Washingon will excuse me, as usual my friend from Washington is in error. The Senator from Georgia supported that joint resolution.

Mr. POINDEXTER. Well, was the Senator from Georgia in favor of the draft act?

Mr. HARDWICK. He never was. I plead not guilty.

Mr. POINDEXTER. My impression is, from the general conduct of the Senator from Georgia—and it was not removed at all by what he has just now said—that he has not particularly supported or favored the cause of the United States in this war.

Mr. HARDWICK. For that opinion the Senator from Georgia is profoundly grateful to his friend from Washington.

Mr. POINDEXTER. Now, I propose by this bill, if the Senator from Georgia persists in that opinion and speaks it and acts it before the country, to punish him by the penalties which are provided in the bill.

Mr. HARDWICK. As usual, the Senator is courteous and fair.

Mr. POINDEXTER. I do not think there is anything discourteous about that. The RECORD will show whether I am discourteous or not. I hope the RECORD will contain just what language we use. I disclaim any desire to be discourteous, and am not conscious of having been discourteous at all. I am speaking in a matter of fact way about the Senator from Georgia, because he is immediately involved in the debate, and because there is no difference between the Senator from Georgia or myself and any other citizen of the country as to our private acts when we conduct ourselves about our daily vocations; and it is the very thing which the Senator from Georgia has stated that he believes in that this act is aimed at. If any man believes that the purpose of Germany is not to conquer the world—I think that the purpose of Germany is, if she can, to put her dominion and power over the world—but only to conquer France, and if he goes before the country and says that Germany does not propose to conquer the world, that Germany's purpose is to conquer France, that Germany is right in attempting to conquer France and to impose her will upon France, that that is her purpose in this war, and she is right about that—I say that the penalties that are provided by this bill to punish him for that declaration, while his country is the opposite party in that war, are mild in comparison with the offense which he commits against his people.

Mr. HARDWICK. Mr. President, the Senator from Georgia is not used to cutting corners or dodging issues; at the same time it is not a matter of very great gratification to the Senator from Georgia to find that even recklessly—and I should hate to think that it had been done purposely—he had been misunderstood by one of his colleagues on either side of this Chamber. The Senator from Georgia never said, and never thought of saying, that he had ever himself for one moment entertained any sympathy for Germany in her quarrel with France. The very reverse of that is true. The Senator from Georgia comes of a line of English ancestry as long and as honorable as that of the Senator from Washington or any other Member of this Chamber. He has no sympathy with Germany, and never had any, and he is not to be put in any such attitude by any ill-advised, inconsiderate words of any Senator.

What the Senator from Georgia did say and what he has always said, and what he is prepared to maintain anywhere is this: That there are millions of people in this country, unnumbered and untold millions—it looks to me like a majority of them all from the returns of the last election—who believe that this quarrel in Europe, this war in Europe, was not primarily our concern, and who would have been glad if we could have honorably kept out of it forever. If that is not true, this entire country, the Senator from Washington and all others, have been slackers and laggards since Belgium's neutrality was first violated, and certainly and even in a more noticeable degree since the *Lusitania* was sunk. I know there are honest men—for whose opinions I have respect—who think that this country ought to have been put into that war from the beginning; but that was not the policy of the Government and it was not the sentiment of the people of the country.

What I did say and what I did mean was simply this and no more: That those of us who still insist that this country is fighting this war because her flag was fired on and because her citizens were murdered and because she was ordered off the high seas, and for no other reason, are just as loyal to this country, love her just as much, would give and have given just as much for it, and would sacrifice and have sacrificed just as much for it as the Senator from Washington or any other lip hero of whom I know.

Now, the country is at war; I voted to put her there. The country tried to have, and a majority of its representatives tried to enact, the armed-neutrality legislation, and, in spite of the inaccurate memory of my friend from Washington, I tried to help pass it. I did so for many reasons: First, because I thought the commerce of the country was entitled to that protection and the sovereign rights of this Nation were entitled to that vindication. I had no doubt, as it subsequently so developed, that the President of the United States had every substantial power as Commander in Chief of the Army and Navy of the United States to arm the vessels of this country, to protect them against foreign aggression, as he subsequently did; but I felt then, as I feel now, that it was the last chance to serve a solemn warning, a solemn notice upon Germany and to Germany that this country meant to go to war if her rights on the high seas were violated.

But, Mr. President, those men would do this country a disservice, in my humble judgment, who insist on drawing those lines now. More than half of the country thought that the country ought to be kept out of war if possible; more than half of the country thought that the European war was not our immediate concern, and that we ought not to get into it if we could honorably keep out of it; but when we could not keep out of it, and when we did not keep out of it, and when we did get into it, all that was ended.

I simply do not like to have language employed in a statute—and it is still less pleasant to have it employed in speech on the floor of the Senate—that indicates that people who entertain those sentiments, in the opinion of any thoughtful American, are not just as good and loyal Americans as anybody on this earth. Nor do I like to have it indicated, as was indicated by the Senator, that because, forsooth, a Senator or a Member of the other House did not support some particular plan or method of waging or conducting the war, no matter by whom that method was suggested, and no matter how great the majority by which it was adopted, that is a reason for assailing a Senator or a Representative. The Senator from Georgia was called upon in the performance of his constitutional duty to vote on the question of how to raise an army, and he voted his own judgment and his own conscience about that matter, and for that vote he has no apology to offer to the Senator from Washington or to anybody else on this earth.

Mr. POINDEXTER. Mr. President, if I am correctly informed, while the Senator turned away from this direction while he was speaking a moment ago so that, because of the acoustic properties of the Chamber, it was impossible for me to hear the words that he uttered, he made an insulting intimation and used insolent and opprobrious epithets directed to me.

Mr. HARDWICK. If the Senator states that——

Mr. POINDEXTER. I decline to yield to the Senator. I claim the floor of the Senate.

Mr. HARDWICK. Well, the Senator, then, can not use language of that sort, Mr. President.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. HARDWICK. I rise to a question of order. The Senator can not use language of that sort about the Senator from

Georgia. If the Senator wants to use language of that sort about the Senator from Georgia this is not the proper place.

Mr. POINDEXTER. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. HARDWICK. I am raising the question of order, let me say, that the language of the Senator is improper.

Mr. POINDEXTER. Mr. President——

Mr. HARDWICK. And I will say, then, that I did not intend to insult the Senator.

Mr. POINDEXTER. I decline to yield to the Senator. I do not propose to be taken off my feet, unless I am taken off by the Chair upon a point of order.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia raises a question of order.

Mr. HARDWICK. Yes; the Senator from Georgia raises a question of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARDWICK. The Senator characterized the language used by the Senator from Georgia as improper and insulting, and a few other things like that—I did not catch all the adjectives. I think that his language does not become a Senator to utter nor the Senate to hear, and it violates the rules in regard to the conduct of debate.

Mr. POINDEXTER. I submit it to the Chair.

Mr. HARDWICK. I refer the Chair to Rule XIX.

The PRESIDING OFFICER. The Chair——

Mr. HARDWICK. I will say——

Mr. POINDEXTER. I decline to yield.

Mr. HARDWICK. I do not ask the Senator to yield.

Mr. POINDEXTER. The Senator is asking me to yield.

Mr. HARDWICK. I addressed the Chair.

The PRESIDING OFFICER. The Chair will state that in the opinion of the Chair the remarks of the Senator from Washington were not a violation of the rules of the Senate.

Mr. HARDWICK. Then, I, of course, yield to the Senator who has the floor.

Mr. POINDEXTER. Mr. President, my purpose in rising was simply to call attention to what the Senator from Georgia has said in order that the manner in which the Senator from Georgia conducts a debate—and I have noticed it on several occasions heretofore—may be characterized by his own demonstration. The Senator from Georgia said a moment ago, in connection with his proposed amendment to this bill, that his purpose was to strengthen the measure; that he had no desire to weaken it. In view of the fact that the Senator from Georgia has departed from the accustomed proprieties of parliamentary language, I feel like saying that I am impelled to believe, from the entire record of the Senator from Georgia with regard to this war and his general discussion of this measure, that it is not the Senator's sincere desire to strengthen the hands of the Government by furnishing the aid provided by this bill. I think the Senator is opposed to the purposes of the bill, and that that is the reason of his amendment. I draw that conclusion from the Senator's own language and submit it to the country upon what the Senator himself has said.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. HARDWICK. I am absolutely terrified at the gallant Senator's assault. The Senator from Washington has been guilty of conduct on this floor that he ought to regret to his dying day, and he has been guilty of statements on this floor that were untrue, and he knows it. [A pause.] I yield to the Senator.

Mr. POINDEXTER. What does the Senator mean by saying that he yields to me? I did not request the Senator to yield.

Mr. HARDWICK. I thought the Senator——

Mr. POINDEXTER. The Senator knew perfectly well that I did not ask him to yield. The Senator has renewed his offensive remarks——

The PRESIDING OFFICER. The Chair will say——

Mr. POINDEXTER. By the use of another word, and I call the Senator to order. It is easy for me to express my opinion here of the Senator from Georgia, but it would be a violation of parliamentary law.

Mr. HARDWICK. I will waive parliamentary law and everything——

The PRESIDING OFFICER. The Chair desires to explain both to the Senator from Georgia and the Senator from Washington that the proceedings in the Senate now trench on a violation of the rules governing the conduct of its proceedings.

Mr. HARDWICK. Very well, Mr. President, I will confine myself to the parliamentary rules.

Mr. POINDEXTER. I should like to ask if the characterization by the Senator of a statement which I made a few moments ago as being untrue is within the rules of the Senate?

The PRESIDING OFFICER. The Chair knows of no point of order being made at the time the language was uttered by the Senator, and the Chair feels that he is not authorized to make an ex post facto ruling. The Chair suggests, therefore, that the Senators proceed in order.

Mr. HARDWICK. Mr. President, because the Senator from Georgia expressed an honest doubt about the possibility of the misconstruction of some of the provisions of this proposed statute he has to have his motives judged, and foully misjudged, by the Senator from Washington and keep silent. He is not likely to do either; he is not likely to submit to any misjudgment about this matter, nor is he likely to keep silent. It is a very common thing nowadays for a good many men in this country to undertake to wrap the flag around themselves to hide their own shortcomings and their own mistakes. I object to that, because I have too much love and too much respect for the flag to see it so employed.

We are operating here under a written Constitution; it is not suspended by war; we are operating here under a written Constitution one of the first and most fundamental guarantees of which is the right of freedom of speech, and because the Senator from Georgia insists that whatever measures are necessary to meet the times, they shall be so framed as to conform as nearly as possible to the Constitution of the United States he, forsooth, is to be indicted and arraigned by such men as the Senator from Washington. God save the mark. Simply because the Senator from Georgia ventured upon the humble and lowly observation that there were many men in this country, including the President of the United States and himself, who had not felt from the beginning that this was a war to democratize the world, he has incurred the wrath of the distinguished Senator from Washington and has had the Senator from Washington, speaking out of the plenitude of his wisdom and the breadth and depth of his exuberant and vocal patriotism, challenge and asperse his motives.

At this point Mr. GORE, from his seat, addressed remarks to the Senator from Georgia.

The PRESIDING OFFICER. The Chair suggests to the Senator from Oklahoma that if he desires to interrupt the speaker he should address the Chair.

Mr. GORE. Mr. President, I have no desire to interrupt.

The PRESIDING OFFICER. The Senator from Oklahoma, then, will reserve his remarks.

Mr. GORE. I have not transgressed any rule of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma is out of order.

Mr. GORE. I do not care to be reproved by the Chair when I am not disobeying the rules of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma will observe order.

Mr. GORE. Indeed he will.

Mr. HARDWICK. Mr. President, I should like to act as peacemaker if I can; but the unwarranted and unjustifiable comments of a man whom I had hitherto thought was my friend has somewhat provoked me and irritated me a little myself.

Now, this is the issue. If people can be bulldozed and browbeaten in this country because they venture to differ with other people about what are the best laws to be enacted for this country, about what plans and methods are to be pursued, even for prosecuting this war, then is the Senator from Georgia, forsooth, to be indicted by the distinguished Senator from Washington because he ventures to vote against that Senator on the question of what was the best way for this country to raise an army? Such is the illuminating issue which is presented to the Senate, to say nothing of the question of manners involved.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. KING. Mr. President, on page 2, line 16, after the word "enlistment" and before the word "service," I move to insert the words "in the military or naval service of the United States," so that it will read:

Attempt to obstruct or discourage recruiting or enlistment in the military or naval service of the United States.

It is merely to make a little more clear the meaning of the section.

I will ask the Senator from North Carolina if he will not accept that amendment?

Mr. OVERMAN. I do not think there is any objection to that.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Utah to the fact that his amendment is not in order at this time, the pending amendment being the committee amendment.

Mr. KING. Oh, I beg pardon. I thought the committee amendments had been disposed of.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BORAH. Mr. President, in accordance with the suggestion which I made the other day, I move to amend the committee amendment by striking out the word "calculated," in line 24, page 2, and inserting the word "intended," so that it will read:

Or any language intended to bring the form of government of the United States * * * into contempt—

And so forth.

Mr. OVERMAN. I have no objection to that.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 24, in the committee amendment, it is proposed to strike out the word "calculated" and to insert in lieu thereof the word "intended."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho to the amendment of the committee.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. KELLOGG. I simply wish to suggest to the Senator from Idaho whether it would not be better to leave in the word "calculated" and insert the word "and," so as to read: "Any language calculated and intended"?

Mr. STERLING. Mr. President, with regard to the amendment offered by the Senator from Idaho, I hope it will not prevail. When the amendment was first suggested I was somewhat impressed with it and thought it a proper amendment; but I do not believe any good purpose will be served by putting this statute in a form where it will be insisted that no intent has been shown to commit the offense described in the statute.

We have already adopted an amendment here, offered by the Senator from Colorado [Mr. THOMAS], by which the word "willfully" has been inserted, and all the acts herein enumerated as constituting offenses must be willful in order to come within the purview of the statute. To that amendment I did not object, but it will be insisted, of course, if the word "intended" is used, that circumstances showing guilty knowledge or intent must be proven in each individual case.

Mr. President, the word "calculated" here must mean language the reasonable or probable effect of which will be to bring into disrepute the form of government or the Constitution of the United States. I believe it is a case wherein a man ought to be held to have intended the reasonable or probable consequences of his act or of his language.

Mr. McCUMBER. Mr. President, may I ask the Senator a question right there?

The PRESIDING OFFICER. Does the Senator from South Dakota, yield to the Senator from North Dakota?

Mr. STERLING. I yield to the Senator from North Dakota.

Mr. McCUMBER. I want to ask the Senator if the word "intended" will not necessarily include that which is calculated? Any person charged with an offense where intention is of the gist of the offense will be presumed in law to intend the natural consequences, or, in other words, the results which will be calculated to flow from his words or his actions.

Mr. STERLING. Yes.

Mr. McCUMBER. Therefore, if he is accused of saying or doing something with intent to produce a certain result, is it not absolutely true that it must be calculated to produce that result in order to establish the intention?

Mr. STERLING. No. It makes no difference, or should not, and does not in many instances of penal statutes make any difference, as to what is in the mind of the doer or the actor charged with an offense. There is the great class of crimes commonly called mala prohibita, where the statute simply makes it an offense to do the act, and the intention with which the act is done is immaterial. The use of the word "intended" may embrace what is meant by the word "calculated" here; but it embraces too much, I think, in addition to what the word "calculated" ordinarily means.

Mr. McCUMBER. May I ask the Senator another question?

Mr. STERLING. I yield to the Senator.

Mr. McCUMBER. If a person were charged with uttering words or doing an act intended to produce a certain result, could he defend himself upon the ground that he did not so intend if the natural consequence of his words or its results would produce that result?

Mr. STERLING. It would at least give him a good pretext for so contending that he did not intend.

Mr. McCUMBER. But the court would not listen to that.

Mr. LODGE. Mr. President——

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. LODGE. The making or conveying of false reports or false statements which interfere with the operation or success of the military or naval forces of the United States is a far more serious offense than that included in this amendment, and yet the bill, which has not been changed by the committee in that respect, says "with intent to interfere." Again, in the case of statements interfering with the sale of the bonds, it is necessary to show intent to obstruct the sale, and in this very amendment, on line 13, page 3, in case of language used to advocate or to incite curtailment of production, it is necessary to show intent by such curtailment to cripple or hinder the United States in the prosecution of the war. We use the word "intent" in three places and the word "calculated" in two places.

Mr. STERLING. Mr. President, in regard to the last instance, to which the Senator from Massachusetts calls attention, it is very reasonable and proper that the word "intent" should be used there, because it is used in connection with the curtailment of production, and a man might advise curtailment of the production of certain lines of foodstuffs, for example, and not intend any curtailment whatever that would hinder the Government in the prosecution of this war, and the word "intent" is put in there as a proper safeguard.

Mr. LODGE. How about intent in interfering with the operation or success of the military or naval forces or intent to obstruct the sale of United States bonds?

Mr. STERLING. I think the situation there is a little different. In either of these cases the situation is different. A man may advise that the purchase of other bonds than Government bonds is better—better for the purchaser, better for his client, better for his ward, for example, if he be a guardian—and he does not intend thereby to obstruct, although he may be accused of obstructing, the sale of United States bonds.

Mr. LODGE. The Senate amendment takes care of those cases specifically.

Mr. STERLING. The instances cited in the committee amendment, however, differ in purpose from the amendment to which the Senator from Massachusetts has called attention. They are cases where the commission of an act calculated to bring about these results ought to be punishable without a regard to intent on the part of the doer of the act, especially since, according to the amendment of the Senator from Colorado, we have incorporated in the act the word "willfully" and have provided that the act must be willfully done. I would rather say "language the probable effect of which will be" than to use the word "calculated." I think it would be the better and the more apt expression and the more easily understood.

Mr. FRANCE. Mr. President, I offer an amendment to the pending bill and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and lie on the table.

Mr. BORAH. Mr. President, I had intended to make some observations, but I will let the matter come to a vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Idaho to the amendment of the committee. [Putting the question.] By the sound the noes seem to have it.

Mr. BORAH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MYERS. Mr. President, I should like to have the amendment stated. I have just entered the Chamber.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed by the Senator from Idaho [Mr. BORAH], in the committee amendment, on page 2, line 24, to strike out the word "calculated" and to insert in lieu thereof the word "intended."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Idaho to the amendment of the committee. On that question the yeas and nays have been ordered.

Mr. POINDEXTER. Mr. President, I think that if it is required by the express provisions of the act to prove an intent hostile to the United States on the part of the man who says or does the acts that are prohibited it will never be possible to enforce the act. I am of the opinion that it would be utterly useless to enact a law if it were required to prove a man's intent. It ought not to be necessary to prove the intent any

more than it would be necessary to prove whether or not a man who had the smallpox and was quarantined, if he violated the quarantine regulations and went out into communities spreading the germs of the disease, intended to injure his country. If he does the act, it itself is a crime, whatever his intent may be.

Mr. MYERS. Mr. President, I want to call attention to one thing, and ask the careful, thoughtful attention of the Senators to it.

The word "calculated" qualifies the language which one is prohibited from using. The provision of the bill reads, "language calculated to bring the form of government, * * * the Constitution of the United States," and so forth, into disrepute, There, "calculated" qualifies the language uttered by an offender; but the word "intended" would apply to the individual, the man uttering the language, what is in his heart, and it would put an entirely different phase upon the matter.

The clause as it reads now is that anyone who uses language "calculated" to do these things shall be punished, the word "calculated" describing and qualifying the language. Now, if you say that anyone shall be punished who uses language "intended" to bring the Constitution or form of government of the United States into disrepute, the word "intended" refers to something in the heart of the man who uses the language, and I believe its substitution would practically nullify that part of the bill, and render it futile and unenforceable. How would you prove what the man intended, in addition to using the language?

I think the use of language calculated to have the effect described ought to render a man guilty, because if a man has any sense at all he knows the probable effect of his language, and ought to be held to know it; but if you have to prove what is in the man's heart; if you have to prove that he used certain language and then in addition prove that he did it with intent to bring the Constitution or our form of government into disrepute, it will be impossible of proof. The amendment proposed by the Senator from Idaho [Mr. BORAH] would divert the qualifying adjective from the language used by the offender to the heart of the man himself, and that is something that it is impossible to prove. Nobody but the one who utters language and the Almighty can know with what intent it was uttered. Let us not make this provision of the bill unenforceable. Proof of intent should not be required as a part of this provision. I am opposed to the amendment of the Senator from Idaho. It would greatly weaken the bill.

Mr. CUMMINS. Mr. President, I did not intend to discuss this amendment. I am quite willing to have it voted upon; but in view of the suggestions of the Sentor from Washington and those of the Senator from Montana, and being a member of the committee which reported the bill, I feel that I ought to say a word expressive of my views on the subject.

First, let me say to the Senator from Washington that, ordinarily speaking, the intent with which an act is committed or a word is spoken is the essential ingredient of the crime. It has not been very long since the first example of a crime without an intent was introduced into the laws of any civilized country. We have in the statutes of the United States some crimes defined which do not require an intent in order to prove commission; but they are all minor, unimportant violations of the law. They do not relate, ordinarily, to life or liberty. There are not attached to them long sentences for their violation; and I think those who are in favor of the amendment can well assume that the general policy of the criminal law, recognized for centuries, ought to be recognized here and obtain here unless there is a very persuasive reason to the contrary.

The first part of this amendment makes it an offense to use disloyal, profane, scurrilous, contemptuous, or abusive language with regard to the form of government, the Constitution, the Army or Navy, or the uniform of our soldiers or sailors. That is reasonably clear and definite. What is profane and disloyal and scurrilous and contemptuous and abusive language is pretty well settled in the minds of intelligent citizens. But then we proceed:

> Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, * * * into contempt, scorn, contumely, or disrepute.

Here we enter the domain of opinion. What language tends to do these things, or one of them? That is a matter of mere opinion. It is an opinion to be delivered by a judge or a jury; and I think it would be exceeding dangerous to submit to a judge or jury, with reference to a perfectly innocent and upright man, known by his whole community to be an honest and upright and loyal man, the question of whether what he had said, neither contemptuous nor scornful nor abusive nor profane, was calculated or had a tendency to bring these charters of our liberties into scorn or disrepute. We are in danger of embracing within the statute, if we allow it to remain as it is, a great many well-meaning and innocent men; and the very moment the statute is so broadened that it may or probably will bring within its scope men in whom the community generally has confidence, and such men are convicted under the letter of the law, that moment the whole statute ceases to be of any value whatsoever; and instead of confirming and strengthening the loyal and aggressive sentiment of the people of the country for the prosecution of the war, we have done it infinite harm.

I believe that before we can attach to the utterance of any language, no matter how decent, how reasonably argumentative, how fair in its appearance and in its form, the penalties of a crime, we ought to prove that it was uttered with wrongful intent. Now, there is not any difficulty, ordinarily, about proving intent. We have to prove it in nearly every crime that is prosecuted; and almost every criminal that goes to jail has been found to entertain a guilty intent or a wrongful intent in doing the act for which he is prosecuted. Through the use of the word "intended" we will reach the guilty, and we will be in no danger of calling down upon the heads of innocent men the penalties of the law.

There is the widest difference of opinion with regard to language, fair and proper in itself, which tends to bring our institutions into disrepute. Even Senators have a very wide difference of opinion upon that subject, as is evidenced in the debates here from day to day. Let us keep the law strong and well fortified in the minds of reasonable men, and in that way we will do more to strengthen the country, even though now and then a man who ought to be punished escapes the penalty of the law.

I hope very much that the amendment proposed by the Senator from Idaho [Mr. BORAH] will be adopted.

I wanted to say this much because I am a member of the committee. There was no minority report; but all the members of the committee who were present during the consideration of the bill knows that this was my view then, as it is now.

Mr. KING and Mr. STERLING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. CUMMINS. Does the Senator from South Dakota desire to ask me a question?

Mr. STERLING. No.

Mr. CUMMINS. I yield, then, to the Senator from Utah.

Mr. KING. Mr. President, I should be very glad to get the views of the Senator from Iowa, if he cares to express them, in regard to a suggestion which I made the other day when the Senator from Idaho was addressing the Senate upon this section of the bill. It occurred to me that the language found in lines 24 and 25, on page 2, and lines 1, 2, 3, and part of line 4, on page 3, was unnecessary in view of the preceding matter found in the same section.

The words to which I refer, and which I thought might be eliminated with propriety without weakening the section or the objects of the section, are these:

> Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

The Senator will see that the words preceding, which relate to the same subject, are these:

> And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States.

Then follows the language which I have just suggested might with propriety be eliminated without weakening the section and without cutting out, so to speak, the acts which were sought to be made criminal. It seemed to me that when it was made an offense to utter contemptuous language or abusive language about out form of government, or about the soldiers or the sailors, or the flag, or the uniform, of necessity that language would tend to bring the form of government, the Constitution of the United States, or the uniform, or the soldiers or sailors, or the flag into disrepute; and it seemed to me there was no necessity of enacting the language that I have just suggested might be eliminated. You have covered the case when you make it an offense to utter those words against the Government, or the Constitution, or the soldiers, or the sailors, or the uniform, or the flag.

Mr. CUMMINS. Mr. President, I do not quite agree with the Senator from Utah, and I will give him my reasons for the disagreement.

The previous part of the amendment, in order to be effective, must find language that is profane, scurrilous, contemptuous,

or abusive. The only other word is "disloyal," and I think it is quite true that that word can apply only to a citizen of the United States. It does not embrace subjects of foreign countries who may be temporarily within our jurisdiction or territory. I can well conceive that a skillful man can attempt to bring the United States or the form of our Government, and the Constitution, and our soldiers and sailors, and the flag, and the uniform into contempt and into disrepute without using a profane word, a scurrilous epithet, or an abusive term. If that man employing our tongue or any tongue, however adroitly, intends by his utterance or his publication to accomplish the purpose that is here named, he is even more guilty than the man who uses a profane word or a scurrilous epithet or an abusive term. All that I ask is that with respect to him the question shall be submitted to the jury, "Did he intend in these utterances or publications to accomplish the purpose that is condemned by the statute?" If he did, he ought to be punished. If he did not, he ought not to be punished.

Therefore I would not give my consent to the elimination of that part of the amendment which was just read by the Senator from Utah. I think it should remain, but should be qualified in the way proposed.

Mr. STERLING. If the Senator from Iowa will permit a question, I hope I do not have an extreme view in regard to this matter, yet I almost feel that I would sooner see the suggested amendment of the Senator from Utah prevail than have the word "calculated" stricken out and the word "intended" substituted therefor. But it occurs to me as to whether it is not analogous to the element of "probable cause" in a case for malicious prosecution. We would interpret the word "calculated" as here used to mean language the probable effect of which would be, and so forth. Would it not in a case for malicious prosecution be decided by the court or by the jury under instructions from the court whether probable cause exists or not? Would not the phrase "Probable effect" be so construed by the judge or the jury properly instructed so that there would be no danger of any unjust conviction?

Mr. CUMMINS. I do not see any parallel between the case cited by the Senator from South Dakota and the present amendment, but I can put it to the Senator from South Dakota so that I will explain at least my view of the difference between the word proposed and the word now in the amendment. The Senator from South Dakota might—this is purely a suppositious matter, because he is incapable of doing what I am about to interject—the Senator from South Dakota might deliver a speech that I really thought the probable effect would be to do these things, namely, bring our Constitution or our Government or the form of our Constitution or our Army and Navy, and so forth, into disrepute. I might utter a sentiment of which he thought the same thing. If I were on a jury called to try the Senator from South Dakota or he were on a jury called to try me, what would be his duty or mine?

It would be his duty to find me guilty if he believed that the probable effect of what I had said in perfect good faith, in absolute loyalty, with the best intent of which a citizen is capable, and I would be compelled to do the same sad office for the Senator from South Dakota.

Now, I am not willing to submit that question to a jury. I do not believe that there is a single man in the United States who ought to feel the weight of a law of this sort of which the intent can not be easily and satisfactorily proven, and why, in order to embrace some mythical man, should we trespass upon the domain which has hitherto been held sacred to free speech and free action?

Mr. FALL. Mr. President, I certainly did not intend to take up any further time of the Senate in discussing this matter. However, I feel so strongly on the question of this proposed amendment that I can not refrain from offering one or two words further about it.

In my judgment, it absolutely weakens the entire effect as I understand the proposed effect of the legislation itself. This country is on fire practically. As the President of the United States said at one time before we declared war, the world is on fire and the cinders and sparks are falling all around. That is peculiarly true of the conditions existing in this country. We can not disguise from ourselves the fact that we are not a homogeneous people; that there are 30,000,000 people of foreign birth of the first generation or naturalized citizens among us, and that a large number of them, at least 10,000,000 of that 30,000,000, if not in sympathy with our opponents yet must necessarily be to some extent affected by the fact that they are of the blood of the central powers.

Now, those are the conditions existing. In every State in the Union practically we have to meet those conditions. In some of the States of the Union those conditions are very much more critical and serious than they are in others. Any reckless statement the ordinary effect of which would be to cause the act to be perpertrated which this bill seeks to punish, any reckless statement made with no deliberation whatsoever, should be punished in some way. That is my deliberate judgment. I think that you very materially weaken, that you do not recognize the effect of, your action in inserting the word "willfully" with reference to this proposed language, "willfully uttered." Naturally it will be construed, whenever a court meets the proposition upon the application of some shrewd attorney making a technical defense of the guilty party, and the court will instruct as to what the word "willful" means.

The word "willfully," which you have put in here, means that these utterances must have been made with some measure of care and deliberation; that they must have been uttered not simply as the utterance of a moment, but that they must have been thought over; that there must have been some previous design upon the part of the party uttering the words, as the word "willfully" in the statute naturally imports some such design. The consequence is you are going to have a charge upon the definition of the word "willful" submitted to the jury, though the effect of the language may have been to cast contumely or contempt upon the Government of the United States, the Constitution of the United States, the uniforms of the soldiers of the United States. That may be admitted by every word of evidence; the defendant himself may admit that he knows that that was the effect of the language; but before the jury is justified in finding him guilty they must find that his language which had that effect was uttered with some degree of deliberation, and had some more or less thought given to the subject.

Again, you put in this act a provision that he must have uttered it not only after thought and after deliberation, but that he must have uttered it with the intent. Sir, in the inflamed condition of public sentiment in certain districts in the United States the greatest injury that can possibly be done, in my judgment, may be carelessly and recklessly done by usually the most thoughtful man or the most prominent man in the community.

I would prohibit the use of careless or reckless language the ordinary effect of which would be, in the minds of the jury, to bring about riot or trouble upon the one hand or to cast contumely or reflection or contempt upon the uniform of the man who is fighting our battles in Europe, on the other hand.

I think that you are emasculating this clause and you are going back to exactly the condition which we are now confronted with in every State in the Union. You are undertaking to pass a law which will furnish quibbling for attorneys and put in the statute words which must be passed upon for the liberation of the offender. Those are the conditions which we must confront.

I am just as sincere in regard to the view of those who insist that the difference between the word "calculated" and the word "intended" is merely a matter of tweedledum and tweedledee. The careless enactment of a statute of this kind upon the theory that there is no difference in the use of one or two different words is exactly what causes in times of peace the people of the country to believe that courts do not do justice; that they can not get a case tried; that the legislature or the Congress, as the case may be, throws so many technical defenses around an action that justice can not be done.

I tell you, Senators, in my judgment, you had best provide here a method through which the people of the United States can understand that immediate justice can be done to those offenders, or else they will hang them by the neck until they are dead or will tar and feather them and run them out of their respective communities. This is my deliberate judgment, and I am going to vote against the proposed amendment, just as I opposed with my vote the proposition to put "willfully" into the statute.

Mr. STERLING. Mr. President, as following the remarks of the Senator from New Mexico [Mr. FALL] I should like to quote the language used by the governor of Montana at the meeting of governors here a few days ago, in which he said:

> The greatest criticism heard is against the timorous attitude of the National Government toward treason.

And then the statements of Govs. Manning, of South Carolina, and Milliken, of Maine, in which they—

> warned that unless drastic steps were taken soon, mob violence was to be expected.

That is in line, as I read it, with what the Senator from New Mexico has just said in regard to this matter.

Mr. SMITH of Arizona. Mr. President, I shall not postpone the vote more than a minute. I ask Senators to stop to think a minute and look at the condition of things in this country. I

was impressed by the statement of the Senator from New Mexico [Mr. FALL] of the varied and variegated population of this country. On the one side there is absolute loyalty. There is not one loyal citizen of America who could ever be held under the provisions of this bill whether you adopt the amendment of the Senator from Idaho [Mr. BORAH] or do not adopt it. There are hundreds of crimes where no intent is alleged. What is the necessity to allege an intent to murder or an intent to kill by firing off a Winchester rifle on the crowded street of a city? The crime is in doing it whether people were killed or not killed.

Mr. FALL. The illustration which the Senator is making emphasizes the fact that the crime, as the law charges, is in doing it carelessly.

Mr. SMITH of Arizona. Yes, sir; they do not need any intent; even doing it carelessly, as the Senator suggests, as walking up the street and handling a pistol in a careless manner. The intent has nothing to do with that crime. There are many other crimes we can think of where there is no need to say that any intent was involved.

But there is a crime against this country, a disloyal person doing the things denounced in this bill—and why do we say here, as the Senator so ably suggested, that we must throw around everyone who is guilty the proof before a jury of the intent? You know and every other man who has served, as the Senator has, so ably on the bench, and as I served so unably as prosecutor for several years of my life and for many years engaged in defense in actions, I want nothing better than to say "You will make me prove your intent," and I can show the man of such insignificant purpose, so little read that he did not know what the result would be; that he did not intend to stir up this crowd that was standing around him. I have got to go to the question of proving the intent instead of punishing him for the commission of crime. We should not throw around this bill measures of protection in the fear that the United States is going to run amuck, that it is going to punish loyal American citizens for a mere criticism of the President, a criticism of any one thing that anybody does. There is no American jury in the world that will not preserve the right of every loyal citizen in any criticism he wants to make. There is no doubt about that. But see this insistence that we shall throw protection around crime, treason to our country, if you please, by proof of what the person intended to result from his act. It seems to me that we are merely quibbling with a question in this hour that ought to hold us pretty strongly to the fact of seeing that no man in America is shot in the back, and that our great efforts to win this war shall not be weakened by hedging about every violator of the common rules, the decencies, and the common sense of what a patriotic citizen ought to do; questions of the intent that he deliberated, as the Senator says, and came to the conclusion after a long time that this was the best possible way to hurt America or to help Germany. That thing we want to avoid if we can. I thoroughly agree with the patriotic and luminous statement made by the Senator from New Mexico in that regard.

Mr. LODGE. Mr. President, of course my knowledge of the law is very slight compared to that of the Senator from New Mexico [Mr. FALL] or the Senator from Arizona [Mr. SMITH], but I had thought always that intent had something to do with establishing the degree in a murder case. There are various degrees in a charge of murder, and I thought that intent had something to do with it. That, however, is a mere passing reflection. Here we are proposing to make an offense remarks against our Constitution and form of government; and in our zeal we are running the risk of destroying not only the form but the very essence of free government.

Mr. President, I have become a little weary of having Senators get up here and say to those of us who happen to think a word had better be changed, and that we had better retain the usual protection of intent, that Senators who favor that course are trying to shelter treason.

Mr. SMITH of Arizona. Does the Senator mean that I made any such suggestion?

Mr. LODGE. The Senator made precisely that statement.

Mr. SMITH of Arizona. I should like to answer the Senator.

Mr. LODGE. He said we were trying to shelter treason.

Mr. SMITH of Arizona. I should like to answer the Senator when he shall have concluded.

Mr. LODGE. At least I understood the Senator to say so; and I think the RECORD will show it.

Mr. SMITH of Arizona. That I said what?

Mr. LODGE. That the Senators who were supporting the use of the word "intended," instead of the word "calculated," were trying to shelter treason.

Mr. SMITH of Arizona. On the contrary, I never made any such statement. If I did, I do not understand my own language. I never made even a suggestion of that kind.

Mr. LODGE. I am very glad the Senator did not.

Mr. SMITH of Arizona. I never dreamed of saying that.

Mr. LODGE. I sat here listening, and I thought the Senator did say so.

Mr. SMITH of Arizona. I never dreamed of saying, as the Senator from Massachusetts ought to know, that any Senator on this floor would for one minute intentionally favor protecting treason in this country. On the contrary, I was simply trying to show to the Senate that when we got into a trial of such a case as would arise under this proposed law, if in framing it we threw about offenders all the safeguards which are attempted to be thrown around the defendant in the trial of a case of murder in a State under ordinary conditions, we would open a vast field of defense to any ingenious defender of a criminal on the ground of requiring to be proved not only his intent but his deliberate purpose and intent to do something to injure the United States. I said that under that kind of a provision very likely those absolutely guilty of treason might escape. Certainly I did not, as the Senator from Massachusetts must know, intimate that any Senator in this body or any other genuine American ever had an idea of throwing the least protection around anybody who exhibited the least infidelity to the Government in the prosecution of this war or want of sympathy with our ultimate victory.

Mr. LODGE. I am glad to hear the Senator's explanation. I do not think there is anybody who feels more strongly in regard to any expression of sympathy with Germany than do I, and I have felt so from the time before we entered the war; but I do think, Mr. President, that it is important in passing legislation of this kind—with which I have entire sympathy; and I wish to see such offenses put down—that we should guard the legislation so that it will not be used as a means of persecuting loyal and innocent men.

I do not think the word "intend" is a very serious protection. We have got it in this bill no less than three times. Proof of the intent is required in the case of any person who interferes with the military operations of the Government; it is necessary to show intent in the case of obstructing the liberty loan; it is necessary to show intent, according to this very bill, in the case of advocating the curtailment of production; and yet it is proposed to abandon such defense as the use of the word "intended" may afford—I do not think it is a very great protection—in connection with a prosecution for what may be a hasty remark or what may be an unconsidered speech in a moment of excitement, or what may be perfectly ligitimate and proper criticism. I think it is a very slight protection to give, and one that ought to be given.

In our zeal to punish these crimes we do not wish to run the risk of injuring innocent men and injuring respect for the law or breaking down the Constitution of the United States by law when we are proclaiming punishment for those who speak contemptuously of it.

Mr. POINDEXTER. Mr. President, just one word. I agree entirely with what the Senator from Arizona [Mr. SMITH] has just stated, and I think it may simplify the exact question that is before the Senate by admitting that men may with good intentions favor the German cause in the manner stated in this bill. The question is whether we are going to allow that. That is the exact question before the Senate. Senators may differ in opinion as to whether or not a man, even though with good intentions, should be allowed to go out and make the remarks or do the things specified in this bill. I think that public policy, on the grounds stated by the Senator from Arizona and the Senator from New Mexico, justifies the Senate in making it unlawful, even though the intention is good.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. In just a moment I shall yield to the Senator from Iowa.

To answer another question that was made, it has been suggested that it makes no material difference if we put the word "intended" into the act. It is said that the intent will be presumed as a matter of law from the natural consequences of the act. That may be true in a certain class of cases; it might be true in some cases of this kind; but it is also true—and the Senator from Arizona, with his experience as a prosecuting attorney, and I can sympathize with him in that, because I have wrestled a good deal myself with those difficulties—that it is always open to the defendant to prove that he did not intend it; it is always open to the defendant to rebut the presumption

that he intended to commit the offense charged. So in the cases which are covered by this bill, if it be said that it is presumed that the intent existed, then he could come into court at any time and rebut it by swearing that he did not intend the consequences alleged and go scot free.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Idaho, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is necessarily absent. I am released from my pair with the Senator from Connecticut as to my vote on the amendments to this bill. I therefore will take the liberty of voting. I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD], I vote "nay."

Mr. WILLIAMS (when his name was called). I understand the Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, has not voted. That being the case, I transfer my pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH], which I transfer to the junior Senator from California [Mr. JOHNSON] and vote "yea."

Mr. CALDER (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and permit my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will allow my vote to stand.

Mr. JAMES (after having voted in the negative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Ohio [Mr. POMERENE] and allow my vote to stand.

Mr. STERLING (after having voted in the negative). I inquire if the Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. STERLING. I transfer my pair with that Senator to the Senator from Michigan [Mr. TOWNSEND] and allow my vote to stand.

Mr. JONES of Washington. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is absent in connection with the liberty-bond campaign.

Mr. SAULSBURY. I desire to announce that the Senator from Ohio [Mr. POMERENE] is necessarily detained on important public business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 34, nays 28, not voting 33, as follows:

YEAS—34.

Baird	Gallinger	McCumber	Smith, Ga.
Borah	Gore	McKellar	Smoot
Calder	Hale	McNary	Stone
Chamberlain	Hardwick	New	Sutherland
Colt	Hitchcock	Norris	Thomas
Cummins	Kellogg	Reed	Vardaman
Curtis	King	Shafroth	Warren
France	Lewis	Sherman	
Frelinghuysen	Lodge	Shields	

NAYS—28.

Ashurst	Jones, N. Mex.	Pittman	Smith, Ariz.
Beckham	Jones, Wash.	Poindexter	Sterling
Fall	Kirby	Ransdell	Swanson
Fletcher	Martin	Robinson	Thompson
Henderson	Myers	Saulsbury	Tillman
Hollis	Nugent	Sheppard	Trammell
James	Overman	Simmons	Williams

NOT VOTING—33.

Bankhead	Harding	Owen	Underwood
Brandegee	Johnson, Cal.	Page	Wadsworth
Broussard	Johnson, S. Dak.	Penrose	Walsh
Culberson	Kendrick	Phelan	Watson
Dillingham	Kenyon	Pomerene	Weeks
Fernald	Knox	Smith, Md.	Wolcott
Gerry	La Follette	Smith, Mich.	
Goff	McLean	Smith, S. C.	
Gronna	Nelson	Townsend	

So Mr. BORAH's amendment was agreed to.

Mr. MYERS. Mr. President, there was considerable said on the floor of the Senate on Saturday about a bill on this subject and having the same object as the pending committee amendment, which I introduced last August, and there was more said about it to-day. An editorial with reference to it, from the New York American, was to-day incorporated in the RECORD.

The bill which I introduced last August, having the same object in view as the committee amendment to the pending bill, and using in large part the same identical language, appears to have fallen under the condemnation of the New York American and of Mr. Roosevelt. The condemnation of the New York American is shown by the editorial which was put into the RECORD this afternoon; and in the Washington Post of this morning I notice that, in explaining the charge which was made against Mr. Roosevelt here Saturday of having misstated the facts in regard to the proposed legislation before the Senate, Mr. Roosevelt says he has discovered that he had in mind the bill which I introduced on the same subject last October, which he thought was before the Senate, instead of the pending measure, and that I am to blame, to use his own words. He uses those words and says the blame, whatever "blame" he may have in mind, rests upon me. Now, that is the first time I ever heard of a legislator being blamed for introducing in a legislative body a bill to suppress treason and disloyalty. If there is any blame in that, I am quite willing to take it. Mr. Roosevelt has blamed this administration, its officials and representatives, from the President down, for nearly everything they have done since we entered into this war; therefore, I have at least been placed in good company.

I want to say a few words about a very slight difference between the committee amendment to the pending bill and the bill on the same subject which I introduced last August, the two being in large part identical. The bill which I introduced last August embodies language which is embodied in this bill and, in addition, simply includes the words "the President of the United States." My bill includes the President of the United States as one of the objects about which disloyal, profane, scurrilous, contemptuous, or abusive language should not be used in time of war.

The committee amendment to the pending bill provides that in time of war it is unlawful to use "any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States." My bill used that same language, and simply added "or the President of the United States."

The criticism that has been directed at my bill by those who find fault with it and blame me for it asserts that under that bill criticism of the President of the United States would not be permitted. There is no ground for any such assertion. I contend that nobody can seriously assert that the provision in the committee amendment before us, which forbids the use of disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States and other objects there enumerated forbids criticism of the form of government of the United States, or forbids criticism of the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, and so forth. If it does not prevent criticism, legitimate and decent criticism, of the form of government of the United States, the Constitution of the United States, or the flag of the United States, then if the words "the President of the United States" were in there, it would not prevent criticism of the President of the United States. If the terms of the committee amendment are not such as to forbid any decent and legitimate criticism of the objects mentioned therein, then they would not prevent criticism of the President of the United States. All would be on the same footing. I believe when we are engaged in war that anybody who uses vile, opprobrious, or offensive epithets about the President of the United States, the Commander in Chief of our Army and Navy, ought to be punished as an enemy of the country. I do not mean criticism. I mean vile, profane, scurrilous, abusive language. Criticism is one thing; vile, scurrilous abuse is another. The President of the United States is the Commander in Chief of the

Army and Navy, and I believe that it is just as offensive and disloyal to use scurrilous, contemptuous, abusive, profane, or disloyal language about the President of the United States, the Commander in Chief of the Army and Navy, in time of war as it is to use the same kind of language about our form of government, the Constitution, the flag, or the soldiers and sailors of the country. It would be a strange law, indeed, that would prohibit such language about the soldiers and sailors of the country in time of war and permit it to be used at the same time about the Commander in Chief of the Army and Navy.

The bill before us is not intended to prevent any temperate or legitimate criticism of the form of government of the United States, or the Constitution of the United States, or the flag of the United States, or the soldiers or sailors of the United States, and the bill which I introduced, and which some outside of this body seem to think censurable, was not intended to prevent criticism of the President of the United States, nor would it. Here is what it was aimed at, in making reference to the President of the United States. I read from the Washington Post of this morning the following:

MEMPHIS, TENN., *April 7.*

Federal officials were called on by local officers last night to protect O. L. Agnew, a cotton-press watchman, from mob violence.

During the liberty-loan parade Agnew is said to have cursed President Wilson, Gen. Pershing, and Red Cross workers.

Think of that, please! In time of war, when a liberty-loan parade is in progress, a man publicly curses the President of the United States, the Commander in Chief of our Army and Navy, and no law to punish such vile and reprehensible, such disloyal, utterances! Yet I am criticized and blamed because I introduced in Congress a bill to punish such loathsome conduct. I say there is need of such a law.

I say that when we are engaged in war, and a liberty-loan parade is in progress, a man who curses the Red Cross workers, Gen. Pershing, the form of government of the United States, the Constitution of the United States, the flag of the United States, the soldiers or sailors of the United States, or the President of the United States ought to be severely punished. That was my idea in including in the inhibitions of my bill, from which this is largely taken, the President of the United States. Of course, all reference to the President of the United States was eliminated by the committee in its amendment, and we now simply have the provisions forbidding disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States. While I think it would have been better if the words "President of the United States" had been left in, since they have been eliminated I think, nevertheless, the committee amendment which we have before us should be adopted and that the bill so amended should be enacted with the inhibitions contained. They are needed. I heartily favor them.

Mr. JAMES. Mr. President, is it true that as the bill is now a citizen is forbidden to curse the Army and Navy but he can curse the Commander in Chief of the Army and Navy?

Mr. MYERS. That is the exact anomaly, strange to say. That is the condition of the bill before us, as it is now worded, and that is why I say I believe it would be a better bill if the words "the President of the United States" were in there if those words had not been eliminated by the committee from the language apparently taken from my bill; but I would rather have the bill as it is than no bill at all on the subject. There is urgent, crying need for this legislation, whether or not it may contain reference to the President. I am for the bill, heartily and earnestly, for every provision, every clause, of it, and I hope it may be speedily enacted.

Mr. GALLINGER. I offer an amendment in the nature of a substitute for the bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. That order will be taken.

Mr. JONES of New Mexico. Mr. President, I have an amendment to the pending measure which I think the Senator in charge of the bill will accept. I ask that it be read from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 21, on page 3——

Mr. OVERMAN. Mr. President, the amendment is not in order now, as I understand.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Mexico to the fact that the amendment is not now in order, because the committee amendments are being considered.

Mr. JONES of New Mexico. I understood that we had disposed of the committee amendments.

The PRESIDING OFFICER. There remain some undisposed of. The amendment of the Senator from New Mexico will be printed and lie on the table.

Mr. JONES of New Mexico. I ask that it may be read.

The PRESIDING OFFICER. The Secretary will read the amendment for the information of the Senate.

The SECRETARY. After line 21, on page 3, it is proposed to insert a paragraph, as follows:

Any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner, criticizes the Army or Navy or the flag of the United States, shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock p. m., Monday, April 8, 1918) the Senate took a recess until to-morrow, Tuesday, April 9, 1918, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 6, 1918.

[Omitted from the RECORD of April 6, 1918.]

ASSISTANT SECRETARIES OF WAR.

Edward R. Stettinius, of New York, to be Second Assistant Secretary of War.

Frederick Paul Keppel, of New York, to be Third Assistant Secretary of War.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. John Raymond O'Mahoney, of South Dakota, to be chaplain, with rank of first lieutenant from March 29, 1918.

MEDICAL CORPS.

To be first lieutenants.

First Lieut. Joseph Francis Bredeck, Medical Reserve Corps, from March 23, 1918.

First Lieut. James Loving Hamner, Medical Reserve Corps, from March 23, 1918.

First Lieut. William Bell Foster, jr., Medical Reserve Corps, from March 24, 1918.

First Lieut. Meredith Mallory, Medical Reserve Corps, from March 24, 1918.

First Lieut. Joseph William Garrett, Medical Reserve Corps, from March 25, 1918.

First Lieut. Charles Chester Dickinson, Medical Reserve Corps, from March 25, 1918.

First Lieut. Harold Ward Stone, Medical Reserve Corps, from March 26, 1918.

First Lieut. William Ralph Campbell, Medical Reserve Corps, from March 26, 1918.

First Lieut. Gregory Everett Stanbro, Medical Reserve Corps, from March 27, 1918.

First Lieut. Howard Paul Blake, Medical Reserve Corps, from March 28, 1918.

First Lieut. George Leslie Dailey, Medical Reserve Corps, from March 29, 1918.

First Lieut. Harry Justin Felch, Medical Reserve Corps, from March 30, 1918.

TEMPORARY PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be first lieutenants with rank from January 26, 1918.

Second Lieut. Graham T. Winslow, Cavalry.

Second Lieut. Edward B. Harry, Cavalry.

Second Lieut. Herbert D. Bowman, Cavalry.

Second Lieut. Albert G. Klapp, Cavalry.

To be first lieutenant with rank from February 1, 1918.

Second Lieut. Fred P. Clark, Cavalry.

To be first lieutenants with rank from February 4, 1918.

Second Lieut. Edward A. Titcomb, Cavalry.

Second Lieut. Henry C. Tatnall, Cavalry.

To be first lieutenants with rank from February 5, 1918.

Second Lieut. Harry L. Jones, Cavalry.
Second Lieut. John W. Middendorf, jr., Cavalry.

To be first lieutenants with rank from February 6, 1918.

Second Lieut. Calvin R. MacGillivray, Cavalry.
Second Lieut. George S. Clarke, Cavalry.

To be first lieutenants with rank from February 7, 1918.

Second Lieut. Harold P. Stewart, Cavalry.
Second Lieut. Harold Lalt. K. Albro, Cavalry.

To be first lieutenant with rank from February 14, 1918.

Second Lieut. Ward H. Porter, Cavalry.

To be first lieutenant with rank from February 16, 1918.

Second Lieut. Elias Lyman, jr., Cavalry.

PROVISIONAL APPOINTMENT IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Second Lieut. Cecil Marryat Boycott, Officers' Reserve Corps.
Second Lieut. Thomas Henry Dugan, jr., Officers' Reserve Corps.
Second Lieut. Harry Hope Fenley, Officers' Reserve Corps.
Second Lieut. William Joseph Egan, Officers' Reserve Corps.
Second Lieut Redding Francis Perry, Officers' Reserve Corps.
Second Lieut. Marcellus Lowry Stockton, jr., Officers' Reserve Corps.
Second Lieut. Lawrence Patterson, Officers' Reserve Corps.
Second Lieut. Blaine Bee Wallace, Officers' Reserve Corps.
Second Lieut. Samuel Gibson Stewart, Officers' Reserve Corps.
Second Lieut. Charles Howard Espy, Officers' Reserve Corps.
Second Lieut. Warren Henry McNaught, Officers' Reserve Corps.
Second Lieut. Gregory Eflin Sawyer, Officers' Reserve Corps.
Second Lieut. Herbert Naugle Odell, Officers' Reserve Corps.
Second Lieut. Frederic Holdrege Bontecou, Officers' Reserve Corps.
Second Lieut. Roy Edson Craig, Officers' Reserve Corps.
Second Lieut. Frederick Albert Vietor, Officers' Reserve Corps.
Second Lieut. Ralph Damon Dolsen, Officers' Reserve Corps.
Second Lieut. Early Edward Walters Duncan, Officers' Reserve Corps.
Second Lieut. Edward Marple Daniels, Officers' Reserve Corps.
Second Lieut. Paul Evert, Officers' Reserve Corps.
Second Lieut. Philip Richard Upton, Officers' Reserve Corps.
Second Lieut. William Golay Boatright, Officers' Reserve Corps.
Second Lieut. Winfield Chapple Scott, Officers' Reserve Corps.
First Lieut. Theodore Keller Rothermund, Officers' Reserve Corps.
Second Lieut. George Edward Heidenreich, Officers' Reserve Corps.
Second Lieut. Clinton Montross Burbank, Officers' Reserve Corps.
Second Lieut. Ray Duff Willson, Officers' Reserve Corps.
Second Lieut. Donald Thomas Nelson, Officers' Reserve Corps.
Second Lieut. Chevy Chase, Officers' Reserve Corps.
Second Lieut. David Lewis Jones, Officers' Reserve Corps.
Second Lieut. Gilbert Davison Johnson, Officers' Reserve Corps.
Second Lieut. Chester Lawrence Conlon, Officers' Reserve Corps.
Second Lieut. Cleon Barnes Warren, Officers' Reserve Corps.
Second Lieut. Leo Thomas McMahon, Officers' Reserve Corps.
Second Lieut. Andrew Wylie, Officers' Reserve Corps.
Second Lieut. Marcus Gunn, Officers' Reserve Corps.
Second Lieut. William McCord Peeples, Officers' Reserve Corps.
Second Lieut. John Paul Prosper Eckert, Officers' Reserve Corps.
Second Lieut. Phillip Bassett Shotwell, Officers' Reserve Corps.
Second Lieut. Harold Moorman Collins, Officers' Reserve Corps.
Second Lieut. Nathaniel Wheeler, Officers' Reserve Corps.
Second Lieut. Richard Relf, Officers' Reserve Corps.
Second Lieut. George Sherwood Richardson, Officers' Reserve Corps.
Second Lieut. Ralph Eugene Ireland, Officers' Reserve Corps.
Second Lieut. Bryan Llewellyn Davis, Officers' Reserve Corps.
Second Lieut. William Stewart Cannon, Officers' Reserve Corps.
Second Lieut. William Taylor Myers, Officers' Reserve Corps.
Second Lieut. Eugene James Kelly, Officers' Reserve Corps.
Second Lieut. Emerald Clark Robbins, Officers' Reserve Corps.

FIELD ARTILLERY.

To be second lieutenants.

Second Lieut. Benson Glenwood Scott, Officers' Reserve Corps.
Second Lieut. Ralph Hirsch, Officers' Reserve Corps.
Second Lieut. Robert Sickels, Officers' Reserve Corps.
Second Lieut. David Barton Kinne, jr., Officers' Reserve Corps.
Second Lieut. Robert Victor Maraist, Officers' Reserve Corps.
Second Lieut. Nathan Warner Gillette, Officers' Reserve Corps.
Second Lieut. Edwin Stewart Brewster, jr., Officers' Reserve Corps.
Second Lieut. Paul Ryrie Scott, Officers' Reserve Corps.
Second Lieut. Melvin Lewis Craig, Officers' Reserve Corps.
Second Lieut. Earl Gordon Wagner, Officers' Reserve Corps.
Second Lieut. Joseph Clifford Robbers, Officers' Reserve Corps.
Second Lieut. Blagden Manning, Officers' Reserve Corps.
Second Lieut. Don Castles Kreger, Officers' Reserve Corps.
Second Lieut. Laurence W. Boothe, Officers' Reserve Corps.
Second Lieut. Samuel Arrington Palmer, Officers' Reserve Corps.
Second Lieut. Harold Kondolf, Officers' Reserve Corps.
Second Lieut. Jay Williams Sechler, Officers' Reserve Corps.
Second Lieut. John Campbell Moses, Officers' Reserve Corps.
Second Lieut. John Craig Miller, jr., Officers' Reserve Corps.
Capt. Walter Arthur Metts, jr., Officers' Reserve Corps.
Second Lieut. John Edwards Stryker, jr., Officers' Reserve Corps.
Second Lieut. Morgan Foshee Simmons, Officers' Reserve Corps.
Second Lieut. Russell Lagrange Jolley, Officers' Reserve Corps.
Second Lieut. Frank Camm, Officers' Reserve Corps.
Second Lieut. Robert Benjamin Frantz, Officers' Reserve Corps.
Second Lieut. George Raymond Bell, Officers' Reserve Corps.
Second Lieut. Leonard Harrison Frasier, Officers' Reserve Corps.
Second Lieut. Samuel Lomax Hassell, jr., Officers' Reserve Corps.
Second Lieut. Clifford B. Cole, Officers' Reserve Corps.
Second Lieut. Arthur Pope Shepard, Officers' Reserve Corps.
Second Lieut. John Swope Burrell, Officers' Reserve Corps.
Second Lieut. Charles Kemper Dunn, Officers' Reserve Corps.
Second Lieut. Richardson Lester Greene, Officers' Reserve Corps.

INFANTRY ARM.

To be second lieutenants.

Paul Ward Beck, jr., of California.
Second Lieut. Hiram Wendell Tarkington, Officers' Reserve Corps.
Second Lieut. Luke Witt Loftus, Officers' Reserve Corps.
Second Lieut. John Core Duffy, Officers' Reserve Corps.
Second Lieut. Douglas Osborne Mead, Officers' Reserve Corps.
Second Lieut. Charles Arthur Wagner, jr., Officers' Reserve Corps.
Second Lieut. Talley Dozier Joiner, Officers' Reserve Corps.
Second Lieut. Earl Russell Fretz, Officers' Reserve Corps.
Second Lieut. Charles Harold Turner, Officers' Reserve Corps.
Second Lieut. Franklin Joseph Peck, Officers' Reserve Corps.
Second Lieut. Clarence Matthew Tomlinson, Officers' Reserve Corps.
Second Lieut. Lester Hardee Barnhill, Officers' Reserve Corps.
Second Lieut. Francis Youlden Cowle, Officers' Reserve Corps.
Second Lieut. Chester Wyatt Buchanan, Officers' Reserve Corps.
Second Lieut. Sterner St. Paul Meek, Officers' Reserve Corps.
Second Lieut. Stuart Hughes Smythe, Officers' Reserve Corps.
Second Lieut. David Barrett Head, Officers' Reserve Corps.
Second Lieut. Robert Matthews Burr, Officers' Reserve Corps.
Second Lieut. Julian Vance Link, Officers' Reserve Corps.
Second Lieut. Kenneth Clark Johnson, Officers' Reserve Corps.
Second Lieut. Forbes Rickard, jr., Officers' Reserve Corps.
Second Lieut. Joseph Jenkins Cornish, Officers' Reserve Corps.
Second Lieut. Ralph W. Neelands, Officers' Reserve Corps.
Second Lieut. Ralph Wagner Shepherd, Officers' Reserve Corps.
Second Lieut. Elbert Arcularius Nostrand, Officers' Reserve Corps.
Second Lieut. William Frederick Williams, jr., Officers' Reserve Corps.
Second Lieut. Hervey Aldrich Tribolet, Officers' Reserve Corps.
Second Lieut. Robert Brooks Ennis, Officers' Reserve Corps.

Second Lieut. Leo Joseph Hagerty, Officers' Reserve Corps.
Second Lieut. Levie Wilson Foy, Officers' Reserve Corps.
Second Lieut. James Hereford McGinnis, Officers' Reserve Corps.
Second Lieut. John Thomas Hains, Officers' Reserve Corps.
Second Lieut. Wilbur Henry Vinson, Officers' Reserve Corps.
Second Lieut. John Cord Blizzard, jr., Officers' Reserve Corps.
Second Lieut. Leon Simon Oppenheimer, Officers' Reserve Corps.
Second Lieut. Robert Harris McFarlane, Officers' Reserve Corps.
Second Lieut. Howard Clark, jr., Officers' Reserve Corps.
Second Lieut. Adrian Barton Drake de Kay, Officers' Reserve Corps.
Second Lieut. William Martin Means, Officers' Reserve Corps.
Second Lieut. Henry Ellis Bacon, Officers' Reserve Corps.
Second Lieut. Thomas Edward Clark, Officers' Reserve Corps.
Second Lieut. Jesse Switzer Ogden, Officers' Reserve Corps.
Second Lieut. Efton Murrel James, Officers' Reserve Corps.
Second Lieut. Arnold L. Gralapp, Officers' Reserve Corps.
Second Lieut. Thomas Linton Urquhart, Officers' Reserve Corps.
Second Lieut. Ronald Patten Wildes, Officers' Reserve Corps.
Second Lieut. Earl Bryan Mathews, Officers' Reserve Corps.
Second Lieut. David M. Fisher, Officers' Reserve Corps.
Second Lieut. Robert Ignatius Stack, Officers' Reserve Corps.
Second Lieut. Paul Wilbur Warren, Officers' Reserve Corps.
Second Lieut. John Huling, jr., Officers' Reserve Corps.
Second Lieut. Paul Sherman Strickland, Officers' Reserve Corps.
Second Lieut. Harvey Chaplain Bounds, Officers' Reserve Corps.
Second Lieut. David Aston Turner, Officers' Reserve Corps.
Second Lieut. William Hamilton Russell, Officers' Reserve Corps.
Second Lieut. Paul Augustas Reinke, Officers' Reserve Corps.
Second Lieut. Orryl Samuel Robles, Officers' Reserve Corps.
Second Lieut. Walter Headden Ogden, Officers' Reserve Corps.
Second Lieut. Horatio Ward Wells, Officers' Reserve Corps.
Second Lieut. Ralph Hipple Dean, Officers' Reserve Corps.
Second Lieut. Horace Kelita Heath, Officers' Reserve Corps.
Second Lieut. Maurice Embry Gibson, Officers' Reserve Corps.
Second Lieut. Harry Russell Evans, Officers' Reserve Corps.
Second Lieut. Robert Golden Carter, Officers' Reserve Corps.
Second Lieut. Bartholomew Robins De Graff, Officers' Reserve Corps.
Second Lieut. George La Franc O'Connor, Officers' Reserve Corps.
First Lieut. Harold Napoleon Gilbert, National Army.
Second Lieut. Charles Eugene Rust, Officers' Reserve Corps.
Second Lieut. Jay Johnson Morrow Scandrett, Officers' Reserve Corps.
Second Lieut. Monroe Heath, Officers' Reserve Corps.
Second Lieut. Joseph Bryan Thompson, jr., Officers' Reserve Corps.
Second Lieut. Fred George Coffield, Officers' Reserve Corps.
Second Lieut. Wilbert Christian Hendricks, Officers' Reserve Corps.
Second Lieut. Isaac Schechter, Officers' Reserve Corps.
Second Lieut. William Albert Collier, Officers' Reserve Corps.
Second Lieut. Walter Scott Huxford, Officers' Reserve Corps.
Second Lieut. John Hanlon Atkinson, Officers' Reserve Corps.
Second Lieut. James Hunter Martin, Officers' Reserve Corps.
First Lieut. Archibald Miles Mixson, Officers' Reserve Corps.
Second Lieut. Paul Wesley Sherman, Officers' Reserve Corps.
Second Lieut. Albert Gresham Wing, Officers' Reserve Corps.
Second Lieut. William Fred Rehm, Officers' Reserve Corps.
Second Lieut. Edward Nicholson Fay, Officers' Reserve Corps.
Second Lieut. Ralph Ellsworth Ladue, Officers' Reserve Corps.
Second Lieut. Edward Watson Kelley, Officers' Reserve Corps.
Second Lieut. Harry Charles Crowl, Officers' Reserve Corps.
Second Lieut. John Franklin Lancaster, jr., Officers' Reserve Corps.
Second Lieut. Claude Delorum Collins, Officers' Reserve Corps.
Second Lieut. David Beckwith Miller, Officers' Reserve Corps.
Second Lieut. Thomas Graves Cherry, Officers' Reserve Corps.
Second Lieut. Paul Taylor Funkhouser, Officers' Reserve Corps.
Second Lieut. Roger William Sanders, Officers' Reserve Corps.
Second Lieut. Arthur Tinker, Officers Reserve Corps.
Second Lieut. Louis William Seggel, Officers' Reserve Corps.
Second Lieut. Wallace Williams, Officers' Reserve Corps.
Second Lieut. George Clarence Nielsen, Officers' Reserve Corps.
Second Lieut. Raymond Greenleaf Sherman, Officers' Reserve Corps.
Second Lieut. Robert William Blessing, Officers' Reserve Corps.
Second Lieut. Burdette Garrison, Officers' Reserve Corps.
Second Lieut. James Alexander Miller, Officers' Reserve Corps.
Second Lieut. Errol Edgerton Crouter, Officers' Reserve Corps.
Second Lieut. Earl Campbell Horan, Officers' Reserve Corps.
First Lieut. Samuel Baker Chism, Officers' Reserve Corps.
Second Lieut. Walter Judson Ferguson, Officers' Reserve Corps.
Second Lieut. William John Henry Ryan, Officers' Reserve Corps.
Second Lieut. Coleman Ferrell Driver, Officers' Reserve Corps.
Second Lieut. Wallace William Millard, Officers' Reserve Corps.
Second Lieut. Frederick Josiah Bradlee, jr., Officers' Reserve Corps.
Second Lieut. Sherman Stiles Spear, Officers' Reserve Corps.
Second Lieut. Robert Morgan Burrowes, Officers' Reserve Corps.
Second Lieut. Walter Wellington von Gremp, Officers' Reserve Corps.
Second Lieut. Kie Doty, Officers' Reserve Corps.
Second Lieut. Charles Homer Tinsley, Officers' Reserve Corps.
Second Lieut. Harold Tyler Hayes, Officers' Reserve Corps.
Second Lieut. Leo Charles Scheibelhut, Officers' Reserve Corps.
First Lieut. Albert Elliot Holleman, Signal Corps.
Second Lieut. Clarence Wynn Duerig, Officers' Reserve Corps.
Second Lieut. George Harvey Ferguson, Officers' Reserve Corps.
Second Lieut. Joseph Hamilton Richardson, Officers' Reserve Corps.
Second Lieut. Sterling Mackay Palm, Officers' Reserve Corps.
Second Lieut. Arthur Grady Hutchinson, Officers' Reserve Corps.
Capt. Owen Greek Smith, Officers' Reserve Corps.
Second Lieut. Norman Marcus Nelsen, Officers' Reserve Corps.
Second Lieut. Harvey Lewis Littlefield, Officers' Reserve Corps.
Second Lieut. Roy Nathan Hagerty, Officers' Reserve Corps.
Second Lieut. Ronald L. Ring, Officers' Reserve Corps.
Second Lieut. Alfred Timothy Wright, Officers' Reserve Corps.
Second Lieut. John DeJarnette Faison, Officers' Reserve Corps.
Second Lieut. Albert William Selwyn Little, Officers' Reserve Corps.
Second Lieut. John Ainsworth Andrews, Officers' Reserve Corps.
Second Lieut. John Agustin McCann, Officers' Reserve Corps.
Second Lieut. Jack Bryant, Officers' Reserve Corps.
Second Lieut. George Andrew Lockhart, Officers' Reserve Corps.
Second Lieut. Robert Whitley Miller, Officers' Reserve Corps.
Second Lieut. Rumsey Lewis, Officers' Reserve Corps.
Second Lieut. Mark Milton Potter, Officers' Reserve Corps.
Second Lieut. James Julian Pirtle, Officers' Reserve Corps.
Second Lieut. Alfred Edward Dedicke, Officers' Reserve Corps.
Second Lieut. George Fredrick Macdonald, Officers' Reserve Corps.
Second Lieut. John Raymond Booth, Officers' Reserve Corps.
Second Lieut. Paul Gray Miller, Officers' Reserve Corps.
Second Lieut. James Clay Ward, Officers' Reserve Corps.
First Lieut. Ralph Burten Henning, Officers' Reserve Corps.
Second Lieut. Richard Oscar Bassett, jr., Officers' Reserve Corps.
Second Lieut. Jerome Heslen Joyce, jr., Officers' Reserve Corps.
Second Lieut. William Mead Ferris, jr., Officers' Reserve Corps.
Second Lieut. Edward Adams Mead, Officers' Reserve Corps.
Second Lieut. Frank Opper German, Officers' Reserve Corps.
Second Lieut. Harry Boissonnault, Officers' Reserve Corps.
Arnold Richard Christian Sander, of Iowa.
Second Lieut. Ceryl B. Godfrey, Officers' Reserve Corps.
Stanley Marshall Prouty, of Massachusetts.
Second Lieut. Richard Dodson Robinson, Officers' Reserve Corps.
Second Lieut. Charles Alfred Fuller, jr., Officers' Reserve Corps.
Second Lieut. Carl Alstien Foss, Officers' Reserve Corps.

Second Lieut. William Hervey Thomas, Officers' Reserve Corps.
Second Lieut. Wilbur Ellsworth Bashore, Officers' Reserve Corps.
Second Lieut. Harold Head, Officers' Reserve Corps.
Second Lieut. Alan Campbell Clark, Officers' Reserve Corps.
Second Lieut. Philip Carl Johnson, Officers' Reserve Corps.
Second Lieut. William Henry Crampton, Officers' Reserve Corps.
Second Lieut. William Walter Watson, Officers' Reserve Corps.
Second Lieut. Walter William Boon, Officers' Reserve Corps.
Second Lieut. Hugh McCord Evans, Officers' Reserve Corps.
Second Lieut. Homer Virgin Gooing, Officers' Reserve Corps.
Second Lieut. Mark Farnum, Officers' Reserve Corps.
Second Lieut. Michael Joseph Mulcahy, Officers' Reserve Corps.
Second Lieut. Harold Stokely Wright, Officers' Reserve Corps.
Second Lieut. George Merrick Hollister, Officers' Reserve Corps.
Second Lieut. Lois Chester Dill, Officers' Reserve Corps.
Second Lieut. Edward James Maloney, Officers' Reserve Corps.
Second Lieut. Wesley Houser, Officers' Reserve Corps.
Second Lieut. Richard Abram Jones, Officers' Reserve Corps.
Second Lieut. Alexander Baldwin Mitchell, Officers' Reserve Corps.
Second Lieut. William Trafford Teachout, Officers' Reserve Corps.
Second Lieut. Joseph Terry McCaddon, jr., Officers' Reserve Corps.
Second Lieut. Paul Jennings Swank, Officers' Reserve Corps.
Second Lieut. Lloyd D. Yates, Officers' Reserve Corps.
Second Lieut. Clarence O'Leary, Officers' Reserve Corps.
Second Lieut. Frank Thomas Richard, Officers' Reserve Corps.
Second Lieut. Laurence Welch Wilkin, Officers' Reserve Corps.
Second Lieut. Roy Bernhard Trelstad, Officers' Reserve Corps.
Second Lieut. Peyton James Brown, Officers' Reserve Corps.
Second Lieut. Hugh Barclay, Officers' Reserve Corps.
Second Lieut. Lawrence William Jenkinson, Officers' Reserve Corps.
Second Lieut. Wright Hackett Ross, jr., Officers' Reserve Corps.
Second Lieut. Nelson Macy Walker, Officers' Reserve Corps.
Second Lieut. James Hodges Drake, Officers' Reserve Corps.
Second Lieut. Francis Wayland Chatham, Philippine Constabulary.
Second Lieut. Charley Elkins Rogers, Officers' Reserve Corps.
Second Lieut. Henry Julius Morgan, jr., Officers' Reserve Corps.
Second Lieut. Leland Barton Aseltine, Officers' Reserve Corps.
Second Lieut. Hugh Dudley Benedict Cotton, Officers' Reserve Corps.
Second Lieut. Donald Howard Williams, Officers' Reserve Corps.
Second Lieut. Milton Brandt Goodyear, Officers' Reserve Corps.
First Lieut. Charles Downing Winchester, Officers' Reserve Corps.
Second Lieut. George David Armstrong, Officers' Reserve Corps.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY.

Second Lieut. Archibald R. MacKechnie to be first lieutenant with rank from August 7, 1917.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Veno Earl Sacre, Infantry, to be second lieutenant of Cavalry with rank from November 15, 1917.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Roland M. Comfort to be a lieutenant commander in the Navy, for temporary service, from the 21st day of March, 1918.
Lieut. (Junior Grade) Herbert W. Jackson to be a lieutenant in the Navy, for temporary service, from the 1st day of February, 1918.
Lieut. (Junior Grade) Clifton A. F. Sprague to be a lieutenant in the Navy, for temporary service, from the 8th day of March, 1918.
Lieut. (Junior Grade) Thaddeus A. Hoppe to be a lieutenant in the Navy, for temporary service, from the 21st day of March, 1918.
The following-named acting ensigns, for engineering duties only, to be lieutenants (junior grade) in the Navy, for engineering duties only, for temporary service, from the 15th day of October, 1917:
Joseph H. Currier,
Isaac J. Van Kammen, and
Ernest V. David.
Ensign Michael J. Wilkinson to be a lieutenant (junior grade) in the Navy, for temporary service, from the 1st day of January, 1918.
Carpenter Herman R. Newby to be an ensign in the Navy, for temporary service, from the 11th day of October, 1917.
The following-named warrant officers to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:
Frederick W. Boldt,
Horace L. Ham,
George Berton,
Alexander B. Provost,
Harry A. Mewshaw,
Chris Halverson,
William G. Scott,
Harry Bennett, and
Elmer J. Tugend.
The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:
Morey H. Downs,
Daniel E. Haskell,
John C. Mayhew,
Tom H. Williamson,
Hubert K. Stubbs,
Harold V. Andrews,
Clarence V. Waggonner,
Henry C. Flanagan, and
Omer L. Brewington.
The following-named ensigns in the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:
Cecil A. McKay,
Nathan Young,
Stuart Parker,
Caleb Loring,
William L. Hickey,
Feustman B. Thatcher,
Barnes Newberry,
Bruce Burns,
Charles H. Duell, jr.,
John R. Haire,
Donald M. Lovejoy,
Edgar M. Queeny,
Charles H. Sterrett, and
Allen L. Welch.
The following-named ensigns in the National Naval Volunteers to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:
Duncan W. Frick and
Ralph J. A. Stern.
The following-named pay clerks to be assistant paymasters in the Navy, for temporary service, from the 1st day of January, 1918:
Henry G. Conrad and
Harry H. Bloxham.
The following-named lieutenant commanders to be commanders in the Navy, from the 1st day of July, 1917:
Hugo W. Osterhaus, and
Byron A. Long.
Lieut. (junior grade) Zachary Lansdowne to be a lieutenant in the Navy, from the 5th day of June, 1917.
The following-named lieutenants (junior grade) to be lieutenants in the Navy, from the 7th day of March, 1918:
Augustine H. Gray,
Warren L. Moore,
Wadleigh Capehart,
Melville S. Brown,
George M. Cook,
Frank H. Kelley, jr.,
Dorsey O. Thomas,
Miles P. Refo, jr.,
Robert T. Young,
Elmer K. Niles,
Charlton E. Battle, jr.,
Alfred G. Zimmermann,
Ellis S. Stone,
Thomas S. King, 2d,
Urey W. Conway,
George F. Parrott, jr.,

Norman Scott, and
Jay L. Kerley.

Ensign Herbert K. Fenn to be a lieutenant (junior grade) in the Navy, from the 7th day of June, 1916.

Assistant Surgeon Charles S. Stephenson to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 2d day of October, 1917.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 29th day of August, 1916:

Lewis W. Jennings, jr., and
William G. Neill.

Passed Asst. Paymaster Edward R. Wilson to be a paymaster in the Navy, with the rank of lieutenant commander, from the 15th day of September, 1916.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant (junior grade), from the 29th day of August, 1916:

John B. Ewald and
Samuel R. White, jr.

Asst. Paymaster Macdonough C. Merriman to be a passed assistant paymaster in the Navy, with the rank of lieutenant (junior grade), from the 15th day of September, 1916.

Asst. Paymaster John D. P. Hodapp to be a passed assistant paymaster in the Navy, with the rank of lieutenant (junior grade), from the 25th day of April, 1917.

Chaplain Eugene E. McDonald to be a chaplain in the Navy, with the rank of captain, from the 23d day of May, 1917.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant, from the 1st day of April, 1918:

Philip G. Lauman,
Arthur W. Frank, and
Ralph T. Hanson.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1918.

[Omitted from RECORD of April 6, 1918.]

COLLECTOR OF CUSTOMS.

Norman R. Hamilton to be collector of customs for customs collection district No. 14, with headquarters at Norfolk, Va.

UNITED STATES DISTRICT JUDGE.

Joseph C. Hutcheson, jr., to be United States district judge, southern district of Texas.

UNITED STATES ATTORNEY.

William Woodburn to be United States attorney, district of Nevada.

UNITED STATES MARSHALS.

Maurice Splain to be United States marshal, District of Columbia.

John L. Terrell to be United States marshal, northern district of Texas.

William Osborne to be United States marshal, southern district of West Virginia.

POSTMASTERS.

COLORADO.

Edgar J. Bancroft, Palisades.
Agnes S. Jones, Fort Logan.

CONNECTICUT.

Joseph H. Derenthal, Madison.

FLORIDA.

Stella Blocker, Cocoanut Grove.
Walter B. Leonard, Hastings.
Edward M. Luffman, Lake Helen.
Fay H. Price, Umatilla.

INDIANA.

Franc Mensel, Bremen.

KANSAS.

Orla A. Granger, Glen Elder.
Minnie A. Reed, Soldier.

MICHIGAN.

L. Emma Hollister, Auburn.
Holger F. Peterson, Grayling.

MINNESOTA.

Mabel C. Benson, Clara City.

MONTANA.

Henry F. Fuerstnow, Joplin.
Leroy W. Obershaw, Cascade.

MISSOURI.

John J. W. Donnegan, Herculaneum.
Harvey H. Schooler, Fairfax.

NEW YORK.

George H. Barwise, Port Henry.
Frederick Theall, Hartsdale.

NORTH CAROLINA.

William H. Griffin, Pittsboro.
Harry R. Hastings, Sylva.
Benjamin J. Skinner, Farmville.

NORTH DAKOTA.

Jacob A. Phillips, Cleveland.

TENNESSEE.

Beatrice J. Myers, Sewanee.

TEXAS.

Joseph E. Abrahams, New Braunfels.
James A. Aldridge, Devine.
James F. Atkinson, Florence.
James K. Barry, Smithville.
John W. Grigg, Tulia.
Bratton C. Hardin, Rochester.
John Frank Highsmith, Menard.
John S. Munn, Junction.

Executive nominations confirmed by the Senate April 8 (legislative day of April 6), 1918.

CONSUL GENERAL.

CLASS 4.

Marion Letcher to be a consul general of class 4.

CONSUL.

CLASS 3.

Fred D. Fisher to be a consul of class 3.

SECOND ASSISTANT SECRETARY OF WAR.

Edward R. Stettinius to be Second Assistant Secretary of War.

PROMOTIONS IN THE NAVY.

First Sergt. Francis S. Kieren to be a second lieutenant in the Marine Corps for temporary service.

Second Lieut. Frank B. Wilbur to be a second lieutenant in the Marine Corps for temporary service.

REGISTERS OF LAND OFFICE.

Oliver C. Harper to be register of the land office at Independence, Cal.

Frank Laning to be register of the land office at Visalia, Cal.

POSTMASTERS.

CALIFORNIA.

Adolph E. Christensen, Selma.
Charles J. Hammond, jr., Hayward.
Iona T. MacKenzie, Indio.
Frances L. Musgrove, Arbuckle.

GEORGIA.

Robert C. Ayers, Royston.
Bessie Waldrop, Jackson.

NEBRASKA.

Harold Hjelmfelt, Holdrege.

WEST VIRGINIA.

Daisy D. McNemar, Petersburg.
James A. Stephens, Follansbee.

REJECTION.

Executive nomination rejected by the Senate April 8 (legislative day of April 6), 1918.

POSTMASTER.

GEORGIA.

Abbie F. Beacham, Glenwood.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 6, 1918.

[Omitted from RECORD of April 6, 1918.]

William M. Croll to be naval officer of customs in Customs Collection District No. 11, with headquarters at Philadelphia, Pa.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 8, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

By Thy Grace, O God, who lives and reigns above us; by the vast and illimitable space around us; by the myriads of worlds which fill it and declare Thy glory; by the earth's great luminary which fills it with light and quickens all life to new activities, joy, and gladness; by the love that binds us together in families and nations, makes statesmen and patriots; by the high ideals which move men to action; by the hope that cheers them on their way; by the devout of every age, the prophets, seers, and martyrs; by the precepts and incomparable life and character of the Master; by the hopes of yon bright heaven, may we be inspired to unboundless faith in the eternal verities and quickened into faithful and fruitful servants to Thee, our God and our Father. Amen.

The Journal of the proceedings of Saturday was read and approved.

HOMING PIGEONS IN THE UNITED STATES.

Mr. DENT. Mr. Speaker, I call up the bill S. 3980.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

Be it enacted, etc., That it be, and it hereby is, declared to be unlawful to entrap, capture, shoot, kill, possess, or in any way detain an Antwerp, or homing pigeon, commonly called carrier pigeon, which is owned by the United States or bears a band owned and issued by the United States having thereon the letters "U. S. A." or "U. S. N." and a serial number.

SEC. 2. That the possession or detention of any pigeon described in section 1 of this act by any person or persons in any loft, house, cage, building, or structure in the ownership or under the control of such person or persons without giving immediate notice by registered mail to the nearest military authorities, shall be prima facie evidence of a violation of this act.

SEC. 3. That any person violating the provisions of this act shall, upon conviction, be punished by a fine of not more than $100, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Mr. DENT. Mr. Speaker, under the rule which the House adopted last Saturday there are 15 bills on the calendar that the Committee on Military Affairs would like to have disposed of, and every one of those bills has the approval of the War Department and every one has a unanimous report from the Committee on Military Affairs of the House, except one on which a member reserved the right to object to offer an amendment. That bill, after a consultation with the gentleman from California [Mr. KAHN], the ranking minority member, we have put at the foot of the list, and I do hope that the House will be patient with the Committee on Military Affairs to-day and let us pass these bills, which have the approval of the War Department and the Committee on Military Affairs. Unless some gentleman desires to discuss this question, I desire to move the previous question on the passage of this bill.

Mr. CANNON. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. CANNON. I have just glanced at the bill. I do not know much about carrier pigeons. I see they use the term "homing pigeons."

Mr. DENT. Commonly known as carrier pigeons.

Mr. CANNON. I see it is declared to be unlawful to entrap, capture, shoot, kill, possess, or in any way detain an Antwerp or homing pigeon. I have just glanced hastily through it, and it seems to me it should be "knowingly." You could hardly say it was unlawful if I were to kill a homing pigeon—and I never did kill a pigeon in my life. I would not know if it were a canvasback or a homing pigeon——

Mr. DENT. Well, if the gentleman reads a little further he will find that the pigeon will have to have the earmark, or "U. S. A." or "U. S. N.," showing it belongs to the Government. It is the only pigeon the Government uses.

Mr. CANNON. Suppose you shoot one unknowingly that had "U. S. N." on it.

Mr DENT. Oh, I would not object to the word "knowingly" going in there.

Mr. CANNON. It seems to me it should go everywhere.

Mr. WALDOW. Will the gentleman yield?

Mr. GARNER. Insert after the word "to," in line 3, the word "knowingly."

Mr. DENT. I ask unanimous consent for the amendment suggested by the gentleman.

The SPEAKER. The gentleman from Alabama asks unanimous consent to insert the word "knowingly," line 3, after the second word "to." Is there objection?

Mr. WALDOW. Mr. Speaker, reserving the right to object, does not the gentleman believe that in section 2 that is taken care of, that section 2 takes care of what the gentleman has in mind by the mere fact you notify the authorities you have that pigeon in your possession.

Mr. DENT. Well——

Mr. CANNON. Suppose he has killed it.

Mr. DENT. If the gentleman will let me answer the question that the gentleman asked, section 2 is a section in reference to a rule of prima facie evidence in cases of this kind. It does not declare the crime. I have no objection to the amendment.

The SPEAKER. Is there objection to the insertion of the word "knowingly" as designated? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 4, after the word "military," insert the words "or naval."

Mr. DENT. I move the previous question on the bill and amendments.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO SECTION 1342, REVISED STATUTES.

Mr. DENT. Mr. Speaker, I call up the bill H. R. 9570.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9570) to amend articles 52 and 53 of section 1342 of the Revised Statutes, as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, and for other purposes.

Be it enacted, etc., That articles 52 and 53 of section 1342 of the Revised Statutes of the United States, as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, be, and the same are hereby, amended to read as follows:

"ART. 52. Suspension of sentences: The authority competent to order the execution of the sentence of a court-martial may suspend the execution, in whole or in part, of such sentences as do not extend to death or to the dismissal of an officer, and may restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time. The same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted. The death or honorable discharge of a person under suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

"ART. 53. Execution or remission—Confinement in disciplinary barracks: When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War."

Mr. MADDEN. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. MADDEN. I want to ask if this bill is intended simply to authorize the commanding officer in a case where a court-martial has taken place inflicting a punishment less than death to suspend sentence and restore the convicted man to duty pending the execution of the sentence?

Mr. DENT. Well, in all cases except the death penalty and dismissal from the service. Those are the only two exceptions.

Mr. MADDEN. In other words, it is intended to utilize the service of men pending the execution of sentence?

Mr. DENT. It gives a man who has committed some slight, trivial offense, probably staid out his leave a little too long, an opportunity to get back into service and be restored thereto.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the fol-

lowing titles, in which the concurrence of the House of Representatives was requested:

S. 3911. An act authorizing national banks to subscribe to the American National Red Cross; and

S. 3475. An act to prescribe to the requisite form or proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes.

LEAVE OF ABSENCE.

Mr. McCLINTIC, by unanimous consent, was granted leave of absence indefinitely, on account of making liberty loan speeches.

SIX MONTHS' PAY TO DEPENDENT RELATIVES OF DECEASED OFFICERS OR ENLISTED MEN.

Mr. DENT. Mr. Speaker, I call up the bill S. 3736.

The SPEAKER. The gentleman from Alabama calls up the bill S. 3736, which the Clerk will report.

The Clerk read as follows:

An act (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

Be it enacted, etc., That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Army, or on the retired list when on active duty, from and after October 6, 1917, the Quartermaster General of the Army shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of War shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Army.

SEC. 2. That nothing in this act or in other existing legislation shall be construed as making the provisions of this act applicable to officers or enlisted men of any forces or troops of the Army of the United States other than those of the Regular Army, and nothing in this act shall be construed to apply in commissioned grades to any officers except those holding permanent or provisional appointments in the Regular Army.

Also the following committee amendments were read:

Page 1, line 6, after the word "Army," insert the following: "or on the retired list when on active duty."

At the end of the bill insert a new section, as follows:

"SEC. 3. That the sum received hereunder shall be deducted from any amount that may be, or may become, due and payable to any such widow, child, children, or dependent relative of such officer or enlisted man under the act entitled 'An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes,' approved October 6, 1917, or any act or acts amendatory thereof."

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. DYER. Will the gentleman yield?

Mr. STAFFORD. I think this is a very important bill and should receive some consideration in the Committee of the Whole, and therefore I object.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3736.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3736, with Mr. BURNETT in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Now, Mr. Chairman, I would like to make just this brief statement in regard to this bill.

The bill restores a law that was on the statute books prior to the adoption of the amendment to the War-Risk Insurance bill. That bill repealed a statute which had been on the books for years and years—I know not how long but for many, many years past—providing for the taking care of the widows and the children and the dependent relatives of soldiers by providing six months' pay, pending the time that they were readjusting their situation. The bill, as the committee knows, amending the war-risk insurance act did not come from the Committee on Military Affairs, but was reported out by the Committee on Interstate and Foreign Commerce.

I do not know whether the repeal of that law was intentionally done at that time or not. I do not recall whether there was any discussion of it. But, at any rate, the War Department insists that that law ought to be restored in order to take care of the widows and the children and the dependent relatives and soldiers who are killed or who die while in the service, by giving them the additional pay of six months.

Mr. WELTY. Will that law, if passed, apply to the officers and soldiers of the National Army?

Mr. DENT. It will not, Mr. Chairman. It simply restores the law as it was and makes it applicable to the officers of the Regular Army, on the theory that an officer of the Regular Army has made a profession out of that particular life and that he has made no preparation, whereas the other people are going in only for temporary service.

Mr. WELTY. Mr. Chairman, do not the officers and soldiers of the National Army make a greater sacrifice than the man who is educated in the Regular Army and makes a profession of that?

Mr. DENT. Well, I would not undertake to draw any comparisons as to who makes the greatest sacrifice, but the business proposition and the practical proposition is the one I am suggesting, that in the one case the soldier has made a profession out of that particular life, whereas, in the other instance, a man who has gone in temporarily is supposed to have made some arrangement for his family prior to service in the Army.

Mr. WELTY. Now, does it include the soldiers and the officers of the National Guard of the various States which were taken into the Army?

Mr. DENT. It only includes the officers and enlisted men of the Regular Establishment.

Mr. WELTY. I will ask whether or not the chairman of the committee and the committee itself will accept an amendment to include the soldiers and officers of the National Army and soldiers and officers of the National Guard?

Mr. DENT. I will state to the gentleman that, so far as I am concerned, I will not object to it if he will limit that to the pending emergency.

Mr. WELTY. That is all right.

Mr. DENT. But this law restores the old law so that it is permanent legislation as to Regular Army officers.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. But it is a little more than that, if you will allow me. It not only restores the old law giving this compensation, but the amount is finally deducted from the insurance. Under the old law the widow or the other relatives got the money outright. Under this bill they only get the advance for immediate needs.

Now, some suggestion has been made here that this ought to refer to the men in the National Army and the National Guard as well as the men in the Regular Army. Of course, the Regular Army officers are shifted from one military post to another. They have to go wherever they are ordered, and in the natural course of events they do not have the opportunity for establishing homes. The man who comes into the Military Establishment from civil life has a home, and he undoubtedly has somebody at his home who has sufficient credit there to keep off the creditors until the insurance money is paid. That does not apply to the Regular Army officers as a rule.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. Are there not thousands of officers who recently were commissioned in the Regular Army who have not made a career in army life?

Mr. KAHN. Yes. That is so. Yet the number is very small in comparison with the great number of officers who have been commissioned in the National Guard and in the National Army.

Mr. WALSH. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WALSH. Assuming the case of an officer in the National Army and the case of an officer in the Regular Army, both of them neglecting to take out insurance, the officer in the Regular Army would get the advance, and his dependents would be paid six months' pay, whereas the dependents of an officer in the National Army who neglected to take out insurance would have nothing.

Mr. KAHN. The amendment proposed as section 3, I take it, covers the case of the Regular Army officer who failed to take

out insurance. He would not be able to draw anything under this bill, because section 3 provides that it shall be deducted from his insurance.

Mr. WALSH. But that does not prevent his being paid where there is no insurance. It simply provides for deducting it from what insurance may be due. But if he has no insurance at all, it does not provide that the payment shall not be made. It may be due. Now, if none is due, that would not prevent its being paid. The point I was trying to make, if the gentleman will permit me, was this: That in the case where a Regular Army officer failed to take out insurance, and in a case where an officer in the National Army failed to take out insurance, the dependents of one would receive this payment, whereas the dependents of the other would not?

Mr. KAHN. I do not think that the War Department would make any payment where the man has not taken out insurance.

Mr. MILLER of Minnesota. If the gentleman will permit, the War Department would have to do it, I think, under this law.

Mr. KAHN. I do not so understand. I have no objection personally to allowing the bill to be amended so as to take in the officers, whether they are in the National Army or in the National Guard or in the Regular Army. I have no objection to that.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. REAVIS. Would the gentleman have any objection to restricting this payment to those officers who have taken out insurance? Then it could be deducted.

Mr. KAHN. I am perfectly willing to have such a restriction made.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman permit a question?

Mr. KAHN. Yes.

Mr. GREEN of Iowa. It seems to me that if that proposition is accepted and made a part of the law we defeat the intention of the bill, inasmuch as it is based on the argument the gentleman has used—that the regular officer, having no home, has no means of localized credit, whereas the National Guard officer or National Army officer might have credit enough to bring his remains back.

Mr. KAHN. I believe that if the gentleman will look into the record of the War-Risk Bureau he will find that practically every officer has taken out the insurance to the full amount—$10,000.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield again?

Mr. KAHN. Yes.

Mr. GREEN of Iowa. I can not fully understand the bill, but it seems to me it is of very little advantage to those who have taken out insurance. It is chiefly of advantage to those who have not. It is mainly an advance to those who have taken out insurance.

Mr. KAHN. As I explained a moment ago, the Regular Army officer, having no fixed habitation, is so situated that his dependents left behind can not probably get credit.

Mr. GREEN of Iowa. That was the object. But I was speaking of the effect of it. It will only afford substantial relief to those who have not taken out insurance. It is deducted from those who have taken out insurance, and they get it a little quicker.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. This is confined in its expression to those who are in the Regular Army?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. Those who are retired or on the active list of the Regular Army?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. It is really the reenactment of the law that has heretofore existed?

Mr. KAHN. The gentleman is quite right.

Mr. MILLER of Minnesota. It is really continuing to this class of people benefits heretofore enjoyed by them?

Mr. KAHN. Exactly.

Mr. MILLER of Minnesota. Now, I am assuming that this is proper legislation; but why is it not advisable to extend the benefits of it to the National Guard and the National Army?

Mr. KAHN. I have no objection to that, I will say to the gentleman. I have so stated already. I have no objection to having the bill amended so as to take in the officers from every branch of the service.

Mr. MILLER of Minnesota. Did the committee give consideration to that feature?

Mr. KAHN. I do not think so.

Mr. MILLER of Minnesota. The gentleman is undertaking to state that the Committee on Military Affairs would not be opposed, at least, as a body, to any such suggestion?

Mr. KAHN. I do not think these gentlemen at my left are opposed to the extension of it. I would ask the chairman of the committee this question: Does the chairman of the committee object to an amendment of this bill making it applicable to the National Guard and the National Army as well as to the Regular Army?

Mr. DENT. As I stated a moment ago, I would be willing to accept an amendment of that kind provided it was limited, of course, to the present emergency.

Mr. MILLER of Minnesota. Would it not be advisable for the chairman of the committee to propose or offer such an amendment?

Mr. DENT. It might be.

Mr. MILLER of Minnesota. Now, may I make an inquiry there of the gentleman from California and the gentleman from Alabama? The language here used is "any officer or enlisted man." I have long been somewhat confused as to just what the enlisted man is. Would the law construe a man who has been drafted under the selective-draft act as an enlisted man?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. Has that been officially determined, to make that certain?

Mr. KAHN. I do not know what decisions have been handed down, but, as I understand it, the officials of the War Department have invariably referred to the men in the National Army as enlisted men. In fact, the gentleman from Kansas [Mr. ANTHONY], who has just rung up the Judge Advocate General's office, has been informed that the words "enlisted men" applies to all private soldiers in the National Army as well as privates in the Regulars and those in the National Guard organizations.

Mr. MILLER of Minnesota. I think that is the way it ought to be; but I have wondered several times if it would not be better if the committee used some language somewhere in the bill distinctly showing that that is the case.

Mr. MADDEN. They have to enlist after they are drafted, do they not?

Mr. GREENE of Vermont. The words "enlisted man" do not refer to the means by which a man gets into the service. They refer to his status after he gets in.

Mr. MILLER of Minnesota. Is that quite true?

Mr. KAHN. Certainly. He is either an officer or an enlisted man. Neither the word "officer" nor the words "enlisted man" refer to the means by which he got in.

Mr. MILLER of Minnesota. But the gentleman knows that heretofore the only way a man could get in was by enlisting.

Mr. KAHN. Oh, no; we had drafted men during the Civil War, and they were considered enlisted men at that period.

Mr. GREENE of Vermont. A West Pointer does not enlist.

Mr. MILLER of Minnesota. But he is an officer.

Mr. GREENE of Vermont. Exactly; and it refers to the status of the man after he is in the service and not the means by which he got in.

Mr. MILLER of Minnesota. We are all agreed that that is what it ought to mean.

Mr. GREENE of Vermont. Yes.

Mr. MILLER of Minnesota. But I have been afraid that some court might not take that view of it.

Mr. MADDEN. Does a man who goes into the Army as an officer voluntarily enlist?

Mr. KAHN. No; he is commissioned in the Army.

Mr. MADDEN. When a man is sworn in, that is his enlistment, is it not?

Mr. KAHN. As a private; certainly. If he goes into the ranks, he is an enlisted man. If he goes in as an officer, he is a commissioned officer.

Mr. MADDEN. The part I want to get information on, so that it will go into the RECORD and may guide the executive branch of the Government at some time, is whether or not the oath itself is not the thing that constitutes enlistment.

Mr. KAHN. Yes. It constitutes his entrance into the Army. If a man goes into the ranks, then he is an enlisted man. If he takes the oath as an officer, he is a commissioned officer.

Mr. MADDEN. Yes; but that is the thing that completes his enlistment, either as an officer or as a private.

Mr. KAHN. Yes; the taking of the oath.

Mr. MILLER of Minnesota. Now, if I may go back once more—and I hope the gentleman will pardon me—Gen. SHERWOOD just advises me that during the Civil War men who were

taken into the service by the operation of the draft were never called enlisted men. They were always technically known as conscripts.

Mr. KAHN. Yes; and it was used as a term of contempt, to their detriment.

Mr. MILLER of Minnesota. That is very true, but we do not care anything about that.

Mr. DYER. The records do not show that.

Mr. KAHN. That was the common term used in the Army, but the records of the War Department show that they were enlisted.

Mr. MILLER of Minnesota. The gentleman may be mistaken about that.

Mr. FOSTER. Let me say to the gentleman that last summer when we were passing the bill to relieve those in the Army from the work necessary to be done on mining claims we investigated that, but I can not recall to whom we talked about it. We were informed, however, that the term "enlisted men" meant everybody.

Mr. KAHN. Yes. Noncommissioned officers are enlisted men.

Mr. FOSTER. We thought of changing the wording, but they said it was not necessary, because that meant everybody.

Mr. MILLER of Minnesota. Let us analyze that for a minute. I do not know who it was who said that enlistment means everybody.

Mr. FOSTER. It means those who go into the Army, either drafted or as volunteers.

Mr. MILLER of Minnesota. It might be somebody not qualified to give affirmative technical information who said that.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. I should like to know who has the floor?

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] has the floor.

Mr. DYER. Are we under the five-minute rule?

The CHAIRMAN. We are not. The gentleman from Alabama is entitled to an hour.

Mr. MILLER of Minnesota. The gentleman from California had the floor, and I interrupted him, and I beg his pardon.

Mr. DENT. I have the floor, and I yielded to the gentleman from California.

The CHAIRMAN. The gentleman from Alabama yielded to the gentleman from California.

Mr. DYER. I ask the gentleman if he will yield to me five minutes?

Mr. RAYBURN. I object to that; that is, I want some explanation from the Committee on Military Affairs of what is meant by this bill before time is yielded to anybody else.

Mr. WALSH. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. The gentleman from Texas [Mr RAYBURN] certainly can not object to the gentleman from Alabama yielding time.

Mr. RAYBURN. I said I objected, but I amended that by saying I wanted somebody on the Committee on Military Affairs to explain what is meant by this bill. I do not know.

Mr. DYER. The chairman of the committee explained it very fully.

Mr. RAYBURN. I want to ask a question or two about it.

Mr. DENT. I yield to the gentleman from Texas.

Mr. RAYBURN. I want to ask the chairman of the committee this question: In section 3 of this bill it says:

> That the sum received hereunder shall be deducted from any amount that may be, or may become, due and payable to any such widow, child, children, or dependent relative of such officer or enlisted man under the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, or any act or acts amendatory thereof.

What does that mean? What deduction?

Mr. DENT. It means any benefit, any amount, any sum received from the insurance; an allowance or anything else under that act shall be deducted on account of this advance.

Mr. RAYBURN. Let me ask this question: We have established an Insurance Bureau in the Treasury Department. A man makes a contract with the Government for insurance. He or somebody for him pays the premium. Does the gentleman think this six months' allowance would come out of that, when it is provided in the law that that is the insurance for which he has contracted, for which he has paid the premium in good faith, and which the law provides shall be paid in monthly installments running over 240 months? Does the gentleman think that this deduction would come out of that?

Mr. DENT. Unquestionably.

Mr. RAYBURN. But we have a contract with this man for which he has paid valuable consideration.

Mr. DENT. Does the gentleman from Texas, who is a good lawyer, contend that the widow or dependent relative could receive advance payment under the provisions of this act and not be bound by it?

Mr RAYBURN. I do; because it is a contract made in good faith with the Government, and for which he has paid.

Mr. DENT. This is a gratuity that the Government is giving and the Congress of the United States can repeal it to-day.

Mr. RAYBURN. I beg the gentleman's pardon, does the gentleman think that when an insurance bureau is established and a soldier takes out insurance under that law and pays his premium that it could violate that contract? The Government has placed the man in a hazardous employment, the Government is only taking the risk of the hazard; then does the gentleman say that that is a gratuity to the man after he has taken out the insurance and paid the premium?

Mr. DENT. I say unqualifiedly, so far as my opinion is concerned, that the Congress of the United States can this afternoon repeal the whole insurance law.

Mr. RAYBURN. Absolutely; but it is not a gratuity.

Mr. DENT. We can repeal it, and anyone who accepts a benefit must be bound by it.

Mr. RAYBURN. I think the gentleman's law would apply to compensation, but certainly it would not apply to the insurance.

Mr. DENT. What is the difference between compensation and insurance?

Mr. RAYBURN. He pays nothing for the compensation; that is a pension; but insurance he pays for. We established a bureau of insurance for the reason that nine companies out of ten canceled all the insurance that the man had, and we established a bureau which said that they would take every man and insure him at peace-time rates.

Mr. DENT. And the gentleman thinks that the Congress of the United States would be estopped from repealing it?

Mr. RAYBURN. I do not think your bill repeals it, and I do not think it ought to be repealed.

Mr. PADGETT. Is not this an advanced payment?

Mr. RAYBURN. No.

Mr. PADGETT. It pays them six months' gratuity; it is admitted that they have got the money and are deprived of nothing.

Mr. RUCKER. Will the gentleman yield?

Mr. DENT. I will.

Mr. RUCKER. This bill refers to enlisted men in several places. Do these payments include drafted men?

Mr. DENT. No; they do not as the bill is drawn, but I am willing that the bill should be amended and make it cover all branches.

Mr. RUCKER. So that it will clearly embrace drafted men?

Mr. DENT. Yes.

Mr. RUCKER. Then what would become of section 2?

Mr. DENT. I will move to strike that out.

Mr. SHERLEY. Will the gentleman yield?

Mr. DENT. I will.

Mr. SHERLEY. The gentleman has probably stated it before, but I have not been able to hear it. What is the reason, in view of what we have done under the insurance law for the soldiers, that he gives as warranting this legislation?

Mr. DENT. The reason given by the War Department, stated in the letter published in the report, is that it takes a long time for the widow, child, or dependent relative to collect the insurance money. The allowance under this act would tide them over.

Mr. SHERLEY. In the first place, that is an assumption concerning matters the War Department knows much less about than the War-Risk Insurance Bureau, and it is an assumption that ought not to be true in fact.

Mr. DENT. I am not disposed to take issue with the Secretary of War or the War Department myself on that subject.

Mr. SHERLEY. I do not see why the gentleman should not. They have no particular monopoly of wisdom and have nothing to do with enforcing the insurance act.

Mr. DENT. They have all to do with the payment of the six months' pay.

Mr. SHERLEY. Ah, now the gentleman is coming to what seems to me to be the situation. Under the old law, before we provided a new compensation, they had it; and they do not like to give up something they formerly had, whether the reason has passed away or not. That is what I would like to hear the gentleman about.

Mr. DENT. I have explained the reason for the bill, that it is to tide over the dependents in the first place, and in the next place to restore the law as it was before this act was repealed for those who have not taken out any insurance.

Mr. SHERLEY. There is some benefit in the insurance act that we have passed.

Mr. DENT. They are credited for that; it is to be deducted.

Mr. SHERLEY. Why should you assume that the Government will have to be more tardy than the insurance companies in adjusting things of that sort?

Mr. DENT. The gentleman knows that in proving up claims for insurance it will take time.

Mr. SHERLEY. There ought to be no more delay in the War-Risk Insurance Bureau paying under that act than in the War Department paying under this act.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. KAHN. In further reply to the gentleman from Kentucky [Mr. SHERLEY], the gentleman was not here when I first explained the matter. As the gentleman knows, many of the Army officers have no fixed abode. The wife happens to be at some post for the time being, if there are quarters there, and if not she goes to some city and rents quarters. She has no established credit in that city and probably has not enough money to buy widow's weeds in case her husband is killed. This is an attempt to allow the War Department to advance her the money, in order that she may get those supplies which are absolutely necessary under the circumstances.

Mr. SHERLEY. I can not, of course, in question and answer reply to a great many assumptions in the gentleman's statement that I do not think are fully warranted. He assumes that this is the only way that such a person is going to be able to get any money immediately from the Government, which I deny.

Mr. KAHN. It is the speediest way of doing it.

Mr. SHERLEY. That is the question at issue.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield.

Mr. REAVIS. I have not been able to hear much of what has been going on here, and I would like to know why it is that the benefits in this bill are confined to the Regular Army officers and not given to the Reserve officers?

Mr. DENT. In the confusion the gentleman has not heard me repeat two or three distinct times, on several occasions, that I was willing to offer an amendment extending the provisions to the National Guard, the National Army, and the Officers' Reserve Corps.

Mr. REAVIS. I am very glad to hear that. There has been so much confusion that we have not been able to hear much of what has been going on.

Mr. WALSH. Will the gentleman state why the committee reported this bill without that amendment; why the report confined it?

Mr. DENT. Of course, if the gentleman wants to go into the motives that inspired the committee, I would state to him that when we considered the bill we were simply undertaking to restore as permanent law that which we thought was unintentionally repealed by the war-risk insurance law, which the Military Committee did not handle.

Mr. WALSH. That was the only reason?

Mr. DENT. That is the only reason we had in mind when we reported it.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. HUDDLESTON. The theory upon which this is being done is that the beneficiary will be able to get this money more quickly through the officers of the War Department than the Bureau of War-Risk Insurance?

Mr. DENT. That is the statement the Secretary of War made in approving this bill.

Mr. HUDDLESTON. Will the gentleman permit me to call his attention to the fact that the operation of the War-Risk Insurance Bureau is much more speedy than the War Department? It means delay instead of speed, according to my experience, and I have handled several of these things. Will the gentleman permit me to further call attention to another aspect of this matter? Under the war-risk act the soldiers are permitted to designate their beneficiaries, and under this act the beneficiary is arbitrarily designated, not according to the will of the soldier in some instances. The effect of this will be to take away insurance that the soldier has been paying for, in order that it may be paid to some one not the beneficiary and given to some one else, to whom the soldier does not want it to go, and have it charged to the beneficiary.

Mr. DENT. I can not agree to that. I think the gentleman is wrong, because whatever is gotten under this is to be deducted from what is given under the war-risk insurance.

Mr. HUDDLESTON. In other words, there will be a double benefit?

Mr. DENT. No.

Mr. HUDDLESTON. As I understand the gentleman, the beneficiary in the policy of insurance will still get what it was intended she should get, and this benefit if it be paid to a different beneficiary——

Mr. DENT. I guess that is true.

Mr. HUDDLESTON. Would be a double benefit. Therefore there will be cases in which there will be discrimination and double payments.

Mr. DENT. There can not be any double payments.

Mr. HUDDLESTON. I understood the gentleman to admit there would be.

Mr. DENT. It may be that there will be an increase in the number of beneficiaries, but there will not be any double payments.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. LOBECK. In line 3, on first page, it is provided "That hereafter," and so forth. Why should not this apply to men who are now at the front, who may have died in the last two days? Why should it not take effect from the time these men have gone into the service, if they have not been paid?

Mr. DENT. That is taken care of. The committee considered that proposition, and that is taken care of in the language on lines 6 and 7, "from and after October 6, 1917," which was the date that the war-risk insurance law repealed this law.

Mr. LOBECK. It does not affect those before October 6?

Mr. DENT. The law was not repealed until October 6, and every one had the benefit of the law up until that time. This restores the law from and after that date.

Mr. LOBECK. I have had cases where men lost their limbs or died before October 6. It would not affect those cases?

Mr. DENT. This bill would not affect them. Under the old law they would have been entitled to the benefits of the law.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. WINSLOW. Does the gentleman know whether or not a like provision is contemplated for members of the naval service?

Mr. DENT. Yes; the chairman of the Naval Committee proposes to offer an amendment to that effect, and I shall accept it.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. LITTLE. The question was raised as to whether this term "enlisted men" would include drafted men. Several gentlemen gave us their definite opinion that it would, but on looking at the dictionary I find the dictionary does not agree with them. I call the attention of the chairman to the definition of the word "enlist":

> To enter voluntarily the military service, the navy, or the like, by formal enrollment; authorize the placing of one's name on the muster roll or list of recruits.

What I have been afraid of is that the courts might decide that the gentlemen who stated their opinion to us are wrong and that the dictionary is right, and I would suggest to the gentleman that when he offers his amendment to include men in the National Army and the National Guard and the Reserve Corps he bear in mind the dictionary definition rather than the floor suggestion.

Mr. DENT. Well, I understand the War Department construes the words "enlisted men" as covering every man in every branch of active service.

Mr. LITTLE. I have heard that statement several times——

Mr. DENT. That is the construction the War Department puts on it, and that is the language that has been used.

Mr. LITTLE. If the gentleman will permit me, the courts will have to construe it according to the dictionary, and I think probably the War Department would follow the courts. It would be a very simple matter to word that so as to agree with the dictionary. That is just a suggestion——

Mr. GREENE of Vermont. If the gentleman will permit, I think the gentleman from Kansas would get a satisfactory definition, at least if not definite an indirect one, by reading anything of the law that relates to the National Army or the National Guard. Now take the National Army. It is made up of drafted men, and men in the National Army who are not officers are referred to in orders and everything else as enlisted men.

Mr. LITTLE. That may be, but whoever wrote those orders did not read the dictionary and did not know the English language.

Mr. GREENE of Vermont. I did not understand that Noah Webster got up our Army.

Mr. LITTLE. No; but he got up the dictionary.

Mr. DENT. I hope we can reach some conclusion on this bill. I had rather lay it aside than to spend the whole day on this bill. There are 15 other bills here.

Mr. DYER. Mr. Chairman——

Mr. STAFFORD. I would like to have some time in opposition to the bill. I have already expressed the desire to the gentleman from California, and I would like to have 10 or 15 minutes, but I do not wish to be recognized in my own right.

Mr. DENT. I was just suggesting I hope to reach some agreement. I know it is not proper in the Committee of the Whole House, but I would like an understanding that general debate be closed on this proposition, say, in 30 minutes.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. There are gentlemen on this side who want time to speak on this bill. The gentleman from Wisconsin [Mr. STAFFORD] wants 10 minutes to speak on this bill. I believe I am entitled to an hour in my own right under the present proceedings on this bill, and I would desire to yield 10 minutes to the gentleman from Wisconsin on this bill. If the gentleman will reserve the balance of his time we can probably pass this bill without much trouble.

Mr. DENT. I was trying to reach some agreement. I know it is not exactly in order to reach an agreement in the Committee of the Whole House, but I hoped to reach some agreement by which we could finish discussion of this bill. The gentleman has suggested 30 minutes. If the gentleman has any other suggestion——

Mr. KAHN. I have no suggestion; the 30 minutes will satisfy me.

Mr. DYER. I would like to ask who is to have the 30 minutes?

Mr. WALSH. That does not mean exclusive of the five minutes for amendments?

Mr. DENT. Of course not.

Mr. WALSH. But 30 minutes for general debate.

Mr. DENT. Then I ask unanimous consent that general debate upon this bill be closed in 30 minutes.

Mr. RAYBURN. I want 10 minutes.

Mr. DENT. Half of it to be controlled by myself and half by the gentleman from California.

Mr. RAYBURN. Can I get 10 minutes of that time?

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURNETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3736, and had come to no resolution thereon.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill S. 3736 be temporarily laid aside.

The SPEAKER. The gentleman from Alabama asks unanimous consent that Senate bill 3736 be temporarily laid aside. Is there objection?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, does the gentleman mean by "temporarily" that he intends to take up this bill to-day, because some of us want to be here when it comes up again?

Mr. DENT. I hardly think it possible to reach it to-day. We have 13 bills, and I propose to go on with the calendar and put that at the foot of the list.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SALE OF CERTAIN WAR SUPPLIES.

Mr. DENT. Mr. Speaker, I call up the bill H. R. 9900.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9900) authorizing the President during the existing emergency to sell war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States.

Be it enacted, etc., That during the existing emergency the President be, and he hereby is, authorized, in his discretion, and upon such terms as he shall deem expedient through the head of any executive department, to sell any war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States to any person, partnership, association, or corporation, or to any foreign State or Government engaged in war against any Government with which the United States is at war; and any moneys received by the United States as the proceeds of any such sale shall immediately become available as part of any existing appropriation for the support of that department, corps, or bureau which furnished the war supplies, materials, or equipment so sold.

The committee amendment was read, as follows:

Page 2, strike out all of lines 4, 5, 6, and 7 and insert "be covered into the Treasury of the United States and a full report of the sale shall be forthwith submitted to Congress."

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Speaker, this bill simply gives to the War Department the authority to sell property to our cobelligerents and also to dispose of useless property that the War Department may have on hand, and it is recommended by the War Department. I hope the bill will be passed. I wish to call attention to the fact that the Senate has passed a similar bill, and I ask to substitute the Senate bill with the amendment proposed by the Committtee on Military Affairs. I ask to substitute the Senate bill, together with the House amendment, for the House bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENT. Yes.

Mr. STAFFORD. I am informed that the Senate bill varies in some particulars from the House bill as reported other than the amendment which was reported by the committee. Will the gentleman inform the House wherein there is a difference. Mr. Speaker, I ask unanimous consent that the Senate bill be reported.

Mr. DENT. I yield to the gentleman from Vermont [Mr. GREENE].

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war.

Be it enacted, etc., That during the existing emergency the President be, and he hereby is, authorized, in his discretion, and upon such terms as he shall deem expedient, through the head of any executive department, to sell any supplies, materials, equipment or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with, or incidental to, the prosecution of the war, to any person, partnership, association, or corporation, or to any foreign State or Government engaged in war against any Government with which the United States is at war; and any moneys received by the United States as the proceeds of any such sale shall immediately become available as part of any existing appropriation for the support of that department, corps, or bureau which furnished the war supplies, materials, or equipment so sold.

Mr. GREENE of Vermont. If the gentleman from Alabama will permit, I will explain the difference between the bills.

Mr. DENT. I will.

Mr. GREENE of Vermont. If Members will take the bill H. R. 9900, and on page 1, line 6, strike out the word "war," and the final word in the line, "and," and on line 7, after the word "equipment," insert "or other property," and, again, in line 8, after the word "States," insert "in connection with or incidental to the prosecution of the war," they will find they have the only difference between the text of the two bills. And the title is amended also. The purpose of that was simply to amplify the definition of war supplies so that there would not be any too small construction put upon the purposes for which some very useful and necessary materials might be included.

Mr. STAFFORD. Will the gentleman from Alabama yield?

Mr. DENT. Yes.

Mr. STAFFORD. Can the gentleman from Vermont inform the House the extent to which the Government will loan and advance machinery to the private manufacturers who will be engaged in the manufacture of munitions or supplies necessary for the Army?

Mr. GREENE of Vermont. The only information I have about it is that more or less vague and indefinite suggestion which we have had all through the period of war, namely, as fast and as much as will be necessary.

Mr. STAFFORD. Has the War Department suffered much handicap in having their supplies manufactured because of the inability of private manufacturers to equip their plants with machinery, and, if so, to what extent? Of course, we all know that large numbers of private manufacturing establishments have received contracts from the War Department for the manufacture of supplies. This bill, as I take it, is to aid those manufacturers who have not the capital or the machinery that the Government may wish them to have with which to manufacture supplies.

Mr. GREENE of Vermont. I take it that, in general words, the idea is that this Government, entering the war without very many plants of its own and no plant adequate to take care of the demand, has been put to the expedient of taking over private plants, or taking, evidently, such possession of them as might be necessary for the operation of them, and in cases installing its own machinery or other facilities in it, so that, in a sense, they are quasi-Government plants to that extent. And by that fact, of course, it is evident that nobody could foresee exactly when and where and under what circumstances a neces-

sary proposition of that kind might be considered. Thus there is no accurate data to be gathered by way of forecast.

Mr. STAFFORD. Of course, we all realize it is important in the prosecution of the war to supply machinery under contractural relations that will be taken over by the private manufacturers at the end of the war, to be used during the war for the necessary war supplies.

I ask the gentleman's further attention to the letter of Gen. Crowder, in which he says, in the second paragraph:

The second purpose is not clearly divulged in the language of the act.

That is rather ambiguous. I had difficulty in determining to what that referred.

Mr. GREENE of Vermont. It is explained by the paragraph that immediately follows, as I understand it.

Mr. STAFFORD. The gentleman believes that the reference in the third paragraph is to that particular matter?

Mr. GREENE of Vermont. Yes. I had the same difficulty and have come to exactly the same conclusion that I have just stated.

Mr. ELSTON. The gentleman is perfectly satisfied with the language in the Senate bill and prefers it to that in the House bill?

Mr. GREENE of Vermont. We prefer it because it is more ample and gives less opportunity for quibbling in some emergencies.

Mr. LONGWORTH. Will the gentleman from Alabama yield?

Mr. DENT. I will.

Mr. LONGWORTH. I do not quite understand why the Judge Advocate General should have jurisdiction over a matter of this sort that has been referred to that department.

Mr. DENT. What is the question?

Mr. LONGWORTH. I simply asked why the Judge Advocate General should have been appealed to in a matter of this sort.

Mr. DENT. Does the gentleman refer to the letter in the report?

Mr. LONGWORTH. Yes.

Mr. DENT. I will state to the gentleman that the Judge Advocate General is the representative of the Secretary of War in legislative matters during the Secretary's absence.

Mr. LONGWORTH. May I ask if there is any one individual or board now in existence which has final jurisdiction over these matters of purchase of supplies or arranging for supplies?

Mr. DENT. I can not answer that. I am not familiar with it.

Mr. Speaker, I move the previous question on the passage of the bill.

Mr. STAFFORD. The gentleman wishes to offer an amendment, does he not?

Mr. DENT. Yes.

The SPEAKER. The gentleman moves the previous question on the Senate bill with the House amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the House amendment to the Senate bill.

The amendment was agreed to.

The bill as amended was ordered to be read a third time as amended by the House amendment, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the House bill (H. R. 9900) will lie on the table.

There was no objection.

TEMPORARY INCREASE, MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I call up the bill H. R. 9902.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 9902) to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

Be it enacted, etc., That the last sentence of section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be, and the same hereby is, amended to read as follows:

"Vacancies in the grades of the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed by section 114 of the national-defense act, approved June 3, 1916, except that such promotions and appointments may be made by the President alone when such vacancies are in grades not above that of colonel; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions or be prejudiced in their relative or lineal standing in the Regular Army.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, will the gentleman state whether the only difference that is sought to be remedied by this legislation is that in the National Army and these other branches of the service the law now provides that appointments above the grade of colonel must be affirmed and ratified by the Senate, and that is not so in reference to the Regular Establishment?

Mr. DENT. Yes.

Mr. WALSH. And this seeks——

Mr. DENT. To allow the President to make appointments in the Regular Establishment up to and including the grade of colonel without confirmation by the Senate. They are merely temporary appointments, so as to put the temporary appointments in the Regular Establishment on the same footing with the appointments in the National Army. I move the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ARMY MINE-PLANTER SERVICE.

Mr. DENT. Now, Mr. Speaker, I call up House bill 9898.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 9898) to establish in the Coast Artillery Corps of the Regular Army an Army mine planter service.

Be it enacted, etc., That hereafter there shall be in the Coast Artillery Corps of the Regular Army an Army mine planter service, which shall consist, for each mine planter in the service of the United States, of one master, one first mate, one second mate, one chief engineer, and one assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and two oilers, four firemen, four deck hands, one cook, one steward, and one assistant steward, who shall be appointed from enlisted men of the Coast Artillery Corps under such regulations as the Secretary of War may prescribe: *Provided*, That the Coast Artillery Corps is hereby increased by such numbers of warrant officers and enlisted men as may be necessary to constitute the force provided by this act: *Provided further*, That the annual pay of the warrant officers and enlisted men in the various grades established by this act shall be as follows: Masters, $1,800; first mates, $1,320; second mates, $972; chief engineers, $1,700; assistant engineers, $1,200; oilers, $432; firemen, $396; deck hands, $216; cooks, $360; steward, $540; assistant stewards, $288: *And provided further*, That warrant officers shall have such allowances as the Secretary of War may prescribe, and shall be retired and shall receive longevity pay, as now provided by law for officers of the Army, and that the enlisted force herein provided for shall receive the allowances and continuous-service pay now provided by law for enlisted men of the Army: *Provided*, That in computing length of service for retirement, and in computing longevity pay for warrant officers and continuous-service pay for the enlisted men authorized by this act, service on boats in the service of the Quartermaster Department or the Quartermaster Corps prior to the passage of this act shall be counted: *And provided further*, That during the continuation of the present emergency all enlisted men of the mine planter service of the Army of the United States in active service whose base pay does not exceed $21 per month shall receive an increase of $15 per month; those whose base pay is $24, an increase of $12 per month; those whose base pay is $30, $36, or $40, an increase of $8 per month; and those whose base pay is $45 or more, an increase of $6 per month: *And provided further*, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. DENT. Now, Mr. Speaker, I yield to the gentleman from California [Mr. KAHN] to explain this bill.

The SPEAKER. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Speaker, for several years the Coast Artillery Corps has asked for this legislation. The Committee on Military Affairs has not heretofore taken it up, but since we have gone into this war it is essential that this legislation be passed.

The Coast Artillery Service has charge of the mine planters of the country. The officers of that corps find now that they have a great deal of difficulty in getting civilians to work on the mine planters if the weather happens to be a little rough, or if they do not like the kind of work required in the service. In war we can not wait for the weather. We have to be ready to act immediately, and the War Department feels that by enlisting men in this service they can be ordered to do the work at any time, at any hour of the day or night, as occasion may arise.

It is a service, of course, that operates only along the coast of our country. I understand there are only nine mine-planter stations in the country. It is not always possible to get men in an emergency to do this necessary work. The passage of this bill will enable the War Department to enlist men for this service. Under the circumstances it is believed that we will have no further difficulty in operating mine planters at any hour of the day or night.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. I wanted to ask a question with reference to deck hands on these mine planters. I suppose they perform a character of work similar to that of a seaman upon that class of vessels?

Mr. KAHN. Not what you would call a seaman, but what they call a deck hand. He is a man who——

Mr. WALSH. Well, he would be the only seaman on board of the mine planter.

Mr. KAHN. The mine planters do not go out to sea for any great distance. They are operating in and near the harbors. We have deck hands on the ferryboats that ply in our ports. The men on the mine planters are like those deck hands.

Mr. WALSH. They go as far out to sea as these submarine chasers—these small boats?

Mr. KAHN. No. They simply mine the harbors.

Mr. WALSH. They might not go as far out to sea as it is intended that the submarine chasers should go, but they would go out as far as some of the submarine chasers actually do go. My inquiry was prompted by noting the small pay that was paid these deck hands—$216 a year.

Mr. KAHN. That is about the same pay they get for the same work in private service.

Mr. WALSH. On board these tugboats?

Mr. KAHN. Yes.

Mr. WALSH. And it is thought to fix the pay at the same rate they receive in private service, and then they get $180, I see, additional, according to the last proviso.

Mr. KAHN. Well, we have given all the employees of the Government some increase of pay through the legislation that was passed through this House.

Mr. WALSH. They get $15 a month if their base pay does not exceed $21. That would give the deck hands $396 per year. Now, I wanted to ask if they would also get commutation?

Mr. KAHN. No.

Mr. WALSH. Would they get this 30 or 40 cents a day for meals, as in the Navy?

Mr. KAHN. No. They are furnished their meals.

Mr. WALSH. And they do not have to contribute to that?

Mr. KAHN. No. They will get rations like the enlisted men of the Army.

Mr. WALSH. Now, Mr. Speaker, I desire to ask the gentleman a question with reference to the salary fixed for masters and for the mates. What did the committee have to compare with?

Mr. KAHN. That is about the salary they are getting now in that service.

Mr. WALSH. Would the gentleman state in what part of the country you can find the master of a tugboat that gets $1,800 a year?

Mr. KAHN. You will find that mine planters are located around Boston Harbor, and they are located around New York Harbor, and that they are located at the mouth of Chesapeake Bay. They are located on the Atlantic coast, as you go down the coast and around the Gulf shore; they are located on the Pacific coast around Puget Sound, and the harbor of San Francisco.

Mr. WALSH. Well, they have been in the service of the Government?

Mr. KAHN. Yes; as civilians.

Mr. WALSH. How does it compare with the compensation in private employment?

Mr. KAHN. Well, I imagine that it must be about the same, because these men are not enlisted. They are not commissioned. If they could get better pay in private employment they would probably not serve with the Government for less wages than they could get from private concerns.

Mr. WALSH. I have no desire to unduly consume time upon this measure, Mr. Speaker, but I wanted——

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I move to strike out the last word, to permit the gentleman from California to answer a question.

The SPEAKER. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Who would be the warrant officers under this schedule?

Mr. KAHN. I presume they would be the same as warrant officers in the Navy, carpenters, and so on.

Mr. WALSH. But there are no carpenters provided for in this service.

Mr. KAHN. I know, but the warrant officers in the service would be doing the same class of work as the warrant officers in the Navy.

Mr. WALSH. Would a fireman be a warrant officer?

Mr. KAHN. I do not think so.

Mr. WALSH. Probably warrant officers would not be below the grade of assistant engineers.

Mr. KAHN. No; I do not think so. Probably the warrant officers would be those occupying the positions just below assistant engineers and not above that.

Mr. WALSH. Mr. Speaker, if I understand the gentleman correctly, it is attempted here to create a new branch of the military service, something that has been desired for some little time.

Mr. KAHN. Yes.

Mr. WALSH. But especially necessary during this present war?

Mr. KAHN. Quite right.

Mr. WALSH. And that in fixing the compensation and the benefits the committee have sought to make it compare with a similar service of the Navy, although this is to be under the jurisdiction of the Chief of the Coast Artillery?

Mr. KAHN. Quite right.

Mr. WALSH. And the committee have sought to put the compensations and benefits upon the same plane with those of men similarly engaged in the Navy?

Mr. KAHN. Yes.

Mr. WALSH. And with that end in view this increase in pay has been granted?

Mr. KAHN. Quite right.

Mr. WALSH. That is satisfactory. I yield back the balance of my time.

Mr. ROBBINS. Mr. Speaker, may I in the time of the gentleman from Massachusetts ask a question?

Mr. WALSH. I yield to the gentleman from Pennsylvania.

Mr. ROBBINS. Why is this service placed under the Army? Does not the Navy maintain a mine-sweeping fleet?

Mr. KAHN. The Navy does not maintain this mine-planting service.

Mr. WALSH. It is connected with the forts.

Mr. KAHN. It has always been under the Coast Artillery. This work is done within or immediately at the entrance of the harbors.

Mr. ROBBINS. It is all done by boats, is it not?

Mr. KAHN. It is all done by Coast Artillery boats. Mine planters, special boats built for that service. It has always been operated by the War Department. It has never been operated by the Navy.

Mr. ROBBINS. Will there not be some conflict between the Navy and the Army about this?

Mr. KAHN. None whatever, because the mine planters are operating now under the War Department.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. ROBBINS. I move to strike out the last two words. I want to find out further what increased expense this proposed new fleet of mine sweepers that the Army is going to operate is going to put upon the Government.

Mr. KAHN. These vessels are mine planters—not mine sweepers. As I understand, it is proposed to pay these men the wages they have been getting; but I explained at the beginning that these employees at the present time are civilians. They can leave at any moment, and they do frequently leave their positions. In war it is necessary to have these men when you need them. That is the purpose of the legislation.

Mr. ROBBINS. I understood that, but I ask now what increase of expense this proposes to entail upon the Government?

Mr. KAHN. As I understand it, there will be no increase of expense.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the engrossment and third reading of the bill.

Mr. DENT. Mr. Speaker, there is an amendment I would like to offer, to perfect the bill, in accordance with the present law. On page 3, line 4, after the figures "$30," I move to insert the figures "$33."

This amendment is suggested by the Secretary of War in order to conform to the present law as to the increase in the pay of privates.

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 3, line 4, after the figures "$30," insert the figures "$33."

Mr. MEEKER. Mr. Speaker, I move to strike out the last word just for the purpose of asking to insert in the RECORD a short interview with a very prominent Army officer in regard to desk officers. I do this in order that both sides of this question may have a fair hearing.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD about desk officers. Is there objection?

There was no objection.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the amendment offered by the gentleman from Alabama [Mr. DENT].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

REIMBURSEMENT OF EXPENSES OF ENLISTED MEN.

Mr. DENT. Mr. Speaker, I call up the bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders.

The SPEAKER. The gentleman from Alabama calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That hereafter, under such regulations and within such maximum rates as may be prescribed by the Secretary of War, enlisted men may be reimbursed for actual expenses of travel, including subsistence and lodging, incurred while traveling under competent orders and not embraced in the movement of troops, or they may be paid a flat per diem therefor in lieu of such reimbursement.

Mr. DENT. Mr. Speaker, under the present law an enlisted man traveling, for instance, as a guard with a prisoner would get only $1.50 per day, which, of course, is not sufficient to pay the expenses of himself and his prisoner. The object of this bill is simply to pay him his actual expenses. That is all there is to it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESERVE OFFICERS' TRAINING CORPS.

Mr. DENT. Mr. Speaker, I call up the bill (H. R. 9098) to suspend for the period of the present emergency sections 45, 46, and 56 of "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

The SPEAKER. The gentleman from Alabama calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill will be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That sections 45, 46, and 56 of "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and they hereby are, suspended for and during the period of the present emergency, but for such period only, and that upon the termination of said emergency said suspension shall cease and terminate and said sections shall thereupon be and become reinstated and of the same force and effect as if this suspension had not been made.

SEC. 2. That during the present emergency the President be, and he hereby is, authorized to detail such number of officers of the Army of the United States, either active or retired, not above the grade of colonel, as may be necessary for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 1,000, and no officer shall be so detailed who has not had at least one year's commissioned service in the Army of the United States. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under like detail.

SEC. 3. That during the present emergency the President be, and he hereby is, authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired, of the Army of the United States as he may deem necessary, but the active noncommissioned officers so detailed shall have had at least one year's active service, and the total number of such active noncommissioned officers so detailed shall not exceed 3,000, and shall be additional in their respective grades to those otherwise authorized for the Army of the United States. While detailed under the provisions of this section retired noncommissioned officers of the Army of the United States shall receive active pay and allowances.

SEC. 4. That during the present emergency such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges other than those provided for in section 47 of the national-defense act approved June 3, 1916, having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized during the present emergency to detail commissioned and noncommissioned officers of the Army of the United States to said schools and colleges, detailing not less than one such officer or noncommissioned officer to each 500 students under military instruction; but no officer or noncommissioned officer shall be so detailed who has not had at least one year's active service in the Army of the United States.

Mr. BUTLER. Mr. Speaker, let us have some explanation of this bill.

Mr. LITTLE. Will the gentleman from Alabama define very briefly just exactly what is the Reserve Officers' Training Corps?

Mr. DENT. That is the training corps in the schools and colleges, provided by the national-defense act.

Mr. LITTLE. For what purpose, exactly? I know in a general way, but I should like a further explanation.

Mr. DENT. The bill speaks for itself. It is to provide officers to be instructors in schools which maintain one or more units of the Reserve Officers' Training Corps. It is for the training of officers so that they can be called into the service after they are trained. They agree and understand that they will be subject to be called into the service after they get the training. That is under the national-defense act.

Mr. LITTLE. And the Reserve Officers' Training Corps people are liable to be called into the service?

Mr. DENT. Undoubtedly.

Mr. KAHN. I think the gentleman from Alabama misunderstood the question of the gentleman from Kansas. The purpose of this legislation——

Mr. DENT. The gentleman from Kansas was not asking about the purpose of the legislation.

Mr. LITTLE. No; I am satisfied with the purposes of the legislation, but I thought it was a good time to get a little information.

Mr. BUTLER. Will the gentleman yield?

Mr. DENT. I will.

Mr. BUTLER. I understand this applies only to the schools and colleges which heretofore have had assignments of Army officers for the purpose of instruction.

Mr. DENT. Yes; and any that may be assigned.

Mr. BUTLER. How about the high schools, the public schools?

Mr. DENT. It depends upon whether the War Department recognizes them. The object of this bill is simply this, in a nutshell: Under the present law only officers of the Regular Establishment can be assigned to schools and colleges. The War Department anticipates that there will be a great many National Guard officers and National Army officers returned from the front injured in such a way that they could not go into the trenches and see active service, but can go to these schools and colleges; and it is simply to extend to the officers of the National Guard and the National Army the right of assignment to these schools and colleges so as to increase the number of available officers.

Mr. BUTLER. And if a high school should ask for a detail the War Department would be authorized to send an officer there?

Mr. DENT. Yes.

Mr. ALEXANDER. Provided they have a sufficient number of pupils.

Mr. BUTLER. Yes. I want to say that in my home town we have the only universal military training found in the United States. Noncommissioned officers are drilling these boys—180 in number. I have a letter from the superintendent of the public schools this morning saying that one would scarcely appreciate

the improvement in these high-school boys since they began training. It is the only place in the United States where such military training is had.

Mr. DENT. Mr. Speaker, I ask unanimous consent to substitute the Senate bill on the same subject for the House bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the Senate bill in lieu of the House bill.

Mr. WALSH. May I ask if they are identical?

Mr. DENT. They are except perhaps in a minor particular; the only difference is that in the House bill it refers to the present emergency while in the Senate bill it refers to the present war.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read the bill S. 3528, as follows:

An act (S. 3528) to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

Be it enacted, etc., That sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and they hereby are, suspended for and during the period of the present war, but for such period only, and that upon the termination of said war said suspension shall cease and terminate and said sections shall thereupon be and become reinstated and of the same force and effect as if this suspension had not been made.

SEC. 2. That during the present war the President be, and he hereby is, authorized to detail such number of officers of the Army of the United States, either active or retired, not above the grade of colonel, as may be necessary for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 1,000, and no officer shall be so detailed who has not had at least one year's commissioned service in the Army of the United States. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under like detail.

SEC. 3. That during the present war the President be, and he hereby is, authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired, of the Army of the United States as he may deem necessary, but the active noncommissioned officers so detailed shall have had at least one year's active service, and the total number of such active noncommissioned officers so detailed shall not exceed 3,000, and shall be additional in their respective grades to those otherwise authorized for the Army of the United States. While detailed under the provisions of this section retired noncommissioned officers of the Army of the United States shall receive active pay and allowances.

SEC. 4. That during the present war such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges other than those provided for in section 47 of the national-defense act approved June 3, 1916, having a course of military training prescribed by the Secretary of War, and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized during the present war to detail commissioned and noncommissioned officers of the Army of the United States to said schools and colleges, detailing not less than 1 such officer or noncommissioned officer to each 500 students under military instruction; but no officer or noncommissioned officer shall be so detailed who has not had at least one year's active service in the Army of the United States.

Mr. ROBBINS. Mr. Speaker, I move to strike out the last word. On page 3, section 4, line 17, it provides that the Secretary of War shall detail an instructor to each 500 students under military instruction. Above that, in the same section, it provides for schools having not less than 100 physically fit male students above the age of 14 years. Now, that seems to be inconsistent, and I think there should be an amendment providing for 1 for every 500 students or fraction thereof.

Mr. WALSH. If the gentleman will yield, the first part of the section only applies to tentage and equipment, and not to instructors.

Mr. DENT. Will the gentleman refer me to the line and section that he wishes to amend?

Mr. ROBBINS. Page 3, section 4, line 17 and line 24. I want to ask if that refers to tentage and equipment, as suggested by the gentleman from Massachusetts, or to students?

Mr. KAHN. The gentleman from Massachusetts is right. The first part refers to tentage and equipment that the Secretary of War is allowed to furnish them for instruction. The latter part refers to the number of instructors. I believe it is entirely in accord with the provisions of the national-defense act. There is one instructor for every 500 students.

Mr. ROBBINS. And must be one for every 100 students at least——

Mr. KAHN. No; there is no school that has fewer than 100 that can get the instruction.

Mr. ROBBINS. That is the smallest number provided for?

Mr. KAHN. Precisely; and they can have one instructor for 100 pupils up to 500, and if they have more than 500 they can get an additional instructor.

Mr. ROBBINS. Mr. Speaker, I withdraw the pro forma amendment.

Mr. DENT. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill (H. R. 9098) was laid on the table.

INDEMNITY FOR DAMAGES CAUSED BY AMERICAN FORCES ABROAD.

Mr. DENT. Mr. Speaker, I call up the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

The Clerk read the bill, as follows:

Be it enacted, etc., That claims of inhabitants of France or of any other European country for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. FOSTER). The gentleman from Alabama asks unanimous consent to consider this bill in the House as in Committee of the Whole House. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, in the Army appropriation bill there has been for many years a provision for the appropriation of a lump sum to pay the damages caused in this country by our troops in their maneuvers—damages like broken windows, broken fences, tramping down crops, and so on. This simply attempts to do the same thing in foreign lands, where our troops are now operating, or in a country where they may happen to be. The War Department feels that in European countries, where the American troops do damage of any kind, it is very desirable that the inhabitants of these countries be speedily paid the damage that has been incurred.

This bill simply provides for such relief and gives the War Department the right to pay the damages as soon as they are investigated by an Army officer and recommended by him for payment.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. I notice in the letter from the Secretary of War he says that the proposed legislation will not supersede the one hundred and fifth article of war but will facilitate its enforcement. Can the gentleman state, briefly, what that article has to do with this?

Mr. KAHN. I believe that article allows payments of damages for property destroyed. Of course that is only operative in this country, and this will make it operative in a foreign country.

Mr. WALSH. Of course it is not intended that this legislation will permit a person having, for instance, a residence along the battle front, which has been blown up, to recover damages.

Mr. KAHN. Oh, no.

Mr. WALSH. It is only in the movement, operation, and maintenance of troops not engaged in actual battle?

Mr. KAHN. Exactly. It is for damages that occur by reason of the operation of troops in France going to or coming from the front or while in billets and not in action.

Mr. WALSH. The gentleman's former statement was a little broader than that, and I thought he did not intend it.

Mr. KAHN. No; the law in this country now on the statute books only allows payment of damages done during maneuvers.

Mr. WALSH. But this provides that damages which are payable by the law of the country in which they are committed could be compensated for under this act; so that if in France certain damages are inflicted which under our law could not be paid for under this act compensation would have to be made.

Mr. KAHN. It is believed by the War Department that on account of the comity that exists between the two nations we ought to be willing to meet these things frankly, fully, and freely. The people of France, of course, cooperating with our troops, would probably look to the United States to pay them for damages which they could secure under their own law if their own soldiers had done the damage. I want to say to the gentleman that I think that in all nations the law is practically identical regarding damages done by troops during maneuvers.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to ask the gentleman from Alabam a question, having in mind what the gentleman from California [Mr. KAHN] has just said that damages contemplated to be compensated in this way are confined to those of maneuvers, and only to maneuvers.

Mr. KAHN. Maneuvers and movements of troops.

Mr. MILLER of Minnesota. I would include that in maneuvers—movements of troops back and forth. The gentleman intended to include utilization of land for training purposes?

Mr. KAHN. No.

Mr. MILLER of Minnesota. School purposes?

Mr. KAHN. No.

But assuming that is the import of the bill, there can be no objection to it, but that is not the language of the bill. The language is this:

That claims of inhabitants of France or of any other European country for damages caused by American military forces.

There is nothing to confine that to maneuver, nothing to confine it to anything, but it is as broad and sweeping as any language could possibly be—

caused by American military forces.

Mr. DENT. I call the gentleman's attention to the language—

under regulations made by the Secretary of War.

Mr. MILLER of Minnesota. That extends only to the payment and not to the character of the injury that would justify a claim for damages.

Mr. KAHN. Mr. Speaker, I desire to call the gentleman's attention to section 2.

Mr. MILLER of Minnesota. Yes; I have read section 2, and that in one sense limits it, but not in the sense I mentioned—

That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

As they are likely all to occur in France or possibly some in Belgium, whether or not the case constitutes a claim depends upon the local law of France and Belgium, not upon the American law, and nobody here knows what the law of France or Belgium is or what it will be in a week or two weeks from now. That in one sense limits it, but not to the extent the criticism indicated. Let me call the gentleman's attention to this. The cases which may result in a claim are any acts performed by the American military forces, and these claims can be presented to any officer designated by the President; but here is the language—

and when approved by such an officer shall be paid under regulations made by the Secretary of War.

The regulations of the Secretary of War extend only to the manner of payment and do not extend to anything else. This officer has no latitude. It does not say they may be paid, but they shall be paid.

Mr. KAHN. Under such regulations as the Secretary of War shall make. And let me call to the attention of the gentleman from Minnesota what the Secretary of War said on this subject.

The proposed law provides for the prompt payment, under such regulations as the Secretary of War may make or may cause to be made, of all claims for injury to persons and damage to property resulting from the presence of United States military sources in Europe. Gen. Pershing informs the War Department that the inability to pay claims for the injury due to and expenses caused by Government motor vehicles and other causes result in much hardship and injustice to French people and seriously injures the reputation of the American Army in France as compared with the reputation of the British forces.

And it is in order to obviate that complaint and to establish a more friendly feeling toward the American soldier in France that the War Department asks for this legislation.

Mr. DENT. As I understand the criticism of the gentleman from Minnesota is to "when approved by such an officer" over there it will be absolutely binding.

Mr. MILLER of Minnesota. Absolutely.

Mr. DENT. Why?

Mr. MILLER of Minnesota. I would like to have the gentleman point out wherein I am incorrect.

Mr. DENT. The language reads:

Damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

Now, the regulations to be made by the Secretary of War cover the whole case.

Mr. MILLER of Minnesota. I can not agree with the gentleman that assumption is not found in law, and I am sure the gentleman will agree with me——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREEN of Iowa. Will the gentleman yield? I move to strike out the last word.

Mr. MILLER of Minnesota. Mr. Speaker, I desire to be recognized to strike out the last word.

The SPEAKER pro tempore. The gentleman has had five minutes.

Mr. MILLER of Minnesota. I have not had any time.

The SPEAKER pro tempore. The Chair understood the gentleman was given recognition for five minutes.

Mr. MILLER of Minnesota. Then I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. I am not going to vote against this, but I believe it is not quite exact or the correct thing at all, but I recognize the necessity of passing some such bill, and for that reason I am willing to vote for it, but I am not going to let it go by without pointing out wherein it is defective. Now, the gentleman's contention, as I understand it, is that these claims are to be presented under such regulations and rules as the Secretary of War may prescribe. Well, I submit that is not the language of the bill, and that could not be construed as the meaning of the bill for this reason.

Mr. DENT. Now, the gentleman is a good lawyer, and, to expedite matters, how would he improve the language?

Mr. MILLER of Minnesota. I would not use that language at all.

Mr. DENT. I asked the gentleman how to improve it.

Mr. MILLER of Minnesota. This language says that these claims—

May be presented to any officer designated by the President and when approved by such officer shall be paid.

Now, that should be, "may be paid."

Mr. DENT. I will accept that amendment.

Mr. MILLER of Minnesota. Under rules and regulations under authority of the Secretary of War. The regulations that the Secretary can make relate only to the manner and method of payment and not to adjudication of the claim.

Mr. DENT. I will accept the amendment.

Mr. GREEN of Iowa. Let me suggest to the gentleman that the amendment ought not to be accepted, and when I can get time I think I will be able to show it.

Mr. MILLER of Minnesota. I only want one more moment and then I will give up the floor. It seems to me that this bill is designed to reach the situation pointed out by the Secretary of War quoted from Gen. Pershing's request and the language of the bill should restrict the operations of the bill to that class of subjects. Why is it necessary to make it so sweeping; why is it necessary to employ such universal language? Why not say, "That claims of inhabitants of France or of any other European country for damages caused by American military sources while engaged in maneuvering or transportation within the boundaries of France?" There you have got the whole thing.

Mr. GREEN of Iowa. Has the gentleman finished?

Mr. MILLER of Minnesota. I would like to ask the gentleman's opinion of language of that kind.

Mr. DENT. I do not think that would hurt it at all, but I do not think it would accomplish anything.

Mr. KAHN. Will the gentleman yield?

Mr. MILLER of Minnesota. Let me point out one thing further. Under the articles of war of this Government the commander of an army engaged in actual military operations can commandeer, he can take food for himself and horses and clothing and anything necessary to carry on his campaign. Now, you do not propose these claims be adjudicated in this manner, I am sure, but they would be included——

Mr. WALSH. Is it not included in the 105th article of war?

Mr. MILLER of Minnesota. Yes.

Mr. WALSH. This does not supersede that.

Mr. KAHN. Will the gentleman allow me to suggest to the gentleman from Minnesota why this amendment would not meet a certain situation——

Mr. MILLER of Minnesota. No; the bill does not say the one hundred and fifth article shall prevail.

Mr. KAHN. And why it may not be desirable to have that language in the bill?

Mr. MILLER of Minnesota. I would like to ask the gentleman why.

Mr. KAHN. Here is my point: An officer is instructed to carry a dispatch to a certain place. He is not engaged in maneuvers. He starts off in an automobile, and going down the road at a fast rate on a dark night he runs over a pig belonging to a French peasant. Ought not that French peasant be paid for that loss?

Mr. MILLER of Minnesota. There is no question about it at all.

Mr. KAHN. And yet the limitation of the gentleman would preclude his getting pay for it.

Mr. MILLER of Minnesota. That language of limitations, if it does not cover the classification to which the gentleman refers, should be changed.

Mr. KAHN. Does not the gentleman think it would be better to leave those little details to the judgment of our officers on the other side, who are dealing with the inhabitants day after day?

Mr. MILLER of Minnesota. I am willing to indorse that whole-heartedly, and to accomplish it we should have a language to cover such class of cases as shall be designated by rules and regulations prescribed by the Secretary of War. Then there can be no objection to it.

Mr. GREENE of Vermont. What is the difference between that and what it is now?

Mr. DENT. In line 6——

Mr. MILLER of Minnesota. I do not care where you put it. The rules and regulations of the Secretary of War should relate back to the presentation and adjudication of the claims.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. GREEN of Iowa. Mr. Speaker, I think this bill is just exactly in the form it ought to be now, and I believe I can give very good reasons for it. The second section provides—

That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

That is according to the law and practice of the military forces in France. Now, if the forces in France were operating in this country, we would not want our laws to be abrogated. We would want compensation to be paid in accordance with our law, and that is what the French want, and that is what they ought to have. We could not afford to be otherwise than liberal in these matters. We can not afford to stick on small things when the law of France gives some compensation. We ought to be willing to give the same compensation to the people of that country that their own laws give to them. That limits and prescribes exactly what shall be paid.

Mr. WALSH. The gentleman contends that there is no discrimination against our troops in France as against the British troops or the French troops or any other troops?

Mr. GREEN of Iowa. None whatever. It is what the other armies are doing. If that is what the British troops are doing, as I understand they are; if that is what the French troops are compelled by their own Government to do, and it follows the custom of our own military forces, then being over in that country and fighting by their side, we ought to be willing to do that ourselves. I do not think the bill needs any change as it stands.

Now, some criticism was made because the bill provided that these claims shall be paid when approved by the proper officer. Why not? When we have had them submitted to some officer, and he has gone over them and examined them, and found that they conform to the French law and custom of the country, and then, after hearing the evidence he finds that they are just, why should they not then be paid? What does "approved" mean? It means found correct and proper.

Mr. KAHN. That is exactly what is done in this country, some particular officer passes upon the bill, and then the bill is paid if damage is done here.

Mr. GREEN of Iowa. I thank the gentleman for the suggestion.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. There are numerous cases in tort caused by the actions of our soldiers in this country connected with their military duty, in the way of driving automobile trucks which come in collision with private automobiles, say, whereby the claimants are obliged to come to Congress for recognition of damages. I did not know until the gentleman from California [Mr. KAHN] just mentioned it, that there was any provision made for that character of claims.

Mr. GREEN of Iowa. I am not prepared to state——

Mr. KAHN. And if the officer or soldier is performing some military duty and damages property in this country, or, under this law, damages a person, the damage ought to be allowed and paid. In this country it is paid where damages of that kind occur.

Mr. STAFFORD. Will the gentleman advise the House whether in case of a collision of an Army automobile truck driven on the highway with a privately owned vehicle there is any provision or regulation?

Mr. GREEN of Iowa. If the gentleman will pardon me——

Mr. STAFFORD. Is there any provision or regulation for the payment of that character of claim through departmental channels?

Mr. KAHN. I believe it can be paid.

Mr. STAFFORD. I am told there are many claims pending before the Committee on Claims of just that character.

Mr. KAHN. I understand where the damage is slight that they are invariably taken up and adjusted by the department out of the lump-sum appropriation that is made for that purpose.

Mr. GREEN of Iowa. Mr. Speaker, I do not care anything about that. The point I am trying to make is that this provides for compensation in the same manner, and according to the law and custom of the country in which our troops are operating. The same rule applies to British troops and to their own troops, and in fairness and justice we ought to be willing to do the same thing. And even if we should go a little beyond what we would consider proper in this country, it seems to me that we can under no circumstances afford to have any difficulty or bad feeling created. It is of the highest importance that good feeling should exist between the inhabitants of France and other friendly countries where our troops may be operating, and even if we should pay some claim that was somewhat exaggerated, or one for which no liability would arise in our own country, it would be well worth all it cost in sustaining the friendly feeling that now exists between us and those who are our allies in fact if not in name.

Mr. LITTLE. Mr. Speaker, none of the gentlemen have touched what seems to me to be a very loosely drawn portion of this bill. Under this bill, interpreted by any rule of law, you have provided for the claims of the German people. If our Army stays in France, of course, it would only apply to France, but we legislate on the theory that they are going to Berlin. If you run over a pig in Germany, under the laws of that country you would have to pay for it. It says:

Claims of inhabitants of France or any other European country—

Which is Germany—

for damages caused by American military forces.

God knows we hope we will cause them a whole lot. We expect to go there.

Now, "claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur." They will occur in Germany, and under their law we would be liable; and that is the kind of a law you are making.

Mr. GREEN of Iowa. What statute has the German in his country?

Mr. WALSH. Under what theory does the gentleman contend that a law of the United States heretofore made or hereafter made during the continuance of this war includes our enemies?

Mr. LITTLE. Because it says so.

Mr. WALSH. No. The gentleman is entirely wrong.

Mr. DENT. I would like to ask the gentleman this question: If he thinks any commanding officer of the American forces will ever approve a claim against us by Germany?

Mr. LITTLE. That is the answer that I expected. The gentleman from Massachusetts [Mr. WALSH] suggests that there is no theory under which it can be done. There never was until the committee brought in a bill authorizing it and suggesting it. That is the kind of a bill you have brought in.

A gentleman on the other side asked whether it was possible that anybody who has any sense would approve such a claim under this measure. If you pass this bill, the Congress of the United States will have authorized it. Has not this House got as much sense as you expect the American commanding officer to have? You are depending on the American officers to see to it that the law you pass is not enforced. Thank God, the American officer will have sense enough to see that it is not. But have we not sense enough to pass a law that a boy will not break if he does his duty?

Mr. DENT. Let me remind the gentleman that we have forces in England, in training in England, and we may send some forces into Italy.

Mr. LITTLE. Yes; and we are going to have some in Germany pretty soon, I hope.

Mr. DENT. I hope so. This bill was drawn by the War Department.

Mr. LITTLE. That does not improve things any. I suspected that.

Of course, gentlemen, I realize that no American officer is going to enforce this particular feature that I suggest might be enforced, but that is no answer to my criticism. It is the duty of this House to draw its statutes so that they will not be open to misconstruction. We must not leave it to the officers. This House must have as good judgment as the officer is expected to

have. When you are about it, why not frame it so as to meet the situation? The bill should read, "The claims of the inhabitants of France or any other European country except the enemies of this country," or some little phrase like that. Then you will not have made yourselves ridiculous for all time.

Mr. GORDON. Mr. Speaker, will the gentleman yield there?

Mr. LITTLE. Yes.

Mr. GORDON. Would an officer or any other American citizen be guilty of giving aid and comfort to the enemy by doing the very thing you suggest, or would he not?

Mr. LITTLE. You are going to vote for a bill to do it.

Mr. GORDON. Certainly not. You could not do the thing you suggest without being guilty of treason.

Mr. LITTLE. What are we doing, then? We are simply depending upon the officer to safeguard the place you have left open. You authorize him to commit treason and rely on him not to. To think that the boy has sense enough to see that this is not done is not a good reason why we should not guard against it. When you draw your legislation, gentlemen, you should draw it so that it says what we mean and means what we say, so that such criticisms would not arise.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. ROBBINS. Does not the gentleman think that an amendment, right after the word "country," reading something like this, "with whom we are at war," would do what is desired?

Mr. LITTLE. Yes; that is what I said.

Mr. GREENE of Vermont. What would you do in the case of Turkey?

Mr. ROBBINS. Yes; and what would you do in the case of Spain?

Mr. GREENE of Vermont. We are really at war with Turkey, but technically at peace. Spain is a neutral country. If we saw the Turkish troops alongside of German troops, we would kill the Turks as well as the Germans, would we not?

Mr. LITTLE. Of course; and this applies to Bulgaria and Turkey and Switzerland and Holland.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. ROBBINS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will read the bill first, and then the amendment.

The Clerk read the bill, as follows:

A bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

Be it enacted, etc., That claims of inhabitants of France or of any other European country for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

Amendment offered by Mr. ROBBINS: Page 1, line 4, after the word "country," insert "with whom we are at war."

Mr. DENT. Well, Mr. Speaker, in order that gentlemen may write the bill to suit themselves, I hope that amendment will be adopted. Does the gentleman from Massachusetts object to it?

Mr. WALSH. Surely.

Mr. ROBBINS. Mr. Speaker, the amendment is only intended to clarify what the law seeks to accomplish. The purposes of the bill are perfectly proper. It simply means to pay damages where damages are allowed in the countries where the American Expeditionary Forces may be operating and commit those damages. But if those damages are committed in a country like Spain, a neutral country, so far as we are concerned, or in a country like Turkey, with which we are not at war, but with which we are hostile, to all intents and purposes, we ought not to pay damages in a case of that kind, should such damage occur to Turkey; not only in the countries of our allies or neutrals, but also in countries with which we are at war may damages arise which would be covered by this bill as it now is.

Now, we shall invade Germany, no doubt, and there will be damages that will be committed by the movement of troops or by the transmission of supplies, and matters of that kind. This bill ought to be clear as to the character of damages we are to pay under its provisions and the persons who are entitled to claim under its terms.

Now, to illustrate by referring to something with which I am familiar, in the National Guard of Pennsylvania every year when we were in camp we damaged private property, such as passing over cultivated fields in the maneuvers and breaking down fences in the march, more or less. Those damages are all examined into and paid by the quartermaster's department, who settles and pays them immediately after the damages occur.

I suggest that in this bill provision should be made for some officer to conduct the investigation and ascertain the facts, and then pay the damages as the evidence would show it should be paid. We ought to define in this statute the countries and citizens that are entitled to make such claims.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. REAVIS. The damages done by the National Guard are done in our own country. How is our Army to get into a neutral country?

Mr. KAHN. By violating the neutrality of that country.

Mr. ROBBINS. They could get in by a movement, either in advance or otherwise, as military strategy may require at the time.

Mr. REAVIS. Not without violating the neutrality of that country. It would be tantamount to a declaration of war if we did get in, so that there can be no damages in a neutral country.

Mr. ROBBINS. This law ought to be so clear that it should not be necessary to come to Congress to amend it in the near future when any emergency would arise.

Mr. GREENE of Vermont. If we violate the neutrality of a country we would be at war with it, and consequently this act would not apply.

Mr. ROBBINS. That would not be war. We could invade a country and commit damage and not be at war, or even cause war.

Mr. GREENE of Vermont. Germany went into Belgium and violated her neutrality. Was not that considered an act of war and resented as such?

Mr. ROBBINS. Because she did not get the right to go in. She invaded by force, which is an act of war.

Mr. GREENE of Vermont. It was the going in which constituted the act of war.

Mr. ROBBINS. But the kind of case which is considered here is one where our Army would go in without any hostile intention. Suppose we sent an army through Canada, or if our port of entry was temporarily interrupted in France and we would move through Spain. It would not be war unless we forcibly entered; yet we might cause damage, and such should be paid under this bill.

Mr. GREENE of Vermont. That is exactly what Belgium was asked to do—to let the German Army go through Belgium for the purpose of attacking France.

Mr. SLAYDEN. Mr. Speaker, while it is not likely to happen, and no such thing is contemplated, and I sincerely hope no such circumstances will arise as to compel our troops ever to seek refuge either in Spain or in Switzerland, it is conceivable that they might do so. In the Franco-Prussian war of 1870 large bodies of troops went into Switzerland to avoid capture.

Mr. ROBBINS. These troops went across the boundary not for war but safety. Such damage should be paid.

Mr. SLAYDEN. Now, they might have done damage there, and naturally the Government of France would be responsible for it and pay for it.

Mr. GREENE of Vermont. Would the gentleman suggest that this Congress is now in a mood to prepare against the possible defeat and flight of our Army?

Mr. SLAYDEN. No.

Mr. ROBBINS. No; that is not the thought at all. We are here endeavoring to prepare an act of Congress and not speculating about our Army. It will not be defeated. It will never retreat.

Mr. SLAYDEN. I distinctly stated in the beginning that it was unlikely to happen, and that it contemplated no such thing, but it is conceivable that they might go into Switzerland.

Mr. GREENE of Vermont. It is not conceivable to me.

Mr. KAHN. The words "the claims of inhabitants of France or of any other European country" would take care of Switzerland and Spain.

Mr. SLAYDEN. I am not objecting——

Mr. ROBBINS. It should be clarified by inserting the words "with which we are not at war," which is the amendment I propose, after the word "country."

Mr. WALSH. Mr. Speaker, I am opposed to the amendment of the gentleman from Pennsylvania [Mr. ROBBINS]. While we are at war with Germany and her allies, I do not think any act we pass can be susceptible of conferring any benefit upon the inhabitants of Germany. It seems to me that is the height of absurdity. We are at war with Germany, and we are at war with her allies, and any law that we have heretofore passed, or that we may pass now or in the future, can not confer any benefit upon our enemies. By every rule of interpretation and by every rule of international law the legislation that we pass can be interpreted only as conferring rights, privileges, or bene-

fits upon our own people, or upon people who are associated with us in fighting the common enemy. Of course, we can not include Germany in this act, and if anybody sought to advocate or further a claim for damages inflicted upon property in Germany or in Austria, or owned by Germans or Austrians in any other land, by the American Expeditionary Forces, it would be seeking certainly not to assist our own troops, but would be indirectly aiding the troops or the cause of Germany. We have already passed an act taking care of alien property within our own borders, or within our own jurisdiction.

Mr. LONGWORTH. Of course, this is an improbable contingency, but is it not a fact that the bill as it stands might be construed as providing that we would be liable for damages if our troops destroyed any property in Turkey or Bulgaria?

Mr. WALSH. No; I believe not.

Mr. LONGWORTH. Why not?

Mr. WALSH. Because, although we have not declared war against Turkey or Bulgaria, we are at war with Germany and with nations associated with Germany in this war; and while we have not specifically declared war against Turkey or Bulgaria, they are in such a situation, under the declaration of war, and under the contest which is now being waged, that we could not confer any benefit by legislation upon Turkey or Bulgaria.

Mr. LONGWORTH. Congress has definitely decided, as I believe wrongly, not to declare war against Turkey or Bulgaria at present, and therefore under this law we would be liable in damages for any injuries committed by our troops against the property of those countries.

Mr. WALSH. Congress has decided not to declare war specifically against Turkey or Bulgaria, but the military authorities are not precluded thereby from blowing up Turkish property or destroying a Turkish force if they get in our way; and if the military authorities do that it is war, and this law would not give Turkey or any of its inhabitants any right to claim damages.

Mr. LONGWORTH. Who decides that it is an act of war? Under this bill we are liable in damages.

Mr. WALSH. Mr. Speaker, I do not think it requires any legislation to lay down the principle that no country which is opposing the forces of the United States in this present emergency needs to be explicitly exempted or taken out of legislation which is passed to confer rights and privileges upon other people.

Mr. MILLER of Minnesota. Will the gentleman yield for a question?

Mr. WALSH. Yes; I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Assuming that the American troops in an offensive movement cross over and move upon German territory and destroy civilian property in the course of the operation. Does the gentleman mean to say that Congress could not, if it desired, pass a law that would give compensation to private citizens of Germany for the loss of such property?

Mr. WALSH. I suppose Congress could go through the form of putting such legislation on the statute books, but I have grave doubts as to whether any such legislation as that could properly be enforced.

Mr. MILLER of Minnesota. Why could it not be enforced?

Mr. WALSH. And also I have serious doubts as to whether or not that legislation would be consistent with the action of this country in prosecuting the struggle under its declaration of war.

Mr. MILLER of Minnesota. The gentleman and I are not at all far apart on that particular point, but I am directing this to the gentleman's opinion as a lawyer. Has Congress the power, and is it competent to pass a law that would be binding upon the people of the United States, to compensate civilians in Germany for private property necessarily destroyed in the course of the military operations performed by our troops on the soil of Germany?

Mr. WALSH. Does the gentleman mean during this war?

Mr. MILLER of Minnesota. During this or any other war.

Mr. WALSH. I do not think Congress can do so, in view of its declaration of war.

Mr. SLAYDEN. It would not, anyway.

Mr. CRAGO. Let me call the gentleman's attention to the fact that this is not a bill making any new claims against the Government. It is only a bill providing how bills can be paid at once, in order that they may not accumulate and come in as omnibus claims in the future.

Mr. WALSH. Yes; and to put our troops upon the same footing as French troops and the other troops of our allies.

Mr. DEWALT. Mr. Speaker, I desire to offer an amendment.

Mr. DENT. I move the previous question on the bill and all amendments to the final passage.

Mr. MILLER of Minnesota. Will the gentleman withhold that motion?

Mr. ROBBINS. The bill has not been read yet.

Mr. MILLER of Minnesota. Mr. Speaker, I have an amendment that I want to offer.

Mr. LONGWORTH. Is not the bill being read under the five-minute rule?

The SPEAKER pro tempore. The bill is being read for amendment.

Mr. ROBBINS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBBINS. Is it not the proper thing to dispose of my amendment?

The SPEAKER pro tempore Yes; after the previous question is ordered.

Mr. MILLER of Minnesota. I make the point of order that the motion of the gentleman from Alabama is not in order, because we are reading the bill under the five-minute rule and the bill has not been completed.

Mr. SAUNDERS of Virginia. Mr. Speaker, the motion of the gentleman from Alabama is in order. When the bill is under consideration under the five-minute rule that is not the first reading. He can move the previous question and cut off any further reading or debate of the bill under the five-minute rule.

The SPEAKER pro tempore. The gentleman from Virginia has stated the rule correctly. The question is on ordering the previous question on the bill and amendments to final passage.

Mr. MILLER of Minnesota. Is that motion to the entire bill?

The SPEAKER pro tempore. The entire bill.

Mr. MILLER of Minnesota. But the entire bill has not been read.

The SPEAKER pro tempore. The point of order is overruled, and the question is on the motion of the gentleman from Alabama for the previous question.

The question was taken, and the motion for the previous question was rejected.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all debate on this bill and amendments thereto be closed in 10 minutes, the gentleman from Minnesota [Mr. MILLER] to have 5 minutes and the gentleman from Pennsylvania [Mr. DEWALT] 5 minutes.

Mr. REAVIS. Reserving the right to object, I would like five minutes.

Mr. DENT. I will make it 15 minutes.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that all debate on this bill shall close in 15 minutes. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question was taken, and the amendment was rejected.

Mr. DEWALT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "country," insert "not an enemy or ally of an enemy."

Mr. DEWALT. Mr. Speaker and gentlemen of the House, I have listened with careful attention to the arguments that have been made here in regard to the proposed amendment by the gentleman from Pennsylvania, and I am clearly of the opinion as a lawyer that there is considerable force in the suggestion that the bill should be amended in order to clarify it. While it may be true as a matter of law, both in our country and as international law, that you can not enforce a claim against the United States for any damage done in a belligerent nation, to wit, a belligerent nation against the United States, nevertheless this bill proclaims to the inhabitants of France or any other European country that damage caused by American military forces may be personally adjudicated by those officers. Now, the phraseology of the bill is very wide, to wit, "the inhabitants of France or any other European country," which of itself would include Turkey and include every other nation which is now a belligerent nation, although not at war with us actually, but an ally of Germany. Turkey is an ally of Germany; Roumania is now an ally of Germany; Russia, if you please, by reason of the revolution, is also ipso facto an ally of Germany; and, for the life of me, I can not see the justice of this proposition, if these European nations, although we are not actually at war with them, if they suffer damage by the passage of our troops over their territory we should be obliged to pay for it. Therefore I propose to insert the words "not an enemy or an ally of an enemy," and I think that is a substantial amendment.

Mr. WALSH. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. WALSH. The gentleman concludes that it is necessary to instruct the military officers to be careful and not approve claims of people who are fighting us?

Mr. DEWALT. I would reply to the gentleman in this way, that I believe no man is harmed much by careful instructions unless he is a man who thinks he knows it all.

Mr. DEMPSEY. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. DEMPSEY. I think the gentleman's amendment is a proper one. At present we are simply concerned with France, and would it not be sufficient and serve all purposes if we struck out the word "any other European country"?

Mr. DEWALT. I think not; I think the phraseology in my amendment meets the question concisely, that we shall not pay any damages to an enemy country or the ally of an enemy country, and that clears up the whole situation, in my judgment.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. GREEN of Iowa. I want to commend the amendment of the gentleman from Pennsylvania. I had prepared an amendment, but I think the gentleman's is better than mine. His covers the allies of the enemy, so the objection that we have not declared war against some countries will not lie against his amendment. While I think the amendment is not necessary, still I believe that acts of Congress ought to be clear and explicit, and the gentleman's amendment makes it so.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to have the attention of the gentleman from Alabama, and as he is not at this moment present I will address myself to the other members of the Military Affairs Committee. The objection which has been discussed of late is whether or not the terms of this act are broad enough to confer benefits upon citizens of a nation with whom we are at war. That is but one of the features that I think open to criticism, as far as the language in the first paragraph is concerned.

In addition to that this language is so comprehensive that it covers all classes of claims that may be comprehended between paragraph 1 and paragraph 2. Now I notice some gentlemen on the Military Affairs Committee are constantly asserting that the design of this is to do so and so. That suggestion is not troubling any of us. We are all agreed that it is properly the design, but the question is, Does it not only do that, but do a lot more? Seriously, I think it does; and too much more to make it safe and sane legislation. I want to suggest to the chairman of the committee [Mr. DENT] and to the other members of the committee that instead of the language in paragraph 1 we use language like this, and I am not captious about it; I am not going to argue it for an hour or a minute, but I am merely going to suggest it and leave it, but I do think it improves the bill very materially. Instead of the language in the bill, insert the following:

"That such classes of claims as may be prescribed by the Secretary of War of inhabitants of France or of any other European country for damages caused by American military forces may, under such rules and regulations as the Secretary of War may prescribe, be presented to and adjudicated by any officer designated by the President, and when approved by such officer may be paid in such manner as the Secretary of War may direct."

That obviates two or three defects in the bill. In the first place, it enables the Secretary to confine the operation of the bill to that class of cases which have been enumerated, and, in the second place, it enables the officer to adjudicate the claims. The language of the bill does not permit adjudication. The language of the bill says that when the claim is presented, if it is a valid claim, it shall be paid.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. GORDON. Does the gentleman claim that there is anything in this bill that precludes the Secretary of War from prescribing regulations as to the manner in which these claims shall be allowed and paid?

Mr. MILLER of Minnesota. Most certainly.

Mr. GORDON. The gentleman is entirely mistaken about that.

Mr. MILLER of Minnesota. I am not. If the gentleman can understand the English language and will read the first paragraph, he will come to a different conclusion.

Mr. GORDON. The method of adjudication is not prescribed in the bill. The regulations are authorized and prescribed there.

Mr. MILLER of Minnesota. The gentleman has not read the bill.

Mr. GORDON. Oh, yes; I have.

Mr. MILLER of Minnesota. As usual, he is talking without having knowledge of the facts before him. We thrashed that out an hour ago, and it was clearly demonstrated that the rules and regulations that the Secretary may prescribe were confined to the payment and not to the presentation.

Mr. GORDON. Does not the method of payment include the presentation and adjudication?

Mr. MILLER of Minnesota. It never has yet.

The SPEAKER pro tempore (Mr. FOSTER). The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. DEWALT].

The amendment was agreed to.

Mr. REAVIS. Mr. Speaker, I move to strike out the last word. I have in my hands a circular that is being very generally circulated throughout the Middle West. I think this is about the tenth that has been sent to me from my district. It is a matter so appalling in its consequences that I think public attention should be called to it. It is apparent to all of us that a crisis has been reached in the world's affairs. I grow somewhat apprehensive at times as to whether or not the forces of the allied powers without the aid of America will be able to defeat the German Military Establishment. It seems to me that victory for the allies is largely dependent upon the contributions made by this Nation both in the way of supplies and in the way of soldiers. With civilization utterly dependent upon us any discouragement is almost treasonable. This circular is gotten out by one who signs herself Jessica Henderson, recording secretary of the National Antivivisection Federation (Inc.). It is being circulated, as I understand it, in the homes of the Middle West. It is causing the gravest dread and anxiety among the parents of the Nation, and I think is a matter to which the attention of the country should be directed, and especially the attention of the Department of Justice.

I am not conscious that I have uttered a partisan word in this body in the last year or that I have cast a partisan vote. There was a time last fall when I addressed myself briefly to the situation at Camp Funston, but my statement was to call attention to an existing evil and to suggest a remedy. I am glad to say that the conditions that then existed have been removed. But here is a circular going out into the homes of the Middle West, and I shall not take the time to read it now, to the effect that thousands and thousands of our soldiers are being killed by the treatment they receive in the cantonments. It contains such sentences as the following:

> The thousands of deaths deliberately inflicted upon our soldiers and sailors has passed the scandal line. It has become a tragedy.

Mark that phrase—

> The thousands of deaths deliberately inflicted.

Of course, no one could inflict these deaths but the Nation. It contains the most extravagant and absolutely untruthful statements that it is possible to put on paper. I have personally investigated some of the camps adjacent to Washington and some of the camps far removed from Washington. I know that never a time since the morning stars first sang together has any soldier been guarded as tenderly and as carefully as the American soldier is to-day. [Applause.] This cruel and false statement is going into the homes of the Nation and creating anxiety almost indescribable. The mothers and fathers of Nebraska——

Mr. COX. Is it going through the mail?

Mr. REAVIS. I do not know how it is going. This one was sent to me through the mail by one of the most patriotic and responsible men in my State.

Mr. LONGWORTH. Is this one of these antivaccination circulars?

Mr. REAVIS. Yes; that is what it is reputed to be—that by reason of innoculation the Government is deliberately killing thousands of soldiers in the cantonments. The circular contains such statements as this:

> According to the recent statement of a lieutenant from Massachusetts his regiment received six innoculations in one day, and the men fell like dead men on the floor as they were trying to get to their beds. Not a few of them but many became dead men. On one train coming east from Kansas a man reported eight dead soldiers. These were husky Kansas farmers—before innoculation.

It is filled with extravagant statements of that kind and is exciting great apprehension on the part of the fathers and mothers who have sons in these camps. Nothing could be further from the truth. I was reading just yesterday of the treatment given our boys over in France, of their recreation camps located in the most beautiful section of that most beautiful country; far removed from the excitements and temptations of great cities; under the charge directly of the Young Men's Christian Association, so that no painted women, no whited sepulchers, are permitted within miles of the place.

The finest sort of recreation and intellectual entertainment is given to the boys. American women of the best type are their associates. I have seen them in Washington, and Washington is merely typical of the other cities where the civil population is giving all of its time and attention in order that proper and moral recreation and entertainments shall be given to the boys. I think the attention of the Department of Justice ought to be drawn to such circulars as these. It is absolutely unpatriotic. If the lady who signed this is not in the employ of those who are responsible for the German propaganda and the spy system that has been rife in this country she ought to be, because she is doing more to discourage those who remain at home by such stuff as this than anything that has been called to my attention. Personally, I intend to see that this document gets into the hands of the department, to give it an opportunity to investigate this so-called association and stop it, as it ought to be stopped, at once. I am very glad indeed, inasmuch as I occupied this floor last fall for a moment in calling attention to the conditions that then existed at Camp Funston, to say that that condition has been removed. I do not know of a single cantonment in the United States to-day where the boys are not given the most careful, the most tender, the most solicitous care, and statements of this kind, untrue as they are, at this particular time, when we are calling for an additional draft, are absolutely unpatriotic and almost treasonable in their effect.

Mr. GREENE of Vermont. Will the gentleman permit?

Mr. REAVIS. Gladly.

Mr. GREENE of Vermont. As I understand it, this woman refers to thousands of deaths taking place in our cantonments.

Mr. REAVIS. Let me read the exact statement.

The thousands of deaths deliberately inflicted upon our soldiers and sailors has passed the scandal line—it has become a tragedy.

Mr. GREENE of Vermont. And the facts are that the total mortality of the camps from all causes does not reach into the thousands.

Mr. REAVIS. Of course they do not, but what sort of effect can statements of this kind have going to homes where the facts are not known. [Applause.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid upon the table.

AMENDING ACT FOR THE NATIONAL DEFENSE.

Mr. DENT. Mr. Speaker, I call up the bill S. 2917.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

Be it enacted, etc., That section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains.—The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, 1 for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers."

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Speaker, the gentleman from Pennsylvania, [Mr. CRAGO], a member of the committee, desires to be recognized on the bill.

Mr. CRAGO. Mr. Speaker, in explanation briefly of the purposes of the bill I want to submit a few observations on the position of Army chaplain. The origin of the office of capellanus, or chaplain, is traced to the appointment of persons to watch sacred objects. In times of war in older days many of the sacred emblems belonging to the country were carried by the army into the field and were guarded by the chaplain. The functions of that office have been extended until they now include in practically all of the armies of the civilized world the moral and spiritual care of the men who compose the army. Because of the fact that many persons seemingly are not aware of the vast field of endeavor which opens itself to the Army chaplain, and because we are now asking to increase the number of chaplains, I thought it might be proper to say a few words regarding the great work that these men are doing and the necessity for an increase in their number. I agree thoroughly with the gentleman from Nebraska [Mr. REAVIS] in his statement that never in the history of the world have soldiers been so carefully guarded in their living conditions as the men who compose our present Army. Heretofore we have had one chaplain for approximately every 1,000 men in the Army. Now, under our increase we have but one chaplain for approximately each 3,000 men in the Army. It is not necessary to make an increase in exact accordance with the increase of the Army, but it should be an approximate increase. My limited military experience has always been in an infantry regiment, but I think practically the same condition obtains and will be found in all organizations of the Army. Other than the adjutant of the regiment I know of no officer whose duties are more important or more varied in their character than the duties and the opportunities of a real busy Army chaplain. Contrary to the general opinion he is not in any respect a superfluous officer, carried on the roll for mere formality, but his work is far-reaching and can be productive of very, very much good in maintaining the morale of the Army. If by chance some one has accepted a commission as chaplain with the mistaken idea that he has secured a soft berth, if he is a real man and finds himself in that position, in touch with young men who have left home and loved ones to battle for their country, he will soon awaken to a realization of the fact that the possibilities of his work are almost without limit, and if the right man is filling that place he can gain the confidence of the men in matters which they will not reveal to other officers. The chaplain has it in his power to be a great help to the Army, and the knowledge that these men are in touch with the boys who have been parted from home ties and restraints is very comforting to the parents of our soldiers and helps console them in their separation. I believe we should have a major chaplain for each regiment and an assistant for each battalion, as our regiments are divided into three battalions.

These battalions now consist of about the same number of men as in former years composed a regiment. In many instances I have found young men in the Army camps and in the cantonments who are preparing themselves for the ministry or for Young Men's Christian Association work, serving in the ranks as privates or as noncommissioned officers, and who are rendering valuable help to the chaplains. They gain the confidence of the men, cheer them in their work, help them over the rough places, and I would suggest that many of these men from the ranks who have done this proficient work should be the men who would be commissioned in these new positions as Army chaplains. They would supplement the work of the present chaplains to a nicety.

Referring again to the derivation of the word "chaplain," may we not say that we as a Nation are sending into battle our most precious possessions, and that we should throw every safeguard around the morals of these brave men who go out to fight our battles? We have done well so far in providing for these things. They have been given entertainment; the Young Men's Christian Association has done wonderful work, but sooner or later these soldiers now in camps will go to the front, and when they meet the shock of battle, when the test of wounds and disease comes, these chaplains will be with them and will be the ones who will minister to these men in a mental way, just as our doctors aid them in a physical way; and it will be a great consolation to know that when a young man falls on the field of battle, gives up his life, or makes the supreme sacrifice, as he breathes his last in the hospital, that there at his side will be the loyal chaplain of the regiment ready to convey his last words to the folks at home. I think we are only doing our duty when we increase this corps of men who are doing such wonderful work. [Applause.]

Mr. ANTHONY. Mr. Speaker, is the bill ready for amendment now?

The SPEAKER pro tempore. It is ready to be read.

Mr. ANTHONY. I would like to offer an amendment to the bill.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

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support of the Army for the fiscal year ending June 30, 1918, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, one for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers."

Mr. ANTHONY. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ANTHONY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Insert after the word "Engineers," in line 13, page 2, the following:

"*And provided further*, That the persons appointed under this act shall be duly accredited by some religious denomination or organization and of good standing therein."

Mr. ANTHONY. Mr. Speaker, the purpose of the amendment is to broaden the law now on the statute books permitting the appointment of chaplains in the Army. The language of the present law, as I remember it, confines the appointment of the chaplains to members of certain recognized religious denominations, and to men having certain qualifications in regard to being regularly ordained ministers. The purpose of the amendment is to make possible the appointment of chaplains from such beliefs as do not ordain their ministers, for instance, members of the Christian Science organization. A number of very worthy men are ready to undertake service in the Army as chaplains belonging to worthy organizations such as this, and would be made eligible to appointment if this amendment was adopted. It simply puts the matter up to the appointing power as to the men it shall recognize. There is no question but what certain members of the Christian Science faith are well qualified to be chaplains in the Army, and would do as great good and as efficient work as members of other sects and denominations. And I offer the amendment in the hope that the House will broaden the scope of the present law.

Mr. GORDON. Would your amendment be broad enough to include Mohammedans?

Mr. ANTHONY. If the President would find a good one he could certainly exercise his discretion even to do that.

Mr. GORDON. Or a Buddhist or all other heathen denominations?

Mr. ANTHONY. In this country we are very liberal in the construction of religious matters, and, for instance, if we recruited a regiment of Filipino Moros a Mohammedan chaplain might be thought of.

Mr. LOBECK. Would it also include men accredited to the Salvation Army, or would the old law do that?

Mr. ANTHONY. I will ask the chairman of the committee in regard to that.

Mr. DENT. The requirements are, as I recall, to the effect that they must be regularly ordained ministers of some well-recognized religious denomination.

Mr. ANTHONY. The duties of the present-day chaplain go beyond the preaching of sermons by regularly ordained ministers. We want men who, beside their religion, have big hearts in their breasts to help the men solve the human problems that come to them.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KAHN. I think it is advisable to inform the House how chaplains have been appointed heretofore. The Catholic Church has a representative here in this city who speaks for the church in the appointment of Catholic chaplains. He is Father O'Hern, of the Catholic University. The Protestant denominations have a representative here in Washington, and he makes all suggestions regarding the appointment of Protestant chaplains in the Army. The department had invariably consulted these two men about the appointment of chaplains before we got into the war. Since then, of course——

Mr. DYER. Will the gentleman yield?

Mr. KAHN. I just want to make this explanation. I simply want to inform the committee what the practice was before we got into the war. But now, of course, the Army has expanded enormously. There are enough soldiers of other religious denominations in the various branches of the service to warrant the appointment of some chaplains other than Protestants or Catholics. I believe one or two Jewish chaplains have already been appointed, and it is very desirable to allow, as my colleague on the committee [Mr. ANTHONY] stated, a number of Christian Scientists to be appointed. There is no doubting the fact that that denomination has grown enormously in this country in recent years. Their readers are men who can offer religious consolation just as well as the chaplain of any other denomination. But as my colleague from Kansas explained, the duty of a chaplain in a modern Army is not alone the offering of religious consolation. The boys in the field go to the chaplain and confide in him their personal difficulties, very probably troubles at home. The chaplains also take part with the soldiers in the games that the soldiers play. They umpire baseball games and referee football matches, and things of that kind.

Mr. DYER. Will the gentleman yield?

Mr. KAHN. Yes.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that my colleague may have five minutes more in which to answer that question.

The SPEAKER pro tempore. The gentleman from California is speaking in the time of the gentleman from Kansas [Mr. ANTHONY]. The gentleman from California is recognized.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I may be misinformed, but I had understood that the various Protestant churches had, instead of one person, a board which was composed of representatives of the different churches.

Mr. KAHN. I believe that is true, but that board in turn delegate their authority to the one man. The board passes upon the qualifications of the man, but the one minister of the Protestant faith finally presents the matter to the War Department. That is my understanding.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. DYER. Will the gentleman state what organizations or denominations, or whatever they may be described, would be eligible for appointment as chaplains, as representatives, provided the amendment of the gentleman from Kansas is agreed to?

Mr. KAHN. Well, I want to say that under the law existing before we got into this war the War Department apportioned the chaplains according to the strength of the religious denominations in this country.

Mr. GORDON. In the Army?

Mr. KAHN. No; not in the Army, but in the country at large; so many per thousand population in the country. I presume that in working out the number that ought to be apportioned under this law they would probably follow that practice. It is almost impossible, in fact it is inadvisable, to ask any man in the Army of the United States what religion he professes or to what denomination he belongs. We are entirely free from that in this country. As best they were able to gauge the proportions of the various denominations in this country they divided the chaplaincies heretofore.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. McKENZIE. I would like to ask my colleague a question in reference to the amendment offered by the gentleman from Kansas [Mr. ANTHONY]. In case his amendment is adopted, can a Christian Scientist make his application, for instance, to be chaplain in the Army? His application will have to be examined and all the facts looked into and the recommendation made by this board, or any other board, that is here in Washington supervising the recommending of chaplains? Is that true?

Mr. KAHN. I think that is true.

Mr. McKENZIE. Then, if that is true, there would be no chance for a man who did not come up to the standard of morality or efficiency being appointed?

Mr. KAHN. I think that is absolutely true. The character and qualifications of the chaplains that are being appointed in the Army are thoroughly investigated before the recommendations are made.

Mr. DYER. The gentleman recognizes, of course, that this will be a substantial change in the existing law if we should agree to that amendment; because, as I understand it, ordained ministers are not in the Christian Science Church?

Mr. KAHN. The gentleman is quite right; and that is true, also, as I understand it, in one or two other sects of the Christian church. They have no ordained ministers.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LONGWORTH. There are certain sects, I understand, whose members not only refuse to fight but refuse to do any work connected with the war. Would it be possible to appoint any of those under this provision?

Mr. KAHN. I do not think so. I want to say to my friend from Ohio that the gentleman from Pennsylvania [Mr. BUTLER] spoke of the fact a little earlier in the proceedings that in his home city 180 boys are receiving military training under a compulsory law passed by the local governing board of that city. My friend from Pennsylvania, as the gentleman is aware, is a Quaker, and the principles of the Quaker Church are against war. But the communicants of that church, the members of that faith, have adopted a special decree permitting Quakers in this country to join the armies in this war and fight for the country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DYER. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Missouri moves to strike out the last word.

Mr. DYER. Mr. Speaker, I want to call the attention of the House to the importance of this legislation and to the fact that it ought to have been enacted some time ago. I ask the Clerk to read a cablegram from Gen. Pershing in reference to this bill.

The Clerk read as follows:

[Cablegram received at the War Department from H. A. E. F.]

To THE ADJUTANT GENERAL,
Washington, for the Secretary of War:

1. In the fulfillment of its duty to the Nation much is expected of our Army, and nothing should be left undone that will help in keeping it in the highest state of efficiency. I believe the personnel of the Army has never been equaled, and the conduct has been excellent; but to overcome entirely the conditions found here requires fortitude born of great courage and lofty spiritual ideas. Counting myself responsible for the welfare of our men in every respect, it is my desire to surround them with the best influence possible. In the fulfillment of this solemn trust it seems wise to request the aid of churchmen from home.

2. To this end it is recommended that the number of chaplains in the Army be increased for the war to an average of three per regiment, with assimilated rank of major and captain in due proportion, and that a number be assigned in order to be available for such detached duty as may be required. Men selected should be of the highest character, with reputations well established as sensible, practical, active ministers or workers accustomed to dealing with young men. They should be in vigorous health, as their services will be needed under most trying circumstances. Appointees should, of course, be subject to discharges for inefficiency, like other officers of the National Army.

3. It is my purpose to give the Chaplain Corps through these forces a definite and responsible status and to outline, direct, and enlarge their work into cooperative and useful aid to the troops.

(Signed) PERSHING.

Mr. DYER. Mr. Speaker, may I ask the chairman of the committee a question?

Mr. DENT. Yes.

Mr. DYER. As I understand the bill, it provides only for the rank that has existed heretofore; captain is the highest.

Mr. DENT. Yes.

Mr. DYER. Does the present law provide for majors?

Mr. DENT. Yes. This does not change the law in any respect, except to increase the number.

Mr. DYER. It increases the number?

Mr. DENT. Yes.

Mr. KAHN. They can not be made majors until they have had a certain number of years' experience in the Army.

Mr. DYER. Yes.

Mr. DENT. I will state to the gentleman that the national-defense act provided for one chaplain for each regiment. At the time the national-defense act became a law a regiment, in peace times, was composed of about 1,200 men. Under the new organization a regiment now is composed of something like 3,600 men, and they are asking the same proportion of chaplains that were provided for under the national-defense act.

Mr. DYER. Mr. Speaker, closely related to this bill, and of great importance to the successful carrying on of the present war, is the bill H. R. 9563, which will authorize promotions to higher grades in the Medical Corps and the Medical Reserve Corps. This legislation is urgently desired by the Surgeon General of the Army and leaders in the profession throughout the entire country. On March 9 I presented a statement as to the effect the bill would have if enacted into law, and also gave comparisons between the Medical Department of the Army of the United States and that of England, France, and Italy. The only objection to this legislation comes from the General Staff. Why the General Staff has set its judgment against that of Surg. Gen. Gorgas, of the Army; Surg. Gen. Braisted, of the Navy; and the greatest surgeons and physicians in and out of the Army and Navy is more than I am able to understand. I do not think that the Committees on Military Affairs of the Senate and the House, or the Members of Congress generally, should act upon the advice of the General Staff in preference to Gen. Gorgas and the men who are directly connected with the work of caring for the wounded and sick of our Army.

The President recently wrote a letter indorsing this legislation. His letter was addressed to Dr. Franklin Martin, member of the advisory commission of the Council of National Defense, and is as follows:

MY DEAR DR. MARTIN: I read very carefully your memorandum of February 27 about the rank accorded members of the Medical Corps of the Army, and have taken pleasure in writing letters to the chairmen of the Military Committees of the House and Senate, expressing the hope that the bill and resolution may be passed.

Cordially and sincerely, yours,

WOODROW WILSON.

The Assistant Secretary of War recently took a position against this legislation in a telegram to Dr. Harvey G. Mudd, of St. Louis, Mo. This telegram was no doubt sent after consultation with the General Staff. The telegram is as follows:

Your telegram with reference to Owen-Dyer bill received. Your statement that the provisions of the bill are absolutely essential for the conservation of the health and life of our soldiers is entirely erroneous. The bill does not increase either the number of officers or men in the Medical Department, but it does make three and one-half times as many major generals in the Medical Corps as there are in the entire Regular Army—a force much larger. It also authorizes a larger number of brigadier generals than there are in the entire Regular Army. The provisions of the bill are indefinable and the War Department is absolutely opposed to its passage.

BENEDICT CROWELL,
Acting Secretary of War.

I called the attention of Dr. Franklin Martin to the telegram and received from him the following letter:

ADVISORY COMMISSION, COUNCIL OF NATIONAL DEFENSE,
March 27, 1918.

From Dr. Franklin Martin, member of advisory commission.
To Hon. L. C. DYER, House Office Building, Washington, D. C.
Subject: Owen-Dyer bill.

1. In reply to your letter of March 26, in which you inclosed a letter from Benedict Crowell, Acting Secretary of War, to Harvey G. Mudd, of St. Louis, it is apparent that Mr. Crowell failed to take into consideration one of two important things when he wrote that letter. He says the provisions of the Owen-Dyer bill are indefinable, and the War Department is absolutely opposed to its passage. The Owen-Dyer bill, in my opinion, is not only definable but extremely definite, inasmuch as it provides percentage of officers based on the number of men in active service. The percentage thus provided for higher officers is not as great as that provided for the French, English, Italian, German, and Japanese Armies for their medical departments.

2. He states that your bill provides for three and one-half times as many major generals in the Medical Corps as there are in the entire Regular Army. It also authorizes a larger number of brigadier generals than there are in the entire Regular Army. This statement is liable to be misinterpreted, as it refers to the Regular Army and not to the contemplated National Army that we are preparing with which to fight the war. The old Regular Army, as you know, was not more than 65,000 men. It was afterwards authorized, I believe, to 295,000 men.

3. In referring to the officers in the Regular Army, he speaks of the number of officers of that force, and not the officers that would be required for our large Army. To illustrate: When we have an Army in the field of 2,000,000 men, according to the provisions of your bill, the Medical Department would have 70 general officers divided equally among major generals and brigadier generals. The Army as a whole would have 333 general officers. In addition, we must always remember that the Medical Department, by the provisions of your bill, will not provide for general officers only to the extent that medical men are required for actual service, and therefore will depend entirely upon the size of the Army in the field. In other words, we must not forget that we are providing the reserve corps not only for the Regular Army but for the National Army.

4. Gen. Gorgas, Dr. Mayo, Senator OWEN, and the rest of us are standing definitely behind the Owen-Dyer bill. We insist upon the bill retaining the present names, because we have advertised the bill to the civilians of the country. We also insist upon the percentage basis for officers because we want officers proportioned to the number of men we have in service. With those two provisions we, of course, would be willing to accept minor amendments.

5. Inasmuch as the President has expressed to the chairmen of the two military committees his approval of this bill, get prompt action from those committees and get in on the floor of the House and Senate as soon as possible, because there we can expect large support.

FRANKLIN MARTIN,
Member of the Advisory Commission.

The above shows very plainly that the General Staff and the Assistant Secretary of War had not given careful consideration to what the legislation would accomplish.

As stated above, there is a universal demand for legislation to bring about what the bill I have introduced would accomplish. I call attention also to three comments from the press, as follows:

[From the Journal of the American Medical Association, Chicago, Ill., Mar. 30, 1918.]

LEGISLATION FOR INCREASED RANK FOR MEDICAL OFFICERS.

On several occasions the Journal has emphasized the importance of legislation for increased rank and authority for officers of the Medical Reserve Corps. Specifically it has urged enactment of the recently introduced Owen-Dyer bill. It has been suggested that modification of this bill would be necessary to secure its passage, but that such modification need not be serious. In any event, some such legislation is not only desirable but also vitally necessary if common justice is to be rendered to the Medical Reserve Corps and if the best results are to be achieved by the Medical Department. Apparently the only active opposition thus far has come from the General Staff and the Secretary of War. If the newspapers of the country mirror public opinion, certainly the public is in favor of this legislation.

As the Brooklyn Eagle says: "The logic of this proposition appeals to every mother whose son is in a home camp or in the country's service abroad. It is inexorable logic. All that the Owen bill, now pending, does is to give Army surgeons the ranks corresponding to those the Navy grants. It is not a radical, not a revolutionary measure,

but it will put an end to conditions greatly injurious to the health protection of American soldiers." The Buffalo News thinks that "inasmuch as the measure is calculated to facilitate the work of the Army Medical Corps and benefit the troops by precluding dangerous delays in medical relief, etc., its passage will be welcomed and approved of by everyone"; and the New York Globe states that "the request of the officers of the Medical Reserve Corps to be placed on the same footing as the Regular Army medical officers seems to be a perfectly reasonable one. * * * The call of the Army to the medical profession has been enthusiastically responded to. * * * Remediable legislation ought to be enacted without delay, and the doctors of the country should help the volunteering members of their profession to win the recognition to which they are entitled by urging their Representatives and Senators to support the Owen-Dyer bill." The Chicago Herald presents the case for both sides, and states that "lives can be saved and the strength of the Army kept up, medical men think, more easily if greater power commensurate with responsibility were in the hands of the doctors and sanitarians. A decision should be reached without prejudice, and unless it can be lucidly shown that higher ranks for medical officers can have definite disadvantages, Gen. Gorgas's bills should be enacted." The Boston Herald notes that the cream of the medical profession of the United States is now included in the Medical Reserve Corps. "They labor under a serious handicap by reason of their inferior rank. * * * Titles ought to correspond to responsibilities. * * * When we realize that in all our wars disease has been responsible for more than 70 per cent of the mortality, we can get some realization of the importance of the service which we call on the Medical Reserve Corps of the Army to render." The Philadelphia Record doubts whether Secretary of War Baker is "seriously against" the legislation. "From an unprejudiced point of view," it says, "there would seem to be no good reason why physicians and surgeons who are rendering invaluable service in saving lives and protecting the health of the soldiers should not be raised to a rank commensurate with the importance of their work, especially if that is the case in other armies than our own. The opposition to this apparently simple act of justice betrays the same spirit which fought against the idea that enlisted men in the Army and Navy should be given every opportunity to rise to the highest honors."

In fact, the press is practically unanimous in favoring this legislation. With this encouragement the physicians of the country should redouble their efforts to let Congress know that the medical profession wishes an early and favorable consideration of legislation for fair treatment of their confrères in military service.

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[From the Outlook, New York, Apr. 3, 1918.]

RAISE THE RANK OF MEDICAL OFFICERS.

As Representative DYER asserted the other day, of late years Congress has not been giving the necessary consideration to the Surgeon General's office. Mr. DYER was speaking concerning the bill in the House of Representatives which he had introduced, the same bill having been introduced by Senator OWEN, of Oklahoma, in the Senate, to raise the rank of officers of the Medical Reserve Corps. According to the present law, ranks for officers in the Medical Reserve Corps are lieutenant, captain, and major. The pending legislation provides for ranks in addition of lieutenant colonel, colonel, brigadier general, and major general.

Such a law should be passed. It would give to our medical men working abroad not only a parity of rank with other medical men working there, but it would give them a position of much-needed authority. Recommendation given by a medical officer to a line officer of superior rank has not hitherto carried the necessary weight, and this experience is responsible for the demand for advanced rank. As Surg. Gen. Gorgas recently said, as quoted by the New York Times:

"Line officers have had no hesitation in ignoring the sanitary recommendations of medical officers of lower rank. The men of the Medical Corps should get higher rank—rank commensurate with the importance of the positions they hold. Some of them are administering great hospitals, yet they hold subordinate rank."

The same paper quotes the following from Dr. Simon Baruch:

"Dr. C., a professor of gynecology (therefore expert in abdominal surgery) in one of our great medical schools, has been one of the original founders of the Medical Reserve Corps, rivaling in prevision of present medical actualities the wonderful prevision of Leonard Wood of present military actualities. He served in the humble capacity of lieutenant in the Medical Reserve Corps for many years, was actively on duty in the camp of reunited veterans at Gettysburg in 1913, has worked with might and main to make the Medical Reserve Corps a veritable military force, served in its enlargement required by the expansion of our military force, and is now in active service in Europe with the rank of major. He has recently been superseded in authority by a former student of his, who, having entered the Regular Army, has now attained a rank superior to Dr. C."

The number in the regular Medical Corps now on active duty is 775, and volunteer physicians in the Medical Officers' Reserve Corps to the number of 12,855 are also on active duty. The well-known surgeon, Dr. William J. Mayo, speaking of the great sacrifices financially and professionally which members of the Medical Reserve Corps have made, says that the only condition the men ask is that during the time they are in service they shall have working conditions which justify the sacrifices. With or without the increased rank, as Dr. Mayo adds, the medical profession will bear its burdens. But it looks to Congress to uphold the dignity of the medical profession.

We do also.

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[From the Weekly Bulletin of the St. Louis Medical Society, Mar. 21, 1918.]

OWEN-DYER BILL.

Mr. L. C. DYER, in advocating the passage of the Owen-Dyer bill before the House of Representatives, emphasized the fact that physicians of the highest standing in the profession are now in the military service with only the rank of major, thereby losing the benefit of their experience and knowledge by the lack of power to enforce their recommendations. As stated by him, the bill has received the unqualified indorsement of Dr. Franklin Martin, member of the Advisory Commission of the Council of National Defense; Dr. William J. Mayo, and other members of equally high standing in the profession. He also quoted from the report of Lord Esher, of Great Britain, who was chairman of the committee which reorganized the English War Office in 1904 and then opposed what the medical profession deemed adequate authority and rank. But 13 years later, on February 3, 1917, he wrote as follows: "How much of the suffering undergone by our soldiers since the war began has been due to the shortsightedness of my committee, and notably tant general's branch over the royal army medical corps was and is responsible not only for the early failure to grip the medical factors of the war, but they hampered conditions under which the surgeon general has worked. His triumphs and those of the royal army medical corps have been achieved in spite of obstacles that the subordination of science to ignorance and of elasticity to military discipline explains, but can of myself, will never be known. Certainly, the control of the adjunot justify."

Congressman DYER also related the experience of the medical officers during the Spanish-American War, especially at Chickamauga, where a line officer refused to consider the recommendations of the chief medical officer and brought on the awful catastrophe which is still fresh in the minds of the medical men of the country. Mr. DYER further stated that the recommendation for the increased rank is asked in order to increase the efficiency of the Medical Reserve Corps. It will be of great value to the health and welfare of the soldiers, and health is necessary to efficiency. Recommendations given by a medical officer in order to carry weight necessary for such important recommendations should not be made to a line officer of superior rank. Advanced rank carries with it this power.

The following telegram was sent to Hon. ROBERT L. OWEN, Hon. L. C. DYER, and to the Secretary of War by the Missouri State Committee Medical Section, Council of National Defense, in reply to an article which appeared in the Globe-Democrat Sunday, March 17, 1918, as follows:

"Associated Press dispatches state to-day that the War Department has interfered with the free expression of his opinion by the Surgeon General on the Owen-Dyer bill granting adequate rank and authority to medical officers. In view of the published approval of this measure by the President, we confidently hope that this morning's report is erroneous.

"The opposition of the Owen-Dyer bill has seriously hampered the efforts of the Government to secure an adequate number of physicians for our rapidly growing National Army. The passage of this bill will place our own medical officers on a basis equivalent with that of the medical officers of Great Britain, France, Italy, Japan, our own Navy, and the forces of the enemy.

"These provisions are absolutely essential for the conservation of the life and health of our soldiers.

"HARVEY G. MUDD, M. D.,
"*Chairman.*"

Mr. CANNON. Mr. Speaker, I make a pro forma amendment for the purpose of asking the gentleman from Kansas, or the chairman of the committee, or the gentleman from California, a question. If the amendment of the gentleman from Kansas is adopted, would that let in religious people belonging to organizations whose ministers are not ordained—the Christian Scientists, for example? Would it let in Universalists and Unitarians?

Mr. ANTHONY. I will say to the gentleman that I believe it would. The chairman of the committee has just suggested that the amendment should not be adopted without the proviso, "under such regulations as the department may prescribe."

Mr. DENT. "Prescribed by the Secretary of War."

Mr. ANTHONY. So that that would put it up to the War Department, surrounding it with proper safeguards.

Mr. CANNON. Then there is no doubt but that they would be eligible even if the ministers were not ordained?

Mr. ANTHONY. If the appointing power so decided.

Mr. CANNON. I want to ask another question. What is the age—40 years?

Mr. ROBBINS. Forty is the maximum.

Mr. DENT. Yes; 40 is the maximum age.

Mr. CANNON. Does the gentleman think it wise to fix an age limit?

Mr. DENT. It has been suggested, and personally I can not see any objection to it.

Mr. CANNON. I know of my own personal knowledge one or more, two or more, very upright men; one is a Catholic, another a Protestant, a member of the Methodist Church. They are both over 40. I do not know in all my acquaintance two men who would be better qualified than they from every standpoint. Is it by regulation or by statute that 40 is the prescribed limit?

Mr. DENT. By statute.

Mr. CANNON. Would the gentleman offer an amendment raising the age limit to 45?

Mr. DENT. I have no objection to that.

Mr. CANNON. It seems to me it ought to be done. Will the gentleman offer the amendment? He is familiar with the bill.

Mr. DENT. I will offer an amendment.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to offer an amendment to the amendment?

Mr. CANNON. To the Anthony amendment.

Mr. DENT. I will wait until that is disposed of. I suggest to the gentleman from Kansas, my colleague on the committee, that he will modify his amendment so as to provide that these appointments shall be made under such regulations as may be prescribed by the Secretary of War.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that my amendment be further modified to comply with the gentleman's suggestion.

The SPEAKER pro tempore. The gentleman from Kansas asks that his amendment be so modified.

Mr. CANNON. Let us have a vote.

The SPEAKER pro tempore. Will the chairman of the committee please state the amendment which he proposes?

Mr. DENT. To amend the amendment of the gentleman from Kansas [Mr. ANTHONY] by adding the words "under such rules and regulations as may be prescribed by the Secretary of War."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment as modified: Insert after the word "therein" the words "under such regulations as may be prescribed by the Secretary of War," so that the amendment will read: "*And provided further*, That the persons appointed under this act shall be duly accredited by some religious denomination or organization, and of good standing therein, under such rules and regulations as may be prescribed by the Secretary of War."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kansas [Mr. ANTHONY] as modified.

The amendment was agreed to.

Mr. CANNON. Mr. Speaker, will the gentleman from Alabama offer the amendment that we spoke of, raising the age limit to 45?

Mr. DENT. In line 13, on page 2, after the word "engineers," strike out the period and insert a colon and add the following:

Provided, That the maximum age limit of chaplains in the Army shall be 45 years.

Mr. McKENZIE. Mr. Speaker, does the gentleman from Alabama want to talk on that amendment?

Mr. DENT. No; I do not.

Mr. CANNON. Does my colleague [Mr. McKENZIE] oppose the amendment?

Mr. McKENZIE. Yes; I am opposed to it.

Mr. CANNON. I should like to know what the gentleman thinks. I will try to get recognition to speak after he speaks, because he may convince me.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. DENT offers the following amendment, to follow the amendment just adopted: Strike out the period and insert a colon and add the following: "*Provided*, That the maximum age limit of chaplains in the Army shall be 45 years."

Mr. McKENZIE. Mr. Speaker, I dislike very much to differ from my distinguished colleague [Mr. CANNON] on a matter of this character; but I want to say to the members of the committee that this matter was not considered or discussed in the Committee on Military Affairs while we were considering the bill that is now under discussion. At the time of the enactment of the national defense act, with all the information from the War Department, the age limit for chaplains was fixed at 40 years, after full consideration of all the facts. One of the reasons for it is that if you commission a man at 40 years, before he arrives at the age of retirement the Government can get at least 22 or 24 years' service from him. It is not good policy to commission old men in the Army of the United States in any branch of the service. I would not say a word against the character or the usefulness of ministers above the age of 40 years, for I know many of them who are exemplary gentlemen in the communities in which they reside, and some of them no doubt would make excellent chaplains in the Army.

Mr. FLOOD. May I ask the gentleman a question?

Mr. McKENZIE. Yes.

Mr. FLOOD. Would these chaplains be permanent officers of the Army, or would they remain only during the war?

Mr. McKENZIE. I presume that is the purpose of it. They would be officers in the Reserve Corps.

Mr. FLOOD. Then would it make so much difference?

Mr. McKENZIE. This amendment ought to go to another section of the law. It is offered in the wrong place, but we can discuss it here. Of course, the House has a right to put it on here if it sees fit to do so, but I simply want to call the attention of the Members to the letter just read a few minutes ago from Gen. Pershing, admonishing us to send to France only young men. I am not criticizing men because they are old, for I have seen quite a number of years myself; but I do realize, as every man here must realize, that a man who accepts a commission as a chaplain in the Army of the United States at this time ought to be prepared to go across the water, where the boys will need his services more perhaps than they will need them in this country; and any man who has passed the age of 40 years, with perhaps an exception here and there, is not physically qualified to meet the exposure and the trials with which he will have to contend there, if he goes onto the field of battle where the boys are, and the place where he ought to be in order to render the services which are expected of a chaplain in a regiment. I will not go into the matter further, but I think it will be a mistake to raise the age limit.

Mr. GORDON. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. GORDON. Would it not obviate every objection that the gentleman has stated so well if all the provisions of this act were limited to the period of the present emergency?

Mr. McKENZIE. No; it would not, for I know that we have plenty of young, virile men in the ministry in this country who are ready and willing to go and make the sacrifice in France, and you and I know that we have all got friends in the ministry who are over 40 years of age. Many of them have appealed to us to have them commissioned in the Army of the United States. They are patriotic gentlemen. They want to serve our country, and we have said to them, "The law bars you. Forty years is the limit. We are looking for younger men." Now, when the storm of battle is just coming on, when the moment has arrived when we want the strongest men in the country, are we going to let down the bars and say that men can go into this service on the battle field who can not get into any other branch of the service? Gentlemen of this House, vote in this amendment, if you will, out of respect to my good old colleague from Illinois [Mr. CANNON]; but, looking at it from the standpoint of one who has given some little thought to the military affairs of this country, I feel that it would be a mistake.

Mr. BUTLER. Let me ask the gentleman a question.

Mr. McKENZIE. Yes.

Mr. BUTLER. Does the gentleman mean to say that a man 45 years of age is incapable of preaching? We are not going to take them to fight.

Mr. McKENZIE. I mean for a chaplain in the Army, who can go out among the boys.

Mr. BUTLER. I know, and they do go out.

Mr. McKENZIE. Out into the field and into the storm.

Mr. BUTLER. There are men in the ranks carrying guns who are 45 years of age.

Mr. GREENE of Vermont. But they have been in the ranks all the time. They are not men who have stepped down out of a pulpit.

Mr. BUTLER. I know, but they can enlist up to 40, and the older a man is the better he preaches.

Mr. GREENE of Vermont. But they have not got activity enough to get out into the trenches and take the dying confessions of the men, and so forth.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I know how old a man is when he is 45 years of age; and a man in good health, who would be received at all, would, I think, at 45 years of age, be quite as useful as a chaplain as a young man of 25 or 30 or 35. Why, let me ask my friend how old are you?

Mr. McKENZIE. I am 58.

Mr. CANNON. Fifty-eight and just married. [Laughter.] Why, if my friend and colleague whom I respect and almost love——

Mr. McKENZIE. If the gentleman will permit me, I am one of those who has conserved his strength in his youth. [Laughter.]

Mr. CANNON. Yes; and if a man has lived to the age of 45 and has no disease, if he has a good constitution, if he is healthy, if he can pass the examination of the surgeons, if he has had the religious experience, I think he is quite as useful as the man of 25 or 35 or even 40. I have had two applications that I spoke of from men whom I know, one very zealous Catholic priest. I think he could outrun me even if I could go back to the age of 45; he is a perfect specimen of manhood, and perfectly loyal. Another one was from a Methodist preacher. I have not had a great many applications, but my attention has been called to it as it has been called to other candidates for chaplain who are not ordained ministers. But that is within the power of the President to cure because he makes the nominations, and I am content with the amendment which has been offered by the gentleman from Kansas upon that point. But I think that we can trust the Secretary of War and trust the board of ministers that are consulted, and trust the examining surgeons. I will say to you now that if I was called upon to die immediately and wanted religious consolation I would not take any 30-year-old chaplain. [Laughter.] I would get one of mature years that had had greater experience for that consolation. I trust, with all due respect to my colleague, that the committee will adopt the amendment.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. HUMPHREYS. Is not the military age from 18 to 45 for enlisted men?

Mr. CANNON. Yes.

Mr. DENT. I beg the gentleman's pardon; it used to be 18 to 45, but it is now 18 to 40 by the draft act.

Mr. HUMPHREYS. Prior to this a man could enlist as a private and go into the ranks at the age of 45.

Mr. CANNON. Yes; I had forgotten about the change.

Mr. GREENE of Vermont. Mr. Speaker, I move to strike out the last word. I think none of us need preface our remarks on the floor with a reservation of respect for our venerable colleague who has stated the spiritual, religious, and the fellowship side of his case admirably, as he always does. We all cherish that regard for him always. But, in spite of his view, there has come a change in the spirit of the functions and responsibilities of chaplains in the Army. It began to manifest itself before war and has been heightened, deepened, and intensified by the awful experience in this world-run-mad war across the seas. No longer do men estimate the value of a chaplain by the skill or grace of his spiritual endowment alone, or his capacity to unfold the mysteries of theology, but he begins his career, and perhaps it may be said that he sums up his career, in his physical and mental capacity to live with and be a part of the night-and-day life of the young soldiers between the ages of 21 and 31 in the trench and on the battle field, in hospitals, in bivouacs, or in the billet. He must be a companion, he must be a fellow with them; his mind must not be so old and confirmed in impressions of his own experience or in the certainties of his own theology that he can not be all things to all men, but he must live and be with these men and must partake of all the essentials and demands of their daily life. I know, and we all know, that at the age of 45 we do not take the same interest in the same pleasures that the youths of 21 do. It would be something of a monkish task, religious as we might be, to sacrifice the cowl and habit and get down in a most reciprocal mood with the young man in a pastime of that character.

Mr. SLOAN. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. SLOAN. Is it not a fact that one of the functions of a chaplain, at least some of them, is to give advice? And is it not a fact that a young soldier would be more liable to accept advice on the problems that beset him of a man of mature years and experience than he would of a man who has not had that age and experience? Recollect this, that it is not making all of these chaplains men of mature years, but only that they may have some of mature years in a chaplaincy rank.

Mr. GREENE of Vermont. It would do all that, let me say to my friend from Nebraska, if the man of mature years and experience and all the record of saintliness had legs that were 21 years old so that he could go where the young man was dying. He has got to hasten to administer the last sacrament, or perhaps take the last dying wish as a message to the loved ones at home, and he must accept hardships not less than the man who gives his life in this great sacrifice.

Mr. BUTLER. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. BUTLER. I appreciate the force of the gentleman's statement, but would not all that be cured by a physical examination?

Mr. GREENE of Vermont. A man may be able to pass a standard physical examination and doctors may find his lungs, heart, and internal organs responding to the test, but he does not have that resiliency of youth which would support him when he comes to be exposed, and he may in five days be down with pneumonia and not have that youthful body to sustain him that he would have if he was a younger man.

That is the point involved in youth and years in active army service. As to having the old man for counsel and the young man for action, when Uncle Sam has a chaplain in the service, he wants to be able to determine that the first chaplain on the list can go anywhere he is called upon to go. He does not want chaplains, any more than soldiers, who have to be selected for particular service, who may have it said of them that this man is to be used for this service and this man on another service; that the other man is not strong enough for this, and so on. He wants such a man that the first called upon can move to the sphere of activity and perform the service required. He can not divided them into classes, and the chaplains must be just as young as the men they are trying to serve.

Mr. FESS. Mr. Speaker, the age of 40 is merely arbitrary, and the idea that one who is 41 is unfit to do the work that one who is 40 is fit to do is not to be accepted as a general rule. If we should go upon the basis that has been here announced, the former chaplain of the One hundred and tenth Pennsylvania Regiment, who is an honored Member of this body, and who would be very much desired by the men of that regiment as a chaplain now—and I refer to our colleague, Dr. TEMPLE—could not be accepted. He would be too old. It seems to me the argument that because you want to increase the age would necessitate selecting men who are unfit because if they are older than a certain age they would be unfit does not have any strength to it.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. GREENE of Vermont. Has the gentleman observed from his own experience and observations of others whether it is any easier or more certain for a man to recover from illness when he is 45 than it used to be when he was 25?

Mr. FESS. I am not sure that statement is true, except where you have reached the age of debility. I do not think senility is reached at the age of 40. I know that a very distinguished physician said that those who reached 40 would never learn any more. I do not believe that is true. Goethe wrote Faust when he had reached the age of 80, and our distinguished ex-Speaker never was more effective than at the age of 82.

Mr. GREENE of Vermont. True; but those were mental labors, not those that require the absolute control of a youthful body that could withstand all of the shocks of hell and come out alive.

Mr. FESS. I do not think that because a man has gone beyond the age of 40 he has ceased to be efficient. I do not think that rule would hold at all, and therefore I hope the amendment will be adopted.

Mr. BUTLER. Did I understand the gentleman from Vermont to say that our very highly respected ex-Speaker can not sit up all night if he wants to?

Mr. GREENE of Vermont. I did not make any such observation, and I hope the time will never come when he can not.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. DENT].

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAR MEDALS FOR AMERICANS.

Mr. DENT. Mr. Speaker, to those members of the committee to whom I have given a list of the bills to be called up I desire to say that the next bill is one to provide medals of honor, and I ask that it be laid aside temporarily; and the bill following that, to permit Americans to wear foreign medals, the chairman of the Committee on Naval Affairs has asked me to postpone the consideration of.

The SPEAKER pro tempore. Then those bills will be passed over temporarily.

COMMUTATION TO COMMISSIONED OFFICERS.

Mr. DENT. Mr. Speaker, I next call up the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

The SPEAKER pro tempore. The gentleman from Alabama calls up a bill, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe this bill involves an expenditure of some $33,000,000 by the National Government. I think it is too important a bill to be considered in that way. I object.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3863, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chairs hears none.

Mr. DENT. Mr. Chairman, I will ask the gentleman from California, a member of the committee reporting the bill, to take the floor.

The CHAIRMAN. The Chair will recognize the gentleman from California.

Mr. KAHN. Mr. Chairman, before we get down to that stage I would ask the chairman of the Committee on Military Affairs whether we can not get an agreement as to general debate and would suggest not more than one hour. The committee has a very few additional bills, and it is desirable to finish those this afternoon, if we can. I suggest to the chairman that the committee rise for a moment and agree to a time for general debate on this bill.

Mr. DENT. Mr. Chairman, I move that the committee do now rise for that purpose.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having resumed the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3863, and had come to no resolution thereon.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, and pending that, I ask unanimous consent that all debate on this bill be limited to one hour. Has the gentleman from California any suggestion as to how that time is to be divided?

Mr. KAHN. I suggest that the chairman of the committee divide the time——

Mr. DENT. I know of no opposition over here to the bill.

Mr. BURNETT. Mr. Speaker, will my colleague yield? If there is no extended debate desired, why would not half an hour be sufficient?

Mr. KAHN. Well, I understand there will be some extended debate on the bill. I do not know but if debate finishes before an hour is over I imagine the committee can take up the bill under the five-minute rule. I should suggest not exceeding one hour.

Mr. DENT. I will ask that general debate be not exceeding three-quarters of an hour, and that the gentleman from California control the time.

Mr. WALSH. Mr. Speaker, reserving the right to object, if there is to be some opposition to the bill, ought not the party or parties who oppose the bill to have some part of that time?

Mr. DENT. I am trying to find out who the party or parties are who are opposing the bill.

Mr. KAHN. I will say frankly to the gentleman from Massachusetts——

Mr. WALSH. The gentleman from California indicated——

Mr. KAHN. That I will yield time to those who are opposed to the bill.

Mr. WALSH. I am not opposed to the bill.

The SPEAKER pro tempore. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, and pending that he asks unanimous consent that general debate be limited to 45 minutes, to be controlled by the gentleman from California [Mr. KAHN]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The question was taken and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, and under the order of the House general debate is limited to 45 minutes, to be controlled by the gentleman from California. The Chair recognizes the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, prior to the outbreak of the war an Army officer who did not occupy quarters at a military post or at some camp was given commutation of quarters. That is, he was paid a certain amount of money to enable him to procure lodgings for himself and his family. When the war broke out, the Military Establishment was increased very largely, and a decision was rendered by the Comptroller of the Currency. That decision said, in effect, that where an officer was present with troops in the field, and occupied a tent, that constituted quarters so far as that officer was concerned. In other words, the Government was furnishing him quarters, and he was not entitled, therefore, to commutation of quarters or an allowance of rent for lodgings for himself and his family. The effect of that decision was practically a reduction of the salary of the Army officer, because officers were promptly ordered to various commands and were assigned to the various Army camps of this country. Their families occupied rented quarters and the officer had to pay for those quarters out of his own pocket. I take it that the Government never intended to do anything of that kind.

Mr. FESS. Will the gentleman yield for one question?

Mr. KAHN. I do.

Mr. FESS. Did that apply only to an officer who had a family or apply also to an officer who had not a family?

Mr. KAHN. It applied to every officer who rented quarters and lived in them.

Mr. FESS. Whether he had a family or not?

Mr. KAHN. Whether he had a family or not, and I may add that this allowance was given him in accordance with the grade he had attained in the Army. In other words, a second lieutenant only got an allowance for two rooms; and as he advanced in the Army and finally became a colonel or a general he got many more rooms. Where the Government could not furnish rooms or a building to house him the Government gave him an allowance to take care of that. Now, the purpose of this bill——

Mr. HELM. Will the gentleman yield?

Mr. KAHN. In a moment. The purpose of this bill is to allow those officers who have families or dependents to get an allowance during this war. Now I yield to the gentleman from Kentucky.

Mr. HELM. How will this bill affect those officers who are at the different cantonments of the United States?

Mr. KAHN. Well, if a cantonment is at a military post and there are buildings at the post which the officer can occupy with his family, the Government would furnish him a home where he and his family could live. But in the case of a cantonment where there are no quarters for officers and he simply gets a tent that he lives in or a rough shack which is put up for him, he is not given commutation of quarters. The decision of the comptroller was that he is getting quarters when he is in the field, and was therefore not entitled to the allowance.

Mr. HELM. Would an officer at one of the cantonments with officers' quarters be entitled to commutation?

Mr. KAHN. Yes; if he has a family or if the quarters are such that he can have his family with him, I take it, he would not get the commutation, but would get the quarters. But in cases where he would simply have a room for himself, I take it that he would get the commutation if we pass this law.

Mr. HELM. Is this bill intended to affect officers in the United States and officers in France?

Mr. KAHN. I so take it; yes. Because the gentleman can well conceive of this kind of a condition in France: An officer who is not immediately at the front, but who is performing staff duty, say, in Paris, and has got to have some place in which to live, ought not to be called upon to go down into his own pocket to furnish those quarters.

Mr. HELM. Now, the officers are in France. Are the families of these officers there?

Mr. KAHN. No; but the family is generally occupying rented quarters here. Therefore under this proposed legislation he is given the commutation in order to pay the rental of those quarters for his family.

Mr. HELM. Now, let us see just a moment. There have been thousands of officers added to the Army since the war broke out. A very large percentage of those officers came from civilian life. They had their homes; they owned them; and their families are now occupying the homes that the officer occupied with his family before he was commissioned as an officer. He is now at an Army post. His family is at home, we will say, in the house that he owns and in the house that the officer calls home. Would that officer be entitled to commutation?

Mr. KAHN. He would. Let me show the gentleman the other side of the picture.

Mr. HELM. In other words, he would be entitled to rent on his own home, would he?

Mr. KAHN. He would be entitled to commutation. Here is the situation: The officer who has a home and who is not in the field gets his commutation anyhow. He is getting it now, in cases such as the gentleman cites, if the man happens to be with the staff somewhere. But you have in the Army, in addition to the class of men mentioned, many a man who has not anything but ability, patriotism, and courage. He is willing to give his services to the Government of the United States. Why should he be penalized, why should these places be held open only for men who have homes in some city, who own their own homes? Why should not the poor man have a chance to go into the Army and, if possible, go as an officer? You can not pass any law that will work equitably in every case. We have to take the general average.

Mr. MAPES and Mr. BANKHEAD rose.

Mr. KAHN. I yield first to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. I would like to ask the gentleman if this law makes any distinction between the men of the Regular Army and the National Army?

Mr. KAHN. No.

Mr. MAPES. The officers of the National Army and the National Guard would be entitled to the same commutation of quarters as the others?

Mr. KAHN. Yes. It says "every commissioned officer of the Army of the United States on duty in the field," and that includes the Regular Army, the National Guard, and the National Army.

Mr. MAPES. I am very much in favor of the bill, and I wanted to have that point clear.

Mr. BANKHEAD. Are all of these staff officers who are now on duty in the city of Washington, an almost innumerable number, entitled to this commutation of quarters?

Mr. KAHN. They get it now.

Mr. BANKHEAD. And the officers in the field who are serving with the soldiers are deprived of it?

Mr. KAHN. Exactly. Every one of those staff officers is entitled under the law to get his commutation now, and they do get it, I suppose. But the man who is away from his family, the man who is out in the field fighting, does not get the allowance. He has to pay for the rent of the quarters for his family out of his regular salary.

Mr. SANDERS of Louisiana. Will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. SANDERS of Louisiana. Then, unless this bill is passed, as I understand it, the man actually in the field is penalized under the construction of the Comptroller of the Treasury?

Mr. KAHN. Quite so.

Mr. FAIRFIELD. Is this construction of the comptroller a new construction of the law, different from what it has been before?

Mr. KAHN. I take it the matter had not been passed upon prior to this decision. It was always allowed without question, there was no question raised by any comptroller previously, but since we got into the war the question was raised, and that decision was rendered. This law is intended to correct this palpably very serious hardship on the officers of the Army.

Mr. ELSTON. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. ELSTON. Apropos of what the gentleman is saying, I happened to get a letter to-day from a captain, who, when at home, resides in my district, but who is now stationed in France. He wrote to a friend, who sent me what he says. In the letter he states:

> We have been held in very expensive places awaiting orders all along the line, when the daily expense is not less than $5 per day.

Every dollar of this would come out of his own pocket. Is that a characteristic situation of a great many officers on duty in France to-day?

Mr. KAHN. I understand it is.

Mr. ELSTON. That would be at the rate of $150 a month.

Mr. KAHN. I understand it is that situation that brings about the necessity for this legislation.

Mr. FESS. Will the gentleman yield for another question?

Mr. KAHN. Certainly.

Mr. FESS. I am still in doubt on the matter of unmarried commissioned officers. Is the unmarried commissioned officer here in the Capital——

Mr. KAHN. He is getting his, but under this law he will get it only if he maintains a home.

Mr. FESS. That is what I am trying to get at.

Mr. HELM Will the gentleman yield further?

Mr. KAHN. Yes.

Mr. HELM. Is the gentleman in position to inform the House what was the total amount of commutation charges prior to the declaration of war?

Mr. KAHN. I do not recall, but I think we allowed in every Army appropriation bill something like $1,000,000 a year. I am not quite sure about that, but I think that is about the amount.

Mr. HELM. What is the estimated cost under this bill?

Mr. KAHN. Thirty-three million five hundred thousand dollars.

Mr. HELM. The total, then, would be thirty-five millions?

Mr. KAHN. No; the total would be $33,500,000.

Mr. ALMON. Mr Speaker, will the gentleman yield for a question?

Mr KAHN. Yes.

Mr. ALMON. You understand from this bill that an officer engaged in foreign service would be entitled to commutation, regardless of whether his family remained here or went abroad?

Mr. KAHN. The State Department is not allowing the families of officers to go abroad. They are not issuing passports to them. They have refused to issue passports.

Mr. ALMON. Then, according to the gentleman's statement, the probabilities are that their families would all remain here?

Mr. KAHN. The very purpose of the bill is to give them commutation for their families over here.

Mr. ALMON. Then it is immaterial as to where the families were located at the time they were engaged in the service?

Mr. KAHN. Yes. The State Department, as I understand it, has issued an order that the families of officers or men can not accompany them to the other side.

Mr. OLNEY. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. OLNEY. For the benefit of the House I would like to point out an instance of the wife of a lieutenant colonel, the lieutenant colonel being in the field, with no expenses allowed for commutation, yet this young woman, with a small family, is obliged to accept a clerkship at $70 or $80 a month, she not having the benefit of commutation.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. STAFFORD. What is the occasion of the expenses of a lieutenant colonel so that he can not allot some of his salary for the maintenance of his wife?

Mr. OLNEY. No particular occasion, except that expenses in a city like Washington have been enhanced to a considerable extent, rents have gone up, and the cost of living has risen. There is a small family of three or four children attached to this family, and in order to live commensurately with their state of living in the past this lady accepted a position here to help out.

Mr. STAFFORD. If the officer were assigned here in Washington, I understand he would be allowed commutation.

Mr. OLNEY. But he is in the field.

Mr. STAFFORD. Then, what is there to prevent this lieutenant colonel from paying a portion of his large salary to his wife, so that she may not be obliged to accept a position in one of the departments here in Washington?

Mr. ELSTON. I understand she had to take this position in order to add to the allotment sufficiently to support her family.

Mr. STAFFORD. Here is the point I make, if the gentleman will permit: The fact that the lieutenant colonel, with a salary of several thousand dollars, is in a position to support his wife if he wishes, and what are the expenses of that lieutenant colonel whereby he does not allot sufficient amount for the support of his wife and children?

Mr. KAHN. If the gentleman from Massachusetts [Mr. OLNEY] will permit, I will try to answer the question of the gentleman from Wisconsin [Mr. STAFFORD]. The base pay of a lieutenant colonel, I believe, is $3,600. Of course, he gets increases for every five years of his service.

Mr. DAVIS. Mr. Chairman, will the gentleman yield for just a question?

Mr. KAHN. Certainly.

Mr. DAVIS. I notice from the reading of the first section of the bill that it speaks of "during the present emergency for every commissioned officer of the Army of the United States." Does that apply to Marine officers?

Mr. KAHN. No. That is part of the Navy of the United States. This applies to Army officers. The three armies—the National Army, the National Guard Army, and the Regular Army—are referred to in legislation since the war began as "the Army of the United States."

Mr. DAVIS. Is there any law allowing for a Marine officer in the foreign service?

Mr. KAHN. I am not familiar with the law as it applies to the Navy officers. I am only informed as to the law applying to Army officers.

Mr. ALMON. Do they not get 20 per cent additional for foreign service—the Army officers?

Mr. KAHN. The enlisted men get 20 per cent additional and the officer 10 per cent.

Now, I want to answer the question of the gentleman from Wisconsin [Mr. STAFFORD], which he propounded to the gentleman from Massachusetts [Mr. OLNEY]. The Army officers have found it difficult in these days of the high cost of living to get along with the pay that has been given under the provisions of law fixing the salaries for Army officers. I dare say that the family of a lieutenant colonel has been living up to that salary, and has not been able to save a dollar. I believe that is especially true where there are a number of children. A man has to live up to his position. You can not expect a lieutenant colonel of the Army to live in cheap quarters in a large city. You can not expect him to allow his children to go around with clothing unbecoming the children of an officer of the United States Government. Everybody knows that the cost of everything has gone up enormously in recent years. I dare say that the lieutenant colonel whose case was cited by the gentleman from Massachusetts is only one of hundreds. They live up to the salary that they get. Their position requires it, and they have not saved a dollar for a rainy day.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. STAFFORD. Take, for instance, the lieutenant colonel in the foreign service in the field. What are his expenses that will prevent him from allotting a portion of this $3,600, plus 10 per cent additional for foreign service, for the maintenance of his wife and children at home, so that she will not be obliged to work, as in the case put by the gentleman from Massachusetts?

Mr. KAHN. I presume he makes a large allotment. But, in addition to all his ordinary expenses, he is also put to extraordinary expenses. In the first place, he is serving with the officers of the English Army; he is serving with the officers of the French Army. They entertain him. He has to return the compliment and entertain them. The cost is very high when you consider that phase of army life.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HELM. The gentleman has just spoken about the American officer having to move in the same circle with the British officers, the French officers, and the Italian officers. How do their salaries compare with the salaries of like officers of the United States?

Mr. KAHN. The gentleman misunderstood me. I said that the American officer who has a family in this country has to live up to his station. Now, in Europe the European officer does not get as much pay as the American officer.

Mr. HELM. What does a lieutenant colonel, for instance, in the English Army get?

Mr. KAHN. I am not prepared to tell the gentleman. I do not know. I am frank about that. I did know, because I looked up those things in the past; but it has gone from my memory. But I do know that——

Mr. HELM. Which officer is the higher paid?

Mr. KAHN. The American officer.

Mr. HELM. By what percentage?

Mr. KAHN. I think the American officer gets at least 33⅓ per cent more than the others.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. ELSTON. At that point I have an extract from the same officer whose letter I quoted a little while ago. He says that the English Army has recently raised the pay of officers to the same rate as ours and feeds them besides. I do not know whether that is a fact or not, but that is his information.

Mr. KAHN. I am willing to take that statement of my colleague. But let me call the gentleman from Kentucky's attention to this fact: The Government does not feed the Army officer. He has to furnish his own food, both in this country and abroad. The Government does not clothe the Army officer. He has to furnish his own uniforms—dress uniforms, fatigue uniforms, and regular uniforms. So his personal expenses are considerable every month, aside from the allowance that he makes to his family; and I take it that no officer of the United States Army is paid too much for the service he is giving his country.

Mr. SLOAN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. SLOAN. Is it not a fact that the officers of Great Britain and France and Italy are more usually from the wealthy families, and are supported from home more than are the American officers?

Mr. KAHN. That is quite true. Many of the officers in the armies of those countries are the sons of noblemen, and many others are the sons of very wealthy merchants.

Mr. HELM. To be a nobleman does not necessarily mean to be a rich man.

Mr. KAHN. Not necessarily; no.

Mr. SLOAN. Usually, though.

Mr. CARAWAY. The gentleman does not mean to say that is true of the French officers, that they come from rich families?

Mr. KAHN. No; I do not. At least not all of them.

Mr. CARAWAY. That was a part of the question.

Mr. KAHN. Neither is it true altogether of the English officers.

Mr. CARAWAY. Of course it is not. They come very largely from people who are well bred, but not rich. They are the poorer sons.

Mr. KAHN. But according to the statements I have read many of the officers in the foreign armies come from wealthy families.

Mr. SANDERS of Louisiana. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. SANDERS of Louisiana. Is it not a fact that when an officer of our Army is ordered to France his equipment, including clothing, weapons, field glasses, and so forth, costs nearly $1,000?

Mr. KAHN. That is true, and it has become a scandal and a disgrace, the way they are charging these officers for uniforms and equipment. [Applause.]

Mr. SANDERS of Louisiana. Is it not a further fact that these officers can not go to France unless they carry the equipment that the Government says they must carry?

Mr. KAHN. Yes; they must carry the entire equipment with them.

Mr. SANDERS of Louisiana. No matter what they have to pay for it, they have to get it?

Mr. KAHN. Yes; they have to take the equipment which the Government prescribes.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. KAHN. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has used 30 minutes. He has 15 minutes remaining.

Mr. KAHN. I shall reserve the remainder of my time, because two or three gentlemen have asked me for time.

Mr. STERLING of Illinois. Will the gentleman yield for just one question?

Mr. KAHN. For one question.

Mr. STERLING of Illinois. Is the Military Committee likely soon to report a bill for the relief of Army officers, to give them better pay?

Mr. KAHN. I do not know of any such proposed legislation.

Mr. STERLING of Illinois. I think it is the duty of the committee at least to put that proposition up to the House.

Mr. KAHN. The War Department has not suggested it to the committee, and the committee have been so occupied with necessary legislation for winning this war that we have not had time to go outside to try to find business for the committee.

I now yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The CHAIRMAN. The gentleman controls the entire time. He has 15 minutes remaining and he yields 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, on Saturday, on page 5121 of the RECORD, appears a statement made by me in relation to the Post Office order cutting off parcel-post packages to soldiers abroad. I stated that that order was issued on March 29, and went into effect on April 1, but that its actual operation has been postponed until April 15. Having made that statement on Saturday, I desire to correct it, as I find to-day that the order is in actual operation. The reason I made the statement was that I was quoting from the Official Bulletin, issued, as Members know, by the Committee on Public Information, in which, under date of March 29, appears the order of the Postmaster General, with the heading "Order issued restricting shipments of mail parcels to United States soldiers in France." and then another heading asking that wide publicity be given to the order.

Under date of April 2, in the same publication, the Official Bulletin, appears an official order from The Adjutant General

directing attention to the order issued under authority of the Secretary of War, signed F. W. Lewis, Adjutant General, postponing the operation of the order of the Post Office Department from April 1 to April 15. He asks that the same be published in the Official Bulletin, which it was under date of April 2. It reads as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 29, 1918.

From: The Adjutant General of the Army.
To: Gen. Frank McIntyre, Chief Bureau of Insular Affairs.
Subject: Reported increase in weight and bulk of parcel-post matter for soldiers.

Referring to letter from this office dated March 26, 1918 (311.16 OD, A. G. O.), in which it was requested that the War Department bulletin relative to articles being shipped by parcel post, express, or freight companies to be published in the Official Bulletin, you are informed that the date of action on this matter has been postponed from April 1 to April 15, 1918.

By order of the Secretary of War:

F. W. LEWIS,
Adjutant General.

My attention has been called to-day to the fact that parcel-post matter addressed to soldiers abroad is being refused at post offices. I made inquiry of the Post Office Department about 20 minutes ago in relation to this matter and was informed that the order of March 29 from the Postmaster General restricting the parcel-post shipments, and putting it in operation April 1, had never been changed. But the War Department issued a supplementary order postponing its operation until April 15. In other words, here is the situation: The Post Office Department makes one order, at the request of the War Department, prohibiting the shipment of parcel-post matter to soldiers after April 1, and the War Department countermands that order evidently, by stating that such parcels can be shipped until April 15, but the War Department seems to have no way of enforcing its order. I never saw wires crossed worse in my life, and the sufferers are our soldier boys abroad; because the Postmaster General asks that wide publicity be given to his order, in effect April 1, dated March 29, and every post office in the country where there is a father or mother of a soldier abroad knows that these packages can not be shipped, although the War Department was willing that these shipments should be continued until April 15. Now, it seems to me when such an important order as that is issued somebody ought to know what the authority actually is, and whether our boys can receive those desired packages from home or not. The whole thing is a mass of confusion. In my opinion the order never ought to have been issued. There is nothing that appeals to these boys more than to receive these packages, and certainly the two departments ought not to be in direct conflict as to the date when the order goes into effect. Having made the statement I did on Saturday, that parcels could be sent until April 15, I desire now to correct it, because the Post Office Department seems to have more authority than the War Department has in the premises.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. Mr. Chairman, I received on Saturday evening three telegrams from my home city that were sent to me early Saturday morning relating the progress of the third liberty loan in my city. I ask that they be read at the desk in my time.

The Clerk read as follows:

BOGALUSA, LA., *April 6, 1918.*

Hon. J. Y. SANDERS, M. C.,
Washington, D. C.:

Your home city had the proud distinction of subscribing the entire allotment for the parish in three minutes after the time set for taking subscriptions. We are now over the hundred thousand mark.

E. R. CASSIDY,
City Chairman Third Liberty Loan.

[Applause.]

BOGALUSA, LA., *April 6, 1918.*

Hon. J. Y. SANDERS,
House of Representatives, Washington, D. C.:

Washington Parish, population 30,000, of which 16,000 reside in city of Bogalusa, went over the top at 8.03 central time this morning. Most of the business men of the city were up all night stirring up enthusiasm for loan and asking people to meet at the city building at 8 o'clock this morning ready to make their subscriptions. Entire $80,000 allotted to this parish was quickly subscribed. Applications being handled by 15 clerks working at four tables. Last subscription, which took Bogalusa and Washington Parish over the top, was signed at 8.03. The total subscriptions will be considerably in excess of this amount as campaign progresses. Bogalusa is the largest sawmill city in the world, and has distinction of having more men in proportion to population enlisted in the Army and Navy than any other city we know of in the United States.

W. H. SULLIVAN.

[Applause.]

BOGALUSA, LA., *April 6, 1918.*

Hon. J. Y. SANDERS, M. C.,
Washington, D. C.:

Bogalusa went over the top. Double amount of the allotment, third liberty loan, at 8.03 central time this morning. You may tell Congress we have finished the third and are now awaiting their order to start fourth.

A. N. DOBBS,
Secretary Washington Parish Committee.

[Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, if I understand this bill, it is an attempt to put the officers in the field on an equality, as far as their pay is concerned, with the officers who are not assigned to duty with troops but are quartered in other places. In that I, of course, concur. It occurs to me, however, that the bill has been worded so as to discriminate rather, even yet, against the officers assigned to duty, and I ask the attention of the gentleman from California to this fact. Under the law now, as I understand it, officers get commutation for quarters, heat, and light, whether they have any family dependent upon them or not. But they do not get it if they are with the troops in the field. They get it in Washington and other places, but if ordered away they do not get it. This provides that those who may be ordered away into the field service with the troops can get pay, provided they have dependents in their families to take care of.

Mr. KAHN. The gentleman is quite right.

Mr. HUMPHREYS. It occurs to me that that distinction should not be made. Take a captain in Washington who has no family; he gets commutation for four rooms, heat, and light. Now, under this bill the captain who is with the troops gets commutation for four rooms, provided he has a dependent, but he still gets no commutation for heat and night.

Mr. CANNON. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. CANNON. As I understand, the officer who is with the troops, if the Government gives him quarters, he gets no commutation, but the ruling has been made that if he is quartered in a tent he is entitled to commutation.

Mr. HUMPHREYS. Provided he has dependents—wife or child or dependent parents—but if he is unmarried and lives in Washington City or New York, or wherever he may be detailed, he gets commutation, although he has no family to support.

Mr. KAHN. If the gentleman will permit me, if he has no family and is living in Washington or New York, he is getting the commutation now, and he gets it under this bill just the same.

Mr. HUMPHREYS. I understand he does.

Mr. BURNETT. But the fellow living in Paris would not get any, although his expenses would be greater.

Mr. HUMPHREYS. The man on the battle line does not get it unless he has a dependent at home, and then he only gets commutation for quarters, whereas the officer in Washington, without reference to whether he has a family or not, gets commutation for quarters and commutation for heat and light. It occurs to me that that is not right. The purpose that Congress has in mind, as I understand it, is to take care of the family of the officer. Now, instead of prescribing that the officer shall have commutation for two rooms if he has a certain number of dependents, or eight rooms if he has another number, the law says that a second lieutenant shall have two rooms, a captain four rooms, and a major six or eight rooms, or whatever it is; a colonel such a number. Now, the captain may have 10 children and the colonel none, but that makes no difference. We provide that the colonel shall have so many rooms and the captain less. It occurs to me that the words "on duty in the field or on active duty without the territorial jurisdiction of the United States" should be stricken out, so that the bill will read:

That during the present emergency every commissioned officer of the Army of the United States who maintains a place of abode for a wife, child, or dependent parent, shall be furnished—

And so forth.

I think he ought to have commutation wherever he lives if the others are to get it.

Mr. KAHN. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Chairman, I am interested in what the gentleman from Mississippi has been saying in reference to this bill. It was the thing I wanted to ask the chairman of the committee about. I understand that the law as it is now, the act of 1907, provides commutation for officers and gives them heat and light allowances. It is my understanding that the purpose of this bill is to place the officers when they are in the war on the same footing as they have been when we were at peace. That is practically what they have proposed to do.

But it does seem to me that the bill proposed by this committee ought to be amended to include the heat and light allowance. It seems to me it is no more than fair. I may be wrong, but here is an officer who leaves this country and goes across the ocean to fight. His wife and children can not go there. Both the officer and his family are put to enormous expense. There is no question about that. The officers are not receiving any higher salary than they were before. In other words, as the law stands to-day, the officer on active duty is practically penalized from $50 to $150 a month for fighting for this country. That is exactly what it means. It seems to me that the families of these officers ought to be allowed quarters or the officers be allowed commutation not only for quarters but for heat and light as well. It seems to me it is no more than just. I know that at the last session of Congress I introduced a bill for this same purpose, and the bills are practically alike, except that in the bill I introduced I provided that in addition to the commutation for quarters they should have commutation for heat and light as well. I believe that ought to be added to this bill.

Mr. ELSTON. Are those two allowances—for heat and light and for quarters—provided for by different statutes entirely or are they both included in this same statute of 1907 referred to in this bill?

Mr. VESTAL. I think there is but one statute covering the matter. I would say to the gentleman that when I prepared my bill I had a talk with a number of officers about it—that is, as to whether, unless specifically mentioned, the bill would carry heat and light allowances. I discussed the proposition, and the officers I talked to said that unless heat and light allowances were added it would probably not be included.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. HELM. I notice on page 3 of the report that the present cost in peace times of commutation of quarters amounts to $737,500. If I understand the drift of the gentleman's argument, it is that he wants to do equal and exact justice between all officers, both as to commutation of quarters and heat and light?

Mr. VESTAL. Yes.

Mr. HELM. And at the same time conserve the resources of the United States. Could not that be done by repeating this measly sum of $737,500 and saving that sum, and then the $33,000,000 that this is going to cost the Government could be utilized and expended in maintaining our end of the war and in assisting our allies by loaning them money and prosecuting this war more effectively. In other words, does the gentleman think it is necessary to appropriate $33,000,000 annually in order to equalize the present number of officers in the Army with the obviously comparatively few number of officers in the Army who are receiving only $737,500?

Mr. VESTAL. I can not yield for a speech. What I mean to say is this: That, in my judgment, the officers of our Army in time of war and their families ought to have the same treatment at least that they have in time of peace, and that is what this bill is proposing to do, outside of the commutation for heat and light. I hope that this bill will be amended so as to make it sure that it carries commutation for heat and light as well as for quarters.

The CHAIRMAN. The gentleman's time has expired. All time has expired under the order of the House. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That during the present emergency every commissioned officer of the Army of the United States on duty in the field, or on active duty without the territorial jurisdiction of the United States, who maintains a place of abode for a wife, child, or dependent parent, shall be furnished at the place where he maintains such place of abode, without regard to personal quarters furnished him elsewhere, the number of rooms prescribed by the act of March 2, 1907 (34 Stats., p. 1169), to be occupied by, and only so long as occupied by, said wife, child, or dependent parent; and in case such quarters are not available, every such commissioned officer shall be paid commutation thereof at the rate authorized by law in cases where public quarters are not available; but nothing in this act shall be so construed as to reduce the allowances now authorized by law for any person in the Army.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Add, after the word "Army," at the end of line 7, page 2, the following: "except that in all cases where civilians have been commissioned in any branch of the military service, such officers shall only be entitled to quarters or commutation for quarters when required to change their place of residence in compliance with orders from the War Department."

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I have not a word of criticism against the men in the Staff Corps of our Army who are detailed here in Washington or elsewhere. I understand these men are here because they are under orders to render service here in Washington. I did not object to the law giving to those men the commutation that is provided by statute, but this bill is intended to give to the men in a small way that recognition and justice to which they are entitled who are serving our country in the field. In other words, it is an attempt in part to put the man who is with troops in the field on the same footing as the officer in our Army who, while rendering patriotic and efficient duty, remains, perhaps, in the safe seclusion of this great Capital City of ours or in some other secure place in our country. This is an effort to give to the men who are officers in the line, in the field, and in France the same recognition they would receive if they were in Washington. But the purpose of my amendment, which you have just heard read, is not to take from any officer in the Regular Establishment the commutation to which he is now entitled, nor is it in any way to do an injustice to the man in the field; but I can not help but feel that we ought, even if in a small way, to take into consideration the fact that the taxpayers of this country will have to meet these bills, and where it is not necessary to make the payments, in my judgment, we ought to cut them out. Now, what does my amendment do? It simply means this, that if a young man, or an old man, for that matter, has been working in one of the Government departments or has been in business in this city and has been receiving $1,400 or $1,500 or $1,600 a year, and he has been going to his work every morning in civilian clothes, wakes up some morning and finds that he is an officer in the Army of the United States, and he goes down and buys a uniform and leather leggings and goes back to work at a salary of $2,000, perhaps, or $2,400 a year, and goes back to his habitation at night, does not even change the bed in which he has been sleeping for years, has no greater expense to pay—it simply provides that in those cases, whether in the city of Washington or in the central division of our Army at Chicago, or elsewhere, that such officer shall not be entitled to reach into the Treasury of the United States and take therefrom commutation for quarters; that he is getting better pay from his Government, perhaps, in most instances than he received before, and he shall not be entitled to it until he removes from his place of abode or his residence and goes into the field or to some other place of activity away from his home.

To my mind it is simple justice, it is only fair play, and to say that a man who lives here in this city—and it is no reflection on a man to live in the city of Washington—that because he has been commissioned in the Army of the United States at a higher salary perhaps than he ever received in his life, that it is incumbent upon this Government to still add to his pay commutation for rooms, and perhaps heat and light, as one gentleman said, because he has been commissioned in the Army of the United States, is unreasonable. I simply ask you gentlemen in the interest of justice, in the interest of respect if nothing more to the uniform of the man who is an actual soldier, that you adopt this amendment. I have no personal interest in it whatever, but I do believe that the time has come when there ought to be at least some bar put up to prevent this kind of thing going on here or elsewhere.

Mr. BANKHEAD. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. BANKHEAD. I want to ask the gentleman how his amendment would affect the case of a man who is in the Regular Army for a number of years and on temporary duty here in Washington?

Mr. McKENZIE. It would not touch him. I am for that fellow because he has dedicated his life to the Army of the United States and is entitled to some consideration.

Mr. BANKHEAD. It only applies to those recently appointed?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I ask for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. I would like to ask the distinguished gentleman from Illinois, a member of the committee, since we are punishing these individuals, if we did not bring these boys to this city and whose fault is it?

Mr. McKENZIE. I will say to the gentleman I am not trying to punish them or criticize them.

Mr. KING. Whose fault is it if a man is grabbed up during his dreams or during his sleep and put into a major's uniform? He can not do it himself.

Mr. McKENZIE. Of course if he is built of the right material he will not get up in very much of a fright; but if he happens to be a little gun shy, of course it will be disturbing to him.

Mr. KING. But it is seeking to punish a good military officer.

Mr. McKENZIE. That is not my purpose; I am simply trying to do what I think is just.

Mr. MAPES. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. MAPES. The gentleman says he wants to have this apply to the real soldier. If I understand the amendment of the gentleman correctly, he would give this commutation of quarters when they come here from other cities and who are not any more soldiers than the man who happens to live in the District. Am I correct?

Mr. McKENZIE. This bill is founded on the basis that the extra cost of living to the soldier is such that he ought to have it. I am willing to go that far when he is put to the additional expense. I am after the man who has not been called upon to make the sacrifice.

Mr. MAPES. The gentleman's amendment only applies to those living in Washington and who continue to live here, or continue to live in some other city and might be doing some military work.

Mr. McKENZIE. Where they were not required to be put to that added expense.

Mr. BURNETT. Mr. Chairman, the gentleman is a member of the Military Affairs Committee, and I want to ask him if the War Department and the committee have not been able to work out any plan by which they can check, if not stop, this infamous profiteering on the uniforms of the officers? Is there not some way by which those outlaws and robbers can be stopped or punished for that kind of profiteering? I understand the salary of these officers is taken for a month or two in paying for the uniforms that are furnished to them. Is there no way to stop that?

Mr. McKENZIE. I understand that is being handled by regulations in the War Department now.

Mr. KAHN. And has been stopped.

Mr. McKENZIE. And has been stopped.

Mr. ELSTON. Does the gentleman know anything in the history of the Signal Corps which compels an officer to pay $45 a pair for boots of a peculiar make, and which are not of what you might call a usable nature, being more ornamental than anything else, and have attached to them a pair of spurs which have no practical use, and no use whatever except by way of ornament?

Mr. McKENZIE. If a man asked me why a man who rode a bucking broncho should need spurs, I could answer him, but I can not answer the other question.

Mr. GREENE of Vermont. This is the history of that case: In the origin of the service the Signal Corps men were mounted men, but there has been no change in the custom or practice in the service as to the matter referred to, although the service itself has been through many changes.

Mr. KAHN. Mr. Chairman, I rise in opposition to the amendment. Let me call my colleague's attention to some facts. There are many men called to Washington in the Ordnance Department. They are graduates of universities and they have special knowledge of chemistry. Their services are essential to the country in this crisis.

Mr. McKENZIE. Will my colleague yield?

Mr. KAHN. Yes.

Mr. McKENZIE. You did not take it that I was making any criticism of the men?

Mr. KAHN. Oh, no. I am not saying you are criticizing, but I want to show why these men ought to get this commutation; that is all. These men were probably earning $1,500 or $1,600 in their vocations. They are young men, but they are skilled. They are skilled in their profession and their services are of great value to the country. They are commissioned as second lieutenants to begin with; at least most of them are. They get a salary of $1,700 a year. They all have their family in the town from which they come.

Mr. McKENZIE. I would not cut that gentleman out—a man who comes from some other section of the country and has a home to maintain.

Mr. KAHN. Well, suppose here in Washington there are men who are peculiarly fitted for the duties they are called upon to perform and who can give the country valuable service in this hour of emergency, would the gentleman penalize them for going into the service of the United States? That is what his amendment would do. They would not be getting this commutation of quarters at all, and yet their expenses are enormously increased the moment they put on their uniform. They have to equip themselves with a full set of uniforms. They have to buy all the accessories, and I am told that these cost now about $600 for the average man who goes into the Army as an officer—the various uniforms and the equipment that he requires.

Take men in the Quartermaster Corps. That corps has to have specialists. They have lots of them, men who are familiar with cotton canvas, for instance. Every foot of it the Government buys has to be inspected and can only be inspected by experts. And the same is true with woolen cloth, with leather which is used for harness, with leather that is used for shoes. These men are experts, and many of them come from this city of Washington. Would you cut them out of these allowances? Many of them were getting when they entered the service more salary than the Government now pays them.

Mr. GORDON. The observation which the gentleman has made is unquestionably true, but they are not directed to the amendment of the gentleman from Illinois [Mr. McKENZIE]. His proposition, if I understood it, is that where these officers who are commissioned are not detailed away from their homes and do not change their place of residence they shall not receive allowances in lieu of quarters.

Mr. KAHN. That is what I am speaking about.

Mr. GORDON. So far as quarters are concerned, the cost of living is not increased at all.

Mr. KAHN. I am not claiming that it is.

Mr. GORDON. Then, why should they have an allowance in lieu of it?

Mr. KAHN. I am claiming that in many cases they do not get as much salary as they were getting before they went into the Army, and great expenses have been put upon them by reason of the fact that they have gone into the Army.

Mr. BLACK. Will the gentleman yield?

Mr. KAHN. And if a man goes into the Army, as the gentleman [Mr. GORDON], who is on the committee, knows, he generally goes as a second lieutenant, at $1,700 a year, and yet he may have been occupying in some business house a position in which he was getting $2,400 or $3,000 a year. Would you penalize a man because he is patriotic enough to give his services to his country?

Mr. HUMPHREYS. Does the gentleman know of any expert in the purchase of cloth or rubber or any of these things that he speaks of who has been commissioned in the Quartermaster Department as a second lieutenant?

Mr. KAHN. I understand that there are such men. I understand, too, that in the Ordnance Department there has been quite a number.

Mr. HUMPHREYS. As second lieutenants?

Mr. KAHN. I think so, but I am not certain as to that.

Mr. HUMPHREYS. Just one question more. Two or three thousand of these young men went to the training camp and got commissions. They were then assigned to the Quartermaster's camp, after being commissioned second lieutenants. They then went to Jacksonville and served three months in that school in the Quartermaster's camp, and nearly every one of them is a second lieutenant to-day, whereas quite a number of young gentlemen who did not go to the training camp, and did not go to Jacksonville, are commissioned as first lieutenants and as captains.

Mr. KAHN. Yes; and some of them as majors.

Mr. HUMPHREYS. Those commissioned as majors are, as a rule, men who are expert along the line the gentleman has suggested. These boys who went in as second lieutenants after six months' training——

Mr. KAHN. Three months' training.

Mr. HUMPHREYS. Six months' training; three months in the training camp and then they were commissioned, and then served three months in training in the Quartermaster's camp, so as to become expert; and at least nine out of ten of them are still second lieutenants; and it is not infrequently the case that young men are put in over them as first lieutenants and captains—men who can hardly be called experts.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. First, I want to answer the remarks of the gentleman from Mississippi [Mr. HUMPHREYS]. Of course the moment we got into this war and our armies were enormously expanded the War Department began to commission men in various lines of endeavor so as to get the benefit of the experience of those men. I dare say if we had had a very large Quartermaster Corps it would not have been necessary to commission men in the higher grades, but it was necessary at the beginning of this war, and that is how some of these higher-grade commissions were issued. But after all, in an emergency

like this, you can not expect to have equal justice done in every individual case. You are lucky if you do not have glaring inconsistencies throughout the service.

Mr. LITTLE. Now, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LITTLE. May I ask the gentleman this question: Do the young men from this District who have commissions here as majors or lieutenants receive allowances?

Mr. KAHN. They do.

Mr. LITTLE. A man could live at home, where he has been living all his life, and get allowances for quarters, while the fellow in Europe does not?

Mr. KAHN. If he goes abroad with the Army he does not.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. Does the gentleman base his contention on the argument that these skilled men are doing that or on the fact that they have been commissioned?

Mr. KAHN. Naturally, upon both. The fact that they are doing this skilled work for the Government is one consideration. They may have been occupying positions right here in Washington, receiving $3,000 or even $4,000 a year as experts. The Government reaches out and says, "We need your services. We can give you a commission, but we can only commission you as a second lieutenant."

Mr. WALSH. Will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WALSH. What has the gentleman to say, then, about these young men who possess this technical knowledge, and who have been drafted, and who are receiving the pay of privates, and have been put on this technical work of inspecting cloth, for instance, as privates in the Army at the pay of privates? They get none of this extra pay or commutation for the work they are doing.

Mr. KAHN. Yes; but the private is in line for a commission when vacancies occur, and the privates are frequently commissioned.

Mr. WALSH. Vacancies are rather infrequent in the case of a private.

Mr. KAHN. The present reserve officers' training camp is made up entirely of private soldiers.

Mr. WALSH. But the privates are still doing inspection work.

Mr. KAHN. That is an incident of their service. They are put in the Quartermaster Corps to do that work of inspection because of their skill, and that is an incident of service in every army throughout the world.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. ELSTON. I notice a communication from the Secretary of War which is printed in the report accompanying the bill, and I notice the statement is made that these allowances have always been considered a part of the compensation of the officers; that is, by tradition and custom it has come to be practically an addition to their salary. That is in the nature of an allotment of a wage.

Mr. KAHN. Yes.

Mr. ELSTON. A colleague has just suggested that it is included in the income tax as a part of the wage.

Mr. KAHN. Yes.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes; I yield to my colleague.

Mr. McKENZIE. I know that there are injustices here and there, and we are unable to prevent that. I quite agree with my colleague on that point, but I want to ask my colleague if he does not believe that when an injustice is apparent, as in this case, it is our duty to cure it?

Mr. KAHN. Oh, I think that every man in the country ought to make sacrifices for his country, especially when his country is in war. But because many men have to make these sacrifices a great country like this ought not to punish its faithful citizens because they want to serve it in an honorable way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word. I only want to call attention to one phase of this thing which does not seem to have been very much developed. As was suggested by the gentleman from California [Mr. ELSTON], ever since these allowances for commutation of heat, light, and quarters have been in the law, the money so paid has been considered a part of the pay and allowances of the officer. In other words, it has been swept up into his compensation. It does not make any difference whether he is a married man or whether he is an unmarried man. When he gets into a certain grade he has a certain allowance, as the gentleman from Mississippi [Mr. HUMPHREYS] has indicated to you, a certain allowance for rooms, according to his grade, and then the allowance for heat and light that goes with them. Now, that has gone on for all these years as a part of the compensation of the officer. What is incidental to it? Just exactly the same experience that men have in civil life. Two men are engaged in any occupation, one may be married and one unmarried, and yet it is only fair that the compensation for the character of service performed by them should not be affected at all, in the one case or in the other case, because one man is married and one man is not married. It is the value of the service that is being rendered, and not the domestic status of the man who renders the service, for which the reward is paid.

Now, if you pass this bill exactly as it is, you are going to have two scales of compensation for officers of the same grade in the United States Army, no matter what grade they are in. Part of them, if they are married, will get one kind of pay, and if they are unmarried they will get another kind of pay. You will have two different kinds of allowances for each grade, depending upon the domestic status of the men, something you would not think of tolerating in civil life at all.

And there is another proposition involved in the amendment moved by my colleague from Illinois [Mr. McKENZIE]. It is true that there is an apparent superficial injustice in the fact that certain men living in a city for the time being are put to no extra expense by performing military duty in that city, and it may be that there is some color to the suggestion that they ought not to have been commissioned in the Army in the first place. Yet the fault is not in the men, but it is in the executive that put the law to the uses to which it has been put, by which the War Department is permitted to commission such men in that way. Are we to punish the men who are serving in other capacities in the Army, whose appointments and whose duties may not be related to these so-called "safety-first" soldiers at all? Is it fair to punish them because they are swept up into the same kind of a law by this amendment that you make for everybody?

Mr. HUMPHREYS. But the gentleman understands that this bill, just as it is, discriminates against the soldier who is sent out into the field to fight.

Mr. GREENE of Vermont. Exactly.

Mr. HUMPHREYS. It does not give him the commutation unless he has a family.

Mr. GREENE of Vermont. That is exactly what I undertook to indicate.

Mr. HUMPHREYS. While if he stays in Washington he gets commutation anyhow, whether he is married or unmarried.

Mr. GREENE of Vermont. If we were to get right down to good, common sense in the consideration of this legislation, and to apply the same rules that govern us in civil affairs, we would make commutation of heat, light, and quarters for all officers of the Army or for none.

Mr. HUMPHREYS. That is right.

Mr. GREENE of Vermont. There ought to be no distinction. It is the pay for the service performed. It is not in recognition of the domestic status of the man who happens to be earning that pay.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

Mr. ROBBINS. Can not the amendment be again reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. KAHN) there were 29 ayes and 29 noes.

Mr. STAFFORD. I demand tellers.

The CHAIRMAN. The gentleman from Wisconsin demands tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Nineteen Members have arisen, not a sufficient number.

So the amendment was rejected.

Mr. HUMPHREYS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3, after the word "thereof," insert the words "and commutation of heat and light."

Mr. STAFFORD. I reserve a point of order to the amendment.

Mr. HUMPHREYS. What is the point of order?

Mr. STAFFORD. That it is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, the bill before the committee seeks to amend the act of March 2, 1907, Thirty-fourth Statutes at Large, which in its place is an amendment of the act

providing for commutation of quarters found in the Twentieth Statutes at Large, page 151. The last-named act which is the first provision found in the law as to the allowance for commutation of quarters is in language as follows:

SEC. 9. That at all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is now allowed to such grade by the rules and regulations of the Army: *Provided*, That at places where there are no public quarters, commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding $10 per room per month, and the commutation for quarters allowed to the general shall be at the rate of $125 per month, and to the lieutenant general at the rate of $70 per month.

I now call attention to the act which is referred to in this bill, and to which the matter directly relates—page 1169 of the Thirty-fourth Statutes at Large:

Barracks and quarters: For barracks and quarters for troops other than Seacoast Artillery, storehouses for the safekeeping of military stores, for offices, recruiting stations, to provide such furniture for the public rooms of officers' messes and such heavy permanent furniture for officers' quarters at military posts as may be approved by the Secretary of War, and for the hire of buildings and grounds for summer cantonments and for temporary buildings at frontier stations, for the construction of temporary buildings and stables and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further*, That section 9 of an act approved June 17, 1878 (20 Stat. L., p. 151), be, and the same is hereby, amended to read as follows: "That at all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, 2 rooms; first lieutenants, 3 rooms; captains, 4 rooms; majors, 5 rooms; lieutenant colonels, 6 rooms; colonels, 7 rooms; brigadier generals, 8 rooms; major generals, 9 rooms; lieutenant general, 10 rooms: *Provided further*, That at places where there are no public quarters commutation therefor may be paid by the pay department to the officer entitled to the same at a rate not exceeding $12 per month per room:" *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $3,750,000.

Now, Mr. Chairman, the Chair will readily see the bill is amendatory of one provision of the statutes and that provision is limited to one subject matter, namely, commutation of quarters. Nothing in the bill or in the statute sought to be amended refers to commutation for heat and light.

The CHAIRMAN. The Chair would like to ask the gentleman a question. Is the provision of law providing for commutation for heat and light in a separate or distinct section of the act from the one providing for commutation for quarters?

Mr. STAFFORD. I can only answer the Chairman to this effect: That the section I have read is limited exclusively to commutation for quarters, and if there is any such provision for heat and light it is in some other section. I have furnished the Chair with the entire quotation of the statutes so that the Chair may be fully advised. If there is such provision of law as to commutation for heat and light, it must be in some other section. It is not in this section; and this bill is amendatory of this one section which relates entirely to commutation of quarters.

Mr. HUMPHREYS. Mr. Chairman, as to the law in the matter, I may be mistaken; but my information is that this section, which the gentleman just read, providing quarters is the only statute, and that under that commutation for heat and light has been allowed to officers, but it requires an appropriation to do it. I am further advised that it is the opinion of those who will be called upon to construe this law, perhaps, that this section as it stands now in the bill will give to these officers commutation for heat and light. It was simply to make that certain that I offered this. I take it that there can not be anything to the gentleman's point, for if we furnish quarters we surely have the right to make them comfortable. The statute which he read, as I understand it, is the only statute on the subject. I may be mistaken about that, but I am advised that it is the opinion of the Judge Advocate General of the Army that under this bill as proposed these officers would be entitled to commutation for heat and light, but in the appropriation bills we always provide that. I just want to make that certain which I was afraid might not be certain. For that reason I offered the amendment.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. HAMILTON of Michigan. There is no statute for the commutation of heat and light?

Mr. HUMPHREYS. I will not say that. I would say I have not been able to find one myself.

Mr. HAMILTON of Michigan. I wanted to be informed how in practice they apportion this commutation for heat and light.

Mr. HUMPHREYS. So much a room. A second lieutenant gets commutation for two rooms at $12 each plus about $8 for heat and light.

Mr. HAMILTON of Michigan. It is estimated it will take about so much to heat and light them?

Mr. HUMPHREYS. Yes; a captain gets four rooms and so on up. A general perhaps gets 10 or 12 rooms, and he gets the $12 apiece commutation for 10 rooms and commutation for heat and light is proportionately greater.

Mr. HAMILTON of Michigan. That the gentleman thinks is a matter of practice and is not covered by any statute?

Mr. HUMPHREYS. I can only say that, in the limited investigation I gave the matter, I could not find the statute; and I have been advised that the Judge Advocate of the Army—he did not tell me this—is of opinion that this bill, if enacted into law, would comprehend commutation of light and heat. I remember this, that when we brought the National Guard officers here during the past 10 or 12 years in the Medical Corps to take this course that we authorized them to take, they were provided commutation of quarters, and they were paid commutation for heat and light, and in the course of time the Comptroller of the Treasury held they were not entitled to commutation for heat and light, and they had to pay that back into the Treasury. I tried to get an authorization for it, but I was unsuccessful; and that made me fearful that although the Judge Advocate General might think that this included heat and light the Comptroller of the Treasury might rule otherwise.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. KAHN. The amount involved in the gentleman's proposition, after all, is of such a negligible character in the great expense of this war that the officers have not asked for that legislation.

Mr. HUMPHREYS. Well, the officers that I know of would like to be put on an equality at least in the matter of pay with the officers who stay here in the city of Washington, and, as far as I am concerned, I would like to put them at least upon an equality, and when we propose to pay these officers in Washington commutation of light and heat, I think, as a matter of simple justice, we ought to pay it to the men who are with the troops.

Mr. GARNER. Will the gentleman yield?

Mr. HUMPHREYS. I will.

Mr. GARNER. I was going to ask the gentleman—it is now half past 5 o'clock, and unless the gentleman wants to make a speech probably the Chair was ready to rule, and unless he desired to discuss the point of order——

Mr. HUMPHREYS. Is that an inquiry?

Mr. GARNER. I did not know whether the gentleman wanted to discuss the point of order any further; otherwise I would call for the regular order.

Mr. HUMPHREYS. I was directing my remarks to those whose sympathies are with the soldiers, who are sent to war even in preference to those who remain at home. I do not know whether my remarks were addressed to the gentleman from Texas or not. [Laughter.]

The CHAIRMAN. The question for the Chair to decide depends to a very large extent, practically entirely, upon the question of fact as to whether the commutation for light and heat is embodied in the law for commutation of quarters.

Mr. STAFFORD. If the Chairman will permit me, I will answer more definitely the query the Chairman directed to me—whether there was a separate statute for commutation of light and heat. I have in my hand a letter from the Auditor for the Navy Department, of whom I made direct inquiry as to this subject but not this immediate question, in which he cited my attention to the acts which I have directed to the Chairman's attention as being the only acts which relate to commutation of quarters. Those acts I have read in full to the Chair and the committee, and nowhere is there any reference in those acts to any commutation for light and heat.

The CHAIRMAN. As the Chair stated——

Mr. COOPER of Wisconsin. Mr. Chairman, in connection with the point of order, suppose an officer went from here to Chicago and we were simply to give him commutation of light, what good would it do him without his having quarters? Commutation of heat is nothing unless he has a house in which to put the heat, and it strikes me "commutation of quarters" ought to be construed to include commutation of light and heat.

The CHAIRMAN. The Chair was proceeding to state that the question was one very largely to be controlled by facts as to whether the provision for heat and light was in the same law with the provision for commutation for quarters. The Chair is frank to say he is not familiar with all the laws governing the Military Establishment. The Chair, however, has privately asked the chairman of the Committee on Military Affairs since this point of order was made if the provision for the commutation of heat and light was in a separate statute. The chairman stated he was of the opinion that the provision of law for the commutation of quarters carries with it commutation for heat and light, and that the provision for heat and light had been allowed by the auditors as incidents necessary and a part of the commutation of quarters. Accepting that as law, the amendment of the gentleman from Mississippi simply carries out what the law for commutation already authorizes, and therefore the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. STAFFORD) there were—ayes 30, noes 14.

So the amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word. I do it for the purpose of asking the gentleman from California [Mr. KAHN] a question about the statement that he made a few moments ago, referring to regulations of the Army about supplying officers from the Quartermaster's Department with equipment, including clothing, and so forth. I was going to say I do not believe enough publicity has been given to it that I would ask him to make a statement in reference to this order.

Mr. KAHN. The Senate passed a bill to allow the Government to furnish Army officers with uniforms at cost. While that bill was pending in the House Committee on Military Affairs the War Department issued an Army regulation allowing officers to buy their uniforms from the Quartermaster's Department at cost.

Mr. HASTINGS. And that extends to all officers?

Mr. KAHN. Yes, sir.

Mr. HASTINGS. That is all.

Mr. HASKELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 6, after the words "United States," strike out the words "who maintains a place of abode for a wife, child, or dependent parent," and after the word "furnished," in line 7, strike out the words "at the place where he maintains such a place of abode, without regard to personal quarters furnished him elsewhere," and after the word "sixty-nine," in line 12 on page 1, strike out the words "to be occupied by, and only so long as occupied by said wife, child, or dependent parent."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Chairman, I would like to ask the gentleman from New York [Mr. HASKELL] a question. I understand from the letter of the Acting Quartermaster General that under existing practice the maximum amount of allowance for quarters is $737,500. His estimate is, if we pass this bill as reported by the committee——

Mr. HASKELL. Mr. Chairman, I can not yield for a statement. I want to discuss the amendment.

Mr. STAFFORD. I beg the gentleman's pardon. I thought the gentleman was going to yield the floor.

Mr. HASKELL. I would like to discuss the amendment.

Mr. Chairman and gentlemen, I feel, as the gentleman from Vermont [Mr. GREENE] stated here a little while ago, that we can not establish two systems of pay for Army officers or for Federal employees anywhere, any more than we should establish two schedules of pay for Members of Congress—one for those who happen to be married and another for those who happen to be single.

I personally know a great many men who went into the training camps, and who to-day are in the Officers' Reserve Corps. Their expense for uniforms has been large. Besides they pay for their own mess. It has been said here to-day that the equipment which they need preparatory to going abroad will amount to $1,000. That may not be the exact amount, but, be that as it may, the claim for quarters or commutation thereof is a worthy one with reference to the officer in the Army, whether he is married or not. The expense which he has incurred and the sacrifice made by him in entering the service entitle him to it.

The pay of Army officers was fixed about 10 years ago. Since then, at a modest estimate, the cost of living has increased 50 per cent. Proof of this fact can be found by comparing the cost of the ration of 10 years ago with its cost to-day.

And I challenge the statement made here to-day that the men who accepted commissions in the Army are receiving a higher grade of pay than they were in civil life. I dare say that instead of receiving a higher rate of pay, if the figures were calculated they would show that the men who have commissions to-day in the Officers' Reserve Corps are receiving on an average less than 50 per cent of the pay which they received in civil life.

I know it to be a fact in reviewing the applications for admission to the training camps and in the consideration of applications for commissions in the Army in the War Department that the rate of pay, the earnings of the men per annum in civil life, has been one of the strong determining elements in the situation, because their earnings and success in private life would seem to be an excellent guide, if physically and morally fit, as to their prospective usefulness in the military service, and especially so when the Government has been able to obtain these men at 50 per cent and more less than their earnings before entering the military service.

The spirit of service and sacrifice, and not profit, has controlled these men who have accepted commissions. It has not been a matter of dollars and cents with them at any time as to whether they would serve in this war; but having commenced that service, something that was allowed and paid in the past should not be taken away, as has been the case with the allowance of commutation for quarters.

They have had their obligations at home; some have families, some of them have other dependents, and all of them have incurred large and unusual expense since entering the service.

It does not seem to me sound legislation that we, as the Congress of the United States, should grade the pay of officers on the proposition as to whether a man is married or single, whether he has a dependent, or otherwise, because then you would have to go further and consider how many dependents each officer has or how many children he has, and should he be married and have 12 children, you would have to give him a higher, larger, and more adequate compensation, and the difficulties and work involved would make the plan prohibitive.

So I think, gentlemen, we ought to establish one plan of pay, and give it to the single men, to the officers, whoever they may be, wherever they may be serving, and make them all alike and not give any advantage to the swivel-chair officer, as we have been doing. Give it to the man, preferably, in the field; but, as that does not seem practicable, treat them all the same irrespective of whether they be married or single, and I submit that this, the only fair and uniform, the only proper way to proceed in this matter, will be accomplished if the amendment proposed by myself is adopted.

Mr. WALSH. Will the gentleman yield?

Mr. HASKELL. I yield.

Mr. WALSH. Do I understand correctly when I understand the gentleman to say that 50 per cent of the men who have been commissioned are receiving less now than they did in civil life?

Mr. HASKELL. I have not the figures, but from the applications I have seen, and from men that I know, and applications I have seen submitted, I can say as to them, in every case where they were commissioned, that they are receiving not more than 50 per cent of the earnings which they were receiving prior to entering the service as commissioned officers.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from New York [Mr. HASKELL].

Mr. HUMPHREYS. Mr. Chairman, I ask the gentleman from California if he is not willing to accept this amendment?

Mr. DENT. Mr. Chairman, may I say that I am willing to accept it?

Mr. STAFFORD. Can the chairman of the committee inform the members of the committee as to how much additional money will be required in case that is adopted? The gentleman from California [Mr. KAHN] once stated that the commutation of quarters for these officers under existing practice ran up to $7,000,000; but as I read the letter of the Acting Quartermaster General, Gen. George W. Goethals, the maximum amount, as he estimates, under existing practice, is $737,500. Am I right in that particular?

Mr. DENT. I was under the impression that the figures were different from that.

Mr. STAFFORD. I ask the gentleman's attention to the third paragraph of Gen. Gothals's letter, found on page 3, in which he says that the total amount will be $737,500, and he estimates that if this bill is passed as reported it would cost $33,850,000.

Mr. DENT. Passed in its present form, I recoilect.

Mr. STAFFORD. How much additional will it cost to the Government if the amendment of the gentleman from New York is adopted?

Mr. DENT. It has been variously estimated at from $50,000,000 to $75,000,000.

Mr. STAFFORD. And the gentleman is willing to accept that amendment?

Mr. DENT. Yes. I will state frankly to the gentleman why I am willing to accept the amendment. It will put the bill into conference, and there, I hope, we can work out something that will be fair and equitable.

Mr. STAFFORD. Does not the gentleman think we should have a quorum present when we are determining a question that will involve an expenditure of $50,000,000 or $75,000,000 additional on the part of the Government?

Mr. DENT. That may be; but I would not look at it in that way. That is my feeling about it.

Mr. STAFFORD. Of course, the gentleman from Alabama may not have any feeling for the amount that is involved. I can say to him that I have some feeling for the Treasury when the amendment involves $75,000,000, and I think there are some here who believe there should be a quorum present when such an amendment is adopted.

Mr. DENT. Well, I have never been close enough to the Treasury to have any feeling like that. [Laughter.]

Mr. HUMPHREYS. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS. Mr. Chairman, if this amendment is going to be accepted, I do not care to say anything; but I want to call attention to this fact: The gentleman from Wisconsin [Mr. STAFFORD] speaks about having some feeling for the Treasury. This amendment simply proposes to pay the officers who are sent to France to fight the battles of this war the same as we pay to officers who stay at home. [Applause.] That is all.

I hope that this House will have as much feeling for the men who go out on the battle field to die for the Republic as they have for the Treasury of the United States, which would not be worth a baubee if these men did not go out and sacrifice themselves for the perpetuity of this Government. I hope the amendment will be agreed to. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield to me a moment before he takes his seat?

Mr. HUMPHREYS. Yes.

Mr. MOORE of Pennsylvania. It also means that we will pay the men in the various camps away from home now as much as we pay those detailed at the seat of Government?

Mr. HUMPHREYS. It means that we pay them all the same salary, wherever they may be. It puts them on an equality. It makes no discrimination against any of them. As the bill now stands it discriminates against the man who is sent away from home and put into the trenches. That can not be justified. I hope this House will vote for the amendment. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes in opposition to the pro forma amendment.

Mr. STAFFORD. Mr. Chairman, it seems to me the Members of the House to-day have no regard whatever for the taxpayers of the country, and that their only regard is for swelling the salaries, not of the enlisted men who are fighting our cause on foreign battle fields, but for the officers, that least deserve an increase in salary.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. And they base their argument for that increase, or raid on the Treasury of the United States, involving perhaps an amount of $100,000,000, upon an existing practice, localized in only a small portion of this country, which covers an expenditure of about $700,000.

The committee addressed an inquiry to the Quartermaster General as to what would be the saving if the present practice were abandoned, so as to place all on an equality, and he stated that the present policy costs only $737,000.

Many of the Members having received letters, very probably, from interested officers of the Army, and not satisfied with the extent to which the committee has gone by providing an increase of salaries to the officers aggregating $33,000,000, now wish to have an amendment passed that will carry an additional $50,000,000 to $75,000,000 to be imposed upon the Treasury, without a quorum present.

Why, gentlemen, we are just launching upon the third liberty loan, and everywhere the people are responding generously to the call, and that call will be met. But there is going to be a limit to this policy of $100,000,000 of appropriations to a certain favored class. There are many married enlisted men who are receiving the allowances allowed them by the war-insurance act.

This House took decisive action when that bill was under consideration, that under the compensation feature of the war-insurance act the widows of officers should receive no more than the widows of enlisted men, and now you are singling out officers, those of a special class, who are receiving high salaries as it is.

An instance has been cited as warrant for this raid of $33,000,000, and now this additional raid of $50,000,000 to $75,000,000 more, of a lieutenant colonel who receives a salary of $3,600 and who, because he is obliged to entertain abroad, is not able to send any allotment to his wife at home, and she is obliged to go to work for the small pittance of $80 a month. That man ought to be ashamed of himself for allowing his salary of $3,600 to be dissipated abroad and permitting his wife to work here for her and her children's support. If they can not present a better justification for this outrageous raid on the Treasury, this amendment should be defeated.

I am surprised at the gentleman from New York suggesting an amendment that involves an addition of $50,000,000 to $75,000,000, which in all will raise the fund to more than $200,000,000.

Mr. PLATT. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PLATT. Does the gentleman think it is exactly fair, when a man is ordered into the field, when he risks his life, to cut down his pay?

Mr. STAFFORD. Oh, the officers with the true mettle in them are not thinking of their mere pay while they are fighting this war. They are not concerned about their pay. True, they will accept it if we vote it, but the officers generally are satisfied with conditions and are willing to accept those conditions as they are. But you are singling out the officers. You are not considering married enlisted men. Their wives are limited to the pittance of $25 a month, or $35 perhaps if they have children, but here are second lieutenants receiving $1,700 a year, many of whom were not receiving as much as that in civil life.

Mr. PLATT. And many of them were receiving much more.

Mr. STAFFORD. And you are justifying your position entirely by the fact that there is an existing practice that costs the Government $700,000 a year at the utmost and using that as an excuse to increase the appropriation more than a hundred times. This is extravagance run wild.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment of the gentleman from New York [Mr. HASKELL].

The question being taken, the Chairman announced that he was in doubt.

The committee divided; and there were—ayes 30, noes 25.

Mr. STAFFORD. I ask for tellers, Mr. Chairman.

Tellers were refused, 12 Members—not a sufficient number—rising in support of the demand.

Accordingly the amendment was agreed to.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. STAFFORD. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from New York [Mr. HASKELL].

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] demands a separate vote on the Haskell amendment. The Chair will put the other amendments first.

Mr. DENT. Mr. Speaker, I would like to submit a request for unanimous consent. I have only one other bill on the list.

The SPEAKER. Had we not better get through with this one first?

Mr. DENT. I was going to submit a request in regard to it, and state the reason why. I have only one other bill on the list to-day and that is the bill which amends the draft act, excepting from the draft citizens of neutral countries who have declared their intention to become citizens of the United States. The bill is recommended by the President, by the War Department, and by the Secretary of State. Under the rule, if this bill should go over I could not get it up. So I ask unanimous consent that immediately after the reading of the Journal to-morrow the vote be taken on S. 3863, providing for commutation of officers' quarters, and that it then be in order to call up H. R. 9932, in regard to citizens of neutral countries.

The SPEAKER. The gentleman asks unanimous consent that the pending bill go over until to-morrow, in the status in which it is, and that the first thing after the reading of the Journal and the clearing up of the usual business on the Speaker's table this bill be voted on, and that H. R. 9932 shall be in order immediately after this bill is disposed of. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2316. An act to promote export trade, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4102. An act granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 9, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a deficiency estimate of appropriation, payable from the postal revenues, required by the Post Office Department for expenses of mail bags and equipment, fiscal year 1918 (H. Doc. No. 1018); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting certain changes desired in estimates for the Yellowstone National Park for the fiscal year 1919 (H. Doc. No. 1019); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 11276) to relieve Congress from the adjudication of private claims against the Government; to the Committee on the Judiciary.

Also, a bill (H. R. 11277) for the payment of certain claims for difference between the pay in which service was rendered and the pay received growing out of service in the Army as reported by the Court of Claims; to the Committee on War Claims.

By Mr. KALANIANAOLE: A bill (H. R. 11278) to appropriate $50,000 for the erection of a fish hatchery and laboratory at Honolulu, Hawaii; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 11279) to protect citizens of the United Sattes against lynching in default of protection by the States; to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 11280) to regulate the immigration of aliens to the United States; to the Committee on Immigration and Naturalization.

By Mr. SLAYDEN: A bill (H. R. 11281) for additional buildings, equipment, and repair facilities, San Antonio Arsenal, San Antonio, Tex.; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 11282) to regulate the employment of minors within the District of Columbia; to the Committee on the District of Columbia.

By Mr. PHELAN: A bill (H. R. 11283) to amend and reenact sections 4, 11, 16, 19, and 22 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes; to the Committee on Banking and Currency.

By Mr. SIMS: A bill (H. R. 11284) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: Joint resolution (H. J. Res. 277) extending to the Territory of Hawaii the same right that is given to the States of the Union to participate in the Federal funds for vocational education; to the Committee on the Territories.

By the SPEAKER (by request): Memorial of the Legislature of the State of Montana, urging need for legislation providing for the location, registration, classification, and proper assignment of labor; to the Committee on Labor.

Also, memorial favoring the passage of legislation to enable the President to make railroads make additions and improvements necessary for war purposes; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Montana, favoring the passage of amendment to the Constitution of the United States giving suffrage to women; to the Committee on Woman Suffrage.

Also, memorial of the Legislature of the State of Montana, favoring an appropriation of $750,000 for the Flathead irrigation project; to the Committee on Indian Affairs.

By Mr. GALLIVAN: Memorial from the General Court of the Commonwealth of Massachusetts, requesting Congress to provide for the public ownership and operation of coal mines; to the Committee on Mines and Mining.

Also, memorial from the General Court of the Commonwealth of Massachusetts, in favor of free railroad transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

By Mr. LUFKIN: Memorial from the General Court of the Commonwealth of Massachusetts, favoring free transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

By Mr. ROGERS: Memorial from the General Court of the Commonwealth of Massachusetts, favoring free transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

By Mr. TINKHAM: Memorial from the General Court of the Commonwealth of Massachusetts, favoring free railroad transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

Also, a memorial from the General Court of the Commonwealth of Massachusetts, requesting Congress to provide for public ownership and operation of coal mines; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 11285) granting an increase of pension to John Mittlestedter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11286) granting a pension to William T. Murphy; to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 11287) granting a pension to George Clark; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 11288) granting an increase of pension to Sarah Ann Cantrell; to the Committee on Pensions.

Also, a bill (H. R. 11289) granting an increase of pension to Francis M. Noojin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11290) for the relief of heirs or estate of John Edwards, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 11291) granting a pension to Mary MacArthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11292) granting a pension to Ingoald Rugg; to the Committee on Pensions.

Also, a bill (H. R. 11293) granting a pension to Mariah Graves; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 11294) granting an increase of pension to Joel Skelton; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 11295) granting a pension to Henry Thomas; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11296) granting a pension to S. H. Gurley; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11297) granting an increase of pension to Harvey Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11298) granting a pension to Almer G. Logsdon; to the Committee on Pensions.

Also, a bill (H. R. 11299) granting an increase of pension to John H. Carter; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 11300) granting an increase of pension to Henry C. Hill; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11301) granting an increase of pension to Daniel A. Larkin; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11302) granting an increase of pension to Joseph K. Dixon; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11303) granting an increase of pension to Albert R. Smiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11304) granting an increase of pension to Middleton Shockey; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 11305) for the relief of Edward H. Dennison; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 11306) granting a pension to Kenzie Lovelace; to the Committee on Pensions.

Also, a bill (H. R. 11307) granting an increase of pension to J. M. Wilson; to the Committee on Invalid Pensions.

By Mr. SAUNDERS of Virginia: A bill (H. R. 11308) granting a pension to Charles A. Baldwin; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 11309) granting an increase of pension to Henry Davis; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11310) granting a pension to Clara R. Wilson; to the Committee on Pensions.

By Mr. SULLIVAN: A bill (H. R. 11311) granting an increase of pension to Alpheus N. Barnhouse; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11312) granting an increase of pension to Leverett C. Felch; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 11313) granting an increase of pension to Horatio T. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11314) granting a pension to Almira York; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of R. E. Lee Freese, Fayette, Mo., calling the attention of Congress to the deserving person who wants to rent land; to the Committee on Agriculture.

Also, resolution of the Interstate Association of Building Contractors, pledging the support of the Middle West in the war and asking for the appointment of a representative from that section on the war emergency construction board; to the Committee on Military Affairs.

Also, resolution by the Presbyterian and Reformed Churches, of Washington, D. C., asking for a national day of fasting and prayer; to the Committee on the Library.

Also, petitions of Franklin District Farm Club and others, of Missouri, asking that a price for corn be fixed; to the Committee on Agriculture.

Also, petition of American Defense Society, relative to letter of United States Commissioner of Education; to the Committee on Education.

Also, petition of Louis A. Cuvillier, relative to Republics of the United States and France; to the Committee on Foreign Affairs.

Also, memorial of Friends of Our Nature Landscape, relative to appropriation for bureau of national parks; to the Committee on the Public Lands.

Also, petition of United Irish Societies of New York, asking freedom for Ireland; to the Committee on Foreign Affairs.

Also, petition of C. A. Riek, of Hermann, Mo., against chaplains in Army, etc.; to the Committee on Military Affairs.

By Mr. CARY: Petition of the Public Utilities Commission of the District of Columbia, against allowing the Washington, Baltimore & Annapolis Electric Railway Co. to build loop at New York Avenue, Thirteenth and H Streets NW.; to the Committee on the District of Columbia.

Also, memorial of Wisconsin Daily League, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DALE of New York: Resolution of the Alabama State Highway Conference, urging the National Government to build more and better highways; also indorsing the Chamberlain-Dent bill calling for Federal planning of military roads; to the Committee on Roads.

By Mr. DILLON: Resolution of the South Dakota Life Underwriters' Association, favoring universal military physical and military training; to the Committee on Military Affairs.

By Mr. ELSTON: Petition of St. John's Presbyterian Church, Berkeley, Cal., for the passage of a bill to prohibit the manufacture of any kind of food into any kind of alcoholic drink; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the Wisconsin Daily League, opposing the periodical postage provisions of the war-revenue act and suggesting amendment; to the Committee on Ways and Means.

By Mr. FOSTER: Petition of Central Church of Christ, to repeal the increased rate of postage on magazines, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Resolution of the Alabama State Highway Conference, asking for more and better road building by the National Government; to the Committee on Roads.

By Mr. OSBORNE: Petition of Mrs. Margaret Nelson, Los Angeles, Cal., for relief from excessive, exorbitant, and unjust policy assessments; to the Committee on the Judiciary.

Also, memorial of Stanton Post, No. 55, of California and Nevada, Grand Army of the Republic, located at Los Angeles, Cal., requesting Congress to unite the suggested memorial holiday proposed for May 9 with the present national Memorial Day, May 30, to the end that the heroic service of our comrades who preserved the Union may not be lost to history; to the Committee on the Library.

By Mr. RAKER: Petitions of Everwear Manufacturing Co., Makins Produce Co., the Elkus Co., Hooper & Jennings, and Coffin, Redington Co., in vigorous support of Senate bill 3962; to the Committee on Ways and Means.

Also, resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

Also, petition of the Mendota (Ill.) Woman's Club, protesting against the zone system and asking for its immediate repeal; to the Committee on Ways and Means.

Also, petition of H. Tillman and 35 others, of Jenny Lind, Cal., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Langley & Michaels Co., San Francisco, Cal., relative to Senate bill 3962, providing for monthly installments for payments of income and excess-profits taxes; to the Committee on Ways and Means.

Also, petition of Pacific Electric Railway Co., relative to provision made in war-finance bill for financing public utilities having maturities coming due; to the Committee on Ways and Means.

By Mr. STEENERSON: Petition of Fargo (N. Dak.) College, urging amending war-revenue law with reference to legacies and inheritances; to the Committee on Ways and Means.

Also, petition of citizens of Frazee, Minn., against House bill 128, relative to interference with religious liberties, etc.; to the Committee on the District of Columbia.

Also, memorial of citizens of Fergus Falls, Minn., favoring compulsory military training; to the Committee on Military Affairs.

By Mr. WOODYARD: Petition of the Rotary Club of Huntington, W. Va., favoring the enactment of a law changing the time of payment of income and excess-profits taxes; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 9, 1918.*

(Legislative day of Saturday, April 6, 1918.)

The Senate met at 11 o'clock a. m.

The Vice President being absent, the President pro tempore assumed the chair.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The PRESIDENT pro tempore. The Secretary will report the pending amendment of the committee as amended.

The SECRETARY. On page 2, after line 17, insert the following:

and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall willfully display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein.

HOUSE BILL REFERRED.

H. R. 8764. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union, was read twice by its title and referred to the Committee on Banking and Currency.

ENROLLED BILL SIGNED.

The PRESIDENT pro tempore announced his signature to the enrolled bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3528) to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

The message also announced that the House had passed the bill (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with or incidental to the prosecution of the war, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9898. An act to establish in the Coast Artillery Corps of the Regular Army an Army mine-planter service;

H. R. 9901. An act to give indemnity for damages caused by American forces abroad;

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917;

H. R. 9570. An act to amend articles 52 and 53 of section 1342 of the Revised Statutes as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, and for other purposes; and

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4102. An act granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho; and

H. R. 2316. An act to promote export trade, and for other purposes.

PETITIONS.

Mr. NELSON. I have a large number of petitions of numerous citizens of Minnesota asking that the so-called spy bill be amended in order to preserve the peace and protect our soldiers against an enemy in the rear. I ask that the petitions may lie on the table, as the bill is pending.

The PRESIDENT pro tempore. The petitions will lie on the table.

Mr. KELLOGG. I wish to present several petitions from citizens of Minnesota, one of which, without the names, I ask be incorporated in the RECORD.

There being no objection, the petition referred to was ordered to be printed in the RECORD, as follows:

AMBOY, MINN., *March 18, 1918.*

Senator FRANK B. KELLOGG.
Washington, D. C.

HONORED SIR: We, the undersigned, do hereby most respectfully and earnestly petition that you use your best and continuous efforts to secure the closing of all places in which alcoholic beverages are sold or otherwise disposed of during the war. By so stopping this traffic we believe that a great and practically criminal waste of the materials out of which these beverages are made will be stopped and the best interests of the United States and its associates in this great contest for liberty will be conserved.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN. From the Committee on Appropriations I report back with amendments the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and I submit a report (No. 362) thereon. I give notice that at the earliest reasonable opportunity I shall ask the Senate to proceed to the consideration of this bill.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN, from the Committee on Banking and Currency, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3895) to regulate the allowance of overdrafts by national banking associations, and to provide penalties for its violation (Rept. No. 363);

A bill (S. 3898) to require cashiers and other officers of a national banking association handling its funds to give bond and to prevent its officers and employees from making erasures on the books of the association (Rept. No. 364); and

A bill (S. 3899) to repeal the sixth section of an act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes" (Rept. No. 365).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 3902) to provide a penalty for obtaining loans or credit from a national banking association based on false statements (Rept. No. 366); and

A bill (H. R. 10691) to amend section 5200 of the Revised Statutes, as amended (Rept. No. 367).

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 3893) to amend and reenact section 5239, Revised Statutes of the United States (Rept. No. 368);

A bill (S. 3894) to amend and reenact section 5147, Revised Statutes of the United States (Rept. No. 369);

A bill (S. 3896) to amend and reenact section 691a of chapter 18, subchapter 7, of the Code of Laws of the District of Columbia (Rept. No. 370);

A bill (S. 3897) to amend and reenact section 713 of chapter 18, subchapter 10, of the Code of Laws of the District of Columbia (Rept. No. 371);

A bill (S. 3900) to amend and reenact section 5172 of the Revised Statutes of the United States (Rept. No. 372);

A bill (S. 3901) to authorize national banking associations to establish and maintain branches (Rept. No. 373);

A bill (S. 3903) to amend and reenact section 5137, Revised Statutes of the United States (Rept. No. 374);

A bill (S. 3905) to amend and reenact section 5209 of the Revised Statutes of the United States (Rept. No. 375);

A bill (S. 3910) to prevent usury, provide penalties for its violation, and for other purposes (Rept. No. 376);

A bill (H. R. 10205) to provide for the consolidation of national banking associations (Rept. No. 377); and

A bill (S. 3904) to amend and reenact sections 5222 and 5230, Revised Statutes of the United States (Rept. No. 378).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver; to the Committee on Banking and Currency.

By Mr. HARDING:

A bill (S. 4293) for the relief of Lucinda Reveal; to the Committee on Military Affairs.

A bill (S. 4294) granting an increase of pension to Mary E. Adams; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 4295) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Cal., and Klamath County, Oreg., and for other purposes (with accompanying papers); to the Committee on Public Lands.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 9898. An act to establish in the Coast Artillery Corps of the Regular Army an Army mine-planter service;

H. R. 9901. An act to give indemnity for damages caused by American forces abroad;

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917;

H. R. 9570. An act to amend articles 52 and 53 of section 1342 of the Revised Statutes as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, and for other purposes; and

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. HALE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Myers	Sherman
Beckham	Henderson	Nelson	Smith, Ga.
Chamberlain	Hitchcock	Nugent	Smith, Md.
Colt	Johnson, Cal.	Overman	Smoot
Culberson	Jones, Wash.	Page	Swanson
Dillingham	Kellogg	Pittman	Tillman
France	Lodge	Saulsbury	Underwood
Gallinger	McNary	Shafroth	Vardaman
Hale	Martin	Sheppard	Wolcott

Mr. JONES of Washington. The Senator from Michigan [Mr. TOWNSEND] is necessarily absent in connection with the liberty-loan campaign.

I also make the same announcement in reference to the Senator from Iowa [Mr. KENYON].

Mr. ROBINSON. I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

Mr. GERRY. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] and the senior Senator from California [Mr. PHELAN] are detained on official business.

The PRESIDENT pro tempore. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. STERLING, Mr. THOMAS, Mr. WADSWORTH, and Mr. WEEKS answered to their names when called.

Mr. KING, Mr. ROBINSON, Mr. BANKHEAD, Mr. SHIELDS, Mr. GERRY, Mr. KIRBY, Mr. POINDEXTER, Mr. NEW, Mr. FRELINGHUYSEN, Mr. REED, Mr. MCKELLAR, Mr. THOMPSON, Mr. HARDING, Mr. MCCUMBER, Mr. BORAH, Mr. PENROSE, Mr. KNOX, Mr. FLETCHER, Mr. SMITH of South Carolina, Mr. HOLLIS, and Mr. TRAMMELL entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, there is a quorum present. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment.

Mr. MCKELLAR. I offer an amendment.

Mr. OVERMAN. Now that a quorum has been developed I wish to present a proposed unanimous-consent agreement. I will state that I do not want to encumber the RECORD with the telegrams I have received as manager of the bill, but the sentiment of this country has been very much aroused against the Senate for delaying the bill. I ask the Secretary to read a telegram I received this morning.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF NORTH CAROLINA,
Wilmington, N. C., April 8, 1918.

Senator LEE S. OVERMAN,
Chairman Senate Judiciary Committee, Washington, D. C.

DEAR SENATOR: I hope you will be able to press the espionage bill amendment through to a prompt termination.

We have the largest percentage of Germans in this town of any place in the State, and many of our people are getting restless. Candidly, I fear violence, and it is only necessary for something to start.

People are beginning to have small meetings, and there is talk of mass meetings to stop pro-German talk. It is reported to me that a small meeting in discussing this matter last night said: "To hell with the United States attorney's office. The Federal laws passed since the war only justify arrest for disorderly conduct, and we can handle the situation if necessary," or words to that effect. I have cautioned the people about violating the law until I feel that there is a general impression here that my office is impotent to check pro-German propaganda.

Respectfully,

J. O. CARR,
United States Attorney.

Mr. OVERMAN. I am in receipt of letters from district attorneys all over the country, from California to Maine, on this subject. The people are very much aroused. If we want mob law, just go on and delay this bill. If we want to have law and order in this country, we should pass the bill without delay. I therefore propose the following unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair will say to the Senator from Tennessee [Mr. MCKELLAR] that the amendment offered by him is not now in order, the amendment of the committee having been adopted. The only method of getting action upon the amendment as in Committee of the Whole would be to reconsider the vote by which the amendment of the committee was agreed to.

Mr. MCKELLAR. What was the amendment just adopted?

The PRESIDENT pro tempore. The committee amendment as amended.

Mr. MCKELLAR. May I ask how that affects this particular amendment?

Mr. OVERMAN. I suggest that the Senator present his amendment in the Senate.

The PRESIDENT pro tempore. The amendment will be in order in the Senate.

Mr. MCKELLAR. I offered the amendment and had it printed several days ago, and I do not understand just why it should not be in order in Committee of the Whole.

Mr. OVERMAN. No advantage will be taken of the Senator. I should like to get the question of a unanimous-consent agreement settled.

The PRESIDENT pro tempore. Of course, it will be necessary for the Senator to call up his amendment in the Senate. It will not be taken up automatically.

Mr. MCKELLAR. I am still at a loss to know in what particular it is not in order to amend the committee amendment.

The PRESIDENT pro tempore. That amendment has just been adopted in Committee of the Whole.

Mr. MCKELLAR. Then I give notice that I shall offer the amendment in the Senate.

Mr. OVERMAN. I am inclined to accept the Senator's amendment when it comes up in the Senate.

Mr. MCKELLAR. That is entirely satisfactory.

The PRESIDENT pro tempore. The proposed unanimous-consent agrement sent to the desk by the Senator from North Carolina will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Tuesday, April 9, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may

be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 30 minutes upon the bill, or more than once or longer than 20 minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. The Chair presumes that the proposed agreement was submitted in advance of a roll call to develop if there was any opposition to it.

Mr. OVERMAN. A quorum has just been developed.

The PRESIDENT pro tempore. The Senate has done business since the call.

Mr. BORAH. I did not understand the agreement. Are we to begin voting at 2 o'clock to-day?

Mr. OVERMAN. At 5 o'clock.

The PRESIDENT pro tempore. At 5 o'clock.

Mr. FRANCE. Mr. President, I rose to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FRANCE. When was the committee amendment as amended adopted?

The PRESIDENT pro tempore. Immediately subsequent to the call for a quorum.

Mr. FRANCE. I was here and paying attention to the proceedings and did not hear the announcement. I desire to offer an amendment to the amendment of the committee.

The PRESIDENT pro tempore. The amendment of the Senator from Maryland will be in order in the Senate.

Mr. FRANCE. I desire to reserve the right to offer it in the Senate.

The PRESIDENT pro tempore. The Senator will have that right.

Mr. CUMMINS. There is one amendment which I think ought to be adopted to the amendment that has been under discussion for a day or two. I did not get here in time to offer it before the adoption of the amendment. I assume it will be in order when the bill reaches the Senate.

The PRESIDENT pro tempore. The Senator from Iowa can offer the amendment in the Senate. The Senator from North Carolina proposes a unanimous-consent agreement, which requires a call of the roll. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nugent	Sterling
Beckham	Johnson, Cal.	Overman	Swanson
Borah	Kellogg	Page	Thomas
Colt	King	Penrose	Thompson
Culberson	Kirby	Poindexter	Tillman
Cummins	Knox	Ransdell	Trammell
Fletcher	McCumber	Reed	Wadsworth
France	McKellar	Robinson	Williams
Gerry	McNary	Saulsbury	Wolcott
Harding	Myers	Sheppard	
Hardwick	Nelson	Shields	
Henderson	New	Smith, S. C.	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CURTIS, Mr. HOLLIS, Mr. JONES of Washington, Mr. SHAFROTH, Mr. SIMMONS, Mr. SMOOT, and Mr. SMITH of Georgia answered to their names when called.

Mr. PITTMAN, Mr. SHERMAN, Mr. UNDERWOOD, Mr. DILLINGHAM, Mr. VARDAMAN, Mr. LODGE, Mr. SMITH of Arizona, Mr. WALSH, and Mr. CALDER entered the Chamber and answered to their names.

Mr. VARDAMAN. Mr. President, I wish to announce the absence of the Senator from Alabama [Mr. BANKHEAD] on account of official business.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. FRANCE. Mr. President, I ask unanimous consent that the vote by which the committee amendment was adopted as in Committee of the Whole be reconsidered, because I think a number of Senators here did not understand the amendment that was being adopted, and quite a number of Senators, I believe, have amendments which they desire to offer. I would suggest that we have another vote on the amendment as in Committee of the Whole.

Mr. OVERMAN. If I can obtain a unanimous-consent agreement for a final vote I shall agree to that proposition.

The PRESIDENT pro tempore. The question before the Senate is the unanimous-consent agreement, for which a quorum has just been developed. Is there objection to the unanimous-consent agreement? The Chair will recognize the Senator from Maryland immediately after the disposition of the question.

Mr. JONES of Washington. Let the unanimous-consent agreement be read, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Tuesday, April 9, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 30 minutes upon the bill, or more than once or longer than 20 minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. REED. I appeal again to the Senator from North Carolina not to insist upon that unanimous-consent agreement. If we had stuck to the text of our work on yesterday, instead of going into by-paths, we should have been far along with this bill.

My sole objection to making an agreement of this kind is this: Frequently it happens that amendments of the most important character are offered and are inadequately understood, because there is no time given for a proper statement of the questions involved. There is no necessity, in my opinion, for a unanimous-consent agreement as to this bill. I believe if the Senator from North Carolina will simply stay here by his bill we shall get through the bill in a very short time. I want to see it passed in some form just as much as does the Senator from North Carolina, though I think there are some modifications of it which might properly be made. I hope the Senator will merely allow us to go on with the bill. We have met here this morning at 11 o'clock, and I think the debate can be very readily proceeded with.

Mr. SMITH of Georgia. Mr. President, I want to suggest that, if unanimous consent can not be obtained to close the debate at 5 o'clock, could we not at least obtain unanimous consent limiting debate to 10 and 5 minutes after 2 o'clock? That would give an opportunity on every amendment to meet the suggestion of the Senator from Missouri. That is long enough to discuss amendments anyway.

Mr. REED. I confess, Mr. President, that I do not see any reason why this unanimous consent should be asked. There seems to be a sort of theory in the Senate that a vote can not be obtained on a bill unless we have unanimous consent. That is born of the fact that we used to have some very long debates here that were without use. I am not going to object if the proposition is modified, because I do not want to stand here as the only Senator in the Senate protesting against this sort of action; but it is not the right way to pass bills, and especially bills that involve great constitutional and fundamental questions. There has been no disposition evinced here to delay this bill. The greatest delay which has occurred has been between Senators who have been overanxious, I think, to evince their own patriotism by denouncing that of others.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. REED. I object to it in its present form. If the Senator from North Carolina will modify it as suggested by the Senator from Georgia—that is, by taking off the time limit and letting it stand with a 20-minute limitation as to amendments—I shall not object.

Mr. OVERMAN. There has been five days' debate on one amendment. I have stayed by the bill here, trying to get it through; and I think I have been very lenient. I want to push the bill to a conclusion.

The PRESIDENT pro tempore. Objection is made. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. OVERMAN. Mr. President, I think in justice to Senators who were not present early this morning and could not be here, that I ought to ask to reconsider the vote by which the committee amendment was adopted.

The PRESIDENT pro tempore. That motion has been made by the Senator from Maryland [Mr. FRANCE], and the Chair stated that he would recognize the Senator from Maryland.

Mr. OVERMAN. I understand that the Senator from Maryland asks unanimous consent to reconsider the vote by which the amendment was adopted so that the Senator may offer his amendment. I hope that will be done, for I do not want to take any advantage of any Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maryland [Mr. FRANCE]? The

Chair hears none, and the vote by which the committee amendment as amended was agreed to is reconsidered.

Mr. MCKELLAR. Mr. President, I now offer the amendment of which I spoke a few moments ago.

Mr. BORAH. Will the Senator permit me to offer an amendment to harmonize with the amendment which was adopted last night before he proceeds to the consideration of his amendment?

Mr. MCKELLAR. I think the amendment which I intend to offer will be accepted by the chairman of the committee and agreed to; but if there is any question about it, I shall be glad to yield to the request of the Senator from Idaho.

The PRESIDENT pro tempore. The Secretary will state the amendment to the committee amendment proposed by the Senator from Tennessee [Mr. MCKELLAR].

The SECRETARY. On page 2, line 22, of the committee amendment, it is proposed to strike out the words "soldiers or sailors" and to insert in lieu thereof the words "military or naval forces," so that it will read:

or the Constitution of the United States or the military or naval forces of the United States.

Mr. OVERMAN. So far as I am concerned, I accept that amendment to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The SECRETARY. It is also proposed by Mr. MCKELLAR, on page 3, line 1, to strike out the words "soldiers or sailors" and insert in lieu thereof "military or naval forces."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. FRANCE. Mr. President, I offer the amendment, notice of which I have heretofore given, to the amendment of the committee.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. At the end of section 3 it is proposed to add the following proviso:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives and for justifiable ends.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment offered by the Senator from Maryland.

Mr. OVERMAN. Mr. President, there is no necessity for that amendment. If it were adopted, I think it would be difficult for any jury in the world to convict a guilty man. Under this bill every person charged with an offense has a jury trial. The question under this bill is not whether a man has spoken words which are true or false; but the whole basis of the bill is disloyalty; it is all founded on that. I see no reason for the adoption of the amendment and hope it will be defeated.

Mr. FRANCE. Mr. President, I do not desire at this time to discuss the amendment. I think it speaks for itself, but I should like to have the yeas and nays on the amendment to the committee amendment.

Mr. BORAH. May I ask that the amendment to the amendment be read again, and that it be read not quite so rapidly?

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The amendment to the amendment was again stated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment offered by the Senator from Maryland.

Mr. FRANCE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. I ask that the amendment to the amendment be stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The amendment to the amendment was again stated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment offered by the Senator from Maryland on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. VARDAMAN (when Mr. BANKHEAD'S name was called). I desire again to announce the absence of the senior Senator from Alabama [Mr. BANKHEAD] on account of official business.

Mr. MYERS (when his name was called). My pair, the Senator from Connecticut [Mr. MCLEAN], is necessarily absent, but I am released from my pair with him on the amendments to this bill. Therefore I am at liberty to vote, and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WALSH (when his name was called). I inquire if the Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. WALSH. I have a general pair with that Senator, and in his absence withhold my vote.

Mr. WOLCOTT (when his name was called). I inquire if the senior Senator from Indiana [Mr. WATSON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. WOLCOTT. I have a general pair with that Senator, and in his absence withhold my vote.

The roll call was concluded.

Mr. FERNALD (after having voted in the affirmative). I inquire if the junior Senator from South Dakota [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. FERNALD. I have a pair with the junior Senator from South Dakota, which I transfer to the junior Senator from Michigan [Mr. TOWNSEND] and allow my vote to stand.

Mr. REED (after having voted in the affirmative). I neglected to announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to my colleague, the Senator from Missouri [Mr. STONE]. I make that transfer and allow my vote to stand.

Mr. OVERMAN (after having voted in the negative). I wish to announce that I have a general pair with the senior Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Oklahoma [Mr. OWEN] and allow my vote to stand.

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. GALLINGER. I desire to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Alabama [Mr. BANKHEAD]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 31, nays 33, as follows:

YEAS—31.

Borah	Harding	Lodge	Reed
Calder	Hardwick	McCumber	Sherman
Chamberlain	Hitchcock	McNary	Smith, Ga.
Cummins	Johnson, Cal.	Nelson	Smoot
Dillingham	Kellogg	New	Sutherland
Fernald	King	Norris	Vardaman
France	Kirby	Page	Wadsworth
Gallinger	Knox	Penrose	

NAYS—33

Ashurst	McKellar	Saulsbury	Thomas
Beckham	Martin	Shafroth	Thompson
Colt	Myers	Sheppard	Tillman
Fall	Nugent	Shields	Trammell
Fletcher	Overman	Simmons	Underwood
Gerry	Pittman	Smith, Ariz.	Williams
Henderson	Poindexter	Smith, S. C.	
Hollis	Ransdell	Sterling	
Jones, Wash.	Robinson	Swanson	

NOT VOTING—31.

Baird	Gore	La Follette	Stone
Bankhead	Gronna	Lewis	Townsend
Brandegee	Hale	McLean	Walsh
Broussard	James	Owen	Warren
Culberson	Johnson, S. Dak	Phelan	Watson
Curtis	Jones, N. Mex.	Pomerene	Weeks
Frelinghuysen	Kendrick	Smith, Md	Wolcott
Goff	Kenyon	Smith, Mich.	

So Mr. FRANCE'S amendment to the amendment was rejected.

Mr. PENROSE. Mr. President, I desire to offer the following amendment:

No person who has committed any of the offenses described in this act shall be eligible for office, and if such person is now holding office under the United States he shall be discharged therefrom upon his guilt being declared by the head of the department in which he is employed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. CUMMINS. Let it be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. The Senator from Pennsylvania proposes the following amendment:

No person who has committed any of the offenses described in this act shall be eligible for office, and if such person is now holding office under the United States he shall be discharged therefrom upon his guilt being declared by the head of the department in which he is employed.

Mr. BORAH. Mr. President, may I ask the Senator from Pennsylvania a question with reference to the noneligibility? There is no provision in his amendment to determine how the guilt or innocence of the party shall be determined. The only provision along that line in the amendment is with regard to a man who is now in office.

Mr. PENROSE. I agree with the Senator. I think that ought to be passed on—where there has not been a conviction in a court—by the head of the department. He ought to consider carefully whether the applicant for office has been guilty of these offenses in the past.

Mr. BORAH. I assume that the Senator, in drawing the amendment perhaps hurriedly, intended to incorporate in the clause with reference to noneligibility the same provision as to determining the guilt or innocence that he has proposed with reference to the person who is now in office.

Mr. PENROSE. Yes; I think so.

Mr. BORAH. I suggest, then, that the amendment be changed in that respect.

Mr. CUMMINS. Mr. President, I should like to ask a question of the Senator from Pennsylvania. Does he intend his amendment to apply to elective offices as well as to appointive offices?

Mr. PENROSE. I do not see why it should not; but I had in mind appointive offices, having in mind the fact that the departments here in Washington contain a very large number of appointees who have had very strong pro-German leanings, and have written scurrilous reflections and treasonable articles on the Constitution of the United States.

Mr. CUMMINS. I see no objection at all to the amendment in principle, but who would discharge an officer of the United States elected by the people?

Mr. PENROSE. I am willing to modify the amendment so as to apply only to appointive officers. I drew it hastily.

Mr. CUMMINS. I should like to see it extended to elective officers as well. I think it would have a great operation; and yet I hardly believe it is possible to discharge an elective officer, for there is no one to pass upon his qualifications except those who elected him to the body to which he may come.

Mr. PENROSE. I suppose quo warranto proceedings would lie against an elective officer, based on the charge that he had been guilty of these offenses, but I do not see why we should permit men like Mr. Creel, for instance, whose scurrilous and defamatory utterances on the Constitution of the United States were read in this body the other day, to be holding an office and publishing a publicity chronicle when he is smeared all over with treason.

Mr. CUMMINS. There is no reason for excepting any such man; but I believe the Senator would have a more practical amendment if he were to limit it to appointive officers.

Mr. PENROSE. I will ask the Secretary to put in "appointive officers."

Mr. FLETCHER and Mr. KNOX addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. PENROSE. Yes; I yield to the Senator from Florida.

Mr. FLETCHER. Would it carry out the Senator's idea to provide that no person who has been convicted by a court of competent jurisdiction should be eligible for any office?

Mr. PENROSE. No; my amendment goes much further than that. The purpose of the amendment is to cover those cases where there has been no conviction, and where, in the opinion of the head of the department, the applicant for the office has been guilty of these treasonable utterances.

Mr. OVERMAN. Does the Senator think his amendment would refer to a man who uttered sedition four or five years ago?

Mr. PENROSE. Yes, sir; I do.

Mr. STONE. Mr. President——

Mr. BORAH. I think the suggestion made by the Senator from Florida would be the only workable proposition which it would be fair to put into this kind of a bill. If a person has been convicted or has come under the terms of this bill, and it has been established, of course, he ought to be discharged from office; but certainly a person ought to have a chance before he is discharged from office to be heard, and under this bill he can only be heard in a court.

Mr. PENROSE. Mr. President, this provision does not contemplate a penalty of imprisonment or fine. It simply refers to the qualifications for holding office; and it certainly seems to me that the head of the department can be fairly asked to pass upon a charge of treasonable utterance made five years ago, perchance, as he would any other charge or statement affecting the qualifications of the applicant.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. PENROSE. Yes.

Mr. STONE. The Senator mentioned Mr. Creel.

Mr. PENROSE. Yes.

Mr. STONE. Mr. Creel is an appointive officer, is he not?

Mr. PENROSE. Yes.

Mr. STONE. He is a part of the Government, and at this time, so far as the influence of his activities goes, a rather important part of the Government. It may be, Mr. President, that the remark the Senator made a moment ago, in which he said in substance, if not in exact terms, that Mr. Creel was branded all over with marks of treason——

Mr. PENROSE. Treason under this bill.

Mr. OVERMAN. Mr. President, will the Senator let me interrupt him?

Mr. STONE. Just wait until I have finished, please.

Mr. OVERMAN. Before this debate goes on, I want to say to the Senator from Pennsylvania that his amendment is not now in order. Perhaps he would be willing to take it and reform it as he wants to, probably, and introduce it later, because the pending amendment now is the committee amendment. The committee amendments have to be considered before other amendments. The Senator's amendment is not in order at this time.

Mr. PENROSE. I am willing to withdraw the amendment.

Mr. STONE. Mr. President, if I may be permitted to complete my inquiry, if this bill becomes a law, and if the Senator's amendment should be made a part of it, would a Senator be in any sense responsible for such an utterance as my distinguished friend made a moment ago about Mr. Creel, even on the floor of the Senate, so as to bring him under its provisions? I mean as it has been offered, including elective officers as well as others. I think the Senator now proposes to modify it so as to apply only to appointive officers.

Mr. PENROSE. Yes.

Mr. STONE. But I ask the distinguished Senator, if his amendment went into the bill, and he, outside of the Senate, on the stump or in conversation, charged that Mr. Creel, or the head of any other bureau or department of the Government, was guilty of treason, and thus brought him into disrepute before the people, whether, in his opinion, he would not be liable to arrest for that act?

Mr. PENROSE. Well, Mr. President, I can see grave peril in anyone, Senator or other person, declaring his real sentiments about Mr. Creel outside of this body. Anyone who would criticize the editor of the court chronicle in a licentious spirit would be doubtless brought into court. I would take my chance, however.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to his colleague?

Mr. PENROSE. I do.

Mr. KNOX. I desire to ask my colleague how the question of guilt is to be determined? As I understood the amendment as it was read, the guilty party is to be not only removed from office, but rendered ineligible for office thereafter. Now, who is going to determine the question of guilt?

Mr. PENROSE. It is not exactly a question of guilt, Mr. President, in the sense that penalties of imprisonment or fine follow. It is more a question of qualifications. Under the amendment my purpose is to have the head of the department pass on the qualifications of the applicant.

Mr. KNOX. But there is no more severe penalty than disqualifying a man from holding office.

Mr. PENROSE. Well, it is a severe penalty to many.

Mr. KNOX. I would be heartily in favor of an amendment such as this, which it struck me might be in the mind of my colleague, that upon conviction of any of the offenses described in this bill the party convicted should be removed from office and rendered thereafter ineligible, and, in case of an elective office, that the office should be declared vacant. I do not see how you are giving the head of a department, really, any more power than he has to-day. There is not any doubt in the world that the head of any department could dismiss a man for disloyalty, although, of course, he could not disqualify him from holding office in the future; but I should like to see a workable amendment here. I doubt that this is a practical way of dealing with it.

Mr. PENROSE. I am willing to concede, Mr. President, that any head of a department could exercise this power, just as he could look into the qualifications of the applicant for office from the point of view of his integrity, or his industry, or any other qualification; but my observation leads me to the conclusion that this particular defect is not looked into by the heads of the departments, and I offer the amendment to impress on the executive heads of the Government the fact that this is one of the phases of the qualifications of an applicant that ought to be considered.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. PENROSE. Yes.

Mr. SHERMAN. The Senator's amendment, if embodied in a law, would give moral strength to the head of the department, too; would it not?

Mr. PENROSE. I should think so; and it would also cause a considerable breach in the ranks of the officeholders.

Mr. SHERMAN. Yes, sir. I will direct the Senator's attention to the National Conference of American Lecturers, which began a session in Washington yesterday at Continental Memorial Hall. These are a number of distinguished gentlemen who are engaged in governing the country from various angles. My favorite official, Mr. Creel, censor of all the pitiless publicity now in our country, used the following language, which I think would come within this amendment:

> I will be proud to my dying day that my country was inadequately prepared when it entered the conflict.

I do not know whether this has been referred to before to-day or not, as I have been attending a committee meeting and have not been in the deliberations of the Senate up to this time. What does the Senator think of an officer of the Government who makes th t kind of a declaration?

Mr. PENROSE. Well, Mr. President, I think it betrays such an utter lack of good common sense that it is hardly worthy of anything but contempt. We all hear rumors of the pedigrees of some of these gentlemen now holding places of very high authority and autocratic power. I do not think I exaggerate when I say that in their brief hour of despotism they insult reputable business men who come down here to confer with them. We hear all kinds of rumors about their sympathy with the enemy, their failure to put out a flag when everyone in the town and on the street had flags displayed, and the fact that their utterances were so open that they almost incurred social ostracism in the little towns which they inhabited. Many of them have written books, some of which have strangely disappeared from circulation in recent months. I am not going to mention the name of this gentleman, because I have nothing to prove about the charge except that it is in a newspaper, which is not legal proof; but here is an account of a person recommended by a certain Senator for the Waterways Commission. It is said that he used to boast of his Bavarian parentage. Recent war dispatches told of a large number of Australian soldiers being taken prisoners by Bavarian troops and they were later found with their throats cut. It is also stated that it was the Bavarian troops, hungry for the blood of Americans and for the German reward, who first made the attack upon the liberty boys in France.

In seeking national appointments it is not believed that American Bavarians will present with the petition for appointment a record of their Bavarian ancestry. Are there not many other capable engineers in the six or eight Pacific Coast States eligible, without the necessity of selecting a man who advertises his Bavarian ancestry?

We all know not only scores but hundreds of such cases, Mr. President, and if some humble and obscure citizen, as occurred hundreds of times during the last year, shall be arrested for an indiscreet utterance, due to ignorance or prejudice, and, if not convicted, subjected to an expenditure of a considerable amount of money before he can get out of the toils of the court, why should we not have the personnel of our departments purged of anyone to whom suspicion attaches?

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. PENROSE. Certainly.

Mr. THOMAS. May I suggest to the Senator the propriety of striking out the word "committed" in his amendment and inserting the words "been convicted of," so as to read:

> No person who has been convicted of any of the offenses described in this act—

And so forth.

Mr. PENROSE. No; that would not cover in any way what I have in my mind. As I have already stated, a person who five years ago had uttered the treasonable and ridiculous statement that Mr. Creel did, as recited here in the Senate, about the Constitution of the United States and never been convicted——

Mr. OVERMAN. Would the Senator deny a person the right of trial by jury when he has committed a crime?

Mr. PENROSE. Oh, certainly not, where the penalty is imprisonment or a fine. I do not think the Senator himself would contend that a jury trial is necessary to remove a man from office.

Mr. THOMAS. I really feel that unless the Senator amends his amendment as I suggested it will be entirely inoperative. The Constitution of the United States forbids an ex post facto law, and it certainly forbids forfeiture of any civil right in the absence of a conviction. I do not think that the courts would for a moment hold that it applied unless it was one of the penalties that would follow conviction.

Mr. PENROSE. This is not a conviction to which a penalty attaches or loss of liberty even.

Mr. THOMAS. The deprivation of office is a penalty. I do not think there is any question about that.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Delaware?

Mr. PENROSE. Yes.

Mr. WOLCOTT. I should like to submit to the Senator from Pennsylvania this suggestion: Article II, section 4 of the Constitution provides as follows:

> The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

The offenses defined in the statute are felonies. The Constitution undertakes to define how officers may be removed in connection with offenses committed and says there must be a conviction. I should like to submit to the Senator the question whether he thinks that anything short of a conviction could constitutionally permit a removal from office?

Mr. PENROSE. The contention is ridiculous. Does the Senator mean to say that a postmaster can not be removed without impeachment?

Mr. OVERMAN. The amendment says "convicted by the head of a department."

Mr. PENROSE. So is a postmaster convicted by the head of a department of malfeasance in office.

Mr. WOLCOTT. I take it, Mr. President, postmasters are subject to the performance of their duties under the rules and regulations of the Post Office Department, and if they do not comply with the postal laws and regulations they can be removed, of course.

Mr. PENROSE. They are convicted by the head of the department——

Mr. OVERMAN. I call for the regular order.

The PRESIDENT pro tempore. The regular order is the amendment proposed by the committee. The Chair is informed by the Secretary that he can not find to what part of the amendment the amendment of the Senator from Pennsylvania can be applied.

Mr. OVERMAN. We have not disposed of the committee amendment.

The PRESIDENT pro tempore. Does the Senator from North Carolina make a point of order against the amendment?

Mr. OVERMAN. I do.

The PRESIDENT pro tempore. The Chair is informed that there appears to be no place in the amendment under consideration where the amendment offered by the Senator from Pennsylvania can be inserted.

Mr. PENROSE. I will make a new paragraph to the bill, and that is not subject to a point of order. Amendments are frequently offered to be put at a suitable place, and if the Secretary can not find out I will find out in a few minutes for him. But if the Senator in charge of the bill desires to go on with the committee amendment, and it will facilitate his labors, I will withdraw my amendment and offer it again.

Mr. SMITH of Georgia. Mr. President, if the Senator from Pennsylvania is through with his amendment, I desire to offer one.

The PRESIDENT pro tempore. The Chair will state to the Senator from Pennsylvania that the question under consideration is the amendment of the committee, and unless his amendment is an amendment to that amendment it is out of order.

Mr. PENROSE. I will withdraw the amendment and offer it later.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. SMITH of Georgia. I desire to suggest an amendment at the close of line 5, on page 3. The provision reads:

> Or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. SMITH of Georgia. I have not stated my amendment yet.

The PRESIDENT pro tempore. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. No; I yield.

Mr. FRANCE. I merely rose to reserve the right to offer the amendment of which I previously gave notice.

The PRESIDENT pro tempore. The Senator has that right. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. The word "authority," as used in line 6, I think, has two meanings—one an act of authority and the other the person exercising the authority. As used here it seems to me the reasonable construction would be that it means the person exercising the authority. If that is the true meaning of the word, the sentence would mean anyone using language printed, written, published, or spoken calculated to incite or inflame resistance to any duly constituted Federal or State official. That would be the effect of the language if the term "authority" means what it seems to me it means here.

Suppose an order was issued like that issued by Mr. Garfield which would have closed all the lumber mills in Florida for the purpose of saving coal and opening up the port of New York, and I advised the lumber mills that the order was without authority and advised them to go on with their work. Would I go to the penitentiary for it? I am afraid I would. Yet I should like to have a privilege of that character, hoping, however, that a similar occasion will never again arise.

My suggestion is, after the word "any," at the close of line 5, to add "legal act or order of a," so that it will read:

> Or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any legal act or order of a duly constituted Federal or State authority in connection with the prosecution of the war.

I offer that amendment to the amendment.

Mr. STERLING. Mr. President, may I make a suggestion to change the word to "lawful" act. I think the word "lawful" would be better than the word "legal" in this connection.

Mr. SMITH of Georgia. I like that better. Let it read "any lawful act or order."

The PRESIDENT pro tempore. The amendment to the amendment will be so modified. The question is on agreeing to the amendment of the Senator from Georgia to the amendment of the committee.

Mr. NORRIS. May I ask the Senator from Georgia a question? In the illustration he gave, I take it, even if his amendment were agreed to and the advice that he mentions were given, in case such an order were issued, he would even with his amendment run a chance, would he not, of going to the penitentiary for 20 years if he happened to be mistaken about it as being lawful?

Mr. SMITH of Georgia. I ought to know what I was doing, and if I did do it in that particular instance, I would be willing to run the chance.

Mr. NORRIS. If the Senator were giving advice and the penalty for mistaken advice, however honestly given, meant a penitentiary offense for 20 years he would probably charge a great deal bigger fee for giving it than though such risk were not taken, and it would be a very difficult matter for anyone in ordinary circumstances to get any competent advice.

Mr. SMITH of Georgia. I answer the Senator in this way. If there is any doubt about the order it ought not to be resisted. If in connection with the war any public official does an act or issues an order where there has been any serious doubt about it I am opposed to resistance; I would advise compliance with the order pending the war. All I ask in the amendment is that it shall be a lawful act or order and not leave the crime to consist of criticizing the officer.

Mr. NORRIS. A difficulty, it seems to me, arises in this, that men might honestly disagree as to whether it were lawful or not. I think they have honestly disagreed in regard to Mr. Garfield's order, for instance.

Mr. NELSON. Will the Senator from Georgia yield to me a minute?

Mr. SMITH of Georgia. Certainly.

Mr. NELSON. I simply want to call his attention to the fact that the word "shall," in line 4, is qualified by the amendment of the Senator from Colorado [Mr. THOMAS] so that it reads "shall willfully." It has been amended so that the phrase will read "shall willfully" do so. The word "willfully" changes the tenor of it and makes it clear, so that there can not arise any mistake. It must have been done willfully for that purpose.

Mr. SMITH of Georgia. Then I think the language will be safe if the amendment I suggested is adopted.

Mr. OVERMAN. I do not object to the amendment, because that is exactly what the bill means.

Mr. SMITH of Georgia. But I fear it is not what it means.

Mr. OVERMAN. The Senator desires to make it plainer, that is all, and I accept it.

Mr. LODGE. Mr. President, I wish to ask the Senator from Georgia a question before he takes his seat. Under this provision the United States is required to enforce with criminal penalties the orders of any State authority. It seems to me the Federal law ought to be confined to the Federal authority. The States have their own laws to enforce their own authority.

Mr. NELSON. Will the Senator yield to me on that point? We have cases where they pick out State officers to perform certain duties under our selective-draft law. It is important that those men should be protected and that we should protect them, although they are State officers, just as much as though they were Federal officers.

Mr. SMITH of Georgia. The Senator from Minnesota has clearly given the answer I would have given to the Senator from Massachusetts.

Mr. LODGE. If the Senator will allow me, those men are not acting under State authority, they are acting under Federal authority. They are acting under the law of Congress, under the draft act. There is no State law about the draft.

Mr. OVERMAN. The Senator is mistaken. The law acts through the adjutant general of the State.

Mr. LODGE. That is simply the machinery provided in our act, that is all, and their authority to co[illegible] for[illegible]e draft is, of course, under the draft law of the United States. But I am referring to men who have no existence except by a State law. I know such cases were mentioned to me by the Senator from Nebraska the other day.

Mr. SMITH of Georgia. May I make a suggestion to the Senator from Massachusetts? We might take up the question of the word "State" later, but the Senator from North Carolina, as I understand it, does not object to the addition of the words "lawful act or order."

Mr. LODGE. I am entirely in favor of the Senator's amendment.

Mr. SMITH of Georgia. I hope the amendment to the amendment will be adopted.

Mr. WOLCOTT. Mr. President, I entertain a view with respect to the purpose of this act which seems to be a view of mine and mine alone. I think the act is not intended to protect against interference with a specific order or a specific act by the Federal official. I think the act as drawn by the committee is intended to cover the case of some scalawag who gets up on a street corner or elsewhere and openly agitates resistance to authority in general. If it is intended to be confined to resistance to a specific act or order I think the language is entirely superfluous and unnecessary, because it is already against the law for anyone to resist the lawful act or order of an official. The criminal code, which I have before me, defines that crime. We do not have to redefine it in this bill. I think we should take care that if any of the soap-box orators who have designs against the peace and good order of the community and whose ultimate purpose is to strip authority of its power by inciting mobs and resisting officers in general act in that way that man ought to be punished. This act was intended to take care of him. I therefore sincerely hope that the acting chairman of the committee will reconsider and not accept the amendment to the amendment, but let us have a vote on it at least.

Mr. OVERMAN. I can not accept it for the committee. I see some point in what the Senator says, because there are a great many orators who stand upon the street and arouse the people to resist the draft. The Attorney General wrote that he had no law to convict such a person. I put in the RECORD an account of a man who was speaking on the street, urging the people to resist the draft and denouncing the flag and the Constitution. I think probably there is a great deal in what the Senator from Delaware says, and I only accept the amendment of the Senator from Georgia personally. I never accept an amendment for the committee.

Mr. WOLCOTT. I should like to ask, if the Senator will permit me, whether he thinks if a man stands up in public and incites people to resist the application of the draft law he could be reached under this act if the amendment of the Senator from Georgia is written into it?

Mr. OVERMAN. I ask the Senator from Georgia to read his amendment.

Mr. SMITH of Georgia. The language would read in the proposed amendment:

> Or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any lawful act or order of a duly constituted Federal or State authority in connection with the prosecution of the war.

Mr. OVERMAN. That is confined to any legal order.

Mr. WOLCOTT. Or act.

Mr. SMITH of Georgia. Now, take the case to which the Senator referred. The act in connection with the draft is a legal act. Anyone who would make a speech against an officer who was enforcing, or who had issued the order to enforce the draft, would be clearly subject to it.

Mr. LODGE. If the Senator will allow me, men have been arrested and punished for doing that.

Mr. SMITH of Georgia. Let me go one step further in reply to the suggestion of the Senator from Delaware. This language goes to the extent of making it a crime to use any language calculated to incite resistance to the authority; that is to say, the person inside or outside of his official conduct. It just closes the right of criticism of the person, even though no reference is made to his official conduct and no resistance to official conduct is caused. If a legal act takes place or a legal order is issued, I am willing to join in suppressing criticism upon it.

It goes to the extent of suppressing criticism of the person. The Senator from Delaware gives the language the construction I have placed upon it and desires such a construction. The Senator from North Carolina gave it a construction similar to that which it would have with the amendment that I offered and desires that construction.

Mr. OVERMAN. I think the word "authority" really covers what the Senator has offered in the amendment; and why change it, if it does?

Mr. SMITH of Georgia. Because the Senator from Delaware views it as meaning vastly more. I think we ought to make it clear, and not leave it simply a matter of construction.

Mr. OVERMAN. Does the Senator think that a man would be covered by his amendment who stands upon the street corners, and who abuses the flag, abuses the Constitution, and resists the draft?

Mr. SMITH of Georgia. There is not any question about such a man being subject to prosecution if my amendment is adopted.

Mr. OVERMAN. Under the words "lawful authority"?

Mr. SMITH of Georgia. "Lawful act or order," undoubtedly.

Mr. OVERMAN. Suppose such a man stands upon the street and denounces the flag and the Constitution and urges people to tear down the flag?

Mr. SMITH of Georgia. That is all provided for in another portion of the amendment.

Mr. OVERMAN. And if he should inflame people to tear down the flag?

Mr. SMITH of Georgia. That is all covered by the amendment in another provision.

Mr. OVERMAN. Is it? That is the question in my mind.

Mr. SMITH of Georgia. I do not think there is any question about it. The provision I seek to amend does not apply to abuse of the flag or the Constitution or anything of the kind.

Mr. MYERS. Mr. President, the amendment offered by the Senator from Georgia [Mr. SMITH] would almost narrow this down to resisting an officer who was in the act of serving a summons or a subpœna or a citation. This language was intended to apply to anarchists, to I. W. W.'s, who get up on the street corners and in lumber camps——

Mr. SMITH of Georgia. The trouble is that it is not limited to them. If you will limit it to them, I shall not object.

Mr. MYERS. If people adopt the practices of anarchists and I. W. W.'s, then they ought to be punished the same as anarchists and I. W. W.'s. This language was intended to apply to people who get up on street corners or in logging camps or in the halls of cities and towns and advocate resistance to all authority, Federal and State, and advise people to pay no attention to law and to defy the authorities of the United States and of the several States. If a man gets up and preaches anarchy and advocates defiance and disobedience and insubordination to all law and authority and organized society, Federal or State, what legal order of any Federal or State authority would he be resisting? What would the order be to do? To appear to-morrow morning at 9 o'clock to report to the draft officer or to appear in court within 20 days and answer a summons? What order would an anarchist be resisting when he preaches the destruction of organized society? You are going to narrow this bill down so that it will not amount to anything when it passes.

Mr. CUMMINS. Mr. President, if I understand aright the amendment proposed by the Senator from Georgia [Mr. SMITH], I do not believe that it makes any essential change in the amendment reported by the committee; but I can not agree with the view which has just been expressed by the Senator from Montana [Mr. MYERS].

This language is not directed against governmental authority generally; it is not intended to reach an inflammatory address which simply seeks to question all governmental authority.

Mr. MYERS. Will the Senator let me suggest that this refers to all governmental authority, Federal or State, in connection with the prosecution of the war?

Mr. CUMMINS. Well, it does not do that, in my opinion.

Mr. MYERS. It says so; that is the exact language, if the Senator will pardon me.

Mr. CUMMINS. It makes it a crime for anyone to incite or to inflame, through word or act, resistance to any duly constituted Federal or State authority. As I have construed that, it means this, and must mean it: That the authority of the Federal Government or the State is represented in some direction—order, law, process—which is sought to be resisted. I do not think the Senator from North Carolina, who is in charge of the bill, will assert that it is intended to reach those general declamations against lawfully constituted authority.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. BORAH. I want to make a suggestion.

Mr. CUMMINS. I yield to the Senator.

Mr. BORAH. The Senator from Utah now presiding [Mr. KING in the chair] has sent to me a proposed amendment, which I think will clarify this matter to some extent, and will satisfy those who are opposing this portion of the amendment on account of the words "State authority." The proposed amendment is "duly constituted Federal authority or State authority, utilized by the Federal Government in the discharge of its functions and in the exercise of its authority in connection with the prosecution of the war."

That eliminates all possibility of trying to legislate concerning State authority, separate and distinct from its being utilized as an agent by the Federal authority in the prosecution of the war; and I would suggest that amendment to the chairman of the committee. It would simplify that; it would do precisely what undoubtedly it was the intent of the committee to do and leave no doubt as to the meaning of the proposed law.

Mr. CUMMINS. Mr. President, I was not addressing myself to the proposal to eliminate State authority, although I am in favor of eliminating it, and I have an amendment on my table looking to that end; but I supposed we were discussing the amendment proposed by the Senator from Georgia, the substance of which is to insert a further qualification of authority, namely, "lawful."

Mr. SMITH of Georgia. "Act or order."

Mr. CUMMINS. Defining authority by the term "lawful act." I believe that is just what the language employed by the committee must be interpreted to mean, and I see no occasion for changing it in the way suggested by the Senator from Georgia.

But there is a great reason, a very sound and persuasive reason, for eliminating State authority. I was out of the Chamber for a few moments, and it may be the reasons I have in mind have already been given. They are, first, that for the Federal Government to undertake to prosecute those who incite disobedience of a State law will provoke an endless conflict of jurisdiction and will lead rather to the immunity of criminals than to their proper punishment. But that is not all.

The chief reason is this: The Federal Government could not become responsible for the legislation of the States. The States may pass laws in connection with the war which the Federal Government does not want to enforce at all and which it may regard as inimical to the prosecution of the war. It would be a most absurd position for our country to take, to instruct our peace officers to enforce a State law or to punish one for inciting disobedience to such law which, in our opinion, or in the judgment of the Department of Justice, might tend to help the enemy rather than to help the United States. Unquestionably the words "State authority" ought to be stricken from the bill.

Mr. MYERS. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. MYERS. The amendment does not say anything about a State law; it says "State authority." A sheriff represents State authority; he is a State official, but he is intrusted with the execution of certain phases of the draft law. In executing the draft law, does not the Senator think that the sheriff, a State authority, ought to be protected?

Mr. CUMMINS. That is Federal authority; it is not State authority. A State officer may execute a Federal law, and for the time being he becomes the agent of the General Government. The words "State authority," however, have a very much broader meaning than the execution of a Federal law through State agencies. The words embrace all State laws and all State orders issued under State legislation; and, as I remarked a moment ago, we might find ourselves not only in a conflict of jurisdiction and power with the officers of the State but we might find ourselves in the position of being compelled to enforce a law which, in the judgment of Congress, in the judgment of the President, and in the judgment of the Department of Justice, tends rather to weaken the country than to strengthen it in the war now in progress. I hope that for the

time being, anyhow, these words will be stricken out and that we will from time to time adopt specifically only "State laws in connection with the war" or "State authority for the prosecution of the war," which, in our judgment, will have the tendency which we desire to enforce.

Mr. JOHNSON of California. Mr. President, last week, very imperfectly and very inadequately, I called attention to the specific language embraced within the committee amendment, and then expressed some views tentatively upon that language. This morning, upon reflection, I am confirmed in the views I then expressed, and while I may not have legally presented every argument nor have presented logically any legal argument in respect to that particular language, nevertheless, I feel that that language thus inserted in the amendment is language—and I speak with some feeling and some emphasis—that we ought not to enact in this bill and that ought not to be applicable to the American citizen at this time. I read again the specific clause:

or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

I have this morning asked a number of my colleagues what they understood by the word "authority," in line 6, page 3. Some have responded that "authority" meant a specific entity of the Government, which under law or under legal appointment might be exercising certain functions in connection with the war. Others have said that "authority" means a specific official created either by law or in some legal fashion who in connection with the war is exercising certain functions. I do not care which definition may be the accurate one; in either event this power is not only dangerous, but it is utterly subversive of everything which we have believed in the past; and it is a power which I fear we are according only under the hysteria of the moment and because of passing daily events.

I read this morning, Mr. President, the language of the distinguished gentleman who presides over the Bureau of Public Information, Mr. George Creel. I read that he stated, as has been adverted to upon the floor during this debate, that he thanked God that this Nation was not prepared when we entered the war a year ago. I can imagine and you may imagine, too, the answer of the fathers and the mothers of this land whose sons have gone over the sea and who to-day are in the trenches of France with six brief months of preparation—six brief months against a lifetime of preparation of their foes. These fathers and mothers answer, just as you and I, I am sure, answer this remarkable utterance of a "duly constituted authority" of the United States; we answer him, "If you thank God that our boys were unprepared when they entered this war, we feel that you are not fit at this particular time to participate in the prosecution of this war in any regard." Now, the pith and the point, as applied to this bill, is what? Yesterday a duly constituted authority of the United States Government thanked God that we were not prepared a year ago.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. STERLING. Will the Senator yield for just a moment?

Mr. JOHNSON of California. Yes.

Mr. STERLING. I hold no brief for Mr. Creel; I have sympathized with a good many of the criticisms that have been made against him or against the bureau of which he is the head——

Mr. JOHNSON of California. Mr. President, I yield to a question of the distinguished Senator, but I do not yield now for any debate.

Mr. STERLING. I should like to be permitted, at least, to say this, that I think what immediately follows the statement quoted by the distinguished Senator from California in Mr. Creel's address ought to be read in simple justice to Mr. Creel, for he states why he was glad we were unprepared, namely, that in being unprepared we were simply following the traditions of this country.

Mr. JOHNSON of California. Is that statement in defense of Mr. Creel what the distinguished Senator wished to say?

Mr. STERLING. That is what I wished to say.

Mr. JOHNSON of California. I would not, Mr. President, do an injustice even to Mr. George Creel, and I would not in any aspect at all suggest anything that might in any degree be thought to be unfair to Mr. Creel. As I recall his address—and if I do not state it accurately the Senator from South Dakota may correct me in that regard, and I will be glad of the correction—after his remarkable asseveration that he thanked God that this country was not prepared a year ago he said that he made that particular statement—I am speaking only substantially and not accurately—because the traditions of our Republic have always been those of unpreparedness practically, and that to have been prepared at that time would have violated all of those things which we had before held dear. Substantially I have stated, have I not, what followed?

Mr. STERLING. I think so. That is according to my recollection. I have sent for the paper.

Mr. JOHNSON of California. And when the paper arrives I shall be delighted to have the Senator, at the conclusion of my very brief remarks, read what he desires. But, Mr. President, the point to which I was adverting and the point that I desire to make in respect to this bill is this:

Yesterday a duly constituted authority of the United States Government indulged in a statement with which many of us are at wide variance. Now, you may assume it to be a personal statement yesterday, if you desire; but let us assume for the sake of the argument that in the Official Bulletin, presided over by Mr. George Creel, a similar statement is made, and under all the authority and with all the prestige that his appointment gives to him and with all the authority and with all the prestige that are accorded to him by virtue of what has been described as the official publication of the United States Government, he says to the people of the United States that he thanks God, and this publication says that it thanks God, that we were unprepared a year ago when we entered the war. Why, denunciation of that statement—denunciation as all of us or some of us may denounce it in the future—denunciation of the individual who is the duly constituted authority hereafter would subject you, under the terms of this bill, to 20 years' imprisonment, and there is not any other way at all that you can read this bill.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Delaware?

Mr. JOHNSON of California. I yield, sir.

Mr. WOLCOTT. I am interested in the Senator's remarks, generally speaking, but particularly as they tie in with the provisions of this bill. For my information will the Senator tell me whether or not Mr. Creel is a duly constituted Federal authority, and what statute constitutes him such?

Mr. JOHNSON of California. He is a duly constituted Federal authority, named such by an Executive order of the President of the United States.

Mr. THOMAS. And drawing a salary from the Treasury.

Mr. JOHNSON of California. Yes; not only that, but he has all the earmarks of a public official, in that he draws his salary regularly.

Mr. WOLCOTT. But, of course, Mr. President, the Senator recognizes that for an authority to be duly constituted within the meaning of this act he must be constituted as such by Congress.

Mr. PENROSE. Why, certainly not.

Mr. JOHNSON of California. Oh, I think the Senator is quite in error. Does the Senator contend that Mr. George Creel is not a duly constituted Federal agent or authority to-day?

Mr. WOLCOTT. Why, of course I do, Mr. President, unless he is created by a statute or unless a statute authorizes the President to appoint such an official. Of course I do.

Mr. JOHNSON of California. Well, if he is not a duly constituted authority to-day, and this publication is not a duly constituted Federal authority, there is room, then, for the Attorney General's office to discharge its functions beyond the enactment of laws of this sort. I think the Senator from Delaware, upon reflection, will admit that he is in error.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. JOHNSON of California. I yield; certainly.

Mr. SMITH of Georgia. If Mr. Creel is not a duly constituted authority or administrative officer of the Government, how can anybody use public funds to pay him?

Mr. JOHNSON of California. Mr. President, in answer to the Senator from Georgia I will say that that is a peculiar sort of psychological phenomenon for the solution of which we would have to refer him, I think, to Mr. Creel.

Mr. WOLCOTT. Mr. President, may I suggest that the Congress gave to the President a large sum of money to use in his discretion, and the President, I take it, is employing Mr. Creel in some sort of capacity under the authority to spend that money; but I should like some Senator who has been constantly talking on this floor about Mr. Creel and his authority—and there have been many of them doing it—to tell me, for my information, where this authority came from. Of course, they could tell me to go and get it myself, but I do not know where to get it.

Mr. JOHNSON of California. Mr. President, I will endeavor to enlighten the Senator. I read the Executive order:

EXECUTIVE ORDER.

I hereby create a Committee on Public Information, to be composed of the Secretary of State, the Secretary of War, the Secretary of the Navy, and a civilian, who shall be charged with the executive direction of the committee. As civilian chairman of the committee I appoint Mr. George Creel. The Secretary of State, the Secretary of War, and the Secretary of the Navy are authorized each to detail an officer or officers to the work of the committee.

WOODROW WILSON.

APRIL 14, 1917.

Mr. WOLCOTT. Mr. President, if I may make an observation, that does not prove to me at all that Mr. Creel is a Federal authority. I call the Senator's attention to the fact that here a week or so ago, or perhaps three or four weeks ago, the President was reported in the newspapers to have appointed some man, whose name I can not recall—his profession was that of a sculptor—to make some investigations in connection with the aircraft program. The President could, of course, do that. It was a perfectly voluntary officer that he made there, but certainly not a duly constituted Federal authority; and it seems to me, so far as I have seen up to this time, that Mr. Creel is in the same category.

Mr. JOHNSON of California. Mr. President, I am sure that on reflection, as I said a moment ago, the Senator from Delaware will realize his error. He certainly, I know, does not deny the validity of the order of the President of the United States; and I fear that if he did deny it, after the passage of this bill, he would be liable to 20 years' imprisonment in the State prison. So if denials are to be uttered concerning an Executive order, or any order at all, they better be made upon the floor of the Senate prior to the passage of this particular measure.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. JOHNSON of California. I do.

Mr. KNOX. I wish to inquire if there can be any doubt about the President of the United States being a Federal authority; and if you were to deny his act in appointing Mr. Creel and creating this Committee on Public Information, would you not bring yourself squarely within the provisions of this bill?

Mr. JOHNSON of California. Certainly, Mr. President; and when the Senator from Delaware, after the passage of this bill, denies the authority of the President to make this order, if he denies it—when he denies the authority of Mr. Creel—he might therefore "inflame resistance" to that distinguished Federal authority and thus bring himself squarely within the provisions of this measure and be subject to prosecution and to possible disgrace and imprisonment.

Mr. MYERS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. JOHNSON of California. I yield to the Senator.

Mr. MYERS. I have heard a number of Senators on the floor refer to the fact that after the passage of the bill Senators would have to be careful for fear of incurring the penalties of the bill, as the distinguished Senator from California just now stated. How can the Senator make that assertion when he knows, of course, quite as well as I do, or even better, that the Constitution of the United States says that for no utterance here in this body shall any Senator be held to answer anywhere else?

Mr. JOHNSON of California. Oh, Mr. President, I do not assume that any Senator in this body, if he has the courage to criticize after the passage of this bill will stand upon his Senatorial privilege; and I assume, therefore, that if any Member of this body or any Member of Congress shall see fit to criticize, he will criticize just as freely upon the hustings or upon the stump—just as freely in any forum that there is in the United States—as in the United States Senate; and it was upon that theory that I made the suggestion that I did in reply to the Senator from Delaware.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. JOHNSON of California. I yield.

Mr. REED. Perhaps the Senator from California is not more interested in preserving liberty of speech to the Senate than he is in preserving liberty of speech to the American people.

Mr. JOHNSON of California. Mr. President, there, as usual, the Senator from Missouri has given the apt and the absolute answer. As he says, not only ought we to preserve liberty of speech to Members of the Congress of the United States, but liberty of speech is just as dear and just as sacred to those less fortunate beings who do not constitute a part of the Congress of the United States.

Mr. OVERMAN. Mr. President, the Senator certainly does not mean disloyal speech.

Mr. JOHNSON of California. By no means do I mean disloyal speech, and I am not speaking of disloyalty now. I am speaking of the right to speak as a man sees fit, legitimately and justly and loyally. Does the Senator intend to imply that when I oppose an utterance of the Committee on Public Information, when I say that the head of that duly constituted authority can not indulge for me an expression that he thanks God our boys were unprepared when they went to war, in uttering that, and uttering it with all the emphasis and all the power and all the vigor that I possess, I am uttering a disloyal sentiment?

Mr. OVERMAN. No, Mr. President.

Mr. JOHNSON of California. Then there is no difference between the Senator from North Carolina and myself in that regard, Mr. President.

Mr. OVERMAN. There is no difference except as to loyalty or disloyalty, and that is the keynote and the basis of this bill. Disloyalty is the whole thing in this bill. It is all surrounded by the word "disloyalty."

Mr. JOHNSON of California. Ah, Mr. President, but the word does not appear at all in this particular matter, and it is not the keynote of the particular clauses to which I am adverting. I will read them again. There is neither loyalty nor disloyalty suggested in these phrases. The language—which, I repeat, we do not seem indeed to have comprehended fully—is:

shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

Mr. OVERMAN. Mr. President, I am not a defender of Mr. George Creel——

Mr. JOHNSON of California. Oh, he does not enter into the discussion except by way of example.

Mr. OVERMAN. But does the Senator think that anything he said would inflame resistance to any duly constituted authority? Is that the point?

Mr. JOHNSON of California. I beg the Senator's pardon?

Mr. OVERMAN. I did not exactly understand the Senator. Does what he said in reference to what Mr. Creel said mean that under the language he has read that would inflame resistance to any duly constituted Federal authority?

Mr. JOHNSON of California. Mr. President, I have made it plain twice. I shall be delighted for the third time to repeat it to the Senator from North Carolina.

Mr. OVERMAN. The Senator and I do not differ as to free speech about matters of loyalty.

Mr. JOHNSON of California. I say to you that when this Official Bulletin shall utter such a sentiment as Mr. Creel uttered yesterday, if you consider the Official Bulletin a duly constituted Federal authority, or when Mr. Creel shall personally utter it, if you consider him then a duly constituted Federal authority, in either case if an individual shall denounce what he says, shall in terms that he may see fit to use refer to it in language that may be even abusive, he is then doing something that brings him within this law, because his language—abusive, denunciatory, or otherwise, as you may suggest it to be—is "calculated to inflame resistance" to that particular authority, and that particular authority is acting in the prosecution of the war.

Mr. OVERMAN. Mr. President, I hate to disagree with the Senator, but I think that is a very narrow construction. Anything that I might say upon the streets in the way of denouncing George Creel for a statement like that certainly would not make me amenable under this law.

Mr. JOHNSON of California. Mr. President, let us carry it to another illustration. Let me ask the Senator first this question: If the Senator believed that I was right in the construction which he says he thinks is erroneous, would he not agree with me that that provision of the law ought not to be here?

Mr. OVERMAN. No, Mr. President; I think it ought to be here, because it is intended to cover those cases, and I do not know how else you could cover cases where men, as I have read into the RECORD two or three times, stand upon the street corners and denounce the Government and the flag and the Constitution and urge people to resist the draft and not to buy liberty bonds. That is the whole idea of this bill, and that is all there is in it.

Mr. JOHNSON of California. If that is the idea of the bill, then state it.

Mr. OVERMAN. I think it is stated.

Mr. JOHNSON of California. I repeat my question, inasmuch as the Senator is upon his feet. Let us concede that I may be in error in the construction I put upon the bill. Assuming it, however, to be the proper construction, you would not want the measure then to stand, would you?

Mr. OVERMAN. Mr. President, I do not see how it is possible to construe it in that way.

Mr. JOHNSON of California. Oh, well, Mr. President, if the distinguished Senator does not desire to answer the query, his very mode of answering, I take it, may be assumed to be conclusive of his position.

Mr. OVERMAN. Mr. President, I think probably I am very dull, but I can not exactly understand the position the Senator takes. That is the reason why I asked him the question most respectfully.

Mr. JOHNSON of California. I have such profound respect for the Senator from North Carolina that I admit, and admit contritely and willingly, that the fault rests with me in my mode of expression.

Mr. OVERMAN. I have such profound respect for the great ability and eloquence of the Senator that, while otherwise I would not have interrupted him, I would have paid no attention to his argument. I desired to have his views upon this matter repeated, because I could not understand how he could get off from this bill as he has.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. JOHNSON of California. I yield.

Mr. WALSH. I have endeavored to follow the argument of the distinguished Senator from California. I understand the Senator to suggest that the word "authority" in the bill may have two meanings; it may refer either to the law or the order, or it may refer to the officer who executes the law or the order. It has occurred to me that the Senator has not really given us a very clear idea of his notion of the word "resistance" in the bill. Are we to understand that the Senator from California desires to have the liberty to go out and teach and urge and incite resistance to any law or any order or any officer charged with the execution of a law or an order? Is that what the Senator from California desires?

Mr. JOHNSON of California. Has the Senator concluded?

Mr. WALSH. Yes.

Mr. JOHNSON of California. Mr. President, I do not think the distinguished Senator had any such view, and if he received any such impression from the language that I uttered, let us assume that he did not hear all that was said.

Mr. McKELLAR. Mr. President——

Mr. JOHNSON of California. What I say to you is this: That this expression, "language calculated to incite or inflame resistance"——

Mr. WALSH. "Resistance," "resistance."

Mr. JOHNSON of California. Of course; but any language which will cause opposition, and which will, as the individual who is affected may assert, impede, is, of course, "language calculated to incite or inflame resistance."

Mr. WALSH. Mr. President——

Mr. JOHNSON of California. I will ask the Senator to pardon me for a minute. If a particular order shall be given by any department that is in process of execution, and if anybody shall denounce that particular order—perhaps denounce it in unmeasured terms—so that there arises a contrariety and a division of opinion concerning that order, and it is made somewhat difficult of application subsequently, it is obvious that the language that is thus used, that causes this particular state of affairs, is language "calculated to incite or inflame resistance."

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Montana?

Mr. JOHNSON of California. I yield.

Mr. WALSH. Then the argument of the Senator is upon the use of the word "calculated." I understood that "intended" had been substituted for that word yesterday.

Mr. LODGE. Mr. President, if the Senator will allow me, as he was not here yesterday, I will state that "intended" was substituted for "calculated," in line 24, page 2, and ought to be substituted here, of course.

Mr. WALSH. I am quite sure that the Senator from Idaho intended that it should be substituted.

Mr. BORAH. It is my intention, of course, to have it substituted here, too, as soon as I can get to it.

Mr. JOHNSON of California. But even that does not alter the effect. It improves infinitely the verb, and "intended" is an infinitely better word for use than "calculated" in that connection; but it does not alter the result or the effect, because the intent would be gathered, of course, from the specific act that is done and the specific words that are spoken.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. JOHNSON of California. I yield.

Mr. KNOX. I should like to ask the Senator a question, because with him I am most anxious to see that this bill is amended in such a way as to obviate the objections that have been made. I wish to ask the Senator if it will not remove his objection if the words "duly constituted Federal or State authority" should be stricken out, in the sixth line, so that it would read as follows, with these words inserted:

Shall willfully—

I understand "willfully" has been written into the statute—

Shall willfully utter, print, write, or publish any language intended to incite or inflame resistance to—

Now, these are the new words—

the United States, or to promote the cause of its enemies.

Would not those words obviate the objection that has been made?

Mr. JOHNSON of California. I think in practically full degree those words would overcome the objections I have endeavored to point out.

Mr. KNOX. Then, if I understand the Senator from North Carolina correctly, as that is the purpose for which the bill has been prepared, the suggestion will meet with his approval, and we might come to a right understanding upon this section.

Mr. McKELLAR. May I ask the Senator from California a question?

Mr. JOHNSON of California. I yield.

Mr. McKELLAR. If the words "any legal act or lawful order" were inserted right before the word "any," in line 5, would not that correct the difficulty which the Senator has so ably pointed out and in which I agree with him?

Mr. JOHNSON of California. I do not think so. I think it would present a limitation which would be incalculably different from the language at present used, but nevertheless I think the fault would still remain. Mr. President, I call the attention of the Senator from North Carolina to the proposed amendment of the Senator from Pennsylvania, and inasmuch as he may accept that amendment, I leave this matter for the present with him.

Mr. OVERMAN. I will be glad to consider it. I want to say to the Senator from California, since I have understood his question, conceding what he says to be true and, of course, I differ from him, I think the point would be met.

Mr. JOHNSON of California. Then the Senator from North Carolina can not vote for this bill under those circumstances, and before the day passes I trust I may demonstrate to him that fact.

Mr. BORAH. Do I understand that the Senator from Pennsylvania has offered an amendment to this particular provision?

The PRESIDING OFFICER. There is an amendment to the amendment pending. There was a suggested amendment by the Senator from Pennsylvania.

Mr. LODGE. If the Senator will allow me, I wish he would have the amendment suggested by the Senator from Pennsylvania read from the desk.

Mr. McCUMBER. I hope we will dispose of one amendment before we get three or four more before us.

The PRESIDING OFFICER. The Chair will state that there is an amendment to the amendment pending, and the suggested amendment of the Senator from Pennsylvania would not be in order; but for the information of the Senate the Secretary will read it, not as an amendment but as a suggested one, to be considered later.

The SECRETARY. In line 5, after the words "resistance to," near the end of the line, the Senator from Pennsylvania would insert the words "the United States or to promote the cause of its enemies," so that it will read:

Or shall willfully utter, print, write, or publish any language calculated to incite or inflame resistance to the United States or to promote the cause of its enemies.

Mr. KNOX. Strike out "in connection with the prosecution of the war."

Mr. SMITH of Georgia. And strike out "any duly constituted Federal or State authority."

Mr. KNOX. Yes, sir.

Mr. SMITH of Georgia. I withdraw my suggested amendment and very much prefer the suggested amendment of the Senator from Pennsylvania. I will give way to his amendment.

Mr. BORAH. In connection with the amendment which the Senator from Pennsylvania offers I want to offer this amendment, so that it may go with it. Strike out the word "calculated" and insert the word "intended."

Mr. KNOX. That has been done.

Mr. BORAH. No; it has not been done.

Mr. KNOX. I understood that had been done.

Mr. BORAH. I give notice of that amendment.

Mr. KNOX. I had adopted the idea, because it was written in my bill here.

Mr. THOMAS. It is on the other page.

The PRESIDING OFFICER. The amendment suggested by the Senator from Idaho to the amendment will be stated.

The SECRETARY. On page 3, line 5, strike out the word "calculated" and insert in lieu the word "intended."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho to strike out the word "calculated," in line 5, and insert the word "intended."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania offers the following amendment.

The SECRETARY. On page 3, line 5, beginning with the word "any," the last word in the line, strike out the words "any duly constituted Federal or State authority in connection with the prosecution of the war" and in lieu of those words insert "the United States or to promote the cause of its enemies."

Mr. OVERMAN. Let it be read as it would read if amended.

The SECRETARY. So that if amended it would read, beginning in line 4:

Or shall willfully utter, print, write, or publish any language intended to incite or inflame resistance to the United States or to promote the cause of its enemies.

Mr. PHELAN. Mr. President, may I ask the Senator from Pennsylvania why he seeks to eliminate the State as distinguished from the United States?

Mr. KNOX. I think the Senator from Iowa [Mr. CUMMINS] gave the most complete answer to that a few moments ago. Perhaps the Senator from California did not hear him. We can not properly legislate to protect the laws or the authority of the States. The States are complete and sovereign within themselves; they make their own legislation and they enforce it. We have no function to perform in that connection. It tends to inextricable confusion to insert that language in this measure, in my judgment. That has been expressed by the Senator from Iowa here this morning.

Mr. SHERMAN. In addition to what the Senator from Pennsylvania said, this should apply particularly to local officers in Illinois, many of them who are dilatory or timid in the performance of their duties now under State laws. If such a measure were embodied here they would pass up their responsibility still further and would give that as a reason why they were not performing their local duties.

The complaint of the local officers throughout my country, especially in Madison County, to which I was referring yesterday, is the passing of responsibility from one officer or authority to another. The sheriff of Madison County is wholly incapable of performing his duty, even if he were possessed of all the moral backing of the Government. He was elected on a basis of not executing the laws of that State. He could not be elected probably by his constituency to which he appeals upon any other platform. It happened that in the division of the vote he had a high vote in that county. With such a provision in a bill of this kind, matured into an act of Congress, he would say at once let the Government enforce these State laws. It would be so in keeping with his desire that like human nature in its weakness when it is not backed up by a different personality it would be a standing excuse of the constabulary or the sheriff forces in many States charged with the preservation of law and order to say "Take it to Washington." That would keep them out of trouble.

To my mind, based upon local conditions, that is an additional reason to the very strong one offered by the Senator from Pennsylvania [Mr. KNOX] that this amendment should practically be allowed to remain in the form in which the Senator from Pennsylvania moves it.

Mr. OVERMAN. I wish to ask the Senator from Pennsylvania how he construes the language "resistance to the United States." This is a penal statute and must be construed strictly. Suppose an orator on the street, as has happened, should make a speech appealing to the people against the draft and urging them to resist the draft, would that be against the United States?

Mr. KNOX. Without doubt. In my judgment, it would be resistance to the United States, or it would be calculated to incite resistance to the United States to argue against the lawfulness or the propriety or obedience to any statute of the United States or any lawfully authorized order by the United States.

Mr. OVERMAN. Then as a penal statute that would be construed as being against the United States.

Mr. KNOX. I have not the slightest doubt about it at all.

Mr. OVERMAN. I am inclined to think so. I merely wanted to get the Senator's view.

Mr. BORAH. May I ask the Senator from Pennsylvania if a United States marshal were seeking to execute a warrant or seeking to execute an order properly issued by authority and anyone should incite resistance to the execution of the order, would that come within this statute as it will be enacted?

Mr. KNOX. I think so, without doubt. I call the Senator's attention to the principle laid down in the Field case, as showing to what extent the authority of the United States goes and in what remote and collateral matters it is regarded as resistance to the authority of the United States to interfere with the operations of any of its functions or of officials who are executing lawfully those functions.

Mr. BORAH. I quite agree with that interpretation and that view of it. To resist any officer of the United States in the discharge of his duty under the law is to resist the United States.

Mr. KNOX. That is it exactly.

Mr. WOLCOTT. Mr. President, I think the suggestion of the Senator from Pennsylvania is a very meritorious one. It seems to me to meet the situation that I have in mind as it was required to be met. If I have caught the point, the Senator would object to the language of the amendment suggested by the committee. I think it does not contain those things which to Senators seem objectionable. I think the Senate might very well adopt the amendment suggested by the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania to the amendment of the committee.

Mr. CALDER. May the amendment to the amendment be read?

The PRESIDING OFFICER. The Secretary will read.

The SECRETARY. On page 3, lines 5, 6, and 7, strike out the words "any duly constituted Federal or State authority in connection with the prosecution of the war" and insert in lieu "the United States or to promote the cause of its enemies," so that, if amended, that portion of the section will read:

Or shall willfully utter, print, write, or publish any language intended to incite or inflame resistance to the United States or to promote the cause of its enemies.

The amendment to the amendment was agreed to.

Mr. McCUMBER. I offer the following amendment, which I think will probably be accepted by the Senator in charge of the bill. In line 5 I move to strike out the words "or inflame" and insert in lieu thereof "provoke or encourage," so that it will read:

Or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States.

Mr. OVERMAN. I think that is included in the language of the bill, and I accept the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. FRANCE. I offer an amendment to the amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 2, line 18, in the committee amendment, after the word "whoever," the second word in the line, insert the words "either citizen or alien"; on page 2, line 19, strike out the words "profane, scurrilous"; on page 2, line 20, strike out the words "contemptuous or abusive," so that the amendment will read:

And whoever, either citizen or alien, when the United States is at war, shall utter, print, write, or publish any disloyal language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States or the Constitution—

And so forth.

Mr. REED. I call the Senator's attention to the fact that he has incorporated in his amendment the words "soldiers or sailors" as they occur in line 22, where that language has been changed to "military or naval forces."

Mr. FRANCE. I will say in that connection I was merely quoting the section as printed.

Mr. REED. I think the Senator ought to modify his amendment in that respect.

Mr. FLETCHER. Mr. President, I can not understand the reason for adding the words "either citizen or alien," because undoubtedly they are already covered by the bill. Why specify either citizen or alien? It says "whoever," and that means anyone; it does not make any difference whether a citizen or alien under the bill as written. I do not see why we should specify and add those words.

Mr. FRANCE. That is perhaps a legitimate criticism, and I shall be very glad to have my amendment modified to that extent.

I merely wish to say in connection with the amendment which I have offered that there is something in the very natures of liberty-loving, English-speaking men which has always caused them to demand the right to grumble at their Government,

to criticize it, perhaps even to abuse it, while loving it and loyal to it and ready to die for it. Therefore I have offered this amendment, which merely changes the language so that it prevents publishing anything disloyal. I trust that the amendment will be adopted.

Mr. FLETCHER. Mr. President, I think the bill had better remain as it is. I do not think that part of the amendment is at all necessary, but is surplusage, which adds the words "either citizen or alien," because anyone in this country living here is subject to that part of the law without specifying whether he is an alien or not. It has been held by the Supreme Court that aliens may commit the crime of treason in this country, and the fact that they are aliens does not exclude them from the jurisdiction of our courts and the control of our law. Therefore that part of the amendment is unnecessary.

Eliminating the other words which the amendment seeks to eliminate—"profane, scurrilous, contemptuous, or abusive"—it seems to me, narrows it unnecessarily. I hope the amendment will not be adopted.

Mr. FRANCE. I am willing to modify my amendment by omitting the words "either citizen or alien."

Mr. REED. I should like to have the amendment read again.

The PRESIDING OFFICER (Mr. NEW in the chair). The Secretary will again read the amendment to the amendment.

The SECRETARY. On page 2, line 19, strike out the words "profane, scurrilous"; on page 2, line 20, strike out the words "contemptuous or abusive."

Mr. MYERS. Mr. President, the amendment of the Senator from Maryland, if adopted, would expressly permit people to use profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, of the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy, if such language did not quite amount to positive disloyalty. It is a mystery to me why anybody would want to extend the privilege to people of using profane, scurrilous, contemptuous, or abusive language about our form of government, or Constitution, or Army or Navy, or the flag in time of war.

As was so aptly said yesterday by the distinguished and able Senator from Minnesota [Mr. NELSON], suppose a man, when the liberty loan was being raised, would get up and in a loud voice abuse the United States flag and say, "Damn that dirty rag." That might not be construed by a court to be disloyal to the Government, but why should we want to legislate here to permit such language? I can not comprehend why we should do anything of that kind. There is much language which is profane, scurrilous, or abusive which might not be construed by the court to be disloyal, but it ought not to be used about the flag and the form of government or the Constitution or the Army or Navy in time of war; and if used, it would provoke riots, mobs, and lynchings just as much as if it were positively disloyal.

I hope the amendment to the amendment will be defeated.

Mr. FRANCE. Mr. President, I do not care to enter into any discussion of the subject of free speech. I will say, however, that perhaps a consideration of the history of the whole doctrine of free speech and of a free press might enlighten the Senator where he is not now enlightened.

Mr. MYERS. I have no doubt the Senator can enlighten me on very much, and I should like to be enlightened upon this amendment.

Mr. FRANCE. I am not surprised that the Senator can not understand what I had in mind, for it is impossible for me to understand what he had in mind when he voted against the right, which the courts have for many years guaranteed to free citizens, both in the mother country and in our own land, to speak "what is true, with good motives and for justifiable aims." When the Senator would vote away the right of a citizen to speak "what is true, with good intent, with good motives, and for justifiable ends," I am not surprised he can not understand my position.

Mr. MYERS. I should like to answer that inquiry. I do not believe in permitting that right, even if expressing the truth, to be exercised in disloyal, profane, scurrilous, contemptuous, abusive, obscene, or vile language about the Constitution, the form of government, or the flag, or the Army or Navy. If the right of free speech is criticizing in respectful and decent language, then people ought to have the right to speak the truth, but not in such language as is prohibited in this bill.

Mr. FALL. Mr. President, I was one of those who voted against the adoption of the amendment of the Senator from Maryland [Mr. FRANCE] with reference to speaking the truth, the right of liberty of speech, the right of speaking the truth. He has just referred to the fact that he has not criticized the Senator from Montana now for voting against this amendment, as he is one of those who voted against the former amendment. I want to say to the Senator from Maryland that if he offered the Ten Commandments, the Lord's Prayer, or the Golden Rule as an amendment to this bill, I would vote against it just upon the same principle that I voted against his first amendment and as I shall vote against this amendment.

Mr. OVERMAN. It has about as much to do with this bill as the Lord's Prayer would have to do with it.

Mr. REED. Mr. President, I was on the committee that had this bill under consideration. I begged my associates repeatedly to modify its language. I then expressed the fear that the bill in some respects might be so broad as to impinge upon the liberties of the citizen. I was overruled in the committee. But, Mr. President, I am unable to escape the fear I then entertained and expressed. With the general purposes of this legislation I am in absolute accord. With the desire to promote the stability of our Government during this great conflict I am in the most hearty sympathy. But frequently men fail to accomplish their purpose by attempting measures too extreme. Often the best way to defeat a good object is to go about it in an intemperate manner.

Repressive measures frequently promote opposition. It has been often said that "the blood of the martyrs is the seed of the church." Applied politically the aphorism may be thus rendered. Unjust and repressive acts are the food of anarchy. I venture to ask the attention of the Congress to a bit of history that is often referred to, and yet is, I fear, about to be disregarded.

I refer to the alien and sedition law. I read it. I want Senators who are here to take the pending bill in their hands and see how closely we are paralleling the old alien and sedition act. I desire, then, to review very briefly the comments of some great authorities upon that act I hope Senators will comply with my request to take the amendment which we are now considering in hand, the general amendment which was offered in the committee, and parallel it with the sedition act of July 14, 1798.

The sedition act was as follows:

And be it further enacted, That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing—

Notice—

any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government or either House of the said Congress or the said President, or to bring them, or either of them, into contempt or disrepute, or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States or to excite any unlawful combinations therein for opposing or resisting—

Now, observe the parallel—

any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000 and by imprisonment not exceeding two years.

The more you study that statute the more you will see that it embraces the very things covered in this proposed statute, the difference being, however, that a conviction under the old sedition law would have been much more difficult than under the proposed statute, because the old sedition law required that everything that was done should be done maliciously and falsely, whereas the proposed act omits both of those important qualifying terms.

Moreover—and I call especial attention to the fact that a few moments since the Senator from Maryland [Mr. FRANCE] offered an amendment, which was defeated by a majority of two votes, to the effect that there might be given in defense the truth of the statement made, provided always that the accused should also show that the utterance to which he gave expression was made in good faith—the old alien and sedition law, bad as it was, had this clause:

And be it further enacted and declared, That if any person shall be prosecuted under this act for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

Does it not seem strange that we have just defeated an amendment reserving a right which was reserved even in the abominated and execrated sedition law of 1798? Observe also that the amendment we defeated was more stringent than the sedition law, for it required that the accused should not only

prove the truth of his accusation but that he should prove that his intent and purpose was a good and loyal intent.

Mr. President, perhaps I talk to deaf ears, but the day will come when the blunders and errors and mistakes that we make will all have to be tested out. So I am begging the Senate to give a little consideration to the experience of the past.

I wish only to call attention to two authorities: First, to Cooley on Constitutional Limitations. Old Thomas M. Cooley, in my opinion, was during his lifetime the greatest living lawyer. He combined in a singular degree the wisdom of a statesman with the learning of a judge. He had this to say regarding the sedition law which I have just read to the Senate:

At a common law it was indictable to publish anything against the Constitution of the country, or the established system of government. The basis of such a prosecution was the tendency of publications of this character to excite disaffection with the Government, and thus induce a revolutionary spirit. The law always, however, allowed a calm and temperate discussion of public events and measures, and recognized in every man a right to give every public matter a candid, full, and free discussion. It was only when a publication went beyond this and tended to excite tumult that it became criminal. It can not be doubted, however, that the common-law rules on this subject were administered in many cases with great harshness, and that the courts in the interest of repression and at the instigation of the Government often extended them to cases not within their reasons. This was especially true during the long and bloody struggle with France, at the close of the last and the beginning of the present century, and for a few subsequent years, until a rising public discontent with political prosecutions began to lead to acquittals, and finally to abandonment of all such attempts to restrain the free expression of sentiments on public affairs. Such prosecutions have now altogether ceased in England. Like the censorship of the press, they have fallen out of the British constitutional system. "When the press errs, it is by the press itself that its errors are left to be corrected. Repression has ceased to be the policy of rulers, and statesmen have at length fully realized the wise maxim of Lord Bacon, that 'the punishing of wits enhances their authority, and a forbidden writing is thought to be a certain spark of truth that flies up in the faces of them that seek to tread it out.'"

We shall venture to express a doubt if the common-law principles on this subject can be considered as having been practically adopted in the American States. It is certain that no prosecutions could now be maintained in the United States courts for libels on the General Government, since those courts have no common-law jurisdiction, and there is now no statute, and never was except during the brief existence of the sedition law, which assumed to confer any such power.

The sedition law was passed during the administration of the elder Adams, when the fabric of government was still new and untried, and when many men seemed to think that the breath of heated party discussions might tumble it about their heads. Its constitutionality was always disputed by a large party, and its impolicy was beyond question. It had a direct tendency to produce the very state of things it sought to repress.

That is the point I am trying to make here to-day. That, I venture to say, will be the very effect of this proposed law if we do not radically amend it. I continue to read:

The prosecutions under it were instrumental, among other things, in the final overthrow and destruction of the party by which it was adopted, and it is impossible to conceive at the present time of any such state of things as would be likely to bring about its reenactment or the passage of any similar repressive statute.

And we are in the very act of passing such a statute.

When it is among the fundamental principles of the Government that the people frame their own Constitution, and that in doing so they reserve to themselves the power to amend it from time to time, as the public sentiment may change, it is difficult to conceive of any sound principle on which prosecutions for libels on the system of government can be based—

And that is all this proposed law is—

except when they are made in furtherance of conspiracy with the evident intent and purpose to excite rebellion and civil war. It is very easy to lay down a rule for the discussion of constitutional questions; that they are privileged, if conducted with calmness and temperance, and that they are not indictable unless they go beyond the bounds of fair discussion. But what is calmness and temperance, and what is fair in the discussion of supposed evils in the Government? And if something is to be allowed "for a little feeling in men's minds," how great shall be the allowance? The heat of the discussion will generally be in proportion to the magnitude of the evil as it appears to the party discussing it; must the question whether he has exceeded due bounds or not be tried by judge and jury, who may sit under different circumstances from those under which he has spoken, or at least after the heat of the occasion has passed away, and who, feeling none of the excitement themselves, may think it unreasonable that anyone else should ever have felt it? The dangerous character of such prosecutions would be the more glaring if aimed at those classes, who, not being admitted to a share in the Government, attacked the Constitution in the point which excluded them.

As, for instance, the woman suffragists of to-day or our prohibition friends, who think the Constitution ought to be amended.

Reading again:

Sharp criticism, ridicule, and the exhibition of such feeling as a sense of injustice engenders, are to be expected from any discussion in these cases; but when the very classes who have established the exclusion as proper and reasonable are to try as judges and jurors the assaults made upon it, they will be very likely to enter upon the examination with a preconceived notion that such assaults upon their reasonable regulations must necessarily be unreasonable.

If any such principle of repression should ever be recognized in the common law of America, it might reasonably be anticipated that in times of high party excitement it would lead to prosecutions by the party in power, to bolster up wrongs, and sustain abuses and oppressions by crushing adverse criticism and discussion. The evil, indeed, could not be of long continuance; for, judging from experience, the reaction would be speedy, thorough, and effectual——

Mr. SHERMAN. What is the Senator reading?

Mr. REED. Cooley on Constitutional Limitations.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Page	Smoot
Bankhead	Jones, N. Mex.	Penrose	Sterling
Beckham	Jones, Wash.	Phelan	Stone
Borah	Kellogg	Pittman	Sutherland
Calder	King	Poindexter	Swanson
Chamberlain	Knox	Ransdell	Thomas
Curtis	Lewis	Reed	Thompson
Dillingham	McCumber	Robinson	Tillman
Fletcher	McKellar	Saulsbury	Trammell
France	McNary	Shafroth	Vardaman
Gore	Martin	Sheppard	Walsh
Henderson	New	Sherman	Warren
Hitchcock	Norris	Sh'elds	Wolcott
Hollis	Overman	Smith, Md.	
James	Owen	Smith, S. C.	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, I simply wish to finish reading the excerpt from Judge Cooley and one or two other very brief authorities. Continuing, Judge Cooley says:

But it would be no less a serious evil while it lasted, the direct tendency of which would be to excite discontent and to breed a rebellious spirit. Repression of full and free discussion is dangerous in any government resting upon the will of the people.

The people can not fail to believe that they are deprived of rights, and will be certain to become discontented when their discussion of public measures is sought to be circumscribed by the judgment of others upon their temperance or fairness. They must be left at liberty to speak with the freedom which the magnitude of the supposed wrongs appears in their minds to demand; and if they exceed all the proper bounds of moderation the consolation must be that the evil likely to spring from the violent discussion will probably be less, and its correction by public sentiment more speedy than if the terrors of the law were brought to bear to prevent the discussion.

The English common-law rule which made libels on the Constitution or the Government indictable, as it was administered by the courts, seems to us unsuited to the condition and circumstances of the people of America, and therefore never to have been adopted in the several States. If we are correct in this, it would not be in the power of the State legislatures to pass laws which should make mere criticism of the Constitution or of the measures of government a crime, however sharp, unreasonable, and intemperate it might be.

Mr. REED. I call attention to this language:

The constitutional freedom of speech and of the press must mean a freedom as broad as existed when the Constitution which guarantees it was adopted, and it would not be in the power of the legislature to restrict it, unless it might be in those cases of publications injurious to private character or public morals or safety, which come strictly within the reasons of civil or criminal liability at the common law, but in which, nevertheless, the common law as we have adopted it failed to provide a remedy.

Following this is a long statement by this great jurist, going more into detail, but I do not intend to take the time of the Senate to read it. Just for a moment I call attention to an excerpt from Judge Story, who, speaking of this same act, said:

There remain one or two other measures of a political nature whose constitutionality has been denied, but which, being of a transient character, have left no permanent traces in the constitutional jurisprudence of the country. Reference is here made to the alien and sedition laws passed in 1798, both of which were limited to a short duration and expired by their own limitation. One (the alien act) * * * The other (the sedition act) declared it to be a public crime, punishable with fine and imprisonment, for any persons unlawfully to combine and conspire together with intent to oppose any measure or measures of the United States—

And so forth.

Notice that the requirement there was a conspiracy—a very different thing from the individual act of a man. I continue reading:

or, with such intent, to counsel, advise, or attempt to procure any insurrection, unlawful assembly, or combination; or to write, print, utter, or publish, or cause or procure to be written, * * * or willingly to assist in writing, * * * any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of Congress, or the President, with intent to defame them, or bring them into contempt or disrepute, or to excite against them the hatred of the people—

And so forth.

And this final clause:

It provided, however, that the truth of the writing or libel might be given in evidence, and that the jury which tried the cause should have a right to determine the law and the fact, under the direction of the court, as in other cases.

I repeat that that right which was reserved in that abominated and detested law is not in this proposed act, and we have just rejected an amendment reserving that right. So much faster do we travel than our ancestors.

Judge Story continues:

The constitutionality of both the acts was assailed with great earnestness and ability at the time, and was defended with equal masculine vigor.

I pass over numerous comments upon the law, only pausing to call attention to a footnote:

The alien and sedition acts were the immediate cause of the Virginia resolutions of December, 1798, and of the elaborate vindication of them, in the celebrated report of the 7th of January, 1800. The learned reader will there find an ample exposition of the whole constitutional objections. See also Fourth Jefferson's Correspondence—

And so forth.

I shall not take the time of the Senate to produce those documents, but all men know that it was these laws, obnoxious to our form of government, which produced a political revolution against which ousted the party in power.

From another footnote I read this:

The alien and sedition acts were, beyond all question, condemned by public sentiment; but that the condemnation, in the minds of any considerable number of the people, is placed on the ground of want of constitutional power is by no means clear. * * * The sedition act was clearly in the highest degree impolitic, and, as the prosecutions under it showed, was susceptible of being used for the purposes of oppression and terrorism, and these facts afford reason abundant for its condemnation. It was far from being as questionable in point of constitutional authority—

As upon the ground just mentioned.

Mr. President, at the risk of being misunderstood—and I often am—I do not hesitate to say that extreme legislation is always a mistake, and this for the very good reason given by Judge Cooley. It produces the thing it is intended to prevent. Repressive legislation acts as an irritant to a mind already inflamed against a Government for real or imaginary acts of oppression. I do not intend to further comment. I have done my duty by calling attention to the words of these great and wise men who spoke with that deliberation which can seldom be fully exercised save in the philosopher's study, where the panorama of history may be calmly passed in review.

This bill contains a provision that whoever shall speak contemptuously of the Constitution of the United States may be sent to the penitentiary for 20 years. Mr. President, I have been a defender of the Constitution of the United States in my poor and weak way ever since I have been old enough to take part in public discussions. I have defended it upon this floor. I have been a defender of the courts of my country when certain great men who are now posing as the chief patriots of earth were going up and down the land declaring that there ought to be an appeal from the solemn decision of a court to a vote by the mob in the courthouse yard, when the seed was being sown that has produced the I. W. W.'s of this country, when the dragon's teeth were being scattered abroad, from which there has sprung up an army of anarchists and other dangerous people who would destroy law and order. I am to-day the defender of the Constitution. If this bill were made to read, "whoever shall disloyally attack the Constitution," I would have no objection to utter; but the language is, "whoever shall speak contemptuously of the Constitution."

What is meant by "speaking contemptuously of the Constitution"? Is the woman in contempt of the Constitution who declares that it is an unjust Constitution because it does not give the right of suffrage to women? I am not a woman suffragist, but I assert the right of a woman or of a man to insist that the Constitution is unjust if they believe it to be unjust, provided always they seek only by lawful means to bring about a change and remain loyal citizens. I might also say that Senators upon this floor have spoken of the Constitution in what I regarded as somewhat contemptuous language. The distinguished Senator from Illinois [Mr. LEWIS] acknowledges the soft impeachment and, in his usual pleasant and gracious manner, appropriates it to himself.

Mr. LEWIS. As to certain features.

Mr. REED. As to certain features, yes; but when you attack certain features of the Constitution you have attacked the Constitution. In that sense it is an entirety. I have heard Senators upon this floor indulge in some very strong statements in regard to the Constitution, statements which it seemed to me placed the Constitution in contempt, and yet I know that those Senators meant no more than to express an honest judgment, and that they were as loyal as I am, or as anyone else can be.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. Pertinent to the phase of the question which the able Senator is now discussing, I desire to call his attention to the fact that only a very few years ago the able Senator from Mississippi, Mr. Money, addressed the Senate armed with an array of authorities and facts which challenged the admiration of every Senator who listened to him; he maintained that the fifteenth amendment to the Federal Constitution was not legally, constitutionally, adopted. His speech was made in support of a resolution calling upon the Department of Justice to test that fact. I should like to ask the Senator from Missouri, agreeing as I do with the able Senator from Mississippi who preceded me as an honored Member of this body, if I would come under the condemnation of the proposed statute if I should say on the stump that which learned Senators said in this Chamber?

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. Certainly.

Mr. LEWIS. Not that I am sure that my illustration fortifies the argument of the Senator from Missouri, but in order that the position I take may be understood, permit me to state that I have often said on this floor, and I have said in other places, that there were provisions of the Federal Constitution which I did not regard as advantageous to my country and which I felt were decided obstructions to its welfare—not that I spoke in contempt of it, not contemptuously, but, frankly, because I have felt those provisions as construed have worked great injustice and ought to be amended. Let me illustrate to the Senator and say, in conclusion, that the provision that no State shall impair the obligation of a contract caused the courts to decide in the State of Wisconsin that a franchise obtained by a legislature confessed to have been bought nevertheless was a contract, and, though it might have been obtained corruptly, that they could not go behind it, that the State could not impair it, merely because it was obtained through these legislators who were charged with being corrupt. In my own city of Chicago it was openly charged—the facts of which I shall not affirm or deny—that certain street railway franchises in the past were obtained by notorious, open debauchery; but the highest courts of my country restrained me as a law officer from making an attack upon those contracts in behalf of the State, and in one particular instance of Federal supremacy a Federal judge sent me to jail for 30 days—but I was busy in other duties and could not accommodate him at the time. But I only invite the attention of my eminent friend to the fact that I had to come to the Supreme Court of the United States to get that judgment reversed, however just it might have been to me under other circumstances. [Laughter.] That is what I meant when from time to time I have said, in the presence of my able friend and distinguished lawyer, that there were many provisions of the Federal Constitution that I feel in their operations work great injury to my Government.

Mr. REED. Mr. President, if this bill is passed, and the Senator shall go upon the public streets, or any place where he does not have the immunity of this Chamber, and shall say what he has just now said, would he not be liable to arrest and imprisonment? I ask the question in all seriousness and in all kindliness. We are here endeavoring to frame a law, and we ought to frame a law that is wise and just, if we are capable of so doing. With the language the Senator has just uttered I do not agree. I do not agree that our courts have gone as far as the Senator appears to think they have, and in cases where they have gone near that line I think the courts have themselves been mistaken. Yet, when I say that, I have only asserted that courts are human and that courts err. We must therefore take into consideration the fact that human courts will enforce this statute. Perhaps they will enforce it in times of great excitement, when even courts are somewhat carried away by popular clamor. We ought to consider all such possibilities when we are enacting a law.

Why, Mr. President, speaking of remarks about the Constitution, I happen to have before me the words of my friend the Senator from Illinois, whose loyalty no man can challenge. This is the statement, made during the discussion of the food bill:

It will not serve to excuse our inactivity or defeat proposed methods because of the cry "unconstitutional." The people are not so much concerned about our Constitution as they are about our institutions.

That is rather contemptuous language of the Constitution.

The American people are in no mood—

Now, notice—

to allow an obsolete paper Constitution—

Not just "a scrap of paper," but an "obsolete paper Constitution"—

to defeat the preservation of the human constitution. Under the war powers of our Government the President commands, and the Congress directs the method of its performance.

I do not read that to criticize my friend. In the exuberance of debate, and inspired doubtless by those poetic faculties which make the Senator in person so charming and in eloquence so resistless, I think he went a little further than he probably would if alone in his study with neither eyes to seduce nor applause to excite he had undertaken to write down his sober opinion of the Constitution.

Mr. LEWIS. Mr. President, if my alluring friend will allow this interruption—— [Laughter.]

Mr. REED. I could not do less.

Mr. LEWIS. I will have him assured that my observations on certain provisions at that time were coolly calculated, deliberately uttered, and now reaffirmed; but it was not a spirit of poetic effusion within me that inspired the utterance. The Senator was my chief debating antagonist at that hour. It was the agitating thrust of the distinguished Senator from Missouri, whose keen lance, penetrating at my bosom, forced the flame from my forge, that I might burn away his blade.

Mr. REED. Mr. President, if any act or word of mine be credited with having evoked even a momentary flash of that genius which has made the Senator from Illinois so illustrious, then I have achieved immortality and am almost content to end this earthly career, for shall I not be entitled to the encomium: "He inspired the genius of LEWIS and so accomplished the superhuman." [Laughter.]

Coming gently to the earth, I remark that other men have criticized the Constitution, and doubtless will continue to criticize it; but I have this to say—that whether they act in the spirit of poetic frenzy, or respond to less lofty impulses, the principles of the Constitution will endure while human liberty lives upon this earth. Courts may misconstrue it, legislators may disregard it, the waves of passion may beat against it, but it will endure, because it is founded upon the eternal principles of justice and right. The changing seasons of men's opinions may come and may go, the little tempests of revolution rage their brief hour and die away, but while men love liberty they will have freedom of speech, freedom of the press, security of life, of liberty, and of property, and about these great pillars is builded the temple of the Constitution, and it will endure as they shall endure. These shall endure until disaster shall destroy the race of men. And yet I do not claim that the Constitution is infallible, nor do I affirm that we might not want in a proper way to change certain of its precepts; but that very right implies the right to criticize, in a proper way, the Constitution.

Let me read you a few words, and let me then ask if their author should be treated as an outcast or a felon.

> The charm of our constitutional ideal has now been long enough wound up to enable sober men who do not believe in political witchcraft to judge what it has accomplished, and is likely still to accomplish, without further winding. The Constitution is not honored by blind worship. The more open eyed we become, as a nation, to its defects, and the prompter we grow in applying with the unhesitating courage of conviction all thoroughly tested or well-considered expedients necessary to make self-government among us a straightforward thing of simple method, single, unstinted power, and clear responsibility, the nearer will we approach to the sound sense and practical genius of the great and honorable statesmen of 1787. And the first step toward emancipation from the timidity and false pride which have led us to seek to thrive despite the defects of our national system rather than seem to deny its perfection is a fearless criticism of that system.

Such are the concluding words of a chapter devoted to criticism of our form of government and of certain constitutional fundamentals. They were written by the distinguished President of the United States. I have been reading from pages 332 and 333 of Congressional Government. Yet if this bill shall pass, and if these same sentiments should be expressed by one of ruder mold, not so gifted in grace of speech, but still as honestly expressed, we might, under this bill, see that man haled before a court.

This bill as it came to the Congress was, as I understand, the handiwork of the Attorney General's office. The Attorney General's office had examined the various decisions, and had been engaged in the business of undertaking to prosecute those acts which were regarded as inimical to our Government. Certain defects had been discovered in the law; among others, that the law did not cover the question of intent, but only covered the doing of the act itself; and so the Attorney General's office prepared a bill which the Attorney General's office believed would meet the difficulties and solve whatever legal problems were necessary of solution, then sent that bill over, and it was passed by the House. That bill appears here now in the plain type. The amendments appearing in italics were added in the Senate committee. They are outside the purpose of the Attorney General.

Now, I have no criticism of the real author of this amendment. The real author of this long amendment is the Senator from Montana [Mr. MYERS]. If I understand correctly, he is the real author of the Montana law. Now, out in Montana they had a very bad situation. They had one of those conditions which I sometimes think almost called for martial law. They had I. W. W.'s by the scores and the hundreds. If I do not state this correctly, the Senator will correct me. They were turbulent, they were lawbreakers, they were guilty of sabotage and other crimes.

The people of Montana wanted to suppress them; the Senator from Montana wanted to suppress them; and it was a very proper motive. They enacted a law to meet that particular condition, but I do not think it is necessary to fasten such a law upon the entire United States. So I hope this bill will be carefully gone over and those extreme provisions which ought not to be in a law passed in this Republic withdrawn from it, to the end that all of us may vote for it. Whatever is done, I am sure the motives of every man touching this legislation are only the motives of those who want sound and wholesome laws.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. MYERS. I will say to the Senator from Missouri that he has correctly described the conditions which existed last summer in Montana, and not only in Montana but all over the Northwest and in every Northwestern State, from Minnesota to the Pacific coast, and not only in the Northwest but in the West and the Southwest. Those conditions, while they appear to have been temporarily checked, are not abolished, and they threaten to become active again in the near future; and it seems to me they are spreading more or less all over the United States, judging by recent outbreaks that we read of in the morning papers every day.

Mr. REED. Mr. President, I think the Senator is unduly exercised. Comparatively a few men in a State can provoke disorder and create bad conditions, and yet I undertake to say there has not been a moment when the good people of the State of Montana were not 100 to 1 in the majority.

Mr. MYERS. Yes; but if there is no law to enable them to deal with these matters, they may resort to mob law.

Mr. REED. Very well. Let us come to that. The Senator says there is no law. Mr. President, there is a law in the State of Montana, there is a law in every great civilized State, that will reach, in my judgment, all these conditions. The act of sabotage which has been complained of is illegal under the laws of every State. It is the malicious destruction of property. It may be so done as to result in homicide. It can be punished without interference with liberty of speech. Moreover, the inciting of people to deeds of violence is unlawful in every State of this Union. It is unlawful, as suggested by the Senator from Oklahoma [Mr. GORE], in times of peace and in times of war.

We have made it unlawful to make speeches against or do anything to resist the draft. We have made it unlawful to do anything in resistance of the movement of our Army. We have made it unlawful to resist the sale of bonds. Indeed, Mr. President, we have gone so far in the enactment of these statutes that circulars have been sent out to the good women of Massachusetts, commanding them to report the amount of food they have in their houses, and notifying them that if they do not report correctly they will be sent to the penitentiary. That circular was sent out by a Federal food administrator. It illustrates how laws may be abused.

Let me give you another illustration: There is a gentleman now connected with the Government who has been appointed to buy lumber. I received a letter a few days ago from one of the prominent lumber men of my city, a man of considerable wealth, one of the very highest class of our citizens, who complained to me that he had been called to Washington, and that a statement like this had been made to him and to other lumbermen:

"The Government wants you to cut certain kinds of lumber in your mill. The Government will give you a price which the Secretary of War fixes; and you can take your option, gentlemen, to do what we say or go to the penitentiary for 30 years." It was stated in about that sort of style. I knew the man who wrote the letter was a reputable man, and I called up the gentleman who was asserted to have given the orders. To my astonishment he admitted he had made substantially the statements charged. Moreover, he affirmed his right to make them, seeking to justify himself on the ground that he thought the lumbermen were going to charge too much for their lumber. But I called his attention to the fact that the Government could commandeer and take the lumber and fix the price, and asked why it was necessary to hold before these men the threat of the penitentiary. He again sought to justify it. He insisted

that the men were free to accept or reject the price that was offered. I asked him if the freedom of acceptance was not a good deal like that which is tendered to the individual on the highway when a robber puts a pistol to his head and gives him an option to turn over his pocketbook or to have his brains blown out. I gave this gentleman credit that when the proposition was presented to him in that way he assumed an apologetic air and said he would not repeat the performance.

But, Senators, you find this same evil illustrated time and again. The average Government agent or official—no, not the average Government official, but many of the Government officials—to-day accompanies his orders with a threat. I signed a little application to be graciously permitted to have some coal put in my cellar yesterday morning. The application was on an official blank that was furnished; at the bottom of the blank was a warning, the black type of which looked me in the face with the declaration: "If you make a single statement there that is not accurate you are liable to be sent to the penitentiary." If, forsooth, in stating the amount of coal I had left in my cellar I guessed it a ton too little or too much I was to be classed as a felon. Where did the miserable little popinjay who sends out those circulars get that authority?

There used to be an old maxim, "Set a nigger on horseback, he will ride to the devil." Judge Cooley, in the language that I read to you, called attention to the fact that these powers are likely to be abused. I have in mind a gentleman who came to me and wanted to get a position in a safe place in the Army. He was within the draft age. I always believe, as Abe Lincoln did, that no man ought to be very greatly abused because the Lord put a cowardly pair of legs under his body. So I said to this individual that I would see if I could not help him. I do not know whether it was through my help, or how it happened, but, anyway, he got a position somewhere, somehow, connected with a food administrator, either State or national, I do not know which; and the first thing I read in the newspapers was that he had somebody arrested because an order had been issued that a 10-cent loaf of bread should be made a certain size and this certain culprit baker had made two loaves half the size of the 10-cent loaf and was selling them for a nickel apiece. I wished then that I had this gentleman somewhere where he would be obeying somebody else's commands instead of himself issuing orders.

It is that sort of thing that we here ought to guard against. When it comes to the suppression of those individuals who go out and preach the overthrow of our Government, when we deal with men who go about at a time like this trying to destroy the force of our Government, when we deal with wretches who by direction or indirection are trying to give aid and comfort to the enemy, I will go "as far as who goes farthest" to apprehend and convict and punish. But it is not necessary to break down the liberty of speech in order to stop the ravings and rantings of an anarchist. It is not necessary to destroy the freedom of the press of a whole people because there may be some miserable wretch who prints an obscene or an indecent or a disloyal thing. We need not grow alarmed and lose our heads. This whole Republic still stands and it will stand, though the storms and tempests of a world war may beat about it. Still it will stand, because it is founded upon the eternal rock of liberty and is sustained by the arms of 100,000,000 freemen. We need not grow alarmed.

There will be a mouthing, carping, ranting fellow here and there. There will occasionally come to us excited stories in the press that are afterwards found on investigation to be untrue. Let me say to the press, or to its representatives, and say it in the kindliest way, that if there was a little more care in investigating before statements are given out there would be less of feeling. How many times have you read in the paper that people had been given glass in their food, and you rarely hear of the case again? How many times out of the multitude of times we have read that glass has been administered has the story been true? I do not say some wicked, infamous wretch may not have given broken glass to a human being, but I do say it is about as impossible a crime as you can conceive, because a man who eats bread with broken glass in it will very soon find it. If you doubt that try the experiment of sprinkling a little sand in your food. I do not say it has not happened, but I say we have been told a thousand times it happened where it probably happened once.

A fire breaks out, and the statement is made that it is of incendiary origin. I do not say that fires of incendiary origin have not occurred and that they may not have been set by those who love Germany and who hate the United States. Let us all hope in every such case for a swift apprehension and a condign punishment.

But, Mr. President, it is the fashion nowadays if a fire breaks out to say that it is incendiary and to charge it to evil-minded people who want this country to lose in the great war. You find the statement comes to you with many illuminating details and with great circumstantiality and the next day you do not hear of it again.

If as a matter of fact the crime has been committed as charged there would be some convictions, there would be more arrests. All our officers are not asleep. The whole community would constitute itself in every instance a society of detectives to run down and bring to judgment the culprit. But you have not heard of many detections.

So also the cry is raised of spying; that hated word "spy," how often is it heard upon the floor of the Senate. I hope I will not be misunderstood. I hope nobody will say I am making a plea for spies; really, the time has come when a man is not safe in asking for calmness and reason any more. Yet I think our Federal authorities have for the most part apprehended the spies. There may be others. How they get word abroad I do not know; but, Senators, I do not feel that this country is rotten and reeking with German sympathizers. I do not believe that condition is general. If I ever am compelled to believe that it is general it will be the saddest moment that ever came to me in life. I believe, on the contrary, that all the history of this world does not furnish an example of such loyalty, such deathless love of country, as that which now animates the hearts of the American people. Here and there an ignorant man, here and there a vicious man, here and there a criminal, may conspire against our beloved country; but what of the great body of our people? Mothers have given up their sons with a sacrifice that is unexampled in history. Fathers have seen their boys go to the training camps and to the field with breaking hearts, and yet bid them go. From every community there has come the same response. There has been no general slacking; there has been no withholding of support. Our Government has asked for money and it has been poured out in golden streams, the like of which was never dreamed of in all the history of the past. We vote $20,000,000,000 here in this Senate without an hour's debate and without a dissenting voice. We have voted other thousands of millions of dollars on other occasions without a single negative. We have, Mr. President, laid taxes heavier and heavier and heavier until we have taken a large part of the earnings of many of our citizens; yet no man raises a question about the taxes. All of them pay, even though they must borrow to pay; yet there is not a word of complaint.

Let me tell you that it is a bad time if there are spies in this country in communication with Europe to be constantly sending word across the water that we are in danger here at home; that there is an insurrection brooding; that we have traitors in every community; and at the feet of the Goddess of Liberty lurks the coiled serpent of rebellion.

I tell you, sir, the word to send to Germany is that this is a united people; that the people of America are willing to spend the last drop of their blood in defense of America's honor. The word I would send across the water to the Kaiser would be that he can only achieve a victory when the last of America's men are dead in their graves, and that long before that time comes "the scepter shall have departed" from him and his home, and upon the ruins of autocracy will have been erected a temple to liberty in which even the present subjects of the Kaiser shall enjoy the rights of men.

Mr. SHERMAN. Mr. President, I wish to address myself particularly to the amendment pending. There is a very well-founded distinction, and we must observe that when we undertake to frame laws or bills that may become laws between citizens and aliens. Treason is defined to be not an ordinary crime, but according to the regulations of different nationalities depending either upon the legislation of Parliament in England or some similar authority if the Crown possesses that elsewhere, or in our own country by constitutional definition in certain acts. The Constitution of the United States defines but a single crime in express words undertaking to describe in apt language of what a crime shall consist. That is the crime of treason, and it is defined—

> Treason against the United States shall consist only in levying war against them or, in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

That being the definition of treason and the degree of proof required, Congress has legislated. Some amendatory acts have been passed from the original act, but section 1342 of the Revised Statutes of the United States contains a great number of important provisions. Section 1343 defines the punishment for spies as a part of this same enactment. It declares:

> All persons who, in time of war or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies in or about any of the fortifications, posts, quarters, or encampments

of any of the armies of the United States or elsewhere shall be triable by a general court-martial or by a military commission and shall, on conviction thereof, suffer death.

There is the definition of disloyalty found in the dictionary. There is nothing in express words in the authorities which I have on the desk. Allegiance, however, which is a necessary link in these transactions, is defined to be "the tie which binds the citizen of the Government in return for the protection which the Government affords him; the duty which the subject owes to the sovereign correlative with the protection received."

There is a local or actual allegiance which is due from an alien resident in a country in return for the protection afforded by the Government. That is only a common-law allegiance or definition of what constitutes a less binding tie by an alien in his relation to the Government where he is temporarily found. It leaves it open to construction, because it is open to construction in that way.

This bill ought specifically to include both aliens and citizens. Then there can be no doubt about it. This is especially true in view of using the term "disloyal." The term "disloyal" implies by the force of the word itself a breach of the duty owed to the Government; whether it includes the temporary allegiance of an alien is open to question, in view of the statutory definitions sought to be made in the bill, if it should mature into an act of Congress. Because of that I think the amendment of the Senator from Maryland [Mr. FRANCE] ought to be adopted, so that it will in lieu of the word "whoever" employ the words "citizen or alien." Then it is not open to construction; there is no avenue of escape in the event of a prosecution of a resident alien under the provisions of the bill.

This statute that has been in force for many years, Mr. President, that spies shall be punished by death when found in and about a camp, fortification, military post, or elsewhere, covers the whole United States during certain periods. That period is either when rebellion is on or the United States is at war. The law then covers conditions found at the present time. We are at war. With matters in that condition spy after spy has been arrested in the United States. For days and weeks, and it is over a year since we declared war, spies have been known to swarm all over the country. They have been in the Capital; they have been in the capital of almost every State in the Union, in every one in which any information would be of value to an enemy. There have been traces of spies everywhere. Some have been arrested.

The Senator from Massachusetts [Mr. LODGE] not many days ago referred to that fact and asked what had become of them. What punishment had been meted out to those men who have been arrested by the Government on a charge of that kind. They have been taken in custody by a marshal, they have been placed in jail, in places where the United States authority incarcerates offenders, some of them local jails, it is true, under an arrangement made in the different counties or cities where there is jail room. What has been done in all that time? These gentlemen, some of them foreigners owing no allegiance to our country, are in jail, eating three meals a day, employing high-priced lawyers, or have their governments do it for them, preparing for trial, enjoying the best that the community affords, with high-priced cigars on the table, with magazines, periodicals, and pleasing literature for their delectation during their idle time. What has been done? Nothing save the arrest.

Here is the law under which these gentlemen ought to be prosecuted:

All persons who in time of war or of rebellion against the supreme authority of the United States who shall be found under the conditions which constitute a spy shall be triable not by civil courts, but triable by a court-martial.

That is already the law of the land, and how is it used?

I am moved now to make the direct charge that this bill is not intended to reach those men already incarcerated in the penal institutions of this country. They are already capable of being punished under a law—the law of the camp, not merely in the civil courts of the country. The ulterior purpose of this bill is to reach another grade of alleged offenders. The purpose of it is to go where a court-martial can not reach.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from Illinois yield to the Senator from Oregon?

Mr. SHERMAN. Certainly.

Mr. CHAMBERLAIN. I am in hearty accord with the view the Senator is now expressing, and I am glad indeed that he is calling attention to the statutes which govern. The position was taken here the other day when I was urging the same proposition the Senator is now urging that under the Milligan case—an Indiana case, decided by the Supreme Court of the United States—military tribunals had only jurisdiction when martial law had been declared. I know the Senator is familiar with that case, and I feel that the Senator's view of it is right.

Mr. SHERMAN. Yes; I will come to that in a moment. But the spies that have been arrested since war was declared a year ago this April have not been tried by a court-martial. They have been arrested by civil authority. Some of them have been taken around posts and fortifications near or in encampments where the military forces of the United States are in process of training. They can lawfully be tried by a court-martial.

I do not want to go into the Milligan case. Every lawyer reads that and knows about it, and all Senators are familiar with it; but I can make this very short synopsis of the Milligan case:

The Milligan case arose in Indiana. Milligan was by a court-martial tried in Indiana, a part of the military district, and by a court-martial sentenced to death. He sued out a writ of habeas corpus in the Federal court, and that led to the opinion, finally, by Justice Davis, speaking for the court in that case. These are the only necessary principles involved in the discussion of this bill. There is no such thing as martial law. It is a misnomer of itself. There is such a thing as martial rule. That is the law of the camp. It is the discretion of the commanding officer. It is the rule laid down according to the exigencies of that particular case. It is not a rule of law at all; it is a rule of men, and is sharply distinguished from the rule in civil tribunals.

Milligan was tried by a court-martial. There was no obstruction of the process of the civil courts; the courts were open and all civil process could be issued. There was no occasion for the declaration of martial law. There is but one condition that will warrant the declaration of martial rule. It is when the courts are closed by military force; when the actual clash of arms between the embattled forces, one enemy against another in our country, suspends all the civil laws of the country, process can not be issued or served, courts can not be convened, and the orderly administration of justice is interrupted. That is a question of fact. Nobody will contend that we are in a condition that martial law can be declared in this country, except in certain isolated cases in certain parts of the country I think martial law ought to be declared now. If the governors of the various States had that high sense of duty that they are endeavoring to impress upon the Senate, they themselves, by existing law, would preserve the peace in their respective States. It is only because they think more of the effect it will have upon votes in future elections than they do of their oath of office that they are passing this duty up to the Senate and the House of Representatives. That is what is the matter now. There are too many politicians in governors' offices, too many demagogues in the country. That is what is hurting this country, and not the lack of law.

In the Milligan case it was declared that the court would take cognizance of the actual conditions in the country; that they would endeavor to ascertain by evidence, or by taking judicial notice, as they did in Indiana, of the actual conditions of the country, whether Indiana was at peace or at war; whether the courts were open for the issue of process and the orderly administration of justice. That is a question of fact; it is not a mere question of the proclamation of the commanding officer of our country—the President—or of any of the military or naval officers of the United States.

While things were in that condition this trial was had. The courts were open. It is about the same thing as would justify the suspension of the writ of habeas corpus by an act of Congress. We can not arbitrarily suspend the writ of habeas corpus, a writ of common right. Every State in the Union has it. It is habitually employed in all of the Federal courts. It dates back to 1379. It is merely an act of Parliament, and we have copied almost its verbiage with very little modification. We have no power now to suspend even the writ of habeas corpus, although we are at war. We can in such cases suspend the writ of habeas corpus only when rebellion and invasion are accomplished facts. Then we may do so. There is neither in this country. There is no rebellion, except certain riotously disposed persons who are committing various outrages in different States of the Union because of the phlegmatic apathy of governors, sheriffs, and other peace officers of the States where the outrages occur. For one I wish to pass the responsibility back to the governors of the States where these riots and murders occur. Let them first perform their duty; let them come into the Senate Chamber and make their appeal with clean hands and with duty performed before they undertake to tell us what our duty is to preserve peace in local jurisdictions by an act of Congress so as to relieve them from their duty. They can then say, "Go to Washington with your troubles and let the authorities there settle these local difficulties."

With things in that condition, the court said in the Milligan case that the only thing that could be done was to discharge

the defendant. There was no martial law that could be justified in Indiana; there was no suspension of the ordinary rules of civil government; there was no rebellion or invasion actually in the State of Indiana. It was declared a military district, and the Union general was in command of the country, but there was no suspension of the ordinary functions of the civil authorities, courts or otherwise. Grand juries were open; marshals served processes; the local authorities in the State were all of them competent and empowered to carry on the usual functions of civil government. It was a question then of fact, and there were no facts that would justify the proclamation of martial rule in that territory.

That is the condition of things now. The existence of certain facts must necessarily be proven, and they can not be proven in this case. There is no claim here that we could declare martial law. But that does not apply to camps; it does not apply to spies who are acting in behalf of the public enemy. It applies to no fortified place where the military authority of the United States has exclusive jurisdiction. So these spies, under section 1343 of the Revised Statutes, are now subject to trial by court-martial and to the death penalty. There is not anything to hinder the spy who has been taken near a camp, who has maps and information upon his person designed to be communicated to the public enemy, from being tried by a court-martial and being executed, as spies have been from time immemorial. Still I have not heard of anything of that kind being done. I think it very unlikely that it will be done.

Courts-martial are held in camps and in places adjacent to camps. I think within a mile limit, as I remember in a general way from the statute, a kind of a safety zone about military points. Courts-martial of that kind are valid, and a death sentence imposed by a court-martial would not be stayed by the civil courts or by any appeal to them. So we have this authority at this time, but we are not using it.

I know what is the matter, and I think all the rest of you do. The very statement made by these distinguished gentlemen who were in conference in this city yesterday, and still are to-day, explains the situation. There is a national convention of lecturers abiding in Washington. They are a very useful cult. They are a gentry who possess universal information. Nothing can be done without them. All the operations of civil government would instantly cease if they were to remove from the land. I have no doubt that they are a very earnest lot. They are here taking counsel with each other how to save the country. They will do everything but fight. I never knew one of them that had any practical sense. [Laughter.]

One of the chief spokesmen, and I imagine the bright particular star of this entire collection, is the head of the Bureau of Publicity of this Government. He seemed to have occupied a place precisely in the center of the spot light. He obtained publicity; he understands how to get it. I presume this morning at every breakfast table throughout all of North America a paragraph was read of which he delivered himself yesterday. It was in substance that he thanked God—it has been referred to—that we were not prepared for the war, following it by another paragraph that to have been prepared for the war would have been a contradiction of all our ideals of government in this country.

Through him must percolate all of the information of military matters; through him all news must be censored; through this distinguished pacifist, through this gentleman, who is telling this combined aggregation of governmental talent known as a convention of lecturers, all of us are to be permitted to think and to know things, and to know no more than he permits. With such men as he to censor the information which the public may have I can understand how any kind of laws will be wholly futile in their result; I can understand just as well, too, that when anything fails this head of the Publicity Bureau will be the first to charge it upon the neglect of Congress to furnish additional laws.

I had rather have a community or a country with good men and poor laws than to have a country with poor men and the best laws that ever were devised from the time of Solon down to the President of the United States. If you will give me good men with any kind of makeshift laws, government will be successful, but with the best of laws and poor men in office, having no sympathy with the motive of the law or with its execution, government will be a failure.

I want to ask another thing for the Senate to consider in this connection, and especially in view of some amendments which have already been adopted to the bill, and which I hope will remain in the bill. Whether it shall be finally in that shape where I can vote for it or not, I should greatly like to vote for some such measure. I take occasion now to say that not only the head of the Publicity Bureau, a pronounced pacifist who derides the idea of preparation, is in authority, but others just as bad are in authority. If we were prepared, if we had one and one-half or two million of trained soldiery on the line in France, if we had our resources organized and accessible so that we could bridge the Atlantic Ocean and land our supplies where they are needed to sustain the forces of the United States soldiers, by the time the autumn came to this continent the war would be ended. In this critical period, when the allies are trying to defend either the approach to Paris or the approach to the English Channel, either of which is equally dangerous both as to the strategic importance and to the morale of the allies and ourselves—in this time, say what you please, we are bearing no man's part in this mighty struggle of the world.

I know how optimistic everybody is; I do not think at all to classify myself as a pessimist; I am like most of us, for I think most people are optimists by nature and pessimists by experience. Whatever we may hope, here is the hard, cold daylight truth, that for a Nation of 100,000,000 people, with more gold in our coffers than any other nation in the world, with the wealthiest soil the sun ever shone on, that makes the Nile and the Euphrates look like they were only a part of the world's historical supply in years past—with all that, with our resources of the metals, the iron, and the steel out of which men gird themselves in modern times for such struggles—with all these advantages of civilization and art and the historical traditions of a thousand years going back through our ancestry, the fact remains that, with a year charged to our credit since the war began, in this struggle, I repeat, we are not bearing a man's part.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. SHERMAN. I yield.

Mr. KNOX. May I not ask the Senator from Illinois if he is not an optimist somewhat in the sense of the Irishman's definition of that term, "doing your best to believe something you know is not so"? [Laughter.]

Mr. SHERMAN. Yes, sir; I think that very aptly describes my frame of mind and probably the frame of mind of many other Members of the Senate. But with matters in that condition we are told by divers gentlemen that our airplane program, our armament and explosive program, and our ship program are all in a very flourishing state. I wish that were so. A Member of Congress, for whom I have the highest esteem, back in his home State of Illinois not long ago made a speech in which he said that within three months we had so developed explosives that both the bomb that explodes on the surface of the water, destroying a submarine when it is in view, and the deep-sea bomb that follows the U-boat when submerged, are now accomplished inventions, and that in three months the submarines would be chased from the Atlantic Ocean. I am sure that everybody would rejoice to know that such inventions existed. He said, further, that we had thousands of airplanes. I do not know where they are; they are like many other things; they are like the majority side of this Chamber, for instance, which is absent, with the single exception of the junior Senator from Mississippi [Mr. VARDAMAN]. [Laughter].

Mr. WOLCOTT. Mr. President, I am afraid the Senator did not notice me.

Mr. SHERMAN. I beg the Senator's pardon. I wish to include the Senator from Delaware in that roll of honor and also the senior Senator from Georgia [Mr. SMITH], who is caught in suspicious circumstances on the Republican side of the Chamber. [Laughter.]

Mr. SMITH of Georgia. I should like to inquire if I am in a suspicious position because I am talking to the junior Senator from California [Mr. JOHNSON]? I thought that would be permitted everywhere.

Mr. SHERMAN. No; that is not the suspicious circumstance. I would not so regard it; but the fact that the Senator had successfully executed a camouflage over here, and I was not able to see him, for he looks almost like a Republican. [Laughter.]

The PRESIDING OFFICER. If the Chair may make an inquiry, Has it occurred to the Senator from Illinois that he may have emptied the majority side of the Chamber by his attack on the lecturing profession? [Laughter.]

Mr. SHERMAN. The Chair, as usual, is right, especially the present occupant of the chair. The fact remains that across the sea the allies have steadily given ground. The enemy has taken, since the drive began about the 21st of March or so, an area of country nearly 200 miles larger than the State of Rhode Island. That is how much they have occupied. They are fortifying;

they are "digging in," to use the local military phrase; they are bringing up reserves, with heavy artillery and military supplies, to hold the country they have taken. They are repeating the tactics which they followed when they made the first attack through Belgium and eastern France and took the territory in 1914–15, which they yet hold.

Now, whatever some of the public officers who address the lecturers in convention assembled in this Capital may think; however fervently they may thank the Diety that we were not prepared, I deplore it, and I criticize it as the crime not only of our country but the crime of the age against the civilized world. I say to the vacant side of this Chamber that if we had been prepared this war would have ended next autumn, and the "Hindenburg drive" would have been the last expiring gasp of German autocracy in the world. Now, the line is bent back, and if the allied military stations are taken, if the enemy penetrates to the channel, whether Paris falls or not, they will have severed the British Army from the French; they will have divided the two great nations in their military strength; and can then proceed to fight and destroy them in detail. That is why now a million hardened soldiers would have decided the fate of the civilized world; that is why, I presume, the publicity director yesterday thanked the Lord that we were not prepared when we went into this war. I shall not spare my sentiments upon this question either in this Chamber or out of it, whether there be jail sentences enforced by this bill or not; I shall criticize one who utters such language as the great archtraitor of this Republic, and others who may sympathize with him, whether they are in the office of the Secretary of War or not, whether they be pacifists known or concealed, who feel such sentiments deserve nothing but the anathema of every patriot in this country, whether he votes for this bill or not.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. STONE. Upon whom is the Senator laying the blame, if, indeed, he is laying it upon any particular person or particular organization, that we were not able to have a million hardened soldiers at the front? To be sure, it would be most fortunate if they were there, but the Senator seems to be complaining of somebody because we did not have them there.

Mr. SHERMAN. For once the Senator understands me. I was complaining [laughter]; I intended to be understood as complaining.

Mr. STONE. Of whom?

Mr. SHERMAN. I will tell you; I will satisfy the curiosity of the senior Senator from Missouri in a parliamentary way. I do not complain of the chairman of the Committee on Military Affairs, the senior Senator from Oregon [Mr. CHAMBERLAIN], who has been sound upon that question ever since I have been a Member of this Chamber, for more than four years. His voice has been heard in warning time after time in public prints and on the public platform. He has urged upon all, and especially upon those who were his associates, to prepare. Who, I inquire—and I think it needs no answer—since the 4th of March, 1913, has been in control of both Houses of Congress and of the Executive office of this country, together with all of the departments and machinery that frame legislation, that organize armies, that equip navies, and that are entrusted with the power to put the Nation in a condition to defend its rights either domestic or foreign? What organization has been in control of actual government in that time, I inquire of the Senator? Has he found, I will ask as a corollary to that, any of the minority political organization, in any considerable number that would strike any ordinary mind as being worth while, opposing any moves of a military character that were made by the majority?

Mr. STONE. Perhaps not.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. I yield, certainly.

Mr. STONE. Perhaps not; it may be that none of the minority during the period named opposed any movement of the kind indicated by the Senator, but just before that, when his own party was in power, what did they do? Why did they not then organize, discipline, and in every way prepare a great military force for the support of the Government in any possible emergency? If it be true, as I say it is, that they drifted, as they had drifted before, why throw the responsibility upon the present majority? Why not assume some part of it yourselves?

Mr. SHERMAN. I have not said the responsibility was on the President. I have said it was on the political organization that was in the majority.

Mr. STONE. I did not say "the President."

Mr. SHERMAN. Perhaps I misunderstood the Senator; and if I did, I will apologize to him; but what political organization has been in control of the House of Representatives since the election of 1910? Let me premise that, though, by saying that all the Navy there is now on salt water was built by the organization that is in the minority now, and it was built over the protest of the then Democratic minority in the House.

Mr. STONE. That is very funny.

Mr. SHERMAN. I am glad to excite the sense of humor of anybody. [Laughter.] Indeed, in times so grave and troublous we need to cultivate something that will excite our risibilities once in a while in order not to become too sober; therefore I am sure that it is a matter of congratulation that it seems, to use the expressive phrase of the Senator, "funny." Let it be so; but the Navy was built over the protest of the minority party when the Republicans had a majority in the other House. That is the record.

The Senator asks the question, what the majority party did before that time? They so conducted themselves as to divide the family and five years ago to put the party of which the Senator is an honored and useful member in power. I ask him what that party did for preparedness in the five years until war was declared? Since that time it has been a case of profound governmental hysteria and not organization.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire.

Mr. SHERMAN. I yield.

Mr. GALLINGER. The Senator has animadverted very severely upon Mr. Creel for his declaration that he thanked God that we were not prepared. Will the Senator permit me to have read from the desk an extract from a speech delivered by the President of the United States at the Jackson Day dinner at Indianapolis on January 8, 1915, touching on that point?

Mr. SHERMAN. Yes, sir; I shall be very glad to have the matter read.

Mr. GALLINGER. I will ask to have the Secretary read the part I have marked. It was only about three years ago that the President gave utterance to those words, so I do not wonder that Mr. Creel perhaps feels as he does about it. He has eminent authority.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The SECRETARY. Reading from page 93 of a work entitled "President Wilson's State Papers and Addresses," published in 1917:

> And what a future it is, my friends! Look abroad upon the troubled world! Only America at peace! Among all the great powers of the world only America saving her power for her own people! Only America using her great character and her great strength in the interests of peace and of prosperity! Do you not think it likely that the world will some time turn to America and say, "You were right and we were wrong. You kept your head when we lost ours. You tried to keep the scale from tipping, and we threw the whole weight of arms in one side of the scale. Now, in your self-possession, in your coolness, in your strength, may we not turn to you for counsel and for assistance?" Think of the deep-wrought destruction of economic resources, of life, and of hope that is taking place in some parts of the world, and think of the reservoir of hope, the reservoir of energy, the reservoir of sustenance that there is in this great land of plenty! May we not look forward to the time when we shall be called blessed among the nations, because we succored the nations of the world in their time of distress and of dismay? I for one pray God that that solemn hour may come, and I know the solidity of character and I know the exaltation of hope. I know the big principle with which the American people will respond to the call of the world for this service. I thank God that those who believe in America, who try to serve her people, are likely to be also what America herself from the first hoped and meant to be—the servant of mankind.

Mr. SHERMAN. Mr. President, I have no criticisms to make, and shall not have during the pendency of the war, of the Chief Executive of our country. That was a state of mind at that time which all good citizens, at present at least, will regret. It was like the business depression that set in some time after the Senator's party became a majority. It was purely psychological. If your bank account was exhausted, that was psychological, the lack of orders was psychological, and so on, which I do not care to pursue. That is another story. Nevertheless, that was a psychological condition. It was not a natural condition, because the world everywhere outside of our own happy shores was in a very disturbed state. We refused, however, to see beyond the horizon where these conflicts were then in progress; but I think it does, to a very large degree at least, explain the complacent frame of mind in which the Director of Publicity found himself on yesterday, when he faced an audience of lecturers.

The mere fact that any person who censors all the news of the United States should face an audience of lecturers is enough to exhilarate and excite almost anybody, let alone the Director of

Publicity. It was a most novel situation and a still more novel audience. Such things are seldom seen. There is the great source of inspiration. If there is any psychology in masses in this country, it comes from the lecturers, from these gentlemen who have cultivated their intellect and who are in a continual state of suppressed information, only waiting for a couple of hundred dollars per night to loose their tremendous knowledge upon a suffering world. I ask the Senator from Missouri to think of the Director of Publicity in that psychological condition. It is no wonder that he broke forth in a pæan of rejoicing and returned thanks to his Maker that he was a pacifist and was proud of it, and that he was glad we were unprepared.

I can not tell whether his rejoicings will continue. That depends upon what the law books call a vis major, a superior power. It depends on how the lines of the allies hold against the Hindenburg drive. If they are broken, and we fight Germany and her allies alone; if we find ourselves pitted on land and sea against a race of hardened and prepared warriors, I ask the Director of Publicity, when he faces at their annual meeting these distinguished providers of mental pabulum for the public, what he will then do when he breaks forth with a pious ejaculation of that kind? Will he again thank God that we were unprepared, when we are fighting single handed, England and France lying broken and humbled at the feet of a powerful foe, with our own coasts bombarded, and possibly our territory invaded? I ask then the proud Doctor of Publicity to rejoice in our unpreparedness—a race of pacifists!

I remember a certain distinguished gentleman west of the Mississippi River, whose habitat has been there for some years, a native of my own State, who at one time opposed a standing army, as he called it, and opposed the plan for a continental army of the only real fighter in the cabinet, a man who had vision for the future—Secretary Garrison—who wanted a continental army of 400,000 men drilled—not turned into a standing army but drilled for emergencies. At that time the great commoner from Nebraska was Secretary of State. His method of preparing for trouble was equal to that of the toper who takes some of Bryan's grape juice as a preliminary to an extended debauch, instead of Peoria whisky. You have got to take some course that—to use the phrase of some of the administration now, at the eleventh hour—has teeth in it. I bid the Senator from Missouri to inspire his party, the political organization of which he is a powerful and influential member, to put forth the gentlemen who had teeth prepared that will make them look for once like the dogs of war unloosed upon the Germans. I want that done. But we find no such encouraging symptom. For four years, or for three years at least—because a year ago we declared war—we slumbered upon the edge of the volcano. The explosion was on across the sea, but we slept in fancied security, with just such gentlemen as the Director of Publicity and others of like kind going about over the country, talking against "the evils of militarism"!

There never was any danger of militarism among the American people, from George Washington's day to this afternoon, but we were told all the time that we did not need to prepare because we were going to remain neutral. We would not fight; we would stay out. I not only remember the Jackson Day speech, but I remember the phrase "Too proud to fight," which I will not attribute to the President, but which I will attribute to the unwise ministers who surrounded him, the keepers of the Chief Executive's conscience, just as the lord chancellor in England is the keeper of the King's conscience. Upon him is visited the punishment. That is the reason I am talking about these responsible ministers of the Executive and not about the Executive. I would not do that.

These men, however, who are in authority are responsible for the fact that we can not bridge the Atlantic Ocean, that we have a pitifully small number of men in France, that even now our resources are not mobilized. It is true that we are reaching forward in the best possible way consistent with the speed required because of the lack of preparation. We are doing the best we can; but at this vital moment, when the interests of the civilized world are hanging in the balance, when the question is whether the Germans shall break through the allies' line or not, I call the attention of the Senator from Missouri for the third time to the fact that we are not yet doing a man's part in that struggle.

I hope, addressing myself reverently to the All-wise Power, that we shall speedily reach the point where we will do our whole part, and do so before it is too late. This is not the only man, either, and that is the reason why I want this bill amended before I ever vote for it, and amended out of its present form. It has been improved to-day by amendments that have been adopted, but it must be amended substantially in other features before it ever ought to become a law. As it passed the House it contained all it ever ought to have contained. That is the limit, and is all that is required in safety. But if we go the limit and pass it—and the majority may do so—if we give to these governors and sheriffs and peace officers of the States some house of refuge to which they can flee in the avoidance of their duty, what will be the result?

I want to tell you, there is dynamite all over the Mississippi Valley. There is dynamite all over central and southern Illinois. There are concealed conditions, only waiting for the spark to explode them. They are not the public enemy. They are not spies. They are not aliens who are engaged in trying to subvert the public authority. They are ones who are incited to violence and disorder. They are ones who are constantly present as a nightmare to these governors who are shouting lustily for help from Congress to avoid doing anything themselves. They are the disturbers of various kinds, I. W. W.'s, chronic loafers, men who would not work whether there was an I. W. W. or not, men who never did work, men who are enemies of any form of organized society, some of these same lecturers, men whose lifetime has been spent in declaiming against any and all governments. There is James Eads Howe, the hobo king, who every once in a while holds a convention in St. Louis or Chicago. I attended one of the conventions. I looked at the assembled multitude. It is a matter of duty to see your constituents from various countries or States. They had a familiar look, and a still more familiar fragrance. They are dynamite all the time. Out of that material mobs are made that are scaring the governors of States. They are present all the time. I sat there a little while. I heard their motions. They believed in a life of perpetual repose, with three meals a day furnished by somebody else. They had an aversion to hard work. Every one of these bronzed, blistered, odoriferous knights of the tomato can avowed himself an enemy of organized society. They are dynamite. Some of them are I. W. W.'s; others are not. How are they useful? They are the best men in the world when a strike is on.

I have analyzed mobs. I have seen some of them resolved into their ultimate constituents. These are the men who hang on the fringe of a mob in Chicago or St. Louis. They are the ones who, in every mob I ever saw, form that tempestuous foe, who, in the absence of organized society backed by a riot gun, burn buildings, slay the defenseless, and destroy law and order in communities. The whole western country is full of them. What they need is a governor with a few companies that are not afraid to shoot, and the first few of them that are put under the sod in 1918 will be not only a happy riddance but a tremendously good object lesson, and this cry for help from the governors will fade away.

What has that to do with the bill? After we pass this bill we will have boards of mediation and conciliation and industrial commissions galore. I could not undertake to describe all of these commissions and boards; but one of them has as a member John H. Walker, president of the Illinois Federation of Labor. Mr. Walker lives at Danville, Ill. Mr. Walker comes to Washington. He invariably takes a high moral stand when here. He wraps about himself Old Glory, and nobody can make a more touching appeal for loyalty and an undivided people in our country than he. He is a part of this administration. At home there is no greater archdisturber in five States up the Mississippi Valley. There is nobody to-day who is as dangerous as he back in the country where he lives, as far as delegated power can make anybody dangerous. I have an article, which I shall read when the issues make it proper, signed by him. There has been a strike on for nearly a year in a town of 75,000 people out there. They are waiting now to start it again—not only the strike in the industry concerned, but a sympathetic strike, including everyone who will go out, and stop everything in that community. Mr. Walker, in this article, calls attention to the fact that that strike will be resumed, and that he proposes to use the same methods that were used before.

After I left this Chamber last fall two of the street cars were dynamited in my own city of Springfield, which is the location of this trouble. They propose to resume that. Of course these men do not dynamite the cars, but these same men who are found in conventions of the kind I describe are the irresponsible agents who go out and put dynamite on the tracks. They are all of the same kind. Before I vote for any stiffer laws of that kind I want an efficient administration of existing laws, and I want men in power here who at home themselves are not hanging over the verge of bloody anarchy 11 months out of the 12 of a year. There is more in men to administer the law than there is in the laws themselves; and I wish to repeat what I said yesterday, that the trouble is that we have not the right

kind of men to whom authority is delegated in the execution of the governmental powers that are now needed for the protection of the community in the development of our preparedness.

I decline to be drawn into a political discussion. I will enter upon that on some future occasion, when the issues are proper. I wish to say, however, to the senior Senator from Missouri that I will gratify his curiosity—I will fill him to satiety with information about what his political party has not done for five years since it has been in power.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes.

Mr. STONE. I really think that the Senator from Illinois—whose intense patriotism no man, I think, in all the land will question—and I might agree upon this proposition which I make to him, that we do not engage in any political discussion or any discussion that tends to excite in this great hour of distress partisan feeling or partisan alignment. So I think we might let all of that go.

Mr. SHERMAN. I agree with the Senator, and I shall be very happy indeed if others have the same psychological mental attitude that he has. I wish the Chief Executive had it and many of his responsible ministers. I shall adhere to my determination not to criticize the Executive; but I will say that his ministers, to whom he delegates his power, ought to have instructions to bring themselves into the same nonpartisan frame of mind which always distinguishes the Senator from Missouri, so that we might have a nonpartisan war for the preservation of a nonpartisan democracy. That would be a very happy state of affairs.

I wish to say, with due deference to my genial associate in the Senate, that later on, at the first opportune time, I will apply the acid test to a nonpartisan democracy. I do not wish to do so on this bill. I hope to take it up on the consolidation bill, which will be here immediately after the disposition of this bill, and will be before the Senate until it is disposed of. I wish there to show how essential it is that no partisan feeling shall be aroused under present conditions of the public defense. I wish to show how that very desirable condition has been violated, how a nonpartisan condition is to be created only when votes are needed and when bills and appropriations and all of the necessary paraphernalia of successful war are to be prepared; how, when this is done, there are some intimations that the acid test ought to be applied not to everybody, but to the minority party alone.

I do not want to trench upon that territory, because I shall, as I said, on proper occasion—and I hope at no distant time—go more into detail about this lack of preparation for the last five years. I shall also endeavor to impress upon the Senator from Missouri how essential it is that we apply the acid test to everybody, not simply to a minority but to a majority as well, and how, when it is done, it applies only to the minority party to defeat them and to the majority party to elect them, regardless of how they vote in this body or in the House of Representatives.

I hope the amendment offered by the Senator from Maryland [Mr. FRANCE] to the amendment of the committee will be adopted. I can say quite candidly that if this bill is not amended, not only in that but in some other particulars—pending amendments that are yet undisposed of—however I should like to vote for some of the provisions of the bill, I can not do so. I can not take the chances on it. I intend, so far as I can, to support war measures; but I find myself in the same frame of mind as the junior Senator from Missouri [Mr. REED]. I would rather defeat every such bill, I would rather meet my constituents and be defeated either for nomination or for election than to destroy the right of free discussion of public questions in this country.

That is the problem involved in this bill. I think it has been very greatly improved this morning; and with the elimination of some other features that are in it I think it will escape the criticism of the junior Senator from Missouri, and will be at least something that will go through without substantial opposition.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. FRANCE] to the amendment of the committee.

The SECRETARY. On page 2, lines 19 and 20, after the word "disloyal," it is proposed to strike out the words "profane, scurrilous, contemptuous, or abusive."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the committee as amended.

Mr. JONES of Washington. I offer the following amendment to the amendment.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 3, strike out lines 13 and 14 to and including the word "war" and in lieu insert:

Except in good faith to recommend one kind of production for another.

Mr. JONES of Washington. Mr. President, that amendment comes in connection with this language in the bill, beginning on line 8:

Or shall, by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged—

Then the amendment of the committee continues—

with intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

My amendment leaves the amendment of the committee as it is, but strikes out the words "with intent by such curtailment to cripple or injure the United States in the prosecution of the war" and inserts in lieu of those words "except in good faith to recommend one kind of production for another."

That permits anyone to suggest that a person might cease one form of production and go to another if it is done in good faith. The other day, when I suggested that the language with reference to intent be stricken out, it was suggested that if we did that we might subject innocent parties to prosecution who might suggest to a neighbor a change, for instance, of the production of wheat to the production of barley, or something like that. As I understand the object of the committee, it is to punish those who now, during the war, urge the curtailment of the production of those things that are essential and necessary in the conduct of the war. With that object I am in hearty sympathy, and I do not believe that we ought to permit the encouragement of nonproduction in those articles, whether it is done with the intent to injure the United States or not. The curtailment of these essentials means disaster to the Nation, and anyone urging such curtailment should be punished, even though there be no actual intent to hinder the United States.

Mr. HARDWICK. If the Senator will allow me, I have this situation in mind. I think one of the most important things that ought to be done in the southern part of the country is to do all we can to decrease the production of cotton, which brings a very high price, and raise more foodstuffs.

Cotton is necessarily used in the war. The Senator's language might possibly take care of that, but it does look to me like we ought not to say people can not advise others even to quit farming unless the purpose is to injure the country.

Mr. JONES of Washington. My amendment, I think, covers that, because you would not urge these people to stop production entirely.

Mr. HARDWICK. Oh, no.

Mr. JONES of Washington. If you want to slow down upon the production, for instance, of cotton, and urge them to go into something else, that could be done.

Mr. HARDWICK. And raise a larger percentage of foodstuffs.

Mr. JONES of Washington. Yes; I propose by my amendment, in lieu of the words proposed to be stricken out, to meet a situation just like that.

Mr. HARDWICK. I beg the Senator's pardon, but ought we not to keep it about like the committee has it for this reason, that no matter what one man would advise another, not to produce corn or cotton or wheat or anything else, he has a right to do it unless the thing is intended to hurt the country?

Mr. JONES of Washington. As I take it, the language of this committee amendment, in order to convict anybody under it you must not only advise the curtailment of production but the production of an article which is essential to the conduct of the war, and you must prove that the advice is given with the intent to cripple the United States.

Mr. HARDWICK. Certainly; but, if the Senator will pardon me, the intent like any other intent in anything else can be proven by indirect testimony, by the kind and character of his conduct and his apparent motive as gathered from his words and deeds.

Mr. JONES of Washington. If the amendment left it that way, I would be satisfied. I would rather see those words stricken out entirely and not make it a statutory provision, but allow the court and the jury from the facts proven to determine whether an intent exists such as should be punished. But when we put a positive requirement in the statute as to the intent, it seems to me that it places the burden absolutely upon the prosecution to show the intent by some positive testimony and not by

inference. That is what I fear, and I want to call attention to what I have in mind and the situation I want to meet.

I have here some slips, some pasters [exhibiting], that are sent out by an organization in this country not only in war but in peace. They declare it to be one of the fundamental policies of this organization that work should slow up, should be curtailed, and it is not aimed at the Government of the United States in time of war, it is aimed at the industrial condition of things in this country whether in war or in peace. While I would not propose this legislation to be effective in time of peace, I do think suggestions of this kind should be stopped in time of war; they do cripple the United States. But they are not done with a specific intent to cripple the United States. They are simply urged to cripple industries, and the result of it, of course, would be to cripple the United States. But I doubt if this could come within the language of the statute.

Mr. VARDAMAN. Will the Senator state what is on the slips?

Mr. JONES of Washington. I am going to call attention to that right now. Here is one of them. It says:

Don't scab—

I have no doubt Senators know what is meant by scabbing, but notice here this is an entirely different suggestion from what we ordinarily understand labor to refer to as scabbing.

Don't scab. Whenever you speed up or work long hours on the job you are scabbing on the unemployed—

"Speed up" is underscored. In other words, you are scabbing when you work energetically in connection with whatever you are doing. That is printed in large red letters, with a background of black—

Join the union of your class. The I. W. W. For information address I. W. W., 1001 West Madison Street, 51, Chicago, Ill., U. S. A.

It is the men at those headquarters whom I want to catch. Many of the hundreds who follow the suggestions are not at heart really bad people. They are simply influenced by these master minds in Chicago. Many of them are loyal at heart, but they are the dupes and tools of men who are criminals and traitors.

Mr. HARDWICK. Mr. President——

Mr. JONES of Washington. If the Senator will wait just a moment, I want to read another of these just to exemplify what I mean:

Line up. Join the I. W. W. We want no scabs around.

That is, we want nobody who works actively upon the job. We want no one to do a full day's work, because such a man, they say, is scabbing upon the unemployed.

Then here is another one:

Slow down—

In big letters, encircled by red and black—

Slow down. The hours are long, the pay is small, so take your time and buck them all.

Mr. President, as I said, I doubt if that would be met by the language of this amendment. It may be that the committee did not attempt by this amendment to meet a situation like that, but that is a part of the system and the situation in the western country that is causing great trouble with us. I yield to the Senator from Georgia.

Mr. HARDWICK. I wish to suggest this thought to the Senator because I know he has given the subject very thoughtful consideration. For many years throughout the South we have had organizations of farmers who have endeavored to curtail the production of cotton every year in the interests of a higher price. Even in time of war those organizations by pursuing that propaganda would do the country no harm because we do produce more than we need for ammunition purposes. I wonder if the Senator thinks it would be exactly safe to make it against the law for men to advise farmers, under those circumstances, even where their object was to get a better price for a farm product and even in time of war, if it is for the good of the country. That is why the committee put that language in.

Mr. JONES of Washington. Mr. President, I think we can very safely leave a great many of these suggested situations——

Mr. HARDWICK. But they are actual situations.

Mr. JONES of Washington. I understand that. I think we can leave a great many of those things to the courts and the jury. Under the language that we may put in I do not believe that any jury will convict anybody of conduct like that, if they are satisfied that it was done with entire good faith and without any purpose of injuring the Government or its activities, or of hampering its work or diminishing its efficiency or anything of that sort.

Mr. CUMMINS. Mr. President, I think the case suggested in the paper just read by the Senator from Washington ought to be met, but there is this difficulty, and I think it will appeal to him at once. It ought not to be a crime really to ask another to do a thing, or not to do a thing, unless it is a crime either to do or not to do the thing. The real harm is the curtailment of production. We have not made it a crime for a farmer to fail to produce everything of which his farm is capable. We have not made it a crime for a manufacturer to fail to produce everything of which his manufactory is capable.

Does the Senator from Washington think we ought to make it a crime for a neighbor to advise the doing or not doing of a certain thing when the act itself or the omission itself is a perfectly innocent thing? I think it is illogical to make the person who gives the advice guilty and leave the person who does the wicked thing free before the law.

Mr. JONES of Washington. It might be well to amend this amendment in that line.

Mr. CUMMINS. I want to ask another question.

Mr. JONES of Washington. Probably we ought not to make it a crime to advise a man not to do a thing positively if we did not make it a crime for the man to refuse to do a thing with the same intent as that which prompted the advice as shown by the facts.

Mr. CUMMINS. There is one difficulty about the Senator's amendment. It does not go to the principle of the amendment at all, but to the expression of his idea. A manufacturer of steel, for instance, looks over the field. Now, steel is necessary for the prosecution of the war. It is one of the things which is just as necessary for the successful prosecution of the war as cotton. But a board of directors sit down and consider how much steel they shall produce, and they come to the conclusion that a certain amount is all that is necessary. I fear that advice of that character, although given in perfect good faith, would become a crime because the thing there is a curtailment of a product that is necessary in the prosecution of the war.

As I remarked yesterday, as zealous as we all are to catch the real criminals in this country, we will imperil the efficient prosecution of these wrongdoers if we bring within the scope of the law a series of acts which are in and of themselves innocent and convict citizens who have no intent to do their country harm.

I really think that the language of the act is sufficient, because I do not know of a single instance where there is a desire to limit production or attempt to limit production in order to do the country harm that this bill will not sufficiently reach. It is not difficult, as the Senator from Georgia says, to prove the intent in the act if the act is one which is of sufficient importance to really hurt the country in the prosecution of the war.

Mr. JONES of Washington. Let me ask the Senator a question: Does he think these proposals which I have read would come within the committee amendment?

Mr. CUMMINS. I do not know; I doubt it, for this reason: It may very well be that the people who are responsible for those circulars or those letters have no intent with regard to the war at all. I know that the I. W. W. is a wicked and blasphemous organization not only in war but in peace as well, and it ought to be exterminated. I expect some of that literature is for the purpose of forwarding their peculiar propaganda and has no relation to the war at all.

Mr. JONES of Washington. I think the particular placards that I have read were issued to the public before we got into the war.

Mr. CUMMINS. If that be true, then I think Congress in its efforts to forward the country in the prosecution of the war ought to confine itself to the war.

Mr. JONES of Washington. They have also been put up since, as far as that is concerned.

Mr. CUMMINS. We ought not to attempt to usurp or take away the authority of the State to prosecute men for crimes that are not connected with the war, even though the crimes may be committed with reference to some product that is used in the war.

I was very much in sympathy with the rather emphatic way in which the Senator from Illinois [Mr. SHERMAN] expressed himself. We can not altogether take on the duties of the States and endeavor to correct these wrongs which were committed before the war began, and I fear will be committed after the war is at an end.

Mr. JONES of Washington. Mr. President, I sympathize with the suggestion of the Senator from Iowa and with the statement of the Senator from Illinois with reference to the duties of the States and State officials in matters of this kind. But be that as it may, this Nation is carrying on the war. It is a national undertaking, and the activities in lines of industry in the States in many directions are centered upon this great task that the Nation is engaged in.

The condition I have in mind in my State is this: We are doing a great deal in the shipbuilding line, one of the vital agencies and vital necessities of this war, and anything that retards or interferes with the progress of the shipbuilding industry threatens and endangers the success of the Nation in this war. To my mind, anything that the Nation can do to prevent such interference, to prevent such hindrance, it ought to do; and we, as the representatives of the National Government, ought to take every possible step to stop such interference, regardless of action or nonaction by the States.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES of Washington. I yield to the Senator.

Mr. WALSH. The Senator from Washington knows that the conditions to which he adverts as prevailing in his own State exist to a greater or less extent in the State of Montana?

Mr. JONES of Washington. Yes.

Mr. WALSH. I feel quite sure that the Senator from Iowa is correct in his statement, that under the bill, as it now stands, the circulation of appeals such as those read to the Senate by the Senator from Washington would not be reached. I sympathize fully with the purpose of the Senator from Washington, but I desire to inquire whether, under the amendment which he has proposed, a father would not subject himself to prosecution if he advised an impetuous son who was desirous of putting under cultivation a thousand acres of grain that his means were such that he ought not to venture more than 500 acres?

Mr. JONES of Washington. No; I do not think so, Mr. President.

Mr. WALSH. But the father advises the son to curtail production.

Mr. JONES of Washington. Yes; but there is no jury that would convict him of violating this law under a state of fact like that.

Mr. WALSH. Let me ask the Senator, if a man went to his banker to borrow money with which to put under cultivation a thousand acres of land, and the banker advised him that he believed he ought to content himself with 500 acres in view of his financial ability, if the banker would not subject himself to prosecution?

Mr. JONES of Washington. No; I do not think so. Mr. President, I take a little different view of the situation and the probable effect of this statute than probably do some of the other Senators.

Mr. WALSH. If the Senator will pardon me, I merely meant to suggest to the Senator from Washington, being in entire harmony with his views, that I thought the language of his amendment ought to be modified.

Mr. JONES of Washington. I have no doubt as to the sincere purpose of the Senator from Montana to accomplish what I should like to accomplish; there can not be any question about that at all; and his judgment is worth more than mine with reference to this matter, because he is a member of the Judiciary Committee and he has given the matter very great study. I know he would like to meet the situation just as earnestly as I would; but I want to say this, Mr. President, without questioning in the slightest or reflecting upon the integrity or the sincerity of any Senator, that I view this a little bit differently from the way it seems to me a great many other Senators look at it.

We can conjure up all sorts of difficulties that may come to entirely innocent people from the language of the bill when we propose to meet a particular situation; we can conjure up how a man under entirely innocent circumstances and with an innocent intention could be brought within the plain letter probably of the act; but, Mr. President, I am not worrying very much about that situation.

I believe that with the situation as it now is and with the matters that we want to meet by this legislation, juries and courts will very well take care of persons who may be haled into court who have not intended to violate the spirit of the provisions of this proposed act. In my judgment, more innocent men will be mobbed if we frame this law in such a way that it can not be enforced than there will be innocent men convicted under it if we leave its provisions broad and wide.

I have felt that we have already put in a great many exceptions and a great many limitations that the criminal lawyer will take advantage of in the interest of his client, which will practically nullify this law and make it ineffective, so that the Department of Justice will not be able to enforce it or to accomplish anything under it. That is one reason why I want to strike out the provision in the bill which provides that these acts must be done with the intent to cripple or hinder the United States. I do not believe, if it is simply shown that the person indicted tried to encourage by language or writing the curtailment of production by a private party who may be producing things that are really essential in the conduct of this war, that that could be held to prove the intent to injure the United States and to cripple the United States. I believe that you must go further in order to show that intent than to show simply that the person recommended the curtailment of the production of wheat by a farmer on his private account, for instance, even though such wheat might ultimately get into the hands of the United States or the agents of the United States. So I believe that in our intense caution to throw around the accused the safeguard of words, the safeguard of the statute, we are simply placing in the hands of those we want to catch an instrumentality by which they will be acquitted, that we are nullifying the purpose of the law.

As I said a while ago, I have no fear that the innocent man will be convicted of violating this law. It is the man who does the things that are actually injurious to the Government, that are actually detrimental to its cause, and actually weakening its power and its force, who will get the advantage of the various exceptions which we have placed in this act. That is the reason, Mr. President, that I have offered this amendment. I do not want any innocent man convicted under this law, but I want just as few guilty men to escape as possible.

It has been suggested, in connection with this debate, that we need a law of this kind in order to prevent mob outbreaks all over the country. Of course, as the Senator from Tennessee has stated, this law is to be passed to punish the wicked and the criminal. As an incident, however, if it is effective, it will stop the movement toward mob law that is spreading throughout the country, and that is inevitable where nothing is done under the law to punish the violators of the law, or where convictions are not secured.

The Senator from Illinois [Mr. SHERMAN] says that we have laws on the statute books now that are not being enforced. I think that is so. It is almost incomprehensible to me, if we have the spies throughout the land that we have heard so much about, that we have not punished any. We have a law to punish spies, but the trouble is that they are not being convicted; they are not being punished; they are not being prosecuted. We do not need any additional law to punish spies. What we need is more energetic prosecution. So a great many of the things which we are trying to prevent by additional law, I am constrained to believe are already covered by existing statutes, but if additional law is necessary I want it passed, because if the condition of things continues as it is now we are going to have a great deal of trouble through the people taking the law into their own hands.

I stated a few days ago that in the town in Washington in which I lived for 25 years or more, just as peaceful a community as there is in the United States and as highly enlightened and law-abiding a community as can be found anywhere, they took the secretary of the I. W. W. organization out about a mile and a half and tarred and feathered him. I noted some comment in the papers that indicated that I justified this course of conduct. I did not; I simply cited it to show what the condition of the public mind is getting to be and to indicate that unless something is done along the line either of the enforcement of existing law or the passage of new law that will provide for the punishment of offenders of this kind in an orderly and legal way, the people are going to take the law into their own hands. I do not like to see that; I want to see things done in an orderly and legal way and punishment meted out to wrongdoers according to law—mob law is lawlessness and breeds lawlessness and is to be unsparingly condemned.

I picked up my paper the other day, and I found from another place in my State this dispatch:

BELLINGHAM, WASH., *March 29, 1918.*

Ten masked men last night entered the rooming house at Sedro-Woolley, south of here, where J. Dietz, secretary of the I. W. W. local, slept, took Dietz from his room by force, coated him with tar and feathers in a public street, took him to the edge of the town, and told him never to return.

That is simply another manifestation of the intense feeling that is developing in that section of the country; and it grows very largely out of the very things that I have read from these posters. It is a situation that must be met in some way. The local authorities should prevent mobs if possible; that is true; they should prevent the conditions, too, that lead to these mobs; but in this great undertaking of the National Government, the conduct of this war, that involves the very life of the Nation, the liberties of our people, and the prosperity and happiness of future generations, the National Government ought also to do anything and everything that it possibly can do to meet the situation. Where the Nation's cause is endangered we should

not wait upon the State. The Nation should act to meet the danger that threatens it.

Mr. President, it may be that the language I have suggested is not the clearest that can be used, and it is possible that, if further consideration be given to it by the committee, they might frame some provision to meet the condition of things that members of the committee admit the proposed amendment does not meet. That condition ought to be met if it is possible for Congress to meet it. If it is possible for us to enact legislation that will prevent the open, public, and notorious urging of workmen in shipyards not to put forth their utmost efforts, if it is possible for us to prevent the open, public, and notorious urging of men in the lumber camps, in the spruce woods, and in every line of activity connected with the strengthening of the National Government to slack, to slow up, to cease doing their utmost, we ought to pass such legislation.

In my judgment, Mr. President, legislation to meet that situation is far more important than legislation to punish men who go around denouncing the Government. Such action does not affect the power of the Government and the strength of the Government; but the man who induces another laborer to work less in the production of ships, to work less in the production of ammunition, to work less in the production of airplanes, and spruce, and all that sort of thing, is doing a real substantial injury and is doing an act that does injure, cripple, and hinder the United States in the prosecution of this war. I have no use for the man who insults the flag. He should be punished, but he does not, in fact, weaken the Nation. The man who slows up work or induces its slowing up does a real, substantial harm.

If any Senator can suggest better language, I would be glad to have the suggestion made. This whole matter, of course, will go to conference; it can be considered very carefully there; and if the committee find that other language can be agreed upon that will meet the situation I am trying to meet, and which apparently the committee has not met, I hope they will take action along that line. Probably the committee may not have had the particular facts and conditions brought to their attention; I do not know; but if they did, I have no doubt that they tried to meet them and probably came to the conclusion that language could not be framed to meet them; but it is such a serious situation and involves so much of concern to the Government that I hope the committee will endeavor to meet that situation. I should like to see in the bill language of the kind I have proposed, or, if it is not deemed wise to put such language in, I hope that the committee, when this bill goes to conference, as it will go to conference on the committee amendments, will try to frame a provision that will meet the situation which I have cited.

Mr. OVERMAN. I wish to say to the Senator that we had this question before us and tried to cover the situation, but if the Senator's amendment is agreed to we will consider it in conference.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington to the amendment reported by the committee.

Mr. VARDAMAN. Let the amendment to the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment.

The SECRETARY. In the amendment proposed by the committee it is proposed to strike out, on page 3, lines 13 and 14, the words "with intent by such curtailment to cripple or hinder the United States in the prosecution of the war" and to insert the words "except in good faith to recommend one kind of production for another."

Mr. GALLINGER. Mr. President, I was not in the Chamber when that amendment was offered, and I should like to have it stated once more.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. In the committee amendment, on page 3, lines 13 and 14, it is proposed to strike out "with intent by such curtailment to cripple or hinder the United States in the prosecution of the war," and to insert "except in good faith to recommend one kind of production for another," so as to read:

> Necessary or essential to the prosecution of the war in which the United States may be engaged, except in good faith to recommend one kind of production for another, and whoever shall willfully—

And so forth.

Mr. GALLINGER. Mr. President, I try to vote intelligently; I probably fail to do so sometimes; but I should like to understand more definitely than I do now exactly what the amendment contemplates. Does it mean that if a man advises another man not to sow a particular grain, but to sow some other grain, unless he does it in good faith he becomes a criminal? Is that the idea, I will ask the Senator from Washington?

Mr. JONES of Washington. Mr. President, there is hardly time for me to say just what I mean.

Mr. GALLINGER. Well, just in a word.

Mr. JONES of Washington. But I want to say that the exception I make there would except the act that the Senator mentions. If a man advises another to sow barley instead of wheat, he is taken care of by this exception; and that is the reason why that language was put in.

Mr. GALLINGER. What kind of advice would make him amenable to the law?

Mr. JONES of Washington. Why, if he urges the curtailment of the production of things that are essential and necessary to the United States in the conduct of this war, without doing it in good faith and without recommending the production of some other article.

Mr. GALLINGER. The man himself might do that, and it would not be criminal; but if he advised another to do it, it would be criminal?

Mr. JONES of Washington. That was suggested by the Senator from Iowa, and it brought to my mind the idea that the amendment of the committee probably ought to be amended further; but I am taking the amendment of the committee as it is.

Mr. GALLINGER. I think the individual perpetrating the deed himself ought to be as amenable to the law as the man who took his advice and committed the act.

Mr. JONES of Washington. That may be possibly true, but that was not the situation I was trying to meet. I have taken the committee amendment as it is. We have a condition of things throughout the country where men are openly and publicly recommending to those who are engaged in certain lines of essential work that they slow up.

Mr. GALLINGER. I think we are somewhat responsible for that ourselves. During the past few years at least a half dozen times we have undertaken to obviate that by requiring men to do their best, but in every instance the Senate has decided otherwise, and concluded that the man of the least efficiency should be the standard for the workers in our plants owned by the Government; and I think we are quite responsible ourselves for establishing that rule.

Mr. CUMMINS. Mr. President, may I point out to the Senator from New Hampshire one of the cases which is covered by this amendment which I think would be very unfortunate to be made criminal?

Take a farmer in my State. There is a good deal of discontent there. Many of the farmers think that the Food Administration has not acted in good faith toward them. The farmer has under consideration this question: "Shall I raise next year and fatten 100 steers, or 50?" His neighbor says, looking at everything: "I do not believe that you can sell your cattle, if you raise them, for what they cost you, and I would advise you not to raise more than 50." That advice would be criminal under the amendment proposed by the Senator from Washington, although I know he does not intend that anything of that kind should come within the correction that he desires; but that is the difficulty about the amendment.

Mr. GALLINGER. That is the impression that it made on my mind when I heard it read. I may be wrong about it. I hope I am.

Mr. JONES of Washington. I just want to say, Mr. President, that I do not think that would be criminal under the amendment; but I am not going to argue that further. I am satisfied that no jury would ever convict any man under the statute on the state of facts disclosed by the Senator from Iowa. It is the men who are going to go free, by reason of the restrictions and limitations and technicalities that we are putting in their hands in this statute, that I am after and that I would like to get.

Mr. STONE. Mr. President, about two weeks ago, or perhaps a little more, there was a delegation here of live-stock producers and feeders from Missouri, Kansas, Oklahoma, Iowa, and Illinois. I remember the coming of representatives of this industry from those States, and there may have been representatives from other States in the Central West; I do not remember all who were here. These gentlemen came from a section which, as we all know, is noted for production in live stock—cattle, hogs, and sheep—and noted for the purchase, feeding, fattening, and marketing of such animals for food.

I was one of a number of Senators and Congressmen who went with this delegation to see Mr. Hoover, the head of the Food Administration. At that hearing difficulties of the situation with which these men were confronted were quite fully stated, and very emphatically stated, to the Food Administrator. It was admitted at that hearing that cattle and hogs could not be fed and fattened, at the present prices of grain, at a profit. The question then was, What should be done? The question was, Should the farmers who raise cattle and

hogs, or the feeders who fatten them for the market and take them for sale in the market, go forward out of a mere spirit of patriotism and perform these patriotic functions at a loss? The question was, Should these people do this out of patriotism merely; and if not, then what?

There was a suggestion that the price of cattle and hogs and other animal food should be fixed, as the price of wheat was fixed. On the other side came the suggestion that the Government should fix the price of meat foods, or in the alternative reduce the price of feed—that is, the price of the food, the grains, that are used to fatten and prepare live animals for the market. That presented, of course, a very difficult situation, which has not yet, so far as I know, been solved.

Mr. President, I have referred to this merely to accentuate the difficulties of the situation referred to by the Senator from New Hampshire [Mr. GALLINGER] and other Senators. The Senator asked what would happen if a neighbor to some farmer who questioned him about how many cattle or how many hogs he should feed at existing grain prices; whether, in the circumstances, he should attempt to feed 50 or 100, more or less; and if the friend questioned should advise "less," what then? It is impossible for me to think, Mr. President, that under the provisions of any bill that this Congress would pass these two farmers and feeders I speak of—whether two or more—conferring together to get the views of each other with respect to a question of mutual import to them, should by any sort of construction be subjected to prosecution and to the extreme penalties of this proposed law. If I thought that were true—if I believed that the provisions of this bill would subject such men in the case I have stated to arrest, indictment, and prosecution—I could only place upon the measure my absolute and unreserved condemnation. I hope nothing will be put in the bill making such a thing possible.

Mr. JONES of Washington. Mr. President, like the Senator from Missouri, if I thought the bill or the amendment that I have proposed would do anything of that kind, of course I would oppose it most bitterly; but I am satisfied that neither under the bill as proposed by the committee nor under the amendment proposed by me would any prosecution occur.

Mr. GALLINGER. Mr. President, what has troubled me, and what troubles me now, is a case of this kind: There are two farmers, neighbors. I have taken occasion to call attention to a condition that exists in my own section of the country, where grains are so high that it is almost impossible for farmers to keep their stock. It has been stated here, and I suppose is a matter of fact, that the grains that formerly were much cheaper than wheat are now bringing as high a price, and even a higher price, than wheat, and they are much more profitable to raise. Suppose that these two farmers are having a little friendly chat, and the one farmer in the meantime has ceased sowing wheat because he finds he can make more money out of sowing these other grains. He is not, under this provision as I have heard it read, amenable to the law. He has done that of his own volition. But he says to his neighbor, "If I were in your place I would not sow wheat this year. It is more profitable to sow rye or barley or plant corn," and he becomes amenable to the provisions of the bill.

Mr. JONES of Washington. Oh, no, Mr. President.

Mr. GALLINGER. That is the way I understand it.

Mr. JONES of Washington. The Senator is mistaken. He would be expressly excepted by the amendment I have proposed.

Mr. GALLINGER. In case he gave advice?

Mr. JONES of Washington. Yes; advice of that kind. The Senator knows that I would not propose a proposition like that any more than he would, and the language of the amendment that I have proposed expressly excepts the very situation the Senator names.

Mr. GALLINGER. Then whom does it make amenable?

Mr. JONES of Washington. It makes amenable the people who recommend the curtailment of these industries that are essential to the conduct of the war, under the language of the amendment, independent of recommending going into something else, for the purpose really and with the intent to injure and hinder the United States in the conduct of the war. That is what the prosecutor would have to show.

Mr. GALLINGER. I have very little idea that anybody would be convicted under it, but the man in the illustration I use has advised the curtailment of the production of wheat.

Mr. JONES of Washington. Yes; but he has advised going into something else.

Mr. GALLINGER. Something else that is not especially needed under present conditions.

Mr. JONES of Washington. No; some other line of production. That is what the amendment says.

Mr. GALLINGER. I was going to make this suggestion to the Senator: I think it would be better if the Senator would withhold his amendment and take the provision in the bill as it is—the Senator is accustomed to writing statutes—and write a provision that would cover it a little more definitely and completely than his proposed amendment does.

Mr. JONES of Washington. Of course, we have not time; it is desired to get a vote on this amendment, as the Senator knows, and I do not want to delay it, and I just offered a suggestion that I thought might be of some value, at any rate, when the bill got into conference, because it brings out a condition that I called attention to when the Senator had to be away——

Mr. GALLINGER. I was away; yes.

Mr. JONES of Washington. That the committee confess that they have not covered, and that it is very desirable to cover.

Mr. GALLINGER. I will not delay it.

Mr. McCUMBER. Mr. President, I want to ask the Senator if he does not think, in reality, that the cases he mentioned are covered by the bill as it now stands?

Mr. JONES of Washington. I did not think so, Mr. President, and the Senator from Iowa does not think so, and the Senator from Montana does not think so, so there is a doubt about it, anyway.

Mr. McCUMBER. Let us take the case of these Industrial Workers of the World. They send out literature, such as the Senator has read, to those employed in getting out timber for the ships, or they send out literature to the carpenters employed in the construction of ships for the United States. Now, this reads:

> Whoever * * * shall * * * incite or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war.

Mr. JONES of Washington. But it does not stop there. If it stopped there, it would be all right, but it does not stop there.

Mr. McCUMBER. What is the point, then?

Mr. JONES of Washington (reading)—

> with intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

There people do not do it for that purpose. They did this in peace. It was part of their propaganda.

Mr. McCUMBER. I understood the argument, but I can not see how it is possible for them to say they did not do it for that purpose, and inasmuch as the natural consequences of their acts would be to lessen the output of the timber necessary for the ships, I can not imagine how any jury would say that they did not intend the logical result of their action. As long as the courts instruct the jury that a man intends the logical consequences of his action, and when he says that to the lumbermen he shall perform only a few days work in the production of that thing which is necessary to carry on the war, it seems to me that this clearly comes within it, notwithstanding the view of the Senator.

Mr. JONES of Washington. I wish I could agree with the Senator. I hope he is right, but if he is I can see how in the cases suggested by the Senator from New Hampshire the parties might be convicted under the committee amendment by a jury which concluded that they had really curtailed production and drawn the inference or intent therefrom that it was done with the intent to hinder the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington [Mr. JONES] to the amendment.

On a division the amendment to the amendment was rejected.

Mr. PENROSE. I have an amendment to offer. I desire to offer the following amendment as an additional section to the bill.

The PRESIDENT pro tempore. It will be read.

Mr. OVERMAN. The Senator does not want to have it read now.

Mr. PENROSE. I should like to have it read.

Mr. OVERMAN. We can not dispose of it to-night.

Mr. PENROSE. I will withhold it until to-morrow morning, if the Senator is going to move a recess or an adjournment.

Mr. OVERMAN. I want to see if I can get a unanimous-consent agreement.

Mr. PENROSE. Will the Senator permit it to be read?

Mr. OVERMAN. Certainly.

The Secretary read as follows:

> SEC. —. Any person holding any office or position under the United States by appointment who shall have committed any of the offenses herein enumerated shall upon a conviction therefor, after hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department: *Provided*, That if charges are preferred that such person has committed any of these offenses, such charges shall be promptly heard by the head of the department.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. PENROSE. I do not consider that the amendment should lie on the table. It is pending before the Senate.

Mr. OVERMAN. The Senator could not offer it now.

Mr. PENROSE. Why not?

Mr. OVERMAN. Because it is an amendment to the bill.

Mr. PENROSE. I understood that the bill was open to general amendment.

Mr. OVERMAN. No; it is not.

Mr. PENROSE. I am misinformed then. I asked one of my colleagues a little while ago whether the bill was open to general amendment.

Mr. OVERMAN. We are still on the committee amendments.

The PRESIDENT pro tempore. The bill is still open to amendment, but the pending question is the committee amendment.

Mr. PENROSE. I was informed otherwise or I would not have offered the amendment.

Mr. OVERMAN. I ask that the proposed unanimous-consent agreement which I send to the desk may be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Wednesday, April 10, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 3 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. JONES of Washington. If it provides a definite time when the vote shall be taken, regardless of whether the amendments have been disposed of or not, I object to it. If it does not, I would have no objection to it. If it does, we would get ourselves into a position we did some time ago in reference to two or three bills, and I practically resolved then that I would not again consent to fix a definite time to vote upon a bill.

Mr. OVERMAN. It is to vote upon any amendment pending.

Mr. HARDWICK. Any amendment pending at that time or offered at that time can be voted on. Of course, the discussion would be closed.

Mr. JONES of Washington. That is the point, closing the discussion. I do not think the discussion should be closed until the amendments have been debated.

Mr. OVERMAN. Let it be read again.

The PRESIDENT pro tempore. The Secretary will again read the proposed agreement.

The Secretary again read the proposed agreement.

Mr. JONES of Washington. I am willing to make any agreement to begin debating and voting at any time to-morrow under the 5 or 10 minute rule, and then to continue until the bill is disposed of, but I am not willing to consent to fix a definite time when the bill and all amendments shall be voted on without further discussion. Let us begin at any time with the five-minute rule—at 11 o'clock or 1 o'clock or 2 o'clock.

Mr. OVERMAN. Until the bill is finally disposed of at 5 o'clock. If we meet at 11 o'clock that will give ample time.

Mr. STONE. Is it understood that the Senator from North Carolina desires to take a recess until 11 o'clock to-morrow?

Mr. OVERMAN. If this agreement is made. That will give ample time for debate.

Mr. GALLINGER. Let the proposed unanimous-consent agreement be read as it has been modified, if it has been modified.

Mr. OVERMAN. I understand the Senator from Washington wants to begin voting at 5 o'clock and to continue until the bill is finally disposed of.

Mr. JONES of Washington. I do not want to vote at a certain hour, but to go on with the discussion.

The PRESIDENT pro tempore. The Chair did not understand that the agreement fixes a time for a final vote and does not therefore understand that it requires a roll call for a quorum. He will submit that matter to the Senate if anyone has any doubt about it. Otherwise the roll will not be called.

Mr. OVERMAN (reading)—

It is agreed by unanimous consent that at not later than the calendar day of Wednesday, April 10, 1918, the Senate will proceed to vote upon the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 3 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. GALLINGER. Mr. President, as to the matter of the necessity of a roll call my mind is not very clear as to what the rule provides. The purpose of that system was to allow Senators to be in the Chamber when an agreement was reached, but if the rule does not require a roll call unless an hour is named——

The PRESIDENT pro tempore. The Chair thinks it would be well for the Secretary to read the rule so that Senators may be advised just what is prescribed.

Mr. GALLINGER. I think that is wise.

The Secretary read paragraph 3 of Rule XII, as follows:

No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

Mr. GALLINGER. I will ask if this proposed unanimous-consent agreement does not provide that there shall be a vote on a particular calendar day?

The PRESIDENT pro tempore. The Chair understands it to be an agreement by unanimous consent to limit the debate. If, however, upon examination that is not correct——

Mr. GALLINGER. Let the Secretary read the first part of the proposed agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the calendar day of Wednesday, April 10, 1918, the Senate will proceed to vote, etc.

Mr. GALLINGER. That seems to fix the time.

Mr. HARDWICK. The Senator from North Carolina proposes to modify that.

Mr. STONE. There is a quorum present right now and why not call the roll?

Mr. GALLINGER. All right.

Mr. STONE. And not leave that sort of a precedent.

Mr. GALLINGER. That is the only thought I had in raising the question.

Mr. HARDWICK. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McNary	Smoot
Baird	Hardwick	Martin	Sterling
Bankhead	Henderson	Nelson	Stone
Beckham	Hollis	New	Sutherland
Calder	James	Nugent	Swanson
Chamberlain	Johnson, Cal.	Overman	Thomas
Colt	Jones, N. Mex.	Page	Thompson
Cummins	Jones, Wash.	Penrose	Tillman
Curtis	Kellogg	Phelan	Townsend
Fall	Kendrick	Pittman	Trammell
Fletcher	King	Poindexter	Underwood
France	Kirby	Reed	Vardaman
Frelinghuysen	Knox	Saulsbury	Warren
Gallinger	Lewis	Shafroth	Williams
Gerry	McCumber	Sheppard	Wolcott
Hale	McKellar	Sherman	

Mr. McKELLAR. My colleague [Mr. SHIELDS] is unavoidably absent on official business.

Mr. JONES of Washington. I desire to announce that the Senator from Nebraska [Mr. NORRIS] is necessarily absent on official business.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present. The Senator from North Carolina proposes the following unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the calendar day of Wednesday, April 10, 1918, the Senate will proceed to vote, without further debate, upon any amendmet that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 3 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than 5 minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES of New Mexico. Do I understand this proposed agreement now is simply a limitation upon debate?

Mr. OVERMAN. That is all it is, an agreement to vote on the calendar day of Wednesday and a limitation upon debate.

Mr. JONES of New Mexico. Mr. President, I must say that the language is a little peculiar, if that is the intention. Why should there be any reference to a vote at all if upon a certain hour on a certain date you are going to simply limit debate?

Mr. OVERMAN. On that calendar day we vote. It may be midnight before we vote.

Mr. SMITH of Georgia. Make it the legislative day.

Mr. OVERMAN. Then it might be next Saturday or next Sunday before we would vote.

Mr. JONES of New Mexico. If it is simply a limitation upon debate, I am perfectly willing, and have been willing to have

that done for some days; but to fix a definite time at which we will come to a vote upon the bill and the amendments——

Mr. OVERMAN. Then let us unanimously agree that after 3 o'clock to-morrow the debate shall be limited to 10 minutes on the bill and 5 minutes on each amendment. I am willing to do that.

The PRESIDENT pro tempore. The Secretary will read the agreement as modified.

The Secretary read as follows:

It is agreed, by unanimous consent, that after the hour of 3 o'clock p. m. on Wednesday, April 10, 1918, no Senator shall speak more than once or longer than 10 minutes upon the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations," etc., or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. PENROSE. I simply desire to make the observation that it is rather unusual to ask for a unanimous-consent agreement before a bill has been reported to the Senate and open to general amendment.

Mr. OVERMAN. If there is any objection, let the debate go on.

Mr. PENROSE. I do not want to delay the vote one moment, but I certainly think we ought to have a few hours of unrestricted debate for those Members of this body who desire to offer amendments to the general bill?

Mr. OVERMAN. Does the Senator object?

Mr. PENROSE. I want to expedite the bill, but I assure the Senator that the request is in a very unusual form.

The PRESIDENT pro tempore. Is there objection?

Mr. PENROSE. I intend to object, Mr. President, with the hope the Senator will renew the request after the bill gets into the Senate and has been open for at least a short period to general amendment.

The PRESIDENT pro tempore. Objection is made.

Mr. OVERMAN. Let us vote on the pending amendment.

Mr. WILLIAMS. Mr. President, the Senator from Pennsylvania has just asked that we should have "a few minutes of unrestricted debate" upon this bill.

Mr. PENROSE. That was a stroke of humor, Mr. President, which I hope the Senator from Mississippi will not take seriously.

Mr. WILLIAMS. I did not understand the Senator.

Mr. PENROSE. I say that was a shallow attempt at humor, which I hope the Senator from Mississippi will not take too seriously. I saw him before me when I made the observation, and I knew that "a few minutes" did not apply. [Laughter.]

Mr. WILLIAMS. Before the Senator from Pennsylvania informed me of the fact I knew that it was shallow, but I confess that I did not know it was an attempt at humor. [Laughter.]

Mr. PENROSE. In connection with the vision of the Senator from Mississippi which stood before me, I felt the thing somewhat humorous.

Mr. WILLIAMS. Mr. President, if I am not only humorous in myself, as Shakespeare said about Jack Falstaff, but the cause of such exceedingly shallow superficial humor in others, including the Senator from Pennsylvania, as he has just exhibited, I should be very sorry for myself. Now I will go on with what I have to say.

Mr. OVERMAN. I think we can vote on the amendment now.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. OVERMAN. I beg pardon of the Senator from Mississippi. I did not know he had taken the floor.

Mr. WILLIAMS. Mr. President, so much time has been taken up in trying to waste time that I am going to take a little time in trying to expedite legislation.

The Senator from Pennsylvania regretted that we could not have a few hours or "minutes" of "unrestricted debate." We have had upon this bill days of unrestricted debate. The Senate spent 48 hours—and I beg to call the attention of the Senator from Pennsylvania to that fact—trying to make up its mind whether it wanted to put the past participle "calculated" or the past participle "intended" into the bill. The Senate has stood here as a part of the national legislative body criticizing the Executive for inefficiency, and yet this great august body spent 48 hours determining whether the word "intended" or the word "calculated" should appear in this proposed statute; tweedledeeing and tweedleduming—camouflaging—and trying to fool one another, and with the hope ultimately of fooling the American people.

"A few minutes of unrestricted debate!" It is unrestricted debate you have had already, about nothing; whether you should say "intended" or whether you should say "calculated," the only difference in God's world being that "calculated" is objective and "intended" is subjective; and that is a fine psychological point upon which thousands of pages have been written in the metaphysics of the world. We stand here criticizing the Executive for inefficiency, and in the midst of a world war that involves human liberty and world democracy we have wasted 48 hours trying to find out whether we should say "intended" or "calculated." Any man in the world might have gone to Bouvier's Law Dictionary and found out the difference between "intended" and "calculated," if he had been in earnest, if he had been sincere, and if he had been really and truly patriotic.

Do you think that you are fooling the American people? Do you think that the American people do not know the seriousness of the present situation in France and in Flanders? Do you think that we do not know that the Germans are about to break through the lines and may possibly conquer France as they have already conquered Roumania and Serbia and Belgium; that they may possibly fool France as they have already fooled Russia? Do you think that the American people are blind to what is going on in Europe? Do you think they are going to be patient with you for camouflaging and wasting time here?

You have had the opportunity every minute since this bill was reported either to vote it up or vote it down; and it does not make much difference which way you voted it; but you have chosen rather to waste time, talking, fooling, camouflaging, tweedleduming and tweedledeeing, splitting hairs at a time when the whole cause of the liberty of the world is at stake.

Every now and then a Senator gets up and makes a speech as if we were in the very bosom of peace; he talks as if we were passing a statute for peace time. Why, Mr. President, "laws are silent while war is being waged." What will it profit a man to save a technical law point while he loses the liberty of the world, while he loses a place under the sun for democracy? Shall the right of the people to rule perish from the earth just simply in order that august Senators may split hairs upon the difference between "calculated" and "intended"? Who cares a cent which one of the two words you put into the statute? I voted to leave "calculated" in because it happened to be in the bill, but would have voted to leave "intended" if "intended" had been in the bill.

The Senator from Pennsylvania rises in that august, highly physical presentation manner of his and appeals to us for "a few minutes of unrestricted debate," and then afterwards tells us that he "was joking"—joking at this time; joking in this assembly, and joking in this great, august senior member of the Federal legislative body! With the soldiers dying in the trenches, with sabotage loose in the factories, with strikes on hand, while we are building ships and turning out munitions, the Senator from Pennsylvania can find no higher duty than to "joke" with the Senate.

Mr. GALLINGER. May I interrupt the Senator from Mississippi?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. WILLIAMS. Yes.

Mr. GALLINGER. I am authorized by the Senator from Pennsylvania to withdraw his objection to the unanimous-consent agreement, unless some other Senator objects.

Mr. WILLIAMS. That being the case, I shall finish with reading a little interview from former Senator Root, and then take my seat.

Mr. PENROSE. Mr. President, if my withdrawal will make the Senator from Mississippi finish, I do it all the more cheerfully. [Laughter.]

Mr. OVERMAN. I suggest to the Senator from Mississippi to insert the interview to which he refers in the RECORD, without reading.

Mr. JAMES. Let the Senator read it.

Mr. WILLIAMS. Mr. President, I think that perhaps the Senator from Pennsylvania is again engaged in trying to "joke," and perhaps he may confess later on after he has heard from the American people that his last joke was equally superficial with his first. Now, I am going to read what I had in mind:

Philadelphia, April 8—

This is a quotation from ex-Senator Root, who has been tested by the American people, who has forgotten partisanship, who has joined me in saying that he recognizes no more a Democracy and no more a Republicanism in this country; that he recognizes only two parties, one absolutely, aggressively, and, if necessary, offensively American, and the other either lukewarm or pro-German.

Mr. PENROSE. Mr. President, will the Senator permit an interruption?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. WILLIAMS. Of course.

Mr. PENROSE. I am curious to know, in view of the lofty sentiments expressed by the Senator from Mississippi, how he explains this statement made in a Washington paper:

The Democratic congressional campaign committee was reorganized for the approaching campaign at a meeting of Democrats of the House and Senate last night. Representative FERRIS, of Oklahoma, was elected chairman, succeeding Representative DOREMUS, who retired. Vice chairmen were elected as follows: Senators SHAFROTH, Colorado; SHIELDS, Tennessee; and THOMPSON, Kansas; and Representatives WEBB, North Carolina; GANDY, South Dakota; BAKER, Colorado; and COX, Indiana. Representative LONERGAN, Connecticut, was chosen secretary——

Mr. WILLIAMS. The Senator need not read all the names.

Mr. PENROSE. I do not want to omit any of these disinterested, nonpartisan patriots.

Mr. WILLIAMS. Very well; if it amuses the Senator and he thinks it is interesting, let him read them all.

Mr. PENROSE. The article continues—.

South Trimble, Kentucky, Clerk of the House, assistant secretary—

As will doubtless be recalled, we see his handsome presence here every day—

and Joseph J. Sinnott, of Virginia—

Was chosen sergeant at arms of this nonpartisan, patriotic aggregation, and in his leisure moments, when not performing those duties he acts as Doorkeeper of the House of Representatives.

Mr. WILLIAMS. Is the Senator through with the names?

Mr. PENROSE. I am through, and I am a little curious to know what explanation the Senator has——

Mr. WILLIAMS. I have a very plain one.

Mr. PENROSE. For this sudden nonpartisan activity starting up within the last few days.

Mr. WILLIAMS. Mr. President, "mark, now, how plain a tale shall put him down." I have no explanation to give of that.

Mr. PENROSE. I did not think you had.

Mr. WILLIAMS. And I have none of the previous Republican congressional and national campaign committee meetings which were summoned in about the same way. I will call the attention of the Senator to the fact that his party took precedence of mine in that respect.

Of course, I have no apology to make for the fact of having been a Democrat, and the Senator has none to make for having been a Republican, but I say at this moment—and I dare him to meet the challenge, and he and his party did not meet it in Wisconsin—that I have thrown Democracy and Republicanism to the wind and behind me; that there is no partisanship of a party character on historic lines in America that binds me any more during this war. I shall vote in the State of Mississippi for any man who has been loyal to the United States Government during this war and before this war against any man who has been disloyal or lukewarm or undetermined or undecided.

Mr. PENROSE. Of course, regardless of color. [Laughter in the galleries.]

Mr. WILLIAMS. Oh, well, I yield to the Senator again.

The PRESIDENT pro tempore. The Senator will suspend. The Chair announces that any signs of approval or disapproval on the part of the occupants of the gallaries will result in having the gallaries cleared. The Senator from Mississippi will proceed.

Mr. WILLIAMS. Mr. President, were the gallaries cheering me? I did not know that.

The PRESIDENT pro tempore. The Senator will proceed in order.

Mr. WILLIAMS. I never speak to the gallaries, and I never know when they cheer me. Perhaps they were cheering the Senator from Pennsylvania, because of his magnificant physical appearance. [Laughter.]

Mr. President, the other day I made a speech upon this line in this body, and the low, partisan, Republican newspapers represented me as making a partisan speech, when I had made a preeminently nonpartisan speech, inviting every Democrat and every Republican in this country to come up to the mourners' bench to drop partisan politics and to agree that all Republicans should vote against a Republican who was not patriotic in favor of a Democrat who was, and all Democrats to vote against a Democrat who was not patriotic in favor of a Republican who was. Yet your miserable, reptile press of a partisan character—and there is no reptile press except the partisan press, and there is no reptile Democratic press, it is purely Republican—arraigned me for having made a partisan speech. I am the only man who has not made one. If it be partisanship to try to line up the population of America on one side in favor of America, and on the other side lukewarm toward America then I am partisan. If it be partisanship to attempt to array the Democratic or the Republican Party against one another during this war, then I am not partisan.

Before the Senator from Pennsylvania interrupted me I was about to read something that came from ex-Senator Root, ex-Secretary of War Root, ex-Secretary of State Root, in my opinion the best intellect that has stood upon the Republican side of this Chamber during my service in this body, and I will go a little bit further and will say, in my opinion, the best intellect that has stood upon either side of this body during my service in it. Here is what he says:

PHILADELPHIA, *April* 8.

"We in America have talked so much that it is time to shut up and make things go. It is time we pointed to things done—big things."

These were the words spoken to-day by former Senator Elihu Root in a ringing address at a meeting of the National Security League. He continued:

"We must have two things to win this war. We must exercise moral qualities. The party that will win this war is the one that has the best moral courage and the greatest capacity for sacrifice.

"The second thing we must have is victory in arms against an enemy in arms."

I pause to say that we did not choose to go to this war. Austria chose to go to this war rather than to leave Serbia independent; Serbia chose to go to this war rather than leave herself nationally decapitated; Germany chose to go to this war rather than to let Russia help Serbia assert her independence; Russia chose to go to this war rather than let her little Slav brother be run over, decapitated, and sacrificed; Belgium chose to go to this war rather than to sacrifice here sacred word of honor in a solemn treaty; France chose to go to this war rather than to sacrifice her duty to her ally; England chose to go to this war rather than to sit still while France was made a vassal state and Calais and all the channel ports were made German ports directed at Dover, on the coast of England; she also and more sacredly chose to go to war rather than have Belgium overridden, sacred treaties violated, and the solemn faith of the world treated as a contemptuous thing.

Everybody chose to go to war except us. We never chose to go to war at all. We never declared war. We waited with infinite patience, and sometimes with a degree of patience that looked almost pusillanimous, while Germany was making war on us. She fired on the American flag at the masthead of the *Gulflight*. She sank the *Lusitania* with American citizens on board—not only men but women and children, unwarned, unknelled, unsung, and unshriven. She followed it up with the sinking of the *Arabic* and of the *Sussex* and of the other ships upon which Americans went down unknelled and unsung, to hell or heaven, whichever was their fate. She purchased, by base money, sabotage in America. She stirred up strife in our factories, and she stirred up all sorts of German propaganda in the German-published press. She put slow bombs upon ships carrying our citizens and our cargoes out upon the high seas. She tried to blow up this very Capitol while she was about it, and luckily succeeded in blowing up nothing except the telephone booth out there. The anniversary that we celebrated the other day was not an anniversary of our declaration of war; it was an anniversary of the time of American realization of the fact that we were already at war with Germany and that we must resent it. That is what Mr. Root means by what he just said.

Now, I will go ahead. Mr. Root says:

The second thing we must have is victory in arms against an enemy in arms. To make physical force felt we must have men, money, ships, airplanes, and guns. Washington is getting these things.

You Senators upon that side of the Chamber, and a few non compos mentis fellows on this side, remember what Root said here:

Washington is getting these things—

Men and arms and munitions.

There must be no divided people, and throughout the land there must be a deep sense of duty and feeling for this great sacrifice of war.

Now, I call your especial attention to this. Elihu Root says this, not I:

I hate to go to Washington, because so many people weep on my breast and bewail that nothing is being done. It is true that some things have not been done. But many great things have been done and are being done.

Those are the words of a patriot, although he is a Republican.

Mr. STONE. Mr. President, may I ask my friend—because I have just come into the Chamber—who it is that hates to come to Washington for fear somebody will weep on his breast?

Mr. WILLIAMS. Elihu Root—

I hate to go to Washington, because so many people weep on my breast and bewail that nothing is being done—

Ex-Secretary of War, ex-Secretary of State, and ex-secretary of two or three other things, and a partisan Republican in ordinary times.

Mr. OVERMAN. Mr. President, I ask that the proposed unanimous-consent agreement be laid before the Senate.

The PRESIDENT pro tempore. The Chair understands that the only objection to the unanimous-consent agreement has been withdrawn. Is there objection?

Mr. SMOOT. Mr. President, I think we ought to reach the unanimous-consent agreement now, seeing that we have had our usual daily scold.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

The agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that after the hour of 3 o'clock p. m. on April 10, 1918, no Senator shall speak more than once or longer than 10 minutes upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations," etc., or more than once or longer than 5 minutes upon any amendment offered thereto.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, April 9, 1918) the Senate took a recess until to-morrow, Wednesday, April 10, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 9, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, receiving with unfeigned love and gratitude all that has come down to us out of the past, which makes for larger life and higher civilization; yet we realize that our work is not done; hence we pray for larger and clearer vision, that we may go forward with firm and unfaltering footsteps, high ideals, and unswerving integrity to the great task which looms before us.

Grant that every citizen of the United States may realize fully the object for which we are engaged in the world-wide war; that a wave of patriotism, unparalleled in history, may sweep throughout the length and breadth of the land; that the men who can fight may rally willingly and gladly to the Stars and Stripes; and that those of us who can not fight may sacrifice our energy and means to support our soldiers and hearten them with a firm resolve, that they will never sheathe the sword of liberty until a peace shall be established, which shall secure to all men life, liberty, and the pursuit of happiness; in the name of Him, who taught us liberty, truth, justice, righteousness. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. SLOAN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Will the gentleman withhold that until we dispose of two resolutions?

Mr. SLOAN. I will.

JOHN E. NICOL.

Mr. PARK. Mr. Speaker, I present a privileged resolution, House Resolution 292 (Rept. No. 478), for immediate consideration.

The Clerk read as follows:

House resolution 292.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to John E. Nicol, clerk to John H. Capstick, a Representative from the State of New Jersey at the time of his death, March 17, 1918, the sum of $166.66, being an amount equal to one month's salary of a clerk of a Representative in Congress.

Mr. PARK. That, Mr. Speaker, is the usual resolution.

The resolution was considered and agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 8, 1918, approved and signed bills of the following titles:

H. R. 2617. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish; and

H. R. 10365. An act granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge across White River, at Forsyth, Mo.

W. H. ANTHONY.

Mr. PARK. Mr. Speaker, I present another privileged resolution, House resolution 294 (Rept. No. 477).

The Clerk read as follows:

House resolution 294.

Resolved, That the Clerk be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Gardner Anthony, son of W. H. Anthony, late an employee on the roll of the House, a sum equal to six months' compensation as a messenger to Committee on Public Buildings and Grounds, and an additional amount, not exceeding $250, to defray the funeral expenses of said W. H. Anthony.

The following committee amendment was read:

Amend by striking out all after the word "House" in line 2, and adding the following: "an amount not exceeding $250 to defray funeral expenses of W. H. Anthony, late an employee on the roll of the House."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

The SPEAKER. The gentleman from Nebraska [Mr. SLOAN] makes the point of order that no quorum is present.

Mr. MONDELL. Will the gentleman withhold that for a moment?

Mr. SLOAN. I will.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the pending oil and coal leasing bill.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the subject of the oil and coal leasing bill. Is there objection?

Mr. BARNHART. Reserving the right to object, I would like to inquire of the gentleman if they are his own remarks?

Mr. MONDELL. My own remarks.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. TOWNER, by unanimous consent, was given leave of absence for eight days on account of the liberty-loan campaign.

CALL OF THE HOUSE.

The SPEAKER. The gentleman from Nebraska makes the point that no quorum is present, and evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 69, noes 2.

So a call of the House was ordered.

The Doorkeeper was ordered to close the doors and the Sergeant at Arms to notify the absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Beshlin	Flynn	Kelly, Pa.	Ragsdale
Borland	Foss	Kettner	Rankin
Brumbaugh	Fuller, Ill.	Kless, Pa.	Riordan
Burroughs	Gallagher	Kreider	Robinson
Caldwell	Gallivan	LaGuardia	Rose
Campbell, Pa.	Gandy	Larsen	Rowland
Carew	Garland	Lehlbach	Sanders, N. Y.
Carter, Mass.	Gillett	Lenroot	Scott, Iowa
Chandler, N. Y.	Glass	Lesher	Scott, Pa
Classon	Godwin, N. C.	Littlepage	Slemp
Coady	Griest	McAndrews	Smith, C. B.
Cooper, Ohio	Griffin	McClintic	Smith, T. F.
Costello	Hamill	McCulloch	Snell
Crago	Hamilton, N. Y.	McFadden	Snyder
Currie, Mich.	Harrison, Miss.	McLaughlin, Mich.	Stedman
Curry, Cal.	Heflin	McLaughlin, Pa.	Stephens, Nebr.
Darrow	Heintz	McLemore	Sterling, Pa.
Davidson	Hensley	Maher	Swift
Decker	Hicks	Mann	Tague
Donovan	Hollingsworth	Moon	Talbott
Dooling	Hood	Morin	Taylor, Colo.
Doughton	Howard	Mott	Templeton
Dowell	Huddleston	Mudd	Tinkham
Drukker	Ireland	Neely	Van Dyke
Dunn	James	Norton	Vare
Eagan	Johnson, S. Dak.	Oliver, Ala.	Wilson, Ill.
Edmonds	Jones, Va.	Parker, N. Y.	Woodyard
Fairchild, G. W.	Juul	Porter	
Fields	Kelley, Mich.	Powers	

The SPEAKER. On this vote 317 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

COMMUTATION TO COMMISSIONED OFFICERS.

The SPEAKER. When the House adjourned last night it was considering the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

Mr. DENT. Mr. Speaker, I thought that the unanimous-consent agreement that I obtained called for a vote upon this bill immediately after the reading of the Journal, but to save any question I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

The SPEAKER. The question is on agreeing to the amendments, except the Haskell amendment.

The amendments were agreed to.

The SPEAKER. The question is on the Haskell amendment.

Mr. HASKELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DILL. May we have the amendment again reported?

The SPEAKER. Without objection, the Clerk will again report the Haskell amendment.

There was no objection, and the Clerk read as follows:

On page 1, line 6, after the words "United States," strike out the words "who maintain a place of abode for a wife, child, or dependent parent," and after the word "furnished," in line 7, strike out the words "at the place where he maintains such a place of abode, without regard to personal quarters furnished him elsewhere," and after the word "sixty-nine," in line 12, on page 1, strike out the words "to be occupied by, and only so long as occupied by, said wife, child, or dependent parent."

The SPEAKER. The question is on agreeing to the Haskell amendment.

The question was taken; and there were—yeas 140, nays 175, answered "present" 3, not voting 113, as follows:

YEAS—140.

Aswell	Ellsworth	Kinkaid	Rowe
Austin	Emerson	Knutson	Sanders, La.
Bacharach	Esch	Langley	Santord
Baer	Estopinal	Lazaro	Schall
Blackmon	Evans	Lever	Scott, Mich.
Bowers	Fairchild, B. L.	Little	Scully
Britten	Farr	Lobeck	Sells
Brodbeck	Ferris	Lufkin	Shouse
Browne	Fess	Lundeen	Siegel
Burnett	Fields	McArthur	Sinnott
Byrnes, S. C.	Fisher	Madden	Sloan
Cannon	Focht	Magee	Small
Cantrill	Fordney	Mapes	Smith, Idaho
Carter, Mass.	Francis	Martin	Smith, Mich.
Carter, Okla.	Frear	Mason	Steele
Cary	Fuller, Mass.	Merritt	Stiness
Chandler, Okla.	Garrett, Tenn.	Moore, Pa.	Sullivan
Clark, Fla.	Gould	Moores, Ind.	Sweet
Cleary	Graham, Ill.	Mott	Temple
Cooper, Wis.	Gray, N. J.	Nelson	Thompson
Copley	Greene, Mass.	Nichols, Mich.	Voigt
Dale, N. Y.	Greene, Vt.	Oliver, N. Y.	Waldow
Dale, Vt.	Hamilton, Mich.	Paige	Ward
Dallinger	Haskell	Peters	Watkins
Davis	Hastings	Phelan	Watson, Pa.
Delaney	Hawley	Platt	Weaver
Dempsey	Hayden	Pou	Whaley
Dent	Humphreys	Pratt	Wheeler
Dewalt	Husted	Raker	Williams
Dill	Igoe	Ramsey	Wilson, La.
Doremus	Jacoway	Reavis	Wingo
Drane	Kehoe	Robbins	Wood, Ind.
Dupré	Kennedy, Iowa	Roberts	Woods, Iowa
Dyer	Kennedy, R. I.	Rodenberg	Young, N. Dak.
Elliott	King	Rogers	Zihlman

NAYS—175.

Alexander	Elston	Kincheloe	Ramseyer
Almon	Fairfield	Kitchin	Randall
Anderson	Flood	Kraus	Rayburn
Anthony	Foster	La Follette	Reed
Ayres	Freeman	Lea, Cal.	Romjue
Bankhead	French	Lee, Ga.	Rouse
Barkley	Gard	Lehlbach	Rubey
Beakes	Garner	Lenroot	Rucker
Bell	Garrett, Tex.	Linthicum	Russell
Black	Glynn	London	Sabath
Bland	Good	Lonergan	Sanders, Ind.
Blanton	Goodwin, Ark.	Longworth	Saunders, Va.
Booher	Gordon	Lunn	Shackleford
Brand	Graham, Pa.	McCormick	Shallenberger
Buchanan	Gray, Ala.	McKenzie	Sherley
Burroughs	Green, Iowa	McKeown	Sherwood
Butler	Gregg	McKinley	Sims
Byrns, Tenn.	Hadley	Mansfield	Sisson
Campbell, Kans.	Hamlin	Mays	Slayden
Candler, Miss.	Hardy	Meeker	Snook
Caraway	Harrison, Va.	Miller, Minn.	Stafford
Church	Haugen	Miller, Wash.	Steagall
Clark, Pa.	Hayes	Montague	Steenerson
Claypool	Helm	Morgan	Stephens, Miss.
Collier	Helvering	Nolan	Sterling, Ill.
Connally, Tex.	Hersey	Oldfield	Stevenson
Connelly, Kans.	Hilliard	Oliver, Ala.	Strong
Cooper, W. Va.	Holland	Olney	Sumners
Cramton	Houston	Osborne	Switzer
Crisp	Howard	O'Shaunessy	Taylor, Ark.
Crosser	Hull, Iowa	Overmyer	Thomas
Davidson	Hull, Tenn.	Overstreet	Tillman
Denison	Hutchinson	Padgett	Tilson
Denton	Johnson, Ky.	Park	Timberlake
Dickinson	Johnson, Wash.	Parker, N. J.	Towner
Dies	Jones, Tex.	Polk	Treadway
Dixon	Kahn	Price	Venable
Dominick	Kearns	Purnell	Vestal
Doolittle	Keating	Quin	Vinson
Eagle	Key, Ohio	Rainey	Volstead
Walker	Watson, Va.	White, Me.	Wise
Walsh	Webb	White, Ohio	Wright
Walton	Welling	Wilson, Tex.	Young, Tex.
Wason	Welty	Winslow	

ANSWERED "PRESENT"—3.

Browning	Carlin	Sears

NOT VOTING—113.

Ashbrook	Flynn	Kelley, Mich.	Rankin
Barnhart	Foss	Kelly, Pa.	Riordan
Beshlin	Fuller, Ill.	Kettner	Robinson
Borland	Gallagher	Kiess, Pa.	Rose
Brumbaugh	Gallivan	Kreider	Rowland
Caldwell	Gandy	LaGuardia	Sanders, N. Y.
Campbell, Pa.	Garland	Larsen	Scott, Iowa
Carew	Gillett	Lesher	Scott, Pa.
Chandler, N. Y.	Glass	Littlepage	Slemp
Classon	Godwin, N. C.	McAndrews	Smith, C. B.
Coady	Goodall	McClintic	Smith, T. F.
Cooper, Ohio	Griest	McCulloch	Snell
Costello	Griffin	McFadden	Snyder
Cox	Hamill	McLaughlin, Mich.	Stedman
Crago	Hamilton, N. Y.	McLaughlin, Pa.	Stephens, Nebr.
Currie, Mich.	Harrison, Miss.	McLemore	Sterling, Pa.
Curry, Cal.	Heaton	Maher	Swift
Darrow	Heflin	Mann	Tague
Decker	Heintz	Mondell	Talbott
Dillon	Hensley	Moon	Taylor, Colo.
Donovan	Hicks	Morin	Templeton
Dooling	Hollingsworth	Mudd	Tinkham
Doughton	Hood	Neely	Van Dyke
Dowell	Huddleston	Nicholls, S. C.	Vare
Drukker	Ireland	Norton	Wilson, Ill.
Dunn	James	Parker, N. Y.	Woodyard
Eagan	Johnson, S. Dak.	Porter	
Edmonds	Jones, Va.	Powers	
Fairchild, G. W.	Juul	Ragsdale	

So the Haskell amendment was rejected.

The Clerk announced the following pairs:

Mr. GALLAGHER with Mr. CURRY of California.

Mr. SEARS with Mr. DOWELL.

Mr. TALBOTT with Mr. BROWNING.

Mr. HARRISON of Mississippi with Mr. FOSS.

Mr. MCCLINTIC with Mr. IRELAND.

Mr. GALLIVAN with Mr. DUNN.

Mr. TAGUE with Mr. ROWLAND.

Mr. THOMAS F. SMITH with Mr. WILSON of Illinois.

Mr. COADY with Mr. COOPER of Ohio.

Mr. GANDY with Mr. NORTON.

Mr. ROBINSON with Mr. PARKER of New York.

Mr. HENSLEY with Mr. HAMILTON of New York.

Mr. DOUGHTON with Mr. HOLLINGSWORTH.

Mr. STEPHENS of Nebraska with Mr. GARLAND.

Mr. BARNHART with Mr. COSTELLO.

Mr. BESHLIN with Mr. CHANDLER of New York.

Mr. BORLAND with Mr. CURRIE of Michigan.

Mr. CALDWELL with Mr. DILLON.

Mr. CAMPBELL of Pennsylvania with Mr. SWIFT.

Mr. HAMILL with Mr. GRIEST.

Mr. GODWIN of North Carolina with Mr. GEORGE W. FAIRCHILD.

Mr. DECKER with Mr. HEATON.

Mr. NICHOLLS of South Carolina with Mr. EDMONDS.

Mr. HOOD with Mr. JUUL.

Mr. FLYNN with Mr. GOODALL.

Mr. JONES of Virginia with Mr. HICKS.

Mr. GLASS with Mr. GILLETT.

Mr. HUDDLESTON with Mr. JAMES.

Mr. GRIFFIN with Mr. KELLEY of Michigan.

Mr. KETTNER with Mr. MCCULLOCH.

Mr. HEFLIN with Mr. LAGUARDIA.

Mr. LARSEN with Mr. KIESS of Pennsylvania.

Mr. EAGAN with Mr. MCFADDEN.

Mr. KELLY of Pennsylvania with Mr. MCLAUGHLIN of Pennsylvania.

Mr. MCLEMORE with Mr. MONDELL.

Mr. LESHER with Mr. MORIN.

Mr. MAHER with Mr. KREIDER.

Mr. LITTLEPAGE with Mr. MCLAUGHLIN of Michigan.

Mr. CAREW with Mr. PAIGE.

Mr. MCANDREWS with Mr. FULLER of Illinois.

Mr. MOON with Mr. PORTER.

Mr. DOOLING with Mr. POWERS.

Mr. NEELY with Miss RANKIN.

Mr. DONOVAN with Mr. ROSE.

Mr. CHARLES B. SMITH with Mr. SNELL.

Mr. RAGSDALE with Mr. SANDERS of New York.

Mr. STEDMAN with Mr. TINKHAM.

Mr. TAYLOR of Colorado with Mr. SCOTT of Iowa.

Mr. RIORDAN with Mr. WOODYARD.

Mr. STERLING of Pennsylvania with Mr. SCOTT of Pennsylvania.

Mr. VAN DYKE with Mr. SLEMP.

Mr. BRUMBAUGH with Mr. SNYDER.

Mr. MUDD (for) with Mr. COX (against).

Mr. CRAGO (for) with Mr. ASHBROOK (against).

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with Mr. TALBOTT, of Maryland. I wish to withdraw my vote and be recorded present.

The name of Mr. BROWNING was called, and he answered "Present."

The result of the vote was announced, as above recorded.

The SPEAKER. The question is on the third reading of the bill.

The bill was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes seemed to have it.

Mr. STAFFORD. Division, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin demands a division.

The House again divided; and there were—ayes 177, noes 23.

So the bill was passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2316. An act to promote export trade, and for other purposes; and

H. R. 9314. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

TO INCREASE THE MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I ask to call up the bill H. R. 9932, which is on the House Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9932) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Be it enacted, etc., That the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be amended as follows:

In section 2, page 3, line 12, after the word "person," strike out the words "not alien enemies," and after the word "citizens" add the words "except alien enemies or citizens or subjects of countries not at war with a country or countries with which the United States is at war," so as to make the paragraph read as follows:

"Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons who have declared their intention to become citizens, except alien enemies or citizens or subjects of countries not at war with a country or countries with which the United States is at war, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe, not inconsistent with the terms of this act."

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 2 of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, be, and the same hereby is, amended so that it shall read as follows:

"'SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized, except as provided in the seventh paragraph of section 1, shall be raised and maintained by selective draft exclusively; but this provision shall not prevent the transfer of any force of training cadres from other forces.

"'Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons who have declared their intention to become citizens except alien enemies or citizens or subjects of countries not at war with a country or countries with which the United States is at war, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe, not inconsistent with the terms of this act.

"'Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act. Organizations of the forces herein provided for, except the Regular Army and the divisions authorized in the seventh paragraph of section 1, shall as far as the interests of the service permit, be composed of men who come and of officers who are appointed from the same State or locality.

Mr. DENT. Mr. Speaker, the object of this bill is to amend that portion of the selective-draft law of May 18 which made declarants of foreign countries subject to the draft. The amendment will only apply to those citizens of foreign countries who are neutrals in this war. The State Department has had a great deal of trouble on account of the fact that Congress in that law made mere declarants, who, according to all the rules of law, are not citizens of the country in which they have declared their intention, liable to the draft. I would like to give just one concrete case which I think will explain the whole proposition in a nutshell. This case came to my personal observation within the last 10 days. There was a subject of Turkey living in my home town, and, as we all know, there is no declaration of war between this country and Turkey. He was drafted in the first draft.

The Spanish ambassador, representing the Turkish Government, called upon the State Department for his release, and the President ordered him discharged from the Army. Only recently that same citizen of Turkey was caught in the second draft, and the draft board held that under the act of May 18, which made him liable to the draft, that they had no discretion, and the only way he could be released would be by an order of the President as Commander in Chief of the Army to discharge him. Now, the President of the United States wants to be relieved from that embarrassment. The Secretary of State wrote a letter to the committee recently urging the passage of this bill at as early a date as possible, so as to relieve the subjects of the Scandinavian and Central and South American countries and all other countries with whom we have treaties expressly providing that a declarant shall not be subject to military service. I desire now to read a letter from the President of the United States:

MARCH 8, 1918.

MY DEAR MR. DENT: I am taking the liberty of writing to say how deeply I am interested in the amendment to the selective-service act of May 18, 1917, which seeks to except from the operation of the act the citizens and subjects of neutral countries who have declared their purpose to become citizens of the United States.

Whatever the general merits of the question, if we could consider ourselves absolutely free with regard to it, we are unfortunately not free but are bound by definite treaty obligations, which I should deem to take precedence of our temporary convenience, and I hope very much that it will seem best to the committee to report the amendment and to the House to adopt it. It is a matter that touches our honor as a Nation, and I am sure will be dealt with as such.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DENT. I will.

Mr. JOHNSON of Washington. Has the gentleman any information as to the status of Finnish first-paper declarants in the United States under this bill as amended? I want to say I am in sympathy with the bill, but what will be the position of a man from Finland?

Mr. DENT. A man from Finland would not be from a neutral country, I imagine.

Mr. JOHNSON of Washington. That is the question. I want to state, if the gentleman will allow me to take one or two minutes of the time at his disposal——

Mr. BRITTEN. Why would not Finland be considered as a neutral country?

Mr. DENT. Because that is a part of the Russian Government, who at least were cobelligerents. However, this is a matter for the State Department.

Mr. JOHNSON of Washington. I think it will be found to be a close question and open to future dispute. I am in favor of this bill, of course. I favor carrying out all the provisions of all the treaties of the United States all the time. I recall that when the House was hearing read the proposed amendments at the last moment before passing the draft act there was some confusion. A great many amendments were sent to the desk and no opportunity given for discussion of them, the time having been limited by rule. One amendment of the many offered—I think it was proposed by the gentleman from Oklahoma [Mr. MCCLINTIC]—undertook to remedy this situation, would have prevented the mistake. Under the circumstances the House could not hear an argument or really consider it. Since then the position of men from neutral countries—Norway, Sweden, and so forth—in the western country has made much confusion. At the present time in the town from which I come a Finnish missionary, a minister, is in jail charged with treason. He has been going all through the far Northwest speaking in the Finnish and possibly some other languages, in the foreign-language churches, saying to those Finnish, Danish, and other north-coun-

try people that if they had first-paper sons in the new Army of the United States he could get them out, and for a fee of about $20, which he claimed it would cost, he would proceed to do that. Of course, he stretched his statements and offended many good, patriotic Finnish and Swedish citizens by crying out, "Why are these boys in the Army? They have no right to be there," and so on. No one knows how much else of that kind of misleading stuff he has been talking.

Mr. DENT. That is one of the main reasons for the passage of the bill.

Mr. JOHNSON of Washington. Certainly. The missionary is in jail, charged with treason, and a bond is asked for $10,000, which he can not get. It is an unfortunate situation, and I am glad the gentleman is pressing the bill. I thank him for his time.

Mr. LONGWORTH. Will the gentleman yield me five minutes of his time?

Mr. DENT. I will.

Mr. BURNETT. That bill that was passed, the draft bill, was in clear violation of a treaty with neutral countries, was it not?

Mr. DENT. It was.

Mr. BURNETT. Did not the State Department and these gentlemen on the Committee on Foreign Affairs, or the War Department, call that to the attention of the Committee on Military Affairs when they were considering it, and insist that they ought not to violate the treaties?

Mr. DENT. No. I will state to my colleague from Alabama [Mr. BURNETT] that nobody called our attention to that, not even any Member of Congress, when we were debating that bill on the floor. That seemed to have been overlooked entirely by everybody.

Mr. JOHNSON of Washington. It came up at the last moment, as I stated, but too late to get time for debate. I tried to get time. The correction now is in itself an object lesson against a limitation of time when serious amendments are being offered, and an argument against the plan, occasionally used, of piling up at the Clerk's desk amendments en bloc, only to have them shouted down.

Mr. BURNETT. Was it not stated by representatives of the War Department that that could be done before the committee?

Mr. DENT. That the declarants——

Mr. BURNETT. Could be conscripted?

Mr. DENT. No; the gentleman is mistaken about it.

Mr. BURNETT. That bill was prepared by the War Department?

Mr. DENT. The draft bill was prepared by the War Department. There is no question about that.

Mr. BURNETT. And no question raised about violation of treaties then?

Mr. DENT. No.

Mr. BURNETT. That came up on the alien-slacker bill.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I hold in my hand an article that appeared in last night's Washington Evening Star, containing an account of a speech made before the National Conference of American Lecturers at Memorial Continental Hall by Mr. George Creel, chairman of the Committee on Public Information. I shall read only one sentence from that speech, and to that I ask gentlemen of the House to give attention. Mr. Creel said:

> I will be proud to my dying day that my country was inadequately prepared when it entered the conflict; to have been prepared would have given the lie to everything we ourselves believed in and to our self-avowed position before the world.

I ask you to let this phrase sink into your minds for a moment, gentlemen—"I will be proud to my dying day that my country was inadequately prepared when it entered the conflict." My colleagues, I never thought the day would come when a man who calls himself an American citizen, much less one who holds a position of high importance in this Government, would publicly proclaim such sentiments as that.

Mr. SLOAN. Will the gentleman yield?

Mr. LONGWORTH. I will yield to my colleague.

Mr. SLOAN. Who was it said that damnable thing?

Mr. LONGWORTH. Mr. Creel, chairman of the Committee on Public Information. I know of no instance up to now, with possibly one or two exceptions, when even the most craven pacifist ever went half so far. I have heard men since this war began apologize for our failure to prepare in some substantial degree for the inevitable. I have heard some men condone this failure as a political necessity, but never before have I heard an American boast of it and glory in it.

That is fine news, my colleagues, to send to our boys at the front. That is a message which will cheer the hearts of our brave allies. Gen. Foch, in supreme command of all the allied forces, no doubt will delight and glory with Mr. Creel upon the fact that America entered this war entirely unprepared. The brave Belgian king; Gen. Joffre, who months ago came to us and begged for men and cannon; Gen. Haig; the generals commanding the Italian armies, will, of course, join Mr. Creel in his patriotic delight that this country is in the least possible degree able to render efficient assistance to the allies in this greatest emergency the world ever saw. And it is an emergency of to-day, my colleagues; it is the emergency of this particular drive that is now going on about Amiens, and not of something that may happen in the far distant future.

Mr. DENISON. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. DENISON. Does not the gentleman think that Von Hindenberg would also appreciate that sentiment?

Mr. LONGWORTH. The gentleman from Illinois [Mr. DENISON] has anticipated me in the enunciation of that precise statement. The only individuals abroad to whom such a message will bring cheer are the commanders of the armies of the central powers. The only men at home to whom it will bring cheer are those that wish ill to America. [Applause.] The only men that have a right to rejoice in the fact that America entered this war unprepared are the Kaiser and the Emperor Charles and Von Hindenberg and Ludendorff and all their murderous crew.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. May I have about three minutes more?

Mr. GREENE of Massachusetts. I ask that the gentleman have five minutes more.

The SPEAKER. The gentleman from Alabama [Mr. DENT] controls the time.

Mr. DENT. I would like to ask the gentleman from California [Mr. KAHN] if he desires to yield some of the time?

Mr. KAHN. I will be glad to yield five minutes.

The SPEAKER. The gentleman from Ohio is recognized for five minutes more.

Mr. LONGWORTH. I do not think there is one man on the floor of this House that will take exception to a word that I have said or will say upon this subject. I surely hope not.

Mr. HAMILTON of Michigan. Will the gentleman permit a question?

Mr. LONGWORTH. I will.

Mr. HAMILTON of Michigan. I did not hear the opening words of the gentleman's statement. On what occasion was this astonishing statement made?

Mr. LONGWORTH. I will repeat to the gentleman. It was made yesterday at some time before the National Conference of American Lecturers, by Mr. Creel, the chairman of the Bureau of Public Information.

Mr. MILLER of Minnesota. Will the gentleman kindly state the purpose for which these men are here gathered?

Mr. LONGWORTH. I am not sure just what was the purpose of the gathering. I suppose it was for the purpose of promoting the issue of liberty bonds to help fight this war.

Mr. JOHNSON of Washington. Is it not the purpose to prepare lecturers for the Chautauqua during the summer for war work?

Mr. LONGWORTH. I would assume that it was for a patriotic purpose. I was informed that Lord Reading delivered a speech in the afternoon at that conference, advocating the buying of liberty bonds for the purpose of rendering effective aid to the allies.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. MADDEN. If the conference is gathered here for the purpose of preparing lecturers for war work for the future, I suppose this will be taken as a caption of all the speeches that will be made—"Unpreparedness."

Mr. LONGWORTH. I sincerely hope that there is no such ulterior motive behind this. There may be. But whether there is or not, I say that no more unpatriotic, un-American sentiment has ever been uttered by any American citizen since this war began.

I repeat that the only men who have the right to glory and delight in our failure to be at all prepared for this war are the Kaisers and the Hindenbergs and Ludendorffs abroad and the I. W. W.'s and the Bolsheviki at home. [Applause.]

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. I yield.

Mr. SABATH. I heard the gentleman read a part of the sentence. Will the gentleman be kind enough to read the entire sentence and the article?

Mr. LONGWORTH. I read the entire sentence, and if the gentleman likes, I will have the entire article published in the RECORD.

Mr. SABATH. I think, in justice to himself and to the House as well, the entire article ought to go in.

Mr. LONGWORTH. This is the first sentence in the article quoting Mr. Creel's address. It is the caption and underlying theme of the whole discussion.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COOPER of Wisconsin. The gentleman from Illinois [Mr. SABATH] has just said that the gentleman from Ohio had read only a part of the sentence.

Mr. LONGWORTH. I read the entire sentence. I repeat it. I have repeated it several times; I will publish this sentence and the whole speech in the RECORD.

I say, gentlemen of the House, that this was a peculiarly sinister speech, a peculiarly sinister utterance, to go forth at such a time as this, this attack upon the principle for which our late colleague, Gus Gardner, a short time ago laid down his life.

Mr. WILSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. WILSON of Illinois. Who censored this article that you are speaking about, if you know? [Laughter.]

Mr. LONGWORTH. I hope before I conclude my remarks to make clear to the House that a very efficient censorship should be placed hereafter upon any utterance of this gentleman and that future utterances on his part should come from him in a private capacity. [Applause.]

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. This speech should receive the attention of those in high authority, my colleagues.

Mr. MADDEN. If he uttered this in his private capacity as a citizen of the United States, he might have been arrested, might he not?

Mr. LONGWORTH. I think very probably. He ought to have been. [Applause.] What Mr. Creel may think as Mr. Creel is a matter of no sort of importance, but what he says in public in his capacity as chairman of the Committee on Public Information is of the highest importance, because the American people have the right to presume that he represents the views of those higher up.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. LONGWORTH. Can I have two minutes more? I have been greatly interrupted, as gentlemen will realize.

Mr. KAHN. I have not the control of the time.

Mr. DENT. I will be glad to divide the time.

Mr. KAHN. I would certainly yield to the gentleman two minutes.

Mr. DENT. I do that.

The SPEAKER. The gentleman from Ohio is recognized for two minutes more.

Mr. LONGWORTH. Is it the view of those in high authority that it is a just cause for boasting that America went into this war inadequately prepared, with the necessary corollary that on the day this war is over we must at once reduce ourselves to a condition where we shall be impotent to enforce a just and lasting peace?

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. If that is not the view of those in high authority, then Mr. Creel should resign or be removed at once. [Applause.]

Mr. DENT. May I ask the gentleman a question?

Mr. LONGWORTH. Yes.

Mr. DENT. Does the gentleman himself admit that we were totally unprepared?

Mr. LONGWORTH. I do not admit that we were totally unprepared. I admit that we were grossly unprepared, at least inadequately prepared, and for this the committee of which the gentleman is chairman is not without blame.

Mr. DENT. Will the gentleman place the responsibility for that at any particular point?

Mr. LONGWORTH. No; but that is not the object of my speech. The object of my speech is to show that an official has gloried in the fact that we were unprepared; in fact, that the more unprepared the better.

Mr. MADDEN. And the gentleman from Ohio, while admitting that we were unprepared, is not willing to admit that he is proud of it?

Mr. LONGWORTH. No. On the contrary, it gives me feelings only of sadness and shame.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GREENE of Vermont. Perhaps the gentleman took his cue from the celebrated address made in this House, when men who were advocating preparedness were told not to be nervous or hysterical?

Mr. LONGWORTH. Well, if the gentleman from Vermont is alluding to what I think he is, the same gentleman, who made that address, the other day made a fine appeal to the American people for force, force, force, and yet only two days afterwards the chairman of the Committee on Public Information advocates weakness, flabbiness, cowardice! [Applause.]

I append hereto the entire speech of Mr. Creel as reported in the Star:

PART OF UNITED STATES IN WAR—MR. CREEL'S THEME—MAKES OPTIMISTIC ADDRESS BEFORE AMERICAN LECTURERS REGARDING FUTURE OPERATIONS—CITES WORK ALREADY DONE.

A most optimistic message concerning America's future progress in preparing for her great rôle in the world drama was given by George Creel, chairman of the Committee on Public Information, speaking this morning before the opening session of the National Conference of American Lecturers at Memorial Continental Hall.

He received round after round of applause from the delegates when he told either of something that has been done or that will be done.

Mr. Creel was the only speaker this morning, former Ambassador Gerard, who was scheduled to appear, being in Indiana, where he will remain until the end of the week, and Bainbridge Colby, of the Shipping Board, an "added starter," having been detained by a conference with Secretary McAdoo.

MR. CREEL'S ADDRESS.

"I will be proud to my dying day that my country was inadequately prepared when it entered the conflict," declared Mr. Creel. "To have been prepared would have given the lie to everything we ourselves believed in and to our self-avowed position before the world."

How far and how fast the country has gone since it started, he emphasized, is indicated by the fact that to-day, a year after our unprepared entrance into the conflict, a portion of our Army, created since that time, is bearing its full burden, notwithstanding the fact that European nations far more versed in war do not habitually give their men battle-front work before a year's training has expired.

"The liberty motor is to-day 100 per cent perfect, and within a week its critics will have to admit this fact," he asserted. The aerial program, he added, will be announced to the country within 30 days, and will be a credit to this great Nation. He paid his respects to those who constantly demand 100,000 airships, explaining that 2,500 on one side has been the maximum so far.

COUNTRY OWES APOLOGY, HE SAYS.

The whole Nation owes Secretary Daniels an apology for its undeserved vilification of that official, Mr. Creel told his hearers. Furthermore, the vast war expenditures have been made without one cent of graft nor has a single life been lost by neglect, he asserted.

"What if a few overcoats were lacking at first?" he said. "Food has nowhere and at no time been lacking. We can all remember the typhoid camps, the 'embalmed beef,' and the paper-soled shoes of 1898!"

Mr. Creel took up in detail the criticisms that have been made regarding the early lack of rifles for troops, the use of French machine guns while the Browning gun was being perfected, and the use of British and French made ordnance, which he said was done at the suggestion and request of those Governments in order that they might keep their factories running, and that the American transports might not be incumbered with cannon. England and France had more artillery than they could use, and had the facilities to make more, he said. They preferred to keep on making them and have the benefit of the money the United States paid for them. They were really our guns, he explained, and not those of the allies.

IMPROVED RIFLE SUPPLIED.

"We could have put a rifle in the hands of every soldier from the beginning," he remarked. "Those who criticized the equipment of some of the men with broomsticks while better rifles than any we were making for our allies were being perfected were not trying to win this war, but another kind of war at a later date. Now we have a rifle that can shoot two bullets to the German Mauser's one!"

Mr. DENT. Does the gentleman from California wish to use some time?

Mr. KAHN. Just a few minutes.

Mr. DENT. How much time does the gentleman wish to use?

Mr. KAHN. Five minutes.

The SPEAKER. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Speaker, the State Department and the War Department have both joined in asking for this legislation; and I ask permission to extend my remarks by inserting a letter from the Secretary of State to the Committee on Military Affairs about this matter.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. This country in its indictment of Germany points out that the Imperial Government of that country has failed to keep its treaty obligations. The people of Germany might, under existing conditions, come back at us and say, "You are violating your treaty obligations." And I take it that there is no Member of this House that wants such a condition to continue.

The number of men that will be affected by this change in the law will be exceedingly few. Thirty thousand in all is the estimate of the Secretary of State and the Secretary of War. Of those, 15,000 are inhabitants, or citizens rather, of our neigh-

bor Republic, Mexico. About 40 per cent of the others are citizens of the Scandinavian countries, so that all told there will be about 9,000 men in this country who will be affected by this legislation.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. MADDEN. Is the bill intended to relieve from military service all those who were drafted into the service after having declared their intention to become citizens?

Mr. KAHN. Yes; and I may say to the gentleman that the diplomatic representatives of the nationals who had not become citizens, but simply declared their intention, have gone to our State Department frequently, and have protested against the taking of their nationals into our armies by draft.

Mr. MADDEN. The enactment of this law then would, as a matter of course, without any further formality, relieve all men who are in the Army who have simply declared their intention to become citizens.

Mr. KAHN. If they desire to be relieved. If they make no objection to going into our Army, they can still continue there.

Mr. JOHNSON of Washington. They come in under a new form, do they not, on reapplication?

Mr. KAHN. Oh, no; they will just continue in the organizations to which they have been assigned.

Mr. MADDEN. Would a man who has declared his intention to become a citizen, who is in the Army and who objects to remaining there, be required to obtain through his own government, or through some other foreign agency, an application for relief?

Mr. KAHN. He would probably be required to appeal to the representative of his government; but if he has seriously objected to continuing in the Army in the past, and has appealed to his representative for release, the President of the United States, as Commander in Chief of the Army, has ordered his release.

Mr. MADDEN. Yes; I know that has been done in a great many instances.

Mr. KAHN. Exactly.

Mr. MADDEN. But I know some cases where objection is made to remaining in the military service of this country by men who have declared their intention. Would this give them the right of direct appeal for discharge?

Mr. KAHN. I think it would. Mr. Speaker, I yield back the remainder of my time.

Mr. GRAHAM of Pennsylvania. Before the gentleman yields back his time, will he answer a question, please?

Mr. KAHN. Yes; if I can.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. I ask for another minute to answer the question of the gentleman from Pennsylvania.

Mr. DENT. I yield a minute to the gentleman.

Mr. GRAHAM of Pennsylvania. On page 3, beginning with line 4, the act is made to apply to all persons who have declared their intention. Then follow later the exceptions—alien enemies, or citizens or subjects of countries not at war with a country or countries with which the United States is at war.

Mr. KAHN. That is the amendment. That is the change in the bill that is proposed.

Mr. GRAHAM of Pennsylvania. Is it the intention of that amendment to make the draft law apply to nations who would be our allies in the war?

Mr. KAHN. No.

Mr. GRAHAM of Pennsylvania. Because this language would seem to do that.

Mr. KAHN. No; that is not the intention. I want to say to the gentleman that treaties have been entered into with countries that are our cobelligerents, and I believe those treaties have been pending in the Senate. They will take care of that situation.

Mr. GRAHAM of Pennsylvania. I know, but this language makes the draft law apply to those declarants who are citizens of our allies. Is that the intention of this bill?

Mr. KAHN. Perhaps it does.

Mr. GRAHAM of Pennsylvania. Why should it be? Why should we draft the men who are citizens of our allied countries and not draft the others?

Mr. KAHN. They do not object, as I understand it.

Mr. GRAHAM of Pennsylvania. I know, but if the principle is right, why should not the declarants be exempted in all cases?

Mr. KAHN. Well, in this war the various countries that are fighting together will, in my opinion, have to furnish many more millions of men than have been furnished thus far.

Mr. McKENZIE. Will my colleague yield?

Mr. KAHN. Yes.

Mr. McKENZIE. Is it not the purpose of this legislation to deal more particularly with the subjects of neutral nations who have come into our country and declared their intention, and in no way to involve the declarants of our cobelligerents?

Mr. KAHN. That was the intention altogether. The treaties with the neutral nations, or at least some of the treaties with neutral nations provided specifically that we should not take their nationals into our Army, even though they might have declared their intention to become citizens of this country. It was not intended to affect the cobelligerent nations. They are being taken care of through treaties that have been negotiated with those countries.

Mr. DENT. And this is the only way, by legislation, that we can take care of the subjects of neutrals?

Mr. KAHN. Exactly.

Mr. DENT. By treaty with others, and by legislation with these?

Mr. KAHN. Yes.

Mr. DENISON. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. DENISON. Did not the House recently pass an alien-slacker bill, which dealt with the nationals of cobelligerent countries?

Mr. KAHN. I think it did.

Mr. DENISON. What has become of that bill?

Mr. KAHN. It went over to the Senate.

Mr. JOHNSON of Washington. If the gentleman will permit me, it is awaiting the perfecting of some treaties, to prevent further violations of treaties such as we have had in the case of some of nationals of the neutral countries.

Mr. BURNETT. If the gentleman will permit me, the treaties are not pending in the Senate. They have been withdrawn. That is what the chairman of the Senate committee told me last Saturday, that they have been withdrawn for some amendments and will be back in a week or 10 days, and the alien-slacker bill is waiting on them.

Mr. KAHN. I can readily understand how some condition may be overlooked even in a treaty, and that it may be advisable to withdraw the treaty for the time being in order that the scope of the treaty may be enlarged, to cover new cases that have arisen since the original treaty was entered into.

Mr. JOHNSON of Washington. Just as this bill and the alien-slacker bill leave certain nationals in this country neither fish, flesh, nor good red herring. I have yet to learn the status of the unnaturalized Finnish people in the United States. If their position can not be clearly defined they should be unnecessarily abused.

Mr. KAHN. In this war it is exceedingly desirous that we clear our skirts, and that we do not put it into the mouths of the autocrats in Germany to say that we have violated our sacred treaty obligations.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. The letter from the Secretary of State to the chairman of the House Committee on Military Affairs concerning this legislation is as follows:

DEPARTMENT OF STATE,
Washington, February 14, 1918.

Hon. S. HUBERT DENT, Jr.,
Chairman Committee on Military Affairs, House of Representatives.

MY DEAR MR. DENT: I inclose a draft of a proposed bill to amend the selective-service act of May 18, 1917, so as to exempt from its operation citizens or subjects of neutral countries who have declared their intention to become citizens of the United States. The proposed bill has been prepared by the War Department in conjunction with the Department of State. The two departments are strongly of the opinion that, from the standpoint of international relations, it is highly undesirable that the existing law should stand, unmodified, as evidence of a disregard of treaty obligations or even of a supposed rule of international conduct heretofore observed by other governments.

In this relation I desire to make the following observations:

As you are aware, all aliens (except alien enemies) who had declared their intention to become American citizens were, by the selective-service act, made liable to military service in the same manner as citizens of the United States. The act contained no provision preserving the treaty stipulations by which this Government had become obligated to exempt the nationals of Argentina, Costa Rica, Honduras, Italy, Japan, Paraguay, Serbia, Spain, and Switzerland from military service in the United States. It made the declaration of intention the determining factor of such liability, although this Government is a party to several treaties which specifically stipulate that the declaration of intention shall not, of itself, affect in any way the nationality of the declarant. And it is, as you know, the rule of law in the United States, supported by decisions of the United States Supreme Court, that a declaration of intention does not confer American citizenship upon the declarant or release him from his prior allegiance. Apparently there has never been any intention on the part of the Government to regard such persons, generally, otherwise than as aliens. It was not to be unexpected, therefore, that the department should receive numerous and insistent requests from the diplomatic representatives of neutral countries for the discharge of their nationals who had been conscripted. In some cases such requests were based upon our treaty stipulations to exempt the aliens in question from military service, which obligation seemingly must be regarded as having been violated by the selective-service act.

In other cases requests, little less insistent, were based on the asserted practice of nations to exempt from military service in international conflicts resident nationals of foreign countries. In still other cases, requests were found upon treaty provisions which expressly reserve the alien nationality of persons who may declare their purpose to become citizens of the United States, but who have not completed the act of naturalization. On account of the number and insistence of such requests, and considering the grounds upon which they were based, but without prejudice to any claims which the United States might have to the services of persons within its jurisdiction who have endeavored to absolve their former allegiance and indicated their intention to take up permanent residence in this country, the President has found it expedient in the conduct of foreign relations to indicate his willingness to discharge neutral aliens in certain circumstances, after they have been brought within his jurisdiction as Commander in Chief of the Army, by induction into the military service. Such inductions, however, which is a necessary prerequisite to discharge by the President, constitutes, in reality, a violation of the treaty obligations and the asserted international practice upon which the protests of foreign diplomatic officers have been based. And while the action of the President has afforded a means whereby the department might, in a limited way, meet the most urgent requests of the representatives of foreign countries, it does not afford an adequate solution of the question involved, because, though discharged from the Army, neutral aliens were nevertheless liable under the selective-service act to military service, and therefore subject to all the restrictions and conditions of persons liable under the act in respect to further service if required, departure from the United States and otherwise.

Moreover, the act as it now stands has given rise to the report abroad that this Government is impressing neutrals into its armed forces—a report which has apparently been seized upon and advertised by enemy propagandists with a view to irritate the sensitive feelings of certain foreign Governments.

Finally, I inclose for your information a memorandum containing estimates of the number of persons who would be affected by the proposed bill. From these estimates you will observe that, counting out citizens or subjects of treaty countries, who it is assumed should be exempted, the proposed amendment would exclude about 30,000 men, of whom not more than 50 per cent, and probably not more than 30 per cent, would be found eligible for military service. Of the 30,000 it is estimated that one-half are citizens of our neighboring Republic, Mexico, and about 40 per cent are subjects of Scandinavian countries. It seems highly probable that the actual loss of man power would be still further reduced through the waiver of some of the aliens in question of their right to claim exemption, as is understood to be the case at the present time with respect to nondeclarant aliens. The loss of man power involved seems to me inconsequential in view of the other considerations at stake in our foreign relations.

The War Department and the State Department, therefore, concur in recommending the passage of the proposed amendment in the interest of efficient administration of the selective-service act and of meeting the treaty obligations of the United States and of maintaining cordial relations with the neutral countries of the world.

Very sincerely, yours, ROBERT LANSING.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, this bill is for the purpose of rectifying a violation of the treaty. Gentlemen got up on their hind legs and howled a few weeks ago about the sanctity of treaties when we were proposing to make alien slackers fight or get out of the country. But nobody seems to have observed that the draft act passed last year was itself a violation of treaties.

Mr. Speaker, I am not going to vote against this bill, but I have reached the point where I think the bill ought to be amended so as not only to permit the drafting of alien cobelligerents with first naturalization papers, but alien cobelligerents whether they have any naturalization papers at all or not, any treaty to the contrary notwithstanding. An alien with first papers is no more a citizen than an alien without first papers. We have just as much right to draft an alien without first papers as we have to draft an alien with first papers, and surely the countries that are cobelligerents could not object to our doing so. I believe that the bill ought to be so amended as to strike out, in line 5, the words "all male citizens or male persons who have declared their intention to become citizens," and insert in lieu thereof the words "all male aliens who are citizens or subjects of cobelligerent countries, if they are here."

Then exempt alien enemies; exempt those of neutral countries and draft those that are here from cobelligerent countries.

What has become of the treaties in the Senate? Echo answers, What? What has become of the alien-slacker bill? Echo answers, What? I went before the Senate Committee on Immigration twice for the purpose of urging the passage of the alien-slacker bill. The chairman, Senator HARDWICK, and three other members of the committee were there at one of the meetings. No quorum. No doubt those present were ready to act, but could not without a quorum. Gentlemen can look in the directory and see who the members of that committee of the Senate are. The people of the States can look in the directory and see whether their Senators on the committee have been there trying to get a report on the bill. I talked with the chairman of the Committee on Foreign Affairs in the Senate last Friday, and he told me that the treaties were not now before the Senate; that they had been withdrawn for the purpose of making some kind of amendments. I see in the press that there were some amendments that had to be made as to exemption of the Irish. My friends, some of the Irish objected to being drafted by treaty, but I never heard the voice of an Irishman on this floor or in this country against our alien-slacker bill, which put them on the same footing as our own people.

Mr. McKENZIE. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. McKENZIE. I would like to ask the gentleman from Alabama if it is not his understanding, under the arrangement entered into between Great Britain and France, that their subjects can be drafted in this country at the present time?

Mr. BURNETT. Whether they have first papers or not?

Mr. McKENZIE. Yes.

Mr. BURNETT. That would have to be by treaty, they say, and that is what they are waiting for; and the bill being considered here does not provide it. The pending bill only provides that those who have the first papers may be drafted. Why not go further and provide for those who have not taken out first papers?

When I was before the Military Affairs Committee of the House last September it was stated, as the members of that committee well remember, by the Secretary of State that he was negotiating the treaties, and that they would be concluded by December, he thought; and if not, they would surely be concluded before the next draft was made. And yet 95,000 of our boys have already been called and gone under the second draft, and 150,000 more are to go, beginning, I believe, on the 29th of this month. Yet we have nothing to prevent the cobelligerent slackers from sitting here while our boys are sent to fight the battles abroad not only for our own country and for world democracy, but for the very existence of their countries themselves.

Gentlemen, it is an outrage that we are sitting here fiddling while Rome burns, as has been done in this case. Two hundred and fifty thousand men within the next month will be in the camps under the new draft; not one of the alien slackers there except those who have taken out first papers. Nearly one-third of the entire 800,000 that is to be embraced in this draft will be gone within the next few weeks, and yet we are assured when the Chamberlain bill was before the Committee on Military Affairs that when the draft came there would be treaties to enable us to take these aliens into the service by draft.

Mr. DENT. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. DENT. Does not the gentleman recall the fact that in the report of the Provost Marshal General, out of the first draft of 680,000 men there were 123,000 aliens that were drafted and did not claim exemption?

Mr. BURNETT. That is true; and I remember the fact also that a large proportion of those aliens that did not claim exemption were Irish. A great proportion of those who claimed exemption were English and Italians. They are the fellows that the report of the Provost Marshal General shows claimed exemption. I repeat that I never have heard of an Irishman here or in any part of the United States ask for the defeat of the alien-slacker bill. As I said, I understand that the treaties have been withdrawn, I suppose, for amendment, but you gentlemen who were importuned by the State Department, and who fell to those importunities to postpone the consideration of the alien-slacker bill, will now see that what I predicted on the 30th of January in this House has come true. That is, that the second draft would come and the treaties still be up in the air.

This House did its duty in passing the bill by a vote of 344 to 21, and now it sleeps quietly in the Senate Immigration Committee and the treaties rest peacefully in the State Department. Whose fault is it?

Mr. DENT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 22 minutes.

Mr. McKEOWN. Is there any provision in this bill making a distinction between aliens of neutral countries who have their first papers of intention in States where they receive and exercise the right to vote and those where they have not the right?

Mr. DENT. Absolutely not.

Mr. McKEOWN. And in the States where they exercise the right to vote the same law applies?

Mr. DENT. It is bound to apply to every State alike. For instance, in my State, a man who has declared his intention to become a citizen has the right to vote.

Mr. SABATH. Mr. Speaker, as has been stated, there are between 120,000 and by this time 140,000 aliens in our Army who could have claimed their exemptions and did not. If this bill is passed, that will not compel them to be eliminated from the service? If they desire, they can still remain whether they have filed a declaration of intention or not?

Mr. DENT. No man will be discharged from the Army except upon his own application.

Mr. SABATH. And that also applies to the thousands of so-called alien enemies who, however, are alien friends, but who unfortunately have been the subjects of one of the countries with which we are at war and against whom they are more desirous of fighting than are many of our American citizens.

Mr. DENT. Yes.

Mr. SABATH. That will not exempt them from the service. They can remain in the service, if they desire?

Mr. DENT. Certainly. Everyone who is in the Army can remain there at his choice. It is just a question of not making them subject to draft.

I yield 10 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, I regret the fact that on a serious occasion like the present, when bills are being considered which have for their object the creation of efficient armies, the observing of our treaties, the execution in the future of our undertakings, of our contracts with other nations, that a Member of this House finds it necessary to indulge for partisan purposes in a criticism of an official of this administration. I listened in Chicago at a great convention to one of the greatest speeches ever delivered, in which Mr. William Jennings Bryan discussed the country and the city. I can not remember his words now, but he said, in effect, that if you destroy the country the grass will grow in the streets of the cities, and if you burn the cities the Nation will recover and proceed about as usual. A few days after that speech was made a newspaper of opposite political faith came out with a front-page article under a great black heading which read, "Mr. Bryan says burn our cities," and the article then followed with a vigorous denunciation of Mr. Bryan and the things that he stood for, characterizing them as socialistic and destructive, basing it all on a part of a sentence which Mr. Bryan had used—"burn our cities."

Mr. Speaker, in order that even a part of Mr. Creel's address may appear in the RECORD, the part which the gentleman from Ohio [Mr. LONGWORTH] held in his hand but refused to read, I want to read the entire extract as it appears in the Evening Star of yesterday. I read, now, these garbled extracts from his speech, evidently rearranged so as to be sensational; and under the evidently changed order of even these few extracts, the sentence read by the gentleman from Ohio comes first:

"I will be proud to my dying day that my country was inadequately prepared when it entered the conflict," declared Mr. Creel. "To have been prepared would have given the lie to everything we ourselves believed in and to our self-avowed position before the world."

How far and how fast the country has gone since it started, he emphasized, is indicated by the fact that to-day, a year after our unprepared entrance into the conflict, a portion of our Army created since that time is bearing its full burden, notwithstanding the fact that European nations far more versed in war do not habitually give their men battle-front work before a year's training has expired.

"The liberty motor is to-day 100 per cent perfect, and within a week its critics will have to admit this fact," he asserted. "The aerial program," he added, "will be announced to the country within 30 days and will be a credit to this great Nation." He paid his respects to those who constantly demand 100,000 airships, explaining that 2,500 on one side has been the maximum so far.

The whole Nation owes Secretary Daniels an apology for its undeserved villification of that official, Mr. Creel told his hearers. Furthermore, the vast war expenditures have been made without one cent of graft, nor has a single life been lost by neglect, he asserted.

"What if a few overcoats were lacking at first?" he said. "Food has nowhere and at no time been lacking. We can all remember the typhoid camps, the 'embalmed beef,' and the paper-soled shoes of 1898."

Mr. Creel took up in detail the criticisms that have been made regarding the early lack of rifles for troops, the use of French machine guns while the Browning gun was being perfected, and the use of British and French made ordnance, which he said was done at the suggestion and request of those Governments, in order that they might keep their factories running and that the American transports might not be encumbered with cannon. England and France had more artillery than they could use and had the facilities to make more, he said. They preferred to keep on making them and have the benefit of the money the United States paid for them. They were really our guns, he explained, and not those of the allies.

"We could have put a rifle in the hands of every soldier from the beginning," he remarked. "Those who criticized the equipment of some of the men with broomsticks while better rifles than any we were making for our allies were being perfected were not trying to win this war, but another kind of war at a later date. Now we have a rifle that can shoot two bullets to the German Mauser's one."

In other words, these few extracts which I have just read indicate what the speech made by Mr. Creel was. His argument evidently, as disclosed here, was this: If we had been prepared with rifles for every man manufactured after the models heretofore in use in this country, they would not have been prepared as well as they will be now with this new rifle that we have prepared and put into their hands.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. KAHN. Does not the gentleman know that the Springfield model of 1903 is used in our Army and is considered by experts just as efficient as the Enfield rifle which England is using?

Mr. RAINEY. The gentleman may be correct about that. Mr. Creel is discussing here the new rifle which will shoot two bullets to the German Mauser's one.

Mr. KAHN. Our Springfield rifle was considered the best rifle in the world by our Army experts, but we could not turn them out fast enough at the beginning of this war. There were many factories turning out the Enfield rifle for England. This Government then entered into contracts with those factories to take over the Enfield rifle. Because we could get them in quantities, this country contracted for them, but they are no better than the Springfield rifle which originally we were manufacturing.

Mr. RAINEY. I thank the gentleman for his contribution to my speech, and I do not take issue with him. I have no doubt he is correct about it in his estimate as to the value of the Springfield rifle——

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. But if we did not have enough Springfield rifles—I yield to the gentleman.

Mr. FARR. Is it a virtue to say that we had not enough of them when we should have had enough?

Mr. RAINEY. Oh, if we were manufacturing the Springfield rifle of the model of 1903, we were making them during nine years of time when the gentleman's party was in power, and it was as valuable an arm then as now, and if it was so valuable, why did not your party make some Springfield rifles? If I wanted to be partisan, as gentlemen on that side insist upon being, I might ask why did you not prepare a little by making a few Springfield rifles so as to have them on hand when this war started? You had nine years to do it in. This war started two years after the present administration commenced the control of affairs.

Mr. FARR. This is not a partisan matter——

Mr. RAINEY. I can not yield again. Just before this war started we came in power. What became of the billions of money you expended in 16 years' time? Our preparation for this war occurred after the present administration made its advent upon the world's scene of activities.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. RAINEY. I am not criticizing or finding fault with what you did not do during the 16 years of time, and it would require too much time to do that, and I am too busy with more important matters. Some patriotic gentleman on that side ought to assume the difficult task of explaining what your administrations did along these lines before, in these perilous times, you indulge in these violently partisan and viciously unfair efforts for partisan gain. Let us win the war first and then resort to these methods if you feel that your duty to your country requires a doubtful service of that character.

Mr. FARR. What has that got to do with the question?

Mr. RAINEY. The gentleman from Ohio [Mr. LONGWORTH] might explain what you accomplished with the expenditure of the millions and billions that you made, which at least failed to produce the result which you say ought to have been apparent when this war started. This speech of Mr. Creel evidently announces the fact that a Republic can fight; that a Republic need not be a great military power in order to maintain its place in this world; that it need not prepare as militaristic Germany prepared, at the expense of the millions of people controlled by that Government; that a Republic can go on quietly, as a Republic ought to go, and maintain its place in the sun when the crucial hour in its history comes. [Applause.] This speech indicates that this great Republic has been able to place men on the fighting line——

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. RAINEY. I decline to yield—can place men on the fighting line in France, trained men, and trained in less time than Imperial Germany has ever been able to train men.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMLIN. I want to ask consent that the gentleman be permitted——

The SPEAKER. Can not do it.

Mr. HAMILTON of Michigan. All right.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. DENT. Mr. Speaker, I move to reconsider and——

Mr. KAHN. Before that is done it is necessary to amend the title.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

The title was amended so as to read: "A bill to amend section 2 of an act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States.'"

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DENT. I ask unanimous consent that H. R. 8409 be laid on the table, a similar Senate bill having been passed by the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Is that all of the gentleman's budget?

Mr. DENT. Yes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10169, the river and harbor appropriation bill.

Mr. CARLIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. GARRETT of Tennessee. This is on the motion to go into the Committee of the Whole House on the state of the Union?

The SPEAKER. Yes.

The question was taken; and there were—yeas 300, nays 1, answered "present" 2, not voting 127, as follows:

YEAS—300.

Alexander	Ellsworth	Kitchin	Rubey
Almon	Elston	Knutson	Russell
Anderson	Emerson	Kraus	Sabath
Anthony	Esch	La Follette	Sanders, Ind.
Ashbrook	Evans	Lazaro	Sanders, La.
Aswell	Fairchild, B. L.	Lea, Cal.	Sanford
Austin	Fairfield	Lee, Ga.	Saunders, Va.
Ayres	Farr	Lenroot	Schall
Bacharach	Ferris	Lever	Scott, Mich.
Baer	Fess	Linthicum	Scully
Bankhead	Fields	Little	Sears
Barnhart	Fisher	Littlepage	Sells
Beakes	Flood	Lobeck	Shackleford
Bell	Focht	London	Shallenberger
Black	Fordney	Lonergan	Sherley
Blackmon	Foster	Lufkin	Sherwood
Bland	Francis	Lunn	Shouse
Blanton	Frear	McCormick	Siegel
Booher	Freeman	McKenzie	Sims
Bowers	French	McKeown	Sinnott
Brand	Fuller, Mass.	McKinley	Slayden
Britten	Gard	McLaughlin, Mich.	Slemp
Brodbeck	Garner	Madden	Sloan
Browne	Garrett, Tenn.	Magee	Small
Browning	Garrett, Tex.	Maher	Smith, Idaho
Buchanan	Gillett	Mansfield	Smith, C. B.
Burnett	Glynn	Mapes	Snook
Burroughs	Goodall	Mason	Stafford
Butler	Goodwin, Ark.	Mays	Steagall
Byrnes, S. C.	Gordon	Meeker	Steele
Byrns, Tenn.	Graham, Ill.	Miller, Minn.	Steenerson
Candler, Miss.	Graham, Pa.	Miller, Wash.	Stephens, Miss.
Cannon	Gray, Ala.	Mondell	Sterling, Ill.
Cantrill	Green, Iowa	Montague	Stiness
Caraway	Greene, Mass.	Moore, Pa.	Strong
Carlin	Greene, Vt.	Moores, Ind.	Sullivan
Carter, Mass.	Gregg	Morgan	Sumners
Cary	Hadley	Mott	Sweet
Church	Hamill	Neely	Switzer
Clark, Fla.	Hamilton, Mich.	Nelson	Taylor, Ark.
Clark, Pa.	Hamlin	Nichols, Mich.	Temple
Claypool	Hardy	Nolan	Thomas
Cleary	Harrison, Va.	Oldfield	Tillman
Collier	Haskell	Oliver, Ala.	Tilson
Connally, Tex.	Hastings	Oliver, N. Y.	Timberlake
Connelly, Kans.	Haugen	Olney	Treadway
Cooper, W. Va.	Hawley	Osborne	Vinson
Cooper, Wis.	Helm	O'Shaunessy	Volstead
Copley	Helvering	Overmyer	Waldow
Cox	Hersey	Overstreet	Walker
Cramton	Hilliard	Padgett	Walton
Crisp	Holland	Paige	Ward
Crosser	Houston	Park	Wason
Dale, N. Y.	Howard	Parker, N. J.	Watkins
Dale, Vt.	Hull, Iowa	Peters	Watson, Pa.
Dallinger	Hull, Tenn.	Phelan	Watson, Va.
Davidson	Humphreys	Platt	Weaver
Davis	Husted	Polk	Welty
Delaney	Hutchinson	Pou	Whaley
Dempsey	Igoe	Pratt	Wheeler
Denison	Jacoway	Purnell	White, Me.
Dent	Johnson, Ky.	Quin	White, Ohio
Denton	Johnson, Wash.	Ragsdale	Williams
Dewalt	Jones, Tex.	Rainey	Wilson, Ill.
Dickinson	Kahn	Raker	Wilson, La.
Dill	Kearns	Ramseyer	Wilson, Tex.
Dillon	Keating	Randall	Wingo
Dixon	Kehoe	Rayburn	Winslow
Dominick	Kelley, Mich.	Reed	Wise
Doolittle	Kennedy, Iowa	Robbins	Wood, Ind.
Drane	Kennedy, R. I.	Rodenberg	Woods, Iowa
Dupré	Key, Ohio	Rogers	Wright
Dyer	Kincheloe	Romjue	Young, N. Dak.
Eagle	King	Rouse	Young, Tex.
Elliott	Kinkaid	Rowe	Zihlman

NAYS—1.

Thompson

ANSWERED "PRESENT"—2.

Good Smith, Mich.

NOT VOTING—127.

Barkley	Flynn	Kiess, Pa.	Roberts
Beshlin	Foss	Kreider	Robinson
Borland	Fuller, Ill.	LaGuardia	Rose
Brumbaugh	Gallagher	Langley	Rowland
Caldwell	Gallivan	Larsen	Rucker
Campbell, Kans.	Gandy	Lehlbach	Sanders, N. Y.
Campbell, Pa.	Garland	Lesher	Scott, Iowa
Carew	Glass	Longworth	Scott, Pa.
Carter, Okla.	Godwin, N. C.	Lundeen	Sisson
Chandler, N. Y.	Gould	McAndrews	Smith, T. F.
Chandler, Okla.	Gray, N. J.	McArthur	Snell
Classon	Griest	McClintic	Snyder
Coady	Griffin	McCulloch	Stedman
Cooper, Ohio	Hamilton, N. Y.	McFadden	Stephens, Nebr.
Costello	Harrison, Miss.	McLaughlin, Pa.	Sterling, Pa.
Crago	Hayden	McLemore	Stevenson
Currie, Mich.	Hayes	Mann	Swift
Curry, Cal.	Heaton	Martin	Tague
Darrow	Heflin	Merritt	Talbott
Decker	Heintz	Moon	Taylor, Colo.
Dies	Hensley	Morin	Templeton
Donovan	Hicks	Mudd	Tinkham
Dooling	Hollingsworth	Nicholls, S. C.	Towner
Doremus	Hood	Norton	Van Dyke
Doughton	Huddleston	Parker, N. Y.	Vare
Dowell	Ireland	Porter	Venable
Drukker	James	Powers	Vestal
Dunn	Johnson, S. Dak.	Price	Voigt
Eagan	Jones, Va.	Ramsey	Webb
Edmonds	Juul	Rankin	Welling
Estopinal	Kelly, Pa.	Reavis	Woodyard
Fairchild, G. W.	Kettner	Riordan	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HUDDLESTON with Mr. WALSH.

Mr. BARKLEY with Mr. LONGWORTH.

Mr. BRUMBAUGH with Mr. LUNDEEN.

Mr. CALDWELL with Mr. MCARTHUR.

Mr. GLASS with Mr. CAMPBELL of Kansas.

Mr. GRIFFIN with Mr. LANGLEY.

Mr. CAREW with Mr. MCKENZIE.

Mr. RUCKER with Mr. CHANDLER of Oklahoma.

Mr. CARTER of Oklahoma with Mr. GOULD.

Mr. PRICE with Mr. CHANDLER of New York.

Mr. DOREMUS with Mr. GRAY of New Jersey.

Mr. HAYDEN with Mr. COSTELLO.

Mr. DIES with Mr. GRIEST.

Mr. FLYNN with Mr. DARROW.

Mr. MARTIN with Mr. HAYES.

Mr. ESTOPINAL with Mr. DOWELL.

Mr. TAYLOR of Colorado with Mr. MERRITT.

Mr. HEFLIN with Mr. EDMONDS.

Mr. STEVENSON with Mr. RAMSEY.

Mr. VENABLE with Miss RANKIN.

Mr. THOMAS F. SMITH with Mr. REAVIS.

Mr. WELLING with Mr. ROBERTS.

Mr. SISSON with Mr. SANDERS of New York.

Mr. WEBB with Mr. SNELL.

Mr. VAN DYKE with Mr. TOWNER.

Mr. MAHER with Mr. VOIGT.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with my colleague from Maryland, Mr. TALBOTT. If he were present he would vote the same as I have voted, and therefore I will let my vote stand.

Mr. GOOD. Mr. Speaker, am I recorded?

The SPEAKER pro tempore (Mr. WATSON of Virginia). Yes; in the affirmative.

Mr. GOOD. I have a pair with the gentleman from Missouri, Mr. BORLAND, and therefore I desire to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the rivers and harbors bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. Under the order of the House all time for general debate has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,100,000; completing improvement above Lalor Street, Trenton, $150,000; in all, $1,250,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

I would like to have it known, Mr. Chairman, that the Delaware River, which item we have just passed, is now the shipbuilding center of the United States. I question whether any river in the world has given a better account of itself industrially and commercially than the Delaware River. The agitation for the improvement of this river has been on for some time. Its situation along the coast is geographically favorable, and if connected with inside waterways north and south it would be the commercial keystone of waterway activity in the United States. The Schuylkill River is one of its tributaries. I am happy to note that at last the importance of the Schuylkill River is being recognized by Congress. There is always careful scrutiny in international shipping circles with regard to the depth of waterways of the United States. Although we do not fully realize it, the failure of a suitable depth has its significance in international trade. A great community here may be seriously hurt by rumors in foreign commercial centers concerning the incapacity of any of our streams. Fortunately, the Delaware River is in good standing abroad, and we hope to make it more so.

As showing the importance of the Delaware River at the present time, I wish to make a brief statement of its war activities; its shipbuilding activities in particular. I am going to put some figures in the RECORD, and will challenge a comparison of them with those of any other river in the world.

In due course, when the present improvements are completed, we will have upon the Delaware River, in the Hog Island Shipbuilding Yard alone, the greatest plant for the construction of vessels in the world. This without regard to what may have been said heretofore concerning contracts or the manner in which the work has been promoted. There are now completed on the Delaware River in old plants or approaching completion in new plants 146 separate ship ways.

The Merchants' Shipbuilding Co., which is being aided by the Government, at Bristol, Pa., has 12 ways. They are approaching completion, and in short order ships will be turned out from that yard. I trust that my distinguished colleague from Pennsylvania [Mr. WATSON], who represents the district in which this yard is located, will in due course tell the House something about this great enterprise.

The Trayler Shipbuilding Co., which is also near Bristol, has 10 ways. The old and long-established Cramp's Shipbuilding Co., which happens to be in the district which I represent, has 13 ways, every one operating to the full for the Government. The New York Shipbuilding Co., on the New Jersey side of the river, opposite Philadelphia, has 14 ways; that company has already made a splendid record in the construction of large vessels of war. It has, in addition, another plant with 10 ways, so that its importance is constantly increasing.

On the New Jersey side of the river, opposite Philadelphia and the League Island Navy Yard, the Pennsylvania Shipbuilding Co., a new concern, has six ways. The New Jersey Shipbuilding Co. has seven ways. Down at Hog Island, on the Pennsylvania side, in the district represented by my colleague from Pennsylvania [Mr. BUTLER], they have 50 ways, now rapidly approaching completion. The Sun Shipbuilding Co., at Chester, has five ways. The Chester Shipbuilding Co., at Chester, has seven ways; the Harlan & Hollingsworth Co. has four ways; the Pusey & Jones Co., at the same place, four ways; and the Jackson & Sharp Co., also at Wilmington, four ways. That makes the total of 146 shipbuilding ways between Bristol, about 16 miles above Philadelphia, and Wilmington, about 30 miles below.

Employed at these various yards at the present time are no less than 61,950 workmen, skilled mechanics of one kind and another.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. The Merchants' Shipbuilding Corporation has 6,500 men. That is a city in itself. Each man is the mainstay, according to modern methods of calculation, of a family of five. At the Trayler Works they have 900 men; at Cramp's Shipyard, which carries 5,000 men in times of peace, they have now working 8,250 men; at the New York Shipbuilding yard they have 8,000 men; at the Pennsylvania Co., 2,200; and at the New Jersey Co.'s yard, 800. At Hog Island they have 22,500 men, and the problem of housing them is so acute that the Government is now arranging to build houses for some of them, so that the work may be facilitated.

Conferences are on this very day, and I hope the contracts will soon be closed for the completion of 1,600 houses near Hog Island. The plans, I understand, contemplate permanent houses, which the workmen may have opportunity to buy. Of course, however, these plans may be changed. The great number of these workmen, who support a population of between 75,000 and 100,000, live in the city of Philadelphia. Some of them are from Chester, and some live across the river in the city of Camden and elsewhere.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. That was the question I was going to ask, about the transportation, when there are so many people there without housing facilities. How are they transported?

Mr. MOORE of Pennsylvania. They are transported mostly in trolley cars and in railway trains. Some of them use boats to cross the river. Some go to the New Jersey side—Camden, or Gloucester, or Paulsboro in boats. Many go south to Chester, and some as far as Wilmington, Del. Improved transportation facilities are now being considered.

Mr. FESS. How far down from Philadelphia is Hog Island?

Mr. MOORE of Pennsylvania. Hog Island is within a rifle shot of the Philadelphia County line. It is in Delaware County, on the Delaware River, just below Philadelphia. The boundary line between Philadelphia County and Delaware County is Bow Creek, and the yard runs up close to Bow Creek.

Mr. FESS. Will 22,000 men be the maximum number of laboring men there when that yard gets into full operation?

Mr. MOORE of Pennsylvania. I understand they have been dispensing recently with a number of employees who have not fitted in properly to the work to which they were assigned, and that the 22,500 now there constitute a real live working force where every man fits the job. They have begun to systematize and specialize on hard, practical lines. Folks up there now are boasting not only of the magnitude of the work but also of the facility with which it is being done.

Mr. FESS. There was a great deal of criticism there formerly to the effect that an unnecessary number of men were maintained?

Mr. MOORE of Pennsylvania. Yes; there was that criticism, and the people of Philadelphia were regretful that that criticism should hold. But my latest information is that there has been a vast improvement not only in the personnel in the yard but in the rapidity with which the work is being done and with which those great structures have been reared.

Engineers have told me that the work at Panama presented no greater engineering problems, particularly in the mobilization of men and forces and material, than did the work at Hog Island. They believe now they have passed the crucial stage—the stage of preliminary disorganization—and that they now have a workmanlike organization which has weeded out the incompetents. And this organization, I will say to the gentleman, includes welfare work of the highest possible order. There are men there speaking the languages of various countries, but welfare specialists are working under one head in the yard now, caring for the Spaniard or the Italian who may not be able to make himself understood, just as if he were an American; and if any are hurt while helping the Government there they are being cared for by those who understand their wants. This, at least, is my latest information.

Below the Hog Island yard, near by Chester, is the Sun Ship Co., which has 3,700 men. Then comes the Chester Co., with 3,500 men; Harlan & Hollingsworth, at Wilmington, have 2,800 men; and Pusey & Jones have 1,800 men. That makes a grand total of men employed in shipyards on the Delaware River of 61,950—substantially 62,000 men—and I am told that that force is going to increase as the ships come upon the ways. In addition, there are other, but smaller, yards doing their part.

On this same river—the Delaware—between the points I have mentioned—Wilmington on the south and Bristol on the north—we have reared in the last three or four years some of the most extensive industrial plants on the face of the globe—oil refineries, electrical appliances, arms and ammunition, iron and steel factories and foundries, and powder plants, a catalogue of which would cover pages. As a matter of fact, gentlemen, the Delaware River has actually become the center of the world for shipbuilding and munition making. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Delaware River.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to recur to the bottom of page 2. I was in the House at the time the bill was read, but I was talking with the gentleman from Georgia [Mr. CRISP] about the form of an amendment I was about to offer to the East River item. We reached the present point five minutes after we had gone into Committee of the Whole, and although I was here I did not realize that the item had been reached.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to lines 23 and 24, on page 2, for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. SMALL. Mr. Chairman, reserving the right to object, I supposed when the gentleman made his statement that he had abandoned the thought of offering any amendment.

Mr. DEMPSEY. There was not any reason for thinking that. In all my talks with the gentleman I told him that I had this matter very much at heart. It is not a light matter. It is not a matter that I intended at all to omit. I was in the Chamber for this purpose, and I told the chairman that I intended to proceed, and as seriously as I knew how.

Mr. SMALL. I am indebted to the gentleman for his explanation, but I think it would be better to recur to this item later.

Mr. DEMPSEY. I would say to the gentleman that I have a matter at home of vital importance, and I really have to leave here to-night. The item might not be reached at all, and I can see no way in which it will discommode either the chairman of the committee or the committee itself. I hope the gentleman will not, under these circumstances, take advantage of a slight inadvertence on my part. That is all.

Mr. SMALL. Mr. Chairman, in view of the statement of the gentleman as to his personal wishes, I will withdraw my objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes with reference to this item. It is the only item that I will debate in the bill. It is a very important item. I do not think I can cover it in less time than that.

The CHAIRMAN. Has the gentleman an amendment prepared?

Mr. DEMPSEY. Yes. I have sent it to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: After the figures "$2,200,000," on page 2, line 24, add the following: "And the Secretary of War is hereby directed to prosecute the work of improvement with a view to securing a depth of 40 feet in the channel through East River and Hell Gate as soon as practicable."

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, the amendment which I ask is one which simply makes the law that which was intended to be made the law by the action of this House on the 8th day of August, 1917. Now, let us take in chronological order the events in regard to this proposed amendment. On the 4th day of February, 1917, the board of engineers of the Army and the Navy made a report by which they recommended a 40-foot channel through Hell Gate, 35 feet to be obtained now, 5 feet more to be obtained later on. I would like you gentlemen to keep these dates in mind. That was on the 4th day of February. On the 6th day of April the United States declared war on Germany. On the 7th day of May the Secretary of the Navy and the Secretary of War united in joint letters to the Committee on Rivers and Harbors, and the effect of these letters was that whereas they had recommended 40 feet through Hell Gate, 35 feet to be obtained now and 5 feet more later on, they now for war purposes, on account of the change of conditions, recommended the present immediate securing of a depth of 40 feet.

The reasons which they gave were these: They said that woould double the effectiveness of our fleet; that Montauk Point and Ambrose Channel, the two entrances to New York Harbor, were so far apart that an enemy in order to bar the egress or ingress of our fleet would have to double the guarding fleet. They said not only would it double the effectiveness of our fleet but they said also that a battle was more likely to occur between Long Island and the Connecticut shore than anywhere else, and that we should provide for the ingress and egress of our fleet at all stages of the tide up through Hell Gate, and that 35 feet would not take our largest battleships. On that account the two Secretaries united in this recommendation, and the Secretary of War asked that an amendment be made. On the 8th day of August we passed that amendment.

And now, gentlemen, I want to call your attention to what occurred at the time that we passed the amendment. The amendment was presented by the chairman of the committee [Mr. SMALL], and in presenting it he said this:

Mr. Chairman, just a brief statement. As the item for East River was originally reported it provided for 40 feet from the lower bay to the navy yard in East River, but did not provide for 40 feet through Hell Gate at the upper end of East River running into Long Island Sound. The naval officers and the Secretary of the Navy were quite insistent for strategic reasons that we should have also 40 feet from East River into Long Island Sound. They took it up with the Secretary of War, resulting in a general recommendation. The committee then considered it and agreed to it.

By reason of 40 feet through Hell Gate it became necessary to adopt another project and refer to another document, thus requiring the paragraph to be rewritten; but the amendment offered only changes the paragraph in the bill by increasing to 40 feet the depth through Hell Gate to Long Island Sound.

And that explains something to which I am going to refer later, the clumsy language which was employed, and the effect of it. Now, gentlemen, I want you to mark these words—

But the amendment offered only changes the paragraph in the bill by increasing to 40 feet the depth through Hell Gate to Long Island Sound.

There is much more in the report of the proceedings, but that showed clearly that this committee as a whole, and its chairman speaking for it, were presenting by this amendment a proposition to increase the depth through Hell Gate, from Long Island Sound to the bay, to 40 feet. They so understood the language which they wrote. The House so understood it, because they so explained it. No one challenged that statement. The entire discussion centered around the proposition that that was what was intended.

For instance, Mr. FREAR, of the committee, came in, as he often does on the question of expense, and asked how this increased expense was to be met, and in asking about the increased expense he spoke about the expense of a 40-foot channel through Hell Gate. Now, bear in mind the chronological order in this matter. First there was the recommendation of the board on the 4th of February, then the declaration of war on the 6th of April, then the recommendation of the two Secretaries on the 7th of May, our consideration of this bill in June, and on the 9th of June the chairman of the committee explained the matter, and said that whereas we had provided for only 35 feet, with 5 feet more later, now they wanted 40 feet, and gave the reasons which impelled him to ask it, the discussion leading up to the vote, and the vote in Committee of the Whole and in the House resulting in the adoption of the proposition.

Following that, what happened? It went down to the Secretary of War, and the Secretary of War, through his subordinates and assistants construed this provision, which was drawn in a clumsy way, by referring to another document, as meaning 35 feet, with 5 feet later on, meaning precisely that for which the bill provided before it was amended, and meaning not 40 feet but meaning 35 feet; because on the 4th day of January Col. Newcomer came before the committee and testified that there was no present intention on the part of the engineering force to secure 40 feet at all, that their intention is to secure only 35 feet, and if Congress sees fit, at some future time, to secure 40 feet, then and in such event only to do it. Now, what I say is this: First, that this amendment is of as vital importance as any measure which can be proposed in this bill. Nowhere else in this great country, as the Secretary of the Navy well says, is there concentrated the great wealth and the enormous commercial activity which mark the country to the north of Long Island Sound. Nowhere else is there the likelihood of a battle that there is there, because an enemy could work greater destruction by an attack there than elsewhere. The effectiveness of our fleet can be doubled by this simple amendment. And I am not asking for a cent of additional money.

A disabled battleship to-day has only one way to get into New York City. If an engagement is fought in Long Island Sound a battleship can not go up through Hell Gate at all, because it will draw too much water. So it is a vital matter, and not only is it vital but it has been so recognized by Congress. The letters to this committee stand unchanged, unchallenged, unmodified to-day as they were written. When these letters were presented the House did exactly what the Secretary asked us to do. The able chairman of the committee presented the letters and urged that the change be made and told why the rather clumsy language was used in making the amendment. But that language, instead of accomplishing that which the Secretary urged that the necessities of the situation demanded, that which the safety of the metropolis, and that which the war exigencies loudly called for—instead of accomplishing that it comes down to the department and is construed by a subordinate officer as not changing the situation at all. It is construed as meaning the same as if we had not amended it; it is construed as meaning

the same as if the chairman had not on the floor, as he did, advocated the 40-foot project, to comply with the wishes of the two Secretaries.

Now, gentlemen, aside from the necessities of the situation, this House can not afford, when in a matter of such grave and vital importance as this it has legislated upon the request of two great officers of the Government—two Cabinet officers charged with the responsibility—it can not afford to allow legislation subsequently to be made null and of no effect by misinterpretation by a subordinate officer of the department.

I say that these letters remain to-day as much in force, as much in effect, they call as loudly to-day upon us for their performance as the day they were written. There has been no change in them; they stand to-day as they did then, and I ask this House, because of the war necessity, because of these letters, because of the fact that we passed the act then, to reenact it now in plain and unmistakable language—to adopt this amendment. [Applause.]

Mr. CLEARY. Mr. Chairman and gentlemen, in the few words I shall have to say I will not go into any great particulars. I assume, and I think correctly, that every gentleman in the House understands the importance of the port of New York. Coming down from the Lakes from the West, coming down from the North from the St. Lawrence River, coming down from the South and all parts of the country, the commerce flows to New York. It is well worth while to do all you can to serve that commerce, and it is well worth while to make room for it in New York Harbor, and therefore I think you can afford to be rather liberal with the port of New York.

New York is the center of commerce of the country which comes in by canal, by Sound, by river and harbor, bringing thousands of tons of coal every day between the North River and coming up through Ambrose Channel by Jersey. I suppose there are a hundred thousand tons, not counting the foreign commerce comes into the port of New York every day.

Another thing that I might mention is that the dock commissioners and authorities of New York have given the Nation over 20 of their best piers, 12 in the Hudson River, 7 piers and docks acknowledged to be the best in this country. They have given some new piers also to the Government. They have at present some piers on the East River, and I have letters in my pocket that Commissioner Hulbert wrote, calling attention to the fact that they would have to have some improvement on the East River to make way for these docks that the city has turned over to the Government. But I am not going to press that here now. I am only calling your attention to the fact that the whole country can well afford to be liberal to the port of New York because of various reasons. I think my colleague [Mr. DEMPSEY] went over the ground thoroughly, so it is unnecessary for me to repeat it. I have letters in my pocket from the Secretary of War and the Secretary of the Navy asking the very thing that the gentleman from New York [Mr. DEMPSEY] has spoken of. But I will not go into these matters. I only wanted to call attention to the fact that the great port of New York needs all that you can give her and ten times as much as you have any notion of giving her or that she has asked for. I hope that the House will be liberal in this matter. Do not try to stint too closely, but give a little leeway to the central port of this great country. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman and gentleman of the committee, when this matter was under discussion in the House some time ago I favored a proposition for a 40-foot channel throughout the length of the East River, and especially at the point where Hell Gate is situated. I did that because I recognized that New York was the commercial and financial center of the Nation. I recognized that it was a city in which we are all interested, a city to which we all point with pride, a city that we all frequently visit, a place upon whose prosperity we are in a measure more or less dependent, because it is barometrical, indicating the prosperity and the activity of the Nation.

I was conscious of the immense tonnage brought in there—91,000,000 tons. The thought came to me of the tremendous appropriations made for not what I would be pleased to call questionable enterprises, but what the press throughout the country stigmatizes as peculiar river and harbor enterprises. In the consideration of real big propositions our own localities should give way. When we consider a great port like the port of New York we should think and vote in a national not local way.

Now, there is evidently a contradiction between the proposed action of the committee and the attitude assumed by the Secretaries of Navy and War, respectively. I take it for granted that neither Secretary Daniels nor Secretary Baker wrote these letters, dated, respectively, the 7th of May, 1917, and the 15th of May, 1917, without being sufficiently informed. I quote from the letter of the Secretary of the Navy to the chairman of the River and Harbor Committee:

> While deepening and straightening the channel through Hell Gate will be of unquestioned advantage to the commercial interests of the country, the strategic value to the Navy is so great that I believe consideration should be given to securing this channel of 40 feet depth at the present time. While in the beginning a concession was made to obtain a depth of 35 feet and ultimately 40 feet, it is considered that it would be highly desirable, both from an economical standpoint and from a strategical standpoint, to have the work, after it was once begun, continued until the depth of 40 feet had been obtained throughout, and the straightening of the channel, in order to allow the easy and free passage of large ships as well as to prevent the formation of tidal eddies and currents, had been accomplished.

At the time that this bill was under consideration, before and later on when a delegation from the city of New York waited upon the President at the White House, I felt like asking the question, if I had been one of those who were charged with interrogation: If a 40-foot channel is desirable and if a 35-foot channel is to be dug, why, when you have all of the apparatus, do you withdraw all of the apparatus, knowing that 40 feet is necessary, and come back at a later period to engage in the work again? [Applause.] Of course, I am not an engineer; I am not a dredger; I am simply a Member of Congress, and perhaps gentlemen who are more familiar with those things can readily explain.

Mr. DEMPSEY. Mr. Chairman, if the gentleman will yield right there, I will say that Col. Newcomer before the committee testified that digging piecemeal instead of as one job would increase the expense substantially and increase the time it would take to get the 40-foot channel largely.

Mr. O'SHAUNESSY. Then, if we want to increase the expense and increase the labor, we want to hang to the 35-foot proposition; but if we want to decrease the expense and promote efficiency of the harbor, we want to vote for the 40-foot proposition. Of course, I understand Congress frequently votes for those measures that cost more rather than less money.

Mr. LINTHICUM. Mr. Chairman, how much will it delay the 35-foot channel to go ahead with the 40-foot channel at one time?

Mr. O'SHAUNESSY. I shall leave that to the chairman of the committee to answer. I am not a member of the committee. I am merely a man who looks beyond the confines of Rhode Island, and I would like to do something for a port that deserves something to be done for it.

Mr. LINTHICUM. It ought not to be so hard to do that, because Rhode Island is not very big.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. The Secretary of the Navy very pertinently suggests that from an economic standpoint and from a strategical standpoint this work should be done to the extent of 40 feet. While speaking on this proposition I have in mind the constructing of public buildings in the United States. I have frequently seen, and no doubt many members of the committee have also seen, public buildings outrun their usefulness and their capacity before they were a month old—money wasted, in a sense, and the question is this: Are we ever as a Nation to have prevision, are we ever to have the necessary foresight? I submit this as an economic proposition. If it is going to cost more money to go back there and dig 5 feet more, let us vote for the 40-foot proposition to-day. I find a letter dated the 15th of May, signed by Secretary Baker, and I do not suppose he signed it without knowing what it contained, to this effect:

> I am seconding the recommendation of the Secretary of the Navy, and I trust that you and your associates on the committee will find it possible to make this one change in the proposed measure.

The change was made in the proposed measure, and neither the Secretary of the Navy nor the Secretary of War has uttered one word or written one line in contravention of these things expressed in these respective letters by them. What, therefore, is the answer? Merely that one of the engineers has expressed the belief or the opinion that 35 feet are necessary and only necessary at this particular time. New York, as was pointed out by the gentleman from New York [Mr. DEMPSEY] a few days ago, has a tonnage of 91,000,000 tons, certainly something that should recommend it to the generous consideration of this body. We are at war. We are proud of our Navy. We are conscious that our battleships cost $14,000,000 each. We do not want to see them wrecked. We all remember when the Panama Canal legislation was under consideration how we spoke of the effectiveness of the Panama Canal in the preservation of the

Navy—how it would double the efficiency of our first line of defense, because the Navy could readily come from the Atlantic to the Pacific Ocean. Here is a similar proposition. The Secretary of the Navy, evidently advised by fighting men in the Navy, says, "If we are going to have a sea fight, we are going to have it in Long Island Sound."

The rich possessions of the city of New York and the territory lying to the north of it are an inviting field of enterprise for an enemy's guns. He says we are going to have a fight there, if we are ever going to have a naval fight, and in order to make our Navy an effective and efficient fighting force, in order to conserve that force, he says, "Let us open this eastern channel leading out to Long Island Sound, and instead of waiting for the tide—and there is a rise of 5 feet in the tide twice in 24 hours—do not let us take the chance of having any ships crippled and at the mercy of the enemy waiting 11 hours for the tide, but let us make this channel whereby these ships can run into the East River and find shelter in the Brooklyn Navy Yard. We have expended millions of dollars in the Brooklyn Navy Yard, millions upon millions of dollars. Why should we impair its usefulness? The way to impair its usefulness is to deny a proper channel of exit and inlet to that great yard. [Applause.]

Mr. SWITZER. Mr. Chairman, no one, I believe, recognizes the importance of New York City as a port more than myself, but I desire to call attention of the committee to the fact that the great tonnage of New York Harbor has nothing whatever to do with this proposition. The tonnage in New York Harbor is amply accommodated with the water facilities that are there to-day. From the lower bay up there will be soon 40 feet. There will be in two years 35 feet coming down through Hell Gate to Long Island. There are no vessels, you might say, that require a depth of 40 feet engaged in commercial transportation that go up through Long Island, and to impress upon you that this harbor has nothing to do with this proposition I want to call your attention to the fact that this gets into a rivers and harbors bill by reason of the fact that in 1916 the Naval Committee carried a provision creating a joint board composed of officers appointed from the Navy and from the Army Engineers to report upon a project. For what? To get to the Brooklyn Navy Yard from the ocean. Not a commercial proposition, but it is a naval proposition. And this joint board made its report as a war measure, and the Secretary of the Navy and the Secretary of War concurred in that report, and we put it in the rivers and harbors bill last year, a project reported upon by a former survey, a 35-foot project, and the bill was introduced in the House and when this report came in from the joint board, as I recollect, that the committee on amendment adopted 40 feet, as provided in House Document 140, Sixty-fifth Congress. I want to call the attention of this committee to the fact that we do not propose to cease work upon this project for 40 feet when we acquire the 35-foot depth; that is, in the river and harbor bill at this time. The report of the joint board is for a 35-foot depth and an ultimate 40-foot depth, and the gentleman who just preceded me is in error when he states that we are going to quit work when we attain the 35-foot depth. Ultimately we are to have 40 feet.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SWITZER. I yield.

Mr. DEMPSEY. I just ask the gentleman if he is familiar with the testimony that Col. Newcomer gave before the committee on the 4th day of January on that matter, found on page 6 of the hearings, as follows:

> We understand that the question of when the 40-foot depth could be provided should be left to the future entirely. In other words, whenever circumstances develop which indicate a need for that, then the estimates could be submitted under authority already given and Congress will determine, of course, whether it is ready to proceed with the 40-foot project.

Mr. SWITZER. Why, certainly, gentlemen of the committee. The estimates now are to carry on the 35-foot project, which will be completed in two years. If we adopt the 40-foot now, it will retard the 35-foot project. Col. Newcomer testified as to the estimate. Of course we will never attain the 40 feet unless some future Congress makes provision or an appropriation for it. He is correct in that; he is making estimates now for the 35 feet, and he says when we attain that depth we will not, of course, have 40 feet in the future unless some future Congress provides an appropriation to dig this channel to a depth of 40 feet. That, of course, is correct, is it not? The whole proposition in this particular is to complete the channel in five years. It is not something to be done within a few days.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWITZER. I would ask for three minutes more, as I have been interrupted frequently.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SWITZER. I expect to see some day or other a 40-foot channel to the Brooklyn Navy Yard. There is 40 feet from the sea one way, and we will soon have 35 feet on the other way, and with the high tide it will be 40 feet from Long Island in. Now, as to the Secretary of the Navy and the Secretary of War. While it is true that through some one importuning, I presume pretty strongly, at some time or other, they got them to sign those two letters which came in last May; but there is nothing from the Secretary of War or the Secretary of the Navy so far in this respect since this bill has been prepared. This is strictly a naval proposition for the benefit of the Brooklyn Navy Yard, and if the Navy wants it, if the Secretary of the Navy wants this, why has not he appeared before our committee at this time? Why has not he sent some representative before that Committee on Rivers and Harbors? Why has not the Secretary of War? We asked the Secretary of War to submit a list of all war measures before we began consideration of the bill, and he has not suggested anything of this kind. No naval or military official has suggested anything of the kind. It is merely representatives of the good people of New York City who are anxious to get this 40 feet. They have come over here, the mayor and delegation from the city and an ex-member of this committee [Mr. Hulbert], and they visited the President of the United States.

I have no doubt they visited the Secretary of the Navy and the Secretary of War, but they got no letters this time, gentlemen; keep that in mind. There are no letters now before our committee at this time and no requests.

Mr. SIEGEL. Will the gentleman yield?

Mr. SWITZER. I will yield.

Mr. SIEGEL. On February 5 the Secretary of War, in writing me, stated, in the course of a long letter:

> In this connection you may be interested to observe, on page 2 of the document, that the improvement actually adopted was not only recommended by the general board of the Navy and the draft board but was also duly approved by the Secretary of the Navy, the Secretary of War, and the President.

And this letter was written by the Secretary in February, previous to his leaving to go abroad.

Mr. SWITZER. That was last year.

Mr. SIEGEL. Oh, no; this year.

Mr. SWITZER. That is a late letter?

Mr. SIEGEL. It is a late letter, just written.

Mr. SWITZER. Not since we have introduced this bill?

Mr. SIEGEL. This is a late letter, of date of February 5.

Mr. SWITZER. I understand that.

Mr. CLEARY. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. CLEARY. The gentleman from Ohio stated that we already had 40 feet up to the navy yard. What is the gentleman's authority for that statement?

Mr. SWITZER. That is from the lower bay. That is provided for through Buttermilk Channel.

Mr. CLEARY. That is a mistake. It is not dug out at one end any more than the other, but Col. Newcomer told me yesterday that that is what they are going to do now—dig out on this end. It is not finished. I want the gentleman to understand that, because——

Mr. SWITZER. But appropriation is made for that.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TILSON. Mr. Chairman, there are two very good reasons why this particular improvement should be made. The first, and to my mind the most important, is the military value of having a complete passageway for capital ships, or ships of any probable draft, all the way around Long Island.

Last year we had a number of battleships in Long Island Sound. Some of them were at the Brooklyn Navy Yard prior to that time, and, as I recall it, it took them three days to get around into Long Island Sound, where the celebration was held, opposite the district of my friend from the fourth district of Connecticut [Mr. MERRITT]. If this improvement were made, we should have a sort of super-Kiel Canal all the way from the eastern end of Long Island Sound around by way of New York and out to the open ocean again.

Mr. KENNEDY of Iowa. Will the gentleman yield?

Mr. TILSON. I will.

Mr. KENNEDY of Iowa. Does not the gentleman think that a 40-foot channel ought to be provided at the earliest possible date?

Mr. TILSON. As early as can be. It can not be provided day after to-morrow, but I think we ought to set the plans right and work toward them.

Mr. KENNEDY of Iowa. Do you not know that a 35-foot channel at ebb tide means a 40-foot channel at high tide?

Mr. TILSON. Yes; but I can easily imagine a situation in which we might not wish to wait for high tide.

Mr. KENNEDY of Iowa. We can complete the 35-foot channel a year earlier than a 40-foot channel.

Mr. TILSON. The time is important, of course, but we ought to have it right, and the time consumed in making it 40 feet will be less if we do it all at once than if we have to do it twice; that is, if we make it 35 feet and then again stop all commerce and make it 40 feet.

The commercial factor is an important one. New York is our greatest port. Its harbor is used more than any other harbor in our country, and it is destined to be used more and more as time goes on. It is already congested. We need the additional room above Hell Gate for large ships. True, there are no ships that will require this draft running through Long Island Sound at the present time, but if we have the channel deepened so that ships of great draft can go above Hell Gate, docks will be built above Hell Gate. The city of New York is building northward; it is building along this shore. The Bronx has doubled in population in a very short time.

Mr. DEMPSEY. Will the gentleman yield right there?

Mr. TILSON. Yes.

Mr. DEMPSEY. The Bronx has grown to be the sixth city in population in the United States in the course of the last two years.

Mr. TILSON. We need the wharfage room all the way up this channel. As soon as this part of the channel is made the depth of 40 feet we shall be in a position to extend the wharfage indefinitely, so far as the business of the city will justify it.

Mr. KENNEDY of Iowa. Will the gentleman yield again?

Mr. TILSON. I will.

Mr. KENNEDY of Iowa. The gentleman knows, of course, as the gentleman from Ohio [Mr. SWITZER] has well said, that this 35-foot project, with ultimately a 40-foot depth, was adopted on a report by a joint board of Army and Navy officers, as an Army measure, and not as a commercial proposition.

Mr. TILSON. As I started out by saying, it is quite worthy even as a purely military matter.

Mr. DEMPSEY. Will the gentleman yield?

Mr. TILSON. I will.

Mr. DEMPSEY. The report was made on the 4th day of February. The declaration of war was on the 6th of April, and the two letters came about one month later, on the 7th and the 15th days of May. So there was not any report of the Navy and Army engineers.

Mr. TILSON. Whether there was war actually going on or not, or whether we shall ever have another war, we ought to have the facilities for commerce which a channel of 40 feet in depth through Hell Gate will furnish us. National defense and international commerce demand this improvement, and we ought to have it as soon as we can get it. [Applause.]

Mr. SMALL and Mr. MADDEN rose.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Chairman and gentlemen, I am glad to say at the threshold that if this were a matter of accommodating the personal wishes of my amiable and attractive friend from New York [Mr. DEMPSEY], he would only have to make the request. While I have not had so long an acquaintance with the other gentleman from New York, a member of the committee [Mr. CLEARY], a request from him would induce me to go a long way in compliance. I am sorry I can not yield to the request of the gentleman from New York [Mr. DEMPSEY] that I should withhold opposition to this amendment. A strong sense of duty, a duty to this bill, a duty to the House, induces me to oppose it and to say that it is absolutely without justification.

If I could be so fortunate as to express myself so clearly as I think in opposition to this amendment, there would be no difficulty in convincing the House.

Mr. LINTHICUM. Will the gentleman yield for a question? I want to know how you managed to secure those two letters from the Secretary of War and the Secretary of the Navy if it was absolutely unnecessary?

Mr. SMALL. I did not secure any two such letters from those officials. They did not consult me. However, I will later refer to those letters.

In 1913 a report was submitted for the improvement of the East River and Hell Gate to a depth of 35 feet, at a total estimated cost of $13,400,000. That is known as House Document No. 188, Sixty-third Congress, first session. Prior to the adoption of that report as a whole, by a resolution in 1915, we provided for the removal of Coenties Reef, between the Battery and Governors Island. And then, again, in the river and harbor act of 1916 we provided for the deepening of Diamond Reef in accordance with this project, Diamond Reef being just a little above Coenties Reef or near it. When the bill, which was approved August 8, 1917, was reported, it came in with this language:

East River, N. Y.: For improvement in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, $1,250,000.

That is the way the bill was brought into the House. Perhaps I had better divert here if perchance there should be any Member not acquainted with the physical characteristics of the East River. It extends from the upper bay, below the Battery, around the east side of Manhattan Island, separating Manhattan Island from Brooklyn, through Hell Gate and Throgs Neck to Long Island Sound. The controlling depth in Hell Gate now is 26 feet, and any deepening has to be through solid rock. We have heretofore provided for 40 feet from the upper bay to the navy yard on East River, which included the removal of Coenties Reef and Diamond Reef as a part of the 40-foot channel to the navy yard. There is an existing depth of 40 feet in East River from the navy yard to Hell Gate. Hell Gate may be said to extend from the upper end of Blackwells Island to Negro Point Bluff, a distance of about 1¼ miles. Beyond Negro Point Bluff and thence through Long Island Sound a depth of 40 feet exists.

So that we have in East River between the navy yard and Hell Gate 40 feet plus, through Hell Gate a minimum depth of 26 feet, and beyond Hell Gate 40 feet, so that the crux of this project lies at the deepening of Hell Gate, and when you deepen Hell Gate to 35 feet it means you are going through solid rock, getting 9 feet of depth more than the present depth of 26 feet. Of course, even where 40 feet now exists in East River the channel will have to be greatly widened, say, to 900 feet.

Mr. MOORE of Pennsylvania. The gentleman states that the controlling depth at Hell Gate now is 26 feet?

Mr. SMALL. Yes; 26 feet.

Mr. MOORE of Pennsylvania. What can be had there on tide?

Mr. SMALL. Five feet, making 31 feet.

Mr. MOORE of Pennsylvania. May I ask what the present authorized project is?

Mr. SMALL. Forty feet.

Mr. DEMPSEY. One minute, Mr. Chairman——

Mr. SMALL. I object. I would rather answer the question that is propounded to me. The present project is for 40 feet, 35 feet to be secured as soon as practicable and 40 feet ultimately. That is the project we have adopted.

Mr. MOORE of Pennsylvania. To what extent have appropriations been made for the 35 feet?

Mr. SMALL. We carried $1,250,000 in the last bill, and we carry $2,200,000 in this bill.

Mr. MOORE of Pennsylvania. Has any appropriation been made for the 40-foot project?

Mr. SMALL. No. The estimates are for the 35-foot project.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SMALL. Now, Mr. Chairman, if I may develop my case——

Mr. MOORE of Pennsylvania. Will the gentleman yield for one more question?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Can he state what percentage of the 35-foot project has been completed?

Mr. SMALL. The depth across Coenties Reef is about completed, if not entirely so, and the depth of 40 feet up to the navy yard is about completed, not entirely completed, as the gentleman from New York said.

Mr. MOORE of Pennsylvania. How long would it take to complete the through channel to 40 feet?

Mr. SMALL. Estimated from four to five years, and two years for the 35 feet.

Mr. DEMPSEY. Four years, to be done as one job, and five years if done piecemeal, the way the law is and contemplates. Is not that it?

Mr. SMALL. Substantially.

Now, as I said, when the river and harbor bill was reported last session it came in with a paragraph adopting that 35-foot project. A distinguished Member of this House at that time, Mr. Hulbert, was not satisfied, but wanted 40 feet depth

through East River and Hell Gate, and through his persistence he secured two letters, one from the Secretary of the Navy and one from the Secretary of War.

Now, I am willing to concede, for the purpose of entire frankness, that those letters might bear an interpretation of asking for 40 feet immediately, but they did not correspond with the official records of both the Navy and the War Department; and therefore, for the sake of consistency and in conformity with the policy of Congress, we adopted the 40-foot project, in accordance with the report of the joint board. And what were those official records? In the naval appropriation bill of 1916 there was a provision authorizing the Secretary of the Navy and the Secretary of War to investigate, with a view to making any recommendations for the improvement of harbors or channels for the operation of the fleet, and they brought in this report, submitted March 29, 1917, known as House Document No. 140, Sixty-fifth Congress, first session. I now quote from that document:

Under date of November 14, 1916, the joint board submitted the following report, which was duly approved by the Secretary of the Navy, the Secretary of War, and the President.

I now quote from this document the recommendation of the joint board for the improvement of East River:

The only connecting channel the construction or improvement of which the Navy Department considers necessary is the channel through Hell Gate and East River between New York Harbor and Long Island Sound.

The channel should be given a depth of 35 feet as soon as practicable and an eventual depth of 40 feet.

I ask you to observe the concluding language. Based on those letters from the Secretary of the Navy and the Secretary of War, an amendment was offered by Mr. SMALL, the chairman, while the bill was under consideration in the House. The amendment followed the provision for 35 feet, as reported by the River and Harbor Committee, and was in the following language:

And for a 40-foot channel through East River and Hell Gate, in accordance with the report submitted in House Document No. 140, Sixty-fifth Congress, first session.

As above stated, the appropriation was not increased. This amendment authorized "a depth of 35 feet as soon as practicable and an eventual depth of 40 feet."

That is the way the bill was passed in the House. It passed the inspection of Mr. Hulbert and had his approval. In fact, I might say it is my best recollection that Mr. Hulbert drafted this amendment himself. The bill after it passed the House went to the Senate. It passed the inspection of the Senate Committee on Commerce, the eagle eyes of the two New York Senators, and the Senate itself, and became a law, adopting this project of 40 feet in accordance with Document No. 140.

There was not a word of complaint about the matter all during last fall, until we met here in December or in January, when the distinguished Member at that time, Hon. Mr. Hulbert, came before the committee. What was his complaint? Not that he wished this amendment. He was satisfied with the law which he had drafted, but he said the Chief of Engineers had willfully misconstrued that law. The Chief of Engineers had said that, in obedience to the law, he was proceeding to make estimates and plans for 35 feet as soon as practicable and ultimately 40 feet. And then recently, my distinguished friend, whom I love very much, Mr. DEMPSEY, made a discovery of what he thought were these two letters, sent to the chairman of the committee last session while the river and harbor bill was under discussion. He concluded that these letters recommend providing 40 feet immediately and is now insisting on amending this bill.

The trouble about my distinguished friend is that he is thrashing over old straw. The committee went into all this matter and discussed it thoroughly in the last bill. I thought it was forever behind us. We had a hearing this session in January, at which Mr. Hulbert and other distinguished gentlemen from New York City were present, and also my distinguished friend who offers this amendment was there. Every argument that he has produced to-day was produced in that hearing before the committee. We had everything before us. We have considered it carefully.

Let me say another thing: If you adopt this amendment, you go directly in the face of a report which has been submitted to you by a joint board of the Army and the Navy——

Mr. DEMPSEY. On the 4th day of February, 1917, before the declaration of war about two months.

Mr. SMALL. Well, my friend says that these letters from the Secretary of the Navy and the Secretary of War were written after we had declared war. But assume this to be true. That was all discussed pro and con when the bill of last session was under consideration, and the House adopted the amendment to the previous bill, which amendment I have read.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MADDEN. I thought I heard the gentleman say something about a depth of 26 feet at Hell Gate and the difficulty of getting down to the depth provided in this project.

Mr. SMALL. Yes.

Mr. MADDEN. Because they had to go through rock.

Mr. SMALL. Solid rock.

Mr. MADDEN. What depth is it proposed to make this channel?

Mr. SMALL. Ultimately 40 feet.

Mr. MADDEN. What depth is it proposed to make it now?

Mr. SMALL. Thirty-five feet.

Mr. MADDEN. What is the depth of the channel in other places now?

Mr. SMALL. Hell Gate extends from the northern end of Blackwells Island, around the southern end of Wards Island, and up to Negro Point Bluff, as I remember, about a mile and a quarter, and the minimum controlling depth there is 26 feet.

Mr. MADDEN. It is proposed to cut it down to 35 feet immediately?

Mr. SMALL. Yes.

Mr. MADDEN. So as to make it in accordance with the rest of the channel?

Mr. SMALL. Yes.

Mr. DEMPSEY. The rest of the channel is 40 feet.

Mr. MADDEN. I thought I understood the gentleman to say it was proposed to cut it only 5 feet more, because of the difficulty of cutting through the rock?

Mr. SMALL. No; it is proposed to deepen it 9 feet more.

Mr. MADDEN. There is no more difficulty about cutting through rock than there is through mud, not a bit.

Mr. DEMPSEY. The depth outside of Hell Gate, except at Diamond Reef, is 40 feet, and work at Diamond Reef is being done to make it 40 feet, so that the entire channel except at Hell Gate would have a depth of 40 feet.

Mr. MADDEN. And if that mile and a quarter was made 40 feet, the whole channel would be 40 feet deep?

Mr. DEMPSEY. Yes.

Mr. SMALL. The whole channel would be 40 feet. Of course, it is not sufficiently wide now. It would have to be widened, you understand, which is very expensive work. Now, if I may proceed, the gentleman is depending entirely upon these two letters, sent by the Secretary of the Navy and the Secretary of War at the last session.

Mr. MOORE of Pennsylvania. Before the gentleman proceeds, just following up the question of the gentleman from New York [Mr. DEMPSEY], will he state what the estimated cost would be of a 40-foot channel?

Mr. SMALL. The estimated cost of a commodious channel 40 feet deep would be $36,000,000.

Mr. DEMPSEY. What would be the cost of a practicable channel, which it is intended to secure first?

Mr. SMALL. The cost of a practicable channel 35 feet deep would be $13,400,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I would like recognition.

Mr. SMALL. I would like five minutes more.

Mr. MADDEN. Reserving the right to object, I would like to follow the gentleman from North Carolina.

The CHAIRMAN (Mr. BYRNS of Tennessee). The Chair will endeavor to recognize the gentleman. Is there objection?

There was no objection.

Mr. LINTHICUM. I should like to ask whether this depth of 26 feet is at high tide or low tide?

Mr. SMALL. At mean low tide. At high tide it is 5 feet more. Now, I will ask not to be interrupted until I finish this one point.

Mr. MOORE of Pennsylvania. The gentleman from New York [Mr. SIEGEL] has a letter, which seems to me——

Mr. SMALL. I am coming to that.

Mr. MOORE of Pennsylvania. All right.

Mr. SMALL. Now, as I stated, these two letters were considered at the last session, and the bill was amended accordingly, so that it is past history, and as my distinguished colleague from Ohio [Mr. SWITZER] said, there is no letter here at this time from either the Secretary of the Navy or the Secretary of War asking that this amendment be adopted. There is, however——

Mr. ROWE. Has either one of these letters been withdrawn?

Mr. SMALL. Of course they have not been withdrawn that I know of, except by inference. They have been withdrawn substantially by the Secretary of War. I asked the Chief of Engineers for any correspondence that had been had on this subject since the enactment of the last river and harbor act, and

he referred me to a letter from a distinguished Member of this House, Hon. ISAAC SIEGEL, addressed to the Chief of Engineers on January 31, 1918, upon this very subject.

This letter was as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 31, 1918.

MY DEAR SECRETARY: Before the Rivers and Harbors Committee yesterday Col. Newcomer testified that on the East River and Hell Gate project the War Department had advertised for the letting of contracts for 35-foot channel.

Congress at its last session placed the following language in the act:

"East River, New York: For improvement in accordance with the report submitted in House document No. 188, Sixty-third Congress, first session, for a 40-foot channel through East River and Hell Gate, in accordance with the report submitted in House document No. 140, Sixty-fifth Congress, first session, $1,250,000."

Under these conditions may I ask you to immediately take such action as you deem necessary so that the intent of Congress as expressed by the act may be executed, and let the advertising be done for 40-foot channel.

Very sincerely, yours, ISAAC SIEGEL.

So it appears that the gentleman from New York [Mr. SIEGEL] had the same thought as the former Member of the House, Mr. Hulbert, not to amend the act, but to secure an interpretation of the law in the river and harbor act of August 8, 1917, in accordance with his contention. Now, here is the reply of the Secretary, who, they say, recommends the present securing of 40 feet immediately:

WAR DEPARTMENT,
Washington, January 5, 1918.

Hon. ISAAC SIEGEL,
House of Representatives.

MY DEAR MR. SIEGEL: I have the honor to acknowledge the receipt of your letter of January 31, asking me to take such action immediately as may be necessary, so that the intent of Congress may be executed by at once advertising the work of a 40-foot channel instead of a 35-foot channel through Hell Gate in accordance with the following provision in the river and harbor act of August 8, 1917:

"East River, N. Y.: For improvement in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, and for a 40-foot channel through East River and Hell Gate, in accordance with the report submitted in House Document No. 140, Sixty-fifth Congress, first session, $1,250,000."

You will observe that the law authorized a 40-foot channel in accordance with the report submitted in the document specified. It is necessary, therefore, to consider the terms of the document in order to ascertain the full legal status of this improvement. By referring to this report you will find, on page 3, paragraph 61 (c), that the improvement proposed at this locality is as follows:

"61 (c) The only connecting channel the construction or improvement of which the Navy Department considers necessary is the channel through Hell Gate and East River between New York Harbor and Long Island Sound. This channel should be given a depth of 35 feet as soon as practicable and an eventual depth of 40 feet."

The authorization of the 40-foot channel, therefore, through East River and Hell Gate, in accordance with this document, obviously authorizes the immediate provision of only the 35-foot channel, to be increased ultimately to 40 feet. The course you propose is not deemed permissible, unless some change is made in the law to authorize it.

In this connection you may be interested to observe, on page 2 of the document, that the improvement actually adopted was not only recommended by the General Board of the Navy and the Joint Board, but was also duly approved by the Secretary of the Navy, the Secretary of War, and the President.

Very respectfully, NEWTON D. BAKER,
Secretary of War.

The committee at the beginning of this session invited the Secretary of War to recommend any project as intimately associated with the prosecution of the war and which ought to be included in this bill. The Secretary of War not only did not make a recommendation to enlarge this project as this amendment proposes, but he wrote to the gentleman from New York [Mr. SIEGEL] the letter which I have just read, indicating inferentially if not directly that he was opposed to the amendment. And, at any rate——

Mr. SIEGEL. Will the gentleman yield?

Mr. SMALL. I can not yield. The gentleman can put his own interpretation upon it. This letter indicates, inferentially and directly, that he is satisfied with this provision in the last river and harbor act.

Now, that is the letter of the Secretary of War to the gentleman from New York. If I had the time I would like to read a long memorandum from the Chief of Engineers, dated February 13, 1918, addressed to the Secretary of War upon the same subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. May I have one minute more?

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SMALL. But, gentlemen say, if we are to have 35 feet as soon as practicable and 40 feet eventually, why not have it all at one time? That is an engineering problem, and I doubt not there are good engineering reasons; but I submit this additional reason: Thirty-five feet can be secured in two years. At high tide, that will mean 40 feet. It will take at least four years, and probably five years, to get the 40 feet, and until the whole 40 feet is accomplished it will not be available.

That in itself would constitute a good reason. One other reason: This 35 feet is absolutely all that is necessary for the commercial needs of the great port of New York and East River. My friend, the gentleman from New York, Mr. CLEARY, will not deny it; everybody familiar with the subject will admit it. The only reason we want 40 feet is for the Navy, and the Secretary of the Navy and the Secretary of War are not here protesting against the provision that we put in the last bill, which was in accord with the report adopted under the paragraph of the naval bill approved by the Secretary of the Navy and the Secretary of War and the President. Your committee have endeavored to give you a consistent provision and to deal fairly with the great port of New York, and I ask you to sustain the action of the committee. [Applause.]

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, during the consideration of the river and harbor bill last year the chairman of the committee, the gentleman who has just taken his seat, introduced an amendment which is published on page 3986 of the CONGRESSIONAL RECORD of June 15, 1917, and it provided for the improvement of the East River in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session:

And for a 40-foot channel through East River and Hell Gate, in accordance with the report submitted in House Document No. 140, Sixty-fifth Congress, first session, $1,250,000: *Provided*, That the unexpended balances of appropriations heretofore made and authorized for the improvement of East River and Hell Gate are hereby made available for improvement in accordance with the report submitted in said document: *Provided further*, That a depth of 40 feet is authorized across Diamond Reef: *And provided further*, That so much as may be necessary of this and any other appropriations made herein or hereafter for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Mr. SMALL, chairman of the Committee on Rivers and Harbors, in that connection made this statement:

Mr. Chairman, just a brief statement. As the item for East River was originally reported it provided for 40 feet from the lower bay to the navy yard in East River, but did not provide for 40 feet through Hell Gate, at the upper end of East River, running into Long Island Sound. The naval officers and the Secretary of the Navy were quite insistent for strategic reasons that we should have also 40 feet from East River into Long Island Sound. They took it up with the Secretary of War, resulting in a general recommendation. The committee then considered it and agreed to it.

What has changed the mind of the gentleman from North Carolina, chairman of this great committee? He assumes a different attitude to-day from the attitude that he then assumed.

Mr. SMALL. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. SMALL. "The gentleman from North Carolina" is assuming the same attitude to-day that he did then. We say now that a 40-foot project for East River has been adopted.

Mr. MADDEN. The gentleman says in the course of his discussion that under the present law it will not be possible to make an appropriation for a 40-foot channel at Hell Gate.

Mr. SMALL. Because the project requires 35 feet first.

Mr. MADDEN. That difficulty is proposed to be remedied by the amendment pending in the House, and that is the reason it is here.

Mr. SMALL. May I ask the gentleman a question?

Mr. MADDEN. Certainly.

Mr. SMALL. Does the gentleman think it a wise policy for the Rivers and Harbors Committee or the House to adopt a project or a modification of a project without having first had it examined?

Mr. MADDEN. If there is anything that could have been examined, judging from the amendment adopted by the House June 15, 1917, and expatiated on so eloquently by the distinguished gentleman from North Carolina, who quoted the urgent recommendation of the Secretary of the Navy, I do not know how we could get a better recommendation than the gentleman and the Secretary of the Navy gave if what he said on June 15, 1917, had any bearing on the case.

Mr. DUPRÉ. Does the gentleman from Illinois always abide by the recommendations of the gentleman from North Carolina?

Mr. MADDEN. No; and I do not abide by them now; I am calling attention to his inconsistency and the necessity of doing something to rectify the wrong that exists now under which we are unable to get consideration for a proposition that he says deserves consideration. Now, we have the great East River project in New York that has already been adopted, on which it is proposed to spend $13,400,000, to which would be added

$2,000,000 more if we adopt the 40-foot project, and upon which we have already appropriated $1,250,000. I do not know the total length of East River, but whatever the length may be there is only 1¼ miles at the point known as Hell Gate that has not already 40 feet depth, as I understand it.

Mr. DEMPSEY. The gentleman is absolutely correct.

Mr. MADDEN. There it has a depth of 26 feet, and the proposition is to make it 35 feet, and the opposition to making it 40 feet is because of the cost, as it will go through rock. It is no more difficult to go through rock than it is through mud. Science has found a way to cut through any material. I can show them how, if they do not know, to get the depth without any excessive cost or difficulty or serious delay. I do not see any reason why we should spend $13,400,000 to deepen this river unless we need it. If we needed 35 feet and there is only a mile and one-quarter obstruction, which is 26 feet, that mile and one-quarter obstruction impedes the progress of the whole movement. It seems to me that there ought to be some consistency in a problem like this. The Secretary of the Navy says it is one of the essential things. He says that we need a land-locked harbor for the Navy.

And he thinks we can find it in Long Island Sound, if they can pass through this channel, and everybody admits they can not pass through this channel unless we deepen it at Hell Gate. Hell Gate is an obstruction of only a mile and a quarter in length, and yet we are afraid to proceed with the improvement because it will violate some rule that has been adopted by the Rivers and Harbors Committee in the procedure which it adopted. Procedure and rules are only invented to prevent people from getting what they ought to have and to give other people what they ought not to have. That is what rules are for. Regulations! Go up to one of these departments and they will tell you that the regulations are violated if they do the thing that you want to have done. That is simply because they do not want to do what you want, but these regulations can always be set aside when they want to do what you want. They are there for the purpose of turning people out they do not want in and for letting those in behind the bars whom they want in, and so with the Committee on Rivers and Harbors. If they have friends anywhere that they want to favor, they make the rules accordingly. If there are those that they do not want to favor, they cut them out by making a new rule, and then they will call attention to document 140 or 148 or some other number [laughter], and they will tell you that you must read the whole document to understand what the law is.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SMALL. The gentleman has attempted to characterize this committee as formulating its bill through personal favor and prejudice. I repudiate that for the committee, and I say that the gentleman is in error.

Mr. MADDEN. Of course. That is characteristic of the gentleman. When anybody disagrees with him he always repudiates everything that he does not agree with. He repudiated the statement just a few moments ago that he made last year upon the floor of the House by taking a different position. Therefore I do not feel bad at all at being repudiated when he repudiates himself. I am in good company when I stand beside the gentleman from North Carolina [Mr. SMALL]. If the chairman of the committee can not agree with his own attitude last year upon the subject that is pending now before the House, what right have I to complain because he does not agree with me? [Laughter.] I am mighty glad to be in his company. He is a very nice man; he has a very persuasive way. He knows how to get what he wants when he wants it, and that is a good deal more than a lot of us know. I am glad that I am considered of sufficient importance to be repudiated by the gentleman from North Carolina, because if he can afford to repudiate himself then I am delighted to be able to stand beside him, even if for a few moments only. I have not any thought at all of insinuating there is any ulterior purpose on the part of any member of this committee in the establishment of rules and regulations upon which the bills they report are formulated, but they are not infallible any more than anyone else is, and this great harbor of New York, the greatest harbor in America, if not in the world, ought to be given the consideration which its importance justifies. [Applause.]

Mr. CALDWELL. Mr. Chairman, since this report was written, and since, in fact, the appropriation was made last year, there has been a development on the east of this waterway, known as Flushing Bay, which gives this proposition an added importance. Practically the whole of the harbor of New York has become overcongested with the operations of the war. More than 60 per cent of our matériel and men sent across to France is going through New York Harbor, and it has filled up all the available space. Here, within the last few days—not weeks, but days—Flushing Bay, which is just east of Hell Gate, has been taken for the purpose of building concrete ships to carry our men and munitions across to fight for us. This work can not go on in Flushing Bay to the extent it should go on unless this waterway is opened as it should be opened. Understand, Flushing Bay is a part of—or, rather, is connected with—Long Island Sound, just at the entrance into the East River at Hell Gate, and if the matériel and ships that are to be constructed in Flushing Bay are to be used and not to be subjected to the danger of passing through these Hell Gate rocks, then the Hell Gate rocks must be removed, and it is now for us to do that which we tried to do in the last session of Congress—appropriate the necessary money and put in the necessary words to enable this work to be done. Understand, we are right now collecting for the next few weeks $3,000,000,000 to carry on the war, and I am proud of the fact that on the first day of the campaign New York City subscribed more than 10 per cent of its maximum allotment, and on Long Island town after town has already subscribed every bit of its maximum allotment. This is the place that the money is to be spent, and I say that it is only fair to this country, it is only fair to these patriotic people who have given up their sons and who are now pouring forth their money, that this development go on and that the country be given that which we can give it at this time. I therefore favor the amendment. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, with all the pleasure in the world I rise to support the proposition before the House, and I do it on the broad principle that the benefits that may accrue locally to the harbor of New York and vicinity from this improvement are at the same time a direct benefit to the interior of the United States. The Middle West will be benefited, practically the entire country will be benefited, by improving this harbor which serves the Nation. I speak, representing the second largest port and harbor in the world, in favor of the largest in the world, which is New York City.

There may be some items in the usual river and harbor bill subject to criticism—at least, criticism has been offered somewhat to the bill in times past—but I believe it is an absolute truth, not subject to denial, that every dollar that has been expended in the improvement of harbors in places where great transportation lines center has been the best money ever expended by this Government on any improvement. [Applause.] Now, just let me cite an exact illustration: Before the Government undertook the 20-foot channel, or even the 14-foot channel, from Duluth to Buffalo, it would cost a farmer of Minnesota, of Dakota, Iowa, Wisconsin, and elsewhere from 10 to 15 cents a bushel to take a bushel of grain from one of the terminal markets to New York. That same grain is now being carried at not to exceed a cent and a quarter a bushel, and is often carried at five-eighths of a cent. That is a direct benefit to the men who grow the grain. New York City contains the greatest harbor in the world, and it does not belong to New York City, but it belongs to the Nation. [Applause.]

In the improvement of facilities in New York Harbor, making cheaper transportation, we are improving and making more serviceable to the Nation a national institution. In doing this we benefit every section of the country, wherever a farmer grows and wherever industry produces. Transportation has a direct connection with production and every dollar that cheapens transportation by that much enhances the value of that which is produced. So whatever we spend in the improvement of New York Harbor, improving transportation facilities there, is money well spent. Although New York City unquestionably is in point of commerce the greatest port in the world, many of the port facilities are the poorest in the world. They are nowhere near as modern as many places on the Great Lakes and many places in Europe. One of the crying needs of the hour is improved port facilities at New York. I remember when this item was up a year ago looking into it with some interest and I was firmly impressed with the desirability of a 40-foot channel opening up an eastern entrance to the harbor, not simply for the benefit of New York but for the general benefit of the United States. This is rightly termed a war measure, but in a larger sense it is vital to the proper economical development of the industries of America. [Applause.]

Mr. LUNN. Mr. Chairman, I heartily agree with the remarks of the gentleman from Minnesota [Mr. MILLER]. We must all admit that whatever benefits New York Harbor as a commercial center is of distinct benefit to the whole Nation. I want to speak very briefly regarding the attitude of the Secretary of the Navy and the Secretary of War. These eminent gentlemen carefully considered this matter of depth one year ago, and both of them definitely favored a 40-foot channel. Having listened

attentively to the chairman of the committee and to others, I failed to hear anything that showed a change of mind on the part of the two Secretaries. In his letter to the chairman, Mr. SMALL, the Secretary of the Navy gave cogent reasons why the channel should be made 40 feet.

After referring to the plan for a depth of 35 feet, and eventually to 40 feet, Secretary Daniels said:

> While deepening and straightening the channel through Hell Gate will be of unquestioned advantage to the commercial interests of the country, the strategic value to the Navy is so great that I believe consideration should be given to securing this channel of 40-foot depth at the present time. While in the beginning a concession was made to obtain a depth of 35 feet and ultimately 40 feet, it was considered that it would be highly desirable, both from an economical standpoint and from a strategical standpoint, to have the work, after it was once begun, continued until the depth of 40 feet has been obtained throughout, and the straightening of the channel, in order to allow the easy and free passage of large ships as well as to prevent the formation of tidal eddies and currents, had been accomplished—

Has Mr. Daniels receded from the position taken last year? Not at all. He then goes on to show the strategic value—

> It will be readily understood that a 40-foot depth of channel leading into the navy yard from the south and an equal depth through Hell Gate would practically double the strength of our fleet if concentrated in Long Island Sound, for the reason that the exits at Ambrose Channel and Montauk Point are so far apart that it would take double the force to contain our fleet in these waters in order to guard the outlet at both of these points to prevent the egress of our fleet.

He has not changed his mind on that point. I submit also that New York is a natural war base. It must be protected at all hazards, not to the exclusion of other points, but that there is a vital necessity for her protection we all recognize. Even if it were for commercial purposes alone, we ought to have a channel that will best serve the whole country, and when we add to that the military and naval necessities I can not escape the force of the simple argument advanced that when you are digging a channel of 35 feet go on and dig 5 feet more, not eventually, but at the time. It sounds most reasonable, and I can not accept the argument against the proposition.

As to the Secretary of War, we find that in a letter to Chairman SMALL, written May 15, 1917, he agrees with the Secretary of the Navy as to the importance of going to a depth of 40 feet. He writes:

> As the result of mature reflection and in view of the recommendation of the Secretary of the Navy, I beg leave to concur in the suggestion that an amendment be introduced providing for the present increase in this proposed depth to 40 feet. In other words, I am seconding the recommendation of the Secretary of the Navy, and I trust that you and your associates on the committee will find it possible to make this one change in the proposed measure.

It was clear as to just what the Secretary of the Navy, seconded by the Secretary of War, considered to be the most desirable depth. They have not changed their opinions, and I am of the number who accept their judgment.

Mr. SIEGEL. Will the gentleman yield?

Mr. LUNN. I will yield.

Mr. SIEGEL. I want to state the exact language the Secretary quoted to me when I saw him after he had written me the letter of February 5, 1918. I never thought and did not think up until to-day that any man would take the floor and state that it requires a letter from the Secretary in order to show that there has been a modification of the language.

Mr. LUNN. One more point, and then I am through, and that is this: Some members of the committee with whom I have argued privately, because I wanted to be right on this question, have said that the work for a 35-foot channel could be done in two years, and possibly at the end of that time the war would be over and materials be very much reduced and the cost thereby reduced for the extension. That argument does not appeal to me. I am in favor of making our plans on the basis that we are in war and that we do not know when we will get out of war. It would be far better to plan for four years or more of war and have it end in two years than to plan for two years and have it continue for four years. The project is a worthy one. We all agree that military necessity demands that the channel be opened up, and all are practically agreed that the depth should ultimately be 40 feet. Then why not now? The Secretary of the Navy and the Secretary of War, who should know—and I believe they do know—have agreed as to the commercial and strategic necessity of the 40-foot channel, and they want it accomplished as soon as possible. I therefore favor the amendment and hope the committee will adopt it.

Mr. RAINEY. Mr. Chairman, representing in part an interior State, I am interested just as much as the gentlemen who represent New York State and Connecticut in ample harbor facilities for New York. And I understand that we are proceeding under the present plan to obtain in two years of time a depth of 35 feet, and I understand that the engineers of this Government, every one of them trained at West Point, all capable of looking at these improvements from a military standpoint, are in favor of proceeding with the development of this project to a depth of 35 feet. And I prefer to have their judgment as to military necessities than to have the judgment of these gentlemen from the vicinity of New York City who are advocating now the immediate adoption of a 40-foot project.

Mr. HUSTED. Will the gentleman yield?

Mr. RAINEY. I yield; yes.

Mr. HUSTED. Does the gentleman know that that is the present position of the engineers of the Army or the prewar position, as stated in the report which has been referred to?

Mr. RAINEY. I know that the engineers approved this bill just as it is. I know the Chief of Engineers has stated that these moneys provided herein are as much as can profitably be expended for these purposes at the present time.

Mr. DEMPSEY. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. DEMPSEY. Is the gentleman aware of the fact that the amendment proposed by the gentleman from New York does not increase the appropriation one cent? The only change is to adopt a 40-foot project in accordance with the two letters of the Secretary of the Navy and of the Secretary of War.

Mr. RAINEY. I understand this to be the case from the statement, the very clear statement, of the chairman of the committee, and—if I am mistaken the gentleman will correct me—I understand that we are proceeding now with the development of a 35-foot channel through Hell Gate, and I understand that it will cost $13,400,000. I am correct so far. And I understand that if we proceed now, changing the plans of the engineers, and adopt now a 40-foot channel, that that means a total expenditure before that project is realized for this purpose of over $36,000,000. Am I right about that?

Mr. DEMPSEY. The gentleman is entirely in error. He has two things confounded. The $13,400,000 is for a practicable channel through East River. The $36,000,000 is for a commodious channel. The one has no relation whatever to the other. The East River is 40 feet deep everywhere except at Hell Gate and Diamond Reef, and it is being made 40 feet at Diamond Reef, and the only obstacle to the depth of 40 feet is the mile and a quarter at Hell Gate.

Mr. RAINEY. Then the gentleman does not stand for a commodious channel through this section?

Mr. DEMPSEY. Not at present. A commodious channel is not what is contemplated at this moment.

Mr. RAINEY. Neither do I.

Mr. DEMPSEY. What is contemplated is a 40-foot practicable channel.

Mr. RAINEY. That is, a narrow channel, without widening it sufficiently to be of value?

Mr. DEMPSEY. It will be of value sufficient so that the Secretary of the Navy says it will make the Navy twice as efficient as it will be without it in that it will enable battleships to come up that way.

Mr. RAINEY. The gentleman made that speech a while ago, and has made it four or five times.

Mr. DEMPSEY. And it was interesting each time, because it was a fact and a vital fact.

Mr. RAINEY. It was intensely interesting, but the gentleman made it perfectly plain the first time, and he is only taking up valuable space in the CONGRESSIONAL RECORD when paper costs so much, and I must protest against putting it in so many times.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. I ask unanimous consent for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. I have supported all these bills as they came from the Committee on Rivers and Harbors. I voted for them always, even in the dark days when they were bitterly criticized, and I never had an item for my section of Illinois in any of these bills. And I expect to vote for this bill, and I congratulate the committee upon having reported out a particularly moderate bill, carrying only $19,227,900. And I protest against a proposition being injected into this bill at this time which means in order to get a commodious channel, and that is what they will be after when they come here next, an increase on this one item alone of $4,000,000 more than the total amount carried in this bill, upon the theory, first, that New York needs this channel for commercial purposes, because they say the port of New York is congested.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. GARRETT of Tennessee. I got the impression somehow last year that we were then providing for a 40-foot channel at this point; that that was the interpretation that the House placed upon it, and it was then agreed to.

Mr. RAINEY. I can explain that to the gentleman. It has been explained a good many times here, but——

Mr. GARRETT of Tennessee. I have not heard all of the discussion, I will say.

Mr. RAINEY. It has been explained very clearly by the gentleman from North Carolina, the chairman of the committee.

Mr. GARRETT of Tennessee. I am very sorry I did not hear the statement.

Mr. RAINEY. Ultimately, when the needs of commerce demand it, the policy is to dig this channel out to a 40-foot depth. The engineers are proceeding upon that theory now. At the present time there are no craft, according to the gentleman from Connecticut [Mr. TILSON], navigating Long Island Sound which need a channel deeper than 35 feet.

Mr. HUSTED. Will the gentleman yield?

Mr. RAINEY. No; I regret that I can not.

Mr. HUSTED. Just for one question. Does the gentleman think it would be practical for any vessels to navigate Long Island Sound that could not go through Hell Gate? The very reason they are not there is because they can not get through. If they could get through, they would be there.

Mr. SMALL. The gentleman says that vessels can not navigate through Hell Gate? There is a draft of 31 feet there now at high tide.

Mr. HUSTED. If the gentleman will permit, the argument was that this improvement is not needed because there are not any ships navigating Long Island Sound which require a greater depth than the present depth of Hell Gate.

Mr. RAINEY. I wish the Chairman would advise me who has the floor.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. RAINEY. There are no craft navigating Long Island Sound requiring a greater depth than they have now at Hell Gate. On account of the peculiar war conditions which exist to-day and the effect of the German submarine war, I doubt whether there is more than one ship sailing the seas of all the world that will require more than 35 feet. Perhaps the *Leviathan*, formerly the *Vaterland*, but sailing now under our flag, requires that much, but I can think of no other ship requiring that much water. We are building now in our navy yards and shipyards on both coasts an enormous number of ships. We have contracted for a great emergency fleet, to consist of nearly a thousand ships, destined to carry our khaki-clad soldiers to France while this war is on and our supplies, and after the war is over intended to carry our flag, floating over American cargoes, to all the seas of all the world, and I do not believe a single one of them will draw as much as 35 feet. The commercial necessities for a 35-foot channel have faded away into the distant future and as the demands for a 35-foot channel, the legitimate commercial demands for it, decrease, the energy and the oratory of these gentlemen who advocate now a 40-foot channel increase.

This is a sane river and harbor bill. It has been carefully considered by the committee; it is moderate in amount; it meets with the approval of the engineers; it would be exceedingly unfortunate to commence its consideration by adding to it an amendment which means an ultimate expenditure of $20,000,000 more on this one project than is now contemplated. This is a larger amount than the total carried by this bill. I congratulate the committee upon having well performed a difficult task. The bill they have reported out ought not to be burdened with this amendment.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LONDON. Mr. Chairman, in order to——

Mr. SMALL. Mr. Chairman, if the gentleman will permit me, may we not have some understanding as to the length of time this debate shall continue? I ask that all debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. HUMPHREYS. I would like to have at least five minutes.

Mr. FREAR. Reserving the right to object, I would like to speak about seven minutes.

Mr. SMALL. Then in 30 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the pending paragraph and all amendments thereto close in 30 minutes. Is there objection?

Mr. SIEGEL. Reserving the right to object, Mr. Chairman, I asked the chairman before for time. I desire to have three or four minutes in that time to speak in reference to some letters I have here.

Mr. SMALL. Then, Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. DEMPSEY. There is no objection, I will say to the gentleman from North Carolina.

Mr. SMALL. Then I will withdraw my motion, Mr. Chairman, and renew my request for unanimous consent.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, in order to deprive the discussion of all possible partisan character I thought it necessary to take up the defense of the project and the support of the amendment.

I always approach the river and harbor bill with a great deal of hesitation and circumspection. Somehow the prejudices which prevail throughout the country against this sort of legislation have lodged in a corner of my mind. I have been trying hard to dispel those prejudices. I do not believe I have given enough time to the study of all the projects involved. I do not believe it is physically possible for one to make a thorough study of every project involved in the river and harbor bill. But this I do know, that you will dignify this legislation, that you will make it worth while, that you will make it something that a man can honestly and unequivocally and unhesitatingly support by adopting the amendment.

It deals with a permanent improvement. It deals with something that will be of lasting value to the greatest city on the continent. Do not forget that while Boston claims to be the center of American civilization it is New York that is the center of this country. [Applause.] New York has the best schools, the best colleges, the best universities, and, all in all, New York is a miniature edition of America.

Mr. DUPRÉ. I want to add, "the best Congressmen."

Mr. LONDON. Of course, when you take me as the type. [Laughter.]

Mr. DUPRÉ. I must dissent from that part of it. [Laughter.]

Mr. LONDON. I am in favor of widening and deepening Hell Gate. We should promote the plan to remove an obstruction which is only 1¼ miles long, when the removal of that obstruction is essential to creating an improvement that will last for all time. You are not dealing with an expenditure that will be wasted in a year. You are dealing with a permanent and lasting improvement—something that will be of value to the generations to come.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LONDON. I do.

Mr. CAMPBELL of Kansas. Does the gentleman know enough about the engineering propositions to know whether or not if this engineering channel is cut the tides would wash and keep it open or whether they would close it up?

Mr. LONDON. I have enough to do to study the onrush of ideas. I do not know enough about the onrush of the tides to be able to tell the gentleman.

Mr. CAMPBELL of Kansas. Would the sand wash in and close up the channel?

Mr. LONDON. I know that both the Secretary of War and the Secretary of the Navy look upon this as an improvement of permanent strategic value.

Mr. RAINEY. Will the gentleman yield?

Mr. LONDON. I do.

Mr. RAINEY. Does the gentleman favor this as a war measure?

Mr. LONDON. I do.

Mr. RAINEY. This is the first war measure the gentleman has favored.

Mr. LONDON. The gentleman is entirely mistaken. I have always stood for everything that will make the American people permanently stronger.

The deepening of this channel at Hell Gate is of permanent strategic value, and I am certainly in favor of anything that will make the United States permanently stronger, that will enable the resources of the country to be utilized more effectually. The Secretary of the Navy says that this improvement will make the American Navy stronger. So that from every standpoint I should favor it. This amendment, calculated as it is to add permanent strategic value, to promote the interests of the greatest port in the country, and, therefore, necessarily to promote the interests of the entire country, should not be obstructed now, and the amendment should be adopted.

Mr. SIEGEL. Mr. Chairman, Hell Gate runs from Ninety-second Street, East River, New York, to approximately One hundred and sixteenth Street, East River, New York; in other words, from the northern end of Blackwells Island to the southern end of Wards Island.

When this question was up in June, 1917, the Members of the New York City delegation properly felt that having Mr. HULBERT, one of our colleagues, on the Rivers and Harbors Committee, he should prepare the amendment, having a distinct understanding at that time that it was to be a 40-foot channel. With the exception of the distance which I have described to you, from Ninety-second Street to One hundred and sixteenth Street, East River, there is now a 40-foot channel either actually in existence or shortly to be completed. That applies also to the Diamond Reef, to which reference has been made in the debate. So the whole question boils down to whether you are going to have this mile and four blocks, as we call it in New York City, to be 40 feet deep, so that a battleship leaving the New York Navy Yard, which is located in Brooklyn, may be able to pass through into Long Island Sound and then make its way out, or at a time like this, when submarines may possibly attack any ship, to have a 40-foot channel there, so that battleships may be able to come in through Long Island Sound and then through this channel, and through East River into the harbor of the city of New York, and then make their way up the Hudson, if necessary. The commerce of New York is constantly growing and the best interests of the Nation require this improvement.

Mr. LONGWORTH. Will the gentleman yield for a brief question?

Mr. SIEGEL. Yes.

Mr. LONGWORTH. What is the draft of our largest battleship?

Mr. SIEGEL. It will be 35 feet. Now, the gentleman from Illinois [Mr. MADDEN] has in his speech pointed out the statement made by the chairman of the Committee on Rivers and Harbors, at page 3986 of the CONGRESSIONAL RECORD on June 15, 1917, and I would quote the following language:

> The naval officers and the Secretary of the Navy were quite insistent for strategic reasons that we should have also 40 feet from East River into Long Island Sound. They took it up with the Secretary of War, resulting in a general recommendation. The committee then considered it and agreed to it.

At page 3987 of the RECORD we find the letter from the Secretary of the Navy dated May 7, 1917, and also the letter from the Secretary of War dated May 15, 1917; and the first time that the Members from New York learned that this was not to be a 40-foot channel was when we appeared before the Rivers and Harbors Committee on January 30, 1918; whereupon I wrote the letter which has been read by the distinguished gentleman from North Carolina [Mr. SMALL], chairman of the committee, and the response of the Secretary of War. Later the Secretary——

Mr. SMALL. Will the gentleman permit a question?

Mr. SIEGEL. Yes.

Mr. SMALL. Do I understand the gentleman to admit that this project was adopted in the last river and harbor bill in accordance with Document 140, Sixty-fifth Congress, first session, and that the gentleman did not read that document?

Mr. SIEGEL. I do not yield any further, Mr. Chairman.

Mr. SMALL. Does the gentleman admit that he did not read it?

Mr. SIEGEL. No; I do not. I read it, but I state that we had a right to rely on the statement of the chairman of the Committee on Rivers and Harbors that it would be 40 feet, and we have a right to rely to-day that he will stand by it.

Mr. SMALL. I appreciate the gentleman's confidence——

Mr. SIEGEL. Mr. Chairman, I do not yield any further as I have not the time. The gentleman has had every opportunity to offer his version of the matter, and I have had a hard time to get a few minutes.

The Secretary of War states in his letter:

> As the result of mature reflection and in view of the recommendation of the Secretary of the Navy, I beg leave to concur in the suggestion that an amendment be introduced providing for the present increase in this proposed depth to 40 feet. In other words, I am seconding the recommendation of the Secretary of the Navy, and I trust that you and your associates on the committee will find it possible to make this one change in the proposed measure.

After I received the letter, which has been read here to-day, in February previous to the Secretary's leaving the country, I saw him, and the Secretary said that we all understood that it was going to be a 40-foot channel. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SLAYDEN. Mr. Chairman, I feel as if it were almost an impertinence to obtrude myself in the debate, living as far away as I do from the great commercial center, in a rural district, and I am afraid I can not make a sympathetic appeal to the House. The gentleman from New York [Mr. LONDON], when he was bragging that the city of New York was the center of civilization, almost pursuaded me to reverse my opinion of this amendment. There are two things influencing me in reaching the conclusion that I have in reference to this measure. First, the commercial view; my training has been commercial. I have been in the course of my life a very considerable shipper of heavy commodities, like cotton. I have always appreciated the value of ports and the value of improved navigability of the streams. I know how directly it influences and increases the prosperity of the producers of the country, with whom I confess my sympathies go very largely.

Then there is the military point of view, and about that I have but very few words to say, because I am compelled to accept the opinions of distinguished gentlemen who are presumed to know, and undoubtedly do know, very much more about it than I do. I dare say that Josephus Daniels, that distinguished of all our sailors [laughter], had consulted technical experts when he gave the opinion in the letter that he signed. And that eminent warrior from out of the Lakes in Ohio, Mr. Baker, I dare say had the advantage of professional opinion before he gave out his letter. It is specially the commercial view that appeals to me now, because I accept at once what they state as the military view of it as conclusive. I am in favor of increasing the navigability of Long Island Sound if, as the Secretary of the Navy says, the efficiency of the Navy will be doubled, and without delay.

Unfortunately in the consideration of this rivers and harbors bill we are confronted with one difficulty that we can never get over, a condition that we can not cure, and that is the regular growth in the size of the vessels that come into our ports. Why, I have seen the commerce of Galveston built up largely on water not over 15 or 16 feet deep, and it now has over 30 feet, and it is not adequate to accommodate the traffic that comes to that port, which, by the way, is the second port in the United States in the value of its exports.

I remember, too, in my business career of an incident that occurred in 1900 when we were moving the great cotton crop of Texas, and had just begun to do so. The prices were good. The people were satisfied and they were turning out a crop very rapidly when that great calamity came to the city of Galveston in September, 1900, killing one-third of the population and destroying the commerce of the port for weeks. That left 265,000 square miles of territory in this country without a port from which to send the produce to the markets of the world. We were compelled to send the cotton to New Orleans, and that port was blocked almost immediately by a strike, so that on account of the delay the people of Texas alone lost enough money in the decline in the value of their crops in the next 30 days to have completed the project at Hell Gate and made a good port in Texas in addition.

We have not always had the sympathy of the good people of New York in our endeavors to get more facilities for the ports of Texas. The press of that great city has jeered at us and denounced us as grafters, and said that we were endeavoring to get ports where there was no commerce. If you make that a condition before granting assistance, no new ports will ever be provided. It is unfair and unreasonable, but it does not affect my opinion of the supreme importance of doing all we can for the harbor of New York. Right now the Government of the United States is making an examination of the facilities of Gulf ports with an idea of relieving the freight congestion, due to the fact that it has nearly all found its exit up at New York or Boston or Philadelphia. I am not jealous of the prosperity and of the facilities for trade these ports have. I rejoice in their prosperity. It is American commerce, and it is my commodities and the commodities of my constituents that have their values largely fixed by the conditions at the ports of New York, Boston, and Philadelphia.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for one minute more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Texas be extended for one minute.

Mr. STAFFORD. Reserving the right to object, is not the time all taken?

Mr. SLAYDEN. If the gentleman objects——

Mr. STAFFORD. I believe the time is not sufficient for those who desire to speak.

The CHAIRMAN. The Chair feels that he should recognize some one opposed to the amendment.

Mr. STAFFORD. Mr. Chairman, I desire recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, there seems to be some difference of opinion as to what will be accomplished by the amendment offered by the gentleman from New York [Mr. DEMPSEY]. As I understand the argument advanced here to-day and a year ago, it is that a 35-foot channel is adequate for all commercial needs, and that it would not improve the commercial advantages of the port of New York if the channel were greater, and that it might as well be 80 feet deep as 40 feet.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not at present. I decline to yield. And that the——

Mr. DEMPSEY. I would like to propound one short question.

Mr. STAFFORD. I hope the gentleman will not take up my time, as I have indicated that I decline to yield.

And that the 35-foot channel was founded on the report made to the Congress that that was sufficient for all commercial needs. Then came a later report from the Secretary of the Navy that for strategic reasons he advocated a 40-foot depth, and because of that demand the Congress last year provided for the prosecution of the work, first, of a 35-foot channel, with the ultimate end of making a 40-foot channel. Bids have been let and this is the point I wish to impress on the committee: It is a practical question of great urgency, as I view it, especially if this war is going to continue. Bids have been let for a 35-foot channel and the work is proceeding under contract in Hell Gate at the present time for that depth of water through that narrow channel. If we now go ahead and authorize a 40-foot channel, we not only postpone the attainment of a 35-foot channel in two years, which during three or four hours of the day will enable any vessel of our Navy to go through Hell Gate from either end, but to change now would postpone that desired end for five years. It stands to reason, known to anyone who knows anything about submarine channeling, that if you are going to proceed on a 40-foot channel you will necessarily go at it piecemeal, and they will not remove it to a depth of 35 feet over the entire length all at once, but you will have 40 feet in places, with a barrier of 26 feet, as now existing, over the passageway, which at no time during the day will permit our naval vessels to go through that channel. Our largest naval vessels have a draft of 33 feet and only require 40 feet when they are disabled.

The depth of 40 feet will be obtainable at high tide, and at high tide it will permit of the passage of the largest naval vessel when disabled. I submit that it is a practical question, and I submit it to the Members outside of the State of New York as to whether it is not feasible from a strategic standpoint, because we are all in sympathy with the idea of having a 40-foot channel there ultimately—whether it is not practical, common sense at the present time to let the contractor go ahead with the 35-foot channel, complete it in two years, and thereby enable our vessels in time of need to avail themselves of it during four hours of the day rather than to delay the work entirely and not be able to get any of our naval vessels through there until five years hence.

Mr. SMALL. Mr. Chairman, will the gentleman permit an interruption?

Mr. STAFFORD. Yes.

Mr. SMALL. The only harbor in the United States which has been improved to a greater depth than 35 feet is that at New York, from the lower bay to the upper bay, up through the Hudson River. There is no harbor in the United States which has been improved beyond that except New York.

Mr. STAFFORD. It is generally conceded, so far as commercial advantages are concerned, that if the navy yard was not located at Brooklyn and that was removed from the consideration, that 35 feet would be adequate for all commercial needs, but there is some special reason why, because of the location of the Navy Yard at Brooklyn, it should be 40 feet. That is the position of Secretary Daniels, but I emphasize the practical, pressing needs of completing the job we are on now. Contracts have been let, and let us complete that 35-foot depth, and when we have that the channel will be available for even disabled naval vessels of the largest size to pass through during three or four hours in the day. If you adopt the amendment, you will not have any channel during any part of the day until five years from now adequate for such an exigency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I dislike very much to oppose the chairman of the Committee on Rivers and Harbors on this proposition, who is my personal friend, but I am one Member of this House, at least, who is very strong on deep channels to the great cities along the seaboard. I think that Boston, New York, Philadelphia, Baltimore, and Norfolk all ought to have 40 feet of water just as soon as we can give it to them. [Applause.] Why, here is a proposition which requires the deepening of Hell Gate to 40 feet, and I thoroughly understood, as a Member of this House, that we were authorizing that depth last year when we passed the bill. Just why it was placed in this doubtful position I do not know. There is one advantage in deepening Hell Gate that has not been mentioned, and that is, while we know it is rock, yet when it is eventually deepened we do not have any more trouble in keeping it in repair and in keeping it deep, because it will remain so.

Mr. SLAYDEN. We will not have to dredge it.

Mr. LINTHICUM. Quite true. We will not have to keep on dredging at a large expense each year. I want to see New York have a splendid channel. I want to see us comply with the request of the Secretary of War and the Secretary of the Navy, as most of us, at least, thought we were doing last year. I heard the arguments of gentlemen as to deepening the channel to 35 feet at this time and then later on perhaps 40 feet, but I can not see why the contractors, if they want to do so, can not deepen to 35 feet and then proceed at once to 40 feet; that is their business. It seems to me Congress ought to try to comply with the request of those gentlemen who are conducting this great war in which we are engaged and deepen this channel to 40 feet just as soon as we can. [Applause.]

If we go on with the 35-foot channel and then after a while want to make it 40 feet, it will cost a great deal more money. You have to assemble the machinery and men and everything of that kind just as if the job had started as a new proposition, and I think we can save a very large expense by going ahead with the 40-foot proposition at this time. I want to see these Atlantic seaport cities have 40-foot channels. I want to see us try to keep our Nation's ports to the front in the world, and we ought to take care of them as best we can. [Applause.] Now, in our city of Baltimore we have a 35-foot channel, with only 14 inches of tide. We want a 40-foot channel. We do not want to wait until the boats grow so that they can not get up the channel. We want to improve the channel in advance so that when the boats do reach that draft we can accommodate them. [Applause.] That is what New York wants to do. Now we all realize the importance of New York to this Nation, we realize the importance of all of these Atlantic seaport cities to the Nation, we realize they are the great gateways through which our commerce passes to the ports of the world, and we want to improve them and put them in shape that they can carry on our commerce at least expense and have just as many terminal facilities as it is possible to provide. Now, I notice the report says that we are to deepen it to 35 feet and "eventually" to 40 feet, and I am reminded of the sign which confronts me on Pennsylvania Avenue every time I go up the Avenue there which says, "Eventually, why not now." That is what I think of this proposition. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I am placed in a position where I feel I ought to support the action of the committee, and I expect to vote for the bill when it is finally reported out by the committee. I say this because it is the first bill I have supported for several years, if memory serves me correctly. My reason for that is, Mr. Chairman, that the committee as a whole has worked arduously to get a bill before this House and before the country that would be a credit to us at this time providing for all immediate emergencies and which would meet all war necessities. There were many propositions proposed to the committee that have merit which were left out.

When it came to the question of new projects, and this is in that line, although not necessarily a new project, the committee had some very hard contests. And let me say this is the easiest part of it that we are going through now. We have had some hard contests in the committee, all good naturedly, but eventually we kept out the new projects, and we felt it was the necessary thing to do.

The situation that confronts us in respect to New York Harbor is briefly this: We all realize the benefit of New York Harbor to the country at large. It is not a local matter, and we all feel that whatever New York wants it is going to get eventually. If it needed it to-day I would vote for it, but there is no evidence that we need it to-day. When they have a 35-foot channel and, as has been repeatedly said, with a 5-foot tide, they have a channel sufficient to take any boat through. That is the testimony of the engineers themselves. Eventually, of course, we want to give you all you want. But the spectacle, Mr. Chairman, that you have here now will come all through this bill if you provide this. You will have men coming from every place that has a harbor that needs a greater depth, and they will stand together as they have in the past. That is the objectionable feature of an omnibus bill like this. What we ought to do is to remove that entirely from the floor of the House. It ought to be left to experts in commercial life as well as in war, and have the bill removed from political influences.

The reason I speak of that is not because of New York Harbor, but because all the way through this bill you are likely, if you break it down now, to have new projects added or efforts to have them. There are $18,100,000 left for this project. Two million, one hundred thousand dollars is the amount of the appropriation, making $4,000.000 with the amount on hand, with which to go on with this project.

It has not been shown but that that is sufficient so far as the commercial needs are concerned, and for that reason, and more particularly because as a member of the committee I desire to stand by our purpose in trying to keep out new projects and trying to prevent amendments to the bill made upon the floor by those who are directly interested in a particular locality, that I take the attitude that I do. That is not the correct theory on which to proceed. It ought to be done by the recommendation of the committee, based upon the recommendations of the engineers as nearly as we can comply with them. I have heretofore objected very strenuously to certain items that appeared in the bill. There are certain items in this bill that I would like to see stricken out or modified. But a compromise necessarily has to be had, and we have stricken out about $30,000,000 from this bill, and, compared with some bills, we have cut it down to a small amount.

And let me say this. There are amendments to be offered here by the committee that I do not believe in. If you put a 40-foot channel at Charleston with $5,000,000 in this bill, I say that you can not back up on the proposition of putting 40 feet in New York City. That is one of the propositions you will face before you get through with the bill, as I understand it. Without a word of testimony before the committee, without a single effort to show the necessity for it, an amendment will be proposed, as I understand, in this committee for a 40-foot channel, with $5,000,000 appropriated, to be added to this bill, for Charleston. Now, if that is put in, I can conceive that New York certainly has a good case here. I am opposed to it, and was opposed to it before, not because of Charleston, for they will have a 35-foot channel there when they get their high tide. But I am opposed to it because I want to adhere as near as I can to the action of the committee when we went through these different items. And in order to explain my position I have made this brief statement.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

Mr. HUMPHREYS. Will the gentleman yield for a moment? The gentleman will recall that when he asked for 30 minutes' debate I asked for five minutes.

The CHAIRMAN. The Chair will state that there are two minutes remaining of the time.

Mr. SMALL. Mr. Chairman, if the gentleman wishes to ask unanimous consent I will not object.

Mr. HUMPHREYS. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The Chair will state that there are two minutes remaining.

Mr. SMALL. Then the gentleman from Mississippi will only need three minutes.

Mr. DEMPSEY. Mr. Chairman, reserving the right to object, I think the debate——

The CHAIRMAN. What is the request of the gentleman from Mississippi [Mr. HUMPHREYS]?

Mr. HUMPHREYS. I rose for recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi for two minutes.

Mr. HUMPHREYS. Mr. Chairman, I want to read briefly——

Mr. DEMPSEY. Just one moment. I wanted to ask the chairman a question before granting unanimous consent.

Mr. HUMPHREYS. Mr. Chairman, I have only two minutes. I wanted to use that time in the interest of the gentleman.

Mr. DEMPSEY. I know that, but I wanted to ask the gentleman from North Carolina [Mr. SMALL] a question. We have had debate, Mr. Chairman, the whole afternoon upon this question. Now, those who are present here have heard this debate.

Mr. SMALL. I expect to move that the committee rise when the debate is concluded.

Mr. DEMPSEY. I ask, Mr. Chairman, in the interest of fairness and in the interest of everybody here who has heard this debate, that we have a vote of these gentlemen who have heard it before we adjourn. I say that is only fair.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

Mr. DEMPSEY. Mr. Chairman, I withdraw my objection.

Mr. HUMPHREYS. Mr. Chairman, I did not ask for unanimous consent. I yielded to the gentleman. Have I any time left?

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have five minutes.

The CHAIRMAN. The gentleman from New York [Mr. CALDWELL] asks unanimous consent that the gentleman from Mississippi may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS. Mr. Chairman, I do not know that I will take the time. I want to read, Mr. Chairman, from the testimony of Gen. Black, who is now Chief of Engineers, and who at the time he gave this testimony was a colonel in charge of the work in New York, in which he uses this expression—and I would like to have order, if I can have it, Mr. Chairman; it occurs to me it is important. He says:

> Now, there is another phenomenon that should be taken into consideration, and that is that a ship underway draws more water than it does at rest. Sometimes an ocean liner underway at the rate of 12 or 13 miles an hour at low water will draw 43 to 44 feet of water. A ship may draw 26 feet lying at the wharf, but when she is underway she may draw 28 or 30 feet.

So that if we are to provide a channel for ships of 33-foot draft, as suggested by the gentleman from Wisconsin [Mr. STAFFORD], they can not navigate a channel of only 35 feet. This is rock, and the Navy Department very properly would not trust a ship that drew 33 feet of water in a channel with rock bottom of only 35 feet depth, because as it moves it will draw more than 35 feet of water.

If we are to provide a channel there that will accommodate the big ships it must have more than 35 feet of depth. Whether it ought to be provided or not is a matter for the committee to determine. They have, however, approved 35 feet. That will only carry a naval ship, at the outside, that draws 30 feet of water. So that if we want a channel that will carry the big ships we must have it more than 35 feet. You know there is a current across this particular reach in the river, a considerable current, so that the danger to navigation there is much greater than it would be in still water.

I thought that it would be well to have that fact presented to the House.

A few years ago, when we were undertaking improvements in New York Harbor the engineers—and Gen. Black was then colonel in charge of the work—stated to the committee that if we were ultimately to have a certain depth, whatever that would be—in this instance 40 feet—it was thoroughly uneconomical to start out with 35 feet and afterwards go back and make it 40 feet, for the reason that when you get the big contractors, if they are to do it, or say the Government is to do it, they assemble their large dredging and blasting plants and they bore down into the rock for 35 feet. Now, if it is ultimately to be 40 feet, it is much more economical, after we arrive on the scene and begin the work, to go to the ultimate depth you expect to obtain when you blast it.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Not now. And so it is when you are digging in the mud, but, of course, not to the same extent. You carry your ships there, your dredge boats, and your plant which you are to work with; it is very much cheaper to finish the job while you are on the point than it is to dig it 35 feet and go away, and afterwards come back and start the work all over and dig out 5 feet more.

In addition to that, Gen. Black testified that on this original project of $13,000,000 if you would go at it piecemeal it would cost at least, on the least estimate, 20 per cent more. In other words, $2,600,000 would be added to the cost of that project if you are going to take it just a little at a time. The same would apply to this other, except to a greater extent. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

Mr. DEMPSEY. I object, and demand a vote on the amendment.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. If we vote down that motion to rise we can proceed to the amendment?

The CHAIRMAN. The Chair will dispose of that later. The question is on the motion of the gentleman from North Carolina that the committee do now rise.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. DEMPSEY and Mr. CALDWELL demanded a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 49, noes 58.

Mr. DEMPSEY. Mr. Chairman, I demand a vote on the amendment.

Mr. SMALL. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. SMALL and Mr. DEMPSEY to act as tellers.

Mr. SMALL. Will the Chair designate the gentleman from Ohio [Mr. SWITZER]?

Mr. DEMPSEY. Mr. Chairman, I will ask that the gentleman from Mississippi [Mr. HUMPHREYS] be named in my stead.

Mr. SMALL. The gentleman must not understand that it was personal in the least.

Mr. DEMPSEY. Not in the least personal, but I thought I would nominate the gentleman from Mississippi [Mr. HUMPHREYS] inasmuch as you had nominated the gentleman from Ohio [Mr. SWITZER].

The Chair appointed Mr. SWITZER and Mr. HUMPHREYS to act as tellers.

The committee again divided; and the tellers reported—ayes 53, noes 59.

Accordingly the motion was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The question being taken, on a division (demanded by Mr. SMALL), there were—ayes 62, noes 51.

Mr. SMALL. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. Evidently a sufficient number, and tellers are ordered.

Mr. MADDEN. Mr. Chairman, I want to know how many there were.

The CHAIRMAN. Considerably more than 20, the Chair will say to the gentleman. Those in favor of ordering tellers will again rise and stand until they are counted. [After counting.] Twenty-nine Members, a sufficient number, and tellers are ordered. The gentleman from North Carolina [Mr. SMALL] and the gentleman from New York [Mr. DEMPSEY] will please take their places as tellers.

Mr. SMALL. I ask that the gentleman from Missouri [Mr. BOOHER] act in my place.

Mr. DEMPSEY. I ask that the gentleman from Mississippi [Mr. HUMPHREYS] act in my place.

Mr. BOOHER and Mr. HUMPHREYS accordingly took their places as tellers.

The committee again divided; and the tellers reported—ayes 68, noes 43.

Accordingly the amendment was agreed to.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the rivers and harbors appropriation bill (H. R. 10069) and had come to no resolution thereon.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense with Calendar Wednesday. Is there objection?

Mr. GILLETT. Mr. Speaker, may I ask the reason.

Mr. KITCHIN. So that we may proceed with the rivers and harbors bill to-morrow and take up the quota bill Thursday.

Mr. PHELAN. Reserving the right to object, we have some bills coming up to-morrow from the Committee on Banking and Currency, and I should like to ask the gentleman if it is intended to give us next Wednesday for that purpose.

Mr. KITCHIN. Yes; we intend to have Calendar Wednesday next Wednesday. This is in order to make room for the quota bill on Thursday, and let the rivers and harbors bill have to-morrow, so that we can get through with it by Friday and begin the naval bill on Saturday.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. KITCHIN] to dispense with Calendar Wednesday to-morrow?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 10, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of the Kill van Kull from Shooters Island west to junction of channels with a view to dredging shoals between channels to provide anchorage grounds (H. Doc. No. 1031); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Bayous Courtableau, Boeuf, and Cocodrie, La. (H. Doc. No. 1032); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PHELAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 11283) to amend and reenact sections 4, 11, 16, 19, and 22 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes, reported the same without amendment, accompanied by a report (No. 479), which said bill and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11284) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes, reported the same without amendment, accompanied by a report (No. 480), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MASON: A bill (H. R. 11315) to amend the act of February 4, 1887, regulating interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BLANTON: A bill (H. R. 11316) to discourage prize fighting and to impose taxes; to the Committee on Ways and Means.

By Mr. EMERSON: A bill (H. R. 11317) to punish destruction, etc., of liberty loan posters; to the Committee on the Judiciary.

By Mr. MASON: A bill (H. R. 11318) to amend the act of February 4, 1887, regulating interstate commerce, to foster and encourage knowledge of American institutions; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 11319) amending section 100 of an act entitled "An act to extend protection to the civil rights of members of the Military and Naval Esablishments of the United States engaged in the present war"; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 11320) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise, organize, and supply and equip armed forces of the United States in the existing war with Germany and its allies and to protect citizens of the United States in Mexico and on the Mexican border; to the Committee on the Judiciary.

By Mr. HASKELL: A bill (H. R. 11321) to transfer the Commercial Economy Board from the Council of National Defense to the Department of Commerce; to the Committee on the Judiciary.

Also, a bill (H. R. 11322) to transfer the Bureau of Navigation from the Department of Commerce to the Shipping Board; to the Committee on the Judiciary.

Also, a bill (H. R. 11323) to transfer the Bureau of Fisheries from the Department of Commerce to the Department of the Interior; to the Committee on the Judiciary.

Also, a bill (H. R. 11324) to transfer the Patent Office from the Department of the Interior to the Department of Commerce; to the Committee on the Judiciary.

Also, a bill (H. R. 11325) to transfer the Bureau of Lighthouses from the Department of Commerce to the Shipping Board; to the Committee on the Judiciary.

Also, a bill (H. R. 11326) to transfer the Coast and Geodetic Survey of the Department of Commerce to the Shipping Board; to the Committee on the Judiciary.

Also, a bill (H. R. 11327) to transfer the Steamboat-Inspection Service from the Department of Commerce to the Shipping Board; to the Committee on the Judiciary.

By Mr. FORDNEY: A bill (H. R. 11328) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of the treaty provisions in relation thereto; and to promote safety at sea; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 11329) for the relief of William H. Bozarth; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 11330) granting an increase of pension to Thomas C. Rodgers; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 11331) granting an increase of pension to William T. Kimbrel; to the Committee on Invalid Pensions.

By Mr. CURRY of California: A bill (H. R. 11332) granting a pension to George Eicheldinger; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 11333) granting a pension to Charles F. Lufkin; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11334) granting an honorable discharge to Henry T. Shafer; to the Committee on Military Affairs.

Also, a bill (H. R. 11335) granting an honorable discharge to William H. Sweet; to the Committee on Military Affairs.

Also, a bill (H. R.) 11336) granting a pension to Martha J. Comstock; to the Committee on Pensions.

Also, a bill (H. R. 11337) granting an increase of pension to George Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11338) granting an increase of pension to Oscar A. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11339) granting an increase of pension to Brainard D. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11340) granting a pension to Anna Anthony; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 11341) granting a pension to Michael Tahaney; to the Committee on Pensions.

Also, a bill (H. R. 11342) granting a pension to James F. Davis; to the Committee on Pensions.

Also, a bill (H. R. 11343) granting a pension to Henry M. Libbey; to the Committee on Pensions.

Also, a bill (H. R. 11344) granting an increase of pension to Phillip M. Fudge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11345) for the relief of Henry L. Biddle; to the Committee on War Claims.

By Mr. GOODALL: A bill (H. R. 11346) to amend and correct the military record of Alvah B. Doble; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11347) granting a pension to James F. Kenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11348) granting a pension to Harrison Lantz; to the Committee on Pensions.

Also, a bill (H. R. 11349) granting an increase of pension to John L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11350) granting an increase of pension to Lewis C. Derry; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 11351) granting an increase of pension to Timothy K. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11352) granting an increase of pension to Alpheus N. Barnhouse; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11353) granting a pension to Violette F. McCool; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 11354) granting an increase of pension to W. C. Knox; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 11355) for the relief of the Atlas Lumber Co.; Babcock & Willcox; Johnson, Jackson & Corning Co.; and the C. H. Klein Brick Co., each of which companies furnished to Silas N. Opdahl, a failing Government contractor, certain building materials which were used in the construction of Burke Hall, at the Pierre Indian School, in the State of South Dakota; to the Committee on Claims.

By Mr. SNOOK: A bill (H. R. 11356) granting an increase of pension to Oren Blain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11357) granting an increase of pension to Augustus Brown; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 11358) granting an increase of pension to Mrs. Mary E. Hellegeist; to the Committee on Pensions.

Also, a bill (H. R. 11359) to construct a public building for a post office at the city of Sandersville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. WHITE of Ohio: A bill (H. R. 11360) granting an increase of pension to Stephen Devol; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of the Milwaukee Association of Life Underwriters, proposing a change in the wording of the provision of the war-revenue bill relating to tax upon life-insurance premiums; to the Committee on Ways and Means.

Also, petition of the Merrill Study Class, Merrill, Wis., demanding repeal of the zone system of postal rates on second-class matter; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of River City Lodge, No. 108, Brotherhood of Railway Carmen of America, Portsmouth, Ohio, against increase in second-class postage; to the Committee on Ways and Means.

Also, petition of Pennsylvania College for Women, opposing increased rates of postage on newspapers and periodicals; to the Committee on Ways and Means.

Also, petition of Lapine Commercial Club, Lapine, Oreg., opposing the zone system of postal rates; to the Committee on Ways and Means.

By Mr. DILLON: Petitions of about 125 South Dakota farmers, asking for a revision of wheat grades and asking for a minimum price of $2.75 per bushel for the 1918 wheat crop; to the Committee on Agriculture.

By Mr. ESCH: Memorial of Highway Officials and Good Roads Advocates, favoring more and better highways; to the Committee on Roads.

By Mr. HAMILTON of Michigan: Petition of George Ricket, F. H. Baker, and 75 other citizens of Dowagiac, Mich., favoring universal military training; to the Committee on Military Affairs.

By Mr. PETERS: Petition of Castine Masonic Club, of Castine, Me., favoring repeal of zone system of postal rates on second-class matter; to the Committee on Ways and Means.

By Mr. RAKER: Petitions of J. J. Pfister Knitting Co.; Buckingham & Hecht; Judson Manufacturing Co.; Standard Biscuit Co.; Gerson & Breyer; Meese & Gottfried; O'Rourke, Eubanks Hat Co.; California Wine Association; Marvin Shoe Co.; Shirek & Sons; Garcia & Muggins; Getz Bros. & Co.; L. Dinkelspiel Co.; L. Samter & Sons, of San Francisco; Hedges-Buck Co., of Stockton; Klein-Norton Co., of Los Angeles, Cal.; Illinois-Pacific Glass Co., favoring passage of Senate bill 3962, relative to payment of excess profits and taxes; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of First United Presbyterian Church of New Castle, Pa., favoring war emergency prohibition as war measure; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 10, 1918.*

(*Legislative day of Saturday, April 6, 1918.*)

The Senate met at 11 o'clock a. m.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The VICE PRESIDENT. The question is on the amendment of the committee as amended.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Myers	Smith, Ariz.
Baird	Hitchcock	New	Smith, Ga.
Chamberlain	Hollis	Norris	Smith, S. C.
Culberson	Jones, Wash.	Overman	Smoot
Cummins	Kellogg	Penrose	Sterling
Dillingham	Kendrick	Poindexter	Thompson
Fall	King	Ransdell	Tillman
Fletcher	Kirby	Robinson	Trammell
France	Lodge	Shafroth	Underwood
Hale	McCumber	Sheppard	Walsh
Hardwick	McNary	Simmons	Williams

Mr. PENROSE. I desire to announce the absence of my colleague [Mr. KNOX] on account of official business.

Mr. FLETCHER. I wish to announce that the Senator from Mississippi [Mr. VARDAMAN] is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the Senator from Iowa [Mr. KENYON] is absent in connection with the liberty-loan campaign.

Mr. NEW. I wish to announce the absence of my colleague [Mr. WATSON] in connection with activities for the liberty loan.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. JOHNSON of California, Mr. NUGENT, Mr. SWANSON, Mr. WADSWORTH, Mr. WARREN, and Mr. WEEKS answered to their names when called.

Mr. BANKHEAD, Mr. HARDING, Mr. BECKHAM, Mr. CURTIS, Mr. FERNALD, Mr. MCKELLAR, Mr. COLT, Mr. MARTIN, Mr. NELSON, Mr. GALLINGER, Mr. THOMAS, and Mr. JAMES entered the Chamber and answered to their names

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. I ask consent to present a report from the Committee on Military Affairs.

Mr. OVERMAN. I yield to the Senator for that purpose.

The VICE PRESIDENT. Without objection, the report will be received.

AIRCRAFT PRODUCTION.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I submit a report in the matter of aircraft production. I ask that the report be printed, and also that it be printed in the RECORD.

Mr. SHEPPARD. I desire to present a minority report and ask also to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HITCHCOCK. I ask that the report made by the chairman of the Committee on Military Affairs be printed in the RECORD, and I include in the request that the views of the minority be printed with it.

The VICE PRESIDENT. That order has already been made.

The report and the views of the minority are as follows:

[S. Rept. No. 380, pt. 1, 65th Cong., 2d sess.]

INVESTIGATION OF THE WAR DEPARTMENT—AIRCRAFT PRODUCTION.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, being engaged under authority of the Senate in an investigation of the War Department, and having taken much testimony, herewith submits the following report in the matter of aircraft production, together with certain recommendations:

TRAINING SCHOOLS.

The Signal Corps has established and is now conducting 20 aviation training schools in the United States. Four additional schools are in process of construction and are expected to be finished in June next.

The aggregate capacity of the schools now in operation is something over 3,000 cadets. One thousand nine hundred and twenty-six have thus far been graduated from this primary training course and commissioned as reserve military aviators. Very few of these have received their advanced training in this country.

In addition to the above, the Signal Corps, acting upon the invitation of the several entente Governments dispatched some 1,200 cadets to England, France, and Italy last year, who were to receive primary and advanced training in aviation schools of those countries. The experience of a great many of these men has been most unfortunate in that at some of the schools a very serious delay has occurred in providing them with the training planes, which it was expected would be manufactured in foreign factories in sufficient number. As a result, several hundred of the American cadets have been practically idle and have made no progress. About 450 of them are reported as having completed the primary training, after long delay. The Signal Corps is giving serious consideration to the advisability of bringing the remainder back to the United States to be trained. With the exception of this severe disappointment, the primary training of our aviators, according to the testimony of the aviation officials, appears to be progressing favorably. The health record of the schools is excellent and the fatalities arising from aviation accidents, while always distressing, appear to be less frequent than in the schools of our allies, according to the testimony of the Chief Signal Officer.

TRAINING PLANES.

For some time after the inception of the work the output of primary training planes in this country for use in our schools gave ground for grave concern. In recent weeks, however, the output has been greatly increased and there seems to be no doubt of the Signal Corps having an amply sufficient number in the future. On April 1, 1918, 3,458 primary training planes had been completed. The planes are of two standard types developed for the purpose and are equipped with Curtiss and Hall-Scott motors, respectively. The advanced training planes are being turned out in accordance with the schedule and estimates laid down at the inception of their manufacture. In advanced training planes four types are being made, the total number up to date manufactured being 342. In these planes three types of engines will be used, of which 965 have been completed. These include the Gnome, Le Rhone, and Hispano Suiza, all of foreign design but American manufacture. The Liberty motor is not suitable for use in these planes.

THE LIBERTY MOTOR.

It is apparent from the evidence that the 12-cylinder Liberty motor is just emerging from the development or experimental stage. Since the original design and the setting up of the first completed motor in July, 1917, a large number of changes have been found necessary, many of them causing delay in reaching quantity production. Within the last two months changes of considerable importance have been made which, it is hoped, will make the motor serviceable for combat planes of the defensive type, and for bombing and observation planes. It is not designed for and can not be used in the swift, single-seater fighting machine. A few of the motors are being flown in appropriate machines. These reports, as recited to the committee, indicate that with the latest changes the motor will be satisfactory for the character of work expected of it, and that it bids fair to hold its own with foreign motors of similar power, weight, and purpose. For the campaign of 1919, the Liberty motor must undoubtedly be further improved in order to keep up with the evolution constantly going on along the front. The motor as now manufactured is of the direct-driven type, a type which has limits of usefulness in heavy machines.

Steps are being taken in the designing of a geared drive, in order that the usefulness of the motor may be further extended and further improvements attained. Twenty-two thousand five hundred Liberty motors have been ordered, 122 have been completed for the Army, and 142 for the Navy. Four have been shipped over seas. Some of those already delivered are being altered to overcome the defects ascertained during the last few weeks. It is understood, however, that these alterations will consume but a very short time.

The production of Liberty motors to date is, of course, gravely disappointing. The testimony shows that experts of the highest reputation and experience have, since last July, repeatedly warned the officials of our Government that the perfecting of a newly designed motor must inevitably involve many months of painstaking experiment, accompanied by many setbacks and disappointments. In spite of the unanimous testimony of motor experts along this line, the Government officials having the manufacture of the Liberty motor in charge have made the mistake of leading the public and the allied nations to the belief that many thousands of these motors would be completed in the spring of 1918. Information of this sort, not borne out by the facts, has been injurious, and its constant dissemination the committee regards as misleading and detrimental to our cause.

COMBAT PLANES.

The production of combat planes in the United States for use in actual warfare has thus far been a substantial failure and constitutes a most serious disappointment in our war preparations. We had no design of our own; neither did we adopt any one of the European designs until months after we entered the war. Much time was consumed in discussion as to types. Innumerable changes in designs and specifications of the types finally decided upon have cost further delay. In all, five types have, at one time or another, been adopted. Two of them have been abandoned after the expenditure of much time and money. The three remaining types still left upon our program are now in the course of manufacture. Of these, the largest and most powerful is the Handley-Page heavy bombing machine, designed to carry as many as six men, eight machine guns, and a heavy load of bombs, and to be driven by two Liberty motors. The history of the negotiations for the adoption and manufacture of this plane afford a remarkable illustration of procrastination and indecision, too long to recite. Suffice it to say that the designs and specifications of this plane which had been used with marked success by the British and placed in production by that Government, were offered to our officials as early as May, 1917. The testimony before your committee shows that the Signal Corps finally decided upon the manufacture of a number of sets of parts of this machine about January 1, 1918. Eventually the finished and tested parts will be shipped to England, where they are to be finally assembled in factories now being prepared for this work. Officials of the Aviation Section of the Signal Corps testify that they do not expect the completion of the first set of parts in this country before the month of June, 1918.

Another type of combat plane, known as the De Havilland, is included in our program. This machine habitually carries two men, four machine guns, a moderate load of bombs and other apparatus, and is to be driven by one Liberty motor. Fifteen have been completed; 1 has been shipped to France; the remaining 14 have been very recently completed in this country. Some of these have been tested, propelled by a Liberty engine, and appear to have given satisfaction. The third type upon the program is known as the Bristol fighter This machine is lighter and faster than the De Haviland. Its speed is expected to be in the neighborhood of 125 miles per hour. It is what is known as a reconnoissance machine. Another term which might be properly applied to it is "defensive fighter." It carries two men, four machine guns, and is driven by one Liberty motor. The decision to make this type was reached on November 7, 1917. The manufacturers completed the first of these machines during the week ending March 30, 1918. The machine was tested once during that week with a Liberty motor, and, according to the testimony of the aviation officials, met its preliminary test successfully. This machine, a few hours after its flight, caught fire while standing upon the aviation ground and was entirely destroyed. The officials of the Signal Corps assured the committee that another machine would soon be finished by the manufacturer and that if it met the tests satisfactorily quantity production might be expected within a reasonable period. The testimony as to this machine was given on April 2, 1918. This completes the list of machines now under manufacture and constitutes a correct statement of the situation in this country as of April 1, 1918. In addition to the American production of engines and aeroplanes as herein set forth, considerable orders for combat aeroplanes and engines were last summer placed with European manufacturers by Gen. Pershing, and we have furnished quantities of material and numbers of mechanics to aid in their construction.

Your committee has full information as to the number and quantity of machines and engines ordered here and abroad but does not feel justified in stating the number in this public report. The facts contained in this report are drawn from the testimony of the Chief Signal Officer, Gen. Squier, Col. Deeds, and Mr. Potter, the chief of the Equipment Division of the Aviation Section of the Signal Corps, and are confirmed from other sources official and otherwise.

Your committee, being devoid of technical knowledge of motors and aeroplanes, does not undertake to point out in detail engineering and manufacturing errors which may have been committed and which, in part, may account for this gravely disappointing situation. Your committee, however, is convinced that much of the delay in producing completed combat aeroplanes is due to ignorance of the art and to failure to organize the effort in such a way as to centralize authority and bring about quick decision. A certain aloofness in dealing with persons possessing information based upon experience, an apparent intention of confining the actual production to a restricted number of concerns,

and a failure of the officials in charge of the work to grasp the situation in a broader way and seize upon the best approved foreign engines and planes and proceed promptly to build as many as possible for the campaign of 1918 has contributed to the failure. It is greatly to be regretted that the statements of Government officials have misrepresented the progress of the aviation program. This has misled the public, and your committee, cognizant of the facts, has, in the performance of its duty, made this report to the Senate.

Your committee believes that production of aircraft should be controlled by one executive officer, appointed by the President and responsible to him. He should be assisted by a corps of the best aircraft engineers and designers possible to obtain, both European and American. The matter of production should be taken out of the hands of the Signal Corps entirely, and no man who has any near or remote interest in a company manufacturing airplanes or engines should be permitted to act as adviser or be in authority. While we are developing American aircraft and American engines we should temporarily, at least, procure an abundant supply of approved types of aircraft and engines of European design.

Further, it seems to the committee that every encouragement should be given to the development of aircraft and that any action which retards progress, such as trust agreements or the prevention of those developing machines from flying, under proper restrictions, should be removed.

The committee also believes it to be its duty to point out that thus far no broad plan looking to future development has been laid down by the authorities. Warfare in the air is still in its infancy and it is inevitable that rapid changes will take place in both engines and planes. It is essential to our success that those in charge of the American aviation development shall be constantly looking ahead and devising plans for a continued expansion of the program, as well as the development of new types of engines and planes.

[S. Rept. 380, pt. 2, 65th Cong., 2d sess.]

INVESTIGATION OF THE WAR DEPARTMENT—AIRCRAFT PRODUCTION.

Mr. SHEPPARD (for himself and Messrs. MYERS and KIRBY), from the Committee on Military Affairs, submitted the following:

VIEWS OF THE MINORITY.

We do not believe that the report of the majority of the Senate Military Affairs Committee on the aviation situation shows a proper estimate of what is being accomplished or that it is sufficiently complete to give an accurate impression of the facts.

Soon after the war began the Signal Corps arranged with the French Government for the making of 6,100 combat planes at a total cost of $127,000,000, the planes to be produced as rapidly as American flyers could be trained to operate them. As the American aero squadrons reach the front ready for duty, battle planes are being supplied them under this arrangement. To aid in this foreign manufacture of planes for American flyers, the Signal Corps has shipped to France 11,000 tons of various materials and has sent 7,000 mechanics to release for French factories making planes for our American flyers the French workers on motor transports. The Signal Corps then arranged for the making of about 11,500 combat planes in the United States, the term "combat plane" being here used to embrace all kinds of planes, both offensive and defensive, except training planes. The Curtis Aeroplane Corporation, the Dayton Wright Aeroplane Co., the Fisher Body Co., the Standard Aero Corporation, the Grand Rapids Aeroplane Co., W. H. Mullen & Co., and about 19 other companies throughout the country were engaged for the production either of completed machines or of spare parts.

Let it be said here that when the war began the United States Government had purchased altogether less than 200 aeroplanes in its entire history, and that of the few aeroplane factories in this country probably not one was making over five or six a month. It is hardly possible to grasp the magnitude of the task the factories contracting to make the 11,500 combat planes found before them. New plants had to be constructed, old ones fundamentally changed. Special tools for the making of the planes had to be devised and manufactured, and mechanics had to be trained to make the tools and also to make the planes after the tools had been completed. An aeroplane, especially the battle aeroplane, is one of the most highly technical, delicate, and complicated machines known to man. In no other form of machinery is absolute and painstaking accuracy in the smallest details more indispensable. It has about 4,000 parts and requires from 1,800 to 2,800 different drawings in the preparation for its manufacture, almost as many drawings as are required for a battleship. Every part is strained to the utmost while the machine is in the air, and the slightest break almost anywhere means instant disaster. When it is remembered how often the wheels of railway trains, due to hot boxes, etc., parts of railway and automobile engines, tires on autos, etc., go wrong, necessitating immediate repair, and that any similar breakdown in an aeroplane would mean, as a rule, death to its occupants, some part of the responsibility and difficulty involved in making a finished plane may be understood.

Remember further that every fighting plane must have machine guns, synchronizing devices, special telescope airplane sights, wireless apparatus, cameras of special type, electric heating devices for clothing, oxygen apparatus, speed indicators, special gauges, barometers, compasses, altometers, etc., to say that this complicated equipment is in steady and adequate production, and that factories are now about in shape for quantity production of combat planes, and have about completed the foundation for what is as difficult and responsible a task as has ever fallen to the hand and brain of man, is to state the truth and at the same time to recite an achievement unparalleled in all history for so short a time.

Remember again that when these combat planes were contracted for the only known lubricating oil adapted to their delicate parts was an oil made from the castor bean. There were not enough beans in this country to make anywhere near the amount of oil required. Neither were there enough seeds with which to grow the needed quantity of beans. The Signal Corps had to search the globe for seeds and finally secured a shipload from distant India. Then the corps had to contract for the planting of the seeds in this country and has succeeded in having about 110,000 acres planted. It is now claimed that a form of petroleum has been developed that will answer the same purpose. This, however, is still in the experimental stage, while the oil from the castor bean is known to be entirely adequate and reliable.

Remember again that the cloth used in the wings of the aeroplanes of all types had to be treated with a liquid substance which makes the cloth as fireproof as possible and also strengthens it for the immense strain to which it is subjected in the air. The Signal Corps is having this acetone distilled from wood under its own supervision on an enormous scale and at a cost of about $20,000,000.

The corps has had to find a substitute for Irish linen as the material for wing cloths on training planes, and has succeeded in adapting a certain form of long staple cotton to this need.

Coming now to the training plane, it may well be said that the completion of 3,500 to date, and the fact that they are now in quantity production, practically according to program, constitutes a remarkable achievement when the nature of the task is fairly weighed. The training plane is simpler than the battle plane and for that reason could be produced sooner, but the making of the training planes on a quantity scale is in itself a task of unprecedented difficulty and magnitude.

Let it be remembered, further, that the Signal Corps had to put regiments of workers in the forests to find the spruce needed in the making of aeroplanes. The spruce trees are found among fir and other trees, and of each 100 feet cut only about 15 per cent is found sound enough for aeroplane construction. Approximately a billion feet of lumber had to be cut and inspected and tested before the necessary 100,000,000 feet of spruce could be obtained.

Propellers are made of mahogany and other highly durable woods, and three or four must be made for each machine. This mahogany comes from the Tropics, and whether and when it can be brought to seaport depends on tropical rains, which swell the rivers so as to permit transportation.

Let us now consider the liberty motor. The liberty motor could not fairly have been called an experimental and untried device. It represented a combination of what had been demonstrated to be best in all motor construction. The Signal Corps, with its trained and skilled engineers, understood that a foreign motor could not be adapted to American manufacture and turned out in sufficient quantity in anywhere near the time in which the liberty motor could be produced. Foreign motors are based on the metric system of measurements, etc. American practice and American manufacture are not adapted to this system. All parts made under the metric system must be converted into inches and fractions of inches under our system. The foreign motor is so extensively the result of handwork that it is with great difficulty adapted to the machine work that dominates American factories.

Furthermore, the liberty motor is capable of 100 more horsepower than any foreign motor, except a few of one single type—the Rolls-Royce. The liberty motor develops 400 horsepower ordinarily and is capable of 465. The foreign limit, with the one exception above mentioned, is 300.

The liberty motor has become so well established that the British Government has asked for a large number. Sir William Weir, head of British aircraft production, stated recently in London that he considered the liberty engine the greatest single factor in the world's aviation program; that it was the most important single thing in the air program of England in 1918.

As soon as the liberty motor had been designed arrangements were made for the manufacture of a very large number before the close of 1918. The exact figures are withheld for military reasons. Henry Ford agreed to produce a substantial number of the total, the Packard Co. another portion, the Lincoln Motor Co., Nordyke & Marmon, General Motors, and the Trego Co. still other portions. These companies were notified to get ready last summer, and the actual contracts were signed later. They have spent the intervening time preparing plants, tools, and workmen for this unprecedented work and are now on the eve of quantity production. The very names of these manufacturers are sufficient assurance that they would not take a day longer than necessary to lay proper and efficient foundations.

The foreign planes which were accepted by the Signal Corps, known as light battle planes or single seaters, for which the liberty motor is too heavy in horsepower, were none of those offered by foreign concerns that came to America soon after the war began to sell their wares, except the Handley Paige, and that was not the plane which the Handley-Paige people first offered our Government on this side. Indeed, when the Handley-Paige plane was first offered here it was untried and undeveloped and had not been accepted by the British Government. The Signal Corps sent a commission abroad to study foreign planes on the ground and accepted certain ones only after careful and personal study.

On the whole, the record of the Signal Corps is one of which every American can be justly proud. In the face of unparalleled difficulty it is accomplishing an unparalleled task with characteristic American energy, capacity, patriotism and enthusiasm.

MORRIS SHEPPARD.
H. L. MYERS.
W. F. KIRBY.
Members of the Military Affairs Committee.

INDEMNITY FOR DAMAGES IN FRANCE.

Mr. ROBINSON. Mr. President, out of order I ask unanimous consent to present a report (No. 379) from the Committee on Claims, and I also ask for its immediate consideration. It is the bill (S. 4289) to give indemnity for damages caused by American forces abroad. It is an urgent matter. It was sent down some time ago by the War Department. The Judge Advocate General has sent me a letter explaining the necessity for prompt action concerning the bill. I am going to ask that the letter be printed in the RECORD. The necessity for the passage of the legislation is explained in a cablegram sent by Gen. Pershing to the War Department, and that will also be printed in the RECORD.

Mr. SMOOT. I should like to have the Senator read the cablegram, so that we may know just what the bill is intended for.

Mr. ROBINSON. The letter in which Gen. Pershing's cablegram is set forth is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, March 27, 1918.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

DEAR SENATOR ROBINSON: When the Secretary of War left for Europe he charged me with the duty of looking after War Department legislative projects pending in Congress. Among these projects is S. 3781—a bill to provide for indemnity for damages caused by American troops abroad, now pending before the Committee on Claims. Cablegrams received from Gen. Pershing indicate the urgent necessity of the speedy passage of this bill in order that the reputation of the United States may not be seriously injured with the French people. The bill itself provides nothing beyond that which would secure justice and equity. Viewed alone from this standpoint some delay in its passage would not

be serious, but when it is pointed out that under existing law the United States is absolutely unable to indemnify the French people for losses sustained by them due to injuries and accidents caused by the Government I believe that a situation is presented which calls for the speediest possible action upon the part of Congress.

Under date of January 17 Gen. Pershing cabled as follows:

"Subparagraph F, with reference to my indorsement of June 23 on Judge Advocate's letter, subject. Claims by inhabitants of France for damages caused by American military, and to paragraph 5, your cablegram 563, most urgently recommend immediate enactment of laws providing that hereafter appropriations for incidental expenses, Quartermaster Corps, shall be available for the prompt payment, under such regulations as the Secretary of War may make or cause to be made by the Commanding General of the American Expeditionary Force in Europe, of claims for injuries to persons and damage to property resulting from the acts or omissions of the United States military forces in Europe. Inability to pay claims for injuries due to accidents caused by Government motor vehicles and other causes result in much hardship and injustices to French people, and seriously injures our reputation as compared with British. Proposed legislation designed to authorize prompt settlement of the claims of inhabitants that would be paid by French Government under French laws if resulting from acts of French forces. We avail ourselves of French laws to quarter our troops in homes of their people, and should therefore conform to the French laws in our relation to them as nearly as practicable. Desire to inaugurate system employed by British, of district and division claim officers for the settlement of small claims and general claim board for large claims. Will have benefit of precedent of British claim board for guidance. Proposed legislation will not supersede One hundred and fifth Article of War, but will facilitate its enforcement. Have delayed making this recommendation pending decision of the comptroller in France. Comptroller holds no appropriation available and says, 'My regret is in not being able to find any authority of law for doing what would appear ought to be done.'"

Another cablegram from Gen. Pershing, of date March 21, is as follows:

"With reference to paragraph 1F, my cablegram 506, and paragraph 1, your cablegram 726, please advise us as to what progress has been made in the enactment of legislation authorizing settlement of claims. If bill does not conform precisely to my recommendation in paragraph 1F, my cablegram 506, desire to be informed of the exact text of the bill."

In view of the situation above set out, would it not be possible for you to have this bill immediately acted upon by your committee? An identical bill (H. R. 9901) has been favorably reported by the Committee on Military Affairs of the House and is now pending in the Committee of the Whole House. I have just addressed a letter to Mr. DENT, calling his attention to the situation as above explained to you, and have urged him to immediately secure the action of the Committee of the Whole House and the passage of the bill by the House. I am hoping that Mr. DENT will be able to secure the passage of this bill within the next few days. If, in the meantime, your committee would favorably report the Senate bill, then the House bill could be placed before the Senate for immediate passage upon its arrival from the House.

Very truly, yours,

E. H. CROWDER,
Judge Advocate General.

Mr. SMOOT. I am not going to object to the passage of the bill, but simply want to say to the Senator from Arkansas that similar legislation has been presented to the Committee on Appropriations of the Senate, and in several cases they have already acted. As this affects an appropriation recommended by that committee, I can not see why the department did not send the bill to it.

Mr. ROBINSON. I will state——

Mr. SMOOT. I will say to the Senator——

Mr. ROBINSON. Let me make a statement.

Mr. SMOOT. Very well.

Mr. ROBINSON. The department evidently did not know what committee would have jurisdiction of it, and originally sent the bill to the chairman of the Committee on Military Affairs, who introduced it. He did not call my attention to it. My attention was subsequently called to the matter in the letter of the Judge Advocate General, and I reintroduced the bill and now report it from the Committee on Claims. It is questionable whether the jurisdiction as to some sections of the bill might be divided, but in my opinion the Committee on Claims is the appropriate committee, and that is manifestly the view of the chairman of the Committee on Military Affairs of the Senate.

Mr. SMOOT. Of course, it proposes to authorize money to be paid out of an appropriation that has already been made. But I shall not object to the consideration of the bill at this time, for I believe the legislation ought to pass; I care not very much how it reaches that stage.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That claims of inhabitants of France or of any other European country for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHAMBERLAIN subsequently said:

The Senate this morning passed a bill to give indemnity for damages caused by American forces abroad. The bill has been referred to the Committee on Claims, and it was reported out by the Committee on Claims, and, as I said, it passed the Senate. The House has passed a similar bill, and it is pending before the Committee on Military Affairs, referred by mistake to that committee. I therefore ask that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBINSON. I now ask for the present consideration of the House bill from which the Committee on Military Affairs has just been discharged. It is identical with the bill which the Senate passed this morning. The House of Representatives passed this bill last Monday. It came to the Senate and, as stated by the Senator from Oregon, was referred to the Committee on Military Affairs. That committee has been discharged from the consideration of the bill. In my opinion it will not be necessary to refer the House bill since the Senate has already passed to-day an identical Senate bill. I therefore ask for the consideration of the House bill which will obviate the necessity of further action in the House of Representatives.

The VICE PRESIDENT. Is there objection?

There being no objection; the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That claims of inhabitants of France or of any other European country not an enemy or ally of an enemy for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON. I move to reconsider the vote by which the bill S. 4289 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. ROBINSON. I move that the bill be postponed indefinitely.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3803) to provide quarters or commutation thereof to commissioned officers in certain cases, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9932) to amend section 2 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," in which it requested the concurrence of the Senate.

PETITIONS.

Mr. GALLINGER presented a petition of the Congress Heights Public Improvement Association, of Washington, D. C., and a petition of Electrotype Molders and Finishers Union No. 17, of Washington, D. C., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TILLMAN:

A bill (S. 4296) to provide medals of honor and bars for deeds of gallantry and intrepidity in the naval service of the United States (with accompanying papers); to the Committee on Naval Affairs.

By Mr. RANSDELL:

A bill (S. 4297) to grant to swamp-land States a vested title in and to certain lands; to the Committee on Public Lands.

By Mr. THOMPSON:

A bill (S. 4298) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on Pensions.

By Mr. NEW:
A bill (S. 4299) granting a pension to James E. Newgent;
A bill (S. 4300) granting an increase of pension to Paul L. Bahr;
A bill (S. 4301) granting an increase of pension to Jonathan Paulus;
A bill (S. 4302) granting an increase of pension to Zachariah Blake (with accompanying papers);
A bill (S. 4303) granting an increase of pension to Ellen Lee Scantling (with accompanying papers);
A bill (S. 4304) granting an increase of pension to John H. Scott (with accompanying papers);
A bill (S. 4305) granting an increase of pension to Levi H. Miller (with accompanying papers);
A bill (S. 4306) granting a pension to Elza L. Ross (with accompanying papers);
A bill (S. 4307) granting an increase of pension to William C. Roose (with accompanying papers);
A bill (S. 4308) granting a pension to Isabell Main (with accompanying papers); and
A bill (S. 4309) granting an increase of pension to Henry J. Lane (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:
A bill (S. 4310) for the relief of the estate of Henry A. V. Post; to the Committee on Claims.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $900,000 for extensions and improvement to building No. 42 (shops A, B, and C) machine shops and foundry at the navy yard, Boston, Mass., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty.

HOUSE BILL REFERRED.

H. R. 9932. An act to amend section 2 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States" was read twice by its title and referred to the Committee on Military Affairs.

USE OF HOMING PIGEONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes, which were on page 1, line 3, after "to" where it last occurs, to insert "knowingly," and on page 2, line 1, after "military," to insert "or naval."

Mr. FLETCHER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL DEFENSE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," which was on page 2, line 11, after "engineers," to insert:

And provided further, That the persons appointed under this act shall be duly accredited by some religious denomination or organization and of good standing therein, under such regulations as may be prescribed by the Secretary of War: *Provided*, That the maximum age limit of chaplains in the Army shall be 45 years.

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

QUARTERS FOR COMMISSIONED OFFICERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases, which was, on page 2, line 1, after "thereof," to insert "and commutation for heat and light."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SALE OF MILITARY SUPPLIES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war.

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendment of the House and ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment of the committee as amended.

Mr. THOMAS. I rose to inquire what is the amendment.

Mr. OVERMAN. It is the committee amendment which has been discussed here for four days.

The SECRETARY. On page 2 strike out the remainder of line 17 and insert certain words.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment. There being no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. PENROSE. I desire to offer the following amendment as an additional section.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which the Secretary will read.

The SECRETARY. Add, as an additional section, the following:

SEC. —. Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated, shall, upon a conviction therefor after a hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department: *Provided*, That if charges are preferred that such person has committed any of these offenses, such charges shall be promptly heard by the head of the department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania. [Putting the question.] The noes seem to have it.

Mr. PENROSE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PENROSE. I raise the point of no quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McCumber	Sherman
Baird	Henderson	McKellar	Simmons
Bankhead	Hitchcock	McNary	Smith S. C.
Chamberlain	Hollis	Martin	Thomas
Colt	James	Nelson	Thompson
Culberson	Johnson, Cal.	Nugent	Tillman
Cummins	Jones, N. Mex.	Overman	Townsend
Dillingham	Jones, Wash.	Penrose	Underwood
Fall	King	Robinson	Walsh
Fletcher	Kirby	Sha'roth	Williams
France	Lodge	Sheppard	

Mr. SHEPPARD. I wish to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. KING. The Senator from South Dakota [Mr. STERLING] is occupied in committee work.

Mr. JONES of Washington. The Senator from Kansas [Mr. CURTIS] and the Senator from Nebraska [Mr. NORRIS] are necessarily absent on business of the Senate.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. POINDEXTER, Mr. KENDRICK, Mr. GALLINGER, Mr. RANSDELL, Mr. KELLOGG, Mr. HARDWICK, Mr. SMOOT, Mr. SHIELDS, Mr. NEW, and Mr. TRAMMELL entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Pennsylvania.

Mr. PENROSE. Owing to the fact that when the amendment was read there was hardly anyone in the Chamber I ask that the amendment be again read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr. PENROSE to add at the end of the bill a new section.

Mr. OVERMAN. I offer an amendment to the amendment offered by the Senator from Pennsylvania, namely, after the word "enumerated," in line 3, and before the word "shall," to insert the words "since the declaration of war by the United States."

Mr. PENROSE. I can not accept that amendment.

The PRESIDING OFFICER. The Chair will request the Senator from North Carolina to again state his amendment in order that the Secretary may note it.

Mr. OVERMAN. I desire to amend the amendment so that it will read:

Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated since the declaration of war by the United States——

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment offered by Mr. PENROSE, in line 3, after the word "enumerated," by inserting the words "since the declaration of war by the United States," so as to read:

Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated since the declaration of war by the United States, shall, upon a conviction therefor, after a hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department.

Mr. ASHURST. Mr. President, I suggest to the Senator from North Carolina that he have his amendment come in after the word "who," in line 2.

Mr. OVERMAN. Very well; I think that would sound a little better, and I will ask that the words suggested by me be inserted there. It does not make any difference in meaning.

The PRESIDING OFFICER. The Senator from North Caroline modifies his amendment.

Mr. OVERMAN. Yes; I think the suggestion of the Senator from Arizona is better.

Mr. PENROSE. What is the suggestion?

Mr. OVERMAN. The Senator from Arizona suggests that the words proposed by me be inserted after the word "who," in line 2, so as to read:

Any person holding any office or position under the United States, by appointment, who, since the declaration of war by the United States, shall have committed any of the offenses herein enumerated—

And so forth.

I think the place suggested by the Senator from Arizona is a better place for the words.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina to the amendment offered by the Senator from Pennsylvania.

Mr. OVERMAN. Mr. President——

Mr. PENROSE. Does the Senator from North Carolina desire to explain the amendment? Does he desire to have the floor?

Mr. OVERMAN. I do not understand the Senator.

Mr. PENROSE. I was making an inquiry of the Chair as to who had the floor.

Mr. OVERMAN. I have offered the amendment to the amendment and have suggested the place where I think it should be inserted. I ask the Secretary to read it now, so that the Senator from Pennsylvania may understand it as I have modified it.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed by Mr. OVERMAN to amend the amendment of Mr. PENROSE, so that it will read as follows:

Any person holding any office or position under the United States, by appointment, who, since the declaration of war by the United States, shall have committed any of the offenses herein enumerated, shall, upon a conviction therefor after a hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department: *Provided*, That if charges are preferred that such person has committed any of these offenses, such charges shall be promptly heard by the head of the department.

Mr. CUMMINS. Mr. President, I do not rise to take up the time of the Senate in arguing this amendment, but I do not want to have it understood by my silence that the amendment proposed now by the Senator from North Carolina is of any value. It would be utterly impossible for anyone to have committed any of these crimes prior to the declaration of war. They are all crimes of a character that can only be committed during war. For instance, one who spoke contemptuously of the Constitution of the United States 20 years ago or 5 years ago or 4 years ago would not have committed a crime such as is denounced by this bill.

Mr. PENROSE. Why would he not?

Mr. CUMMINS. Simply because it was not during the war.

Mr. PENROSE. But the words "since the declaration of war by the United States" have not yet been added to the amendment.

Mr. CUMMINS. But the whole amendment relates to crimes committed during the war.

Mr. JAMES. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. JAMES. Is it not true that the amendment reported by the committee says:

Or shall willfully obstruct or discourage, or willfully attempt to obstruct or discourage, the recruiting or enlistment in the service of the United States—

That would apply to a time before the war, because we were enlisting men in the Regular Army before the war.

Mr. CUMMINS. I do not think that would be reached under this provision.

Mr. JAMES. It does not say "enlistment during the war," but "enlistment in the service of the United States."

Mr. CUMMINS. I do not want to have anybody assume that I thought that these acts that were committed before the war could have been or could be converted into offenses against the United States.

Mr. OVERMAN. Mr. President, I agree with the Senator so far as the amendment is concerned; but, out of abundance of caution, I thought it would be well to incorporate in the amendment of the Senator from Pennsylvania the words suggested by me.

Mr. TOWNSEND. Mr. President, may I ask the Senator from North Carolina a question?

Mr. OVERMAN. Certainly.

Mr. TOWNSEND. Will the Senator from North Carolina kindly explain what he has in view by offering this amendment?

Mr. OVERMAN. I do not wish anybody to be convicted under this provision for language used before we entered the war.

Mr. KIRBY. Mr. President——

Mr. CUMMINS. Mr. President, if I may be allowed just a moment, this section begins—

Whoever, when the United States is at war, shall willfully make or convey false reports—

And so forth.

That continues throughout the entire bill.

Mr. KIRBY. Mr. President, it seems to me that the amendment to the amendment should not be adopted. It is contrary to the spirit of our institutions and our laws to make a man answerable for an act that has been made a crime long after the act was committed. If a man who had heretofore made such statements as those denounced by this measure had not then been guilty of a crime, he ought not now to be declared guilty of a crime for an act which was not criminal when it was committed. It seems to me we are going far enough when we say that a man shall not henceforth do so and so; and I think that the amendment to the amendment ought not to be adopted.

Mr. PENROSE. Mr. President, this is not a criminal provision. It simply declares that where a man has a certain record he shall be removed from office.

Mr. KIRBY. I am not complaining about the amendment, but about the amendment to the amendment.

Mr. PENROSE. The amendment of the Senator from North Carolina, in my opinion, destroys the provision I have offered. Whether he is apprehensive of a wide breach being created in some of the departments of the Federal Government or not and has persons in mind he desires to protect I am not informed.

Mr. OVERMAN. Has the Senator in mind any persons whom he desires to affect?

Mr. PENROSE. I have in mind quite a number of gentlemen.

Mr. OVERMAN. And one especially. I ask the Senator if it is not one man he is after?

Mr. PENROSE. No; my sympathies are catholic and general. I have a number of people in mind who have written pro-German books and given vent to pro-German sentiments of very virulent character; and I think the moral effect of their presence in the departments, exercising a brief autocratic authority and

insulting honorable gentlemen who come down here to see them on matters of business, might well be looked into. These men have suddenly become patriotic upon becoming attached to an office.

The provision I have offered is simply declaratory of a condition, just as if an amendment were offered that anyone who in the past, or within 20 years, had been guilty of the crime of forgery should be ineligible for office and should be discharged if in office. Certainly that would be a legitimate declaration as a qualification of an officeholder.

As to confining the measure to acts perpetrated since the war, we have a very flagrant illustration that such restriction does not prevail in practice, when President Wilson interfered in the fight in Wisconsin and charged Mr. LENROOT with alleged crimes and offenses occurring before the declaration of war. So that, if the Senator's party leader and guiding spirit in his actions can go back before the war and charge a Member of Congress with certain misdemeanors, certainly we can afford to take up the cases of the humbler class of appointees in the Federal departments; and if they have been guilty of some flagrant declaration of sympathy with the enemies of the country, particularly very recently, so as to give every reason to suppose that their minds have not changed, it seems to me the charges ought to be considered, and, if proved, then the officeholder ought to be removed. What is the use of going into the byways and villages and prosecuting some ignorant and uneducated man, who, in the heat of the moment, may have made some frivolous remark or who may have lightly spoken in a way that can be considered an offense under this act, and either convict him and sentence him to jail or put him to the expense, and there always is considerable expense, of defending himself in court, when the departments are quite largely honeycombed with men who have recently been guilty of the same offense?

Mr. WALSH, Mr. OVERMAN, and Mr. JONES of New Mexico addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. OVERMAN. Mr. President, the whole amendment——

The PRESIDING OFFICER. The Chair has recognized the Senator from Montana, who first addressed the Chair.

Mr. OVERMAN. I beg pardon.

Mr. WALSH. The Senator from Pennsylvania [Mr. PENROSE] makes it extremely hard for some of us who are very heartily in favor of his amendment to vote for it. I gather from the remarks of the distinguished Senator that he has introduced this amendment because he wants to go after somebody; but I desire to submit to the Senator from North Carolina [Mr. OVERMAN] that not only is the suggestion made by the Senator from Iowa [Mr. CUMMINS] sound, that no offenses under this act could possibly have been committed prior to this war, but the amendment proposed by the Senator from Pennsylvania can not, under the rules of construction, have a retrospective operation. It contemplates the discharge of those only who shall be found to have committed these offenses, and these offenses will not exist at all until after the act is passed. Prior to that time the thing is not a crime; it is entirely harmless; no one committed any offense by doing any of these things in the past, and will not have committed any offense until the act is passed. So that I think we may very readily accept the amendment offered by the Senator from Pennsylvania.

Mr. OVERMAN. Mr. President, the intention of the amendment is that it shall have a retrospective effect. That is the intention of the Senator who introduced the amendment. I agree with the Senator from Montana [Mr. WALSH] and, as I have said, I agree with the Senator from Iowa [Mr. CUMMINS]. The amendment amounts really to nothing except that it is the intention of the Senator from Pennsylvania to punish somebody whom he has in mind. He denounced Mr. Creel when he introduced the amendment, and Mr. Creel has been denounced on this floor here for some two hours or more by one Senator. Then it was that the Senator introduced this amendment for the purpose of directing it toward one or more men who might have committed offenses under the language of it prior to the declaration of war. I agree that it can not have any retrospective effect, no matter what the Senator says who introduces the amendment; but if the amendment should be adopted I think we should put in the words I have suggested out of an abundance of caution. I agree with the Senator from Iowa and the Senator from Montana that they will have no effect; but I think the whole amendment ought to be beaten.

Mr. JONES of New Mexico. Mr. President, I am in entire sympathy with what I understand to be the general purpose of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE], but I had thought that perhaps this matter might be reached in a little different way.

The other day I offered an amendment somewhat along the same line, which reads as follows:

Any employee or official of the United States Government who commits any disloyal act, or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner, criticizes the Army or Navy or the flag of the United States, shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official.

Mr. President, it seems to me that there is one very important reason why it might be more advisable to adopt the amendment which I proposed some days ago than the one offered by the Senator from Pennsylvania. The amendment of the Senator from Pennsylvania simply furnishes as a ground for dismissal of the official a criminal act, an act which is made criminal by virtue of the bill which we are now considering; and it must be apparent to any one that to put that provision in the bill, and authorize the head of a department to try out a criminal offense, might have some very deleterious influences.

For instance, an individual charged with a crime who is to be tried before a jury of the country would necessarily be prejudiced if the head of a department had previously taken up the question as to his guilt of a criminal offense and had found him guilty; and it strikes me that for the purpose of dismissing an official we need not go that far. I believe that every person in the employ of the Government ought to be not only not disloyal, but ought to be highly patriotic, and that we need not limit ourselves to the elements which we are willing to have constitute a crime for the mere purpose of bringing about the dismissal of an official. It was with that end in view that the amendment which I proposed some days ago was prepared.

I can see how innocent people might be prejudiced in a criminal tribunal by first having the head of a department try out the case, and dismiss the party for the specific thing which is now to be declared to be a criminal offense; and so this amendment which I have proposed lays down the things which in themselves will furnish ground for the dismissal of the official.

I think we all want highly patriotic citizens only in the service of the Government at this time; and the amendment which I have prepared will accomplish that purpose, and at the same time not prejudice anybody who may subsequently be brought to trial in a criminal tribunal. I believe that my amendment will accomplish all that the Senator from Pennsylvania seeks and all that the Senators generally seem to want, and will not have any deleterious influences upon those who may be prosecuted in the courts. I should like to have this amendment accepted, if it seems to be agreeable to the Senators; and for the purpose of having it considered I offer it as a substitute for the amendment proposed by the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, the amendment which the Senator from New Mexico has offered as a substitute does not seem to me to cover in any way the condition that I want to reach; and I should like to ask him whether it does or not? My purpose is to reach the case of an officeholder who, say three years ago, wrote a book declaring in unmistakable terms that Germany was right in the war, and that France and England were the aggressors, and that the sinking of the *Lusitania* was justified.

Mr. JONES of New Mexico. Mr. President, I do not believe that that point is covered by my amendment, and I must say that I doubt very much whether it should be covered by any amendment. I do not believe in going back to stir up old sentiments and animosities. I am quite content to believe that there are in this country thousands of people who were not in accord with the most aggressive of us who went into this war for reasons which appeared to us to be sufficient and compelling, but who are just as patriotic to-day as any of us. They may have differed three years ago on some lines of international policy, and yet to-day may be patriotic citizens who ought to be serving this country in some way. I do not believe that we ought to adopt any amendment which will cover just the things presented by the Senator from Pennsylvania.

Mr. CUMMINS. Mr. President, I rise to a point of order. We already have an amendment pending in the third degree, and the amendment now offered by the Senator from New Mexico is in the fourth degree. It is therefore not in order; and as much might be said of the amendment offered by the Senator from North Carolina. It is in the third degree.

Mr. OVERMAN. No; Mr. President——

Mr. PENROSE. The second degree.

The PRESIDING OFFICER. The Chair thinks the pending question is the amendment of the Senator from North Carolina to the amendment of the Senator from Pennsylvania, and that the amendment offered in the nature of a substitute by the

Senator from New Mexico is not at this time in order. It is first in order to perfect——

Mr. JONES of New Mexico. I assumed that the amendment offered by the Senator from Pennsylvania could be perfected. I wanted to state the purpose of my amendment, and my purpose to present it as a substitute at the proper time.

Mr. PENROSE. I suppose I can modify my own amendment, and that would be in order. I recognize that there is something in the statement made by the Senator from Montana. I had thought about it when I drew the amendment, but concluded that as this is not a criminal statute, but merely a direction to the head of a department, I need not be too technical in the language used; but I am entirely willing, in deference to the criticism of the Senator from Montana, to modify the amendment, on line 3, by striking out the words "offenses herein enumerated" and substituting "acts for which punishment is provided herein." I think that would come pretty near meeting the objection.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. PENROSE. Yes.

Mr. SHIELDS. I should like to ask the Senator from Pennsylvania for a construction of his amendment as to the scope of it. It provides that any person holding any office or position under the United States by appointment who shall have committed any of the offenses described may be removed and discharged by the head of a department.

Mr. PENROSE. Yes.

Mr. SHIELDS. Does that cover and include every person and every officer inferior to the head of an executive department?

Mr. PENROSE. I should think so; yes.

Mr. SHIELDS. Say, for instance, the Secretary of the Treasury. There are a number of officers, such as the Comptroller of the Currency, the Treasurer, the Commissioner of Internal Revenue, and some others, who are nominated and appointed by and with the advice and consent of the Senate. They are not appointed by the Secretary of the Treasury, or by any of his subordinates, but by the President. Does this amendment give to the Secretary of the Treasury the authority to remove the officers that I have mentioned?

Mr. PENROSE. No; I take it for granted that the charges would be submitted to the President. They are presidential appointees and nominally identified with the Treasury Department.

Mr. SHIELDS. I do not think the Senator meant to include the broad scope I suggested, because this provides that the head of the department may remove them, not the President.

Mr. PENROSE. I would consider that the President would be the head, in the sense referred to by the amendment.

Mr. SHIELDS. I do not understand that the President is the head of any department, and therefore I do not think such a designation would include him.

Mr. PENROSE. To meet the Senator's objection I will further modify the amendment with a proviso, as follows:

Provided, That where the person holding such office or position is appointed by the President or other executive head—

I will perfect that amendment in a minute.

Mr. SHIELDS. Perhaps that would include some officers who could be removed from office only by impeachment. I have not looked up the matter with that in view.

Mr. PENROSE. I will modify the amendment by putting in on line 4, following the words "after a hearing before the head of the department," the words "or the President or other official making such appointment," so that it will read:

After a hearing before the head of the department or the President or other official making such appointment.

Mr. LODGE. Why not have it read:

After a hearing before the President or the head of the department in which he is serving.

Mr. PENROSE. That would be all right—

After a hearing before the President or the head of the department in which he is serving

Mr. OVERMAN. As I understand, the Senator does not want to convict anybody by any ex post facto or retrospective law.

Mr. PENROSE. This is not an ex post facto law.

Mr. OVERMAN. I understand. Now, will the Senator agree to accept an amendment striking out the word "have," and making it read "commit" instead of "committed"?

Mr. PENROSE. Oh, that would destroy the amendment.

Mr. OVERMAN. So that any person holding any office or position under the United States by appointment who shall commit any of these offenses shall be subject to removal?

Mr. PENROSE. That destroys the whole purpose of the amendment.

Mr. OVERMAN. Then the Senator wants to go back, does he——

Mr. PENROSE. I do; I have said so repeatedly.

Mr. OVERMAN. And take cognizance of language used 20 year ago?

Mr. PENROSE. I do not think it would be necessary to go back 20 years, because these conditions had not arisen then. I suppose you could go back 20 years where an officer had advocated violence, I. W. W. doctrines, or socialistic doctrines. There are some such in the departments.

Mr. BORAH. Mr. President, I should like to ask the Senator a question. I am reading the amendment now as it is printed:

Any person holding any office or position under the United States by appointment who shall have committed any of the offenses herein enumerated——

Mr. PENROSE. I have changed that.

Mr. BORAH. What change was made?

Mr. PENROSE. Instead of "offenses herein enumerated" I have made it "any of the acts for which punishment is provided herein."

Mr. BORAH. Does the Senator intend by that to submit an amendment which, if incorporated into the bill, will operate upon acts described in the bill, but which took place before the bill was passed?

Mr. PENROSE. Yes. This is not an ex post facto law or a criminal statute providing for penalties of fine or imprisonment. It is simply equivalent to a declaration that anyone who committed forgery or murder 20 years ago shall be removed from office. Certainly we would have a right to do that.

Mr. BORAH. Mr. President, I would not support a measure which would undertake to make a law operative prior to the time the law was passed. In the first place, I do not think you could do it. I think it is in the nature of punishment. It may not be within the technical provision, but it is within the spirit of the constitutional provision that you can not pass an ex post facto law; but to undertake to pass a law by which a party shall be held responsible for acts defined in the law, but which acts took place before the law was passed, is in spirit in violation of that fundamental principle of government.

Mr. OVERMAN. To be sure.

The PRESIDING OFFICER. The Chair suggests that the Secretary state the amendment as modified.

Mr. OVERMAN. Mr. President, there has been a great deal of confusion about this amendment; and without any disrespect to the Senator from Pennsylvania, but because I think the sentiment of the Senate is against the amendment, I move to lay it on the table.

The PRESIDING OFFICER. The Senator from North Carolina moves to lay on the table the amendment of the Senator from Pennsylvania. [Putting the question.] By the sound the ayes seem to have it.

Mr. PENROSE. I call for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. PENROSE. I do not want to criticize the Chair, but my hearing is pretty good, and——

The PRESIDING OFFICER. The Senator from Pennsylvania demands the yeas and nays. Is the call sustained?

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SHIELDS. Mr. President, without having made an examination of the question——

Mr. GALLINGER and other Senators. Regular order!

Mr. SHIELDS. Am I in order, Mr. President?

The PRESIDING OFFICER. The Chair will state that the pending question is a motion to lay on the table the amendment of the Senator from Pennsylvania, and it is not debatable. The Secretary will call the roll.

The Secretary called the roll.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Missouri [Mr. STONE] and vote "yea."

Mr. DILLINGHAM. Because of my general pair with the Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. KIRBY. I announce the unavoidable absence of the senior Senator from Missouri [Mr. STONE] on account of illness, and also the necessary absence of the junior Senator from Missouri [Mr. REED], on account of the illness of his colleague.

Mr. MYERS. The Senator from Connecticut [Mr. MCLEAN], with whom I have a pair, is necessarily absent. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. UNDERWOOD. I wish to announce the unavoidable absence of my colleague [Mr. BANKHEAD] on official business. I will state that he is paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I ask that this announcement may stand for the present.

Mr. CHAMBERLAIN (after having voted in the affirmative). I voted, but I observe that my pair, the junior Senator from Pennsylvania [Mr. KNOX], is absent. In his absence I transfer my pair to the Senator from California [Mr. PHELAN] and let my vote stand.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to my colleague [Mr. PAGE] and vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a pair with that Senator, but transfer my pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. WALSH (after having voted in the affirmative). I voted without noting the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a general pair. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and let my vote stand.

The PRESIDING OFFICER (Mr. ROBINSON). I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT];

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

Mr. JONES of Washington. I desire to announce that the Senator from Kansas [Mr. CURTIS] and the Senator from Nebraska [Mr. NORRIS] are absent on business of the Senate. I will allow this announcement with reference to these Senators to stand for the day.

Mr. CALDER (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. He has not voted. I transfer my pair to the senior Senator from Utah [Mr. SMOOT] and let my vote stand.

Mr. FLETCHER. I wish to announce the absence of the junior Senator from Mississippi [Mr. VARDAMAN], on account of illness. I will let this announcement stand for the day.

The result was announced—yeas 26, nays 27, as follows:

YEAS—26.

Ashurst	Kendrick	Ransdell	Smith, S. C.
Chamberlain	McKellar	Robinson	Thompson
Culberson	Martin	Shafroth	Tillman
Fletcher	Myers	Sheppard	Walsh
Henderson	Nelson	Shields	Williams
James	Nugent	Simmons	
Jones, N. Mex.	Overman	Smith, Ariz.	

NAYS—27.

Baird	Gallinger	Lodge	Sterling
Borah	Hale	McCumber	Thomas
Calder	Harding	McNary	Townsend
Cummins	Johnson, Cal.	New	Underwood
Dillingham	Jones, Wash.	Penrose	Wadsworth
Fall	King	Poindexter	Warren
France	Kirby	Sherman	

NOT VOTING—42.

Bankhead	Gronna	Norris	Smoot
Beckham	Hardwick	Owen	Stone
Brandegee	Hitchcock	Page	Sutherland
Broussard	Hollis	Phelan	Swanson
Colt	Johnson, S. Dak.	Pittman	Trammell
Curtis	Kellogg	Pomerene	Vardaman
Fernald	Kenyon	Reed	Watson
Frelinghuysen	Knox	Saulsbury	Weeks
Gerry	La Follette	Smith, Ga.	Wolcott
Goff	Lewis	Smith, Md.	
Gore	McLean	Smith, Mich.	

So the Senate refused to lay Mr. PENROSE's amendment on the table.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN] to the amendment of the Senator from Pennsylvania.

Mr. TOWNSEND. Mr. President, I voted against laying the amendment on the table, as I usually do vote against such disposition of bills or amendments, except such as are introduced purely for the purposes of delay. I feel that this question ought to be discussed.

I confess, however, Mr. President, that I do not feel from what has been said in its behalf that I can support the amendment upon its merits. I realize that there has been good ground for the feeling which the senior Senator from Pennsylvania has on account of the appointment of men to positions of trust and of their retention in office after their unfitness has been demonstrated, whose whole experience has been antagonistic to our Government and its Constitution. I have only contempt for such appointees.

It occurs to me that there is some danger, if it is possible for Congress to do it, in the passage of a retroactive law, and that is the whole object which the Senator has in mind, as he states. I think it would be exceedingly dangerous. There were good reasons for men to differ in opinion before the war had progressed in Europe very far. Some of the very best men in this country expressed themselves strongly in favor of the German side of the controversy. That was before we were in it and while we were occupying what was said to be a neutral position.

Now, it stands to reason that the representatives of the various nations in Europe which were involved in that war would have a choice between European contestants, and it is too late now when we require the working together of all our citizens to go into the past and rake up statements which have been made carelessly or indifferently for the purpose of determining the loyalty of our people at the present time.

Mr. PENROSE. If the Senator will permit an inquiry on that point, I can understand how good men might have had a different point of view three years ago than they have to-day, but can the Senator excuse or condone a case where a person within three or four years has deliberately declared the Constitution of the United States a fraud on the people, a vicious and unworthy instrument, our whole scheme of government an effort to suppress the people, and tearing, you may say, to shreds an instrument that all officeholders are called upon before they perform an official act to uphold and support?

Mr. TOWNSEND. No; I do not sympathize with that.

Mr. PENROSE. This amendment covers much more than sympathy with Germany.

Mr. TOWNSEND. It covers that and other things——

Mr. KING. Mr. President——

Mr. TOWNSEND. Just let me answer the Senator from Pennsylvania for a moment. I condemn more the power that appoints such a man to office than I do the appointee himself.

The general provision of the proposed law provides that men shall be branded as criminals and punished as criminals if they commit the offenses charged in the bill. If they are convicted, they will be sent to jail, and can not very well serve in the office during that time at least, and I think there will be no difficulty about disposing of those men.

I agree with the Senator that there have been mistakes made, as suggested by him, and I would like to see them corrected, but I would like to have the men who made the mistakes correct them themselves. I do not want to subject the possible persecution or to condign punishment, because it is a punishment for a man to be discharged under such a complaint as will be made against him if he is now a loyal, law-abiding citizen.

Therefore with the explanation of the Senator from Pennsylvania, which is to the effect that he wants it to reach back prior to the war; and, believing that Congress has no right to enact such a law, yet inasmuch as the distinguished Senator has announced the purpose of the measure so directly I can not vote for it.

Mr. CUMMINS. Mr. President, like the Senator from Michigan [Mr. TOWNSEND], I voted against laying the amendment upon the table. I do that always, or nearly always, because I do not like that way of disposing of a measure.

But there are three reasons which will make it impossible for me to vote for the amendment proposed by the Senator from Pennsylvania. The first is that I do not think that it has a proper place upon this bill. We are enacting a criminal statute, and I think the provisions of the bill ought to be limited to that subject. We ought not to attempt to regulate the departments of the Government in the passage of a purely penal law.

The second reason is this: The person who is to be dismissed must be tried before the head of the department. If the head of the department is in sympathy with his own country and wants to preserve in his work a loyal force of men, he will have no difficulty whatsoever in doing so without a statute of this

sort. If he is not particular with regard to the sentiment of his employees regarding the country which they serve, then this would be unavailing, because he would not find the particular employee to have been guilty of the offense for which he is to be removed.

My third reason is that I am just as solicitous about preserving to the President of the United States the just power he has under the Constitution as I am anxious to preserve in the Congress the powers which it has assumed to exercise under the Constitution; and while I know that we have the right to prescribe qualifications or elements of eligibility which the President must observe in making appointments, I doubt very much whether we have the right to say to the President that upon a given state of facts he must discharge or dismiss a given employee.

For these reasons I am opposed to the amendment, aside from the injustice, in a sense, of punishing one for an act committed before the declaration is made in the statute, and with regard to that I can easily see that the Senator from Pennsylvania can escape the prohibition of the Constitution against ex post facto laws, because I hardly think that declaring a certain requirement for an employee is a penalty or a punishment that would fall within the constitutional prohibition. But it is obviously unjust to hold one to an accounting of that character by a statute passed after the act was committed unless the act be of such exceeding gravity as to entirely remove the opportunity or the thought of repentance and reform. For these reasons I do not feel that I can support the amendment.

Mr. PENROSE. Will the Senator permit an inquiry on that point?

Mr. CUMMINS. Certainly.

Mr. PENROSE. The Senator is himself, to some extent, a party guilty of this very performance, because he has acquiesced in it. I do not recall that he has raised his voice in protest. A gentleman of German ancestry was nominated to this body for the office of brigadier general, and he was charged with offenses such as are enumerated in this bill, occurring before the war, and among them excusing the sinking of the *Lusitania*. The charges were never proved adequately. They are denied by the party defendant and by his friends, and yet that gentleman's life is ruined and his career blighted. I have not heard the Senator from Iowa raise any protest against the injustice of bringing up offenses of this character committed before the war.

Mr. CUMMINS. Mr. President, I did not happen to be in the Senate when that matter was before the body.

Mr. PENROSE. It has been hanging for months and is still pending. Why does not the Senator move to have the committee discharged?

Mr. CUMMINS. I understand perfectly the instance to which the Senator refers, although not familiar with all the facts which may have been developed in the case; and there is no parallel at all, in my point of view, between such a case and the enforcement of such a provision as has been proposed by the Senator from Pennsylvania. I will not knowingly vote to confirm any man whom I believe to be unfit for the office to which he may have been appointed or nominated by the President. I never have and I never will, because I understand that the duty devolved upon us by the Constitution is an important one and not merely the discharge of a perfunctory or nominal service. I would not vote to confirm the gentleman to whom the Senator from Pennsylvania refers, either to a military or a civil office, if he were charged and proven to be guilty of the utterance of the language which is imputed to him, unless I am convinced that he had entirely reformed his habit of thought and is really a loyal citizen to the laws and institutions of the United States.

Mr. PENROSE. And not likely to have a relapse.

Mr. CUMMINS. He might have a relapse. I have known Senators as well as ordinary individuals to fall away from their sound and emphatic resolutions of reform. But that is a responsibility which ought to be discharged by the President and by the heads of the departments. If they are loyal and decent they will not keep in their employ men who are unfaithful to the Government which they serve, and if they are not loyal and decent a law of this sort would be of no value in correcting them.

Mr. FLETCHER. Mr. President, just a word or two with regard to the proposed amendment. Perhaps before saying what I am about to say I should correct the Senator from Pennsylvania as to the case which he mentions, which was pending some time ago. I do not feel at liberty to refer to matters that arose in executive session, but I will say, by way of correcting his idea about the status of that case, that it is no longer before the committee; that when Congress adjourned the nomination became void, because it was not confirmed. That failure to confirm was the end of the matter until another nomination is sent in.

Mr. PENROSE. It was long enough before the Senate to have given the Senator from Iowa ample opportunity to protest, if he holds the views he says he does.

Mr. FLETCHER. Of course, as to that I have nothing to say; but I do not feel at liberty to go further into that particular matter, because it involves executive business.

Mr. CUMMINS. Mr. President, I endeavor to do my duty as I see it, and I shall continue to do that without regard to the reflections of the Senator from Pennsylvania.

Mr. FLETCHER. My chief objection to the amendment is that, frankly, it is proposed by the Senator from Pennsylvania in order to reach out and accomplish a purpose and object outside of the intent and scope of this particular measure. If there is a condition which in his mind ought to be remedied with reference to some particular individual or condition, it ought to be, it seems to me, reached in another way.

But in addition to that, I do not think the Senator would accomplish by this amendment what he has in mind at all. I doubt very much if he could accomplish it by adding to this bill some provision in an effort to bring within its scope acts and conduct which took place long before the condition arose which is the very basis of this bill, namely, "when the United States is at war." Simply providing that if offenses which shall have been committed, or that if acts for which punishment is provided herein shall have been committed, by an appointee he shall be removed from office if, upon inquiry by the head of the department he is found guilty of having done these acts for which punishment is provided in the bill, does not reach the situation at all, it seems to me, that the Senator has in mind, because the acts for which punishment is provided in the bill are acts which have been committed "when the United States is at war." That is perfectly plain.

The very opening sentence of the bill provides that "whoever, when the United States is at war, shall willfully" do certain things shall be punished. The Senator says whoever commits any of the acts for which punishment is provided in the bill, or whoever shall have committed the acts for which punishment is provided in the bill, shall be removed from office. Necessarily the amendment would be held to mean the acts which are punished under the bill are acts which have been committed since this war began; but I think it does not extend to acts committed before that condition arose.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Colorado?

Mr. FLETCHER. I yield to the Senator from Colorado.

Mr. THOMAS. Suppose that is the intended and obvious consequence of the language used in the amendment, does the Senator suppose for a moment that the courts would permit it to stand?

Mr. FLETCHER. I do not think they would; and that is the real reason why I voted to lay the amendment on the table, because I think that the act would not be valid; that it would be absolutely void; but I do not believe it would accomplish the object anyway. I do not think it is necessary to enact a provision of this sort for future application, because, as has been said heretofore by some Senators in this discussion, the head of a department has the absolute authority now to dismiss from the service a disloyal employee or appointee. There is no difficulty about removing that sort of an official or employee; and if anyone knows of such an employee occupying a position in the Government service it would be the duty, it seems to me, of that one to prefer charges to the head of the department or to the executive under whose authority he is acting and bring the proof to sustain those charges. I am satisfied there would be no hesitation on the part of those having the power to see that such an employee or appointee should no longer occupy that relation to the Government.

I am not out of sympathy at all with the notion of getting rid of any such employees if they exist; and I have, I will say frankly, some reason to believe that there are people in the Government service who ought not to be in the Government service. We are living in extraordinary times; war conditions bring on new responsibilities, new duties, and impose new lines of conduct. What was said and done years ago in times of peace might be entirely harmless—foolish, it might be, but entirely harmless—which to-day would be treasonable, and we must recognize that situation.

There ought not to be in the Government service any man who not only is not helping the other side, but any man who is not enthusiastically helping the United States, in my judgment. If there is any such man or woman in the Government service, he or she ought to be speedily dismissed, because this war has absolutely drawn the line, and you are either on one side or on the other. Every man and every woman in this country must take a stand on one side or the other. Either you are for the

Government in this tremendous struggle, which involves the very life of civilization, or you are against it. If you are against it, then you ought not to be in a position to hamper or hinder or obstruct. Not only that, you ought not to occupy a position under the Government when you are not helping to the utmost of your ability to move forward in this great enterprise.

Mr. President, I am in favor of the amendment proposed by the Senator from New Mexico. I am not at all out of sympathy with the thought included generally in the amendment of the Senator from Pennsylvania. I do not think it will accomplish what he intends to accomplish by it; and I do not think that, if it did, it would be valid as a law. We can not enact that sort of legislation; and it is, in my judgment, out of place to attempt to place it on an important measure like this.

Mr. President, I hope that we shall dispose of this bill to-day. It is important that it should be disposed of. The people of this country are aroused. I am getting letters in every mail from men who write to me saying, "My boys are on the other side in the trenches; are you going to take care of those people who would stab them in the back on this side?" German propaganda is more dangerous than are German guns to-day, and we must get control of that situation. This sort of legislation will help to do it, and the sooner we enact it into law the better.

Mr. SMITH of Georgia. Mr. President, I came into the Chamber just as the vote was being had to lay upon the table the proposed amendment of the Senator from Pennsylvania [Mr. PENROSE], and I voted against laying it on the table, because I saw in it a direction that the disloyal should all be turned out of office, and that meets my most cordial approval. If there are in any of the departments any who are not absolutely behind the Government or any who go around and in any way express disapproval of the contest we are in and sympathy with our enemies, they ought to be turned out, and speedily turned out; but I really believe that the amendment which is proposed by the Senator from New Mexico [Mr. JONES] is in more satisfactory shape than the amendment of the Senator from Pennsylvania.

I wish to add that in voting for either amendment I do not indicate a doubt as to the right of the head of a department in Washington, without any such legislation, to discharge instantly an employee who had been guilty of any of the conduct described in this bill or who expressed himself in a way that indicated disloyalty.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. I do.

Mr. McCUMBER. I wish to ask the Senator a question. Assuming that the person appointed to an office is absolutely loyal to this Government as between this Government and our enemies, does the Senator believe if that person speaks with the greatest contempt not only of the Constitution of the United States but of the founders of that Constitution he ought to hold an office by appointment under the Constitution?

Mr. SMITH of Georgia. It does not embarrass me to answer that question. I answer without hesitation, "no."

Mr. McCUMBER. I am glad to have the Senator's answer. Then the Senator believes that we ought to have a law that would disqualify such a person?

Mr. SMITH of Georgia. I do not believe that anyone should hold office in the United States who is not ready to take an oath to support the Constitution of the United States, and take it with an earnest and zealous heart, and with a profound desire to support the Government.

Now, Mr. President, what I desire to say is that I believe the heads of the departments have the right now to remove such employees; and they ought to do so. I think the President ought to remove any of his appointees who fail in loyalty or express themselves in such a manner as to indicate a question as to their loyalty. I, however, would not wish to vote against one of these resolutions, for, even though I think the power already exists, I do not mind emphasizing it by the declaration that we think the power ought to be exercised; and in voting for such a resolution I would feel rather that we were expressing the opinion that the duly constituted superior officers should exercise this power than to question the fact that they have it already.

Mr. UNDERWOOD. Mr. President, I did not intend in the beginning to say anything on the floor with reference to this bill. I intend to give the bill my support, and have so intended from the very beginning. Under ordinary circumstances, it is very difficult for me to get my consent to vote for drastic legislation that goes into the homes of the citizens of the United States and holds men responsible for acts that are made offenses by laws that in many cases are unknown in advance of committing the offense to the individual who offends. But, Mr. President, I think the hour has come in the American Republic when the tocsin has sounded for all men to stand upon guard. The danger to our Republic, the danger to our civilization, the danger to our democratic institutions is too great, too appalling at this hour for any man to hesitate as to the position he will take when it is necessary to uphold the flag and support the Government of the United States. Therefore, although I recognize that the terms of this bill are drastic, that they are severe, I intend to give the bill my support.

Now, coming to the amendment offered by the Senator from Pennsylvania [Mr. PENROSE], I refused to vote to lay the amendment on the table, not that I object to laying amendments on the table; I have never occupied that position. If I am opposed to an amendment and I think that it is standing in the way of the enactment of legislation that ought to go through the body, although I never intend to be impolite to my fellow Senators, I would not hesitate for a moment as a public duty to vote to lay any amendment on the table to get it out of the way.

The reason I voted against laying the amendment of the Senator from Pennsylvania on the table was because I believed either that amendment or some other amendment along that line should be enacted. There may be better proposals. I have heard in the debate reference made to a proposal by the Senator from New Mexico [Mr. JONES]. I do not happen to be advised as to what that particular amendment is, but I shall listen to the debate, and if it is offered as a substitute for the pending amendment and I consider it a better proposal, I shall vote for it as a substitute; but I do not propose to occupy the position in the Senate of the United States wherein I say I am willing to go to the hut or the hovel and convict a man of disloyalty to the flag of the United States, and yet when it comes to those who are garbed in the uniform of the country, men in authority, those who should best know what disloyalty means, those on whose shoulders rests the primary duty to support the flag and to be loyal to the United States, I am not willing that they should be allowed to commit disloyal acts and continue to hold office while the citizen is convicted of a similar offense.

Mr. OVERMAN. Mr. President, will the Senator allow me?

Mr. UNDERWOOD. I yield.

Mr. OVERMAN. The fact that a man is an officeholder and is garbed in some official uniform would not exempt him from the provisions of this bill.

Mr. UNDERWOOD. No; but it ought to fire him out of the office so quickly that he could not bat an eye between the time of committing the offense and going out of the service of the United States.

Mr. OVERMAN. This bill provides for putting such a man in the penitentiary for 10 years.

Mr. UNDERWOOD. Well, he ought to go to the penitentiary, of course; but in the meantime he ought not to be cloaked in the uniform of his country.

I do not agree with the Senator from Pennsylvania that his amendment is retroactive. I have heard it stated in the debate that this amendment may be directed against some particular person. If it is, I am not aware of that fact. If there is any man in the service of the Government of the United States who has committed any of these offenses I do not know it, and I am glad that I do not know it, because it would disturb me very greatly to feel that any man who holds office under the Government of the United States could continue to do so while being disloyal to his Government. So that, so far as that side of the question is concerned, it does not concern me; but I do not agree with the Senator from Pennsylvania that the amendment can be retroactive in its terms.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. The Senator from Pennsylvania, as I understand, intends the amendment to be retroactive.

Mr. UNDERWOOD. I heard him make the statement; but I am not going to vote on the bill on the statement of the Senator from Pennsylvania.

Mr. BORAH. Of course, the Senator from Alabama would not be bound, and neither would the courts in construing the act be bound, by the interpretation of the Senator from Pennsylvania; but when an amendment was offered which would unquestionably make it operative in the future alone the Senator from Pennsylvania declined to accept the amendment. I presume, therefore, that if the Senator from Alabama should convince the Senator from Pennsylvania that the amendment is not retroactive, the Senator from Pennsylvania will undertake to make it so.

Mr. UNDERWOOD. I do not know how the Senator could make it so if he attempted to do it.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. UNDERWOOD. I yield.

Mr. KNOX. May I not suggest that the word "retroactive," which was used by my colleague, was not used in the constitutional sense at all; that it only meant, as I read the language of his amendment, that those who have been guilty of this vile thing shall not continue to hold office. It is not retroactive. It is only imposing a condition for holding office.

The right to hold office is not a natural right. An office is created by statute, and the statute may impose any condition it sees fit upon the person who shall hold it. For instance, the statute may say that nobody shall hold office who is not a citizen, or that nobody shall hold office who is not of a certain age, just as this amendment says that nobody shall hold office who has committed any one of these offenses. So I think the doctrine of retroactive legislation, as our Constitution provides it, is not involved here at all.

Mr. BORAH. Mr. President, I do not disagree with the suggestion of the Senator from Pennsylvania; but it is not in harmony with the suggestion of his colleague. If I may have just a moment, the amendment says:

> Any person holding any office or position under the United States by appointment who shall have committed any of the offenses herein enumerated shall, upon a conviction therefor—

And so forth. He must be convicted before this thing operates at all; and the Senator from Pennsylvania [Mr. PENROSE] stated that he intended that it should cover the last three years.

Mr. PENROSE. Any number of years.

Mr. BORAH. Any number of years, and before it operates at all he must have been convicted of the offense.

Mr. PENROSE. Before the head of the department.

Mr. KNOX. Suppose the statute stated that nobody shall hold an office who has not a good moral character or who does not sustain a good moral character. You could go back five years and show that a man had committed murder or burglary.

Mr. BORAH. Precisely; but what would the Senator do with the word "conviction"?

Mr. KNOX. That establishes the fact.

Mr. BORAH. Exactly; but in convicting him you may go back to his acts which cover the last three years.

Mr. KNOX. Exactly.

Mr. BORAH. You could not convict him for acts of the last three years unless the provision was retroactive.

Mr. KNOX. Retroactive only in the sense that the condition for continuing to hold office has relation to his conduct in the past as well as in the present.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I will.

Mr. NELSON. This is not retroactive legislation. It is ex post facto legislation. That is what it means. It is making criminal an act that was not criminal when it was committed.

Mr. PENROSE. It does not make any act criminal.

Mr. NELSON. Why, how can you convict a man under this law for what transpired before there was any law in existence?

Mr. PENROSE. There is no penalty of fine or imprisonment. The word "conviction" means that when the head of the department is persuaded that these acts have been committed then the appointee shall be discharged from the office.

Mr. NELSON. How can he be convicted by any court for something that was not an offense when it was done?

Mr. PENROSE. He is not convicted before any court. He is convicted before the head of the department.

Mr. BORAH. That is not what the amendment says.

Mr. PENROSE. Yes; it is.

Mr. UNDERWOOD. Mr. President, I am always glad to yield to my colleagues; but I only desire a few more minutes, and I should like to finish my statement.

In part, the Senator from Idaho [Mr. BORAH] has suggested what my view of this amendment is. The amendment is no broader in its terms and can reach no further than the original bill. It relates to the original bill; it is tied to the original bill and must be construed with the original bill. Now, it is proposed to turn a man out of office, not for an act, as suggested by the Senator from Florida, but for committing an offense. The amendment of the Senator from Pennsylvania does not refer to any acts committed along this line, but to an offense of which the officeholder is convicted.

Mr. PENROSE. Mr. President, I will state for the information of the Senator from Alabama that I have modified the language by striking out "offenses herein enumerated" and inserting the words "acts for which punishment is provided herein."

Mr. UNDERWOOD. Of course, that does not change the effect. The language "acts for which punishment is provided herein" brings it back to the word "offense" in the sense in which I am speaking of it, because there is no punishment provided now, and therefore the act for which punishment is provided can not be effective until after this bill is passed. Now, the bill itself starts out by saying, "Whenever the United States is at war." These offenses, therefore, are all limited to the time when the United States is at war. We went to war a year ago the 6th of this month; and therefore there could be no act committed under this bill in the sense in which the Senator from Pennsylvania uses the word—an act that could be punished as a crime—prior to the declaration of war, because it was not an offense at that time. More than that, as to the particular acts referred to in the section of the bill which is sought to be amended, they are not acts for which a man can be convicted until you pass the bill, and therefore his amendment could not be retroactive.

I am in doubt in my mind on the proposition as to whether or not, if a man committed a disloyal act, even if it were retroactive, and I could turn him out of office, I would not do it. I might not hang him by an ex post facto law, but I am not one that is willing for a man to wear the uniform of the Government of the United States who has admittedly committed a disloyal act. Now, the amendment of the Senator from Pennsylvania may not be in the best form. I am not committed to the form. If someone else offers as a substitute, or by way of amendment, a better form, I shall gladly give it my support; but I shall not vote to wipe out of the bill entirely, if my vote can prevent it being done, a provision in the bill that distinctly declares to the people of the United States that a man who stands in the uniform of his country, whether he is in the Army or in civil life, shall not hold office if by word or deed he is disloyal to the flag of his country.

Mr. OVERMAN. Mr. President, I am in favor of doing what this bill proposes. If a man is disloyal, or has uttered these sentiments since the war was declared, I want him to go to the penitentiary. I want him to be treated like any other citizen. Senators have been arguing that because a man has an office in this country, he has a cloak around him by reason of which he can not be convicted. Why not put him in the same category with anybody else, no matter who he is, Cabinet officer or anybody else, and put him in the penitentiary?

Mr. UNDERWOOD. Mr. President, will the Senator yield?

Mr. OVERMAN. Yes; I yield.

Mr. UNDERWOOD. I stated a moment ago that I recognized that a man should be sent to the penitentiary for doing these things, and, in addition to that, that he should be turned out of office.

Mr. OVERMAN. Why, Mr. President, if there is any such man in this Government, he ought to be turned out, and it will not require any law to do it.

Mr. UNDERWOOD. To be sure.

Mr. OVERMAN. He ought to be indicted and punished as an ordinary citizen. Why do we want to go on and say that we will turn him out of office? What does that amount to? Nothing. I want to put him where he belongs—in the penitentiary.

The Senator argues that because the bill itself says this must happen during the war, this amendment is added to that provision of the original bill. It is not so. This is offered as a separate section. Nothing is said about the war. Therefore, according to this amendment as I construe it, if a man at any time, 25 years ago, said anything or uttered anything that is prohibited in this bill, no matter when it was uttered, the Senator wants to turn him out of office.

I do not believe in ex post facto laws, Mr. President. I shall never vote for an ex post facto law; but I will withdraw my amendment, and let us test the sentiment of the Senate on this question, and see whether or not the Members of the Senate are in favor of the Penrose amendment.

The Senator from New Mexico [Mr. JONES] prepared an amendment carrying out in due form the idea of turning these people out of office. So far as I am concerned, I am willing to accept that amendment; but I am opposed to this amendment, because I believe, as the author says, it is intended to have a retrospective effect; it is intended to be an ex post facto law; it is intended to get after certain people who have been mentioned here upon this floor; and I do not think that is just or right or fair. But if, since the war began, any man has uttered any of these sentiments or done anything which is forbidden in this bill, let him go to the penitentiary and be fined and be punished in that way, but do not simply remove him from office.

Mr. KING. Mr. President, will the Senator yield?

Mr. OVERMAN. I yield.

Mr. KING. Suppose that two or three months or six months before the time when we recognized the existence of a state of war a man who was in office, or who is still in office, denounced the Constitution of the United States and our form of govern-

ment and denounced the flag. Under this act he could not be punished. Does not the Senator think that that man, entertaining those views, ought to be removed from office?

Mr. OVERMAN. I put him in the same class with other people. As the Senator from Michigan says, there are Germans over this country—in my State and in every other State—who sympathized with Germany, who uttered sentiments like those named in this bill before war was declared, who now are giving their money to buy liberty bonds and are sending their sons to the front. They are just as loyal as I am. Yet while this country was not at war they were sympathetic with Germany. I would not put those men within the provisions of this bill because of some act or some things they did prior to the war. I think there are probably a million Germans in this country who are loyal. I believe there are. It is disloyalty hereafter that we are trying to reach.

Mr. LODGE. Mr. President, the Senator's bill is aimed at the people who speak against the form of government of the United States and the Constitution.

Mr. OVERMAN. Yes.

Mr. LODGE. It is not a question of people who indulge in pro-German talk. There are lots of them in office here. It is the people who are against the Constitution that the bill seeks to reach.

Mr. OVERMAN. Mr. President, in times of peace there may have been Germans——

Mr. LODGE. No; not Germans.

Mr. OVERMAN. There may have been Germans who said that they did not like our Constitution and that they preferred their form of government and thought it better than ours; yet, Mr. President, there was no law against it then. Now we are making a law against it, and I would not go back 10 years to punish a man who did that. Would the Senator?

Mr. LODGE. I would not appoint him to office.

Mr. OVERMAN. No; I would not, either, if he had the same sentiments now.

We might as well be candid about this. All of this is a fight against one man. Now, Mr. President, I do not know him. I am not defending him, and if he uttered what it has been said on this floor that he uttered I would turn him out; but I would leave it to the loyal officeholders who control this Government to do it if it is true, and for anything he has done since that time I would put him in the penitentiary, where this bill puts him. I would not just simply turn him out of office.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. OVERMAN. I do.

Mr. SHIELDS. I should like to ask the Senator whether he does not think that where there is a disloyal man in the service, so expressing himself, setting a bad example and perhaps committing treason to the Government, and it is discovered, there ought to be some summary way to remove him right then and there, and not wait for an indictment and conviction and perhaps a review in an appellate court upon the subject? That is largely the object of legislation of this kind, and it is very wholesome, and I favor it. I like the amendment offered by the Senator from New Mexico [Mr. JONES] much better than I do that offered by the Senator from Pennsylvania; but I certainly would not support any measure that would be an ex post facto law, because it would be useless as well as bad legislation. If the effect of this and the intent of it is to forfeit an office by an act or on account of conduct that did not cause a forfeiture at the time the act was committed, it would be an ex post facto law; it could not be enforced; and all forfeitures come within the ex post facto law provision there.

Mr. OVERMAN. Mr. President, the Senator interrupted me. I do not disagree with him. I said when I began my speech that the Senator from New Mexico had showed me, three or four days ago, an amendment to which I did not object if he would narrow it somewhat in form.

Mr. SHIELDS. I do not think the Senator did; but the position he has taken was getting into conflict with the idea of some legislation along this line.

Mr. OVERMAN. I just started to say that I would be glad to see some legislation on this subject, although I do not think it is necessary. I think if any man has uttered any disloyal sentiment or has done any disloyal act he ought to be turned out; and I would not only turn him out but, as I say, I repeat, I would get the district attorney to indict him. That is what ought to be done. He ought not to be just simply turned out and uncloaked. He ought to be put where the humble citizen will be put—convicted and sent to the penitentiary and kept there; and I would hang some of them.

The PRESIDING OFFICER. The Senator from North Carolina withdraws his amendment to the amendment of the Senator from Pennsylvania. The question, then, is on the amendment of the Senator from Pennsylvania.

Mr. MYERS. Mr. President, I move to amend the amendment offered by the Senator from Pennsylvania by inserting, after the word "who," in line 2, these words:

After the entrance of the United States into the present war.

I send to the desk a copy of the amendment as it will read if my proposed amendment be incorporated in it.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Montana to the amendment of the Senator from Pennsylvania.

The SECRETARY. After the word "who," in the second line of the amendment of the Senator from Pennsylvania, as printed, it is proposed to insert the words "after the entrance of the United States into the present war," so that, if amended, it will read:

SEC. —. Any person holding any office or position under the United States, by appointment, who, after the entrance of the United States into the present war, shall have committed any of the acts for which punishment is provided herein, shall, upon a conviction therefor, after a hearing before the President or the head of the department in which he is serving, be thereupon discharged from such office or position—

And so forth.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Montana, if the question is a proper one, whether he has any one or more persons in mind to protect in the departments by this amendment?

Mr. MYERS. Mr. President, I am sure the Senator from Pennsylvania would not at any time, on any subject, ask me an improper question; and——

Mr. PENROSE. There is nothing improper in that. I do not mean to have the question assume an improper shape.

Mr. MYERS. I am acquitting the Senator of that. I say it is entirely proper, and I know that the Senator would not at any time, on any subject, ask me an improper question. This is a proper one, and I will answer it.

Mr. PENROSE. All right.

Mr. MYERS. It has not reference to any one or more particular persons. I believe that a distinction ought to be drawn in regard to punishment, or the infliction of any penalty, between persons who have made disloyal or profane or contemptuous or scurrilous or abusive remarks about the subjects enumerated in the amendment of the Senator from Pennsylvania since we entered the present war, and those who may have made such remarks before we entered the present war. This measure imposes a penalty, and I do not believe the same penalty would be applicable to one who made such a remark before we entered the war as would be applicable to one who made it since we entered the war.

Mr. PENROSE. If the Senator will permit me, I may be a little dense in my intellectual processes, but I should like to get illumination from the Senator from Montana as to the precise difference between a declaration that the Constitution of the United States is a fraud perpetrated upon the American people, and that the founders of that great instrument were practically men without character or repute, made one day or three months before the war, and a similar declaration made the day after the declaration of war. Is there any difference, Mr. President, when the statement stands unrepented, uncontradicted, a record against the character of the officeholder which would certainly persuade the average man that his sympathies were not in harmony with the purposes of the Government of the United States?

Mr. MYERS. Mr. President, morally there is no difference, but when it comes to the infliction of punishment I think there ought to be a difference. Before we entered into this war a man might make many criticisms against the Constitution of the United States——

Mr. OVERMAN. Will the Senator withdraw his amendment, and let us make a straight fight on the amendment of the Senator from Pennsylvania? I wish he would withdraw his amendment, so that we can make a straight fight on that amendment.

Mr. MYERS. A straight fight can be made by rejecting my amendment.

Mr. OVERMAN. I should like to see a straight-out fight, and see how many Senators will vote for the amendment of the Senator from Pennsylvania.

Mr. MYERS. I want to answer the Senator's question a little more fully. As I was saying, before we entered into this war a man might make many strictures on the Constitution of the United States, criticism of it, denunciation of it in time of peace, which I think would not be proper in a time when we are engaged in war. I think there is a difference. But out of respect to the wish of the acting chairman of the committee, who has charge of the bill, I do not want to infringe on whatever he thinks is proper, and I am ready to yield to his request, and I withdraw my amendment to the amendment.

Mr. NELSON. Mr. President, while I sympathize with the purpose the Senator from Pennsylvania has in view, I think the amendment will utterly fail to accomplish the proposed object. Reading it in the ordinary sense, it seems to me it is absolutely nugatory and void because of its uncertainty. I will read it:

Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated, shall, upon conviction therefor—

It does not say by what tribunal the conviction shall be had—

upon conviction therefor after a hearing before the head of the department.

It does not imply that the department must convict him.

Mr. PENROSE. That is the intention.

Mr. NELSON. It is not expressed at all in the amendment.

I wish to say further to the Senator as to the purpose he has in view to reach a case like that of Mr. Creel, as I understand it he is not an appointee of any department; he is a direct appointee of the President.

Mr. PENROSE. That part of the amendment has been changed.

Mr. NELSON. It would hardly cover it; but if it did cover it I do not conceive that you could make that criminal which was not criminal when said or done. Our Constitution is very plain about that.

No bill of attainder or ex post facto law shall be passed.

If there is any question in this law which makes those acts criminal which were not criminal when perpetrated it is an ex post facto law, and it is utterly nugatory.

So it does seem to me that giving it the scope and view the Senator intends, and that is that there is to be a trial and a conviction by the courts or by the Secretary, no court under our Constitution would ever convict a man for an offense which was committed prior to the enactment of this law. This law creates the offense; there was no such offense in existence under the law of the United States as is described in this bill prior to its enactment. So it would be utterly nugatory. It is because I look upon the question in that light that I voted to lay the amendment on the table, and for the same reason which was so well expressed by the Senator from Alabama, and that is, if I believe an amendment is not proper, is not what it ought to be, I have no scruples to vote to lay it on the table.

So I say to the Senator from Pennsylvania that I sympathize with what I think is the purpose he has in view, but this amendment will utterly fail to accomplish it, in my opinion. There is nothing mandatory here upon the heads of the departments. What we ought to do if we want to do anything is to first put in a prohibition and state that no head of any Government department or the President of the United States, if you please, shall employ or keep in the service of the Government any employee who is guilty of these offenses or guilty of disloyalty, if you please, giving whatever definition you see fit, and it is to be the duty of the heads of the department as soon as they ascertain it from their own information, or as soon as charges are made, to investigate these things, and if they find they are true then the employee shall be removed.

The amendment of the Senator, in my opinion, will utterly fail to accomplish what he intends to do, and I can not vote for it.

Mr. JONES of New Mexico. Mr. President, I believe I had better offer this proposed amendment of mine as a substitute for the amendment proposed by the Senator from Pennsylvania. I have been listening to the debate by the various Senators. I believe there can be no objection to the amendment which I propose, and I believe that it will accomplish all a vast majority of the Senators have indicated they seek to accomplish.

So that it may be understood I will read again the amendment which I offer now as a substitute for the amendment proposed by the Senator from Pennsylvania. Since I prepared the amendment the suggestion was made by the Senator from Tennessee [Mr. SHIELDS] to me that perhaps it was too broad and would include officials in the legislative or judicial branches of the Government, and perhaps that ought not to be done. So I will accept, if it meets the approval of the Senate, an amendment which I have written in here at the suggestion of the Senator from Tennessee. It will then read:

Any employee or official in the executive branch of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner criticizes the Army or Navy or the flag of the United States, shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official.

Mr. NELSON. Will the Senator yield to me for just a moment?

Mr. JONES of New Mexico. I gladly yield.

Mr. NELSON. I have this suggestion to make: If the Senator from Montana will withdraw his amendment, I think the Senator's amendment is in order.

The PRESIDING OFFICER. The amendment of the Senator from Montana has been withdrawn.

Mr. JONES of New Mexico. I understand the amendment of the Senator from Montana has been withdrawn, and therefore I offer this as a substitute.

Mr. LODGE. Let me ask the Senator a question. Does it cover only employees?

Mr. JONES of New Mexico. It covers employees and officials. At the suggestion of the Senator from Tennessee I ask leave to amend my amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from New Mexico that that is not necessary; that he can offer his amendment now in such form as he desires.

Mr. JONES of New Mexico. Very well; I modify my amendment.

Mr. NELSON. I ask that the amendment be read by the Secretary as it reads now.

The PRESIDING OFFICER. The Secretary will read the amendment as modified.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from Pennsylvania insert the following:

Any employee or official in the executive branch of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal langauge, or who in an abusive and violent manner criticizes the Army or Navy or the flag of the United States, shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official.

Mr. McCUMBER. Mr. President, I think the Senator from New Mexico does not intend this provision to apply to any act that has been heretofore committed, of course. In other words, it is not retroactive in any way. It being in the nature of a quasi-criminal proposition, it will be strictly construed, and, of course, will be prospective in its construction. Therefore, no matter what anyone may have said concerning the Constitution in the past, no matter what criticism he may have leveled at the Constitution or the American Government or the soldiers or sailors of the United States, he would not be removable under the amendment which the Senator proposes.

I do not think it possible or probable, at least, that anyone who has been appointed to any place, so long as he is in close connection with his position and his salary, is very liable to make any such remarks, and therefore the very purpose for which the original amendment is offered is lost sight of, and that is to compel the removal of those persons who may be found in the service of the United States whose mental attitude toward the Constitution is such that they ought not to hold the place.

I will vote against this proposed amendment simply because it does nothing. All it does is to say if a person has been guilty of the offenses for which he should be punishable he shall be removed from office.

Mr. GALLINGER. If the Senator will permit me, the Senator's criticism is well taken. It reminds me of the clerk who, when the administration changed, said no one need suppose he was fool enough not to change his politics as fast as the administration changed. So those now in office are not going to commit these deeds. They are watchful over their speech and conduct. Hence the amendment really amounts to nothing.

Mr. WALSH. Mr. President, before the vote is taken I desire to say a few words, prompted by some remarks of the Senator from North Dakota [Mr. McCUMBER]. So far as the officials referred to in the amendment are concerned, they are appointed by the President of the United States under the provisions of the Constitution, and they are removable by the President of the United States for any cause that he thinks sufficient, even in the case of those officers whose appointment must be confirmed by the Senate. So if the President of the United States, being advised of the fact, thinks the case calls for the removal of the officer, he will be entitled to remove him, notwithstanding the provisions of this act if it becomes a law.

Mr. McCUMBER. I agree with the Senator.

Mr. WALSH. Moreover, Mr. President, it is doubtful whether this act can put any constraint upon the President of the United States and require him to remove an officer for anything described in the act. So far as that is concerned, it is merely suggestive in character. It does not arise to the dignity of a law, because there is no way of enforcing it.

So, Mr. President, with respect to officers whose continuance in service is not protected by law. If Congress has vested the appointment of any officer in the head of a department the power of appointment gives the power to remove for any cause the head of the department deems sufficient. A great many people in the public service are protected or are believed to be protected by the provisions of the civil-service act. The only force of any of these amendments that are proposed is to remove from those now complained of, except in the civil-service act,

the protection of the act so far as the matters to which these amendments refer go. So no one need be alarmed that anyone who may have transgressed in any of these particulars in the past may be continued in office or protected in office if any of these amendments happen to be adopted.

Mr. McCUMBER. There is no question about the power of the President to remove any appointee. I will go further than that and say that notwithstanding our civil-service law the President has the right to remove any of these appointees, and that the civil-service law is merely a suggestion to the President that it is the view of the country as expressed by the Congress that he should not summarily remove them without proper cause. He would not be compelled to abide by that.

All this amendment does—and I am speaking of the amendment of the Senator from Pennsylvania—is a suggestion to the President that he should remove from any office anyone who has heretofore held such opinions concerning the Constitution of the United States and our form of government as would make him practically unfit to hold his position. That is all that it can be, in my opinion.

The amendment to that amendment, offered by the Senator from New Mexico, tends to excuse those who held those views prior to the entrance of this country into the war. I do not believe that any man can so suddenly change his views with reference to the Constitution of the United States and the character of our form of government that it changes his whole opinion simply because we are in a war. The question of the Constitution and the question of whether we are righteously in this war are two separate and distinct questions.

I do not think the Senator would claim that an anarchist, even though he would be very loyal to this Government, ought to hold a position under it, or that a person who believes that we ought not to have a republican or representative form of government, but that we ought to have an autocracy, should be an officeholder under the Government. If persons had those views prior to the war they probably will continue those views during the war.

Mr. JONES of New Mexico. I, of course, realize the force of what the Senator from North Dakota has said. I am in sympathy with nearly all that he has said. But we want to keep a larger class of people in Government service than that indicated by the Senator from North Dakota, and I submit that things have been done in the past which were in the twilight zone that are not of sufficient magnitude to justify us in going back and drawing fine distinctions as to what would have been considered patriotic or disloyal at that time.

Mr. McCUMBER. Let me say to the Senator you already have provided in the amendment offered by the Senator from Pennsylvania or the Senator from New Mexico for the punishment of those people who make such utterances. I assume that if you prosecute them—and they can be prosecuted even though they hold a public office—and if prosecuted for disloyal sentiments, they will not hold their office after an indictment has been urged against them. So it is unnecessary for that purpose. The only purpose there can possibly be is the purpose to reach those who have convictions not concerning loyalty, but convictions concerning the Government of the United States and our Constitution which render them unfit to hold a position under it.

Mr. OVERMAN. I said to the Senator from New Mexico when he introduced this amendment, several days ago, that I did not object to it, and therefore I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute of the Senator from New Mexico [Mr. JONES] for the amendment of the Senator from Pennsylvania [Mr. PENROSE].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I offer the following amendment to the bill as a new section.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. The use of the mails shall not be permitted to any newspaper, magazine, or periodical, circular, or pamphlet which is printed in whole or in part in the German language, unless the German text is accompanied by a translation into English printed beside said German text and in the same issue of such newspapers, magazines, periodicals, circulars, or pamphlets.

Mr. OVERMAN. I am glad to accept that amendment, as far as I am concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. NELSON. I am opposed to the amendment.

Mr. OVERMAN. I accept it, as far as I am personally concerned.

Mr. LODGE. Mr. President, I only want to say this word: I have always believed, and believe now, that the great mass of the citizens of this country of German extraction are as thoroughly loyal as any other class of citizens. We see their names in the casualty lists every day, and the great mass of them speak English. Some of them speak no other language except that of the United States.

This amendment of mine simply carries out and puts into law the regulation of the Post Office Department at this moment. German is the enemy's language. Many of the papers, judging from extracts that I have seen, have gone to the very verge of disloyalty and over it. I think it is only a protection in the direction of this bill that there should not be papers published in this country in the enemy language containing disloyal utterances in a language which the great mass of the people of the country can not understand. If we are to have a foreign-language newspaper in this country in this time of war that is published in the enemy language it ought to be accompanied by an English translation, so that we may know what they are doing.

Mr. FALL. I wish to ask the Senator a question. Why should we discriminate as to the German language alone?

Mr. LODGE. It is enemy language.

Mr. FALL. Is not the Austrian enemy language? In my judgment, the Turkish is enemy language; the Bulgarian is enemy language.

Mr. LODGE. Austria has no universal language. It has something like 17 languages.

Mr. FALL. Very well. Then are not the 17 languages in Austria exactly on the same plane?

Mr. LODGE. No. All the Austrian Germans are our enemies. I do not think there are more bitter foes of Germany in the world than the Bohemians are. They are ardent against them. I do not want to interfere with other languages; I want to interfere only with the enemy language, which is the language of the German Empire.

Mr. FALL. Mr. President, I shall vote against the amendment for that very reason. I want to interfere with the sending of literature through the United States mails in any other than the English language, or, at least, not permitting the literature to go through the mails in any other language unless accompanied by a translation. Unfortunately I do not understand as many languages possibly as the Senator from Massachusetts, and I want to have the original and the translation published side by side. This is an English-language country, it is an American country. It is not an Austrian nor a Bohemian nor a Slav country nor a Turkish country nor a Bulgarian country. It is an American country and English is the language of the country, and the use of our mails should be permitted to English literature or, at least, a translation in English; it makes no difference in my judgment what language may be used. If you confine this proposition simply to the German language I certainly will not vote for it.

Mr. NELSON. Mr. President, I am utterly opposed to this amendment, and I shall briefly state my reasons. During the last Congress we passed legislation giving the Post Office Department full power to regulate this matter of foreign newspapers. I voted for that and I am heartily in favor of it. The Post Office Department have laid down rules under which loyalist papers which have shown their loyalty, and have always been loyal, can go on and publish in their own vernacular language any news pertaining to the war or the progress of the war, but it has always held that those papers that are not loyal must publish a translation of any article of that kind in English.

Mr. GALLINGER. If the Senator will permit, the law was passed at the last session.

Mr. NELSON. I think so.

To my mind, Mr. President, this is a direct insult to the large German population in this country. While there are some among them who are not loyal the bulk of them are as loyal as those who are native born.

I object to this amendment because it segregates the German from all other foreign newspapers. If the amendment covered all newspapers published in foreign languages I would not look upon it as a discrimination.

Mr. President, in my neighborhood 60 miles from where I live is the small city of St. Cloud. The Catholic bishop of that diocese lives there. He is a native of Minnesota, but of German descent, Bishop Busch. He is as patriotic and as loyal as any man who is descended from any pilgrim who landed at Plymouth Rock. Two months ago he issued a patriotic pastoral letter to all the priests of his diocese, directing them to read it at the morning service on the ensuing Sunday. He is publishing a newspaper partly in English and partly in German, of

which he has sent copies to me. That bishop has done more good with his paper and through his actions than any other man I know of in that community. I have a right to speak in this way, because I have been brought up as a believer in the Lutheran faith. I should have been glad if all the Lutheran ministers had been as loyal and as patriotic as has been the Bishop of St. Cloud. It is because this proposition will be considered an insult to the people of German descent in this country, because we segregate their language from all the other languages in the country, that I oppose this amendment.

Mr. President, I read this morning a list of the names of the men who have fallen in France, those who have died in battle, those who have died in the hospitals, and those who have been wounded, and I was impressed with the great number of German names. That was as plain as could be. We shall have in the Northwest, in the State of Minnesota and other States, a large body of young men under the selective draft who will join our Army in France to fight in the trenches and in the open field. I do not want anything done to discourage them or to arouse a feeling in this country among the Germans that, as a body, we classify them as black sheep in the American Republic. I want to leave as wide open and as free to them the door of loyalty and patriotism as it is to any other class of our citizens.

So, Mr. President, to my mind, the amendment proposing to segregate the German language from all other foreign languages makes an invidious and unjust discrimination and is a slap in the face of our loyal German citizens in this country.

Mr. McKELLAR. Mr. President, I ask that the amendment may again be read.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The SECRETARY. At the end of the bill, following the amendment already adopted, it is proposed to insert a new section, as follows:

The use of the mails shall not be permitted to any newspaper, magazine, or periodical, circular, or pamphlet which is printed in whole or in part in the German language, unless the German text is accompanied by a translation into English printed beside said German text and in the same issue of such newspapers, magazines, periodicals, circulars, or pamphlets.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Massachusetts, Does this amendment apply merely to the duration of the war or does it relate back to prior years?

Mr. LODGE. I only intend the amendment to apply now, during the war.

Mr. McKELLAR. On its face I do not believe it will have that effect.

Mr. LODGE. I have no other intention. The amendment is entirely prospective, in my judgment.

Mr. McKELLAR. And to operate only during the war?

Mr. LODGE. I do not think it could be retroactive.

Mr. McKELLAR. Does not the Senator think it would be better to say "during the period of the war"?

Mr. LODGE. I am perfectly willing to limit it in that way.

Mr. McKELLAR It seems to me it ought to be limited to the period of the war.

Mr. LODGE. I am perfectly willing to so limit the amendment if the Senator from Tennessee desires to add those words.

Mr. McKELLAR. I should like to have the Senator make that modification in his amendment.

Mr. LODGE. I ask the Secretary to so modify the amendment.

The PRESIDING OFFICER. The Secretary will state the modification of the amendment now proposed by the Senator from Massachusetts.

The SECRETARY. In line 1 of the amendment, after the word "mail," it is proposed to insert "during the period of the present war," so as to read:

The use of the mails during the period of the present war shall not be permitted—

And so forth.

Mr. LODGE. That will cover it.

Mr. HARDING. Mr. President, I desire to ask the Senator from Massachusetts, Is it the intention to exclude from distribution through the mails religious pamphlets, tracts, and other issues of societies?

Mr. LODGE. It is not my intention to exclude anything from the mails that carries an English translation with it.

Mr. HARDING. Mr. President——

Mr. LODGE. If the Senator from Ohio desires to speak, I will yield to him.

Mr. HARDING. I should like to say a word, if I may.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. HARDING. Mr. President, I think I feel as keenly as does the Senator from Massachusetts the necessity of making this Republic an English-speaking Republic. I am as anxious, as is he, to provide against the utterance or distribution of disloyal sentiments through any sort of publication issued in the German language. I asked my question with one particular thought in mind. I happen to be familiar with a very well-established and highly loyal religious organization, which is probably doing as much toward the Americanization of the foreign born of this Republic as is any agency in the United States, and I am wondering if we would not defeat the purpose we have in mind if we undertake to go so far as this amendment proposes at this time.

Quite apart from the prohibition on the religious organizations of this country, we have actually encouraged throughout the United States, particularly in my State, the publication of foreign-language newspapers.

Mr. LODGE. Mr. President, if the Senator from Ohio will allow me, I desire to say that I have no possible objection to exempting religious, scientific, or educational publications. My object is to reach the political and the news columns; indeed, those are pretty well reached in the law now.

Mr. HARDING. Well, Mr. President, I am glad that the Senator from Massachusetts has that thought in mind. I should welcome to his proposed amendment a modification of the language such as he has just suggested.

Mr. LODGE. I have no objection to that.

Mr. HARDING. But let us go a step further. As was pointed out by the Senator from Minnesota [Mr. NELSON], we have already enacted a law requiring that the German-language newspapers shall not have access to the mails during the war, except on a license issued by the Post Office Department or by an accompaniment to every editorial article of an English translation.

Mr. LODGE. It applies to all foreign-language newspapers.

Mr. NELSON. If my friend will allow me to correct him, it applies not only to German papers but it applies to all papers which are published in foreign languages.

Mr. HARDING. I stand corrected. I only had the thought in mind that the particular application of the law has been in relation to German newspapers; and because of the fact that I represent a State with a great many German-language newspapers I have been brought into more or less intimate knowledge of the operations of the Post Office Department in that regard. I happen to know that licenses to use the mails, without weekly or daily inspection, have been very grudgingly granted; and in every case where there has been the slightest suspicion of disloyal or seditious utterances licenses have been altogether withheld.

Now, I am opposing no restriction along that line which safeguards public sentiment in this country. I am willing to go much further. I am perfectly content to go on record now and say that the day is near at hand when the making of a really American Republic demands that we have a one-language Republic; but I seriously doubt if it will contribute to the concord of the American spirit at this time to turn and place the ban on all foreign-language newspapers when we are seeking the cooperation and concord and patriotic spirit of all the people in this country, no matter what their origin.

I know of very many German-language newspapers which carry the finest utterances of American devotion and loyalty that are printed anywhere in this land. I have not the slightest doubt that there are many abuses; I have not the slightest doubt that many a traitor is hiding behind the camouflage that is contained in many of these publications. I am wondering, however, if this drastic step at this time—and it is a drastic step—will not bring us more embarrassment than it will accomplish of good. If the Senator from Massachusetts and others who think as doubtless he does, and as I cordially agree, will at another time, when the country is less torn and rent with dissension than it is to-day, will take up the basic proposition of making this an English-speaking Republic, I want to join him in that movement; but I very much doubt the wisdom of going so far as is proposed at this particular time. In any event, if the amendment proposed should prevail, I most urgently suggest that there be such a revision of the amendment made as will exempt religious publications, so that societies which are contributing earnestly and notably to the Americanization program will not be hampered by this provision.

Mr. LODGE. Mr. President, of course I have not the slightest desire to interfere with publications of the character which the Senator from Ohio [Mr. HARDING] suggests, but when the Senator from Minnesota [Mr. NELSON] speaks about discriminating against the Germans in this country, I desire to say that they demand a privilege, and that is that they shall not speak the language of the country. I believe the great mass of the Germans in this country are thoroughly loyal; I repeat that. I have seen their names in the casualty lists from the battle

front in France; and I believe them to be absolutely loyal and to represent the great mass of their people. The great mass of their people, however, read English, and many of them who even bear German names read nothing else. The people who do not read English and who want to have newspapers printed in German are the people who have never learned the language of their adopted country or who have never become naturalized.

Mr. President, I believe that language is one of the greatest bonds of union; perhaps the most powerful possible bond of union. I do not believe you can ever thoroughly unite a polyglot republic. You can see that to-day in Austria, with her 16 or 17 languages. Language, I repeat, is one of the greatest of all possible bonds, and the Senator from Ohio knows as well as I do that a general proposition to get rid of all these newspapers printed in foreign languages—he must know it—could never be accomplished in ordinary times. Political pressure would be altogether too great to permit it.

I aim this amendment against the German-language newspapers, not because I want to discriminate against loyal Germans; I have no thought of that sort; but I am trying to carry out what I believe to be the purpose of this bill; that is, to crush out disloyalty and sympathy with Germany.

Germany is our enemy. What is the use of splitting hairs over Turkey and Bulgaria, that, to begin with, have no newspapers in this country? Our enemy is Germany, and the German language is the language of the enemy that is threatening the existence of this Government and of every ideal that this country holds dear. When such newspapers discuss politics or print the news in the German language in this country, I want to know in the language of this country what that news is and what those political sentiments are.

I had forgotten, I frankly confess, how explicit the present law is, but I think it is a little too narrow. I want to stop the disloyalty that this bill aims to stop. I have heard very ardent expressions of intention to reach the so-called soap-box orator, the man on the corner, and this man and the other man who is making all kinds of remarks, but if he is allowed to veil his remarks in the German language we have apparently no desire to reach him.

I think, Mr. President, we ought to be able at least to know what is being said in the enemy language. Some of these people are loyal. I have no desire to strangle a religious or scientific or educational publication, and still less a loyal paper, but there is no way of getting at the disloyal ones—and there are plenty of those—except through the post office and by making a test. That is the reason I introduced the amendment, and the only reason.

Mr. KING. Mr. President, I am in substantial accord with the views expressed by the Senator from Ohio [Mr. HARDING]. The method of dealing with the foreign-language press presents many serious questions. At the outset an important question is as to the power of the Federal Government to legislate in respect to the press. That question engaged the attention of Congress at the time the alien and sedition laws were passed. Senators are familiar with the contentions then made, as well as the position taken thereafter by those opposing such enactments. It was broadly contended by Mr. Madison that the States, under their police powers, alone could deal with the press; that the Federal Government had no power to enact police regulations; and the inhibitions found in the amendments to the Constitution prohibited Congress from abridging the freedom of speech or of the press. I do not intend discussing the constitutional question involved in the consideration of the bill before us nor the legal questions that might be raised by the amendment just offered by the Senator from Massachusetts. There can be no question, however, as to the power of Congress to regulate the entire Postal System of the country and designate what may or may not be carried in the mails. In the case of In re Rapier, One hundred and forty-third United States, page 110, it was clearly pointed out that to refuse the facilities for the distribution of matter deemed injurious by Congress to the public morals was not any interference with the freedom of the press or with any of the rights of the people. As I remember the case, the opinion of the court went further, and in effect held that Congress has the discretion to determine what it will permit to be carried through the mails of the United States, and what it may exclude. The same doctrine was held in the case of Ex parte Jackson, Ninety-sixth United States. So, I think there can be no question but what Congress has the power to enact legislation of the character suggested in the amendment offered by the Senator from Massachusetts.

It is not necessary to invoke the war power of the Federal Government to support the proposition, although it can be argued with great force that under the war power the foreign-language press might be denied the use of the mails. Certainly, if Congress were of opinion that the newspapers published in the German or any other language were disloyal, or that their publication and dissemination were inimical to the interests of the Nation in the prosecution of the war, such publications could be excluded from the mails. By this statement I do not mean to be understood as contending that Congress would have no other method of dealing with disloyal publications or newspapers whose utterances impeded the great war undertaking of our country.

Several months ago I gave some little attention to the foreign-language press of the United States and considered at that time the question as to whether there should be legislation looking to its suppression. Numerous complaints were made, not only to me but to other Senators, that many of the newspapers published in foreign languages within our country were either openly seditious and disloyal or in a subtle and sinister way were opposing the war and the efforts of our Nation to prepare for the great contest. I receive many letters urging that Congress enact laws prohibiting the publication of any newspaper in the language of any country with which we were at war. Many of the letters which I received in relation to this question urged that now was the proper time to destroy all foreign-language newspapers. The contention was made that the publication of so many newspapers in other languages tended to prevent unity and assimilation, and, upon the contrary, directly contributed to separatist movements, and was calculated to maintain racial lines, the result of which was and would be a divided and polyglot population. In August of last year I introduced a bill, S. 2781, which provided that—

> It shall be unlawful for any person to print or publish in the German or in any language other than the English language, any comments respecting the Government of the United States, its policies, international relations, the state or conduct of the war, or of any matter relating thereto without printing or publishing in a column parallel to such matter a true and complete translation of the same in the English language.
>
> Any print or publication in German or any other foreign language which does not conform to the provisions of this act shall not be admitted to the mails, and it shall be unlawful for any person to transport, carry, or otherwise publish or distribute the same.

A violation of the provisions of the bill was to be punished by penalties which were set forth in another section of the measure.

When the Senate was considering the act to define, regulate, and punish trading with the enemy, I offered the bill which I had introduced as an amendment, and it was accepted by the Senate. After the bill passed the House it went to conference, and in conference the subject was further considered. As the bill finally passed and became a law it contained the following provision:

> SEC. 19. That 10 days after the approval of this act, and until the end of the war, it shall be unlawful for any person, firm, corporation, or association to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial, or other printed matter respecting the Government of the United States or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at ——— on ——— (naming the post office where the translation was filed, and the date of filing thereof), as required by the act of ——— (here giving the date of this act)."
>
> Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association to transport, carry, or otherwise publish or distribute the same, or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917: *Provided further*, That upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication granted the permit is to emanate. All matter printed, published, and distributed under permits shall bear at the head thereof in plain type, in the English language, the words, "Published and distributed under permit authorized by the act of ——— (here giving date of this act), on file at the post office of ——— (giving name of office)."
>
> Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section 125 of the act of March 4, 1909, entitled

"An act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association violating any other requirement of this section shall, on conviction thereof, be punished by a fine of not more than $500 or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned.

I have taken the trouble to inquire from time to time how the act just mentioned operated, and have been informed by a number of officials in the Post Office Department that it has worked in a most satisfactory manner. Under its provisions a number of disloyal publications have been excluded from the mails, as a result of which they have been discontinued. Other newspapers, whose columns had been filled with violent and unjust criticism of the Government and whose policies were calculated to hinder our country in the prosecution of the war, changed their policies—in part, at least—and have become less bitter and denunciatory. It is true that there are many foreign-language newspapers in the United States that are still foreign and not American. It is unfortunate that there are so many foreign-language newspapers published in our country. It is very regrettable that all who have come from other lands have not more quickly taken on the thoughts and ideals and language of their new home. It can not be denied but what there are those living in our midst who desire to preserve in this land the language of their native lands and who resist assimilation and absorption into the great national stream of our country. It is not my purpose at this time to discuss the evils which result from the maintenance of racial lines and the efforts to superimpose upon this land the culture or language or ideals and aspirations of Germany or any other foreign nation.

But I want to add that the time has come when there must be unity and homogeneity. This must be a nation, not many nations—one people, not many peoples. This is America, not Germany, or Austria, or any other nation. Our Government and its institutions, its aspirations, ideals, and mission are different from that of other nations, and those who come here and are welcomed into the family of this Nation must be Americans in all that the word implies. They can not be German-Americans or Irish-Americans or any other kind of Americans. The day is past for any sort of divided allegiance. This must be a united country—there must be one people and one flag. Those who are not for our country and for our flag are enemies and should be dealt with as such. But, referring to the amendment offered by the Senator from Massachusetts, in my opinion it is not necessary and will not be as effective as the present law. Under the existing law the foreign-language press is held in leash and its conduct subject to careful scrutiny. If a paper is loyal and known to be such, it is not subjected to any inconvenience because it can obtain a license; but if it is distrusted or its policy is equivocal, then it must file with the postmaster at the place of publication a true and complete translation of the entire article which deals with the Government or any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto. The postmaster is given power to deal in an effective way with the entire foreign-language press.

Mr. LODGE. If the Senator will allow me, the trouble with that is not with the definition the Senator has read, but the matter is left entirely to the decision of the Postmaster General.

Mr. KING. Yes.

Mr. LODGE. The matter is handled in secrecy; the Postmaster General, or his agents, pass on the translation, and there is no opportunity for any public judgment or any judgment such as is carried in this proposed amendment for the protection of the citizen. I think, however, that that act might be amended in such a way as to meet very well the purpose I have in mind.

Mr. HARDING and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Utah yield; and, if so, to whom?

Mr. KING. I yield to the Senator from Ohio, who I think addressed the Chair first.

Mr. HARDING. Mr. President, I wish to say, with the Senator's permission, that the criticism of the Senator from Massachusetts scarcely holds good, because, even if his amendment were adopted, the Post Office Department would still have the discretionary power to pass upon the accuracy of the translation of the German text.

Mr. LODGE. I think that is a trifling matter, for the translation would appear so that all could read it.

Mr. HARDING. But it would still be under the direction of the Post Office Department.

Mr. LODGE. I think the Senator, perhaps, is assuming that the translation would not be an accurate one, that there might be some fraud, which is improbable, because so many people understand the two languages.

Mr. HARDING. If the administrative or executive officers sought to play favorites or be unduly exacting, he would have the opportunity under the one provision as well as under the other.

Mr. LODGE. Does the Senator think the officer would so act?

Mr. HARDING. I would rather not testify.

Mr. LODGE. Mr. President, I feel I owe the Senator from Utah an apology for interrupting him.

Mr. KING. Not at all. The Senator from Idaho [Mr. BORAH] rose; and if he desires to interrupt me I shall be glad to yield.

Mr. BORAH. I was going to say that my fear in regard to the amendment offered by the Senator from Massachusetts [Mr. LODGE] is that it does not furnish a sufficient method of discriminating between loyal and disloyal publications without at the same time imposing the same burden of printing in English upon loyal publications that is imposed upon disloyal ones. I think I am in thorough sympathy with the object which the Senator from Massachusetts has in view, namely, to encourage the use of but one language, and that is our own language, in this country and to bring under our language all our people; but at this time I confess I do not like the idea of putting upon the German paper the burden of publishing in English whether the paper is loyal or disloyal. I only want to reach the disloyal people wherever they come from and whether they belong to one nationality or to another. I do not want to assume that these people are all of such questionable loyalty that this burden should be imposed upon them, because I know, as the Senator from Massachusetts has said, and as we all know, that the great mass of the German citizens of this country are perfectly loyal; and if they were let alone by the propagandists, the small per cent of agitators, they would practically all be loyal. There are a small per cent of disloyal German citizens, but I am morally certain that the great mass of the German people in this country are perfectly true to the American cause. Let us not discriminate against men because they are Germans, but make our discrimination upon the question of loyalty and disloyalty. We do not care where a man comes from or where his ancestors were born. The question is, Is he loyal? If he is loyal, let us deal with him as we deal with all other Americans.

Mr. NELSON. Mr. President, will the Senator from Utah allow me just a moment?

Mr. KING. I yield to the Senator.

Mr. NELSON. I beg leave to state that I voted for the law which the Senator from Utah has just quoted, and I was heartily in favor of it.

Mr. KING. I knew that the Senator from Minnesota supported it, and I have felt that it would accomplish much good in suppressing disloyal publications. As I have already said, it has proved a most effective weapon in dealing with seditious foreign-language newspapers. I concede that there is still much to be desired from the class of newspapers just mentioned. Many of them are negatively loyal; others are sullen and resentful; many graze the edge of treason and disloyalty in every issue. Some devote much space to a denunciation of our allies, particularly Great Britain. Others belittle the power and ability of this Nation to conduct a great war. It is clear that some of these papers have but little sympathy with our country, while others are hostile to every government.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. To-day I have been examining that law, having somewhat lost track of it; indeed, I think I was absent because of illness at the time it was passed. It seems to me that if that statute does not fully cover the case we could easily amend it so as to provide against any contingency. I think it is rather a dangerous thing, Mr. President, for us to impose this burden upon the German-language newspapers. It is practically asking them to print two newspapers; and I presume it would wipe out most of them, for they could not well afford to do it.

I am quite in sympathy with the view which the Senator from Massachusetts holds, that we ought to Americanize our language as far as possible; and yet there are certain nationalities in this country that would strongly resist it at the present time, not only Germans but other nationalities; for instance, in my own section of the country, French Canadians, who form a very numerous part of our population and who subscribe to newspapers printed in their own language, most of them printed in Canada. So I think we are on rather dangerous ground when we demand that the German-language newspapers shall be printed in two languages; and believing, Mr. President, as I do, that the law which the Senator from Utah has very wisely read, which we enacted last year, can easily be amended if it becomes necessary, I hope the Senator from Massachusetts will withdraw his amendment.

Mr. LODGE. Mr. President, if the Senator from Utah will allow me——

Mr. KING. I yield.

Mr. LODGE. I have listened with attention to what has been said, and I confess that the point which has been made that the amendment as I have drawn it will confound the innocent and the guilty, the disloyal and the loyal, and will put an immense burden, which I would be the last to wish to put, upon the loyal papers, which I have no doubt are in a majority, has convinced me that the amendment is not desirable or right in its present form, and I ask leave to withdraw it.

Mr. KING. Before taking my seat I wish to make one observation.

Mr. KNOX. Will the Senator permit me to interrupt him for a moment?

Mr. KING. I yield to the Senator from Pennsylvania.

Mr. KNOX. I think one of the mistakes that we make in this connection is to assume that papers that are published in the German language are German papers even in the sense that they are owned by Germans. I happen to know of one particular newspaper, with a very large circulation and printed in the German language, which has 32 stockholders, 28 of whom are native-born citizens of the United States and the other 4 naturalized citizens, and more than 50 per cent of the stockholders are of Anglo-Saxon origin. This newspaper is a tower of strength in the community in which it is printed, because there are there a great number of Germans. It is as loyal as it can be, loyal to the core, and is going to a class of people who are reading patriotic literature published in their own language.

Mr. KING. Mr. President, the loyal Americans are aroused over the pernicious activities of the disloyal foreign-language press as well as the well-nigh treasonable utterances of some newspapers published in the English language. There are a number of extreme Socialist papers and others of an anarchistic nature published in the English language. They are not only un-American, but are seeking the destruction of our Government and of all governments. Our Nation, which has welcomed with generous warmth the downtrodden and the oppressed from all lands, has received ingratitude at the hands of those whom it has sheltered and protected. There are those who seek the destruction and the overthrow of our country who have been the beneficiaries of its humane and just laws and policies. There are some who have come from beyond the seas and sworn allegiance to our Constitution and our flag who are strangers still to our form of government and who rejoice when the sorrowful news is brought to our shores that our bitter and implacable foe has been successful in some military endeavor. Demands are frequently made by loyal Americans that all disloyal newspapers shall be suppressed and that no publication shall be permitted in our country, at least during the war, other than in the English language. I have received hundreds of letters during the past six months from all sections of our country insisting that Congress shall not only deny the use of the mails to foreign-language newspapers but shall absolutely prohibit their publication. Some time ago I introduced a bill, being S. 3529, which reads as follows:

SECTION 1. That on and after July 1, 1918, and until the end of the present war, no newspaper, magazine, news item, editorial, or other matter printed, mimeographed, or otherwise reproduced in the language of any country, or part thereof, with which the United States is at war, or printed, mimeographed, or otherwise reproduced in the languages of any country, or part thereof, allied or associated in war with any country with which the United States is at war, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier: *Provided*, That this section shall not apply to any print, mimeograph copy, or other reproduction brought or sent into the United States from any foreign country. Whoever shall knowingly deposit or cause to be deposited in the mails, or shall knowingly take or receive or cause to be taken or received from the mails anything herein forbidden, shall be fined not more than $5,000 or be imprisoned at hard labor for not more than five years, or both, at the discretion of the court. Whoever shall deposit or cause to be deposited in the mails any matter herein forbidden to be carried by mail may be tried and punished either in the district in which such matter was mailed or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person or concern to whom it was addressed.

SEC. 2. That whoever shall knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry from one State, Territory, District, or possession of the United States to any other State, Territory, or possession of the United States any newspaper, magazine, news item, editorial, or other matter printed, mimeographed, or otherwise reproduced in the languages of any country, or part thereof, with which the United States is at war, or printed, mimeographed, or otherwise reproduced in the languages of any country, or part thereof, allied or associated in war with any country with which the United States is at war, or shall knowingly take or receive or cause to be taken or received, from any such express company or other common carrier, any such newspaper, magazine, news item, editorial, or other matter so deposited or transported, shall be fined not more than $5,000, or be imprisoned at hard labor for not more than five years, or both, at the discretion of the court: *Provided*, That the provisions of this section shall not apply to any print, mimeograph copy, or other reproduction brought or sent into the United States from any foreign country.

SEC. 3. That all acts or parts of acts in so far as they are inconsistent with this act are hereby repealed.

I am frank to say that this bill does not fully represent my views, and I am not sure that I would vote for so drastic a measure. I felt, however, that the subject should receive consideration at the hands of the Judiciary Committee, and therefore offered the bill just referred to. It is now pending before the Judiciary Committee, and I feel sure that that committee will examine into the question with care and in the light of all conditions existing, with the view of determining whether that or any other measure of similar character is required to meet conditions existing in our country. Personally I know that there are many loyal newspapers published in other than the English language in our country. There are many newspapers published in the German language whose loyalty to our country can not be questioned, and they are doing a splendid work among their readers. Of course, it is to be regretted that those who subscribe to these papers do not read papers published in the English language. It is to be regretted that there are so many foreign-language newspapers published in the United States. Efforts should be made by the States to educate those who come from other lands in the English language, so that the necessity for a foreign-language press may not exist. I do not mean to disparage the cultural advantages resulting from a knowledge of foreign languages, but I do insist that it will be better for our country and make for greater unity and strength if all our citizens know and speak the English language. This is an English-language Nation, not a German-language Nation, or an Italian-language Nation. I have been surprised to find that in some States laws require the publication of certain legal notices in the German language. As I have stated, any plan which is opposed to the solidarity of all our people should meet with stern and relentless opposition. There are a number of French newspapers published in our country that have exerted a powerful influence for good among their readers. The same can be said of some newspapers published in the Norwegian, Danish, and Swedish languages. It might be very unwise to strike these newspapers down at the present time; indeed, with my present views I would not support a bill to prohibit the publication of all foreign-language newspapers; but, as stated, the question, I believe, will be fairly and exhaustively considered by the Judiciary Committee. I believe that the bill which is now under consideration, if it becomes a law, together with the statutes which we now have, will enable the Government to deal effectively with the disloyal press of our country.

The sentiments against papers published in the German language is partially the result of the efforts made by Germany to control those countries into which Germans have gone. There is a feeling among the American people that Germany has sought to control the policies of other nations by maintaining a sort of imperium in imperio. There is much evidence to support the contention that Germany attempted the colonization of certain Provinces of Brazil with a view to making Brazil, or a part of that country, a colony of Germany. A powerful movement in Germany has been under way for years to Germanize other lands and to extend German control and influence over our Republic.

The Pan-German League has for years waged an unceasing warfare in behalf of "Deutchtum." This organization has boldly sought to control the Germans in Austria and influence Austria's political life. It has also aimed at world dominion in behalf of Germany. For years it has had the active support of the German Government and has attempted a propaganda in this country, as in other countries into which German people have gone. The purpose of that propaganda was to maintain a separatist movement, to keep Germans who went into South America or into the United States or elsewhere as Germans, as German nationals, to prevent assimilation or absorption; to impose upon other peoples German kultur, German ideals, and in the end the German rule.

A considerable portion of the German press of the United States has been a tool in the hands of this Pan-German movement, and has sought to prevent the Americanization of the Germans who have come to this country. In some States strong efforts have been made to control the schools in the interest of this separatist movement and in harmony with the Pan-Germanic scheme. It was thought that the teaching of the German language in the schools would tend strongly to develop the German ideals and superimpose German kultur upon the American people. This movement has sought to influence political thought and action in our country and has strongly resisted the melting process, so essential to national unity and strength.

It may be that in the near future Congress may feel constrained for the good of our country to pass some act dealing in a more comprehensive manner with foreign-language newspapers. I desire to state that some of the most disloyal newspapers published in the United States are those published in

the Italian and Russian languages, and in the so-called Yiddish language. There are a number of anarchistic newspapers published in the Italian language, and a considerable number published in the Russian language; these publications are more opposed to our Government and are far more sinister in their purposes and in their consequences than any of the German publications in the United States. Certainly there should be no suppression of German papers if these are permitted to exist.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The law that the Senator has read, and very properly read, covers all those publications.

Mr. KING. Oh, yes.

Mr. GALLINGER. If the Postmaster General does his duty, as I have no doubt he is trying to do, he will have all those newspapers examined; and if he finds that they are committing acts against our Government that are prohibited by the statute which we are about to pass, of course they will be forbidden the use of the mails.

Mr. KING. May I say to my friend in reply, though, that some of these newspapers are disseminated in other ways than through the mails. For instance, the Tageblatt, published in Philadelphia. It has been excluded from the mails, but nevertheless it is now issuing about 10,000 copies and distributing them to the people through other instrumentalities than the mail. It is a paper which has been disloyal and is still disloyal and hostile to this country and to the cause of liberty, for which it is making supreme sacrifices. The influence of this subtle and sinister paper is for evil; it is an ally of our enemies.

Mr. GALLINGER. Then a few words added to the existing law would cover that, would they not? The Senator could easily frame language that could cover it.

Mr. KING. Yes; I think that could be done.

Mr. LODGE. Mr. President, if the Senator will permit me——

Mr. KING. Certainly.

Mr. LODGE. The newspaper he has described surely will be caught under the law we are now passing.

Mr. GALLINGER. Yes; I think so.

Mr. LODGE. It includes printing, publishing, and uttering. That is the kind of newspaper I want to get at; and I think this law will reach that, because it covers printing, uttering, and publishing.

Mr. KING. I think the Senator from Massachusetts is right; and the bill which we are now discussing, if it passes in substantially its present form, will reach some of the traitorous and disloyal newspapers now being published in our midst. There are a number of papers of this character which are excluded from the mails, but continue their poisonous work by other means of distribution.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield to the Senator from Ohio.

Mr. HARDING. I will ask the Senator from Utah if he does not think the Philadelphia publication to which he has just made reference might be closed under an Executive order?

Mr. KING. Under what statute, may I inquire of the Senator from Ohio?

Mr. HARDING. I can not specify the statute; but under such an Executive order, for instance, as President Lincoln issued closing some very eminent New York papers during the Civil War.

Mr. KING. Let me say to the Senator from Ohio that one of the attorneys for the Government who aided in the prosecution of the Tageblatt editors a few days ago—and they were acquitted by direction of the court—called at the Senate Office Building this morning to see me, for the purpose of urging that legislation be enacted that would enable the Government to meet the situation and mete out justice to the viperous and traitorous publications menacing the peace and tranquillity of the people. The Tageblatt was published for months, carrying on a wicked and alien campaign against our country, and yet the publishers and editors were so covert and so subtle that they could not be convicted of treason. They were indicted under the treason statute, but the prosecution failed. The attorney just referred to stated to me that he could find no law by which the publication of that paper could be prohibited or the editors prosecuted.

Mr. HARDING. The Senator is aware, is he not, that under his military authority President Lincoln stopped the publication of certain newspapers?

Mr. KING. Oh, I know that President Lincoln ordered the military authority to prohibit the publication of a number of newspapers, and it was done. Gen. Burnside issued a number of orders suspending the publication of some very important newspapers in the United States; and other military commanders acting under general, and in some cases special, authority prevented the publication of newspapers.

Mr. HARDING. Most of which were quite outside of the war zone, too.

Mr. KING. Yes; they were outside the war zone. I am inclined to think that under the decisions of the courts, particularly the decision in the Milligan case, the action of the President of the United States could not be supported.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield to the Senator.

Mr. POINDEXTER. The country could well afford to pay but little attention to the outcome of discussions of lawyers in court if the safety of the country in a war was preserved by the action of the Executive. The duty and the authority of the Executive is to administer all of the various war statutes which we have passed. He has full responsibility for their execution. He has the power, of course, subject to a wise discretion, for which he is held responsible by the American people as to its wisdom, its justice, and its results, to suppress any activity or any agency which, in his judgment, interferes with the carrying out of the laws of Congress.

Mr. KING. If the Senator will permit, I would like to propound a question to him. I ask the Senator, in view of the discussions which we have been having here with respect to freedom of speech in the United States, taking into account the expositions of that view by the Senator from California [Mr. JOHNSON] and the Senator from Georgia [Mr. HARDWICK], keeping in mind the constitutional inhibitions upon Congress concerning the abridgment of the freedom of speech, does not the Senator think that there might be some difficulty if the President of the United States should suppress some of these newspapers upon the ground that they were disloyal? Would it not be urged that he was acting not only in an arbitrary manner but wholly without authority and that he was abridging the liberty of the press and interfering with the right of free speech?

Mr. POINDEXTER. Undoubtedly that would be urged by every spy and traitor and disloyal individual in the United States, and the action of the President would be applauded to the skies by every American patriot.

Mr. KING. Mr. President, while I am just as anxious as anybody can be to go to the limit in suppressing the disloyal press and in punishing spies and traitors, I would prefer to have some statute upon which to predicate our conduct, whether it be executive action or whether it be the action of some of the subordinates of the Government. In other words, I would prefer that we observe the forms of law. This is a Government of law, and even in war the Constitution is not abrogated. We can under the Constitution and with due regard for law protect this country from the traitors, spies, and treasonable publications.

Mr. NELSON. Mr. President——

Mr. KING. I yield to the Senator from Minnesota.

Mr. NELSON. I want to remind my good friend from Washington that the men who are shouting about freedom of the press do not all belong in the category to which he refers. There are a lot of statesmen who can not be called German spies, or operating directly for the Germans, who are all the time shouting about freedom of speech and freedom of the press, and they can see something in every attempt to repress disloyalty that bears in that direction.

Mr. POINDEXTER. Yes.

Mr. NELSON. The fault I found with the Senator's statement was that he did not include enough classes in his specifications.

Mr. POINDEXTER. I did not propose to include all classes. I just included some of them; and I agree with the Senator that there are a great many people who seem to be exercised for fear the liberty of their speech may be interfered with who apparently are perfectly willing that the personal service and the accumulated property of citizens of the country may be taken and put into this war. They seem to regard the right to talk as a more precious privilege than any other right that there is. I think it is one of the least valuable.

Mr. KING. Mr. President, I can not say that I quite agree with the position of the Senator from Mississippi [Mr. WILLIAMS] last evening in rebuking the Senators—as he did in a very strong way—because of what he claimed to be the wasted time in the discussion of the question of freedom of the press, nor do I quite support the views of the Senators from Washington and Minnesota. I believe that whenever any question is

presented for consideration involving the freedom of speech and of the press and those personal guaranties that come down to us with the Constitution the utmost caution should be exercised, even in time of war. I think we should approach the question of abridging the freedom of the press with care and with discrimination, and with a recognition of the fact that our liberty and the splendid civilization which we enjoy are the products, in part at least, of the application of the principles embodied in our Bill of Rights. It is exasperating that in the United States there should be foreign newspapers, and some published in the English language, that are disloyal, that are in a subtle manner expressing sympathy for Germany, and doing everything they can to hamper the United States in the prosecution of the war. And we have German propagandists here doing all that they can to stir up sedition and domestic strife and to obstruct our country in the great task before it.

There are others who are aiding Germany and injuring the United States by their violent opposition to Great Britain. Professing devotion to our country and opposition to Germany, they bitterly assail England, who is fighting our battles and for the cause of civilization. Only a night or two ago in this city, I believe, a woman from Ireland spoke, and a number of Irish-Americans participated. England was denounced and appeals were made for Irish freedom. Our ally was held up to scorn and opprobrium. There was not one word denouncing the barbarities of Germany and her wanton disregard of all law; not a word concerning England's heroic fight for liberty and the cause of humanity. The speakers seemed to be more interested in weakening our cause and attacking our strongest ally than in defending our country from the domination of Germany. Unfortunately we have those in our midst who are not loyal to truth, who are at heart enemies to our country, who are unfit to live under the Stars and Stripes of this Republic. But we will deal with them and with the disloyal press in a legal and proper manner and under the forms of law.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. KING. I yield to the Senator.

Mr. KELLOGG. I wish to understand the Senator. Does the Senator believe that this whole subject ought to be treated by a separate bill which will cover all foreign-language papers instead of by a single amendment?

Mr. KING. Yes; I think so. As I stated a few moments ago, there is a bill now pending before the Judiciary Committee that deals with the entire subject of the foreign-language press; and I shall urge the Judiciary Committee to give consideration to that measure at a very early date. But while I am upon my feet, in view of the fact that the Senator from Idaho has an amendment to offer to this bill, I desire to submit one or two further observations.

The amendment of the Senator from Idaho is to strike out from the original espionage bill the provision or section——

Mr. OVERMAN. He is not going to introduce it.

Mr. KING. He is not?

Mr. OVERMAN. No.

Mr. KING. I will finish my sentence and then pretermit any further observations, in view of the statement suggested by the Senator from North Carolina. That amendment had for its object the striking out of the provision in the espionage bill which authorizes exclusion from the mails of certain seditious matter. I just wanted to state that that section has been wonderfully efficacious and has resulted in the exclusion from the mail of thousands and hundreds of thousands of documents seditious and disloyal.

Mr. FALL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add the following as an additional section, to be known as section 5:

Every official and employee of the United States and of any of its departments, councils, and boards, whether constituted by law or administrative order, shall, within 10 days from the date hereof, notwithstanding that he may heretofore have taken an oath of office, take an oath to support the Government of the United States, its Constitution and laws, and the cause of the United States, as well as an oath to faithfully perform the duties of his office. Every official and employee hereafter elected or appointed shall take a similar oath. Failure or refusal to take such oaths shall create a vacancy in such office or position, and shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

Mr. GALLINGER. Mr. President, as I heard that amendment read, it says "within 10 days from the date hereof." Will not the Senator make it read "from the approval of this act"?

Mr. FALL. I am perfectly willing to accept that amendment, Mr. President. Instead of "within 10 days from the date hereof" I ask that it be made to read "within 10 days from the approval of this act." I accept that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In lieu of the words "within 10 days from the date hereof" it is proposed to insert the words "within 10 days from the approval of this act."

The amendment to the amendment was agreed to.

Mr. STERLING. Mr. President, I ask to have the amendment as now amended stated from the desk.

The VICE PRESIDENT. The Secretary will state the amendment as amended.

The SECRETARY. It is proposed to add the following as an additional section, to be known as section 5:

Every official and employee of the United States and of any of its departments, councils, and boards, whether constituted by law or administrative order, shall, within 10 days from the approval of this act, notwithstanding that he may heretofore have taken an oath of office, take an oath to support the Government of the United States, its Constitution and laws, and the cause of the United States, as well as an oath to faithfully perform the duties of his office. Every official and employee hereafter elected or appointed shall take a similar oath. Failure or refusal to take such oaths shall create a vacancy in such office or position, and shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

Mr. SHAFROTH. Mr. President, may I suggest to the Senator from New Mexico that 10 days is rather a short time for people in the possessions of the United States to take this oath? For instance, there are officers of the United States in the Philippine Islands who are many miles from telegraphic communication; and it seems to me that it would be well to make that 30 days instead of 10 days.

Mr. FALL. I am willing to accept the amendment making it 30 days for those in the possessions of the United States.

Mr. McCUMBER. Mr. President, I hope we will not cast any such reproach upon the American people. I do not want our enemy to understand that we have so little confidence, so little trust, in the officeholders of the United States that we compel them to take another and a subsequent oath. It seems to me that it casts a reproach upon the entire Government of the United States with respect to its loyalty. Because there may be one or two or a dozen persons holding places by appointment who are not loyal to the Constitution, I do not feel that we ought to introduce and pass a law of this kind which questions the loyalty of the whole.

Mr. FALL. Mr. President, I have not said anything with reference to this amendment. The debate, if it may be called debate, which has been heard in the Senate for the last week is ample and sufficient excuse, in my judgment—with due deference to the judgment of the Senator from North Dakota—for the offering of this amendment and for the enactment of such a law.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I yield to the Senator.

Mr. KELLOGG. I should like to ask the Senator from New Mexico if he thinks it would be possible, even within 30 days, for all persons in the employ of the Government, including the soldiers, to take that oath?

Mr. FALL. I have no doubt it would be perfectly feasible and possible for every soldier in the United States and every man, woman, and child in the employ of the United States Government, or connected with it directly or indirectly, to take the oath within 30 days or less time.

Mr. President, the trouble about this matter is that right here in the city of Washington there are hundreds of thousands of people in the very closest connection with the prosecution of this war on the part of the United States, and in positions of trust, who are not under any oath or obligation at all. That condition is very well understood, I think. There are people here, some of them drawing salaries, I think—at least, many of them in the employ of the Government—who are not under any obligation of that character at all to even display patriotism.

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

Mr. FALL. Certainly.

Mr. McCUMBER. Does the Senator believe that any person having in his character so little of ordinary manhood that he was opposed to his own Government would stop at all about taking an oath of that kind, and would it make any difference whatever whether he took the oath or not? Would not his sentiments be exactly the same?

Mr. FALL. Mr. President, I am not one of those who have taken any part in this debate with reference to Mr. Creel or with reference to any other individual.

Mr. McCUMBER. I will say that I have no reference to Mr. Creel in my question.

Mr. FALL. And the amendment that I am proposing is not directed at Mr. Creel or at any other one person. There have been, however, various speeches which, if they meant anything or if they had any reference to anything pending or proposed, did question the loyalty and the fitness of Mr. Creel and of other employees or officials, or associates of the employees or officials, of this Government. Now, Mr. Creel and some others have not come before the Senate for confirmation, so that the legislative body has not in any way whatsoever had an opportunity to deal with them. Without reflecting in the slightest degree upon any of the Cabinet members or any of the heads of departments now in office, I may say that conditions have absolutely and entirely changed in this country since those gentlemen were originally appointed. I have no doubt under heaven that each of them is just as loyal as the Senator from New Mexico or the Senator from North Dakota. As to just what views they may have entertained prior to this war as to the proper course for this Government to pursue, I do not know; I am in ignorance.

I want those gentlemen to take this oath. They have not taken an oath during war times; and I want those officials, or the members of the boards and their employees, who are here dealing with the people's money and spending it by the hundreds of millions, to take an oath or an obligation. The Senator from North Dakota took an oath when he became a Member of this body. People handling more money than the Senator or myself ever dreamed of are handling it here in Washington through the different departments, and are not under oath or under law or the obligations of law.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. I yield.

Mr. NORRIS. I will ask the Senator if he does not think it would be better if he confined the proposal that he has made in his amendment to those who have not taken an oath? As I understand, under this amendment, if it should become a law, the President of the United States would have to take another oath.

Mr. FALL. Would it hurt the President of the United States to take an oath now to support the cause of the United States?

Mr. NORRIS. No; I do no think it would hurt him, but he has already taken one.

Mr. FALL. This is no reflection upon the President of the United States.

Mr. NORRIS. Of course not, and I do not intimate that it is. It is not any reflection upon Senators. They can all take another oath.

Mr. FALL. Certainly; and they should take it. I think it is applicable right now to the Senate of the United States.

Mr. NORRIS. But will two oaths strengthen the allegiance of anyone? If there is anything in somebody not having taken any oath, I can see some necessity for the amendment, probably, and we ought to have it; but a Member of the Senate having taken one oath, the oath that we take here, that is stronger than the Senator has prescribed in his amendment, I can not see why he would be improved by taking another one.

Mr. FALL. I provide that he shall not only take the oath that he has taken, but that he shall take an oath to support the cause of the United States. Is there any objection to that?

Mr. NORRIS. Not any objection in the world.

Mr. FALL. Very well.

Mr. NORRIS. But Members of the Senate and of the House have all taken that oath already.

Mr. FALL. To support the cause of the United States in this war?

Mr. NORRIS. Yes; and to defend it against its enemies.

Mr. FALL. There is no doubt about that.

Mr. McCUMBER. Mr. President, let me ask the Senator in all candor whether he does not think a law of this kind, requiring the Members of the Senate to take another oath to support the Constitution or to support the cause of the Government of the United States, would be considered as casting a suspicion upon the loyalty of the Senate as a whole?

Mr. FALL. Oh, no.

Mr. McCUMBER. I think the public would so look at it. You say to the Members of the Senate of the United States, "Take another oath." "Why?" "Why, because we think you are not sufficiently bound by the oaths that you have taken." There is only one purpose in taking an oath, and that is to bind you strongly to some particular sentiment or duty. Now, when you ask them to take that oath over again, it must be because you question whether or not they are to-day conforming themselves to the prior oaths, or whether they are performing their duty. At least it seems to me that would be the view that the enemy would take. It would be the view that our own people would take.

Mr. HITCHCOCK. Mr. President——

Mr. FALL. I will yield to the Senator from Nebraska in a moment. This country found itself in a position once before where it had to provide for the taking of a new oath. Senators seem to have forgotten that.

Mr. McCUMBER. That was in case of a rebellion of certain of our States, in which the loyalty of other States was questioned.

Mr. FALL. In which the loyalty of certain citizens of the United States, even outside of those States, was undoubtedly questioned, and the ironclad oath was provided.

Mr. HITCHCOCK. Mr. President——

Mr. FALL. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. As I heard the amendment read, I was of the impression that the Senator intended to require all those remaining in office to take this oath and to penalize those who refused to take it by being excluded from office.

Mr. FALL. Yes.

Mr. HITCHCOCK. But a reading of the Senator's amendment indicates that anyone who fails to take the oath is not only excluded from office but is subjected to a fine of $10,000 or 20 years in the penitentiary, or both.

Mr. FALL. Yes.

Mr. HITCHCOCK. Does not the Senator think it would be a sufficient penalty to drive the man from office?

Mr. FALL. I doubt it, sir. If the Senator is asking my judgment—and apparently he is—my personal judgment upon the matter is that a man who is to-day holding office and is not willing to take that oath is a traitor and ought to go to the penitentiary; that any man who is now holding office and is not willing to take the oath required here, whether he is now under oath or not, should not only lose his office but lose his liberty.

Mr. HITCHCOCK. Is not the Senator in danger of compelling people to perjure themselves by the threat of an imprisonment or a tremendous fine? Would it not be better to provide simply that anyone not willing to take this oath should forfeit his office?

Mr. FALL. I am frank to say that this amendment was drawn here in a very few moments, in pencil, at my desk. It is not, however, simply the thought of a moment, nor has it arisen simply during the course of this debate. It has been in my mind for very many months.

Mr. HITCHCOCK. I am afraid the Senator would defeat his own purpose if, by a threat of imprisonment and a fine, he led men to take this oath who might not take it willingly, and might not intend to keep it. In my opinion it would be a great deal better to deprive them of their offices if they are not willing to take the oath.

Mr. FALL. If the Senator will suggest that as an amendment to the amendment, I will accept it.

Mr. HITCHCOCK. I make that suggestion.

Mr. FALL. I accept the amendment, Mr. President, to strike out the penalty of not more than $10,000 fine or imprisonment of not more than 20 years, or both.

Mr. STERLING. Mr. President, before the Senator takes his seat, I should like to ask him a question. His amendment refers to the support of the cause of the United States.

Mr. FALL. Yes.

Mr. STERLING. Just what is meant by that? Does it mean the cause of the United States in the present war?

Mr. FALL. Certainly.

Mr. STERLING. Or the cause of the United States generally?

Mr. FALL. Certainly; it means the cause of the United States generally and in this war. But this is an amendment to the act. The first line of the act refers entirely to the present war; and for that reason I did not put in "the cause of the United States during the present war," as it has not been put in any of the other amendments. The act itself is one treating of war conditions, and this requirement of the officer is simply one treating of war conditions.

Mr. STERLING. Then it is the Senator's idea that it would be limited to the cause of the United States in the present war by the previous language of the act.

Mr. FALL. I think it would be, but I do not think it should be. I think necessarily it would be by the previous language of the act.

Mr. OVERMAN. Mr. President, I hardly ever differ with the Senator from New Mexico on matters of this kind, nor could I differ from him as far as patriotic motives are concerned, but there are some disloyal officeholders in this country, probably, and they ought to be turned out of office.

We have 70,000 or 100,000 officeholders, as suggested by the Senator from North Dakota. Is it not a hardship to compel all those men to take an oath to support the cause of the United States? Is it not, rather, a reflection upon them? Four or five of them may be disloyal, and it seems to me it is going very far to make 100,000 take an oath of office to catch four or five or half a dozen or a dozen men.

Mr. FALL. I claim that of 100,000,000 people to-day in the United States 99 per cent of them are absolutely loyal. What is the Senator doing with this bill? He is trying to catch that 1 per cent. That is what I am proposing to do with the amendment I have offered.

Mr. OVERMAN. The bill punishes those men who are disloyal; it puts them in penitentiaries.

Mr. FALL. Certainly.

Mr. OVERMAN. I do not see any use to make them take an oath. If a man is disloyal, he would just as soon take an oath to support the country as not. It would make no difference to him whether he took an oath or not.

Mr. FALL. It is not necessary for me to take up any further time in explaining the matter.

Mr. SHAFROTH. Mr. President, let me suggest to the Senator from New Mexico that under the wording of this amendment I presume it would apply to all the soldiers, and it seems to me they ought to be excepted from the operation of the amendment.

Mr. FALL. They have already taken an oath to support the cause of the United States. They do that when they are mustered in.

Mr. SHAFROTH. But you provide a new rule, do you not—and, if that is true, why should all the soldiers over in France and on the way, upon the seas, be required to take on oath? It seems to me that they ought to be excepted, because they are fighting in the cause.

Mr. FALL. If the Senator will offer an amendment excepting the soldiers, sailors, and marines in actual service, I will accept it.

Mr. SHAFROTH. I move that amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "of the United States" insert "except soldiers and sailors and marines in the actual service of the United States."

The VICE PRESIDENT. It is accepted. The question is on the amendment of the Senator from New Mexico as modified. [Putting the question.] The noes seem to have it.

Mr. FALL. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. FRANCE. I desire to offer an amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. At the end of section 3 add the following proviso:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true with good motives and for justifiable ends.

Mr. OVERMAN. Mr. President, on yesterday I opposed such an amendment because I did not see any use to include any man telling the truth about any question. He could not be punished under this bill. It is merely substantive, and therefore I accept it.

Mr. WALSH. Mr. President, before the vote is taken I think it quite appropriate to say that the language of this amendment is substantially in accord with the provisions of the constitutions of many States defining the liberty of speech and of the press. Similar provisions are found in the constitutions of Florida, Kansas, Nevada, South Dakota, West Virginia, Wyoming, Arkansas, California, Illinois, Michigan, Mississippi, New Jersey, New York, Ohio, Oklahoma, South Dakota, Utah, Wisconsin, and Wyoming. It is a principle of the American Constitution that is very generally recognized. I think it is very unfortunate that the Senate should have rejected the amendment as originally proposed.

I will read for the sake of the record the provision of the constitution of the State of New York:

Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

I think it is rather unfortunate for the Senate to go on record as opposed to the principle announced.

Mr. McCUMBER. Mr. President, I think it is always dangerous to accept amendments that are suddenly thrown into the arena without any consideration.

Mr. OVERMAN. I will say——

Mr. McCUMBER. Just a minute. If this was a bill to determine whether the United States should recover damages against anyone who had slandered it, then I could naturally understand that the rules pertaining to slander and libel should apply. But inasmuch as the purpose of this law is to defend the United States against those who by word or act would interfere with the progress of this war, I do not concede for a single moment that we should be governed and limited by the rules in a civil action for slander or libel.

Let us take the same publication that was given here yesterday or the day before, which was accredited to Mr. Creel. Let us suppose that some person now, after this bill has become a law, should make utterances of that character, and it is claimed by the Government in a prosecution that the effect of utterances of that character was to interfere with this country in the prosecution of the war, all the defendant would have to do would be to say, "It is a question of fact to go to the jury whether it is true or not," not whether it did affect the Government, but whether it is true; and thus we can submit to a jury the question whether the German form of government is better than ours, and leave it to a German jury or a jury made up of hyphenated Americans to determine that question of fact. Of course, he would have to establish the fact that it was done for a good purpose, but I think the writer of that article could well establish the fact that when he wrote it it was intended to produce a sentiment that would result in benefit to the human race, and he would leave the jury to determine the truth or the falsity of a statement rather than to determine its effect upon the American people.

Mr. OVERMAN. I do not believe it can do any harm. I should like to get on with the bill. There would be no harm in putting the Ten Commandments in the bill if we want to do it. I think there is a great deal of force in what the Senator says.

Mr. McCUMBER. If the Senator wants to get on and get it into conference I have no objection.

Mr. OVERMAN. I did not say I was going to do that, but if adopted it will go to conference.

Mr. FRANCE. Mr. President, I merely wish to say for the information of the Senator from Montana that I merely quoted this language. It is not my language at all. It is language which I quoted, and when I first presented it it was in quotation marks, but I afterwards eliminated the quotation marks as seemingly inappropriate to go into the text. It is not my language at all, but the language which is generally used.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. FRANCE].

The amendment was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to further amendments.

Mr. SHAFROTH. There is an amendment to be proposed by the Senator from Utah [Mr. KING]. He is out of the Chamber at present. I will send the amendment to the desk that it may be read.

The VICE PRESIDENT. The Senator from Utah [Mr. KING] submits an amendment, which will be read.

The SECRETARY. On page 3, after the amendments heretofore agreed to, insert:

SEC. 2. That section 1 of Title XII and all other provisions of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, which apply to section 3 of title 1 thereof shall apply with equal force and effect to said section 3 as amended.

SEC. 3. That Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"SEC. 4. The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words, 'Mail to this address undeliverable under espionage act' plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe."

Mr. BORAH. Mr. President, I do not know that there will be a call for a yea-and-nay vote upon this matter, and I simply desire to say that I shall vote against this proposed amendment. I vote against it for the same reason that I opposed the insertion of it in the espionage act in the first place. I am aware, however, that the Senate at that time was, and I presume it will at this time by a large majority be, in favor of it.

I realize, Mr. President, that under the conditions which now exist with reference to an act which we passed since we passed the espionage act some provision may be necessary in reference to the mailing of nonmailable matter. I am not myself satis-

fied to go on record in favor of the unlimited power which is here given to the Postmaster General in excluding printed matter from the mails.

As I said, I do not desire to take up the time of the Senate or to call for a yea-and-nay vote, but I wish to be understood as voting against the amendment.

Mr. KING. Mr. President, before the vote is taken I should like to submit a few observations.

The purpose of this amendment is to give to the Post Office Department the same authority that was conferred upon it in the espionage act. It is not necessary to detail to the Senate the great benefit which has resulted from that authority. Under it the postal authorities have been permitted to exclude from the mails hundreds of thousands, and indeed millions, of copies of tracts, cards, and other publications put forth by the I. W. W. and other treasonable and traitorous organizations.

Mr. THOMAS. Mr. President——

Mr. KING. I yield to the Senator.

Mr. THOMAS. I understood the Senator to say that the amendment, if inserted in this bill, would introduce into it a power already given by the espionage act. If that is so, why duplicate the authority?

Mr. KING. It merely carries the provisions of the espionage act into this bill in order to cover the offenses that are defined in this measure.

Mr. THOMAS. If that is the case, is not the present law sufficiently comprehensive to do that?

Mr. KING. The solicitor for the Post Office Department, after a very careful examination, reached the opinion that without this section the provision of the espionage act with respect to nonmailable matter would not be applicable to the offenses created in this act. In other words, in this bill certain acts, such as the printing or publishing of certain matter, are made offenses. You could not exclude those publications from the mails without this amendment. I was at first under the impression that the espionage act would cover this in the provision referred to, but in the opinion of the department it would not, and I reached the same conclusion after a very careful personal examination. It is merely to make applicable to this bill the same provision that was placed in the espionage act.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HARDWICK. Mr. President, it is not my purpose to delay the passage of the bill. I have expressed already the very serious doubt I have about it and the very serious objections I have to certain features of it. Realizing that the majority of the Senate apparently want to enact legislation of this sort, it is not my purpose to attempt to delay them from carrying out that design. Nor do I care one way or the other whether there is a record vote or not, except, if there is not a record vote, I want it understood that I am not for this bill.

If the bill had been confined in its provisions to the recommendations that came from the Department of Justice to deal with evils that I thoroughly want to deal with, it would not have been subject to the same objections which some of the provisions of the Senate bill are liable to, and it would not be liable to what, I fear, may be a misconstruction of some of its provisions. If the bill as it passed the House of Representatives were being voted on I would cheerfully and willingly and gladly support it, but I do not regard it safe or necessary or wise to enact some of the provisions that are contained in the Senate committee amendment. Since they are to be kept in the bill, and I earnestly hoped that they might be eliminated, I can not support the bill itself.

Justice to the Senate as well as fairness to the country, however, requires me to say that in my judgment the bill has been very greatly improved by some of the amendments the Senate has made. I think the language has been much more carefully guarded than it was when the bill came originally from the committee, and in those respects it has been very much improved.

In fact, I have considered very carefully the question as to whether the improvements were so great as to authorize a man who really wants to do all that this country can do under his view of the Constitution without impinging the constitutional guaranties of freedom of speech to support the bill. I regret to say my judgment still is that that is not the case. A man who believes in the constitutional guaranties and freedom of speech as written in the Constitution and who views it as I do will find things in this bill so incompatible with that guaranty as to render it impossible for him at least to support it.

Of course, in making this statement of my own position I by no means reflect upon either the honesty or good judgment or intelligence of any Senator who thinks otherwise. I can only speak, as I can only act, of course, for myself; but I can not support the bill, as far as I am concerned.

The VICE PRESIDENT. Shall the bill pass?

The bill was passed.

The title was amended so as to read: "A bill to amend section 3, title 1, of the act entitled 'An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, and for other purposes."

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3771.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

PROTECTION OF WAR MATERIAL AND WAR TRANSPORTATION FACILITIES—CONFERENCE REPORT.

Mr. OVERMAN. I call up the conference report on Senate bill 383, to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to prevent the hostile use of property during time of war, and for other purposes.

There being no objection, the Senate proceeded to consider the conference report on the disagreeing votes of the two Houses upon the bill.

The VICE PRESIDENT. The conference report has been printed and is on the desk of Senators. Does the Senator request the reading of it?

Mr. OVERMAN. No; I do not.

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. JONES of Washington. I wish to state to the Senator that my recollection is some Senator objected to this report when it was presented.

Mr. OVERMAN. The Senator from New Hampshire [Mr. GALLINGER] asked that it might go over in order that it might be printed. I do not know whether he would have an objection to it or not.

Mr. JONES of Washington. The Senator from New Hampshire is not here.

Mr. THOMAS. I ask to have the conference report read.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places, wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war

material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

"SEC. 3. That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

"SEC. 4. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. THOMAS. Mr. President, the object designed to be accomplished by this bill is both meritorious and necessary. The manufacture of war material is to-day the business of the Nation, whose future may depend upon the expedition with which that material is produced and transported. Interferences have frequently occurred since we entered this war—in fact, before we entered it—whereby production has been limited; actual production has been made defective or adulterated; and complete suspensions of work have been accomplished. Some of the things in process of production are vital to our success in this war. Of these the most vital is our shipping program, for without it, Mr. President, the resources of this country can not be effectually mobilized. We may produce enormous quantities of munitions, food supplies, equipment, and all the paraphernalia necessary to the successful prosecution of the war, but if we can not transport that material to the front it is as useless as though it had not been produced at all.

Secondary to our ships is the material; and, of course, its usefulness for the purpose for which we are producing it is quite as essential. I think it was yesterday morning that the newspapers published the statement of a high official of Great Britain that all interferences with speedy production in America of the essentials to this war were not only serious in character, but threatened the outcome of the conflict. Of course, there can be no two sides to that proposition. We are aware of it, and have been aware of it ever since we entered this war.

Mr. President, interferences with production by the individual acts of employees here and there, the mischievous conduct of spies and emissaries of our enemy in our factories, have been going on for some time. Their activities, perhaps, are multiplying. They have not only seriously affected production, but of the commodities produced many have been rendered worthless by reason of improper manufacture and of many defects which have been deliberately created in them.

I know, Mr. President, of no offense to-day that is more serious than this constant exercise within our great industrial plants of activities which are designed to interfere with production not only in the mass but with the quality of the things produced. Those engaged in that work are doing more for the cause of the Kaiser than any other individual activity I can mention; yet, Mr. President, all of them combined are not so serious as interferences in the mass with our production through the suspension of labor in the mass through strikes, through walkouts—I care not by what name they may be called—suspensions, Mr. President, which paralyze plants in their entirety, and in some instances all the plants engaged in the manufacture of particular commodities.

Mr. President, this bill, if I understand its purport, is designed to penalize and punish all active interferences with our production and with its qualities. Unless it accomplishes that it fails of its object. If in providing for the punishment of men who interfere with production, who adulterate production, who cause production to be defective, we shall encourage large bodies of men to stop work entirely, provided only they place their ostensible or actual reason for suspension upon a question of wages—I say, if we are to exempt from the operation of this bill such interferences with labor, the bill might just as well be abandoned. So, Mr. President, I seriously object to the acceptance of this report. The third section of the bill as recommended by the conference committee expressly declares that it shall not apply to suspensions of work by wage earners, provided the suspension be based upon a question of wages.

Mr. SMITH of South Carolina. Was that provision in the bill as it passed the Senate?

Mr. THOMAS. No; it was inserted in the other House. The bill as passed by the Senate was unobjectionable.

Mr. President, we have heard much in the discussions in this body during the past two or three weeks of an organization which is popularly known as the Industrial Workers of the World. It is an organization of self-confessed criminals, who not only do not hesitate to announce their purposes, but who seem to glory in them. They consist of murder, of robbery, of the destruction of property, and of similar propaganda in violation of the laws of God and of man. They are a dangerous organization. It is not a thing to be proud of, nevertheless it is a fact that this organization has grown with considerable rapidity during the past four or five years. They have their representatives in many communities in the United States. They are constantly at work spreading their doctrines and practicing their so-called precepts. They conduct their propaganda openly when they can, secretly when it is necessary; but they are always conducting it, and conducting it among those who are supposed to be discontented or disaffected. In these times, Mr. President, when labor is in great demand and when employers are competing with each other to secure workmen, the members of this organization find fertile soil for the sowing of their doctrine. Strikes ensue almost as an inevitable consequence.

They care nothing for the question of wages; they say so. They care nothing for existing conditions, except in so far as they may be an obstacle to their ultimate purpose, which is the total disintegration of society. It has frequently been announced, and announced as late as this morning, that official Germany has instructed its representatives and emissaries everywhere, not only before, but since we entered into this war, to utilize just such disturbing influences for the fatherland; they have been and will continue to be so used so long as it is possible to escape detection or punishment. It will run the risk of both because of the objects sought to be attained and also doubtless because of the reward which comes to successful effort.

Mr. President, if we adopt this conference report, we leave the field open to these men and their kind to continue their propaganda, the consequences of which will be immunity from punishment. In other words, we offer a premium to the very influences which we seek to suppress and give them license to continue their propaganda and to paralyze the productive energies of the Nation.

Mr. President, at this time, when the allies are engaged in a titanic struggle with the most formidable adversary of his-

tory, when the fate of nations is resting in the balance, when the soldiers of the American Union are holding the hard-pressed lines in France, when this Nation waits with breathless anxiety for tidings across the sea, how the battle goes, we are so legislating as to legalize and encourage suspensions of work in this country. At a time when every ship that can be built is essential not only to the cause of the United States but to the cause of civilization, at a time when every ounce of effort of every citizen should be utilized to support the boys beyond the sea and their allies we are about to say to the workmen of America, "You may suspend your work; you may stop building ships; you may cease manufacturing ordnance; you may leave the fields untilled, provided the only cause of your action, the only complaint you have, is one of wages."

Mr. President, what will our boys in the trenches think as they stand in serried ranks awaiting the shock of the enemy, bearing aloft the banner of this country and ready to do and die, as Americans always are—what must be their emotions to learn that the American Senate and the American House of Representatives at this hour are considering a conference report recommending the enactment of a law under whose terms the men at home may fold their arms, indifferent to that terrific contest, unmindful of what the end may be, that we may discuss the question of wages?

I am unable, Mr. President, to imagine why my good friends upon the Senate conference committee could ever have given their consent to such a conference report. This is no time, Mr. President, for any man to shirk, whether he is a workman, independent or otherwise. Labor has told us that this cause is its cause, and I believe it was sincere in that announcement; but, Mr. President, this bill should provide penalties for all who disregard its requirements.

Great Britain has dealt with this important subject by legislation and by agreements having the force of law. We should do the same thing instead of, as we seem to propose by this bill to do, legalizing conditions, encouraging the creation and continuance of the very things it pretends to prohibit and punish.

Mr. President, it may be that politics has something to do with this bill. Are we afraid of the labor vote? Are the Republican members of the conference committee and of the House of Representatives and of the Senate of the United States afraid of the labor vote? Are the Democratic members of that committee and the Democratic Members of the House of Representatives and of the Senate afraid of political consequences possibly following the excision of this section. I do not want to believe it. I know, Mr. President, that in ordinary times it is the tendency of our common human nature to go far afield in elective republics lest those holding the ultimate power may use it against us. I hope that spirit has not overlapped our declaration of war, and that it will not manifest itself in bills like this. Mr. President, if political influence is to be recognized, let me remind you that the fathers and mothers, the brothers and the sisters of the boys across the sea also possess political power, and their friends as well; and if, after sending our soldiers across the ocean, we are to paralyze their efforts and jeopardize their existence by legislating for suspension of work here, those responsible may hear from that class of voters, as I hope to God they will.

Do we mean it when we say we must win this war? Then why except large bodies of our citizens from the operation of a statute made essential by the prevailing exigency? Do we mean what we say when we declare to the world that our lives, our fortunes, and our sacred honor are enlisted for our own and the cause of the allies? Then let us make good, Mr. President, by inserting no exemptions in a bill of this sort. It is not only wrong, it is monstrous. For my part, I will never vote for the report of this conference committee or for any similar legislation so long as I have the honor to be a Member of this body, while the war continues. It is wrong, absolutely wrong, fundamentally wrong, Mr. President. We must either speed up and bring all of our resources to the aid of our allies and our troops, or we must sooner or later yield to the aggressive power and the formidable forces of our enemy.

Mr. President, what would Germany say, what would the German Emperor say, if a measure of similar import, containing a similar exemption, were sought to be engrafted upon the statute books of the German Empire? They, Mr. President, are massing, and they will continue to mass, behind the army the entire political, social, and industrial strength of the Empire. And so with our allies. There are no strikes in France for wages or anything else. That glorious people are in death grips with their mortal enemy, and they are crying for help from the Nation which through their efforts came into being. England is to-day in this war in every respect. She has had but little difficulty such as I fear would arise under the provisions of this bill; she recognized the menace early in the conflict and met it by conference and by penal legislation.

Better pass no bill at all; better that the work of crippling our industries go on and permit incendiaries to ply their trade within and without them; better pay no legislative heed to the interruptions that have been constantly going on with production than to pass a bill of this sort, containing the exemption which I have condemned.

Ever since I have been a Member of this body, Mr. President, the tendency has been to except differing classes of people from the operation of our general laws. I can not recall a single measure of any great consequence, appropriation bills excepted, that we have enacted into legislation since 1913 which has not bristled with exemptions from its operations. Such legislation is unrepublican; it is undemocratic. A few upon the other side and a few upon this side have voted against such measures, but in vain. Our trade-commission law, our antitrust laws, practically all of the great attempted social and industrial reform legislation which has characterized the Democratic Congress since 1913 has been punctuated with exemptions. That is class legislation. Now, we propose to continue it in the midst of this great, this tremendous struggle, by recognizing, and I fear, by legalizing interruptions on any scale imaginable, provided the sole question be one of wages. Let me add in conclusion, Mr. President, that this legislative reason for suspension can always be urged ostensibly, whatever the other reasons may be.

Mr. President, let all questions of compensation be determined by arbitration, as has been done in the past; but I beseech the Senate not to enact this conference report without striking out section 3.

Mr. GALLINGER obtained the floor.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum. I wish the Senator would let me explain this conference report before he takes it up, because I think he is going to oppose it, and I should like to explain it to the Senate.

Mr. GALLINGER. Certainly.

Mr. OVERMAN. I want the Senate to hear the discussion, because it is a very important question.

Mr. GALLINGER. I yield for that purpose.

Mr. OVERMAN. I suggest the absence of a quorum, because I want the Senate to know what was done and what it is endeavored to do, as I see it.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, S. C.
Baird	Hardwick	Nelson	Sterling
Bankhead	Henderson	New	Sutherland
Borah	Hitchcock	Norris	Swanson
Calder	Hollis	Nugent	Thomas
Chamberlain	James	Overman	Thompson
Colt	Jones, N. Mex.	Penrose	Tillman
Cummins	Jones, Wash.	Poindexter	Townsend
Curtis	Kellogg	Pomerene	Trammell
Dillingham	Kirby	Ransdell	Underwood
Fall	Knox	Robinson	Vardaman
France	Lewis	Shafroth	Wadsworth
Frelinghuysen	Lodge	Sheppard	Warren
Gallinger	McCumber	Smith, Ariz.	Williams
Gerry	McNary	Smith, Ga.	
Gore	Martin	Smith, Md.	

Mr. SUTHERLAND. I desire to state that on the prior roll calls I was unavoidably absent, on account of being engaged on official business at the departments.

Mr. TRAMMELL. I desire to announce that the junior Senator from Wyoming [Mr. KENDRICK] is temporarily absent on official business.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum is present.

Mr. GALLINGER. Mr. President, having been recognized, and intending to oppose the report, I am very glad indeed to yield to the Senator from North Carolina to express his views as to the matter to which I shall put myself in opposition. I yield for that purpose.

Mr. OVERMAN. Mr. President, I think the Senate ought to know exactly where we are and the reason for the adoption of this amendment. This is not a Senate amendment. This I regard as the most important bill that has been before the Senate. It passed the Senate some six months ago. It makes it a crime to burn elevators, to destroy war materials, to poison water, to do that which I described here the other day—to injure our flying machines—or to injure in any way any property that is used or might be used in the conduct of the war. It went to the House.

I will just read the Senate bill. It is very short:

That whoever in the United States, during time of war, shall willfully injure or destroy, by fire, or by use of explosives, or by other violent means, or shall attempt so to injure or destroy any war material, war

premises, or any war utilities, as herein defined, or any building or other property of the United States, shall be fined not more than $10,000 or imprisoned not more than 30 years, or both.

The bill went to the House, and the House had it over there, as I say, some three or four months. They have amended it in some particulars of which I am heartily in favor. I stand for the conference report, for the reason that we are told by the conferees that if this amendment is rejected we will have no legislation.

Now, let us see what the amendment to the bill is. I will read what is known as the Cannon amendment. Uncle JOE CANNON introduced this amendment:

Whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

A very good amendment. Then one of the leaders of the House of Representatives offered this amendment:

That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the bona fide purpose of securing better wages or conditions of employment.

That was in conference some time, and we could not agree. Then, as a matter of compromise, the Senate put in the words "sole and," so as to read, "with the sole and bona fide purpose of securing better wages," so that it would read, as in the bill agreed upon:

That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

Mr. GALLINGER. Mr. President——

Mr. OVERMAN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Do I understand the Senator to say that the conferees on the part of another body issued an ultimatum that unless that was agreed to there would be no legislation?

Mr. OVERMAN. No; they did not issue an ultimatum. They said that they did not think they could possibly get the House to recede from what is known as section 3.

Mr. GALLINGER. But they did not try the House, did they?

Mr. OVERMAN. Well, they knew the temper of the House. This bill has been over there six months.

Mr. GALLINGER. It was not many weeks ago—indeed, a very short time ago—when my good friend, the Senator from South Carolina [Mr. SMITH], who sits in front of me, suggested to the Senate that unless we agreed to a certain provision in a conference report we could not have any legislation; but we sent it back, and it came back here in the shape in which some of us wanted it, and was speedily agreed to.

Mr. OVERMAN. I am in sympathy with a good deal of what has been said, but the situation is this: We are told that the House will not agree. Now, here is what the Senate has done in the past: The Senate by a large majority in the Clayton bill, under the Cummins amendment, said that labor was not a commodity; that men had a right to stop work if they wanted to. The Senate having gone on record as to that by putting in the words that the men should only stop work for the bona fide purpose of raising wages, limiting it to that, we thought that was about as far as we could go, in view of the instructions from the House, and we finally agreed with a good deal of reluctance.

Mr. GALLINGER. Does not the Senator think that in this time of stress and strain it is unwise to flaunt this flag in the face of the country constantly?

Mr. OVERMAN. I think it is unwise for us to have a fight with labor now. If it is necessary to conscript everybody in this country—labor and everybody else—as we have conscripted our boys, I might join the Senator in that; I would be willing to vote for a conscription act under those circumstances. But in this sort of a bill I think it unwise to make a fight right here on this matter. The leader over there who represents, as I understand, the labor interests of the country, has offered this amendment, confining it solely to stopping work for the purpose of securing higher wages. We have plenty of laws on the books for settling labor disputes by arbitration; but I think, Mr. President, in line with the speech of the Senator from Colorado, with much of which I sympathize, if we want to make these men work, regardless of what wages we pay them, let us conscript them.

Mr. GALLINGER. No, Mr. President; I think we do not ask them to work without any reference to the wages we pay them. We have a commission of conciliation and mediation in this country. We have a system of arbitration which has been employed to very good advantage. There is no disposition to force men to work for a given wage in this country and never has been.

Mr. OVERMAN. The legislation provides that we shall not force them to work.

Mr. GALLINGER. Yes; I observe that.

Mr. OVERMAN. This amendment provides that if men want to get more wages, they have a right to stop work. That is what it is, and that is about all it is. I know that it passed the House by a very large majority, so that the House conferees did not think they could possibly get the House to recede from this amendment. I will say that there was a good deal of opposition on the part of the Senate conferees to this amendment, as there is in the Senate; but after looking over the situation, in view of the fact that it is confined solely to a bona fide effort to secure higher wages, we finally agreed on this. Those are the facts.

Mr. GALLINGER. Mr. President, we have had the same proposition put up to us several times during my incumbency as a Member of this body that unless the conferees of the Senate yielded we would have no legislation. That means, in broad terms and in specific language, that our conferees must be subservient to the conferees of another body whenever they issue an ultimatum. Now, I do not agree to that at all.

When I asked that this conference report should go over and be printed, I did so for the reason that as it was read I caught this provision which the Senator from North Carolina [Mr. OVERMAN] has read, and which the Senator from Colorado [Mr. THOMAS] has discussed with great earnestness and ability.

We have no laws on the statute books that I recall that prevent laboring men from striking for any purpose. We ought to have a law on the statute books preventing them from keeping other men from taking their places when they go on strike. That we have not. I undertook, 25 years ago, when chairman of an investigating committee on the Homestead strike, in making a report signed by every Democratic as well as every Republican member of that investigating committee, to have a provision put in the law that all laboring men had a right to strike if they chose to do so, but that they had no right to prevent other men from taking their places when they were willing to do so. If that provision were in this proposed amendment, it would soften it somewhat, in my opinion, but even then it would be objectionable and unnecessary.

Mr. President, this is a very serious situation. We are in a great war. We are all appealed to every hour of every day to lay aside our prejudices and our prepossessions, to forget everything except that we are loyal to the Government, and to do everything in our power to carry on this war to a successful issue. I know that every Member of this body has done that. I make no exception in that declaration, that we are willing to do everything we can in this crisis. But I submit that unless we can have our munition factories and shipyards running, unless we can have our cotton factories running, unless we can have our woolen factories running, unless we can have all the activities that go to make up the means that must be employed to carry on this war we shall fail in the end.

The Senator from Illinois [Mr. SHERMAN] yesterday in a very eloquent manner and with great emphasis said, "We have not done a man's part in this war"; and we are not going to do a man's part in this war if our factories are to be closed, if our munition plants are to be held up, if we are to be denied the right of having the employment—the continuous employment, if you please—of those who are engaged in those activities. We are not going to do a man's part in this war for some time to come if we are to be denied those things.

What is happening in this country at the present time? I wish, before calling attention to that, to say that this amendment is entirely foreign to this bill. The Senate passed a bill. It provided means that would help us to win this war. Everybody could understand it. To inject an amendment of this kind into the body of this bill, no matter what the circumstances were that influenced our conferees, is a mistake that, if it is continued in the bill, we will live long enough to regret. The Senator from North Carolina says it was put there by the other House, and that unless it is allowed to remain there the bill will fail. I do not agree to that.

Mr. President, I have in my hand a report of the National Industrial Conference Board on "Strikes in American Industry in War Time, April 6 to October 6, 1917." I am going to ask the Secretary to read what I have marked on page 5 of that report, and then I want to animadvert upon some other matter that is contained in the same document.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The serious aspect of the 1,156 strikes included in this report is clearly seen from the fact that—

The number of employees made idle was	283,402
The number of days of production lost was	6,285,519

The magnitude of the production lost in even this incomplete list of strikes would at any time be serious. In war time, when every day of production of essential materials has definite influence on the war situation, it is little short of appalling.

To visualize better the magnitude of the waste, it may be pointed out that it would require the labor of 251,400 persons for a whole month to make up for the reported loss of production; or, that a manufacturing plant employing 1,000 workers would have to operate for about 21 years of 300 workdays each in order to offset the time thus lost.

Mr. GALLINGER. Mr. President, I trust that every Senator listened to that. In those six months—and this does not include all the strikes; it does not include a great many lesser strikes—there were 1,156 strikes, resulting in the loss of 6,285,519 days of work, at a time when we were in war, and when we are trying to prepare to do our part to save our own country, as well as the countries of our allies, from overthrow.

Mr. President, I will ask the Secretary to read the summary, which will be found on page 19, which is only two or three paragraphs, one paragraph on page 20, and the concluding paragraph on the same page.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Summarizing briefly the salient features of the evidence here presented, it appears:

The first six months following the entry of the United States into the war was a period of extensive strikes. Even the incomplete returns here summarized indicate 283,400 idle workers and a loss of 6,285,000 workdays.

Strikes were most numerous and most serious in those industries particularly essential to war production.

Demands for increased wages were the most frequent cause of disputes. Strikes for recognition of union or closed-shop conditions were the most bitterly contested.

Nearly three-fifths of the disputes occurred in establishments where a majority of the strikers were members of trade-unions; the percentage of total time lost in strikes of this class was even higher.

* * * * * * *

Indications of improvement in the labor situation in recent months are apparent, but it needs only a cursory reading of the daily press to see that the war industries of this country are still heavily handicapped by labor disputes. Cooperation in efforts for the establishment of some workable program which shall minimize these disturbances, at least for the duration of the war, is the patriotic duty of both employers and employees.

Mr. GALLINGER. Mr. President, no words of mine could carry to a mind not prejudiced on this question as much conviction as the words that have been read from the desk.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. GALLINGER. Certainly.

Mr. OVERMAN. The Senator will find, as I read the amendment here, that it imposes a $10,000 fine and makes it a penitentiary offense to engage in any other strike than a strike for higher wages; that is all. The amendment which was adopted here, called the Cannon amendment, is to cover the situation the Senator has spoken of, and will do so, namely, that these men can not strike. It makes it a penitentiary offense and a crime to strike; but instead of that, this third section is put in here permitting them to strike for higher wages; that is all.

Mr. GALLINGER. Well, this is a very different matter.

Mr. BORAH. Mr. President, I call the Senator's attention to the fact that this does not limit it to higher wages. It says:

That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

Mr. GALLINGER. Certainly.

Mr. BORAH. It covers a very much wider range than the mere matter of wages.

Mr. GALLINGER. It absolutely broadens it, and enables them to offer any excuse. Even if it were confined to the question of wages, it is a very easy matter for these men, some of whom have been characterized not any more severely than I would characterize them, to say that they are striking for higher wages, even when they are getting the highest wages that the world has ever dreamed of. That is what is going on to-day in this country. Why, Mr. President, if I could say to the Senate what I know as to the matter of wages in some of the munition factories in this country it would startle the Senate.

Mr. SMITH of Georgia. Mr. President, is it not true that most of those munition factories are working for the Government on a cost-plus basis?

Mr. GALLINGER. Absolutely.

Mr. President, I am not going to detain the Senate. I have gotten beyond the period in my legislative career of making long speeches. There is very much I should like to say on this subject, because I feel very deeply about it. I know that we have legislated unwisely in the past. The Senator from North Carolina called attention to the fact that in certain statutes we had made exemptions in behalf of labor; and we even went further than that in one statute, and exempted another class of our people who did not ask for exemption; but that was simply to take the edge off the exemption that we gave to labor.

I remember that in an Agricultural appropriation bill—I believe I am right—we exempted the labor organizations of this country from the provisions of the Sherman antitrust law, thereby making it a criminal offense for me to commit an act, but not a criminal offense for a man who was working on my farm to do the same thing. I opposed that as best I could, but it was impossible to stop it. It went through this body, and it went through the other body, and it became a law.

Now, Mr. President, I think we have gone far enough. This bill does not need an amendment of this kind. This bill, as it passed the Senate, is explicit in its terms. It is calculated to speed up production in this country in order to enable us to do a man's part—as the Senator from Illinois said we have not done a man's part up to the present time—to end this war successfully and honorably.

Mr. President, on some former occasions I have taken exception to this class of legislation. No man can justly say that I am an enemy of labor. God knows I have done my share of labor in my time. I will not detail it to-day; but if any man, even of my age, has done more work, certainly for the first 50 years of his life, than I did, then I do not know where that man is; and I am in the deepest possible sympathy with the laboring man. I want him to have every right that belongs to him. I want him to have the protection of the law to as great an extent as he can properly ask for it; but I am not willing that the laboring man, whether he is in a union or otherwise, shall hold up this country at the present time when we are making preparations that ought to have been made years ago so that we might do our part in this great conflict.

I remember, Mr. President, when the four brotherhoods came in here. They did me the honor to visit me in my committee room. They came here with a political pistol which they put to the head of every man in both Houses of Congress. I said to them: "Why not submit your matter to the board of conciliation and mediation?" They repudiated it. I said, "Why not arbitrate your question? The American people will do justice to you."

They repudiated that. They said to me, "We will have that bill passed on Saturday night or we will strike on the next Tuesday." I said on the floor of the Senate that I had not any idea that those men would have ever dared to inaugurate a strike in the United States and stop the entire transportation system of this country; but others thought otherwise. The President of the United States thought otherwise, apparently; Congress thought otherwise; and the demand those men made was acceded to, doing absolute injustice to a hundred times as many other laboring men in this country who did not happen to have the strength they had, because they were an organized body and could accomplish their purpose by threats and intimidation.

Mr. President, because of the words I uttered on that occasion these men marked me for political slaughter. It would not have made much difference to the country if they had accomplished their purpose; but they did not accomplish their purpose. However, the means they used were utterly contemptible, which I will not now stop to enumerate.

Mr. President, as a legislative body having responsibilities upon us in time of peace, and more especially in time of war, we will have to assert ourselves in regard to this question and say that we will not inject in every bill that comes before us a provision such as has been injected in this bill, and which really has no relevancy to the subject matter.

I was intending to refer to an investigation that I helped make 25 years ago and to call attention to some principles that were laid down by that committee, of which the late Senator David B. Hill, of New York, was a member, as well as other distinguished Democrats, but I shall not take the time to do it.

We have a duty to perform. It is our duty to pass every bill that comes before this body that is a fair bill that will help in the prosecution and success of the war in which we are engaged. I have voted for every one of the bills that has been presented here. I have voted with some reluctance for some of them, but I felt that my judgment ought to be subordinated to the judgment of the majority on this floor, and if my vote could do anything to help carry on this great war in which we are engaged, and which God only knows how it may end, it was my duty to do that, and I have done it. But I shall not vote for this report. I shall not vote for any bill that comes here under the guise of a war measure that gives encouragement to men in this hour of stress and strain to halt the operations of the Government in winning the war.

Mr. President, I hope, and I hope sincerely, and I hope feelingly, because I am greatly in favor of this bill as it passed the Senate, in favor of it so far as certain amendments put on in the House are concerned, but not in favor of the one that I have criticized—I say, Mr. President, I hope that this report will be sent back to the conference committee and that we will register our view that the bill should be shorn of the amendment which really has no place in the statute.

Mr. NELSON. Mr. President, as one of the conferees I desire to make a brief statement. This provision of the bill, section 3, is certainly distasteful to me, but the situation was this—and men who serve on conference committees will appreciate it: On the floor of the House, at the instance of Members, this provision was inserted:

or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

That amendment was adopted on the floor of the House. It was not in the bill reported by the committee. Immediately another Member of the House offered what is now section 3.

I may say here that I was very anxious to have section 3 eliminated. The most we could get the House conferees to do, and I do not think I am violating any particular confidence in stating it, was that they would agree to strike out section 3 if we would strike out the provision I have just quoted, which they called the Cannon amendment, and we felt we could not agree to that. So we got a slight modification in their amendment of section 3 by putting the word "sole" in, so as to read "with the sole and bona fide purpose of securing better wages."

I am far from being satisfied with that amendment, but we are in this situation. We found it difficult in the spy bill. We attempted to put provisions in the spy bill when that was pending to prevent the obstruction of shipments of goods abroad, and we found representatives of the labor organizations come and hamstring us before the committee on that provision, and we have had to confront them on all sides.

I am a member of the committee that has been investigating the operations of the Shipping Board, and I want to tell you, my friends, that nothing has led more to the multiplicity of strikes in the shipbuilding industry than the fact that the administration through various channels have catered to these men. Every time they struck they raised their wages, and put in conditions. They raised the wages, for instance, at the Hog Island shipyard and put in conditions so that an ordinary carpenter gets 70 cents an hour for eight hours' work from 8 o'clock on. If he works from 7 to 8 in the morning he gets double time, and if he works after the end of the eight hours in the evening, he gets time and a half for that work.

Mr. VARDAMAN. Mr. President——

Mr. NELSON. I will yield in a moment. I want to add one word more. Under that provision if he works on Sunday he gets double time, and the result is that many work on Sunday instead of Monday under those conditions. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I wish to express my agreement, in part, with the opinion expressed by the able Senator from Minnesota. I have the honor of serving with the distinguished Senator on the Committee on Commerce, and with him I have observed the unfolding of the whole Hog Island transaction. It is an interesting story all through, and you will find everywhere the slimy trail of the serpent of greed and the big plutocratic footprints of the profiteer. I desire to ask the honorable Senator if he does not think that labor has been induced or encouraged to make demands for excessive wages because of the example of the men higher up who have been conscienceless robbing and plundering the Government in the Hog Island deal and other similar plants?

Mr. NELSON. Oh, there is some of that, of course; a good deal; but does the Senator remember how one day two prominent representatives of labor appeared before the committee and how they protested vigorously that people were lying about union labor; that they had been loyal and faithful and had not been guilty of any obstruction? They came there and were given a clean bill of health, and the next day we had that strike of 6,000 carpenters. Does the Senator remember that?

Mr. VARDAMAN. Yes; I remember that. And I want the Senator to understand that I am in no way condoning anything that has been done by labor, the effect of which hindered or delayed the work of shipbuilding at Hog Island or anywhere else.

I believe it is the duty of every American citizen to do his part completely in the matter of successfully prosecuting this war. I think the man who would take advantage of this terrible emergency to extort unjust wages and delay the building of ships that are so much needed to carry our soldiers and allies foodstuffs across the water is an enemy to his country. I have no word of condonation or excuse for such a person. But I do not want the responsibility altogether to be put upon the man who toils. When I realize, and every other Senator in this Chamber knows, that the men higher up, as Mr. Denman describes them—who contribute nothing but the "know how," when, as a matter of fact, not one of the "know hows" know any more about building a ship than a prairie dog does about the nebular hypothesis or a chimpanzee knows of the political economy of the planet Mars. The plutocratic gentlemen with a pull, who own the Hog Island plant, have succeeded in putting through a scheme by which they will relieve the Government of six or seven million dollars for which they give nothing whatever in return, while the men who toil are to be criticized and verbally crucified because they happen to ask for living wages.

Mr. NELSON. There is something in that statement. There are some of these men high up who have been profiteering and bleeding the Government with an excessive wage; but, while that is a bad thing, Senators can see what a serious thing it is to have shipyard strikes all over the country, first among the carpenters, then among the metal workers, then among the riveters, and so on.

The labor troubles in the shipbuilding lines commenced on the Pacific coast. They have a board of the Government here, the wage board I think it is called, a composite board composed of all kinds of wise statesmen who went to work and increased the wages, first 30 per cent, upon the coast. Then the boys, if I may use the term, got hungry and squared themselves off for another strike, and they increased their wages 10 per cent more. They gave that enormous increase to the men on the Pacific coast in the yards.

Now, what was the result? The result of that was that in all the shipbuilding yards on the Atlantic and Gulf coasts the men got restless. They said, "Here, this arbitration board, this wage board, has given the men on the Pacific coast these enormous wages. We have got to have the same showing." So we have had strikes here in the East without end, and there are strikes pending to-day. I have been a poor man, as poor as anybody could be, in my younger days. I have had to struggle with poverty. My sympathies are with the laboring man, but I confess the attitude that they have manifested in the shipbuilding industry during this year of the war period has utterly shocked me, and I wish that we could all manifest a better spirit.

But there is no use to disguise this thing. From the time we had the railroad legislation, to which the Senator from New Hampshire [Mr. GALLINGER] referred, this campaign has gone on to give these men immunity, no matter how often they strike nor for what purpose they strike.

In time of peace we can stand perhaps an ordinary amount of strikes, and where the strikes are for the bona fide purpose of getting good wages and better hours, if they work them long hours, I can sympathize with them. But now in time of war, when every one of us ought to do our bit, I have felt that some of the labor organizations in this country are not doing what they ought to do. I say this to them in a spirit of utmost kindness. I am not unfriendly to them, but I think they ought, like the rest of our people, to take into consideration the fact that we are at war at this time and that we need the active help and energy of every citizen.

Now, what has been the result of this increase of wages in giving double time for holidays and Sundays? It appears from some of the testimony we have taken before the committee that men have taken advantage of the big wages to lay off instead of working a full week; that they would only work a part of the week. For instance, after they were given the 30 per cent increase on the Pacific coast they, in the first instance, added 10 per cent on the condition that the men would work six days in the week. But finally the men did not like that and so they removed the condition requiring six days' work a week. Then by giving them double time for Sunday they got confused about the Sabbath. They would work Sunday and keep Sabbath on Monday, and then with an ample supply of money some of them were like I have heard some of the colored boys are down South when they get a pocketfull of money Saturday night, they would not think of coming back Monday or Tuesday to go to work. So with these men, they earn as much in three or four days as they have been in the habit of earning in a whole week before, and they see no occasion to put in full time. In fact, I got the impression from the testimony that the increase of wages has led to the slackening up of work.

I think if the situation is studied from first to last, as to what has hampered our shipbuilding and in a limited way hampered

the aeroplane matter in securing all the necessary timber for aeroplanes, the strikes among the laboring men have had a good deal to do with it.

I shall not take up the time of the Senate any further. As I said, I most reluctantly agreed to this amendment. I regard the other provisions of the bill as vital. If there is any one thing that our people have complained about it is the fact that throughout the country men here and there are throwing, if I may be permitted to use a slang phrase, monkey wrenches into the Government machinery. They are destroying munition factories; they are getting up strikes; they are burning elevators; they are destroying mills, sawmills and flour mills; they poison our cattle and interfere with our food supply. In fact, there is scarcely one activity in which the Government is interested but what you will find some hostile man engaged in hamstringing the Government; and, my friends, they are not all Germans as many of you think.

A great many of these most vicious men are Americans. They belong to the I. W. W. order, and they are about as dangerous and vicious a lot as we have in this country. I can readily see how a German imbued with patriotic sentiments and love for his country can go astray in these matters, but how a man who has been brought up here, educated in the schools, brought up under the institutions of this country, can find it in his heart to resort to this campaign of destruction passes my comprehension.

Now, the people are getting restless. We are liable to have lynchings in this country; we are liable to have riots and disorder; and if any legislation that we pass at this session of Congress will help to repress such disorders, help to repress the breach of the peace, help to promote the progress of the war by securing ample food supplies and munitions this legislation is exactly what we need. This is the legislation the people have pined for. This is the legislation that the Department of Justice above everything else insists upon our giving them. In fact, without this legislation the Government is helpless. The people ask us "Why does not the Government do something? Why do you not shoot these men? Why do you not hang them when they blow up a mill or a factory? Why do you not crucify them?" Why do we not? It is not because the Department of Justice has not been efficient; it is because up to this time we have not given the department sufficient and ample legislation. We have given them that in this bill, and because of the great importance of the matter, of the vital provisions of the bill, much to my regret I yielded in the conference, although I entirely agree with the Senator from New Hampshire that that particular provision in the bill is not a proper one.

Mr. UNDERWOOD obtained the floor.

Mr. JONES of Washington. I should like to ask the Senator from Minnesota a question.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Washington?

Mr. UNDERWOOD. I yield to the Senator.

Mr. JONES of Washington. Mr. President, it has been my observation that when labor is interested in any particular legislation which is pending here it has not hesitated to show that interest, but I have had no indication or intimation from any labor source that labor is urging this provision in this conference report. I want to ask the Senator from Minnesota, as a member of the conference committee, whether or not any representatives of labor have pressed this proposition, or whether it is simply the result of the efforts of some one in another body, who assumes to represent labor, who is proposing its adoption? As I say, I have had no suggestion or intimation of any laboring man or representative of labor that they want this legislation or that they ask it in this hour of the Nation's need. I do not believe that labor should be charged with urging this legislation or insisting upon it unless they have been doing so, and I want to ask the Senator from Minnesota if that has been the case?

Mr. NELSON. I desire to say that, so far as I know, no representatives of labor appeared before the conference committee; but the Senator from Washington knows that I can not speak as to what may have affected the House members of the conference committee.

Mr. JONES of Washington. I want to bring out the facts that labor has not expressed its interest in the conference report.

Mr. NELSON. I can only say that the conferees on the part of the Senate have done the very best that they could to get an agreement. Senators who have been on conference committees know that oftentimes individual members have to yield their judgment in order to secure the adoption of provisions which they regard as most important.

Mr. UNDERWOOD. Mr. President, what I shall say is not intended in any way to be a criticism of the representatives of the Senate on the conference committee. I realize from past experience of my own that conferees are often compelled to make compromises and must exercise their own best judgment as to what is necessary to be accomplished; but as this report stands I am against it. On the other hand, I regard this measure as one of the most important measures, if not the most important measure, that has come before Congress for action since we passed the draft bill.

If we have fallen down in this war anywhere, it has not been in our man power. This Nation has accomplished wonderful results, when we consider the fact that we were practically without an army, and to-day we have a million and a half trained soldiers ready to carry our battle flag to Europe. We have, however, fallen down—we have fallen down lamentably—in one respect; that is, our ability to transport our troops to the field of battle.

Congress appropriated to the last cent the money that was necessary to prepare for the transportation of an army; but transportation facilities have not been furnished, though we have been in the war now for more than a year. I am not speaking of what may be accomplished in the future; I hope that what I have heard said about improved conditions is true, and that the defects may be speedily remedied; but we know—there is not a Senator in this Chamber who does not know—when it is remembered that almost a year ago more than a billion dollars was appropriated we ought to have vastly more ships on the seas than we have to-day. There may have been many reasons for our failure to launch the necessary ships, but, so far as I can read and so far as I can hear, our failure to have the ships on the sea is more directly due to the failure of labor to respond to the demands of the Nation than to any other one cause. I do not think any Senator will deny that statement.

I do not charge labor with disloyalty to the flag. I know of hundreds of boys who were laborers before this war was declared who promptly volunteered and joined the Army without waiting for the draft. I know of thousands of men who are engaged in labor to-day who are as patriotic to the country as is any man in this Chamber or out of it. I am not condemning organized labor. Labor has the right to organize for its own uplift and its own benefit so long as its organization is loyal and so long as the organization supports its country and fights for its flag; but peace conditions and war conditions are different. You can not decide the question under the same circumstances from a peace standpoint that you must apply to your decision when war conditions confront your country.

So far as wages are concerned, if I had the making of the law relative to the matter, I would not allow the employer of labor to lock out his men during war times on account of wage questions, neither would I allow labor to stop war industries on account of wage questions. I believe that labor is entitled to a fair and just proportion of the prices that capital gets under war conditions; that it should have it; but it should have it in a way that does not stop the war industries of the Nation. I would require that every labor dispute with regard to wages should be submitted to just arbitration; and when the finding of the arbitrators was ended that both sides must abide by the result.

I would not apply that to peace conditions; but when the Nation's life is at stake and the war industries of the country are of even greater importance to preserve our national life than our Army in the field, can any man hesitate to say that no man should be allowed to delay the production of war materials because of a dispute about wage conditions, when such a dispute can be settled fairly and equitably and justly by arbitration?

More than that, we know that labor to-day is not suffering because of unreasonable wages; that from the beginning of this war down to this time in the war industries of the Nation the price of labor has continued to increase day in and day out. This bill, however, does not stop at the price of labor, but it provides, in section 3:

> That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

What does the phrase "conditions of employment" mean? It may mean many things; but the Senate of the United States knows that, so far as it is proposed to be written in the law and the issue in the shipyards of this country, it means an eight-hour day. Since I have been a Member of Congress, so far as Government employment is concerned, I have always voted for an eight-hour day.

Mr. HARDING. Mr. President——

Mr. UNDERWOOD. If my friend will allow me to finish the sentence, I shall yield to him.

I am not opposing an eight-hour day as a peace condition; but when the question comes to us as to whether on Govern-

ment work in the industries of the Nation that are needed to save our national life, men may be required to work more than eight hours a day, I have no sympathy or patience with a man who is opposed to honest labor under those circumstances.

Mr. HARDING. I thought it might illuminate the question under discussion somewhat to call the Senator's attention to the fact that, in the controversies relating to shipping production in this country, the chief condition of labor alluded to was the maintenance of the "closed shop."

Mr. UNDERWOOD. I never have believed in the "closed shop" in peace or in war. I do not think a laboring man or any other man can sustain the proposition that one set of men has the right to enter into a combination to prevent another set of men from earning their daily bread; and if that is one of the conditions that is stopping war industries in this country, it is time for the Nation to wake up.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

Mr. UNDERWOOD. I yield.

Mr. KING. I have before me an article on strikes; and I find that a large number of the strikes which have occurred since we have entered the war have been to enforce a "closed shop," and that some of the labor leaders of the United States have insisted upon a "closed shop."

Mr. UNDERWOOD. Never by my vote will I say that the war industries of America must stop because one man says that another man shall not labor.

Senators, you can not deny it, you can not question that our ships are not on the seas because of labor troubles; and they are not primarily wage troubles, but troubles as to the conditions of labor, which labor did not complain against until the Nation itself was in distress.

Now, I want to say that when I stood on the floor of the Senate and voted to conscript my neighbor's son and send him to the battle fields of France, in my inner consciousness I pledged myself, my vote, and my support in the future to take care of that boy if I had the opportunity to do so; and when I know that that boy is on the battle field to-day, when I know he is aiding to hold that faltering line, and that it is the lack of supplies, the lack of reserves coming up in time, the failure to get the men who are under arms in the United States to the battle fields of France that make the battle doubtful to-day, and that that lack is due to the fact that labor in the shipyards of this country has not responded patriotically to the Nation's call, I say that this bill can not go through in the condition that it now is with my vote. I think it is the duty of the Senate to reject this conference report and to send the conferees back either with direct or implied instructions that they shall not agree to the passage of the bill until this clause comes out.

I am perfectly willing to exempt the mechanic, the shipbuilder, and the miner from the draft. I have no doubt he can serve his Nation better at home than he can on the battlefields of France, and we have put an exemption of that kind into the draft law; but when the men we exempt from the draft are unwilling to respond by doing their utmost to produce the supplies, of which the Nation is in dire need, then I am in favor of telling those men that if they will not work for their country they must fight for their country. That is the only solution to this situation. The farmer's son, the lawyer's son, the doctor's son, have gone to the front, and if the laborer's son wants to stay at home to serve his country, then the Nation should see that he serves his country well, and if he is not willing to stay under those circumstances, then, in my judgment, the nearest recruiting office should be pointed out to him and it should be made certain that he puts on the khaki uniform. That is the only way to meet this question, and the right way to meet it.

Mr. President, I did not intend to delay the Senate, but I could not vote against a conference report involving legislation of this vast importance to the country without an explanation of why I vote against it. I sincerely hope that the conference report will be defeated.

Mr. CALDER, Mr. STERLING, and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from New York.

Mr. CALDER. Mr. President, in my judgment, this measure, if enacted into law in its present form, would do more injury to the spirit of the American people than any other one thing that could possibly be done. I believe that the great majority of the workingmen of this country have no conception that Congress is even considering the enactment of a law that contains a provision like that in section 3 of the bill under consideration. I am convinced that the vast majority of the American workingmen are patriotic, that they are just as determined to do their share in this war as any other portion of our people, but, Mr. President, the very contracts the Government has been making with munition plants and shipyards—and particularly with shipyards—have encouraged men to strike.

I wonder if Senators know that most of the shipbuilding contracts, both for naval and merchant ships, contain a provision that where the men ask for more pay the increase shall be given them, provided the shipbuilder confers with the Shipping Board or the Navy Department, as the case may be, and the Navy Department or the Shipping Board concur in the increase. These men strike, and the shipbuilder simply confers with the authorities at Washington, and as the Senator from Minnesota [Mr. NELSON] has said, in every single case the wage boards of the Government have awarded the men practically what they asked for, and the Government pays the increase.

Mr. President, I know that very often differences will occur between employees and their employers—the men who have contracted to build ships and manufacture munitions for the country—and these differences must be adjusted.

But I agree with the junior Senator from Alabama [Mr. UNDERWOOD] that a Government board charged with authority to determine these things might very properly be appointed, and then let the action of that board be final.

The other day it was my privilege to spend a few days at Camp Wadsworth, Spartanburg, S. C., where the New York National Guard troops are encamped. While there one evening a British officer made an address, and he spoke of the conditions of labor in England and in other countries of Europe involved in this war, and he told of his own knowledge of the experiences of an unfortunate soldier. This soldier had served nearly two years in the war. He was for one whole week on the battle front. At the end of that week he was ordered back to his base camp. Tired and weary of war, he strayed away from his camp. He was gone a week. He was picked up one day and brought back to the camp, court-martialed, and the next morning stood up against a dead wall and shot to death as a deserter. That man was away just one week, and they killed him for it.

I do not propose, Mr. President, that we shall kill men who stop work, but I propose that men who stop work in Government plants during the war shall be denied the right of reemployment while the war exists, and I join with the junior Senator from Alabama in saying that not only would I deny them work in Government plants during the continuance of the war, but I would say to them that they shall be required to take their place side by side with the American soldiers in France who are struggling to uphold the honor and the dignity of the Nation.

Mr. STERLING. Mr. President, just a few words relative to this conference report.

In discussing the report, Senators have seemed to me to proceed upon the theory that in sections 2 and 4 the language is such that employees might not agree together to stop work, or not to enter upon a strike with the sole and bona fide purpose of securing better wages or conditions of employment. My contention is, Mr. President, that the language of sections 2 and 4 bears no such construction, and that section 3, meant to prevent any such construction, is absolutely gratuitous so far as sections 2 and 4 are concerned; and I beg the indulgence of the Senators while I read the language of sections 2 and 4.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. STERLING. I yield to the Senator from Florida.

Mr. FLETCHER. I was just going to say that I had the same point in mind. I think the Senator is entirely correct in his position; and I will ask him further, whether or not section 3 is any new law? Is not that the law now? Does section 3 change the existing law in any respect?

Mr. STERLING. I do not think it does; but I will refer to that a little later, and perhaps to the motive behind section 3.

Reading now section 2, it provides as follows:

> That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war—

Now, thus far the language is preliminary, and an inducement to the act constituting offense, which follows:

> shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined—

And so forth.

There is section 2; and no language of that section can be construed to prevent workmen from stopping work for better wages or for better conditions of employment; and the same thing, without reading section 4, will apply to the language of section 4.

So, Mr. President, there being no likelihood that either section 2 or section 4 could ever be construed to prevent the things provided in section 3, there is absolutely no necessity to protect employees by the enactment of section 3.

Mr. THOMAS. Mr. President——

Mr. STERLING. I yield to the Senator from Colorado.

Mr. THOMAS. Suppose that in the course of a strike, called for the sole purpose of increasing wages, violence should occur, and property should be destroyed, would those guilty of such destruction, according to the Senator's view, still be liable under the other section of the conference report?

Mr. STERLING. I will ask the Senator to repeat that question. I did not quite catch it.

Mr. THOMAS. I say suppose that during the progress of a strike, called simply for the purpose of adjusting wages, violence should occur, and Government property should be destroyed or endangered. Does the Senator think that those responsible for such destruction would be liable to the penalties provided in section 2 of the conference report?

Mr. STERLING. I think so; and section 3 would not protect them from those consequences.

Mr. THOMAS. I disagree with the Senator.

Mr. STERLING. Further, Mr. President, the Senator in charge of this conference report says that we should adopt section 3, in order to do what? In order to avoid the conflict—the inevitable conflict—with labor. Read sections 2 and 4, and let us ask ourselves the question if it has come to this, that we must inject into this bill a provision not demanded by the bill for the protection of labor in stopping work in order to avoid a conflict with labor?

Mr. President, if that is the situation, it is a fearful one and an ominous one for the United States. If we have come to that point, I should say, deplorable as it may be, regret it as we may, let us accept the inevitable, and have the conflict, and have it done with; and what will we do in that conflict? We will appeal to the loyalty and the patriotism of labor throughout the United States, both nonunion labor and union labor, and they will rally in their loyalty and patriotism to the support of the Government and the flag, and as for the rest—well, there is such a thing as martial law.

Mr. President, I do not know exactly what the purpose of section 3 is, but I know of some very significant things. I have a communication which I thought of reading several days ago to the Senate in connection with a resolution that I thought of introducing. It comes from a constituent, who says, in a letter dated the 19th of March:

> As to myself, I am the mayor of our little city, chairman of the Four Minute Men here, president of this branch of the American Defense Society, and have been trying since the war started to do what I can for the benefit of the United States; but there are many things which go against the grain, and I have been wondering if something could not be done to wake up the Senate and House to the fact that there is some one else in this country besides the labor unions who deserve consideration. Lately, in our talks at the movies, we have been trying to get workmen to enlist for shipbuilding, with some little success. Yesterday I received cards for the workmen to fill out, with information stating that certain workmen were wanted for the Puget Sound district. Now, note what follows—

He puts this in quotation marks and underlines it. This is the quotation:

> It is a union-shop district, and those who go out should be members of the craft's organization or signify their willingness to become members.

Then he goes on, of course, and denounces a policy like that.

Mr. WADSWORTH. Mr. President, do I understand the Senator's correspondent to say that that was a circular issued under the authority of the United States Government?

Mr. STERLING. That is from a circular, a quotation in haec verba, from a circular sent out by the United States Public Service Reserve, under the Department of Labor of the United States. I found that out after further correspondence and after inquiry by telegram.

Mr. KING. Mr. President, will the Senator inform us who are the officials who are responsible for that, because they ought to be removed from office, and removed quickly, and prosecuted, if there is any law under which they can be prosecuted.

Mr. McCUMBER. Mr. President——

Mr. STERLING. I yield to the Senator from North Dakota.

Mr. McCUMBER. Will not the Senator go a good deal further than that? Is it not absolutely true that one of the great shipyards on the western coast was compelled either to cancel a contract or to employ only union labor?

Mr. STERLING. I have understood that such was the fact, and that through the direction of the Government.

Mr. GALLINGER. Mr. President——

Mr. STERLING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. That does not surprise me at all, when the head of the Department of Labor, in addressing a great audience of laboring men, invariably commences his address by saying: "Fellow unionists"—"Fellow labor-unionists."

Mr. OVERMAN. Mr. President, what is the name of that? I never heard of that sort of a concern. What is it?

Mr. STERLING. Has not the Senator from North Carolina heard of the United States Public Service Reserve?

Mr. OVERMAN. I say, I never heard of it.

Mr. STERLING. A bureau under the Department of Labor?

Mr. OVERMAN. Is it a bureau under the Department of Labor?

Mr. STERLING. It is an employment bureau under the Department of Labor.

Mr. OVERMAN. There is a Labor Department, with which we are all familiar, but I do not know of that bureau. I never heard of it.

Mr. STERLING. This circular is so headed and entitled. I am led to inquire, in the face of this correspondence that I have received, in the face of the contents of this circular from which I read, as to how many men besides nonunion men there are, engaged in the Puget Sound district, who might be needed in the great and important and vital work of building ships, and how many who would have joined in that work and helped out the Nation in its hour of need would have gone there had it not been that they were warned by that circular not to go unless they belonged to the craft's organization, or were willing to signify their intention of becoming members of it? Has it come to this? If so, I say, as I said at the outset, let us accept this inevitable conflict, and know where we stand, and whether or not we have a right, as against any organization whatever, to protect the United States and its liberties in this great and terrible war.

Look here: Here is a circular sent out by the United States Public Service Reserve of the Department of Labor, and here are the grandiloquent words of the circular:

> For whom the reserve is intended:
> For all men who want to work to help win the war.
> For men who are not content to be bystanders, but want to play their part in saving the world from the rule of brute force.
> For men who are ashamed to go on to the end of the war working just for themselves, while their neighbors go to the front to give their all—their lives, if need be—for our country.
> For men who are ready, when the call comes, to give up jobs which are not vitally important in war times, and take jobs where their country needs them and where they can count for victory.
> For men whose patriotism is more than mere words; whose professions that they want to do something for their country really mean business.

My heart responds to every word of that appeal.

But, Senators, it appears that out there in Clark County, S. Dak., where the man lives who sent me this letter, were the men who, in war times, were ready to leave jobs not vital to the issues of this war and go into the Puget Sound district to labor in the shipbuilding business, and they were deterred from doing so by the contents of this circular!

Oh, Mr. President, what may the adoption of section 3 lead to? The fear is it will hamper us in the enactment of much-needed legislation in regard to the labor situation. It is not necessary, as I have tried to show, for the protection of the employees in the shipbuilding or in any other Government industry or work. It is not necessary at all. They may stop work, under the law as it is, for higher wages; but if we adopt section 3, then they will come back and say: "You are estopped now from adopting any other legislation in regard to labor. Congress has committed itself to this proposition." And we will not be enabled, in the face of that, to pass a law making it criminal to conspire to strike or to incite a strike in a great Government war-material industry.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator if they might not well say that the legislative branch of the Government has invited them to strike?

Mr. STERLING. Yes; I think so.

Mr. SMITH of South Carolina. That is right.

Mr. STERLING. I think the Senator from Mississippi is absolutely right in that respect. It is holding out an invitation to strike, as we have done before in other legislation that Congress has enacted under duress, practically.

I say now is the time, fellow Senators, in my humble opinion, if it is intended to make this an issue, to meet the issue right here, and not let things go from bad to worse, as they surely will if we trifle with the question longer.

Mr. OVERMAN. Mr. President, I want to appeal to the Senate to let us have a vote on this question this afternoon.

The bill passed the Senate one year ago yesterday, the 9th of April. Everybody knows it is the most important bill that has been before Congress. I want the Senate to do what it is going to do this afternoon, and if the majority of Senators are against the conference report, let us go back and try to have another conference. Therefore I appeal to the Senate to vote. If Senators vote down the report, it will go back to conference.

Mr. HOLLIS. Mr. President, it is all very well, after several Senators on one side of a proposition have stated their views, to call for an immediate vote without giving the other side a fair hearing. Before a vote is taken on this measure I have a few words that I should like to submit.

We all agree to certain things. We agree that it is not desirable to have a conflict with labor, organized or unorganized; that it is not desirable to take laboring men out and shoot them at sunrise; and I wish to state to the Senate in all seriousness that it is not necessary to have a conflict with labor and it is not necessary to declare martial law and shoot laboring men.

Senators seem not to be aware that there has been going on in this country during the last few weeks a most important conference between capitalists and organized labor. The capitalists have been represented by their best men. Organized labor has been represented by its best men. President Taft has represented the public or the capitalists' side. Those men have had a full and fair conference, and they have come to a deliberate decision. They have adjusted the differences between labor and capital in this war, following the English precedent. There are no strikes in England, because capital and labor got together and agreed what should be done when a conflict should arise between capital and labor.

England at first took the other tack. England passed a law making it a criminal offense for the miners in Wales to strike. Notices were posted at the mines to the effect that men who did strike would be criminals and should be dealt with as such. The miners came out to the top of the ground and read the notices, put their hands in their pockets, and refused to obey the law. Lloyd-George had to go to Wales himself and plead with the men to come back to work as a matter of voluntary agreement.

Mr. KING. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. KING. The Senator will also remember that they have a compulsory arbitration law in England, under which striking is forbidden and punished.

Mr. HOLLIS. It is a voluntary agreement under which strikers may be punished. Labor agreed to that law. Now, that was not necessary. There is no such law applying to railroads. There is such a law applying to munition factories, but the railroad interests in England have agreed with the capitalistic interest, and there have been no strikes.

Under the agreement which has just been made between capital and labor in this country there shall be no stopping of work when there are disagreements between employer and employee, there shall be no lockouts, work shall go right along as before, and the matter shall be first mediated; if a result is not reached, then arbitrated. President Taft is to be the principal man there. I think they call him chairman of that board of mediation and arbitration.

Now, what good is it to allow labor to organize if laborers can not agree one with another to stop work? Organization amounts to nothing unless it is made effective.

This is the old fight that has been going on in the Senate ever since I have been here. When the Adamson law was passed making eight hours a day on the railroads it was supposed that the following winter we would follow it up with a law to prevent strikes. Why did we not? It is because the Interstate Commerce Committee of the Senate considered the matter carefully and the majority of them believed that it was unwise to pass a law to prohibit strikes on railroads, and they did not report favorably on the measure. There has not been a strike on a railroad. There is not likely to be a strike on a railroad as long as the Government is running the railroads. I hope the movement will get so far that there never will be another strike on a railroad whether under Government or under private control.

The Hog Island situation is brought up whenever we have a matter of this sort before the Senate. I wish to say to the Senate that the capitalists who are doing the work at Hog Island struck before they made their contract. Mr. Denman testified before the Senate Committee on Commerce within a day or two that those capitalists held the Government up, I think, for two months, before they received a fee big enough to induce them to go into it. The capitalists held up the work for two months, and then the laboring men are not allowed to cease work until they can have their demands for higher wages considered.

The chairman of the Committee on Commerce tells me there have been no strikes at Hog Island. The strike referred to was a strike in the vicinity of New York. That was a strike of carpenters. It was not necessary to shoot any of those men or their leaders. The President made an appeal to the men to go back to work, and the men voluntarily went back to work, and the differences have either been adjusted or are in process of adjustment.

I have not talked on the floor of the Senate about the conscription of wealth. I have never used that phrase. I was in favor of raising more money for the purpose of prosecuting the war through taxation. I said nothing about great fortunes; I said nothing about the conscription of wealth; and I do not want my friends, who are perfectly honest in their attitude, to talk about the conscription of labor. It is one thing to conscript a man to fight for his country, to be fed by his country and paid by his country, to be under the command of officers furnished by his country, and another thing for a man to be conscripted and set to work in a place like Hog Island, under a private foreman, to make a profit for capital. We can not do that, Senators. The time has not come yet when you can lay your hand on the neck of a brother man and say to him, "Go to Hog Island and work; live under the meanest conditions off the pay we give you, which we say is fair and just. Work under brutal overseers." We can not do that.

Mr. REED. Mr. President——

Mr. HOLLIS. I prefer the Senator would not ask me to yield. Whenever he and I have gotten into an altercation it has always led to trouble. I very much prefer that he would refrain.

Mr. REED. It will not lead to trouble.

Mr. HOLLIS. I hope not. We will arbitrate. I will yield to the Senator.

Mr. REED. I have no desire in the world to interrupt the Senator, if it is unpleasant; but he has made a statement in regard to the bad conditions at Hog Island that I do not think ought to have been made, or that he would have made if he had been on the ground. I visited Hog Island, in company with some other members of the Committee on Commerce. We went into the eating house where these men were fed.

Mr. HOLLIS. To cut that short, I will agree that the conditions at Hog Island are all right. I did not mean to state that they were not. I was merely stating a case where they might be bad. Put it anywhere; I do not care. My point is this: It is one thing to draft a soldier to fight for his country under Government officers, with Government pay, fed and clothed by the Government, and another thing to take a man and put him to work under a private overseer for pay fixed by some one else, under conditions fixed by some one else, for the profits of a capitalist. That is the only point. I think likely the conditions of living at Hog Island are all right. If it is so it is about the first thing I have heard that is there that is all right.

This question came up a year ago when we passed a bill for the priority of shipments on railroads. That bill read very much like this. It provided a penalty for anyone who would obstruct or hinder the transportation of interstate commerce. I feared that it would be construed to prevent peaceful strikes. If we have got to face the question of peaceful strikes on railroads or in munitions factories, let us face it squarely, and have a bill introduced prohibiting it, and argue it out, and come to a vote and have it disposed of. But this proposition has not yet been submitted to the Senate.

It was for fear that some judge might construe this law as prohibiting ordinary strikes that this saving clause was put in. I asked to have the same saving clause put in the bill for priority of shipments by railroads and it was put in. I asked to have the same clause put in the food-control bill and it was put in by the Senate, but went out in conference, and because it went out in conference I voted against the conference report on the food-control bill.

I hope that the conflict will not be precipitated on this small amendment to this comparatively unimportant bill. If Senators think that the exigencies are such that they should undertake to say that a man shall be forced against his will to work for some one else for certain wages, under certain conditions, then Senators should vote against the conference report. If they think that that time has not yet arrived, then the conference report should be adopted, and it should receive their votes.

Mr. REED. Mr. President, I beg the indulgence of the Senate for just a moment. I think the case ought to be stated a little differently than it has been stated by the Senator from

New Hampshire [Mr. HOLLIS]. Nobody has proposed to take an American citizen and put him under a boss, brutal or humane, and make him work. No such proposition is contained either in this bill without the clause that is objected to, nor is it contained in any other bill. No matter what we do about this bill, every laborer in the United States and every citizen will have the absolute option to take work if he pleases to take work and to quit work if he pleases to quit work and whenever he pleases to quit work. Nobody proposes anything to the contrary.

The question that is agitating the minds of some Members of the Senate is this: Can men who are engaged in working upon war supplies be permitted to combine and conspire, not for the purpose of any individual quitting work or gaining the privilege of quitting work, but to combine and conspire to stop the progress of making war materials, and by stopping the progress of the making of war materials to force an adjustment of wages by taking advantage of the hardship under which the Government rests.

Mr. HARDING. Mr. President——

Mr. REED. One second and then I will be glad to yield. Now, that is the question; and the further question, whether in addition to conspiring to stop themselves for the very purpose of tying up the work, but at the same time refuse and by acts of violence prevent other men willing to take up the work to proceed with it. Now, that is the question, and it is not the question stated by the Senator from New Hampshire. I yield to the Senator from Ohio.

Mr. HARDING. I thought it would add to the Senator's statement if it should be said that every contract passed upon by the War Department requires the employer to allow the mediation board of the Government to settle all labor difficulties.

Mr. REED. Now, I want to say this, because I do not want to be misunderstood. I said it a few days ago before this particular controversy arose: Ever since I have been old enough to take part in public affairs I have taken the side of union labor. I have a long and unbroken record on that side. I would be one of the last men in the world to do anything to injure the cause of union labor.

But, Mr. President, the getting together of A, B, and C, engaged upon the work of building a railroad or constructing a machine in times of peace for private individuals, where the injury that will result will largely fall upon the private individual who employs the labor, and where that individual has the opportunity at any time to stop the injury that comes from the strike by acceding to a demand for more wages, I say that kind of a proposition made in a time of peace is a controversy between private individuals, but at this time in the world's history such a controversy between the employees in a great factory that is working on supplies for our Army, which has for its purpose the stopping of the making of those war supplies, is not a private controversy. It is a controversy that is absolutely inseparable from the conflict that is going on upon the battle line of France. Every blow that is struck here for the purpose of arresting the production of cannon, of powder, of shells, and of ships is a blow as certainly struck in the cause of Germany as though it was struck from the German line by a man wearing a German uniform. It is no time for controversies of that kind to be indulged, and I do not believe that labor in this country demands that such a right or privilege shall be indulged. I believe that, man for man, union labor is as loyal as any other class of our citizens, and if they are not loyal, then God help the Republic.

Mr. President, I have said all I care to say. I do not believe this clause ought to stay in this proposed statute. I do believe that when a provision is made by which an arbitration can be had in this time of war loyal labor will accept that arbitration.

Mr. WILLIAMS. Mr. President, even if the question were presented as stated by my good friend from New Hampshire [Mr. HOLLIS] it would present no terrors for me. He stated the question as if it were one of "forcing men to work" under the orders of somebody not selected by themselves. We are forcing men to fight under the orders of somebody not selected by them, and we are not even consulting them about the orders. I see nothing worse in forcing men to work for the motherland. But that is not the question as presented now in this bill. The Senator from New Hampshire does not present the question correctly at all.

Even if that were the question, I can see no great tyranny or pathos in forcing a man to work for his country when we are already forcing another man to fight for it. We are taking from one only his time, and we are possibly, if not probably, taking from the other his health, his limbs, or his life. I fail to see that the two things can be put upon different footings, one from the other. But that is not the question here.

The very utmost to which this controversy goes would be to deny by some court construction the right by agreement to quit work in certain classes of work which are important to the carrying on of the war or necessary and vital to its carrying on.

The question does not even go that far, because when the Senator from New Hampshire comes to study it further he will find that there is nothing in the law without this saving clause that prevents anybody from having the same right even by agreement to quit work.

Mr. President, I want to say that a man has a right in the Hog Island shipyard, and in the shipyards upon the Pacific and the Gulf coast, to-morrow to meet and agree with certain other people to quit work, and let the United States Government fall behind in producing more ships than the submarines are sinking. He has that "right"; yes; he has that legal right; but he has not that moral right; and he is a traitor when he undertakes to exercise the right. Duties are more sacred than legal rights.

Mr. HOLLIS. Mr. President, will the Senator from Mississippi yield to me a moment?

Mr. WILLIAMS. If he does not first agree to leave all controverted questions of wages to some impartial tribunal, and if he stops shipbuilding upon the part of this country in order that he may sit in judgment himself upon the question of his wages, then he is morally a traitor.

Mr. HOLLIS. Is the Senator from Mississippi aware that within the last few days capital and organized labor have agreed to just that thing? That being so, does the Senator not think they ought to be left to do it, instead of passing a law of this kind?

Mr. WILLIAMS. I do; without passing a law of this sort. That is the reason I want this provision stricken out. I want the situation left as it is; to leave it to their voluntary cooperation, which means to leave it to the law as it now is, without denial or reassertion.

I say it is bad patriotism—whether it is good law or not—it is just as bad patriotism for a man not to agree to leave a question of wages before he strikes or locks out to some impartial tribunal organized by the Government of the United States, which is his servant, as it is to desert on the battle line in the presence of the enemy. Both rest on the ground that he himself, even in war times, must be the judge of what duties he shall perform. It is bad patriotism, whether it is good law or not.

I say it is worse patriotism on the part of Congress to *invite* men to strike in these vital and necessary industries. I say that when you put this unnecessary provision in this conference report—although the conferees, of course, did not so intend it—you are inviting men to strike without arbitration; you are inviting the I. W. W. to stir them up to it, and the I. W. W. are German agents; you are saying to them, "Congress says that, no matter what else may be the duty of whatsoever other citizen, you, as a class, have no duty not to hold up shipbuilding and munition manufacturing on the ground that you are citizens of the United States trying to help win the war; we set you aside as a special class; you may obstruct the carrying on of the war all you please, because you do it by peaceful strikes." A peaceful strike, which interferes with the carrying on of a war by your own country, is questionably "peaceful"; it sounds more pro-German warlike than it does peacefullike. But still they have that right—the legal right—they can do it to-day; they can do it to-morrow after we pass this bill, without this provision in it. The only thing about the provision is that you are inviting them to do it.

Here are the assassins of the deep going around sinking our ships—sinking any ships; neutral ships, all sorts of ships—here is all the energy pent up, the energy of Great Britain and France and the United States, trying to sink the submarines, and trying, as a secondary measure, to build so many ships that we shall, at least, have more new ships than they have sunk old ones; and here is the Congress of the United States in a conference report inviting men in shipyards to strike!

The Senator from New Hampshire says, and says very properly, that already these men and their employers have entered into an agreement, and that their agreement is not to strike without arbitration; and yet he would have us put into a solemn law, *after* that agreement, a formal approbation of the strike without arbitration, after they themselves have agreed not to strike during the war, nor to lock out during the war until after arbitration; and arbitration by whom? By a governmental tribunal which thus far has, as the Senator from New York [Mr. CALDER] has said, decided every question of wage or time dispute in favor of the workingmen.

Mr. FLETCHER. Mr. President, just a few words in reference to this matter. It has been stated that another body insisted upon this amendment, and that, in order to reach an agreement, it was determined by the conferees to put it into this conference report. There are reasons why they did so.

The substance of the argument here, in fact the full extent of the argument, it seems to me, against the adoption of the conference report is that this section is unnecessary; not that it is harmful in itself; not that it changes the law as it is; not that it would change the force and effect of either section 2 or section 4, but that it is simply unnecessary and surplusage. That is the argument of the Senator from South Dakota [Mr. STERLING], and it is the argument of the Senator from Mississippi [Mr. WILLIAMS]. The only fault the Senator from Mississippi finds with it is, as he says, that it is an invitation to do something which ought not to be done, not something which men are invited to do as a matter of advice, or as a matter of welcome, or as a matter of preference, but something that the law says in this section shall not be regarded as unlawful. That is all the section says. It says that shall not be unlawful which is not now unlawful and which will not be unlawful after this act shall have been passed without section 3 in it.

Therefore the most that can be said against it is that, as the Senator from Mississippi says, it invites a course of conduct which otherwise might not be indulged in, but which the section itself does not say is proper, is advisable, or is morally justified, but simply says is not unlawful and would not be a violation of the law. On the other hand, the virtue of it is that it makes perfectly plain what everyone concedes is the fact, that neither section 2 nor section 4 makes unlawful the doing of the thing which is mentioned in section 3; it leaves it beyond any question or any doubt. That is all that it accomplishes. It does not change the existing law; it does not alter or modify the provisions of section 2 or section 4; but it does make plain that the provisions of section 2 and section 4 are not contrary to and do not denounce that which is provided for in section 3.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. CUMMINS. I wish the Senator from Florida would make that point a little clearer, because I do not understand the bill in that way. The latter part of section 2 makes it a crime to conspire to prevent the production of war materials. Suppose that a factory making war materials has a thousand employees, and they were to agree amongst themselves to quit work, so that the war materials would not be produced until their wages were increased, does the Senator from Florida say that that would not be a violation of that part of section 2?

Mr. FLETCHER. If there was a conspiracy with the intent to prevent the production of war materials, then it would come within the provisions of section 2; but if the employees agree together not to work solely for the purpose, and in good faith, of securing better wages and conditions of labor, then it would not be a violation of section 2.

Mr. CUMMINS. I can not agree with the Senator from Florida as to the construction he puts upon section 2, and I want to understand his view clearly. The strike is the weapon of organized labor; it uses it by preventing the carrying forward of the enterprise in which the employees may be engaged. Now, it is just as clear to me as though it were expressed in the most direct language that an agreement between employees of a given factory engaged in making war materials to quit work——

Mr. STERLING. Mr. President——

Mr. CUMMINS. Just a moment—to quit work for the purpose of coercing the employer into an agreement for higher wages would be a violation of section 2. I do not want anybody to get the idea that I am in favor of this conference report. I think it is a deadly blow not only to organized labor but to the best interests of the Government, and I intend to vote against it; but I do not want to have the impression go abroad that section 3 is entirely meaningless, for I think it has a very great deal of meaning.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. FLETCHER. I yield.

Mr. STERLING. I simply wish to say to the Senator from Iowa that in construing the latter part of section 2 I hardly think he goes back far enough in the meaning. The offense is not "to conspire to prevent the erection or production of such war premises, war materials," and so forth, but it is:

Whoever, with intend to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities—

And so forth.

Mr. CUMMINS. The latter part of section 2, however, is in nowise coupled with the former part. I understood the Senator from Minnesota [Mr. NELSON] to say that the latter part was introduced on the floor of the House——

Mr. NELSON. Yes, sir.

Mr. CUMMINS. And adopted as an amendment. Now, it does not require any intent whatever. It says that whoever conspires to prevent the production of war materials, and other things as well, is guilty of an offense.

Mr. STERLING. Will the Senator pardon me while I read the very language here to see if there is not that very connection, so as to show that the intent must exist to obstruct the United States?

Mr. CUMMINS. The intent, of course, must be to prevent, for that is the very weapon the strike involves, namely, the interruption of industry.

Mr. FLETCHER. Then, the Senator holds that an agreement not to work is synonymous with an agreement to prevent and with the intention of preventing the production of material.

Mr. CUMMINS. I say that an agreement among the employees in a given factory to quit work because they are not being paid sufficiently high wages for the purpose, as in the case of all strikes, of compelling concessions to them by their employers, does prevent the carrying forward of that enterprise, whatever it may be.

Mr. FLETCHER. I think the decisions of the court are perfectly plain upon that question, and are to the effect that an agreement among employees to stop work or not to enter thereon for the sole and bona fide purpose of securing better wages is not a conspiracy which the court can enjoin, and certainly such an agreement does not mean the same thing as is meant by the words—

With intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities—

And so forth.

Mr. President, I am not going to detain the Senate long; I know the anxiety there is to vote on this bill, and I will not enlarge upon the subject generally; but I think it ought to be stated here that nowhere among the shipyards of this country is there a "closed shop"; nor do I understand that there is any effort anywhere to bring about a "closed shop" among the shipyards. Whether that obtains as to munition factories or not I am not prepared to say.

I wish to correct another statement that has been made to the effect that the primary or principal cause for our not having upon the seas the tonnage which we hoped and contemplated would be there, and which we now feel ought to be there, is the lack of labor. That has not been the real cause. There has been some little difficulty with labor, but it can not be said that either the workers of the country or their organizations or their conduct have contributed materially to delay the shipbuilding program. There have been various causes entering into that. In the first place, we were not a shipbuilding Nation; we had to start at the beginning; we had to build the plants; we had to lay the foundations for an enormous industry, and that took time. Then we had to prepare plans and designs and make contracts. We had to engage and manufacture shipbuilding materials—steel, lumber, and various materials of that kind. All those things took time. Labor was willing to work; labor has been doing its part, in my judgment; generally speaking, the workers throughout this country have been loyal to the Government and have been doing their part. There have been here and there some leaders, some bad advisers, some unreasonable or unreasoning men among them who caused trouble and who were prompted by selfish purposes, but, generally speaking, the great body of the workers of this country have done their part and are doing their part to-day, and they are not asking more than they are entitled to receive.

There are various reasons why they should have higher wages than they formerly had, and I freely grant that they have had an increase of over 100 per cent in wages as they stood in 1914 at the beginning of the war; but in some instances five, six, or seven men live in one small room, and in some instances a man with his wife and three or four children live in one room while the man is working day in and day out at his occupation. Those are the "conditions" which might be mentioned in connection with this language in section 3—not that they insist upon the

shipyards being operated as "closed shops," but as to housing conditions and other conditions they have a right in many instances to complain.

They have been doing nobly, as a general rule, in the great work in which they have been engaged, and we need them. We need every man we can get. It is estimated that in shipbuilding a man can build 10 tons a year. If we are going to build 6,000,000 tons of ships this year, what does it mean? It means that 600,000 men must be on the job. We have only about 260,000 now. There are additional men who can be obtained, and who are ready to go, I think, to these yards as soon as they are ready to take care of them. In many instances the number could be increased three or four times if they only had the houses in which to put the men. Some mistake has been made in putting the plants in already congested and crowded industrial districts of the country. They probably ought to have been distributed more than they are distributed, because labor conditions and housing conditions and all those things which make for well-being and satisfaction of workers might be found more adequate than they are in particularly congested and crowded places as we find them to-day. But we can not say that the fact of our not having more ships on the ocean is because labor has not been loyal, or because the workers have not been here and willing to work. That is not the cause.

Mr. President, I do not see any objection to section 3. There may be something in the suggestion, which I can not perceive, that it is an invitation to workers to agree not to work, in a bona fide purpose and plan to get better wages, or better hours, or better housing conditions; but it does not affirmatively authorize or encourage that course. It simply says that that shall not be regarded as unlawful. Whether it is from an ethical or a moral or patriotic standpoint the right thing to do is another question. When it comes to dealing with this subject upon the grounds that have been suggested here, that is a matter that may have to be taken up at some future time; in other words, whether we shall ever reach the point in this country where we will undertake to conscript labor. It is one thing, the old saying is, to lead a horse to water, and another thing to make him drink. You do not necessarily get more output by forcing men to work than you would get otherwise; and in my judgment that is the very last resort that we ought to make.

We can adjust these matters without that course. We are proceeding to adjust them amicably, and every contract that is made now provides for the adjustment of these differences in the various Government operations. I think the difficulty will adjust itself. There will be no necessity for coming to conscription; and for that reason, and in order to make it plain that we are not attempting to come to that, I see no real objection to including section 3 in this report.

As illustrating the attitude of labor, I wish to insert in the RECORD a short article appearing in the Artisan, a labor paper published in Jacksonville, Fla.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DRAFTED FOR SERVICE.

In this time of national peril, when in defense of our rights and liberties we, as a Nation, have been forced to enter the war against the German military autocracy, we are all drafted for service.

Each and every one of us owes and must perform some patriotic work and duty in support of our country. Some of us are drafted for service in the Army or Navy, and are called upon to risk their lives in battle, striving to prevent our homeland from being subjected to the horrors of an invading foe.

The success of our forces who go overseas will depend very largely upon the support we render them here at home. We must build ships to take them over. We must produce arms, munitions, and supplies. We must produce food supplies and conserve them so that our overseas forces and our allies may be fed. In short, we must all work for the war. The war is the chief business concern of each and every one of us and we are all drafted for service.

If we are slackers in any way, we help the enemy to kill our own men. If any of our relatives or friends are killed because we have withheld the needed equipment or supplies, then their blood will be on the hands of those of us who have withheld our support. We can not escape our responsibility to those who are offering their lives for our protection. We must labor to produce the things that are needed, and we must curtail our own consumption in order that we may the better supply our soldiers and our allies.

To prosecute the war with full national strength the Government must have first call for labor and materials for war purposes. Every workingman is drafted for service to do his part in producing war goods or in supporting war producers. He is also drafted for service in economizing and saving in every possible way so as to lessen his own competition against our own Government for labor and materials. The more unnecessary things are consumed the greater the demand for labor and materials to reproduce them, and the less labor and materials are available to the Government to prosecute the war. It is only by teaching the people to save and not to compete with the Government for labor and materials that we can put the whole strength of the Nation into this war.

Mr. PITTMAN. Mr. President, it appears that the Senate is disposed to strike out section 3 as it appears in the report, which reads as follows:

SEC. 3. That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

I believe that if it is stricken out of the report this law will not stand for any length of time. I am perfectly satisfied that in the patriotic zeal that is stirring the Senators they are about to commit an act which they will be compelled to rescind.

Strikes have been referred to, and they have taken place, and yet nearly all of those strikes were incited by I. W. W.'s, and some of the very Senators who are now so patriotic in regard to compelling labor to work under any conditions on account of these strikes have been delaying the passage of this very espionage bill, which will do much to prevent those strikes.

This bill, if section 3 is eliminated, is a bill for the conscription of labor, pure and simple. It would then say that no laborer could quit work if his action in so doing would interfere with the various plants and occupations mentioned in the bill. The language is plain and simple. If he does any act which he has reason to believe will interfere with the production or transportation of any of the materials named, then he is guilty under this act. I see that the Senator from Georgia [Mr. SMITH] shakes his head. I will read the words:

Or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation—

And so forth.

Mr. SMITH of Georgia. The Senator has not read it all.

Mr. PITTMAN. I did not think the Senator from Georgia had read it, and yet he is prepared to vote on it.

Mr. SMITH of Georgia. Oh, yes; I have.

Mr. PITTMAN. I think there are several Senators here who have not read it, and yet they are prepared to vote on the motion to strike out section 3. It says that any man who has any reason to believe that he is interfering with the Government by his act is guilty of a crime. Now, no man can quit work in any of these occupations without knowing that that very act does interfere with the occupation in which he is engaged. It does not require a group of men to quit in order to constitute a crime.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. I yield to the Senator.

Mr. KNOX. Just in the interest of accuracy, if the Senator had read on a line or two farther, I think he would have found the suggestion that I understood to come from the Senator from Georgia to be entirely correct. It says:

Whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy.

He must not only have reason to believe that his act may injure or interfere with the United States in preparing for or carrying on the war, but that reasonable belief must be followed by a willful attempt to injure or destroy material, and so forth.

Mr. SMITH of Georgia. It must be done with the intent to injure.

Mr. KNOX. Yes.

Mr. SMITH of Georgia. I suggested to the Senator from Nevada that he had not read far enough, and I was just getting my copy of the report to call his attention to the exact language.

Mr. PITTMAN (reading from sec. 2)—

Or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

He is forbidden to willfully quit work with the intention to interfere with any of such occupations, having reason to believe that it will have that effect.

Now, what is the result if section 3 is eliminated? The result is simply this, and section 3 emphasizes that result: Under the ordinary rules of strikes when a body of men quit they do not accomplish their purpose by quitting. They accomplish their purpose by preventing other people from taking their places. That is wrong. That is prohibited in this act. But section 3 simply says that a man may quit work, or a group of men may quit work, if it is for the purpose of benefiting their condition, even if it does injure the Government.

Now, what do you want to say, you who want to strike out section 3? You want to say that a man can not quit work if it injures the Government, no matter how inhuman such work may be. Why? Because you want to strike out section 3. The only exception to the prohibited acts is that a man may quit

work himself, provided he does not try to prevent anyone else from working or in no other way attempts to interfere. Otherwise there would be no sense in section 3.

Another thing: Senators talk about interfering with the shipyards of this country. If this dealt solely with shipyards, or if it dealt solely with munition plants, then there might be some argument for striking out section 3; but it deals with practically every occupation in the United States. Every man who is running a little manufacturing establishment in the United States is included under the provision regarding "material." The product of nearly every mine is included under the head of material. Tell me this: How long would the employer be anxious for mediation if these men could not quit? Why is it that the employers to-day are willing to meet the laborers before a mediation board? It is because the men can quit. Take away from the employee the power to quit and you will find every employer in this country refusing to arbitrate the question of conditions or of wages. That must be apparent to everyone. We have provisions for mediation, but it is not compulsory. The employees are not bound by it. Take away from labor the right to quit and what protection have they against starvation wages and intolerable conditions? What control do you provide over the employer? Is there any punishment for the imposition of starvation wages and death-dealing conditions?

You are conscripting labor. Are you ready to conscript the employer? I am ready to conscript both of them, but I am not ready to conscript the employee and not conscript the employer. I am not willing to say to the employee, "If you quit work you will injure the Government, and you will be guilty of a crime," and not say to the employer, "If you do not pay these men living wages and do not let them live under conditions that they can live under, you will be guilty of a crime." I do not believe in having an act that works on one class of people and not on another class of people.

All of us want to start up and hasten and expedite the manufacture of materials in this country necessary for the conduct of the war, but why start in with the employee? Why not go to the employer? Why not say, "You are partially responsible for some of these rows; you are partially responsible for some of these strikes; and we say to you that we will not only fix wages and hours of labor, but we will fix the conditions under which they are required to work"?

Mr. FALL. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. Yes.

Mr. FALL. Is it not a fact that we have said to the employers engaged in work for the Government, or those in the line of Government work, that if they do not proceed with work to the full capacity of their plants we will take them over, if we choose, and operate them?

Mr. PITTMAN. Undoubtedly we have said to the employers under the direct supervision of the Government that if they do not proceed to do this work we will take them over; yet in the same voice, by striking out section 3, you wish to say, "You can work your labor as you see fit, for they can not quit." You want to permit the copper mines to say to their employees, "You have got to work for a certain wage; you have got to work for a certain number of hours; you have got to work under certain conditions; and you can not quit as a body, because if you do quit it will shut down this mine, and if you shut down this mine you will be guilty of a crime." That is exactly what this bill says. If you would deprive labor of its only protection, then, in the name of humanity, substitute some governmental protection in the same act. We need legislation that will make strikes not only impossible but unnecessary. Without section 3 this legislation is not only inhuman but is crude beyond description.

I have never known such an outrage as this bill will be if you strike out section 3 of this conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

RECESS.

Mr. OVERMAN. Mr. President, I have been notified by some three or four Senators that they desire to speak on this subject. We can not finish the consideration of this report to-night; and therefore I am going to ask the Senate now to take a recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Wednesday, April 10, 1918) the Senate took a recess until to-morrow, Thursday, April 11, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 10, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Holy Father, Thy presence envelops us as a cloud. We can not penetrate all that life may mean; we never know all the dangers from which we are protected nor see all the opportunities which we might claim. But the mystery of our life in Thee is shot through with the light of never-failing love. We are amply blest. Yet with hope and faith in Thee we long for more. Teach us, dear Lord, to yield in all to Thee—to obey and trust, to sacrifice and wait, to work and rest. Dedicate to Thy purpose all our efforts and all that we hold dear. Continue Thy care and leading to each of us personally and to the needs of the world.

To-day comes to us a list of names who in high service have given life for our national honor and welfare. God accept them. Christ receive them. Encourage the wounded. Succor those left to carry on the conflict and all who are to go. And comfort the mourning and anxious hearts back home.

In this pregnant hour of history, when we are as those whose eyes watch for the morning, make it clear to all who love Thy appearing in our country and in the nations of our allies that Thou art our God and our Father. For Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

COLLECTION OF SOLDIERS' INSURANCE.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for not exceeding one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, the Committee on Interstate and Foreign Commerce and many Members of Congress have been very much besieged by letters from people who have soldiers in the Army who have either died from natural causes or who have been killed. Shyster lawyers over the country have organized, as they usually do on occasions like this, to try to fleece these people out of a part of their insurance and a part of their compensation, trying to make them believe that it is necessary to employ a lawyer and pay him at least 10 per cent or something of that kind on the collection of their insurance and compensation. I desire to state that the Committee on Interstate and Foreign Commerce has reported a bill to stop that practice, and I desire to give notice, in order that they may know what is coming up, that I shall ask unanimous consent this morning for the consideration of that bill.

Mr. STAFFORD. Will the gentleman state the number of it?

Mr. RAYBURN. Eleven thousand two hundred and twenty-five.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DOWELL for one week, in order to take part in the liberty-loan campaign in Iowa.

EXTENSION OF REMARKS.

Mr. POU. Mr. Speaker, I ask unanimous consent to have an editorial inserted in the RECORD. It is from the New York American relative to the work of Secretary Daniels as Secretary of the Navy. There is a part of the editorial which is partisan, which I shall leave entirely out.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I suggest that the proper medium for an editorial of that sort is the Official Bulletin. I object.

The SPEAKER. The gentleman from Massachusetts objects.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the river and harbor appropriation bill.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House

on the state of the Union for the further consideration of the river and harbor appropriation bill.

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 69, noes 1.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the rivers and harbors bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

Baltimore Harbor and Channels, Maryland: Continuing improvement and for maintenance, $300,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

I have spoken upon the Baltimore Harbor so often that I take it most Members here to-day know a great deal about the harbor of our great metropolis lying within 40 miles of the National Capital.

Baltimore Harbor is composed of the Patapsco River, which is formed by the North and South Branches of that river. These branches rise in the central part of the State and the total length of the river is about 65 miles. Baltimore lies on the river, about 11 miles from the Chesapeake Bay. The river is only tidal for a few miles above the city. There was a time when the river was navigable to Elkridge Landing, but that has long since filled up. The important portion of the Patapsco River lies below the city of Baltimore and there is a detached part of the channel 4½ miles long into Chesapeake Bay—the Chesapeake Bay section opposite York Spit. The Curtis Bay section of the harbor is on the south side of the Patapsco River, about 6 miles southeasterly of the inner harbor. It is the mouth of Curtis Creek, in Anne Arundel County. This section of the harbor has been recently annexed by the General Assembly of Maryland to Baltimore. There is another section, known as Spring Gardens, which is really an extension of the Patapsco River into that part of the harbor known as Spring Gardens, and is about 4 miles long and half a mile wide.

The river changes entirely at Baltimore. Above it is a flowing stream, sometimes not more than 200 feet wide, while below it is an arm or outlet to the Chesapeake Bay from 1 to 4 miles wide. The tide in the river is slightly over 1 foot—about 14 inches.

When the United States Government began operations in the river there was a depth of 17-feet available at mean low tide. There were, of course, pockets which were deeper, but they availed nothing, inasmuch as the greater portion of the river was only 17 feet deep. In Curtis Bay there was an available depth of 20 feet at mean low water when we got to it, but that required another channel.

To-day there has been gradually appropriated sufficient sums of money to provide a channel 35 feet deep from the sea to Baltimore Harbor and into the harbor. York Spit Channel was dredged several years ago, but in the last few years, under a bill which I introduced, Congress provided $326,000 for the widening of it to make it more available for large ships. I will introduce here a statement showing that up to this time some $9,000,000 have been expended on those channels, which certainly shows effort on the part of Baltimore's Representatives:

Financial summary.

Amount expended on all projects to June 30, 1917, exclusive of receipts from sales, etc., formerly included, amounting to $58.81:	
New work	$8,764,003.40
Maintenance	398,761.12
Total expended	9,162,764.52
Total appropriations to June 30, 1917	9,553,180.00

Fiscal year ending June 30.	1913	1914	1915	1916	1917
Expended for new work	$59,847.65	$75,512.74	$229,739.76	.....	.....
Expended for maintenance	200.00	5,581.46	27,279.45	$22,100.71	$42,681.94
Total expended	60,047.65	81,094.20	257,019.21	22,100.71	42,681.94
Appropriated or allotted	355,250.00	.....	.....	.....	.....

July 1, 1916, balance unexpended	$79,097.42
June 30, 1917, amount expended during fiscal year, for maintenance	42,681.94
July 1, 1917, balance unexpended	36,415.48
July 1, 1917, outstanding liabilities	1,150.00
July 1, 1917, balance available	35,265.48
Amount appropriated by river and harbor act approved Aug. 8, 1917	354,000.00
Amount available for fiscal year ending June 30, 1918	389,265.48
Amount (estimated) required to be appropriated for completion of existing project	626,100.00
Amount that can be profitably expended in fiscal year ending June 30, 1919:	
For new work	200,000.00
For maintenance	100,000.00
Total	300,000.00

At the last Congress the river and harbor bill carried a project for the Baltimore Harbor in the sum of $876,100, and appropriations were made in the bill of last year and this year toward carrying out that project. The amount of the appropriation carried in this bill, to wit, $300,000, is apparently small, but when we realize that we have a comfortable balance from the last bill, which will enable us to carry on the work without hesitancy and toward the completion of the project provided, we can not complain.

This project provided for surveying, deepening, and widening the channel into Spring Gardens to the Hanover Street Bridge, the dredging of a large anchor basin in the harbor opposite Fort McHenry, and the deepening and widening of Curtis Bay Channel into that section of the harbor. The improvement of the Patapsco River section, including York Spit, has been completed and maintained by dredging under previous projects, so that now we have a 35-foot channel from the city to the sea. Together with the harbor improvements made by Baltimore, we have 35 feet of water to the piers at Locust Point.

When the work of dredging under this project of the last bill is finally completed, which will naturally take several years and perhaps more if the war continues, we will have a harbor second to New York alone on the Atlantic seaboard.

We must not be content, however, with 35 feet of water when we realize the great draft of many boats which are now being constructed, especially when we realize that only last year we authorized the construction of several dreadnaughts 850 feet long, drawing 31½ feet of water, and having a tonnage of 40,000 tons. It might be possible with a 35-foot channel to get one of these boats in the harbor if in good condition, but if she was injured it would require more than that amount of water.

It is clearly apparent that unless we have more than 35 feet of water within the next 10 years we will be practically out of the running. New York has a project under way for a 40-foot channel, Norfolk likewise by virtue of its navy yard and dry dock has been authorized 40 feet, and only to-day by amendment a channel has been provided for Charleston, S. C., to her navy yard, at that place, of 40 feet. Philadelphia and Baltimore, it will be seen, in a few years will be practically out of the race as almost the only large seaports along the Atlantic which have not secured 40 feet.

Philadelphia will no doubt obtain what she desires by virtue of its League Island Navy Yard, and it is strictly up to Baltimore, in order to keep in the running, to procure a 40-foot channel from the city to the sea.

I have introduced a bill for this purpose, and while I shall not press it upon this committee to-day as an amendment, I hope and believe that the next rivers and harbors bill will at least contain a survey for that purpose. I wish to impress it upon the House and upon my people that Baltimore, in order keep astride with the other great cities, must have a 40-foot channel, and it will require constant effort and determination in order to procure it.

Mr. LITTLE. Is the gentleman advising his friends to send their shipments to Baltimore?

Mr. LINTHICUM. I advise everybody who wants a thing done quickly and cheaply to go to Baltimore. Baltimore at the present time has developed into a great shipbuilding center. All along the coast down to the Patapsco River are located great shipbuilding yards. The Bethlehem Steel Co. has developed a plant in which they are expending $50,000,000 in improvements and enlargements. As gentlemen know, the House recently appropriated some $50,000,000, $5,000,000 of which will be spent in building homes for workmen. The great Baltimore Shipbuilding & Dry Dock Co. have extended their plant; they occupy a part of Fort McHenry Grounds, and have now gone on the other side of the fort, but outside, and developed another large plant. Along the banks of the Patapsco, below Curtis Creek, a shipbuilding company, with a capital of $3,000,000, has been incorpo-

rated and will be in operation I hope before long; in addition, numerous other plants have been established.

Like Philadelphia, Baltimore has become a great shipbuilding center. Great ordnance warehouses are being built in Curtis Bay, across the harbor from Baltimore. So we are getting along pretty well in Baltimore, and I only wanted to call attention to the fact that we appreciate the $300,000 given us, which with the balance on hand enables us to continue work. There was an authorization of $876,100 altogether.

Mr. WINGO. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WINGO. The gentleman is evidently not complaining of the way that the committee has treated Baltimore?

Mr. LINTHICUM. No; but I wish the appropriation could have been larger and more work done. There has not been much work done by the Government during the last year; but we make no complaint, for, as a rule, Congress has been fairly good to us; but every dollar spent at Baltimore has been of great advantage to the Government. I want to call the gentleman's attention to the fact that I made a speech two or three years ago in favor of the new immigration station. That new station has enabled the Government to have one of the largest hospitals in the country for the treatment of the injured during this war. It has been turned into a hospital and, with other buildings, will have 2,000 beds.

Mr. WINGO. I do not want the gentleman to misinterpret my question. I am with the gentleman because, like other Members, we realize that when the gentleman goes for something he is generally so persistent that they have to give it to him sooner or later, and the gentleman gets what he wants. He has a remarkable ability to present the merits of his proposition, and he never presents one to the House that does not possess merit, and for that reason the House is generally with him.

Mr. LINTHICUM. Well, we have to keep busy. The great western sections and the port of New York swallow up things. Only yesterday we provided for a 40-foot channel through Hell Gate for New York. I want to call attention to the fact that there are other ports on the seaboard besides New York that ought to have a 40-foot channel. There is Baltimore, Boston, Philadelphia, Norfolk, and I shall ask in due time for a 40-foot channel for Baltimore.

Mr. TREADWAY. Did the gentleman include Boston?

Mr. LINTHICUM. Yes; I included Boston to-day and also in my remarks of yesterday.

Mr. FREAR. Mr. Chairman, the question asked by the gentleman from Arkansas struck the nail on the head. Members of the House convey the impression that through their individual efforts they have something to do with the merits of the various propositions. If we could only get away from that view and understand that it is the merit of the proposition itself on a commercial basis for which we give these appropriations, it would be better. We have got to do that before we will ever get anything that will be fair to the country and fair to the Treasury of the United States.

As to Baltimore and the necessities of that harbor, I do not wish to criticize the gentleman from Maryland [Mr. LINTHICUM], for he is an excellent Member and looks after matters connected with his district, but this appropriation was determined irrespective of his argument, and it ought to be determined irrespective of the argument of Members of the House. If not, it is unfair to other Members, and Congress ought not to give to those who are specially favored and present matters with especial persistency. They should not have any advantage over others. For that reason I speak. I do not think it is right that Members should assume that it is their individual effort which secures these appropriations.

Mr. LINTHICUM. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. LINTHICUM. I merely want to say that the reason I did not take up more time of the Committee on Rivers and Harbors during the formation of this bill is that the project at Baltimore for $876,000 had already been adopted. It was adopted last year, and there was no necessity for further proof, as it then became a continued proposition.

Mr. FREAR. Yes; it was unnecessary, because the committee has full knowledge of Baltimore Harbor, and it has given what she needs irrespective of the wishes of the gentleman. Now, the same is true of most of the harbors and ought to be of our navigable facilities, and I speak of this for fear a wrong impression may go out as to what influences the committee. It may, but it ought not. We ought to be governed entirely by the commercial needs.

Mr. PRICE. Mr. Chairman, I move to strike out the last two words.

Mr. SMALL. Mr. Chairman, if the gentleman will permit me to interrupt, I desire to say there is no formal amendment pending before the House and at the conclusion of the remarks of the gentleman from Maryland I would like to demand the regular order to proceed.

Mr. PRICE. I rise, Mr. Chairman, more particularly to get some information from the chairman of the committee who reported this bill. I notice on page 4 there are about 25 rivers and creeks in my district which carry a maintenance of $3,000. I would say this seems so small, so inadequate, for so many rivers that I simply wanted to know on what this estimate is based.

Mr. SMALL. In reply to the gentleman I will say that the only item in that group for which an appropriation is recommended is the one for Wicomico River, where there is an estimate for $3,000 for maintenance. As to all the other items in that group, no recommendation for an appropriation was made, either because the balance on hand was sufficient for the next fiscal year or because no money is needed for their maintenance. Take, for instance, Wicomico River. There is a balance available there of $3,694, and this sum, together with the cash appropriation of $3,000 carried in this bill, was regarded as sufficient for the present year and the next fiscal year. Every dollar is appropriated for the group of items which was recommended by the Chief of Engineers as being required for their maintenance or improvement.

Mr. PRICE. I understand, then, there is an unexpended balance to take care of the maintenance of those rivers?

Mr. SMALL. There is $60,000 altogether available for the group.

Mr. PRICE. I simply wanted to clear that up because it seemed so small that I wanted to know whether they were properly provided for.

Mr. SMALL. It is a perfectly proper inquiry on the part of the gentleman.

Mr. PRICE. The gentleman thoroughly understands the importance of the rivers in this part of the country. This whole eastern shore of Maryland is cut up with rivers and creeks; in fact, it is the only means of transportation that many sections of that country have; and, in fact, two-thirds of the commerce of that section is carried on those rivers and creeks. I thank the gentleman for his information and am very glad he feels it is provided for so adequately.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Norfolk Harbor and Channels, Va.: Continuing improvement, $1,540,000.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out line 20 on page 4 and insert in lieu thereof the following: "improvement and for maintenance, including the channel to Newport News, $1,940,000," so the paragraph as amended will read as follows: "Norfolk Harbor and Channels, Va.: Continuing improvement and for maintenance, including the channel to Newport News, $1,940,000."

Mr. SMALL. Mr. Chairman, in the project for Norfolk Harbor and channels are included, first, Norfolk Harbor, embracing the Elizabeth River; also the Southern Branch of that river, on which the navy yard is located, and the Eastern Branch and the Western Branch of Elizabeth River. Another project in this group is Thimble Shoal Channel, while still another is the channel leading from Hampton Roads to Newport News. In the annual report of the Chief of Engineers recommendations of appropriation were only made for Norfolk Harbor in further continuance of the improvement of the deeper channel of 40 feet to the navy yard and also for the Thimble Shoal Channel. No estimate was submitted at that time for the channel leading from Hampton Roads to Newport News. This additional appropriation of $400,000 is for the maintenance and further improvement of the channel to Newport News and is offered in response to a letter from the Chief of Engineers, which I will send to the Clerk's desk and ask to have read.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 8, 1918.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: I. Referring to the item on page 4 of the pending river and harbor bill for Norfolk Harbor and Channels, Va., I have the honor to state that information has just been received from the district engineer showing that work is urgently needed on the Newport

News Channel for which no provision was made in the estimate as submitted in the annual report for 1917. The existing project for this channel provides for a depth of 35 feet and widening the former project width of 400 feet to 600 feet.

2. No allotment to this channel was made from the appropriation of August 8, 1917, because the 40-foot channel to the navy yard was considered more important. Similarly, in the estimates for the next fiscal year it was deemed advisable to limit the funds to the work that could be done on the channel to the navy yard, no special urgency for work on the Newport News Channel having appeared at that time. Recently, however, the local pilots' association and the commander of the port of embarkation have reported that the largely increased use of this channel for war purposes has developed its inadequacy to serve these needs. The district engineer concurs in their views and recommends that provision be made in this bill for widening this channel to the new project width of 600 feet.

3. The original estimated cost of this work was $270,000. The channel has shoaled, however, since that estimate was made, and there has been a notable increase in prices, so that the district engineer now estimates the cost of this work at $400,000. In view of these conditions, it is recommended that the item for continuing improvement of Norfolk Harbor and Channels, Va., be increased from $1,540,000 to $1,940,000.

Very truly, yours,

FREDERIC V. ABBOT,
Brigadier General, Engineers,
Acting Chief of Engineers.

Mr. SMALL. Unless some further information is requested——

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. I will.

Mr. STAFFORD. Does this project for which the gentleman has recommended an increase of $400,000 involve the improvement of the channel to the Newport News training station, which the Government secured under authorization made last year?

Mr. SMALL. Yes; it makes that accessible, including the great shipyard there and the supply depot. It is a very important harbor for the shipment of supplies abroad to our expeditionary forces.

Mr. STAFFORD. It is virtually one of the important points for the embarkation of our troops going abroad.

Mr. SMALL. Probably the most important save Philadelphia and New York.

Mr. STAFFORD. As I understand this additional appropriation it is for the purpose of improving the channel leading up to the new naval station, which was secured by authorization of Congress last year?

Mr. SMALL. The gentleman is correct, and this is asked as a war exigency. Mr. Chairman, I ask for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $500,000.

Mr. SMALL Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4 strike out the period at the end of line 25 and insert in lieu thereof a colon and add the following words: "*Provided*, That the Secretary of War may, in his discretion, make such minor changes in the location of the waterway as he may deem advisable in the interest of navigation."

Mr. SMALL. Mr. Chairman, I make this statement in connection with this amendment: The district engineer, in making a survey there, has decided that in the interest of economy in construction and maintenance there ought to be a slight deviation in the line as heretofore recommended in the report on the project. This amendment simply authorizes such slight deviation as may be necessary in the interest of economy and navigation.

Mr. FREAR. Mr. Chairman, I will not attempt to oppose this amendment, because the item of $500,000 was offered in the committee and it was opposed there, and I am satisfied to let the committee's action stand. But I do wish to make this brief statement in reference to this project, which I have opposed in the past and which I do not believe to-day is of any commercial importance, particularly in war times. As I have stated in my minority report, the commerce has dwindled down forty-odd per cent within the last two years on this project. This $500,000 proposed in the bill is to meet underestimates made by the Army engineers on this canal or waterway. And it ought to be understood that when these estimates are made and they are accepted so easily by the House we will ask what are the facts. Think of it, in just one year we are confronted with the fact that half a million dollars in underestimates by Army engineers has occurred on this waterway. The amendment seeks to have the Army engineers make changes if they choose. They are permitted to do that, I suppose, anyway. They have had before them various routes for years in order to determine where to send these barges up and down the coast and where to dig canals. I wish to call attention to the fact that here is an appropriation of half a million dollars due to underestimates and mistakes of the engineers in digging on this waterway along the Atlantic coast. But what are several millions of dollars for this part of the waterway? It will run over $6,000,000 when you put in these underestimates, and we do not know how many more underestimates we will have before it is completed. Bear in mind that within the last two years there has been 40 per cent loss in commerce, and yet as a war measure you are putting in half a million dollars. And this is only a small link in an inland waterway scheme that will reach many hundreds of millions of dollars as now proposed and is of no practicable commercial demand or use.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to oppose the motion of the gentleman from Wisconsin [Mr. FREAR], who moved to strike out the last word.

I am in favor of the amendment and hope it will be adopted. I realize the gentleman from Wisconsin has made a fight for several years on what may be the canal items in this bill, and he has his reasons therefor. I have given him credit for a conscientious desire to do his full duty in the House, but I question whether it can be truly said that the opening up of the inside waterways along the Atlantic coast at this time is not directly in the line of war necessity. With the facts staring us in the face that the railroads have been unable to carry the freight of the country and to meet the requirements of war, it has seemed to me to be close to suicidal to permit our inside waterways to remain inactive as they have been.

It has been pointed out on this floor time and time again—the older Members know it well, but it may be repeated for the benefit of the new Members—that the inside waterways along the Atlantic coast need but a little digging here and a little digging there to connect them up in one continuous chain along the coast—an inside water course safe from the dangers of the ocean, capable of carrying a barge traffic, and if sufficient depth be given capable of carrying vessels of war inside, protected from storm and free to move about strategically as they see fit.

We do not build navy yards out on the ocean line. Neither do we build ships out in the ocean. We use inland areas for that purpose, and we must have inside passageways through which vessels may come and go. They are not constructed directly on the coast. They are constructed inside.

I gave you yesterday the most notable example we have in the United States to-day of progress along an inside waterway when I referred to the Delaware River. But wonderful as has been the development along that river in recent years, it is limited in its capacity to relieve the Government at this time, because we have deliberately refused to open up connecting links that would make it serviceable to the country—South and North. Gentlemen look querulously at the map and say, "You have got the great ocean to go upon." But gentlemen fail to read in the newspapers in times of stress and storm in the winter season of barges that ought to be on inside waterways attempting to make the outside passage and going to the bottom, carrying human lives along with them.

Mr. STAFFORD. The canals are frozen.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin says canals are frozen.

Mr. FREAR. I did not say that.

Mr. MOORE of Pennsylvania. But there are other gentlemen from Wisconsin here besides the gentleman who spoke last. The gentleman [Mr. STAFFORD], who dreams in terms of ice, comes from Milwaukee, where they need it in the familiar beverages they drink. But no one needs to remind even the school children of the United States that in certain periods of the year ice comes over the streams of the Northern States. No one need hurl into the face of the merest tyro the statement that canals and waterways and lakes will be frozen. Why, navigation on the Great Lakes, up yonder where the gentleman from Wisconsin lives, is impeded for long seasons during the year on account of ice, and the boats are held up in the harbors, whereas boats can continue to navigate the inside waterways south of Wisconsin, if you will only open up the courses. That simple truth needs no demonstration.

One of the real hindrances to the progress of this war is the failure of this country to properly utilize and operate the navigable waterways that the Lord has given it. Gentlemen remember well the coal shortage of a month ago. They remember how congestion backed up against the port of New York. They were told then that if these waterways had been improved and these barge lines had been encouraged, the storehouses of the Nation might have been full at various points rather than at the one port of New York alone.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Gentlemen vote very properly——

Mr. LITTLE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. LITTLE. The gentleman from Wisconsin is boasting about the Lakes. Is it not a fact that navigation is safe on the canals while they are continuing to drown people on the Lakes?

Mr. MOORE of Pennsylvania. I am glad the gentleman from Kansas has brought that to the attention of the gentleman from Wisconsin. The gentleman cares only for life on the Great Lakes. I care also for human life along the Atlantic seaboard.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I say again I was not referring to the gentleman from Wisconsin [Mr. FREAR]. The other gentleman from Wisconsin seems to be peculiarly amused when this question of saving life on the Atlantic seaboard arises.

Mr. FREAR. Before our committee Col. Keller testified briefly as follows, and it is right in line with the gentleman's suggestion.

Mr. MOORE of Pennsylvania. There is no more important war proposition than this.

Mr. FREAR. He says, on page 13 of the inland waterway investigation:

> The railroad freight rate per ton from the anthracite fields to Philadelphia, where that coal might be transshipped to barges and from Philadelphia going to Norfolk by water, is within 50 cents or thereabouts of the rail rate to Norfolk.
>
> Mr. FREAR. What proportion of the haul?
>
> Col. KELLER. About a third. Now, then, that determines what the barge shall get. The man who is buying coal in Norfolk is willing to allow the barge only the difference between the railroad through rate to Norfolk and the railroad local rate to Philadelphia—that is, 50 cents. The result is that the coal does not move by water. The barges have gone out of this coal business. This is the short-sightedness of the people. They do not fight against railroad rates when in normal times these rates favor the individual at the expense of the community. When things are abnormal, however, these rates may militate against the individual as well and damage his interests. We come back to the point that there is no prospect of large traffic on inland waterways until the rail situation is very radically revised.

That is the Army engineer who appeared before our committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MOORE of Pennsylvania. I am glad the gentleman quoted that. I will ask the gentleman from Wisconsin if he agrees the canals have gone out of business and are not carrying coal in the manner indicated by Col. Keller?

Mr. FREAR. There may be some canals that are carrying some coal, but I will read also in regard to the New York Barge Canal, if the gentleman wishes.

Mr. MOORE of Pennsylvania. I think the gentleman has read enough for the purposes of the argument. The gentleman has read far enough to prove what I am stating, that these very canals have been put out of business by the railroads, although they were built to serve the country at cheaper rates than the railroads were. The railroads did not encourage the canals. I will point to the Schuylkill Navigation Canal, which was put out of business, although it proposed to bring coal to the consumer for $1 cheaper per ton than it could be brought by rail. Yet the gentleman from Wisconsin insists that is not a good system, and although the railroads themselves to-day are pleading for the rehabilitation of the canals, he would not have them restored but would continue to impose these exorbitant rates upon the consumers of coal. I want no better illustration than that which the gentleman has presented. I will tell him that if we had a canal free of tolls between the Chesapeake and the Delaware Bays now there would probably not be railroad embargoes on lumber from the South that is needed in the shipyards of the North. We would get that lumber up through the canals. We can not get it outside because our ships are commandeered. The schooners that used to carry it are out of business. Barges are not built for ocean-going traffic, and you refuse to permit the inside waterways to be used because you demand that the railroads shall be the sole carriers of the traffic of the country.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LINTHICUM. I would like to have the gentleman's opinion on a lateral canal like the Chesapeake & Ohio Canal, that brings coal down from Cumberland.

Mr. MOORE of Pennsylvania. Yes. Gentlemen have laughed at that proposition. They have sneered at the thought that we should utilize the Chesapeake & Ohio Canal. It is not along that coastal chain that I have been advocating here, but it is one of the many feeders of that great inland trunk line, and would aid and be aided by it. If the Chesapeake & Ohio Canal had not been chloroformed by the railroads there would have been plenty of coal in Washington last winter, when the people of Washington were begging for coal. That is the fact.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FREAR. Mr. Chairman, may I ask for five minutes to respond to what the gentleman has said?

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. FREAR. The gentleman from Philadelphia dreams on this subject of inland waterways. He is at the head of an organization that is urging generous appropriations for canals and inland waterways. He is present at all the waterway meetings and he derides and criticizes people who disagree with him upon this subject. Now, when it is pointed out to him, the absurdity of his own argument made upon this floor in regard to the shipment of coal on this very waterway, upon which we have put now over $3,000,000 on this short link, and we will put $100,000,000, and far more than that, on this Atlantic coast waterway scheme—aye, a billion dollars, if you choose, if we get it deep enough to carry large vessels—with all these facts submitted to him by the Army engineers, he says that we are glad of failure of usefulness, or substantially that; that that is the position we assume. It is not.

The fact is, I fear, that the gentleman is taking up a narrow-minded view on this inland-waterway proposition. We have got to change the rates of the railroads before traffic will seek the canals. I have insisted upon it while he has remained silent. Why does he not go before the Interstate Commerce Commission? Why does he not go before Mr. McAdoo or somebody else on this proposition?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MOORE of Pennsylvania. I have gone before Mr. McAdoo, and am happy to say that Mr. McAdoo has promised to utilize the waterways wherever they can be utilized to advantage.

Mr. FREAR. I hope that is true. I have seen the gentleman's picture repeatedly in publications along the vicinity of the canal, wherever he makes his appearance and conducts his investigations.

Mr. MOORE of Pennsylvania. Does not that show the demand for this improvement on the part of the people in those localities?

Mr. FREAR. The gentleman, with his charming personality, is sure to get this publicity. I am discussing coal, and I am showing, Mr. Chairman, that, notwithstanding all the millions of dollars that we have put into this waterway, the Army engineer, in whose judgment you are so frequently asked to give confidence, says there is nothing in it. He says that coal barges are withdrawn because we can carry coal cheaper by rail on account of the 50 cents per ton allowed for differential. That is the reason. It is useless to put millions of dollars into these waterways, as we are now doing, unless we have some intelligent idea of the way to utilize them. The same thing applies to the Mississippi River, on which we have appropriated $170,000,000. What is the use in wasting millions of dollars on the Mississippi River when we have no commerce on the Mississippi River? Col. Keller is a very able engineer and he has a very intelligent understanding of the situation, in my view. He says you have got to raise rates on the railroads if you are to utilize these waterways.

We have disclosed and brought it home to you how much we have appropriated. We have appropriated for three rivers $250,000,000, for the Mississippi, Missouri, and Ohio, with a small commerce which has decreased materially since so-called improvements were begun.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. SLAYDEN. I understood you to quote the engineers as saying you have got to reach the railroad rates before you can utilize these streams. That means you have got to reduce railroad rates?

Mr. FREAR. No. You have got to raise the rates so that it will make it possible for waterways traffic to exist. They have done it in Germany. The reason why they have made it successful in Germany is because the Government controls both railways and waterways.

Mr. SLAYDEN. Is not that success partly due to the fact that certain classes of freight, where expedition is not essential, are carried on the waterways? Is not that true of bulky freight and the cheaper freight?

Mr. FREAR. I would like to explain to the gentleman in detail what occurs practically only on one river in Germany, namely, the Rhine, where river commerce is over 30,000,000

tons annually; and the conditions there are so entirely different from those on any streams we have in this country that it is almost impossible to duplicate them, except where the Government has control of rivers and railways, in order to force certain commerce onto the rivers by raising the railway rates. That is about the only way we can do it, and, as the gentleman says, it is for a certain class of heavy traffic—ore, coal, and bulk freight. Of course, on the Rhine River the coal is at the opposite end of the stream than on our own rivers. The mountains furnish, through snows, some moisture the year round. With us, on the Mississippi and other rivers, in the summer time the waterways are practically useless and largely unused the year round.

Mr. SLAYDEN. Canals are not.

Mr. FREAR. But the expense of the canalization system is too great. We have put $59,000,000 into the Ohio River appropriations already for canalization and the commerce is not as great as it was before we began the improvements. On the Brazos River, down in the gentleman's own country, and on the Trinity River, into which they have put three or four million dollars, there is no tonnage whatever.

Mr. SLAYDEN. But the improvements have not been completed.

Mr. FREAR. No; and if we put in as much as $12,000,000, as we have on the Black Warrior River, the Army engineer says, in effect, in this report that it is useless, that you can not compel people to build boats to carry the commerce or to float commerce when railway facilities are so superior.

Mr. SLAYDEN. I do not want the money spent on streams where navigation can not be developed.

Mr. FREAR. I am satisfied the gentleman does not, and Congress does not, and if we will give intelligent study to this question I think we will come to a realization of the fact that it is a misuse of the money to make such appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I do not like to be left in the attitude before the House of urging appropriations for streams where it is not possible to ever develop navigation; but in my travels I have observed that the canals and streams are enormously used, in Belgium, for example, and in Holland, and in some places in Germany, and in France, too. I believe that there are certain classes of freight that will be transported by water whenever there is an opportunity to do so.

Now, as to the Brazos and the Trinity, I do not know whether it is possible to make those streams fit for navigation. That is out of my line of study and investigation. I am compelled to accept the professional opinion of people who are trained in such matters. But it is not quite fair for my friend to cite the present amount of commerce on those rivers in connection with his argument, because neither of those projects has been completed. Of course, commerce has not been built up since the undertaking was initiated to increase the navigability of those streams. His argument would be strong enough if the work on those streams had been finished and no commerce developed, but now it is not finished, and so there is no strength in his argument. That is all I have to say about that.

Mr. SMALL. Mr. Chairman, I do not understand that the gentleman from Wisconsin is particularly opposing this improvement.

Mr. FREAR. I am not, and I ask to withdraw my amendment.

Mr. SMALL. But, for the sake of accuracy, I am sure the gentleman from Wisconsin would like to be informed as to the commerce on this section of the Norfolk-Beaufort waterway, from Norfolk to Albemarle Sound. There was a decrease of only 47,848 tons in 1916 from the previous year, or a decrease of only 9 per cent in tonnage. On the contrary, there was an increase in the value of the commerce of $404,061 for the same period. I have made the calculation, and I am sure the gentleman would like to have the facts correctly stated.

Mr. FREAR. I quoted from page 542 of the 1917 report of the engineer that the loss in commerce between 1913 and 1916 was 45 per cent. Is that statement correct?

Mr. SMALL. The gentleman will understand that between Norfolk and Albemarle Sound there are two waterways.

Mr. FREAR. The gentleman includes the inland waterway via Dismal Swamp Canal?

Mr. SMALL. Yes. The United States have purchased the Albemarle & Chesapeake Canal route and the same is now under improvement in accordance with the report of the engineers.

Mr. FREAR. That explains the discrepancy. This is from the report.

Mr. SMALL. One of these waterways has been taken over by the Government and is under improvement, and while it is under improvement it can be used very little. The bulk of the commerce still has to go through the privately owned waterway, on which tolls are charged, and it is fair to compile the commerce on both the Albemarle & Chesapeake Canal and the Dismal Swamp Canal, because both have the same termini—that is to say, both extend from Norfolk to Albemarle Sound.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. STAFFORD. We all realize that this project is very dear to the heart of the gentleman from North Carolina [Mr. SMALL], as it is, of course, to the gentleman from Philadelphia, who is the perennial president of the Atlantic Deeper Waterways Association. I would like to inquire of the gentleman as to whether he can inform the House of the character of the tonnage on this inland waterway and the ton-miles of the traffic that is carried on it?

Mr. SMALL. In answer to that I will say that it is all through commerce. It passes the entire distance through. None of it is local in the sense the gentleman has in mind; that is to say, going a few miles. It is all through commerce, and it is of a diversified character, consisting of coal, fertilizers, gasoline, agricultural products, forest products, grain, merchandise, and miscellaneous articles.

Mr. STAFFORD. And the total tonnage is how much?

Mr. SMALL. The total tonnage for 1916, the last figures we have, was 524,475 tons, at a valuation of $15,032,097.

Mr. STAFFORD. Can the gentleman inform the committee as to the character of the vessels used in the carriage of this tonnage, whether they are steam propelled?

Mr. SMALL. The larger part of the transportation is in barges, but a substantial part is also carried in freight steamers.

Mr. STAFFORD. As I understand the project, the recommended depth is 9 feet.

Mr. SMALL. No; it is 12 feet, with a width of 90 feet at the bottom and a width of 150 feet at the top.

Mr. STAFFORD. Other than the gentleman from the eighteenth ward of Philadelphia, the distinguished president of the Inland Waterways Association, is there any thought of making an inland waterway deep enough so as to have it possible to transport men-of-war?

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to a point of order. I do not want to have the gentleman's words taken down, but I ask if it is permissible to refer to a Member in the first person?

Mr. SMALL. Mr. Chairman, if I have any time remaining I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. My point of order is that the gentleman from Wisconsin is violating the rules in referring to his colleague in the first person.

Mr. STAFFORD. Mr. Chairman, I wish to take exception to the position of the distinguished gentleman from Pennsylvania, the president of the Inland Waterways Association. I have not, as the report of the proceedings will show, referred to any gentleman, not even the illustrious gentleman from Pennsylvania, the honorable gentleman from Pennsylvania, in the first person. I have referred to him always in the third person. I would not magnify the ego by referring to him in the first person. [Laughter.]

Mr. MOORE of Pennsylvania. I accept the humble apology of the gentleman from Wisconsin. [Laughter.]

Mr. Chairman, I now apologize to the House for having committed an error in respect to the gentleman from Wisconsin, to whom I referred a little while ago. When I spoke of the gentleman from Wisconsin as having paid little attention to waterways I was referring to the gentleman from Wisconsin [Mr. STAFFORD], who usually is very accurate in other matters. But the gentleman from Wisconsin [Mr. FREAR], coming with special force to the aid of his colleague, entered the fray and seemed to take to himself the suggestion that I had reflected upon him. I have observed in the list of Members from Wisconsin that there is more than one Member from Wisconsin in the delegation, and several of them are of considerable prominence in this House, so that when reference is made to any one of them perhaps it would be better, the rules permitting, to designate them by name.

Mr. STAFFORD. Can the gentleman say that as far as the delegation from Pennsylvania is concerned, and particularly when matters pertaining to the city of Philadelphia are under consideration?

Mr. MOORE of Pennsylvania. With humble apologies to my colleague I admit that there are gentlemen in the Pennsylvania delegation who do their best for their country and their State; in fact, all of them do, as I assume that all of the gentlemen from Wisconsin do. The trouble is that when a Member refers to "the gentleman from Wisconsin" a large part of the delegation rises with one accord. [Laughter.]

The gentleman from Wisconsin [Mr. FREAR] mistook my reference to the gentleman from Wisconsin [Mr. STAFFORD] as

having reference to him. Now, the gentleman from Wisconsin [Mr. FREAR], to whom I did not refer, indicated that the gentleman from Pennsylvania sometimes, because of his enthusiasm for waterways, became abusive. That statement ought not to stand without contradiction.

I have never been abusive to the gentleman from Wisconsin. I have been lenient to the gentleman from Wisconsin. I have been observant of his weaknesses. I have seen that the gentleman from Wisconsin is fair up to a certain point, and then stops without ascertaining all the facts. The gentleman from Wisconsin says the gentleman from Pennsylvania gets his picture in the papers along the Atlantic coast, but the gentleman from Wisconsin gets display headlines in the Chicago Tribune.

Mr. FREAR. May I inquire of the gentleman when this occurred?

Mr. MOORE of Pennsylvania. I have observed that when the gentleman makes a spectacular speech on the floor it appears the next morning in the Chicago Tribune, and as that paper has a wide circulation throughout the State of Wisconsin I assume that a Wisconsin speech in the Chicago Tribune is good for home consumption.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FREAR. The gentleman will agree with me when I say that the Chicago Tribune, of all the papers in this country, has helped defeat or modify some of the bad river and harbor bills in the past, and that was done on its own motion, and it has been a matter of national concern.

Mr. MOORE of Pennsylvania. It has encouraged the gentleman from Wisconsin to go on and make his statements about eastern projects and projects elsewhere. It has given encouragement through display headlines. That may be "according to Hoyle"; gentlemen in Congress are permitted to do that sort of thing if they want to. There are gentlemen on the other side of the House who come in suddenly and make spectacular speeches about their colleagues and then rush off on the lecture platform. But other gentlemen are content to make speeches about waterways, waste, and extravagance, and they get the headlines in the Chicago Tribune.

Mr. BRITTEN. Will the gentleman yield for a suggestion?

Mr. MOORE of Pennsylvania. I will yield to my friend.

Mr. BRITTEN. In reply to my good friend from Texas [Mr. EAGLE], I would like to say that there is probably not one man in the House who is here oftener or who spends more time in the House than the gentleman from Wisconsin [Mr. STAFFORD].

Mr. EAGLE. Mr. Chairman, I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. There is another case of mistaken personality. [Laughter.]

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I have called the attention of the House to the fact that the gentleman from Pennsylvania [Mr. MOORE] has ignored the report of the Army engineers. He has never replied to it, he can not reply to it, because it is so convincing in itself. It says that the barges along this canal have been withdrawn because coal can not be shipped profitably.

As to the further suggestion in regard to the proposition that we have here—this waterway—I have not made a motion to strike it out, although, as I have shown, $500,000 additional cost was occasioned through the mistake of engineers, and, as I said, every coal barge has been withdrawn. No coal has been shipped notwithstanding the enthusiastic promises of the gentleman from Pennsylvania, and I shall continue to stand here and explain what these facts are, supported by the Army engineers' reports, which he has heretofore generally accepted. I have no personal feeling in regard to the matter, but I shall not permit myself to be misrepresented.

Mr. MADDEN rose.

Mr. SMALL. Can we not have a vote upon this amendment?

Mr. MADDEN. I would like to make a speech upon it.

Mr. SMALL. Then I ask unanimous consent that at the end of five minutes all debate upon the paragraph and all amendments thereto be closed.

Mr. MADDEN. And I ask that that be made 10 minutes. I modify the request to make it 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon the pending paragraph and all amendments thereto close in 5 minutes, and the gentleman from Illinois [Mr. MADDEN] modifies that request and asks unanimous consent that debate be closed in 10 minutes.

Mr. SMALL. The gentleman himself to consume that time?

Mr. MADDEN. Yes.

Mr. SMALL. I accept the modification.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that he may proceed for 10 minutes?

There was no objection.

Mr. MADDEN. Mr. Chairman, we are considering the item on page 4, lines 24 and 25:

Waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $500,000.

According to the minority views, this $500,000 indicates an underestimate of the cost of the improvement, and the minority of the committee make this statement, which is published on page 12 of the minority views:

A proposed inland-waterway project along the Atlantic coast and Gulf that canalizes marshes, sounds, creeks, and dry land, at a possible expense to the Government of from $100,000,000 to ten times that amount, depending on depth, is being vigorously urged upon Congress and upon war boards as a war measure. This bill contains $500,000, because of mistaken estimated expense on one section of a canal or waterway from Norfolk to Beaufort. After appropriations of $3,244,400 to June 30, 1917, in addition to the half million dollars of underestimates, $2,397,180 more will be required for this canal waterway that lost 45 per cent of its small commerce between 1913 and 1916, according to page 542 of the 1917 Engineers' report.

I would like to ask the gentleman from North Carolina, in charge of the bill, if the statement in the minority views which I have just read is true? I do not pretend to know the facts.

Mr. SMALL. Mr. Chairman, a short time ago, while perhaps the gentleman was diverted——

Mr. MADDEN. I was not present.

Mr. SMALL. I stated in reply to the gentleman from Wisconsin [Mr. FREAR] in effect that that statement was erroneous, and I explained why it was. As a matter of fact, there has been a falling off of only about 9 per cent, the decrease being 47,848 tons, while there has been an increase in valuation of the commerce of $404,661.

Mr. MADDEN. So that the total tonnage, according to the gentleman from North Carolina, has fallen off 9 per cent, while the value of the tonnage which passes through the canal has increased.

Mr. SMALL. More than $400,000.

Mr. MADDEN. What does the gentleman from Wisconsin say?

Mr. FREAR. Mr. Chairman, the facts are just as stated here, taken from the official report, and the explanation of the chairman of the committee is that part of this commerce which he counts in goes around by an inland canal not owned by the Government.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; I want to get at the facts.

Mr. SMALL. This matter has been explained quite often, but I am sure the gentleman will not object to its being explained again. The first section of the waterway from Norfolk to Beaufort Inlet under improvement is that section from Norfolk to Albemarle Sound. There are two waterways from Norfolk to Albermarle Sound, one known as the Albermarle & Chesapeake Canal route and the other as the Dismal Swamp route, both having the same termini.

And, therefore, in taking into consideration the commerce between the two termini you must of necessity consider the commerce upon both. Now, the engineers recommended taking over the Albermarle & Chesapeake route. During the construction of that section along the Albermarle & Chesapeake Canal route naturally navigation has been obstructed and therefore not so large a commerce now goes through the Government-owned waterway as upon the other privately owned waterway; but when the Government's own waterway is completed, which will probably be by the end of the year, then all the commerce will go through the Government-owned and free waterway; so the figures I gave as to commerce represented the commerce upon both of those waterways, both the Government-owned and the privately owned, both having the same termini. When the public waterway from Norfolk to Albermarle Sound is completed all the commerce will use this route because it is free and will have ample depth and width. In the meantime, in estimating the commerce, it is only fair to combine the commerce on both routes.

Mr. MADDEN. So that while the gentleman from Wisconsin makes a charge in this report, and this charge I understand is based on the report of the engineers of 45 per cent——

Mr. SMALL. Of the Government-owned waterway, only one.

Mr. MADDEN. That 45 per cent of the tonnage on the Government-owned waterway has been lost. The gentleman from North Carolina states there was a decrease only of 9 per

cent of the combined tonnage on both waterways in 1916 from the previous year. Is that right?

Mr. SMALL. Yes.

Mr. MADDEN. I assume we pay tolls on the privately owned waterway?

Mr. SMALL. That is true, because the Government-owned waterway is under improvement and can not be used by loaded barges and steamers.

Mr. MADDEN. It was constructed before we began to appropriate the money, I assume, or it would not have been carrying a larger tonnage than now.

Mr. SMALL. I will say this route selected by the Government of the United States—the Albemarle and Chesapeake route—had deteriorated while the other one had been better maintained.

Mr. MADDEN. The gentleman means the privately owned waterway has been better maintained?

Mr. SMALL. Yes.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. Assuming both statements are correct, notwithstanding there is a loss of tonnage of 9 per cent?

Mr. MADDEN. Yes; that is true. That is the very best statement that can be made—that there is 9 per cent loss of tonnage, regardless of whether you carry through one or two waterways.

Mr. FESS. That is the point.

Mr. MADDEN. If you make the calculation on the one which is owned by the Government of the United States, and upon which we have already expended $3,244,000, and upon which we expect to expend, in addition thereto, $2,397.800, we have lost 45 per cent, and added to those two items we still have $500,000 proposed to be expended through authority of the pending law, which is an addition to the two items I have named; so we will still find ourselves in the position of having expended over $6,000,000 to bolster up a constantly decaying public institution. Now, my theory is that in the expenditure of public money we ought to have in mind the development for which the money is being expended; that we ought not under any circumstances to expend these vast sums where the evidence is clear we are spending the money on an obsolete institution.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. I will be delighted.

Mr. MOORE of Pennsylvania. How much money does the gentleman say has been spent?

Mr. MADDEN. Three million two hundred and forty-four thousand dollars, June 30, 1917.

Mr. MOORE of Pennsylvania. And how much is to be expended?

Mr. MADDEN. Two million three hundred and ninety-seven thousand eight hundred dollars, in addition to the $500,000 herein authorized.

Mr. MOORE of Pennsylvania. That large sum of money having been spent on work that is still under construction, would the gentleman stop here and waste all that has been done?

Mr. MADDEN. I will illustrate. I recall very clearly a case where I installed a large amount of machinery which cost about $500,000. It was up-to-date machinery on the day it was installed. I discovered after the installation of this machinery that it did not produce the results which it was intended to produce when the investment was made. It was thought wise to scrap that machinery and substitute other machinery that would produce the desired results more economically. It was scrapped, the new machinery was installed, and the economy anticipated resulted from the change. If private interests will do such things, why should the Government not do likewise? Waste of money on obsolete facilities is never justified, not even out of the country's Treasury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Waterways between Charleston and Alligator Creek (opposite McClellanville), S. C.: For maintenance, including branch to Morrisons Landing, $5,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the committee, or some member of it, in reference to this item of $5,000 for the maintenance of branch to Morrisons Landing, which landing is apparently on a waterway between Charleston and Alligator Creek, opposite McClellanville. What sort of branch is this, a canal or a river?

Mr. SMALL. That is through a natural waterway 47½ miles long. I will say to the gentleman that the project provides for a channel 4 feet deep at mean low water and 60 feet wide—I am reading from the report of the Engineers, page 638—60 feet wide at bottom between Charleston and a point opposite McClellanville, with a branch channel of the same dimensions to Morrisons Landing in McClellanville. The gentleman will find also on page 637, at the bottom, under commercial statistics, that this waterway while carrying comparatively a small tonnage occupies a very important relation to the local commerce of that section.

Mr. WALSH. Then, I understand $12,000 has been expended by way of maintenance upon this branch during the year ending June 30, 1917?

Mr. SMALL. The amount expended during last year was $12,179, which was expended in dredging—the gentleman will find on page 638, under the paragraph entitled "Operations and results during the fiscal year"—in dredging and restoring the branch channel leading to McClellanville, which had been filled as the result of an unusual storm on July 15, 1916. Dredging was also done to restore, as fully as practicable, project dimensions in the channel at Salt Pond Creek, Santee Pass, Grays Bay, and Sewee Bay. The total amount expended was as I have stated.

Mr. WALSH. Now, Mr. Chairman, a further inquiry. I notice in this project, and a great many others of probably similar character, that it requires a great number of appropriations of larger and smaller sums each year for maintenance. Why can not these small connecting links in these inland waterways be so constructed or so improved that the cost of maintenance will be reduced? In other words, why can not we make a lump-sum appropriation of $50,000, or more, if necessary, to so dredge out or repair or reconstruct these small creeks or rivers of not very great depth in a way as to not require this constant appropriation for maintenance? Can the gentleman explain what there is peculiar about it?

Mr. SMALL. The gentleman has asked a very pertinent and appropriate question. The matter of maintenance of channels of necessity varies, dependent upon the physical conditions. Take a channel, for instance, that is dredged 100 feet wide and 10 feet deep through a body of water a mile or 5 miles wide, and the gentleman will understand that through wave action or other action of the water there is of necessity a certain erosion on the side of the dredged channel into the channel itself, and the only way it can be removed is by annual dredging. Now, the stability of a channel depends also on the character of the soil. A sandy channel erodes very easily and fills up. Rather strange to say, a channel composed of mud is more stable than one of sand, as I understand it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SMALL. Mr. Chairman, I would like just one minute more in which to answer the question.

The CHAIRMAN. Without objection, the time will be extended one minute.

Mr. SMALL. Of course, with a bottom of clay the channel is even more stable. Where the channel is sufficiently narrow or where it is an artificial channel, and erodes or shoals or fills up, there the channel can be maintained by the process of revetment. But that is only practicable where the channel is narrow and only embraces the limits of the navigable channel itself.

Mr. WALSH. Will the gentleman state what is done with the dredged material? Is it piled upon the banks, or is it deposited in other portions of the creek or shallow bay?

Mr. SMALL. Now, where the material is soft the dredging is usually done by hydraulic dredges, and the material is carried by pipes to the side of the stream and deposited.

Mr. WALSH. Now, could not this annual maintenance expense and work be dispensed with if, instead of dredging that channel through the little bay or creek, 4 or 6 feet deep, a channel was cut through to a depth of 15 feet or 20 feet? And the washing in would probably continue to a certain extent, but it would result in sloping down the sides and would not shoal up the channel to such an extent.

Mr. SMALL. The gentleman has asked a question which is rather one of engineering, but I doubt as a practical proposition whether Congress would be willing to authorize a greater depth than is necessary for existing commerce for the purpose simply of preventing the filling of channels.

The Clerk read as follows:

Charleston Harbor and Channels, S. C.: Continuing improvement and for maintenance, $110,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 5, strike out the period at the end of line 21, and insert in lieu thereof a colon and add the following: "For improvement to provide a channel 40 feet deep and 1,000 wide, extending from the sea to Charleston Navy Yard, $1,500,000: *Provided*, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized; in all, $1,610,000."

Mr. SMALL. Mr. Chairman, I might make this preliminary statement: When the Naval appropriation bill was recently reported to the House it contained a provision authorizing the construction of a very large dry dock at the navy yard at Charleston, carrying a depth of 40 feet over the blocks. The Naval appropriation bill authorized a further improvement of Charleston Harbor to a depth of 40 feet. Of course, if a dry dock is constructed of the dimensions I have specified, the further deepening of the harbor is absolutely essential for the utilization of the dry dock. That matter came to the attention of the Committee on Rivers and Harbors, and we brought it to the attention of the Secretary of War, accompanied with this statement of the committee, that the War Department had jurisdiction over the improvement of all harbors and channels for the purpose of navigation, whether that navigation was by vessels of commerce or by vessels of war, and that the Navy Department did not have jurisdiction; further, that the Committee on Rivers and Harbors had jurisdiction of such improvements and the Committee on Naval Affairs did not.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. MADDEN. The naval bill, as I understand the gentleman, provides an appropriation to deepen the harbor surrounding the dry dock? Is that right?

Mr. SMALL. That is a different piece of work from deepening the channel.

Mr. MADDEN. I understand that. I am leading up to what I want to say. Provision has already been made in the naval bill for deepening the harbor at the dry dock and surrounding the dry dock. Is that right?

Mr. SMALL. That is in the naval bill.

Mr. MADDEN. Now, if the expenditure is made as provided in the naval bill, the harbor will have a depth of 40 feet. Is that right?

Mr. SMALL. No. Has the gentleman been to Charleston?

Mr. MADDEN. The harbor itself——

Mr. SMALL. The navy yard is on the Cooper River, and, in fact, most of the harbor of Charleston is on the Cooper River. I can not tell the gentleman at this moment the distance from the navy yard to the sea.

Mr. PADGETT. It is about 6 miles.

Mr. SMALL. Now, this proposition is to give a depth of 40 feet from the navy yard to the sea.

Mr. MADDEN. Yes; I know. The point I wanted to have the gentleman tell me is this: If the expenditure is made as recommended by the Committee on Naval Affairs——

Mr. SMALL. For the dry dock?

Mr. MADDEN. For the dry dock and the surrounding water, there will be a depth of 40 feet there, presumably for the purpose of building ships with 40-foot draft or repairing ships that have 40-foot draft. Now, the proposition of the Committee on Rivers and Harbors is to supplement what the Naval Committee proposes to do by deepening the entrance to the dry dock from the sea, so that facilities will be afforded for the passage of ships from the sea to the dry dock and from the dry dock out to sea?

Mr. SMALL. The gentleman's statement is correct.

Mr. MADDEN. So that there would not be any use in expending the money recommended by the Naval Committee unless the House also authorized this expenditure to supplement it. Is that correct?

Mr. SMALL. The gentleman is correct in that. Now, may I send up to the desk and have read a communication from the Secretary of War recommending this amendment to the bill as a war measure?

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 4, 1918.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

DEAR SIR: Referring to your letter of April 1, 1918, and prior correspondence concerning the proposed 40-foot channel at Charleston, S. C., for which an item is included in the pending naval appropriation bill, I have the honor to state that I have received a letter from the Secretary of the Navy on this subject, calling attention to the fact that the proposed construction of a dry dock at the navy yard, Charleston, S. C., carrying a depth of water of 40 feet over the blocks, will require for its use the construction of a channel having a depth of 40 feet at mean low water and a width of 1,000 feet extending from deep water beyond the jetties to a point on the Cooper River opposite the present naval dry dock at the navy yard, and requesting that inasmuch as this proposed dredging is a matter coming under the jurisdiction of the War Department, an item for this work be recommended by this department for inclusion in the pending river and harbor bill.

The preliminary estimate made by the Navy Department for such a 40-foot channel, based upon recent costs of dredging, is $5,000,000. The item carried in the pending naval appropriation bill provides $1,000,000 for beginning this work. The Secretary of the Navy states, however, that the dry dock will require approximately 30 months for its construction, or, in other words, it should be completed by January 1, 1921, and suggests that the dredging operations be conducted so that the desired channel shall be completed not later than the estimated date for completion of the dock. The time available has not been sufficient to permit any revision of the above estimate of cost for this work, but this is not essential at this time as an initial appropriation will cover the prosecution of the work for the first year, and the necessary surveys can then be made with a view to submitting a revised estimate of cost at the next session of Congress. It is believed that an appropriation of $1,500,000 should be made now for this purpose contingent upon the authorization of the proposed dry dock.

In compliance with the request of the Secretary of the Navy, it is, therefore, recommended as a war measure that the item for Charleston Harbor and Channels, S. C., on page 5 of the pending river and harbor bill be amended to read as follows:

"Charleston Harbor and Channels, S. C.: Continuing improvement and for maintenance, $110,000; for improvement to provide a channel 40 feet deep at mean low water and 1,000 feet wide, extending from the sea to the Charleston Navy Yard, $1,500,000: *Provided*, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized; in all, $1,610,000."

Very respectfully,
BENEDICT CROWELL,
Acting Secretary of War.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Let me just make this statement, and then I will yield. This authorization by the proviso does not become effective unless Congress shall hereafter authorize the dry dock. It is obvious that if the dry dock is authorized, the channel ought to be provided, and this is the committee, and this is the place in which to authorize the deepening of the channel to correspond with the dry dock if it shall be authorized.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Just half a minute. We have already provided 40 feet to the New York Navy Yard. We have provided 40 feet to the Norfolk Navy Yard. We are providing 35 feet to the League Island Navy Yard at Philadelphia, and now we are simply authorizing this 40-foot channel to the proposed dry dock at Charleston if it shall be authorized.

Mr. WALSH. Does the gentleman coincide with the statement in this letter that this should be acted upon favorably as a war measure, and does he refer to the present war?

Mr. SMALL. It is a war measure in that it refers to war activities of the Government, to wit, the Navy Department.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BRITTEN. Mr. Chairman, has the chairman of the committee finished with his argument?

Mr. SMALL. Yes. The gentleman wishes recognition in his own right?

Mr. BRITTEN. Yes. I desire to oppose the amendment, Mr. Chairman.

This amendment now before the House has a peculiarly strategic position. It is the initial expenditure for a $5,000,000 channel to the Charleston Navy Yard. During my short term in Congress the Charleston yard has repeatedly endeavored to get recognition as a deep-draft vessel location from Congress and from the Committee on Naval Affairs without success. Attempts have repeatedly been made to make a big battleship yard out of the Charleston yard. By "a big battleship yard" I mean a big ship-construction yard, which it is not; and when the chairman of the committee having this bill in charge says we have provided a 40-foot channel to the New York yard, and we have provided a 35-foot channel to the Philadelphia yard, and we have provided a 40-foot channel to the Norfolk yard, he is referring to big construction yards, yards capable of dismantling a battleship. The Charleston yard can not do that if it had a million feet of water.

This movement is just in line with one that was made a couple of years ago to extend and enlarge certain berthing piers down there, which were originally intended for destroyers, with a view to making them big enough and strong enough to berth a battleship.

Mr. FOSTER. Mr. Chairman, will my colleague yield?

Mr. BRITTEN. Yes.

Mr. FOSTER. I would like to ask if it is the intention of the Naval Committee, through the Navy, to build up the Charleston yard to the extent that it can build these large battleships, like the Brooklyn and Philadelphia yards?

Mr. BRITTEN. I am glad the gentleman asked that question. It is in line with my own thought, and I was about to tell the House that no hearings have been held by the Committee

on Naval Affairs on this tremendous $9,000,000 appropriation, $4,000,000 for the dock and $5,000,000 for this channel. No hearings were had before the Committee on Rivers and Harbors. If a construction yard is really desired, I do not know it officially.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SEARS. As I understand it, the chairman stated that this would not be effective unless the building of a dock was carried into effect.

Mr. BRITTEN. That is true. That is why I referred to the particular strategic character of this particular amendment. It concerns two committees, and they play one against the other. They say when the Committee on Naval Affairs has recommended an appropriation of $4,000,000 for the dry dock surely we will not build a dock where there is no water. So this committee will run water up to the dock.

Mr. SEARS. As I understand it, in the naval bill this item would be subject to a point of order. In that case the argument could not be used that this House had passed it because we had provided that it would not be put into effect until that plan had been adopted.

Mr. BRITTEN. The gentleman is correct; and the dock itself is as subject to a point of order as the dredging project now before the House.

Mr. SEARS. If the point of order is raised, this would not be effective. I suppose the gentleman is a member of the Committee on Naval Affairs?

Mr. BRITTEN. Yes.

Mr. SEARS. Suppose that committee should adopt the dry-dock plan and then you could not get the channel. You would be in an awkward position.

Mr. BRITTEN. My dear, sir, both these propositions are carried in the naval bill to-day. A rule is sought making everything in the naval bill not subject to a point of order. That will cover the deepening of the channel as well as the building of the dock.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LONGWORTH. How many battleships are in the Charleston Navy Yard?

Mr. BRITTEN. None are there, and none will ever go there, unless this House provides water over which they can go. We have a three and one-half million dollar dock building in Philadelphia that will dock anything that will go through the Panama Canal, and we have an enormous dock being built at Norfolk that will carry anything that can enter the Panama Canal, and the State of Massachusetts is building a 1,200-foot dock at Boston that will carry anything that can enter the Panama Canal. These docks are in process of completion to-day on the Atlantic coast. And yet some gentlemen will have the nerve to get on the floor of the House and say that this dock, at an initial expenditure of $9,000,000, taking three years to construct, is a war measure, and should be appropriated for now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. May I have five minutes more time, please?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. BRITTEN. It is not a war measure. If it were a war measure there would be no question about it from my viewpoint. I will be glad to join in authorizing the expenditure of hundreds of billions of dollars if necessary to conduct this war, but when gentlemen get on this floor and propose to build a dock where there is no water, and then to spend $5,000,000 to get water up to it, it is thoroughly absurd. It is just another movement to make a big battleship yard out of the Charleston yard, a movement which has been attempted time and again, and has always failed in this House on a record vote. Now, supposing we get this dry dock, and supposing we get a thousand-foot channel 40 feet deep to the dock, and then we send a battleship up there to have one of its turrets removed or one of its big guns removed, is there anything in the Charleston yard to-day that can move it? They have not the mechanical equipment there, they have not the buildings to handle big repairs. Then will come another $5,000,000 or $10,000,000 for necessary mechanical and yard improvements. This $9,000,000 is just the initial expenditure of what may be $20,000,000 or $25,000,000 or $30,000,000.

Mr. SWITZER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SWITZER. I would like to call the attention of the gentleman to the fact that yesterday the Committee of the Whole, against the protest of the Rivers and Harbors Committee, put into this bill the proposition to deepen Hell Gate to 40 feet as a war measure, when it will take four or five years to complete it.

Mr. BRITTEN. And I will say to the gentleman that the deepening of Hell Gate is one of the most important war propositions possible. Last year our committee went through Hell Gate on the *Mayflower*, and we were swept back three times, and if we had not had a very skillful and daring commander in young Commander Berry, who is now commanding the destroyer *Manly* on the other side, we would have been dashed against the rocks in Hell Gate. That is a very dangerous place and the obstructions there should be removed. But this proposition which we are now considering is no war measure. It is a farce. This $9,000,000 is merely a starter to an enormous expenditure to come in the future. If a battleship were to dock there to-day, they could not remove one of the big guns. They have no traveling cranes or heavy cranes capable of lifting a turret or the guns of a great battleship; they have not the mechanical equipment for the repair of great pieces of armor and armament on a battleship. The yard is absolutely useless to-day, even if they had the water, for the purpose of making extensive repairs on a great battleship.

Mr. LONGWORTH. Suppose $5,000,000 were spent in constructing the channel; would the channel stay 40 feet deep?

Mr. BRITTEN. I am glad to have the gentleman from Ohio refresh my memory about something that I would probably have forgotten. About three or four years ago the electric suction dredge that is always employed around Charleston got out of order and it was laid up for repairs for about six months. Will you gentlemen be surprised when I tell you that in front of the dock that is now there they did not have 9 feet of water at the end of that time, because of the silt that had settled in the meantime? Now, supposing we agreed——

Mr. WHALEY. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WHALEY. The gentleman just made the statement that the suction dredge got out of order.

Mr. BRITTEN. Yes.

Mr. WHALEY. As a matter of fact, was it not the bulkhead of the dock that got out of order and had to be taken to Norfolk to be repaired, and they did not dredge in front of the dock during the absence of that bulkhead for six months? Those are the facts in the case.

Mr. BRITTEN. I will give the gentleman the facts. The bulkhead does not do any dredging.

Mr. WHALEY. Of course not; but the dredge——

Mr. BRITTEN. The dredge itself was out of order, and the silt settled and they did not have 9 feet of water in front of the dock.

Mr. WHALEY. The bulkhead of the dock was taken away for repairs because it was leaking, and there was no use to dredge in front of the dock, when they could not use the dock because there was no bulkhead there. The dock was out of use for six months while the bulkhead was being repaired, and no dredging was done in front of the dock during that time. But the dredge has never been out of order.

Mr. BRITTEN. Is not the bulkhead the front of the dock?

Mr. WHALEY. Why, of course it is, and you remove the bulkhead in order to get into the dock, and you close the bulkhead when you want to keep the water out of the dock.

Mr. BRITTEN. Exactly so. When the bulkhead was taken away the dock was filled with water, was it not?

Mr. WHALEY. I am claiming that the dredge was never out of order.

Mr. BRITTEN. I am telling you that in front of the bulkhead they did not have 9 feet of water.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. BRITTEN. It is true that the river will silt up unless it is constantly dredged. If you are going to have a thousand-foot channel with a depth of 40 feet of water, you have got to have at least one dredge there all the time working 24 hours a day. I question whether one dredge can do it. I am not engineer enough to determine that. But this is just the initial expenditure of something that may be enormous, and the House ought to consider it very carefully. This project has been brought forward time and time again, and has always been defeated on the floor of the House. It is not a war measure, because the report of the Secretary of War says it will take 30 months, I believe, to do the dredging. It will take 30 months

or three years to build the dock. After we have the dock built, it can not accommodate a battleship so far as repairs are concerned, because they have not sufficient mechanical equipment in the yard.

My colleague from Illinois [Mr. MADDEN] asked a question a while ago concerning the length of this channel. The channel provided in the amendment is from the sea to the navy yard, up the Cooper River. It is not a commercial proposition in any sense of the word. It is a 1,000-foot channel from the sea to the navy yard, and the depth provided is 40 feet. It is pork of the purest kind. This is a time when Congress is willing to give millions of dollars for any war expenditure, without even inquiring into its value, but it should not waste a penny on pork. We are ready to appropriate everything that is asked. Every Member in the House and Senate is ready to appropriate for any reasonable war measure. Be fair with yourself, gentlemen, and understand that this is pork, pure and simple. Get your feet into this pork barrel. Now is the time to develop the Charleston yard and make it a great battleship yard. Let us get the dock and real water first, and then we will come in after millions for mechanical equipment; because naturally we must have the equipment after we have the dock and the water. Oh, the shame, at a time like this, when we are taxing every ounce of our energy at home, to foist upon a confiding public a quantity of pork such as would never be countenanced in peace time, when the war scare and fake patriotism could not be used to camouflage our votes.

Mr. LEVER. Will the gentleman from Illinois yield for a question?

Mr. BRITTEN. Yes.

Mr. LEVER. The gentleman made the statement a moment ago that the Cooper River was greatly subject to siltage. Is that true?

Mr. BRITTEN. Yes.

Mr. LEVER. Will the gentleman let me read from the Helm report?

Mr. BRITTEN. The gentleman from South Carolina can do that in his own time.

Mr. LEVER. But the gentleman has made a misstatement.

Mr. BRITTEN. I shall not object to the gentleman reading from the Helm report.

Mr. LEVER. This is from the Helm report of January 15, 1918:

> In regard to the dredging for maintenance of approaches to the water front at this yard there seems to be an erroneous impression that much silt is deposited at all points. Matter is only appreciably deposited at still points away from the strength of the current, and such matter is a slimy mud, easily removed by a suction dredge.

Mr. BRITTEN. That is very true; the report is entirely correct. There is a lot of silt there and it is easily removed. The report says so; but I have never heard anything about the character of the soil at a depth of 40 feet. They may find rock.

Mr. LEVER. Let me read something further from the report on that point:

> A small electric suction dredge, costing about $12,000 for running and upkeep per year, can easily keep this portion of the yard free and do other dredging work as required.

Mr. BRITTEN. What portion of the yard is that?

Mr. LEVER. In front of the dock.

Mr. BRITTEN. Yes; in front of the dock, 100 feet wide.

Mr. LEVER. And the balance of the channel.

Mr. BRITTEN. Oh, the gentleman does not mean the balance of the channel, does he?

Mr. LEVER. In front of the dock.

Mr. BRITTEN. Yes; a little $12,000 barge will take the silt away from a 100-feet-wide place, but what about the balance of the channel, 7 miles long? I say it will cost more than $150,000 to dredge the channel if we are to maintain a 40-foot depth 1,000 feet wide.

Mr. WHALEY. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WHALEY. Did the gentleman ever read the Engineer's report on the subject?

Mr. BRITTEN. Which report? They have made dozens.

Mr. WHALEY. I mean the recent report.

Mr. BRITTEN. Which one?

Mr. WHALEY. The Helm report. I have it here; and it says that for the entire business, from the navy yard to the sea, 14 miles, $160,000 will keep it open, one-half of what it costs at Philadelphia or New York.

Mr. BRITTEN. Well, I guessed $150,000.

Mr. WHALEY. The gentleman said in front of the dock.

Mr. BRITTEN. No; I said to keep the desired channel open.

Mr. PADGETT. Mr. Chairman, I think it would be well to get a clear, concise, and consecutive statement of the situation. It is true that we are building at Philadelphia a 1,000-foot dock, with 40 feet over the blocks. We are building one at Norfolk, and the State of Massachusetts is building one at Boston in the State of Massachusetts. South of Norfolk, for something like 2,500 or 3,000 miles of coast line, we have no naval accommodations adequate and sufficient. We have a plant at Charleston susceptible of splendid development. They have there 30 feet of water, and will have a channel out to the open sea of 30 feet by September.

They speak about having no water; 30 feet is as much water as we had at many places several years ago. It would cost less to do the dredging at Charleston than it will to maintain the dredging at New York or Philadelphia, so that these matters offset themselves.

Now, what is the situation? We have 2,500 miles of seacoast below Norfolk without a large dock. We have authorized six battle cruisers. They are 850 feet in length and they draw at mean low draft 31 feet. If they are disabled, they might draw as much as 45 feet. At Charleston, if we have a 40-foot channel, there is 5 feet of tide, and that would give 45 feet in a high tide that could be available for the use of the dock.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MILLER of Minnesota. These battle cruisers of which the gentleman speaks, are they under process of construction?

Mr. PADGETT. Not just now.

Mr. MILLER of Minnesota. When is it expected that they will be completed?

Mr. PADGETT. I do not know; but probably three or four years.

Mr. MILLER of Minnesota. Was not the original estimate that it would take four years to construct them?

Mr. PADGETT. Yes.

Mr. MILLER of Minnesota. And they have not yet begun them?

Mr. PADGETT. Not yet; but we have a number of battleships in addition to the battle cruisers. We authorized battleships of more than 40,000 tons displacement carrying twelve 16-inch guns. We are building others of 32,000 tons displacement, with 14-inch guns. We need docks for taking the battleships that are under construction and some of which are in existence. We have at Charleston a dock that is capable of taking ships of the size and class of the *Utah*, and that is about 22,000 tons displacement, but we have accommodations for nothing larger than that. We have numbers of ships above 22,000 tons displacement. Now, all the strategists say that if we ever have a naval engagement on our side of the water, all the indications point to the fact that it will be in the south or in the Caribbean. We have nothing south of Hatteras. Hatteras is known as the graveyard of the Atlantic so far as the danger of sinking ships is concerned.

The Secretary of the Navy earnestly urged and recommended the construction of a large dock at Charleston. I took the position with the committee, and I want to be entirely frank here, that we ought to have a dock of this character south of Hatteras, and all of the authorities agree that on the coast main line of the United States Charleston is not only the best place but it is about the only place that is available. That is about 700 miles south of Norfolk. Seven hundred miles might be very important in saving a disabled ship. When we are building battleships that are costing $28,000,000 apiece, as we are, we can not in good business judgment jeopardize them by failing to provide safety for them in the neighborhood that all of the military strategists point out is the field of battle. Those battleships draw at mean load about 30 feet.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. These battleships, as well as the battle cruisers, draw at mean draft more than 30 feet. It is true that you have a tide of about 5 feet rise where they could go into the yard, but that tide lasts only for a few hours; and if your ship comes in on a 35-foot high tide, which on low tide is down to 30 feet, and the ship draws 31 feet, necessarily the ship then at mean draft would go down a foot into the mud and rest upon the bottom, which would be very hazardous for these splendid ships. No one could tolerate that. So that I said in the committee, and I say here, that we need and should have a dock south of Hatteras, and there should be one at Charleston; but unless we can get the water to make that dock usable, I would not stand for the dock. I would not advocate

or ask the construction of a dock 40 feet over the block, or 42 or 43 feet over the sill, to accommodate ships that can pass through the Panama Canal, because there will be commercial uses as well as naval uses also, if we did not have the water. We need the dock, and we should have the water for it. If we can get the water as is provided here, I stand for the dock; but if the House refuses the water, it would be silly to provide a dock with 40 feet over the blocks or 42 feet over the sills. Therefore the Naval Committee placed in the bill the coupled proposition of a dock and the water.

The question of committee jurisdiction arose. The Committee on Rivers and Harbors has jurisdiction over the question of the dredging of the channels in the harbors and in the river outside of the basin at the navy yards, but it was so important that we should have the water if we were to have the dock that I was unwilling to report a proposition for a dock unless we had the assurance that we would get the water. Therefore we coupled the two in the naval appropriation bill.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Let me finish this sentence and I shall. The committee reported out the proposition for the dock and for a 40-foot channel a thousand feet wide. As I stated, these cruisers are 850 feet long, and if we are going to have a channel, we ought to have one with a margin for turning around. The question of committee jurisdiction arose, and in speaking with Mr. SMALL I said to him that the Naval Committee did not wish to usurp or to infringe upon the rights of the Rivers and Harbors Committee, and if they would report this measure and the House adopted it, it would be stricken out of the naval bill and we would ask only for the dock. He has done that. The Secretary of War has recommended it; the Secretary of the Navy has urged it. We should have the dock. We need it. It is a necessity. We ought not to spend $4,000,000 for it, however, unless we can get the water to make it usable. That is the plain business proposition, and this is the proposition for the water. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Chairman, the gentleman from Tennessee and I will agree that we have been at this business a good while. I know what is going to be done, and therefore there is no use of opposing it. I only want to say to my chairman that the opposition I have to this I purpose using upon the stump for all time to come, but not here, because the die is cast and this is to be built; but the gentleman and I will agree that this is not a war proposition.

Mr. PADGETT. It is not a war proposition in the sense that it can be constructed within the time within which I hope the war will end. I hope the war will end before three years. I think it will take three years to build the dock and do the dredging. However, independent of the war, as a sensible naval proposition we should have the dock, whether we are in the war or not. The idea of having from 2,500 to 3,000 miles of coast line without a dock, without an opportunity to bring in and repair or care for our ships when the ships, as I said, many of them cost us $28,000,000, shows no business judgment.

Mr. BUTLER. Mr. Chairman, the gentleman is always reasonable and speaks out plainly, and therefore I want to ask him a question or two. This is not the best place, however, to be selected for a large appropriation of money for naval purposes, is it?

Mr. PADGETT. To be entirely frank with the gentleman, I think that we need and should have two navy yards and large docks south of Hatteras, one on the coast line and one in the West Indies. I think the finest place in the world is in Samana Bay on the north of the east end of the island of Haiti. I have never seen or known of such a place as nature built there for a naval station; but we do not own it at present. I cherish the hope that we will in the future; but that would be 1,500 to 2,000 miles from Charleston.

Mr. BUTLER. Again I want to say that I am not going to oppose this, but I want to get some facts for the RECORD so that we will have them. What is the estimate of the cost of this great dock?

Mr. PADGETT. Four million dollars.

Mr. BUTLER. Will the chairman agree with me that that will not build it?

Mr. PADGETT. I do not know that. I think it will. The one at Norfolk is being built within the appropriation of three and a half million dollars, and the one at Philadelphia is being built within that limit of cost. This is adding $500,000 additional.

Mr. BUTLER. These contracts were made some time ago, were they not?

Mr. PADGETT. My recollection is about 18 months ago.

Mr. BUTLER. Now, what is the estimated cost of the construction of this channel?

Mr. PADGETT. The dredging they are doing there now and have been doing under the appropriations heretofore made was 13 cents per cubic yard——

Mr. BUTLER. Amounting to about $5,000,000.

Mr. PADGETT. It is estimated at a cost of 20 cents a yard. The present contract cost is 13 cents, and therefore 26,000,000 cubic yards in round numbers would amount to about $5,000,000.

Mr. BUTLER. Now, can I ask the chairman of the Committee on Naval Affairs this question? How much did Admiral Parks recommend each year to keep this channel clean?

Mr. PADGETT. I think the report—the Helm Board report—varied from somewhere between $160,000 and $180,000 out to deep water beyond the jetties.

Mr. BUTLER. We agree on this, and I call the attention of the chairman of the committee to it, he reported that it would take $185,000 a year to keep the channels clean when made.

Mr. PADGETT. I do not recall, but that is in substance the Helm Board report.

Mr. BUTLER. It has been our observation always that they increase these estimates by 15 to 25 per cent.

Mr. PADGETT. As to the outer channel I do not know. The dredging at Charleston has been practically in front of the present large dock. As the gentleman is aware, the present dock is——

Mr. BUTLER. I never was there.

Mr. PADGETT (continuing). Set inland and the current of the stream runs out in front of the dock, and there is an eddy in front of the dock, and the deposit of the silt is in that eddy in front. This dock is proposed to be put out on the line of the current so as to avoid that deposit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask that I may have five minutes.

Mr. BUTLER. I have taken up a good deal of the gentleman's time with interruptions, and I ask that he may have five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Now, then, we are agreed it is not going to be a war measure, because we know this improvement can not be made in three years. Now, will the chairman agree——

Mr. PADGETT. I think it will take at least three years.

Mr. BUTLER. Will the chairman agree with me as to the wisdom of postponing this permanent construction there at this time because of the scarcity of labor in the country?

Mr. PADGETT. Well, of course, the labor question is an important question, but the consideration of having a dock south of Hatteras on our south coast is so great I do not want to postpone the matter.

Mr. BUTLER. I know what is going to happen—I do not ask the chairman for any explanation whatever, but I know what is going to happen. I have been here long enough to know. Now, will the gentleman yield for another question? Does the gentleman agree with the President's 14 conditions which he submitted to the world, that we should at this time make an appropriation that will result finally in an appropriation of $25,000,000 for a great improvement after this war is over? Will the gentleman explain that to the committee?

Mr. PADGETT. I will be very frank with the gentleman; I do not think the millennium is going to come at the conclusion of this war.

Mr. BUTLER. I do not know whether it is or not.

Mr. PADGETT. I do not think when this country has built up a magnificent Navy and has it well equipped and efficient that we are going to scrap it.

Mr. BUTLER. I understand we may not. I think the chairman and I will have little to do with it, but the President will have much to do with it. Will the gentleman advise us to look so far in the future as to begin at this time a dock which will result in appropriations of millions of dollars? Is that a good thing to do?

Mr. PADGETT. I think we ought to build this dock. I think it is necessary to have it, as I stated, independent of the war; that, whatever we may have after the war, we ought to have this dock south of Cape Hatteras.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. PADGETT. Yes.

Mr. MILLER of Minnesota. Was the gentleman—I think he was—a member of the Committee on Naval Affairs when the first improvement was made at the Charleston Harbor for the Navy?

Mr. PADGETT. I was not, sir. That was several years before I came to Congress.

Mr. MILLER of Minnesota. Then the gentleman can not answer the question I was about to ask.

Mr. PADGETT. I now yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Chairman, I want to ask the gentleman from Tennessee if it is intended by the Committee on Naval Affairs or the Navy Department to build a great navy yard at this point?

Mr. PADGETT. Yes, sir. I think they ought to have a good yard there.

Mr. FOSTER. Where they will build battleships?

Mr. PADGETT. Not a construction yard.

Mr. FOSTER. But a repair yard?

Mr. PADGETT. A repair yard; a docking yard.

Mr. FOSTER. This dry dock will take three or four years to finish, I understand?

Mr. PADGETT. The Secretary, in a letter to me, which I have here, stated that he thought it could be constructed in 30 months. I think it will take three years.

Mr. FOSTER. Unless the war extends over a period of several years this would not be of any benefit during the present war, would it?

Mr. PADGETT. No, sir. If we are to take three years in building, of course it would not be usable under that time; but I stated a while ago that, independent of the fact that we are at war, that we should have a dock south of Hatteras, and the gentleman knows the hazardous risk of going around Hatteras. It is known in ocean parlance as the "graveyard of the Atlantic coast," and to attempt to bring our ships of great cost and value around there and over a distance of 2,500 or 3,000 miles without a dock—there is no good business proposition in that.

Mr. FOSTER. Does the gentleman know what the estimated cost for this construction would be?

Mr. PADGETT. The dredging?

Mr. FOSTER. I mean to put this in proper shape for the repair of naval vessels, including the dry dock and dredging, and all.

Mr. PADGETT. The dry dock is estimated to cost $4,000,000. That is $500,000 above similar docks at Norfolk and Philadelphia. The dredging is estimated at 20 cents a cubic yard instead of 13 cents, at the present contract, and it is estimated there are 26,000,000 cubic yards, which would cost $5,000,000. That would be $9,000,000 estimated cost. Now, then, they would have to have a large crane there to lift the big guns off and on. I should say that outside of that, $2,500,000 or $3,000,0000 would fit it up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask for one additional minute.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the chairman of the committee have five additional minutes if he desires to use it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Tennessee may have five additional minutes if he desires to use that much time. Is there objection?

There was no objection.

Mr. FOSTER. I would like to ask the gentleman this question. I know he has been on the Committee on Naval Affairs for many years and is well informed on naval affairs, and I would like to ask if in his judgment we ought to begin now, with the high cost of everything and with the scarcity of labor, this construction, and if it is absolutely necessary for the Navy?

Mr. PADGETT. It is a matter of so much importance that I do not like to postpone it. Independent of the war, we need something south. I think we ought to have one in the West Indies as well as one on the coast line south of Hatteras.

Mr. FOSTER. It is the gentleman's judgment that this is the best place for it?

Mr. PADGETT. It is the best place on the mainland. All the authorities agree upon that. But in the West Indies, in my judgment——

Mr. FOSTER. I will say to the gentleman that the reason I have asked these questions is because I have been here several years, and I know that Congress has refused to do much with this Charleston Navy Yard.

Mr. PADGETT. There has been a great deal done there. Now, that reminds me that only recently the Secretary of War has set apart $16,000,000 under Gen. Goethals for building, just above the navy yard, and would use this channel—$16,000,000 for the construction of storage and shipbuilding facilities on account of this war.

Mr. FOSTER. Is that to be permanent, or just during this war?

Mr. PADGETT. Well, I can not say. A great deal of it will be permanent after the war is over. Of course, some would go away.

Mr. FOSTER. Are they erecting permanent buildings there now?

Mr. PADGETT. I have no information on that; I can not say. Does the gentleman from South Carolina [Mr. WHALEY] know the nature of the buildings?

Mr. WHALEY. They are to be of permanent construction. The testimony before the Appropriations Committee was that these storage houses there were to be permanent, and not to be temporary structures.

Mr. PADGETT. I was not informed on that particular phase of it.

Mr. WHALEY. They are just above the navy yard—a half mile. They are reached by the same river. Ships would have to go by the navy yard to get there.

Mr. MILLER of Minnesota. I would like to make an inquiry of the gentleman before he takes his seat. Having in mind what the gentleman has so frankly stated to the House, if he knows, I would like to have him inform the House what the Acting Secretary of War had in mind when in the letter to the gentleman he used this language:

> It is therefore recommended——

Mr. PADGETT. That letter is to the gentleman from North Carolina [Mr. SMALL]. It is not to me.

Mr. MILLER of Minnesota. Very well, to Mr. SMALL, the chairman of the Committee on Rivers and Harbors:

> It is therefore recommended as a war measure that the item for Charleston Harbor and Channel * * * be inserted in the pending bill.

Mr. PADGETT. The Secretary of War regards it as a war measure, and the Secretary of the Navy also so regards it.

Mr. MILLER of Minnesota. And in the same letter they state that it will not be completed in less than three years.

Mr. PADGETT. The Secretary of the Navy said two and one-half years. I am frank to say that I think it would take three years to construct them. But whether it takes two years, or two years and a half, or three years; whether we have war or do not have war, it would be for the safety of this country. We have had enough experience, I think, in overlooking some things. I think we ought, when we see this before us, to consider it a duty and an obligation and prepare for it, independent of the continuance of the present war.

Mr. MOORE of Pennsylvania. I am inclined to support this proposition, and I want to ask the gentleman this: Whereas several ports along the Atlantic coast, including Philadelphia and Baltimore, have 35-foot channels, and Boston has that and more, would it be unreasonable to start Charleston on a 35-foot basis?

Mr. PADGETT. I always want to be frank with the House. A 40-foot channel is needed. If you are going to have a 40-foot basin and 40 feet over the blocks in the docks, and if your ships that are liable to go in draw 45 feet if they are disabled, I think, we may just as well face the matter frankly and honestly and proceed with what we know will ultimately be required. It does not take any more money at the present time. The appropriation is only $1,500,000.

Mr. MOORE of Pennsylvania. I thoroughly agree with the gentleman's statement about having a dry dock south of Norfolk, or south of Hatteras. I think the time has come when we should establish such a dock along the south Atlantic coast. But this proposition comes before the House in an unusual way. It is provided that we shall have a dry dock if we get the water.

Mr. PADGETT. No. The Naval Committee reported the two proposals coupled together, an appropriation for both. But this other is conditioned upon the dock. If you do not get the dock, there is no use in making this appropriation; if you do not get this, there is no use in giving the other. But we need both. I hope the House will approve this, and then when we reach the other, in the naval bill, give us the dry dock.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SMALL. Mr. Chairman, is it possible to get unanimous consent to fix a time for closing debate on this paragraph and the amendment?

Mr. DEMPSEY. I want to be heard a few minutes.

Mr. FREAR. I desire to have about seven minutes. I want to read from the reports. This talk is not related to the official reports.

Mr. SMALL. Could we agree by unanimous consent to close the debate in 45 minutes?

Mr. MILLER of Minnesota. Reserving the right to object, the time so far consumed has been consumed almost entirely in

favor of the proposition, except that occupied by the gentleman from Illinois [Mr. BRITTEN]. If the time is evenly divided there is no way of knowing how these nine men are to talk.

The CHAIRMAN. Is there objection?

Mr. FREAR. Reserving the right to object——

Mr. SMALL. I ask unanimous consent, then, Mr. Chairman, that we close debate in one hour.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this paragraph and amendments thereto close in one hour.

Mr. FREAR. Reserving the right to object, will the members of the Committee on Rivers and Harbors have the right to discuss it in this time?

Mr. SMALL. I have no doubt that the gentleman from Wisconsin, a member of the Committee on Rivers and Harbors, will have some time.

Mr. FREAR. I ask that because of the fact that we have not yet taken part in this debate.

Mr. BROWNING. Mr. Chairman, I sincerely trust that this item of dredging will go through. I am a member of the Committee on Naval Affairs. I am one of those who have opposed advancement or increase for the Charleston Navy Yard, believing that it was not the place for a large dry dock and extensive operations. Last summer I visited Charleston, and was very much impressed with the activities of that yard; but, like the chairman of the committee, I was still opposed to a large dock there when we had not a sufficient depth of water.

I realize the fact that south of Hatteras there are no dry docks, and there should be some. As the chairman has stated, we should have one in the Caribbean Sea. We have not enough dry docks in the United States to-day, even north of Hatteras.

Now, the only place on the main seacoast for this proposed dock is at the Charleston Navy Yard. We have no activities anywhere else.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. LONGWORTH. What are those activities, may I ask the gentleman?

Mr. BROWNING. They are engaged there in almost all naval activities, including the building of vessels.

Mr. BUTLER. They are?

Mr. BROWNING. They were building chasers while I was there, though this is not a building yard. It is, as the chairman has said, a repair yard. They have a dock there to-day that will dock any ship of the *Utah* class, and all that is needed is depth of water.

Now, the Secretary of the Navy has recommended very strongly that this new dock be built. I made the motion in the committee that it be built, provided we can get 40 feet of water. There is, of course, no necessity for a dock unless we can have the water, and if we do get the water the dock should be built right there.

Now, I feel that it is essential that we should build this dock at Charleston, because there is not one nearer than Norfolk, about 700 miles away; and in that long coast line there should be a dock to repair vessels of the Navy.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield there?

Mr. BROWNING. Yes.

Mr. BRITTEN. Does the gentleman agree with me that the mechanical equipment at Charleston is entirely inadequate for extensive repairs on battleships now?

Mr. BROWNING. Probably it is; but with an expenditure for a crane to remove the big guns I think good work can be done at Charleston.

Mr. BRITTEN. Is there any mechanical equipment at Charleston with a crane that would move a big gun to repair or reline that big gun?

Mr. BROWNING. There is not; and I do not know of any other yard where there is.

Mr. FOSTER. That yard has not been equipped for this work?

Mr. BROWNING. It has not been. I hope it will be. It should be.

Mr. BUTLER. Let me ask the gentleman a question. The gentleman advocates this item, and he is well informed. Has the gentleman in mind what this means—how much of an appropriation it will be necessary to make in Charleston to repair and construct ships?

Mr. BROWNING. I do not know what it will cost, but in my opinion an expenditure of $2,500,000 or $3,000,000 will equip that navy yard to repair ships.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. BRITTEN. Is the gentleman basing his report on an estimate of a Navy official?

Mr. BROWNING. We have no estimate from a naval official on that matter.

Mr. BRITTEN. It is an estimate of his own, then?

Mr. BROWNING. Yes; it is an estimate of my own. If the gentleman has a better estimate, I will be glad to hear it.

Mr. FOSTER. Let me ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BROWNING. Mr. Chairman, I would like to have three minutes in which to answer a question.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for three minutes. Is there objection?

Mr. FREAR. Reserving the right to object, the members of the committee have not had a chance to speak. We are the ones who are making the appropriation.

The CHAIRMAN. Is there objection?

Mr. FREAR. I object.

The CHAIRMAN. The gentleman from Wisconsin objects.

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the committee, if this were a motion to make a reasonable appropriation reasonably to develop commercial facilities at Charleston Harbor, I would vote for it. If this were a proposition to make more efficient this Government in the prosecution of this war, I, like other Members here, would vote for it.

But this is neither. This is a proposition to appropriate an abnormal sum of money, although it is but the beginning of larger appropriations yet to come, artificially, first, to build a naval station, and, second, a river leading up to it. It is an artificial proposition first and last. We have first got to build a river, and then they say if we build the river they will build a dock and naval works at the end of it. Why would they not? If you will build a river to Peoria, Ill., I have not the slightest doubt that they would be glad to have you construct a navy yard, dry dock, and so forth, there.

A few years ago I had the privilege of visiting Charleston Harbor and looking over this proposition. It did not require the eye of an expert. It required just the eye of an ordinary common-sense individual, who could see and interpret a little bit that which he saw, to know that the placing of the plant there, in the first place, was not because of any naval consideration at all. I asked Navy officials why that plant had been placed there, and they all said they did not know, that they thought I ought to know more than they about it, because they understood the reason for is was in Congress and not outside.

Mr. BROWNING. Mr. Chairman——

Mr. MILLER of Minnesota. No; I can not yield. If I can get some more time I will yield.

Mr. BROWNING. They did not give me any more time.

Mr. MILLER of Minnesota. At the time I was there I went in on a boat of 10,000 tons, and we were hung up all night long 4 miles from the town waiting for a tide that could take us in. At that time the only use to which the dock which is there now could be put was for torpedo boats; and I did find one or two naval officers who said it was their opinion that this was valuable as a torpedo-boat station, but valueless for any other purpose. Now, you can not convince me that there is any practical common sense in spending an enormous sum of money to build a river, at the end of which you are going to build a naval station; and the fact that there is not a naval station for 2,500 miles of coast does not convince me of the propriety of this. This is but 600 or 700 miles from Norfolk. I have been an enthusiastic supporter of every proposition to develop the Norfolk yard. That should be the great naval base on the Atlantic coast, and any money that is asked for that place should receive the hearty approval of Members of Congress. But this is not that at all. This is but a few miles geographically south, however the coast may curve. When you reach Charleston, S. C., you have still got your 2,000 miles and more of coast where there is no navy yard. If you will take a look at the map you can see at a glance that this navy yard should be located, not at Charleston at all, having in mind that which the chairman of the Naval Committee has just stated and that which is common to the intelligence of most of those who have thought at all on naval subjects, but that the place for the naval station is either on the Gulf coast or in the West Indies, and probably in the West Indies. Why did we buy St. Thomas a year ago, giving $25,000,000 for it? Why have we been told repeatedly that that is the place for a naval station, in the West Indies? It is true, as the gentleman said, that any naval engagement will probably be in the vicinity of the West Indies somewhere, in a key position relative to the United States and the Panama Canal. What good will it be, then, to have a sinking ship within a thousand miles of Charleston?

It would be just as well to have it within 1,500 miles of Norfolk. The difference does not amount to anything. Build your

naval station, if you must, in the West Indies; and I think you ought. There are two places now where the United States needs a great naval base. One is in the West Indies and the other is at Guam, and every naval official will tell you so. The money you are going to spend on this job will artificially create something that will be of advantage to Charleston, S. C., but it will be of no material advantage to the Nation, and that amount of money would build the naval base at Guam that the United States has been needing so much for these many, many years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. May I have two minutes more?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. No; my friends, this is one of those propositions that will never, never down. It has been kicking at the gates of this Chamber for years. The inception of the proposition was some years ago, when a gentleman influential in the Government desired an expenditure of public funds there at his home place. We have been scandalized at times because public moneys have been used to build useless Army posts, useless naval stations, and it has been the general consensus of opinion that the most useless expenditure we have ever made, for the most useless purpose, was that at Charleston, S. C. They see that now, so they come back and ask that, in addition to the $10,000,000 heretofore spent, you spend $30,000,000 more to build a river and build a naval station, and when they get that, then they say they will have something serviceable to the country. You never can convince me that the Navy is going to live or die dependent upon the expenditure of $30,000,000 to build a river into the interior and then a dry dock at its end. Pensacola, Mobile, New Orleans, and other places in the South have ample facilities infinitely better than Charleston, where a much smaller expenditure than this would furnish these facilities. It is Charleston, S. C., that wants this; and if the Nation wants it, I have not heard the Nation's voice.

Mr. FREAR. Mr. Chairman, if this were a war measure, and if it were needed by the Government for the prosecution of this war, I would be the last man in the House to raise my voice against it. I have supported every war measure. But this proposition, as the gentleman who has just preceded me has stated, is known throughout the length and breadth of the country for the scandal that occurred when it was originally proposed. Now, Mr. Chairman, it comes here in a peculiar way. Our committee were hurriedly called together, long after the introduction of this bill, and told in a few minutes that we were to put this measure into the bill. We have never had a hearing. We have not the first understanding, except from what these gentlemen have stated on the floor, of the necessity or even desirability of this project, but we are asked to put $5,000,000 in the Charleston Harbor without any hearing and without any notice. I ask any member of the committee to refute that statement. I understand there has been no hearing in the Naval Committee. All we have to rely upon is the reports of the engineers, and those have been offered largely for commercial reasons. But let us see what the engineers say concerning the naval station at Charleston. I have here before me the report of the engineers, Document No. 947 of the Sixty-first Congress, second session, and on page 8 the engineer says, as follows:

The largest battleships can now cross the Charleston bar by entering at high water—

Remember, they had only 26 feet of water then—

the channel being 600 feet wide and 26 feet deep at mean low water. The mean rise of tide is 5.2 feet. The entrance channels are straight and easily navigated.

When this was written, with the 26-foot channel, the engineer said that it was sufficient for all naval uses for the largest battleships. Now, you propose to make it 14 feet deeper, to a proposed depth of 40 feet. This is all we have got to enlighten us on the subject except the verbal statement presented to us by various gentlemen, and I do not question the gentlemen, but I know the importance and necessity sometimes at different localities of getting these projects. I say as a war measure it can not be defended, and it can not be defended, according to the statement of the Army engineers which I have read, nor can it be of value or constructed for several years to come. It will be of no use in this war.

I read from Document No. 19, Sixty-third Congress, second session. The report says:

The report referred to in this document recommended an improvement of Cooper River to a depth of 30 feet, at an estimated cost of $175,000, in the interest of the Navy, there being no commercial need at that time for the improvement. The project has not been adopted.

There has been no objection to the 30-foot project, and the Engineer's report shows that there are no terminals unless they have been recently constructed. The commerce is comparatively small, and all terminals are privately owned, according to the report.

Now, what we want to know are the facts. We never have had a chance to ascertain what the facts are regarding the new $5,000,000 project, and yet we are asked to put in a waterway costing $5,000,000, and possibly $20,000,000 for aught we know. We have no idea where the limit will be with the dry-dock proposition. For that reason I say it can not be justified. If you start now, you have opened the door for wasteful appropriations that may be made at all times. All you have to do is to say that this or that committee demands jurisdiction, and we will adopt the project whether they have an intelligent understanding of the proposition or not. The Secretary of War recommended every project needed for the prosecution of the war before he left for France and after the bill was reported. A subordinate officer now urges a plan without any hearings, and in the face of the Engineer's report that the present channel will float the largest naval vessels.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURNETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with or incidental to the prosecution of the war, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments to bills of the following titles:

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases; and

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

RIVERS AND HARBORS APPROPRIATION BILL.

The committee resumed its session.

Mr. SWITZER. Mr. Chairman, as a member of the Rivers and Harbors Committee, in view of the lengthy discussion of this proposition, I feel it my duty to explain the attitude of the members of the Rivers and Harbors Committee and my own attitude as to this proposed amendment. This is a naval proposition. It is a war necessity, and not a commercial proposition. Year after year we have turned the further deepening of the channel down as a commercial proposition, but as a member of the Rivers and Harbors Committee I do not feel that it is incumbent upon me to demand hearings, to have the facts brought before my committee, in order to vote for a project providing adequate water after we are informed that the Naval Committee is going to have constructed a dry dock as a war necessity. That is a matter wholly within the jurisdiction of the Naval Committee. When the Secretary of the Navy and the Secretary of War say to me as a member of the Rivers and Harbors Committee that such a thing is a war necessity or a naval necessity or a military necessity, I do not feel that I, as a member of the Rivers and Harbors Committee, should go any further in the investigation of that proposition.

I do not believe that it is within the jurisdiction of the Rivers and Harbors Committee to investigate as to whether or not there is need of a dry dock at Charleston, S. C., after the Naval Committee or Navy Department determines the necessity. Whenever the War Department determines, or whenever the Navy Department determines, to erect a dock and asks that a depth of water be provided, we will not run counter to those two great departments in that work by refusing to provide them the water to the dock. And recollect, gentlemen, that the appropriation is conditioned solely on the construction of the $4,000,000 dry dock. If the Navy Department does not do what it says it is going to do there will not be a single dollar of the appropriation expended. But if the Navy Department does construct the dry dock no member of the Rivers and Harbors Committee—of course the House committee has a right to do as it pleases—no member of the Rivers and Harbors Committee should undertake to in any way obstruct or delay the Naval or Military Departments. We

feel that this is a matter entirely outside of our province. What I want the members of the committee to understand at this time is that if we vote to refuse the proposed depth of channel to the dry dock you are voting against something that the Naval Committee proposes, and does not affect the Rivers and Harbors Committee at all. It is immaterial to us except we feel that it is our patriotic duty when the Secretary of the Navy or the Secretary of War says a thing is necessary as a war measure, that they are going to construct a dry dock to accommodate war vessels at Charleston, S. C., it is our duty as patriotic members of the Rivers and Harbors Committee to recommend the appropriation necessary to make the dock useful.

That is the way I feel about the matter. Now, as far as the length of time is concerned, the House went on record yesterday in a matter that it will take five years to complete, the deepening of the channel at Hell Gate as a war measure, and if this can be completed in three years I do not see why the time should be used as an argument against the proposition.

It was pointed out by the chairman of the Naval Committee, and by the gentleman from New Jersey [Mr. BROWNING], who is on the Naval Committee, that this is certainly a strategic proposition; that if there is ever any great naval battle in the South Atlantic, it will be in this region, and there ought to be a large dry dock constructed at Charleston, S. C., to take care of injured or damaged vessels. But recollect that we do not claim that it is a commercial necessity. We have only based our recommendation on the proposition that the Naval Department is going to construct a dry dock.

Mr. WHALEY. Mr. Chairman, I am not advocating this amendment from local considerations alone. So far as the amendment is concerned, it comes from the Committee on Rivers and Harbors. The chairman has explained to you the reason why the committee has offered this amendment to the bill. It was at the solicitation of the Secretary of War, who was requested by the Secretary of the Navy, as a naval necessity. If any amendment has ever come before this House free from local influence, it is this amendment. If any amendment has ever come before this House saturated with war necessities, it is this amendment. I do not care to speak to this amendment from the war requirement standpoint, but I do want to eradicate from your minds misapprehensions and misstatements which may have found lodgment there in respect to the Charleston Navy Yard. This House has been harangued each year with misstatement and misinformation in reference to the navy yard at Charleston, and I propose for five minutes to tell you the history of that yard.

In 1901, under an act of Congress, a commission was appointed by Secretary John D. Long, a Republican Secretary of the Navy in President McKinley's Cabinet, to seek the most available site on the south Atlantic coast for a navy yard, and that commission selected Charleston. The commission was headed by Admiral Rogers. The commission selected Charleston because it was strategically the place on the south Atlantic coast to put a navy yard. Year after year attacks have been made upon that yard on the ground that it is a political yard. The Members of this House have never seemed to realize the fact that it was put there by a naval commission composed of naval officers; that it was placed there because it was the most available and desirable place to have a yard.

Two years ago, in order to wipe out any misunderstandings, to take away any feeling that this yard was a political yard, this House, under an act of Congress, appointed another commission, and that commission went down on the south Atlantic and Gulf coasts and examined every harbor, and it made its report to this Congress. This was the Helm Commission, a commission being composed of naval officers. This commission reported as follows:

> After carefully weighing all the advantages and disadvantages, including costs, of the various sites between Hatteras and Key West, Fla., the commission is of the opinion that on this coast line Charleston Harbor most nearly meets the physical requirements of the Navy Department for a first-class navy yard.

The Members of the House ought to bear in mind that we have 2,500 miles of Atlantic seaboard, 1,200 miles from the Canadian line to Cape Hatteras. That composes the north Atlantic coast. In those 1,200 miles there are five big navy yards, there are five harbors with 40 feet of water—Portsmouth, N. H., Boston, New York, Philadelphia, and Norfolk. There is a navy yard with deep water for almost every 250 miles. After you pass Cape Hatteras there are 1,000 miles of seacoast to the end of Florida, Jupiter Inlet. In that whole coast of 1,000 miles there is only one navy yard, and that is the Charleston yard. Charleston is 415 miles from Norfolk and 488 miles from Key West, Fla., almost exactly in the middle of all that stretch of coast. There is not a single naval officer who has ever appeared before any of the committees of the House, or who has ever talked to me, who has not said that the next fight we will have on the ocean by any country attacking this country will be in the Caribbean Sea.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. WHALEY. Yes.

Mr. BOOHER. I would be very glad indeed if the gentleman could take the time to explain why he thinks the next naval engagement will be in the Caribbean Sea? I ask the question for this reason: Yesterday when we were discussing the proposition of deepening New York Harbor, a gentleman for whom I have the highest regard made the statement that all naval officers agree that if there ever was a great naval battle fought in this country it would be at New York, in Long Island Sound. The gentleman and the chairman of the Naval Committee are somewhat at variance. The chairman of the Committee on Naval Affairs says all naval authorities agree that it will occur in the Caribbean Sea.

Mr. WHALEY. I am quoting to you the naval officers' opinion. I will give you an admiral's opinion.

Mr. BOOHER. I want to know why it is that they have their fighting points so far apart?

Mr. BRITTEN. Is it not probable that the next great naval battle will be fought where the appropriation is desired?

Mr. WHALEY. Perhaps it will be fought out in Illinois, on the Lakes, I do not know. They have a training station out there, but they always send the boys to the ocean to do the fighting.

Mr. BRITTEN. And that is where the best boys come from, too.

Mr. WHALEY. I admit that some of them do, but not all. As I was saying just now, on the North Atlantic coast you have five deep-water ports and you have five navy yards. In those navy yards you have 14 large dry docks. On the South Atlantic coast you have not a single deep-water port, with the exception of the port of Charleston, which to-day has a channel 30 feet in depth from the sea to the navy yard. You are building battleships the draft of which was never contemplated when any navy yard was established. The deepest draft when this yard was established was considered to be 23 feet, and the commission that established this yard said that it was necessary to dredge one shoal in that river to deepen it to 25 feet, so as to carry the largest battleships in the Navy at that time. That was in 1901, but we have progressed in the building of battleships just as we have along other lines. We are delving a little deeper and expanding in our thoughts, in our actions, in our construction of battleships. The result is that the depth in 1901 and the depth in 1910 is not the depth necessary in 1918, nor the depth that will be necessary in 1921.

Therefore, when the Helm Commission made its report on this navy yard, and said it is strategically the ideal place to put a capital shipyard because of Charleston's expansive harbor, its fine river, its protection from storm, its freedom from bombardment, its ease to defend, and its accessibility to the sea, they joined in that report in saying that at a reasonable cost a depth of 35 to 40 feet could be secured in this river and this harbor, and, gentlemen, it ought to be put in this river and harbor. Now, with reference to cost and maintenance, the commission showed that the cost was reasonable. At that time only $2,000,000 were received for the river and harbor; but, in addition to that, as it has been necessary in every navy yard in this country, we must have a turning basin opposite this yard. The result is, of course, additional cost. Now, they further showed in this very report, which is very illuminating, that the maintenance of this river to a depth of 40 feet is less by one-half than it is at New York, Philadelphia, and one other port. Now, the gentleman from Illinois [Mr. BRITTEN] has harped upon the presence of silt in the river. It is not silt in the river which has to be dredged from the mouth of the dock. Every engineer who has examined into it says so. The only one I know of who does not hold this view is the gentleman from Illinois. It is the mud from the sides of the canal that lead into the dock which requires dredging. Now, in building the dock, not the yard, but the dock, they put it 700 feet from the channel of the river, and they cut through a mud bank. Now, my friends, the water flows over the sides of that canal twice a day, with the result that the erosion of the sides of that canal gets into the bottom of the canal, and necessarily that will keep up unless you dredge it until the sides reach the angle of rest, whatever that may be, under the circumstances of any given case. They have recommended time and again that the simplest and easiest way to stop the filling in at the mouth of the dock entirely is by building a sea wall along the two sides, which can be done at a reasonable cost.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEMPSEY. Mr. Chairman and gentlemen, as I understand the situation this amendment by the committee is opposed upon three or four different grounds. One ground suggested is that this committee met hastily and did not have hearings. Why, that is a reason for the passage of the amendment and not against it. It shows that there is necessity; it shows that it is a war measure. The Secretary of War sent letters to our committee and said that it is a war measure and that he urged our committee to adopt an amendment of that kind. He would not have asked its adoption at the last moment, after the bill had been reported and when it was impossible to have hearings, unless there was urgent need.

Mr. BUTLER. Will the gentleman yield?

Mr. DEMPSEY. So that instead of its being an argument against the proposition it is one for it.

Now, let us take the next proposition. Gentlemen say this is not a proper place at which to establish this yard. Well, now, upon what do they base that argument? They say that it is 6 miles inland upon this river. That is the statement and the argument of men without expert knowledge, and certainly it is in direct contradiction of a series of reports of all those who have investigated the matter and who, after a comparison of this port with other ports, say that Charleston is the best of all the ports south of Norfolk and between Norfolk and Key West for the purpose for which it is proposed to establish this dock.

On the other hand, what are the arguments in favor of the proposition? There is first the naked, bald statement of the Secretary of War and the Secretary of the Navy, the two experts on whom we ought to rely, because they are charged with the responsibility, and they say that this should be done. There is next the fact that, while to the north between the Canadian line and Norfolk each 250 miles there is a dock of this kind, south of Norfolk and down to Key West there is none at all, and there is that long stretch of coast in which a battle is likely to occur absolutely destitute of any place to which a battleship could go in case of being disabled or in case of disaster.

We say that one should be supplied, and we say that the natural place to supply it is midway between Key West and Norfolk—halfway, the natural distance. Now, gentlemen, let us go to the broader question. Every man upon the floor, I suppose, will join in this statement. From the fateful 6th of April, 1917, down to to-day every patriotic Member of this body has been ready to support the United States in anything which would help protect us against the common enemy and help to win this war; and shall we, without expert knowledge—shall we, in face of the statement of the Secretaries of War and Navy——

Mr. FREAR. Will the gentleman yield?

Mr. DEMPSEY (continuing). Say that it is not necessary to do this thing; that it is not a war measure? I believe not. I believe we are unready to do that thing. Yes; I yield to the gentleman.

Mr. FREAR. The Secretary of War did not sign that letter, the gentleman will admit. He is not in this country at the present time. He presented statements to us of what he thought was necessary in reference to war measures, and we supported all of those. The statement I read from the engineers was to the effect that vessels can be brought in even at the 26-foot depth, and we have agreed to the 30-foot depth in the past.

Mr. DEMPSEY. Of course, the Secretary of War when he is not in this country can not sign letters individually. The Secretary of War is like any other man at the head of an executive department. When he goes away he leaves in charge a man next to him, and Mr. Crowell, Acting Secretary, signed this letter, and it is to be supposed that he had the same expert advice which would have been had by the Secretary of War had he been personally present. I can see nothing in the distinction to say it is not signed by the Secretary of War personally, but is signed by a deputy; but I say on broad grounds and on patriotic grounds, on the ground that since the 6th of April we have been voting for everything that has been proposed to us as a war measure, to save our fleets and provide for them if they are disabled between Key West and Norfolk, I ask you to vote for this amendment. [Applause.]

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, coming 100 miles from the seacoast and having no port anywhere nearer than that distance, I think I can claim that I approach this question without any interested motives.

It might be that everything that was said by the distinguished gentleman from South Carolina [Mr. WHALEY] could be taken as colored somewhat by the locality in which he lives, and the same might have been said of the distinguished gentleman from New York when he was so urgently advocating the depth of the channel at Hell Gate.

Again, I have heard certain gentlemen here criminate and recriminate in regard to the merits of this bill, saying it was founded on graft, and then saying, too, that it was a monumental pork issue. Now, that is not the question before this House. The question before this House is this: Is it needed at this time, and is the expenditure a proper one? If it is, we should vote for it irrespective of location, irrespective of the wishes of the gentleman who advocates it, and regardless of any locality or sectionalism.

Now, what are the facts? It seems we have no navy yard capable of doing this sort of work, all the way from Norfolk down to Key West. Certainly, there must be a station somewhere, and this seems to be halfway distant between the two points. Now, one would infer, other circumstances being equal, that this is the point for that station. But I hear my distinguished friend from Pennsylvania, my fighting Quaker friend [Mr. BUTLER], for whom I have the greatest of all high regard, say that this is not a war measure. I beg the gentleman's pardon. There is no more patriotic citizen in the Commonwealth of Pennsylvania, and I say with all sincerity that there is no more patriotic citizen within the confines of the entire Union than the gentleman from Pennsylvania [Mr. BUTLER]. [Applause.] But he is mistaken about this view. This is a war measure. I saw that Lloyd-George said only yesterday that this battle in France which is now being waged, called the great battle of the Somme, might last for eight months. I hope and pray with all of you that we may be successful in that issue. I hope the time will never come when we will have to fight here on these shores, but if the war continues, and there be not any immediate successful issue, we may have a war upon the seas. We must have the war upon the seas, and if we have the war upon the ocean, it will be at our door. And if we have vessels that cost $28,000,000 each, as said by the chairman of the Committee on Naval Affairs, then this money being expended is a picayune. Four million dollars is only one-seventh of the price of one dreadnaught.

In other words, we are about to expend a portion of money here—for what? For the repair and upkeep and taking care of these dreadnaughts if it becomes necessary. More than that, I understand that there is not only one vessel of that kind being built but there are a number of them, and there is no place in the southern waters where there is draft enough to accommodate them.

They say Charleston is not the place. They say we ought to spend money in the West Indies, if you please. They say that it ought to be farther south. But we have already expended $10,000,000, I understand, on this location, and why waste the $10,000,000 already expended by not increasing this appropriation for opening this channel? It seems to me, then, from that point of view, that this is the thing to do at this time. More than that, I have heard some gentlemen say here that nobody could convince them that this was the proper site. Now, I approach this matter entirely with an open mind. I listened to the argument presented by the chairman of the Committee on Naval Affairs, and very carefully gave full attention to it; I listened to the argument of the gentlemen on the other side who oppose this measure, the distinguished gentleman from Minnesota [Mr. MILLER], and also the argument of the gentleman from Illinois [Mr. BRITTEN]. I was willing to be convinced, and am still willing to be convinced; but there are some people who, when convinced against their will, remain of the same opinion still. That is the trouble. I am willing to take the word and the authority of the chairman of the Committee on Naval Affairs. I am willing to take the word of the gentleman who is at the head of this Committee on Rivers and Harbors. More than that, I am fully willing and anxious to take the opinion of the Secretary of War and the Secretary of the Navy, because I believe that they have honestly recommended this as a war measure and that we need it now. [Applause.]

Mr. FARR. Mr. Chairman, I shall support the amendment appropriating the money for Charleston. I do not know who has the power to-day to tell whether this is a war-emergency measure or not. Four years ago no one would have dreamed of the great conflict that is being waged across the ocean. And after it started I did not find a man here in Washington who predicted that it would go longer than a year. Now, that war has continued for nearly four years, and it is yet undecided. I feel that it will require the power of this great Nation to win that conflict and possibly the finality of it may be decided on our shores. It was my pleasure last summer to visit Charleston, and my conclusion then was that large sums of money should be expended there for greater activities at that yard. I did not then know of the conclusion of the Helm commission. I realized that some day a great battle would be fought in

those waters; that we would have to fight to maintain the Monroe doctrine. That war will come after this war is concluded, no matter how it is concluded. Some day, unless we have the military and naval strength that will deter the enemy, we shall have to battle in those waters to maintain the Monroe doctrine; and we ought to safeguard ourselves in order to do it successfully.

If we could turn the hand of that clock back a few years there would be many things that we would do that we have left undone—that would have helped us in this terrible conflict. I am surprised at the utterances of some of these gentlemen in not being willing to visualize a little bit to-day, realizing the many missteps that we have made in the past. I want to follow the leadership of the military authorities and the naval authorities. I think this country would be in better position and that the war across the ocean would have been concluded ere this if we had done that before.

I am not going to make a mistake to-day. I shall vote for this appropriation. If a war should take place and a battle ensue in the Caribbean Sea, we would have $200,000,000 worth of battleships there to fight for our liberty. We need these places, not only at Charleston, but we should have another great naval station a considerable distance down toward the West Indies.

Now, I hope my friends on this side will not be governed by any prejudicial view against this project. I have heard these prejudices expressed for a long time. I am happy to say I have not been infected by them, and I trust they will look to the future safety of our great country and act accordingly. [Applause.]

Mr. BRITTEN. Will the gentleman yield? Did not the gentleman on several occasions vote against a dry dock and the extension of piers down there because he did not think that the Charleston Navy Yard should be built up as a great repair or construction yard?

Mr. FARR. I have no knowledge of ever having voted against this project. But if I did, I made a mistake, and I am happy now to remedy that mistake and do something for the future safety of our country. [Applause.]

Mr. SMALL. Mr. Chairman, if no other gentleman desires to speak, I will call for a vote.

Mr. MOORE of Pennsylvania. I believe I was amongst those for whom time was reserved.

Mr. SMALL. Yes. I yield to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, it did not need the speech of the gentleman from South Carolina [Mr. WHALEY] to convince me that this amendment ought to be adopted. But I want to compliment him upon the very clear presentation of the case which he has made. I am somewhat familiar with the situation at Charleston. I have observed from the commercial aspect of it that Charleston is recovering lost ground. A new railroad bringing coal from northern fields has come to Charleston. In many other ways the city has been going forward.

Charleston, situated geographically as it is, has as much right to be considered for a great navy yard or for a great dry dock as any other point along the coast. I am glad the gentleman from South Carolina has told in such clear terms the relationship of Charleston to the other cities along the Atlantic seaboard. What he says about the northern dry-dock situation is substantially true. I think, however, that he errs as to the depth of some of the channels leading up one or two of the rivers to which he has referred. Philadelphia, for instance, does not have 40 feet, although I wish it had. It is gradually acquiring an assured 35-foot channel, and yet it is 100 miles from the sea, and, as I indicated yesterday, is the busiest shipbuilding river in the United States. Baltimore has 35 feet assured. The problem for these two cities in the future will be to attain that 40 feet which Boston has in sight, and which was guaranteed to New York yesterday, and which will now come to Charleston eventually, if this amendment is adopted.

But as one coming from a Northern State, intensely interested in this question of the development of the Atlantic coast, and as one who has traversed that coast from Maine to Key West, I want to agree not only with the gentleman from South Carolina, but with the chairman of the Committee on Naval Affairs, that there ought to be a great naval dry dock south of Cape Hatteras.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. As a member of the Committee on Rivers and Harbors——

Mr. MOORE of Pennsylvania. Which I am not.

Mr. FESS. I beg the gentleman's pardon. I thought he was.

Mr. MOORE of Pennsylvania. I have not that distinction.

Mr. FESS. Well, as a distinguished Member of the House who knows what that committee has done, why did not the committee put this amendment in?

Mr. MOORE of Pennsylvania. For the reason, apparently, which is indicated in the letter of the Secretary of the Navy, which was read at the Clerk's desk at the beginning of this debate.

Mr. FESS. It was rather a matter not of this committee but of the Committee on Naval Affairs?

Mr. MOORE of Pennsylvania. It is a matter of the two committees, one of which, the Committee on Naval Affairs, had proposed to attain this object by action in the naval appropriation bill, and the other, apparently, was the effort of the Committee on Rivers and Harbors to retain its jurisdiction by making provision here. As it presents itself to me there is a compromise here that will be satisfactory to both committees.

Mr. FESS. And the omission of the item by the committee is not necessarily an argument against it?

Mr. MOORE of Pennsylvania. I think not. This question would undoubtedly have come up in the naval appropriation bill, and by passing it now as a river and harbor measure I think it will be waived when the naval appropriation bill comes forward. I merely suspect that; I do not know.

Mr. PADGETT. The understanding between the chairman of the Committee on Rivers and Harbors and myself was that if this committee passed it here it will go out of the naval bill.

Mr. MOORE of Pennsylvania. That was the understanding I had from the discussion thus far.

Mr. FREAR. Does the gentleman know of any other item in the bill, by amendment or otherwise, where there is no report from the engineers and no hearings on the item? I will say that there is not to my knowledge.

Mr. MOORE of Pennsylvania. I do not know. Norfolk is the last point, the southernmost point, on the Atlantic seaboard where dry-dock accommodations can be had. Now, gentlemen, picture to yourselves a vessel in distress coming up from the Caribbean Sea, coming in from the ocean, coming around from the Gulf, that has no place to go until it reaches Norfolk.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. The coast of Florida is more than 500 miles long. In November last I took a trip along the inland waters of Florida from the St. Johns River, Jacksonville, down to Key West, and I say to you that it is a reflection upon this Nation that there is no point along the coast of Florida, along its entire 500 miles of length, into which a vessel in distress at sea drawing 20 feet of water can go; not one; nor are there places anywhere along the coast from New Orleans yonder on the Gulf all the way around to Norfolk to which a naval vessel which is leaking or in bad repair can go to be placed in dry dock for repairs. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMALL. Mr. Chairman, in closing this discussion I just wish to say this: A provision for this dry dock at Charleston has been reported in the naval appropriation bill and will be considered when that bill comes before the House. No one can foretell with absolute certainty whether that provision in the naval appropriation bill will receive the approval of the House, although I believe the approval of the House will be given for the authorization of this dry dock. But if the dry dock shall be authorized in the naval appropriation bill and become an accomplished fact, is there a single Member of the House who would vote against deepening the channel from the sea to the navy yard in order to make the dry dock usable? No one would think of voting against an authorization for the deepening of the channel if the dry dock had been provided.

Now, this provision for deepening the channel does not become effective unless the dry dock shall be subsequently authorized, and if the dry dock is never authorized, the money will never be expended; so that upon those conditions it seems to me every remnant of objection to this amendment authorizing the deepening of the channel in Charleston harbor from the sea to the navy yard ought to be removed. [Applause and cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BRITTEN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 70, noes 4.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Savannah Harbor and Savannah River below, at, and above Augusta, Ga.: For maintenance, $100,000.

Mr. FREAR. Mr. Chairman, I am not opposed to the appropriation of $100,000, but I desire to call attention to a practice which is not just to the Army engineers.

In Document No. 337 of the Sixty-fifth Congress, first session, dated August 13, 1917, is a report upon Savannah Harbor. In that report the engineers oppose going on with the proposition which was offered at that time and under consideration. The engineer in charge, Col. Mills, makes this statement, that it is first necessary to complete the work that is being done in the harbor at Savannah before undertaking further extensions that he says will impose additional burdens upon the Federal Government in the way of outlay for construction in the first instance and subsequent expense for maintenance.

We are undertaking to prosecute certain other improvements in the harbor. Now, this statement was made by the engineer, and the report was made on August 17 last. Accompanying the report is a statement of the harbor commission of Savannah, signed by 11 members, saying that they did not want this extension attempted at this time; that they preferred to have the other work done. Yet the committee has sent this matter back to the Army engineers, asking them to give a new report, and this inside of a little over six months, in the face of the protest of the Savannah commission itself that it is not necessary, and in the face of the report of the engineer that we ought not to incur this unnecessary expense at this time. The House knows what the purpose of such an action is, to send it back to the engineers after they have given careful consideration and are supported by the people of Savannah themselves, to ask them now practically to make a different report. I say, Mr. Chairman, if we are going to support the engineers, if we are going to give them the assistance which we assume to give them here, and which has been claimed upon this floor, we ought not to take such action.

Mr. DUPRÉ. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from Louisiana.

Mr. DUPRÉ. Is the gentleman referring to anything that is in this present bill?

Mr. FREAR. No; I am not. I am referring to a practice that I think ought to be stopped, and if not stopped it ought to be exposed. When the engineers have reported upon a proposition of this kind, when they come in and say that certain work ought not to be proceeded with, and when they are supported by 11 members of the Harbor Commission saying the same thing, I say we ought not to send this back to them, upon the request of local interests, in order to have the engineers change their position.

Mr. DUPRÉ. Is the gentleman asking the Committee of the Whole to take any affirmative steps?

Mr. FREAR. I am stating the action that the committee took against my protest, and which was favored by the gentleman who asks me the question. I am stating a fact which has a far closer relation to this bill than a good deal of the conversation that has occurred here on the floor to-day, and I think it is a very important proposition that the House should understand that when the engineers have just brought in a report, and they are supported in their action by the people of the locality, by 11 members of the Harbor Commission, we ought not to send the matter back to the engineers asking them to give a reexamination, which practically, of course, invites them to change their position.

Mr. DUPRÉ. Has the gentleman stated that certain of the members of that commission have changed their minds on that subject?

Mr. FREAR. Some of the members have done so within the past six months, because I think there are one or two interests that desire to have some special service given to them; but the engineer himself who made the examination says it is an undue expense to place upon the Government. Yet we send it back for reexamination.

Mr. DUPRÉ. You mean that the Committee of the Whole does?

Mr. FREAR. No; the Rivers and Harbors Committee, of which the gentleman is a member, and he voted to do it.

Mr. DUPRÉ. Why revamp all these matters on this floor?

Mr. FREAR. Because the more we expose that practice the sooner we are going to defeat it.

Mr. DUPRÉ. And, in the language of the gentleman from Pennsylvania, the greater headlines somebody will get.

Mr. FREAR No; but we are going to expose these things, and I assume that the gentleman has voted for all these propositions, and he can. I have no objection; but I want to show what an unfair position it is in which to place the Army engineers.

Mr. DUPRÉ. I regret very much that the gentleman has had any objection to my voting for what I believe to be proper.

Mr. FREAR. No; of course the gentleman can pursue his own course.

Mr. SHALLENBERGER. Mr. Chairman, I desire to put into the RECORD a table having to do with the bill we are going to consider to-morrow.

During my absence in Nebraska the Provost Marshal General did me the honor to write a letter to members of the Military Committee, in which he challenged the correctness of some figures I had put into the RECORD showing the way in which the classification of men under the proposed law would affect the different counties in the State of Nebraska. The statement he made was that I had misinterpreted those figures.

The first column in the table shows the total number of men classified. The second shows those that were classified as he interpreted it, and who had accepted that classification, and the third column showed those who had appealed. The Provost Marshal General held that from the men who had appealed should have been deducted those who were put in the second column as class 1. In the letter he placed a table showing the classification of all the counties in the fifth district, and I think his own figures will convince anyone who examines them that the Provost Marshal General is in error in his contention. For instance, in the county of Clay his own figures show that 1,178 men were classified and that 264 were placed in class 1. He figures 22 per cent, therefore, in class 1; but the trouble with his figures is that in the next column it is shown that 343 men appealed from the classification of 264 in class 1.

In the county of Franklin, in the same district, 800 men were classified; and, according to his own figures, 152 were placed in class 1, and he figures 19 per cent; but the following column shows that 294 men appealed, apparently from a total of 152, which, of course, is absurd.

In Frontier County, in the same district, out of a total of 765 registrants, apparently only 114 were put in class 1, or 15 per cent, but from that 114 his own figures show that 322 appealed.

In the county of Hayes, in the same district, his figures show 283 registrants and 77 in class 1, which, he says, is 27 per cent only who were put in class 1, but 187 have appealed.

I ask unanimous consent to extend in the RECORD the entire statement of the adjutant general of the State of Nebraska, showing the percentages of men who were supposed to be in class 1 in every county in the State, and showing that he is entirely in error in his contention by his own figures. If the appeals of those men who are pending are not granted, they also must be added to those listed in class 1. I wish to show that the adjutant general's own tables are proof positive that I was correct in my statement. I wish to put in the RECORD the full statement of the adjutant general of the State, including these tables, whose figures confirm my statement.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to insert in the RECORD the statement and tables indicated by him. Is there objection?

There was no objection.

The statement and tables are as follows:

STATEMENT OF THE LETTER FROM THE OFFICE OF THE PROVOST MARSHAL GENERAL.

1. Mr. SHALLENBERGER'S figures are incorrect. (See Exhibit A.) They are in some cases two or three times higher than the actual figures. The reason for this is that the returns were sent in under two heads, viz, total persons in class 1 and total class 1 cases pending. The former number was taken from column 8 of the classification list; the latter number was taken from column 15 of the classification list, and, of course, signified a duplicate number of persons and not an additional number; that is, those numbers of class 1 who appealed were, of course, included within the figures representing the total of class 1—e. g., if there were 150 placed in class 1 by a local board, and if there were 50 appeals, the persons making these appeals were part of the 150 in class 1.

Mr. SHALLENBERGER, not understanding this, has added together the two figures; i. e., class 1 persons and class 1 persons appealing. Obviously in those districts where the numbers of appeals pending was large, the figures would, of course, be grossly exaggerated; for example, there are 9 boards in which the number of appeals pending are between 100 and 1,000, hence in these boards his erroneously high figures make it appear as though almost the entire body of classified persons were placed in class 1. For example, in taking the principal countries named in his speech:

(1) Seward County, with 1,287 classified, did not have 1,262 in class 1, but only 722; i. e., not 98 per cent but 56 per cent in class 1.

(2) Chase County, with 361 classified, instead of having 283 in class 1 has only 164; i. e., not 80 per cent but 45 per cent in class 1.

Thus in 9 out of the 20 boards cited by him the figure for class 1 is reduced, when corrected to sometimes one-third, or even one-fourth, of Mr. SHALLENBERGER'S figures.

The gross inequalities thus emphasized by him do not exist.

Nebraska—Fifth congressional district.

Local board of city or county.	Code No.	Total registrants.	Boards' action on first draft.					Boards' action on classification.			
			Number called.	Exemption claims disallowed.		Certified for service.		Number classified.	Class 1.		Pending.
				Number.	Per cent.	Number.	Per cent.		Number.	Per cent.	
Adams	26-2-1	1,925	429	104	51	230	54	1,785	622	35	107
Chase	26-2-4	398	102	4	11	56	55	351	164	45	19
Clay	26-2-5	1,239	379	17	10	134	35	1,178	264	22	343
Dundy	26-2-6	429	160	1	2	61	38	375	71	19	9
Franklin	26-2-8	853	150	15	28	72	48	800	152	19	294
Frontier	26-2-9	830	293	25	17	130	47	765	114	15	322
Furnas	26-2-10	932	423	11	6	135	32	846	84	10	4
Gosper	26-2-12	422	170	7	8	62	36	380	59	16	201
Hall	26-2-13	2,206	500	62	26	219	44	1,943	484	25	12
Harlan	26-2-15	781	186	36	37	83	42	715	157	22	15
Hayes	26-2-16	324	150	13	23	68	45	283	77	27	187
Hitchcock	26-2-17	493	242	26	31	74	31	335	85	25	4
Kearney	26-2-20	837	373	56	50	167	45	703	207	27	81
Nuckolls	26-2-25	1,698	364	13	8	114	31	1,019	365	36	259
Perkins	26-2-28	311	65	3	8	21	32	295	69	23	1
Phelps	26-2-29	936	350	20	9	148	42	855	285	33	104
Red Willow	26-2-31	979	264	10	7	95	36	892	150	17	5
Webster	26-2-37	942	250	6	6	89	36	839	170	20	48
Range of variation					2-51		31-55			10-45	

County.	Men classified.	Class 1 men.		Class 1 men's classification pending before district boards.	
		Number.	Per cent.	Number.	Per cent.
Adams	1,785	622	34.83	107	40.83
Antelope	1,206	156	12.93	0	12.93
Arthur					
Banner	142	19	13.37	1	14.07
Blaine	144	31	21.52	1	22.22
Boone	1,132	292	25.79	7	26.41
Box Butte	776	236	30.41	53	37.42
Boyd	574	75	13.06	0	13.06
Brown	455	113	24.83	1	25.05
Buffalo	1,938	423	21.82	2	21.92
Burt	1,161	220	18.91	20	20.65
Butler	1,275	225	17.67	35	20.38
Cass	1,593	394	24.73	99	30.94
Cedar	1,408	388	27.56	12	28.40
Chase	361	164	45.48	119	78.39
Cherry	1,174	344	29.30	8	29.98
Cheyenne	768	302	39.32	3	39.71
Clay	1,178	264	22.71	343	
Colfax	1,041	217	20.84	28	23.53
Cuming	1,250	324	25.92	14	27.04
Custer	2,056	363	17.65	15	18.38
Dakota	596	196	37.88	0	32.88
Dawes	833	217	26.05	14	27.73
Dawson	1,402	194	13.83	2	13.98
Deuel	313	84	26.83	3	27.78
Dixon	960	210	21.87	0	21.87
Dodge	2,035	600	29.48	36	31.25
Douglas	1,828	538	29.43	13	30.13
Omaha:					
Division No. 1	2,981	1,867	62.56	40	63.90
Division No. 2	3,001	752	25.05	9	25.35
Division No. 3					
Division No. 4	4,303	1,681	39.06	69	40.67
Division No. 5	3,272	1,137	34.75	30	35.66
Dundy	375	71	18.93	9	21.33
Fillmore	1,113	210	19.16	70	25.28
Franklin	899	152	19.09	294	55.75
Frontier	765	114	14.90	322	56.98
Furnas	846	84	9.92	4	10.40
Gage	2,443	794	32.50	1,014	74.00
Garden	459	147	32.66	16	36.22
Garfield	231	54	20.68	9	24.13
Gosper	380	59	15.52	201	68.42
Grant	186	66	35.31		35.31
Greeley	728	126	17.30	5	17.99
Hall	1,943	484	24.90	12	25.52
Hamilton	1,241	248	19.98	45	23.61
Harlan	715	157	21.95	15	24.05
Hayes	283	77	27.20	187	98.28
Hitchcock	335	85	25.37	4	26.56
Holt	1,417	253	17.64	4	17.92
Hooker	128	20	15.62		15.62
Howard	832	221	25.39	19	26.53
Jefferson	1,303	347	26.63	148	37.98
Johnson	834	191	20.50	51	26.66
Kearney	763	207	27.12	81	37.74
Keith	444	157	35.36	2	35.80
Kaya Paha	306	107	34.93		34.93
Kimball	320	80	25.00	1	25.15
Knox	1,599	576	36.22	243	51.50
Lancaster					
Lincoln, division No. 1	2,935	674	22.96	9	23.26
Lincoln, division No. 2	1,757	284	15.90	4	16.12
Lincoln	1,515	364	23.97	23	25.49
Logan	159	47	29.56	4	32.07
Loup	154	39	25.37		25.32
McPherson	128	34	26.56	2	28.12
Madison	1,876	322	17.16	12	17.80
Merrick	873	174	19.93	15	21.65
Morrill	874	217	24.82	13	26.30
Nance	753	107	14.20	5	14.87
Nemaha	989	276	28.16	82	36.53
Nuckolls	1,019	365	36.13	250	60.89
Otoe	1,573	383	24.53	191	36.67
Pawnee	769	193	25.39	4	25.93
Perkins	295	69	23.38	1	23.70
Phelps	855	283	33.45	104	45.61
Pierce	889	175	19.67	25	22.60
Platte	1,743	417	23.88	50	26.74
Polk	877	192	21.87	4	22.35
Red Willow	892	150	16.81	5	17.37
Richardson	1,622	330	20.90	7	21.30
Rock	311	62	19.93	1	20.25
Saline	1,447	301	20.80	80	25.95
Sarpy	747	175	23.42	1	23.68
Saunders	1,697	657	38.71	665	79.90
Scotts Bluff	1,593	255	15.94	4	16.19
Seward	1,287	722	56.09	540	98.05
Sheridan	839	195	23.35	8	24.31
Sherman	747	134	17.93	5	18.62
Sioux	391	89	20.45	7	22.25
Stanton	707	145	20.65	2	20.93
Thayer	1,131	243	21.75	15	23.07
Thomas	154	55	35.71	1	37.01
Thurston	831	293	35.98	167	56.07
Valley	811	184	22.68	10	23.92
Washington	985	244	24.77	6	25.38
Wayne	939	247	26.55	14	28.06
Webster	853	170	20.23	48	25.97
Wheeler	173	34	19.31	5	22.18
York	1,483	293	19.72	100	26.35
Total	193,491				
Class 1, not appeals		27,351			
Class 1, appeals				6,330	
Total registrants placed in class 1 by local boards		33,681	32.5		

32.5 per cent of registrants liable for service are in class 1.

Mr. McKENZIE. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. McKENZIE. I would like to ask my colleague from Nebraska whether or not he still is of opinion that he is not in error in his former statement where he gave the figures from the county, I think 1,280 and some odd, and 1,270 were put in class 1. I would like to ask the gentleman whether or not he has verified his figures, and whether or not he was not mistaken?

Mr. SHALLENBERGER. The figures are in The Adjutant General's report. It is the county of Seward; and that report shows that there were 1,287 classified; 722 were put in class 1,

or 56.09 per cent. Five hundred and forty men have appealed, and The Adjutant General has put the figures in percentages, 98.5. These figures are his, and I want to put them in the RECORD to show that I used the official figures. It is a marvelous thing; but if you go over the figures you will find that the Provost Marshal General's contention is impossible. Take the county of Gage, in the district of my colleague, Mr. SLOAN, and in that county there are 2,443 registrants; 794 put in class 1—32.5 per cent—according to the figures of the adjutant general of Nebraska. One thousand and fourteen men have appealed. Does it mean that only 794 were put in class 1 by the local board in that county? No; it means what the adjutant general has indicated—that 794 men have accepted and 1,014 have appealed. If the 1,014 are denied the appeal, then the entire amount is in class 1.

Mr. McKENZIE. I want to clear this one thing up. I want to ask the gentleman from Nebraska whether he has taken any steps to investigate the board that would make that sort of a return?

Mr. SHALLENBERGER. I have not; but while in Nebraska I called on a number of counties and asked for the reason of this tremendous difference in classification, and I was informed that it resulted from the interpretation and understanding of the law by the draft boards. One county would only put 10 per cent of the total registration in class 1, while another county, according to these figures, would put 90 per cent in class 1. It results from the action of these local boards.

I want the House to understand that the classification list I am inserting in the RECORD is furnished me by the adjutant general of Nebraska after I wired the governor for it. I asked the report to show the total number of registrants and the number of them placed in class 1 by local boards. The percentage figures, which were made by the Nebraska office, plainly show that he furnished me the total placed in class 1, placed those who accepted their classification in the second column, and those who appealed in the third, and by the final percentage figures the total percentage of those registrants of draft age who would be in class 1 unless appeals were granted.

The Clerk read as follows:

Sapelo and Darien Harbors, Cowhead and Satilla Rivers, Club, Plantation, and Fancy Bluff Creeks, Ga.; and St. Marys River, Ga. and Fla.: For maintenance, $4,000.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 5, line 25, strike out "Club, Plantation."

Mr. SMALL. Mr. Chairman, that is to correct a clerical error. Club and Plantation Creeks should not have been in that group because they are provided for otherwise. I will ask unanimous consent to print a letter from the Secretary of War suggesting the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes outside of the regular order, because I have a matter that I want to call to the attention of the House in relation to the charges against the aviation section of the Army.

Mr. FOSTER. Is this foreign to this bill?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes out of order.

Mr. FOSTER. That matter is coming up to-morrow, and I do not think it ought to be taken up at this particular time.

Mr. CALDWELL. I hope the gentleman will not object.

Mr. KENNEDY of Iowa. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement and for maintenance, $40,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do not want to be persistent about this matter, but there is continuously published in the newspapers criticism of the Army of the United States in relation to its endeavor to create an air service. The matter has got to be so important to the public, and the public is so greatly disturbed about it, that it is absolutely necessary that something be done to clarify the situation as it stands. Now, it so happens that I am chairman of the subcommittee on aviation.

Mr. SMALL. The gentleman made a personal appeal to have five minutes for this, and I hope no objection will be made.

Mr. WALSH. Mr. Chairman, I think the gentleman may be justified in coming to the defense of the Aviation Service, but it seems to me rather unusual to inject a controversy of this sort into the river and harbor bill. Undoubtedly some other gentleman might desire to justify the criticism that has been made. If that is so, controversy would run along here for quite a little time.

Mr. CALDWELL. I will say to the gentleman that the other day the gentleman from Kansas [Mr. CAMPBELL] took some time of the House on a matter foreign to the bill, and I made no objection to it.

Mr. GILLETT. But that was in general debate.

Mr. WALSH. That was general debate, and the gentleman had a right to do it.

Mr. CALDWELL. I have not taken much time of the House at this session.

Mr. WALSH. Mr. Chairman, the chairman of the committee says that he is willing that the gentleman should proceed, and I will not object.

Mr. STAFFORD. I suppose if gentlemen desire to answer the gentleman from New York there will be no objection on the part of the chairman of the committee.

Mr. CALDWELL. In order that we may know whether the Army has fallen down in its endeavor to build up an air service or not, we must consider the condition of the country at the time it undertook to make an army in the air to supply us with the necessary equipment and compare that with the accomplishments.

When war was declared there were in the Nation about 156 men who could fly, and not one of them was skilled in the kind of flying that must be learned in order that they could take part in military combat. As compared with that condition, we find that to-day America has in its Army alone 2,700 qualified pilots and 9,100 graduates of ground schools, besides the thousands in the flying and ground schools. Each day the men in the flying schools fly over 156,000 miles, or more than six times the distance around the earth. Of these, large numbers are now actually flying on the battle front in France, and it is considered by our enemy and our allies that they are the most daring and the most efficient fliers in the world. [Applause.]

Shortly after war was declared every business organization in America that could make or thought it could make aircraft was invited to Washington for consultation, and after a careful and exhaustive examination of their plants and equipment it was found that, even though Great Britain and France had stimulated aircraft production in America in every way that limitless money could induce by offering to pay any kind of profit that the American manufacturer demanded, it was freely admitted that we could not construct more than 630 airplanes in America in a single year, and it was not expected that these factories could be expanded so as to make them able to produce more than 1,500 planes in 18 months. To illustrate the kind of stimulation that the allies had furnished for the development of this infant manufacturing industry it might be well to relate the story often told concerning the Curtiss plant. It seems that the purchasing agent of Great Britain, being ordered to supply a large quantity of aircraft, called the Curtiss factory on the telephone and asked Mr. Curtiss how many planes he could make in a year, and on receiving the reply asked if he could not increase his output. Mr. Curtiss replied that he could if he had the money, and the English agent said, "How much do you need?" Mr. Curtiss replied, "One hundred thousand," meaning dollars. The English agent said, "All right; I'll mail you a draft." When Mr. Curtiss opened his mail the next morning he nearly dropped dead, for the draft was for 100,000 pounds instead of dollars.

The fact, however, that the reports of the newspapers and of the Senate committee seem to overlook, demonstrates that the manufacturers of America have thought more of their country than they have of European money, for to-day they are actually manufacturing more than a thousand airplanes every month, and the production is increasing every day. [Applause.]

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. McKENZIE. While the gentleman is going into a defense of this I simply want to ask my colleague if there has not been a tremendous fall-down from the promises made to the Committee on Military Affairs when the appropriation of $640,000,000 was being passed?

Mr. CALDWELL. Not from the promises made by any Army officer that I recall, but from the promises made in the newspapers and by men who took up the matter after we had appropriated the $640,000,000 and the idea of an army in the air had become popular.

Mr. LONGWORTH. Did not the Secretary of War make a direct statement as to the number of airplanes expected to be delivered in France by the 1st of July?

Mr. CALDWELL. I do not remember any such statement having been made to the committee.

Mr. HULL of Iowa. How many combat planes have we now?

Mr. CALDWELL. We have in France to-day 185 combat planes, of which 5 were manufactured in the United States, put in boxes here, and sent to France. In addition to that, we have 1,220 training planes in France——

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. All but five of these machines are of foreign make and purchased by us under agreement with the allies. They are now being used by the American aviators in France.

Mr. HULL of Iowa. How many fighting planes did the gentleman say?

Mr. CALDWELL. One hundred and eighty-five.

Mr. HULL of Iowa. Are they equipped with Liberty motors?

Mr. CALDWELL. Not all of these, as I understand it, but surely five of them are.

Mr. GILLETT. The gentleman does not distinguish between fighting planes and combat planes. I do not think there is a single fighting plane in France made in the United States. I think the gentleman is mistaken.

Mr. CALDWELL. There is no difference. I am not mistaken. The gentleman probably refers to the single-seater. None have been built here because Gen. Pershing has requested that we do not build any here.

Mr. FOSTER. Does the gentleman think it proper to make all this public?

Mr. CALDWELL. Yes; I do think so, because before I got these figures I told the Army officer who gave them to me that I expected to make them public in a speech and that I did not want any information that would be improper to tell for fear that our enemy might learn facts of military importance, and he told me that he was giving me figures that were old enough, so that even if Germany knew them it would do no harm to the Army, because the situation was improving so rapidly. In addition to this, I feel that in view of the criticism that has come of the activities of this line of preparation that it is necessary to give the people facts upon which they can form their judgment as to the justification of the criticism and the character of the men making it.

There are three kinds of criticism. First, criticism coming from strong, energetic, patriotic Americans who are straining in the traces and anxious that we should enter this war in the big, American way. That kind of criticism is healthy and sought by all public officials who are anxious to do their duty. There is a second sort of criticism coming from people who have strangely mixed motives, either partisan or political, personal or biased, or selfish or mercenary. Some aim to obtain political preferment by tearing down through unfair criticism the administration that is responsible at this time. Some seek to injure those against whom they have personal spite or who have failed to grant favors requested. And still others have machinery and equipment that they would like to sell the Government at an exorbitant profit regardless of the adaptability of the appliances. To this kind of criticism we should give but little heed, except that it creates a reservoir for much of the third kind of criticism, namely, that coming from those who are disloyal and seek to defeat our country by disseminating insidious propaganda tending to destroy the confidence of our people in the Commander in Chief of our Army.

It is admitted that the airplane program is not as far advanced as it was hoped a year ago it would be at this time. But the delay has not been very great when the obstacles encountered are considered.

When we began to coordinate the industry of the country for the purpose of producing aircraft in quantity our first unforeseen obstacle came in the discovery that the most essential wood used in airplane construction (spruce) was available in such limited quantities that we could not supply our allies with the timber they required without going into new fields and adopting new and radical methods of curing the timber. There was in sight about 14,000,000 feet of spruce timber at the time we started our plan of production, and the allies required 28,000,000 feet. Our men have gone into primeval forests, constructed new mills, and during the past year have actually cut about 30,000,000 feet of lumber and will provide 100,000,000 feet this year.

The next unforeseen obstacle was the disloyal operations of the I. W. W., which had a strong working organization among the loggers and lumbermen of the Northwest. To combat this our Army officers organized the Loyal Legion of Loggers and Lumbermen, and have, I believe, effectively put out of business in the lumber region the pernicious, disloyal, and un-American I. W. W. We have to-day 10,000 men in uniform armed with axes fighting for American liberty. [Applause.]

It was then discovered that though there were many factories in America that were thought by their owners to be capable of constructing aircraft, after examination the owners refused to take contracts because of the great change necessary in their plant and equipment. Although at the beginning there were only three airplane factories in the United States and a half dozen or more shops making experimental planes, to-day more than 400 manufacturing companies are working on contracts or subcontracts in the construction of aircraft and their accessories, employing more than 100,000 men. [Applause.]

It was later discovered that there was not enough linen in the world to cover the airplanes being constructed for the Army, and after much patient labor by many of our most skilled experts a substitute was finally devised, and the Government has acquired practically all the long-fiber staple cotton crop, at a cost of about $14,000,000. We have purchased 34 tons of linen thread, to make up the deficiency of the amount required in our program. Strange as it may seem, the market is well supplied with the silk thread required. In the construction of the fusilage a different kind of wood is used, but cut into thin strips called in the art "laminated wood." If these strips we have already prepared for this purpose were laid on the ground, as they say in Ohio, "side by each," they would cover more than a thousand acres. [Applause.]

The next obstacle encountered seemed almost insurmountable, for the great Liberty motor, concerning which I will later make some remarks, would not properly function with any lubricant except castor oil. On inquiry it was found there was not castor oil enough in the world to meet our requirements, and there were not enough castor beans in America to sow the fields. To meet this almost overwhelming obstacle we sent a ship to India and brought back a load of castor beans, and have actually planted 100,000 acres of land in the United States from which we expect to manufacture all of the castor oil that our program may require. [Applause.]

We are about 90 days behind in our manufacturing schedule, and some of this has been made up from foreign purchases. Most of it was caused by two sources: First, when we laid out our program the allies, knowing what our equipment was, suggested that we devote our energy to the manufacture of training planes and the preparation of our men to fly therein, with the understanding that as fast as they were sent abroad the allies would supply them with combat machines and training on the front. We have kept our share of the program in that we have manufactured more training planes than we could use here, building up a reserve supply, and have manufactured all of the advanced training planes that we have had use for. We have sent 26,000 men abroad, of whom 7,000 are mechanics, and we have shipped 11,000 tons of material to France. Second, by change of plan under orders from France.

Of these, 3 squadrons of 18 planes each are now actually operating under the American flag and under American control, yet our Army holds only a 4-mile sector, and there are a great number of our men flying with England, with France, and with Italy in foreign machines and under foreign control in preparation of joining American units after they have had experience with the veterans of the allies. And I am authorized to state that we have not a single flying officer ready to go over the front that is without a combat plane and its equipment. [Applause.]

In the training of our pilots the casualties have been remarkably small. We have lost 26 officers, 42 cadets, and 17 enlisted men through accident. In other words, we have had one fatality for every 300,000 miles flown. Flying in an Army airplane has become safer than automobiling in the crowded city streets.

We have already constructed, tested, and have ready for service 264 Liberty engines, concerning which there has been so much criticism; 18 of them are now being used by the Army and a larger number by the Navy. Forty engines have been sent to our allies; quantity production has started and they will be delivered in increasing numbers. That the motors are a success is proved by the fact that our allies have asked us to send them as many engines as we can spare.

The Liberty motor produces a horsepower at less than 2 pounds and 100 horsepower more than any other motor being used on the battle front to-day, with approximately 100 pounds less weight. There is no question but that the Liberty engine will fly the combat plane recommended by Gen. Pershing faster than any other engine now available, and I feel sure that when the war is over the Liberty engine will stand out as one of the great accomplishments of the war, and I am only sorry that the man who conceived the idea—Maj. Souther—could not have lived to see its success. The delay in turning out quantity production is amply justified in the efficiency of the machine developed. The same applause will come here that came on the test of the Browning gun which had been adopted by the Ordnance Department following the Lewis gun controversy. I am sorry to say that a great portion of the criticism of the Liberty motor has come from men interested in other types of engines,

which they had hoped to have adopted by the Government, notwithstanding the fact that they were not so powerful as the engine we have developed; and certain men, for partisan and personal reasons, have repeated these criticisms, thus giving them credence.

I know, of course, that a great many of the statements that I have made will be challenged in the Senate and by certain Members of this House who have too much partisanship. I have been extremely careful in giving figures and making declarations of fact, and I am willing to stand on the statements I have made. I am satisfied that time will show that I was not only justified in making these statements but that the critics of the administration will be put to rout by public opinion when the facts are known.

We are to be congratulated that we have had at the head of our Air Service men like Maj. Gen. George O. Squier, Col. E. A. Deeds, and Col. H. H. Arnold, who have had the character to do the right thing in the face of complaints from high places and to withstand pressure exerted in behalf of those who sought favor at the expense of efficiency and urged hurry instead of care. [Applause.]

The Clerk read as follows:

Indian River, St. Lucie Inlet, Miami Harbor (Biscayne Bay), and harbor at Key West, Fla.: For maintenance, $20,000.

Mr. SEARS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 6, by inserting, after line 8, the following paragraph: "Key West Harbor, Fla.: For improvement by deepening to a depth of 26 feet, where necessary, and by removal of what is commonly known as the 'middle ground' to a width of 800 feet, in accordance with the report submitted in House Document No. 185, Sixty-fifth Congress, first session, and subject to the conditions set forth in said document, $150,000."

Mr. SEARS. Mr. Chairman, I offer a substitute for the amendment which I have just sent up.

Mr. STAFFORD. Is that a committee amendment? I wish to reserve the point of order. It is rather ambiguous whether it is a harbor improvement or for the removal of water hyacinths.

Mr. SMALL. It is not a committee amendment.

Mr. SEARS. Mr. Chairman, I send up a substitute. There is no use of wasting time, because I am not offering this simply to talk.

Mr. STAFFORD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Do I understand that the gentleman is offering two amendments at one and the same time, one an amendment and the other a substitute?

The CHAIRMAN. The Chair so understood.

Mr. SEARS. I am offering a substitute to my amendment.

Mr. STAFFORD. The gentleman can not do that. The gentleman can not offer a thousand and one amendments at one and the same time.

Mr. SEARS. Then I offer the substitute and I withdraw the first amendment.

The CHAIRMAN. Without objection, the gentleman will be permitted to withdraw the amendment just read, and he offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 6, by inserting, after line 8, the following paragraph: "Key West Harbor, Fla.: For improvement by deepening to a depth of 26 feet, where necessary, and by removal of what is commonly known as the 'middle ground' to a depth of 800 feet, in accordance with the report submitted in House Document No. 165, Sixty-fifth Congress, first session, $150,000: *Provided*, That authority to enter into a contract in an amount not to exceed $232,700, the full amount of the estimate, if satisfactory bids are received, or to purchase, contract, or hire a suitable dredging plant and do the work therewith, is hereby given if it is found that an advantageous contract can not be made."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. SEARS. Mr. Chairman, I would say for the gentleman's information that this is for the improvement of Key West Harbor, and I have simply followed the recommendation of the Board of Engineers, quoting their language, in order that this work might be done as they decided it should be done.

Mr. STAFFORD. Mr. Chairman, the gentleman embodies in his amendment an authorization for the purchase of a dredging plant, as I understand it.

Mr. SEARS. Well, that was the recommendation of the Board of Engineers, which I will read to you at the proper time, so they could proceed with the work if they could not get a contract which was advantageous to the Government. In other words, the Government would do the work.

Mr. STAFFORD. I will reserve the right to object so that the gentleman can explain it.

Mr. SEARS. I will strike that part out if the point of order is reserved. I will strike out the dredging part and offer it as an amendment. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to speak for 15 minutes. Is there objection?

Mr. KENNEDY of Iowa. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. SEARS. Mr. Chairman, will the gentleman withhold his objection?

Mr. MOORE of Pennsylvania. I suggest the gentleman ask for 10 minutes.

Mr. SEARS. Well, I want to say this, Mr. Chairman, before making the request, I have sat here and listened to gentlemen talk about war and everything else and I have made no objection, but patiently listened. I can not present this matter fairly to the committee in even 15 minutes.

Mr. WALSH. Will the gentleman yield?

Mr. SEARS. I will.

Mr. WALSH. Did not the gentleman prior to the beginning of general debate suggest that he would waive his time in general debate and take time under the five-minute rule?

Mr. SEARS. I did, and it was practically agreed to. I made the statement when general debate was up that I would not take any time of the House in general debate, because I only proposed to take time on this amendment, and the chairman stated that he hoped nobody would object.

Mr. KENNEDY of Iowa. I objected because the gentleman does this whenever the river and harbor bill is up. He refuses to take time under general debate but proceeds to ask for time under the five-minute rule, and I shall object to any further time beyond 10 minutes.

Mr. SEARS. Mr. Chairman, I am sorry the gentleman objected, because I have tried to deal frankly and fairly with colleagues. I would like to talk about this in general terms, but, on account of my limited time, I have to be not only specific, but speak very, very rapidly. Key West Harbor, as you know, is located at the southernmost point of Florida. There has not been a single dollar appropriated for it since 1913. In 1911, $25,000; in 1912, $63,000; and in 1913, $15,000 was appropriated. Not a single dollar, in a single river and harbor bill, has been appropriated for maintenance or for any other purpose since 1913, and practically nothing for the three years prior thereto, notwithstanding the fact that in 1909 the commerce was 129,125 tons and value $15,878,120, and in 1915 the commerce was $26,026,547 and 946,736 tons. In 1917 the commerce was over $37,051,579 and 1,028,374 tons, and this notwithstanding the fact that some steamers had to be withdrawn from Key West Harbor because practically every time one of them would enter the port it would run aground, and it would take two or three days to get it off. Now, I do not want you to take my word for it, and I will therefore read you what others say. First I want to call your attention to page 8, part 1, of Report of Chief of Engineers, United States Army, 1917, in which you will find Key West has been established as a permanent sea-coast defense. On June 13, 1917, the Secretary of War submitted a report to Congress, and it was published in House Document No. 185, Sixty-fifth Congress, first session. You can get this report, and each of you can verify what I am going to say. I will read to you these indorsements, but I will have to do so briefly and as rapidly as possible. The first indorsement is signed by W. M. Black, brigadier general. On page 2 of said document you will find the following or second indorsement:

After due consideration of the above-mentioned reports, I concur in the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Key West Harbor, Fla., with a view of removing the Middle Ground is deemed advisable to the extent of widening the channel opposite the wharves to a width of 800 feet and a depth of 26 feet at mean low water, at an estimated cost of $232,700. The first appropriation should provide $150,000 and authority to enter into contract for the full amount of the estimate, if satisfactory bids are received, or to purchase, construct, or hire a suitable dredging plant, and do the work therewith, if it is found that an advantageous contract can not be made, the balance of the estimate to be appropriated as needed.

The above is dated June 11, 1917, after war had been declared and after the House had passed the rivers and harbors bill last year. I tried to get this report at that time, but it had not been printed, and I lost my amendment

The third indorsement is by the Chief of Engineers, United States Army:

Key West Harbor lies on the west front of the city of Key West, Fla. There are two improved channels, one from the south and one from the northwest.

Mr. MADDEN. Mr. Chairman, the gentleman from Florida is making a very interesting statement, and I would like to have order.

Mr. SEARS. Mr. Chairman, I want to thank the gentleman, and I want to apologize for speaking so rapidly. I have a proposition full of merit.

The existing project now in force provides for a channel through the northwest entrance 17 feet deep at mean low water and of sufficient width for navigation, and for deepening and widening the main ship channel so as to afford a channel 30 feet deep at mean low water and 300 feet wide, and for removing certain shoals from the anchorage. There is now available a depth of 18 feet through the northwest channel and a depth of 30 feet and a width of not less than 300 feet through the main ship channe. The total expenditure on this work to June 30, 1916, has been $741,096.94. A draft of 26 feet can be carried at low water to the wharves along the city front in the inner harbor. The mean tidal range is 2.6 feet at the northwest entrance and 1.4 feet in the main ship channel. Opposite the city front is a submerged reef, referred to as the Middle Ground, which restricts the width of the inner harbor, particularly in front of the Mallory wall. Key West has been growing in importance as a commercial port, and vessels regularly engaged in trade, as well as those making occasional stops, have been increasing in size. The larger ones now find difficulty in maneuvering to and from their berths because of insufficient width. Groundings are not of infrequent occurrence, and, as the bottom is generally of rock, these groundings are fraught with more than ordinary danger. It is believed that some additional width is required to keep pace with the expansion of commerce and that the project proposed by the district officer is well adapted to meet the needs of the locality. The board therefore concurs in the opinion of the district officer and the division engineer that it is advisable for the United States to undertake the additional work contemplated by estimates (b) above at a cost of $232,700.

The remainder of this section is practically the same as the recommendation of Gen. Black, and is signed by Frederic V. Abbot, colonel, Corps of Engineers, now Brigadier General, Board of Engineers for Rivers and Harbors. That is the third indorsement.

The fourth and following indorsement is by Mr. George E. Brown, superintendent, Engineer Department at Large, in same document, and is included in the report of Lieut. Col. W. B. Ladue, Corps of Engineers:

7. The field work of the preliminary examination was executed by Mr. George E. Brown, superintendent, Engineer Department at Large, from whose report the following is quoted:

"Complaints relative to the difficulty and danger experienced by vessels maneuvering in this portion of the channel have frequently been made in the past when the vessels using it were neither so great in number nor of so great draft. Vessels of comparatively small tonnage and moderate draft have experienced difficulty, delay, and damage in many cases by the insufficiency in width of channel of the area in question.

"Opposite three of the most important of the commercial wharves (Mallory, P. & O. Steamship Co., and Porter Dock Co.), and a scant 500 feet distant from the front of the Mallory Wharf, is the point of Frankford Bank at a depth of 19 feet at mean low water. For an available depth of 24 feet at this point the width is further reduced to 400 feet. When vessels are lying at these wharves—and they almost invariably are—the situation is further complicated by less available space in which the moving ship can maneuver without causing damage to other vessels or the risk of grounding themselves. The bottom throughout the length of this channel in front of all wharves with a depth exceeding 20 feet is bare rock.

"All vessels are compelled to turn in landing at or leaving the wharves; except under the most favorable conditions of wind and tide vessels of comparatively small tonnage are almost invariably delayed, and in many cases have been damaged, in making this turn; frequently they ground here, and in some cases have lain aground for several days—in one case for a week—and release themselves finally only by lightening ship by the removal of cargo or other weight.

"The improvement of the Main Ship Channel has permitted the entrance of larger and deeper draft vessels to the outer harbor. The benefits to shipping are not increased in corresponding degree by reason of the fact that these do not have access to the wharves for discharging or loading cargo or taking on fuel or to the inner harbor for shelter for lack of swinging room.

"The channel along the wharves is considered inadequate for safe and economical navigation by the masters of vessels now using it. It imposes prohibitive limitations to prospective expansion. Two new vessels are now building to be added to lines giving regular service to the port, one of which is considerably larger and deeper than any of the vessels previously used; the owners state that the channel is not adequate for the accommodation of this vessel. The port is being investigated and (contingent on its further improvement) is under consideration for a general coal and fuel-oil station for commercial shipping. Among the advantages claimed for it as a fuel port for bunkers are that it is only 6 miles off the regular course for all ships sailing from the Gulf to ports in the Eastern Hemisphere and that ships may load at all seasons to summer load line when bound to southern European ports as against the winter load-line limitation when bunkering north of Cape Hatteras during the winter season. It is stated as a fact by the interests who have investigated this question that the time saved and the extra cargo carried will offset the increased price of local coal. Because of the shorter haul, oil can be supplied here cheaper than at other ports where bunkering would be confined to local shipping.

"The commerce of the port is steadily increasing. During the year 1915 there was an increase of more than 50 per cent over the preceding year. Commerce during the current year has exceeded that for 1915 from present indications.

"The area proposed for improvement by the parties to the several communications is, in my opinion, unnecessarily large for present needs. It is my opinion, corroborated by the masters of vessels with whom I have consulted, that the removal of the southerly projection of Frankford Bank and the extensions formed by isolated shoal spots, will be adequate for the immediate requirements of ships now operating or under construction for this port. The depth should be 26 feet at mean low water. The removal of the southerly projection of the Middle Ground, while admittedly desirable for a commodious anchorage and for easy access to the Northwest Channel, is an undertaking of larger proportions than present necessity would warrant.

"Considering Key West and the territory immediately contiguous to it, with relation to commodities of purely local origin and destination, the productive possibilities now seem limited. Considered in its relation to transit freight and passengers and through shipping, its possibilities are very great. The present expansion of this business, in so far as it relates to shipments to the island of Cuba, has been limited only by the ability to provide equipment with sufficient rapidity to handle it. Large quantities of freight in transit to other Gulf ports are carried by vessels calling at Key West. This is not shown in the tabulation of commerce submitted for the port, yet the fact that deep-draft ships are enabled to make this a port of call, loaded to maximum draft, permits of the profitable operation of these ships.

"The deep harbor of Key West has made possible the salvage of many vessels that have suffered damage or disaster. Improvements offer possibilities of benefits not only to local commerce but to a vast quantity of general commerce navigating these waters.

"The channel in the inner harbor is inadequate for the class of vessels now operating. It imposes distinct limitations on prospective expansion. It is believed the consistent growth indicated in the past two years will steadily continue. I believe this improvement to be urgent and necessary to future development of the commerce of this port and recommend its favorable consideration."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN and Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentlemen? [After a pause.] The Chair hears none.

Mr. SEARS. Fifth indorsement is dated December 1, 1916, and is as follows:

The narrowness of the inner harbor, however, particularly at the point of the submerged bank opposite the Mallory Wharf, causes considerable difficulty in the handling of the large vessels now frequenting the port.

6. The improvement particularly desired by parties interested in this project is the removal of a strip along the eastern side of the lower end of Frankford Bank, opposite the city front, to a depth of 25 or 26 feet at mean low water, and of width sufficient to give ample space for large vessels to maneuver to and from the wharves. More broadly viewed, the removal to a depth of 26 feet, of the entire lower end of Frankford Bank and of the Middle Ground proper, south and east of a line extending northeastwardly through buoys N8 and C15 NW., is desired, with a view to greatly increasing the anchorage area opposite the town, and opening up the southern end of the Northwest Channel. Some of those favoring the improvement ask the removal of the entire area of both banks south of latitude 24° 34', as shown on the Coast Survey chart.

* * * * * * *

13. The width of the channel opposite the city water front is not sufficient for the safe maneuvering of large vessels. When a vessel is lying at the face of the Mallory Wharf the available space for large vessels to pass is inconveniently narrow, particularly when the tide is running strong. So long as the commerce of the port was small, and was handled in small vessels, this condition caused no serious complaint; but with the increase in size of ships and in the volume of the freight movement, the difficulties of navigation here have steadily increased. Vessels frequently ground on the submerged bank, with loss of time and sometimes more or less serious damage and expense for tug hire and lighterage. Forwarding agents claim that they have frequently been forced to decline proffered charters because the vessel offered could not reach the wharves with safety; and that large vessels that might touch at Key West with freight or to fill bunkers avoid the port on account of the lack of adequate channel room. Recently the Mallory Steamship Line put a fine new steamer, the *Henry R. Mallory*, on the Texas run. This steamer is 439 feet long and draws 23 feet, and is the first of several new boats of about this size which are to be put in this service soon. On November 7, on her first voyage, touching at Key West, she grounded heavily on the shoal opposite the wharves, and in consequence of this mishap the owners have decided not to send her to that port again while present conditions continue.

14. Key West is an important port for deep-sea export and import. Located at the entrance to the Gulf of Mexico, this port is a natural port of call for vessels in the Gulf trade and occupies an exceptionally favorable location for a large bunker business in both coal and oil. Key West is the continental United States port nearest to Cuba, and with the completion of the Florida East Coast Railway to Key West and the establishment of a daily railway car-ferry service to Habana the tonnage and value of imports and exports through the port in the Cuban trade have greatly increased.

* * * * * * *

16. I therefore report that in my opinion the harbor of Key West is worthy of further improvement by the removal of a portion of the southern end of Frankford Bank with a view to widening the channel of the inner harbor opposite the wharves, and recommend that a survey of the locality and the preparation of a plan of improvement, with an estimate of cost, be authorized.

W. B. LADUE,
Lieutenant Colonel, Corps of Engineers.

I now desire to call your attention to the sixth and seventh indorsements, dated April 26 and 27, respectively, 1917, as follows. These may be found on pages 18 and 19:

8. In my opinion, the harbor of Key West is worthy of further improvement at this time to the extent of widening the channel through the inner harbor to 800 feet along the commercial water front, as shown by line D—E—C, the depth to be 26 feet at mean low water, at an estimated cost of $232,700; the first appropriation to be $150,000, with authority to enter into contract for the full amount of the estimate if reasonable and satisfactory bids are received, or to purchase, construct, or hire a suitable dredging plant and do the work therewith if it is found that an advantageous contract can not be made; the balance of the estimate to be appropriated in a single sum when needed.

W. B. LADUE,
Lieutenant Colonel, Corps of Engineers.

OFFICE DIVISION ENGINEER, SOUTHEAST DIVISION,
April 27, 1917.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded.

2. I concur in the views and recommendations of the district engineer officer in paragraphs 6, 7, and 8.

JOHN MILLIS,
Colonel, Corps of Engineers.

Both of above were made after war was declared. All of the preceding indorsement may be found in the document first referred to.

This is taken from my statement before the committee and may be found on page 6 of same:

In that connection I will say the importance of Key West is a matter which the members of the committee and Members of Congress should now recognize, and we should make this appropriation to prepare for the future. We have been criticized because we did not do so in the past. I happened to find a report, dated March 24, 1913, Sixty-third Congress, second session, made by Capt. Hayden, of the United States Navy. On pages 10 and 11, paragraphs 6 and 20, you find as follows:

"6. The remarkable and unique location of Key West, its naval command of the Straits of Florida and the Yucatan Channel, and thus of the entire Gulf of Mexico, its commercial and trade importance as the nearest railway terminal to all of the West Indies and Central and South America, all combine to make its future importance such an absolute certainty that immediate action to build the proposed inclosed naval basin and breakwater would seem imperative.

"20. It is very likely that our next great naval battle will be fought in these waters about Key West, or between Key West and the Panama Canal. That battle is going to convert about half a billion dollars' worth of dreadnaughts into junk and make the loser sue for peace at any cost of treasure, territory, and prestige. The efficiency of this naval base at Key West may determine the result of that battle."

The above, perhaps, has nothing to do with river and harbor improvements. However, you are all familiar with the part Key West played in the Spanish-American War, and I am satisfied the memorandum made by Capt. Hayden in 1913 impresses you of the importance of Key West from a strategical standpoint.

Years ago only small ships plied into Key West. They did not encounter much difficulty and could properly take care of the commerce at said harbor. However, this commerce has grown to such an extent the small boats are no longer able to take care of it and it is not safe for the large vessels to touch at said port.

Now, Mr. Chairman, last year I read to the committee a letter from Secretary Daniels, calling to their attention and to the attention of my colleagues the importance of Key West, from a strategic standpoint, the same being, in part, as follows: "The Navy Department fully appreciates the importance of Key West as an offensive and defensive base, and all the department's plans include Key West." Let me say the Naval Board believes Key West may be to the United States what Heligoland is to Germany, if we will simply take advantage of same and make the necessary improvements. But ships are being taken away because of the lack of improvements. We have there a naval base, coast artillery, and wireless. There are several thousand young men in training there. There is also an aviation station located there. And yet when I try to get some one to say this is a war necessity, they do not seem to realize it. A few days ago I went down to see the Assistant Director General about the shortage of cars, the citizens of my district being unable to get cars. Last year, because of conditions of Key West Harbor and shortage of ships, there were hundreds of cars at Key West waiting to be unloaded. There are to-day, no doubt, many cars there waiting for ships; and yet you say that this appropriation is not necessary. I want to say to my colleagues that some day this country will wake up to the importance of Key West and give to that site the appropriations that I believe it is entitled to. [Applause.]

We have just passed an amendment to the bill, presented by the chairman of the committee, in which he says that the item, although it will take three years to complete, is a war measure. I say to you again, my colleagues, I believe if I had time to read these reports to you in full I would convince you of the importance of Key West, and if there is a war measure in the present bill, Key West should be included, and I make this statement in all sincerity. I have always voted for every proposition I believed was right, whether it affected my district or not, and all I ask at your hands is the same fair treatment. I have never asked my colleagues to vote otherwise. I simply say to you that I believe my amendment is a most meritorious one; that it is a war measure, if there is such a thing as a war measure, and therefore I trust that you will vote for it. [Applause.]

And I want to say further that I shall never crawl to some board, and this is without any spirit of criticism, not elected by anybody, to get the indorsement of a project, in order that I may include it in a bill. If the indorsements such as I have read to you, 10 in number, from the Secretary of the Navy and all these officers, except the first, Lieut. Col. Ladue, made after we went into the war, indorsing the proposition, telling you the necessity and urgency of it, are not sufficient to convince my colleagues, it would be useless for me to go to some board that had never been to Florida and try to convince them. Let me briefly divert just here to tell you that during the latter part of February of this year a Government collie went ashore at Key West, remained aground all night, and only floated by assistance of tugs. I apologize for taking up this much of your time. As I said before, if you believe it is a meritorious proposition, that the commerce should not be held back, and that the same recognition to Key West, at one end of this great country of ours, should be given as we gave to that great city of New York, at the other end, I believe you gentlemen in the spirit of fairness will grant this appropriation for which I ask. [Applause.] I have not referred to the many letters I have received and the valuable information contained in them because I have not the time. However, I want to again remind you of the letter from the Mallory Steamship Co., which I read to you last year. I trust you will look it up as I have not time to read it now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman be given one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Did the gentleman state how many steamship lines enter Key West?

Mr. SEARS. I did not. I forget the exact number, and can not tell without looking it up. I do not know as to lines, but for year 1916 there were about 5,000 American ships and 200 foreign. This includes arrivals and departures. There is quite a number. I believe, in going to Galveston and other Gulf ports, quite a large number of ships also pass, and most of those vessels could come in if this improvement was made. The principal commerce is from New York to Galveston, Cuba, and Central America.

Mr. MOORE of Pennsylvania. Are stops made at Gulf points and at Key West on the way around?

Mr. SEARS. They are, if they can stop.

Mr. MOORE of Pennsylvania. I know that commerce passing there is very large. I was wondering if the gentleman had any statistics on that point.

Mr. SEARS. It was $37,051,539 and 1,028,374 tons in 1917.

A few moments ago I called your attention to the fact that the prophecy I made last year has come true. That was if relief was not granted the Mallory Line would be compelled to withdraw their large steamer, and this has been done. I also called your attention to the grounding of a Government collier.

Mr. MOORE of Pennsylvania. I think there was another vessel in distress there a short time ago because of lack of water. What is the depth of the water?

Mr. SEARS. Nineteen feet for about 400 feet and about 26 feet for 300 feet, as I recall.

Mr. MOORE of Pennsylvania. What is contemplated by your amendment?

Mr. SEARS. This whole expenditure contemplates a width of 800 feet with a depth of 26 feet, and will not cost more than $232,700, as I understand the report of engineers.

Again, let me say, if with car after car waiting to be unloaded and waiting for ships; with boats being forced not to come to the harbor on account of lack of proper and necessary improvement; with Government vessels going aground and running the risk of being ruined; with Key West recommended by naval experts as the place for a torpedo-boat destroyer and submarine base; with Key West designated a place for permanent seacoast defense; with all the Government war activities and holdings there; with her importance as a coaling and oil port; and with others not mentioned, does not constitute a war measure, then I would like to see one. I am satisfied my colleagues will support the amendment, because it is entitled to their support, and I hope and believe the able chairman of the committee will not oppose same.

Mr. SMALL. Mr. Chairman, the gentleman has made an interesting speech and a pleasant impression, and if that were controlling the committee might be inclined to vote for his amendment.

But, unfortunately, this is the condition affecting this amendment: This is a new project. In the formulation of the last river and harbor act, approved August 8, 1917, no new projects were included in the bill except such as were intimately associated with the prosecution of the war, and so recommended by the Secretary of War. The committee adopted that same policy in the formulation of this bill.

Now, gentlemen say that that is somewhat arbitrary. They say it is delegating an unusual discretion to an officer of the Government. But I think that if gentlemen were to consider very carefully they would decide that it was as fair and consistent a method as could be devised.

Now, let us see what would happen if the committee were to adopt this amendment, putting this new project into the bill, which does not come within the policy adopted by the committee in the formulation of the bill. Quite a number of new projects were insistently urged before the committee. I need mention only one. I see before me the gentleman from Massachusetts [Mr. LUFKIN], who came before us more than once with a delegation asking for the adoption of a new project for Beverly Harbor, Mass. We did not disparage the new project for Beverly; neither do we disparage the new project for Key West. In good time they will be adopted, and they will be constructed.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. SEARS. We have been told that since 1913, since Key West has been able to get recognition from the River and Harbor Committee, of which the gentleman is chairman. I believe it will carry, but when can I assure them that it will be done?

Mr. SMALL. If the gentleman will tell me when this war will close I could more intelligently answer his question.

Now, as I was saying, we have in the consideration of this bill passed that part of the bill where it would be in order to offer an amendment adopting the new project for Beverly Harbor, Mass., and any Member could object to returning to the bill in order that an amendment might be offered to include it. Not only that, but there are others. In other words, if you depart from the policy of the committee, you open up a condition which may endanger the passage of any river and harbor bill at this session.

Now, here are the reasons for this policy: We are in a time of war. We are constantly told that we must not engage in any activities other than for the war, which require the employment of capital, the purchase of material, or the use of labor, and this policy was adopted. It is obviously fair, it was wise and just, and it has been applied without sectionalism, without any personal predilections, and without any partisanship to the entire country. The application of this policy affected Massachusetts and Florida and Louisiana and all other sections of the country, so that the gentleman who represents the Key West district in Florida is not alone in the position that he occupies in not having this new project adopted.

I hope the committee will not agree to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Was this project approved by the engineers?

Mr. SMALL. Oh, yes. It has gone through all the processes, and has received the final approval of the Chief of Engineers, and has been sent to Congress by the Secretary of War in the regular way, just as the project for Beverly Harbor and others.

Mr. MOORE of Pennsylvania. What stands against it from your committee viewpoint is that it has not been recommended as a war proposition?

Mr. SMALL. As a war measure.

Mr. MOORE of Pennsylvania. May I ask the gentleman if the committee has considered the fact that several vessels have been in distress and, I believe, one wrecked, by reason of the fact that they did not have a sufficient depth of harbor at that place?

Mr. SMALL. I have no personal knowledge of that, but I will say this, that Key West has 30 feet in the main channel and 17 feet in the northwest channel. This is simply to widen the channel in front of the wharves.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. SEARS].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SMALL. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided, and there were—ayes 46, noes 23.

Mr. SMALL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from North Carolina asks for tellers.

Mr. STAFFORD. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-six Members are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Dies	Garland	Ireland
Austin	Donovan	Garrett, Tenn.	James
Borland	Dooling	Godwin, N. C.	Johnson, S. Dak.
Brumbaugh	Doughton	Good	Johnson, Wash.
Byrnes, S. C.	Dowell	Goodall	Jones, Va.
Campbell, Pa.	Drukker	Gould	Juul
Carew	Dunn	Griffin	Kahn
Chandler, N. Y.	Edmonds	Hamilton, N. Y.	Kearns
Classon	Elliott	Harrison, Miss.	Kelley, Mich.
Cooper, Ohio	Estopinal	Hayes	Kelly, Pa.
Copley	Fairchild, B. L.	Heaton	Kettner
Costello	Fairchild, G. W.	Heflin	Key, Ohio
Crago	Flynn	Heintz	Kiess, Pa.
Curry, Cal.	Foss	Helvering	Knutson
Darrow	Fuller, Ill.	Hensley	Kreider
Davidson	Gallagher	Hicks	LaGuardia
Davis	Gallivan	Hollingsworth	Larsen
Decker	Gandy	Hood	Lobeck
McAndrews	Polk	Sanders, N. Y.	Talbott
McClintic	Porter	Saunders, Va.	Taylor, Colo.
McCulloch	Pou	Scott, Iowa	Templeton
McLaughlin, Pa.	Powers	Scott, Pa.	Tinkham
McLemore	Rainey	Sherley	Towner
Mann	Ramsey	Shouse	Van Dyke
Meeker	Rankin	Slayden	Vare
Mondell	Reavis	Smith, C. B.	Voigt
Montague	Riordan	Smith, T. F.	Volstead
Moon	Roberts	Snyder	Walker
Morin	Robinson	Stedman	Webb
Mudd	Rose	Stephens, Nebr.	Woodyard
Neely	Rowland	Sterling, Pa.	
Norton	Rucker	Stevenson	
Parker, N. Y.	Sabath	Strong	

The committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the river and harbor appropriation bill, H. R. 10069, found itself without a quorum, whereupon he caused the roll to be called, when 302 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal and RECORD.

The committee resumed its session.

Mr. SMALL. Mr. Chairman, I think the demand for tellers is first in order.

The CHAIRMAN. The gentleman is correct. The gentleman from North Carolina demands tellers on the amendment of the gentleman from Florida [Mr. SEARS].

Tellers were ordered, and the Chairman appointed Mr. BOOHER and Mr. SEARS.

Mr. ROBBINS. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to have the amendment reported again. Is there objection?

There was no objection.

The amendment of Mr. SEARS was again reported.

The committee divided; and the tellers reported—ayes 99, noes 76.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Mobile Harbor and Bar, and channel connecting Mobile Bay and Mississippi Sound, Ala.: For maintenance, $160,000; continuing improvement of Mobile Harbor and Bar, $100,000; in all, $260,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 7, line 10, strike out the numerals "$100,000" and insert in lieu thereof the numerals "$200,000"; and in the same line strike out the numerals "$260,000" and insert in lieu thereof the numerals "$360,000."

Mr. GRAY of Alabama. Mr. Chairman, I have a substitute.

The CHAIRMAN. The Chair will first recognize the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, this paragraph provides for Mobile Harbor and Bar and the channel connecting Mobile Bay and Mississippi Sound. The bill as reported carries $160,000 for maintenance and $100,000 for further improvement of Mobile Harbor and Bar. These appropriations were based upon the recommendations in the Annual Report of the Chief of Engineers.

On March 22 the Chief of Engineers sent a communication to the chairman of the Committee on Rivers and Harbors, making a recommendation to the effect that the appropriation for Mobile be increased $100,000, so that the total appropriation, instead of $260,000, will be $360,000. I will send up a letter from the Chief of Engineers recommending this increased appropriation and will ask to have it read.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 22, 1918.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: 1. I am just in receipt of a report from the district engineer at Mobile, Ala., indicating that the amount carried in the pending river and harbor bill for that port should be increased, if practicable. The present amount, $260,000, was based upon the estimates made by the district engineer last July to cover simply the operation of the Government dredging plant for the next fiscal year, it being considered impracticable either to build an additional dredge at this time on account of the state of the shipbuilding market, or to have work done by contract on account of the limitation imposed by law forbidding contracts at a cost in excess of 25 per cent over the cost of doing the work with Government plant.

2. The district engineer now reports that there has been a large increase within the last few months in the cost of operating the Government plant. The cost of fuel, for instance, has gone up about 100 per cent, and the cost of other supplies and of repairs and wages has also

increased to a marked extent. He, therefore, recommends that the estimate for Mobile Harbor be increased by $100,000 in order to make adequate provision for the operation of the Government dredges and the prosecution of the improvement as rapidly as this plant will permit, until another appropriation can be made available by Congress at its next session.

3. In view of these circumstances, it is recommended that this item in the bill be amended so as to increase the amount of the appropriation from $260,000 to $360,000.

Very truly, yours,

FREDERIC V. ABBOT,
Brigadier General, Engineers,
Acting Chief of Engineers.

Mr. SMALL. Mr. Chairman, as stated, this amendment simply covers the increased estimate sent in by the Chief of Engineers, made necessary by reason of the conditions set forth in his letter. I ask for a vote.

Mr. GRAY of Alabama. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Alabama [Mr. GRAY] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. GRAY of Alabama: Strike out all on page 7, line 10, after the word "bar," and insert in lieu thereof the following: "$700,000; in all, $860,000."

Mr. SMALL. Mr. Chairman, this is simply a question of how much shall be appropriated for the maintenance and further improvement of Mobile Harbor and Bar. The amount carried in the bill plus the amendment which I added for $100,000 additional, based upon a later estimate, is all that the engineers say they can profitably and wisely expend until June 30, 1919, and any sum more than that is unnecessary and has no recommendation and will not be expended. No one disputes the importance of Mobile——

Mr. GRAY of Alabama. Will the gentleman yield there?

Mr. SMALL. Yes.

Mr. GRAY of Alabama. How does the gentleman know they can not expend it; just a mere opinion of the engineers?

Mr. SMALL. I know it because the Chief of Engineers, after a careful investigation, reports that it is all he can possibly expend, and as the money has to be expended under his supervision he is best qualified to express an opinion.

Mr. GRAY of Alabama. Will the gentleman yield further right there?

Mr. FREAR. Was not that statement also made by Col. Newcomer before our committee?

Mr. SMALL. Yes; and repeated by the Chief of Engineers.

Mr. GRAY of Alabama. I wanted to ask the gentleman: Suppose that the Government could get two other dredges at some point on the Gulf and put there at Mobile. Does the gentleman presume that it could not be wisely spent if they could get the dredges from some other place?

Mr. SMALL. Why, in answer to that, if we are going to make appropriations based on suppositions on the hiring of dredges or getting them from some other sources, or if we are going to speculate as to what might be spent, we would have no stable basis upon which to predicate the appropriation. This estimate was made in the same manner as all other estimates for improvements throughout the country.

Mr. BURNETT. Will the gentleman yield?

Mr. SMALL. I will.

Mr. BURNETT. When was the $260,000 estimate made?

Mr. SMALL. That was submitted in the Annual Report of the Chief of Engineers.

Mr. BURNETT. Made when?

Mr. SMALL. For the fiscal year ending June 30, 1917. It was printed and submitted to Congress at the convening of this session in December last. The estimate will be found in the first volume of the Annual Report of the Chief of Engineers.

Mr. BURNETT. As a matter of fact, they have moved up the estimates $100,000 in a few months?

Mr. SMALL. Based entirely, if the gentleman heard the letter from the Chief of Engineers, on the condition stated there.

Mr. BURNETT. Did not the same condition in the December——

Mr. SMALL. That is based entirely on the increased cost of labor and material.

Mr. BURNETT. What does the district engineer recommend?

Mr. SMALL. He recommended a larger sum.

Mr. BURNETT. How much?

Mr. SMALL. His recommendation was over $700,000. However, I am coming to that. It was originally contemplated when this new project for Mobile Harbor was adopted that the Government would construct a new dredge, but since our entrance into this war it has been deemed a wise policy by this committee that we should not construct any new dredges.

At a time when the United States Shipping Board was straining every nerve in the securing of labor and material for the construction of merchant ships for our use during the period of the war, it was deemed unwise and unpatriotic to embark the War Department in the construction of new dredges. And a good part of that appropriation—and I will not attempt to go into details—is for the construction of a new dredge, and I might say that a dredge now costs about twice as much as it did in 1914. Now, coming to this appropriation that is recommended, it is based upon what can be expended during the next fiscal year by the use of the Government plant at Mobile. This is all they can spend, based upon the best estimate of the cost of labor and material for the operation of the Government plant. And we ought not to appropriate any more than can be spent. Some gentleman has said, "Could not we hire dredges from some other station on the Gulf?" No. We examined the Chief of Engineers, or his representative, upon that point, and he reported there was no dredge which could be secured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. So, Mr. Chairman, expressed in a nutshell, this amendment of the gentleman from Alabama [Mr. GRAY] seeks an appropriation for a larger sum than is estimated, and there is no appropriation in this bill, either for maintenance or further improvement, in excess of the amount estimated by the Chief of Engineers for each improvement.

Now, Mr. Chairman, I would like to conclude with this comment: The River and Harbor Committee formulated this bill along lines which they believed represented the best sentiment of the House and of the country. It has been formulated further along lines which had the approval of the Secretary of War and of the President. The President in several conferences which I and other members of the committee had with him, after mature reflection advised as strongly as he could the construction of this bill along the lines which were followed by the committee. The Committee of the Whole has just adopted a new project for Key West, contrary to the policy of the Committee on Rivers and Harbors; that is to say, it had not been recommended as a war necessity. We are going to ask at the end of this bill that a separate vote be had in order that the House may determine what its policy shall be. If the House wishes a large bill, then let it vote for a motion to recommit this bill to the committee, and we will with pleasure construct a bill adopting a number of new projects, if you think it will meet with the Executive approval.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. We, as members of the committee, have not formulated this bill without a struggle. If I might make a personal reference, I will say that there is no Member of this House who has been more besieged by his own constituents for new projects than the chairman of this committee has been. But believing that this policy was wise, that it reflected the sentiment of the House, I resolved that I would be a good soldier, and I told my constituents the policy which we had adopted, and that they must abide by it.

But if this policy does not meet with the approval of the House, if you wish us to formulate a bill relieved of these limitations, it is only for the House to say so. Then if we come to a yea-and-nay vote on a separate proposition, and you want to go outside the policy and adopt the project for Key West and other amendments to this bill, you can say so, and then rerefer the bill to the committee, and we will follow the final judgment of the House in the formulation of this bill.

Mr. FREAR. Mr. Chairman, will the gentleman yield? Has not the gentleman stated in the committee that any such bill would not meet the approval of the Executive, and have not letters been received from the Secretary of War opposing such amendments?

Mr. SMALL. I doubt the propriety of quoting the President. He never told me that he would not approve the bill, and if he had told me I doubt the propriety of quoting him.

Mr. DUPRÉ. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman. The other gentleman began speaking before I had yielded to him.

Mr. DUPRÉ. That was characteristic of the gentleman. [Laughter.]

Mr. SMALL. I did not intend that the House should draw that inference.

Mr. FREAR. I understood that the gentleman had yielded to me, or I would not have addressed him.

Mr. DUPRÉ. The gentleman from Wisconsin always obeys these amenities. I was about to ask the gentleman from North Carolina a question, since certain things are being stated about what happened in the committee, whether he would be permitted to say how unanimous and enthusiastic the vote was not to include any new projects in the bill?

Mr. SMALL. I do not think it would be within the rules to discuss what occurred in the committee or how the members of the committee voted. The committee voted to report this bill by a large majority.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Does the gentleman desire me to get further time or will he get it in his own right?

Mr. DUPRÉ. I trust that the gentleman from Tennessee, in the chair, will give me some time.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. DUPRÉ. Mr. Chairman, I trust that I violate none of the proprieties, so carefully observed by the gentleman from North Carolina [Mr. SMALL] and the gentleman from Wisconsin [Mr. FREAR], when I say that upon the roll call on the final report of this bill I was the only member of the committee who voted against a favorable report thereon. When I found that my colleague from Wisconsin had not even registered his vote against it I felt quite sure that I was right in voting against a favorable report. [Laughter.] I did not vote against a favorable report on the bill because there was any item in it to which I objected. I voted against it because I objected primarily to the manner in which the bill had been constructed.

There have been denunciations in the past, in which, I think, the gentleman from North Carolina [Mr. SMALL] possibly has indulged, and certainly in which I have engaged, against lump-sum appropriations. Well, I can not see the difference, and I do not care to look into differences that do not make a difference, that have not substance, between a lump-sum appropriation put over at the point of capitulation in the Senate to the garrulity of those old gentlemen who occupy these high places and this bill that has been reported from the Committee on Rivers and Harbors, of which I happen to have the honor to be a member. [Laughter.] I do not see any difference between a lump-sum appropriation bill written in the law and one that is practically and truly written in the law when we have a representative of the Chief of Engineers coming to our committee and saying, "Well, I approve of this; I approve of that." And I use the personal pronoun probably erroneously, and certainly not offensively, because certainly the gentleman who represented the Chief of Engineers, and through him the Secretary of War, was as fine a type of the Corps of Engineers as I know. But what I resent—and that is the primary basis of my objection to this bill—is that the representative of the Chief of Engineers should come to the committee and say, as he did:

> My corps is under pledge to the Secretary of War not to put into this bill anything that we do not think is necessary to the prosecution of the war and its early and successful prosecution to a finish.

Apparently the House has been disagreeing with this gentleman, disagreeing with the chairman of my committee, disagreeing with the gentleman from Wisconsin [Mr. FREAR], disagreeing with the conclusions of the committee, for it has decided that the amendment that was not proposed in the committee by the gentleman from New York, my friend DEMPSEY, should prevail. They have decided that the amendment proposed by the gentleman from Florida [Mr. SEARS] should also prevail, and of course I have heard of the combination of North and South before. I am not talking about any other combinations. It looks to me as if, considering the Mobile item here—and I can not forecast what will be its result—possibly the suggestion of the chairman, that this bill be recommitted, might not be altogether indefensible. [Laughter.]

I voted against the bill in committee, and I think if I had something to say and I could get some of my colleagues to agree with me on the committee, I might report a bill here that my friend from Illinois [Mr. MADDEN] might approve. [Laughter.] It has been truly appealing to me to see him taking up the cudgels for river and harbor improvements.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DUPRÉ. I hope my friend from Illinois will secure me a few minutes more.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Louisiana may have five minutes. Is there objection?

There was no objection.

Mr. DUPRÉ. The gentleman from Illinois responded to my suggestion as handsomely as I thought he would. He has been the friend of river and harbor legislation—God save us from our friends—in the past. [Laughter.] And now he is the champion of improving this bill.

He certainly was the Deus machina yesterday that brought the Dempsey amendment to favorable consideration. I hope that the people of Illinois will recognize his merit in future senatorial aspirations. [Applause.] The Constitution limits the people of a State in voting for Senators, and it also limits the people of a State in voting for Congressmen beyond the borders of the State; but the gentleman from Illinois [Mr. MADDEN] is at large, and I hope that the people of New York will remember his gladsome services in the development of that harbor. [Laughter.] For my part I will say that I bore the adoption of that amendment with considerable Christian fortitude. [Laughter.] And I did not mind when Key West was recognized this afternoon, though I felt constrained, under the ethics of the situation, to vote against both of those propositions. But I would suggest hereafter when we have a rivers and harbors bill to frame—and possibly we may have to reframe it now—that we have a composition in bankruptcy among the gentleman from North Carolina [Mr. SMALL], the gentleman from Wisconsin [Mr. FREAR], and the gentleman from Illinois [Mr. MADDEN] in getting the bill put before the House. You never can tell how the House feels about a bill. Sometimes it thinks a bill is too large, and certainly in the last day or two it has shown that it thinks this one is niggardly, inadequate, and unworthy, and that is the reason why I voted against the measure. [Applause and laughter.]

Mr. FREAR. Mr. Chairman, I know the House has been delighted with the statement made by my friend from Louisiana [Mr. DUPRÉ], who is a very genial member of the committee and of the House. To my mind, though, the Members of this House have more to think of than the few quips and turns which he gave in this discussion.

The Army engineers have made an effort to hold this bill within limits. I wanted to express my approval of it. There are things in the bill that I do not like. I can not believe they are justified, even from the ordinary understanding; but the efforts of the Army engineers to hold this bill within limitations ought to be supported by this House. I watched as Members went between the tellers, and nearly every man who has supported "pork" propositions in the past went through here laughing and chuckling because the committee bill was being broken down. I do not say all did, because there are some men who are undoubtedly just as honest in purpose as I am. [Laughter and cries of "Oh, no!"] Well, many of you, I want to tell you, can not defend your records; I care not what you say.

Mr. TAYLOR of Arkansas. Not against your criticism, in your judgment.

Mr. FREAR. That is all right. I will not question the honesty of anyone; but let me say this: I do not care what your action may be; only one man on that side of the House has risen in an effort to prevent the passage of these amendments. Break down this bill if you choose, get the "pork" into it if you choose.

If you feel that you are engaging in any service for the benefit of this Government at a time when we are sending men all over this country trying to raise money to finance the war, when you support projects like one and the other that are being urged here against the report of the Army engineers, you have a right to so vote, but I can not understand how you do it. I have no more interest in this than has the gentleman from Louisiana [Mr. DUPRÉ]. I can not express here what occurred in the committee as to the understanding of the probabilities of this bill being enacted into law. I hope that it will be; that is, if it is gotten through in a fair way. I would that we could get the bill through in some fair form. But let me say to you, gentlemen——

Mr. DUPRÉ. I think the gentleman is justified in saying that. I say that in all kindness.

Mr. FREAR. I just want to say this, in conclusion, that I have tried to defeat these bills in the past and I have succeeded once or twice in exposing some of the scandalous conditions in them. I have been opposed very frankly and very bitterly at times on this floor. In fact, a few moments ago a gentleman expressed himself very intensely because he was not getting enough in his case for his State. But it makes no difference. I feel that I am doing what is right, and that must be the guide

for every man. Gentlemen on the Democratic side, I want to say to you that you and your party have got to go before the country soon. Let it be understood that only one man rose on the Democratic side to oppose these amendments. We are trying the best we can to keep this bill within reasonable confines. You can sweep us off our feet. You can bring in your amendments here unquestionably, but it is a dangerous thing to do, to vote against the report of the Army engineers, who have sought to provide a bill here in accordance with the recommendations of the Secretary of War and that it be kept within war limits.

Mr. DUPRÉ. Will my colleague yield?

Mr. FREAR. Yes; certainly.

Mr. DUPRÉ. Have not the gentleman's friends on his side been largely responsible for such amendments to this bill as have prevailed?

Mr. FREAR. Not only that, but I will say that I am not the guider of the consciences of the gentlemen on this or the other side, many of whom have voted for some of these amendments.

Mr. DUPRÉ. How about being the guardian of the consciences on the gentleman's own side?

Mr. FREAR. Of course, no party lines ought to be drawn. Let me say this, that when the chairman of the committee is the only gentleman on that side rising to oppose this $500,000 increase in appropriation, and these amendments are going through, one after another, you of the dominant party must accept the full responsibility. You did not give anything extra for New York—that was a question of phraseology, voting for it to be put through at this time—but you are here putting in new and unjustified appropriations, adding to the bill until it is likely to fall from the increased weight.

Mr. DUPRÉ. Will the gentleman yield?

Mr. FREAR. Not now. You can break down the bill, possibly, as the chairman of the committee says; you can send it back, but I warn you that you will not want to go before the country on such a proposition.

Mr. OLIVER of Alabama. Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. GRAY] simply provides a larger appropriation for a project that now has the unqualified approval of the Board of Engineers as well as the Committee on Rivers and Harbors. The present bill carries an appropriation for this work, and the sum called for in the amendment is well within the estimated ultimate cost of this approved and adopted project. The very fact that the present bill carries an appropriation for this work is conclusive evidence of its importance and that it is regarded as a war necessity.

The only reason assigned by the engineers for not recommending a larger appropriation at this time is apprehension on their part that a sufficient number of dredges may not be secured to complete the work during the next fiscal year. If the necessary dredges can not be had, then the appropriation will not be used. In view of the importance of the work, sufficient funds should be provided for the vigorous prosecution of the same if dredges can be secured for this purpose.

The same condition obtains here that the gentleman from Wisconsin [Mr. FREAR] points out obtained at New York, and which caused the House on yesterday to vote an increased sum over that recommended by the Board of Engineers. It is a matter of great importance that the 30-foot channel at the port of Mobile be deepened at the earliest possible time. The gentleman from Alabama [Mr. GRAY] has called attention to the large shipbuilding operations now being carried on at Mobile, and to the further fact that a new company is now preparing to expend from twelve to fourteen million dollars for an additional large shipyard there. The letter from the Shipping Board read by the gentleman from Alabama clearly shows the interest that the Shipping Board and the Emergency Fleet Corporation feel in the deepening of the channel at this port.

The Shipping Board has already let a number of large contracts for the building of ships at Mobile, and additional contracts will be let. An unlimited amount of fine shipbuilding timber is available to the yards at this port, within a distance of 240 miles, with all-year river and rail connection therefrom. Two large lumber mills in my district, about 200 miles by river from Mobile, are now supplying large quantities of timber for ships being built at Mobile, and some of this timber is being carried on barges down the Warrior River.

I desire to call attention to the further fact that an inexhaustible amount of bunker steam coal in quality equal to that supplied to vessels at Norfolk and Philadelphia is in close proximity to Mobile and can be transported there by both rail and water. Labor conditions are excellent, and this fact, coupled with the ready availability of coal and timber, emphasize the supreme importance of deepending and widening this channel at once.

The district engineer is not in accord with the Board of Engineers as to the amount of money that can be wisely expended during the next fiscal year, and his report indicates that the amount asked for in the amendment now under consideration can be wisely expended. In view then of the excellent shipbuilding facilities at Mobile, its nearness to timber and coal, I feel confident, if the required appropriation is now made to complete the channel, that sufficient dredges will be forthcoming to do the work. Dredges from other places, not so well provided with labor and facilities for building ships as Mobile, can and will be diverted.

Vessels with a draft of 30 feet are now under construction at this port, which fact strongly argues the importance of pushing to early completion the work of deepening and widening the channel.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. SMALL. Mr. Chairman, can we not have an understanding as to when we shall have a vote on this paragraph and all amendments thereto? I ask unanimous consent that debate on this paragraph and all amendments thereto close in two minutes.

Mr. BURNETT. Will not the gentleman allow me five minutes?

Mr. SMALL. Then make it seven minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto shall close in seven minutes.

Mr. SMALL. Two minutes to be used by the gentleman from Alabama [Mr. OLIVER] and five minutes by the gentleman from Alabama [Mr. BURNETT].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. MADDEN. If they are building ships with 30 feet draft at Mobile and you have only a 26-foot channel, how are they going to get them out of there? And, also, I would ask if there is any wisdom in the determination of the Shipping Board to build ships of such a draft at such a place?

Mr. OLIVER of Alabama. The 30-foot draft applies to the loaded vessel; unloaded there will be no trouble in getting out through the 26-foot channel.

It is of the greatest importance, however, that ships should be loaded at a great supply port like Mobile, and not be required after completion to leave empty.

This bill commits Congress to a 30-foot channel at Mobile, and if you will now supply the necessary funds for this work the dredges, in my judgment, will be forthcoming to complete it at the earliest possible time.

I invite the attention of the Members to the following data in reference to Mobile, which I incorporated some time since in the hearings before the Naval Committee:

Mobile's claims for consideration as a site for large shipbuilding yards are based upon the fact that she possesses in preeminent degree all the qualifications necessary, viz, strategic location, defensive works, abundance of skilled and unskilled labor, and near vicinity to raw materials used in construction, as well as being favored with a mild climate, which permits of outside work all the year round.

Mobile not only enjoys water transportation from the coal and iron districts of Alabama, but is the nearest Gulf port to all the great manufactured iron and steel centers of the country.

The surrounding country is not subject to inundation, and traffic is not disturbed by weather conditions at any period of the year.

Mobile possesses the following advantages:

Located 30 miles from Gulf; safe from sea attack; entrance to Mobile Bay protected by two forts.

Mild climate, permitting outside construction the year round.

Surrounding country not subject to inundation.

Undisturbed by rise and fall of tide (1.4 feet average tide).

Two sources of transportation, viz, rail and water.

Five railroads operating from coal and iron districts to Mobile, also reaching directly and indirectly the greatest manufacturing cities of the United States.

All-year navigation on rivers, guaranteeing iron, coal, and timber supply to Mobile should railroads fail in crisis.

More skilled machinist labor than any Gulf port.

More ship carpenters, calkers, etc., than rest Gulf ports combined.

More foundries and boiler works than any other Gulf port.

More iron, coal, and timber located upon Alabama's inland waterways, reaching Mobile, than is available to any other Gulf port.

Cheapest inland water transportation of any Gulf port.

Lowest basis of rail rates enjoyed by any Gulf port, and lower rates from iron and coal districts of Alabama than other Gulf ports west of Mobile enjoy, guaranteeing cheapest raw materials.

Over 27 feet of water at mean low tide from Gulf to Mobile, and with very little work, estimated at not exceeding 50 days of dredging, the entire channel can be made available for vessels with a draft of 30 feet.

Fresh water.
Summed up, Mobile has the best location on the Gulf; has advanced over all other Gulf ports in quantity and quality of its skilled labor (machinist and shipbuilding), and is nearest port by rail and water to great iron, coal, and timber supply of Alabama.

Mr. BURNETT. Mr. Chairman, the proposition involved in this amendment is, if this $850,000 is authorized and is not used it remains in the Treasury. If, on the other hand, dredges can be obtained and the money is not authorized, then the work has to stop. The Government takes no chances, loses no money, and yet the work itself takes a very serious chance if the authorization is not given. In addition to what my friend from Alabama [Mr. OLIVER] has said, I want to emphasize this fact. There are plants for the construction of ships at Mobile, some of which ships will be of 30 feet draft, and the gentleman from Illinois [Mr. MADDEN] asks how they will get them out. They can get them out empty, but the Government does not want them sent out empty, and that is one reason for deepening this channel. At that great port there are millions of tons of coal, millions of feet of lumber, and other things that can be shipped every year, and these ships that are now being built there ought not to be forced to go away from the great coal-producing section of the south and of the country to other ports to be loaded. That is the common sense proposition involved here. The Government takes no chances on the expenditure of the money, but the Government does take a chance, it seems to me, if the authorization is not made, because, if the dredges can be obtained, then they will soon run up against the proposition that they have no money to continue the work on the channel.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. For a question.

Mr. DUPRÉ. Is not the gentleman's argument equally applicable to the development of the Charleston Channel?

Mr. BURNETT. I do not know. I did not hear the discussion on that item.

Mr. DUPRÉ. The gentleman was not concerned about that.

Mr. BURNETT. I am concerned about everything that is in the interest of winning this war and getting the ships and getting them loaded and getting them out to help win it.

Mr. DUPRÉ. In Alabama?

Mr. BURNETT. Anywhere; it does not make any difference where. I have not a cent in this bill. The great river that I live on is an inland river, with obstructions in the center and no navigation to Mobile Bay. I have no pork in the bill. The gentleman from Wisconsin [Mr. FREAR] can not shake his gory locks at me and yell about pork, because there is not a dollar of pork in it for me; but I am arguing for a just cause in the interest of getting ships built quickly, ships gotten out quickly from the place where they are to be made and put into use and laden with coal when we carry them out. Mr. McAdoo recognizes the congested conditions in all the north Atlantic ports, and he himself has said that there should be a considerable shifting to the ports of the South in order to relieve the congestion in the north Atlantic.

Now, gentlemen, how can you shift that condition, how can you remove that congestion, unless you afford ample port facilities through which our exports may be made from our section of the country as well as every other section of the country? Recommendation has been made, as I understand, to divert a large amount of foodstuffs that are being produced in the Middle West to the ports of the South in order to relieve congested conditions elsewhere. We remember the congestion in the transportation of coal last winter. We recollect how the cry went up all over the country that there was not sufficient means of transportation to carry coal to keep the women and children of this country from freezing; and yet here is a proposition right at the foot of the great coal-producing section of the country, and you propose to tie it up and hem up a port there, so that it will not be able to allow the ships to go out or in laden with products for which all of this country is crying. Mr. Chairman, this seems to me to be peculiarly a question of war emergency. The gentleman from North Carolina [Mr. SMALL] holds as a sword of Damocles over us the threat that if we are going to put amendments on this bill it will be recommitted to the committee. Well, those kind of threats never have scared me. If this House believes that there has been a mistake made by the committee, or even by as high officials as the Board of Engineers back of it, it ought without hesitation to correct that mistake. Is there not a report of the district engineer, the man on the ground, the man who knows more about it, probably, than the Board of Engineers who are sitting here in their chairs in Washington? I hope the recommendation of that engineer will prevail in this case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUPRÉ. And all other cases, because I have read some the gentleman would not like.

The CHAIRMAN. The question is upon the substitute offered by the gentleman from Alabama [Mr. GRAY].

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. GRAY of Alabama) there were—ayes 17, noes 49.

So the substitute was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was adopted.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from North Carolina if it is not about time for us to rise.

Mr. SMALL. I think so.

Mr. DUPRÉ. I am very glad to see the gentleman from North Carolina and the gentleman from Illinois are in accord.

Mr. SMALL. I move that the committee do now rise.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

Mr. OLIVER of Alabama. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the requests of the gentlemen? [After a pause.] The Chair hears none.

Mr. SMALL. I want to say for the information of the committee that as I understand it this bill will not be taken up to-morrow, but on Friday.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the rivers and harbors appropriation bill, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. DENT. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal on to-morrow that Senate joint resolution 123, known as the quota or amendment to the draft law, be considered in order until disposed of.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that what is called the quota bill, Senate joint resolution 123, be taken up to-morrow morning after the reading of the Journal and the disposition of business on the Speaker's table, and shall be the continuing order until it is completed. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how much general debate he proposes?

Mr. DENT. I will say to the gentleman from Massachusetts that the Committee on Military Affairs asked for five hours' general debate, and the Committee on Rules have tentatively agreed to a rule on this proposition with three hours' of general debate. On account of the number of gentlemen who wanted to speak on it I am going to ask that a compromise be made of four hours' general debate.

Mr. GILLETT. I think that will be satisfactory.

The SPEAKER. Does the gentleman ask that now?

Mr. DENT. I will ask that now.

Mr. SMALL. Reserving the right to object, just a moment, we expect to go on with the river and harbor bill on Friday morning. Suppose this draft bill is not completed to-morrow?

The SPEAKER. If this request of the gentleman from Alabama [Mr. DENT] is agreed to, they will go on with the quota bill if it extends beyond to-morrow.

Mr. DENT. We certainly ought to finish the bill in six hours, because it will not take long, I will state to the gentleman from North Carolina, to read the bill. It is not very long.

Mr. SMALL. Could not the gentleman couple with his request for unanimous consent that the House meet at 11 o'clock to-morrow?

Mr. DENT. I would not like to do that in view of the fact that the members of the Military Committee who are not here have not been consulted on this proposition, and they expect to be here at 12 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent that to-morrow, after the reading of the Journal and disposition of business on the Speaker's table, that Senate resolution No. 123 shall be taken up for consideration, with four hours for general debate, and that the resolution shall be the continuing order until disposed of. Is there objection?

Mr. SMALL. Mr. Speaker, I do not want to object to this bill which the chairman says is important, but at the same time I

think the river and harbor bill has some rights in the House. We would like to take it up on Friday.

Mr. DENT. I will state to the gentleman that in my own judgment this bill will be disposed of in one day. But the gentleman knows that no Member of the House can predict what is going to happen.

Mr. SMALL. Will the gentleman amend his unanimous consent so as not to continue longer than 2 o'clock on Friday?

Mr. MADDEN. You can not do that.

Mr. DENT. I would not like to do that. I am sure the bill ought to be disposed of long before that.

Mr. MADDEN. If the gentleman makes the request I will have to object, because I think the most important thing before the country is the bill the gentleman is asking to take up for consideration, and it ought to be disposed of without anything else intervening.

The SPEAKER. Is there objection?

Mr. SMALL. Mr. Speaker, in view of what I consider to be the importance of this bill in connection with the war, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. MILLER of Washington, by unanimous consent, was granted leave of absence for April 11, 12, 13, and 14, 1918, on account of taking part in the liberty-loan campaign.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating the program adopted by the interallied Socialists at the conference held in London last February.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by incorporating the platform agreed to by the interallied Socialists in London last February. Is there objection?

Mr. WALSH. Reserving the right to object, how long is this?

Mr. LONDON. It is from 4 to 6 pages. I think it will make about 2 pages of the RECORD. It is a very important document.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from New York, who stated that this is a very important document, what particular bearing or importance it has in the present emergency in which this country finds itself now?

Mr. LONDON. It has the greatest bearing, because it is a statement by the Socialists of France, England, and Italy on the objects and aims of the war, showing their support of the war and indorsing the main principles of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Thursday, April 11, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting a proposed clause of legislation reappropriating for the fiscal year 1919 the balance of the appropriation for Mount Rainier National Park for 1918 which may remain unexpended at the close of the year (H. Doc. No. 1033), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 204) to provide for the fitting up of quarters in the post-office building at the city of Sacramento, Cal., for the accommodation of the District Court of the Northern District of California and its officers, and making an appropriation therefor, reported the same with amendment, accompanied by a report (No. 482), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10609) authorizing the Secretary of the Treasury to exchange the present Federal building site at Eatonton, Ga., for another site on the public square in said city, reported the same without amendment, accompanied by a report (No. 483), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. POLK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 481), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 11361) to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other puposes; to the Committee on the Mechant Marine and Fisheries.

Also, a bill (H. R. 11362) to amend the shipping act approved September 7, 1916, entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions, and with foreign countries; to regulate carriers by water in the foreign and interstate commerce of the United States; and for other purposes"; to the Committee on the Merchant Marine and Fisheries.

By Mr. LONERGAN: A bill (H. R. 11363) to amend paragraph 2 of section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: A bill (H. R. 11365) to make The Star-Spangled Banner the national anthem of the United States of America; to the Committee on the Judiciary.

By Mr. ROGERS: A bill (H. R. 11366) authorizing the Secretary of War to provide for medical treatment and hospital care of officers, enlisted men, and civilian employees in the Military Establishment while on furlough, necessitated by disability originating in the line of duty; to the Committee on Military Affairs.

By Mr. SEARS: A bill (H. R. 11367) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes; to the Committee on Education.

By Mr. TIMBERLAKE: A bill (H. R. 11368) to authorize the Secretary of the Interior to issue patent in fee simple to the National Lincoln-Douglass Sanatorium and Consumptive Hospital Association (a corporation), of Denver, Colo., for a certain-described tract of land; to the Committee on the Public Lands.

By Mr. BAER: A bill (H. R. 11369) to provide for the national security and defense and further to assure an adequate supply of food by authorizing the Department of Agriculture to aid in the control of flood waters of the Red River Valley of the North in the States of Minnesota, North Dakota, and South Dakota, thereby increasing the areas of land suitable for the production of foodstuffs; to the Committee on Agriculture.

By Mr. ROBBINS: Joint resolution (H. J. Res. 278) proposing the removal of certain Government departments from the city of Washington; to the Committee on the Judiciary.

By Mr. ALEXANDER: Resolution (H. Res. 306) for the consideration of S. 3388; to the Committee on Rules.

By Mr. LUFKIN: Memorial of the General Court of Massachusetts, requesting Congress to provide for public ownership and operation of coal mines; to the Committee on Mines and Mining.

By Mr. TAGUE: Memorial of the General Court of the Commonwealth of Massachusetts, favoring free transportation for all soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

Also, memorial of the General Court of the Commonwealth of the State of Massachusetts, requesting the Congress to provide for public ownership and operation of coal mines; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. POLK: A bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. BARKLEY: A bill (H. R. 11370) granting a pension to Christie Jones and Goldfish Jones; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 11371) granting an increase of pension to Joseph R. Emory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11372) granting a pension to Thomas Epert; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11373) granting an increase of pension to Obadiah McGuire; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 11374) granting an increase of pension to Isaac Nichols; to the Committee on Pensions.

By Mr. DOMINICK: A bill (H. R. 11375) for the relief of Hassie Cantrell; to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 11376) granting a pension to Charles W. Johnson; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 11377) for the relief of Laurence L. Faure; to the Committee on Claims.

By Mr. FULLER of Massachusetts: A bill (H. R. 11378) granting a pension to Charles H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11379) granting a pension to Elizabeth H. Waugh; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11380) granting a pension to Charles Francis Gilroy; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 11381) granting an increase of pension to J. M. Pike; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11382) granting an increase of pension to Absalom A. Lusk; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 11383) granting a pension to Mary R. Mellinger; to the Committee on Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 11384) granting an increase of pension to Charles S. Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11385) for the relief of Albert Hamilton; to the Committee on Naval Affairs.

By Mr. ROMJUE: A bill (H. R. 11386) granting an increase of pension to Addie Burns; to the Committee on Pensions.

Also, a bill (H. R. 11387) granting an increase of pension to Thomas H. McKay; to the Committee on Invalid Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 11388) granting a pension to Hannah E. Cline; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 11389) granting a pension to John L. C. Ellis; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11390) granting a pension to John S. Salisbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11391) granting an increase of pension to William Burgess; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Committee of Six of New York City, favoring the passage of Senate bill 2917, for increasing the number of chaplains in the Army; to the Committee on Military Affairs.

Also, petition of the mass meeting of the loyal citizens of Chicago, commending President Wilson for placing the American troops under Commander Gen. Foch; to the Committee on Military Affairs.

Also, petition of the district conference, International Association of Rotary Clubs, Hutchison, Kans., favoring the construction of swimming pools at various Army training camps; to the Committee on Military Affairs.

Also, petition of E. C. Johnson and 18 other citizens of Union, Mo., protesting against the lowering of the price of corn by the United States Food Administration; to the Committee on Agriculture.

Also, petition of St. Johns Valley Farm Club, protesting against the lowering of the price of corn by the influence of the United States Food Administration; to the Committee on Agriculture.

Also, petition of the Macedonia (Mo.) Farm Club and J. H. Guese and six other citizens of New Haven, Mo., protesting against the lowering of the price of corn by the United States Food Administration; to the Committee on Agriculture.

Also, memorial of St. Louis Chamber of Commerce, opposing legislation looking to the reemployment of convict labor in the manufacture, etc.; to the Committee on Labor.

By Mr. CAREW: Petition in opposition to the zone system as applied to second-class mail matter passed by the executive committee of the Authors' League of America (Inc.); to the Committee on Ways and Means.

By Mr. CARY: Memorial of American Peat Society of New York, relative to the development of the natural resources of nitrogen; to the Committee on Mines and Mining.

Also, petitions of the junior class, Seneca (Wis.) High School, and River City Lodge, No. 108, Brotherhood of Railway Carmen of America, Portsmouth, Ohio, protesting against zone system of postal rates on periodicals and newspapers; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of the Merchants' Association of New York, opposing the Tavenner bill, H. R. 8665; to the Committee on Labor.

Also, petition of Mendota Woman's Club, of Mendota, Ill., protesting against zone system and demanding its repeal; to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, favoring continued use of the pneumatic-tube mail-distributing service in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of Western Springs Woman's Club, Western Springs, Ill., protesting against zone system and demanding its repeal; to the Committee on Ways and Means.

By Mr. DOOLING: Petition in opposition to the zone system as applied to second-class mail matter passed by the executive committee of the Authors' League of America (Inc.); to the Committee on Ways and Means.

By Mr. ELSTON: Memorial of Berkeley Center (Cal.) Civic League, urging confiscation of all food products held by the brewers; to the Committee on Agriculture.

By Mr. FULLER of Massachusetts: Paper to accompany House bill granting a pension to Elizabeth H. Waugh; to the Committee on Invalid Pensions.

By Mr. HADLEY: Petition of King County Pomona Grange, No. 13, State of Washington, petitioning for price to be fixed on all commodities produced by labor; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Petition of E. E. Hopkins Camp, No. 18, United Spanish War Veterans, South Bend, Wash., favoring the bill to pension widows and children of officers and enlisted men of the Spanish-American War, Philippine insurrection, and Chinese rebellion; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Resolutions of Pawtucket (R. I.) Typographical Union, No. 212, urging passage of Sherwood old-age pension bill; to the Committee on Labor.

By Mr. McKEOWN: Petition of the district conference, International Association of Rotary Clubs, Hutchinson, Kans., March 8, 1918, favoring the training of National Army men in swimming; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition adopted by the International Order of Good Templars, favoring total prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Women's Missionary Society of the Good Hope United Presbyterian Church of Pittsburgh, Pa., urging the enactment of a law prohibiting the liquor traffic for the duration of the war and the period of demobilization; to the Committee on the Judiciary.

By Mr. RAKER: Letters from Sherwood & Sherwood, James Graham Manufacturing Co., W. W. Montague & Co., Heyman-Weilman Co., and H. S. Crocker Co., all of San Francisco, Cal., favoring Senate bill 3692, regarding the manner of payment of income and war excess-profits taxes; to the Committee on Ways and Means.

Also, letters from River City Lodge, No. 8, of Portsmouth, Ohio; Mrs. Harry A. Davis, of Fig Tree, Cal.; the La Pine Commercial Club, of La Pine, Oreg.; and the Pennsylvania College for Women, of Pittsburgh, Pa., protesting against the zone system; to the Committee on the Post Office and Post Roads.

Also, letter from the Western Springs Woman's Club, of Western Springs, Ill., protesting against zone system and demanding its repeal; to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 11, 1918.*

(Legislative day of Saturday, April 6, 1918.)

The Senate met at 11 o'clock a. m.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Henderson	New	Sherman
Beckham	Hollis	Norris	Smith, Ga.
Brandegee	Johnson, Cal.	Overman	Smith, S. C.
Culberson	Jones, Wash.	Page	Swanson
Fernald	Kellogg	Penrose	Tillman
Fletcher	King	Pittman	Trammell
Gallinger	Knox	Ransdell	Underwood
Gerry	Lodge	Shafroth	Vardaman
Hale	Nelson	Sheppard	Wadsworth

Mr. JONES of Washington. I desire to state that the junior Senator from Kansas [Mr. CURTIS] is necessarily absent on official business of the Senate, and that the junior Senator from Iowa [Mr. KENYON] is absent in connection with the liberty-bond loan. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. FRANCE, Mr. FRELINGHUYSEN, Mr. JONES of New Mexico, Mr. KIRBY, Mr. POINDEXTER, Mr. SIMMONS, Mr. THOMAS, Mr. THOMPSON, Mr. TOWNSEND, and Mr. WEEKS answered to their names when called.

Mr. CHAMBERLAIN, Mr. BANKHEAD, Mr. HARDING, Mr. HITCHCOCK, Mr. MCCUMBER, Mr. MCKELLAR, Mr. MCNARY, and Mr. MARTIN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the conference report on Senate bill 383.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, disagreed to by the Senate, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes";

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; and

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

PETITIONS AND MEMORIALS.

Mr. KIRBY. I present a petition from citizens of Logan County, Ark., a county that has sent more men to the battle front than any other county in the United States. I desire that this petition be published in the RECORD. I do not ask that it be read.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

MAGAZINE, ARK., *March 26, 1918.*

Resolved, That we, citizens of Magazine and vicinity, in Logan County, Ark., a county which has given more soldiers to the ranks of those fighting for world democracy than any other county in the United States, assembled for the purpose of organizing another "win-the-war" club, the members of which wish to prove their loyalty to the Government by pledging themselves to carry out the program for food production and conservation especially, earnestly petition President Wilson and the Congress of the United States to further aid food production and conservation, transportation and efficiency of men workers at home as well as soldiers in the ranks, by giving us at once and completely the entire prohibition of the manufacture and sale of all kinds of intoxicating liquors, and that they further protest to England against the use of grains which we may furnish that country for the manufacture of intoxicating liquor. We are glad to do all we can to help feed the armies of the allies and their civilian population, but we protest against denying ourselves and making all possible sacrifices for the benefit of English or American brewers.

H. G. THOMASSON,
Chairman.

Mr. LODGE presented a petition of Terrence McDonald Garrison, No. 38, of Amesbury, Mass., praying for the preservation, restoration, and repair of the naval brig *Niagara*, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a petition of Federal Employees Union No. 57, of White Earth, Minn., praying for a greater increase in salaries to all Federal employees than is proposed by the flat raise of $120 per year, which was ordered to lie on the table.

He also presented resolutions adopted by the Association of Business Men of Minneapolis, Minn., and resolutions adopted by the Association of Office Men of St. Paul, Minn., at a meeting held in Minneapolis on March 21, favoring the enactment of legislation authorizing a receipt to be taken of all registered mail matter, showing to whom, when, and the place where delivered, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Forward Club, of Lemongrove, Cal., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the repeal of the bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented petitions of the American Defense Society of the State of California, praying for legislation providing punishment for German propagandists, pro-German sympathizers, and all persons who by public utterance or publication interfere with the successful prosecution of the war, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. VARDAMAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4208) authorizing postage rates on aeroplane mail, reported it without amendment.

Mr. KIRBY, from the Committee on Claims, to which was referred the bill (S. 1092) for the relief of C. G. Wilford, submitted an adverse report (No. 384) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 2632) for the relief of Charles Leon, submitted an adverse report (No. 385) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 280) for the relief of Alfred Sjostrom (Rept. No. 381);

A bill (S. 304) for the relief of Peter McKay (Rept. No. 382); and

A bill (S. 1090) for the relief of the Alaska Steamship Co. (Rept. No. 383).

Mr. MCKELLAR from the Committee on Civil Service and Retrenchment, to which was referred the joint resolution (S. J. Res. 141) amending the act of July 2, 1909, governing the holding of civil-service examinations, reported it with amendments and submitted a report (No. 387) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3808) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, reported it with amendments and submitted a report (No. 386) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 4311) to provide for a commission to codify and suggest amendments to the general mining laws; and

A bill (S. 4312) to amend section 3 of an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; to the Committee on Mines and Mining.

By Mr. MYERS:

A bill (S. 4313) granting an increase of pension to Fred Burnstead; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4314) granting an increase of pension to William Morgan (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 4315) for the relief of William P. Clements (with accompanying papers); to the Committee on Claims.

A bill (S. 4316) granting a pension to Mary McJenkins;

A bill (S. 4317) granting a pension to Reed Coleman;

A bill (S. 4318) granting a pension to Ben B. Sell (with accompanying papers);

A bill (S. 4319) granting an increase of pension to Joshua Boreing (with accompanying papers);

A bill (S. 4320) granting an increase of pension to George W. L. Nesbit (with accompanying papers);

A bill (S. 4321) granting an increase of pension to William Hill (with accompanying papers);

A bill (S. 4322) granting an increase of pension to Alexander P. Settle (with accompanying papers);

A bill (S. 4323) granting a pension to Lilly M. Dover (with accompanying papers);

A bill (S. 4324) granting an increase of pension to Moses Hull (with accompanying papers);

A bill (S. 4325) granting an increase of pension to Larkin J. Vanhook (with accompanying papers);

A bill (S. 4326) granting a pension to James L. Graham (with accompanying papers);

A bill (S. 4327) granting a pension to Robert T. Burton (with accompanying papers);

A bill (S. 4328) granting a pension to Nancy C. Patrick (with accompanying papers);

A bill (S. 4329) granting a pension to David Gregory (with accompanying papers);

A bill (S. 4330) granting an increase of pension to Ephraim B. Guffey (with accompanying papers);

A bill (S. 4331) granting an increase of pension to David W. Britton (with accompanying papers);

A bill (S. 4332) granting an increase of pension to William Brummett (with accompanying papers);

A bill (S. 4333) granting an increase of pension to John R. Davis (with accompanying papers);

A bill (S. 4334) granting an increase of pension to Wilkerson McHoward (with accompanying papers);

A bill (S. 4335) granting an increase of pension to George Washington Tarter (with accompanying papers);

A bill (S. 4336) granting an increase of pension to Daniel Smiley (with accompanying papers);

A bill (S. 4337) granting an increase of pension to Leo V. Burchett (with accompanying papers); and

A bill (S. 4338) granting an increase of pension to Isaac R. Storm (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 4339) for the relief of Charles Lynch; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 4340) granting an increase of pension to George W. Quimby (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing that hereafter when the needs of the Postal Service require the employment on Sundays or holidays of assistant postmasters and other supervisory employees, they shall be granted compensatory time in the same manner as provided by the law for clerks and carriers in first and second class post offices, intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

WAR MATERIAL AND WAR TRANSPORTATION—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. THOMAS. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

The roll call was concluded.

Mr. BECKHAM. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with that Senator. In his absence I withhold my vote.

Mr. LEWIS (after having voted in the affirmative). Mr. President, I fear I had forgotten. Has the Senator from Utah [Mr. KING] voted?

The VICE PRESIDENT. He has not.

Mr. LEWIS. I recall that last evening he asked me to pair with him. He is against the conference report; I am for it. I beg that my name be stricken off and that I remain paired with the Senator from Utah [Mr. KING].

Mr. SMITH of South Carolina (after having voted in the negative). I desire to inquire if the Senator from South Dakota [Mr. STERLING] has voted.

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I understand he would vote as I have voted, and I will therefore allow my vote to stand.

Mr. PENROSE (after having voted in the negative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I note his absence; but inasmuch as he made a speech against this report yesterday, I will let my vote stand.

Mr. FERNALD (after having voted in the negative). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence and not knowing how he would vote, I withdraw my vote.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is necessarily absent. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. GERRY (after having voted in the affirmative). Has the Senator from New York [Mr. CALDER] voted?

The VICE PRESIDENT. He has not.

Mr. GERRY. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and let my vote stand.

Mr. JONES of Washington. I wish to announce the absence of the Senator from Idaho [Mr. NUGENT], the Senator from Georgia [Mr. HARDWICK], the Senator from Oklahoma [Mr. GORE], the Senator from Rhode Island [Mr. COLT], the Senator from New York [Mr. CALDER], and the Senator from Vermont [Mr. DILLINGHAM] on legislative business of the Senate.

Mr. GALLINGER. I announce the unavoidable absence of the Senator from Utah [Mr. SMOOT].

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to my colleague [Mr. STONE], who is detained on account of illness, and vote "nay."

Mr. KIRBY. I wish to announce that the Senator from Delaware [Mr. WOLCOTT] is detained on official business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

Mr. SHEPPARD. I wish to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from Arizona [Mr. ASHURST], and the Senator from California [Mr. PHELAN] are detained on official business.

Mr. TILLMAN (after having voted in the affirmative). My pair with the Senator from West Virginia [Mr. GOFF] having been transferred to the Senator from Louisiana [Mr. BROUSSARD], I was at liberty to vote.

The result was announced—yeas 25, nays 34, as follows:

YEAS—25.

Culberson	Jones, N. Mex.	Pittman	Thompson
Fletcher	McKellar	Ransdell	Tillman
Gerry	McNary	Shafroth	Trammell
Henderson	Martin	Sheppard	Vardaman
Hollis	Nelson	Shields	
James	Norris	Simmons	
Johnson, Cal.	Overman	Swanson	

NAYS—34.

Baird	Hale	Myers	Smith, S. C.
Bankhead	Harding	New	Thomas
Brandegee	Hitchcock	Page	Townsend
Chamberlain	Jones, Wash.	Penrose	Underwood
Cummins	Kellogg	Poindexter	Wadsworth
Fall	Kirby	Pomerene	Warren
France	Knox	Reed	Weeks
Frelinghuysen	Lodge	Sherman	
Gallinger	McCumber	Smith, Ga.	

NOT VOTING—36.

Ashurst	Goff	Lewis	Smith, Mich.
Beckham	Gore	McLean	Smoot
Borah	Gronna	Nugent	Sterling
Broussard	Hardwick	Owen	Stone
Calder	Johnson, S. Dak.	Phelan	Sutherland
Colt	Kendrick	Robinson	Walsh
Curtis	Kenyon	Saulsbury	Watson
Dillingham	King	Smith, Ariz.	Williams
Fernald	La Follette	Smith, Md.	Wolcott

So the report was rejected.

Mr. OVERMAN. I move that the Senate further insist upon its disagreement to the amendments of the House and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON conferees at the further conference on the part of the Senate.

REMOVAL OF ALIEN ENEMIES—CONFERENCE REPORT.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, being Senate bill 3771.

Mr. OVERMAN. I ask that the unfinished business may be temporarily laid aside to enable me to call up another conference report. I ask the Chair to lay before the Senate the conference report on House bill 9504, and that the unfinished business may be temporarily laid aside for the purpose of considering that report.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women.

The VICE PRESIDENT. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. GALLINGER. I will ask the Senator from North Carolina on what bill is this conference report made?

Mr. OVERMAN. It is the conference report on the bill providing for an amendment to the law so as to include women as alien enemies.

Mr. GALLINGER. I do not object to that.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. OVERMAN. I now ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

The VICE PRESIDENT. The first committee amendment will be stated.

The first amendment of the Committee on the Judiciary was, on page 1, line 9, after the word "authorized," to strike out "and empowered," so as to read:

That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary—

The amendment was agreed to.

The next amendment was, on page 2, line 7, after the word "necessary," to insert "which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record," so as to read:

And to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "force," to insert the following proviso:

Provided further, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 21, after the word "authorized," to strike out "in such manner as he may deem most appropriate"; and in line 22, after the word "to," to insert the word "utilize," so as to read:

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize.

The amendment was agreed to.

The next amendment was, in the same section, page 2, line 23, after the word "executive," to insert the words "or administrative," so as to read:

Coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices—

And so forth.

Mr. CUMMINS. Mr. President, this bill has come on for consideration rather unexpectedly, for I think most Senators anticipated some discussion on the conference report which has just been rejected. It has been the expectation of the Senator from Georgia [Mr. SMITH] to speak upon the bill, and I think especially with regard to the amendment which has just been stated. I therefore suggest the absence of a quorum.

Mr. OVERMAN. Before the Senator from Iowa does that, I will ask that this amendment be passed over, and let us get through with other amendments to which the Senator, I think, will not object. Let us have all the other amendments to which there may be no objection, except this amendment, agreed to.

Mr. CUMMINS. There are other amendments to which there is objection.

Mr. OVERMAN. I am willing that this amendment and any other amendment to which there is objection may be passed over, but I should like to get those amendments adopted as to which there is no objection.

Mr. CUMMINS. I do not remember the other amendments to which there is objection.

Mr. OVERMAN. If there is any objection to any amendment, I will ask that it be passed over.

Mr. CUMMINS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Senator will state it.

Mr. CUMMINS. So that we may be sure of the situation, I desire to make an inquiry. There are amendments to be offered, practically substitutes for sections 2 and 3, I think, and I desire to ask whether, in the event this amendment of the committee were adopted, the proposed substitutes that may come in will be in order?

Mr. OVERMAN. Yes; of course.

Mr. CUMMINS. I want the amendment now suggested to be passed over; but I have no objection to going on with the other amendments, although I intend to call for a quorum so that the Senator from Georgia may at least be advised that we are working on the bill.

Mr. OVERMAN. I have sent for the Senator from Georgia.

Mr. CUMMINS. Very well.

Mr. OVERMAN. I will ask that this amendment be passed over for the present and that we go on with the next amendment.

The VICE PRESIDENT. The next amendment reported by the Committee on the Judiciary will be stated.

The next amendment was, in section 2, page 2, line 24, after the word "officers," to insert the words "now existing by law."

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 4, after the word "thereto," to strike out:

And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 11, after the word "be," to strike out the word "available" and to insert "expended only," so as to make the section read:

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer

shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

Mr. THOMAS. Mr. President, the amendment just read seems to me to be inexpedient if the bill is to become a law. Emergencies in times like these are very apt to arise whereby funds available for purposes for which they are appropriated should be expended otherwise, and the necessity for such expenditure may be quite as exigent as is the necessity for giving the President power to combine and consolidate various bureaus. One of the features which hamper war preparations is the fact that Congress carefully specifies the purposes for which and the methods under which expenditures shall be made. That has been the common practice ever since the Government was instituted, and yet, Mr. President, there are many objections to such a system of expenditure. I think by holding the President responsible for these expenditures, in the event he consolidates an agency and finds it necessary to use funds available for that purpose for some kindred purpose, he should be permitted to do so. Therefore, I think the word in the original text of the bill is preferable to the proposed amendment.

Mr. OVERMAN. Mr. President, the members of the Judiciary Committee, especially those who are also members of the Appropriations Committee, have been opposed heretofore to lump-sum appropriations, allowing sums of money to be expended by the head of a department without direction by Congress as to how it shall be spent. We thought that the funds that Congress had directed to be expended for a certain purpose ought to be expended in that way, and if any additional funds are needed, the President can come to Congress for them. Furthermore, as it is now, I think there are plenty of lump-sum appropriations available to administer the Government. Therefore, your committee thought that the President ought to use the money which Congress has directed to be expended in the manner proposed by law.

Mr. SMITH of Georgia. Mr. President, the bill under consideration, known as the Overman bill, authorizes the redistribution of all functions both in the military and civil establishments of the Government. So far as the Military Establishment of the Government is concerned, I will gladly support the bill. I think it should be amended to except the civil establishment, or, at any rate, portions of the civil establishment. As to the civil establishment, it reaches from the Secretary of State and the ambassador to the Court of St. James down to fourth-class postmasters, and authorizes the withdrawal from any Government office or any commission or any bureau or any Government agency the duties devolving by law upon such office, commission, bureau, or agency, and their transfer to any other office or agency that the President may create. To this I object.

Mr. President, there should be at all times the most cordial cooperation between Congress and the President; and now, while we are engaged in a great war, such cooperation is absolutely necessary. But I do not understand this means that the Senate and House of Representatives are to abandon their constitutional duty to aid in perfecting legislation. I do not understand, even if a bill comes to us with the supposed approval of the administration, the President desires that Senators should not study the measure and help perfect it. When we consider the number of administration measures that have come to us in the past year, we know that it would be to suppose that the President possessed superhuman power to believe that he could have studied them in detail and could have passed carefully upon every detail in them. The President, I feel sure, would welcome, and does welcome, the help of the Senate to perfect measures even called administration measures.

The President made a great speech in Baltimore last Saturday. He declared that the time had passed to talk about peace; that the time now was for preparation for war, and continued preparation, and nothing else. We should all support that speech. The time has passed to think of anything but the preparation of our Nation to carry this war to victory; and it is with the earnest desire to win the fight—to win the war—that I favor amending this bill.

Mr. President, to put upon the President, as Commander in Chief, the duty of redistributing the functions of our Military Establishment alone places upon him a superhuman duty, and to involve him now in the redistribution of civil functions that do not pertain to the war, that have been built up by legislative enactment during a century, is to put upon him an unnecessary task, and one not suited to the hour, one calculated, if speedily transacted, to produce confusion and disorder in our civil establishment.

There is vast room for study, and for redistribution in our Military Establishment. I class three branches our Military Establishment—the Navy, the Army, and the Shipping Board. When we declared war, or recognized that a state of war existed, our Navy was in good shape; the heads of the various bureaus had been wisely selected, and had served quite a length of time; they were familiar with their work; they understood it, and when we added the additional war duties to the Navy, doubling appropriations, that well-oiled machinery moved on without friction. It has performed its task superbly, and to-day the American people have plaudits for the Navy, and they congratulate and applaud also the Secretary of the Navy.

As to our Shipping Board, and the Emergency Fleet Corporation, we appropriated for their use over a billion dollars, and placed upon their boards a great task. It required minds of powerful organizing and executive capacity to handle the task. That it was not well done for a while no one denies that we had men upon the board not suited to the task all admit, but changes have been made by the President ,and wisely made. I fear some of the board now are not equal to the task. I hope the majority of them are equal to it.

I come, however, to the War Department. I have only in the past few weeks realized the task we placed last year upon the War Department. We placed the task of handling $5,500,000,000 of appropriations on the War Department without doing anything toward strengthening its business organization. Do I criticize Congress? No; I do not criticize them; none of us realized the necessity for the immediate strengthening of the business administration of the War Department. I am criticizing no one now.

I am trying to look the facts in the face, not with reference to the past, but with reference to the future, with reference to winning the war, which is the great thought closest to the heart of every loyal citizen of this country.

Five billion five hundred million dollars! Why, Mr. President, all the banks in the United States have less than $5,000,000,000 of total assets. Five billion five hundred millions—once and a half the entire gross incomes of the railroads of the United States! Our reserve banks have about four hundred millions. We placed upon the War Department the task of handling more than ten times the entire capital and deposits of the 12 reserve banks of the United States. We placed upon the War Department this great business responsibility. It had not been prepared for it. It was not organized for it.

As to those lines of work that involve strictly military skill—the draft of our men, the selection of officers, the training of officers, and the training of men—our War Department has served splendidly, and it is entitled, and its officers are entitled, to the tribute of the people. But where did we provide for handling the business responsibilities placed upon the War Department? Not in the Assistant Secretary. I think 12 months ago he was a newspaper man, who probably could not have handled a bank with $100,000 capital or a mercantile establishment of that size. The officers of the Army had not been trained for great business tasks. They had been educated as military officers. Where was the business organization from which we expected the wise and intelligent handling of this great business responsibility placed 12 months ago upon the War Department?

Let me call your attention to some features of that responsibility.

We gave to aviation $680,000,000 to be used at once during the first year—$640,000,000 at first and the urgent deficiency bill carried $40,000,000 more, making a total of $680,000,000. Did we add a half dozen great business organizers and executives as Assistant Secretaries and ask the President to place one at the head of aviation? Did we add these additional Secretaries and suggest for those positions the strongest business organizers of the country? Not at all. We sat here quietly, appropriating the money, without action to provide men capable to carry into execution the use of the money which we had appropriated.

I had the greatest respect and admiration for Mr. Richard Olney. He was a great Attorney General and Secretary of State under Mr. Cleveland's last administration. He could not have handled the business we placed on the War Department. I sat for 10 years on a board charged with the handling of an eleemosynary fund, of which Mr. Olney, Senator Hoar, Dr. Gilman, Bishop Warren, of Massachusetts, and the Chief Justice of the United States were members. None of them could have handled the task we placed on the War Department. There was one man on that board, with a powerful executive and organizing mind, trained to executive duties and to organizing vast and innumerable enterprises. When a problem of organization or executive action was before that board, he towered above his associates like a great mountain above little hills. That was the kind of mind we needed. I refer to J. Pierpont Morgan, sr. We really needed a combination of the

great ability of J. Pierpont Morgan and J. J. Hill, and still the task would have been onerous.

Let me go on calling your attention to these business responsibilities that we placed upon the War Department.

We appropriated for the purchase, manufacture, and test of mountain, field, and siege cannon, $1,124,000,000. The plants, most of them, were to be constructed. The organization of those who were to operate the plants was to be made, and then there was the operation of the plants themselves.

We appropriated for the purchase, manufacture, and test of munitions for these cannon $1,816,000,000. This required in many cases the construction of plants to manufacture the munitions. In some instances we could buy what was needed. This required a great merchant. Why, let me mention one little plant, small in comparison with the $5,500,000,000—a little plant for the manufacture of smokeless powder. It took the Secretary nine months to select the head, the man who was to take charge of the organization. He was a man of ability, but knew nothing of powder manufacturing, and then, when he took charge, he found that already some builders had been selected to construct the plant who knew nothing about the intricacy and technical work of the munition plants, and architects had been selected to plan the buildings who had no more knowledge than the contractor.

Let me go on. I wish to impress upon the Senate, and as far as I can upon the country, the tremendous business responsibility we put upon the War Department.

We appropriated for the purchase, manufacture, and test of seacoast cannon, $27,000,000.

For munitions for the same purposes, $31,000,000.

For alteration and maintenance of mobile artillery, $234,000,000.

For subsistence of the Army, $268,000,000.

For regular supplies, $164,000,000.

For transportation of the Army, $516,000,000.

For water and sewers, $44,000,000. It is a pretty big enterprise for an ordinary man to handle $44,000,000, and yet it is trivial compared to the whole responsibility.

Barracks and quarters, $113,000,000.

Roads, walks, and so forth, $21,000,000.

Construction and repair of hospitals, $45,000,000—a great, big enterprise in itself.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. I yield.

Mr. WARREN. Added to the formidable list which the Senator is so well setting forth are all of the industries and cares of peace times. For instance, we have all the navigable waters of the country, all the rivers and harbors of the country, we have all the national parks, we have the Philippines, Alaska, Sandwich Islands, Porto Rico, and other detached districts, and the Panama Canal, and various other interests and industries that must be looked after and carried along in addition to all of the vast duties that the Senator has mentioned. The duties of the War Department are really enormous, even in peace times.

Mr. SMITH of Georgia. The Senator's statement is entirely true. I am only seeking to impress the enormous additional business responsibilities that were placed upon the War Department.

Clothing for the Army, $378,000,000. It would take a merchant of considerable mind to handle that problem alone.

Storage and shipping facilities, $150,000,000.

I have mentioned these particular items in order that the diversity of the task, as well as the enormous character of the responsibility, may be comprehended. As I said before, in the strictly military work of training soldiers our officers were ready for the task, and performed it splendidly. If we had had proper vision, we would have known that there was at least a chance of our becoming involved in this war, and we would have made the organization to handle what was required long before we put the duties on the War Department. Instead of doing so, the last legislative act that we performed in the bill of 1916 was to cripple rather than to strengthen the General Staff, and to lessen the responsibilities of the Chief of Staff.

It was a disorganizing rather than an organizing act. What did we do? We did not realize—I did not; I wish frankly to say I did not—the business task that we were placing on the War Department. We entirely failed to take the proper steps to help meet that business task. What did we do? The policy was adopted under the Council of National Defense of creating innumerable advisory committees, without authority, some good and some bad, some here for patriotic purposes and some not. The Senator from North Carolina [Mr. OVERMAN] has referred to confusion, and he has cited the testimony of Dr. Gifford and Mr. Catchings about confusion, and the necessity for concentration of authority. They were not referring to the civil establishment of the Government. They were referring to these innumerable advisory committees, and they were urging the substitution of men with authority inside the War Department in place of impossible, irresponsible, unknown advisory committees. The Senator entirely misunderstood their testimony. I challenged during his speech his claim that Dr. Gifford and Mr. Catchings had approved transferring to the President the right to refunction all of our civil establishment, and he put their testimony into the RECORD. I have read it from his speech. He simply misunderstood their testimony. They were indorsing the proposition that we needed a director of munitions. They were condemning the advisory committees. They had not the civil establishment in their minds, and not a word can be found in the testimony cited by the Senator from North Carolina that sustains his views of what they said or what they meant.

Mr. President, the folly of the advisory committees has been recognized, and they have been practically dispersed for the good of the country. There has been retained the War Industries Board, and to it large powers have been given. There are strong men on that board. To some of them two years ago I might have objected, but with a more accurate knowledge of their ability I am ready to say that I feel sure splendid service will be rendered toward better organization, and better conduct of this business by the War Industries Board. There are one or two other boards still retained that are valuable, but inside the War Department itself there must be business power and capacity to organize and to execute.

We have added two more Assistant Secretaries. From what I hear of him I shall vote with great pleasure for the confirmation of one of them. I would not refer, after an executive session, to what was done in it, but I can say upon the floor what I contemplate doing. I shall with great pleasure vote for one of these two men. I do not know about the other. He is a most estimable gentleman, I understand, but has he organizing capacity? Has he executive ability? Can he help put into the department the business power that it needs?

Why, after the war began our Chief of Staff went to Europe. Did we not need a Chief of Staff? If we did, we needed him here. A little later his successor, when made Chief of Staff, went to Europe, and is there now, and an Acting Chief of Staff just from Europe took his place. Here was a great business responsibility, the biggest this country ever knew, requiring the greatest executive power that could be had, and a man entirely unfamiliar with what had been going on took the place of the Chief of Staff, and the Chief of Staff went to Europe!

I am not disturbed about how our Army is handled in Europe. I believe we have put at the head of our forces there the best selection that could be made from the Army. He is commanding the plaudits of all who meet him. I thank God he is there. It is here in the United States that the creation of supplies, and the great business responsibility rests to take care of the boys who go abroad, and to prepare this country for any emergency.

I have said repeatedly that I favor immediate preparation for an Army of 5,000,000 men. If the reply is made that we can not send them immedittely abroad, all right. Let us have the munitions ready; let us have the officers ready; let us train them as fast as we can, and even if we can not send them abroad at once let them be trained and remain here at home.

Since the European war began every time I have had an opportunity I have voted to strengthen the Army. I have seen the possibility of my country becoming involved in the war, and I believed if this were only one chance in ten we had better at once prepare. If we had had two and a half million men ready last January, a year ago, to put in France, I do not believe an American vessel ever would have been sunk.

Let us be candid, and honest about it, and not critical. I accept for Congress the full share of the blame. What we wish is to understand the situation now. What I desire is that we should appreciate the situation and prepare. I long to see in every bureau of the War Department the ablest man who can be found at its head, and then to see him kept there. I have no confidence in perfecting an organization by putting a man at the head of a great bureau charged with the expenditure of millions of dollars, and then sending him to France as soon as he begins to learn his work. I know all the best men want to go to France, but they have just as much responsibility here as they have there. They should make the sacrifice. They should be willing to lay aside military laurels to serve their country where they can serve it best.

Next to Gen. Pershing, I wish to see our ablest organizing officer Chief of Staff. Then I should like to see him exercise some authority and coordinate the bureaus.

What a pitiful statement it was from Gen. Sharpe that he did not know, and was not officially told how many soldiers he must provide clothing for in the cantonments. We were partly responsible for it when we passed the act of 1916 taking away from the Chief of Staff his supervisory authority.

Mr. President, I wish to see every possible authority given to the Commander in Chief to handle the Navy, to handle the Shipping Board and Emergency Fleet Corporation, and to handle the Army. I would like to go further than this bill goes. I would like by affirmative legislation to authorize the Commander in Chief to place inside the War Department between the Secretary and the bureaus such an organization of business and military men as he deems proper to supervise and coordinate the work of the bureaus—one, two, five; I would leave it to him. The responsibility can not be taken off of the Commander in Chief under the Constitution. We can not name the men. The men who occupy the places finally determine the efficiency of the service, and he must select them. I would give him that additional authority by affirmative legislation over and above what is covered by the present bill.

The great work that confronts us here at home is to organize armies, and to organize munitions and supplies to take care of our armies, and to complete plans to provide the munitions.

More than two years ago we passed a bill authorizing the construction of a nitrogen plant, and we nagged the War Department over and over again on the floor of the Senate for doing nothing, and they never started a nitrogen plant until months after the war began. There was a lack of vision. I mention it again, and I say it not by way of criticism, but that we may realize, all of us, what we are up against and prepare for what is ahead.

Mr. President, I will not criticize in detail any place where our business administration failed, where our money was not wisely spent, where the results for which we hoped were not accomplished. I simply say that in this organization, with the lack of skilled organizers and administrators at the top, without knowing anything about the details, I know there must have been trouble lower down. I am surprised that it has not been worse than it has been described. We have young men scattered through the Army without thorough organization. They have done splendid work, and they to a considerable extent have supplied the lack of the kind of mentality that we ought to have placed with the Secretary of War to direct these tremendous business undertakings.

If we leave to the President all these responsibilities, the responsibility to reorganize, to refunction, to direct the Navy, the Shipping Board, and the Army, we have taxed his mental endurance to an extent that a human mind could carry. The law puts it there. We should facilitate his use of it in every way possible. We should cooperate with him in its use.

I would not vote to place upon him a director of munitions even if I thought such an office would be desirable. I would not vote to place upon him a war council of three men if he objected to it, even though I might personally desire it, because it would not be the part of wisdom to seek to force upon the President, who is Commander in Chief, machinery that he did not desire to use.

I had determined if those measures came to the Senate to vote against them, without considering their merits, upon the ground that it would be folly to put upon the Commander in Chief instrumentalities he did not desire to use. But I would in connection with the Military Establishment not alone give him all the authority that this bill gives him, but I would give him the further authority to put such additional boards of one or more men with such powers and of such character as he might determine under the Secretary of War to help coordinate the business responsibility of the War Department, and if he wants authority given by statute to the War Industries Board I am willing to vote for it.

Mr. WADSWORTH. Will the Senator yield just a moment there?

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. I yield.

Mr. WADSWORTH. The Senator may have noticed that the Military Affairs Committee of the Senate in making a report on yesterday recommended that the production of aeroplanes and engines and the fulfillment of the industrial efforts in our aviation program be placed under one executive head, to be appointed by the President and to be responsible solely to him. Does the Senator understand that this bill would not permit such a thing to be done?

Mr. SMITH of Georgia. I do not think that this bill carries that authority.

Mr. WADSWORTH. It does not permit the President to create any new agencies?

Mr. SMITH of Georgia. The President can create new agencies under it, as I will show later on, but I answer for just a moment that there are a number of bills that place general responsibility upon the President under which he can appoint any agency he sees fit. This bill allows him to transfer any function belonging to any civil or military establishment to any agency he sees fit. He can put anybody he pleases into any of these existing agencies and then give them any of these functions, but I would regard it vastly better I will say, that I may not be misunderstood, to authoritatively provide that he may create the agency mentioned by the Senator for this express purpose.

Mr. WADSWORTH. My own impression was, from reading section 2 and other portions of the bill, that this power of the President so far as transferring functions and consolidating officials and their duties from one department to another or in a particular department, was confined to those commissions, bureaus, agencies, offices, or officers now existing by law.

Mr. SMITH of Georgia. No; it is not. I will call the attention of the Senate to what it is really later on, but I state for the present that it puts it within the power of the President to put anybody he pleases into a number of existing organizations already created by law. They would then become governmental agencies, and in that way he could transfer any power to men not now doing any work. But I would not approve that kind of conduct. I would regard it vastly better if he needed an agent of the character referred to by the Senator from New York to specifically authorize his appointment.

Mr. NELSON. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. For a question.

Mr. NELSON. Does the Senator think that under this bill the President, for instance, could designate one of the Assistant Secretaries of the War Department to perform the duties of the particular office to which the Senator from New York refers?

Mr. SMITH of Georgia. Undoubtedly.

Mr. NELSON. Under this bill?

Mr. SMITH of Georgia. Undoubtedly. If he already has a Secretary or if he has Secretaries enough to spare one, if the particular person desired for the work had already been named to an office, then this responsibility could be placed upon him under this bill.

Mr. President, I wish to come to the civil establishment. It has been built up by legislation through more than a century. It has had the benefit of the consideration of Senators from the different States and Representatives from the different districts. It has responded to local conditions. There is not a Senator who could not find something he would like to change in our civil establishment, but no five men could reorganize after two years' work our civil establishment who would not have put more into it that any one of us would object to than is in it now. Any five men who took two years to work upon it would bring back to us as a result of their work things that each of us would object to.

The Senator from North Carolina [Mr. OVERMAN] wishes this unlimited authority for change because he says things happen every day requiring change. He does not tell us anything that has happened in the last 12 months, since the war began, which requires a change.

Mr. OVERMAN. I named 12 bills which we passed, which passed both bodies unanimously, where the departments had to come here to get authority for this and that. Nobody objected to the bills, and it took up the time of the Senate to pass them.

Mr. SMITH of Georgia. I repeat, the Senator does not show us anything that has happened during the past 12 months that he now desires changed in the civil establishment, and the Senator has not corrected me in his statement. There were some things that were suggested before the war. In our committee, and we freely have given you what happened in the committee, the Senator did suggest that our lighthouse system, our life-saving system, and our Revenue-Cutter Service ought to be coordinated, and that we ought to have authority to use them in the Navy in time of war. I agreed with him, and called his attention to a statute that had already done it, and this bill was not needed for that purpose. He called attention to the Geodetic Survey. Here is the statute that already places the ships of the survey under the Navy. What else? Where else? Oh, "it happens every day." I do not want our civil establishment torn to pieces by ill-advised suggestions presented every day. You can not improve upon it in that way. It is against an ill-advised, every-day disorganization of our civil establishment that I am now urging the modification of this bill.

But the Senator from North Carolina says that our civil establishment is in a state of confusion. The Senator is mistaken. There was a rather confused description of it by my friend from North Carolina, to whom I am probably more closely attached than I am to any other man upon the floor of the Senate. My people have loved his people for a century. But the Senator did not have an accurate knowledge of our civil establishment.

I served three years and a half in the Interior Department. The Senator says he wants to give the President scissors to cut the red tape. I pause to ask the Senator to name a piece of red tape in the civil establishment created by statute. He can not do it. There is not any.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. I do not know that I can point to any instance of red tape being created by statute, but I can point to one which results from a statute and operates very seriously in the section of the country where I live.

Mr. SMITH of Georgia. I would be glad to yield for a question to the Senator.

Mr. THOMAS. Just one sentence. I merely want to refer to the fact that placing the Forestry Bureau under the Department of Agriculture instead of the Department of the Interior, where it belongs, is a source of very serious embarrassment and difficulty in the West.

Mr. SMITH of Georgia. I am not prepared to say it was not a mistake, but there are a great many people who think it was wise. The first legislation developing the forestry system was drawn and sent to Congress when I was Secretary of the Interior. I had the honor of drawing it, at the suggestion of the Academy of Sciences. It was brought to me by Mr. Gifford Pinchot, who was appointed on a committee to help prepare legislation.

There is red tape in the departments, but it grows out of departmental orders, of departmental practices, and not out of statutes. The President has the scissors, and has had them for four years, and the heads of the departments have had the scissors for four years. When I took charge of the Department of the Interior I found the business of the department administered by bureaus. Each of these bureaus had a director.

There were from 500 to 3,000 employees in each one of these bureaus. They did the work and sent their communications to the Secretary for his official action, and he acted and sent the work back to them for execution. It took from 7 to 10 days for a communication to reach the Secretary and for the action of the Secretary to get back to the bureau. I found it out a week after I took charge. I found that a communication from a bureau went to the chief clerk. He sent it to the division charged with the responsibility for the work upon that particular bureau. Around the Secretary's office there were six divisions with a chief, and about 10 assistant clerks who for the Secretary worked over and prepared suggested action for him upon requested action by the bureaus. A communication would come from the Land Office. It would come to the chief clerk. He sent it to the chief of the land division. He handed it out when he got ready to a law writer or clerk in his division. He worked on it. He handed it back to the chief of division. The chief of division initialed it and sent it to the chief clerk. The chief clerk sent it to an assistant secretary who initialed it. The chief clerk initialed it and then brought it to the Secretary. The Secretary acted on it and sent it back to the bureau. I asked the chief clerk to explain the paper he had initialed, and he knew nothing about it. I asked the assistant secretary to explain it, and he knew nothing about it. I asked the chief of division, and he knew nothing about it.

I at once directed that no initials be put on any paper coming to me by anybody where the party putting the initials could not discuss the subject without looking at the papers. I asked why all this delay and useless circumlocution? They said it was the practice of the department, and they thought there was an order requiring it. It took only five minutes to dictate and sign the order to the chief clerk to send to each bureau a direction that in the future their communications go direct to the division which would handle their matter, and instructing the chief of the division to bring bureau communications to the Secretary's office by 3 o'clock the same day they reach the division. The chiefs of divisions were startled. Then I said at 9 o'clock the next morning, "You will have all night, if necessary, to work on them"; and in 48 hours we changed the system so that communications from the bureaus received their answer from the Secretary's office in 24 hours. There was departmental red tape. I did not have to come to Congress to get any scissors; I had the scissors. It only required a little common sense to clip the red tape, and to move the business of the department forward.

I want to contest the suggestion of the Senator from North Carolina that the departments are loaded down with red tape that it needs statutes to relieve. They need only a little executive ability and firmness. They need to step on some customs and step on some men who like old customs. That is all. It does not need interference by the President. We need not call on the President to carry this great responsibility. Heads of departments can cut out the red tape. The Secretary of War by an order could shorten the length of time it now takes to get action through the various branches of the War Department and force it to the final place in 24 hours.

But the Senator from North Carolina says that Mr. Taft agreed with the provisions of this bill. Why, Mr. President, the Senator could not be more mistaken. President Taft, after nearly four years as a lawyer in a department, then at the head of a department, and then as President, conceded that he was not in a position to reorganize the civil government of the United States, for he asked Congress to create a commission of, I think, 10 men to work upon the subject. With all of his experience he did not pretend that he could change every day, in a few minutes, the organization of our civil establishment. He knew he could not do it except by creating confusion.

I do not believe, if this subject were fully explained to the President and he could give two days to its consideration, that he would for a moment ask any such legislation. I have the greatest confidence in his ability; nobody questions his patriotism; he has a marvelous capacity to grasp with wonderful rapidity any proposition that is laid before him; but you must be ready to contest a preconceived view if you wish to reach a sound conclusion. It is in the conflict of intellect, not by absolute concession, that truth is worked out. It is the conflict of intellect on the floor of the Senate that helps to perfect legislation; and the Constitution of our country, which I love, prescribes that as the way to perfect legislation.

What did this commission appointed by Mr. Taft report? Ninety out of a hundred of its suggestions dealt wholly with departmental administration. It suggested a few statutes, practically all of which except three have been passed. One was a change of our mode of selecting civil-service clerks. Now we allot a certain portion to each State, while that commission recommended, without regard to States, the selection should be made solely upon the grade of the applicants; but nobody ever introduced a bill to carry that suggestion into execution; nobody has suggested from the executive department during this administration or the last administration that it should be done.

We have six auditors. We have no budget system. The Senator from North Carolina suggested that we have a consolidation of our six auditors. This recommendation was made, I think, four or five years ago by President Taft's commission; but the President has never recommended its adoption; the Secretary of the Treasury has never approved it.

Let me digress to say that I believe the time will come when this country will concede that no Secretary of the Treasury has ever shown greater executive ability or organizing capacity or done more for his country than has the present Secretary of the Treasury. He has not asked for this legislation. Why should we consolidate the auditors? I think it would be unwise to do so. The Post Office Department is a great big department. It is as much as one auditor can handle. The War Department is another big department; the Navy Department is another, and so on. Why undertake to put all those duties on one man? If the Secretary of the Treasury will say that he wants this, I will vote for it; I have every confidence in him; but he has not said so, and he has been Secretary of the Treasury now for five years. Surely this is not what the President wants to do.

But the Senator from North Carolina says our finances are confused; that we have estimates from different sources sent to us; and that we ought to have a budget system. Senators, we might have a budget system in time of peace; I think probably we should; but we can not have it in time of war. Who in the Treasury Department is prepared to revise the estimates of the War Department and say they are unwise? Who in the Treasury Department is prepared to revise the estimates of the Navy Department and say they are unwise? Why, you would have to transfer to that budget committee your ablest soldiers and your ablest naval officers. The President has not said that he wants a budget system, and if you will ask the Treasury officials to-day they will tell you they could not handle a budget system in time of war.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I do.

Mr. KELLOGG. Does the pending bill provide for or authorize a budget system?

Mr. SMITH of Georgia. No; but it authorizes the transfer of all functions to any agency or person, and the President could transfer the functions attaching to the various departments to somebody in the Treasury Department and say that thereafter the duty of making estimates for the various departments should be performed by that one central authority rather than by the departments themselves. This bill would allow a budget system, which I think at this time would be very unwise. Surely we do not want that done in a minute.

But the Senator from North Carolina says these difficulties arise every day, and he wants to change them every day. Oh, Mr. President, if we change our financial system on the spur of the moment, if we consolidate our auditors on the spur of the moment, if we stop the War Department and the Navy Department from making estimates for their own operations on the spur of the moment, what shape will we be in to win this war?

The Senator from North Carolina has but one object. He says, "I want to pass this bill in order to win the war." I want to amend this bill in order to win the war; I want to prevent confusion; I want to prevent this suggested folly, because we need all our resources, all our strength, and all our power to win the war.

Where is there anything left which the Senator from North Carolina claims should be changed in the civil department? The Senator from North Carolina filed with the committee a pamphlet making suggestions of duplications of work in the departments. In the first place, I want to say that the act of 1917 authorizes the President, where he finds duplications to exist, to bring them to an end by stopping them at one of the two places. So he has now the authority to stop duplications of work. But let us see what the Senator from North Carolina, or some not thoroughly informed person who furnished him the information, thought constituted duplications to be abolished by this bill. I am familiar with some of them.

First, the Bureau of Soils in the Agricultural Department is working on potash and the Geological Survey is working on the problem of potash; therefore, according to the Senator's pamphlet, there is a duplication, and we should make a consolidation. Now, let us see what would happen if the President had listened on a moment's notice to such a suggestion from the person who furnished the Senator from North Carolina this memoranda. The Geological Survey is organized with skilled geologists. They study the soil, determine the geology of the rocks, and advise the Bureau of Soils in the Agricultural Department of the existence of potash in certain formations. The Bureau of Soils has scientific chemists in the Agricultural Department. They take up the subject, without duplication, and follow it on, testing substances and learning how economically to separate the potash from the other substances. They go further, and study plants, and when they find potash in them they study the problem of its economic separation. That is no duplication of work. But how would this expert who advised the Senator from North Carolina proceed? He would transfer the geologists from the Geological Survey, where they are working upon the potash problem, to the Bureau of Chemistry of the Department of Agriculture, and what would they do the balance of their time after they finished conducting their investigation to find the potash? Or he would transfer the chemists who are working on the potash problem in the Bureau of Chemistry to the Geological survey, and I want to know what they would do there after they finish their analysis with reference to potash? It may on its face look as if there were duplication, but any successful effort at consolidation would have involved horrible waste of the time of valuable men.

Next the Senator refers to the Bureau of Foreign and Domestic Commerce and the foreign-trade advisers. He says there is duplication. Whoever furnished him that information was not familiar with the work of either of those organizations. I wish to say that the organization of foreign-trade advisers has been developed during this administration. There was in existence such an organization before, but the extent of their service, the character of their service, has enormously increased as a result of the war. The Department of State has been compelled to lean upon them as never before; and instead of this administration desiring to consolidate them with the Bureau of Foreign and Domestic Commerce, which does an entirely different work, their duties have been increased and their responsibilities enormously enlarged since the beginning of the war.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. Yes.

Mr. KNOX. The foreign-trade advisers were established in 1910 under an appropriation made by the Congress to promote foreign trade. That was the first time in the Department of State that such an office existed, and the Senator from Georgia is entirely correct—and I am glad he has put some emphasis upon the proposition—that their function is entirely separate from that of the foreign-trade agents of the Department of Commerce. The foreign-trade advisers of the Department of State are part and parcel of our foreign machinery and, through diplomatic and political and other contact with foreign nations, make the opportunities which the foreign-trade agents in the Department of Commerce improve upon and operate under.

Mr. OVERMAN. Mr. President, does not the Senator think that it is better to have all that in the State Department rather than to have a part of it under some other department?

Mr. KNOX. I beg the Senator's pardon.

Mr. OVERMAN. Does not the Senator think that that work could be better administered in one department than in two departments?

Mr. KNOX. I think that both departments sustain their natural and indispensable relation to the work.

Mr. OVERMAN. I ask the Senator the question whether he does not think this could be better administered by the State Department than by the Department of Commerce?

Mr. KNOX. I always thought so until Congress provided otherwise, but I understand now that the arrangement works very well.

Mr. OVERMAN. Did not the Senator himself advocate that?

Mr. KNOX. I certainly did. I strenuously opposed the separation of the functions; but, as I have indicated, I am candid enough to say that I think the arrangement is working very well under the present system.

Mr. SMITH of Georgia. Now, Mr. President, I have had considerable relations with both. I think that they work splendidly as separate organizations. Their work is entirely separate. The foreign-trade advisers since the war began have been charged with looking after, for the State Department, many contracts of American citizens and many rights of American citizens already existing, which have been involved in injury as a result of the war. These men have been the arm of the Secretary of State in helping the Secretary of State care for the rights of American citizens transgressed as a result of the war.

I come now to another place where the Senator finds duplications. He refers to the Bureau of Education, the agricultural extension work of the Department of Agriculture, and the National Board of Vocational Education. Some expert who has advised him wants to consolidate them. Why, Mr. President, the whole Department of Agriculture is an educational department; its work is the work of scientific investigation to be carried to the farmer for his education, and it brings immense returns to the country.

During the present administration we prepared the bill for the extension of agricultural work from the colleges of agriculture and experiment stations, and put it under the Agricultural Department, which was the only proper place to put it. They have their experts; they are prepared to administer it. The bill creating this extension work was introduced by me. It was prepared by five presidents of colleges of agriculture who had been working upon it for years, and by Dr. True, of the Agricultural Department, with such little assistance as I could give them, it having been a subject which had interested me theretofore, I having induced my own State when I was governor to inaugurate a system of agricultural extension work from the college of agriculture of Georgia, which had been so helpful that I wanted all the States to have a like benefit. I do not want any experimentation with that.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. Yes.

Mr. VARDAMAN. I want to ask the Senator if by any stretch of imagination he could possibly reach the conclusion that the President, under the power given in this bill, would overthrow, disorganize, and destroy established institutions?

Mr. SMITH of Georgia. I answer that here is the memorandum of the things that could properly be changed, furnished by the Senator in charge of this bill.

Mr. VARDAMAN. It seems to me that indulging the presumption that the President will do anything of the kind would justify the likening of the President to the proverbial bovine in the china shop. If such a thing is possible I could

not think of voting for this bill. But I can not conceive of the President overturning established institutions which are the result of years of careful thought and mature deliberation. Nothing short of great emergency would justify such a thing.

Mr. SMITH of Georgia. Mr. President, I can not conceive of my voting to authorize anybody to do it. That is why I am objecting to some features of this bill. I do not know what the President wants to do. He has not told us. The Senator from North Carolina says that he has come here and told us just what he wants to do. In the first place, he has not come here. We hear that this bill was handed to the Senator from North Carolina. The President has not come here, and he has not told us anything that he wants to do, and this bill does not tell us anything that he wants to do. I am trying to find out, from what has been said by the Senator from North Carolina, who has charge of it, what he wants to do.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. I do.

Mr. LODGE. I should like to ask the Senator, in connection with the little colloquies he has been having, whether he does not think it is a good general principle not to grant powers on the theory that they will not be used?

Mr. SMITH of Georgia. If they are not to be used, and we feel so sure that it would be improper for them to be used that we trust they will not be used, we ought to trust ourselves not to grant them.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me just a moment, I should like to suggest that we have granted so many unusual powers to the Executive—we have had to add so many things in faith—that I am afraid if we should stop right now the patient might suffer from the change of treatment. And I do not want to be responsible, even in part, for the enactment of any measure or failure to enact any measure that would in any way hinder or embarrass the President in the performance of his great function in this emergency.

Mr. SMITH of Georgia. Mr. President, I do not think the Senator from Mississippi can be serious, and I am sure he has made by his statement no argument in favor of this bill. I regard his statement as one of criticism of what has been done, rather than of approval of what is suggested.

Now, let us go one step further. He says the Vocational Education Board is a duplication. Why, let us see. The President appointed a commission of 10 to prepare a plan for national aid to vocational training. I had the honor of serving with my distinguished friend from Vermont [Mr. PAGE] upon that commission. A splendid board worked with us. We prepared this vocational education bill after weeks of labor. We duplicated nothing in the Agricultural Department and we duplicated nothing in the Bureau of Education. We created a board composed of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Commissioner of Education, an expert in commerce and manufactures, an expert in labor, and an expert in agriculture, making a board of seven. In that way we coordinated the work of all the bureaus, of all the departments, and that board is proceeding to do a great work. If I did help prepare it, I admit that it is a great bill. I wish the name of the Senator from Vermont were in it. I do not say I wish it were there in place of mine, because I am a little glad mine is in it; but though I happened to have my name in it because the change of the politics of the Senate made me chairman of the Committee on Education and Labor, and therefore I had charge of it as chairman of the committee that prepared it, I never intend to let a chance pass without seeing that the Senator from Vermont gets the credit that his splendid work deserves.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. SMITH of Georgia. I do.

Mr. LEWIS. I have been waiting for the Senator to get to a juncture where I could interrupt him without disarranging his argument. As he goes along, I wish the Senator would suggest to me what he means by his constant reference to the civil establishment, so that I can have it distinguished.

Mr. SMITH of Georgia. I divide our executive activities into the military and the civil. I mean by the civil the Department of State, the Treasury Department, the Interior Department, the Post Office Department, the Commerce Department, the Labor Department, and the Agricultural Department; I mean the Interstate Commerce Commission; I mean the Federal Reserve Board; I mean the Civil Service Commission. On the other hand, I classify as military the Navy, the Army, the Shipping Board, and the Emergency Fleet Corporation, which to-day are really engaged in operation for military purposes.

Just one word more about this memoranda of the Senator from North Carolina. It is in print. It is furnished as a basis for interference with our civil establishment. He proposes to break down our National Vocational Education Board; to break down our agricultural extension work from the colleges of agriculture, our Bureau of Education. They are splendidly coordinated. They are the result of days and weeks and months and years of study by experts. I do not refer to myself as an expert. Is some one to come to the President and each day to suggest changes in matters of this kind, and is he to act upon them on the spur of the moment? If the President had the time to study these three branches of our civil establishment, I would have the utmost confidence in his judgment; but he has all that a human being ought to be asked to do to perform his labors as Commander in Chief of the Army and the Navy. He can not handle this work, and threatened change is dangerous; and the changes suggested by the Senator from North Carolina are objectionable and dangerous.

Here they are, Senators. I am not creating them. Here is his little pamphlet, with the places where he says there is duplication and which he wishes to tear to pieces; and I show you in each instance he is wrong. I do not charge the President with having approved anything of the kind. I do not believe he did.

Mr. President, I come now to the two most important organizations to interfere with which would impair our power to win this war. I refer to the Interstate Commerce Commission and the Federal Reserve Board.

We have just had the question of the Interstate Commerce Commission before us. A bill was sent to us providing for the removal of all authority from the Interstate Commerce Commission, and placing it all in the hands of the Director of Railroads. The Director of Railroads could not have exercised it. He could not have changed the rates. He could not have studied problems of classification and discrimination. That will be done by the superintendents of railroads scattered all over the United States, from the Atlantic to the Pacific, from the Gulf to the Lakes, and as the bill came to us those superintendents would make the changes of rates, the changes of classifications. They could have put a rate on a particular commodity at a particular place that would run any industry out of business. They could have put a rate on a particular locality that would paralyze the business of the locality. It would not be done by the Director of Railroads. He could not have done it. It would be done by the local superintendents scattered all over the United States. Parties injured would not be heard to protest. And the Senate, by an overwhelming vote, amended that bill, and reserved the right to the Interstate Commerce Commission to finally decide upon a rate, to finally determine whether it was discriminatory.

I am not so much disturbed about raising rates. They will be raised. I am disturbed about discrimination, about an excessive rate put upon a particular place or a particular commodity for the purpose of preventing the movement of a commodity. You might think that would be impossible; but after we have had the experience of Dr. Garfield's order, suppressing the sawmills in Florida, Georgia, Alabama, Louisiana, and Mississippi to save coal, when they never used any coal, but furnished their by-product to warm the communities in their neighborhood, and to open up the port of New York, when their products did not go to New York, I do not know what might happen.

The President approved the Garfield order and defended it. Of course, he had not had time to study it. If he had had time to study the order in its far-reaching effects, if he had realized local conditions all over the Union, as no one human being does, he never would have approved it. It is not lack of confidence in the President; it is the consciousness that you put upon him the impossible. To ask him to pass upon the Garfield order, with his many other duties, was to ask him to do something which was superhuman, if you expected his passage upon it to be his careful, deliberate, finished judgment.

I say that the transfer of the powers of the Interstate Commerce Commission to the Director of Railroads would be a transfer to the superintendents of the various railroads of the right to destroy any industry they saw fit, or any community they desired. I never will vote for a bill which contains such a power. I would rather retire from office to-morrow, with the knowledge that I never could be elected henceforth constable in my State, than to injure my people and injure my country and jeopardize my country in this war by voting for such a measure.

Senators, think about it! You hang a threat of ruin over every industry and every community in the United States at the whim of a local railroad superintendent! That is what this bill does. I think that the most serious injury that might

befall us from passing this bill without amendment. Whether the President transferred them or not, the mere possibility that any President during this war might do so would check activity by the cautious man and make him hesitate about his business. It would place a restraint on the whole country. It would threaten our productive power, and this war is not only to be fought by men; it is to be fought with resources. You strike at our resources, and then say to me you want to do it to win the war! Ah, I would save them because I want to win the war. I would save them because I know it is necessary to save them in order to win the war.

Now I come to the Federal Reserve Board. This bill will allow all the duties of the Federal Reserve Board to be transferred to the Comptroller of the Currency. Any President during the war can do it. Mr. Wilson may not be President during the whole war. We do not know how long it will last. No man has a lease on life. What President? Frankly, I would not give it to any President. I would give it to President Wilson quicker than anybody else I know if I were sure he still did not want to transfer the powers of the Interstate Commerce Commission to the Director of Railroads. Within the past few weeks he did. Within the past few weeks we had an administration bill to take over the railroads that did it.

Mr. CUMMINS. Mr. President, would it interrupt the Senator if I were to ask him a question?

Mr. SMITH of Georgia. Not at all.

Mr. CUMMINS. It relates to that point. If this bill is valid under the Constitution, which I deny, it authorizes the President to assign his functions to any person whom he may select. He can assign all of the duties which we give him under this bill, or all of the duties which the Constitution assigns him, to any officer of the Government whom he may select for that purpose. He is not obliged to exercise these functions himself.

Mr. SMITH of Georgia. He could select some man to study it, to work it out for him, and to bring him a report. He would not have time to study it.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. I do.

Mr. KNOX. There is plenty of precedent for the President assigning his powers in constitutional government. Down in Central America and some portions of South America they do it under the denomination of depositing the power. You all remember the historic incident of Castro depositing the power with Gomez when he was about to take a trip abroad. When Castro returned Gomez forgot to redeposit the power and is still President of Venezuela. It is a power that must be carefully exercised.

Mr. CUMMINS. I gather that it is one of the purposes of this bill to put our Government in the same flexible situation in which many governments of other countries may be unfortunately. I am only asserting that under this bill, as it is drawn, if it is constitutional the President could select a deputy president and retire wholly from the discharge of his duties and the burden of his responsibilities. I do not suggest that he would be inclined to retire wholly, but I do suggest that he would be inclined to transfer some of the functions with which the law has clothed him to some other officer of the Government.

Mr. SMITH of Georgia. The President would be compelled——

Mr. LEWIS. Mr. President——

Mr. SMITH of Georgia. One moment. The President would be compelled to select some one to look into it for him. Finally it would be his act when he approved the result of the work of others.

Mr. CUMMINS. May I suggest to the Senator from Georgia it would not be necessary for him to do that. His is an office covered by this bill. He can transfer that office or any function of that office to any other department or officer of the Government the function or power which we attempt to confer upon him in the bill, and if he were to do that and his act is valid, then that other person or officer could use his own discretion or judgment with regard to the matter himself.

Mr. SMITH of Georgia. I am not prepared to go quite as far as the Senator from Iowa has gone, but I will not discuss the subject now. I yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, as I expect to take the floor following the able argument of the Senator from Georgia I did not interrupt him from time to time, but at this point I wish to say that there is nothing in this bill, as I see it, that could authorize the conclusions of the eminent Senator from Iowa to the extent of any President naming a deputy president. As to the Senator from Pennsylvania [Mr. KNOX], making a somewhat humorous allusion touching the administrations of South America, I wish to say that now, under the law, the President of the United States does daily convey and confer many of his duties as President to certain arms known as members of the Cabinet that are the duties of the President. He conveys them now, and he has conveyed them for 50 years. It was a law under the administration of the Secretary of State, now Senator KNOX. But let it be understood, he may convey some of the duties, but he can never transfer the responsibility, and there is where the distinction is drawn.

Mr. CUMMINS. For just a moment; I simply want to call the attention of the Senator from Illinois, when he comes to discuss this matter, to this language in the bill among other powers.

To transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another.

He is an officer of the United States and enjoys that office, and any function or duty or power which he may now exercise under the Constitution and under the law we authorize him to transfer to another. He will have, of course, the moral responsibility for that transfer, but the responsibility of the act of the officer will not be the responsibility of the President of the United States.

Mr. SMITH of Georgia. Mr. President, without being changed from the line of discussion that I was myself presenting, I wish now to take up the subject of the Federal Reserve Board. They have the confidence of the banks of the country. Our banking system is operating wonderfully. That is due to the Federal Reserve System and the Federal Reserve Board and to the confidence the banks of the country have in that board. It would be almost criminal to put in jeopardy the power and the responsibility of that board. If their powers were transferred to the Comptroller of the Currency or to some Auditor of the Treasury Department financial chaos would follow; our whole banking system would be disrupted. I would never vote for this bill without a provision exempting the Federal Reserve Board from its operation.

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I wish to say that I am opposed to this bill as drawn and favor amendments taking the civil establishment out from under its operation because no changes are needed in the civil establishment. They ought not to be made in time of war. The President has all he can do to perform his duties as Commander in Chief and we should not place such an additional burden upon him.

I shall especially urge amendments to exempt the Interstate Commerce Commission and the Federal Reserve Board from the operations of the bill. There the chief injury to the country might come. There the whole Nation in its productive power and banking resources might receive paralysis. It would certainly receive a blow and find a monkey wrench thrown into its midst if we even passed a bill without exempting those great boards so necessary to our industrial and financial prosperity.

I am aware of the fact that the President of the United States is wonderfully popular, and deservedly so. I am aware of the fact that he is the idol of the American people. I am aware of the fact that in my own State many of my best friends would have me follow anything without amendment that had administration approval labeled on it. But are we to consider our own interest? Politically it would be easier for me to take that course. Politically it would be popular even in my own State. A vast majority of the people are devoted to the President, and many of them think Congress should do anything he suggests or adopt anything with administration approval without change and without amendment. That would be the easy course, to do nothing to serve my country but to serve myself. But are we here simply to seek the retention of office? Are we here simply to seek new commissions for further service, or are we here to seek really to serve?

Ah, Mr. President, in this hour of the trial of our country, in this hour when every strength should be given to win the war, a Senator should be ready to help win the war by doing what is best to win the war, if he knew by doing what was best to win the war he must give up his commission as a Senator. So I ask, now, Shall we save our political fortunes, or

shall we do what we know is right? If Senators follow their convictions without regard to political fortunes this bill will be amended by an overwhelming majority. I appeal to a sense of duty, to a sense of patriotism, to the courage of Senators.

Mr. LEWIS. Before the Senator goes further, differing from the Senator very much——

Mr. SMITH of Georgia. If the Senator desires to ask me a question I will yield.

Mr. LEWIS. I wish to ask the Senator—differing from him; nevertheless much that he is saying is interesting—I should like to know if he can enter into some reasons why those amendments should be adopted, and why civil boards or commissions should not be included.

Mr. SMITH of Georgia. If the Senator has not understood what I said, I can not make him understand. I have been engaged in that very task for the last half hour. I have demonstrated that nothing has been shown which needed a change in our civil establishment. I have shown that suggested changes would be blunders if adopted, and I have shown that to jeopardize the work of the Interstate Commerce Commission might paralyze the industries of the country, and to jeopardize the work of the Federal Reserve Board, to subject its functions to be changed or transferred to an auditor of the Treasury or to the Comptroller of the Currency, would break the confidence of the banks of the country in our banking system, and bring on financial chaos. I will not repeat further. I trust the Senate has gathered even from these additional remarks somewhat of the thought that is in my mind.

Again I wish to say, Mr. President, that to-day, at this hour, we should rise above the desire for political preferment. It is our duty to perfect legislation, to carve out of it any portions which we see will injure our country and hinder the winning of the war, and this we must do without regard to our own future. This we will do to help save our country if we sacrifice ourselves.

Now, let me close in the language of a great Senator who once represented Georgia here, "Who saves his country saves himself, saves all things, and all things saved do bless him. Who lets his country die, dies himself ignobly, lets all things die, and all things dying curse him."

Mr. LEWIS obtained the floor.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Smith, Md.
Bankhead	Harding	McNary	Smith, S. C.
Beckham	Henderson	Martin	Sutherland
Borah	Hollis	New	Swanson
Brandegee	James	Norris	Thomas
Calder	Johnson, Cal.	Nugent	Thompson
Chamberlain	Jones, N. Mex.	Overman	Tillman
Culberson	Jones, Wash.	Page	Townsend
Cummins	Kellogg	Penrose	Trammell
Fall	Kendrick	Pittman	Vardaman
Fernald	King	Ransdell	Wadsworth
Fletcher	Knox	Shafroth	Walsh
France	Lewis	Sheppard	Wolcott
Gallinger	Lodge	Sherman	
Gerry	McCumber	Smith, Ga.	

Mr. SUTHERLAND. I wish to state that I have been detained from the various roll calls to-day on account of official business. I wish also to announce that my colleague [Mr. GOFF] is absent owing to illness.

Mr. JONES of Washington. I desire to state that the junior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The Senator from Illinois will proceed.

Mr. LEWIS. Mr. President, it is my purpose at this time to address myself to the features of this bill as I see the bill, likewise to address myself to the objections tendered to the bill as I understand them. I am bold enough to assert that many positions have been asserted here as opposition to the bill that can not be sustained by anything that is in the measure; that many presumptions have been indulged which can not be justified from any phraseology of the measure; and that fears have been expressed as to what may be done under the bill where there is no provision in the bill to either excite the fear or to excuse it.

Mr. President, I have heard on the floor that this was a bill handed by the Postmaster General to the eminent Senator from North Carolina [Mr. OVERMAN], who is serving as sponsor for the measure in a parliamentary capacity, and I have heard it intimated that therefore the bill is to be regarded as a mere direction from some executive source coupled with some order to pass it without regard to the merits of the measure or the justice of its provisions.

Mr. President, I can have no knowledge whether the Postmaster General handed a bill to the Senator from North Carolina or whether the bill handed by the Postmaster General expressed his own views and those of the President or those of the Senate. I must take it, sir, for granted that if this bill was reported from a committee such as the Judiciary, made up of reflective and intelligent Senators—of patriotic men—they have considered its provisions; they have entered into an investigation of its merits; and they have reached a conclusion as to its necessity, its propriety, and justice. It does not matter to me from whence came the bill originally nor who drew it, or what draftsman inscribed it, or through what agency it found its way to a committee of this body. I prefer to look at once to the fact that it is presented to this honorable body bearing the commission of an intelligent and able agency of the Senate and that that agency has given this measure its approval. From that premise I am pleased to start my first reflection upon the merits of the bill.

Mr. President, the Senate is to be congratulated upon the manner of presentation by the senior Senator from North Carolina [Mr. OVERMAN]. Without passion, divorcing himself from every suggestion of partisanship, with a spirit of apparent fairness, with a desire that clearly suggested willingness for information from any source—he presented this measure and all the reasons he had to sustain it. This he did with such thoroughness, in such lucid style, with such clearness of reasoning, that he should be commended by this body, and the constituency which he represents would have the right to feel a sense of honor in the enjoyment of the credit the distinguished Senator takes from this tribunal.

It is, of course, Mr. President, impossible for any man opening a discussion, as the Senator from North Carolina did upon this measure, to state all the things that the bill would comprehend, nor all the reasons which might arise to justify it, or to anticipate the objections which can be urged to it, or to apprehend the fear which the oversensitive may address toward it.

Many of the things which have been expressed to-day and through the days past I shall refer to possibly at the expense of the patience of the Senate, but only shall I advert to them that I may in my own manner demonstrate how without foundation the fears are as expressed, and how without merit are the objections which have been voiced.

Mr. President, the first question is, What is this bill? I remember that as I delivered what was the most immortal oration of time (this, of course, being my salutatory at a college) [laughter], as I left my university I took the opening paragraph of Webster's famous reply to Hayne, beginning with that clause that when a mariner starts out upon a journey he turns to his compass and chart that he may behold his course; from the chart sees his way and from the compass measures his distance. The object of Webster at that time, of course, was to invite the Senate back to the real question that was comprehended in the resolution of Mr. Foote, of Connecticut, which had been tendered then in respect of public lands, upon which the great discussion of the rights of the States, as presented by their advocates, and the sovereignty of the Union, as presented by its champion, was based.

May I be so bold as to apply the sentiment of the great Senator from Massachusetts and ask of this Senate that it pause and consider the chart; that we reflect a moment upon the compass and see what is the thing that we are undertaking—what is the course to which we are invited; what are the waters upon which we are to sail; what is the vessel upon which we are to take passage, and what is the ultimate harbor of our destiny? The privileges of this body in all discussion permit any Senator to vary from the subject matter into every field conceivable, and of that I express no dissent. There is no wiser provision than that which permits a Senator to enter any field of investigation, express any sentiment that engages him at any time on this floor, that it may serve a warning to our community at large that here in this forum anything transpiring in this Republic can at any time be referred to for the purpose of either staying its course, correcting its purpose, or prohibiting its object.

But at this particular time, sir, I am not called upon to emulate the example of these distinguished Senators by departing at all from the real provisions of this bill, and it is to the measure that alone to which I ask the attention of such Senators as can give me their thought, from which we may gather the object of the proposed legislation.

As the bill comes from the committee and presented to the Senate we read:

For the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

Passing, then, further to that which may add to this illustration:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Mr. President, I can not but concede that any Senator reading the bill must see that the fears expressed by the eminent Senator from Georgia [Mr. SMITH], the very brilliantly persistent and persistently persevering Senator from Missouri [Mr. REED], or the experienced and alert scholar of government, the Senator from Pennsylvania [Mr. KNOX], have been founded largely upon an assumption of things which have no existence, born of the fabric of a dream, which, upon investigation, leaves "not a rack behind." The bill has but a single purpose, as certified by this committee. It is for the purpose of consolidating the agencies and offices now in existence, permitted by law, through which the President as Commander in Chief of the Army and Navy, as specifically recited in the bill, may utilize, to the object and end of further executing the purposes that the Commander in Chief has to carry out the prosecution of the war.

At the outset, Mr. President, let us now have a fair understanding. I differ from much of the premises of the Senators making objection to this bill, first, upon the ground that the matters they say exist, I assert, have no such existence in the bill. Second, I profoundly differ from them in their conclusions, because I hold, as I set forth to the extent of my capacity in the debate on the food-control bill, that in time of war the Constitution of the United States, aye, without a letter of legislation, commits to the President, in his capacity as the Commander in Chief, a power beyond that which as civil magistrate in time of peace he is authorized to execute. I do respectfully insist that the very words in this measure to coordinate these different departments and their offices, in order that he may be enabled to utilize them, is but the appropriation of sentences which have been used upon this floor and upon the floor of the coordinate branch of the legislative body since 1836, with such frequency in legislation that there ought not now be any Senator occupying a seat in this body—all of whom are learned and qualified—to dispute the limitations that have ever been put upon them and the extent to which they have ever been exercised.

What is there new, what is there novel, what is there so extreme in these provisions of this bill as could authorize the eminent Senators upon this floor hurling out to the public a fear, which comprehends a danger so large and so overwhelming, as these Senators present to the mind of the reading citizenship, suggest to the reflection of the thoughtful, and tender as food for those who wish to oppose the administration? Those who in all government who, having no ground upon which to rest opposition they ever urge as to everything—as to take the arguments of these eminent Senators as their specious reasons for doing a thing which, without, they would have no excuse to offer, and for reasons for opposition they are seeking wherever they can for some justification.

Does any man deny the necessity for the elimination or consolidation of many of these offices which are now held by executive agents? Does any Senator deny the wisdom of an immediate coordination and putting under a single head many of the duties which are performed by various branches? Truly and really there are departments which are Argus-eyed, Briarean-handed, and, I may add, Gorgon-headed—producing, as it does now, confusion; and as the eminent Senator from North Carolina [Mr. OVERMAN] in his opening explanation in the presentation of the bill well said, not only confusion but complications. Will a Senator here fail to recall that under the inquiry of the junior Senator from Tennessee [Mr. MCKELLAR] before the Military Committee, Gen. Sharpe, to whom the Senator from Georgia referred, testified that it took nearly a week for a communication addressed to him upon a certain subject, which was under his jurisdiction, but which had to be sent to an under officer, from that under officer then to The Adjutant General, from The Adjutant General back to the under officer, from the under officer, carrying his visé, back to him, the supply officer, the quartermaster; and that, however urgent were the demands of that department, 10 days had elapsed before an ordinary request for, if we recall, needed uniforms in trying chill of weather could be even ordered, much less procured?

I mention that very simple illustration at this time in order that Senators may realize that if that could apply in so serious a department as the War Department and under circumstances of such impending nature as that to which I have referred, what will be said, upon reflection, of the other branches, which have grown up and multiplied through all these years, with their confusion, their divisions, their complications, and their embarrassment?

Mr. President, complaints have come from eminent Senators on the other side of the Chamber who, for purposes of designation, we speak of as Republicans, knowing at this time that the partisan distinction is wholly lost among most of us. I happened to be absent through illness for a few days when there were speeches made upon this floor by the eminent senior Senator from New York [Mr. WADSWORTH], the now senior Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Nebraska [Mr. HITCHCOCK], and others, to whom I need not allude specifically, but who, from their experience and investigation, called attention to the utter lack of coordination and the difficulties which had grown from that confusion. Among other things, the Senator from New York, being a member of the Military Affairs Committee, and the Senator from New Jersey, being a member of the Military Affairs Committee, indicted the administration from the floor because there had not been that prudence and exercise which they felt should have long been entered upon in lopping off certain branches of our Government, in consolidating other agencies of it, and bringing all into one unit of a whole, that we might economize many expenditures, direct the agencies with concentration, and bring quickly a result and some accomplishment.

Let us pause a moment and ask the single question how that could be done. The speech of the eminent Senator from New York was circulated throughout New York in the congressional election, which happened just a few days after his speech, as the basis for an assault upon the administration. This was to demonstrate that the administration in power was incompetent and to disclose that it lacked business capacity. I partook to some degree, sir, in those election contests. In every ward of the city of Brooklyn, where the contest was, the speech of the Senator from New York was circulated. His eminent colleague [Mr. CALDER], in his complete presentation of what he felt to be his cause, used the speech of his colleague. My distinguished colleague [Mr. SHERMAN], who always adorns any assembly, and oftentimes flashes his wit through it like coruscations of lightning whenever he addresses an audience, did not hesitate himself in his speeches in Brooklyn, as did the distinguished Senator from Indiana [Mr. WATSON], to properly allude to these omissions as indicative of the fact that what the Government needed was business administration and the comprehension that the Nation was in war, and, being in war, should put men in public life who were devoted at the outset to the object of centralizing the powers of the Government, lopping off useless agencies, and coordinating its efficient branches in order to achieve the success to which we have addressed our lives and all our future—the winning of the war. Yet of these distinguished Senators on this floor, many of them are opposing the only measure which by law can do the thing these eminent Senators said was necessary if we were to succeed and for not doing which in the past they would have had us repudiated at the ballot box as unworthy.

Mr. President, let this be understood: The Republican administrations preceding us are not to be criticized, far less condemned, for not having taken these steps. Every Government has ever recognized a distinction between the time of war and the time of peace, and in the organization of its machinery has ever addressed itself in time of war to such organization as the war required, and after the war had terminated, as we well understand and as history records, has restored many of the agencies that apply in time of peace, withdrawing from the Executive much of the power which he had been authorized to exercise in time of war. The distinguished sage from South Carolina [Mr. TILLMAN], who has honored this body so long and is a reflection of glory to the State whence he comes, will recall, from his experience here in this body and his life in that State he represents, how many measures, to his own knowledge, which were called war measures at the time of the Civil War were afterwards repudiated by Congress and withdrawn when we were at peace, in order that our people should be tranquil in their neighborly relations, that the relative privileges of the different States might be restored, and the respective branches of government be exercised by the usual agencies, and the functions

of the Executive again be those of a civil magistrate of a peaceful country, as distinguished from those as Commander in Chief of the Army and Navy.

That was true even in the time of the War of 1812–1814; it was amply true, as appears, as we well recall, from the discussion of Mr. Corwin, of Ohio, and from the debate, which is historical, touching the war with Mexico. How well do we recall how Mr. Benton in the defense of Andrew Jackson specifically invited the attention of the body to the fact that all the things for which Jackson was then being condemned were war necessities and invited their attention to the fact that they were all gradually, as had been the habit of Government, being withdrawn, while the civil government's privileges theretofore enjoyed were being again restored. He was answering the animadversions of Mr. Clay, but it will not be forgotten by us that subsequently Mr. Clay merely sought the pledge that these provisions which he condemned would not be permitted to remain under the peaceful administration of the Government; and when it was made evident that the provisions known as war measures were to be forsaken when we returned to peace Mr. Clay withdrew his opposition to Jackson. It was because of that knowledge on the part of the Senate and of the House that the resolutions then pending for the consideration of the conduct of Andrew Jackson were withdrawn.

I only mention this that the historians about me may recall that there is nothing new in this discussion. There is nothing new in the fears excited on the part of eminent Senators; there is nothing novel in their expressions of doubt and danger; and, Mr. President, however creditable is the performance on the part of the excellent Senator from North Carolina and the committee that has reported this bill, there is nothing original in its construction; all have followed the well-beaten paths of legislation existing in this Government and in every other government which we recognize now as respectable in authority in the prosecution of war.

At this point I beg to call attention, sirs, before I enter upon the details of this bill, to the situation in a time of peace in England, in a time of peace in France, in a time of peace in Germany, those countries now being at war.

I beg to invite the attention of the Senate to the situation in these countries now, in view of the new legislation and the new methods of government which they have devised, I may say improvised, sir, for they are a mere collection of that which had previously existed during other wars or in other war legislation. How have they met a situation similar to this in their own country? By a form of concentration of power in the hands of those who have to administer the war exactly after the model of that which we now pursue ourselves, unless we shall feel that we, following in point of time, are using those as our models. Pardon me for imposing upon the Senate a dry recital at this moment as the basis for some conclusions which I wish later to draw.

On August 21, 1917, in Great Britain the Parliament passed an act known as the new ministries act. Pardon me, sir. You, Mr. President, who honor us by sitting in that chair, the Senator from Utah [Mr. KING], a scholar of government, will recall that the United States can not boast in justice to a greater democracy as to legislative powers than the Parliament of England; and, whatever we may say as to the form of government of Britain in some respects, justice will not let us insist that we are more thoughtful of the interests of the multitude when it comes to a question of an exercise of executive power than is the Parliament of Britain. So, sir, we have the illustration that that body on August 21, 1917, passed "a new ministries act," and created a ministry of reconstruction; and what did it do? I prefer to read portions of the act that I may not accidentally misconstrue it, and that I may not, of course, through lapse of memory, misquote it. To this ministry—an office which we do not have, but our Commander in Chief serves, as we well know, the parallel—full power was given, mark you, Senators, to consider the problems and meet situations which "might arise out of the war."

The eminent Senator from North Carolina said new conditions may arise every day. The eminent Senator from Georgia inquiries why should we attempt to legislate upon the theory of new conditions arising every day. I must say that the legislation of every other government has had that as its foundation. It was impossible, sir, to define everything that might arise under the bill, because new events from day to day bring forth new conditions requiring new applications, or, indeed, sir, new orders that we can cope with them. So we find in Great Britain a parliamentary body acting under an unwritten constitution, with a limitation similar to that we have under a written one, vesting in a ministry, in this interesting language, "full power"—to do what? To do whatever it might be necessary to do to meet any situation which might arise out of the war.

Have we proposed any such comprehensive language? And then, "to institute such inquiries and"—pardon me, sir, if I fortify my eminent friend from North Carolina—"and to prepare such schemes and to make such recommendations as he might think fit." It gave the minister ample salary, a staff, and power to sit in Parliament.

Senators, it will interest you to know that under this minister a number of commissions and committees have been created to deal with questions which have already arisen and those which are to arise. A list of these committees and of their duties may be found in a publication that has come to us; but it really embraces about 30 pages, and it would trouble Senators in point of time to go through it. However, on March 14—I may be a little in error in my memory; my vision is giving the figures rather than my memory—but on March 14 or March 24, 1918, there was published a synopsis of the particular law of consolidation as passed by Parliament, the privileges and duties of which had been assumed by the minister. May I call to your attention the fact that after these powers were vested in him he proceeded upon the reconstruction work, abolished what would have been 34 divisions of government which existed in time of peace; I take it, sir, to be returned, of course, at the end of the war, for such has been the custom, I find, as I look into similar legislation of the past. They have not let such offices be abolished perpetually. Then, in addition to the abolishment of these divisions, let me advise the Senate that they created, in place of the 34, 15 divisions. These 15 divisions covered the subjects of trade development, finance, raw materials, coal, and power; intelligence, scientific and industrial research—we will treat those things, to use the words of the Senator from Georgia, as coming under the "civil administration"—demobilization and disposal of military stores; labor and employment—recalling the patriotic and, I may say, impressive address of the junior Senator from New Hampshire [Mr. HOLLIS] yesterday, touching a feature of the labor problem; and it will be noted here that one of the very instrumentalities of war which Britain regards as important is to develop all the rights of labor, the privileges of labor—agriculture and forestry, public administration, housing, and the question of aliens. We legislated upon that question day before yesterday; they assume to leave it to an executive branch.

Now, Mr. President, let me call your attention, sir, that under the system prevailing in Britain, as I gather it, 87 different committees have been constituted, which, under the power given, are doing the work of the war. I will not recite their names and thereby burden you in point of time, but I wish to quote an authority upon the subject to the effect that they have entered upon the greatest activity in scientific and in industrial research. More than that, they have reached into the question of electricity, coal, local government, mining, and they have taken in all branches necessary to the purposes of the act.

Mr. President, you will see clearly, sir, that while the pending bill is general it could not have been anything else. The bill of the Parliament of Britain could not have been anything else. There had to be, sir, vested in somebody, in some source, a general power, leaving to that source discretion to exercise that general power in such detail as the future might make necessary. Otherwise, we might have set forth a schedule born of the anticipation of every Senator, which could have comprehended 1,000 pages; and after having given such a list it might have omitted the very thing that would transpire upon the very day following, that could not have been seen in the prescience of the most profound knowledge on the part of the most gifted man. The schedule then would be lacking, there would be no power in the hands of the Executive to meet that exact situation, and he would have to return, sir, to the Congress for specific power to meet that particular contingency that was omitted from the schedule, and all the objects of the legislation would have failed for the very exigency when it arose for which you gave the legislation had not been met and through excess of caution had been neglected. Surely, then, Senators must see that the objections urged against the measure, treating them from a legal ground, are virtues to be urged in its behalf.

Unless, Mr. President and Senators, we are ready to say that to the Executive, to whom we commit the power, that we are not willing to trust his discretion; unless we have reached the point where we are not willing to grant those to whom the power is to be committed the presumption of wisdom to execute it within the spirit of our institutions according to what we feel is the necessity of the hour; if the time has come when any Senator in this body can not in time of war trust the Commander in Chief and his aids with discretion in the performance of a duty such as this bill contemplates, then, Senators, the time has ended to trust the discretion of the Executive with

any power whatever. For, mark you, Senators, I assert that if the moment ever comes when patriotic men such as fill the seats in this body shall sincerely doubt either the wisdom of the Executive or his patriotism in the execution of any of the measures provided, then we have reached a point when he is no longer to be trusted at all.

If in any one thing he has not the capacity to execute or the patriotism to control, then, as to all things we are in danger, for we never know when such an individual, if there exists such, *might not*, out of ignorance on the one hand or despotism on the other, bring the Government to the verge of its dissolution.

Therefore Senators will observe that, after all, the test of it all rests upon the confidence you repose in the officers who are to execute the law, and the amount of patriotism you credit them with. This is as I assert it, because, if this law, Senators, is to be executed in the shadow of suspicion day by day that the Executive is to be guilty of usurpation of power, that he has to be watched with a guardianship of suspicion, the same considerations must apply to every law that has been passed and to the execution of every act that is in his keeping. You are in the same danger, doubled and trebled by thousands; for if there be ground of a fear expressed as against this measure it can only be born of experience as to measures that are past; and if so, we ought to end courageously legislating at all any power in such an Executive. If these dangers dreamed of have not been born of experience, then they are born of imagination that has no foundation in any evidence, far less in any proof, and ought to be avoided by Senators rather than indulged in.

Then, sir, to Britain I have called your attention; may I allude to France?

In France, Mr. President, it is called reconstruction. An interparliamentary committee was established in France, and powers vested in two officers—one, the President; and the other, Senators, I am not able to understand. I have visited France a number of times, and a number of times have I visited the Parliament, and sought to understand their institutions; but this is one that I really do not understand. They call it, sir, what would be, liberally translated, "the harmonizing fraternity." It is, of course, a committee, whose duties are these I illustrate: If my eminent friend, the Senator from Connecticut [Mr. BRANDEGEE], sitting here and doing me the compliment of an audience, had a grievance in which he felt that the interests of Connecticut, the State which he so honorably represents here, were not properly protected; and if the Senator from Minnesota [Mr. KELLOGG], living in the Far West, had the grievance that his State would be deeply offended or wounded in its industries if the grievance of Connecticut were gratified, they meet with this committee, and this committee then tries to have these two Senators, representing different geographies, reach some intermediate ground, which would be called something like a conciliation; and then it is presented as their consensus, their agreement, their fraternal understanding, to the main committee. That is as nearly as I can translate it. However, sir, under that name, 300 different provisions—I am quoting, Senators; I can not speak of this of my knowledge—have been passed, all anew, for the purposes of the war, solely to aid in the reconstruction.

Under these France has proceeded upon her purchasing and whatever is necessary. She has made a demand upon the Paris Chamber of Commerce and the chambers of commerce of the metropolitan cities—Lyon, Marseille, and so forth—for their suggestions as to anything that can be done to aid the war, touching—to use the precise language—the industrial features. Then, Mr. President, it appears that these committees, crystallized under this form of legislation, proceed to carry out every method necessary to accomplish "the work of the Nation."

Mr. President, France has been very jealous of placing power in the hands of any executive. She has had an experience—sad; indeed, bitter. We might say that at the present time she of all countries in the world would be the last to vest a power which could work to the injury of her citizens and against the welfare of institutions upon which she has shed so much blood and rained such a volume of tears. But you will observe—and I bring this to your attention only for the purpose that I might observe—that the policy of France has been but the policy which we are seeking to undertake here, as brought forward by the eminent Senator from North Carolina having charge of the bill; and, sir, that you might accent the fact that that Government likewise takes the measures which prevail under the civil administration, and did not hesitate to consolidate them, absorb some of them, dissolve some of them, concentrate many of them into a single authority, rest some of them in the hands of a single committee, and allow them, sir, to execute them for the purpose of the object in view, leaving no other definition or detail, Mr. President. Why? Why, Senators, for the very good common-sense reason that the Government of France could not have apprehended every danger; it could not have contemplated every difficulty; it could not have measured every emergency; it could not, with beatific vision, have beheld every heavenly or earthly exigency. It had, sir, to leave these things in the charge of those whose judgment the people of France trusted, and in whose patriotism they confided, and who to the end, they knew, could do nothing to harm France and everything to help it.

What else can we do? What other step can we take? In what other way can this Congress now act to carry out the preamble, the solemn object of the bill, to confer upon our committee, created by our Constitution, known as the President of the United States, with his committee of aids called the Cabinet, or to whomsoever he may choose to utilize, the power of the Government, through all the officers now established or those which will follow the consolidation, with the object of carrying out the purpose upon which our people have entered—the winning of this war?

Now, sir, might I, with the apologia descendum, make apology gradually for producing Germany? But we can not decline to produce Germany. I assert that it is high time America shall view Germany for what it is. Let us realize where Germany stands. Let us recognize that she has afforded to the world an illustration of efficiency which has produced results dangerous to civilization; and if, sir, from these engines of destruction we can gather some lesson in the construction of that which is of benefit to mankind, let us not hesitate to view them.

Germany, sir, proceeding in a policy after the order of France, for she did not adopt that of Britain—pardon me, sir, for using the word "adopt." I do not know the history of Germany prior to the Franco-Prussian War; that is, it is not in mind, familiar now for my investigations for this purpose, did not extend beyond that time. We find that Germany, notwithstanding the imperial power that is to be in the Kaiser's representative, realizing that things must transpire to be performed by those in executive branches, by resolutions passed by its imperial council, carried through the Reichstag—I do not know whether it has to be treated by the Bundesrath or not; I do not recall the system of government sufficiently to now advise the Senate as to that—vested practically unlimited power in 11 men, divided into 4 branches, 1 to serve as chairman. I take it like a referee, if my translation of German is not inaccurate, Senators. It is my judgment, if my translation of the word is correct, that the word means "referee." In this body solely and wholly, sir, the whole conduct of everything connected with the transactions of the war is placed by this form of legislation, with but a single veto. The Commander in Chief of the Army has a right to return back his view that a particular measure adopted might conflict with the war scheme then in hand. Yet we have eminent Senators here on this floor, when we are engaged in the very same enterprise, with these same agencies, declining to adopt some similar agencies to defeat those agencies.

We remember the theory of homeopathy, the old theory of Hahnemann—"Similia similibus curantur"—the theory that similarity of things will meet the thing itself; and yet here are eminent Senators—I regret that the Senator from Georgia [Mr. SMITH] and the Senator from Missouri [Mr. REED] are absent. I take it they will be in later, being doubtless engaged on official business. Both are constitutionalists. I regret that there are Senators on the floor who, merely to gratify pride of opinion, to satisfy a mental disposition, to serve the capacity of analysis, will put forward themes which, if executed and carried out in accordance with their suggestions, would defeat the very object of the law and leave us powerless to contend against the enemy.

What do my distinguished friends say to that which I assert—that if the enemy can fight us by a certain method, and those of whom we speak as the allies can adopt the same method against the enemy, what reason have we for declining ourselves the same method? Of what avail is coordination or cooperation if on one part, because we may call America a system in civil times a little different from theirs, we are to adhere to a doctrine which means confusion, if not destruction?

I am meeting a solemn situation; and I trust I am meeting with justice, and I know with calmness, the criticisms of my eminent friends, the distinguished Senators, in pointing out that, first, there is no basis for the things which they recite as having existed. They do not exist. Second, there are no provisions in the bill that can justify these eminent Senators, or either of them, in the conclusions of danger they draw. Third, that even if all the things they say be true, still we should not hesitate to vest this power in the Commander in Chief, if, according to his judgment, manifested to us, it was necessary to cooperate with the other warring powers and carry to a successful conclusion the great task vested in him by the declaration of war, from the hands of the American people

through the voice of their agents, the Congress of the United States.

Has it really come to the point that because eminent Senators on this floor believe themselves to belong to the school of some construction of the Constitution, and believe themselves disciples or converts to a doctrine, they are never to yield it out of a pride of opinion, without regard to the necessities that may call for the exception? Of what avail a provision of the Constitution creating the Commander in Chief at a time of war and vesting in him such superior power, if it be denied him by legislation in the form of amendment or exceptions, his hands to be tied, his body to be trussed, his voice to be throttled, his arms to be paralyzed, his command killed before he can exercise it, merely out of the pride in the power of Congress?

I engaged in debate one day on the food-control bill with the eminent Senator from Idaho [Mr. BORAH], who sits here, the Senator from Missouri [Mr. REED], and the distinguished senior Senator from Iowa [Mr. CUMMINS], of whom it may be said that there is no more learned man upon the particular subject of commerce legislation, which he finds even in this bill. On that subject, learned as he is, differing as I do from him in his conclusions, I can not deny his knowledge. At that particular time the Senator from Idaho [Mr. BORAH] asked in a query addressed to me and to two or three other Senators at the time on the floor if it were true that in time of war the real object of the Constitution was to place in the hands of the President the discretion to conduct that war as he, as Commander in Chief, saw fit, and that despite the views of Congress?

I uttered then what I utter now, that I agree with the Senator from Idaho; and I asserted this, further than he went: I said then, and I now say, that if this Congress passed an act that in its effect crippled the power of the Commander in Chief, manacled him in the exercise of the powers vested in him by the Constitution, and the solemn authority conveyed through the declaration of war, he could ignore it, and as Commander in Chief execute his powers as indifferent to the declaration as if it had never been uttered; I now say that the American people would not only sustain him, but there is not a man in this body bold enough to bring forward an impeachment against him for doing such. Yet there are Senators like my eminent friend from Georgia [Mr. SMITH], who has just come into the Chamber, whose able argument we all heard with interest, I with astonishment, but with information, for in matters of business construction and legislative skill the Senator from Georgia is not excelled, however much we may differ with the premises he asserts or the conclusions he draws.

But it can not be possible that there is any Senator upon this floor who really believes that it is in his power to subtract from the Commander in Chief the privilege of conducting this war as the Constitution has authorized him, or who believes that he could, by amendments or otherwise, take from him the power to consolidate any body or organize anything which was in his judgment necessary under this bill, when passed, to "utilize the functions of the Government for the purpose of carrying on the war."

I say to the eminent Senator from Georgia I can not agree that there is any distinction to-day of civil establishment and military establishment in any agency whatever that can be utilized for the purposes of this war. There is no demarcation between them now. They can not take the character, one, civil, as distinguished from the other, military. They all take but the character of an institution of the United States, to be administered to-day for the civil purpose solely, perchance, when it contributes to the necessities of the war; to-morrow for military objects, however civil they may be in administration. We can not draw the distinction, as I see it, under the Constitution; for under the Constitution, as I now assert, upon my view, every institution in the United States of America becomes an agency in the hands of the Commander in Chief, while we are at war, to utilize in any way and by any method that in his judgment as Commander in Chief is necessary to the object of carrying to success the war.

As I understand the Senators, they still cling to the theory that prevailed in the time of peace, and would urge here, under the spirit of some suggestion in the Milligan case, that in time of war Congress controls the conflict. But I advise the Senators to contemplate the distinction. A war among ourselves, as between ourselves, as was the Civil War, has a sentiment surrounding it that naturally forbade that we should exercise any power that could be leveled against one part of our own family by another, and every effort was made to avoid that, lest we leave the wounds burning, the scars searing. But, sir, when the Supreme Court of the United States, in mere dicta, as I hold, assumed to state that Congress had the control of the war, they never meant control of the management of the war nor control of the direction of the war, but, sir, they meant only what the Constitution intended to mean: We have a right to end the war; we had a right to declare war; we have a right to give more power of direction touching the conduct of the war, but we can not control the management of the operations of the power. Anything else, Senators, surely would at once impart the thought that in that way you could direct the movements of generals, you could control the movements in the field, you could direct the movements of the squadrons in the Navy, you could say when and where the fire was to be directed and where not, and likewise, Senators, you could change the command upon the field according to your discretion, though thousands of miles removed. Surely you would not assume such, as such is not within your power; such is not within your object. You will not withhold from the Commander in Chief the privilege of doing that which by law, by the Constitution, and by your declaration of war is his authority.

Then, Mr. President, I have shown from England, from France, from Germany, the legislation after the order of this we are presenting here, leaving the only difference that our Constitution is written, theirs unwritten, the heritage of custom, but I say no less guardful than ours of the rights of the people against the imperial invasion of the despotism of executives. And yet, Mr. President, notwithstanding that I have pointed out to this body that the only thing we seek here has been done in every war since the War with Mexico, and that the provision in this bill authorizing the Chief Executive to utilize these powers is not new, that it is a mere comprehension—indeed, sir, a mere copy—of provisions of law that have been put into effect after war has been declared, reserving the distinction between civil administration and that of the Army and Navy, and providing that these matters of rearrangement shall be restored to civil administration after the war—notwithstanding that, eminent Senators still talk and debate as to the advisability of passing this measure, merely because, sir, of some pride of judgment along some line of conceit in views of government.

If this era were in time of peace, if we were merely discussing some fundamental law for the organization of mankind or the distribution of powers between the States and the Federal Government, I would invite Senators to continue these disquisitions, from which we may learn something, and probably be advised much; but in times like these, what can I say? I can say that there is a reference to us in the Second Book of Kings. It is with reference to the Prophet Elijah:

> And it came to pass, as they still went on, and talked, that, behold, there appeared a chariot of fire, and horses of fire, and parted them both asunder.

Mr. President, we can not win this war by "cursing the Kaiser," and we can not defeat Germany by praising Wilson. He is where he must do things and not merely say them.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. LEWIS. Gladly. I gladly yield to the Senator from Utah.

Mr. KING. I do not know whether or not I clearly apprehended the contention of my distinguished friend when he was discussing the powers of the Commander in Chief of the Army and the Navy; but, as I understand the Senator, his position was that when we are in war the President, as Commander in Chief of the Army, has merged in him, by reason of that position, all other powers that he possesses under the Constitution as the Chief Executive of the Nation, and that as Commander in Chief of the Army the other powers are lost and are entirely submerged in his position as military and naval commander; that as a military and naval commander he may utilize all departments, agencies, and instrumentalities of the Government and of the country, command them, coordinate them, and put them to such use as he may see fit; that he may consolidate departments and bureaus and devolve upon the officials who fill those positions such duties and responsibilities as he may deem necessary and proper to aid in the prosecution of the war and as would contribute to the exercise of military authority and power by him.

Does not the Senator think, if I have apprehended his position correctly, that he makes of the President an absolute monarch and dictator; that he abolishes all civil law and civil tribunals; abolishes the States, abolishes the departments, and submits all of us to the unrestrained will of a man possessing dictatorial and absolute powers?

Mr. LEWIS. Mr. President, if the Senator has concluded, in the first place the Senator misapprehended if he thought I used the words "merged" and "lost." I never referred to the power as being merged and lost. I did say, and I now assert,

that the power as Commander in Chief in time of war under the Constitution is one of discretion in the conduct of it; and when we pass this bill authorizing the President to utilize the power under such a measure in the exercise of his discretion as Commander in Chief, we have authorized him to invoke and utilize every agency the Government has, of any nature, civil or military, of any branch whatsoever, as Commander in Chief under the privilege and authority of "utilizing the powers of government." That is my position.

Mr. KING. Will the Senator yield?

Mr. LEWIS. Gladly.

Mr. KING. Does the Senator think that the President of the United States, as Commander in Chief of the Army and Navy, would have any greater powers than Washington had as Commander in Chief, or than Gen. Haig has as commander in chief of the armies of Great Britain? Does not the Senator think that the provision in the Constitution making the President the Commander in Chief of the Army merely means to confer upon him the military leadership of the Army and the Navy, and does not intend to give him by reason of that position any additional powers to those that would be possessed by any man who had military leadership of the armies and navies of a government?

Mr. LEWIS. At the outset of these observations, if my learned and distinguished friend, the Senator from Utah, was present he will recall that I said there were two schools of thought, and that during the discussion of the food-control bill they were indulged very generally here. I espoused one, and, barring the observations of the Senator from Idaho, to which I have just alluded, I did not receive verbal support unless I can consider the vote as support. I received no other support verbally than my construction. Other Senators, including the Senator from Utah, at that time differed. Here is the difference, as I asserted then, and I repeat it now, that to my view the provision of the Constitution vesting the powers of the Commander in Chief in the President of the United States does more than confer upon him the mere privilege of naming those who shall command the Army and Navy. It vests in him the power to exercise any discretion that to his judgment may seem fit and in the execution of any law that gives him authority to act to utilize anything within the whole Government for the purpose of carrying out the policy of the war in such manner as he feels will execute it with success. I differ from my eminent friend in assuming that those powers are limited. I say they are unlimited in the exercise of his discretion after war has been declared and its execution put in his control.

Now, replying specifically as to the other part of the Senator's query, I do not exactly understand the powers vested in the commander in chief of France or of England referred to by him. As to that I will make no parallel, not being advised. As to Washington, we had no Constitution. When Washington was commander the thing we called such had never received construction, it had never been crystallized in its meaning. In after days the power exercised by Washington was assailed even when he was President. Since then, I assert, Mr. President, that the spirit of our people has given to the Constitution a meaning, and under three different wars since then has given it an execution opposed to the policy of my eminent friend, distinguished lawyer as he is, and I assert in favor of my own view that there is no limitation upon the discretion of the Commander in Chief in the prosecution of the war so long as he utilizes any agencies that are then in existence by existing law in a Government. It matters not whether you call it civil or military. Such is my position.

Mr. KING. Will the Senator permit another question?

Mr. LEWIS. Gladly.

Mr. KING. Suppose this bill is passed in its present form and the President of the United States shall utilize or shall coordinate two or more agencies or departments of the Government and shall unite by order two or more bureaus or departments or agencies, will he do it as Commander in Chief of the Army and Navy or will he do it as President of the United States?

Mr. LEWIS. If the Senator means under this bill, I tell him he does as Commander in Chief, for the bill reported from the committee specifically says as Commander in Chief. I would even without this bill answer the eminent Senator by saying that if in time of war he did it and he manifested it in the execution of the war, he would still be doing it as Commander in Chief.

Mr. CUMMINS. Mr. President——

Mr. LEWIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I hoped the Senator from Utah would pursue the inquiry a little further. I am interested in knowing whether the Senator from Illinois means what I understood him to say, which was that as Commander in Chief under the Constitution the President could utilize in any way he saw fit any existing power or function of the Government. Is that what the Senator from Illinois meant?

Mr. LEWIS. I think I said any executive or administrative branch of the Government to which I adhere. I say any executive or administrative branch of the Government.

Mr. CUMMINS. I understood the Senator to so declare, and it is quite consistent with the general trend of his argument. But if that is true, inasmuch as the bill before the Senate does not create any new power in any department of the Government except as it transfers power to the President, why are we passing a bill authorizing the President to transfer functions and powers from one officer or from one department of the Government to another if the President already has those powers under the Constitution?

Mr. LEWIS. The question of the eminent senior Senator from Iowa is very pertinent. It is very searching. This is the reason I answer him categorically, because all of the Senate is not of the opinion of the Senator from Illinois. If the Senate were of the opinion of the Senator from Illinois, there would be no necessity for this bill, but it is because they are not—only a minority of them agree with me—that it is found necessary to bring in a bill to execute by written declaration that which I say is already in the spirit of our institutions.

Mr. CUMMINS. But if the President believes that he has this power, he is not affected by the vagaries of certain Members of the Senate who do not agree with the Senator from Illinois. He can proceed without let or hindrance, according to the opinion of the Senator from Illinois.

Mr. LEWIS. Mr. President, I have no telepathic instrumentality by which I can gather just now what the President "believes." I am speaking of what the Senator from Illinois believes. If the President believes that he has this power, he might still exercise it. Why? Because believing he has still the power he has done certain things, among which I speak of the fuel and coal order or of other food-control provisions connected with the Advisory Council of National Defense, and in reward for that exercise of prudence he has been condemned on this floor as a usurper of power, as a violator of law. Then, I say to the Senator, as a faithful officer he prefers to submit himself not to the vagaries of Senators but to their cautious discretion and allow them the privilege of giving him by authority in writing that which in spirit he has, and which I as a Senator believe he has.

Mr. ASHURST. Mr. President——

Mr. LEWIS. I yield to the Senator from Arizona.

Mr. ASHURST. Possibly it may be in the mind of the President to avoid such criticism as fell, for instance, upon President Lincoln, for we recall that from the 12th of April, 1861, to March 3, 1863, the President of the United States suspended the writ of habeas corpus, and many lawyers believed that the President had no power to suspend the writ of habeas corpus, in that the Constitution is silent as to what agency may suspend it. The common law of the United States and dictum of the courts for many years seemed to hold that Congress alone could suspend it. The President of the United States suspended it, and Congress, on March 3, 1863, ratified his suspensions and vested the authority in the President.

Possibly the President does not wish to violate the views of a large number of lawyers who always take a strained and technical view and who would rather lose a battle than surrender a cherished technical point.

Mr. LEWIS. The contribution of the Senator from Arizona, as is always, is a patriotic one. I appreciate it. I can only speculate upon what may be in the President's mind. In answering the eminent Senator from Iowa I gave him my view, and while I feel now that the bill is brought forward in order to give a base for the contention which the Senator from Arizone says could arise and doubtless would have arisen——

Mr. SHAFROTH. Mr. President——

Mr. LEWIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to have the Senator give his view of a case of duplication and red tape in these departments as illustrated by an actual case. A man made an application for a right of way for a reservoir covering about 10 or 20 acres of land. It was referred to the Interior Department. That department examined the survey plat, sent it back to be corrected, and received it back at last and approved it. The applicant supposed he was about to get his right of way. Then it was thought that it ought to be referred to the Secretary of Agriculture, because it happened that the reservoir was located in one of those huge forest reserves that cover about one-fourth of our States in the West. The Secretary of Agriculture had it referred to the local agents to see whether the construction of the reservoir would interfere with the forest reserve in

which it was situate, and then after a considerable length of time the applicant finally got an approval from the Secretary of Agriculture.

Then, Mr. President, when the man thought he was about to get his right of way approved it was said it must be sent to the Secretary of War. When the applicant learned that the site for a 10 or 20 acre reservoir was to be sent to the Secretary of War he was dumbfounded, but he found that it had been sent to the Secretary of War for an investigation as to whether the navigability of the stream into which the water of the reservoir emptied would be interfered with. The reservoir was on the western slope of the State of Colorado and its waters emptied into the Colorado River. There never was a steamboat on the Colorado that I ever heard of. Yet, notwithstanding that fact, the War Department had to investigate it. That department had to examine into the matter, and the War Department finally approved it.

Then, Mr. President, the applicant thought he surely was going to get the right of way immediately, but it was deemed necessary to send it to the Secretary of State. Of course, the people interested were dumbfounded and wanted to find out why an approval of a reservoir covering 10 or 20 acres would have to be referred to the Secretary of State. But they were told it was necessary because we had certain treaty rights with Mexico and it would be for the purpose of determining whether we were taking any of the waters that belonged to Mexico.

Thus this 10 or 20 acre reservoir application had to be referred to four departments of the Government. At last the two Senators and four Representatives from Colorado got a hearing before the four Secretaries. The four Secretaries met and heard the matter, and at last it was approved. It took more than a year to get the approvals of this 10 or 20 acre reservoir site.

I have not a sufficient vocabulary to characterize that method of procedure and red tape required, but I know that the Senator from Illinois has the vocabulary, and I want him to express himself on that state of fact.

Mr. THOMAS. And at the same time imagine he was a Senator from Colorado.

Mr. CUMMINS. Before the Senator from Illinois answers the very just demand of the Senator from Colorado I want to suggest that I have assumed from the beginning that it was just such cases as the one described by the Senator from Colorado that are intended to be covered by this law. There are defects in civil administration and they have nothing more to do with the prosecution of the war or the Commander in Chief of the Army and Navy than have the meetings that are now being held upon the streets of the new Jerusalem.

Mr. LEWIS. Mr. President, I express my thanks to the Senator from Colorado for the illustration he gave of the necessity of this law, but in his demand on me that I should characterize it with appropriate vocabulary, as I would desire to do, the rules that would compel me to use parliamentary language in this body forbid my entering upon that undertaking. If I must, as the junior Senator from Colorado [Mr. THOMAS] says, imagine myself a Senator from Colorado under those conditions, then I would be seriously barred by the Scriptures, which declare that you shall not swear by heaven or by earth. I think the statement is indeed one calculated to accentuate the necessity of the measure, and I appreciate the Senator's tender.

Mr. President, I now come to the detailed objection of the Senator from Missouri [Mr. REED] and the equally eminent Senator from Georgia [Mr. SMITH]: I would call the attention of the Senator from Pennsylvania [Mr. KNOX], who, I see, is doing me the honor of his presence, who addressed an inquiry the other day to the body—I think to the Senator from North Carolina [Mr. OVERMAN] and to myself, participating incidentally at the time—as to what particular thing should be comprehended under this measure that is not now permitted and could not be availed of.

Mr. President, that is a very necessary inquiry. It is one which should have been addressed very early in the discussion, and, of course, meaning no reflection upon those in the management of the bill, or to criticize anyone conducting the enterprise, I feel that at the outset it would have been profitable to have replied to that interrogatory with detail.

Senators, I do not know what is in the President's mind as to what particular thing he really intends to do, and what things he might advise you of his intention or ultimately of his accomplishment; but I beg to assume that I can see some necessity which he should enter upon and which without this bill, as I understand it, he could not.

In the first place, let us understand the query I put to the Senator from Pennsylvania, to see if I am accurate in the assumption I then entered upon. The Quartermaster General of the Army, the officer referred to by the Senator from Georgia [Mr. SMITH], Gen. Sharpe, let us assume as we do that by statute is authorized to make purchases. They are limited to certain quantity and subject matter. The Ordnance Department has by statute a privilege of purchase. That is limited to certain quantity and certain subject matter.

Supposing, sir, the criticism made by Senators on this floor, and I refer particularly to the senior Senator from New York [Mr. WADSWORTH], a member of the Military Committee, and the industrious Senator from Indiana [Mr. NEW], that there has been such a multiplication of labor here that there is no concentration, and we accepted the criticisms which these gentlemen have made and that were circulated all over New York in the New York campaign, and we now offer through an Executive order to consolidate the Quartermaster General's buying department with the Ordnance buying department and put them all in the hands of a man who has skill enough to know steel and the implements of war, hay, feed, forage, and clothing, of which there are many. Does the eminent junior Senator from Pennsylvania feel that we could do that with those two statutes now existing without the statutes either being repealed or some subsequent law by implication overcoming them?

I must answer upon the query that it is perfectly plain we can not. Then if there be no other excuse for economy, for utilization of power than this one alone, which has been so criticized throughout this whole Republic as producing the thing the Senator from Colorado terms as red tape, by which if an order went into the Quartermaster Department that he felt belonged to the Ordnance he did not dare to use the department's functions upon it or that of the Ordnance Department, which he felt was under the custody and control of the Quartermaster General, and because of this chasm dividing the two, bridged only by the constant windings and roundings of the thing we call red tape, until the necessity had expired and no service to the Government, how can we consolidate those, and they are military, without something repealing those acts of Congress or some other act to be substituted in their stead? I tender that as one illustration which under the law can not now be executed and which without a new law will remain the base of the confusion.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Illinois yield to the Senator from Montana?

Mr. WALSH. Before the Senator gets too far away from the subject referred to by the Senator from Iowa [Mr. CUMMINS] I take the liberty to interrupt him.

Mr. LEWIS. I yield to the Senator from Montana.

Mr. WALSH. I regret that the Senator from Iowa is not in the Chamber at the present time. He propounded to the Senator from Illinois an inquiry as to why, if the contention of the Senator from Illinois is correct, the President already has not this power by virtue of his position as Commander in Chief under the Constitution, and if this legislation should be enacted at all. On the 26th of February, 1917, the President came before both Houses of Congress and delivered his message on the subject of armed ships, asking from Congress specific authority to arm merchant ships for the protection of our commerce. In the course of that address, he said:

> I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication.

Mr. LEWIS. I thank the Senator from Montana; and it may please him, certainly it will assure him, to know that the junior Senator from Pennsylvania [Mr. KNOX] a few days ago, pending this debate, advised the Senate of his memory of that proceeding and also of the views of the President, and asserted as he then believed the President had the power to arm those ships without the act. I do recall that the Senator from Montana delivered an inspiring and educational address to the Senate vindicating the power of the President upon that subject. Therefore I say my observation to the Senator from Iowa is justified, that out of precaution, out of excessive discretion, out of respect for the relative functions of the two branches—the executive and legislative—the President made that request for the power contained in this bill.

Now, Mr. President, let me proceed with further details. Let us assume, sir, that the Government wished to end that ancient order of rivalry between the Army and Navy in those days in which the Navy regarded itself as the aristocracy of the arm of warfare and the Army the hewers of wood and the drawers of water.

Let us assume, sir, that there was no such division between the Army and Navy as in the past; that there was no such chasm, no such ravine, across which one dared not pass to the

other without the salutation and salaam of an inferior; assume that out of economy they wish to take the buying department of the Army and the buying department of the Navy and consolidate them in a single head. May I attract the attention of the junior Senator from Missouri [Mr. REED] to say that I am now addressing myself to some matters in reply to his interrogatory the other day as to what were the details of this bill that have to be met, that were not permissible without the passage of the bill? It might interest him if it may not serve as worthy information.

Assume then, sir, that we desire to consolidate the buying agencies of the Army with the buying agencies of the Navy and we sought to put those two, as in the other instance I have just given, under a single head. Would the eminent Senator from Missouri and the Senator from Georgia answer that with those two statutes—with which, of course, they are very familiar—which give to the Navy a separate jurisdiction of purchasing power and responsibility to purchase and that which provides for the Army a separate responsibility and authority, that we could merge those two separate powers, with their responsibilities, under one head, without the legislation being first repealed and subsequent legislation usurped, to use a word that is frequently used on this floor, or, rather, taking the place? I answer it could not be done.

Mr. REED. Mr. President——

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. As the Senator propounded his interrogatory to me, I answer that it has been done.

Mr. LEWIS. I know what the Senator says. He said before there had been an attempt to exercise it; and I then invited the eminent Senator, as I do now invite him, that when it was assumed, through a civilian body created, it was very much criticized as being without authority, and I have, as I said then, some doubt as to whether it should have been exercised by the body which attempted it, and in order to remove the doubt the statute should place the authority in the hands about which there can be no question as to the legality. It is now attempted by this measure to legalize that which if directed by the Executive was charged on this floor as being usurped and without authority.

Mr. REED. I do not desire to trespass on the Senator's time, but——

Mr. LEWIS. The Senator does not. I welcome it. We are seeking to get light.

Mr. REED. The Senator makes three statements. I can not entirely agree with him.

First, that the action of the President in appointing a purchasing agent or agency has been severely criticized. I do not think that is the case. The thing that has been criticized on the floor of the Senate was that there were certain subcommittees of the Council of National Defense which it was claimed were giving out contracts to concerns in which they were interested. I have heard no criticism of the fact that the President has appointed a committee or a commission with pretty broad general authority to act. That is the first observation.

The second I desire to make is that the Senator's statement implies that the President has violated and overridden the law and that he now desires through this bill a statutory authority which he has hitherto usurped. I do not make any such charge against the President, and I do not think that the Senator meant to leave that implication, although it was clearly within the statement he has made.

I make the third observation that it is not necessary for the President, in order to stop any conflict between the purchasers of the Navy and the Army, to in any way trespass upon the law. If the authority to purchase for the Navy is vested in officer "A," of the Navy, and the authority to purchase for the Army is vested in officer "B," and if the President is the commander over both officer "A" and officer "B," there will be no impropriety in the President calling officer "A" and officer "B" before him and saying to them, "When you make your purchases do so after full consultation and in such manner that you will in no way interfere each with the other," and, if necessary, give common orders to the end that the Government may be better served.

Will the Senator indulge me to say a word further as illustrating the whole attitude of this bill?

In the committee, or at least in the subcommittee, I proposed an amendment to the effect that the President might in all matters relating to the purchase or procurement of supplies of any kind for the Army or in relation to contracts for the movement of the Army combine the functions of any bureau of the War or Navy Department. My amendment was even broader than that, and yet that was incontinently rejected.

Let me say again what has been so often said in the course of the debate and in the committee, but which ought to be said here again on the floor, that if any Senator can point out any place where, in the prosecution of the war, the President's hands are tied and where by the repeal of some statute we can give to the Executive a freer hand, freer exercise of power, so far as I know every Member of the Senate is willing to grant such power.

Mr. LEWIS. Mr. President, I am always glad to indulge the eminent Senator from Missouri at any length under the theory of a query or otherwise. I take up his propositions seriatim.

In the first place, the criticism of the Government for allowing this advisory council to make contracts went so far as to condemn the whole office on the ground that it was usurping the privileges of the Quartermaster General. Subsequently the criticism went so far that a movement started in the Committee on Military Affairs with a view of having the exercise of that power openly condemned. Mr. President, I must say to the able Senator that when there was an attempt to consolidate those privileges and to put them in the hands of a civilian it was condemned, because it had not been done by law. I say to the Senator that there is not now a law which authorizes the purchasing department of the Navy and the purchasing department of the War Department to be consolidated under one head; and so long as the statute exists that directly imposes different powers on to executive departments, they will remain separate, to the expense of the Government, the burden of the administration, and the complication of power until we do consolidate them under one head, which is permitted by the bill.

Third, the Senator is quite in error when he says that I assume that the President of the United States has violated a statute and is guilty, therefore, of some wrong which I am now confessing. Had the Senator been here in the early part of this debate, he would have gathered from me that I asserted that under the Constitution, as I did assert against the able Senator in the food-control debate, there was power in the President, but that he, feeling, out of precaution, that it were wiser to get this power specifically detailed, this bill has been presented, because there was dispute upon it.

I will have the Senator understand, so far as I am concerned, that it is my belief that wherever there was an attempt to exercise that consolidated power in the instances heretofore condemned, it was upon the assumption that the President had the power; but because there had been differences of opinion among men who condemned it or criticized it, this bill is brought here to remove the matter from doubt and to grant him the authority.

If the able Senator from Missouri is still of the opinion, as he expressed it, that he is willing to vest in the President any power which the President feels he should have that would aid him in economy and utilizing these powers, here is an instance where he can lay aside all punctilious distinctions in his contentious construction of the Constitution and grant it. It can do no harm, and it may do good.

Now I proceed with the details, and we will take another instance. Mr. President, no Senator here opposing this bill has been able to show me how these departments could have been consolidated by the acts under which they exist and still remain without some new law authorizing it.

I will take the fourth. There has been created a food and fuel department. They have both been the basis of considerable criticism. The conduct of the administrators of those departments has not always met with my approval. I may not always have been advised of all the facts, but I digress here to refer to one instance. We had a gentleman from Illinois—his home at Chicago—by the name of Mr. Frank Peabody. He was named by the Government as from the State of Illinois, the constituency which, with my eminent colleague [Mr. SHERMAN], I have the honor to represent. Mr. Peabody was in the coal business. He was skilled and in every way schooled in it. He was a commercial and mining specialist in coal and, together with Secretary Lane and under the supervision of Secretary Lane, he was designated to administer a branch of the coal development and distribution. That he was able to do so, nobody could dispute; all who knew him conceded. That there had been nothing to disclose a selfish interest everyone admitted. The Senators hearing me—particularly the Senator from Massachusetts, Mr. LODGE, and Senators REED, of Missouri, and VARDAMAN, of Mississippi—will certify to the integrity of Mr. Peabody's efforts as disclosed in committee investigation. His testimony before the committee which was examining him showed that he was a man who had been careful, anxious, and solicitous for the welfare of the Government. Yet, despite that, the policy of Secretary Lane, whose administration of the Interior Department is the boast of his friends and the pride of the Nation, and who by law has the administration of coal in its veins in the public lands, was overturned and ignored;

also was the great work of Peabody. Mr. Peabody was humiliated by a withdrawal of his authority. Whatever influence Secretary Lane sought to exercise or whatever authority they both exercised were overridden, and the orders connected with the Fuel Administration, from other sources, came upon us so suddenly that we, the friends of the administration, were called upon to approve or disapprove, and this with no other information than that the President had sent word that he had approved the order. All in the Senate assumed that, of course, the Lane-Peabody committee had been consulted and had concurred. Then, later, all of us are informed that a department of which Lane nor Peabody were members, had not even knowledge, far less participation, had done the thing. I know that President Wilson was no party to the unexplained treatment of Lane or Peabody. I have often talked with the President as to Peabody's great capacities as a coal man, and ever and ever the President had commended him; and as to Lane, all know that the President esteems him his "guide, counselor, and friend."

Mr. President, as to whether overturning those orders served any good purpose or not in their administration Senators have seriously disputed. For myself, I am not advised sufficiently to form a concrete judgment; but, as the Presiding Officer will recall, there has been considerable discussion on the subject, and with heated differences on all phases. Suppose, instead of the administration of the food and fuel question being vested in these two different agencies under this law, it were now found agreeable to place them all in the hands of the Agricultural Department for economy, or in the hands of the Interior Department because of wisdom shown in its administration, and we could abolish these surplus departments—excessive in prices and expenses and annoying, as it appears to many, in duplicity and perplexity in administration—does the Senator conceive that that could be done now, since we have passed the laws creating the new body, and it has been put in administration, without a repeal of the act and the passage of a new law allowing the consolidation of the departments either in the Department of Agriculture or in the Department of the Interior?

Mr. REED. Mr. President——

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. Mr. President, the Senator's point is that the law requires the creation of two separate departments, one for food and the other for fuel, and that the President does not now have, because of the inflexible conditions of this law, the power to consolidate the two departments; but I call the Senator's attention to the fact that the food-control act does not provide for the appointment of a Food Administrator. It provides that the President himself shall be vested with certain great powers. Section 2 of that act reads:

> That in carrying out the purposes of this act the President is authorized to enter into any voluntary arrangements or agreements, to create and use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

The Senator from Illinois is too candid a man not to admit, first, that all power is put in the President, and, second, that he is authorized to coordinate any of the powers or functions of any of the departments of the Government in administering this law.

Now, when we come to the question of coal, who is authorized to act? Notice the language of the law:

> SEC. 25. That the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission during the war or for such part of said time as in his judgment may be necessary.
>
> That if, in the opinion of the President, any such producer or dealer fails or neglects to conform to such prices or regulations, or to conduct his business efficiently under the regulations and control of the President as aforesaid, or conducts it in a manner prejudicial to the public interest—

The President is then authorized to requisition and take over the coal mines, and so forth. But as we go through the bill the solitary seeming place where there is any provision made limiting the power of the President is that, in fixing the price of coal he shall do so through the Federal Trade Commission. So my very able friend from Illinois is in error. Under this law there is no such thing as a Food Administrator spoken of; there is no such thing as a Fuel Administrator spoken of. Great powers are vested in the President, and the President has himself erected these two offices as mere agencies through which he has acted; and yet my very good friend from Illinois has the temerity to assert that they have been very expensive, very inefficient; that they ought to be abolished; and that this bill ought to pass in order that the President may gain the power to abolish that which he, under the authority of the law, himself created.

Mr. LEWIS. Mr. President, if I were called upon to award a medal to the eminent junior Senator from Missouri it would be as an inventor. The eminent Senator has invented interesting phraseology, put it in my mouth, and proceeded to assail it. I enjoy the performance as one who views a spectacle of interest, whether it is a "movie" or a tragedy. [Laughter.]

Mr. REED. Will the Senator from Illinois classify himself, so that we may know whether he is now engaged in a "movie," a comedy, a tragedy, or a farce? [Laughter.] I certainly quoted him correctly.

Mr. LEWIS. Really, in order that I may flatter the Senator, as he would deserve, when I am under his assault, of course I reflect a tragedy.

Mr. President, in the first place, the Senator is in error in his understanding of what I said. I never said that these administrations are inefficient. I can not let the Senator put that in my mouth. I said they had been assailed as such; I said they had been assailed as expensive.

Now, Mr. President, I wish to correct the Senator. He and I contended over the food-control bill for four days; and the eminent Senator from Missouri and I both know its contents from the view that we took of it. That law put the power in the hands of the President, and the President was permitted to create, as he has done, this administrator; but the power in the hands of the President to coordinate such agencies is confined to the very sources to which he may have committed the duty. It did not authorize him, Mr. President, to bestow upon the Interior Department, whose powers are prescribed by statute, or upon the Agricultural Department, whose privileges and powers are prescribed by statute, the other powers and duties authorized by this statute. The eminent Senator from Missouri can not gainsay that.

Mr. REED. Mr. President, will the Senator permit me to gainsay it out of the statute?

Mr. LEWIS. I yield to the Senator.

Mr. REED. I read:

> The President is authorized—

I omit a portion—

> to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

Mr. LEWIS. Exactly; the Senator has finally reached the only necessary section of the statute to which he omitted to advert, the limitation to prevent duplication or loss. That provision did not refer to power; that referred to the fact that after the power is vested the President then can utilize the agencies to prevent duplications in the exercise of the power. I am not referring to duplications; I have heard that matter referred to constantly here; I am referring to the fact which I now assert that before this power could be put into either of the two departments and these extra duties imposed upon them, there would have to be a legislative act authorizing such bestowal of power and execution of duties in the Interior Department or in the Agricultural Department, respectively.

Mr. REED. Will the Senator pardon me again?

Mr. LEWIS. I yield to the Senator.

Mr. REED. The Senator speaks of where the power is vested. Let me read:

> The President is authorized to make such regulations and issue such orders as are essential effectively to carry out the provisions of this act.

Will the Senator say that does not vest the power in the President?

Mr. LEWIS. I certainly say that it does not vest the power in the President to place these duties in the Interior Department and the Agricultural Department, unless the acts of Congress which created those departments were amended so as to add these duties to their functions.

Mr. REED. Could they not be placed under the jurisdiction of the Department of Agriculture or the Department of the Interior? The words of the statute are:

> That in carrying out the purposes of this act the President is authorized * * * to utilize any department or agency of the Government.

Really I think the Senator ought candidly to admit that I am right about this; it may be asking a good deal of him, but I think he should admit it.

Mr. LEWIS. Of course, I know my good friend always feels that when one differs from him he can not be candid, for the only candor the Senator would seem to desire disclosed would

be always that of agreeing with him. I can not accept that standard of candor. I differ from the Senator.

I again call the Senator's attention to the fact that while under the law which has gone into effect the President is permitted to choose and to summon to his aid any agency he desires, in no wise, Mr. President, did that law authorize the Interior Department, as such, or the Agricultural Department, as such, to enter upon the administration of the provisions of the act. The duties of those departments having been defined by statute, they being statutory departments, there would have to be an act of Congress to impose upon them such duties and make them responsible for their performance. I again assert, sir, and most respectfully insist, that by the very act that the eminent Senator holds in his hand I am verified. I therefore referred to that, sir, as one of the other illustrations.

Now, sir, as to the auditors and comptrollers. There never was so clumsy a machinery devised by government as in the early days we devised on the theory that every man was dishonest and must be watched by another man. We adopted a theory of government, sir, from a predecessor. We selected a man and called him an auditor; we put over him another man called a comptroller; we put each watching the other; and from that day to this, sir, in every instance of accounting these two branches have ever conflicted, with a view of showing either that in intelligence or efficiency, on the one hand, or in industry or honesty, on the other, one was superior to the other. This conflict, as Senators well know, for months and months has raged between these two sources of vain contention. A statute of the United States created these offices and defined their respective duties. Would the eminent lawyer from Missouri, the eminent Member of the Senate, now say that if we were to unite the two, rising to the common sense of an ordinary corporation which has the positions of secretary and treasurer united in one man and the positions of vice president and general manager in another, a theory of business government now that was not then existing, for it was a kind of unwritten law, as Senators will recall, to have one man as secretary and another man as treasurer; but now should we want a different system in government, as I hope will be possible, and undertake to abolish this duplex system and have a comptroller and auditor combined in one official, with clerks about him of expert knowledge, instead of having these two separate departments, with their hundreds of clerks, does my eminent friend from Missouri say that could be done without a statute repealing the two separate statutes that created those departments and vested in them certain powers and defined their duties?

Mr. REED. Mr. President——

Mr. LEWIS. I yield to the Senator.

Mr. REED. Since the Senator continues making his argument to me personally, which I regard as a very great compliment, I answer I do not agree with the Senator's facts. There has been no roaring——

Mr. LEWIS. "Raging" was the word.

Mr. REED. "Raging." I accept the correction, because I think it is quite as important as the other arguments of the Senator, and the distinction is quite as difficult. There has been no such dispute that ever came to my knowledge. We have a Comptroller of the Currency who is charged with the business pertaining to that particular office. For the main part he is the head of the national banking system. The office has been almost invariably administered with great efficiency. I will not say that there may not be some comptrollers in some other departments.

Mr. LEWIS. Let me advise the Senator. There is a Comptroller of the Currency, which is a separate office; but there is also a Comptroller of the Treasury, and there are comptrollers in the other departments. It is to that I am alluding, and not to the Comptroller of the Currency.

Mr. REED. Very well. Then there are auditors. There is an Auditor for the War Department, an Auditor for the Treasury Department, an Auditor for the Post Office Department, and so forth. So we have these great departments of government with, I think, all told, six auditors for the whole business of the United States. Each of these auditors has passing through his hands the business of a particular department, and I say that it would be the height of foolishness to mix up the auditing of the Post Office accounts with the auditing of the accounts of the War Department and with the auditing of accounts of other departments of the Government. If that were essential, and if shown to be essential, it could easily be granted; but nobody has made any such claim as that. What has that got to do with the prosecution of the war?

Mr. LEWIS. Mr. President, it appears as if the Senator had always misapprehended the purpose of this bill. The auditors and the comptrollers have had constant conflicts; they have been going on ceaselessly. The Senator is to be congratulated in not having run against that condition; but he concedes by his argument that if we sought to amalgamate them it would have to be done by statute amending the statutes creating them. If the necessity arose—and, Mr. President, there are reasons in the mind of every man here leading to the belief that they might arise—that could only be done by a statute superseding the other statutes creating those officers and their particular duties which have run counter to each other and oftentimes in conflict. There is another illustration; I tender it.

The Senator must understand when he says I address my argument occasionally to him, that it is because he entertained the Senate the other day with a very full and elaborate argument against the bill—all as an unnecessary measure; then following one query after the other, calling on Senators to point out any situation which required a statute to remove; and at one point in his argument the Senator will remember he said "I pause for a reply." I arose and stated it was my intention to inform the Senator of many instances, but I would not interrupt his argument by doing so then; but I could not permit my silence to be construed as indicating that I had no knowledge of the necessity. I now reply to him, because his query was then addressed to me.

Mr. OVERMAN. Mr. President——

Mr. LEWIS. I yield to the Senator from North Carolina.

Mr. OVERMAN. In the entire Treasury Department of the United States there is but one comptroller. Through his hands all the accounts pass; whereas, as the Senator says, there are six auditors. If we only have one Comptroller of the Treasury to pass upon accounts, what is the necessity for having six auditors?

Mr. REED. Mr. President——

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. It is almost useless to go into a detail of that kind, because, if we were to pass upon it properly—a careful investigation of the duties of each of these officers—it does not at all go to the principle contained in this bill.

I am very sure that if the Senator from North Carolina will investigate the various auditors' offices he will not come back with a demand for their consolidation. For instance, the Auditor of the Post Office Department is an office which I imagine employs, without having accurate information, probably 200 clerks. The accounts of every post office in the United States go through that office and are checked up, so that almost every postmaster in the United States, at the close of the day's business, has had his reports thoroughly audited; and if there is a mistake made, his attention is called to it.

Mr. President, the Auditor of the War Department audits the accounts that come in from the War Department. It is an entirely different kind of business. It has to do with the pay of men and the expenditures of men engaged in the military service; it is confined to that branch of work; it is as different from the post-office business as it is possible to conceive. Now, what good would result from taking the accounts of the post offices and the accounts of the officers of the Army and jumbling them together in one office. If that were done, I apprehend that the cry would go forth at once for a separation. Certainly we have no demand now for the consolidation of those two offices. Neither will the Senator who now so eloquently defends this bill assert to us that the President desires or asks or demands any such power; nor will the distinguished Senator who is sponsor for this bill assert that the President has demanded or asked for the passage of this bill in order that he may consolidate the business of the six auditors of this Government. We know that is not the purpose of this bill. We ought to be frank with each other; we know that it is not proposed to pause in the midst of this war and reorganize all the ordinary machinery of this Government.

But the Senator also knows that if we were requested to pass a bill that would consolidate these six auditors, we would call in the auditors and other men, and ask them about it, and if we found that it was wise we would grant the power in a moment. If we found that it was imprudent, we ought, as Members of this body, to deny the power.

Mr. OVERMAN. Mr. President, in answer to the Senator as to what good it would do, I say it would save several millions of dollars, in the first place.

Mr. REED. Mr. President, will the Senator be specific? It will save millions of dollars how?

Mr. OVERMAN. By the dismissal of hundreds of clerks.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Senators must address the Chair.

Mr. LEWIS. Mr. President, I should like to say that I want to yield to Senators to answer any inquiry; but I trust Senators will realize that while I wish to do so, entering into a full dis-

cussion of a foreign question, which the Senator from Missouri has entered upon, would take us far afield. I only call attention to that. I now yield to the Senator from North Carolina.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina for a question?

Mr. LEWIS. I do.

Mr. OVERMAN. I want to say that all any one of these departments needs is one auditor. These great business men, great accountants, the best in the United States, met and investigated this matter, and made a unanimous report that we needed but one auditor. I would rather take the opinion of those men about this matter than to take even the opinion of the distinguished lawyer and statesman from Missouri.

Mr. REED. Well, Mr. President, I am much obliged to the Senator——

Mr. LEWIS. Mr. President, having the floor, I yield to the Senator from Missouri.

Mr. OVERMAN. Let me say another thing, and then I will yield to the Senator. Two of the greatest business organizations in the United States, the United States Steel Corporation and the Standard Oil Co., that do billions of dollars of business in this country every year, have but one auditor each. They have but one comptroller each. If that is a good business method for them, it ought to be a good business method for the Government.

Mr. REED. Mr. President, I started to say that I am much obliged to the Senator in charge of this bill for his bit of irony.

Mr. OVERMAN. Oh, no; it was not irony.

Mr. REED. But I have this to say: I have seen a great many specimens of these gentlemen who go about on earth reforming the business of other men—these efficiency experts. For the most part they are men who can not get a decent job in a responsible firm. They are like expert witnesses in a case in court—they return a decision, or an opinion, according to the side that employs them. I would rather have the opinion of the Auditor for the Post Office Department—who is not of my party, whom I do not know personally, but who has been kept in that office for many years, through several administrations—as to whether that office ought to be abolished than the opinion of any set of gentlemen brought in here to make an ex parte report. I would rather have the opinion of any one of the Government auditors, and I would rather exercise my own judgment in the matter after an investigation, than have their opinion. But, so far as this doctrine is concerned, that big business houses have only one auditor, of course that is the ordinary rule; and yet we will find out that if they have one head auditor, every large business house has a large number of other men who perform the duties of auditors and who are sent from place to place to audit the books of concerns. I undertake to say that such an institution as the Armour Packing Co. probably has not less than 20 auditors, and that the business is conducted as an entirety, although it is, in the main, a very simple business.

But the business of the Government of the United States is the equivalent of that of a hundred great concerns. Perhaps that is an understatement. We have one branch of our Government that deals with the great questions of transportation. We have another branch of our Government that deals with the question of the collection of taxes. We have another branch of our Government that has to do with excises. We have another branch of our Government that conducts, singly and alone, the greatest business there is on this earth, the greatest business there ever has been on this earth—the Post Office Department—an institution that does business with more individuals every day than the Steel Corporation does business with in 20 years. We have an Army, we have a Navy, we have commissions and boards almost without number, we are conducting manifold activities. When you can get all the fiscal business of that great Government which transacts the affairs governmentally, and to some extent in a business way, of 104,000,000 people audited by six men, you have the proposition down to about as fine a point as can be conceived.

Mr. LEWIS. Mr. President, of course, if so, that merely argues whether it is wise or not. That merely comes back to the question of whose opinion I should take. If the President shall conclude that out of economy and for considerations of better service there should be this consolidation, and the eminent Senator from Missouri shall differ, let us say, as we said when we began, it is a mere difference of opinion. But the question we are considering now is this: Is not this statute necessary in order to permit such consolidation if, in the opinion of those who shall judge of the matter, it is necessary? The eminent Senator from Missouri is compelled to concede that a statute would be required to effect it.

Mr. NORRIS. Mr. President——

Mr. LEWIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I am not on the committee that reported this bill, and I am one who is seeking light. Am I right in reaching the conclusion from the Senator's argument that if this bill is passed the President, under the powers granted to him, will consolidate all these auditors?

Mr. LEWIS. Mr. President, let me say to the Senator that I have not the slightest knowledge whatever of what particular things the President intends to do under this bill. I have a very complete knowledge of things that ought to be done, as I see them. I say to the Senator that I am replying, in the detail which I am presenting, to the query of the junior Senator from Pennsylvania [Mr. KNOX], the junior Senator from Missouri [Mr. REED], and the Senator from Georgia [Mr. SMITH] from time to time, asking what things could be done under this bill which, under the law as it now stands, could not be done.

Mr. NORRIS. Mr. President, I agree with the Senator that the law as it now stands would not permit the consolidation of these auditors; but it does seem to me that the legislative branch of the Government ought to decide whether they should be consolidated, and if they are to decide that question, how can they do it unless to them is presented the evidence on both sides of the proposition?

Mr. LEWIS. It may be that there is not a necessity. It may be that it is not wise. I merely present it as one of the instances where, according to my judgment, there ought to be a change, and where under the bill a change could be made; as illustrating one of many instances which I have given where a law would have to be passed if a change was to be made.

Mr. NORRIS. Then, let me ask the Senator this question. I am uninformed on the subject. I am asking for information. I want to vote for this bill if, after the discussion and the debate, I am convinced that it ought to be passed; but can not somebody who is in favor of the bill tell us this: Does not the President know, and has he not informed those who are behind this bill, just what consolidations of government he proposes to bring about in case the power is granted? Can the Senator from Illinois give me that information?

Mr. LEWIS. Mr. President, I can not reply to the Senator with the direct information. I can not give him any information as coming from the President. I can only assure him that I have every confidence that any Senator could get that information from the President by addressing him and asking his views, for, if he has them crystallized already, I can not myself see why he would not convey them; but they have not been conveyed to me altogether.

Mr. NORRIS. Is it not the usual course, when such a thing as this takes place—when a change of law comes about that the President desires—that, through the instrumentality of the committee, or a message of the President, or a letter, we can get somewhat in detail, at least, the exact things that he desires to do?

Mr. LEWIS. Mr. President, it may be appropriate at the proper time that information should come.

Mr. NORRIS. Is not this the proper time?

Mr. LEWIS. I have taken it for granted that Senators would acquaint themselves, if they desired, as to any particular branch of the Government in which they are interested. I am merely giving illustrations of branches which, according to my judgment, should be consolidated, or which might be consolidated, which under this bill could be consolidated, but without the bill could not be. But I assure the Senator that I am not speaking with any express authority to me to state the particular things which are to be consolidated.

Mr. NORRIS. Ought we not to inquire before we pass a bill of this magnitude, conveying the very comprehensive powers that it does, by which all the branches and bureaus of the Government could be absolutely changed or consolidated, just what is going to be done if we pass the bill?

Mr. LEWIS. The inquiry of the Senator is not foreign to the subject of our deliberations. It is a very natural one, and I have no doubt that if addressed to the source from whence he would get his information he would get a reply quite as full as he would desire and as full as I could give him or could get from anyone to give him.

Mr. NORRIS. Does the Senator think that when a bill of this kind comes up each individual Senator ought to see the President and endeavor to find out what he proposed to do in case the bill is passed? Ought not that information to come through the committee?

Mr. LEWIS. If the Senator did me the compliment to hear the early part of my argument——

Mr. NORRIS. I heard the Senator's argument.

Mr. LEWIS. He would have ascertained that my position was that this bill had for its purpose to leave the President in a position where, if anything arose suddenly that required immediate action, we gave him authority to act, but that in each instance I took it for granted we would be informed before the execution of the act.

Mr. NORRIS. I heard the Senator's argument to that effect, and, while I have great respect for the Senator's opinion, I do not agree with him in that conclusion. I agree with him in what I believe to be now his later argument—that, for instance, the President could not consolidate the Auditor for the War Department with the Auditor for the Post Office Department unless there were a statute giving him that authority. I understood the Senator just recently to argue that proposition and to cite that as an instance where it was necessary to pass a statute in order to have it done. It seems to me, with due respect to the Senator, that that is really a contradiction of his broader statement that in reality this bill is not necessary, because it does not convey any new power; that the President already possesses it. Of course, if he does possess it, then there is not any real reason why we should pass the bill.

Mr. LEWIS. Mr. President, the Senator overlooked the fact that I pointed out that, according to my view of the matter, because of the differences on the part of Senators as to the power existing it was necessary to pass the bill to make clear the power. Now, let me pass on to some of these lists.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. LEWIS. On the question of the auditor and the comptroller I assure the Senator I am not interested. The great interest the Senator from Missouri manifests in the question as to whether they shall be consolidated, I assure him, is not to my mind at this time important. I was merely demonstrating departments which could not be consolidated, where economies could not be effected, where branches could not be lopped off and new authority conferred without statutory powers, as a reply to the position taken by eminent Senators on the floor who sincerely believe that all the power that the President could exercise or would exercise in this matter had already been conveyed and conferred by the general power that is within him. That was all of my argument on that branch.

Mr. NORRIS. Mr. President, as I understand the statement made by various Senators, it is that we have already conferred upon the President all the power that is necessary in carrying on the war, and that this is a war measure, and if any additional power can be suggested which would be of assistance in carrying on the war they would readily grant it. Now, personally, I concede that proposition to begin with, or if I had any doubt about it I would waive the doubt in favor of giving the President the authority. But it does seem to me that the President, or some one here representing the President, ought to tell us just what is going to be done; and then it seems to me we ought to pass a law giving that specific authority, rather than this blanket authority.

Mr. LEWIS. Of course, Mr. President, I appreciate that there are differences as to that; and it is because of those differences that we have the bill before us, and the debate on the part of Senators.

Now, Mr. President, let me make another suggestion which will interest the Senator from Missouri.

Mr. REED. Mr. President, before the Senator leaves the question of the auditors, will he yield to me?

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. That matter has been cited not only by the Senator from Illinois but by the Senator in charge of this bill, as being a place where there ought to be consolidation. The Senator in charge of the bill cites it as a prominent example. He states that millions of dollars could be saved by the consolidation, and that six very eminent gentlemen have reported in favor of this consolidation. Let me ask the Senator from North Carolina if he thinks the consolidation ought to be merely temporary, if it is to effect so marvelous a result?

Mr. OVERMAN. Mr. President, as the Senator is asking me a question, I should like to answer it.

Mr. REED. I have not finished stating it.

Mr. OVERMAN. Very well.

Mr. REED. Now, Mr. President, the whole argument we have heard is that there are six wicked auditors who are squandering millions of dollars of money, and that their business ought to be consolidated and put under one head; and yet, that proposition is brought forward in a bill temporary in its character; for, observe, I read:

> This act shall remain in force during the continuance of the present war and for one year after the termination of the war.

And I read now the last clause:

> Upon the termination of this act—

Which will be at the end of the war and one year thereafter—

> all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

So that if the evils of which the Senators speak are of the character they express, they ought not to be bringing them in under the terms of this temporary measure; but they should come here with a specific bill proposing a permanent abolition of the departments which they claim are so wasteful.

Mr. OVERMAN. Mr. President, I am sorry the Senator did not understand either my original speech or the speech of my friend the distinguished and eloquent Senator from Illinois who now has the floor. I argued in my speech that there was confusion and duplication in every department of the Government; that for a hundred years, according to Mr. Taft, there had grown up the most unscientific Government on earth; and I illustrated these six auditors as one instance of that, as given by Mr. Taft himself and by the Bureau of Efficiency. But anybody who reads the bill knows that this bill will not affect the auditors unless it is done for the purpose of carrying on the war. As the Senator from Illinois says, it will take a statute to consolidate them. Therefore, without knowing or pretending to say what power the President wants for any specific object, for he does not know himself, he wants this general power for fighting the war, and for no other purpose, and it is limited to fighting the war. He has been able to get statutes passed for that purpose. He has sent down here recommendations for little popgun bills to go through Congress, until we have had to pass seven or eight bills that nobody on earth was opposed to; and every day something is coming up by which the President, if he had this authority, could coordinate and consolidate certain functions without having any particular department of the Government in his mind. Now, that is the illustration.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. Now, observe: The Senator in charge of this bill tells us that after having talked all this time about the auditors in connection with the war, he did not mean to say they were important at all.

Mr. OVERMAN. For fighting the war.

Mr. REED. For fighting the war. So that the only thing the Senator has been able to cite in support of a bill which is expressly limited to fighting the war is something that has nothing to do with fighting the war. Once more illustrating what I said in the beginning of this debate, that the Senator, after six weeks' study, had been unable to tell us a single thing that ought to be done.

But again, the Senator has once more indulged in a statement which he has often made, and which I think must please him very well, because he makes it every time this bill is up—that our Government has grown up for a hundred years, and that it is full of confusion and duplication, and is the most unscientific government on earth, referring, of course, to its business activities. Now, the Senator says this bill is brought in here to rectify that; and yet, by express language, he limits it to the time of this war, and provides that at the end of this war, and 12 months thereafter, we shall go back to the confusion, we shall go back to the duplication, we shall return to the most unscientific government on earth.

I want to indulge in no harsh statement, and I will not; but I will say that I am unable to understand the argument of a Senator which asserts that our Government is the most unscientific on earth, and that it is full of confusion and full of duplication, and hence that this bill must be passed, and then that proposes, in an amendment brought in by the Senator himself in the committee, to go back at the end of the war to the old confusion and to the old inefficiency.

Mr. OVERMAN. Mr. President, the Senator is mistaken about my being the author of the bill, but I favor it.

Mr. LEWIS. Mr. President, let me reply to the Senator from Missouri.

The Senator from Missouri has an aptitude of misapprehending a situation when it suits the conspiracy of his logic. This bill does not occupy any such position as the eminent Senator's premises would convey. The bill does not provide that these corrections shall be but for two years. The bill provides that the thing done by the Executive order of the President shall be but for two years, leaving it later, let us hope, to the ordinary patriotism and sense of this body, that if what is done by an Executive order under this bill should within the time of the war be shown to be just and applicable to peace times, then this body, by specific act of legislation, would continue it.

The provision of the bill is not, as the eminent Senator would have us think when he holds it up as having a ridiculous aspect, in that the thing itself, if right, is right in peace as well as in war, but limited by us to war only. The bill does that thing

which the Constitution of the United States permits. What is it? The Constitution provides, first, that no appropriation for war purposes shall exceed two years; second, Mr. President, that the attitude of the President in war matters shall only be through war times. All that this bill does is to say that the thing which we permit the President to do by Executive order shall itself only remain in force as an Executive order within that time.

The Senator seems not to apprehend, but to wholly misapprehend, this measure. Therefore, if at the end of the war it were to lapse, and this body, through the precedent that was established, the evidence that was given, desired then in peace times to renew it, it is within its privilege. That is all this bill does. It merely conforms to the constitutional clause respecting war and appropriations in time of war.

Mr. REED. Mr. President——

Mr. LEWIS. I yield to the Senator, having, I trust, corrected his misapprehension.

Mr. REED. Mr. President, the Senator has not only not corrected my misapprehension, but I was under no misapprehension. In the first place, let me call the Senator's attention to the fact that there is no statutory two-year limitation upon this bill. This is not an appropriation bill. I suggest that the Senator read it. This bill can be made to last until a Congress shall repeal it. It can be made as perpetual as any other law of the Republic, and its beneficence can be extended to all ages and all times, save as a future Congress may repeal it, as Congress can repeal any other statute. Senators stand here declaiming that there are certain enormities in government that must be wiped out, and that there are certain millions of dollars that are being wasted that must be saved, and yet they bring in a bill which expressly provides—

that this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate.

And then the final clause of the bill, I repeat, is:

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

So that the Senator surely can not claim that it is proposed by this bill to permanently reform the various departments and agencies of this Government. The bill is brought forward as a war measure pure and simple; and at the end of the war, by express provision—not by implication, but by express provision—we go back to the exact point where we will be when the bill is passed. I do not see how Senators can dispute that fact, which lies upon the surface of the bill, and which is as plain as the language of man can make it.

Mr. LEWIS. Mr. President, I have yielded to this contribution to my address possibly to improve it so as to attract attention by what others have said to what I have said in my speech.

But, sir, I desire to say to the eminent Senator from Missouri he again is under a misapprehension as to the measure, and I am of the opinion that had he not been under a misapprehension we would have had his valiant support to the full extent that we have had his opposition. The bill provides that these changes shall not have any longer effect as changes under the Executive order, but there is nothing whatever in the provision to prevent this body from continuing the act, as it will be called upon to continue many acts which were passed purely for use of war, or to amend them. The mere fact that the bill itself does not give to the Executive the right to exercise perpetual power is to its virtue and not as a vice against it.

I should like to address one other suggestion to the Senator from Georgia as well as to the junior Senator from Pennsylvania, keeping their interest as expressed in mind. Sir, we have lately taken the Virgin Islands. They are proceeding to administer them. Certain conditions I need not recur to on the floor have transpired concerning them. Would the Senator from Missouri now quickly merge the duties of the Insular Commission and assume to administer the Virgin Islands with the War Department or the Department of State without a statute authorizing the President to do it? We created here, in my judgment, through the wise policy of a previous administration, an insular department to separate it from the conditions which then existed and were burdensome. That now has assumed to administer it. Let me say, and I am anxious not to wander within the privilege of the floor, Mr. President, anxious to administer at this time within the full meaning of the law that vested this control in the insular possessions, we find suddenly a form of war administration put upon the Insular Commission because of the situation of those islands by a condition the public papers and other information suggest at once to your minds, that I need not at this time allude to—the situation confused because of want of power in the insular department that is necessary to properly administer the present complication, but which only a war department has by law.

No one can deny that if by Executive order now in five minutes you could place the needed functions in the hands of the Secretary of War or the Secretary of State that it would not be done. Mr. President, it can not be done. The Insular Commission has powers which can not be merged into those of the Secretary of War or the Secretary of State for even war uses without a statute repealing the powers that are now in the hands exercised by the commission.

Mr. REED. What power does the Senator refer to?

Mr. LEWIS. The commission, by the administration of these islands, has the power vested in them to administer them, and now are they to be denied by statute if it is desired to vest them in the Secretary of State for certain diplomatic reasons? The Senator will I am sure say that I am now right, that I want to do it by statute.

Mr. REED. What power does the Senator refer to? What the Senator refers to I am unable to determine.

Mr. LEWIS. I took it for granted that the Senator is acquainted with the bill and likewise that he is acquainted with the powers and duties of the Secretary of War, and that he is equally acquainted with the duties and powers of the Secretary of State. Those are the powers to which I refer.

Mr. REED. What is the trouble? What is it about?

Mr. LEWIS. The Senator is equally advised, as I am, of the trouble which surrounds this Government just now. It is that main trouble we are now seeking to meet and the troubles that have come one by one.

Mr. REED. What is it the Senator wants to do?

Mr. LEWIS. It is immaterial what this Senator wants to do or what another wants to have done.

Mr. REED. What is that thing? That is what I wanted to get.

Mr. LEWIS. The Senator can get his information from such source as expects to exercise the authority.

Mr. REED. That is the most illuminating remark I have heard the Senator make. [Laughter.]

Mr. LEWIS. I must admit that there is that in the Senator's speech which discloses to all need of illumination. The eminent Senator from Missouri should be grateful to any source from whence it comes. [Laughter.]

Now, Mr. President, I wish to continue this debate. I want to invite the attention of the Senator from Georgia and the Senator from Missouri and the Senator from Iowa. I should like to have the Senator from Georgia [Mr. SMITH] apprised of the fact that I now touch on that subject. Much is said about the Federal Reserve Board, and much has been said about the Federal Trade Commission, as though these were sacred things not to be profaned by supervision. What sanctity in government has established these boards and their right of sovereign existence? Where is any superlative wisdom on the part of those exercising and executing these duties, which should be for the benefit of this Nation? Now, as to the Interstate Commerce Commission, where is any vested right of office on the part of any man who is a member of the Interstate Commerce Commission? Where is any sacred privilege on the part of any man who is a member of the Federal Reserve Board or an equal sanctity upon the part of a member of the Federal Trade Commission to remain in office or to be exempt from revision of duties? I answer the Senator I do not know what is in the mind of the President. I do not know what will be done under the law in detail, but I say to the Senator, and you can draw any deduction from what I am now saying, that if I were in control of the Government I would on to-morrow abolish the board known as the Interstate Commerce Commission. I would abolish the board known as the Federal Trade Commission. I would abolish the board known as the Federal Reserve Board. I would for coordination and economy constitute one general board of finance and transportation, a number of which would be expert in banking and finance, a number of which, as business men, would be expert in business, a number of which would be expert in railroads. This constituted, concentrated, consolidated board of finance and transportation would be the agency to transact all the matters now done by all the boards I mention. I would have a part of the board treat the subject in which it was skilled, another part of the board treating the subject in which it was skilled, and I, sir, would continue that system. I would not continue these various boards as they now exist. There are too many of these boards, and they have created what this country feels are too many official boarders upon the Government.

For myself, sir, without knowing what shall be done under the act, I say to the Senate that if it does allow that form of consolidation for the purpose of the war financing and railroading, while

the railroads are being controlled by the Government, it should all be done through one single board, under one single influence, exercised by one single agency.

At the same time I favor the control of business by the same agency necessary to be controlled in order to control the war, and by the same agency I would have finance, transportation, and trade go along with each other, concentrated and consolidated harmoniously, instead of being conducted by different boards conflicting with each other and contesting in jurisdiction in the work of each other either out of pride of power or jealousy of personnel.

Mr. CUMMINS and Mr. WADSWORTH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. LEWIS. If the Senator from New York will permit me, the Senator from Iowa has risen first, and I yield to him, and then I will yield to the Senator from New York.

Mr. CUMMINS. There may be very much merit in the suggestion just made by the Senator from Illinois, and if it were proposed Congress might adopt that plan. I only rose to ask the Senator from Illinois whether, in his opinion, this bill confers upon the President authority to create any such board as he has described of distinguished financiers and skilled men in the transportation service?

Mr. LEWIS. My reply to the Senator is that this bill does permit the President of the United States, as I read the bill, to establish the board as an agency, then to take certain members of the Federal Reserve Board, certain members of the Interstate Commerce Commission, certain members of the Federal Trade Commission, using the men who have just been named as constituting the main board, and concentrate all their efforts in one. That would be the coordination and utilization of the agencies of the Government as premitted in the bill. Such is my reply to the Senator.

Mr. CUMMINS. I think the Senator from Illinois has misapprehended the bill as fully as he believed the Senator from Missouri had misapprehended it. I do not find in the bill any authority to create any such board. The President can take an agency or a commission or an officer existing now under the laws of the United States and transfer to that office, that agency, that commission the power which he desires that it may use.

Mr. LEWIS. By using the word "board" I might have caused the Senate to feel that I meant to create an original tribunal merely called a board. I used that word before because we have been using it in connection with what we have called the Federal Reserve Board and the Federal Trade Commission. Of course, I mean an agency, born of the consolidation, by any name. I invite the Senator's attention now to section 1, lines 9 and 10.

Mr. FLETCHER. Mr. President——

Mr. LEWIS. In just a moment. One says where the President as Commander in Chief of the land and naval forces is authorized "to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer." I yield to the Senator from Florida.

Mr. FLETCHER. I desire to call the Senator's attention to the report of the committee, which perhaps answers the question of the Senator from Iowa with reference to this particular bill. As originally introduced the bill probably would have given such authority and power as the Senator from Iowa suggests, and the Senator from Illinois may have that in mind, but if the Senator will look at page 3, beginning with line 4, he will see that the committee has reported the following language to be stricken from the bill as it was originally introduced, to wit:

> And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

That provision in the original bill, if the report of the committee is adopted, would be eliminated, and it would be under that provision, I think, that the authority would be found to do what has been suggested by the Senator from Illinois.

Mr. CUMMINS. I am very much opposed to the provision in its present form for reasons which I shall give the Senate before the debate concludes. I did not suppose, however, that it contained the power which has just been claimed by the Senator from Illinois. If it does it is infinitely more dangerous and menacing and indefensible than I supposed it to be. I shall not, however, characterize the bill as I would characterize it if I thought it contained any such power as the Senator has now suggested.

Mr. SMITH of Georgia. Mr. President——

Mr. LEWIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to express my full agreement with the Senator from Illinois as to the meaning of this bill. The language at the close of the section that was stricken out as originally drawn reads—

> and to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

That was the original draft, and it was just as broad as language could make it. The committee struck that out and put other language in which in practical effect accomplishes precisely the same result. Let me read it. Section 2 was amended so as to provide—

> That in carrying out the purposes of this act the President is authorized to utilize—

A new word—

> to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law.

Mr. President, under the Council of National Defense there were innumerable executive and administrative agencies. Under the food and fuel act and under the alien enemy act the President was given the right to create and has created innumerable agencies. Any of the agencies put into any of these places may be taken by the President and put into a board, as this bill is drawn. In practical effect it gives a free hand to create an agency under the existing laws and to transfer to them any of the powers covered by the bill. It practically goes back, in my opinion, to the bill as it was first written.

I do not always agree with the Senator from Illinois, but I enjoy the privilege of agreeing with his construction of the bill.

Mr. LEWIS. I regret to hear that my eminent friend from Georgia does not always agree with me, and thus is wrong at any time.

Mr. SMITH of Georgia. I wish the Senator was always right.

Mr. LEWIS. I regret that at any other time I may have been thought wrong by the Senator. Now, sir, looking at the legal conclusion, we are discussing now what, under the bill, could be done. Senators have inveighed against my position. My eminent friend from Missouri and others have done so. I have now pointed out specifically a thing in which I am greatly interested. Having watched the movements of our Government, I have pointed out the particular thing that ought to be done which, in my judgment, also would point to a success that the bill would bring if in the conduct of the war, the administration of the Government, the President feels that such would be necessary to win the war or accomplish any object in the war. I hold that under the bill these things that I pointed out could be done, and I appeal to Senators opposing the bill, and I propound this interrogatory, Could they be done without a statute? The answer must be, they could not. Could these powers be taken from these respective boards and centralized in a single body, though made up of the membership of the same men of the old boards, without the statute now before the Senate for consideration or a similar one being enacted? The reply would have to be that they could not. Therefore a statute would be required to make it effective. The answer must be some statute of this kind.

Mr. President, I have concluded the particular details. If I have others, I shall not burden the Senate with them. I have allowed myself to be interrupted at length, and I state in the form of "exhibits" to the evidence that may point to particular proof to sustain certain conclusions I have drawn from the bill.

Now, I want to say to Senators, I have no more knowledge than the most uninformed Senator of what particular thing is in the mind of the Executive as to what he would do under the bill, nor of his advisors, speaking of the Cabinet as such. I have heard no more than you have heard. I am advised, however, from different branches and different sources of the need of changes. In what spirit and in what way those changes will be affected. I am compelled to leave to the Executive himself. For myself, I will not anticipate how he will make them, when he will make them, or where he will make them; but I will assume that the impeachment you have made as to the present system is well founded, that the wrongs should be remedied, and that this bill will remedy them, and therefore the bill should pass.

Mr. President, what is the opposition to the bill? It takes two forms. One that it is unconstitutional to exercise such authority; the other that it is a usurpation of executive powers to indulge in and enjoy it. What ancient echoes! How long have we heard them! On the part of any President to do anything in any emergency he has been confronted with the cry "unconstitutional," or with the alarm of "usurpation of power."

Mr. President, a man has but to recall the history of the land to realize how these things are but a repetition; how Andrew Jackson was held up to excoriations on the floor of the Senate when he sought an Executive order for the general concentration of the departments, for the utilization of the officers then

in power, for the cutting off of those things that were useless, that grew out of the land as excresences.

Does any Senator have a need of information as to what is called the Crawford Act of that time, an act that had been gotten through by Crawford, of Georgia, that had for its purpose that a man should occupy office only for the full term, until the end of his term?

When Jackson sought to remedy that by putting out men who were inefficient, without regard to whether the term had expired or not, in a bill similar to the one before us, and from a part of which it appears the committee has copied the phraseology, he was arraigned as having for his intent the "usurpation of power" and drawing to himself the strength to utilize the muniments of government for some private welfare that none could see, but all could accuse.

When Lincoln issued his emancipation proclamation, then without regard to the justice and equity and humanity of it, how many learned intellects there were in the country who called attention that he was striking property down by an Executive order, and not by legislation, granting that, even if it were right, it should be done by Congress. We heard that from both branches of the contention, as we now remember history.

Shall the eminent junior Senator from Pennsylvania [Mr. KNOX] fail to recall that when Theodore Roosevelt, then President of the United States, found it necessary, in order to meet certain unwonted conditions, to "take the Panama Canal," to use his own language, how upon every forum he, too, was made the object of condemnation upon the ground of "usurpation," "unconstitutional"? Yet there is not a man to-day, of any political party, consulting the emotions of his heart, the information of his brain, and the conditions of his country, who will not applaud the courage that dared step over the bounds of legislative prohibition and seize the situation as he found it in order to protect his land at an hour when war from the East brooded like a black cloud fraught with storm over the houses of the Nation; and yet he, too, heard "usurper"; he heard "unconstitutional" hurled at him.

Has it come to the point that every time we assume to do anything that the emergency requires and wisdom and patriotism dictate we are ever to be confronted with suggestions, born of technical construction and pride of opinion, how to defeat it, never how to accomplish it?

I think I catch the temper of the American public, and I warn this body, if I may be so bold as to use the language, that the American public will not be patient with those who ever seek a reason to prevent the Executive from carrying out the will that he feels it is necessary to enforce in this trying hour, when he, as Commander in Chief, should have the right and privilege. The country has put Woodrow Wilson in command; he is the Commander in Chief. The war has been declared by a joint resolution passed by the people through the voice of their representatives; the power has been placed in him to conduct the war; he asks it of this body to give him assistance, and, in giving him assistance, he indicates with clearness some of the things which he asks at your hands.

The joint resolution declaring war provides:

> That the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government.

I call the Senate to remember that Woodrow Wilson will be President for three years. Nothing but death can prevent that—and God is good to America. President Wilson will command this war. He will take responsibility and will not allow any agency to deprive him of the necessary authority to win this fight. I warn you that neither for political opportunity nor for personal advantage of any man will the opponents of unlimited authority to the Commander in Chief be permitted by the people to succeed.

The people want this war won. The country wants the Germans beat back—that they may not beat America down. Any man who now is against the war is against America, and any man who is against any measure that the President demands as necessary to win the war is against the President.

The people of the United States will not be patient with obstruction rolled in the road labeled "Constitution," or of the call summoning opposition in the ancient cry, "Beware of usurpation of power." The country gave Wilson the power in the declaration of war, and demands of Congress to throw off its bridle and bit.

When we ask here for these resources, that he may utilize the necessary power, distinguished Senators find a reason for opposing the request. They may be right in theory; the construction of the law they adopt may be correct as construction by rule long prevailing in peace time; in principle of constitutional construction it may not be sustained by precedents; but, Mr. President, this is not the hour when the Nation will tolerate obstruction from refined minds or for mere analytical deductions or the indulgence of constitutional disquisitions, because it may be their opportunity to revel in them. They must confront the fact that that man anywhere who opposes the war, opposes his country, and the man who opposes the methods the President asks for conducting the war, opposes the President. There is no way he can escape the condemnation. Merely that he finds an excuse for doing it in constitutional argument nor will the assertion of conscientious opposition justify it. The test of patriotism is not yielding up a view which you regard to be wrong. The test of patriotism on the part of ability and sagacity is to yield up that which you feel is right, if to do so would produce a greater result, than to exert and insist upon your own conception or execution. Sirs, it is because of that, I respectfully urge, that these objections by eminent Senators to this measure do violence to the purposes for which we sit here. That they obstruct where they should have advanced. They defeat where they should succeed. They dishonor where they should ennoble. They proceed upon grounds of delicate and technical character that can not be justified in the plain mind of the plain citizen who is requiring of Congress now haste that it may give quick victory, and not continue this slow, drawn effusion of intellectual vaticination to gratify themselves in economic, polemic, or political perversity.

Contemplate what this Nation has done with the clumsy and embarrassing machinery that was transmitted to the present administration. A Nation at peace, crystallized in its convictions that war could never be put upon America and that there would never be a necessity to prepare for any conflict from without. Still, within one year this indomitable America put an Army in the field exceeding in numbers and equipment that which any free country ever produced in the same length of time since history was recorded. It brought its Navy from the fourth rate to the second class of the world, and in transporting soldiers to foreign fields across turbulent and assailed seas lost not one sailor of a ship patrolled by the American Navy. It supplied in foods and necessities three nations of the earth, to an extent and character exceeding that which had ever contributed in the same length of time from any sources Christ fed the famished with the loaves and fishes upon the Sea of Galilee. It expended in money for its own defense and the uses of its allies in conflict, a sum of money passing into the billions of dollars—exceeding in amount that which was ever contributed in the same length of time from any sources for any purposes under any circumstances in the recorded history of time.

Let it be remembered that the United States, far removed from conflict, educated to peace, deluded in the belief that isolation meant security and a law-abiding nation meant tranquillity as against the world, suddenly transformed itself, through the necessities of the defense of its life against assault, and within one year's time equipped and set afoot and marching on its way to the salvation of America men, money, and equipment the equal of that which any country at war, resting on arms, awaiting bugle call to war, educated in 100 years of yearly conflict in some quarter of the globe, had done in three years.

Without entering into scheduled detail, let us contemplate America's self-imposed soul's transformation:

She reversed the currents of her life for a generation. She had wooed her blood to flow as tranquil streams of peace. In an hour she had beaten them into foaming gushes of war. She had luxuriated as a prodigal in indulgence to every desire and reveled in every extravagance. In a day she became the meek convert to economy and the obedient disciple of frugal saving. From a nation of a life limited to the consideration of her own Republic she became the anxious guardian of the needs of the world. From a citizenship that concerned itself only with activities and welfare of her own States, she expanded as conservator and defender of the rights of man in every land. From a nation whose only object was self-preservation, she transformed into a mother of justice to man; a guardian of liberty to nations; then resolved her existence into a pledge to all civilization for the rights of the weak and the deliverance of the oppressed.

In all time there has been no such record of sacrifice of interests, of yielding up of comfort, of giving of the wealth, and the deliverance of children even unto death for the salvation of the world to enjoyment of liberty and its preservation upon the principles of Christianity.

I know the sincerity of every Senator opposing this bill, but I warn you, Senators; I call your attention that if this bill

does not pass, Senators on the opposite side of the Chamber, some of them, and Senators on this side of the Chamber, some of them, will be found in different parts of this country impeaching the administration for the clumsy manner in which it is conducting the affairs of the Republic, its failure to coordinate its branches, and its omission to centralize its powers; its extravagant methods of execution; its want of executive ability; and its failure before the world. Mr. President, I can not be patient longer with the discussion or condone the reasons offered as excuse for the delay in passing the bill. I will not indorse opposition to a measure in time of war that might only be justified because of some conditions in time of peace.

This measure is brought here, and you are presented by the President himself with the argument for the necessity of it. He has tendered it and asks you to give him the use of it. He must have some reasons for it. Surely you will grant him that his reasons are not lawless. He has no private purpose to serve; he has no political object to benefit. He must have a purpose which you will trust to your Commander in Chief, or he is not worthy of his seat and should be toppled from it by your impeachment.

I charge no man with insincerity; I recognize the purpose of every man in his opposition; but I do say here that when I view this measure and contemplate what I feel to be the object of it, to benefit this country and help the victory that the hearts of our people pray for, I say that those who oppose it may take their satisfaction in nice disquisitions of law, in the conceit of analyses upon constitutional authority, and in the indulgence of pride of opinion; but in doing so these Senators serve the Philistines.

"As for me and my house, we serve the Lord."

Remove the obstructions. Let this bill pass.

Mr. VARDAMAN. Mr. President, the discussion this afternoon has been very interesting. The versatility and variety of information has enabled Senators to plant themselves on the circumference of universality and take a crack at creation; they have discussed every subject, from a pebble to the stars, but, fortunately for the Senate, they have done so learnedly. I shall only engage the attention of the Senate for a very few moments; I shall content myself in stating in a few words what I think of this bill, and then I shall permit the Senate to proceed with its further consideration.

Mr. President, there are many of the powers of autocracy embodied in the pending bill, powers which may be necessary for the successful or proper conduct of the war. I am impressed, however, by the fact that the powers sought to be conferred by this bill, so far as my reading of American history goes, are powers that were never exercised by the Chief Executive of this Republic in any of the great emergencies which mark its glorious past.

One of the disquieting signs of the times is the avaricious reaching out for power by every department of the executive and administrative branches of this Government. If the Congress had not already gone so far in the delegation of these unusual powers I would hesitate long before giving my vote or quietly acquiescing in the adoption of this measure. I still have hope that before it reaches a final vote upon its passage it may be shorn of some of the powers which I do not think necessary to vest in the President in order that he may perform properly the functions of his great place and meet the requirements of the terrific situation that confronts us.

The transference to the executive department of the Government of so many functions which belong to other departments has well-nigh changed this Republic, in fact it has, into an autocracy, and I am persuaded to believe that this additional power will not add to our difficulties in the reorganization and rehabilitation of the Republic after the war is over. So, viewing it from this standpoint and in this light I expect to vote for the measure.

I realize further, Mr. President, that the real purpose of this bill is to permit, with legislative approval, the Chief Executive to do many things that were suggested by the honorable Senator from Oregon [Mr. CHAMBERLAIN] some weeks ago that ought to be done, and in the doing of these things to deny to the honorable Senator credit for the suggestion.

Now, Mr. President, I am going to ask the indulgence of the Senate for a moment while I give the reason for voting this afternoon for the report of the conference committee, about which a great deal has been said, some of which I think was unnecessarily acrimonious. I want to say a word in behalf of that class of our people who in time of war bear the brunt of the conflict and in time of peace, by their patient toil, produce the stuff to feed and clothe the world. To paraphrase the language of another—

"Bowed by the burden of taxation, he leans upon his hoe and gazes upon the ground, the tragedy of injustice written in the wrinkles on his face and on his back the burden of the world."

Mr. President, nothing should be left undone by this body calculated to strengthen American arms and promote the interests of our cause in this death grapple of the nations. If necessary to call to the service of the Nation every man, woman, and child beneath the flag for the success of our undertaking, I, when convinced of that fact, am willing and shall vote for such a measure. In time of war everything the citizen owns belongs to his country if his country needs it—even his life. No man will go further or do more in proportion to his ability than I will in that direction. But, Mr. President, I want this great force handled and disposed with an impartial hand. I want the same rule, the same measure, used in measuring the duty of capital that is employed in measuring the obligations of labor. I would not exempt either from the pressing obligations of the hour. There is a duty to be performed by the man who reaps as well as the man who sows, the man who plans as well as the man who executes. If there is an evil anywhere in our system, let us correct that evil by extirpating the root, removing the cause. The problems before us appear almost insoluble. The cause of our country certainly is a righteous cause; and if it is a righteous cause it is the cause of the people, and to win it must have the moral support of all the people. A war to make the world safe for democracy must be waged by the people, and the people must be fired and enthused by the spirit, the genius, and purpose of democracy. And that fact can not be too well understood by the servants of the people who compose the Congress of the United States. You can not erect an enduring structure upon a mere temporary foundation, nor can you build a lasting democracy upon expedient or imperialistic principles and policies. The lasting element in government is the inherent principle of moral law, and its foundation must rest upon justice. Justice is the one everlasting quality in the governmental fabric. "The moral law is written on the tablets of eternity. For every false word or unrighteous deed, for cruelty and oppression, for lust or vanity, the price has to be paid at last," says Froude; and that is true in time of war as well as in times of peace.

Mr. President, I never see a man in these terrible times scheming to make money out of this war or shirking responsibility when blood is flowing from the veins of our precious boys in the trenches of France like the waters of Niagara, when the cries from broken-hearted mothers, bereaved wives, and orphaned children fill the circumambient air—I never see such a creature without a feeling of contempt, mingled with a profound sense of commiseration. It is useless to grow angry and denounce furiously such a person, because it does no good, nor will extreme punishment avail anything. Such perfidy can be accounted for only upon the theory that the man does not know the consequences of his own acts. It betokens a moral obliquity for which doubtless the foolish creature is in part only responsible. "Father, forgive them; they know not what they do."

I am in favor of doing the thing needful to win this war. If necessary to conscript labor, we will conscript it; but do not let us conscript labor until we first conscript the dollars of the rich and every other useful member of society. I believe to the greed and cupidity of the capitalistic element of this country is due in a large measure the thoughtlessness, indifference, and selfishness manifested by labor in some of the industries of this country. These laboring men are only following the example set by the plutocratic elements who conceal their cupidity by wrapping themselves in the American flag and, like the pharisees of old, stand on the street corner and in the churches and proclaim their exalted virtues.

At this point I want to call attention to a suggestion made by Mr. Denman, formerly chairman of the Shipping Board, in testifying before the Commerce Committee, which has my most cordial and unqualified approval. He says, speaking of this Hog Island infamy:

> What should really have been done there, if I may hazard the suggestion, is this: Those gentlemen in New York should have said to the Shipping Board, "Why do you not form a $2,000 corporation and accept from us these five or six men at $1 a year?" If capital is going to justify the $1-a-year system, why, when we had a great constructive enterprise for the Government to carry through, could they not have said to us, "Take these men"?
>
> Then we could have gone to labor and we could have said, "Now, the fellows on top with the money are contributing their bit. Do not press us all the time for increased wages; do not strike; do not stop your work; but come in and play the game along, because this is not the time to try to get as much as the other fellow is getting."
>
> If we could only put our finger on one place in this country where that had been done, it would simplify the labor problem enormously. But these men started in at 10 per cent—

These patriots for pelf!—

These men started in at 10 per cent, and they got one administrator to figure 6 per cent, and they fought all the way down the line, until they are now getting what must be a very liberal compensation; and in the process of doing it they have done exactly, in the way of delaying things, what it is complained that the labor men are doing in the way of delaying things to get their bit.

In this connection, Mr. President, I want to call the Senate's attention to the fact that when the Government came to deal with capital in the matter of conducting the war, in my judgment, an unwarranted generosity has been shown capital. The railroads which the Government has taken over in order to aid the Government to more successfully conduct our campaign against Germany are now enjoying probably the most profitable period in the history of the railroad business in America. The price which the American people are paying for the use of these roads is the average profits for the three years next preceding June, 1917, which I am told were the fattest years in the railroad business. There is no justice in that. There is no fairness in it. Practically every other interest, every citizen, is making a sacrifice, and I can see no reason why this especial privilege or advantage should be extended to the railroads. There is nothing sacred in railroad bonds which entitles them to special favors in this hour of our national distress. Every dollar unjustly taken from the National Treasury for the excessive pay of the railroads for service rendered during this war enhances the debt which posterity must pay and increases the burden which must be borne by the generations that follow us. It adds just that much to the enormous load which so heavily rests upon the aching stoop of the already tired and overburdened toilers and their children.

But that is not all. During our investigation of the cause of the shortage of sugar and coal it was developed that the sugar refiners were awarded the same profits for refining sugar that they enjoyed in peace times. When I asked the distinguished witness before the committee why that special favor was extended to the wealthy and prosperous refiners his answer was that "corporations would not play the game unless they are given dividends."

Ah, Mr. President, it is a sad and lamentable state of things when we have to buy the rich men or corporations of this country to perform their duty to their country in a great emergency like the present. And when we came to levy taxes with which to meet the expenses of this war Congress refused to tax the excess war profits as much as 50 per cent. Men have grown fabulously rich out of the opportunities afforded by this war, and yet they are going to be permitted to retain those riches while the burden of taxation will be borne by the children of toilers yet unborn! Mr. President, it is all wrong. It is not giving the toilers of this country a square deal.

When you consider all of these things and take into account human nature as it has been since the days of the Pharaohs, all down through the ages to the present time, and as it will continue to the end, you will understand why the selfishness of man asserts itself as it has been manifested by some of the laboring people in the great shipbuilding enterprises of this country.

If the man of capital at the beginning of this war had brought his plethoric purse and thrown it down upon the altar of his country and said, "Take it and use it. It is yours. For the good of our Nation, not only do I consecrate my money but I give my time and all to the service of the Stars and Stripes"—if the men of large means had manifested that altruistic, patriotic spirit that ought to animate the breast of every devoted American citizen there never would have been a word of protest, complaint, or question uttered by the great masses of laboring men and women in this Republic.

In the words of Edwin Markham—

For all of your days prepare,
And meet them ever alike:
When you are the anvil, bear;
When you are the hammer, strike!

Mr. ASHURST. Mr. President, I would not address the Senate at this late hour of the day on this bill if it were not for the fact that I have made arrangements to be absent to-morrow, to visit some Arizona boys in the National Army at one of the near-by camps. That is my apology for consuming time this late in the afternoon.

Following the precedent set by the distinguished Senator from Illinois [Mr. LEWIS], who preceded me, I will ask unanimous consent to have incorporated in the RECORD at the beginning of my remarks a copy of the bill under consideration, Senate bill 3771, the so-called Overman bill. I should like to ask that it be included in the RECORD as reported by the committee.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, permission is granted.

The bill, as reported from the Committee on the Judiciary, is as follows:

A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 4. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

SEC. 5. That all laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

Mr. ASHURST. The distinguished Senator from Illinois [Mr. LEWIS] is one to whom we all listen with pleasure, and to whom we send out a Macedonian cry for help when we are candidates for office. We are glad to hear his voice upon the hustings urging that we be returned in election time, and I am pleased that so many Senators listened to him this afternoon. Those upon our side of the Chamber who attempt to confuse him by whispering here and there, in order to divert his attention, will not divert his attention nor his mind from the subject upon which he is talking; and those who willfully seek to divert him will be the first to call for his assistance. [Reading:]

A democracy making war is never an agreeable sight, for it is not in its normal line of life. And those who sneer or jeer because it does not play the game as well as might be pay an unconscious compliment to the merits of free institutions. It takes time to accustom men to the short, hard words of command and to the surrender of personal judgment. It is not easy either for a nation to turn its back upon the conception of a world where justice works out its ends by quiet processes and in its stead come to the stern belief that the ultimate court is a battle field. So if there is wrenching and side slipping and confusion, there should be no surprise. The surprise to me has been with what comparative ease the transition has been made and how much unconscious preparation for the new work has been already made.

Perusing this afternoon a copy of the annual report of the Secretary of the Interior, my mind caught that paragraph. It states the handicap under which our Government labors. It states so well the difficulties which we have to meet and sets down in such terse, luminous, and dignified language what we must do that I thought it ought to be read. It is an excerpt from the annual report of the Secretary of the Interior for the year 1917.

The Constitution of the United States specifically empowers the Congress to declare war, and it prohibits such powers to the States. Quite distinct from the reasons and the circumstances under which war may be declared, the President, upon such declaration, instantly becomes the directing figure in the contest. This is for the reason that the Constitution makes him Commander in Chief of the Army and Navy as well as of the militia when called into the service of the United States. Article II, section 2, of the Constitution of the United States provides as follows:

The President shall be the Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the service of the United States. * * *

Under the narrowest and most restricted interpretation, to be Commander in Chief means a vast deal.

Such power, however, does not mean power to create armies or navies or power to raise funds for war purposes, for these are duties and prerogatives of Congress; but after the men, money, munitions, and ships are supplied, the President becomes commander in all that the word implies. He has full power to appoint or remove commanders on land and sea, to station and direct the movement of troops, to plan and direct campaigns, to devise any and all measures to overcome the enemy, to dictate matters that may mean life or death for both soldiery and civilians. A clear expression of the difference in the functions and duties of Congress and of the President in the matter of conducting a war is stated by the Supreme Court of the United State in Ex parte Milligan (4 Wall., 139), to wit:

Congress has the power not only to raise and support and govern armies but to declare war. It has therefore the power to provide by law for carrying on the war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief.

When Fort Sumter was fired on, in April, 1861, under circumstances which could mean nothing less than war, some Presidents might have called Congress into extraordinary session, and the critical posture of affairs at that time seemed to demand an extra session of Congress; but President Lincoln chose a wiser course. He knew that in both Houses there would be strong differences of opinion; he knew that valuable time would be lost in fruitless and useless debate. He therefore dealt with the situation in the strong and direct way and postponed the calling of Congress for some weeks, placing the date of assembling of Congress as late as the 4th of July that year.

Meanwhile the President set about raising an army. After the fall of Fort Sumter he issued a proclamation calling for 75,000 State militia to be mustered into the national service for a period of three months.

The suppression of insurrection being one of the purposes for which the President may call out the militia, such action was taken. The President promptly decided, however, to take advantage of the outburst of feeling to make a further increase of the armed forces of the Nation; hence, by proclamation, on May 2, he called for 42,034 volunteers to serve three years, and thus ordered substantial increases of both the Army and Navy. These acts were hotly denounced as clearly contrary to the letter of the Constitution, which lays upon Congress the duty of determining how many and what kind of national troops shall be raised.

During those troublous and turbulent weeks the President also proclaimed a blockade of portions of the southern coast, incurred in the name of the national defense vast expenditures unauthorized by Congress, adopted and put into operation a general plan of campaign against the Confederacy, and authorized his generals to suspend the privilege of habeas corpus whenever circumstances seemed to them to demand so extraordinary a step.

Numerous arrests entailed repeated suspensions of the writ of habeas corpus, for the arrests would have been valueless had the civil tribunals been in a position to set free the apprehended person. The Constitution authorizes the suspension of the fundamental guaranty in time of war or public danger. It does not, however, say by whom the suspension shall be ordered.

Nevertheless, it was exercised independently by the President for nearly two years, and by act of March 3, 1863, Congress ratified the President's acts and gave him power to suspend the writ during the war, whenever in his opinion the public safety required it. Thereafter, until the close of the war, a certificate that a prisoner was held under the authority from the President was a sufficient answer to any demand from a civil tribunal for the prisoner's appearance for examination or trial.

One of the most interesting features of the present state of things—

Wrote a correspondent of Charles Sumner during these weeks—

is the illimited power exercised by the Government. Mr. Lincoln, in that respect, is the equal, if not the superior, of Louis Napoleon. The difference consists only in the fact that the President rests his authority on the unanimous consent of the people of the loyal States, the Emperor his on the army.

When Congress met on July 4, the President presented a full statement of what he had done. There was little need to dwell on the urgency of the situation or to defend those acts which were plainly within the prerogatives of the Commander in Chief. As for the others—the increase of the Army and Navy, the alleged unauthorized expenditures, and the suspension of the habeas corpus—the hope was expressed that, even though not considered strictly legal, they might be ratified, and they were ratified, but not without debate; and references were made in a disloyal and copperhead press regarding "Lincoln's odious tyranny and violations of the Constitution," which phrases have, since we entered this war, resounded in this Chamber from the lips of those who could not silence the insect chorus of their criticism even though such silence were for their country's good.

As the war progressed the volume and extent of power in the hands of President Lincoln rose to enormous proportions. From first to last a close control was kept by the President over military and naval operations. Lincoln was in the fullest degree a Commander in Chief. He resorted to many devices. He used his powers in all possible ways, indirect as well as direct; for example, the maintenance of the southern blockade, which he believed would shorten the war and insure success. Orders—usually mere telegrams—went out from Washington savoring strongly of the lettres de cachet of the eighteenth century, and Wendell Phillips, whose agitations aided in bringing on the war, declared in lectures in New York and Boston in 1861 that "the Secretary of War puts into his bastile, with a warrant as irresponsible as Louis, any man whom he pleases." Wendell Phillips, the orator, could not see that force must be employed to win victories in war.

In a speech at Cooper Institute in New York City on the presidential election (1864), the same Wendell Phillips said that for 30 years he had labored to break up the Union in the interests of justice, and now he labored to save it in the same interest. Phillips said he judged Mr. Lincoln by his words and by his deeds, and so judging him, he was—

unwilling to trust Abraham Lincoln with the future of the country. Let it be granted that Mr. Lincoln is pledged to liberty and union; but this pledge was wrung out of him by the Cleveland movement, and was a mere electioneering pledge. Mr. Lincoln is a politician. Politicians are like the bones of a horse's foreshoulder—not a straight one in it. A reformer is like a Doric column of iron—straight, strong, and immovable. It is a momentous responsibility to trust Mr. Lincoln where we want a Doric column to stand stern and strong for the Nation. * * * I am an abolitionist, but I am also a citizen, watchful of constitutional liberty; and I say, if President Lincoln is inaugurated on the votes of Tennessee, Louisiana, and Arkansas, every citizen is bound to resist him. Are you willing to sacrifice the constitutional rights of 70 years for your fondness for this individual?

Mr. Phillips then quoted some opinions from prominent men in the Republican Party:

A man in the field said, "The reelection of Abraham Lincoln will be a disaster." Another said, "The reelection of Abraham Lincoln will be national destruction." Said another, "There is no government at Washington—nothing there." Said another, "That proclamation will not stand a week before the Supreme Court; but I had rather trust it there than to trust Abraham Lincoln to make the judges." Mr. Lincoln has secured his success just as the South used to secure its success. He says to the radicals of the Republican Party, "I am going to nominate myself at Baltimore, risk a division of the party if you dare!" and the radicals submitted. Political Massachusetts submitted and is silent; but antislavery Massachusetts calls to the people to save their own cause. Mr. Phillips said he "wanted free speech to let Abraham Lincoln know that we are stronger than Abraham Lincoln, and that he is a servant to obey us. I distrust and despise the man who uses whole despotism in Massachusetts and half despotism in South Carolina, and that man is Abraham Lincoln."

All this was said of whom? Nicholas Romanoff? Czar Peter? Ivan the Terrible? No; it was said against that man for whom we can find no marble white enough in which to carve his name.

But it would have required something more than the pelting hail of Phillips's rhetoric to turn Mr. Lincoln from his high purpose, and thus we see Lincoln, a civilian with very little military experience, rise in the fullest degree to be Commander in Chief of the Army and the Navy. We perceive that he was capable of, and did exercise, firmness, a judgment and boldness in striking the enemy that made him in every essential a real Commander in Chief.

Senators, in this perilous hour what reply shall we make in response to the American Commander in Chief who now asks that this power be given him? Shall we paralyze his hand where we should support it? Shall we weaken the arm we should sustain and strengthen? Shall we assist him in his efforts to sever the Gordian knot and thus release the governmental agencies from the entanglements of red tape and bureaucratic delays that now strangle the Government? Let us not sleep in fancied security. The civilization of the world has been in deadly peril since August, 1914, when suddenly it appeared that Von Kluck was guiding, with unerring precision and irresistible force, an engine of slaughter against the heart of France. We remember that on a certain night in September of that year, when Von Kluck's bugles sounded taps, he believed, and undoubtedly the multitudes of the earth believed, that a few days at most would see him enter Paris at the head of his barbaric and ruthless hosts. The dark night passed

away; Von Kluck was baffled and defeated and reeled backward until the hills of the Aisne brought him shelter and protection. Only the resiliency, courage, and capableness of Gen. Foch and Marshal Joffre saved the day. Had Foch and Joffre been hampered by red tape, by orders from a war council, or by a voluble Congress, they would not have won the victory of the Marne, which was to civilization as important as was the victory of Charles the Hammer when he rolled back the surging tide of the Moslem at Tours.

One question to be settled in this war is, Are democracies and republics inherently strong enough to defend themselves? May they gather strength enough to sustain themselves? Do they possess the power of organization, the spirit, and the strength to hurl back the desperate onslaughts and challenges of autocracy? Can free governments grasp and utilize opportunities which will bring victory? I believe they can if they but act with judgment. To do so means that free governments must meet the impact of the enemy with like impact. It means that cunning must match cunning, and ingenuity match ingenuity. Democracy's sons must become accustomed to the short, hard words of command, and to stern and rigorous discipline, or they will fall prone and helpless before the furiousness and precision of the enemy's blows.

This bill, reported by the Judiciary Committee, simply proposes to authorize the President to make such changes in duties and coordination in bureaus as the President may see fit. Senators seem reluctant to grant such authority to the President, although they well know that, under the Constitution, the President has power to order an advance here or a retrograde movement there along the sectors held in France by our heroic troops. The President has power, and upon his judgment ultimately must rest, the question as to whether, and if so when, the American Navy must proceed to the bases and starting points of the German submarines and there destroy them, or whether by constructing more transports we may be able to foil the submarines. These questions of commanding importance will ultimately be determined by the President. No other official in all Christendom is so potent as is the President of the United States. His words ring in every capital. When the President delivers a message to both Houses of Congress men by the scores of thousands besiege the bulletin boards, and wherever newspapers are printed throughout the world men sit through the long night waiting to obtain the earliest intelligence of what President Wilson said. Clothed as he is with immense power, he has not misused it. Personally the spokesman for all the antagonists of the Teutonic powers, having proved himself fully capable and worthy, we find Senators refusing to trust the President with power to order some bureau of the Interior Department to make some experiments for the Navy Department in the way of ascertaining where a larger supply of sulphuric acids for explosives may be acquired. Gentlemen do not feel alarmed when they reflect that the President, by action or nonaction, could cost the lives of thousands of American soldiers and sailors on land or sea, yet they are very much troubled and their perturbed spirits give them no rest when they are called upon to consider a bill which would permit the President to abolish an assistant bureau chief here, or allow the Bureau of Soils to investigate as to whether seaweed could be utilized in making print paper.

It is only a few days since all the armies on the French front fighting against the central powers were placed under the supreme command and leadership of Gen. Foch. This was done in order that the armies of freedom might have facility of movement, concentration, and singleness of aim. It was done without regard to ambition or hope of promotion. Great Britain has pride in her commander, Americans have pride in their commander of our Expeditionary Forces, but to eliminate duplications of work, to bring all the forces under one supreme head, Gen. Foch was placed in absolute command. There are now in the departments here delays, waste, duplications, and wasted energy. The governmental agencies here are enmeshed and almost strangled by "red tape."

This bill, in a small way, emulates the wise example of those powers fighting the Teutonic powers, for it proposes to give to the President the authority to coordinate various departmental agencies in the interest of economy and facility of movement.

Let us ascertain just who is this President, this Commander in Chief, to whom Senators refuse to delegate these powers. The President is not only the recognized spokesman for all the nations fighting the Teutonic powers, but he has frequently been required to correct the errors of other spokesmen. Germany's "second peace offensive" was doomed by the exposure of the real Prussian purpose at Brest-Litovsk, and we recall that it was the address of President Wilson to Congress on January 8, this year, which tore away the disguise and exposed the double-dealing of the Prussians at Brest-Litovsk. The British Prime Minister, Mr. Lloyd-George, addressed to the British Labor Conference a message on this subject, in which he outlined the allied purposes, and declared that the allies were committed to the liberation of conquered countries. He nobly declared that Great Britain would stand with France to the last to have the wrong of Alsace-Lorraine reconsidered. In the matter of Russia, however, the British Prime Minister was not so effective as was President Wilson. The British Prime Minister correctly warned the Russians against the Germans. A few days later, to wit, on January 8, 1918, President Wilson followed with his statement of allied war aims which found instant acceptance in all allied countries, and was by unanimous acclaim throughout the world agreed to be the ablest, the most explicit, as well as the justest statement of war aims that had yet been set forth. President Wilson's message contained sympathetic words for Russia. The President made noble assurances to Serbia and Belgium. His message had words of encouragement for the Poles. The exact value of this address at this time can not be estimated, for it is of inestimable value. It put the Germans at once on the defensive and it relieved the allies from the inconvenience due to misunderstandings at home as to the things for which they were fighting. The message tore the mask of disguise from the face of Germany; it revealed her pretensions and disclosed her cloven hoof. It showed clearly that while Germany was demanding vast territorial areas and populations to which she had not the most remote claim in law or justice, the allies stood before the world as asking only such changes as could be and should be supported on the grounds of right and justice, and throughout the various allied countries there was expressed no doubt as to the wisdom, justice, and conclusiveness of the President's message of January 8.

The exposure of the Machiavellian double-dealing of Germany at Brest-Litovsk clearly proved that while Germany stridently asserted that she was conducting a war of defense, in truth she was seeking empire, dominion, domination, and the enslavement of weaker peoples. Through sorrow and distress Russia has learned what a German peace means. Everywhere throughout the conquered countries where Germany has laid her mailed hand—the Baltic Provinces and the Ukraine—German arrogance, brutality, and requisition of supplies have been so severe that the conquered peoples cry out in despair to the world. Treaties signed and ratified by Germany do not stop aggressions or give any security to life or property. Roumania, Poland, Serbia, Belgium, and the Ukraine bear pathetic testimony to what Prussian peace and Prussian dominion mean.

The action of the Prussian representatives at Brest-Litovsk discloses that the Prussians have thrown Luther Burbank into the shade. Luther Burbank is almost a wizard, an assistant secretary to nature, but the Prussian representatives at Brest-Litovsk were able to make a large crop of lemons grow on an olive branch. [Laughter.]

So, Senators, when we have left these seats forever, when we are forgotten and worthless dust, the statesman, Woodrow Wilson, who spoke so clearly on this occasion, whose voice was as a silver bell struck by a steel hammer, the leader who exposed the Prussian duplicity, will be remembered with gratitude by those who love liberty. Yet this man, who has demonstrated his great capacity for public affairs and has moved with unerring precision in matters of world-wide import, is not to be trusted—so say some Senators—with the power of transferring certain bureau officials and chief clerks in Washington.

Where the President has with clear lenses horoscoped and interpreted events his partisan critics confusedly recognize the events only long after they have happened, and then too often they see them, not clearly but through blurred and indistinct lenses. While the President acts with precision and promptness and correctly points the way, his partisan critics stand like large locomotives on a side track, without driving rods, wasting their steam in vociferous and futile sibilation.

Upon our Nation, the young Hercules that has won many durable victories for justice and freedom and which understands so well the true philosophy of human liberty, is cast a heavy burden, for our Nation now must not only be the stalwart keeper of that serene and steadfast light which guides the course and destiny of civilization through the long darkness amidst which the world is at present moving, but it must also furnish, as it will furnish, a very considerable proportion of the material potentiality so necessary to bring victory against our well-disciplined and ferocious enemy. With our thin gray line of ships—a line all too thin—we must send food and clothes for our soldiers' bodies, weapons for their hands, and medicines and bandages for their wounds. We must also do that which is equally as important—we must sustain their high spirits by constant assurance of our solidarity here at home.

We in Congress bid our American artillery to roar like Jovian thunder; we bid our dauntless men of the sea and our courageous cavalrymen of the clouds to strike for our altars and our homes. We know that American soldiers are to-day on the French front standing as living ramparts of valor resisting the insane fury of the German dragon. Let us, therefore, not be found refusing to give them the full strength of our support; let us not be found giving aid and comfort to the enemy by shackling their American Commander in Chief.

Mr. WILLIAMS. Mr. President, it is a consolation in these days of pessimism and bad news from Europe to hear the voice of the Senator from Arizona [Mr. ASHURST] sounding the tone of optimism to its highest possible note. This is a great country, stretching from the Great Lakes to the Gulf and from the Atlantic to the Pacific. This is not "this United States"; this is "these United States"; and when the voice of Arizona goes out in the way in which it has just gone out it is responded to by the voice of Mississippi.

There are traitors and disloyal and lukewarm men in Mississippi, as there are in Arizona and Ohio and New York and Massachusetts and elsewhere; but the great majority of the people have their hearts in this fray, and they answer to the brave and true words of the Senator from Arizona in words equally brave and true. Away down on the Rio Grande and at the mouth of the Mississippi echo answers echo, and we people of the English-speaking race in America, in Canada, in Australia, in New Zealand, in South Africa, in England, in Wales, in Scotland, and in Ireland—in spite of a few traitors in Ireland, not many—respond with stentorian tones that even if the Germans win the present offensive, if they put France out of commission, if they then can concentrate upon the Italian line and put Italy out of commission, these great English-speaking races from eight great countries—England, Scotland, Wales, Canada, New Zealand, South Africa, Australia, and America—commanding the sea, controlling the raw materials of the world, disposing of raw materials and war resources, can still by themselves whip Germany and Austria-Hungary and Turkey and Bulgaria and all the other barbarian powers of this world, fighting, as we are, in the cause of Christ, the God of justice and of mercy, against Thor and Woden, the gods of the ancestors of the present Goths and Vandals, which gods have recently been restored to power by them, restored to power by them in the expression that "might is right." However, God has taught that in the long run right must be might, and that if right were not might at the beginning it must become right before it could prevail.

I have not heard anything during this session of Congress that pleased me as much as the words of the Senator from Arizona. Optimism? Yes. Fool optimism? No. The enemy may whip for a month or two months or six months or six years, but the great English-speaking people have on their side the God of justice and of liberty and right; and with that alliance they can not fail. I care not whether Armentieres surrenders to the enemy or not; I care not whether the French and British Armies are separated from one another or not; I care not if the French are held in check while the British are being driven back to the Channel; I care not even if the British are being held in check while the Germans are taking Paris; localities, geography, nothing has anything to do with this war except the eternal justice of God and the eternal spirit of liberty, and the God of justice, who is the God of liberty and the God of democracy, because He taught a common fatherhood of God and a common brotherhood of man, He must win this war, because if He does not hell will be in command of the world; and I can not conceive that hell can be in command of the world while good men pray that "God's will shall be done on earth as it is in heaven," and "God's kingdom shall come on earth as it is in heaven," because God is all powerful and we are the mere instrumentalities of His power; and in democracy the common sense and the common conscience of the common people are the instrumentalities which God has selected to rule this world, and, by God's grace, they will rule it.

There may be times when some one else may rule it for a short time, but they can not rule it in the long run. I summon the American people—or I would summon them if I had the power and voice; I have neither—I would summon them to remember that "God still reigns," that liberty is sacred, and that God made all men so free that he left each one of them to go to the devil if he chose; so much does God worship liberty.

I hear now and then something about our not having been prepared for this war. I hear blame and criticism because we were not prepared. I hear the same blame and criticism concerning Great Britain, Canada, New Zealand, Australia, and South Africa. Mr. President, you can eat your cake or you can keep your cake, whichever you choose, but you can not do both. You may be either a great militaristic nation, ready for any venture of arms that may present itself, or you may be a great free democracy, progressing in the paths of peace and civilization and God love and man love; you may be either, but you can not be both.

Some Senator criticized Mr. Creel the other day for saying that he thanked God that we were not prepared for this war. I would not go as far as he went, but I do say that as long as the American people are the American people, as long as they are devoted to the cause of democracy and of liberty, it is impossible for them during peace times for generation after generation to keep upon a war footing. I repeat, you can eat your cake or you can keep your cake, but you can not do both. If we are going to be a free people, with schools, churches, cathedrals, good roads, railroads, progressive industry, invention, civilization, literature, and everything else, we can be all that; if we wanted to be something else, we could have been Prussians. In the words of Pinafore, we voluntarily decided not to be Prussians; we decided to be "free-born Englishmen" in England, Australia, Canada, New Zealand, South Africa, and in America—men devoted to the cause of Magna Charta, the Bill of Rights, the Declaration of Independence, and the Constitution of the United States.

We could have been Prussians; yes. We could have kept ourselves for three or four or five generations prepared for war; yes. But what if we had done it? We would have been Prussians still, would we not? Without speaking German, we would have been Prussians speaking English, and what is the difference? I would just as soon live in Prussia subject to the Kaiser as to have lived in America during all that time subject to that sort of law.

Here comes a voice out of one of the recent new States—Arizona—coming from the Senator from that State, coming with optimism, coming with a spirit of liberty and freedom and civilization and real culture—not "kultur." The voice is echoed from the Lakes to the Gulf, from the Pacific to the Atlantic, from where the storm beats upon Nantucket and the sterile coast of Maine to where the Mexican Gulf lovingly embraces the sweet sands of Mississippi. Are we going to quit? Are we downhearted? Are we discouraged? In God's name, no. Are we going to make a negotiated peace?

Why, my God, if we did not have better sense than that Russia could have taught us better sense by her recent experience. Are we going to effect some sort of an armistice whereby our enemy may prepare by 10 or 40 more years of Prussian efficiency to meet in war democratic military inefficiency all over the world, so that Germany may attempt once more the scheme of "murdering the world while the world was asleep," as Henry George said? Are we going to do that? In God's name, no!

The Senator from Arizona [Mr. ASHURST] has just handed me this:

America's workingmen have a peace message for the workers of Germany, but it is expressed in these fighting phrases from the lips of Mr. Gompers—

I want to stop one minute to pay a tribute to Gompers. I come from a State where there is not very much organized labor. I come from a State where a public servant can not be accused of slavery to organized labor. That is more than a great many people can say. But in these United States, next after the President of the United States, Woodrow Wilson, there is due to Mr. Gompers, the head of associated labor in the United States, the chief credit for harmonizing our national purposes and for unifying our national efforts. Now I will go ahead and read what he says.

Mr. ASHURST. Mr. President, I ask the Senator to read that which I just handed to him.

Mr. WILLIAMS. This is what Mr. Gompers says:

You can't talk peace with us now. Either you smash your autocracy, or by the gods, we will smash it for you.

I am sorry he said "by the gods." I wish he had said "by the eternal God of the Trinity, with Jesus of Nazareth representing justice and generosity and mercy and love."

Mr. Gompers continues:

Before you talk peace terms get back from France, get back from Belgium into Germany, and then we will talk peace.

As I said a moment ago, are we prepared to accept any sort of an armistice which means merely to give an opportunity for preparation to these descendants of the Goths and the Vandals, who are still worshipping Thor and Woden, who have never been Christianized except just to the limit of the thickness of their skins, and concerning whom it may be said that when you scratch blood you scratch the blood of a Goth or a Vandal or of a barbarian of a time antedating Jesus of Nazareth? Are you going to have an armistice to give them time for 30 more years of Prussian efficient military and unscrupulous spy preparation?

Now and then a man says, "Why are not we just as efficient as the Germans?" Efficient for what? We are more efficient than they are for peace and for civilization and for God love and for man love. But if you mean by that, Shall we be equally efficient for the work of slaughter? we must confess that we have not been, and we are not even now. That has been their study. That has been their education. We have been thinking about schools and industry and the rights of man and the liberty of the individual and equal opportunity among men. We have been trying to extend all that, and they have been thinking about the efficiency of man force and munition force to win a war. Does that prove that they are superior to us? It does prove that they are superior in that particular, and they are until yet, and they are proving it upon the battle field of Europe to-day. But shall we quit for that reason, when we stand with the sunlight of God upon our heads, pointing the way toward enlightenment from a present half civilization?

Mr. President, there will be a peace at the end of this war, and it will be a peace dictated by us and accepted by Germany and Austria-Hungary and Turkey and Bulgaria. By the way, one of the curious things about this business is that the Germans have so far camouflaged the world that they have made it imagine that Germany was fighting the world. The most militaristic nation in the world, Turkey, and the next most militaristic nation in the world, Bulgaria, are on the German side, and the direct blood descendants of the Huns who followed Attila, the Hungarians or Magyars, are also upon the German side; and the direct descendants of the Goths and the Visigoths and the Ostrogoths and the Vandals are the Germans themselves.

Germany has not fought the world. Germany, plus all the remarkably militaristically trained nations, has been fighting the peaceful nations of the world, and it is not at all astonishing that we should have been whipped in the beginning. There never has been a better private soldier than the Turk. He believes that when he dies upon the field of battle he goes to paradise. If you or I had any such infernal fool idea, we would die very willingly; at least I would, because I would be glad to know that after this life I would go to paradise. I have had a whole lot of doubt about it.

Mr. President, we will talk peace whenever we dictate peace and Germany and Austria and Turkey and Bulgaria accept it. Then what are we going to do after peace is declared? We are fighting "to make the world safe for democracy," said the President of the United States.

I go further and say that we are fighting to make the world safe for liberty, individual liberty, man liberty, "the rights of man"—"liberty, fraternity, and equality"—in the words of the French revolutionists; words which they merely expressed from a fact that they had seen in America, when we had won our independence. But after we make the world safe for liberty and democracy, and beyond that, for humanity, for justice and mercy and love and God—the Christian God—and if there be no Christian God, then this earth is hell anyhow, and let it go, and let the Prussians have it—then what have we got to do after that is all over with? Why, Mr. President, we have got to fight to make democracy safe for the world. This is a harder task even than winning the war.

After we have made the world safe for democracy we have got to make democracy safe for the world. Is democracy safe for the world now? Oh, look at Russia. Look at the bolsheviki. Look at the I. W. W.'s in America. Look at the Sinn Feiners in Ireland. Look at all of them. You know as well as I do that democracy is not safe for the world now.

How are you going to make it safe for the world? I answer render it, first, intelligent. Make it intelligent. Render it, second, just. Make justice its religion. Fill it, in the third place, with the love of God and of man, and especially of the love of man, because God is away off, and He Himself has told us that if we love our neighbor well we will love Him all right. Then, after you have done that, the world is safe. Even if we whip the unspeakable Turk, and the barbarous Bulgarian, and the inexpressible Hun in Austria, and the direct descendants of the Goths and the Vandals in Germany, we shall have accomplished nothing unless we can make democracy—our cause—safe for the world, safe for humanity, and safe for the cause of God and of Jesus of Nazareth, who taught love of our neighbor.

Mr. President, in concluding I want to say that during this entire session of Congress I have not heard a single thing that pleased me as much as the speech just made by the Senator from Arizona [Mr. ASHURST]. I had no idea of following up his speech except that it inspired me with a few words that I could not help uttering.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Thursday, April 11, 1918) the Senate adjourned until to-morrow, Friday, April 12, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 11, 1918.*

The House met at 12 o'clock noon.

Rev. Franklin K. Fretz, pastor St. John's Lutheran Church, Easton, Pa., offered the following prayer:

O God, our heavenly Father, Thou art King of kings and Lord of lords. We come to Thee because we are weak and Thou art strong, we are ignorant and Thou art eternal wisdom, we grope in darkness and Thou dwellest in light unapproachable. We ask Thy divine blessing upon the President and Congress of the United States and all representatives of government. Do Thou bless our Nation. May it ever be "the land of the free and the home of the brave." Let Thy blessing rest upon those who are now receiving a baptism of fire. Strengthen and sustain the dying and comfort the sad. Grant us a speedy victory and Thy peace in our day. May the peace of God, which passeth all understanding, keep our hearts and minds, through Christ Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 383) to punish the destruction or injury of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, had further insisted upon its disagreement to said amendments, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes;

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; and

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

MAIL SERVICE ABROAD.

Mr. COX. Mr. Speaker, I ask unanimous consent to insert in the RECORD the answer of the Postmaster General to House resolution 296, which the House passed the other day—the resolution offered by Mr. TREADWAY. It is in response to that resolution. It is addressed to the Speaker of the House.

Mr. DYER. I reserve the right to object, Mr. Speaker.

Mr. TREADWAY. Reserving the right to object, Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. TREADWAY. Why is that not an official document if it is addressed to the Speaker instead of to the gentleman from Indiana?

Mr. COX. It is not addressed to "the gentleman from Indiana." It is addressed to the Speaker of the House.

Mr. TREADWAY. Why then is it not inserted in the RECORD?

Mr. COX. The gentleman can see it in the RECORD if the House gives unanimous consent.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Inasmuch as this communication is addressed to the Speaker in response to a resolution passed by the House, I want to ask why it is not laid before the House and read?

The SPEAKER. If it is addressed to the Speaker of the House, it will be laid before the House, but the Chair did not know anything about it. The Chair will state that if he were to lay all the communications that he gets before the House the

House would not have a chance to do anything else but receive them. [Laughter.]

Mr. WALSH. I appreciate that; but the gentleman from Indiana stated that it was in response to the resolution of the House.

The SPEAKER. The Chair has not seen it.

Mr. COX. Mr. Speaker, I ask that it be laid before the House.

Mr. GILLETT. How did the gentleman from Indiana get it? [Laughter.]

Mr. COX. I got it in a lawful way. It was not in any way purloined. [Laughter.]

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. I want to inquire if this is the proper way for a reply of the Postmaster General to a resolution of the House to be presented?

The SPEAKER. The Chair is going to present it. Is that what the gentleman wants?

Mr. DYER. I understand that the gentleman from Indiana has asked to have the matter presented.

The SPEAKER. Has the gentleman from Missouri been paying attention to the proceedings?

Mr. DYER. Yes.

The SPEAKER. The Chair announced that he would lay it before the House. What more does the gentleman want?

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Before the matter is laid before the House I desire to ask if the communication is addressed to the Speaker?

Mr. COX. It is.

Mr. WALSH. And if it is, is it an instance of the efficiency of the Post Office Department that it should be presented by the gentleman from Indiana instead of by the Speaker? [Laughter.]

The SPEAKER. The Post Office Department is not responsible for anything that the gentleman from Indiana does. [Laughter.]

Mr. COX. It is rather an anomalous position that gentlemen assume when they ask for information, that they should object to its presentation when it is furnished.

Mr. DALLINGER rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. DALLINGER. How did the gentleman from Indiana happen to have it?

The SPEAKER. The way that came to him was that when it came the clerk gave it to him knowing that he was interested in it.

Mr. FOSTER. The regular order, Mr. Speaker. It seems they do not want it read.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 10, 1918.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Replying to House resolution 296:

"*Resolved*, That the Postmaster General be requested to furnish the House of Representatives, if not incompatible with the public interest, information relative to the amount of mail matter which has been addressed to members of the American Expeditionary Force during the past 30 days of the class which has now been restricted in transportation; also information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information, how it has been distributed, and whether mail matter of this kind has been restricted in further transportation."

I beg to advise as follows:

The class of mail to the American Expeditionary Force which has now been restricted in transportation is parcel post. This matter was excluded from the mails to the troops in pursuance to an order issued at the request of the War Department, which acted upon the report of a board comprised of representatives of the war-work branches of the American Red Cross, the Young Men's Christian Association, and the Knights of Columbus, and of the War and the Post Office Departments. The amount of this mail during the month of March was 53,617 sacks, weighing 876 tons, and comprising approximately 2,808,903 parcels.

The resolution calls for "information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information, how it has been distributed, and whether mail matter of this kind has been restricted in further transportation." If matter of the kind herein referred to has been sent, it has been of such relatively small quantity that it has never been called to the attention of the Post Office Department, and no request has been made by the military authorities looking to its restriction. Having no reports in the records of the department of the character of mail matter mentioned in the resolution and in the debate thereon, I caused inquiry to be made and have learned that the only mail matter of this kind sent to soldiers by the Secretary of the Treasury were bulk shipments to Gen. Pershing of copies of his speech delivered before the men of the National Army at Camp Lewis in the State of Washington, giving detailed information on the war-insurance law and liberty bonds, also some posters calling attention to the second and third issues of the liberty bonds. On this subject, Mr. G. R. Cooksey, Assistant to the Secretary of the Treasury, under date of April 8, 1918, advises as follows:

"Replying to your inquiry over the telephone with regard to documents from the Treasury Department mailed to our soldiers in France, permit me to advise you as follows:

"The only speech of the Secretary's which was mailed to our soldiers abroad was one delivered before the men of the National Army at Camp Lewis, American Lake, Wash., dealing with the war-risk insurance act. In connection with the administration of the war-risk act, the Treasury Department has felt it exceedingly important that every soldier and sailor in our Army and Navy be advised of his rights under the law and every effort has been made to get this information to them. It was essential that they know the benefits conferred by the right to take out insurance and particularly that there was a limitation upon the time within which such insurance could be issued. As one step in a campaign of education in this connection, a conference was held in Washington attended by officers and enlisted men from various cantonments in this country. The law was explained to them and they were eager to obtain every written statement and address on the subject. They were particularly anxious to have the address delivered by the Secretary at Camp Lewis. It was in response to this demand that the Secretary's speech was mailed. In mailing it abroad it was sent in one shipment to Gen. Pershing for distribution.

"In addition to this speech, the only material mailed from the Treasury Department to the Army in France was a supply of liberty-loan posters for the second and third liberty loans. These were mailed to Gen. Pershing in one shipment each several weeks in advance of the loans and were sent for the purpose of showing the men of our Army in France the efforts that were being made at home to sustain them and also as an appeal to Americans abroad to subscribe to the loan.

"Aside from the above, a letter addressed by the Secretary to officers and enlisted men of the Army and Navy, advising them of their rights under the war-risk insurance act (copy inclosed) and an address by Judge Mack explaining the law were sent by the War Department to the Army in France. These did not go by mail, however, but by Army transport."

On inquiry of the Committee on Public Information, I am informed that this committee has never sent its literature to members of the American Expeditionary Force, except 500 copies of the Official Bulletin in bulk to Gen. Pershing for distribution among the officers. This information is given in the following letter from the chairman of the Committee on Public Information:

"Answering your request for 'information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information,' I beg to state that this committee has never at any time sent its literature to the members of the Expeditionary Force. Numberless individuals and even great patriotic societies have protested continuously against this decision, but even if I did not have the conviction that our soldiers in France are in no need of 'educational work,' there were the vital questions of tonnage and transportation to consider.

"When Mr. TREADWAY stated in the House that he was 'reliably informed that there has been a very large amount of that class of mail matter sent over,' and 'it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas,' he made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry.

"As for our shipments of pamphlets to France as a whole, these have been made upon request to Young Men's Christian Association officials, diplomatic and consular representatives, and certain officers of education, and do not exceed 1,000 in number for the year. Even the material for aeroplane distribution is not shipped from the United States, but is printed in France in cooperation with the French Government.

"At the request of the authorities, 500 copies of the Official Bulletin were sent in bulk to Gen. Pershing for distribution among the officers, but even this has been discontinued to ease the transportation situation."

I take it that the inquiry in the concluding paragraph of the resolution, "whether mail matter of this kind has been restricted in further transportation," has reference to all matter which is sent out by individuals under their franks, or by departments under the penalty privilege, and I have, therefore, directed that an investigation be made of all printed matter going to the troops to ascertain the quantity and character of such matter.

A. S. BURLESON,
Postmaster General.

Mr. TREADWAY rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. TREADWAY. I rise to a question of personal privilege. I am not certain whether I have a question of personal privilege against any other than a Member of the House regarding a statement I made on the floor, but I certainly have a right to make a statement of personal privilege in the case of an official communication such as Mr. Creel has sent through Mr. Burleson.

Mr. GARRETT of Tennessee. That is in response to a resolution.

Mr. TREADWAY. He accuses me of making a baseless statement. I did not do anything of the kind.

The SPEAKER. The better way, instead of taking time to puzzle out whether it is a question of personal privilege or not, would be for the gentleman to ask unanimous consent to proceed for three minutes.

Mr. TREADWAY. Then I ask unanimous consent, Mr. Speaker, to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, there have been so many statements made in relation to Mr. Creel, both in this branch and in the other, that I do not wish to add to the gentleman's trials and tribulations; but I would like to read the sentence

to which I object, and which I now move to strike from the RECORD, if that is proper. I read:

When Mr. TREADWAY stated in the House that he was "reliably informed that there has been a very large amount of that class of mail matter sent over," and "it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas," he made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry.

That statement was not "absolute baselessness," and I challenge Mr. Creel's veracity in so stating.

I can produce evidence here in this House that there has been placed in the hands of the soldiers abroad tons of literature. Whether sent over by Mr. Creel or by the Secretary of the Treasury, I know not; but it is there. I myself read a statement from a soldier, in which the soldier says, "If there is a lack of tonnage to transport boys over here, Mr. Hurley could get a good deal of tonnage space if fewer tons of Secretary McAdoo's speeches were transferred to us. We do not want them."

That is evidence from the front, from a boy in the trenches to-day. And therefore I say that Mr. Creel impugns the motives and the statements of a Member of this House when he uses that language in reference to the statement I made in connection with this investigation. The whole thing is peculiar in that this letter should come from a Member on the floor asking for insertion in the RECORD. I accept the Speaker's statement in that connection as the reason therefor, but it would seem to me——

Mr. BARNHART rose.

Mr. TREADWAY. I have only three minutes, but I would be glad to yield if the gentleman desires——

Mr. BARNHART. I would like to inquire if the gentleman from Massachusetts has any information as to how this one soldier could know that there were tons and tons of literature coming over?

Mr. TREADWAY. I can satisfy the gentleman in that respect. The matter came to me in confidence, and I would not produce that statement on the floor here, but I can satisfy the gentleman that such a statement has been made by a soldier in a communication. It is a well-known fact that this form of literature is over there. I am not finding fault with its being there. I am finding fault with two things. One fault I have already expressed; the other I am endeavoring to express now. The first is that the Post Office Department has tried to stop, and has stopped, the sending of the necessary comforts to our boys from their home people. To my mind, and I know to any sensible man on this floor, you can not give any reason whatsoever why that restriction should be enforced. The other fault I am finding is with the statement made by Mr. Creel, in saying that a Member of this House has made a statement of absolute baselessness. He knows that we are not that kind of men. I impugn that statement, and I challenge him to prove it, and I move to strike it out of the RECORD in this document.

Mr. FOSTER. I make a point of order on that.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. COX. I ask unanimous consent——

Mr. GARRETT of Tennessee. I object. I demand the regular order.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER of Minnesota. What is the usual procedure in respect to this communication, now that it has been received by the Speaker and reported to the House and read in the hearing of the House?

The SPEAKER. To refer it to the Post Office Committee.

Mr. GARRETT of Tennessee. To refer it to the Committee on the Post Office and Post Roads and order it printed.

Mr. MILLER of Minnesota. Would a motion be in order that the House decline to receive it?

The SPEAKER. It undoubtedly would. The House once declined to receive one of President Roosevelt's messages.

Mr. MILLER of Minnesota. Then I move that the House decline to receive this communication, and return it to the gentleman who wrote it, with the suggestion that it be changed so as to withdraw the charge made against a Member of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, there was no charge made against a Member of the House. I move to lay that motion on the table.

The SPEAKER. The gentleman from Minnesota moves that the House decline to receive this communication, and send it back to its author, with a certain suggestion, and the gentleman from Tennessee [Mr. GARRETT] moves to table the motion of the gentleman from Minnesota. The question is on the latter motion.

The question was taken.

Pending the announcement of the vote,

Mr. MILLER of Minnesota. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 165, answered "present" 9, not voting 93, as follows:

YEAS—165.

Alexander	Dixon	Kincheloe	Shouse
Almon	Dominick	Kitchin	Sims
Ashbrook	Dooling	Lazaro	Sisson
Aswell	Doolittle	Lee, Ga.	Slayden
Ayres	Doremus	Lesher	Small
Bankhead	Drane	Lever	Smith, C. B.
Barkley	Eagle	Linthicum	Snook
Barnhart	Estopinal	Littlepage	Steagall
Bell	Evans	Lonergan	Stedman
Benhin	Ferris	Lunn	Steele
Black	Fields	McKeown	Stephens, Miss.
Blackmon	Flood	Maher	Sterling, Pa.
Blanton	Foster	Mansfield	Sullivan
Booher	Gard	Martin	Sumners
Brand	Garner	Mays	Tague
Brodbeck	Garrett, Tenn.	Montague	Talbott
Buchanan	Garrett, Tex.	Nicholls, S. C.	Taylor, Ark.
Burnett	Goodwin, Ark.	Oldfield	Thomas
Byrns, Tenn.	Gordon	Oliver, Ala.	Thompson
Campbell, Pa.	Gray, Ala.	Oliver, N. Y.	Tillman
Candler, Miss.	Gregg	O'Shaunessy	Venable
Cantrill	Griffin	Overmyer	Vinson
Caraway	Hamill	Overstreet	Walker
Carlin	Hamlin	Padgett	Walton
Carter, Okla.	Hardy	Park	Watkins
Church	Harrison, Va.	Pou	Watson, Va.
Clark, Fla.	Hastings	Price	Weaver
Claypool	Hayden	Quin	Webb
Cleary	Helm	Ragsdale	Welling
Connally, Tex.	Helvering	Rainey	Welty
Connelly, Kans.	Hilliard	Raker	Whaley
Cox	Holland	Romjue	White, Ohio
Crisp	Houston	Rouse	Wilson, La.
Crosser	Howard	Rubey	Wilson, Tex.
Dale, N. Y.	Hull, Tenn.	Rucker	Wingo
Delaney	Igoe	Russell	Wise
Dent	Jacoway	Sabath	Wright
Denton	Johnson, Ky.	Sanders, La.	Young, Tex.
Dewalt	Jones, Tex.	Shackleford	The Speaker
Dickinson	Keating	Shallenberger	
Dies	Kehoe	Sherley	
Dill	Kelly, Pa.	Sherwood	

NAYS—165.

Anthony	Fordney	Longworth	Sanders, Ind.
Austin	Francis	Lufkin	Schall
Bacharach	Frear	Lundeen	Scott, Mich.
Baer	Freeman	McArthur	Sells
Bland	French	McCormick	Siegel
Bowers	Fuller, Mass.	McFadden	Sinnott
Britten	Garland	McKenzie	Slemp
Browne	Gillett	McKinley	Sloan
Browning	Glynn	McLaughlin, Mich.	Smith, Idaho
Burroughs	Goodall	McLaughlin, Pa.	Smith, Mich.
Butler	Graham, Ill.	Magee	Snell
Caldwell	Gray, N. J.	Mapes	Stafford
Campbell, Kans.	Green, Iowa	Mason	Steenerson
Cannon	Greene, Mass.	Meeker	Sterling, Ill.
Carter, Mass.	Greene, Vt.	Merritt	Stiness
Cary	Griest	Miller, Minn.	Strong
Chandler, Okla.	Hadley	Mondell	Sweet
Clark, Pa.	Hamilton, Mich.	Moore, Pa.	Swift
Cooper, W. Va.	Haskell	Moores, Ind.	Switzer
Cooper, Wis.	Hawley	Morgan	Tilson
Crago	Hayes	Mott	Timberlake
Cramton	Hersey	Mudd	Tinkham
Currie, Mich.	Hull, Iowa	Nelson	Treadway
Dale, Vt.	Humphreys	Nichols, Mich.	Vestal
Dallinger	Husted	Nolan	Voigt
Darrow	Hutchinson	Osborne	Volstead
Davidson	Ireland	Paige	Waldow
Davis	Johnson, Wash.	Parker, N. J.	Walsh
Dempsey	Kahn	Peters	Ward
Denison	Kearns	Platt	Wason
Dillon	Kennedy, Iowa	Pratt	Watson, Pa.
Dyer	Kennedy, R. I.	Purnell	Wheeler
Edmonds	Kiess, Pa.	Ramseyer	White, Me.
Elliott	King	Randall	Williams
Ellsworth	Kinkaid	Rankin	Winslow
Elston	Knutson	Reavis	Woods, Iowa
Emerson	Kraus	Reed	Woodyard
Esch	La Follette	Robbins	Young, N. Dak.
Fairchild, B. L.	Langley	Roberts	Zihlman
Fairfield	Lehlbach	Rodenberg	
Farr	Lenroot	Rogers	
Focht	Little	Rowe	

ANSWERED "PRESENT"—9.

Beakes	Gould	Olney	Rayburn
Collier	Lea, Cal.	Phelan	Sears
Good			

NOT VOTING—93.

Anderson	Donovan	Gallagher	Hicks
Borland	Doughton	Gallivan	Hollingsworth
Brumbaugh	Dowell	Gandy	Hood
Byrnes, S. C.	Drukker	Glass	Huddleston
Carew	Dunn	Godwin, N. C.	James
Chandler, N. Y.	Dupré	Graham, Pa.	Johnson, S. Dak.
Classon	Eagan	Hamilton, N. Y.	Jones, Va.
Coady	Fairchild, G. W.	Harrison, Miss.	Juul
Cooper, Ohio	Fess	Haugen	Kelley, Mich.
Copley	Fisher	Heaton	Kettner
Costello	Flynn	Heflin	Key, Ohio
Curry, Cal.	Foss	Heintz	Kreider
Decker	Fuller, Ill.	Hensley	LaGuardia

Larsen	Morin	Rowland	Taylor, Colo.
Lobeck	Neely	Sanders, N. Y.	Temple
London	Norton	Sanford	Templeton
McAndrews	Parker, N. Y.	Saunders, Va.	Towner
McClintic	Polk	Scott, Iowa	Van Dyke
McCulloch	Porter	Scott, Pa.	Vare
McLemore	Powers	Scully	Wilson, Ill.
Madden	Ramsey	Smith, T. F.	Wood, Ind.
Mann	Riordan	Snyder	
Miller, Wash.	Robinson	Stephens, Nebr.	
Moon	Rose	Stevenson	

So the motion to lay the motion of Mr. MILLER of Minnesota on the table was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. SEARS with Mr. DOWELL.

Mr. BORLAND with Mr. GOOD.

Mr. PHELAN with Mr GOULD.

Mr. COADY with Mr. COOPER of Ohio.

Mr. GANDY with Mr. NORTON.

Mr. HENSLEY with Mr. HAMILTON of New York.

Mr. SCULLY with Mr. PARKER of New York.

Mr. THOMAS F. SMITH with Mr. CLASSON.

Mr. GALLAGHER with Mr. POWERS.

Mr. BRUMBAUGH with Mr. ANDERSON.

Mr. BYRNES of South Carolina with Mr. CHANDLER of New York.

Mr. CAREW with Mr. COPLEY.

Mr. DECKER with Mr. COSTELLO.

Mr. DONOVAN with Mr. CURRY of California.

Mr. DOUGHTON with Mr. DUNN.

Mr. DUPRÉ with Mr. GEORGE W. FAIRCHILD.

Mr. EAGAN with Mr. FESS.

Mr. FISHER with Mr. FOSS.

Mr. FLYNN with Mr. GRAHAM of Pennsylvania.

Mr. MCANDREWS with Mr. FULLER of Illinois.

Mr. GALLIVAN with Mr. HEATON.

Mr. GLASS with Mr. MADDEN.

Mr. GODWIN of North Carolina with Mr. HOLLINGSWORTH.

Mr. HEFLIN with Mr. WOOD of Indiana.

Mr. HENSLEY with Mr. JAMES.

Mr. HOOD with Mr. HICKS.

Mr. HUDDLESTON with Mr. JUUL.

Mr. JONES of Virginia with Mr. KELLEY of Michigan.

Mr. KETTNER with Mr. KREIDER.

Mr. KEY of Ohio with Mr. MILLER of Washington.

Mr. LARSEN with Mr. MORIN.

Mr. LOBECK with Mr. PORTER.

Mr. MCCLINTIC with Mr. RAMSEY.

Mr. MCLEMORE with Mr. MCCULLOCH.

Mr. MOON with Mr. ROSE.

Mr. NEELY with Mr. ROWLAND.

Mr. POLK with Mr. SANDERS of New York.

Mr. RIORDAN with Mr. SANFORD.

Mr. ROBINSON with Mr. SCOTT of Pennsylvania.

Mr. SAUNDERS of Virginia with Mr. WILSON of Illinois.

Mr. STEPHENS of Nebraska with Mr. TEMPLE.

Mr. STEVENSON with Mr. TEMPLETON.

Mr. TAYLOR of Colorado with Mr. TOWNER.

Mr. VAN DYKE with Mr. VARE.

On this vote:

Mr. HARRISON of Mississippi (for) with Mr. HAUGEN (against).

Mr. GOOD. Mr. Speaker, did the gentleman from Missouri [Mr. BORLAND] vote?

The SPEAKER. He did not.

Mr. GOOD. I voted "no." I am paired with the gentleman from Missouri [Mr. BORLAND], and I withdraw that vote and answer "present."

Mr. WILSON of Illinois. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. WILSON of Illinois. I was not.

The SPEAKER. The gentleman can not vote. On this vote the yeas are 166 and the noes are 166, and the Chair votes "aye."

Mr. GILLETT. Mr. Speaker, I ask for a recapitulation of the vote, it is so close.

The SPEAKER. The Clerk will recapitulate the vote.

Mr. RUSSELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. Can a Member who has voted on the roll call change his vote if he desires to do so? My understanding of the rule is that he can.

The SPEAKER. That is the understanding of the Chair.

The Clerk recapitulated the yea vote.

Mr. REAVIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAVIS. If the recapitulation indicates one who has been erroneously recorded, when is the time to call the attention of the Speaker to it?

The SPEAKER. When his name is called.

Mr. REAVIS. May I ask whether my name is recorded in the affirmative?

The SPEAKER. The gentleman is recorded in the negative.

Mr. REAVIS. When the Clerk read my name, he read it among the ayes.

The SPEAKER. The Chair thinks the gentleman is mistaken.

Mr. GILLETT. Mr. Speaker, may I ask if the gentleman from Illinois [Mr. GALLAGHER] is recorded as voting "aye"?

The SPEAKER. He is recorded as voting "aye."

Mr. GILLETT. I am told that he is not in the city. Will the Chair inquire if he is present?

The SPEAKER. Does any Member know if the gentleman from Illinois [Mr. GALLAGHER] is in the House?

Mr. KENNEDY of Iowa. Mr. Speaker, I just called his office a moment ago and was informed that he is not in the city.

The SPEAKER. Then, of course, his name should be stricken from the roll.

The Clerk then recapitulated those who voted in the negative.

Mr. ROBBINS. Mr. Speaker, I voted "no" and in the recapitulation my name was not announced.

The SPEAKER. The Chair is informed by the Clerk that he read the gentleman's name.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to inquire if my colleague from Minnesota [Mr. ANDERSON] is recorded? The reason I inquire is that he was here immediately before the roll was called. My recollection is that he voted.

The SPEAKER. The gentleman from Minnesota, Mr. ANDERSON, is not recorded.

Mr. RUBEY. Mr. Speaker, I heard the gentleman's name called on both roll calls, and he did not respond.

The Clerk recapitulated those who answered "present."

Mr. FULLER of Massachusetts. Mr. Speaker, I would like to be recorded as voting "no."

The SPEAKER. How did the gentleman vote?

Mr. FULLER of Massachusetts. I answered "present."

The SPEAKER. The gentleman can not change his vote now.

Mr. STAFFORD. Mr. Speaker, the decisions——

The SPEAKER. The Chair has read the decisions and they are antiquated—made before the new rules were adopted.

[For further explanation of Mr. FULLER'S vote see subsequent proceedings.]

Mr. GARRETT of Tennessee. Mr. Speaker, may I inquire how the gentleman from New Jersey, Mr. PARKER, is recorded?

The SPEAKER. In the negative.

Mr. GARRETT of Tennessee. Is the gentleman from New Jersey in the city?

Mr. BROWNING. He was here a few moments ago.

Mr. BUTLER. He sat beside me a minute ago.

Mr. PARKER of New Jersey entered the Hall.

The SPEAKER. On this vote, as corrected, the yeas are 165 and the noes are 165, present 8, and the motion to lay the motion of the gentleman from Minnesota on the table is defeated.

Mr. MILLER of Minnesota. Mr. Speaker——

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the motion made by the gentleman from Minnesota.

Mr. GILLETT. Mr. Speaker, has not the gentleman from Minnesota the floor?

Mr. MILLER of Minnesota. I was standing here awaiting an opportunity——

The SPEAKER. The Chair saw the gentleman standing, but supposed he was listening.

Mr. MILLER of Minnesota. I was doing that and trying to get the attention of the Speaker.

The SPEAKER. The Chair will recognize the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for one minute.

Mr. MILLER of Minnesota. Reserving the right to object——

The SPEAKER. But the gentleman from Tennessee asks unanimous consent to proceed for one minute.

Mr. GARRETT of Tennessee. This situation is very well understood, and what the motive is behind it.

The SPEAKER. Will the gentleman from Tennessee wait until the Chair puts the request. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, we understand perfectly what is involved here, and we understand the motive that lies behind this proposition. We understand that answer has been given to a resolution that was passed by the House by unanimous consent.

So far as the parliamentary situation is concerned, I want to say, because I desire always to be fair, that if the gentleman desires recognition or demands recognition, in my opinion he is entitled to it. [Applause.]

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. MILLER of Minnesota. Mr. Speaker, I rise to ask unanimous consent to withdraw the motion I previously made, and in its place substitute the following—and I just give this for the information of the Speaker and the House: I move that this communication be referred to a committee of five, to be appointed by the Speaker, for their consideration as to its character, with an appropriate recommendation from them to the House as to its disposition.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to withdraw his motion and to substitute therefor a motion that this communication be referred to a select committee of five, to be selected by the Speaker. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I have no objection to the substitution.

There was no objection.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Minnesota, that the communication be referred to a select committee of five, to be selected by the Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to lay that motion on the table.

Mr. SHERLEY. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 175, answered "present," 2, not voting, 82, as follows:

YEAS—172.

Alexander	Dies	Kehoe	Saunders, Va.
Almon	Dill	Kelly, Pa.	Scully
Ashbrook	Dixon	Kincheloe	Shackleford
Aswell	Dominick	Kitchin	Shallenberger
Ayres	Dooling	Lazaro	Sherley
Bankhead	Doolittle	Lea, Cal.	Sherwood
Barkley	Doremus	Lee, Ga.	Shouse
Barnhart	Doughton	Lesher	Sims
Beakes	Drane	Lever	Sisson
Bell	Dupré	Linthicum	Slayden
Beshlin	Eagle	Littlepage	Small
Black	Evans	Lonergan	Smith, C. B.
Blackmon	Ferris	Lunn	Snook
Blanton	Fields	McKeown	Steagall
Booher	Fisher	Maher	Stedman
Brand	Foster	Mansfield	Steele
Brodbeck	Gard	Martin	Stephens, Miss.
Brumbaugh	Garner	Mays	Sterling, Pa.
Buchanan	Garrett, Tenn.	Montague	Stevenson
Burnett	Garrett, Tex.	Nicholls, S. C.	Sullivan
Byrns, Tenn.	Goodwin, Ark.	Oldfield	Sumners
Campbell, Pa.	Gordon	Oliver, Ala.	Taylor, Ark.
Candler, Miss.	Gray, Ala.	Oliver, N. Y.	Thomas
Cantrill	Gregg	Olney	Thompson
Caraway	Griffin	Overmyer	Tillman
Carlin	Hamill	Overstreet	Venable
Carter, Okla.	Hamlin	Padgett	Vinson
Church	Hardy	Park	Walker
Clark, Fla.	Harrison, Va.	Phelan	Walton
Claypool	Hastings	Pou	Watkins
Cleary	Hayden	Price	Watson, Va.
Collier	Helm	Quin	Weaver
Connally, Tex.	Helvering	Ragsdale	Webb
Connelly, Kans.	Hilliard	Rainey	Welling
Cox	Holland	Raker	Welty
Crisp	Houston	Rayburn	Whaley
Crosser	Howard	Romjue	White, Ohio
Dale, N. Y.	Hull, Tenn.	Rouse	Wilson, La.
Delaney	Igoe	Rubey	Wilson, Tex.
Dent	Jacoway	Rucker	Wingo
Denton	Johnson, Ky.	Russell	Wise
Dewalt	Jones, Tex.	Sabath	Wright
Dickinson	Keating	Sanders, La.	Young, Tex.

NAYS—175.

Anderson	Chandler, Okla.	Dyer	Garland
Anthony	Clark, Pa.	Edmonds	Gillett
Austin	Classon	Elliott	Glynn
Bacharach	Cooper, W. Va.	Ellsworth	Goodall
Baer	Cooper, Wis.	Elston	Gould
Bland	Crago	Emerson	Graham, Ill.
Bowers	Cramton	Esch	Gray, N. J.
Britten	Currie, Mich.	Fairfield	Green, Iowa
Browne	Curry, Cal.	Farr	Greene, Mass.
Browning	Dale, Vt.	Focht	Greene, Vt.
Burroughs	Dallinger	Fordney	Griest
Butler	Darrow	Francis	Hadley
Caldwell	Davidson	Frear	Hamilton, Mich.
Campbell, Kans.	Davis	Freeman	Haskell
Cannon	Dempsey	French	Haugen
Carter, Mass.	Denison	Fuller, Ill.	Hawley
Cary	Dillon	Fuller, Mass.	Hayes
Hersey	McFadden	Pratt	Stiness
Hull, Iowa	McKenzie	Purnell	Strong
Humphreys	McKinley	Ramseyer	Sweet
Husted	McLaughlin, Mich.	Randall	Swift
Hutchinson	McLaughlin, Pa.	Rankin	Switzer
Ireland	Madden	Reavis	Tilson
Johnson, Wash.	Magee	Reed	Timberlake
Kahn	Mapes	Robbins	Tinkham
Kearns	Mason	Roberts	Treadway
Kelley, Mich.	Meeker	Rodenberg	Vestal
Kennedy, Iowa	Merritt	Rogers	Voigt
Kennedy, R. I.	Miller, Minn.	Rowe	Volstead
Kiess, Pa.	Mondell	Sanders, Ind.	Waldow
King	Moore, Pa.	Sanford	Walsh
Kinkaid	Moores, Ind.	Schall	Ward
Knutson	Morgan	Scott, Mich.	Wason
Kraus	Morin	Sells	Watson, Pa.
La Follette	Mott	Siegel	Wheeler
Langley	Mudd	Sinnott	White, Me.
Lehlbach	Nelson	Slemp	Williams
Lenroot	Nichols, Mich.	Sloan	Wilson, Ill.
Little	Nolan	Smith, Idaho	Winslow
Longworth	Osborne	Smith, Mich.	Woods, Iowa
Lufkin	Paige	Snell	Woodyard
Lundeen	Parker, N. J.	Stafford	Young, N. Dak.
McArthur	Peters	Steenerson	Zihlman
McCormick	Platt	Sterling, Ill.	

ANSWERED "PRESENT"—2.

Sears	Tague

NOT VOTING—82.

Borland	Gallagher	Kettner	Ramsey
Byrnes, S. C.	Gallivan	Key, Ohio	Riordan
Carew	Gandy	Kreider	Robinson
Chandler, N. Y.	Glass	LaGuardia	Rose
Coady	Godwin, N. C.	Larsen	Rowland
Cooper, Ohio	Good	Lobeck	Sanders, N. Y.
Copley	Graham, Pa.	London	Scott, Iowa
Costello	Hamilton, N. Y.	McAndrews	Scott, Pa.
Decker	Harrison, Miss.	McClintic	Smith, T. F.
Donovan	Heaton	McCulloch	Snyder
Dowell	Heflin	McLemore	Stephens, Nebr.
Drukker	Heintz	Mann	Talbott
Dunn	Hensley	Miller, Wash.	Taylor, Colo.
Eagan	Hicks	Moon	Temple
Estopinal	Hollingsworth	Neely	Templeton
Fairchild, B. L.	Hood	Norton	Towner
Fairchild, G. W.	Huddleston	O'Shaunessy	Van Dyke
Fess	James	Parker, N. Y.	Vare
Flood	Johnson, S. Dak.	Polk	Wood, Ind.
Flynn	Jones, Va.	Porter	
Foss	Juul	Powers	

So the motion to lay on the table was rejected.

The Clerk announced following additional pairs:

Until further notice:

Mr. GLASS with Mr. GRAHAM of Pennsylvania.

Mr. TALBOTT with Mr. TEMPLETON.

Mr. FLOOD with Mr. DUNN.

Mr. LARSEN with Mr. LAGUARDIA.

Mr. JONES of Virginia with Mr. JOHNSON of South Dakota.

Mr. MCANDREWS with Mr. GEORGE W. FAIRCHILD.

Mr. HARRISON of Mississippi with Mr. SNYDER.

Mr. DONOVAN with Mr. SCOTT of Iowa.

Mr. O'SHAUNESSY with Mr. BENJAMIN L. FAIRCHILD.

Mr. RIORDAN with Mr. FOSS.

Mr. WELLING. Mr. Speaker, I desire to vote "aye."

Mr. GILLETT. Well, Mr. Speaker——

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. WELLING. Yes, sir.

The SPEAKER. The gentleman says he was in the Hall listening.

The result of the vote was announced as above recorded.

Mr. MILLER of Minnesota. Mr. Speaker, am I recognized for one hour?

The SPEAKER. Of course, if the gentleman wants an hour.

Mr. MILLER of Minnesota. I ask for recognition in support of the motion.

The SPEAKER. The Chair recognizes the gentleman. The Chair desires to make a suggestion to Members of the House. When a gentleman simply stands up here and stands still, the Chair can not tell what he is up for, even if he sees him; and it is nothing but fair for a gentleman, if he has a motion to make or anything to say, to address the Chair so the Chair can hear. In the next place, the gentleman from Massachusetts [Mr. FULLER] wanted to change his vote from "aye" to "no" a while ago.

Mr. FULLER of Massachusetts. From "present."

The SPEAKER. The Chair thought he was one of those who came in here after the double call was over and asked to be recorded as present. The Chair thinks when a Member votes on a regular roll call "present" for any reason he is doing it because he has got a pair, and if he wants to change his vote he has got a perfect right to do it. Now, the only reason the Chair allows these stragglers who come in after the double roll call even to be recorded "present" is because he has a right to

count them as present. The rule may be very narrow, but that is it.

Mr. ROGERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. How will the name of my colleague [Mr. FULLER of Massachusetts] appear on the recorded vote?

The SPEAKER. It ought to appear the way he wants it. That would not change the result if he did.

Mr. SHERLEY. Mr. Speaker, I hope the Chair will not decide the question of the right of a Member to change his vote, made only after a recapitulation has been had. I submit to the Chair that the proper practice is that while a Member may change his vote at any time up to the announcement——

The SPEAKER. The final announcement.

Mr. SHERLEY. Well, the final announcement; but the final announcement is made when such an announcement has been made as to permit a recapitulation to be in order. Now, the only purpose of the recapitulation is to correct errors, and if it can be made the medium for a change of votes without regard to an error of recording, you are practically opening up by a demand for a recapitulation the entire question, and I submit, aside from this controversy, that the better practice is to hold that after a recapitulation has been demanded it is not in order to change a vote except for error.

Mr. RUSSELL. Mr. Speaker, may I say a word on that point?

The SPEAKER. There is no point before the House.

Mr. RUSSELL. I would like to make this suggestion, with the indulgence of the Speaker and the House. It seems to me that the rule as stated by the Speaker—that is, that changes can be made at any time before the final announcement of the vote—is correct, and its correctness shown by the result to-day for this reason: It was first announced that the motion to lay on the table was carried, and the final announcement after recapitulation was that it was lost; hence the first was not the final announcement of the vote, but the final announcement was made after the recapitulation.

The SPEAKER. No; if it was announced finally that it was carried or lost it was too late then for a change of vote. The practice is extremely narrow. Now, here is what happened, as the Chair recollects it. Of course, the Chair's recollection may not be better than anyone else's: The Chair announced 166 ayes, 166 noes, and the number present, and then he announced he voted himself, and before the Chair announced that motion was lost or carried, whichever it was, the gentleman from Massachusetts [Mr. GILLETT] demanded a recapitulation. But now, if he had waited half a minute later a vote could not have been changed on recapitulation. The Chair has no sort of objection to the House itself making a rule on that; but, according to the rule that has been made, the Chair ruled right.

Mr. WEBB. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. I ask to take up Senate 383——

The SPEAKER. Not now. The gentleman from Minnesota has the floor.

Mr. WEBB. With his consent, Mr. Speaker, it is a very important matter.

The SPEAKER. If the gentleman is willing——

Mr. MILLER of Minnesota. Mr. Speaker, I am perfectly willing to yield the floor for that purpose, providing I will not lose my right.

The SPEAKER. The Chair will see to it that the gentleman loses no rights.

Mr. DENT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENT. On yesterday the House agreed to take up what is called the quota bill, Senate joint resolution 123, after the reading of the Journal.

The SPEAKER. That is true, but it was to be taken up after the Journal was read and after business on the Speaker's table was disposed of. Well, the first thing that happened this letter from Postmaster General Burleson was on the Speaker's table, technically at least, and that was read to the House and then this parliamentary proceeding and row took place. As soon as we get through with that the Chair will recognize the gentleman.

Mr. FULLER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. FULLER of Massachusetts. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FULLER of Massachusetts. I would like to inquire how I am recorded on this vote.

The SPEAKER. Recorded as "present," the Chair thinks.

Mr. GARRETT of Tennessee. Mr. Speaker, that is not a parliamentary inquiry; that is past long, long ago, and the gentleman could find out——

The SPEAKER. The gentleman can find out how he is recorded by coming to the Speaker, and we will take up the matter later. Now, the gentleman from North Carolina.

Mr. WEBB. Mr. Speaker, the Senate this morning rejected the conference report on the bill S. 383, known as the sabotage bill. They have sent that bill back to the House and ask for a further conference.

I therefore ask that the House agree to a further conference, but insist on the House amendment to the bill.

The SPEAKER. The Clerk will report the conference report by title.

The Clerk read as follows:

Conference report on the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the House insist on its amendment to that bill and agree to the conference asked by the Senate. Is there objection?

Mr. LUNN. Mr. Speaker, reserving the right to object, the request is that they go into conference. If we do not go into conference, as this amendment is the only thing involved, does not that give us the status of standing by the original decision?

The SPEAKER. The Chair does not know what the report of the conferees is. The Chair knows what the request of the gentleman from North Carolina is. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. WEBB, Mr. CARLIN and Mr. VOLSTEAD.

MAIL SERVICE ABROAD.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] is recognized for one hour.

Mr. MILLER of Minnesota. Mr. Speaker, I do not intend to take very much time myself. I desire, however, that the membership of the House understand the motion I have made and my reason for making it. This is a motion to refer the communication from the Postmaster General's office, which has been read in the hearing of the House, to a committee of five men, to be appointed by the Speaker of the House, to determine whether or not certain language contained in that communication is objectionable language to be sent in an official communication to the House of Representatives in response to the passage of a resolution asking for information. And as certain of the Members have come in since the original reading of the communication, I will, with the indulgence of the House, reread that part which has attracted our attention and meets with our objection. It is as follows, and I ask the membership of the House to observe the peculiar phraseology in which the gentleman sees fit so generously to indulge when he is speaking of one of the most reputable Members of the House of Representatives:

When Mr. TREADWAY stated in the House that he was "reliably informed that there has been a very large amount of that class of mail matter sent over," and "it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas," he made assertion the absolute baselessness of which could have been ascertained by a telephone inquiry.

The resolution that asked for a reply, sending information from the Post Office Department to the House, contained no reference whatever to Mr. TREADWAY, no reference to any remarks he had made upon the floor of the House, but was confined absolutely to a request that the Postmaster General furnish the House with certain information in order that the House might be advised so as intelligently to act on a matter pending here. In order that the Postmaster General, apparently, might become equipped with the information desired, he asked the chairman of the Committee on Public Information, Mr. Creel, to inform him what matter, if any, of a certain character mentioned in the resolution was then being sent to France. Mr. Creel writes this letter, and in that he goes out of his way gratuitously to mention a Member of the House and the work he is doing in this House in a manner that is both flippant, disrespectful, and defiant.

Now, I have no criticism whatever of Mr. Creel or anybody else in private conversation speaking of the Members of this House in any way they see fit, but when in response to a resolution passed by the House a public official will go out of his way to mention a Member not necessary to refer to at all and speak of him in a way that is slighting, that is flippant, that is objectionable from every standpoint, I think the language is objectionable, and if the Members of the House have a proper

respect for their dignity and the reputation of the House before the country they will insist that this language be cut out. [Applause on the Republican side.]

There is no reflection whatever upon the Postmaster General or his office in that part of my remarks that I have already presented, and I do not intend to present any contrary to these in that regard. It may be the Postmaster General felt it necessary to send here the full communication as he received it. I can readily see that had he cut out the sentence promptly there would have arisen the inquiry in the House, "What are the words cut out?" and "What right has the Postmaster General to cull certain things out of a communication and send the balance to the House?" And consequently he sends the whole thing.

And, gentlemen of the House, I submit, regardless on which side of the aisle you sit, is not this language such that you in your heart resent it as applied to a Member of this House? The gentleman from Tennessee [Mr. GARRETT] intimated a short time ago that there was some animus back of the motion. I beg to disabuse his mind entirely as to that. There is no animus of any character. There is no partisanship of any character. There is simply a desire on my part and I am sure on the part of the gentlemen who have voted in support of our contention to protect the dignity of the House and preserve us from these insinuating remarks, these belittling observations, that characterize this epistle.

Just observe that it is not alone the language that is used, but it is the setting around the language. "What right has the Member of Congress from Massachusetts to stand on the floor and criticize me or my work?" is apparent in every word that he uses. It is precisely a defiance toward the legislative branch of the Government for presuming in any regard to criticize the activities of a bureau of the Government. He says, "He made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry." I would not use that language toward anyone on this earth for whom I had an atom of respect, or toward anyone on this earth from whom ever again I expected an atom of respect. If language could be found in the English tongue calculated to convey a biting, stinging, belittling rebuke to Congress and its membership, it is this. I believe this vote we are about to take will, in a measure, express our opinion as to whether the House, as a part of the Congress, deems itself a body of sufficient dignity, sufficient honor and respectability, to be immune from an insulting communication like this, which comes from a subordinate individual in a bureau capacity. And that is all there is to it.

So I ask gentlemen on both sides of the aisle not to confuse the issue or the motion, but to express their opinion as to whether this language is fit officially to be transmitted to the House of Representatives. The motion I have made is the usual and ordinary one, and I hope it will be passed unanimously without a roll call. The Speaker of the House will appoint the committee, and the majority of them will doubtless be members of the Democratic Party. We do not care for that. The Members on the Democratic side of the House must be, and I know they are, as jealous of the reputation and the dignity and the prerogatives of this House as the Members of any party that ever sat in it, and I call upon you to-day to manifest that spirit which I feel confident you possess. [Applause.]

I now yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. MILLER of Minnesota. I reserve the balance of my time, Mr. Speaker.

Mr. LONGWORTH. Mr. Speaker, on the day before yesterday shortly after I had concluded a few remarks conveying an expression of my opinion, couched in very temperate language, of a speech made the day before by a gentleman who has again become the subject of discussion here, Mr. Creel, the gentleman from Illinois [Mr. RAINEY], whom I see in the Chamber, rose in the defense of Mr. Creel, and he made the best he could out of a rotten case, I will say. [Laughter.] His first sentence was as follows:

> Mr. Speaker, I regret the fact that on a serious occasion like the present, when bills are being considered which have for their object the creation of efficient armies, the observing of our treaties, the execution in the future of our undertakings, of our contracts with other nations, that a Member of this House—

Meaning myself—

> finds it necessary to indulge for partisan purposes in a criticism of an official of this administration.

Now, Mr. Speaker, I am well aware that if any Member of my party, either here or elsewhere, undertakes the slightest criticism of any action of any official of this administration he is invariably accused of doing it for partisan purposes. Mr. Speaker, if my criticism of Mr. Creel involved Republican partisanship, then the criticism of him by the New York Times this morning also involves Republican partisanship. And yet as every man here is well aware, the New York Times is perhaps the leading Democratic newspaper of this country; and if not, it is at least the most prominent supporter of all the policies of the present administration. I send to the Clerk's desk and ask to have read an editorial appearing in this morning's New York Times, headed "Mr. Creel."

The SPEAKER. Without objection, the Clerk will read it.

The Clerk read as follows:

MR. CREEL.

> Actual or inferential responsibility for the doings and utterances of Mr. George Creel can not any longer, consistently with the public welfare and comfort, be borne by the administration. It is the general impression that when he speaks he speaks for the President, an impression he has not very energetically sought to dispel. His declaration that he should be proud to his dying day "that there was no rush of preparation in this country prior to the day the President went before Congress" could not have been made at a more inopportune time; but that is not the worst of it. It is an avowal never to be made by anybody at any time. It has aroused public indignation to a degree which is only faintly reflected by the denunciation directed against it in Congress.
>
> The usefulness of the Bureau of Public Information has never been satisfactorily demonstrated, but the demonstration that, if the bureau is to be continued, it should have a new head is complete and conclusive.

[Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. Will the gentleman give me about three minutes?

Mr. MILLER of Minnesota. I yield three minutes to the gentleman.

The SPEAKER. The gentleman is recognized for three minutes more.

Mr. LONGWORTH. Is any gentleman going to rise and say that that is a Republican partisan statement?

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. AYRES. Are you serious in the statement you make that it is a Democratic newspaper?

Mr. LONGWORTH. Why, certainly. Does the gentleman deny it?

Mr. AYRES. Why, certainly. [Laughter.]

Mr. LONGWORTH. I might respond by asking the gentleman by what authority he speaks on that subject, but I am not interested, because it is so patently absurd. [Applause.]

Mr. Speaker, the New York Times says precisely what I did, that if this administration does not believe as Mr. Creel says he does, that it is a matter of boast that this country went into this war inadequately prepared, and that it intends to see to it that after the war is over we are to be at once reduced to a condition of impotence to enforce an enduring and just peace, then Mr. Creel must resign, or he must be removed at once. I said that yesterday. It is repeated to-day in exact phraseology, nearly, by the New York Times.

My great hope, Mr. Speaker, is that when this motion of the gentleman from Minnesota [Mr. MILLER] shall pass, and a committee will find that that language is insulting to a Member of the House and inimical to the privileges of this House, that of the Bureau of Public Information, to which this matter will be rereferred, its present chairman, Mr. Creel, will no longer be a member. [Applause.]

Mr. Speaker, if I have any apologies to make to this House or to anybody for the opinion that I enunciated about this man who the day before yesterday insulted the patriotism of the American people and to-day insults the American Congress, it is that my language was far too temperate. [Applause.]

The SPEAKER. The question is——

Mr. HARDY rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. HARDY. To reply to the last remarks.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] has the floor for an hour.

Mr. HARDY. I would like to ask for five minutes if there is nobody representing this side.

Mr. MILLER of Minnesota. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. HARDY. Mr. Speaker, I am not completely familiar with the entire course and argument of the gentleman from Ohio, who poses before us as a nonpartisan advocate of great policies of the Government, but I want to say just this much about the Creel speech to which he took exception the other day and to which he repeats his exception to-day. The substance of it was

that Mr. Creel, in a speech before the conference of American lecturers here in Washington presented with great force the efforts that the United States had been making to meet her enemy since we entered into the war, so much so that the papers say he received round after round of applause from the delegates. The opening sentence of that speech as given declared that he was proud of the fact that before we entered into the war we had been inadequately prepared for war. That was the sentence the gentleman seized on. He did not read what else he said. Mr. Creel continued: "Because," he said, "that demonstrated the sincerity of our profession that this great Nation was a Nation devoted to peace."

And then he showed the magnificent conduct of our people since we entered the war.

He may have been unfortunate in the first words he used, in that he gave a handle to men for political purposes to attack him. But the man that is not proud of the fact that when this war began America was not ready and armed as Germany was must be ashamed of the record of the Republican Party and the Democratic Party, which for all these years left this country in that condition. We boasted that our justice and humanity to all men and all nations was our shield and buckler of defense; that we were opposed to great standing armies in time of peace. We boasted we were a Nation devoted to peace. We boasted we were a Nation opposed to great preparation for aggressive warfare, and the man who simply refers to that fact and says he was proud that our life was consistent as a Nation has not insulted the American people. [Applause.] It is, indeed, strange that the great audience who heard the whole speech gave it rounds of applause if it was the craven and traitorous speech the gentleman would have you believe it was, by reading a single sentence, and the man who now uses that expression as a weapon with which to attack Mr. Creel or the party of which Mr. Creel is an humble representative and separates it from the context of the whole speech in order to do so is going out of his way to make political capital in a small way and to challenge an expression which would have found utterance in many a throat before we became involved in this war, and which was consonant with the life of the Nation up to the time we became involved in it. It seems to me that these little, petty, partisan flings are in line with other utterances that I have heard the gentleman from Ohio in the last three weeks indulge in, which have been full of party flings. He is always prating of his nonpartisanship and patriotism, of his moderation, and support of the administration, yet he lets no opportunity pass to attack every measure and every man of the administration where attack might seem to give some party advantage. He seized *onto this just* one sentence out of a whole speech as a sweet morsel of political claptrap to roll under his tongue. Not content with the discussion of the issues that come before us, every occasion that can give a pretext for criticism brings him to his feet. He talks about temperateness. I have seen him with flashing eye and with quivering cheek indulging in the same practice heretofore, so that I gaze on him with amazement and wonder why! [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY]. [Applause.]

Mr. TREADWAY. Mr. Speaker, I regret extremely that I was the originator of a matter which has occupied the time of the House for over two hours, when there is extremely important business pending. I introduced a resolution of inquiry which waited one week for action by the Post Office Committee, and no response was received to it. Under the rules of the House, at the expiration of the week, the resolution was called up and adopted. I made no personal references. That goes without saying. A Member could not make any personal references in such a resolution as that; and my object in asking for information on the subject covered was as sincere a motive as ever influenced a Member of this House in any action he might take. A day or two previously the announcement was made that parcels to soldiers overseas, sent by their friends and relatives, could no longer be received by the Post Office Department for transmission to them unless perchance the individual soldier to whom the package was going, sent from overseas, approved by his commanding officer, a request for the contents of that package, and that that individual approval was included in the package when offered for mailing.

Now, Mr. Speaker, coupled with the request for information as to the quantity being so transported was a further request for information as to the amount of matter being sent by the Committee on Public Information, the so-called Creel Bureau. I think in that connection I might say that it was a matter of very little interest to me as to what quantity might be going, or whether there was any going at all or not. But I did receive reliable information, which I can submit at any time, that such literature was being sent over. Now, I submit to this House, which is of the more interest to the boys in the trenches, to receive these little home packages, from mother, sister, wife, or sweetheart, or a speech by such a great man as we recognize the Secretary of the Treasury to be? My interest in the resolution that I offered was to find out whether that class of literature was still being sent across, and the package from home to the soldier boy was being refused.

In connection with the adoption of the resolution I made some remarks on this floor, and Mr. Creel has seen fit to reply to those remarks in the letter submitted by the Postmaster General, in such a way that I feel I am justified in asking this House to adopt the motion of the gentleman from Minnesota [Mr. MILLER]. I do not need to offer any more explanation than he has so well offered. I have no personal grievance with Mr. Creel. I never saw the man in my life. I have a little enmity to him now, and any other man would have when he dignifies his position in a letter of absolute insult to a Member of this House for remarks made by the Member on the floor of this House in his right and says that the statement the Member makes is founded on "absolute baselessness." I have heard men called liars in various phrases, but I would much prefer that a man would come right outside the door here and call me a liar to my face now [applause] than write such an insinuating letter as that and submit it through such an instrumentality as a communication from the Postmaster General.

The gentleman from Ohio [Mr. LONGWORTH] says the remark of Mr. Creel was insulting, and I feel that it was insulting. Further, Mr. Creel questions a statement in my right as a Member of this House when he so characterizes my remarks. I leave the House to its own decision as to whether or not a public official, in answering a resolution of inquiry adopted by this House, can take that means of offering a personal insult to a Member of this House. I myself am now no longer concerned in this matter. It seems to me it is up to the House itself to say whether it cares to have a public official use his prerogative of letter writing to the extent of submitting an official response to a resolution adopted by the House, asking for information purely and nothing else, and including in his reply a personal insult for such remarks as the Member introducing it had the right to make on the floor. Mr. Creel quotes the statement that I say I had been reliably informed that there had been a large amount of that class of mail matter sent over. It is absolutely true. I have been so informed.

Mr. BUTLER. May I ask the gentleman a question?

Mr. TREADWAY. Yes.

Mr. BUTLER. Is that the only thing to which the letter is directed?

Mr. TREADWAY. And then he goes still further. I have not the exact phraseology. I do not know exactly the words, but I take it for granted that he is correct in saying it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas, practically confirming the same language. That is the extent of his quotation, which Mr. Creel says is "absolute baselessness." And, further than that, Mr. Speaker, he says I could have found out that it was absolutely baseless by a telephone inquiry. May I ask this House, when have we reached the point when a Member of Congress in order to secure information is under obligation to the subordinates of a department to call them on the telephone? Of course, if I had called for Mr. Creel I would have been shifted a dozen times, in the various offices down there, through a line of clerks, and I would have been blamed lucky if I could have reached Mr. Creel at all; because I see that just now he is devoting a good deal of his time and attention to going up in aeroplanes. He had one ride here the other day, and I saw that he got a little hurt over in Baltimore repeating it. So that it would have been a little difficult, probably, about the time this resolution was up, to have found Mr. Creel, to get him to answer the inquiry that I wanted to make. I was within my rights in asking for the information referred to in the resolution. I am still within my rights in confirming that statement, and I am still further within my rights when I say that a subordinate of a department of the Government has no right to offer a personal insult, and to question the veracity of a Member of this House for such statements as he makes on the floor of this House.

Mr. HARDY. Will the gentleman yield for a question?

Mr. TREADWAY. My time has expired.

Mr. MILLER of Minnesota. I yield two minutes to the gentleman from Massachusetts [Mr. GILLETT]. [Applause.]

Mr. GILLETT. Mr. Speaker, I simply wish to state that I am surprised at the attitude taken by most of the gentlemen on that side of the Chamber. This day was set apart for very

important business. Then this matter came up suddenly. The gentleman from Minnesota [Mr. MILLER] made his motion. A motion was made to lay that on the table and it was defeated, and then the gentleman from Minnesota changed his original motion—the objection to which on that side perhaps I could understand—and said that he simply wished to have the matter referred to a committee, and to have the matter investigated and reported upon. Why gentlemen upon that side of the House should with such unanimity have refused to allow a committee to be appointed by their own Speaker, whose impartiality is trusted by both sides of the House, which is all we asked, to investigate this matter and to report upon it, and why they should wish to take up two hours and a half in opposing that is beyond my comprehension. It seems to me that that was a most fair and moderate proposition. Some gentlemen on this side of the House thought it was unduly moderate and leaned backward——

Mr. HARDY. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HARDY. Does the gentleman see any fact in controversy; any question to be investigated?

Mr. GILLETT. Certainly; it is in controversy whether that was a proper statement or not.

Mr. HARDY. That is a question of opinion and not of fact.

Mr. GILLETT. It is a question on which the gentleman from Minnesota very temperately and wisely said, "I will not ask the House to pass sudden judgment on that; I will give it time to get a report from the committee."

Mr. HARDY. Then the motion should have been postponed, it seems to me, to a future day and let us think about it.

Mr. GILLETT. If you want to think whether you will let the committee think about it, I do not think we will let it be done. [Laughter.]

Mr. MILLER of Minnesota. Mr. Speaker, I move the previous question on my motion and all amendments thereto.

The SPEAKER. The gentleman from Minnesota moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion offered by the gentleman from Minnesota to appoint a committee of five.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair will appoint as the committee Mr. CARAWAY, Mr. HUMPHREYS, Mr. BOOHER, Mr. MCKINLEY, and Mr. MADDEN, and the document from the Postmaster General is temporarily referred to this committee of five.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. FIELDS. Mr. Speaker, in the absence of the gentleman from Alabama [Mr. DENT], I desire to call up Senate joint resolution 123.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Resolved, etc., That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

Mr. FIELDS. Mr. Speaker, I understand that there are four hours of general debate on this resolution. I ask unanimous consent that one-half of that time be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and the other half by myself.

Mr. GILLETT. Reserving the right to object, has that been agreed to by the ranking minority member, the gentleman from California [Mr. KAHN]?

Mr. FIELDS. That has been agreed to by the ranking minority member.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that one-half of the time be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and one-half by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Speaker, this joint resolution, S. J. Res. No. 123, provides that no provision of the act of May 18, 1917 (known as the selective-service act), shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

I will state in the outset, Mr. Speaker, that under the selective-service act of May 18, 1917, or the regulations prescribed by the President in pursuance of said act, each registrant was given an order number, and the right of the President or the military authorities to defer the call of a registrant when his name is reached, who is not otherwise entitled to statutory exemption, is seriously questioned by high legal authority, and if it be true that the call of registrants can not be legally deferred when their order number is reached it will be impossible for the War Department to carry into execution its latest plan of classification under the questionnaire system, under which registrants having dependents are given deferred classification, or to defer the call of registrants in class 1 who are assiduously engaged in planting, cultivating, or harvesting crops, which the President desires to do. From my viewpoint the dictates of humanity demand that the call of registrants who have wives and children or other dependent relatives be deferred so long as there are available registrants who are unattached and who have no dependents, and the growing scarcity of food products, the supply of which depends upon farm labor makes it of national and international importance to conserve farm labor. Therefore, if there was no other points of merit in the bill, these two points are of such importance as to not only warrant, but to demand its speedy enactment into law. But there are other important features in the bill worthy of your consideration, one of which is to cure an inconsistency in the selective-service law. The law as enacted places the burden of military service upon the citizen population but provides that the whole population shall be used in ascertaining the quota of the various States and subdivisions thereof. The department, of course, took the latest census—1910—as a basis on which to ascertain the total population, and in administering the law in the first call under the selective draft it was found that that method placed great hardships upon many sections of the country for various reasons. First, local conditions have changed since 1910. There has been a great influx of population into some centers, and other sections of the country did not have as much population in 1917 as they had in 1910. Therefore, estimating it upon the 1910 census, or taking for the basis of its estimate the 1910 census, must necessarily result in inequalities.

There is another feature that enters into it. In the cities and some sections of the country we have a large foreign population. That foreign population is not subject to the draft, but it was used in ascertaining the quota from those communities. In those instances the people suffered. That hardship, however, has been or is being largely obviated by our recent treaties with our cobelligerents. So, in order to get away from these iniquities, the passage of this resolution is deemed advisable by the War Department.

In the administration of the draft law, under the first draft there were, if I remember correctly, two classes of registrants—the exempt and the nonexempt. Discretion was lodged largely in the local board as to who should be exempt and who should not, and we see in the administration of the law by these boards most glaring differences in classification, even in contiguous territories. In many sections some local board failed or refused to grant any claim for exemption, while others would go as high as 40 or 50 per cent, and in one case 74 per cent. So, in order to get away from that condition the War Department worked out a new classification, classifying the registrants into five classes, beginning with class 1 under what is known as the questionnaire system, which is considered by all who are familiar with

the subject to be an improvement over the first system of classification.

Now, of course there will be some inequities between local boards in the classification under this new system. It would be impossible to work out a classification system for a great country of 100,000,000 people that would apply exactly alike to each and every community. But the figures from the War Department show that the inequalities are far less under the new classification than under the method used in the call of the first increment under the selective draft. And the War Department has said that the passage of this resolution is absolutely necessary to carry out the new classification to which I have referred. Then there is another proposition embodied in this resolution, and it is the one that appeals to me most.

The resolution authorizes the President to call any part or all of any one of the classes. The purpose of that is to authorize the President to lay the burdens of military service upon the men in class 1 first. There seems to be a difference of opinion among members of the committee as to the intention of Congress when we passed the selective-service law. Members of the minority who have joined in the minority report, or some of them, are of the opinion that a man's liability to service should be determined solely and exclusively by the number that he drew in the drawing, and I agree that it should be, so far as it applies to the class to which he belongs, but I was of the opinion, and I am of the opinion now, that it is better for all concerned that the men who have the least responsibilities at home, the men who have no dependents, the men who are not so vital in the industrial and social life of the country, to first answer their country's call. In other words, I believe that it is better, and I believe it is right and proper, to call a single man who has no wife and children before you call the man who has a wife and children or other dependent relatives. That was my idea when we were enacting the selective-service law. If this resolution is adopted as reported by the committee, it gives the President authority to exhaust all of class 1 in all sections of the country before he invades the other class in any part of the country. I know that there is some argument on the other side of this proposition, but our arguments rest upon our viewpoints. If we hold local interests above national interests, of course the argument that this arrangement is unjust might hold good in some localities, but if we hold that this is the war of the Nation and that the best interest of the Nation should be paramount in the mind of every man, we must concede that that method is the best that will least injure or disturb the citizenship of the Nation and place the least hardship upon the dependent women and children.

Other Members of the House may judge as they like, but it is my opinion that we will least disturb even local conditions by calling into the service men in class 1, so long as that class exists throughout the country, rather than invade the other classes in some sections, thereby taking fathers from their children, husbands from their wives, or sons from their dependent parents. There will be an amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], and inasmuch as there is a great demand for time and I may not have an opportunity to speak later on I desire to refer to that amendment now. It is an amendment to base the apportionment upon the total registered population. If I understand that proposition, when a community furnishes all of the registrants that it has in class 1, but has not filled its quota, it must then draw from the oher classes, hereby invading the class that has dependents. To that part of the amendment I am absolutely opposed.

Mr. BRITTEN. May I ask the gentleman if that is a committee amendment that the gentleman is speaking of?

Mr. FIELDS. The amendment was not offered or discussed in the committee. It has been prepared by the gentleman from Nebraska [Mr. SHALLENBERGER] since the bill was reported. It will be offered as an amendment on the floor. I hope that no amendment will be adopted which will make it possible in the future administration of this law to call into the military service men who have wives and children or dependent parents to support while there are other available men in the country who have no dependents, regardless of where they may be located. This war is not a sectional question; it is the biggest problem that this country has ever faced, and it is the Nation's problem, and I hope that every man here and elsewhere will view it from a national viewpoint. There will be another amendment offered, that will provide that credit shall be given for the numbers that have volunteered in the service from time to time. Credits have already been given for those who have previously volunteered, and as there is but little volunteering at this time it will mean but little either way whether that amendment is adopted or defeated. I am somewhat like the new squire on that proposition—there is a good argument on both sides; but one is evidently better than the other.

If a local community contends that it should have credit for the men who shall volunteer from that ommunity, I see no reason why it should not, unless the calculations necessary to ascertain the credits due it would impede the progress of the draft when the call shall come; but if that should occur, or if it is the belief of the War Department that it will occur, shall we impede the progress of the War Department by forcing it to delay the call sufficient time to figure out and properly place the credits due each community at a time like this when our country is facing the greatest crisis in its history; and, Mr. Speaker, there is another thought worthy of consideration, which is. For what purpose did those volunteers give their service to the country? Did they volunteer for the benefit of the country or did they volunteer for the benefit of other registrants whose call would be deferred because of their voluntary enlistment? I maintain that every man who volunteered into the military service of his country volunteered not for the benefit of his neighbor registrant, but for the benefit of his country, for the preservation of the Stars and Stripes. [Applause.] So I say if crediting these voluntary enlistments will impede the progress of the draft and the prosecution of the war, then the country for whom these men volunteered should be given the benefit of their voluntary enlistment. As I have previously said, credits have already been given for those who have previously volunteered. That question was raised in committee by the gentleman from Wisconsin [Mr. DAVIDSON] by a question propounded by him to Gen. Crowder. Mr. DAVIDSON said:

To illustrate: My home city was very greatly interested in the National Guard and sent out very full companies—there were three companies from my home city. The result was that in the first draft not a single man was drafted, and the boys writing to me report that there are enough volunteers to fill the next draft. If enough boys volunteered from my home city—the city of Oshkosh—to not only fill the first draft but to fill their quota in the second draft, how can I explain to them that in addition to that they are going to draft men from that city?

Gen. CROWDER. I have tried to cover that situation before. The officer who has done a large amount of the figuring on the quotas is here, and I am going to ask you to let him have a try at it in new language.

Mr. DAVIDSON. I want to understand it myself. I believe there is much merit in your plan.

Col. JOHNSON. Let us suppose that Oshkosh started out with 100 men liable to military service. Fifty of them volunteered in National Guard or Regular Army, and now we come in with the new rule. Oshkosh, instead of having 100 men in class 1, only has 50. The new quota for Oshkosh will be based on 50 instead of 100, and thus Oshkosh automatically gets credit for all the men of Oshkosh who volunteered with the National Guard and Regular Army.

There is another thought in connection with giving credit for voluntary enlistments that we might well consider. I am told that in some sections of the country practically all men who are in sympathy with the war movement have volunteered. I do not know whether that is correct or not. That is a pretty broad statement, and I do not attempt to vouch for its accuracy, but I was told a few days ago by a Member of this House that he had been in a section of the country where that condition exists. If that be true, and we give credit for voluntary enlistments, this is what will happen in sections like that: These men who have not volunteered and who are charged with not being in sympathy with this war movement will remain at home largely because of the fact that their neighbors have volunteered for service.

Mr. REAVIS Mr. Speaker, will the gentleman yield? What sort of a soldier does the gentleman believe these disloyal men would make?

Mr. FIELDS. I did not say they were disloyal.

Mr. REAVIS. What sort of a soldier does the gentleman think a man who is not in sympathy with the purposes of his country would make?

Mr. FIELDS. I think a man who is in sympathy with the purposes of his country would be a better soldier than the man who is not.

Mr. REAVIS. Would it not be a good idea to give these fellows some employment and keep them out of the Army?

Mr. FIELDS. The gentleman is getting back to the volunteer proposition, which is past, and I do not care to open up that discussion. Mr. Speaker, there is one more provision in the bill——

Mr. HAMLIN. Will the gentleman yield for a question right there?

Mr. FIELDS. Let me finish this statement. The last provision of the bill provides for the calling of men who have been given deferred classification, in class 2, as skilled workmen regardless of their classification or location. The Military Establishment may from time to time be in great need of skilled mechanics, and this provision of the resolution makes it pos-

sible for it to call these men regardless of their classification or their location. I think that a very valuable feature of the resolution. I now yield to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. The gentleman is quite familiar, I know, with the provisions of this resolution, and I am asking the question for information purely. My understanding is that if this resolution prevails the first call to be responded to will be those of class 1.

Mr. FIELDS. Exactly.

Mr. HAMLIN. Suppose there is to be a million men raised on the first call. Will that million of men be apportioned among the different States in class 1 according to the number of men in those different States in class 1? That is the way I understand it.

Mr. FIELDS. They will.

Mr. HAMLIN. Now, this question: This classification is submitted by different boards in the different States, and there are no hard and fast rules by which this classification should be made by those boards. Does the gentleman concede that this thing might happen, that a board in one State or one section of a State might put very few men, in proportion to the population of that State, in class 1, and if the call comes exclusively to class 1 and it is taken according to the population in class 1, without regard to the population of the State, the gentleman's State, for instance, might have to give three times as many men to that first call as my State would, because the boards in my State might classify very few in No. 1? Does the gentleman anticipate some unfairness in that?

Mr. FIELDS. I am glad the gentleman raised that question. There is no hard and fast rule under which the classification is made, but there is a general rule laid down by the War Department, and the classifications, the records show, are much more uniform under the new classification than under the classification of the first draft. In fact, the range of variation of percentage between the classifications by the different boards is not nearly so wide under the new classification as under the old. As I stated in the start, of course, there will be some instances where there will be differences. I know of no way, owing to the different conditions that exist, or no rule that could be worked out that would cause men of the local boards to act in the same mind and under exactly the same decision in all cases; in fact, so long as there are men of different capacities there will be men of different opinions, even in matters of fact; but, speaking broadly, the figures show that the range of inequality is not nearly so wide under the new classification as under the old.

Mr. LANGLEY. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. LANGLEY. The gentleman has passed from the point I wanted to recur to, but the gentleman stated a moment ago in regard to the question whether the men who were really anxious to help in this war have enlisted voluntarily and several gentlemen got the impression that the gentleman was in doubt on that question. I do not think there is any doubt so far as our own State is concerned because I know of thousands who are ready and waiting to be called to the colors whenever the country needs them.

Mr. FIELDS. I should regret——

Mr. LANGLEY. I do not think the gentleman meant that.

Mr. FIELDS (continuing). If I was so understood. That was not what I meant to say at all, but what I meant to say was that every man who has volunteered was willing, but some are not, speaking of one section of the country—I shall not name the section, for the information given to me may not be correct—but a Member of the House has said that that condition exists in one section that he visited recently. If it does, I suppose, of course, that it is only a small section of the country, and the great mass of the registrants who are waiting to be called throughout the country are just as anxious to get in as the men who have volunteered.

Mr. LANGLEY. They are merely waiting until the country calls them to go. Let me suggest to my friend, the gentleman may be too modest to call attention to the fact that the gentleman is one who represents a district one county of which, Breathitt, at least, had more volunteers than the entire quota.

Mr. FIELDS. Fifty-two more volunteers than the quota, is my recollection.

Mr. CRISP. Will the gentleman yield?

Mr. FIELDS. I do.

Mr. CRISP. I would like to get a little information. The call has gone out for the raising or inducting into the service of 150,000 men under a call for a second draft army. I noticed in the Official Bulletin, and have also seen it stated in the press that the number that my State—Georgia—should furnish under that call is about 6,300. I also noticed that the State of New York, with a great many times the number of population of Georgia, the great city of New York, having probably twice the population of the entire State of Georgia, is to furnish under this call only 10,000 and some odd hundreds. I would like to know on what basis or plan the quotas are called, under the old plan, or is it under the idea that this bill is to be enacted into law and the call based on the number of class 1?

Mr. FIELDS. I think it is fair to assume that the War Department is not calling men under the provisions of this bill on the assumption that it is going to pass. I am not familiar with the particular case that the gentleman cites and would therefore not attempt to explain it.

Mr. CRISP. The gentleman, then, can not give me any information as to why that great disparity in the number?

Mr. FIELDS. With regard to that particular case, no; and not being familiar with it, it would not be fair to the War Department for me to attempt to answer it.

Mr. CRISP. The State had furnished its entire quota under the first call. This is under the second call. And their quota is about 6,300. And I notice that Indiana and other States with a population about as great have to furnish only three or four thousand men. I would like to know the basis for that.

Mr. FIELDS. I will say to the gentleman that these are only the remaining numbers of the first call, who have not until recently been summoned to camp. The second general call has not yet been made.

Mr. SUMNERS. Mr. Speaker, supplementing the question of the gentleman from Missouri [Mr. HAMLIN], as I understand it, the scheme to raise this army is based very largely upon the idea of local responsibility and local control. Now, does not the gentleman anticipate that unless you change your machinery for raising this army you will remove from the several communities a strong incentive from everybody outside of class 1 in seeing that nobody that ought to be in class 1 escapes the responsibility which is incident to the position in class 1.

Mr. FIELDS. I will say to the gentleman I do not know where this removes the local machinery in any way. The local boards will continue to exist, and they will still classify the registrants.

Mr. SUMNERS. Directing attention to the inquiry of the gentleman from Missouri, if you provide that these men are to be taken from all over the country, then in any community its local board can prevent its citizenship from getting into class 1—shields that community from its responsibility of helping to contribute this army.

Mr. FIELDS I am glad the gentleman raised that question. There are some cases of that kind throughout the country; but the War Department carefully scans the figures, and in every case where upon the face of it there seems to have been some favoritism played an inspector has been sent into that community and the board has been ordered to make an investigation and reclassification.

Mr. REAVIS. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. REAVIS. The question I had in mind was this: If there is partisanship on the part of the local board, so as to exempt those from class 1 who should have been placed in class 1, will not public sentiment in that community on the part of parents of boys who have been sent, while boys equally responsible for service are kept at home, compel those who are fraudulently exempted to go into the service eventually?

Mr. FIELDS. Certainly so.

Mr. SUMNERS. Does the gentleman think public opinion would be as strong in that direction if every man should stand just behind the lines in class 2 now, if that community did not furnish that quota out of class 2? Now, if that community did not furnish its quota out of class 1, he would be called on to help furnish the quota.

Mr. FIELDS. The gentleman is drawing on his imagination very extravagantly. The War Department would not accept such a classification from any board without investigating it. And in addition to that, if this resolution passes, they have the right to draw on class 2 even before class 1 is exhausted, regardless of the order, number, or location of those in class 2.

Mr. HAMLIN. Right on that point. As I understand the resolution, it gives the right to the President to call from any class certain mechanics——

Mr. FIELDS. Experts, who, if classified as such, are placed in class 2.

Mr. HAMLIN. We all understand that is pretty broad authority.

Mr. SHALLENBERGER. The resolution gives him authority to call not only mechanics, but call any man in any class from any place at any time.

Mr. HAMLIN. That is exactly what I say. It is broad authority, and it looks to me like the President has the right to call anybody from any class.

Mr. LAZARO. Has the gentleman any idea of the percentage of the men who were registered in class 1 who have volunteered and been permitted to select their branch of the service away from the firing line?

Mr. FIELDS. I have not those figures at hand.

Mr. KNUTSON. Will the gentleman yield?

Mr. FIELDS. If you will make your question brief.

Mr. KNUTSON. What provision is there in the bill to protect agricultural labor?

Mr. FIELDS. There is no provision in the bill. But the Provost Marshal General has said in a letter that he published to the country that he would place at the foot of class 1 or defer the call of every man who is engaged in planting, cultivating, or harvesting of a crop, and on March 11 he sent the following telegram to governors of all the States. The telegram reads as follows:

WASHINGTON, *March 11, 1918.*

Governors of all States:
(No. B–80.)

A new National and State quota will be announced as soon as Congress acts on pending legislation governing the apportionment of quotas. In the meantime it will be necessary to call a new increment of about 90,000 men to be distributed equally throughout the United States. The call for these men will go out later in the day. In several cases this call will run over the current quota of the State and boards upon which it is made, but the excess will be credited on the new quota of each State and board affected, as will all other excess due to special calls.

The situation arising from the scarcity of farm labor demands that the call to the colors of men actively, completely, and assiduously engaged in the planting or cultivation of a crop, but who are in class 1 and within the new quota, should be deferred until the end of the new quota. Please instruct your local boards, therefore, that the President directs that, in filling this emergency call, they shall pass the order numbers of such men and defer their call for the present. It must be borne in mind that this step is taken solely in the need of the Nation and not for the benefit of any individual. Therefore, while boards should consider it a grave duty to exercise this power to conserve and augment the agricultural production, they should observe closely the conduct of those deferred, and immediately upon becoming convinced that any person so deferred is not giving his entire time and earnest attention to agricultural duty or that he is trifling with the deferment thus granted him, the board should forthwith call him to the colors. All citizens should assist in making this expedient effective and in bringing to the attention of the boards cases meriting deferment as well as cases in which deferment is being abused.

CROWDER.

And I will add in this connection what I have previously said, that it is seriously questioned by eminent legal authority as to whether the War Department can execute this order or proceed under the new classification without the enactment of this legislation. Therefore, the War Department is extremely anxious that it be passed without delay.

Mr. STEVENSON. Will the gentleman yield for one question?

Mr. FIELDS. I will.

Mr. STEVENSON. I want to find out if the proposition is to base the quota of a State on the number of those in class 1 (A) or upon the number of all those who are ultimately liable to military duty? I see your report says:

First, to provide that quotas under the selective-service act shall be based upon the number actually liable to military service under said act instead of upon population of the several States.

Now, do you mean by that that those in class 1 (A) or those who would ultimately be liable to military service?

Mr. FIELDS. Of course, if the war continues until all men shall be called, it would mean all those liable to military service, but in the first call, which applies to class 1, it will be based upon the number in class 1. In other words, it will be based on the number in the class they are drawing from at the time.

Mr. STEVENSON. What is the justice of that? I want to know. I am trying to get information. Ought it not to be based on the entire population rather than on military service under this act?

Mr. FIELDS. If we do that, when a community has exhausted all of its men in class 1 and has not yet filled its quota it will be forced, as I have previously explained, to send men who have dependents to make up its quota.

Mr. STEVENSON. When they have sent all their men in class 1.

Mr. FIELDS. Yes; if a community sends all the men it has in class 1 before its quota is filled, it will have to draw from men in other classes according to their order numbers, unless this bill is enacted into law.

Mr. Speaker, I reserve the balance of my time. How much time have I consumed?

The SPEAKER. Thirty-six minutes.

The SPEAKER pro tempore. The gentleman has consumed 36 minutes. The gentleman from Nebraska [Mr. SHALLENBERGER] is recognized for two hours.

Mr. SHALLENBERGER. Mr. Speaker, it has been charged that the fact that the members of the Committee on Military Affairs took time to consider this important bill has delayed the draft. Of course there is not one scintilla of foundation for any such claim as that. The Provost-Marshal General of the United States Army, under the law as it exists now, can call every man of military age in the United States and put him in the ranks to-morrow under the law we enacted heretofore. This new law that we ask for will not add a single man to the Army of the United States if it becomes a law. It only seeks to change the rules of the game after the game has begun, and some of us think it changes them unfairly between the different States and communities.

I have undertaken to put into the RECORD here the tremendous variation between counties and districts, running as low as 9 per cent in one county and as high in one county, in the district of the gentleman from Nebraska [Mr. SLOAN], as 98 per cent. I finally have gotten the Provost Marshal General to recognize it. Gen. Crowder is quoted as follows in the public press to-day:

Provost Marshal Gen. Crowder to-day ordered a thorough investigation of local draft board classifications in districts where the percentage of class 1 men is singularly small.

The inquiries are the result of congressional opposition to Crowder's plan to base the quotas for future drafts on the number in class 1 instead of the total number registered or the population.

In some districts the percentage of class 1 men is only 17, while in other districts it is 45 or 50. Several Congressmen claim that some local boards have deliberately adopted the policy of cutting down the percentage of class 1 men to keep their quotas lower.

"The investigations are being ordered just as rapidly as it is found there is the least cause for one," it was stated at the Provost Marshal General's office.

Now, if you will adopt the amendment that I am going to offer you will not have need of any investigations. There will not be anybody sent around to look into these matters, because we propose to base it, as the gentleman from South Carolina [Mr. STEVENSON] indicated, upon the total registered military population of military age in each district, and there can be no manipulation of that.

Now, in order that I may be exact in my statements, I want to read to you some provisions of the existing law, and the changes in that law made by the bill that we are considering. The very purpose of this bill is to hereafter take away the credit that was given in the previous draft for volunteers. It proposes that the drafted men shall be called in proportion to the total number of men placed in such class or classes or various subdivisions of the Territories and States and the District of Columbia designated by the President under the existing act, and that no provision in the act that we passed last May shall prevent him from doing that thing. The provision in existing law that would prevent him from calling the total number placed in class 1 provides that credit shall be given upon draft quotas for the men who volunteer or who are mustered into the service from the National Guard, and when we raised that point Mr. DAVIDSON, of Wisconsin, said to Gen. Crowder, "What shall we say to the people of Oshkosh, where we have not as yet drafted a man?" He said, "We have now many volunteers ready for the next call." Col. Johnson, the deputy provost marshal, said a man is not entitled to much credit who volunteers. He should let the provost marshal send for him when he wants him.

The existing law bases the quotas called for from the various draft divisions of the country upon the total population of the district. For the reason that the population statistics available at present are only estimates, the Provost Marshal General states that the quotas called for under the present law in the first draft were not equitably distributed. In determining the population aliens who are not liable for military service were counted in the estimates of population, and therefore those draft districts having large alien populations were required to furnish soldiers out of proportion to the numbers of those taken from districts whose total population was largely or entirely citizens.

We seek to correct those two things.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. The gentleman made the statement that the draft was made upon the population of districts. Is it not based upon the population of States?

Mr. SHALLENBERGER. On the population of States and subdivisions or districts thereof.

Mr. MADDEN. No; it says "the States."

Mr. SHALLENBERGER. It says "States, Territories, and Districts, or subdivisions thereof." I have the law right here.

In order to eliminate these two inequities, which are generally admitted, the joint resolution S. J. Res. 123, which is now before us for consideration, was prepared by the office of the Provost Marshal General and submitted to Congress for its approval.

I have prepared an amendment to the bill under consideration which I propose to offer at the proper time, and which I have published in the RECORD at the end of my remarks for the information of the House, which will completely correct the above-enumerated inequities of the present law and yet preserve entirely the basic principle of all compulsory military laws of every country. [The basic reason urged for the draft law was that every man owes military service.]

The present law provides that the draft—

shall be based upon liability to military service of all male citizens between the ages of 21 and 30 years, both inclusive. Quotas for the several States, Territories, and the District of Columbia, and subdivisions thereof, shall be determined in proportion to the population thereof.

My amendment provides that the quotas for each draft district shall be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived claims for exemption.

The reason for including aliens who have waived claims for exemption is because Gen. Crowder states that they have been placed in class 1, and therefore are as ready for military service as any citizen. The reason for abandoning total population as a basis is that it is a guess at present and includes aliens who can claim exemption. My amendment eliminates both of these objections and bases the quota upon a census made by the War Department itself, and eliminates all aliens who refuse to serve in the Army. [Applause.]

The Provost Marshal General's office by the adoption of the bill now under consideration without amendment proposes to change completely the basic principle of the present law and determine the quotas in proportion to the number of men placed in classes by the local draft boards. Gen. Crowder has stated to the Military Committee and to me personally in discussion about the bill that if this bill is adopted he expects to base the quotas hereafter to be called upon the total number of registrants placed in class 1 by the various draft boards of the country.

Mr. DENISON. Mr. Speaker, will the gentleman yield for a question?

Mr. SHALLENBERGER. Yes; I will yield for a question.

Mr. DENISON. Under your amendment that you are going to propose is the quota determined before the physical examination or afterwards?

Mr. SHALLENBERGER. Before the physical examination. That does not leave any chances for manipulation. The bill as reported by the majority of the committee is intended to no longer allow credit for volunteers or those inducted voluntarily into the service.

In regard to that call for the first men under the second draft they sent out notices to the States saying that they were not to allow credit for volunteers. I addressed a letter to the Provost Marshal General and called attention to the provision of the present law. His office replied that they wanted to know that they would get a certain number of men at this call. He notified them not to take credit for volunteers, but he says he expects in the future to give credit for volunteers in subsequent quotas.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. BURNETT. If that credit is not allowed for the volunteers, how does it occur that discrepancies exist such as the gentleman from Georgia [Mr. CRISP] referred to?

Mr. SHALLENBERGER. It is because of the power the President has to call them for special units. We granted a greater power perhaps than Congress intended. We are told by the Judge Advocate General's office that they do not have to come to Congress for any further legislation on that score. We opened the door wide enough for anybody and everybody.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. I understand that the gentleman's amendment proposes to base the quota on the total registration?

Mr. SHALLENBERGER. On those found liable to military service. I omit all aliens and all those excluded under the law between the ages of 21 and 30.

Mr. MADDEN. That excludes convicts and everybody?

Mr. SHALLENBERGER. Yes; excludes convicts and immoral persons and aliens who have claimed their alienage. Those are included in class 5. My amendment only includes in the military population those in the first four classes—all good Irishmen and other good men who are willing to fight for this country. [Laughter.]

Mr. MADDEN. The same inequalities that are complained about will hereafter exist as they exist to-day?

Mr. SHALLENBERGER. No. I have eliminated all of them. I have eliminated all chances of that. Now, we know what they are. I eliminated all aliens who claim exemption. Every alien who waived exemption is put in class 1.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. DILLON. If I understand the gentleman correctly, if this bill is passed it will wipe the slate clean of all credits which the States or counties may have by reason of volunteer enlistments?

Mr. SHALLENBERGER. It will allow no credit for volunteers. No; they will have none whatever hereafter if you adopt the bill as reported by the committee. It is the intention of the War Department to allow no credit hereafter for volunteers upon future draft quotas if this bill becomes a law as reported to the House.

Mr. FIELDS. Will the gentleman yield?

Mr. SHALLENBERGER. I should like to finish my speech if I can, and then I will answer questions.

Mr. FIELDS. Do I understand the gentleman to say that all aliens who do not claim exemption are placed in class 1?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. If the gentleman will recall, I asked Gen. Crowder that question in the committee, and he said they were giving the same rights to aliens on claims for exemption as to any others.

Mr. SHALLENBERGER. Yes; but he says directly, and I will put his language in the RECORD, that every alien who did not claim his exemption is placed in class 1, and he said it to me in the presence of the Assistant Secretary of War. There is no question about it. Now I will yield for one more question, and then I want to go on.

Mr. KREIDER. I should like to know whether the gentleman's amendment provides for the giving of credit for those who have enlisted since the last draft?

Mr. SHALLENBERGER. Yes; for all volunteers. Now I will yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Do I understand the gentleman from Nebraska to say that hereafter the Government will not accept volunteers?

Mr. SHALLENBERGER. It will accept them, but hereafter no credit will be allowed, if this bill becomes a law.

Mr. COOPER of Wisconsin. Allowing no credit is a very different thing from not receiving them.

Mr. SHALLENBERGER. They will receive them, but they will not allow your district any credit for it. I am going to show you what that means.

Mr. COOPER of Wisconsin. They will allow men to volunteer to go and fight for the country——

Mr. SHALLENBERGER. Yes; but they will allow no credit to your district for them.

Mr. COOPER of Wisconsin. To take the place of drafted men——

Mr. SHALLENBERGER. But give them no credit for them.

Mr. JOHNSON of Washington. As a matter of fact, the Provost Marshal's office ceased giving credit some time ago, did it not?

Mr. SHALLENBERGER. Yes.

Mr. DENT. If the gentleman will allow me, I think there is some misunderstanding about this question of volunteering.

Mr. SHALLENBERGER. All right.

Mr. DENT. The Government has stopped receiving volunteers, except in the Navy and in the Marine Corps.

Mr. JOHNSON of Washington. They volunteer for service in the Engineers.

Mr. SHALLENBERGER. I will explain that, if the House will permit me. After the 15th of December they changed the name for the man who wants to serve his country voluntarily. They no longer call him a volunteer, but if he comes within the draft age he is called an inducted man, and under the present law that man's draft district would be entitled to credit for him.

Mr. HARRISON of Virginia. Will the gentleman state this fact, that this bill not only denies credit for enlistments hereafter, but it takes away credit for the enlistments that were already made?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. Will the gentleman yield for a question?

Mr. SHALLENBERGER. Just one question.

Mr. FIELDS. The gentleman is in error as to inductions. The local board is given credit for the men who are inducted. I had a case a few days ago of an accountant whom they needed in the service, who was inducted, and they wired the local board the authority to induct him.

Mr. SHALLENBERGER. If he came from class 1, they will get credit for him, but otherwise not.

As I said to you, the bill as reported is intended to deny and does deny these credits for volunteers. The law as it now exists allows credit to the draft district upon its draft quota for the number of soldiers so furnished, and my amendment adheres to that just principle. The purpose of raising armies is to get soldiers to fight the country's battles. It is immaterial to the Nation whether they come as volunteers or drafted men. But it is a vital thing to a community whether or not it is dealt fairly with as between other communities of like obligations in the matter of furnishing soldiers for the sacrifice of war. Under this law a draft district may have furnished voluntarily the entire number of soldiers required of it under a draft call, yet if its local board has put as many of its men in class 1 as has another district that has furnished no volunteers whatever, the county that has already given its full quota of men for the trenches of Europe will be required to give as many more as the county does that has furnished no volunteers. This is true of many counties in Nebraska. I do not believe that this House or the country will accept as a just application of the principle of universal liability to military service a law that will result in some sections furnishing several times the number of men to go to France and die in battle that other districts of the same military population are required to do.

Let me call the attention of the House to the fact that Mr. LENROOT, the new Senator from Wisconsin, placed in the RECORD a statement showing that five States have been given four-fifths of all the great war contracts made by the General Government up to the date of his speech. The labor of those contractors becomes very profitable if it can be retained for use on these contracts. If the local boards in those States place a small per cent of their registrants in class 1, it may easily result, if this bill becomes a law, that some States will grow rich during the war from the profit of the labor of their men who remain at home, while the rest of the States send their men to fill their places in the battle line. [Applause.]

The attempt is made to justify the bill that is now before the House upon the ground that the men of military age who stay at home because they have been placed in favored classes render a service that in some degree can be compared with that which the soldier gives to his country upon the field of battle. But no fair-minded man will contend for a moment that there is a similarity of service or sacrifice required from those who stay at home with that which is asked of the soldier in this war. No man makes a sacrifice at this time that can be compared in the slightest degree to that of the soldiers who are now fighting, struggling, and dying upon the blood-soaked battle fields of France. [Applause.] Hundreds of thousands of these men whom we are going to draft under this law are going to certain death before this war is over. Thousands of our boys may be dying there to-day. Those who stay at home are going to get rich and enjoy peace and happiness because the sacrificing soldier wins the war for him. The soldier starves and suffers from wounds and struggles through the mud of Flanders and dies in the trenches upon the sodden and trampled plains of Picardy. The man who stays at home receives bigger wages than he ever knew before; the products of his labor command enormous prices, compared to those paid for them in time of peace. You can never make the soldier nor the people of this country accept the plea that the man who stays at home in peace and plenty and gets rich because of the inevitable opportunities for money making in war time is in any sense giving service that is military in the meaning of the present law. [Applause.]

The selective-draft law, fairly and properly applied, can mean this and only this: Given a thousand registrants of military age, every man of them owes to his country the sacrifice of his life, if need be, upon the battle field to defend his country's rights or her existence. Only those are to be excused from among those registrants who are physically unfit to fight or to do other military service. The principle of selective conscription allows a board of local men to determine only the order in which those found liable and fit for service shall be called. If it is claimed that the bill under consideration does not specifically state that quotas are to be determined by the number in class 1, the Provost Marshal General has stated to the Military Committee that that is the rule which is to be put in practice—and it is the rule that this bill is asked to make possible—and he says that if he is given this bill as it comes from his department he does not expect to have to invade any other classes except for experts, and that with the light and information that he has before him now he believes we will fight this war with the number of registrants in class 1.

To base the quotas upon the number of men placed in class 1 will result in the number of soldiers furnished by any draft district being the result of the opinions of men who, either through intent, ignorance, or misunderstanding, may so classify the men as to result in the grossest inequalities as between different communities and States.

In my own State of Nebraska the report as to the classifications made by the different boards in every draft district and furnished me by the governor shows the most glaring inequalities and variations as between counties of like numbers and character of population. I have placed some comparisons in the RECORD, and for the information of the House I had printed yesterday the entire report showing the total number of registrants, the number placed in class 1 by each draft board, and the number of registrants who have appealed in every county in the State. My information is that a very small per cent of exemptions from class 1 assignment are being allowed by district boards upon appeal. In the counties where I made inquiry they are so few as to have little effect upon the final figures.

Mr. ROGERS. Suppose a man is placed by a local board in class 2, who, in view of the general rulings and directions of the Provost Marshal General, should have been placed in class 1, is there any way of reviewing that action of the local board?

Mr. SHALLENBERGER. It is very difficult. There is a county agent, a lawyer, appointed to advise every board, and if he advises against it nothing can be done. In most of the counties they are told that they do not want any interference, and but few appeals are being granted.

But, Mr. Speaker, I oppose this proposed overthrow of the basic principle of the present draft law and the proposal to fight this war with an army to be raised solely from class 1, because I believe that it will result in disaster to the country and a wholesale delivery of men from liability to military service at a time when every thinking man knows that if we win this war we will have to arm every man of military age, as provided by the terms of the present act, and in all human probability raise the age limit high enough to make possible the levying of at least 10,000,000 of fighting men.

Let us have done with foolish fancies about winning this war with food, with ships, with speeches, with revolutions in Germany, with men behind the plow, with men in manufacturing plants and all other places where men are safe from German bullets and making money while the soldiers die. This war will be won, can only be won, when we put more fighting men in France than the central powers of Europe can muster; men with rifles in their hands and cannon and machine guns at their backs. We will only win it when we understand it is only with blood and iron and man power in overwhelming numbers that we can drive our enemy from one field to another, from trench to trench, from fortification to fortification, and across the Rhine; until we nail the Stars and Stripes upon the very gates of Berlin. [Applause.]

Let us look for a moment at the picture that the battle field of Picardy presents to-day. Though we have never been furnished the figures as to the comparative size of the armies now engaged in a death struggle, we know beyond any possibility of dispute that Germany was only able to start this great drive on a 50-mile front and plunge 40 miles deep into the center of the allied lines because, and only because, she had more men, overwhelmingly more men, with rifles in their hands and cannon to support them, with which to overcome the valor and the skill of the outnumbered allies. She has no better soldiers nor better guns; no more efficient leaders; she simply has more men and more guns. We must only expect to defeat them with a bigger and better armed force than they can possibly muster.

Why has Germany and Austria been able to muster a larger army than the allies do at this critical hour in France?

The allies outnumber them in population. The superiority in numbers of the German armies has been brought about because they have applied to the limit the principle of universal liability of their men of military age to render military service. Every man who is able to stand in the ranks is on the firing line, high and low, rich and poor, prince and peasant. You ask who does the work of Germany and France? I answer, it is done by those who are unfit to fight, too old or too young to be soldiers. The women and the children and the prisoners of war supply the rest. This is true of every nation in Europe which is in this war. We must prepare to do the same thing here. Many men are possessed of the soft notion that this war is a task that will not push this Nation to the very limit of its powers in order to win it. Too many men are thinking that this is a time to

make money; many of those who cry for this very bill which we have under consideration shout loudly that industry must not be disturbed. I say, Mr. Chairman, that every good American must get out of his head every thought of making money out of this war, or we are liable to lose it. Let those who are eager for war profits beware, and turn their attention to furnishing fighting men, or they may discover at the last that they have only been making money while their country bleeds, to at the last have to contribute their war profits to the Kaiser. [Applause.] We have decided that $30 a month is sufficient pay for the soldier, who is asked to give his young life for his country's salvation. Let every man fix his mind on the soldier's pittance and resolve to contribute his surplus above that amount to his country as long as her very life is at stake.

The Provost Marshal General in advocating this very bill before the committee stated that the reason that he would fight the war with class 1 was that the prime object of the Nation should be to protect the economical and industrial life of the country. But we can not safely protect that life with the limited army that can be drawn from that class as at present selected.

It is in the printed hearings that the gentleman from Ohio, [Mr. GORDON] asked the Provost Marshal General whom he considered the greatest military genius that the present European war had produced. The General replied that no great military genius had arisen as a result of this war. He stated that this was a war of minor tactics, a war of commanders of small units, of captains and lieutenants. Well, it may be so in Washington; there are plenty of them here, I admit [applause], but in my opinion history will not record that verdict as the lesson of the battle fields of Europe.

Was it a war of minor tactics when five great German armies, composed of more than a million and a half of men, after the conquest of Belgium came pouring down into northern France and Marshal Joffre, that grand old hero of France, turned them back at the Marne, on a battle front of a hundred miles, and saved the democratic civilization of western Europe? [Applause.]

Was it a war of minor tactics when this man Hindenburg that now overtops the Kaiser with his fame in Germany, overthrew at Tannenburg, after seven days of battle on a front of 70 miles that great invading army of the Russians with a loss to them of 250,000 men and gave them a defeat that struck the first blow at the very vitals of the Russian Empire?

Was it a war of minor tactics when a year later, Von Mackensen swept with three great armies up through Galicia and united with the Germans who had captured Warsaw and overran Poland and finally put the Russian Empire out of the war and lost to our allies a force that only America is able to make up to them?

And is it a war of minor tactics that is being fought on the bloody plains of Picardy to-day, upon a battle front of almost a hundred miles? Millions upon millions of brave men are there straining in a colossal struggle with the whole world as a possible prize. The battle front at Waterloo extended for less than 3 miles. Gettysburg, Austerlitz, and Jena about the same. The armies that fought in those wars of the past were counted by thousands. The great battles of this world war are fought by millions of men upon either side.

Mr. Speaker, we must get out of our minds these fields of small dimensions, these ideas about small tactics. Captains and lieutenants are essential in this war, but in places of high command we must have men of unquestioned vision and understanding of the magnitude of the task we have undertaken. We have such a man in Pershing, who commands our troops in France. [Applause.] Let us give him the Army he must have to bring certain victory to our cause.

The idea behind the bill under consideration contemplates an army unequal to the task that confronts the country. The world is the stage of this great war and we should strive to become the chief actors in the drama and perform the principal part. The age of military service should be raised at once to at least 40 years, where the House put it when we passed the draft law. [Applause.] Personally, I am in favor of raising the limit to 60 years. It is over 50 in some of the European countries now. Many a man between 50 and 60 is still good for some kind of military service. Let him be required to render that service at the salary of the soldier. Let us preserve inviolate the basic principle of the present law, which, in my opinion, the proposed bill will destroy, and that is that every hundred men in America of military age that are physically fit shall be required to furnish the same number of soldiers, and that the only thing that the classification shall determine is the order in which those men shall be called to serve their country upon the field of battle. And also let us give credit for those men who are brave enough to volunteer for the service of the Nation when she needs volunteers. [Applause.]

I append the amendment which I propose to offer to Senate joint resolution 123, which is the bill under consideration:

Amendment by Mr. SHALLENBERGER: On page 2, line 5, strike out all after the word "act," down to and including the word "act" at the end of line 8, and in line 11, after the period, at the end of the bill, add the following: "Quotas for the several States, Territories, and the District of Columbia or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption, and credit shall be given on its quotas to any State, Territory, Districts, or subdivision thereof for the number of men who have entered the military service of the United States from any such State, Territory, District, or subdivision thereof since April 1, 1917, including members of the National Guard who were in Federal service on that date."

Mr. FIELDS. I yield 10 minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker and gentleman of the House, it will be utterly impossible for me to discuss the merits of this measure in 10 minutes or to answer the criticism of my eloquent friend from Nebraska [Mr. SHALLENBERGER]. As I sat in my seat and listened to his portrayal of the great struggle going on on the fields of Picardy, I wondered how he could take the floor in this House and undertake to strike down a measure that is intended above all things to help our country win this war. When we enacted the selective-draft law, we did it for the purpose of raising an army. There are two great fundamental facts underlying that law. One is that every man physically fit in this country is liable for military service. The other is that the Government has the undoubted right to say to a man, "You shall put on the uniform of a soldier and fight or you shall remain at home and perform the duties that will best tend to win the war."

Under that law boards were organized to register the young men of this country between the ages of 21 and 31, which this House and the Senate determined that between those ages we could find the men best fitted to build up an army. Nine million men and more were registered. After they were registered the call came, and they started in to call the first number—687,000. They went up the line, beginning at No. 258, the first number drawn, and they found under the law drafted men with dependents might be exempt. Are you opposed to that? They found the law provided that men engaged in agricultural enterprises in the United States should be exempt. Are you opposed to that? It provided further that students, doctors of divinity, ministers, and other classes should be exempt, and so they went up the line searching for men that properly fell in class 1, as provided in this bill, and we got the first 687,000.

Mistakes were made, men were put into the service that should have been exempt, others were exempted that ought to be put in the service, but we know that it is utterly impossible for boards to perform this duty without making some mistakes. They did make some mistakes, but every man on the Committee on Military Affairs, including the gentleman from Nebraska, is estopped from making complaints of the boards, for we insisted that the boards should be composed of men living in the various communities in which the men were to be selected, in order that they might know who were best fitted to go into the Army and the men that must be left out and the men who were necessary to agriculture and industry.

They selected 687,000 on the quota based on population. It took in women, aliens, and everybody, and did injustice to a great many communities. That would be fair if everybody composing the population was capable of being a soldier; but they are not.

The amendment to be proposed by the gentleman from Nebraska, which bases it on the registrants rather than on the men in class 1, is equally unfair, for in the registration we have the aliens, cripples, halt, blind, deaf and dumb, and all the different classes that must be exempt.

What does this bill propose? It proposes that the quotas shall be based on the number of men in class 1 in each State in proportion to the number of men in class 1 in the United States. It proposes that of the men in any district, in any State, in class 1 the quota shall be in proportion to the number of men in class 1 in the State.

Who are in class 1? Why, the young men, the unmarried men, the married men supported by their wives—they and a few other classes not necessary to carry on the business of the country at home. Is there a man in this House who would say he would not stand for that proposition, but would prefer to enter into class 2 and class 3 and take therefrom the man from the cottage, leaving his wife and children behind; to take the man from the plow, who ought to be left at the plow; and take the man from the factory, whose services are needed? Surely

you would not; and yet the gentleman from Nebraska impugns practically the motives of the Judge Advocate General of the United States, a man whose heart, I believe, beats with patriotic fervor every moment in the day. He impugns the motives of the boards in his own State and in the State of every other man in this House—that they have corrupted themselves, that they have debauched the office to which they have been appointed, by exempting men from class 1 and putting others in class 1 that should not be there.

Gentlemen of this House, if there is any complaint to be made, it is not of the law but it is of the men who live in our own communities who administer the law. This amendment proposed by the War Department, passed in the Senate on March 1 and pending here ever since, will give the United States Government an army composed of men capable of serving the country and one which will do the least injury and disturb least the agricultural interests of the country.

Now, I have not time to discuss the bill and I wish I had. I want to say this, If there is any man who has a controlling feeling for his district in which he resides, for the State from which he comes, greater than his love for this great land in which we live, then vote for the amendment proposed by the gentleman from Nebraska.

I want to mention one thing more before I leave it. That is, in relation to the volunteers. Gentlemen, we got credit for the volunteers in the first draft. The most of the men enlisted since that time and since the mobilization of the National Guard are men who are between the ages of 21 and 31, who felt they would rather enlist than be drafted. They were all properly in class 1. Therefore we got credit for them. The only ones we will not get credit for are those below 21 and above the age of 31. When we get into the discussion of the resolution under the five-minute rule, I perhaps will have a little more time; but I simply want to say this to you: The great State of Illinois, which I have the honor in part to represent, furnished its quota of volunteers, and furnished more men for the Marines than any State in the Union. It was second or third in the Navy, and went far beyond its quota in the Army of the United States, but I have not even taken the interest to look to see how this resolution will affect my congressional district, and why? Because, notwithstanding I love that old spot—I was born there, it is my home, I am proud of the history of my native State—I feel this way about it: If the thirteenth congressional district of Illinois has any young men in it who fall within class 1 under this resolution, and some county in Nebraska has not as many men in class 1 as Illinois, I want those Illinois boys taken to go into this army before I invade the district of my friend from Nebraska and take the married men and those men who are needed in Nebraska. [Applause.]

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Just one moment. We must not forget that this is not a battle of Nebraska; this is not a battle of Illinois; but is a battle of the Nation, and it is a most terrific one. I want to say in conclusion that when the gentleman from Nebraska [Mr. SHALLENBERGER] talks about the army of ten million, he has not anything on me. I am for whatever sized army is necessary, and I want to say to the gentleman from Nebraska that when the bill was up for consideration in the House to provide an army of 1,000,000 men I did not hear him move to amend it to make it 10,000,000 men or 5,000,000 men. If you want to waste your time talking about getting a fellow over here who ought not to go, or a man over there who ought not to go, then vote against this bill, turn down the War Department, turn down your administration, and go back to your districts and tell your people that you did the best you could to keep them out of the war.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. WISE. The gentleman just stated that if we wanted to vote to turn down the administration or the War Department to vote against this resolution. I want to ask the gentleman if the Secretary of War in the hearings did not state specifically several times the opinion that credit should be allowed for volunteers?

Mr. McKENZIE. That is true.

Mr. WISE. What does the gentleman mean when he says that we would turn down the War Department if we vote against the resolution? To whom does he refer? The Secretary of War said that this bill ought to be amended.

Mr. McKENZIE. I can not help but think of the Secretary of War as I do of my friend, as a civilian in responsible position, for whom I have a good deal of respect; but I prefer to take the word of a man who is a real soldier on a matter of this kind. I want to say one other thing, and that is that the Judge Advocate General said, and I know my friend believes it, that it would be an absolute impossibility to administer that provision of the law.

Mr. WISE. Oh, I beg the gentleman's pardon. In reply to that, I will state exactly what was said, and all he did say. The only reason he gave for not wanting to allow credit is because he was trying to relieve himself of an administrative difficulty; because of the trouble that it would put the department to to get the names of the people who volunteered and give credit; and that is the only reason he gave, and that is his language.

Mr. McKENZIE. Does the gentleman think that it is a practical impossibility?

Mr. WISE. I do not.

Mr. SHALLENBERGER. And I want to say, in regard to the comment of the gentleman in respect to the married boys in Nebraska, that the gentleman, of course, is aware that nobody knows how many married men are in class 1. Every married man between the ages of 21 and 30 who did not claim exemption is in that class, and we know that 60 per cent of the men did not claim exemption. We also know that 262,000 of those who failed to respond, the delinquents, in the last draft are now in class 1; and figuring there will be as many more delinquents in this call, we would have 500,000; and no one knows at all how many of them are married, but we do know the counted population.

Mr. McKENZIE. I will say in reply that, viewing the subject from my standpoint, I would take those out of class 1 who ought not to be there and put them where they belong.

Mr. CARAWAY. The gentleman would not turn down the War Department, would he?

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, the speech to which we have just listened did not discuss the joint resolution before the House, and therefore I shall read it:

Resolved, etc., That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes, except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

This proposed amendment to the draft law subjects to the arbitrary control of the military authorities all of the men in the United States between the ages of 21 and 30, inclusive, who are not in the military service, excepting only those who are unconditionally exempted from the draft by the provisions of the act of May 18, 1917.

Under section 2 of the aforesaid act it is provided:

Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act.

It is not my purpose to press upon the attention of the House any considerations in opposition to the act of May 18, 1917; my views upon that legislation were fully expressed at the time of the passage of the act, and while I have seen no reason to change the opinion then expressed this House, by a very large majority, indicated by a vote of its Members a different opinion than that entertained by me, and I have no disposition to renew the arguments which I then made. I know of but one thing in connection with the administration of the conscription law which won the universal approval of good citizens throughout the country, and this was the manifest fairness and impartiality with which the drawing by lots whereby the order in which the men registered should be called for military service was fixed. This was done under a regulation authorized by the law and carried out by the War Department in a manner that won universal approval throughout the country, and I have never heard a criticism of the justice and fairness by which the order in which these 9,600,000 men should be called into the military service was fixed and determined.

This proposed joint resolution repeals and revokes all the proceedings by which the order in which the men should be called into the military service was determined, save and ex-

cept those already in the military service, and authorizes the military authorities by regulations "heretofore or hereafter prescribed by the President" to determine the order in which the remaining men shall be called into the military service.

The elaborate classification set forth in the majority report is important and instructive only in so far as it illustrates the possibilities of reclassifying the men in any way the military authorities may hereafter decide will be most convenient and expedient.

After the enactment of the draft law appeals were made throughout the country by many governors and other inferior officers to the people of the States and the several subdivisions urging them to enlist in the Regular Army or National Guard and thus relieve their States and localities from the obligation of furnishing men under the draft law. These appeals were unquestionably made in good faith, and thousands of voluntary enlistments were made in response to these appeals. This joint resolution repeals so much of the draft law as requires credit to be given to the different States and subdivisions for voluntary enlistment in the Regular Army or National Guard since April 1, 1917, and of members of the National Guard who had been called into the service of the United States prior to April 1, 1917, as provided in the act. It is sought to justify this legislation by calling attention to the injustice imposed by the administration of the draft law, whereby localities having a large alien population were required to furnish citizens for the Army where the alien claimed exemption upon that ground. The injustice resulting from the administration of the law to the several communities having a large alien population grew out of the manner in which the law was administered rather than out of the provisions of the law itself. The law required that quotas be apportioned to the several States and subdivisions thereof in proportion to their population, and in determining population the War Department divided the total registration on June 5, 1917, by the total estimated population, including aliens, and the quotient, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof, and then to determine, for the purposes of the draft, the population of each county or division, the total registration in each geographical unit was divided by 9.32 per cent, and the quotient was accepted as the correct population of that county or division. It is obvious that this would result in a gross discrimination against all industrial localities which had a large proportion of men between the ages of 21 and 30, inclusive. For example, the city of Cleveland, which by the census of 1910 had a population of 560,663, was given an estimated population for the purpose of determining its quota under the draft of 1,125,440, while the city of Cincinnati, which by the census of 1910 had a population of 363,591, was given a population, for the purpose of the draft, computed from the registration of those between the ages of 21 and 30, inclusive, of 436,352. The city of Akron, which by the census of 1910 had a population of 69,067, was by the method of computation above referred to given a population for the purpose of this draft of 338,348. The only just rule for apportioning the allotment to the several States and subdivisions is to base the apportionment of each locality upon the men actually liable for military service plus the aliens who waive their exemption from liability for such service.

With the information in possession of the War Department provided by the answers to interrogatories designated "the questionaire," there is no longer any reason or excuse for estimating the population or the number of men in each locality who are liable for military service under the law, including the aliens who have waived their claim for exemption on the ground of alienage.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. GORDON. Yes.

Mr. KAHN. The population was not determined by the Provost Marshal General.

Mr. GORDON. It was determined by the Census Bureau under a rule prescribed by the Provost Marshal.

Mr. KAHN. The rule, as I understand it, was based upon the proposition that they took the census of 1910 and then made an allowance of so many people to the family and multiplied it by that figure.

Mr. GORDON. The gentleman is mistaken. It had no reference to the census of 1910. They took the total registration of June 5, 1917, and divided that by the total estimated population in continental United States on that date. The quotient was 9.32 per cent; and in order to determine the population for the purposes of the draft in a particular subdivision thereof they divided the registration by 9.32 per cent.

SEVERAL MEMBERS. Multiplied it.

Mr. GORDON. No; not multiplied—divided.

Mr. JOHNSON of Washington. What is the population of Akron, Ohio?

Mr. GORDON. I have given the population of 1910. It is a city that has grown quite rapidly, but I never heard a claim of over 100,000 or 150,000.

Mr. JOHNSON of Washington. A hundred and fifty thousand?

Mr. GORDON. Yes.

Mr. KREIDER. Will the gentleman yield?

Mr. GORDON. I will.

Mr. KREIDER. Do I understand the gentleman that the population was based on the registration?

Mr. GORDON. Yes; it was determined by a method of computation based upon the registration.

Mr. SHALLENBERGER. It was not based upon that, but attempted to be estimated from that.

Mr. GORDON. It was estimated from that. Of course it assumed every person registered had a family of four or five—represented a family of four or five, to be exact.

An amendment will be offered to the joint resolution by Gov. SHALLENBERGER fixing the quotas of the various subdivisions in accordance with the rule above stated and crediting each State and subdivision with all voluntary enlistments in the Regular Army and National Guard, as provided in the act of May 18, 1917, and also the men already called under the draft. This will correct every past injustice done to communities with large alien populations in the administration of the law and answer every useful and proper purpose subserved by placing aliens who claim exemption on that ground in a deferred class, as proposed by the majority report. If the power to reclassify is retained in the joint resolution, the effect of the proposed classification is purely speculative, because it may be abolished at will and a new system adopted.

The temptation of local boards to place their registrants in deferred classes and thus relieve their communities of their fair share of the burden of military service is the most patent objection proposed in the majority report, and the only answer to this is that arbitrary power is conferred upon the military authorities to alter, reform, or abolish this classification at will and create a new one, and this is equivalent to subjecting to the absolute control of the military authorities the bodies of these 9,659,382 men who are not unconditionally exempt from military service under the law or are already in the military service. This power is admitted in the closing paragraph of the majority report, where it is contended that persons improperly placed in deferred classes may be called into the service as "skilled experts" regardless of the class in which they may be placed. Every man of common sense knows that any man in the country who may fairly be said to possess special skill in industry or agriculture, and whose special services would be of real value, would promptly respond to a request of the President to render such service, whether he is liable to the draft or not, and the disposition of local boards to grant deferred classification in response to the importunities of registrants and their friends regardless of the interests of the public at large or the military service is too obvious to require extended comment.

The act of May 18, 1917, provides that it is based upon the liability to military service of all citizens between 21 and 30 years, both inclusive, and provides for certain absolute exemptions which have been recently enlarged by the inclusion therein of alien declarants from neutral countries. The law authorizes the President to exempt from military service "persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency." The majority of the committee now proposes this amendment "to protect each and every community of the country against extreme hardship" by taking all of its young men who are not placed in deferred classes and relieve those communities who place their registrants in such deferred classes. This joint resolution proposes to increase the burden upon those communities in which the young men do not ask to be placed in deferred classes and to allow no credit to the counties and subdivisions which have furnished large contingents of volunteers for the Regular Army and National Guard. It adopts and legalizes every criticism made in the debate last year against the volunteer system, and yet deprives these young men of the credit, honor, and glory of making a voluntary gift of their services and lives to their country. It will not add one man to the available military resources of the Government; it repudiates and repeals the order fixed by the drawing last year and discriminates against the men already drafted into the service and in favor of those who happened to be drawn a little lower down in the list. This joint resolution is a paradox and an inconsistency. If

the draft law should be administered under it with all the rigor authorized, it can be made an instrument of oppression and favoritism by the military authorities. On the other hand, if, in its administration, men who request it be placed in the deferred classes, it is a return to the volunteer system, and "the stone which the builders rejected will have become the head of the corner."

Mr. KAHN. Will the gentleman from Ohio, before he takes his seat, allow me to call his attention to the hearings as to what Gen. Crowder said about the different proportion?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON. I can save the gentleman that trouble. I have here a report of the Census Bureau which sets it out, and I have copied in my remarks the language of that report. There can be no mistake or misunderstanding about it whatever.

Mr. KAHN. The hearings show that Gen. Crowder said they made no suggestion to the Census Bureau about those figures.

Mr. GORDON. Well, I do not think that is important or material whether it is an error committed by one or the other; it was an error just the same and ought to be corrected.

Mr. FIELDS. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker and gentlemen, all this camouflage here about the great injury and injustice that is going to be worked on somebody because the War Department is endeavoring to correct the former evils of the draft law and put in the fighting men necessary to win this war should not be countenanced by this House. Over across the ocean now, as brought by the electric current and printed in the morning papers, American soldiers are on the battle front doing honor to themselves and this glorious Republic. Think of it, 40 miles of territory formerly occupied by the allies has since the 21st day of March up to the 11th day of April, including important towns, been captured by the Kaiser's hords. Great dangers confront not only the civilization of our allies but of the American Republic itself. Our institutions, our religion, our language, our Government, our civilization, our homes, and the virtue of our womanhood are now at stake, and yet we hear men talking about the espionage bill ought not to pass. Thank heaven, I heard it read here a moment ago, that the Senate had at last passed the espionage bill, which this House had passed some time ago. Some people during this awful war want free speech, want to allow a spy to be in every neighborhood of this country when our armies are in jeopardy over yonder. My friends, if I had my way, as soon as a spy was convicted I would send him to the graveyard at once. [Applause.] Free speech! With several millions of alien enemies in this country now when we are engaged in the stress of a holy and just war, and the civilization of the American Republic is hanging in the balance, some people talk about allowing anarchists, pro-Germans, and bolsheviki to stand on the street corners and cuss this Government of the United States when we are engaged in a great war. Of course, the bolsheviki, the pro-German, the anarchist, all anti-Americans, desire free speech. Free speech turned Russia over to the Kaiser. That type of free speech might turn America over to the war lords of Germany. Free press! All of us know we have a free press in time of peace, and we will have it as soon as this war is over, but every infernal newspaper in this country which publishes articles against the interests of this Government should be suppressed right now.

These pro-Germans and their henchmen, who are talking with traitors' hearts, endeavoring to pour the poison of disloyalty into the ears of the people, and, while doing this, outwardly pretending to be patriotic, should be arrested and put in jail or sent into the Army to fight for our liberties. [Applause.] Why should we not pass this pending military measure that the Senate passed 1 month and 11 days ago? My good friend, the gentleman from Nebraska [Mr. SHALLENBERGER], says that he wants an army of 10,000,000 men. We can not now get an army of that strength ready and trained over across the seas. If he wants an army of 10,000,000 men, why does he object to this proposition? The President of the United States said on the 5th day of June, 1917, 10,000,000 Americans between 21 and 31 years of age volunteered en masse to serve their country. We are going to bring out a bill from our committee in a few days that will volunteer 1,000,000 more who have reached the age of 21 since that day, and 1,000,000 consecutively each year thereafter. My good friend from Nebraska knows that under this bill we have here now we take, all the way through from California to Maine and from the Gulf of Mexico to the Canadian line, every man between 21 and 31 years of age in class 1, regardless of what State he is in, providing, my friends, that man has no dependent family on him; providing that man may have a wife and children but he does not support his family, but his family supports him; providing that man is a single man supporting no dependent mother nor orphan sisters; the idler, the man around who does nothing for the country; the man who is unessential to industry; the man who does not produce food for the support of somebody. Those are the men who are going to be taken in class 1 all over this Republic, and who objects to that? Do not you think that a man who has no encumbrance upon him, as old Cæsar said, who has no "impedimenta" upon him, is the man who should be first called upon to volunteer under this law and go fight for the liberty and the civilization of the country? I do not want to go into the humble home and take the poor citizen, the husband who has a wife and four or five little children around his hearthstone, for whom he must go out and labor and support, but I want to take the single man; I want to take the married man who is too trifling to support a wife and children. [Applause.]

I want to take the man who allows his wife to work in a factory or teach school and support him in idleness. I want to take the class of parasites, my friends, who are not in the productive activities of this Republic, and the War Department has given you a bill which will do this thing. After we take them we may need more men. When we need them, we are going in and take the others of classes 2, 3, 4, and 5. We will take them all, if it becomes necessary, in order to win this war and save our Nation.

I want to say to my good friend from Nebraska [Mr. SHALLENBERGER] that having only class 1 this bill provides that we take the ones which can be best spared, which will be more than a million men a year, and that is all that we can get over to Europe with the shipping facilities which we now have in sight. If we raise an army of 10,000,000, what good could the gentleman's amendment accomplish, as it is plain all of the men in all the five classes would be drafted?

And I believe, like he does, that this war must be won by the man with the rifle and a bayonet on the end of it. You can not win this war with these aid societies and automobile drivers. You have got to win this war by men in uniform, with bravery in their hearts, who have got the bullets in their rifles, marching over the top and shooting the devil out of the Germans. [Applause.] That is the man who is going to win this war. Of course we need such side issues as aeroplanes, and such as that, but you have got to come down to the practical sense which has recently been demonstrated on the battle fields of Europe.

Mr. HAMLIN. Will the gentleman yield?

Mr. QUIN. I have not the time.

On the western line, when old Von Hindenberg set that army of trained Dutchmen and Hungarians and Austrians marching across with rifled bayonets in their hands, he drove back the bravest army the world ever saw. You do not believe that these English and French soldiers fell back because they were cowardly. Artillery did not drive them back. It was the Dutchmen with rifles and bayonets on them.

My friend from Nebraska said that we can not adopt this bill which the War Department has put over here and raise the men. Do you believe that Gen. Crowder would be such a blatant fool as to want to reduce the capacity of the Government to raise an army?

Mr. NICHOLLS of South Carolina. Will the gentleman yield?

Mr. QUIN. I have not the time.

Do you believe, my friends, that any one of the war officials would want to get less soldiers? Why, this bill is to get more soldiers. This bill puts it up to this Congress to get more soldiers who can be most easily spared from the plow and other industries. Here we are engaged in this desperate conflict, on the plains of Picardy, around Toul, Arras, Montdidier, and Amiens, and some fear from this discussion one State might be called upon to furnish a few more over its quota. Nonsense. This is the Nation's war. It is not the war of any particular State.

The men are in this Republic. This pending measure reported by our committee will draft the ones who ought to go first. We can raise an army of many millions, beyond a question, and at the same time we will develop the list of activities and industries and everything that will keep this country with all its industries humming, with all the fields growing grain, with all the meadows growing live stock, with the war-munition activities in full operation, and at the same time have the men in camps and training, on the seas and on the battle front yonder in Europe, killing Germans. You can not be mealy-mouthed and talk in Sunday-school language about not fighting in this war. This is a war, and a hell of a war. [Laughter.] And we may just as well wake up to it, and let our people back home know

it. No man now should come up and talk about not wanting to fight. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUIN. Will the gentleman from Kentucky give me two or three minutes more?

Mr. FIELDS. I am sorry, but my time is all taken.

CORRECTION OF ROLL CALL.

The SPEAKER. This morning when we had up the squabble about Mr. Creel, things got mixed up a little. In the first place, the clerks, although there were three of them doing the counting, got the count wrong. Anyhow, the vote was announced in such a way that it gave one majority against the motion to table. It turns out they made a mistake of one; and they went out and corrected it. If it had been counted as it ought to have been, there would have been one majority for tabling. At the same time the gentleman from Massachusetts [Mr. FULLER], who had answered "Present" when the roll was being called, asked to change his vote to "nay." The Chair, under the impression that he was one of these gentlemen who come in here after everything is over and ask to be recorded as "present," said that he could not vote. The Chair has examined the authorities thoroughly, and finds that he is entitled to vote, and the Chair ordered the Clerk to record the vote as "nay." And, by a curious turn, that restores it to exactly the way the vote was announced to start with. The only reason the Chair did not let him vote at last was because the gentleman from Kentucky [Mr. SHERLEY] impinged, and we had a sort of interlocutory performance, and by that time the Chair had forgotten it. It seems to the Chair that the Committee on Rules ought to take those propositions and fix a rule that is as clear as day on the subject. As I stated this morning, the only reason the Chair permits these gentlemen to come in here and vote "present" after the roll call is over is because, in ascertaining if a quorum is present, he has a perfect right to count them.

Mr. STAFFORD. Mr. Speaker, the vote was being taken on the demand for the yeas and nays, and not on the question of no quorum being present.

The SPEAKER. The only reason for which the Chair can count a gentleman who is sitting in his seat and does not respond is in order to make a quorum.

Mr. STAFFORD. Even if they are present, after their names are called twice they are not entitled to be recorded as "present."

The SPEAKER. I know; but since they gave the Speaker the power to count those present and not voting, it seems ridiculous not to let them answer "present."

Mr. GARRETT of Tennessee. Mr. Speaker, I think there is a very clear distinction between the roll call and the demand for the yeas and nays coming under the rule and a roll call when the point of no quorum is made.

The SPEAKER. I think that is correct.

Mr. GARRETT of Tennessee. And I really think the rules are clear upon that. The Speaker has the right, of course, to count only in the event that the point of no quorum is made.

The SPEAKER. Yes. The Speaker never can tell when the roll is called that there is a quorum until the vote is announced.

Mr. GARRETT of Tennessee. The Speaker does not have to determine that. The Speaker always determines that in advance; that is, upon the point of no quorum being made.

The SPEAKER. That is right. The way the vote was first reported by the Clerk was—yeas 165, nays 165, present 10. The way they got it when they went out and carefully went over it was—yeas 165, nays 164, present 10, and the Fuller vote restored it to where it started.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. HULL].

The SPEAKER. The gentleman from Iowa is recognized for 15 minutes.

Mr. HULL of Iowa. Mr. Speaker, this is a very happy occasion. There seems to be no difference of opinion between the majority and the minority except as to the best way to raise an army large enough to whip the Kaiser.

I deem this resolution in its present form unjust to my district, unjust to the State of Iowa, and unjust to all those other great States that have responded so nobly to the call to arms. In its present form it practically repeals the original conscription law, under which we have already built up a great Army. It wipes out the fundamental principles of many of the important features of this law and it takes away from the various counties and States rights and privileges already granted them and under which they have been doing their utmost to provide an army for the Nation.

When the conscription plan was agreed upon, it met with little opposition either in the committee or in the House. Both those who were for volunteers first and conscription afterwards and those who wanted only conscription, agreed absolutely on the provisions of the conscription law as it is now, and it was so placed in the bill when reported to the House nearly one year ago. There were some of us at that time who thought that a volunteer army should have preceded conscription—who believed that an army of older, hardened fighters, such as Theodore Roosevelt, would have collected, should have been given an opportunity to go first. We thought they could have been put on the battle line quicker and would have created greater enthusiasm. However, in the wisdom of this Congress this plan was rejected, and since it was enacted into law the conscription act has received the hearty support of every loyal citizen in this country. It has been administered with excellent justice, and I congratulate the President of the United States and the Secretary of War upon their equitable plan of selecting those who were to be our first National Army fighters.

The conscription bill was a promise to the American people that any county or State should be given credit for the men within their confines who enlisted in the Regular Army or the National Guard. In some counties and in some States the enthusiasm for this war was much greater than in others and, as a result, a much larger number of men voluntarily enlisted. These men were anxious to fight, they were able to arrange home ties so they could go at once, and they went. I congratulate the War Department that the promise in this conscription bill has so far scrupulously been kept and that each county and each State has been given credit for that advance guard that preceded the assembling of our National Army. In providing a fighting force for the United States, most of the counties and most of the States have acted in good faith on this promise that was made, and it seems to me that if we pass this resolution in its present form we are breaking faith with the people and in so doing we will work a great hardship upon those communities that have responded so loyally to the original conscription plan. In many instances communities will be forced to send several times the number of men to camp when the next draft comes that they would have had to send if those who went first had not voluntarily given their services to their country.

The second congressional district of Iowa patriotically furnished to this Nation 10 organized units of National Guardsmen and many times its quota of Regular Army enlistments. The State of Iowa enlisted four times its quota in the Regular Army and the National Guard. We have received credit already for these enlistments. You now propose in this resolution to take those credits away and compel us to furnish, in addition to our regular future men liable for military service, the number of men that we have already been given credit for as going out in the Regular Army or National Guard as volunteers. This makes an "Indian giver" out of your Government.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. SLOAN. I am interested in that remarkable statement that the gentleman is making. How can we recall credits which the Government has already conferred by way of credit for these voluntary enlistments?

Mr. HULL of Iowa. I am very glad the gentleman asked that question. That is one point that is hardly understood. It is a hard one to understand. But it is true that you take back what you have already given. I called the attention of the Secretary of War to this and he did not deny it, and I am not going to try to debate it in my own words; but I am going to tell you what the Secretary of War said on that very point, because he caught the idea at once and he was fair enough to admit the truth of it, and he put it in better words than I can. I read from the hearing:

Mr. HULL. In regard to changing the quota, is it not true, Mr. Secretary, that if you change the quota, to a certain extent the law becomes retroactive? For instance, in our State there are certain counties which, owing to the enlistments in the National Guard, for which they are given credit, had enough men in the Army so that there were no men taken in the draft at all. They have a larger proportion of people in class 1 than would have been left if they had not had those enlistments in the National Guard. If you take away those credits they would go right back and take those boys. Is that not true?

Mr. GORDON. Is there not an error in your statement that there is a larger quota in class 1 because a larger proportion enlisted?

Secretary BAKER. The persons who enlisted must have been wholly outside of the draft age or they would have been originally in class 1.

Mr. GORDON. But if everybody in the draft age had enlisted in the National Guard I do not see how you can say it would have that effect.

Secretary BAKER. It would depend upon whether your enlistment in the National Guard meant the enlistment of men who would have otherwise been in class 1.

Mr. HULL. Usually they were not, and that leaves the men in class 1 in there.

Secretary BAKER. I am not sure of that; but I should think it would be practically true everywhere.

Mr. HULL. The point is this, that men in some communities enlisted in the National Guard and men in other communities did not. They have already received their credits.

The CHAIRMAN. They will not receive credit if this resolution is adopted. That part of the draft law will be repealed if this resolution passes; Gen. Crowder admits that.

Secretary BAKER. They have received credit, and there is no express repeal of that part of the law. But I think Mr. Hull is right; that in communities in which men beyond the draft age enlisted in any large numbers it will have the effect of increasing the size of class 1, and therefore increasing the quota basis. I do not know how large that will be.

Mr. GORDON. We passed a military bill which fixed the age for service between 21 and 31 years, inclusive. Because persons outside of that age are enlisted, would the same rule apply in crediting quotas?

Secretary BAKER. No; but what you did, Mr. GORDON, was this: You passed a law which fixed the draftable age from 21 to 30 years, and you fixed the National Guard age from 18 to 40 years, and then provided that to the extent that persons from a State volunteered in either the Regular Army or the National Guard that should be credited on its quota.

Let us take Ohio, for example. Suppose 10,000 persons in Ohio between the ages of 30 and 40 years volunteered in the National Guard. When we came to the draft in Ohio, we credited Ohio with 10,000, and that exonerated an equivalent number of persons who would have been between 21 and 30 years if we had relied solely upon the draft in that State.

When the second draft comes, the number of Ohio's quota will depend not upon those who have previously gone into the military service, but upon the total number of persons in class 1 in the State; and then all the persons previously exonerated because somebody else volunteered, being in class 1, become a part of the basis upon which the assessment of that State is based, and so the limitations of that State are increased.

Mr. GORDON. Could not an amendment be included in this resolution that would cure that?

Secretary BAKER. The original law gave credit.

Mr. KAHN. The law gave credit for those who had volunteered.

Secretary BAKER. Why would you not accomplish the whole purpose if you say that the basis shall be the number in class 1, but there shall be credited to that—use the language of the old law, giving credit for the number in class 1?

Does the gentleman understand?

Mr. SLOAN. I see your drift.

Mr. HULL of Iowa. Then Secretary Baker asserted that this bill ought to be amended, saying:

We all agree that if this rule in the joint resolution had been proposed from the beginning it would have been a wiser rule. The only question now is whether, in view of the fact that we have already started on the other, we can fairly change it now.

Now, that is the contention of myself, at least, and I think most of the minority Members on this bill contend that it is unfair to change this plan after you have started to form an army under the other plan. Right here I want to call your attention to the following letter which I received from the governor of Iowa:

COMMONWEALTH OF IOWA, EXECUTIVE DEPARTMENT,
Des Moines, April 4, 1918.

Hon. HARRY E. HULL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have done everything possible from this end of the line in an effort to convince the War Department that the proposed plan of apportionment will be inexcusably unfair to Iowa.

I know that you will not cease in your endeavor to secure a square deal for this State, and trust you will be able to get the other members of the Iowa delegation to view the matter in the right light.

With sincere personal regards, I am,

Cordially, yours, W. L. HARDING.

I understand also that the President of the United States has made a statement to the effect that, inasmuch as this conscription plan was drawn and operated with the promise that counties and States should be given credit for volunteer men, there was grave doubt that it should be changed at the present time.

Let me call your attention to another grave objection to this proposed legislation. Heretofore our boards of registration were for this one purpose only, but this resolution practically makes exemption boards of them. They were never intended as such; they were not notified that they were to act in this capacity. Is it right to hold them responsible for acts that they did not know they were to perform? And the result shows that nearly every board has placed a different interpretation upon the law, and that exemptions have varied accordingly.

Another grave defect in this resolution, in my opinion, is the fact that it abolishes county and State quotas; in other words, it does not equally distribute the burden of this war. Counties and States who have interpreted the conscription law strictly, and thereby placed large numbers of their men in class 1, will be penalized under this provision. Under this law the State which has been lax in providing sufficient men will shift the burden to the State which has been diligent in so doing. Why should Iowa provide men to make up Connecticut's quota, or vice versa? Because Massachusetts exempted a large number of men and Michigan, perchance, did not, why should Michigan men go into Massachusetts camps to make up its quota? Because some counties in my district held every man available, why should they necessarily send men to make up some other county's quota? That is what this resolution provides. It is a sad feature that complete statistics of the number of men in each State placed in class 1 and the percentage in respect to the total registration are not available. In fact, that is one objection to the passage of this resolution at this time. It seems to me that we should not pass a matter of this importance until we have all the information we could secure. Admittedly, we are sadly lacking in this instance. Practically no States are complete, and I am satisfied that not 50 Members of this House know the figures from their own district.

However, I can give you some figures from my own State showing the enormous discrepancy in the percentage of registrants who were placed in class 1. For instance, in the second district of Iowa 13,294 registered, and of these 4,209 were placed in class 1, 31 per cent of the entire registration. In the eighth district of Iowa 14,398 men registered, and only 2,959 were placed in class 1, just 20 per cent. In other words, the eighth district of Iowa had 1,104 more registrants than the second district, while the second district placed 1,250 more men in class 1. Under the original conscription law the eighth district would be compelled to furnish more men than the second, but under the proposed law, when the eighth district had exhausted its supply of men in class 1 the War Department would have the authority to make up its quota from the men in class 1 in the second district. I think you can readily understand the injustice of this.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HUSTED. What has the gentleman got to say as to the practical difficulties which Gen. Crowder refers to in making allowances for voluntary enlistment?

Mr. HULL of Iowa. There has been no difficulty at all.

Mr. HUSTED. As I understand it, Gen. Crowder says there has been great practical difficulty in making these allowances, and that is the reason for the legislation.

Mr. SLOAN. They have men there who keep track of it, and I understand they have done it correctly.

Mr. NICHOLLS of South Carolina. I should like to ask the gentleman if a record is not kept in the War Department of every man who enlists or volunteers, so that they know exactly where he is?

Mr. HULL of Iowa. Why, certainly. Now, let me call your attention to a discrepancy in counties: Muscatine County, in my district, registered 2,671 men, and of these 1,002 were placed in class 1—38 per cent of the total; Louisa County, which adjoins Muscatine County, registered 1,025 and placed only 230 in class 1—22 per cent. Under the proposed resolution Muscatine could be made to fill out Louisa County. I deem this unfair.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. JOHNSON of Washington. Has any effort been made, or is any effort being made, to bring the figures up to an equality in the counties where they have been unequal?

Mr. HULL of Iowa. I understand there have been warnings sent out, but I call the attention of the gentleman to this fact, that after a man has been once placed in one of these classes it is a very hard thing to get him placed elsewhere.

Mr. JOHNSON of Washington. It is possible, however, to bring a man up out of class 2 into class 1, is it?

Mr. HULL of Iowa. I presume that it is possible, but I do not know where the law is for doing that.

Mr. FIELDS. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FIELDS. I will say for the information of the gentleman that the Provost Marshal General informs me that in every case where, on the face of the return, it appears that there has been favoritism, the board has been ordered to reclassify.

Mr. HULL of Iowa. Oh, I understand that. That has all been gone over. The trouble is that the statement put out by Gen. Crowder in to-day's paper is camouflage pure and simple.

Mr. ROGERS. Has the gentleman any information as to whether there has been a tabulation by States?

Mr. HULL of Iowa. I have one or two States here. If the gentleman will let me go along I will tell him about that.

Mr. ROGERS. A tabulation showing the classification into the different classes?

Mr. HULL of Iowa. Yes. Clinton, a city of the second district, placed over 35 per cent of her registered men in class 1; Cedar Rapids, in the fifth district, placed only 23 per cent of her registered men in class 1. If the same rule had been followed in Cedar Rapids as was followed in Clinton there should have been 482 more men from Cedar Rapids. Is it a square deal to ask Clinton to make up what Cedar Rapids has exempted

through a different interpretation of the rule? Waterloo, a rival town and in every way similarly situated, has placed 42 per cent; or, in other words, Cedar Rapids, with 4,000 registered, placed only 958 in class 1, while Waterloo, about 50 miles northwest of Cedar Rapids, placed 1,554 out of 3,715 registered, or nearly twice as many men are to be called from Waterloo as from Cedar Rapids, although Cedar Rapids apparently is a larger town. Can anyone explain why Waterloo should be forced to help Cedar Rapids make up her deficiency?

Mr. GOOD. The gentleman has referred to Cedar Rapids as having a comparatively small number in class 1. I will say to the gentleman that there is a little college in Cedar Rapids that sent 160 men, every man of them a volunteer, and every one of whom would have been in class 1. Instead of that they are placed in class 5. The young men of Cedar Rapids enlisted in such numbers that, of course, it reduced the number in class 1. So when the call came not a man was drawn from Cedar Rapids, because the patriotism of that town was such that her boys had enlisted and had not waited for the draft. That is the reason.

Mr. HULL of Iowa. I will say for Cedar Rapids that I know the people of that town. I lived there myself. I was raised there, and I know the people, and they would feel humiliated at the idea of having Waterloo send any men to war in the place of men that Cedar Rapids ought to furnish.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHALLENBERGER. I yield to the gentleman two minutes more.

Mr. HULL of Iowa. I want to say that Cedar Rapids would furnish her quota, but the trouble comes from the false interpretation of the rule and the difficulty that it is going to create.

Hardin County, in the third congressional district of Iowa, out of 623 registered placed 547 in class 1, or 87 per cent. Wayne County, in the eighth congressional district of Iowa, a very similar county, south of Hardin, out of 1,196 registered placed 180 in class 1, only 15 per cent. Could anyone ever convince the Hardin County farmers that they were treated fairly when, after furnishing all this fighting force, they were compelled to make up a deficiency in Wayne County?

Let me give you another illustration showing a State discrepancy. According to Gen. Crowder—figures not complete—South Dakota registered 54,103 men; of these 20,423 were placed in class 1—43 per cent. Rhode Island registered 51,648; of these 13,216 were placed in class 1—25 per cent. Under the proposed resolution when Rhode Island had exhausted the men placed in class 1 the men in class 1 in South Dakota would be taken to make up Rhode Island's allotment.

Mr. SIEGEL. Will the gentleman yield?

Mr. HULL of Iowa. I have but two minutes.

Mr. SIEGEL. The explanation is that the men of Rhode Island and the East have gone into the Navy, and they will perhaps go to class 5.

Mr. HULL of Iowa. I have heard a much better explanation than the gentleman gives, and that is that the East took the Army contracts, and they filled their munition factories with their young men, and they want to pass this law in order to exempt them. That is the real truth of the matter. [Applause.]

Mr. SIEGEL. I have the figures right here.

Mr. HULL of Iowa. Figures prove nothing in this case. I have no time to yield further. I decline to yield. Let me make another State comparison. According to the figures furnished by Gen. Crowder, Utah, with 40,040 registered, placed 8,873 in class 1, or 22 per cent. Wyoming, with 21,211 registered, placed 8,546 in class 1, or 40 per cent. Is there any Member of the House of Representatives who can explain why Utah, nearly twice as large, should furnish only as many men as Wyoming? I presume the answer to this will be that Gen. Crowder can be depended upon to see that these communities do their duty; but why should this Congress repeal a good law in order that Gen. Crowder can reenact it by rules and regulations?

This Nation must have a great army; anywhere from five to eight million men must stand ready at our call. If you will let the conscription law alone and not try to tinker it, this law will produce an army of 4,000,000 men from those now registered. This, with the number of young men who will come into class 1 when the boys arriving at the age of 21 years are enrolled, and with the present enlisted Army, will make a grand total of over 6,000,000 men. To do this, however, you must ask every community to furnish every man that should have been placed in class 1.

In looking over the figures that we have already received we find that some States have placed 40 per cent of their men in class 1; any number of counties have done the same thing. Surely with these figures we can safely say that 40 per cent of those registered in the entire country should be held liable for military service.

We should all stand loyally behind the President, Commander in Chief of the Army—give him the best laws that we can in order to raise money and men. It is my best judgment that it is a better plan to follow the present law and expect every community to abide by it, than it is to let the idea get abroad that because the board has failed to place the men in class 1 that it should it has thereby avoided that community's liability for furnishing men to make up this army.

Iowa is practically a farming community, and any change in the law by which Iowa has to furnish more men than her share is to just that extent reducing the number of farmers. A good farmer is a skilled worker and should never be taken in order that any man in some other community working in a munition factory should be exempted as a more useful citizen than the Iowa farmer. Imperial Iowa asks no favors. She will furnish her share of money, much more than her share of food products—more than any other State—and is willing to furnish to the last drop of blood the number of men that she should in proportion to the population or those found liable for military service. All she asks is to be treated on the square, that the Government scrupulously keep its promises, and when Iowa has done her duty this Government hold rigidly to the line and say to any who hold back, "Look at grand old Iowa. Go thou and do likewise." [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. FIELDS. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I am impressed with the seriousness of the situation that confronts the country at this time. I am not concerned with the question whether this or that district provides more men for service for the country, when the country needs their service and needs it urgently.

Mr. NICHOLLS of South Carolina. Will the gentleman yield?

Mr. SLAYDEN. It will be impossible for me to get through in 10 minutes, unless the gentleman can give me more time.

Mr. NICHOLLS of South Carolina. I am sorry that I can not give the gentleman the time.

Mr. SLAYDEN. Mr. Speaker, I represent a district of more than 300,000 people, and while the majority of my people in my opinion would have preferred the volunteer to the draft system, there has never been a whimper from one of these 300,000 people. I have never had any communication or protest of any sort against the way the law was enforced, nor, although it has been discussed in the newspapers, has there been any complaint of the proposed law, the wisdom of which I believe in.

Of course, this suggested amendment to the draft law comes from the War Department. It deals exclusively with a military question, and we must assume that it is the matured, well-considered view of our military experts as to what is necessary to win the war as quickly and completely as we all hope to see it won.

That is the great task to which our hands are set, and those of us not trained in such matters should not reject the advice of military and naval experts on purely professional questions without being absolutely certain that our own contrary view is the right one. It is generally understood that this proposal originated with Gen. Crowder, the Provost Marshal General, a man whose judgment I greatly respect.

I was originally opposed to the conscription law, and I am not in love with it yet; but it is law, and as such I shall respect it and will do all I can to make it as effective as possible. It is a tool to be used in the prosecution of the war, and we should use it as intelligently as possible to put an end to the horrors of war and to try to save liberal government from the tyranny of militarism.

This resolution impresses me as an effort to justify the word "selective" as it has been used in connection with the draft. The selection should be intelligently done and not left to chance, as it is when a blindfolded boy, by taking a numbered disk from a box, says who shall serve. That process is fair as between the individuals whose numbers are in the box, but it is not intelligent.

Certainly it is better for society at large to take a man who has no wife or child or parent or other person dependent on his earnings than to take one with either of these responsibilities. It is a lot better to take a man who is an unskilled farm laborer than to take one who knows all about the cultivation of the soil and the planting and harvesting of crops at a time when all the world is clamoring for food.

Every man in the country between 21 and 31 years of age is liable to military service, and under the authority given the President by Congress may be called to service. Is not it better to first take those who by reason of their age and social relations can be taken with the least disturbance of the social

order? And is not it right before the actual work of selection begins to quietly sit down and divide all availables into classes as the Provost Marshal General has done? It insures a better selection and expedites the work, and every day we are conjured by our allies and our own newspapers to hurry.

That this new plan departs from that first adopted is not of great importance. We learn by experience, or we should. There is nothing sacred about the original plan of taking registrants from the States and Territories on the basis of population as ascertained by the census of 1910.

Nor is the law as it stands entirely fair. As the report submitted by Mr. FIELDS says, some States, or communities, to use his own language, have decreased in population while others have increased. A moment's reflection will convince anyone that where that is the case the community that has lost population will be unfairly forced to send a disproportionate number of its young men to war, while the community that has increased its population will not contribute a fair quota to the Army. Aliens, unless they happen to be enemy aliens, will not be forced to leave the country, and under the law as it is to-day can not be put into our Army or Navy. Thus, communities that have an excessive alien population can go on with their ordinary industries, their opportunities to prosper being made secure by the sacrifices of Americans from other and less prosperous sections. This resolution will correct that situation, partially at least.

The fact that trained, experienced farmers and expert mechanical and industrial workers are placed in class 4 appeals to me as a wise provision of the proposed law.

There is an embarrassing shortage of both classes, and it is necessary to keep both employed in the particular sort of labor for which they are best suited if we are to keep our armies properly fed, clothed, and armed. A few days ago I read in a county weekly newspaper a story of the departure for camp of 42 drafted men, of whom 28 were farmers, and that in a county that is embarrassed by a labor shortage.

I am not impressed by the argument of the minority that the proposed change in the law will give the military authorities control of the bodies of 9,000,000 of our citizens. We will be fortunate if it does not control twice nine million men before the war is ended. To save its life the country can command the lives and fortunes of all our people. We may yet be forced to advance the age limit to 50 or more, as our powerful enemy has done, as Great Britain is doing, and as France, the only great Republic in Europe, has been compelled to do to preserve the liberties of her people.

Let the American people understand what is expected of them in the war, and they will respond freely, spontaneously, completely. I refuse to believe that there are more than a negligible number of people in the country, even of foreign birth, of Teutonic origin, if you please, who are not loyal to the American Republic.

Immigration from central Europe to our country has been relatively unimportant for 20 years. Those who came earlier are loyal as are their sons, who volunteered in large numbers, and who have, in the main, responded uncomplainingly to the draft. They are doing their duty in other respects, also.

The San Antonio Daily Express that reached me this morning contains three news items of unusual interest. Two are from Comal County, which was settled by a German colony in 1845, and one from my own county of Bexar, and all tell about the enthusiastic support of the liberty loan. And, by the way, these subscriptions were made on the 5th of April, the day before the loan was officially on the market. If there is any special distinction or reward of any sort, for being first in the country in the way of subscriptions I now formally file the claim of Comal County for that honor.

Let me read you these news items:

NEW BRAUNFELS, TEX., *April 5.*

All business houses were closed two hours this morning to give everyone an opportunity of attending a liberty-loan rally at the courthouse. An enthusiastic meeting was held; a number of local speakers, with convincing arguments, told of the need of every citizen doing his utmost to aid this oan and carry Comal County "over the top." Every preparation has been perfected for launching the great drive on the opening day.

A later telegram of the same date says:

NEW BRAUNFELS, TEX., *April 5.*

New Braunfels and Comal County have gone "over the top" in subscribing $125,000 to the third liberty loan. This amount was wired the Federal reserve bank to-night by two local banks, oversubscribing the county's quota by nearly $1,000.

Gov. Hobby has offered a silk flag to the first county subscribing over its quota. Comal County lays claim to the prize.

That subscription represents about $15 each for the population of the county.

Another encouraging fact reported in the same paper is that the Sons of Hermann, a benevolent and social organization, subscribed for $10,000 worth of the bonds, having placed the order with a Texas bank before the bonds were on the market.

I will print that item also, for it may help to calm the minds of some excited and unjustly suspicious people who forget that all the population of our country, except the native Indians and the descendants of Africans, are of European origin, and that names, whether English, French, Spanish, or Teutonic, only suggest origin. They forget Frederick Augustus Muhlenberg, the preacher, patriot, and statesman, who was the first Speaker of this House, and his brother Peter, also preacher, patriot, and statesman, who served in the First, Third, and Sixth Congresses. Their names would bring them trouble now if they lived in some States.

Karnes County, in a district where crops have failed for two successive years on account of drought, oversubscribed its quota by 10 per cent on the 6th. It took no driving to make the people of Karnes do their duty.

Mr. Speaker, I submit these facts as an appeal for tolerance, justice, and union. Let us all pull together in facing a powerful and common enemy. Let us learn the lessons of the casualty lists where Teutonic names appear with English and French names. From my district young men who are descendants from these early German colonists in Texas have died on the field of battle fighting for the liberty typified in the American Republic. Some of them lie buried on the bleak seashore of Scotland or in the waters that wash those shores, victims of the submarines.

Greater love hath no man than this, that a man lay down his life for his friend—or for a cause. [Applause.]

SONS OF HERMANN BUY $10,000 WORTH LIBERTY BONDS; MAY BUY MORE IN SAN ANTONIO.

Alfred W. Rhode, secretary of the Hermann Sons' Home Association, of this city, has received a letter from the grand president of the order of the Sons of Hermann of Texas, Julius Schramm, of Granger, stating that he had just placed an order for $10,000 worth of the third issue of the liberty bonds with the Taylor National Bank. Mr. Rhode knew of the contemplated purchase by the grand lodge and wrote to the grand president with a view of having the order placed here in San Antonio.

He stated further in his letter that he would take a trip to San Antonio in the near future and may purchase another $10,000 of these bonds in San Antonio while here.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON of Virginia. Mr. Speaker, the difference between the resolution and the Shallenberger amendment does not involve the size of the Army. Neither resolution nor amendment adds a single soldier to the number now authorized. Nor does the Shallenberger amendment affect the classifications of the questionnaire, in so far as the classification pertains to the relative military duty in a community between the registrants thereof. To this extent the Shallenberger amendment carefully preserves the five classes. The radical difference between the two propositions in principle is that the Shallenberger amendment seeks to fairly distribute the burden throughout all sections of the country and requires each community to bear its fair share of military service. The original resolution seeks to obtain the soldiers without the slightest consideration as to the duty of the several communities.

As the gentleman from Nebraska, Gov. SHALLENBERGER, has so well said, the real burden of this war falls on the fighting men, and the real burden of the war falls on the community that furnishes the fighting men. Whatever burden a community must carry, the real burden is the contribution it makes of man power to the firing line. If you believe that this burden should be equitably borne by each community, with a relative duty amongst the registrants fixed by the classification of the questionnaire, you will vote for the Shallenberger amendment. So many people—so many fighting men. The draft law prescribed the distribution of this burden amongst the communities by population. In some communities owing to the alien population congested there this worked an undoubted hardship, but the hardship was very much localized. It was only in a few spots. The Shallenberger amendment preserves the principle of population, but corrects the irregularities justly complained of. The registrants represent the population, and the inequalities are corrected by excluding aliens and those not liable for military duty.

By adopting this method not only is the burden fairly placed but there is no possibility of the local boards escaping the responsibility of making a fair adjustment of the relative liability between registrants of their community. Under the so-called resolution of the War Department the temptation will be for each board to relieve its own community at the expense of some other community. This has been called a War Department measure, but I can not conceive how that can be called a War Department measure when the Secretary of War himself condemns it in an important particular, and when the Presi-

dent himself, as I understand it, has condemned it in a like manner. I have the testimony of the Secretary here showing that in the principle, the very radical principle, that I am contending for he stands with the minority, and I shall read his testimony on that point. He says:

> The actual population of any place in this country is indeterminate or undeterminable by anybody's guessing, and if we can find a rational way to relate it to the Army, comparing the liable population of communities without doing injustice by reason of anything that has already gone on, I should think that would be highly desirable.

In other words, the Secretary of War has said to this Congress that if you can find a method by which this quota can be apportioned to those liable for military duty, he will stand for it. We claim that the proposition made by Gov. SHALLENBERGER meets that very requirement. He provides that all these registrants in all these classes shall be counted as liable to military duty, and that the quota shall be based in any community upon the number that are liable to military duty. Then, too, the Secretary has said credit should be given for volunteers. As I say, I do not see how it is possible to call this an administration measure when it is condemned in an important particular by the Secretary of War himself. Another thing I desire to direct attention to. This bill was framed by a gallant old soldier who evidently had in his mind simply and only the sole consideration of how he was going to get men for his armies, and he gave very little consideration, I think, to anything else. I have his testimony, which I would be glad to read here. The question was, On whom does the burden fall—on what community? It falls on the rural communities; it falls on the farmer. That is what Gen. Crowder says. In his testimony he says:

> There is another thing to be taken into consideration. Class 1 ought to be uniform; that is, the same proportion of citizens ought to go into class 1 in all States, except where skilled labor must be considered. Skilled labor is not generally found in rural communities; it is always found in urban communities. Class 1 in the urban communities is not going to be quite as large as it will be in rural communities, because there are a greater proportion of skilled men found in class 2.
>
> You might say at first that there the rule would work inequitably in transferring the burden to the rural population, but I do not think it will operate in that way, because I have to invade the deferred classes for skilled men. We shall have to take the men right out of classes 2, 3, and 4, where they can be found, in order to fill these special requisitions. So there is a compensation there that ought not to be lost sight of.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. HARRISON of Virginia. Yes.

Mr. KING. What I would like to know is this: Has the President of the United States requested that this legislation be adopted without amendment?

Mr. HARRISON of Virginia. He has said that it ought to be amended.

Mr. KAHN rose.

Mr. FIELDS. Mr. Speaker, I think the gentleman ought not to make a statement of that kind without giving authority for it.

Mr. HARRISON of Virginia. I give as authority a letter which I understand the President wrote to the chairman of the committee.

Mr. FIELDS. I think the letter would not bear out the gentleman's statement.

Mr. HARRISON of Virginia. Does not that letter distinctly say it should be amended in so far as giving credit for volunteers is concerned?

Mr. FIELDS. I recall in referring to one point that it said the question was debatable, but the President was inclined to think the War Department's side of it was right.

Mr. HARRISON of Virginia. Not as to giving credit.

Mr. KING. Mr. Speaker, will the gentleman yield again?

Mr. HARRISON of Virginia. Yes.

Mr. KING. Can the gentleman secure that letter and have it put in the RECORD as a part of his remarks?

Mr. SHALLENBERGER. Mr. Speaker, if the gentleman will permit, I will say that the chairman of the committee has the letter, and I understand it is going to be put into the RECORD so that there will be no question as to what the President said. I want to explain, for Mr. HARRISON's benefit, one thing. He has stated the general proposition that the President thinks the bill should be amended so as to allow credit for volunteers, but upon the other side of the question, including the proposition to base the quota that I propose, he says it is a debatable question, and he rather leans the other way.

Mr. SAUNDERS of Virginia. I think my colleague yielded to me.

Mr. HARRISON of Virginia. Yes.

Mr. SAUNDERS of Virginia. The gentleman says that Gen. Crowder states that class 1 is going to be larger in the rural than in the urban communities?

Mr. HARRISON of Virginia. Yes.

Mr. SAUNDERS of Virginia. Does not that come about in this way, by an arbitrary ruling on the part of Gen. Crowder that men who spend their lives in the profession and pursuit of agriculture are not skilled laborers in that respect?

Mr. HARRISON of Virginia. Yes; that it was unskilled labor in the country.

Mr. SAUNDERS of Virginia. And that men who have spent their lives in that particular work are not skilled laborers as a result of it?

Mr. HARRISON of Virginia. The Army view is that the labor of the country is generally unskilled.

Mr. SAUNDERS of Virginia. And as a result of that ruling class 1 is made bigger in the rural than in the urban communities?

Mr. HARRISON of Virginia. Surely.

Mr. BURNETT. Will the gentleman yield?

Mr. HARRISON of Virginia. I will.

Mr. BURNETT. I would like to understand what is meant by the War Department. It seems the gentleman from Kentucky [Mr. FIELDS] thinks that the War Department is some general or other, and not the Secretary of War. He tells of what the War Department wants, and when you come down to it, it is nobody but some general, Gen. Crowder or somebody else, and I would like to have settled the question as to who is the War Department.

Mr. HARRISON of Virginia. He will have to do that.

Mr. FIELDS. If the gentleman will permit, the Provost Marshal General is the man designated by the War Department to carry into execution this draft law, and is responsible for raising the Army.

Mr. BURNETT. That is what is meant by the War Department, is it?

Mr. GORDON. He is an executive officer; he is not responsible.

Mr. HARRISON of Virginia. Now, gentlemen, I want to tell you when you go back to your homes and investigate how this thing is going to affect your own district, you will find that it is going to work a gross injustice among the several counties of your district, and it will be in a way in which you can not justify yourself before your people.

Mr. SHALLENBERGER. And is not there a reason, since the gentleman raised that question, that the counties that find they have some lower numbers will not complain, but that every county that has too many soldiers taken is going to complain?

Mr. HARRISON of Virginia. Surely, and some sections of this country, in places like that of my friend from Nebraska, have had an extraordinary burden placed upon their State as against some other sections, where the burden has been very light. Before I get away further, when this thing was first proposed I telegraphed to every board in my district to send me word how it was going to affect their counties. I have two counties lying right side by side, each has exactly the same number of registrants, and one of them, as I say, in the same community virtually, has a large credit for volunteers, much larger than the other, and yet the county which has furnished a very large volunteer force will have to furnish twice the number of soldiers as the other. I have another county that has 1,125 total registrants, and it lies right opposite another that has only 570, and that county which has only 570 registrants will have to furnish two soldiers for every one that the one that has 1,125, and the one that has 570 registrants is the one that has the most farmers in it. I obtained the information as to the number of farmers in class 1 at the same time I obtained the other information. So when you go back to your district, how are you to face the injustice worked between counties of your own district? You go into one of your counties and you are met by the people there, and you find that by this rule its burden has been just double that of another county, without any excuse for it, without any necessary public policy requiring it, the character of people being the same. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARRISON of Virginia. I want to bring out some more facts, gentlemen, and I am going to do it under the five-minute rule if I get the opportunity. I would ask the gentleman to yield me two minutes more in order to answer the proposition about credit.

Mr. SHALLENBERGER. I yield one minute to the gentleman.

Mr. HARRISON of Virginia. It is said here that counties with volunteers get credit by reason of the fact that volunteers are not placed in class 1. It is claimed that by reducing the number of class 1 by the volunteers credit is thus given. Now, I will just illustrate it at once so you will see that can not be true.

Here are two boards, and each of them has exactly the same number in class 1. Each has 1,000, but one has a credit of 1,000

in the shape of volunteers. Now, under the resolution, each of those two boards has to contribute the same number of men, although one has a credit of 1,000 volunteers. They say if you put all the volunteers in class 1 of the county contributing the class 1 would be increased, and that would make up the difference. Let us see how that works: Suppose the call is for 50 per cent of class 1. Under the resolution each board would contribute 500 men. Under the credit system the first county would contribute 500 men unreduced by credit; and 50 per cent of the second county with 1,000 volunteers added to its class 1 would be 1,000, which would be reduced by a credit of 1,000 to none. So that one county would contribute 500 and the other none by virtue of the credit for its volunteers. It is perfectly evident, therefore, that credit is not given a county by reason of the fact that its volunteers are not placed in class 1.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that all gentlemen who speak on this bill may be permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that all those who may speak on this bill may have unanimous consent to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Speaker, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, it is apparent to us all that in 10 minutes no one familiar with the customs or the atmosphere of the House of Representatives could expect to dwell to any considerable extent and to much completed purpose on the true merits of this proposition, because this proposition resolves itself down not so much into a matter of mathematics as it does into a question of philosophy, and I mean a practical philosophy, the philosophy upon which this country was organized and the philosophy upon which it must be maintained, or else it will fall. In other words, while we have been listening to some of our distinguished colleagues, who with great earnestness and in all good faith have dwelt upon what seems to them to be the real crux of this question, I could not help thinking all the time that this is a question of a terrible national war and not of neighborhood militia bookkeeping. It makes all the difference in the world whether you approach the question from the viewpoint of trying to keep the count of each town and hamlet and county and district with mathematical exactness, so that no man shall go out of one region to fight for the country until an equivalent number of men have gone out of another region, or whether we shall follow the spirit and philosophy we see all through those brilliant romances of Dumas, which romances are now being reenacted so gloriously in real life on the fields of France. "Each for all and all for each."

It is not a question of mathematics. It is a question of national purpose and one common purpose of a people who are truly nationalized. [Applause.]

Now, if we depend upon the process of apportioning the quotas of States by the naked figures of the State's population, it is manifest at once that the very ratio we use for determining how many people shall be sent out of that State for war is itself an undependable factor, because when we get down into the figures of population that make that ratio to get the men to send to war we find part of that population ineligible, part exempt on stautory grounds, part physically unfit, and part aliens, or in this and that or the other status of unavailability. And we do not start, therefore, with a constant factor. If we start, on the other hand, by apportioning to each State as its quota that number of soldiers under the ratio that the number of men in each class in that State available for military service bears to the total of the men in that class in the 48 States, then we are figuring all the time on the men who are liable to go, are available to go, and in the most part must go, and our factor is almost constant. Of course, it can not be absolutely constant, because physical examination or other consideration may disturb it, but it is certainly static to the extent that it eliminates all the people that we know will not go in all circumstances.

But, says our friend who proposes the amendment, instead of making the apportionment based upon a ratio of class by class—that is to say, taking that proportion to the total of the country in class 1 which one State number in class 1 bears to that total—we ought to take the total of all the registrants in that State and make that the ratio as it relates to the total of all the registrants in all of the States. But I think one may easily see on second thought that if we do this we are practically getting back again to the uncertainties of the old population basis more or less. Because, while we are now expecting only to take out of class 1 for the purposes of this war, broadly speaking, and almost completely speaking, we are by his process still estimating the number of men we shall take out of class 1 on the basis of reckoning and including also the number of men in classes 2, 3, and 4, whom we do not expect to take.

There is no mathematical justice in that, if we are trying to get an accurate and fair apportionment and distribution on the basis of bookkeeping.

I can not expect to dwell, even if you had the patience to listen now, in amplification of these ideas, and I am glad to believe that I am talking to men who need only a suggestion; they will know how to apply the reasoning, if, happily, there is any reason in my suggestions.

Again, our friends in the minority report contend that these young men having drawn out of the box a number, their relation to the call for military service ought to be in all justice and equity by that fact fixed and determined, and that it is unfair and unjust to these young men now to disturb that order in which they were to have been called. Well, that would be all right if we sat over the green cloth with the cards, where the code determined our relations to one another. If this drawing of the ball out of the urn, the gambler's hazard, is to determine what allegiance he owes to and what sacrifice a man must make for his country, then we certainly have departed from the old idea, that no matter when his turn came, or when his country needed or called him, it should be a man's duty not to stand upon the order of his going but to go at once. [Applause.]

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GORDON. Of course, you have defined very fully there the voluntary system; but these men who have already been drafted into the service were drafted because their ball happened to come first.

Mr. GREENE of Vermont. True; but suppose this country, with no experience of a draft law to govern it, undertook an experiment, as it did; we have had since that experiment began now nearly one year of experience under it. The Provost Marshal General has compiled statistics as to the operation of this experiment; and what would we be, what kind of legislators would we be, if we should shut our eyes to the significance of the lesson taught us all through those archives of his, that the experiments conducted through the year showed many things which no human being could have foreseen or have anticipated or provided for in the statute law; and that knowing those things, knowing how indirectly and obliquely, sometimes, this law had begun to work in places, to the manifest injustice of communities and of men, we should still say, "No; we will stake all on that little lead pellet that was drawn out of the urn and will not change it." How absurd! [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GARRETT of Tennessee. A matter that has given very considerable trouble about this legislation is this: As I understand, in classifying the men under the questionnaire, different rules were adopted from those which the local and district boards operated on the first classification. In other words, there are thousands now gone into the service who, if they had been examined under the questionnaire, would have had a different classification, a district classification. Is that correct or not?

Mr. GREENE of Vermont. I presume it must have in some individual instances worked out that way.

Mr. GARRETT of Tennessee. Is the gentleman sure it is only in a few instances?

Mr. GREENE of Vermont. I do not know, because, of course, it is obvious that the individual instances have not been inquired into to get their aggregate; the men are in the service, and they are gone, and, fair or not, it is an accomplished fact.

Mr. GARRETT of Tennessee. The justice of basing the draft on registrants instead of on population has appealed to me very strongly, but that which has given me most trouble is the change in the classification under the questionnaire and under the original registration.

Mr. FIELDS. Mr. Speaker, will the gentleman permit an interruption?

Mr. GREENE of Vermont. Certainly.

Mr. FIELDS. Under the questionnaire they have a system of rules under which the local board operates. Under the old system they left discretion to the boards.

Mr. GARRETT of Tennessee. But does not the fact remain that there are thousands of men——

The SPEAKER. The time of the gentleman from Vermont has expired.

Mr. FIELDS. Mr. Speaker, I yield two more minutes to the gentleman.

Mr. GREENE of Vermont. I can not do much in two minutes.

Mr. FIELDS. Then I yield to the gentleman five minutes.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. GREENE of Vermont. Another point that has been raised here—and I must trust again to your kind indulgence; you will do your thinking for yourselves and make your own application of my mere scant suggestions—another thing suggested by our friends is that this is a great departure from any contemplated idea of universal military service. Now, to state the words "universal military service" to a company like this means to carry with it incidentally the idea of its utter impossibility. There is no such thing, there can be no such thing as universal military service. If all the people of one country were out in the field to fight all the people of another country, the war would last about 24 hours.

There must be some means of sustaining armies in the field. That is obvious. The question simply comes down as to the most practicable way of determining what men shall be left at home to sustain the army in the field, and that is not a matter of geography, but a matter of personal availability and fitness. If you are to determine that by geography, then you upset all the schemes of logic by which men transact their own private business. They would pick out men to stay at home to make munitions who ought to stay there, and they would send men to fight who ought to fight. It is humanly impossible, of course, to make that distribution absolutely equal. It is humanly impossible to make it absolutely exact. Nothing that we can do will be anything more, perhaps, than a well-intentioned approximation. But if we depend on the philosophy that is behind the selection of men by the terms of class 1, we have practically approximated what the experience of this year, in dealing with the selective-service law as it was first instituted, permits us to believe is the safest and the fairest way.

Then it is urged by our friends that if we favor this bill as it stands, it is only another way of protecting from active military service those people who live in districts where the munitions plants are. Well, we all start, of course, with the proposition that we have got to have the munitions plants or else we will not have any army in the field at all. We all start with the next proposition that the munitions plants must be somewhere, or else there will not be any. Then some men must work in them, or else there is no use having them at all. Now, will those people in the regions where there are no munitions plants send their men over to us where there are munitions plants, and thus avoid having those men put into the military service? Obviously our general population is not distributed, and we can not distribute it, with reference to the munitions plants. So it comes down again to the simple, practical matter of expediency, of taking those men to operate the munitions plants where the munitions plants are, and where the men are absolutely needed to operate those plants, regardless of geography, or else you will have no army in the field, whether you have any geography or not.

If in the old days when this Government was founded we had proceeded on the idea that because there was not a munitions plant in some particular locality we would not go into the war, where would we be now? Apply the analogy to my home region in New England. If all the pioneer settlers there who did not live within 50 miles of a blockhouse had said, "We will not chase off Indians and fight redcoats, because there is no blockhouse in our neighborhood," then we who sit in the House of Representatives of the United States of America would not be here to-day, and there would be no House of Representatives and no United States of America.

Then, the next objection proposed here is that, while this may be good for a general law, the weakness of it is in local enforcement; that exemption boards here, there, or somewhere else may not play square with the Nation, and therefore, because they will not play fair with the Nation, will defeat the general purpose of the law. I am not a lawyer, but I am familiar with one legal phrase which runs in Latin, "Abusus non tollit usum"—the abuse of a thing is no argument against its proper use. If we say that we will never pass a national law because it will have to be enforced in 48 different States, with the varying personal equations in the minds, temperaments, and habits of the men who are to enforce it, then our Government is a failure. You and I know that we ought not to deny the efficacy of the application of a general principle because of the fact that somewhere at some time it may be abused.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREENE of Vermont. May I have two minutes more?

Mr. FIELDS. I yield to the gentleman two minutes.

Mr. GREENE of Vermont. Another thing ought to be borne in mind as one of the practical aspects of this situation and the proposition submitted here. It should be remembered that it is the avowed purpose of the Provost Marshal General in his calls for men to exhaust the availables in class 1 in all the States before he makes a call for the men of class 2 in any State. Therefore when all the men in class 1 in any State have gone, that State will not furnish more men under the call until all the class 1 men in the whole country are gone. If it is true, therefore, that in some neighborhoods the exemption board will be so unfair as to exclude men from class 1 who ought to be there, all they are going to do in the long run is to bring nearer by just that same proportion the time when the country will have to go into class 2, and then their men certainly will be drawn.

There is no escape from that. The more men you leave out of class 1 the quicker class 1 is exhausted by the call and the quicker you get into class 2. Thus you have not gained anything by it, not a thing.

The question of getting credit for volunteers is a moot one. There is much to be said on both sides, and I think you will agree with me, partly at least, when you come to the second thought about this matter, that when you are exempting a man to-day from the service of his country because another man went before him you are resorting to something little short of the old Civil War "substitute" proposition, that is, that one man need not go by compulsion because another man went willingly. Perhaps both men ought to go. When you come to analyze what the credit system means that can not be a matter of mathematics; it is a question of principle.

I would like to continue, but I can not abuse your patience any longer, and my time has run out. It is a broad, deep, and tremendously important subject. I realize the good faith of those men who oppose this law, but I believe it is time for us to forget our own neighborhoods in the contemplation of the whole noble country and the solemn call to patriotic duty that rings through it to-day. We must all turn in to save each other or surely all will be lost. On the battle field of France you have two great nations that have surrendered their national prejudices and put themselves under the hands of one commander, a Frenchman. Great Britain, stubborn Great Britain, is no longer attached to her neighborhood idea of controlling her own army. It is time for us, too, to give up all this idea of a bookkeeping account of our proportionate local sacrifices and all of us fight for Uncle Sam, no matter how many men are needed, no matter where they come from, and no matter where they are to go. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, the War and Navy Departments have furnished me with a list of States showing the number of men enlisted. I ask unanimous consent to place it in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The matter is as follows:

Number ordered to camp up to Apr. 10, 1918.

United States.	White and colored, first and second draft—General.	White and colored—Special.
Alabama	17,631	93
Arizona	4,090	25
Arkansas	12,817	30
California	23,138	575
Colorado	6,135	203
Connecticut	13,950	795
Delaware	1,851	34
District of Columbia	1,523	60
Florida	8,073	25
Georgia	23,348	26
Idaho	3,133	1
Illinois	60,115	739
Indiana	22,495	950
Iowa	16,151	1,731
Kansas	8,947	101
Kentucky	17,041	507
Louisiana	16,490	.....
Maine	3,157	110
Maryland	9,538	159
Massachusetts	28,259	883
Michigan	36,881	1,002
Minnesota	21,291	2,069
Mississippi	13,314	31
Missouri	23,308	1,423
Montana	9,635	30
Nebraska	10,131	76
Nevada	1,392	.....
New Hampshire	1,990	60

Number ordered to camp up to Apr. 10, 1918—Continued.

United States.	White and colored, first and second draft—General.	White and colored—Special.
New Jersey	27,077	281
New Mexico	2,824	
New York	91,215	1,734
North Carolina	20,232	50
North Dakota	6,300	60
Ohio	50,604	735
Oklahoma	18,353	50
Oregon	2,000	100
Pennsylvania	77,623	1,149
Rhode Island	3,323	224
South Carolina	12,393	63
South Dakota	3,633	36
Tennessee	18,517	77
Texas	33,905	355
Utah	3,235	25
Vermont	1,624	60
Virginia	17,038	75
Washington	9,530	100
West Virginia	11,654	102
Wisconsin	16,415	250
Wyoming	1,279	20
Alaska		
Hawaii		
Porto Rico		
Total	853,837	17,376

All men ordered is the sum of columns "General" and "Special."
Total, 871,213 sent to camps for draftad Army.

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Number of enlistments by States from Apr. 6, 1917, to Feb. 18, 1918.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., February 26, 1918.

Alabama	1,998
Arizona	646
Arkansas	1,826
California	5,430
Colorado	2,527
Connecticut	2,536
Delaware	838
District of Columbia	729
Florida	1,006
Georgia	2,398
Idaho	638
Illinois	9,072
Indiana	3,879
Iowa	3,602
Kansas	2,388
Kentucky	2,129
Louisiana	2,415
Maine	1,264
Maryland	1,578
Massachusetts	6,259
Michigan	3,336
Minnesota	4,027
Mississippi	1,689
Missouri	5,946
Montana	1,269
Nebraska	2,284
Nevada	202
New Hampshire	536
New Jersey	3,131
New Mexico	515
New York	13,183
North Carolina	1,271
North Dakota	823
Ohio	3,771
Oklahoma	2,424
Oregon	2,301
Pennsylvania	8,118
Rhode Island	994
South Carolina	1,480
South Dakota	795
Tennessee	2,353
Texas	8,940
Utah	713
Vermont	484
Virginia	2,673
Washington	1,249
West Virginia	2,158
Wisconsin	2,071
Wyoming	296
Total	132,190

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Total number of men enlisted or enrolled in the United States Navy from Apr. 6, 1917, to Feb. 18, 1918.

Total increase in the—	
Regular service	132,190
Naval Reserve	53,986
National Naval Volunteers	15,000
Making a grand total in the United States Navy	201,176

NOTE.—Records to show Reserves and National Naval Volunteers by States not complete.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ROGERS. Under the leave to extend my remarks I insert the following table:

Summary of classification as shown by reports received from States in response to Provost Marshal General's Office telegram c-257, Apr. 2, 1918.

State.	Date.	Classified.	Class 1.	Pending.	Per cent class 1 to total classified.
Alabama	Mar. 31	167,045	51,823	2,248	31
Arizona	Mar. 27	25,806	5,944	65	22
Arkansas	Mar. 29	141,526	43,225	883	31
California	...do....	123,623	23,376	1,481	21
Colorado	Mar. 31	74,314	17,541	478	24
Connecticut	Mar. 27	137,478	31,265	3,079	23
Delaware	...do....	19,665	5,364	293	27
District of Columbia	Mar. 31	29,461	10,166	63	35
Florida	Mar. 27	74,185	26,365	350	36
Georgia	Apr. 1	213,839	68,130	11,142	32
Idaho	Mar. 27	38,024	10,243	532	27
Illinois	Mar. 28	545,956	150,703	13,801	28
Indiana	Mar. 27	230,640	67,769	6,088	26
Iowa	Mar. 30	207,815	56,938	938	27
Kansas	Mar. 29	116,223	32,984	9 208	28
Kentucky	Mar. 31	177,781	50,192	877	28
Louisiana	Apr. 2	141,033	52,975	2,122	38
Maine	Mar. 27	56,568	18,680	400	33
Maryland	...do....	112,031	33,042	4,324	29
Massachusetts	...do....	319,802	82,782	5,075	26
Michigan	Mar. 30	314,148	91,939	5,655	29
Minnesota	Mar. 31	200,712	62,670	3,460	31
Mississippi	Apr. 1	130,960	42,252	1,917	32
Missouri	Mar. 29	281,742	77,580	3,928	28
Montana	Mar. 27	78,905	24,502	904	31
Nebraska	Mar. 29	104,979	27,350	2,412	26
Nevada	Mar. 28	9,466	2,347	164	25
New Hampshire	Mar. 27	35,171	9,980	208	28
New Jersey	Apr. 2	277,069	69,244	3,371	25
New Mexico	Mar. 30	29,286	8,654	660	30
New York	Mar. 27	818,713	203,056	10,451	26
North Carolina	Apr. 1	190,491	55,682	2,278	29
North Dakota	Mar. 31	61,496	18,469	93	30
Ohio	Mar. 30	481,888	122,428	11,251	25
Oklahoma	...do....	134,101	39,949	14,751	30
Oregon	...do....	61,067	18,584	2,524	30
Pennsylvania	Mar. 28	551,388	132,984	9,607	24
Rhode Island	Mar. 27	51,648	13,216	37	26
South Carolina	...do....	118,421	34,788	630	29
South Dakota	Mar. 29	54,103	20,423	824	38
Tennessee	Mar. 27	177,129	49,230	2,492	28
Texas	Mar. 30	364,930	100,598	10,281	28
Utah	Mar. 31	40,040	8,873	68	22
Vermont	Mar. 27	25,283	6,608	145	26
Virginia	Mar. 31	161,771	48,694	2,192	30
Washington	Mar. 27	101,573	23,830	307	23
West Virginia	Mar. 30	114,057	35,515	.....	31
Wisconsin	Mar. 27	228,830	66,939	.....	29
Wyoming	Mar. 31	21,211	8,546	1,041	40
Total	.....	8,175,263	2,265,446	155,691	27.71

Mr. JOHNSON of Washington, by unanimous consent, was given leave to extent his remarks.

Mr. MASON. Mr. Speaker, I ask unanimous consent to insert two telegrams in the RECORD in regard to the liberty loan.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The telegrams are as follows:

CHICAGO, ILL., *April 10, 1918.*

Hon. WILLIAM E. MASON,
House of Representatives, Washington, D. C.:

Requirement of full payment of income taxes in June is seriously hampering the banks of this district in financing liberty-loan purchases for their customers and working great hardship on individuals and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to the success of the third liberty loan in the great Middle West.

H. L. STUART,
Director of Campaign.
HEMAN GIFFORD,
Illinois Director of Sales.
GEORGE H. DUNSCOMB,
Indiana Director of Sales.
WM. L. ROSS,
Wisconsin Director of Sales.
F. R. FENTON,
Michigan Director of Sales.
C. H. MCNIDER,
Iowa Director of Sales.
CHAS. W. FOLDS,
Chicago and Cook County Director of Sales of the Liberty Loan Campaign Committee, Seventh Federal Reserve District.

—

CANTON, ILL., *April 10, 1918.*

Hon. WILLIAM E. MASON,
Congress Hall Hotel, Washington, D. C.:

Requirements of full payment of income tax in June is seriously hampering banks of this district in financing liberty-loan purchases for

their customers. It is also working great hardship to industrials and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to successes of the liberty loan in the great Middle West.

U. G. ORENFORFF,
Chairman Fulton County Liberty Loan Committee.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 10, 1918, approved and signed bills of the following title:

H. R. 2316. An act to promote export trade, and for other purposes; and

S. 3400. An act to regulate the pay of retired chief warrant officers and warrant officers on active duty.

ADJOURNMENT.

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, April 12, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Public Printer, transmitting schedules of useless files of papers and records of the office of the superintendent of documents that are no longer of any value or use to that office (H. Doc. No. 1034); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a claim for damages by river and harbor work which has been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Massachusetts, from the Committee on Claims, to which was referred the bill (H. R. 2207) for the relief of Arthur Wendle Englert, reported the same with amendment, accompanied by a report (No. 484), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3106) granting a pension to Elizabeth M. Keefe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 11392) to authorize the coinage of 15-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. WHALEY: A bill (H. R. 11393) to authorize the Columbia Railway & Navigation Co. to construct a canal connecting the Santee River and the Cooper River in the State of South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Resolution (H. Res. 307) directing the Committee on Expenditures in the Post Office Department to institute an examination of the accounts and expenditures of the Post Office Department, and for other purposes.

By Mr. SHERWOOD: Resolution (H. Res. 308) providing for pay for examiner detailed to the Committee on Invalid Pensions from the Bureau of Pensions; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 11394) granting a pension to Bertha Zwicker; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 11395) granting an increase of pension to Wilson Lord; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11396) granting an increase of pension to Allen B. O'Conner; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11397) granting an increase of pension to Montrose Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11398) granting a pension to Mary M. Gunsolus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11399) granting a pension to Jane Tilly; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11400) granting an increase of pension to John T. Glover; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 11401) granting an increase of pension to Joseph Seiger; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11402) granting an increase of pension to Daniel A. Larkin; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11403) granting an increase of pension to David W. McMeen; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11404) granting an increase of pension to G. S. Scott; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11405) granting a pension to Lillie E. Justice; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11406) granting a pension to James R. Mowry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of New York State Ice Manufacturers' Association, against passage of increased second-class postage; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of Boy Scouts of America, pledging help in every way to win the war; to the Committee on Military Affairs.

Also, memorial of the county and ward workers of the La Crosse County (Wis.) Council of Defense, favoring giving power to Food Administrator to commandeer the barley in the malt houses in the United States; to the Committee on Agriculture.

By Mr. RAMSEYER: Petition of C. E. Lufkin, Mahaska County, Iowa, asking law to permit payment of Federal taxes in installments; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota. Memorial of the Bismarck Clearing House Association on April 5, 1918, recommending that the payment of income tax and excess-profits taxes be permitted upon the installment plan; to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 12, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in these terrible times we bless Thee that the American people are learning to pray. We have found from the problems confronting us that human wisdom is not sufficient for human life and that the power of the human arm, no matter how great, how strong, is not sufficient for the battle of life. We turn to Thee, the God of all nations and of all men, whose mighty arm is not weakened and who has still power to save. We pray that Thou wilt guide us and make us Thine own instruments for the establishment of justice and peace and brotherhood in all the earth. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, April 6, 1918, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

STREETS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 213).

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 1st instant, a report relative to the proceedings that have been instituted for the opening, extension, widening, or straightening of alleys and minor streets in the city of Washington, D. C., which was referred to the Committee on the District of Columbia and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual

provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes";

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; and

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President, I desire to present resolutions sent me from the National Security League. They are very brief, and I will read them:

Whereas it is evident that any information that may be issued by the Government to the American people must be absolutely correct, lest the confidence of the Nation be undermined and credence be finally denied to news from such sources, though reliable; and

Whereas it is the inalienable right of the American people that such news as is given them be reliable in order that the administration be upheld through the unity of the people and the war prosecuted to a successful issue: Be it

Resolved, That it is the sense of the executive committee of the National Security League that national safety requires that the Bureau of Public Information be under the direction of a committee of three or five men not holding any other public office, selected because of their high standing and experience and irrespective of political affiliations; and it urges on Congress the enactment of legislation to that end.

Very truly, yours,

S. STANWOOD MENKEN.

Mr. Menken is president, Elihu Root is honorary president, and Alton B. Parker honorary vice president. I move that the letter be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. LODGE. I also present resolutions of the Massachusetts Real Estate Exchange favoring the appointment of Government experts to fix the price of raw cotton. I move that the resolutions be referred to the Committee on Manufactures.

The motion was agreed to.

Mr. JONES of Washington. Mr. President, I present a protest from the Woman's Club of Puyallup, Wash., and also one from the Olga Energetic Club, of Olga, Wash., against the zone system in second-class postal rates.

I wish to say that I have received a great many protests and a great many letters of the same tenor that I have not presented to the Senate, but I simply take this opportunity to make that statement for the RECORD. I move that the memorials be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. JONES of Washington. I also present a memorial from the Woman's Club of Puyallup, Wash., against permitting grazing within the limits of national forests. I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HARDING. I send to the desk a resolution adopted by the board of education of the city of Cleveland, Ohio, in favor of universal military training. I ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

To the President of the United States of America, Woodrow Wilson:

Resolution adopted by the board of education of the city school district of the city of Cleveland, Ohio, at a meeting held March 18, 1918, No. 7374, introduced by the president, Mr. M. L. Thomsen, indorsing universal military training.

Whereas there is a bill now pending before the Congress of the United States providing for universal military training and education for men between the ages of 19 and 21 years; and

Whereas one of the purposes of said bill is to improve the character of the young men of our Nation mentally, morally, and physically; and

Whereas the passage of said bill in our opinion will materially aid and strengthen the resources of our national defense: Now therefore be it

Resolved by the board of education of the city school district of the city of Cleveland, That it is the judgment of said board that said bill now pending in Congress deserves the active support of the citizens of the United States, and that we favor its general purpose; be it further

Resolved, That a copy of this resolution be forwarded by the clerk of this board to the President of the United States, the Secretary of War, to the Senators for the State of Ohio, and to the Representatives in Congress of the twentieth, twenty-first, and twenty-second districts of the State of Ohio.

M. L. THOMSEN,
President Board of Education.
ROBT. I. CLEGG,
Vice President Board of Education.
F. E. SPAULDING,
Superintendent of Schools.
SARAH E. HYRE,
Clerk Board of Education.
T. G. HOGEN,
Director of Schools.

Mr. THOMPSON. I present resolutions unanimously adopted at a meeting of the Kansas State Board of Agriculture, held at Topeka, Kans., March 20, indorsing the administration of the draft law with respect to deferred classification, and also as to the policy of fair-price regulation of wheat and other farm products. I ask that the resolutions be printed in the RECORD. They are short.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution unanimously adopted at the quarterly meeting of the Kansas State Board of Agriculture, held at Topeka, Kans., March 20, 1918.

We, the members of the Kansas State Board of Agriculture, in quarterly meeting assembled, representing the farmers of the State of Kansas, do hereby declare our patriotic support to the Government of the United States in this time of stress, and do pledge to our country all the resources that we have.

We desire to express our approval and satisfaction with the present interpretation and administration of the draft law with respect to deferred classification.

We indorse the policy of fair-price regulation of wheat. But in order to maintain a just equilibrium as between other agricultural products and wheat, we feel that it is necessary to extend such regulation to all substitute products. We believe that a fair price on agricultural products should be determined by the cost of the factors entering into production.

We realize the necessity of encouraging the wheat grower to continue in the production of wheat, and suggest that corn and wheat at approximately the same price means a larger acreage of corn and a smaller acreage of wheat. Furthermore, it is practical to encourage greater production of wheat by the Federal Government paying a bonus for every acre of wheat as the administration may deem best, or reimbursing the grower who loses his entire crop, from agencies over which he has no control, to the extent of the cost of his seed.

We recommend that 1917 wheat and all other wheat produced previous to this time, that is not now at the command of the Food Administration, should be made available for consumption immediately.

Mr. STERLING. I present a resolution sent to me by the Methodist Episcopal Church Sunday School of Mitchell, S. Dak., relative to the prohibition of the use of foodstuffs, fuel, and so forth, in the manufacture of intoxicating liquors. I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution.

The world is cold and hungry because of lack of sufficient fuel and food. Because of this fact the people of the United States are asked to deny themselves many things that have heretofore been considered necessities. At the same time millions of dollars worth of foodstuffs is being destroyed and thousands of tons of coal are being wasted in the manufacture and distribution of malt and brewed liquors. Now, therefore, be it

Resolved by the Sunday School of the First Methodist Episcopal Church of Mitchell, S. Dak., this 24th day of February, 1918, That the waste and destruction of fuel and food in the manufacture and distribution of malt and brewed liquors in this time of need are hereby condemned; and be it further

Resolved, That the beer drinkers of America be asked, in the name of patriotism, to deny themselves the harmful luxury of beer drinking; and be it further

Resolved, That we hereby earnestly request and urge our Senators and Representatives in Congress to do all in their power to secure the speedy enactment of a law that will assist these people in this very useful form of self-denial, and that will fully and effectually prohibit the waste and destruction of fuel and foodstuffs in the manufacture and distribution of malt and brewed liquors in the United States; and be it further

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

LAURITZ MILLER,
Chairman of Committee.

Mr. STERLING. I present a petition of certain citizens of Hot Springs, S. Dak., to the same effect, which I ask may be printed in the RECORD, omitting the names.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the United States Senate:

Believing that, to win the war, we must rid ourselves immediately of the whole intoxicating-liquor business, in order to conserve foodstuffs, fuel, transportation space, labor, and efficiency, we, citizens of the United States, do earnestly urge Congress to pass a war prohibition bill, to take effect immediately and continue through the duration of the war and for one year thereafter.

Mr. STERLING. I also present a resolution passed by the South Dakota Life Underwriters' Association, relative to universal military training. I ask that it may printed in the RECORD without reading.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolution passed by the South Dakota Life Underwriters' Association at Sioux Falls, March 30, 1918.

Resolved, That we pledge our earnest and unqualified support to secure the enactment of Federal legislation providing that the millions of young men, descendants of all races and nationalities, annually arriving at military-training age, shall have at least six months' intensive physical and military training, coupled with such opportunity to learn our language and our ideals of government as is consistent with making the alert, broad-gauged, self-reliant, and red-blooded Americans which the country needs for its future progress and security, the training to begin as soon as the cantonments are conveniently available for that purpose.

Mr. JAMES. I present and ask to have printed in the RECORD resolutions adopted at a patriotic mass meeting of citizens of Henry County, Ky., held at the courthouse in New Castle on April 1, 1918.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

At a patriotic meeting of the citizens of Henry County, Ky., held at the courthouse in New Castle on April 1, 1918, it was unanimously—

Resolved by said meeting, That Congress should immediately pass laws whereby those persons who in any way interfere with the United States or any of its representatives or citizens in the preparation for war against the central powers of Europe, or in any way give aid and comfort, or attempt to give aid and comfort, to our enemies shall be adequately punished as traitors to the United States; it is further

Resolved, That this resolution shall be immediately forwarded to our Senators and Representatives in Congress.

JNO. A. CRABB, *Chairman.*
S. J. DOUTHETT, *Secretary.*

Mr. JAMES. I also present resolutions of like character passed at a patriotic mass meeting of citizens held in Owensboro and Daviess County, Ky., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas our country is now engaged in a war in which her own liberty and the general welfare of all the nations are at stake; and

Whereas our young men are offering their lives in a mighty struggle to stay the deluge of barbarism which threatens to engulf the world; and

Whereas the German method of waging war by insidious propaganda, espionage, murder, arson, and other subtle crimes is endangering the lives of our soldiers and citizens and jeopardizing the success of the cause; and

Whereas the inadequacy of our laws and the leniency of our courts in dealing with such crimes are creating a serious situation in which the frenzy of the mob may take the place of courts of justice: Therefore be it

Resolved, That we, the citizens of Owensboro and Daviess County, Ky., in mass meeting assembled, urge our Representatives in Congress to pass such legislation as will bring to speedy justice the traitors, spies, and propagandists whose activities constitute so serious a menace to our country.

JAMES H. RISLEY,
LAVEGA CLEMENTS,
LEE D. RAY,
M. G. BUCKNER,
S. R. EWING,
Committee.

Mr. CUMMINS. I present a petition signed by a great many citizens of Iowa relating to the continued use of cereals in the manufacture of intoxicating liquors. I ask that the memorial itself be read at the desk, omitting the signatures.

There being no objection, the Secretary read as follows:

PULASKI, IOWA, *March 20, 1918.*

To our Congressman, respectfully submitted:

For the sake of more efficiency among the laboring people of our land, and for the sake of a better moral standard in our Army, encouraged by better environments, and as a further means of encouraging food conservation in our homes and eating places, and as a very urgent and even absolute necessity to win the war for democracy, we, the undersigned citizens of Davis County, Iowa, ask for immediate war prohibition by congressional enactment. "Food will win." Why, then, waste millions on millions of bushels of grain every year in the liquor traffic?

Mr. PHELAN presented petitions of the Alameda County Medical Society, of sundry citizens of Alameda County, and of the Santa Barbara County Medical Society, of Santa Barbara, all in the State of California, praying for advanced rank for officers of the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

Mr. TOWNSEND presented a petition of the North Owosso Farmers' Club, of Owosso, Mich., and a petition of sundry citizens of Dundee, Mich., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the enactment of legislation for the protection and help of secret organizations, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Clearing House Association, of Flint, Mich., favoring the enactment of legislation to prevent a congestion of the funds in the Treasury Department and a disturbance in the financial affairs of the country on the occasion of the payment of income taxes at one date, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Clearing House Association, of Flint, Mich., favoring the payment of income taxes in installments, which were referred to the Committee on Finance.

He also presented resolutions adopted by Johnson Post, No. 78, Veterans of Foreign Wars, of Detroit, Mich., favoring the deportation of disloyal citizens, which were ordered to lie on the table.

He also presented a petition of sundry rural mail carriers of Marcellus, Mich., praying for an increase in salaries of postal employees, which was ordered to lie on the table.

He also presented a petition of the Benzie County Medical Society, of Benzonia, Mich., praying for an advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I have received a telegram, which I desire to read that it may go into the RECORD:

DENVER, COLO., *March 31, 1918.*

Hon. JOHN F. SHAFROTH,
Senate Office Building, Washington, D. C.:

Democracy must be realized in deeds, not words. Twenty million women are waiting the action of the Senate for justice and freedom in our Nation. We regret the delay and believe that the immediate passage of the Federal suffrage amendment will speak for freedom throughout the world.

Mr. President, I wish to call the attention of the Senate to the fact that within the last two weeks a law that provides for the participation of women in the primaries of Texas was passed in the senate of the legislature of that State by a vote or nearly 3 to 1, and was passed in the house of representatives of that legislature by a vote of more than 2 to 1.

I want also to call the attention of the Senate to the fact that the Democratic national committee by a vote of 2 to 1 has indorsed the Senate joint resolution which is now pending before this body proposing a woman-suffrage constitutional amendment. I wish further to call the attention of the Senate to the fact that the Republican national committee has by an overwhelming majority passed a resolution indorsing this identical Senate joint resolution.

Mr. KING. Will the Senator yield?

Mr. SHAFROTH. I yield.

Mr. KING. Is there anything to prevent other States, if they desire woman suffrage, from pursuing the same course which Texas has pursued, or Colorado, or Utah, or any other States that have woman suffrage?

Mr. SHAFROTH. No.

Mr. KING. If this is a democracy, it is a democracy by reason of having local self-government through the instrumentality of the States, and there is not a State in the Union that may not have woman suffrage if the people within the State desire it.

Mr. SHAFROTH. There is no doubt about that right; but that right is founded upon the general principle that is enunciated in our Declaration of Independence, that the just powers of government are derived from the consent of the governed, and it is not only applicable to the government of a State but to the Government of the Nation. Unless each citizen of the Nation possesses the right to participate in its government, then there exists government without the consent of the governed. Consequently we can not have a democracy according to that principle unless we have that right recognized by the United States Government, so that the governed of the Nation can vote as to who shall govern in the United States through the President and through the Members of the Senate and House of Representatives.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. SHAFROTH. It seems to me that, according to that principle, that right morally must exist and inhere in everyone governed by the Nation; and, that being the case, it is not just to deprive anyone of the right. I yield to the Senator from Washington.

Mr. JONES of Washington. I am in hearty accord with the sentiment expressed in the telegram which the Senator has read and with his statement, but I want to ask him, in reference to the Texas law to which he has referred, does it permit the women to vote at any election except at primary nominations?

Mr. SHAFROTH. No; I think not; and I want to call the attention of the Senate to the fact——

Mr. JONES of Washington. I just wanted the information.

Mr. SHAFROTH. I wish to call the attention of the Senate to the fact that the primary in Texas is practically the election in Texas.

Mr. JONES of Washington. I understand that.

Mr. SHAFROTH. That being the case——

Mr. JONES of Washington. That is practically so; but legally so, it is not.

Mr. SHAFROTH. No; but it is true that it gives them a voice in the determination of who shall control that State with almost as perfect certainty as if they also had the right to participate in the election itself.

Mr. President, I ask that this telegram be incorporated in the RECORD, and I call attention to the fact that it is signed by over 100 of the leading citizens of Denver, the first of whom is Dr. Margaret Long, daughter of an ex-Secretary of the Navy of this Government.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DENVER, COLO, *March 31, 1918.*

Hon. JOHN F. SHAFROTH,
Senate Office Building, Washington, D. C.:

Democracy must be realized in deeds, not words. Twenty million women are waiting the action of the Senate for justice and freedom in our Nation. We regret the delay and believe that the immediate passage of the Federal suffrage amendment will speak for freedom throughout the world.

Margaret Long, Dora Phelps Buell, Mrs. T. P. Major, Mr. and Mrs. L. H. Wallace, Mr. and Mrs. J. W. Melrose, Rowland K. Goddard, Hon. Hugh Steel, Hon. Leon M. Hattenbach, Frost Craft Buchtel, Dr. and Mrs. R. K. Arndt, Mr. and Mrs. S. Osborn, Minnie Osborn, Margaret Hunter, Anna Hunter, Mrs. Ellen Marsh, Mrs. J. J. Bradley, Mrs. M. M. Ketner, Sara P. Keger, Mr. and Mrs. C. T. Linton, Ray R. Lacroix, Norma Dickinson, Madeline Baker, Tildon Watson, Mae Tibbits, Mr. and Mrs. W. A. Barnett, Mr. and Mrs. Frank Mil'ard, Mrs. Ollie Oakes, Hazel Bennett, Ann Templeton, Iva Dunklee, Mrs. Ray David, Kate Brown, Mary Anderson, Lorena Geer, Mary Schoepflin, Gussie Oakes, Dora M. Moore, Mr. and Mrs. Donald Graham, Isabella Stewart, May B. Kruse, Mrs. A. N. Mitchem, Katherine C. Waters, Harriette Dunklee, Emily A. Hayward, Mildred Taube, Mrs. Ralph Barney, Julia Burke, Mrs. C. N. Bills, Mr. and Mrs. Frederick Quackenbush, Elizabeth S. Bradford, Mary A. Carruthers, Norma Cummings, Mr. and Mrs. William Thomas, Mrs. Cinta Dillon, Antoinette Hawley, Ida Taylor, Cora Streeter, Mrs. S. M. Caspar, Garnet I. Pelton, D. C. Burns, Jessie Parks, Belle Shields, Martha E. Walton, Ida Kruse McFarlane, Frederick McFarlane, Carlotta Kruse, W. K. Harris, Clara K. Rogers, Hazel Dicer, Grace Matthews, Cora B. Morrison, Halcyon Morrison, May Hill, Madel Haynes, Annie Johnson, Lillian Morse, Clara Williams, Francis Buchanan, Margaret Beeler, Rose Jamieson, Emma D. Pronger, Lyda Russell, Lillian Pollock, Ella H. Griffith, Frona Abbott, Pearl Wheeler Dorr, Mr. and Mrs. N. O. Pierce, Mary Tower Bigelow, C. W. Bigelow.

PRICE OF WHEAT.

Mr. McCUMBER. Mr. President, I have a telegram in the form of a petition, the text of which I ask may be read, and then I desire the attention of the Senator from Oklahoma [Mr. GORE] concerning it.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read the telegram, as follows:

WEST HOPE, N. DAK., *April 10, 1918.*

Hon. P. J. McCUMBER,
Washington, D. C.:

We are busy sowing wheat, and want you to stick for the Gore amendment on the price of wheat. We think flour substitute should be relieved; considerably too high.

J. F. Lamb, Pat Canavan, R. C. Bellew, F. G. McCann, Olum Haugen, A. N. Baumann, J. H. Lattimer, W. J. Treynold, A. Deschamp, Casper Jensen, Elmer Trimble, James Acheyon, Deschjrbe Gebhard, Ed Evoy, William Kratt, Axel Houmann, Dave Kyle, B. D. Goss, A. K. Wooden, Anton Nesting, G. H. Burns, Robert S. Harvey, Henry Kleinert, J. P. Flynn, A. S. Durnin, J. M. Schroeder, John McPhee, G. B. Fletcher, Ross Trimble, H. Hawkes, John Bryce.

Mr. McCUMBER. Mr. President, I have been speaking for the $2.50 wheat, supporting it by voice and by vote. The bill passed the Senate some time ago. The Senate amendment was not agreed to by the House. It has been before the committee of conference for several weeks. I desire to ask the Senator from Oklahoma whether there is any prospect of coming to an understanding in the committee of conference. I wish the Senator to understand that the farmers of the Northwest have a suspicion that the matter is being held in abeyance until the seeding is all done, so that the excuse may be made that the extra price accorded by this amendment would not produce a greater acreage, and therefore would not be necessary; and that argument would be made before the House and before the Senate. I hope that we will get some speedy action on the part of the conference committee.

Mr. GORE. Mr. President, I wish to say that I appreciate the force of the point made by the Senator from North Dakota. If this amendment were permitted to lie at anchor for any considerable period, the argument would then be made that seeding time had passed. That would be used as an argument to prevail upon the other House to insist upon its disagreement and perhaps to prevail upon this body to recede from its amendment.

I do not think the seeding time is the only point involved, because it is a matter of justice even if the seeding time had passed, and for my part I shall not relax my insistence upon its enactment into law. I will say to the Senator, however, that I hope to bring in the conference report on the Agricultural appropriation bill this afternoon. The chairman of the Committee on Agriculture in the other branch of Congress gave assurances to that body that he would bring that amendment back from the conference for a separate vote. There were a number of amendments in conference. Some of them have required protracted consideration. The Senate conferees, however, this morning decided, perhaps I might say, to make a sacrifice hit in order to bring in the report now, to obviate any further delay. It is my hope to bring in an agreement on every other amendment this afternoon except the Gore wheat amendment. I shall then ask the Senate to-day to consider and agree to the conference report and insist upon the wheat amendment, in order that it may go to the House for immediate action.

Mr. McCUMBER. I thank the Senator, and I sincerely hope that will be done.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. TOWNSEND. Mr. President, yesterday I reported a bill (S. 3808; No. 386) which had been submitted to a subcommittee of the Committee on Post Offices and Post Roads. I desire to call it to the attention of the Senator from Texas [Mr. SHEPPARD]. I yesterday afternoon reported from the subcommittee of the Committee on Post Offices and Post Roads a bill, known commonly as the "bone-dry bill," for the District of Columbia. I was not present when I was made a member of that subcommittee, but I inquired of my colleague if we as a subcommittee had a right to report that bill. I was told that we did have. I am now informed that it was our province simply to report the bill to the full committee, as is the usual custom, and that we had no authority to make such a report to the Senate.

I therefore ask that that report be withdrawn and the matter referred to the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 530) for the relief of James Gilfillan, submitted an adverse report (No. 393) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 924) for the relief of Delilah Siebenaler, reported it without amendment and submitted a report (No. 392) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 57) for the relief of Kate Canniff (Rept. No. 389);

A bill (S. 463) for the relief of the heirs of Joshua Nicholls (Rept. No. 391); and

A bill (S. 1804) for the relief of George T. Hamilton (Rept. No. 390).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TILLMAN:

A bill (S. 4341) for the relief of warrant officers and enlisted men of the Navy and Marine Corps who accept commissions in the Naval Reserve Force or Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. JOHNSON of California:

A bill (S. 4342) to provide compensation for maritime workers of the United States suffering injuries while in the service of merchant vessels of the United States, their owners, or charterers, and for the dependents of such maritime workers in case of death, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 4343) granting a pension to L. F. Pampe (with accompanying papers);

A bill (S. 4344) granting a pension to Albert M. Griffith (with accompanying papers); and

A bill (S. 4345) granting a pension to James Besheers (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4346) granting an increase of pension to Lucy M. Capron;

A bill (S. 4347) granting a pension to Mary A. Hillman;

A bill (S. 4348) granting an increase of pension to David Krant;

A bill (S. 4349) granting an increase of pension to Elizabeth Leher;

A bill (S. 4350) granting a pension to Amy B. Mitchell;

A bill (S. 4351) granting an increase of pension to Feracane Paola;

A bill (S. 4352) granting an increase of pension to Samuel W. Scoggins; and

A bill (S. 4353) granting an increase of pension to Henry Stone; to the Committee on Pensions.

A bill (S. 4354) for the relief of William J. Perkins and Sarah Alice Perkins, parents of George Herman Perkins, deceased, late fireman, third class, United States Navy; and

A bill (S. 4355) for the relief of Sarah E. Straughn; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 4356) granting a pension to John K. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 4357) granting a pension to Louisa M. Ferrier, now Wright (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4358) granting a pension to Louis N. Mallet (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4359) to provide further for the national security and common defense by providing for the acquisition by eminent domain of property and rights necessary for the improvement and increase of facilities for the development, transmission, distribution, and supplying of electric energy; to the Committee on the Judiciary.

COST OF FARM IMPLEMENTS, ETC.

Mr. THOMPSON. I submit a resolution directing the Federal Trade Commission to make an investigation and report relative to the high cost of farm implements and other articles required to be purchased and used by the farmers on the farm. I ask that the resolution be read and lie over.

The resolution (S. Res. 223) was read and ordered to lie over, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed under the authority of the act entitled "An act to create a Federal Trade Commission, to define its purposes and duties, and for other purposes," approved September 26, 1914, to investigate and report to the Senate the cause or causes for the high prices of the articles hereinafter mentioned required to be bought and used by the farmers of the country on the farms, and to investigate and report the facts relative to the existence of any unfair methods of trade or competition, and relative to any and all violations of the antitrust laws of the United States by manufacturers and dealers in any of the articles hereinafter mentioned in respect to any act, combination, agreement, or conspiracy to restrict, depress, or control the prices thereof, and whether such manufacturers or dealers have committed any acts, agreements, combinations, or conspiracies tending to a restraint of trade in the manufacture, production, or supply of any of the articles enumerated as follows, to wit:

Agricultural implements, including plows, listers, harrows, headers, harvesters, reapers, mowers, drills and planters, horse rakes, cultivators, thrashing machinery, wagons, buggies, carts; utensils and machinery and equipment required for the production of food, foodstuffs, grains, fuel, fuel oil, natural gas, hides, leather, cotton, and wool.

Bags, bagging, gunny cloth, and grain sacks.

Cream separators, churns, and internal-combustion engines.

Brooms and articles of household utility of tin, wood, or other material.

Necessary wearing apparel, including gloves, jumpers, overalls, shoes, and shirts.

Leather products, including harness, halters, saddles, and buggy whips.

Tools and hardware, including axes, hatchets, nails, staples, padlocks, pitchforks, hoes, shovels, picks, corn knives, grindstones, wheelbarrows, and saws.

Axle grease, lubricating oils, fertilizers, salt for stock, and oil cake.

Lumber, shingles, barrels, rope (hemp), binding twine, barb wire, galvanized wire, steel wire and wire fencing, and farm labor.

And that the Federal Trade Commission report whether, under the facts found, the farmers are required to pay an unreasonable price for the things they are required to purchase and use on the farms in the production of food products, and whether they are thereby prevented from making a fair profit for their labor and money expended toward production.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes.

STATEMENT BY SAMUEL GOMPERS.

Mr. SHERMAN. Mr. President, I present a statement, which was published in the Washington Star of April 11, 1918, by Samuel Gompers in view of the matter before the Senate yesterday and the conference report. I think it is worthy of attention, as the interview is in reference to the vote taken in the Senate on the proposal contained in section 3 of the conference report, and which was acted on. I ask that the portion indicated between marks be read by the Secretary.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

"There is now going on in the Halls of Congress a discussion on the proposal for legislation making participation in a strike an offense heavily punishable," Mr. Gompers said. "You may make the stoppage of work unlawful, but you can not thus prevent it; instead you will only make men lawbreakers as well as strikers. I warn Congress not to commit the deviltry and the folly of enacting such a law."

Mr. SHERMAN. That is all of the statement I care to have read. I wish to present further, Mr. President, on the issue joined in the statement and the action of the Senate yesterday, a finding on reports made by the National Industrial Conference Board, and if the Senate will permit, instead of asking the Secretary to read this I should like permission to read it myself.

The PRESIDENT pro tempore. The Senator from Illinois will proceed.

Mr. SHERMAN. I read from page 5 of this report, in contradistinction to the statement which has just been read by the Secretary of the Senate, that there has been no serious interruption of the industrial program of this country.

The serious aspect of the 1,156 strikes included in this report is clearly seen from the fact that the number of employees made idle was 283,402, the number of days of production lost was 6,285,519.

The magnitude of the production lost in even this incomplete list of strikes would at any time be serious. In war time, when every day of production of essential materials has definite influence on the war situation, it is little short of appalling.

To visualize better the magnitude of the waste it may be pointed out that it would require the labor of 251,400 persons for a whole month to make up for the reported loss of production, or that a manufacturing plant employing 1,000 workers would have to operate for about 21 years of 300 workdays each in order to offset the time thus lost.

The high average amount of time lost in the strikes here included, amounting to 22.2 days per worker, may be accounted for by the fact that while many of the smaller strikes were adjusted in less than a week, some within 24 hours, many of those in which large numbers of workers participated were long drawn out. Since most of the major strikes occurring during the period are included, while many small ones are not, this tends somewhat to raise the average.

The statistical data in this report are summarized in four tables, in which the number of establishments, the general basis of settlement, the number of employees made idle, and the number of workdays lost are listed according to—

1. Industries.
2. Demands.
3. Proportion of union strikers.
4. Means of settlement.

In computing the number of workdays lost, which is perhaps the most important factor, and the one that indicates clearly the seriousness of the strikes, all Sundays and holidays were excluded, except in a small number of cases where it was stated that it was usual to work on those days. Where two or three shifts were worked, each shift was counted as a workday. Time lost after April 6, 1917, on strikes started before that day was excluded; also, all time lost after October 5, 1917.

Mr. HOLLIS. Mr. President, can the Senator from Illinois inform the Senate who are the members of that commission?

Mr. SHERMAN. The chairman of the conference board is Mr. Frederick P. Fish, the managing director is Magnus W. Alexander, and the membership is composed of employers—the American Cotton Manufacturers' Association, the American Hardware Manufacturers' Association, the National Metal Trades' Association, and a number of others. They are employers of labor.

Mr. HOLLIS. Mr. President, since the distinguished Senator from Illinois has raised this question, I may be excused if I state what I did not state day before yesterday, and that is, that the American Federation of Labor is stoutly opposed to any legislation which will prevent peaceful strikes. The Senator from Washington stated that he doubted whether the American Federation of Labor was officially opposed to the passage of the so-called sabotage act without the inclusion of section 3. At that time I had had no communication with any of the officials of the American Federation of Labor, and so I allowed the statement to pass. Yesterday afternoon, however, after the conference report had been rejected, Mr. Gompers called me up and told me very earnestly that the American Federation of Labor is opposed to the passage of the bill unless section 3 is included in it. Mr. Gompers called my attention to the fact that it is all very well to ask him to keep labor loyal and at work; he has done that, and he has been complimented on the floor of the Senate by many Senators who were opposed to section 3 of the bill as contained in the conference report on yesterday; but Senators can easily see that if Mr. Gompers can not prevent legislation of that kind he will very soon lose the very salutary influence that he has over labor, organized and unorganized.

It has been my fear all winter and all the spring that the Senate would take some such action as was taken yesterday; that is, adopt some law that might be construed by a court somewhere to prevent peaceful strikes. If we could prevent strikes by legislation, if we could make labor more efficient by statute, that would be a very easy solution of the problem; but the only thing that laboring men have with which to improve their condition is their refusal to work and their ability to unite for that purpose, for it is easy for anyone to see that the single

laborer has no power against aggregated capital. It is only when labor has the same right to organize to enforce its views that it can stand up against capital. The experience of the labor movement has been that when labor is weak capital will refuse to arbitrate; when labor is strong, labor will refuse to arbitrate That is so wherever the labor movement has been developed to an advanced stage.

I think it is conceded—I know that my friend from Illinois has expressed himself quite unfavorably to Mr. Gompers in the past—*and I think* the Senator himself must admit that Mr. Gompers has tried patriotically and earnestly to keep labor at work for the benefit of war activities.

I merely wanted to make this little statement to show the attitude of Mr. Gompers toward legislation of this kind, not with any idea of stirring up the old trouble, because I believe that the vote on yesterday is probably a fair test of the attitude of the Senate on the question of preventing strikes.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Pennsylvania?

Mr. HOLLIS. I yield to the Senator.

Mr. KNOX. I should like to make an inquiry of the Senator before he takes his seat, and it is inspired by my confidence in the clarity of the Senator's judgment as a lawyer. I understand the Senator to state that Mr. Gompers's objection was that this legislation should not be passed without section 3 being included; that I understood; but what I should like to know is the Senator's opinion. Does he think that the bill without section 3 would penalize a peaceful strike?

Mr. HOLLIS. I do.

Mr. KNOX. That is contrary to the impression that I myself received from reading the bill, and I am very glad to know what the Senator's position is.

Mr. HOLLIS. Mr. President, it is not a matter of snapshot judgment with me, for there has been no question in which I have been so deeply interested for the past 20 years as that of organized labor and its proper advancement. I have never advocated or encouraged the use of force in connection with strikes. I think that is a mistake from every standpoint. In the first place, it leads to lawlessness; and, in the second place, it defeats the object of those who are on strike. Strikes can not be successful unless they are heartily backed by public opinion; and as soon as there is anything lawless about a strike, the better element, which controls public opinion, will make the strike unsuccessful. That is recognized by Mr. Gompers and other leading labor men just as well as it is recognized by me.

Any bill which makes it an offense for men to agree together or to conspire to obstruct or hinder the manufacture of any article will be sure to be construed by some judge who has to pass upon it to include an agreement to quit work in that occupation. There are many cases in the reports where statutes of that kind have been so construed.

As the distinguished Senator well knows, the matter first arose in the construction of the Sherman Antitrust Act. It was not understood by those who passed that law that it would prevent the ordinary peaceful strike, but it was so construed. I myself think it was a wrong construction; but that construction will undoubtedly be followed by similar constructions in the case of other statutes.

A year ago I expressed myself on this question in connection with the bill to permit priority of shipments on railroads. The same question was then up and debated. Good lawyers, honest men, sincere citizens actually believed that the bill as drawn could not be construed to prevent peaceful strikes. The distinguished Senator from Iowa [Mr. CUMMINS] agreed with me that the bill could be so construed, and probably would be, and he cooperated with me to get a section placed in the bill that would allow peaceful strikes. That amendment was placed in the bill with the concurrence of the Senate, was retained by the House, and is in the law to-day.

The same question arose a year ago under the food-control bill. At that time I offered an amendment substantially like section 3 of the sabotage bill, and that amendment was adopted by the Senate. It went out in conference; but I was assured by the members of the conference committee that if they had understood the importance of it it would not have gone out. I was afterwards asked to introduce a bill proposing to amend the food-control law to accomplish the desired object; but I really felt then, as I feel now, that a majority of the Senate actually believe it is better to prohibit peaceful strikes by legislation. I think that is their attitude. I regret it exceedingly, but that is why I did not continue the fight yesterday. I think we got a fair expression of the views of the Senate on the subject of preventing peaceful strikes.

I thank the Senator from Pennsylvania for his very kind attitude toward me, and I shall be glad to answer in the same spirit any question that he cares to submit.

Mr. KNOX. Mr. President, there is no real difference between the views expressed by the Senator from New Hampshire [Mr. HOLLIS] and my own in regard to the right of workmen to protect themselves by peaceful strikes. I had occasion 21 years ago, while I was still in private life practicing law, happening at that time to be the president of the Pennsylvania Bar Association, to express views upon that subject in an address, from which views I have not deviated. I have always been of the opinion that from the time when, owing to the necessities of modern complex civilization, the law permitted the aggregation of capital for the transaction of business and for the furtherance of the interests of capital, the combination of labor for its own protection became a logical necessity.

In the discussion the other day, in which I took no part except to ask a question, I was more interested in what I considered the absolute lack of necessity for the inclusion of section 3 in the bill. While I am perfectly certain that the Senator from New Hampshire is correct in his statement that there may be judges who entertain certain curious and peculiar notions about the relations of capital and labor to each other, and about the relations of capital and labor to society, who might put some forced or unnatural construction upon this or any other statute; yet for myself I feel that in legislating or in giving my vote to any proposed scheme of legislation I am to act upon my own judgment as to the natural and normal meaning of words; and for the life of me, Mr. President, I can not see how this statute as proposed without section 3 could be held to apply to a peaceful strike. I predicate that opinion upon language which is so explicit that it seems to me to be beyond the possibility of conjecture.

In order for one to be penalized—and remember that this statute is not a statute applicable to laboring men alone; it is applicable to all men; it is as applicable to the manufacturer who throws his material into the river to prevent it reaching the Government which needs it as it is to the laborer who might light a fuse to explode a bomb which would destroy a plant or in any other way interfere with the operations of a plant—this measure says:

> SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy or * * * interfere with, or obstruct the United States or any associate nation—
>
> Shall be subject to a certain penalty.

Mr. President, it seems to me that there are several things that have to be conjoined to make out an offense under this measure. The man charged with violating the provisions of the statute must have reason to believe, in the first place, that his act, whatever that act may be, whether it be the stoppage of work, the destruction of property, or the destruction of the means of carrying on enterprises which are essential to the United States, will interfere with the United States; and, further, he shall then after having had reason to believe the necessary consequence of his act to be interference with the United States with that belief in his mind, he shall willfully injure or destroy property, and that injury or destruction which must be willful upon his part, must be intended to injure, interfere with, or obstruct the United States in the prosecution of the war.

This matter has been discussed here for the last few days. Coming, as I do, from a State employing vast numbers of workmen; coming from a city where union labor is very general, and having an intimate and close personal knowledge of many of the leaders of union labor, I am glad to say that I have not received the slightest intimation from any constituent of mine that he wanted any provision written into that bill that would impliedly permit him to do any of these things. I know of no man engaged in any of the activities of life which are commonly denominated labor who claims the privilege, with knowledge that a specific act will interfere with the United States, willfully to proceed to interfere with the United States by the destruction of property with the intent of obstructing the prosecution of this war.

My position, Mr. President, is that there is no necessity for this section under a proper construction of the bill; but if I thought, as the Senator from New Hampshire evidently thinks, that this bill was intended to or could by any legitimate construction interfere with a proper effort upon the part of labor through peaceful strikes to redress grievances or to insure proper conditions of employment, I would be opposed to it as now proposed and in this form.

Mr. STERLING. Mr. President, will the Senator from Pennsylvania permit a question before he takes his seat?

Mr. KNOX. Certainly.

Mr. STERLING. Mr. Gompers is quoted as saying:

> There is now going on in the Halls of Congress a discussion of the proposal for legislation making participation in a strike an offense heavily punishable.

I should like to ask the Senator if the language used in this bill in defining and describing the offenses provided for thereunder does not negative the idea of participation in a peaceful strike being punishable?

Mr. KNOX. That question is necessarily answered by the interpretation that I have placed upon the statute, and, of course, its answer depends upon the interpretation that the individual making the answer places upon the statute.

Mr. CUMMINS obtained the floor.

Mr. HOLLIS. Mr. President, will the Senator yield for a moment? I want to make a very brief reply to the distinguished Senator from Pennsylvania.

Mr. CUMMINS. Would the Senator prefer to make it now?

Mr. HOLLIS. It will take but a moment.

Mr. CUMMINS. I will yield to the Senator from New Hampshire if he thinks it better to make it now than a moment later.

Mr. HOLLIS. Oh, did the Senator from Iowa wish to address himself to what the Senator from Pennsylvania has said?

Mr. CUMMINS. Precisely.

Mr. HOLLIS. I beg the Senator's pardon. I thought he wanted to speak on another subject.

Mr. CUMMINS. Mr. President, I hope the Senate will indulge me just a moment, for I have been very deeply interested in legislation of this character in times past, and I have consistently and earnestly opposed any enactment that would take away from the laboring men of the country the right to strike peacefully. I have understood the term "strike" to mean the cessation of employment or work in a body, or by concert. I am still as earnestly in favor of the right to strike peacefully in normal times as I ever was, because the strike is the only instrument which labor has in its struggle with capital or with employers. There is but one alternative if we deprive the laboring man of the right to strike. That alternative is the settlement, final and conclusive, by the Government of the dispute.

I have believed that in peaceful times it was far better to permit the strike than to assume this additional function upon the part of the Government. I believe, however, that in this time, when the energies of all the people of the United States are imperatively demanded in order to carry on successfully the war in which we are engaged, we must give up for the time being the right to strike; but I am not in favor of surrendering that right through legislation unless something else is substituted for it. If I had had the opportunity which I thought I would have yesterday morning to express my views upon the conference report, I would have stated that in my judgment it is the duty of the conference committee to take these amendments which were proposed to our bill in the House of Representatives and convert them into a statute which will provide a Government tribunal composed of impartial and high-minded men, who will take every dispute of this kind relating to wages and to conditions of labor and will determine the dispute, and that pending the war that determination shall be binding upon both employer and employee, and that so long as we are at war there shall be no concerted cessation of work.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I will yield to the Senator from Idaho in just a moment. When peace comes again, and with it those principles of social and industrial life which I have always felt to be sound and which I have advocated, I want to resume again the full liberty on the part of labor to agree to quit work whenever labor sees fit to quit work, always assuming that there is no interference with the right of any other person to work and no violation of the peace laws of the country, whether of the State or of the Nation.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I infer from the Senator's argument that he is of the opinion that this measure without section 3 would prevent peaceful strikes.

Mr. CUMMINS. I am constrained to differ from the Senator from Pennsylvania with regard to the matter. I think that under the decisions—of which there have been many—the latter part of section 3 can be construed, and will be construed, to make it unlawful for laboring men to agree with each other to quit work in concert.

Mr. KNOX. I beg the Senator's pardon; he said "the latter part of section 3."

Mr. CUMMINS. The latter part of section 2. I have not the bill before me, but it is the part which the Senator from Pennsylvania did not read. He read the first part, but he did not read the latter part.

Mr. KNOX. I shall be very glad if the Senator from Iowa will read anything that bears upon any matter to which I have referred.

Mr. CUMMINS. I will read the part which is in my mind. After the quotation made by the Senator from Pennsylvania, so far as I heard it, section 2 then proceeds:

> Or, whoever—

Now, this is a distinct offense—

> Or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

It may be that the Senator from Pennsylvania read that paragraph, but if he did, I did not catch it. Now, it is my judgment, answering the Senator from Idaho, that if, as I said the other day, a number of men engaged in any factory turning out useful war materials should agree with each other that they would refuse to longer work in their accustomed way, for the purpose of coercing—and that is the purpose of a strike—their employer to pay them higher wages or give them better conditions under which to work, that would be a violation of that part of the section.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Yes.

Mr. BORAH. It is possible that that construction might be placed upon it, but I had not believed that the law without section 3 would prevent a peaceful strike. I would want to give some time to a measure before I should vote for a law which would prevent a peaceful strike, for two reasons: One as a matter of policy and the other on the question of our power to pass that kind of a law. It did not occur to me—although I was not here, and was not privileged to vote on it at all—that this law would have that effect, and I do not think it would. It seems to me that the law without section 3 would not prevent peaceful strikes.

Mr. CUMMINS. There may very well be differences of opinion about it. There have been differences of opinion among judges respecting language which is somewhat akin to this. But I do not find it difficult to reach the conclusion that judges may construe that language to prevent a peaceful strike, and I do not think a peaceful strike should be forbidden and made criminal unless the United States furnishes some other way in which to settle the dispute between the employer and the employee; and I suggested to the Senator in charge of the bill so far as the Senate is concerned that I hoped the conference committee would prepare and present, in lieu of these amendments, legislation of that character.

Mr. HOLLIS. Mr. President, I am exceedingly gratified that the distinguished Senator from Pennsylvania [Mr. KNOX] has made the statement that he has made this morning. It does him very much more credit, after his experience and his distinguished service to the country, to express those views than it possibly could do me. It does any man credit to express those views who is not likely to be called a socialist.

The Senator, if he were a court sitting upon the construction of section 2, would undoubtedly rule in accordance with the opinion he has expressed; but if I were the counsel prosecuting men out on strike, I could make a very strong argument in favor of conviction under the latter part of the section to which the Senator from Iowa has called attention, and which I supposed was under consideration day before yesterday. The latter part of the section does not require a willful intent to injure or destroy. It merely requires that the person out on strike shall, with intent—not willful intent, but with full knowledge of the facts—to interfere with the United States or an associate nation in preparing for or carrying on the war or conspire—that is, agree with some one else—to prevent the erection or production of war premises, war material, or war utilities.

In my judgment there can be no doubt that any fair court would hold that if I, a workman in such a plant, should agree with my neighbor workman that we would withdraw our labor in the hope of getting higher wages, we would be liable, because there would be a conspiracy, there would be an agreement between two persons, to do what? To cease work. And why cease work? In order to put pressure on the managers of the factory to give us higher wages; and the only way you can put pressure on the managers of the factories to get higher wages is to prevent their producing their materials in the quantities desired.

If Senators voted yesterday morning against the conference report, believing that the only offense described in section 2 was the willful injury or destruction of factories or materials,

then the Senate ought to recall that vote and vote again. I hope that the managers of the conference on the part of the Senate will bear in mind the discussion to-day, and give us another opportunity to vote on this very important matter.

Mr. HARDWICK. Mr. President——

Mr. HOLLIS. I yield to the Senator from Georgia.

Mr. HARDWICK. Had the Senator about concluded?

Mr. HOLLIS. I shall be through in a moment.

Mr. HARDWICK. Let me make this suggestion: We are waiting to pass legislation that will make it possible for 123,000 alien soldiers to be naturalized, so that they can be sent out of the country. The legislation has been already long delayed, and I hope no general debate on the labor question will be pursued so that we can not take up this legislation. The departments are urging it.

Mr. HOLLIS. I hope the Senator will indulge me for a moment.

Mr. HARDWICK. Yes; I did not mean to interfere with the Senator's observations.

Mr. HOLLIS. I agree pretty nearly with the Senator from Iowa [Mr. CUMMINS]. I think that we might well do in this country, if it is necessary, what has been done in England, where the English Government has taken under its entire control munition factories and has prohibited strikes, and at the same time has limited profits. That is, it has fixed a profit of one and one-fifth times the standard profit. The standard profit was the profit existing in that industry during the two years prior to the breaking out of the war. The profits are limited, the men are prohibited from striking, and the employers are prohibited from discharging the men.

I had hoped that at some time we would have before the Senate a well-rounded, inclusive proposition which would handle the subject from the public standpoint in every relation. If that is done, we may get something; but I wish to say further, and then I am through, that that is not necessary, because under this distinguished commission, with Mr. Taft and other friends of the conservative view at its head, there now exists a voluntary agreement between labor and capital which is already in operation, and which will make legislation on the part of Congress unnecessary, I believe.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I yield.

Mr. KING. There is one observation that the Senator from New Hampshire has just made which may be misconstrued—namely, that Great Britain has taken over the control of the munition plants. The Senator meant, of course—at least I think he meant—that Great Britain merely exercises supervisory care in their work; but it does not operate the plants——

Mr. HOLLIS. No.

Mr. KING. Or determine who shall work——

Mr. HOLLIS. No.

Mr. KING. Or fix wages, or anything of that kind.

Mr. HOLLIS. It does. It takes control of the plants, fixes the profits, fixes the conditions of labor, prohibits strikes, and prohibits the discharge of the men.

Mr. KING. But it does not take the plants out of the control of the individual owners of the plants.

Mr. HOLLIS. Not beyond the extent I have indicated.

Mr. JONES of Washington and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. HOLLIS. I do.

Mr. JONES of Washington. The Senator stated a while ago that he took the vote on the conference report yesterday to express a desire on the part of the Senate to prevent peaceful strikes. Now, I should just like to say to the Senator that that is not true as to my vote. I voted against the conference report simply because I was satisfied in my own mind that it did not prevent peaceful strikes. I would not vote for a proposition that would prevent peaceful strikes. At any rate, I would not vote for it until, as the Senator from Iowa suggested, full provision was made to cover a situation of that character. I think I am almost in perfect accord with the views of the Senator from New Hampshire. I will say that if there is a reasonable doubt about this provision permitting peaceful strikes, I would vote to reconsider, contrary to my vote yesterday.

Mr. HOLLIS. Let me ask the Senator, if there is any doubt, why not make it clear and make it unmistakable?

Mr. JONES of Washington. That is what I say. If there should be any doubt about it in my mind, and if any doubt should be created by discussion, I would vote to make it clear.

Mr. HOLLIS. The House by a majority vote expressed a doubt when they adopted section 3, and what clearer proof could there be that there is a substantial doubt on this very question? I am glad to know the Senator's view.

Mr. SHERMAN, Mr. KIRBY, and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield; and if so, to whom?

Mr. HOLLIS. The Senator from Illinois first addressed the Chair, and I yield to him.

Mr. SHERMAN. I do not intend to take the time of the Senate now in discussing this question. I will do that at the proper time; but I want to ask the Senator if the issue joined by the statement, assuming that the report is true made by Mr. Gompers, does not neutralize, or tend to neutralize, his former patriotic effort? Loyal is as loyal does. Whatever his view may be to subordinate the American Federation of Labor to any local union, it is, as I take it, a direct indication that in the event the bill should mature into a law without section 3, he expresses his opinion that in the case of two workingmen acting in combination, the law can not be enforced even if it is made.

Mr. HOLLIS. I understand it is not a threat but a prophecy, and in that prophecy I join with Mr. Gompers. I do not believe that a law to prohibit peaceful strikes in this country can be enforced, and when I say that I do not express any opinion as to whether I think it ought to be. I doubt the physical possibility of enforcing such a law, and I think that Mr. Gompers intended to express his opinion on that subject. He may be wrong, and I may be wrong, but I think we all agree that if there is any doubt about it it ought not to be tried out at this time except under the spur of the most dire necessity.

Mr. SHERMAN. Mr. President, in the utmost good faith, impressed with a deep sense of the issue we face, I can say that the waste in six months which I think was accurately shown in the report that was read can not be met by the American people in organized Government and compete with our enemies in the field of battle. Whatever Mr. Gompers may think, whether his prophecy is a threat or a prediction, I shall not stop to inquire at this time. I trust it is a mere prophecy. I wish to think that Mr. Gompers is sincerely loyal, and I do think so, together with Mr. Morrison and others of the American Federation of Labor. I have read their statements, I think, in the same spirit, and I am taking it for granted that they are as sincerely loyal as anybody in this country. It is with that in view that I read with a great sense of disappointment the statement of Mr. Gompers, which to me is not in keeping with his former declaration. I regret that such a statement is made, and I took early occasion, as I did in the Senate, to bring the attention of the public to the statement, in order that those who are charged in the conference committee with the settlement of this omission or inclusion of section 3, as the case may be, may have the benefit of whatever may be developed by a discussion of this kind.

I do not question Mr. Gompers's good faith. We have had our differences in the western country and have fought them out in various tribunals. I will not renew that at this time. I am ready to meet it at proper occasion; but I am taking Mr. Gompers's efforts as loyal as those of the Senator from New Hampshire or mine, and that he will in all proper ways help strengthen the Government in its effort to overcome the public enemy.

As to the losses, however, that are shown by this report, equal to a factory employing a thousand men for 21 years, 300 days in the year, not even the magnificent industrial resources of the American people can stand a loss of that kind any more than we can stand dumping steel billets or armor plate into the Atlantic Ocean and say we can keep up our resources indefinitely with a waste of that kind. Man power is just as important industrially as it is in a military sense. I trust that Mr. Gompers and his associates and and all who are to handle the question in detail of the 3,000,000 members of the American Federation of Labor will take the view finally that the law of this Republic, whatever it may be, will be the law that will in good faith be essential to be obeyed, and that he will advise those under his jurisdiction to obey it to the end that such industrial waste may cease.

We should utilize our resources in a better way than we are utilizing them now, both in men and material. I have no reference now to the management by Government authorities; I am not to be understood at all as making any criticism; but if we do not avail ourselves of our resources in an organized way and in a more frugal method we can not be successful in this struggle. It is an economic war as well as a military one. The wasting of the economic resources, either in day's work or material or loss of opportunity to prepare war material, is just as vital to us as preparing men by drill in an encampment and sending them to the point of action. All the Military Committee and this Senate can do, all that Congress can do, will

come to naught unless these same men when sent into the field of battle are backed by the resources up to as near 100 per cent as human government can produce. It is because of that that I have felt a deep sense of disappointment that Mr. Gompers saw fit to deliver himself of this utterance, and I make the criticism not in a hostile spirit but in a spirit in which I feel I would join cordially with Mr. Gompers to produce the result notwithstanding all the differences we may have had in past years.

Mr. GALLINGER. Mr. President, I bespeak the indulgence of the Senate for a very few minutes. When this matter was under discussion the other day, I called attention to the fact that as chairman of a special committee of the Senate I had made a report touching upon labor questions which existed 25 years ago. It was during the Homestead strike, a very troublesome question at that time, even involving the use of the Regular Army to some extent and of Pinkerton's detectives. That committee was composed of men of both political parties and they unanimously agreed upon a report, which is before me.

I simply want to detain the Senate long enough to ask the Secretary to read the first six findings of that committee and then to ask him to read the concluding paragraph of the report. I will say before the reading that the position I held 25 years ago on this question I have held consistently ever since and hold to-day, and while I have many times been misrepresented and made to appear as the enemy of the laboring men, and all that sort of thing, the record made in that investigation is my full justification for the views that I now hold, and which I have held during the quarter of a century that has elapsed since the report was made.

I ask that what I have indicated be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The SECRETARY. Reading from Senate report, second session, Fifty-second Congress, Report No. 1280, page 14:

Your committee have reached these conclusions:

(1) Rights of employers and workmen are equal and persons and property should be jealously guarded and protected.

(2) Employers have an undoubted right, provided they fulfill their agreements, to employ and dismiss men at pleasure.

(3) Workmen can legally organize for mutual protection and improvement.

(4) When dissatisfied with the wages paid or the hours of labor they should attempt to arbitrate their differences with a view to an amicable adjustment.

(5) Failing in this, the workmen have a right to discontinue work either singly or in a body.

(6) Having discontinued work they have no right, legal or moral, to undertake by force or intimidation to keep others from taking their places or to attempt to occupy, injure, or destroy the property of their employers.

* * * * * * *

CONCLUSION.

Your committee recognizes the gravity of the existing conflict between employers and workmen in this country. In the final test of our institutions this may play an important part, and hence anything that tends to mitigate the evil should be welcomed by all. Our investigations have led us to conclude that the fault is not wholly on one side and that both employers and the employed should be willing and anxious to find a middle ground upon which they can meet and adjust their differences without strikes, riots, bloodshed, or suffering. That middle ground seems to be in the direction of arbitration. When that principle is recognized, the chasm which now exists between these two classes will be closed to a large extent, the necessity for the use of armed force, if it ever existed, will be done away with, and a new order of things—that of good will and kindly feeling—will take the place of the hates and the bitterness which now prevail in many of our industrial communities. To that end we bespeak the cooperation of all patriotic citizens, and your committee will welcome any legislation which will tend to secure the laboring man his every right without depriving the employer of his; for both are guaranteed by the Constitution and the laws of the land.

Mr. GALLINGER. Mr. President, I will simply add that having held to those views as long as 25 years ago and not having changed my views I still entertain them. I did not believe that the bill we were considering a few days ago denied the right of laboring men to organize, nor did I believe that it denied the right to engage in a peaceful strike. I think that when we are in war it is a very unfortunate time for laboring men to strike for any purpose that can possibly be avoided, but I take it for granted, and I conceded when I addressed myself to the Senate before, that if we had no law on the statute books denying the men that right I did not believe that the provision in the bill with the section that I objected to out of the bill did deny them that right. Hence I voted against agreeing to the conference report.

Mr. FALL. Mr. President, holding the views that I do concerning the matter under discussion I feel it incumbent upon me to express those views as briefly as possible, because I believe it would be an act of political cowardice not to do so, and I think political cowardice to-day is just as much to be criticized in Congress as physical cowardice in the trenches.

I voted against this conference report yesterday because I did not want to see embodied in the statute, nor do I want to see nor will it be by my vote, the right of employees engaged in the production of articles vitally necessary to be used in the United States in carrying on this war to carry on a strike which will prevent the production of such necessities in any way, no matter for what reason ostensibly the strike may be called.

I hope I make myself perfectly plain about the matter, because I do not want my position to be misunderstood. The law as it stands now would prevent such strikes. To adopt section 3 as it is contained in the conference report is affirmatively to permit such strikes. The law upon the statute books now prohibits this character of strikes. The law upon the statute books now provides a remedy in lieu of a strike.

The law upon the statute books now provides that the President of the United States can confiscate, commandeer, take over every factory or every enterprise of any kind or character whatsoever in the United States whenever he may deem it necessary. Much has been said about the conscription of labor. The Senator from New Hampshire [Mr. HOLLIS] asked the question, "Why not conscript wealth and capital and factories, and so forth?" and indicated—or at least the Senator from Nevada [Mr. PITTMAN] did in a direct statement say that he would vote to conscript the wealth and then to conscript labor. We have provided how the factories can be conscripted. I do not at this time, certainly in a measure such as this, advocate the conscription of labor. As a general proposition, I have announced my position before, and I announce it again, that before we win this war, if that is the object for which we continue to strive, we will conscript every man and woman in the United States. I think we should now provide, not for the permission to the President to conscript but for the conscription of every man and woman in the United States for the service of the United States and provide that they shall be classified for labor for necessary service exactly as we provide that they shall be classified under the provisions of the draft act for military service. I believe that until we meet this proposition face to face and adopt measures of that character this democracy, which is proving every day its inefficiency, will go down before the most efficient power that this world has ever known.

Mr. President, on the statute to-day we have a provision authorizing the President of the United States, whenever he deems it necessary, to take over every factory, every enterprise of every kind or character in the United States. Conscription of wealth in this line, conscription of the instrument of production, is provided for.

I premise by saying that I would never vote for any provision allowing a strike in any necessary war industry to-day, although bona fide for the purpose of increasing wages. I will not so vote, because there is a provision now by which the laboring man in every such industry can obtain the wages which justly should be paid him. It is contained in exactly the same provision by which the President is authorized to commandeer or conscript wealthy manufacturers and all enterprise necessary to the conduct of the war. Let there be a dispute between the laboring man in any factory or in any enterprise engaged in production necessary for the conduct of the war, let there be a bona fide dispute in reference to wages, all that is necessary is for the wage earner, the employee in such factory or enterprise, to present the matter, not to a mediation board, but directly to the President of the United States, who then has it in the power given him by the Congress of the United States nearly a year ago to say to such employer, "You must arrange this matter so as to continue production; you must arrange with your employees; and if you do not so arrange, I shall continue the production, and under the provisions of the law I shall pay these employees out of such production; and if the products do not furnish me with the funds with which to pay such wages, through the taxing power vested in the Government I shall raise from the people of the United States by direct taxes a sufficient amount to enable me properly to compensate these wage earners, these employees, for their labor." The law is ample as it stands.

I heard the Senator from New Hampshire ask yesterday "Why conscript labor?" There is no proposition pending here to conscript labor. When the President takes over one of these enterprises there is no law by which he can force any man in the employ of that enterprise to work under any circumstances or for any salary. There should be, sir, a law allowing him to do so, and there will be such a law sooner or later, and, if not a law, then military necessity will dictate the action, and such action will be taken by the military power, or else you will go down to defeat, and your boasted liberty to your laboring man and the citizens of this country will amount to nothing. You will have lost it forever.

Mr. President, the provision in the draft act that the President of the United States might exempt certain classes of citi-

zens was not intended to provide that a union-labor card should carry with it exemption from military service. The exemption was in the interest of the United States; it was not a favor granted by a congressional act to a laboring man, whether in the field or in the factory. That provision was placed there for the benefit of the United States, in order that the necessary labor might be continued in the necessary lines of production.

All this cry about the protection of the laboring man, such statements as came from Samuel Gompers yesterday, constitute a menace, in my mind, to the people of the United States. For myself I may be allowed possibly to say—at least I will say it—that I have worked harder with these hands than ever Samuel Gompers did, and I commenced at an earlier age than he. Mr. President, we have provided for conscripting wealth; we have provided for commandeering and for conscripting every interest in the United States which is owned by every man who has a dollar. Now, here you would hold out to the laboring man that, simply upon the question of a dollar, he shall have exemption from the operation of the law, although the employer or the capitalist who measures his dollar is by the voice of honorable Senators condemned to obloquy and shame and contempt; and yet you provide that upon a question of a dollar the laboring man who votes in your district shall have protection which you extend to no other class.

Senators, I said on the 22d day of February a year ago that the crisis confronting this country was not that which might be the result of any foreign negotiations or foreign complications, but was that being brought about by social evolutions and conditions in our own country; that it was then the question in my mind, as it is to-day, whether this country can perpetuate itself and whether this republican, democratic representative form of government, of which we have boasted for 150 years, shall continue on the earth. You are going to be compelled to meet these conditions. You, the Congress, have not been meeting them; you have been delegating the authority or the power and shirking the responsibility, casting it through the doors of the White House; you have not been, in my judgment, meeting the crisis of doing your duty as the different phases of the crisis have confronted you from time to time.

Ample law now is given for the protection of the laboring man, but there is no provision whatever for conscripting labor. No law whatsoever rests upon the statute books to-day which will prevent the President of the United States from taking over every industry in the United States and conducting it as he sees fit under the provisions of the act which you have passed.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Florida?

Mr. FALL. I yield to the Senator.

Mr. FLETCHER. I desire to ask the Senator this question: Taking the case of a factory where there is difficulty between the employer and the employees, the Senator says that the President can say, "You must adjust this difference or I will take over your factory." Does the Senator mean to say that in an instance of that kind, if the workers decide not to proceed to work in a bone fide effort to secure better conditions or better pay or better hours, they would be violating any law which we now have?

Mr. FALL. I think so, clearly.

Mr. FLETCHER. To what statute does the Senator from New Mexico refer?

Mr. FALL. Under section 9 of the food-control act. I will call the Senator's attention to it.

Mr. FLETCHER. I should just like to see what that provision is.

Mr. FALL. Very well, sir.

Mr. FLETCHER. I do not understand it goes to that extent.

Mr. FALL. Of course there may be a difference of construction.

Mr. FLETCHER. I would agree with the Senator that in such a case the President would have the power to take over the factory, but that would not be the same thing as saying that the workers who refuse to continue work would be violating the law.

Mr. FALL. I shall undertake to show the Senator that, in my judgment, they would be violating the law when they conspire together to strike even for higher wages. I think that it was that provision of the law which the Senator from New Hampshire, when the bill was under consideration here, attempted to amend. I think it was to that his amendment was directed.

Understand me, that while the President can undoubtedly take over the packing plants, there is no provision that he can conscript into the service of the packing plants those now engaged in that industry or those whom he may seek to engage, but, in my judgment, there is a distinct provision to the effect that those conspiring now in the packing-plant industry, if there were any such, can be punished, and be punished very severely. I will read to the Senator the provision of the law. It is—

That any person——

Mr. FLETCHER. Mr. President, if the Senator will allow me, I think there is a difference between a conspiracy and an ordinary coming together of workers.

Mr. FALL. The Senator, then, thinks that "combination" is a better expression. Very well. I will read and show the Senator that the law includes combinations.

Mr. THOMPSON. Mr. President, will the Senator yield for a question?

Mr. FALL. I should like first to answer the Senator from Florida, and then I will yield with pleasure to the Senator from Kansas.

Section 9 of House bill 4961, known generally as the food-control act, provides:

That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries—

That is the first combination or conspiracy or act that is prohibited—

(b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof—

That is the only provision, namely, subsection (d), under which there is any statement whatsoever as to what the intent of the act should be; in other words, under subsection (d) the act there prohibited must be for the purpose of enhancing prices.

Now, section 12, to which I have referred as giving the power to the President to commandeer not only the packing plants but any plant of any kind or character whatsoever, includes:

Any factory, packing house, oil-pipe line, mine, or other plant, or any part thereof.

After taking them over the same section of the same law, generally known as the food-control act, provides:

The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees.

Now, Mr. President, I yield to the Senator from Kansas.

Mr. THOMPSON. I merely desire to ask the Senator a question. The Senator made the statement that he thought the President had the power now to take over the packing houses. The Senator from New Mexico is an able lawyer, whose opinions are respected by this body, and I simply wish to ask whether he thinks under existing law that the President has that legal authority without the passage of some bill or resolution by Congress?

Mr. FALL. Undoubtedly. The President not only has the power to take them over, to take them out of the hands of the owners, but he has the power to operate them, to control the labor, and to pay the labor whatever price he may fix.

The President of the United States, I think, is generally recognized—and I believe rightly so—as the friend of the laboring man. The President of the United States, it seems to me, can be trusted to do justice to the laboring man. As a matter of fact, I should like to see, as the Senator from New Hampshire says he would like to see, upon the statute books something broader than the power of the President of the United States simply to fix wages; but under this power the President has as much authority to-day as is given to any commission under the English law.

Under the English law they fix the basic wage, which the President can fix under the act to which I have referred. Under the English law they provide that every three months the scale of living should be reported upon; and they provide with reference to private industries which are under the control of the Government that, allowing a certain percentage for profits, paying the basic wage scales, if the profits or the earnings of such a corporation do not justify them in increasing by bonus every three months the wages of the employees to enable them to meet the increased living charges, then the taxpayers shall pay such bonus out of the general treasury. The President of the United States has the absolute authority, in my judgment, to do exactly the same thing. So, holding this power, simply by the statement to any employer, to any factory, or to any industry or those in charge of it, "I will use the power given me by Congress," such employer or the owner of such industry, no matter what he may think or what he may desire, will realize that he will be compelled to accede to the demand of his em-

ployees as indorsed by the President of the United States, for he will know that his entire plant, his entire industry, will be taken from him and operated by the United States under the provisions of this act, and for the compensation provided and no more.

Mr. President, this is the condition to-day. I say again, sir, that in my judgment political cowardice is as much to be reprehended and criticized as personal cowardice in the trenches. I say to-day that labor should be conscripted; that wealth should be conscripted; that neither should be conscripted except where it is absolutely necessary; but I again say that you will, in my judgment, find it necessary to go to the extreme limit or you will find this country in exactly the same condition in which poor Russia, dismembered and in anarchy, finds herself to-day.

NATURALIZATION OF ALIENS IN MILITARY SERVICE.

Mr. HARDWICK. From the Committee on Immigration I report back favorably with amendments the bill (H. R. 3132) which I send to the desk, and I submit a report (No. 388) thereon. I wish to make a brief statement to the Senate about the bill after the Secretary reads the title.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The Senator from Georgia submits a report, which the Secretary will state.

The SECRETARY. Mr. HARDWICK, from the Committee on Immigration, reports favorably with amendments the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States, relating to naturalization.

Mr. HARDWICK. I ask unanimous consent for the immediate consideration of the bill reported from the Committee on Immigration.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. I shall not object now, but I should like to hear the Senator make his statement before the question is put.

Mr. HARDWICK. Mr. President, I was about to explain why it is necessary, in my judgment, that the Senate should proceed immediately to consider and pass this proposed legislation. We have in the first draft army of the United States 123,277 alien soldiers, some of whom undoubtedly might have claimed exemption, but did not. Of these soldiers, 46,732 hold their first naturalization papers and 76,545 have no naturalization papers whatever.

It is impossible, or at least it is unfair, to send these soldiers to the battle line in Europe until they have been naturalized and made citizens of this country, so that they will not be subjected to charges of treason against the governments and princes of whom they were formerly subjects. The War Department is not willing to subject these men to that sort of danger. It is not fair to them and it is not just to the country. They are scattered practically through every command in the Army, or in the new draft army, and it can not be moved as it ought to be moved until these soldiers can be put in a position where this difficulty will be eliminated.

Now, it seems to me that more important than any debate on any domestic question, more important than any dispute about labor, or more important than any bill about presidential powers over executive departments is a proposition to get the Army of the United States so that it can move to the battle line. This is the paramount reason why I ask unanimous consent for the consideration of this bill as amended by the Senate committee. It is to give the authorities of this country, the War Department and the Navy Department, full power——

Mr. THOMPSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. HARDWICK. I do.

Mr. THOMPSON. Are these the men who are already drafted into the service?

Mr. HARDWICK. Yes; they are soldiers wearing the uniform already.

Mr. THOMPSON. And already trained?

Mr. HARDWICK. There are 123,000 of them already trained, under the flag, and wearing the uniform, who can not justly be sent over to Europe until this legislation is passed.

Mr. THOMPSON. There ought not to be any debate on that question.

Mr. HARDWICK. No; there will not be. Now, in order to be fair, let me state that there is more than that involved in this legislation. When the United States declared war, on April 6, 1917, of course aliens who came from Germany—and subsequently, when we declared war against Austria-Hungary, the same thing was true with reference to that country—could no longer become naturalized in this country. They became alien enemies, so that petitions that had already been filed under the naturalization laws and were already pending in court could not be prosecuted to a successful conclusion in court. The House of Representatives, realizing the injustice of this, passed some days ago a bill which provided that where naturalization petitions were pending and the first papers had been taken out prior to the declaration of the war with these countries the court could allow these people to become naturalized upon proper showing of loyalty and good citizenship.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have had several communications on this subject, and on yesterday I referred a letter with relation to it to the junior Senator from New York [Mr. CALDER], who, I think, had introduced a bill on the subject. It seemed to me that something ought to be done. I simply rose to ask the Senator, because I have not had time to read the bill, precisely what the modus is that is prescribed in the bill. Does it, for instance, provide that this legislation is due to the fact that we are in war—that the emergency is because of that fact?

Mr. HARDWICK. Of course, if the Senator pleases, this is war legislation; but by its terms and necessarily it can apply only to war conditions.

Mr. GALLINGER. Yes; that is what I wanted to know.

Mr. HARDWICK. There would be no change in what would happen ordinarily in peace times; but this is an adjustment of our naturalization laws to the war conditions that now confront us.

Mr. GALLINGER. That is precisely what I wanted explained.

Mr. HARDWICK. It is also an effort to put the soldiers in a position where they can go abroad to fight under fair conditions. I do not think there ought to be any objection to its consideration; and if that question is disposed of I will undertake a brief explanation to the Senate of what the measure is.

Mr. LODGE. Mr. President, what bill is this?

Mr. HARDWICK. This is the bill to amend the naturalization laws.

Mr. LODGE. Is it Order of Business 127?

Mr. HARDWICK. No, sir; it has just been reported, and is not on the calendar. The reason I am asking for its present consideration—the Senator from Massachusetts has just come in—is because I am advised by the military authorities of our Government, by both the War and the Navy Departments, that they have over 123,000 alien soldiers who ought to be started abroad at once, and who ought first to be naturalized.

Mr. LODGE. I wanted to know the nature of the bill, because Order of Business 127, Senate bill 2854, a bill to amend the naturalization laws, is a bill to which I have some very serious objections.

Mr. HARDWICK. The substance of this amendment which was worked out by the Committee on Immigration is a bill proposed just a few days ago by the junior Senator from New York [Mr. CALDER], which is really, I think I can say with the consent of the Senator, and without any reflection on him, the department's proposition to readjust or modify the naturalization laws to meet war conditions. The paramount necessity, the immediate and urgent and pressing necessity for immediate consideration is that no matter what else we do or what else we strike out from the bill we must provide for the naturalization of these alien soldiers, who are wearing the uniform and who ought to be sent abroad.

Mr. LODGE. Mr. President, I have no desire to put any undue obstacle in the way of the bill, but this is a pretty long and elaborate bill.

Mr. HARDWICK. Yes.

Mr. LODGE. It changes our naturalization laws. It is here in proof sheets. It has never been before us.

Mr. HARDWICK. I will say to the Senator that we are going to consider it very carefully. It will be printed by morning. I doubt if we can pass it during the day, but we ought to go on with its consideration. The report is a unanimous one, Senators on both sides of the Chamber agreeing to it. There is no disposition on the part of the committee to rush anything or to push anything on the Senate, except that we do believe—and then, when we state that to the Senate, our duty is discharged—that it is of the utmost importance that at least the feature of it to which I have referred should be acted on at once by the Senate.

Mr. LODGE. I do not want to delay the bill at all. The Senator knows that.

Mr. HARDWICK. I know that.

Mr. LODGE. But I do want an opportunity to examine it.

Mr. HARDWICK. The Senator will have that opportunity.

Mr. LODGE. I have not had such an opportunity so far. I have partially examined the bill now on the calendar.

Mr. HARDWICK. This bill is not on the calendar, except as it was reported this morning.

Mr. LODGE. The very first section of that bill is a very bad feature.

Mr. HARDWICK. What bill does the Senator refer to?

Mr. LODGE. Order of Business 127, Senate bill 2854, a bill to amend the naturalization laws.

Mr. HARDWICK. By whom was it introduced?

Mr. LODGE It was introduced by the Senator from New York [Mr. CALDER], and reported by the Senator from South Carolina [Mr. SMITH], who was then chairman of the Committee on Immigration.

Mr. HARDWICK. Let me say to the Senator that that particular bill is not reported. It has been very much changed; and the bill that is the basis of this committee amendment was introduced only a very few days ago, according to my recollection.

Mr. LODGE. That bill has one provision in it, on the first page, which would thwart the very purpose of the treaties that we are now trying to establish. I want an opportunity to examine this bill. It is a subject in which I have taken a great deal of interest.

Mr. HARDWICK. I want the Senator to have it, and he knows that there will be no effort made to keep him from having it; but still I think the Senate ought to consider this question at once on account of one of the considerations I mentioned.

Mr. LODGE. I do not know, of course, how long the consideration of the bill will last; but I can not undertake to examine this bill, which is a very long and elaborate one, in five minutes.

Mr. HARDWICK. I understand; and I do not expect the Senate to pass the bill in five minutes. I expect it to be thoroughly explained and thoroughly understood by the Senate. I would not ask the Senate to pass a bill in any other way.

Mr. LODGE. I have not seen this one at all.

Mr. HARDWICK. I think that is true.

Mr. LODGE. But it seems to me that this bill ought to go on the calendar and be printed, so that we may have an opportunity to consider it.

Mr. HARDWICK. I hope the Senator will not object to its consideration to-day. There will be no disposition to press anything on the Senator from Massachusetts or any other Senator without consideration; but I will say to the Senator that the time has come when we ought to consider this bill. For weeks I have been trying to get this bill reported. In my judgment, it is sound legislation.

Mr. LODGE. I have no question that it ought to be considered.

Mr. HARDWICK. I do not intend to try to take any snapshot judgment on the Senator or anybody else who differs with the committee about anything in the bill.

Mr. LODGE. But I wish the Senator would allow it to go over for a day and be printed, so that we can at least have an opportunity to look the bill over. I say, I should like to have it go over for a day and be printed.

Mr. HARDWICK. Of course, the Senator can have that done.

Mr. LODGE. Of course, it can not be taken up under the rules now.

Mr. HARDWICK. Yes; it can be.

Mr. LODGE. It has not yet been reported from the committee and gone to the calendar. One day has to elapse under the rules.

Mr. HARDWICK. The Senator from Georgia has asked unanimous consent for its present consideration.

Mr. LODGE. Of course, if unanimous consent was granted while I was out of the Chamber, I have nothing to say.

Mr. GALLINGER. It has not been granted.

Mr. HARDWICK. As I have said, the Senator can object; but I hope he will not.

Mr. LODGE. Mr. President, I think the Senator from Georgia ought to be willing to let it go over for a day.

Mr. HARDWICK. I will have to if the Senator insists on it.

Mr. LODGE. This is a very elaborate bill. I do not want to object or delay its consideration for a moment, but I do want to have time to read the bill. It has not been printed or laid before the Senate.

Mr. GALLINGER. Mr. President, I will suggest, the Senator having made the report, that he ask that it lie on the table, and to-morrow in the morning hour he can call it up. There probably will be no objection. I do not object to it now.

Mr. LODGE. I do not want to object to it at all. I only want reasonable time to examine it. Here is a bill of many pages.

Mr. HARDWICK. Yes.

Mr. LODGE. It is a bill altering a most important law, and no Senator has had any opportunity to read it except the members of the committee.

Mr. HARDWICK. That is true. If the Senator takes that view, I will not insist, Mr. President, although I hate to do it.

Mr. LODGE. I hope the Senator will let it go over.

Mr. HARDWICK. I have at least discharged the responsibility on me in submitting the request.

Mr. LODGE. I do not want to take advantage of the right to object, but I should like an opportunity to look at it; that is all.

Mr. HARDWICK. I ask, then, Mr. President, in deference to the request of the Senator from Massachusetts, that the report be printed——

Mr. LODGE. I am very much obliged to the Senator for his kindness. May I ask the Senator, before he takes his seat, whether this is a bill now on the calendar or a new bill?

Mr. HARDWICK. No; this is a Senate amendment to a House bill—H. R. 3132.

Mr. CALDER. Mr. President, if the Senator from Georgia will permit me——

Mr. HARDWICK. I yield to the Senator from New York.

Mr. CALDER. This bill contains many of the provisions of the bill now on the calendar, but it has been almost entirely rewritten and many of the provisions in the other bill have been eliminated.

Mr. HARDWICK. We shall be very glad to have the benefit of the Senator's explanation of it.

Mr. LODGE. My attention was called only a day or two ago to the bill now on the calendar. It contains in the very first section a provision which, I say, would largely thwart the purpose of the treaties we are now making with Great Britain and Canada.

Mr. HARDWICK. Of course, if the Senator from Massachusetts can point out anything of that kind——

Mr. LODGE. I do not know whether this bill contains it or not.

Mr. HARDWICK. If the Senator can point out anything of that kind in the bill which the committee has reported, we shall be very happy to correct it, because we have no pride of opinion about it and no pride of authorship concerning it, and we only want to get the right kind of legislation passed.

Mr. LODGE. I do not know whether this bill contains it or not.

Mr. HARDWICK. In view of the Senator's position I will not insist to the point of forcing him to make an objection, although I do not want the responsibility to rest on me for delaying this legislation one day, the way I feel about it.

Mr. LODGE. Mr. President——

Mr. HARDWICK. I am not trying to put it on the Senator. I understand how he feels about it; but I do think it is of the utmost importance that this bill should be passed at the earliest possible moment, and I am willing to stay here all day and all night, as many days and as many nights as are necessary, until we get it through. I do not want to rush it on anybody. I am willing to consider it, and I wish the Senator could let us go on with it.

Mr. LODGE. The committee has had it under consideration since February 5?

Mr. HARDWICK. Yes.

Mr. LODGE. I do not think it is very much to ask that the Members of the Senate who are not fortunate enough to be on that committee should have one day.

Mr. HARDWICK. The Senator from Georgia does not, either; and since that request is made, he asks that the bill and report be printed and lie on the table and gives notice that to-morrow morning he will call it up and insist on the Senate acting on the request for unanimous consent.

WAR MATERIAL AND WAR TRANSPORTATION.

Mr. JONES of Washington. Mr. President, if it is in order now, in view of the discussion we have had to-day, and in view of the importance of the matter involved, I desire to enter a motion to reconsider the vote by which the conference report on the bill that was considered yesterday was rejected, and, in accordance with the rules, to move that the House be requested to return the papers to the Senate.

Mr. HOLLIS. I will say that the bill to which the Senator refers is Senate bill 383.

The PRESIDING OFFICER. The Chair is not through with the regular order.

Mr. HOLLIS. The motion to reconsider is a privileged motion, and can be made at any time, as I understand. The motion is simply made—to lie on the table until it is called up.

Mr. JONES of Washington. The rule requires that the motion to request the House to return the papers shall be put at once, without debate.

The PRESIDING OFFICER. The Senate has heard the motion of the Senator from Washington. Those in favor of the motion will say "Aye." [A pause.] Those opposed——

Mr. LODGE. What is the motion?

Mr. JONES of Washington. Let the question be stated.

The PRESIDING OFFICER. The Secretary will state the substance of the motion.

The SECRETARY. The Senator from Washington [Mr. JONES] moves to reconsider the vote on the conference report on Senate bill 383, the so-called sabotage bill.

Mr. JONES of Washington. And he accompanies that with a motion to request the House to return the papers, which motion should be put first.

Mr. LODGE. I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum is made. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Norris	Smith, Ariz.
Borah	Johnson, Cal.	Overman	Smith, Md.
Calder	Jones, N. Mex.	Page	Smith, S. C.
Colt	Jones, Wash.	Penrose	Sutherland
Culberson	Kellogg	Phelan	Swanson
Cummins	Kendrick	Pittman	Thomas
Dillingham	King	Poindexter	Thompson
Fernald	Knox	Pomerene	Tillman
Fletcher	Lewis	Ransdell	Townsend
France	Lodge	Reed	Underwood
Gallinger	McCumber	Robinson	Wadsworth
Gore	McKellar	Saulsbury	Walsh
Hale	McNary	Shafroth	Warren
Harding	Martin	Sheppard	Weeks
Hitchcock	Nelson	Sherman	Wolcott
Hollis	New	Simmons	

Mr. SHEPPARD. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. LEWIS. I wish to announce that the Senator from Georgia [Mr. SMITH] and the Senator from Mississippi [Mr. VARDAMAN] are detained on official business.

Mr. JONES of Washington. I desire to announce that the junior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

Mr. ROBINSON. The junior Senator from Nevada [Mr. HENDERSON] is unavoidably detained from the Chamber on public business.

Mr. REED. I desire to announce that my colleague [Mr. STONE] is absent on account of illness. I ask that this announcement may stand for the day, and perhaps it may as well stand for several days, so that it will be understood, without a repetition of the statement, that he is detained from the Senate by illness.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. LODGE. Let the Chair state the motion.

The PRESIDING OFFICER. The Senator from Washington moves to reconsider the vote on the conference report upon Senate bill 383, and that the Secretary request the House of Representatives to return the bill to the Senate.

Mr. LODGE. Mr. President, while a quorum was being called I learned from the chairman of the committee that the House has accepted the request of the Senate for a conference. The bill is therefore in conference and can not be recalled by the action of one House. I make the point of order that the motion is out of order because the bill is already in conference.

Mr. HOLLIS. I wish to say on the point of order there is nothing to prevent the Senate from requesting that the papers be returned. If the conferees on the part of the House are willing to return the papers to the Senate, they have a perfect right to do so. We can not order it. The motion now is whether the Senate shall request the House to return the papers.

Mr. LODGE. The motion is to reconsider and ask the House to return the papers. The papers are not in the possession of the House; they are in the possession of the conferees.

Mr. JONES of Washington. Has the Senate been notified to that effect?

Mr. LODGE. I asked the chairman of the committee and was informed not.

Mr. JONES of Washington. The Senate has no notice. Under the rules of the Senate a motion to reconsider can be made.

Mr. LODGE. On an ordinary bill there is no doubt about it, but the chairman told me the House had agreed to the conference. Therefore the bill is in the possession of the conferees.

Mr. OVERMAN. Mr. President, I do not make any point one way or the other, but I should like to ask the Senator from Massachusetts what is the parliamentary situation? I understand the Senator from Washington has made motion to reconsider. We have no notice here, but it is true that the House has granted the request of the Senate and appointed conferees. A conference is to be held in the morning. There is a motion here to reconsider. What are the conferees going to do in the morning?

Mr. GALLINGER. Mr. President, I call attention to the fact that the hour of 2 o'clock has arrived.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. HOLLIS. The motion of the Senator from Washington is a privileged motion which can be entertained at any time. His motion to reconsider is not the question at this time, but it is accompanied by a motion that the House be requested to return the papers. The rule on that is that the "last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider." I ask that the vote be taken.

Mr. GALLINGER. The unfinished business is before the Senate.

Mr. LODGE. The unfinished business is before the Senate. A motion to reconsider is not privileged.

Mr. HOLLIS. The unfinished business must give way to a privileged motion.

Mr. LODGE. Under what rule is it privileged?

Mr. HOLLIS. Under Rule XIII, and the ruling——

Mr. CUMMINS. While the Senator is looking for the reference I rise to a parliamentary inquiry. It is this: Has the Senator from North Carolina asked to lay aside the unfinished business?

The PRESIDING OFFICER. The Chair does not so understand.

Mr. OVERMAN. I have not.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the unfinished business was laid before the Senate.

Mr. OVERMAN. On objection I could not lay it aside. I do not like to lay the unfinished business aside, but I should like to have the Senate determine the question whether the conferees are to meet in the morning.

The PRESIDING OFFICER. The Chair will not ask if there is objection to laying it aside, because the Chair knows there is going to be objection.

Mr. CUMMINS. I suggest to the Senator from North Carolina that whatever may be the merits of the point of order it can not be decided, nor can the motion to reconsider be decided, so long as the unfinished business is before the Senate. Inasmuch as I intend to address the Senate upon that subject, I want to know whether the Senator from North Carolina asks to have it temporarily laid aside.

Mr. OVERMAN. No; I say I can not do so if there is going to be objection.

Mr. JONES of Washington. Let me suggest to the Chair that a motion to reconsider, accompanied by a motion to request the House to return papers, was made before the hour of 2 o'clock arrived. Under the rule a motion to ask the House to return papers must be submitted immediately and without debate, and it should have been submitted. I take it that it has a privileged place, even ahead of the unfinished business.

Mr. CUMMINS. The Senator from Massachusetts made a point of order after 2 o'clock.

Mr. JONES of Washington. The motion was made before 2 o'clock.

Mr. LODGE. I made the point of order before 2.

Mr. GALLINGER. It is not simply a motion to return the papers, but to reconsider the vote, and it is palpable that that is not a privileged motion. It never has been so treated in the Senate.

Mr. JONES of Washington. I did not suggest that the motion to reconsider was a privileged motion, but there are two motions; one is a motion to reconsider, which will not be acted upon until the papers are here, and the other a motion to ask the House to return the papers, and under the rule that motion must be voted on immediately and without debate. It should have been immediately put.

Mr. HOLLIS. I read from Gilfry's Precedents, page 505, a ruling in the Thirty-fifth Congress, second session:

> A motion to reconsider may be entered as a privileged motion, but its consideration must be determined by a vote of the Senate.

It being a privileged motion, it may be entered at any time. That does not give the motion to reconsider a right to be consid-

ered or voted on at once, but a motion to reconsider in a case where the papers have gone out of the possession of the Senate must be accompanied by a motion to request the House to return the papers, and there is a rule which makes it obligatory upon such a motion being made to have it acted upon immediately and without debate, and if determined in the negative to be a final disposition of the motion to reconsider.

The Chair had put that motion. The vote was taken viva voce, but the Chair did not declare the result. Now, we are entitled to have a vote and a decision on the motion to have the papers returned. Otherwise this rule would be boy's play and futile. The Senate has a right to decide whether it wants to have the papers returned.

Mr. LODGE. The Chair did not put the motion because I made the point of no quorum, and a quorum being developed I made the point of order that the papers could not be recalled because the House had agreed to the conference, and one House can not control a conference. When the papers are in conference it requires the action of both Houses.

Mr. FLETCHER. I think the record will show that the Chair did put the motion and called for a vote on the motion. The Chair expressly put the question for the affirmative and the ayes responded, and the Chair put the question for the negative vote and the noes responded, and at that time the Senator from Massachusetts rose and desired to know what motion was being put, and thereupon suggested the absence of a quorum.

The PRESIDING OFFICER. The Senate, of course, has a right to decide upon any ruling of the Chair. The Chair will rule that the motion to request the return of the papers is in order and should be acted upon by the Senate without debate.

Mr. GALLINGER. Mr. President, I have to appeal from that decision as the papers are in the hands of the conference committee and can not be returned by a vote of one body.

The PRESIDING OFFICER. The Chair thinks the Senate has no official notification of that state of fact, but an appeal is taken from the decision of the Chair.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. REED. It has been repeatedly said that we had no official notice of the fact that the House appointed conferees. In such a case I understand it is not the custom of one House to notify the other when a conference has been asked and they have actually appointed conferees. They notify when they have agreed to or rejected the conference report. The action of the House speaks for itself. If the House has acted, then the fact has been fixed. It does not require notice here to fix the fact. The question is, Is it a fact? That is not to be determined by our notice, but by what the House has done.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GALLINGER. While on my feet I meant to make the very suggestion the Senator from Missouri has made, that we are not notified officially that the House agrees to appoint conferees.

The PRESIDING OFFICER. The Chair will state one point which is troublesome here. If the statement be true that the Senate can not request the return of papers after they have gone into conference, then it would not be possible at any time to reconsider the action of the Senate after a measure had gone to conference.

Mr. LODGE. It is not.

Mr. GALLINGER. The very point I would make is that the papers are in the hands of the conference, and they can make any report they please. They can open this entire subject by making a report. That is the only method by which it can be done under our rules.

Mr. LODGE. The message was received yesterday by the House, and the chairman says the conferees have been appointed. I never understood that in such a case papers could be recalled by one House from the other, because there can then be no joint action. I merely want to make that point against the ruling. There must be a cessation of discussion somewhere, and there is until it has been acted on by the other House.

The PRESIDING OFFICER. The Senate may decide that question. Shall the decision of the Chair be sustained? [Putting the question.]

Mr. RANSDELL and Mr. PITTMAN called for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. What is the question?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The Secretary proceeded to call the roll.

Mr. JAMES (when Mr. BECKHAM's name was called). I desire to announce that my colleague [Mr. BECKHAM] is detained on official business, and that he would vote "yea" if here.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In this instance I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to my colleague [Mr. STONE] and vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BECKHAM] and withhold my vote.

Mr. WOLCOTT (when his name was called). Having a general pair with the junior Senator from Indiana [Mr. WATSON], I withhold my vote

The roll call having been concluded,

Mr. HOLLIS. I was requested to state that the junior Senator from Florida [Mr. TRAMMELL] is temporarily absent on official business.

Mr. PENROSE (after having voted in the negative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I note that he has not voted; but in view of the fact that he made a speech against this measure in the Senate the other day, I will let my vote stand.

Mr. CALDER. Is the Senator from Rhode Island [Mr. GERRY] recorded?

The PRESIDING OFFICER. He is not.

Mr. CALDER. I withhold my vote, being paired with that Senator.

Mr. SAULSBURY (after having voted in the affirmative). I understand the senior Senator from Rhode Island [Mr. COLT] has not voted. I transfer my pair with that Senator to the junior Senator from Florida [Mr. TRAMMELL] and allow my vote to stand.

Mr. BANKHEAD (after having voted in the negative). I have a pair with the senior Senator from Connecticut [Mr. BRANDEGEE]. I will transfer that pair to the Senator from Oklahoma [Mr. OWEN] and allow my vote to stand.

Mr. KNOX. May I inquire if the Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDING OFFICER. He has not.

Mr. KNOX. I have a pair with that Senator, which I transfer to the Senator from Utah [Mr. SMOOT] and vote "nay."

Mr. JONES of Washington. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate. I will allow this announcement to stand for the day.

Mr. HARDWICK (after having voted in the negative). I am paired with the Senator from Kansas [Mr. CURTIS]. I transfer my pair to the Senator from Arizona [Mr. SMITH] and let my vote stand.

Mr. LEWIS. I desire to announce that the Senator from Montana [Mr. WALSH] and the Senator from Rhode Island [Mr. GERRY] are necessarily detained on official business.

Mr. McNARY. I wish to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is detained on official business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 29, nays 35, as follows:

YEAS—29.

Culberson	Kendrick	Pittman	Simmons
Fletcher	Lewis	Pomerene	Smith, Md.
Henderson	McKellar	Ransdell	Swanson
Hollis	McNary	Robinson	Thompson
James	Martin	Saulsbury	Tillman
Johnson, Cal.	Nugent	Shafroth	
Jones, N. Mex.	Overman	Sheppard	
Jones, Wash.	Phelan	Shields	

NAYS—35.

Bankhead	Harding	Nelson	Sterling
Cummins	Hardwick	New	Thomas
Dillingham	Hitchcock	Norris	Townsend
Fall	Kellogg	Page	Underwood
Fernald	King	Penrose	Vardaman
France	Kirby	Poindexter	Wadsworth
Gallinger	Knox	Reed	Warren
Gore	Lodge	Sherman	Weeks
Hale	McCumber	Smith, Ga.	

NOT VOTING—31.

Ashurst	Brandegee	Colt	Goff
Baird	Broussard	Curtis	Gronna
Beckham	Calder	Frelinghuysen	Johnson, S. Dak.
Borah	Chamberlain	Gerry	Kenyon

La Follette	Smith, Ariz.	Stone	Watson
McLean	Smith, Mich.	Sutherland	Williams
Myers	Smith, S. C.	Trammell	Wolcott
Owen	Smoot	Walsh	

The PRESIDING OFFICER. So the decision of the Chair is not sustained, and the unfinished business is before the Senate.

Mr. OVERMAN. It is rather a parliamentary mix-up now. I am chairman of the committee of conference, and have called the conferees to meet in the morning.

Mr. LODGE. The point of order is sustained.

Mr. OVERMAN. I understand; but it does not reach the motion to reconsider.

Mr. LODGE. It throws out the motion. I made the point of order against the motion. The motion has been sustained by a vote of the Senate. The point of order went to the whole motion.

Mr. OVERMAN. I did not understand whether it went to the whole motion or not. I just want to know where I am; that is all.

Mr. GALLINGER. The Senator from North Carolina will remember, of course, that a motion to reconsider can not be made until the papers are brought back. The Senate has decided that the papers can not be brought back under the point of order.

Mr. FLETCHER. Allow me to make a suggestion. The only question decided was that the motion which the Chair was beginning to put is not now in order. There has been no adverse decision as to the motion itself or on the merits of the motion. The motion can be put at any time the Senator from Washington desires to offer it.

Mr. LODGE. The motion was made. A point of order was made against the entire motion, and of course when the point of order was sustained the motion falls.

The PRESIDING OFFICER. The Chair is of opinion that, inasmuch as the Senate refused to recall the papers, the motion to reconsider is not in order; and, in view of the action of the Senate, it sustains the point of order against the entire motion.

Mr. FLETCHER. May I suggest to the Chair that the question was not whether the papers should be recalled. The only question was whether the motion should be put or not, and on that question——

Mr. GALLINGER. Oh, no.

Mr. FLETCHER. The Chair was overruled. The question was not before the Senate, whether the papers should be recalled or not. The Chair was proceeding to put the motion, and a point of order was made that the motion could not be put because the unfinished business was before the Senate. The Chair held otherwise. On an appeal from the decision of the Chair the Chair was reversed, so that it stands now precisely as it stood before, with the motion made by the Senator from Washington pending; but on account of the unfinished business intervening that motion is in abeyance.

Mr. GALLINGER. Mr. President, I rise to a point of order. My point of order is that the Chair has made a decision, and, no appeal being made, the decision of the Chair must stand—that the motion to recall the papers with a view to reconsidering the vote was adversely acted upon.

The PRESIDING OFFICER. The Chair thinks the Senator from New Hampshire is right, but is glad to hear the opinion of the Senator from Florida. The unfinished business, which is Senate bill 3771, is before the Senate.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. CUMMINS. Mr. President, I desire to draw the attention of the Senate to a brief discussion of the bill reported by the Judiciary Committee, which is now the unfinished business of the Senate. I listened with the deepest interest to the able, good-tempered, interesting observations of the Senator from North Carolina [Mr. OVERMAN]. It is needless to say that I acquit him of any purpose to challenge the loyalty or the good faith of any of his colleagues.

I listened to the illogical, though fascinating, eloquence of the Senator from Illinois [Mr. LEWIS]. I freely acquit him of any intent to challenge the good citizenship of any Member of the Senate. I must say, in passing, however, that, as it seemed to me, more strikingly inconsistent observations never fell upon the ears of Senators of the United States than we heard in the charming periods of that great orator. I listened to the historical and critical review of the subject presented by the Senator from Arizona [Mr. ASHURST], and we all know that he could not under any circumstances impugn the loyalty and good intent of his associates in the Senate. Notwithstanding these suggestions, however, with regard to the purpose in the minds of these distinguished Senators who have attempted to support the bill under consideration, I must, in order to be frank and candid, say that through all of them there runs a thought which, with its reiteration from time to time, is increasingly irritating and indefensible.

Whatever the Senator from North Carolina [Mr. OVERMAN] and the Senator from Illinois [Mr. LEWIS] intended to do or intended to say, what they did do and what they did say was calculated to produce just one effect. They would have the Senate and the country understand, and no other conclusion can be drawn from their utterances, as well as the utterances of other eminent statesmen to whom I will call attention in a moment, than this: That any man in the Senate or out of it, in the House of Representatives or out of it, who does not accord to the President whatever he demands, who is not willing to give him all the power which he asks, is not loyal to his country and does not desire to win in the mighty conflict now engaging all the energies and all the thought of the American people. No matter in what language it may be expressed, no matter how beautiful the imagery may be, no matter how striking the illustrations may be, the argument is: The President has asked for the measure, he has asked for power, and he who denies the request of the President is an enemy of his country, is disloyal to the Government, and does not desire America to win in the war in which the whole world is now involved. I resent the argument, while at once vindicating the Senator from North Carolina and the Senator from Illinois of any purpose to impugn either my loyalty or my fidelity to American institutions and American principles and American honor.

The argument is not confined to this Chamber. It is prevalent elsewhere. It is exactly the same argument which the President of the United States made in his letter to the Democratic candidate for Senator in Wisconsin, in which he suggested, in terms that could not be misunderstood, that anyone who failed in answering his demands or his wishes since the great war began in Europe concerning the attitude of the United States is an unfit man to represent the American people in Congress, and if in Congress is incapable of expressing American ideals, American ambition, and American hopes.

The time has come, at least so far as I am concerned, when I feel it necessary to deal with that thought. The time has come for us to understand whether we must accord the President infallibility; whether we must agree with everything that he may suggest in order that we may stand foursquare with the loyal, upright sentiment of the people of this country. I do not intend in anything that I shall say to disparage the President. I shall presently mention the length to which I have gone and intend hereafter to go in his support; but I do intend to dissipate, if I can, the atmosphere which has gathered around this Chamber, which is created throughout the country, and which obscures the duty of Members of Congress and may mislead and deceive the people of the Republic.

These observations and this thought in my mind will make it necessary for me to speak a word, first, with regard to my attitude toward the war; second, my attitude toward the President; and, third, my conception of the part which the Constitution of the United States plays in the legislation which we are asked to enact.

Mr. President, so long as the United States was a neutral Nation, under the inaction of Congress and under the leadership of the President I attempted in good faith to be a neutral. There was some difference of opinion from time to time with regard to the things which constitute neutrality, but I tried in each instance by my voice and by my vote to exemplify before the world the neutrality of this Nation. When Congress on the 6th of April, 1917, abandoned its neutral position and declared war or the existence of a state of war between the United States and the Imperial Government of Germany, I became a belligerent, and I have been belligerent every moment since that day.

Mr. President, I voted for the declaration of war. I was one of the men who believed that Congress should have considered the subject before the 6th day of April, 1917, although at the same time I was unwilling to give the President the power to declare war or to make war; and because I thought that Congress then ought to have exercised its constitutional function and to have decided what should be the relation between the United States and Germany, and that we ought not to confer upon the President the right either to declare war or to make war, I was denounced throughout the land as a traitor—not alone a traitor to the President, but a traitor to the Republic as well. I have not changed my mind a whit with regard to that vital controversy. I think that whenever Congress abandons its constitutional privilege of declaring war or maintaining peace,

whenever Congress assumes to confer upon the President, no matter who he may be, the right either to make war or to declare war, the end of free institutions approaches.

But when Congress did declare war and did exercise its constitutional power in that respect, from that moment until this no man has been permitted to outrun or to excel me in the efforts I have made to bring strength to this country in the conflict upon which it has entered; and I venture to say that there will be a great many voluble patriots who will fall by the wayside before I am willing to give up the struggle.

I have not been in favor of talking about peace since the 6th day of April, 1917. There has never been a time since that moment when the people of the United States ought to have occupied themselves in discussing terms of peace. There was but one thing for us to do when we entered into war with Germany, and that was to equip our armies and our navies as rapidly and as efficiently as we could, in order that we might overcome the enemy. So far as I am concerned, it matters not what may be the outcome in France; it may be that our fond hope with regard to the struggle upon the bloody and historic soil of that Republic will be shattered—I pray God that it may not be so; but it may be so—but even if the arms of the German Empire are successful in Europe, I shall not be found ready or willing to make peace with the brutal monster who is now devastating the whole civilized world.

I am enlisted in this war for the war; and the war will not entirely end, so far as I am concerned, until the German Government, representing the military strength and power of that great country, is broken and crushed and destroyed forevermore. I do not know where the scene of the battle will be; I do not know whether it will be on the ocean, or whether it will be in some of our possessions beyond continental United States; it may be upon the soil of the Republic itself; but, wherever it is, the United States must go forward earnestly, passionately, remorselessly until we have conquered the enemy whose power and whose depredations led us into the carnage. Otherwise, every boy who goes to his death in France will have died in vain; otherwise all the treasure which we pour out to maintain this conflict will have been expended in vain; otherwise the great burden under which we must stagger for years and years to come will be borne in vain. There is but one end to the war; it must end in victory. If we are defeated our institutions go down; if Germany is not defeated, her crown is triumphant; and in so far as I can influence the course of events, this battle for civilization, for the right to live, the right of our community, at least, to select its own institutions for its own government, will not end until our cause is absolutely vindicated and established.

This, Senators, is my attitude toward the war, and I hope that the eloquent Senators from North Carolina and Illinois, not intending to impugn my fighting loyalty because I am opposed to certain parts of this bill, will in the future so phrase their observations before this body as to omit that exceedingly disagreeable, grievously unjust suggestion and inference which I find in every word that has been uttered in defense of the bill so far.

If the Senator from North Carolina and the Senator from Illinois would come before the Senate saying, "Here is certain power which ought to be given to the President, which, in our opinion, will help in the prosecution of the war, power that he can exercise better and more efficiently than anyone else," that might create simply a difference of judgment; but there could be nothing objectionable whatsoever in an argument of that character. Thought there might arise conflict of judgment in regard to it, some of us might think that any given power which it was suggested ought to be conveyed or transferred to the President could be better exercised by some one else, the debate would proceed upon proper lines; but when those who advocate this bill and other bills like it come before the Senate declaring simply that the President wants this power, that because he wants it he ought to have it, and that every man who questions the propriety or wisdom of granting the power is not a loyal citizen and is not in favor of winning the war, then we have a situation and a position which all good people must deplore, for in the end that attitude—and I commend this suggestion not only to the Senators who have spoken, but to those who are yet to speak and those who are yet to vote—in the end that attitude will destroy the strength of the American people; in the end it will so alienate the affections of the people from the administration as to rob the President of the authority which he ought to have, and which every intelligent, loyal man is more than willing to give him.

This warning is not uttered in any offensive sense. I do not feel that way. My only hope is that we can make this country strong and united, and that we ought not to perpetuate the habit and practice of denouncing every man as an unfit citizen and as a disloyal public servant who differs from the President or from his spokesmen in the Senate upon any given question.

That reminds me of the manner in which we are advised that the President wants this power. The President has delivered no message to Congress upon the subject; he has not indicated to the Senate in any public way his views upon this legislation. It was disclosed in the committee, and inasmuch as the proceedings before the committee have been commented upon, I presume I may, without violating any confidence, mention what we understood there with regard to the wishes of the President and how they were communicated. I understand that the President asked the eminent Senator from North Carolina [Mr. OVERMAN]—than whom a better man never lived, and I say of him, as the Senator from Georgia did, I am bound to him by ties of affection that seem to me more lasting and stronger than connects me with any other man in the Senate Chamber, and nothing that I say must be understood as reflecting upon him in any way whatsoever—but the President summoned the Senator from North Carolina, desiring to talk with him upon this subject. He did talk with him. This bill is the result of that conference between the Senator from North Carolina and the President. There was no reason why the Senator from North Carolina should not confer with the President upon the matter, but there was great reason and is great reason and always will be great reason against a Chief Executive communicating with Congress in that way. The bill was introduced. Some of the members of the committee asked the Senator from North Carolina what powers the President wanted that he did not already have. The Senator from North Carolina, I think, instanced two things that ought to be done. The Senator from Georgia has referred to them. Upon inquiry it was found that the President had full and complete power with regard to these things, and there was not instanced before the committee at any time or suggested at any time a single specific power which the President thought was wise to confer upon him which he did not already fully possess under the legislation of Congress and the Constitution of the United States.

I do not believe that is the way in which the President should recommend legislation for the welfare of the Union; it is not the way pointed out in the Constitution. It may be the way in which some Chief Executives have sought legislation in times past, but no matter whether that plan has been pursued by a Republican or a Democrat it is equally objectionable.

This leads me to say that for the war there is not a drop of partisan blood in my veins. It is a matter of entire indifference to me whether the Chief Executive is of one party or another or whether Senators are of one party or another. I am not a partisan in casting votes or in expressing opinions upon legislation, whether in peace or in war. I have never voted for any measure, I have never spoken for any measure, I have never voted against nor spoken against any measure because my party associates were either for or against it. I had differences of opinion with the distinguished predecessor of the present Chief Executive quite as radical and quite as numerous as any differences which have ever arisen between the existing administration and myself. I voted against him when I believed I ought to do so just as freely as I vote against the present administration. There is no use raising the banner of nonpartisanship in this Chamber. So far as the war is concerned, there is no partisan flag. Every Senator, whether on the other side of the Chamber or on this side of the Chamber, is infinitely more interested in the preservation of the Republic and in the honor of the Union than he can possibly be in any political party or in the representatives of any political party.

I am just as indifferent to the authorship or source of any suggestion touching the war as a man can possibly be; and I intend in the future, as in the past, to follow the President of the United States whenever I believe he is right, and I intend to resist him whenever I believe he is wrong. But notwithstanding the suggestion of the Senator from Illinois as to the clouds that may arise in the sky of those Senators who do not vote for this bill, I am willing to go to the country upon that platform. I am willing to have my support of or opposition to the President weighed and tested by the standard which all good men must acknowledge and must accept in determining their public duty.

Mr. President, a word with regard to my attitude toward the Constitution; and that is suggested by the remarks of the Senator from Illinois, who seemed to believe that there were Senators—there were people—who, rather than preserve the Union, the integrity of our institutions, the honor and the glory of the American name, would cling to the technical shred of a Constitution adopted in peaceful times and for purposes other than war. If there is such a Senator, I do not know him. I im-

mediately challenge the thought that I have often heard expressed here, sometimes from my side of the Chamber as well as upon the other, that democracy is weak in war, using the word "democracy" as the synonym of the republican institutions established by the Constitution of the United States. I challenge the view.

The Republic of the United States is not weak in war. So far from being weak in war, a country like our own is infinitely stronger in war under the Constitution and pursuing the Constitution than any monarchy ever established among men. It does infinite harm to free institutions to have it constantly said that they are good enough in times of peace, but that they must be abandoned in times of war. It is a heresy, it is a misrepresentation of the power and might of free men, and ought not to be ever again uttered under American skies.

The only condition which makes a democracy or a republic weak in war is disaffection among the people of the country. Strength in a republic presupposes that a great majority of the people favor the undertaking in progress, no matter what it may be. If the people of this country are really in earnest in prosecuting this war, as I think they are and as I know I am, the United States can be more powerful under our Constitution than the Imperial Government of Germany can be under her system of laws.

We entered the war unprepared. I am not going to enter upon an inquiry with respect to whose fault it is that we were unprepared. I do not care at this time, nor is it material at this time; but we were unprepared, and unpreparedness is an obstacle which can not be overcome in a brief space of time. I am not going either to criticize any subordinate officer of this Government in regard to our preparation. While many things probably have been done that should not have been done, and many things have been left undone that should have been done, most of the mistakes, if not all of them, are incidental to the magnitude of the task in which we have been engaged. The real difficulties, the underlying difficulties, have not been with subordinates. They grew out of the want of a harmonious and intelligent policy in preparation for war.

But I must not digress. I must not allow myself to wander into those paths, because I am attempting to indicate my conception of the Constitution as it relates to the war.

I believe the Constitution of the United States is just as dominant in war as it is in peace. I believe that it is just as potent, as powerful in the government of the people and in the government of those whom the people have elected to conduct our affairs, in war as it is in peace. Furthermore, I believe it is as great a moral crime to violate the Constitution, ignore it, or condemn it in time of war as it is to do a like act in time of peace. I assert, and I challenge successful contradiction—indeed, I doubt whether there can be or will be any contradiction, successful or unsuccessful—that under the Constitution of the United States the Republic can do everything which any nation can do, I care not what its form of government, in defending itself against an enemy or in prosecuting its cause in war. It is utterly impossible for any Senator here to name anything that can be done in one country, however autocratic its form of government may be, that can not be done under our Constitution.

I am not saying now, mark you, that the thing must or may be done in the same way. There are certain paths pointed out in our Constitution that we must pursue; but there is no limitation of power, and either the President, as the Commander in Chief of the Army and the Navy of the United States, or the Congress of the United States, as the legislative arm of the Government, can do everything that it is necessary for any country to do in order to exert, to summon, to marshal, to use its full, complete strength in war.

This is my view of the Constitution. The difficulty of the question we have before us is that there are some people who harbor the delusion that in time of war all the power of the Government which it may properly exercise in defense or in aggression must be exercised by the President. That is the point of divergence. The President has vast war powers under the Constitution. In the very nature of things his authority as Commander in Chief of the Army and the Navy is immensely widened in the event of war. But, after all, the war powers which can be justly exercised by the President under the Constitution are but a tithe of the powers which we must employ in order to carry on the war successfully; and those further powers are to be employed by Congress and not by the President.

It is one of the purposes of the observations I am now making to recall people to a reflective attitude, to ask them to review our Government and our Constitution, in order to properly assign the powers of war and to give to Congress those which belong to Congress and give to the President those which belong to him. When this realignment is clearly and intelligently made, then if there comes a time when we think that the cause of the American people will be served by taking a part of the legislative power and investing it, in one form or another, in the Executive, we will patriotically do it. We have done it in a score of instances—yes, in two score instances—since the war began; and I am pleading only for a continuation of that policy throughout the legislation which will be proposed during the period of the war.

I believe this bill is unconstitutional. The Senator from North Carolina asked me, in the very beginning of his observations, whether I would give up the Constitution in order to save the country. It is pretty hard to tell just what one means by that question; but, understanding him as I am sure he intended to be understood, I answered in the affirmative. If I believed that the safety of our civilization depended upon it, the triumph of our view of humanity and social justice, as compared with the recrudescence of medieval barbarity which seems to be the guiding star of Germany, I answer at once in the affirmative. One must answer in the affirmative. But that does not indicate that I believe that, in this instance, we ought to violate the Constitution in order to prosecute the war, because, in my opinion, we will more successfully prosecute the war, and we will do more toward driving Germany into the defeat and obscurity into which she must be driven, if we exercise our power in a constitutional way.

The bill is unconstitutional because it attempts to delegate legislative power to the President. I intend, after a while, to analyze the bill, and to point out just what it does. I hope I may be permitted, however, to make that a second chapter in my address. It is sufficient to say now that it attempts to confer upon the President the authority to abolish any given agency of the Government, I care not whether it is qualified by the terms "executive" or "administrative" or not. Assuming that it is qualified in that way, to give a concrete example, it attempts to give the President the authority to abolish or suspend for the time being—that is, during the war and for one year after the declaration of peace—the Department of Justice, so that that department will have no functions whatsoever, no power whatsoever, and to transfer all the power and all the functions which have been granted to the Department of Justice by the statutes of the United States to any other department, to any other tribunal or commission, or to any other office or officer of the country.

Mr. OVERMAN. Mr. President, I do not want to interrupt the Senator, but I do not acquiesce in that statement. The bill only gives him authority to transfer functions. Suppose he were to transfer the powers of the Attorney General's office to some other department, would not those be the functions that Congress has already created?

Mr. CUMMINS. Surely; but if the Senator will patiently hear me, I will point out wherein I think the legislative authority is delegated.

The bill says—and I am going to comment upon this at much greater length at another time, or later on—the bill says, and this is perhaps the broadest authority granted:

To transfer—

Now, we have been speaking of executive departments, administrative commissions, and boards and officers, and so on—

To transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another.

It is not possible to question my conclusion that under it, if the law be valid, the President is given the authority to say that from this time on all the powers and duties of the Department of Justice as now organized shall be suspended or abolished, and that all its powers and duties shall be transferred, we will say just for illustration, to the postmaster of Washington.

Mr. GORE. Or to Mr. Creel.

Mr. CUMMINS. Therefore, after an order of that kind is issued, the Department of Justice would have neither power nor duty nor function nor activity, and the postmaster of Washington would be clothed with all the power and would be burdened with all the duties and must perform all the functions which the Department of Justice has hitherto carried, performed, and exercised. I am only mentioning that for purposes of illustration, because I do not want the Senator from North Carolina to think that I believe the President of the United States would do that; but I am testing this proposed statute by the Constitution.

When the President executes this authority, when he enters his Executive order transferring the Department of Justice and all its powers and duties to the postmaster at Washington he is exercising legislative power. There can be no escape from that conclusion. The Congress of the United States could transfer the powers of the Department of Justice to the postmaster

at Washington. No one will doubt that. We can take the power that we have given to any of these departments and vest it in whomsoever we please; but, when we do it, it is a legislative act; and we can not transfer or delegate that authority to any executive officer, I care not how exalted his station may be.

I am not unfamiliar with or unmindful of the judicial declarations and opinions upon this subject. The Supreme Court of the United States has gone a great way in sustaining laws which may have appeared to delegate legislative authority. I do not intend to take the time to review them; there are very many of them; but the attitude of the Supreme Court in the matter is all summed up in its opinion in the case of Field against Clark, in One hundred and forty-third United States; and the entire legislative history of the Nation up to that time, and all the authorities that were known at that time, are recited in that opinion. The effect of the decision of the Supreme Court is to say that the legislature can perform a legislative act, such as passing a law, and it can make its operation depend upon a state of facts or events which facts and events may be found and promulgated by the President of the United States. That is as far as the Supreme Court has ever gone or any other court has ever gone in sustaining the exercise, or near exercise, of legislative power by an Executive.

To apply that doctrine to the present instance, I have no doubt that we could describe in this statute a certain fact and say that whenever the President found that fact to exist, or whenever the event named in the statute occurred, and the President should certify to it, thereupon the powers and functions of the Department of Justice should be transferred to and vested in the postmaster of Washington. I think that would be a valid statute; but we have done nothing of that kind in this bill. We have not provided that the President shall ascertain any fact. We do not provide that he shall determine any event, upon the occurrence of which the powers of one of these departments shall pass over to another department or to another officer. We have simply said that the President, whenever he likes, without any administrative ascertainment of conditions or facts, can transfer the duties of the Department of Justice to the postmaster at Washington or to any other officer of the Government. I venture to say that a suggestion of that kind has never before been made in the Congress of the United States. I venture to say that even the most ardent supporter of this bill will find it very hard to defend the constitutionality of the bill in that respect. We not only embrace in the bill the transfer of one department to another, but we embrace in the bill the entire civil establishment which we have in 125 years created for the government of the people of this country. If we should say that the President is hereby authorized, upon finding that the public welfare requires it, to transfer the Department of Justice to the postmaster at Washington there could be found a little glimmer of support for an act of that kind in the opinions of the Supreme Court, although that is not persuasive, because overborne by other arguments that are presented by that court. But we do not even do that in this bill. We attempt to say to the President, "You can take the entire Government, every agency of the Government which we have created and which we have believed to be necessary for the protection of the people. You can take them all; you can take every function of the Government under the Constitution except Congress and the courts, and you can transfer them as you please. You can consolidate all of them in any one man whom you may select and upon the happening of what event? None. The only limitation found in the bill is that the President must find inferentially that his act has some relation to the prosecution of the war.

The Senator from North Carolina [Mr. OVERMAN] is a good lawyer. He is one of our leaders in the Judiciary Committee, and I think I can say without invidious comparison that he is the most active member of that committee. If the Senator from North Carolina will assume the bench, as he once graced it in times that are gone, and hear an argument as a judge upon the constitutionality of this measure, I would wager my life that his conclusion would be that Congress has no constitutional power to confer upon the President of the United States, or to attempt to confer upon him, the legislative authority to transfer functions that have been vested by statute in one department or one officer of the Government to another department or another officer.

If it were necessary to wreck the Constitution in order to defeat Germany, I would be the first man to wreck it; but can the Senator from North Carolina say that it is necessary to overturn the Constitution in order that these powers may be efficiently, energetically, and properly exercised? Congress is in session; Congress can be required to remain here, and it is not only prepared but it is in the full disposition to exercise every power that it has for the prosecution of the war. If the President wants us to transfer the Department of Justice to the postmaster at Washington, or the powers and functions of that department to some other officer of the Government, and if he can point out that the transfer will more efficiently organize the people of this country for the war there will not be a dissenting vote in Congress upon the proposal. But the necessity should be shown, and that necessity is the essence of legislative power. What do we conclude when we pass a law vesting power in a particular office or officer of the Government? We say to the world that we believe that the wise and just government of the people of this country requires that that office or that officer shall administer the law which we pass. When it is suggested that we ought to take that power from that officer and give it to some other, what kind of power is it that is exercised in reaching a conclusion of that kind? It is legislative power, it is legislative discretion, and the very limit to which Congress can go is to prescribe in a given case that the law shall take effect whenever certain conditions arise, and give the President the authority to ascertain the existence of those conditions and promulgate them, whereupon the law which we pass becomes effective.

Suppose that the law which was construed in the case of Field against Clark, which was the tariff law of 1890, as every lawyer knows, had said that whenever the President found that certain South American countries were not treating the United States fairly and reciprocally then he should have authority to prescribe the duties which should be attached to the importations of commodities from those countries. Does the Senator from North Carolina think that we could or should have done that? No; there is not a lawyer in America who thinks that we either could or ought to have done it. All that we could do, and we went to the limit of legislative authority in that matter, was to say that when the President found that these unequal and unreciprocal conditions had been brought about by certain discriminatory acts on the part of certain foreign countries, then the law which we enacted should be inoperative, and when the conditions were restored then the law which we had passed and the duties which we had prescribed should again govern and control the country.

The senior Senator from North Carolina [Mr. SIMMONS] is listening to me. He has composed more than one tariff bill, and I have come to value his opinion as highly as that of any Senator in the Chamber. I should like before this debate is over to hear whether he believes that we could grant to the President of the United States the power to change duties which we had prescribed by statute by saying that upon the happening of an event which the President had promulgated he could impose whatever duties he might think would meet the situation. Of course, there is but one answer to that, and that answer condemns this measure as unconstitutional.

I am with you in riding over the Constitution, wrecking and destroying it, blotting it out of the memory of man if it is necessary to do it in order to win the war, but there has not been a single suggestion from anyone who has spoken for this measure that it is necessary to obliterate the Constitution in order that this power shall be efficiently exercised—this power which belongs to Congress and to no other body in the Government.

I need not say more with regard to the relation of this bill to the Constitution. I do not want it to be retorted upon me at a later time that I offered an amendment in the committee limiting the field in which the Executive authority should act and following that with the inquiry whether that amendment contains the unconstitutionality which I have pointed out in the bill. The amendment which I proposed is just as much subject to the constitutional objection which I have made as the bill itself. My only purpose in offering it was to limit the operation of the bill within fair bounds so that if we must violate the mandates of the Constitution we shall violate the organic in as few respects as possible. I would not have offered any such amendment if I had not known that the majority of the committee were in favor of the bill.

As an original proposition I favor the view so well and so ably expressed by the Senator from Georgia [Mr. SMITH]. It is the only true, safe path for us to pursue, namely, that when the President desires a legislative power or desires the legislature to exercise the power which it alone has he shall come to it and point out the public necessity, so far as our civil establishment is concerned, and ask Congress to exercise that authority for the public good; and that Congress will do it the history of this body and the House of Representatives abundantly and conclusively demonstrates.

Mr. President, a word with regard to my attitude toward the President. I have already mentioned some phases of that subject, but I recur to it, because I do not want to be misunder-

stood. In the literature of the war I concede, and gladly concede, to the President a commanding place. I think that he has with unusual and extraordinary ability sensed the meaning of the war and the relation of the nations to each other, and he has expressed that relation not always consistently but always impressively.

I do not want to be the last man in any procession formed for the purpose of carrying a wreath of recognition in that respect to his shrine. I concede that he has infinite, consummate ability in commanding, coordinating, consolidating Congress and conventions, and I only wish I could say as much in praise of his ability in coordinating the industries, resources, and strength of the people of this country for war. I know that he wants to do all that a man can do. I know that he has no other thought, or at least that it is his supreme thought, to successfully conduct the United States through the perils which now confront it and surround it. But it is no disparagement of the President, it is no lack of loyalty to the President, to say that there are very, very few men in any generation who can command a country like ours in all its resources and all its strength so as to carry it forward to the highest point of success.

I do not intend to utter my opinions in detail, but you can gather, I hope, that while his subordinates have performed miracles in their separate and segregated way in the preparation for this war, it has seemed to me that the one coordinating office has not been occupied with all the vigor and the effectiveness that it should have been.

I agree with the junior Senator from Pennsylvania [Mr. KNOX] in his suggestion made a few days ago. I agree at the same time, strange as it may appear, with the view of the Senator from Illinois [Mr. LEWIS] with regard to the same subject. I agree with the Senator from Illinois in this, although I could not find any harmony between it and his general statement, viz, that the Commander in Chief could do anything he pleases with any body he pleases during the progress of the war. But he said——

Mr. LEWIS. Mr. President, the Senator, in using the word "body," does not mean "person" there? The Senator does not mean to imply by the word "body" that I referred to any person? The Senator meant any body or corporation?

Mr. CUMMINS. Certainly.

Mr. LEWIS. I did not wish to have it understood that the President could do anything with anybody, meaning "any person."

Mr. CUMMINS. I do not believe a President can override a law of Congress and transfer from one bureau to another, or from one department to another, duties which have been reposed in the particular bureau or particular department. In that I agree with the Senator from Illinois; but, practically speaking, it is in the power of the President to coordinate all the energies of the departments presided over by men whom we ordinarily know as Cabinet ministers. It is practically true that there could have been complete harmony between the Navy Department and the War Department in all their purchases, in all their construction, in everything which they have done in order to prepare for the war, if there had been a guiding hand to bring the heads of the departments and bureaus together and to insure that the final determination of one was the consensus of opinion in all. That is practicable; it could have been done; but it has not been done, and I leave the fault to be placed where it belongs. Every Senator can impute it to whatever officer of the Government he thinks ought to bear it.

That, however, does not mean to me that we should not give the President power to consolidate the bureaus of purchases and of construction in the War and Navy Departments. I am perfectly willing to do it. It would delight me beyond measure to do it. Nothing could be more helpful to this country now than to give the President power to erect either in the Department of War or the Navy, or both, a body of men, just as was suggested by the Senator from Georgia [Mr. SMITH], whose word would be final, whose action would be harmonious, and which would completely consolidate all the energy that we are making toward the preparation of our Army and our Navy for the danger and the peril which they must meet.

So, in holding as I do somebody, some person responsible for the discord and disunion and want of coordination which has existed, I am perfectly willing and anxious to go forward and create by law a body under the direction of the President that will do precisely what the Senator from North Carolina thinks ought to be done in that respect.

Moreover, I intend to support the President of the United States as Commander in Chief in the exercise of his vast power and the bearing of his infinite responsibilities as Commander in Chief in every way. There is no power he needs as Commander in Chief from Congress. Congress can not give him power as Commander in Chief. The Constitution gives him the authority which he exercises as Commander in Chief, and we can neither dwarf it nor can we withdraw it from him. It is given to him, and I want to make him just as strong as it is possible for man to be in the exercise of his powers and duties as Commander in Chief, and there is no resource of the United States in men or money which I am not willing to exhaust in order that he may mobilize both for the successful, energetic prosecution of the war.

No word of disparagement shall ever fall from my lips so far as his duties as Commander in Chief are concerned. I would no more think of criticizing him as Commander in Chief than a soldier would think of denouncing his general in the face of the enemy. When, however, he asks for legislative power in civil establishments, when he asks for powers which do not concern him, which can not concern him as Commander in Chief, when he asks Congress to do something in the exercise of its war powers, then he must grant to me what I so willingly grant to him, the privilege of freedom and the liberty of employing my judgment according to my own conscience.

Mr. President, it is just as disloyal for the President of the United States or anyone else to denounce Members of Congress for the manner in which they discharge their duties as it is for the Members of Congress to denounce the President. We are all a part of the Government. We must not fall under any mistake with regard to this.

There is no one man the Government of the United States, and if it is disloyal to cripple, to hamper, to disparage, to denounce the Government, then those who impugn the good faith of Members of Congress, those who assail the Representatives of the people in the discharge of their sworn duties, are just as culpable, just as censurable as those who would denounce the President of the United States in the discharge of the duties of his high office.

Let us have a fair, reasonable understanding about the Government, so that we can all go forward with one mind, with one purpose, and accomplish the only great thing which the American people have at this time in mind. It ought to occupy, it must occupy, the public attention to the exclusion of every other concern of the citizen, and we will not do it, that unity will not prevail, if we are to hear from day to day these condemnations of those who have public duties to perform, because they will not perform them as commanded by some other officer or function of the Government.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. KNOX. The Senator from Iowa a short time ago, during his present argument, made reference, as I understood him, to the enlarged war powers of the President during war. The same thought was suggested yesterday, that the President during war had great and enlarged and ample and almost autocratic powers, which he did not possess in time of peace. My own conception of the Constitution has always been that the President has no "war powers" either in time of war or in time of peace; that the war powers conferred by the Constitution are all conferred upon Congress. It is true that the Constitution makes the President the Commander in Chief of the Army and Navy, but that does not confer war powers on him. He has got just as much power as Commander in Chief of the Army and Navy during the time of peace as he has during the time of war; his powers are not expanded as Commander in Chief during war, but the subject upon which the power operates is expanded and is so multiplied that, of course, his activities as Commander in Chief of the Army and Navy loom largely in the public eye. However, I should like, having stated my own understanding upon that subject, if the Senator from Iowa is willing, to have his opinion as to whether that is a correct exposition of the Constitution.

Mr. LEWIS. Mr. President——

Mr. CUMMINS. In just a moment I will yield to the Senator.

Mr. LEWIS. Before the Senator from Iowa proceeds, I was going merely to ask the Senator from Pennsylvania, if he will permit me, if he did not understand the contention he has just expressed was the one that I have been, since the passage of the food-control bill as well as yesterday, insisting upon—that the enlargement under the Constitution in time of war is of the exercise of powers which is not encouraged to the same extent or permitted in time of peace?

Mr. CUMMINS. Mr. President, answering the Senator from Pennsylvania [Mr. KNOX], I submit that it all depends upon the sense in which is used the term "war powers." Tech-

nically the Senator from Pennsylvania is undoubtedly correct. I did not use the term in that sense. I used it in the sense of powers that were to be exercised in the progress of the war. They are war powers, as I view the term, only because they are employed during war and when necessary to be employed during war. I quite agree with the Senator from Illinois [Mr. LEWIS] with regard to that.

The Constitution fixes the war powers of the President, and they are simply powers which inhere in the office—if it may be called an office—of Commander in Chief of the Army and the Navy. Those powers, critically expressed, are the same in war as in peace; but the war powers themselves in time of war are infinitely broader than in times of peace. I use the term in that sense.

Mr. LEWIS. If I may be pardoned—I do not want to proceed if I interrupt the Senator——

Mr. CUMMINS. Not at all.

Mr. LEWIS. But the Senator from Pennsylvania [Mr. KNOX] nodded his head in this direction meaning to say what for a moment I omitted. He said that yesterday certain contentions were made—and, of course he referred to the argument that I made—and he was quite accurate in his statement, only I want it clearly understood that I have constantly been presenting this distinction, which I might not have made clear, and which I insist on to-day, that in war time in the exercise of powers the exercise of them is limited only in the discretion of the Commander in Chief, while in times of peace they are limited by regulations prescribed by Congress.

Mr. CUMMINS. Mr. President, with the latter view, which is just now expressed by the Senator from Illinois, I can not fully concur; however, I regard the subject as somewhat irrelevant to the discussion I am pursuing.

I have endeavored, in the time I have occupied the attention of the Senate, to set forth as clearly as I could my appeal for a better understanding of ourselves; my appeal for a more temperate and considerate expression concerning ourselves and our associates. I content myself with that discussion of the measure before us for the present time. I intend a little later to take up the bill itself and analyze it as I view it. The extreme authority in the bill is to take every function of the Government, save the legislative branch and the judicial branch, and to consolidate all power, all duties, all responsibilities in one man, unknown, unnamed, without the consent of the Senate. I suggest this simply that I may leave at this moment the extremes of the bill in the memory of Senators. Just now, however, I think the questions I have been discussing are of infinitely more importance than the details of any legislation.

I can not conceal from myself the conviction that the war in which we are engaged will be of long duration. I can not conceal from myself the apprehension that soon the United States may be alone in the tremendous struggle with the powers of the central governments; but whether that unhappy day shall dawn or not, we are in a conflict that not only demands all the energies and all the resources of the people, all the material things which the people can give, but it demands a unity of spirit, a oneness of determination and purpose never before required by any crisis or any peril confronting the Republic. There is but one way in which that unity of spirit and purpose can be maintained. It is by a toleration which will grant to every man freedom to express his opinion regarding the conduct of the Government, and to every legislator the liberty to use his conscience as the occasion requires. The attitude toward the people of this country can not be that those who were in favor of neutrality until the 6th of April, 1917, are now to be denounced, or at least to be suspected of traitorous sentiments.

There is just one way to save this country, and that is to stretch out our hands in sincere recognition and in sincere association and companionship to every citizen, man or woman, who wants America to win and who is determined that Germany shall lose; and it is to lift up, if I can, a little higher the banner of that spirit that I have spoken up to this time upon the measure now before us. Somewhat later, if I am permitted to do so, I shall attempt an inquiry into the details of the bill itself.

Mr. HOLLIS. Mr. President, nothing but good can come from such an inspiring and whole-souled address as that which has just been made to the Senate by the distinguished Senator from Iowa [Mr. CUMMINS]. I am glad to pay my tribute to his sincerity, his intelligence, and his loyalty. The Senator from Iowa is himself a man who fully measures up to presidential stature. His party has several times done worse than it would have done had it nominated him for President. I have myself voted with the Senator from Iowa time and again when a majority of my associates have voted against him. In certain matters I think he is without a peer in the United States. I think his intelligence, his breadth of view, his judgment on railroad matters and on all matters that involve transportation are unequaled in this country.

The Senator from Iowa is consistently and earnestly opposed to what he considers presidential encroachment upon the prerogatives of Congress; but I can not help feeling that if he were President to-day, he would himself be asking for the very powers which are proposed to be given in this bill. I hope that, if that were the case, I should be able to rise above partisan feeling and, as a Democrat, vote to give him those powers. I should not fear to give to him every bit of authority that there is in this bill. I should not fear to give to him as President of the United States, conducting this war as Commander in Chief, every bit of authority that he might ask. I should vote to do it, because in war times we must trust men in high authority, and we must trust without measure and without stint the man who is in the highest authority of all.

The Senator from Iowa is jealous of the privileges and powers of the Senate, and it is proper that he should present his objections; nothing but good will come from his doing so. The bill may be improved by discussion on the floor of the Senate. That is what the Senate is for, to discuss great public questions; and it is useful to have a diversity of views expressed on the floor of the Senate.

I have been very much pleased as this discussion has gone along to see how little of partisanship has crept into it. Since the war began I have not made a partisan remark on the floor of the Senate. I find my partisanship slipping from me; I hope that it will continue so to do; and I wish to join the Senator in his whole-hearted invitation that we all get together in a spirit of patriotism and fight this war through to a successful conclusion.

I have heard no suggestion impugning the patriotism or loyalty of those who oppose this bill, particularly the Senator from Iowa. Such a suggestion from any source would be greeted with derision, as it should be.

We differ widely as to the power of the President in time of war. The Senator from Iowa says that if we pass this bill we are conferring upon the President of the United States the right to legislate. He says that to give to the President the right to transfer certain powers from one department of the Government to another department is giving the President the right to legislate. If that be true, and if such transference of the power to legislate were prohibited in peace times if conferred upon the President, I feel quite sure that conferring such power upon the Commander in Chief of the Army and Navy solely as that transfer relates to the conduct of the war is not conferring legislative authority, but is increasing the power and discretion and executive capacity of the Commander in Chief.

This bill has a very plain purpose. The purpose of the bill is to help win the war, and we are all for that; every Member of the Senate is for winning the war. This bill undertakes to help win the war by making the administration more efficient, by creating a more centralized authority, by creating authority that is more elastic and therefore more efficient. I believe we are all for that, but some of us are not for it if we believe that that increased power carries danger to the people of the United States I do not think anyone here has such a love and veneration for the Constitution of the United States that he would shrink from giving the power even if he thought the Constitution might in some way be endangered during the conduct of the war. The test comes on the question whether it is wise to grant that great power to the President, for fear that he may misuse it.

The real reason for having this bill before the Senate is the investigation by the Senate Committee on Military Affairs. The movement began because of certain remarks which were made by the distinguished Senator who is the chairman of that committee [Mr. CHAMBERLAIN], and much good has come from the discussion which was started at that time. I do not myself agree altogether with the chairman of the committee in his conclusions and his statements, or with the other members of the committee who have honestly and intelligently discussed the conduct of the war; but I am free to say that much good has come from the discussion. The members of the committee did not content themselves with idle criticism. They said, "These are the facts, and here is the remedy"; and two bills were prepared, one creating a minister of munitions and the other creating what might be called a war cabinet.

It was stated, and I believe on the floor, that it was the purpose of those who prepared those bills to give to the President further authority for coordinating the war powers, in order that the war might be successfully prosecuted. I think the form of the suggestion came from the experience of England. England appeals to us, particularly at this time, and these suggestions

are somewhat following the English plan. I shall have something to say about that a little later. But for some reason, which I need not discuss here, the bill creating a war cabinet and the one creating a ministry of munitions have not been pressed for action, and I think they are likely not to be. I think this bill is considered in most quarters as a substitute for those bills.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. HOLLIS. I yield to the Senator.

Mr. CHAMBERLAIN. I do not think there was a disposition upon the part of any member of that committee to undertake to place an implement or weapon in the hands of the President that he was unwilling to receive; in other words, we want the President, who is Commander in Chief of the Army and Navy, to have something that he will at least be satisfied with, and we have not pressed the other measures while this bill has remained undisposed of.

Mr. HOLLIS. I thank the Senator for that statement. I did not feel that I had the authority to make it, but I am glad to know that that is the attitude of the members of the committee, and I fully believe it.

Those of us who were against this concentration of power, or perhaps not concentration of power but the transfer of power to a war cabinet and a ministry of munitions, are for some action to make the conduct of the war more efficient. Those who were for those bills may not be for this bill, but our toast now, Senators, should be, "Our President. More power to him." Why can we not all be for that? What is it that makes us so white? Some of the attacks that have been made on this bill remind me of the opening stanzas of Kipling's poem, "Danny Deever":

"What are the bugles blowin' for?" said Files on Parade.
"To turn you out, to turn you out," the Color Sergeant said.
"What makes you look so white, so white?" said Files on Parade.
"I'm dreadin' what I've got to watch," the Color Sergeant said.

Now, let us look at this bill and see what it does. It has not been analyzed to any great extent, although we have had a great deal of general talk about it. I desire to call attention to what I think it does. Section 1 merely allows the President to redistribute the functions of executive agencies, of which he is the head; that is, he can now tell John to do anything in James's department; he can tell James to do anything in John's department. Under section 1 that is all the authority that is given. I think it is the duty of every lawyer, constitutional or otherwise, to tell what he thinks the President can do without the law. I believe the President, as Commander in Chief, can do or perform all these executive functions without authority from Congress. I think he has been doing so right along. He has had very little criticism for it; Congress has not objected. It is the second section that arouses the opposition of Senators.

The second section makes the same provision in somewhat different words, but extends the authority to administrative as well as to executive agencies. To most of us "administrative" means about the same as "executive." "Administrative" may be much more inclusive; it undoubtedly is in this connection or it would not have been used; it includes not only the various executive functions of this Government but it includes other semijudicial functions, such as are in the Interstate Commerce Commission, the Civil Service Commission, and the Federal Reserve Board.

I do not believe in anyone turning white over this proposal. It must be that some one is afraid that the President is going to use these powers, and to go on and ask for others. None of us refuses to vote for a law establishing a criminal court that may impose the death penalty for fear some judge and jury is going to impose the death penalty on an innocent man. We are not obliged to look as far ahead as that. All we are to do is to see the situation that may arise needs a certain remedy in order that it may have a fortunate result, a just result; and we give to courts and we give to juries as much power as we think is necessary to carry out the ends of justice. Now and then some jury will make a mistake, some judge will be unnecessarily severe, but those of us who pass the law and put it in their power to be unjust are not responsible when they misuse it.

I notice that this bill has been greatly changed in the committee, because the committee has seen fit to limit the right to order John to do James's job to matters relating to the war. If it is not a matter relating to the war, then the President can not deal with it as Commander in Chief, and he is left to act as President precisely as he was before this bill was passed. I submit that section 1 contains absolutely no dynamite, no poison, no bear trap; no new power is conferred; no new commission is created; the President must use the same officers and the same routes. He can simply send an old officer over a different route.

To be specific, the real objection is that the President may interfere with the Interstate Commerce Commission, the Federal Reserve Board, or the Civil Service Commission. No one has yet raised his voice for the Civil Service Commission, but before we get through some one probably will.

Now, why should we waste our time over this? I think the bill gives the authority to interfere very seriously with the functions of these three administrative commissions. That must be conceded, and the only reason anyone can object to it is that he fears that the President may abuse this power. I believe the President could do these things without the authority under the bill, as I have stated; others do not believe it, and they have just as much right to their opinion as I have to mine.

Mr. SMITH of Georgia. Mr. President——

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Does the Senator think that under the statute creating a Director of Railroads and giving the President the right to handle the railroads the President could transfer from the Interstate Commerce Commission the power which they now possess to hear appeals?

Mr. HOLLIS. To what power does the Senator refer?

Mr. SMITH of Georgia. The Interstate Commerce Commission is given authority, on a contest by any party in interest, to hear questions as to increase of rates and to hear questions as to discriminatory rates, and are required to pass upon them, and the action of the Interstate Commerce Commission is made final, even though it sets aside the original rate fixed by the director. The law goes further and provides that the Interstate Commerce Commission shall set aside a rate if it is discriminatory, or if, in their judgment, it is unreasonable. There is a certain change in the old law requiring the Interstate Commerce Commission to consider certain conditions incident to the fixing of rates, but if they find that a rate is discriminatory and unreasonable, they may set it aside, refuse the increase, refuse the change, and the judgement is made final.

Mr. HOLLIS. The Senator states a fair question. Under this bill the only instance in which the President could set aside the judgment of the Interstate Commerce Commission or remove their authority from that particular field would be so far as it affected the war. He would not undertake to do it unless he believed their present action was affecting adversely the conduct of the war. I assume that he would not do that under his oath and under this bill unless that were so. Now, I believe that if anything the Interstate Commerce Commission was doing was affecting the war disastrously or adversely, the President, without this bill, would have a right to suspend their functions or turn them over to some one else or exercise them himself. That is my opinion; the Senator from Georgia, however, does not believe that.

Mr. SMITH of Georgia. The Senator has frankly answered me. Of course, I utterly disagree with him. I think if the President undertook to transfer the powers of the Interstate Commerce Commission to the Director of Railroads, in view of the statute, it would be an impeachable offense and he ought to be impeached, war or peace.

Mr. HOLLIS. I have not the slightest idea that he intends to do it. I have no doubt in my own mind that he would not do it.

Mr. SMITH of Georgia. What I mean is this: He has no right to set up his opinion on that subject against the action of Congress, establishing by law the authority of the Interstate Commerce Commission.

Mr. HOLLIS. That is exactly where the distinguished Senator and I do not agree. It is the first duty of the Government to preserve the country and the Government. It is the first duty of the Commander in Chief to do everything that he himself thinks is necessary to win the war and to save the Government. The President of the United States would not think of doing it unless it were an extreme case. He would not think of doing it unless public opinion were back of him. But if he believed public opinion was back of him, and if he did it, and if he was right in thinking that public opinion was back of him, you would never hear of impeachment proceedings.

Mr. SMITH of Georgia. Mr. President——

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Does not the Senator understand the Constitution even to go so far as to place upon Congress the duty to provide rules for the regulation and government of the Army? And when Congress does this as a constitutional authority and duty under the Constitution, is not the President obliged to obey those rules and regulations as Commander in Chief of the Army, and not as Commander in Chief of the country?

Mr. HOLLIS. The President is given express authority as Commander in Chief of the Army and Navy. He is given that authority for some purpose. It is because it is understood that

in times of emergency he must act quickly and effectively. In my judgment, it was intended to convey to the President under that authority the right, if necessary to preserve the country, to disregard the rules and regulations of Congress in that regard. I believe that firmly.

Mr. SMITH of Georgia. Will the Senator indicate anything in the Constitution that suspends the power of Congress to prescribe rules for the regulation and government of both the Army and the Navy, or that indicates that the President, by simply being named Commander in Chief of the Army and Navy, has any authority to set aside those rules and regulations?

Mr. HOLLIS. The greatest powers under the Constitution, the ones that have been most exercised for the benefit of the country, have been implied powers. I take it that the express authority to the President to act as Commander in Chief of the Army and Navy carries with it implied power to any extent necessary to defend the country in time of war, because it is expressly stated that the Constitution is promulgated to secure not only the general welfare but the defense of the country.

Mr. SMITH of Georgia. Mr. President, with the Senator's permission, I should like to read at this point the exact provisions of the Constitution on this subject:

> The Congress shall have power * * * to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

These provisions put the entire authority in Congress to make rules for the regulation and government of the Army and Navy. The President is simply Commander in Chief under the rules and regulations prescribed by Congress. If we give him broad authority without limitation through rules and regulations, that is for Congress to determine. As I have stated, I favor giving him the broadest authority; but it should not be left out of sight that the real power, the real constitutional authority, to prescribe how the war shall be conducted through rules and regulations controlling the Army and Navy, is with the legislative branch of the Government and not with the Executive.

Mr. LEWIS. Mr. President, will the Senator allow me to interrupt him?

Mr. HOLLIS. I yield.

Mr. LEWIS. May I invite the attention of the Senator from Georgia, in aid of the position that the Senator from New Hampshire has taken—in which I wholly concur, and which is stated with more clearness than that which I stated yesterday with rather a burden—to the observation of Von Holst touching the construction of the Constitution as to the matter of war with a foreign enemy? I took the liberty to say yesterday that in wars between ourselves there was one doctrine which was generally concurred in, but in war with a foreign enemy there was a form of distinction. I ask the Senator from New Hampshire if this does not justify his view? I read from section 48, on page 164:

> The right "to declare war" belongs to Congress alone. Of course, the United States may get into a war without Congress having declared war. War is, in the first place, a state of fact, the appearance of which can not be made wholly dependent, by any constitutional provisions whatever, upon the pleasure of one of the nations concerned. As far as that is possible, however, Congress has the exclusive right of the initiative. If a foreign power begins war against the United States, then it is not only the right but the duty of the President to oppose the enemy with all the means placed at his disposal by the Constitution and the laws.

I thank the Senator for allowing the interruption.

Mr. HOLLIS. I thank the Senator. I do not expect that a majority of the Senate agrees with my view of the matter. It is my own and, so far as I entertain it, I am responsible for it. But knowing that there are others who entertain a different view of the President, knowing that there are others who think that he has already exceeded the powers that the Congress has seen fit to vouchsafe to him, I think this law should be passed so that there may be no doubt about his power.

Suppose the law is passed. Then, under section 2, the President will have the command and control of the Interstate Commerce Commission and the Federal Reserve Board that I think he has anyway. Now, what is it that anyone really fears that he will do? Assume that in taking over the ships the President wanted a fair valuation put upon them. What possible harm is there in his putting to that task the board of physical valuation in the Interstate Commerce Commission? Our friends say he could not do it now without this authority; but why should he not do it if he wants to?

If the President should find that the Interstate Commerce Commission is disloyal and not acting as it should, why might he not take from the Interstate Commerce Commission certain functions that it has now and put them in some court or some other tribunal? Why should he do it if the Interstate Commerce Commission is doing its work properly? If I believed, however, that he would take any of these powers away from the Interstate Commerce Commission and transfer them to other bodies, except under the most urgent necessity, I would not believe in giving him the authority.

In my judgment, the one section of the bill that is vital and necessary is section 3. This section permits the President to use money appropriated for one department through another department for the purpose specified in the appropriation act.

For illustration, take the purchase of steel. Steel is needed in the War Department, in the Navy Department, in the Shipping Board, in the Aviation Board, in the Lighthouse Service, and in many other departments. Why can we not and why should we not, for the purposes of efficiency in the war and to establish priorities, apply all the money to be spent for steel through the War Industries Board, for example? There is grave doubt whether this can be done without further legislation. Congress certainly has to raise the money to conduct the war. Congress has to make the appropriations to conduct the war; and I believe that without doing tremendous violence to the ideas and the habits and the precedents of the United States Government, the President has no right to take money appropriated for the use of one department and order that money to be spent through another department, even for the very purpose for which it was appropriated.

What is the objection? Why not permit him? I do not know of anyone who does seriously object. I have not heard anyone state an objection to having that done. If anyone does object to it, he is beyond argument, and we must expect to get along without his vote.

I stated this morning that I had been more interested in labor problems than anything else since I have been in public life, and I wish to illustrate the difficulties of prosecuting the present labor program that the President has decided upon in order to get rid of our labor difficulties.

Every department has its labor problems. Every department has to employ labor. They are met with scarcity of labor; they have the problem of educating or training labor in some departments; they must adjust grievances and strikes; they must attend to housing in some departments; they must look after sanitation and safety; and each department up to now has been bidding against every other department for labor. The complaint is made that one department is hiring labor away from another by giving increased wages.

About the 1st of January, after six months' discussion, the President decided to put the labor problems for all departments under the Secretary of Labor; that is, he created a labor-service program, to be administered by the Secretary of Labor. Most of us agree that this was wise and that the President had executive authority to do it. To clear away any doubts, this bill should be passed, and the reason why I mentioned the labor part of it is not because that is the only part this bill will help, but because it is the one part with which I happen to be familiar.

Assume that the President had decided on the 1st of January that he had no right to place the entire labor service under the Department of Labor, and he had to come to Congress for a special act to authorize it. Can anyone guess who would have held it up and questioned its expediency? Can anyone guess how long action would have been delayed before the bill could have been passed? Can anyone estimate what limitations would have been placed on the discretion of the Secretary of Labor? Can anyone suggest who would have offered amendments to limit his power?

On the 11th of April, yesterday, the Senate, as I think, deliberately voted to make peaceful strikes in war time a criminal offense, punishable by 30 years' imprisonment, thereby seriously endangering, in my opinion, the labor program that has been built up with such care under the advice of ex-President Taft and conservative business men. The men who voted for this dangerous piece of legislation yesterday, and who to-day voted in effect not to reconsider that action, embraced practically all the men who oppose this Overman bill. There are some others, but they certainly embraced all those who oppose the Overman bill.

The Secretary of Labor appointed an advisory council to outline a comprehensive plan for labor service. They outlined the plan very promptly.

First. They provided that the securing of labor should be put under a Director of Employment Service. This director is now establishing employment agencies and securing laboring men all over the country.

Second. The matter of education and training is put under an Inquiry Division.

Third. There is a Director of Conciliation and Mediation, who handles grievances and strikes.

Fourth. There is a Housing Director, to build houses for the Shipping Board, the Army and Navy, the Aircraft Board, and the District of Columbia.

Fifth. There is a Sanitation Division.

Sixth. There is a Safety Division.

All of these activities require money for salaries, supplies, expenses, and materials. The housing proposition requires millions. Estimates were duly submitted to Congress for appropriations for the various divisions. Two months have elapsed and no appropriations have been made. Some of the divisions have not even started, for lack of funds. The Shipping Board has an appropriation of $50,000,000 available for housing, but that money can not be spent by the Secretary of Labor until we pass this bill. That is one illustration which shows why the passage of this bill is necessary. That is, here is money that has been appropriated for building houses for labor in connection with the Shipping Board; the President has seen fit to put all the housing program under the direction of one bureau in order to have consistency and regularity and economy; but because the appropriation to be spent in the Department of Labor has not come through that program is held up. It would not be surprising if some of those who are opposing this bill on the ground that it is not necessary were somewhat responsible for the failure to pass the appropriations that are necessary to make this program effective.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I do.

Mr. REED. Will the Senator tell us where that appropriation bill now is?

Mr. HOLLIS. I do not know where it now is.

Mr. REED. It has not reached the Senate, has it?

Mr. HOLLIS. I think not.

Mr. REED. Then how could anybody here be responsible for its delay?

Mr. HOLLIS. I did not say anybody here was responsible for it.

The votes of these men may well wreck the comprehensive war labor program of the administration. If we should pass this bill, the Secretary of Labor could at once begin to house the workmen in all the different departments.

It is my deliberate judgment that section 3 is the only section of the bill that the President really needs. The only new authorization in the bill is to spend money appropriated for one department through another department, but even this is hedged about. The money must be spent for the sole purpose for which it was originally appropriated. All the rest of the bill is full of limitations and restrictions, full of distrust and lack of confidence in the President. He can not abolish any bureau. I understood the Senator from Iowa [Mr. CUMMINS] to say that he might abolish a bureau; but under the bill as amended he can not abolish any bureau without coming to Congress for express authority to do so. He must put his order in writing and make it a public record.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. HOLLIS. I yield to the Senator.

Mr. WADSWORTH. Will the Senator give us his impression of the powers to be conferred upon the President by this bill with respect to the Government Printing Office? Let me remind him that, according to my understanding, a joint committee of the Congress in effect governs the major operations of the Government Printing Office, lets contracts for the purchase of paper, and provides for its general management. Would the President, under this bill, be authorized to take away the management of the Government Printing Office from the present set of officials and put it elsewhere, and thereby deprive the Congress of jurisdiction?

Mr. HOLLIS. If anything being done by the Government Printing Office were being done in such a way as to affect the war adversely, then I believe under this bill the President could take it away from the control of the joint committee of Congress. He would not do it unless there was something very bad; and if there was anything very bad the Senator would want him to do it, as I should want him to do it.

Mr. WADSWORTH. The Senator from New York simply desired to understand the idea of the Senator from New Hampshire as to the scope of the bill.

Mr. HOLLIS. I think so. I think this bill gives him complete control of a matter of that kind so far as it relates to the war; but if it does not relate to the war—and I admit that the President is to be the judge of whether it does or not; I think he is—if it does not relate to the war, then he could not act.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not think there can be very much room for difference of opinion between the Senator from New Hampshire and myself about what can be done under the bill. Possibly we do not use the terms with exactly the same meaning. I ask him, for instance, suppose the President should issue an order after the passage of this bill saying simply, "I hereby transfer the powers and duties of the Bureau of Pensions to the Commissioner of the General Land Office." What would become of the Bureau of Pensions?

Mr. HOLLIS. I do not see how he could do that, because that could not possibly relate to the conduct of the war. The Senator might state something else.

Mr. CUMMINS. I had not that thought in my mind.

Mr. HOLLIS. The Senator is referring to the question of abolishing bureaus?

Mr. CUMMINS. Yes.

Mr. HOLLIS. I think under the bill that would be considered abolishing, and I suppose that is what the committee had in mind when they inserted an amendment to the effect that bureaus could not be abolished without getting express authority from the Congress.

As I started to say, under this bill, which gives such tremendous power, the President must put his order in writing and make it a public record. He can exercise his authority only in matters touching the war. He can not create any new offices. He must work with the tools already created.

I wish before closing to refer somewhat to the conduct of the war by England. I think I may fairly say, what I said a few moments ago, that the idea of a minister of munitions and a war cabinet came from the English experience.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. HOLLIS. I yield.

Mr. CHAMBERLAIN. Not only from the English experience, but also from the French experience.

Mr. HOLLIS. Yes.

Mr. WADSWORTH. And the Canadian experience.

Mr. HOLLIS. At the time the Senator from Oregon made his speech which opened up the question of this additional authority I wondered if we were doing things so much worse than they did them in England and in France. I began to look over English periodicals and magazines, and I was not much surprised to find savage criticisms by Englishmen of all English activities in connection with the war—not criticisms years ago or months ago, but current criticisms this past winter. Nothing was right in England. The Navy was inefficient and badly officered; the Army was badly handled; the financial policy was all wrong; the revenue acts were unjust and unscientific; the shipping production was in a bad way; the aircraft program was a failure.

I had to look twice at the magazines I held in my hand to make sure that I was not reading magazines printed in this country. Every criticism that has been made of our conduct of the war by Americans has been made in England by Englishmen concerning their conduct of the war. But there was the highest admiration in all these English periodicals for the way the Americans were doing their part; and the American efficiency was credited to the superior form of the American Government, the concentration of power in one man instead of dividing it among several, as in the English system.

I take the liberty of reading some extracts from the Fortnightly Review of December, 1917, which was the latest magazine available at the time this discussion arose in January. I read from page 845:

> The cabinets of all the European democracies have been fashioned upon the model of the United Kingdom. The British Cabinet resolves and acts collectively. It acts nominally by unanimous decision, but in reality by majority vote. The prime minister can not command, as does the German Emperor, but can merely suggest, propose, entreat, urge. He is merely primus inter pares within the cabinet. The whole cabinet acts with solidarity. A determined opponent within the cabinet can delay or prevent necessary action by his opposition. The cabinet can at any moment be dismissed by an adverse vote of the legislature. The tenure of office of the cabinet minister is precarious. His power may at any moment be taken away by a sudden mood of t legislature or of the people. A democracy constituted on the English model is ruled not by the intelligence of one man or of the few but by the incalculable changes of that vague power called public opinion. Cabinet ministers in England and in the democracies based on the English model are amateurs, not experienced administrators, and as their position is exceedingly precarious, because a single unfavorable vote may be fatal to them the great characteristics of such democracies are two—amateurishness and timorousness. Such governments can rarely act with foresight and rapidity. They habitually act with exasperating slowness and clumsiness, because their very constitution is unfavorable to efficiency and dispatch.

In the extracts from Mr. Lloyd-George's speech given in the foregoing we read:

"We have all talked about it. We have passed endless resolutions resolving it. But it has never yet been achieved. In this important matter we have never passed from rhetoric into reality, from speech into strategy."

To whom does Mr. Lloyd-George refer by saying "We have done so-and-so"? He speaks, evidently, not of the generals commanding the allied armies, but of the various governing boards of amateur politicians, of the various cabinets who could never arrive at perfect unity and cooperation in military action. A number of principals of important businesses can fairly easily agree on joint action. However, the cabinet ministers of various nations are not principals, but are merely agents who are responsible to the legislature in the first place and to the people in the second, who can be dismissed by their principals without notice, and who, worst of all, are ignorant of war. Perfect military cooperation can obviously be obtained only either if the direction of military affairs is left completely in the hands of military experts, who will probably fairly easily agree on a joint plan of campaign, or, if the executive power of the fighting democracies is put in the hands of a single eminent man, who not necessarily need be a soldier but who should be guided by the opinions of the best military experts around him. The attempt to obtain perfect military cooperation by the joint discussions of a number of boards composed of politicians who are amateurs in everything except in the facile art of making speeches is bound to fail and to lead to misunderstandings, confusion, endless discussion, belated half measures, and disaster.

The present war has often been described as a war between absolutism and democracy. It would be more correct to call it a war between tyranny and liberty. Democracy is a form of self-government, under which England has evolved the jointly responsible cabinet composed of amateur politicians. But since change is the essence of progress, it should not be thought that cabinet government is the highest perfection of popular government, that democratic government is impossible without a jointly responsible cabinet.

The essence of democratic government as evolved in England and in those European States which have followed England's example is, as has previously been shown, amateurishness and timorousness. The amateurishness and timorousness of the European democracies have been exhibited, not only in warfare where the experts have often been overruled by the governing political boards, but in internal politics as well. As in democracies the people rule through their representatives, as public opinion is all-powerful, it has become a guiding principle of democracy that the expression of opinions is free and is sacrosanct. That principle may do little harm in time of peace, but in time of war it may destroy a nation. Treason has been preached with impunity in England, France, Italy, and democratic Russia, and Germany has naturally taken advantage of this folly and has systematically endeavored to poison the mainsprings of public opinion in the fighting democracies to the confusion of her enemies. In France, England, Italy, and democratic Russia treason has been preached on Germany's account, and it has been tolerated because of the sanctity of free speech. Seditious writings and speeches have not led to prosecution and punishment, except when it was discovered that the preachers of sedition were in Germany's pay. Now, the Bolos and the Almereydas of France, England, Russia, and Italy are as harmful if they act bona fide as if they are bought with German gold. In the European democracies treason seems to be punishable only if it goes hand in hand with corruption. The Germans have destroyed the Russian armies, not in fair fight but by the poison of corruption and subsidized treason, and they have applied the same means apparently to Italy.

The timorousness of the governing boards of politicians who direct the European democracies is apparent not only in the toleration of treason in England, France, Italy, and Russia, and in the direction of military affairs, but it is apparent in every department of governmental action. For years the problem of retaliation, the question of the blockade, the increase of agricultural production, economic policy against Germany, the settlement of Ireland, the treatment of neutrals, the handling of the conscientious objectors, and many other questions which call for immediate and energetic action have been discussed, and the vacillating, timorous, and inexpert governing boards have talked and adopted half measures, obviously because a directing board of politicians have many minds but not a single mind, many wills but not a single will.

It would be wrong to believe that inefficiency, amateurishness, timorousness, and delay are inseparable from the democratic form of government. To believe this would be to despair of popular rule. In the United States the executive power rests, not in the hands of a cabinet of jointly responsible politicians who can be dismissed at will by the legislature, who are constantly watching every breath of public opinion, but it is placed in the hands of a single man, the President, who is elected for a term of four years and who is advised by what is called the Cabinet, a number of men whom he selects, who not necessarily need be politicians, who are not responsible to the legislature, and who are not the President's equals but are his subordinates. The fathers of the great American Republic discussed exhaustively the question whether the executive power should be placed in the hands of one man or of a number, and they came to the conclusion that the safety of the State demanded that the executive [power] should be in the hands of a single man, particularly in case of war. We read in the Federalist, in which the opinions of Alexander Hamilton and the other great founders of the American Commonwealth were laid down—

Quoting from the Federalist, and I invite the attention of the admirers of Alexander Hamilton:

Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man the least conversant in Roman history knows how often that Republic was obliged to take refuge in the absolute power of a single man under the formidable title of dictator.

There can be no need, however, to multiply arguments or examples on this head. A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be in practice a bad government.

The ingredients which constitute energy in the executive are, first, unity; secondly, duration; thirdly, an adequate provision for its support; fourthly, competent powers.

Those politicians and statesmen who have been the most celebrated for the soundness of their principles and for the justice of their views have declared in favor of a single executive and a numerous legislature. They have, with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand, while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom and best calculated to conciliate the confidence of the people and to secure their privileges and interests.

That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any great number; and in proportion as the number is increased these qualities will be diminished.

But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition—vigor and expedition—and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, everything would be apprehended from its plurality.

Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength and the power of directing and employing the common strength forms a usual and essential part in the definition of the Executive authority.

Many of the most eminent American statesmen have considered a one-man executive essential, especially in time of war. That great and wise man, President Lincoln, wrote in his message to Congress on December 3, 1861:

"It has been said that one bad general is better than two good ones, and the saying is true if taken to mean no more than that an army is better directed by a single mind, though inferior, than by two superior ones at variance and cross purposes with each other.

"And the same is true in all joint operations wherein those engaged can have none but a common end in view and can differ only as to the choice of means. In a storm at sea no one on board can wish the ship to sink, and yet not infrequently all go down together, because too many will direct and no single mind can be allowed to control."

War is a highly technical matter which requires expert direction and a perfect national organization, the more so as the present struggle is not merely one between armies but one between nations. It is bad enough if in the present fight amateurs in government and strategy are pitted against the best professionals. But it is still worse if the direction amateurs have to rely on a clumsy and unworkable organization. Many businesses possess amateur boards of directors, comparable with cabinets, but the real managements of affairs is, of course, left in the hands of a managing director, who is an eminent practical expert. No business could be run on the principle on which Great Britain and the other European democracies are governed. An organization which is totally impracticable in the case of business, where merely some money is at stake, an organization which would ruin the most flourishing business in a short time, is surely dangerous and inadvisable in the case of a nation at war.

I now conclude and I am reading from the work of an Englishman in an English magazine about the English Government, comparing the English Government with the American. He says:

The world has been amazed at the energy and ability with which President Wilson is organizing the United States for war. He is able to act thoroughly and quickly because he controls the American executive. If America was cursed with a many-headed executive, we should see the same feebleness, hesitation, timorousness, and interminable delays, and the same toleration of treason, which have done such infinite harm to the European democracies organized upon the British model.

The present war has disclosed the fact that a democracy is not successful in war; that a board of amateur politicians acting collectively is bound to be inefficient, improvident, and slow in action, and that the cooperation of the various political boards representing the allied States is almost impossible. The present system should be changed before it is too late. The politicians must surely recognize their personal incompetence and the unwieldiness of the organization of the national executive. They should therefore entrust the conduct of the war to a single man and confine their activities to creating the necessary discipline and obedience, to keeping the nation together. They should subordinate themselves to the directing head. There should be a single director of national affairs for the duration of the war. The question is whether national direction had better be intrusted to an eminent politician-statesman, or to an eminent organizer and man of affairs, or to a general or admiral of paramount ability and energy. It is to be hoped that the necessary innovation will first be made in England; that England will show once more the way to the other European democracies. The simplest way of achieving unity and rapidity in the executive would be to make the Prime Minister solely responsible for the conduct of the war and the national administration, making the other ministers his subordinates. The position of the Prime Minister would then approximate to that of the President of the United States. The tenets of democracy would surely not be violated by adapting the organization of the United States to European needs. With a simple and common-sense organization international cooperation against Germany would be easier than it has been hitherto.

Mr. SMITH of Georgia. Will the Senator tell us from what he has been reading?

Mr. HOLLIS. From the December, 1917, Fortnightly Review.

Mr. SMITH of Georgia. That was before the achievement of our Aircraft Board was made public?

Mr. HOLLIS. Yes.

Mr. WADSWORTH. I did not hear the date. Will the Senator give it?

Mr. HOLLIS. December, 1917; last December. It was the latest available one in January, when the storm burst over the investigation of the Senate Military Committee.

Mr. WADSWORTH. Then the observations of the Senator do not relate to our progress in the war.

Mr. HOLLIS. No; it shows that he was talking about what he knew at home, just as we are talking about what we know at home. It may be that his opinion of the value of American institutions is no more valuable than our opinion of English institutions. I merely cite it as showing that the same criticism comes up in every country in every war.

Mr. GORE. I ask the Senator if the English statute still permits the use of scurrilous and abusive language in speaking of their form of government?

Mr. HOLLIS. I am not able to state.

At about the time the investigations of the Senate Military Affairs Committee were first made public I attended a dinner in Washington and heard a speech delivered by Col. Josiah Wedgewood, a colonel in the British Army, who had been wounded in the war and who was in this country. Col. Wedgewood made this statement: He said the only thing which keeps the British labor loyal to this war is its faith in President Wilson; that the greatest asset England has in the United States—greater than money, supplies, or troops—is President Wilson. It is too much to ask of the Members of the United States Senate the same faith in Woodrow Wilson that Col. Wedgewood and the English workingmen feel, but if we can not all trust in him implicitly let us at least grant him such powers as are obviously necessary to help him win the war, and let us do it in a spirit that will not impair, at least, the confidence placed in him by our brothers in arms across the seas.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from New Hampshire does not understand that from anything I said I dispute the statement he last made?

Mr. HOLLIS. Oh, I do not; and at the beginning of my remarks——

Mr. CUMMINS. I am in entire accord with any praise of the President on account of his attitude in that respect.

Mr. HOLLIS. I thought I fully acquitted the Senator.

Mr. CUMMINS. But what the Senator from New Hampshire read from the Fortnightly Review was, of course, printed and disseminated about the power which the President has by virtue of his office, and I am not only willing that he shall exercise all that, but I am willing to give him a great deal more. I only want to know what I am giving him when I am giving it.

Mr. REED. I send to the desk five amendments to the pending bill, and ask that they may be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table.

Mr. KIRBY obtained the floor.

Mr. GORE. I ask the Senator from Arkansas if he will allow me to submit the report of the committee of conference on the Agricultural appropriation bill, and I should like to ask unanimous consent for its present consideration. The Senator realizes that there is some need for haste.

Mr. KIRBY. I do not want to delay that measure, but I do not think the bill under discussion ought to be sidetracked for anything. However, I yield to the Senator.

Mr. GORE. I am very much obliged to the Senator from Arkansas.

I send to the desk the conference report on the Agricultural appropriation bill, and I ask unanimous consent for its present consideration. I will state that if it requires any protracted debate or leads to it I will not insist on proceeding with it.

Mr. KIRBY. I will ask the Senator if it is likely to lead to protracted discussion?

Mr. GORE. I do not think it will. I think a brief statement will obviate any discussion. I have spoken to the Senator in charge of the unfinished business in respect to the matter.

Mr. KIRBY. Very well.

Mr. GORE. The Senator realizes that it is a matter of great haste and urgency that is be passed.

Mr. KIRBY. I yield the floor.

Mr. GORE. I am very much obliged to the Senator.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. GORE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 24, 25, 33, 34, 37, 39, 40, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 35, 36, 42, and 43, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert the following: "$500,000: *Provided, however*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture, it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, expend in the city of Washington or elsewhere out of the moneys of this appropriation, such sums as he shall determine to be necessary for the reimbursement of owners of animals so destroyed, in cooperation with such States, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, county, or municipality where destruction of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal or at the time of destruction thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated, no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, county, or municipality, where the animal shall be destroyed; and that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations: *And provided further*, That the act approved May 29, 1884 (23 Stats. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture: *And provided further*, That the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert: "*Provided also*, That $150,000 shall be set aside for the destruction of vegetation from which such rust spores originate"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by the Senate amendment with an amendment as follows: In line 8 omit the words "in the Forest Service"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "*Provided further*, That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in said acts of Congress"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 7 of said amendment after the word "reasonable" insert: "and as nearly as may be to cover the cost"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of "$25,892,653" insert "$25,856,753"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the word "hereafter" in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert the following: "To enable the Secretary of Agriculture to cooperate with individuals, firms, or corporations, owning or operating plants for drying or dehydration of vegetables, fruits, and other perishable edible products, to determine the best means and processes of dehydration and to disseminate information as to the value and suitability of such products for human food, $250,000, which sum shall be immediately available: *Provided*, That the Secretary of Agriculture is hereby authorized, if the President shall determine it to be necessary, to use all or any part of this appropriation for the establishment and operation of a plant or plants for the dehydration of vegetables, fruits, and other perishable edible products in any place or places in the United States for the purpose of supplying food for the Army and Navy, and the money received from the operation of any such plant or plants shall constitute a revolving fund until June 30, 1919"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "$27,875,353"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 44.

T. P. GORE,
E. D. SMITH,
HOKE SMITH,
G. W. NORRIS,
Managers on the part of the Senate.

A. F. LEVER,
GORDON LEE,
E. S. CANDLER,
G. N. HAUGEN,
J. C. MCLAUGHLIN,
Managers on the part of the House.

Mr. GORE. I move that the Senate adopt the report so far as the conferees have reached an agreement and insist upon amendment numbered 44, which is the wheat amendment.

Mr. NELSON. That is the wheat amendment?

Mr. GORE. Yes; it is the wheat proposition. We did not reach an agreement on that amendment.

Mr. NELSON. Did the conferees agree on the potato-grading amendment?

Mr. GORE. Yes, sir. The Senate conferees receded on that amendment.

Mr. THOMPSON. May I ask the Senator from Oklahoma a question? I did not understand what was done with what is commonly known as the Gore amendment fixing the price of wheat at $2.50.

Mr. GORE. The conferees of the two Houses were not able to agree on that amendment. I have embodied in my motion a proposition that the Senate continue to insist upon that amendment. Everything else has been adjusted.

Mr. REED. Mr. President, I wish to inquire about the provision agreed to in the Senate which provided in substance that there should be no regulation or governmental inspection of potatoes.

Mr. GORE. The Senate conferees receded on that.

Mr. REED. I ask the Senator whether I am correct in my recollection that there was no law providing for inspection?

Mr. GORE. No, sir; I think not.

Mr. REED. And somebody undertook to set up an inspection. The Senate undertook to stop the use of that arbitrary and useless power, and you have receded from that action of the Senate?

Mr. GORE. The Senate conferees did recede from the amendment referred to.

Mr. REED. What reason is there to recede from an assertion or a protest, for it may be so regarded, by a legislative provision against unauthorized action?

Mr. GORE. I may say that it is the ancient reason which characterizes every conference between two Houses. The House conferees would not accept that amendment. I may say, in addition to that, however, that telegrams came to the conferees from various parts of the country urging that the Senate should recede from this amendment.

Mr. REED. From whom did they come?

Mr. GORE. I think, as a rule, from dealers in potatoes. I may say, however, in addition to that, the growers were here from the State of Michigan; that this amendment was offered by the senior Senator from Michigan [Mr. SMITH]; and that the conferees were practically assured that an arrangement had been reached which would give satisfaction alike to the growers and to those who insisted upon the right.

Mr. REED. By whom was the arrangement made?

Mr. GORE. The House conferee, Mr. MCLAUGHLIN of Michigan, had the matter up with those in charge of the grading activities of the department. I do not know whether it was the Department of Agriculture or the Food Administration. Mr. MCLAUGHLIN was very insistent that the Senate amendment should be retained, but his conferees would not agree with him. They would not accept the amendment, but we were given assurances that an adjustment was in prospect which would be satisfactory.

Mr. REED. An adjustment between whom?

Mr. GORE. That those who have in charge the grading and superintend the grading had virtually consented to modify the rules and regulations so as to meet the complaints of the potato growers in Michigan. I think the complaint came from that quarter. I may say this was the point of difference. The rules and regulations which had been adopted classified as No. 1 all potatoes in excess of 1¾ inches in diameter. The growers insisted that that should be reduced by an eighth of an inch so that potatoes in excess of 1⅝ inches in diameter, round potatoes, should be classified as No. 1. We were given assurance that that had practically been effected.

Mr. REED. But what I am trying to get at is this: Who set up these regulations in the first place?

Mr. GORE. I understand that it was done by the Department of Agriculture in conjunction with the Food Administration. I think the matter has been under consideration for some time.

Mr. REED. But by what authority?

Mr. GORE. I do not believe there is any authority.

Mr. REED. Now, let us start with the assumption that there is no authority. There being no authority, the gentleman who undertook to usurp the authority proceeds to make an agreement with some potato grower or growers, and having reached an agreement with that individual that fact is brought to the Congress of the United States and the conferees thereupon recede from a provision put in the bill by the Senate which prohibits the expenditure of any money for the doing of any illegal act. So by implication, as it is now left, the money we are about to appropriate may be used by the gentlemen who are seeking to usurp authority for an illegal purpose, because an agreement was reached between the usurper and some individual.

Mr. President, I protest against that sort of thing. The day has pretty nearly come when the Government of the United States ought to insist that no man shall spend any of the money of the people in doing an unauthorized act.

Mr. GORE. Mr. President, I may say that a hearing was had in behalf of the department and in behalf of the growers before the House conferees. The Senate conferees declined to attend the hearing because the matter was in conference and we felt committed by the Senate action. But, of course, the Senate conferees were not sovereign in the premises. The House conferees manifested every indisposition to recede. Of course, we had no infallible way of telling whether they would ultimately recede or not, but judging by all the signs and facts and circumstances we had available the Senate conferees were forced to the conclusion that the House conferees would not recede from their objection to the amendment. Of course, the Senator realizes that there was another amendment respecting which time was of the highest importance. Whether that had too much influence with the Senate conferees of course I am not able to say; but we were anxious to bring in a report and speed the consideration of the measure.

Mr. REED. But you have not brought in a report of an agreement. The matter that is pending and is of the highest importance is still in abeyance.

Mr. GORE. We were not able to agree on that amendment. I do not know how far I can go within parliamentary limits in describing what happened; but the chairman of the House Committee on Agriculture, I may say, was also chairman of the House conferees, and he had given assurance to the other body that he would bring that amendment back for a separate vote, so that it really was never in conference, as a matter of fact. As the House had asked for the conference and the Senate had granted the conference, of course the papers were in the hands of the Senate conferees and we had to pursue this course in order to return the papers to the House that they may have a vote upon the wheat amendment.

Mr. REED. But we do not have to agree to this report as far as it is presented here in order that the House may take the action referred to. If we refuse to agree to this conference

report as far as it makes an agreement, is there any doubt in the world that the House can then proceed to take a separate vote?

Mr. GORE. I assume this could be done, that the report be adopted as to the potato amendment.

Mr. SWANSON. The report must be adopted or rejected as a whole.

Mr. GORE. I believe that is the rule of the Senate. Then under the rule of the Senate we shall have to act on the conference report as a whole.

Mr. REED. The report does not come in here as a whole. It is a partial report.

Mr. GORE. That is the only way it could be done. The chairman of the House conferees gave the House assurance that he would bring the wheat amendment back for a vote. I suppose for a hundred years he would not agree; I think he would have been content to have had the bill remain in conference until the dog days come. But the Senate conferees were not willing to do that. We had an apprehension, I should say, rather than a suspicion, that some people were perfectly willing to mark time, and under the circumstances we did not feel justified in doing that.

Mr. SWANSON. If the Senator will permit me, if this report is adopted it goes to the House, and if the House recedes from its disagreement to the Senate amendment which is still in conference, that will pass the bill and the matter ends. If this report is rejected the bill goes back to conference for an entire agreement on all matters.

Mr. GORE. Yes, sir.

Mr. SWANSON. I should like to say a few words in connection with this potato-grading matter. I presume Virginia grows as many potatoes as does almost any other State in the Union. The grading has been carried on largely at the request of the growers. Their desire to have their potatoes officially graded grew out of the circumstances that in many instances when they have shipped their potatoes to the commission merchants in the cities they had no proof as to whether their potatoes were really graded in the first grade, the second grade, or the third grade, and many of them were swindled. If an official grading is provided the growers would have assurance as to whether the potatoes which they send to market are correctly graded.

I have received numerous telegrams from Virginia potato growers who are anxious that the grading of potatoes shall not be entirely eliminated, because in that event they would be remitted to the condition in which they have been heretofore and would be completely at the mercy of the commission merchants, who sometimes notify the growers who ship them potatoes that their potatoes were of the third grade or the fourth grade, and make their returns accordingly, when, as a matter of fact, the farmers should have received returns on a higher grading. When the potatoes are graded properly, of course, much better results are obtained, and there is greater satisfaction. Under a proper system of grading the growers can be paid for the potatoes according to their real grade. The same thing is true of cotton and of other commodities produced on the farm. The grading has largely been done at the request and for the benefit of the growers. Of course, very frequently the grading is unjustly done unless it is properly supervised; and the results are severe on the growers.

As I have stated, I have received a number of telegrams from Virginia, and I think my colleague, the senior Senator from Virginia [Mr. MARTIN], has likewise received similar telegrams protesting against the elimination of grading.

Mr. PAGE. I should like to ask the Senator from Virginia a question. Does the Senator understand that there is any demand from the great potato-growing sections of the Northeast, Maine, New Hampshire, and Vermont, that there should be any such classification as has been established?

Mr. SWANSON. I have not heard from any section except Virginia. In that State there are two counties, Accomac and Northampton, which are the largest growers of potatoes in the country; and I understand that they are opposed to the entire elimination of grading.

Mr. MARTIN. Mr. President, I have received a telegram, and laid it before the conference committee; and I think the action taken by the conferees will meet with the approval of the potato growers of Virginia.

Mr. SWANSON. I also presented a telegram to the conferees. The trouble in this matter is that farmers send their potatoes to the market when they are graded, but they have been swindled by the returns being made on the basis that their potatoes were third grade when they were really of the second or first grade. Consequently they are desirous of having some means of ascertaining when they ship their potatoes to market that they are to be paid according to the proper grades.

Mr. PAGE. Mr. President, I ask the chairman of the committee, is this demand purely local? Does it come from Virginia, and Virginia only?

Mr. GORE. I think that the telegrams came in from other States. I have several on the subject, quite a number of them.

Mr. PAGE. I have had no communication from New England on the subject, so far as that is concerned.

Mr. SWANSON. The potato growers of Virginia have not asked for a change of the law, as I understand it; all they ask is that the law remain as it is.

Mr. REED. Is there any law?

Mr. SWANSON. Whether there is a law or not I can not say, but there must be some authority for the grading which has been carried on. If there is no authority for it, why should we prohibit the farmers protecting themselves from having their potatoes, which they have raised and which really are first-grade potatoes, being graded improperly? The man who raises third-grade potatoes would like to sell them as first-grade potatoes, of course, but the man who raises first-grade potatoes does not want returns to be made to him under the basis of third-grade potatoes.

Mr. REED. Mr. President, if the Senator will yield to me, with the permission of the Senator in charge of this matter, the Senator from Virginia is discussing one question when the question before us is quite a different one.

There is no one who will object to the farmers making arrangements for the grading of their potatoes; they can make that arrangement in any way they see fit, but that is not the question here. The question here is, whether certain men, being officials, or claiming to be officials, of the United States Government, can themselves set up the right to grade potatoes and then can prohibit the farmers from selling their potatoes unless the potatoes are sold in conformity with the rules and regulations set up by these unauthorized men, and whether the Senate will appropriate the money of the people of the United States to pay for those unauthorized and illegal acts?

Mr. GORE. Mr. President——

Mr. REED. Just one moment and I will be through. If it is desired to have a Federal grading of potatoes, then let the law be brought in here, and let us discuss it, as we did the proposition to grade wheat. A very bad bill was brought in here of that kind, but it was defeated; and finally a law was worked out that is reasonably satisfactory. So, in this instance, there ought to be a bill brought in.

Mr. OVERMAN. Mr. President, the Senator has moved to adopt part of the conference report and send part of it back, which can not be done.

Mr. GORE. That is not quite correct.

Mr. OVERMAN. It has to be accepted or rejected as a whole.

Mr. GORE. Is the Senator making the suggestion to me or to the Senator from Missouri?

Mr. OVERMAN. To the Senator from Oklahoma.

Mr. GORE. Oh, no; I have moved the adoption of the report.

Mr. OVERMAN. Except as to one item.

Mr. GORE. We did not agree on that; that was left open.

Mr. MARTIN. That was not reported.

Mr. GORE. That is still open, and we simply insist upon that amendment, so that if we agree to the points respecting which the conferees reached an agreement, then amendment No. 44 will go back to the House.

Further, in connection with what the Senator from Missouri [Mr. REED] has said, I would remind him that the food-control act was "fearfully and wonderfully made," and if the Food Administration should find power in some obscure clause to grade potatoes it would not be at all astounding to me. There is a section in that bill which gives the Food Controller or the President the power to buy wheat, flour, meal, beans, and potatoes. How extensive or plenary this power may be, I am unable to say; but that is probably the source of this power, if it has any foundation in legislation whatever.

I hope the Senate will not send this conference report back to conference, because I think it a matter of the highest and most urgent importance that the wheat amendment be facilitated to a vote in the other House. The farmers of the country have a right to know what the fate of that amendment is to be. Perhaps the seeding of millions of acres of spring wheat may depend upon the passage of that measure; its rejection may have a contrary effect; but, at any rate, certainty and a final decision are due to the farmers of the country, and I hope that delay will not be insisted upon.

Mr. TOWNSEND. Mr. President, I do not think it is of much consequence to discuss the potato provision of the bill now, inasmuch as the conferees have agreed to eliminate it from the bill, and I would not have mentioned it had it not been brought up by other Senators. I desire to say now, however, that the

farmers of Michigan, so far as they have spoken, either individually or as organizations, have protested very strongly against the scheme of potato grading which has been put in force by the Food Administration.

I do not think the Senator from Virginia [Mr. SWANSON] states the case quite correctly when he says that the purpose is to protect the farmers against the necessity of selling in the market a first-grade article as third grade. The rule practically provided for two grades, although there is a third grade, which includes potatoes which pass through a screen an inch and a half, I believe, in diameter; but the provision that has been put in force does not guarantee quality in any respect. A large-sized potato may be the most inedible potato on the market, whereas the average-sized potato, the small potato, in many instances is the most edible. Everybody knows that; there is not a housewife in the land who does not know it. Large potatoes are frequently hollow and not fit to eat at all.

The farmers of Michigan may be mistaken, but they—and I think their potato industry is quite as great as that of Virginia—are opposed to it. Mr. Miller, of the Food Administration, tells me that they do not know what they are talking about. He has been in to see me two or three times. He has also been up to Michigan where he had a talk with the farmers, and had considerable trouble, I am informed, at a public meeting held at Lansing on this very subject. When I asked Mr. Miller why he put this rule in force now he said because there was an opportunity to do so. I asked him if he thought it was going to increase the food production or improve its edible quality, and he said no; that was not the object, but it was to put in force a rule that would be controlling in the market in the future and would in the end be beneficial to all parties concerned. I tried to impress upon him that it was unwise at this time, in a period of war, to impose a rule or a provision that was not going to increase the amount of food or its quality but which aroused opposition in the farmer.

This amendment was put in the bill on the floor by my colleague [Mr. SMITH of Michigan], who is absent. I felt that as a war measure it was very well, indeed, to eliminate this potato-grading provision, and I still think so. I think it would have been better for the production of food in the United States if the department could have left this out, inasmuch as no one will contend that it is an encouragement to the production of potatoes in any part of the United States.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. GORE. I move that the Senate further insist upon its amendment No. 44, still in disagreement.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 13, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 12, 1918.

PUBLIC HEALTH SERVICE.

Asst. Surg. Charles V. Aikin to be passed assistant surgeon in the Public Health Service, to rank as such from March 4, 1918.

Asst. Surg. Frank M. Faget to be passed assistant surgeon in the Public Health Service, to rank as such from March 6, 1918.

Asst. Surg. John H. Linson to be passed assistant surgeon in the Public Health Service, to rank as such from March 5, 1918.

Asst. Surg. Knox E. Miller to be passed assistant surgeon in the Public Health Service, to rank as such from March 3, 1918.

Asst. Surg. Alvin R. Sweeney to be passed assistant surgeon in the Public Health Service, to rank as such from March 7, 1918.

Asst. Surg. Clifford E. Waller to be passed assistant surgeon in the Public Health Service, to rank as such from March 4, 1918.

Asst. Surg. Newton E. Wayson to be passed assistant surgeon in the Public Health Service, to rank as such from March 6, 1918.

Asst. Surg. Joseph G. Wilson to be passed assistant surgeon in the Public Health Service, to rank as such from March 3, 1918.

APPOINTMENT IN THE ARMY.

MEDICAL CORPS.

First Lieut. Frederick Pelham Sutherland, Medical Reserve Corps, to be first lieutenant in the Medical Corps with rank from April 4, 1918.

PROMOTION IN THE ARMY.

CHAPLAIN.

Chaplain Joseph L. Hunter, Coast Artillery Corps, to be chaplain with the rank of major from April 5, 1918.

TEMPORARY PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be lieutenant colonels with rank from March 7, 1918.

Maj. Theodore H. Koch, Coast Artillery Corps (Ammunition Train).

Maj. James L. Long, Coast Artillery Corps.

To be lieutenant colonel with rank from March 10, 1918.

Maj. Frederick L. Dengler, Coast Artillery Corps.

To be lieutenant colonel with rank from March 18, 1918.

Maj. Richard H. Williams, Coast Artillery Corps.

To be first lieutenant with rank from December 22, 1917.

Second Lieut. William W. Dinsmore, Coast Artillery Corps.

To be first lieutenant with rank from December 23, 1917.

Second Lieut. Arthur Duffy, Coast Artillery Corps.

To be first lieutenant with rank from December 24, 1917.

Second Lieut. Ellsworth Young, Coast Artillery Corps.

To be first lieutenant with rank from December 25, 1917.

Second Lieut. John W. Fuchs, Coast Artillery Corps.

To be first lieutenants with rank from December 26, 1917.

Second Lieut. Thomas R. Bartlett, Coast Artillery Corps.

Second Lieut. Dudley F. Taylor, Coast Artillery Corps.

INFANTRY.

To be major with rank from August 5, 1917.

Capt. Charles W. Harris, additional officer.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY.

To be first lieutenant with rank from September 24, 1917.

Second Lieut. Tully C. Garner.

PORTO RICO REGIMENT OF INFANTRY.

Second Lieut. Ernesto F. Colon to be first lieutenant with rank from February 21, 1918.

PROVISIONAL APPOINTMENTS AS SECOND LIEUTENANTS IN THE ARMY.

INFANTRY ARM.

Second Lieut. Edward Italy Watson, jr., Officers' Reserve Corps.

Second Lieut. William Ewart Gladstone Graham, Officers' Reserve Corps.

Second Lieut. Gerage D. Curtis, Officers' Reserve Corps.

Second Lieut. Jesse Ralston Lippincott, Officers' Reserve Corps.

Second Lieut. Gaylord Benton Angus, Officers' Reserve Corps.

COAST ARTILLERY CORPS.

Second Lieut. William Herman Goodrich, Officers' Reserve Corps.

Second Lieut. William Harry Bauman, Officers' Reserve Corps.

First Lieut. Henry Myron Smith, Officers' Reserve Corps.

Second Lieut. Edwin Joseph Dowd, Officers' Reserve Corps.

Second Lieut. Harry Morris Krohn, Officers' Reserve Corps.

Second Lieut. Clem Oliver Gunn, Officers' Reserve Corps.

Second Lieut. Ralph Moore Wyatt, Officers' Reserve Corps.

Second Lieut. Louis Albert Williford, Officers' Reserve Corps.

Second Lieut. Percy Stuart Lowe, Officers' Reserve Corps.

Second Lieut. Maury Leo Webster, Officers' Reserve Corps.

Second Lieut. Claud Thomas Gunn, Officers' Reserve Corps.

Second Lieut. Wayne Allen Harrod, Officers' Reserve Corps.

Second Lieut. Lewis Franklin Moore, Officers' Reserve Corps.

Second Lieut. George Washington Phillips, Officers' Reserve Corps.

Second Lieut. Leon Aurile White, Officers' Reserve Corps.

Second Lieut. Edward Dreiss, jr., Officers' Reserve Corps.

Second Lieut. Winslow Burhans Van Devanter, Officers' Reserve Corps.

Second Lieut. Harold Young Keeler, Officers' Reserve Corps.

Second Lieut. Foster Chichester Harlow, Officers' Reserve Corps.

Second Lieut. Edward Nolan Delahunt, Officers' Reserve Corps.

Second Lieut. George Minot Cavis, Officers' Reserve Corps.

Second Lieut. Phillips Wainwright Loomis, Officers' Reserve Corps.

Second Lieut. Ephraim Preston Jolls, Officers' Reserve Corps.

Second Lieut. John William Callahan, Officers' Reserve Corps.

Second Lieut. Willis Doyle Kimmel, Officers' Reserve Corps.
Second Lieut. Blackstone Drummond Ayres, Officers' Reserve Corps.
Second Lieut. Robert Augustus Chambers, Officers' Reserve Corps.
Second Lieut. Alan Fuller Cameron, Officers' Reserve Corps.
Second Lieut. Howard Milton Cool, Officers' Reserve Corps.
Second Lieut. Charles Harold Cuppett, Officers' Reserve Corps.
Second Lieut. Walter Lee McCormick, Officers' Reserve Corps.
Second Lieut. Norton Swasey Crocker, Officers' Reserve Corps.
Second Lieut. Robert Martin Chase, Officers' Reserve Corps.
Second Lieut. Lyman Clement Rafferty, Officers' Reserve Corps.
Second Lieut. Arnold Dante Amoroso, Officers' Reserve Corps.
Second Lieut. Harold Francis O'Donnell, Officers' Reserve Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12, 1918.

GOVERNOR OF ALASKA.

Thomas Riggs, jr., of Alaska, to be governor of Alaska, vice John F. A. Strong, term expired and resigned.

UNITED STATES DISTRICT JUDGE.

John Clark Knox to be United States district judge, southern district of New York.

REGISTER OF LAND OFFICE.

Joseph Winczewski to be register of the land office at Duluth, Minn.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 12, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God, in whom we put our trust, in obedience to a natural impulse, a strong and fervent desire, and in imitation of the world's great Exemplar, who never entered upon a duty, great or small, without seeking Thee, we come praying for the outpouring of Thy spirit, that we may resist evil and be strong to pursue the right as it is given us to see the right. Hear us when we pray out of the fervency of the soul, for our soldiers and their associates, the allied forces, who are engaged in the world's greatest conflict, that they may stand firm and beat back the forces who are intent in their object to destroy all the civilization of the past. Especially do we pray for the wounded, that they may be cared for in the awful suffering through which they are passing, by warm and sympathetic hearts, deft fingers to bind up the wounds, and all the skill that has been revealed through the ages. Comfort, we beseech Thee, the sorrowing whose loved ones are suffering the fortunes of war, and we will praise Thee, through Him who taught us the glory of self-sacrifice. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, under the rules this is pension day. The chairman of the committee, Gen. SHERWOOD, does not want to interfere with the pending bill. Therefore, at his suggestion, I ask unanimous consent that the pension bill—there is only one—in order on the calendar to-day be taken up at 5.30 o'clock this evening, unless the pending bill is completed before that time, in which case that it be taken up on completion of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the pension bill be in order when the pending bill is finished, provided the pending bill is finished by 5.30 o'clock p. m., and if it is not finished by that time that it be taken up in any event.

Mr. GARNER. Mr. Speaker, I do not think that request should be granted in that form.

Mr. RUSSELL. I thought the House would want to adjourn at 5.30 o'clock anyway, and in that way it would not interfere with anything else. If the gentleman in charge of the bill prefers it, I shall ask to change the request to have the pension bill taken up at the completion of this bill, whenever that may happen.

The SPEAKER. The gentleman modifies his request to have the pension bill considered whenever this pending bill is completed. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, do I understand that the request applies to to-day only?

Mr. RUSSELL. No; it applies to any time.

Mr. GARNER. I understood the gentleman from North Carolina [Mr. KITCHIN] to say that he hoped that the river and harbor appropriation bill might be finished to-morrow. I do not want to object to the pension bill being taken up, but it can be taken up at the end of the day and concluded in less than 20 minutes' time. I suggest to the gentleman that he ask that it be taken up to-day after this bill is finished.

Mr. RUSSELL. I have no objection to that.

Mr. GILLETT. Mr. Speaker, reserving the right to object, if we agree to take up this bill it might just as well be taken up now as at the end of the day.

Mr. GARNER. Let us proceed with the pending bill.

Mr. ASHBROOK. There is only one pension bill on the calendar.

Mr. GILLETT. I do not think we ought to agree to take it up at the end of the day.

Mr. RUSSELL. We are willing to take it up whenever this bill is completed, but some seem to object to that.

Mr. GILLETT. It seems to me that is a most reasonable request. Why not agree that it shall be taken up after this bill is finished?

Mr. GARNER. Immediately after this bill is finished.

Mr. GILLETT. Whenever the bill is finished, it shall be in order, not taken up. Then it may be taken up to-morrow. What is the objection to its being taken up to-morrow?

Mr. KITCHIN. I suggest to the gentleman that as soon as we get through with the pending bill we can finish the pension bill in 20 minutes.

Mr. STAFFORD. Mr. Speaker, would it not be better to defer the request until we know more about how much time it will take to finish this bill?

Mr. KITCHIN. I suggest that to the gentleman from Missouri.

Mr. RUSSELL. Very well, Mr. Speaker, I withdraw the request for the present.

The SPEAKER. The gentleman from Missouri withdraws the request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CARTER of Massachusetts for one week, on account of illness.

Mr. MILLER of Minnesota. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. VOLSTEAD, on account of serious illness in his family.

The SPEAKER. The gentleman from Minnesota asks indefinite leave of absence for his colleague, Mr. VOLSTEAD, on account of illness in his family. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9901. An act to give indemnity for damages caused by American forces abroad; and

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

EXTENSION OF REMARKS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by the Hawaiian Delegate [Mr. KALANIANAOLE] on war-time prohibition in the Hawaiian Islands.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for two minutes on a matter connected with the third liberty loan.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

Mr. WALSH. Mr. Speaker, we are now about to enter upon the further discussion of one of the most important bills in connection with the present emergency. It seems to me there should be a larger attendance here to hear the argument, and I make the point of order that there is no quorum present.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to print in the RECORD 19 references of Dr. Dublin, the famous lecturer,

on the alarming decline of the birth rate. It is only about a fourth of a column of the RECORD, and I would like to get it in.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks by printing certain data about the decline of the birth rate. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Speaker, I desire to withdraw the point I made on the suggestion of the chairman of the Committee on Military Affairs.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS (S. J. RES. 123).

Mr. SHALLENBERGER. Mr. Speaker, I yield 12 minutes to the gentleman from South Carolina [Mr. NICHOLLS].

Mr. NICHOLLS of South Carolina. Mr. Speaker and gentlemen of the House, it is needless for me to say since I have taken the positions which I have taken on the floor of the House, that I am first, last, and all the time behind this administration for the successful prosecution of this war. It hurts me when bills come before the Military Affairs Committee, of which I have the honor to be a member, which I must conscientiously oppose. When I say oppose, I do not mean to disagree with them in toto. That is not the question, but I do believe that men who are serving here have but one end in view, and that is the welfare of the country which we all love so well, and when I say that I mean the men on both sides of this House, because I want to say the Republicans have been as loyal to this administration in this war as the Democrats have been. [Applause.] We are all here seeking to win this war, and to win it as quickly as possible, but I want to recall briefly a little of the history of the events which have been enacted since you and I have been in Congress. The War Department is not infallible. Even our great President is not infallible; the Committee on Military Affairs of this House is not infallible; nor is the House infallible, but when the mistakes are being made it is the duty of every man representing the people of this country to try to remedy those mistakes. When the Hay bill came up in 1916 some of us were criticized for insisting upon the National Guard being considered as the nucleus of the new Army. The War College, the General Staff, the men that the President depends upon to give him information, because he has not the time to give his own personal attention to every matter that comes up, opposed the Committee on Military Affairs on that proposition, and when war was declared where would our country have been had there been no National Guard to form a nucleus of the Army? They were wrong. They now admit they were wrong. When the draft bill came before the House members of my committee, including myself, thought that the proper way to raise this Army was by the volunteer system. We fought it out on the floor of the House, and after losing the volunteer proposition we voted for the draft method, because it was the only way left to raise the Army, which was absolutely needed. At that time a majority of the committee opposed the draft bill; the War College and the General Staff said the bill was absolutely correct, and the papers said that some of the men who opposed it were guilty of treason to their country.

Now, what is the situation to-day? They have introduced this bill in which they virtually say: "We admit you were right and we were wrong. The former bill is absolutely incorrect, and we propose to introduce a bill now which virtually nullifies everything in the first bill, which we then said was right." Now, my friends, that is the situation. I merely cite these instances to show you they were wrong then, and if wrong then they are liable to be wrong now; and I rise to give you our reasons for signing the minority report and supporting the amendment which the gentleman from Nebraska [Mr. SHALLENBERGER] will introduce.

Now, what is the difference in the two bills? Let me say there is one county in my district, Union County, which did not have to furnish a single man under the first draft, because they had more men who volunteered to fight for it than the draft called for. At that time they said to Union County, "We will give you credit for the men you furnished." Now, the Federal Government goes back to Union County, S. C., and says, "We did not promise you that."

Mr. KEARNS. Will the gentleman yield?

Mr. NICHOLLS of South Carolina. I will yield to the gentleman.

Mr. KEARNS. Does the gentleman say that Union County is the only county in the United States furnishing a full quota of volunteers?

Mr. NICHOLLS of South Carolina. In the first draft.

Mr. KEARNS. The only one in the United States?

Mr. NICHOLLS of South Carolina. That is my information.

Mr. JOHNSON of Kentucky. I have one in my district.

Mr. JOHNSON of Washington. The same thing is true of Oregon.

Mr. NICHOLLS of South Carolina. I congratulate you gentlemen, but that is not my information.

Mr. RUSSELL. And Howard County, Mo.

Mr. MADDEN. And the whole State of Illinois besides.

Mr. NICHOLLS of South Carolina. I wish I could believe all of your statements, but that is not what the record shows.

Mr. JOHNSON of Kentucky. Does the gentleman require proof because his information was correct?

Mr. NICHOLLS of South Carolina. No; I do not need any proof. I get mine from the Judge Advocate General's office.

Mr. STAFFORD. Wisconsin has been many times maligned, and it has five counties——

Mr. NICHOLLS of South Carolina. I can not oppose Wisconsin, because I married there.

Mr. STAFFORD. I am glad to hear it.

Mr. NICHOLLS of South Carolina. To go on: There is no doubt whatever of there having been made an agreement between the people of the United States and their legislative bodies that the patriotic volunteers should be treated at least as well as the draft men. But we will not keep that promise. The patriotic counties reasonably thought that there would be a premium on patriotism. This bill does not give them even the advantages which those communities have whose men had to be forced into the service of their country. There is no doubt that there was an implied, if not an expressed, agreement that the patriotic communities would be given at least as much credit for the volunteers as for the men taken under the draft act. Are you going to violate that agreement? I do not believe you will. Let me give you another proposition.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. NICHOLLS of South Carolina. I have but 12 minutes. I would like to, but I want to get through with my speech.

Now, gentlemen, here is what this bill proposes to do: Under the old law each State was required to furnish its quota according to population. I am frank to tell you that I do not think in the States where they have a large alien population they should be required to furnish in proportion to the population. So far as that is concerned, I agree with this bill, because a man who is not entitled to fight, who does not want to fight, a man who can not be made to fight, should not be counted as material from which to make up the Army.

I do say this to you, however, that if the bill carried out that proposition, and that alone, I would not be opposing it. But here is what this present bill does: It says to the War Department, to the General Staff, not to the President, "You can go to Iowa, the State of my friend HULL over there, and you can draw 5,000 men from Iowa, and you can go to Connecticut," without meaning any reflection on her loyalty, "and not take a single man."

Now, the proposition I stand for is this: If it is an honor to fight for this country—and it is—then that honor should be equally distributed among the States of this Union. If it is a duty to fight for this country, that duty should be equally distributed among the States of this Union. If it is a burden to fight for this country, that burden should be equally distributed among the States of this Union. I ask no favors. You can look up the record of my State and you will find that it is furnishing every man called for without question. I am perfectly willing for them to have the honor of fighting for this country, but I am perfectly willing also for the other States to share in that honor.

That is the position of the minority of this committee. It is not our desire to do anything to retard the prosecution of this war; on the contrary, it is our desire to do everything to back up this administration and to win this war. But when we take from those States who did not furnish their quota the honor of doing their share to win the war we are doing them a great injustice. As I stated before, those are the points that caused me to sign this minority report. I do not believe—and this is only my private opinion—that the President of the United States has time personally to prepare or to digest the details of every bill that is presented by the War Department, but that some of them are prepared by the War College and the General Staff. These officers may know more of the conditions of our country than the Members of this Congress, but the Constitution and the laws do not so regard it. Gentlemen, this Congress is a coordinate branch of the Government and it has its constitutional duties to perform. It is the duty of the General Staff to organize and perfect the Army provided for it by Congress and to control its operation. It is the duty of Congress—your duty and mine—to provide the men who are to be welded into this Army and the means to equip and support it. We have our clear duties to the country to perform. It is for us to provide the men and the means to win this war in the best way that we can do so. We should get from the War College and the General Staff all

the information which we need and they possess for the working out of the best plans for raising the men and the money to win the war. This is your duty and mine and we can not delegate it to the War College or to the War Department. To do so might relieve us from some labor and some responsibility, but it would be a clear neglect of our duties as legislators for our country imposed upon us by the Constitution and our oaths of office. We might escape some labors and some responsibility, but in doing so we ourselves would be slackers.

I do not propose, however, to give a few officers in Washington the right to take charge of all the civic population of the United States and decide whom they will call into action regardless of their rights or of the justice to the several localities which are to furnish the men to do the fighting.

I will not vote for a bill giving to them that power. I am not affected by what anybody else thinks. I am giving you my own views. I will tell you what they want to do. In this bill they fix it so that every man who is drawn into the service of his country—with a sister bill that will be introduced with it—shall be placed in class 1. What will be the result of that? You and I refuse to vote to make the 19-year-old boys of this country who could not vote do our fighting. There are still some people in the War Department who continue to want the kids to do the fighting for the men. They hope then, and they hope now, to fill these classes with the 21-year-old boys and let you and me and other men who are talking war, preaching war, declaring war, get out and sit back and say let the boys do the fighting. These boys can not vote, because you are taking them over there; but they must fight, because their fathers and their brothers and their uncles said to them, "You boys do the fighting and we will do the talking." That is the situation in a nutshell.

Gentlemen, I have talked to you longer than I intended to; but, as I stated at first, I do not like to take a position which is seemingly against the views of the War Department without giving my clear reasons for my position

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I ask a few minutes more.

Mr. SHALLENBERGER. Mr. Speaker, I yield one more minute to the gentleman.

Mr. NICHOLLS of South Carolina. I hate to take a position seemingly against the administration; but we are as much a part of this administration as the War College or the President. We have our duties to perform as they have theirs. We are as loyal to the Government and to the welfare of the country as they are, and I concede it to be the duty of every Member of this House to weigh these questions fearlessly, clearly, and conscientiously, and to advocate what he believes to be for the welfare of the country we love so well. Then, when we have gotten together on the best plans for making safe American freedom, American democracy, and the democracy of the world, let us push those plans to perfection with all the vigor and energy we possess.

Mr. SHALLENBERGER. How much time have I left, and how much time has the gentleman from Kentucky?

The SPEAKER. The gentleman from Nebraska has 28 minutes and the gentleman from Kentucky [Mr. FIELDS] 31 minutes.

Mr. SHALLENBERGER. I will ask the gentleman from Kentucky to use some time now.

Mr. FIELDS. I will say to the gentleman that we shall have only one more speech.

The SPEAKER. If nobody wants to make a speech, the Chair will put the question.

Mr. SHALLENBERGER. I yield 15 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, this is a bill to change the method of apportioning the draft quotas. Before it is passed we have a right to inquire as to how the present law was administered. The selective-draft act provides that the draft quotas shall be apportioned according to "the population." Congress undoubtedly intended that the population as determined by the census of 1910 should be the basis. But the law did not clearly state the intent of Congress, and that vagueness enabled the Provost Marshal General to interpret the act to mean that estimates of population could be used instead of the actual enumeration made in 1910. It is these estimates of population that have been the cause of all the complaint which we have heard the country over. In view of what happened in that case we can not now afford to assume the risk involved in the adoption of legislation, at the request of that bureau chief, affecting the same important subject.

I propose to demonstrate to the House that in the apportionment among the several States of the quotas for the first draft the Provost Marshal General took advantage of the lack of direct instructions from Congress, and by construing and interpreting the law in a manner that was never intended, did such a grave injustice to many States and communities that, on his own confession, he is now compelled to ask for remedial legislation.

The facts are that the Provost Marshal General, without authority of law, arbitrarily apportioned the State quotas for the first draft of 687,000 men by a method that was most unfair to the people of my own and a number of other States. I promptly protested against this illegal apportionment, but without avail. I pointed out that section 2 of the draft act of May 18, 1917, provides that "the population" shall be the basis for determining the State quotas, and submitted an argument which, to my mind, was conclusive that the population could be determined in no other way than by actually enumerating the whole number of persons in each State.

The only method provided for ascertaining the total number of inhabitants is by taking a census, and I therefore insisted that the census figures for 1910 must be used to fix the draft quotas.

Instead of abiding by the last census, the Provost Marshal General directed the Bureau of the Census to prepare an estimate of the population. The Census Office did this by first estimating that the total population of the United States had increased in the same ratio from 1910 to 1917 as had actually occurred from 1900 to 1910. The adoption of this hypothesis enabled the estimators to guess that the total population of the continental United States was 103,635,300. It was known that 9,659,382 men between the ages of 21 and 31 had registered. The proportion which the registrants represented to the estimated population was 9.32 per cent. The number of registrants in each State was then divided by 9.32 and multiplied by 100, which gave the estimated population of the State.

I need not stop to argue that the assumption as to the total population was a mere approximation, which no one can say is anywhere near right, and which is certainly in error when this estimate is divided among the States. To multiply this error by assuming that each registered man represented about 10 other inhabitants in the State where he happened to be but made the injustice more acute. Yet the Provost Marshal General insisted that this obviously unfair scheme be followed. Instead of gaining anything by wandering off after these false estimates he has led himself into such a morass of difficulty that he now appeals to Congress for a new law that will bring him back to solid ground.

The Provost Marshal General now denies all responsibility for the use of these estimates of population. He would have the country believe that the Census Bureau is entirely to blame, but I have conclusive proof that such is not the fact. I hold in my hand a copy of a memorandum that I obtained from the Census Office last August. The original of this memorandum was forwarded to the Provost Marshal General in May, 1917, shortly after the passage of the selective-draft act. In it he is warned that the law required him to apportion the draft quotas according to the census of 1910, and the evil effects of attempting to use estimates of population are clearly forecasted. Let me read from this document, which was prepared, after careful consideration, by the officials of the Census Bureau for the information and guidance of the Provost Marshal General:

Memorandum re basis to be employed in apportioning State quotas of draft.

Section 2 of the act of May 18, 1917, provides that—

"*Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof*, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision either as members of the Regular Army or the National Guard."

As this provision is interpreted by the Census Bureau, it requires that the quotas shall be based on the population as ascertained at the last Federal census, namely, that taken in 1910. If it had been the intention to have the apportionment based on *estimates* of the present population, it is reasonable to presume that the act would have so stated. This view is strengthened by the following citation from the second paragraph of section 4:

"*The President is hereby authorized*, in his discretion, *to create and establish* throughout the several States and subdivisions thereof and in the Territories and the District of Columbia *local boards*, and where, in his discretion, practicable and desirable, there shall be created and established *one such local board in each county* or similar subdivision in each State, and *one for approximately each 30,000 of population in each city* of 30,000 population or over, *according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce.*"

Since in this instance estimates were specifically mentioned by the act, it is logical to assume that they would have been specifically mentioned in the provision for the apportionment of the draft if Congress had intended that the State quotas should be based on estimates of population

Furthermore, the Bureau of Census is opposed to the use of estimates of population as a basis for the apportionment of the draft, for the reason that, as only 10 States have taken censuses of their population since 1910, estimates for the greater part of the country would neces-

sarily be based either (a) on the census of 1910 and the growth during the period between 1900 and 1910, or (b) on the registration. Either basis is far from satisfactory. It is a well-known fact, substantiated by the registration returns themselves, that the increase in population of certain States since 1910 has not been nearly so rapid as the increase between 1900 and 1910. In fact, for certain States the returns indicate a decided decrease since 1910, although the decrease in total population probably has not been relatively so great as the decrease in the number of males 21 to 30 years of age, inclusive.

(*Estimates based on the registration returns would also be far from accurate*, for the reason that, because of the abnormal shiftings of population which have taken place among certain parts of the country during recent years, and particularly since the outbreak of the war, gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which the males 21 to 30 years of age, inclusive, represent of the total populations of the various States are far from being the same as in 1910.) Some idea of the margin of error may be gained from the facts that the proportion of males 21 to 30 years of age, inclusive, in the total population of cities having 30,000 inhabitants or more in 1910 varied from 7.1 per cent in Newton, Mass., to 18.4 per cent in Flint, Mich.; and that for those portions of the several States which lay outside such cities the corresponding proportions varied from 7.8 per cent in Tennessee and Virginia to 19.2 per cent in Wyoming. If the proportion for each State, county, and city were assumed to be the same as in 1910, estimates of total population, based on the registration, would therefore be wide of the mark in many cases.

It is obvious, therefore, that an apportionment of the draft made directly from the registration itself would be much more equitable than one made from estimates of total population based either on the registration or on the census of 1910 and the growth between 1900 and 1910.

To recapitulate: The Census Bureau maintains that, under the law, the apportionment of the draft must be made on the basis of the total population as ascertained at the Federal census of 1910. It holds, however, that if the necessary change in the law could be secured it would be far more equitable to apportion the draft on the basis of the registration itself.

The last suggestion made by the Census Bureau to the effect that if the law could be changed it would be best to base the apportionment of the draft on the registration itself embodies the substance of the amendment to be offered by the gentleman from Nebraska [Mr. SHALLENBERGER].

When the officials of the Census Bureau presented this memorandum, what did the Provost Marshal General do? One would have expected him to follow the advice of the highest authority in the Government on such a vital matter, but he did nothing of the kind. In response to the positive stand taken by the Census Office, Gen. Crowder, in effect, replied that he would interpret the law as he saw fit. He boldly assumed all responsibility for the method of determining the draft quotas upon estimates of population. The officials of the Census Bureau, actuated by the most patriotic motives, yielded their better judgment and obeyed his orders. From that time on they merely acted in a ministerial capacity and supplied his office with estimates and data for the purpose of apportioning the draft.

During the conferences between the Provost Marshal General and the officials of the Census Bureau a table was prepared at his request which showed the gross quota for each State based, first, upon the decennial census of 1910; second, upon official estimates of population of July 1, 1917; and third, estimates of population based upon the draft registration. The Census Bureau submitted three methods of apportioning the quotas, stating that, in its opinion, the first, based upon an actual enumeration, was in accordance with the selective-draft act and was the only one that could be lawfully used. It is beyond dispute that Gen. Crowder ordered the apportionment of the draft to be upon the third method and that he alone is responsible for its use. For the information of the House I shall print a copy of this table as a part of my remarks:

Statement showing the population of the United States by States, including Alaska, Hawaii, and Porto Rico, and the proportion that each State and Territory is of the total population, together with the gross quota each State and Territory would furnish on a draft of 1,152,985 men, in pursuance of the selective-draft act, according to (a) decennial census of 1910, (b) official estimates of population July 1, 1917, and (c) estimates of population July 1, 1917, based on registration.

Area.	Decennial census, 1910.			Official estimates of population July 1, 1917.			Estimates of population July 1, 1917, based on registration.		
	Population.	Proportion.	Gross quota.	Population.	Proportion.	Gross quota.	Population.	Proportion.	Gross quota.
United States	93,346,543	1.000000	1,152,985	105,151,678	1.000000	1,152,985	105,365,053	1.000000	1,152,985
Alabama	2,138,093	.022905	26,409	2,363,930	.022481	25,920	1,945,533	.018474	21,309
Arizona	204,354	.002189	2,521	263,783	.002509	2,893	403,203	.003828	4,473
Arkansas	1,574,449	.016867	19,447	1,763,343	.016773	19,333	1,591,835	.015113	17,452
California	2,377,549	.025470	29,367	3,023,032	.028836	33,213	3,189,938	.030275	34,907
Colorado	799,024	.008560	9,870	983,320	.009350	10,837	895,331	.008497	9,797
Connecticut	1,114,756	.011942	13,769	1,265,373	.012034	13,875	1,719,623	.016320	18,817
Delaware	202,322	.002167	2,498	215,160	.002046	2,359	234,710	.002228	2,569
District of Columbia	331,069	.003547	4,090	369,282	.003512	4,049	345,855	.003282	3,783
Florida	752,619	.008033	9,295	916,185	.008713	10,046	925,641	.008785	10,129
Georgia	2,609,121	.027951	32,227	2,895,841	.027540	31,753	2,483,544	.023569	27,209
Idaho	325,594	.003488	4,022	445,176	.004234	4,882	411,681	.004192	4,833
Illinois	5,638,591	.060405	69,645	6,234,995	.059295	68,365	7,227,952	.068590	79,091
Indiana	2,700,876	.028934	33,361	2,935,492	.027918	32,191	2,738,933	.025994	29,971
Iowa	2,224,771	.023833	27,479	2,219,604	.021109	24,338	2,327,079	.022085	25,455
Kansas	1,690,949	.018115	20,883	1,851,870	.017611	20,305	1,623,223	.015404	17,795
Kentucky	2,289,905	.024531	28,284	2,394,093	.022768	26,251	2,024,353	.019213	22,152
Louisiana	1,656,388	.017744	20,459	1,853,954	.017630	20,332	1,683,852	.015980	18,481
Maine	742,371	.007953	9,170	777,340	.007393	8,524	643,588	.006137	7,075
Maryland	1,295,346	.013877	16,000	1,373,673	.013064	15,063	1,292,031	.012263	14,139
Massachusetts	3,366,416	.036064	41,581	3,775,973	.035910	41,404	3,933,561	.037329	43,049
Michigan	2,810,173	.030105	34,711	3,034,253	.028857	33,273	4,015,053	.038103	43,935
Minnesota	2,075,708	.022237	25,639	2,312,445	.021991	25,355	2,377,933	.022568	23,021
Mississippi	1,797,114	.019252	22,197	1,975,570	.018797	21,673	1,531,345	.014249	16,429
Missouri	3,293,335	.035281	40,673	3,427,595	.032316	37,603	3,243,679	.030753	35,451
Montana	376,053	.004028	4,644	472,935	.004498	5,183	952,478	.009040	10,423
Nebraska	1,192,214	.012772	14,726	1,284,125	.012212	14,080	1,270,301	.012056	13,900
Nevada	81,875	.000877	1,011	110,738	.001053	1,214	131,232	.001245	1,435
New Hampshire	430,572	.004613	5,319	441,429	.004197	4,840	403,881	.003833	4,419
New Jersey	2,537,167	.027180	31,333	3,014,194	.028665	33,053	3,255,407	.030903	35,623
New Mexico	327,301	.003506	4,042	423,649	.004029	4,645	352,392	.003344	3,855
New York	9,113,614	.097632	112,563	10,480,182	.099677	114,933	11,187,793	.106183	122,421
North Carolina	2,206,287	.023635	27,251	2,431,381	.023151	26,693	2,143,263	.020347	23,483
North Dakota	577,053	.006182	7,128	765,319	.007278	8,391	703,992	.006681	7,737
Ohio	4,767,121	.051063	58,882	5,212,085	.049557	57,150	6,071,771	.057631	66,474
Oklahoma	1,657,155	.017753	20,463	2,289,855	.021777	25,110	1,822,470	.017297	19,941
Oregon	672,765	.007207	8,310	881,992	.008389	9,672	675,092	.006407	7,387
Pennsylvania	7,665,111	.082114	94,673	8,630,042	.082058	94,608	8,981,082	.085237	98,277
Rhode Island	542,610	.005813	6,702	625,865	.005952	6,863	573,583	.005444	6,277
South Carolina	1,515,400	.016234	18,718	1,613,205	.015342	17,688	1,384,203	.013137	15,147
South Dakota	583,888	.006255	7,212	715,972	.006808	7,851	623,359	.005915	6,821
Tennessee	2,184,789	.023405	26,983	2,304,629	.021917	25,270	2,021,893	.019218	22,158
Texas	3,893,512	.041743	48,129	4,515,423	.042942	49,511	4,337,037	.041732	48,113
Utah	373,351	.004000	4,612	443,883	.004221	4,867	451,932	.004289	4,945
Vermont	355,953	.003813	4,395	384,948	.003471	4,002	293,423	.002813	3,243
Virginia	2,061,612	.022085	25,465	2,213,025	.021043	24,255	1,951,521	.018521	21,354
Washington	1,141,990	.012234	14,103	1,597,400	.015191	17,515	1,163,855	.011074	12,765
West Virginia	1,221,119	.013081	15,082	1,412,602	.013434	15,489	1,355,907	.012878	14,848
Wisconsin	2,333,860	.025002	28,827	2,527,187	.024033	27,710	2,575,931	.024457	28,199
Wyoming	145,965	.001534	1,803	184,970	.001759	2,028	245,223	.002327	2,683
Alaska	64,356	.000689	794	64,912	.000617	711	64,912	.000615	710
Hawaii	191,909	.002055	2,371	219,580	.002088	2,407	219,583	.002084	2,403
Porto Rico	1,118,012	.011977	13,809	1,231,880	.011715	13,507	1,231,880	.011691	13,480

The estimates of population issued by the Bureau of the Census as of July 1, 1917, contains a preface which clearly shows that the mathematical calculations made at the request of the Provost Marshal General were not deemed to be of any value except as a basis for apportioning the draft quotas, and that these figures were not represented to be an accurate enumeration of the population. The preface says:

These estimates have been made by the Bureau of the Census, at the request of the Provost Marshal General of the War Department, solely for use as a basis for the apportionment of the forthcoming draft. The method employed may be described briefly as follows:

The total registration as shown by the preliminary telegraphic returns, 9,659,382, was divided by the total population of continental United States exclusive of Alaska, as heretofore estimated by the Census Bureau, 103,635,300, in order to obtain the proportion which the registrants represented of the total population. The resulting figure, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof. Since the State totals as shown by the corrected returns received by mail, varied more or less from those given in the preliminary telegraphic returns, both the total registration for the United States and the total population estimated herein differ slightly from the figures above given.

The assumption that the proportion which the registrants in any county or city represent of its total population is the same throughout the United States may not be true, but the only way to ascertain the true proportion for each geographical unit would be to make an actual enumeration of its population. The proportion in 1910 varied considerably in different parts of the country, being greater, as a rule, in the newer than in the older sections, and greater in cities than in rural localities. Because of the abnormal shiftings of population which have taken place among certain parts of the country in recent years, and particularly since the outbreak of the war gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which men 21 to 30 years of age, inclusive, represent of the total population of many localities have changed greatly since 1910. For this reason the assumption that the proportions existing in 1910 still prevail would result in very inaccurate estimates for some localities.

Since therefore, it was impossible in any event to estimate precisely the population of cities counties, and States on the basis of the registration, the simplest and speediest method—that based on the assumption that the proportion which the registrants represent of the total population is the same throughout the country—was adopted. One reason for the employment of this method was that the Census Bureau had only a very short time in which to prepare the estimates; but another and still more cogent, reason was that in this manner there was obtained the fairest possible basis for the apportionment of the draft, since the localities whose population estimates may be exaggerated are those in which there is an excess of men 21 to 30 years of age, inclusive, while the ones whose population is understated are those in which the proportion of men of these ages is smaller than the average. * * *

The estimates for Alaska, Hawaii, and Porto Rico, in which the registration has not yet taken place, were made in the same manner in which the official estimates of population have been made by the Census Bureau heretofore, namely, on the assumption that the annual numerical increase in each geographical unit since 1910 has been the same as the average numerical increase between 1900 and 1910.

When the draft quotas based upon these estimates were announced a storm of protest immediately arose in a number of the States. The Provost Marshal General himself describes what happened in these words:

Now, this disproportionate taking of citizens engaged our attention during the first draft, and of Members of Congress who represented districts that had in them congested centers of foreign population. They saw how unequally the rule was operating in respect to their localities.

Later in the hearings he said:

Do not get the idea that this matter was not often talked about, because there were protests against the estimates from more than a dozen States, and the matter was the subject of a great deal of correspondence and some editorial comment.

With the advent of this criticism did this valiant lawyer warrior, who was so prompt to assume all responsibility, bravely meet the issue and defend what he had done? Sad to relate, the record shows that, like a true bureaucrat, he immediately "passed the buck." The first evidence of evasion that I have in writing is contained in a letter addressed to me on September 5, 1917, from the War Department, in which this language occurs. This letter was prepared in the Judge Advocate General's office, with Gen. Crowder's approval, and is in reply to a letter of mine protesting against the use of estimates in apportioning the draft quotas. This letter states:

The estimates of population are the estimates of the Bureau of the Census of the Department of Commerce, with which the War Department has nothing whatever to do.

That statement is not true. I have shown you that the Census Bureau submitted a memorandum to the Provost Marshal General advising against the use of these very estimates, and yet this letter sets forth that the War Department had nothing whatever to do with their adoption.

In the hearing before the Committee on Military Affairs this question was asked by the gentleman from Nebraska [Mr. SHALLENBERGER] at my request. I read from page 28 of the hearings of February 4, 1918:

Mr. SHALLENBERGER. I have been asked this question. I am told that certain States, particularly Arizona, claim that your allotment against those States is much in excess of what it should be. * * * The census figures have enormously increased the population of the State; that certain Western States have large populations of single men; that you have estimated the population too large, and therefore you have asked for an unfair number of men from those States. * * *

Gen. CROWDER. *Your statement is correct, except that I do not think I am responsible.*

Mr. SHALLENBERGER. I mean the Census Bureau.

Gen. CROWDER. The census people did project over the 1910 census to 1917, under rules of their own formulation, and they did produce the result that you speak of, and as a necessary consequence the quotas of certain centers have been too large. That has been the result very largely of an effort upon the part of the Census Bureau to establish a percentage relation between total population and total registration.

Thus, early in the hearings, the Provost Marshal General deliberately sought to shield himself from criticism by laying the blame upon somebody else. A little later the gentleman from Nebraska asked him these very interesting questions:

Mr. SHALLENBERGER. This is a question which has puzzled a great many men. Why was it you did not base your draft upon the rule of citizenship instead of upon the rule of population? Was it not practicable to do it?

Gen. CROWDER. Because the law commanded me to distribute it according to total population.

Mr. SHALLENBERGER. The War Department drafted the law. Why did it ask us to pass a law that placed the liability not upon the citizens but upon the total population?

Gen. CROWDER. I do not know that I can explain that omission. The department followed the statute of 1862, which was based upon total population.

Mr. SHALLENBERGER. But these inequalities did not exist then.

Gen. CROWDER. It did not occur to us that there was a more convenient rule.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. SHALLENBERGER. The gentleman knows that the Census Bureau stated that they considered the proposition that I am now making was the fairest one and put it up to the Provost Marshal himself.

Mr. HAYDEN. Yes; the Census Bureau told him last May that under the law the census of 1910 should be used, but they then suggested the proposition of the gentleman from Nebraska, which is that the law be changed to apportion the draft according to the registration itself.

Fr. FIELDS. Will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. FIELDS. It is not contended that the gentleman from Nebraska's proposition would not be fair, but the original proposition was the total population, and the committee did not think that his proposition was better than any other proposition.

Mr. HAYDEN. I do not agree with the gentleman from Kentucky at all.

Beginning on page 68 of the hearings, I find that the gentleman from Ohio examined the Provost Marshal General at some length but with very doubtful results:

Mr. GORDON. General, you have testified that the apportionment of the first draft was based on figures furnished by the Census Bureau. However, they did not purport to be the figures showing the actual population of the different localities determined by the Census Bureau?

Gen. CROWDER. They purported to be a projection over of the actual population in 1910 of these localities, under rules which would approximate what the population ought to be seven years later, in 1917. That is what they purported to be.

Mr GORDON Did they use the same figures for the purpose of determining that population that they would use if I wrote a letter to the Census Bureau and asked them to tell me what the population of a city was on June 5, 1917? Did they take the same method of determining the population for the purposes of this draft that they would use for determining the population of any city or State now, by figuring from the population in 1910?

Did the Provost Marshal General frankly answer that question by saying that that very kind of an estimate was submitted to him by the Census Bureau but that he refused to use it? He did not. This is his reply:

Gen. CROWDER. I have only such information on that subject as they gave me in a few conferences we held during the time they were preparing these estimates. They have their own scientific rules for judging the increase of population. I understood they applied those rules and also took as accurate cognizance as they could of unusual flows of population, stimulated, we will say, very largely since the war broke out in 1914 by the demands of various centers for munitions workers. They informed themselves, I think, through the school censuses, through electoral censuses.

The general was merely giving free play to his imagination when he made that last statement. As a matter of fact, the Census Bureau did not use the figures from any school or electoral census in calculating the draft quotas—

Mr. GORDON. To what extent did they take into consideration the actual registration for the purpose of determining their first figures on population?

Gen. CROWDER. Not at all in their first estimates—

That is a true answer—

In the first estimates they were governed by the rules I have named. In the second estimate, *which was one we had to have in the execution of the law,* they applied a different rule.

The "one we had to have in the execution of the law." That is not a true answer. The Provost Marshal General would have told the whole truth if he had said, "In the second estimate, which was one that I demanded be prepared against the protest of the Census Bureau."

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. Does the gentleman pretend to say that Gen. Crowder did not tell the truth?

Mr. HAYDEN. He did not tell the whole truth.

Mr. MADDEN. I take exception to the statement of the gentleman that Gen. Crowder would lie about it.

Mr. HAYDEN. I am not accusing him of lying. The gentleman from Illinois can not put that word in my mouth. I am saying that when he said that they had to use an estimate of population he did not tell the whole truth, because no estimate was required under the law. The Census Bureau told him so, and told him that he could not lawfully use an estimate but should use the census of 1910.

Mr. MADDEN. And as they made it up they increased the population of Chicago a million and fifty thousand over what the population is. They reduced the population in other places to make up the increase of population, and I deny that Gen. Crowder would lie about any question submitted to him.

Mr. HAYDEN. I submit that the Provost Marshal General did not give a true answer, because he did not tell the whole truth. He failed to state that the Census Bureau advised him against the use of an estimate and that he could not use it lawfully. Nevertheless he insisted that estimates of population be used and stated that he would take the responsibility.

However, listen to his answers to these questions by the gentleman from Ohio:

Mr. GORDON. Why did you not adhere to the original plan of estimating from the best sources available through the Census Bureau what the actual population was, instead of resorting to this second method?

Gen. CROWDER. *I called upon the Census Bureau for the estimate of the population which the law commanded me to take into consideration. The law did not contemplate that I would make any estimate, but it did contemplate I would go to the expert branch of the Government for those estimates. I exercised no revisory power over their estimates at all.*

Mr. GORDON. You were commanded by the law to determine the apportionment upon the basis of actual population.

Gen. CROWDER. *Yes; but Congress contemplated that I would get that from the Census Bureau. You can imagine what standing I would have in court if I had undertaken to estimate the population myself, without reference to the Census Bureau.*

Mr. GORDON. The Census Bureau does not contend that their last basis of estimate was more nearly correct than their first?

Gen. CROWDER. *I do not think they do, in the light of the criticism of both estimates.*

Mr. GORDON. Your contention is that you had no discretion in the matter, but you were bound by the figures, however erroneous they might be, that the Census Bureau furnished you?

Gen. CROWDER. *I certainly would not have acted upon figures from any other source, or upon my own revision of their estimates. I would have been unauthorized to substitute my own estimates for the figures of the Census Bureau.*

Mr. GORDON. Even when they reported that they estimated the population of Detroit at over 1,600,000 when, in fact, it had less than 800,000, you still felt you were precluded from going behind their estimates?

Gen. CROWDER. *Exactly; and I remain of that opinion.*

If Gen. Crowder's replies do not constitute a complete attempt to evade responsibility by shifting the burden for adopting estimates of population from his own shoulders to those of the Director of the Census, then we must revise all of our ideas of the meaning of words in the English language.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend from Missouri.

Mr. ALEXANDER. Does the law say he shall take the census of 1910? Did not it say that he should take it as a basis?

Mr. HAYDEN. No; the selective-draft law says that the quotas shall be determined according to the population. The Provost Marshal General submitted the matter to the Census Bureau, and they advised him that, as a matter of law, he must use the census of 1910 as a basis.

Mr. ALEXANDER. The population of 1917 was clearly intended in the law.

Mr. HAYDEN. The clear intent of the law was that the census of 1910 should be used. That such was the opinion of this House when the selective-draft act was under consideration is borne out by the fact that no one questioned the statement of the chairman of the Committee on Military Affairs when he asserted, in answer to a question, that a census was necessary to determine the population.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. SHALLENBERGER. Is it in the record that when the question was asked the Provost Marshal General, who was responsible for making the figures, Gen. Crowder said, "I was required to take the figures that the Census Bureau furnished me," and he put the whole burden on the Census Bureau?

Mr. HAYDEN. Yes. But the facts are that he insisted upon using figures obtained by estimating the population, against their protest.

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. How could he do anything else? Who can furnish the statistics of population except the Census Bureau? They are the only ones that have the facilities.

Mr. HAYDEN. The objection that I have to the attitude of the Provost Marshal General is that instead of frankly coming before the Committee on Military Affairs and taking the responsibility, he passed it all over to the Census Bureau. He did not bravely say, "Yes; I did it; because I thought it was the only way it should be done."

Mr. MADDEN. He asked them for the information that he had to have, and they supplied it.

Mr. HAYDEN. They supplied it under his direction.

Mr. MADDEN. They supplied it on his request; and if they failed to give him the information which he requested, he is not to blame for that.

Mr. HAYDEN. The Census Bureau carried out his wishes and gave him exactly what he asked for, but the Provost Marshal General agreed to be responsible for what was done.

Mr. McCORMICK. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. McCORMICK. Is it of record that the Bureau of the Census protested against an estimate other than that established by the census of 1910?

Mr. HAYDEN. I have read into the RECORD a copy of the identical memorandum submitted to Gen. Crowder in May, 1917, when this matter was under discussion, in which the Census Bureau told him that in their opinion under the law he could not use anything except the census of 1910 as a basis for apportioning the draft quotas.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. DENT. Mr. Speaker, I want to make this statement as to what I stated when the so-called draft bill was before Congress last spring. I made the statement in opposition to the draft legislation and in favor of the volunteer system that the law as proposed demanded that the Government should take an actual census of the country and that it would take such a long time to take that that you could get your volunteers before the census could be taken. I do not think that the War Department followed what Congress intended, because it meant actual population and not estimated population.

Mr. HAYDEN. Let me carry out further and say that nowhere in the law is there any mention of an estimate of population being used as a basis for the draft quotas. The Census Bureau points out in the memorandum submitted to the Provost Marshal General that certainly if Congress had meant that estimates should be used the law would have said so. Therefore the census of 1910 had to be used.

The answers that I have read from the hearings were made offhand by the Provost Marshal General, and it might be said that he should not be held to strict accountability for them; but on February 22 he read a prepared statement to the Committee on Military Affairs, in which, with calmness and deliberation, he repeats the assertion that the census of 1910 could not be used to fix the draft quotas. No mention is made of the effort of the officials from the Census Office to induce him to adopt the census figures and of his refusal to do so. In other words, he again failed to tell the whole truth. His statement reads:

All that could be utilized was an estimate of population. In making this estimate the Census Bureau applied the results of the registration as a constant factor and estimated population in such a way that *the first quotas were not computed on population at all but on registration.* Now, registration was affected by a variety of causes. Since the last census there had been a great coalescence of labor around industrial centers and a great withdrawal of it from rural and agricultural regions. This upset state of affairs was further accentuated by the fact that most of the persons who had changed their residence were young men between the ages of 21 and 30. *The resulting population estimated upon this basis was in some cases grotesque* and the consequent inequalities could not be cured by administrative act of the Provost Marshal General's Office—

I thank the general for that word "grotesque." It is the very term for which I have searched to describe the result of the estimate of population made for the State of Arizona—

The first draft was relatively small, but, small as it was, the protests of the localities injuriously affected were very powerful and there can be no doubt that they will be repeated if the old rule is adhered to. *Those protests could not be answered in any reasonable way.* The only

answer that can be made is that the law called for a basis of population, and *the only population the Government knew was the Census Bureau's estimate*, which, under the circumstances, could not be made more accurate, but it was admittedly not accurate in many instances. The sum of the whole problem is that the proposed rule would go far to abate the alien difficulty, would eliminate the difficulty arising out of *the inaccurate estimate of the Census Bureau*, and in its intrinsic worth and merit is unassailable.

If the Provost Marshal General had followed the plain intent of the selective-draft law and used the census of 1910 as the basis for apportioning the quotas for the first draft, all of this confusion would have been avoided. Any complaint that might have been made could have been properly answered by saying that the Constitution provides for the apportionment of Representatives in Congress and direct taxes in accordance with the number of people in each State, as determined by an actual enumeration of the population. If we can rearrange matters of such importance only once every 10 years, it is not unreasonable to provide that the same rule shall apply to the draft quotas. Instead of the census basis, which is free from complications and everybody understands, the Provost Marshal General seemed to deliberately go out of his way to seek trouble, and he certainly found it, as is evidenced by his own testimony given when he was insisting upon the passage of the present bill.

If the census figures had been followed, the population of the city of Detroit would not have been arbitrarily increased to 1,600,000—nearly twice the actual number of people residing there. Neither would it have been possible to do even worse than that by the city of Akron, Ohio. Nor would the city of Lawrence, Mass., have been compelled to furnish an extravagant quota from a registration which showed but 43 per cent to be American citizens.

The estimate of population used as a basis for the first draft gave my State a total population of 409,203. The census of 1910 actually enumerated 204,354 people. If these new and fanciful figures had been applied in the same ratio to the entire country, we would have to "estimate" that there are 200,000,000 people in the United States. The gross quota of men from Arizona under the first draft was fixed at 4,478. On the basis of the census of 1910 my State should have furnished a total of but 2,524 men, so that there is an excess of 1,954 soldiers now in the Army from Arizona.

But that is not half the measure of our complaint. Out of a total registration of 37,355 in my State there were 15,064 aliens, leaving but 22,291 citizens liable to the draft. Arizona has a larger proportion of alien registrants than any other State in the Union. This is due to the fact that considerable numbers of foreigners, principally Mexicans, are employed in our copper industry. The ratio 9.32 was applied to each one of these aliens, with the result that Arizona is supposed to have a population consisting of nearly 40 per cent who are not American citizens. Anyone who is even slightly acquainted with the people of my State knows that this is obviously untrue. A great majority of the miners are single men, and however often any wizardly estimator may use the fateful figures 9.32 he can not thereby transport their relatives to Arizona on a magic carpet.

Every one of these aliens was duly registered, but the great majority of them promptly claimed and received exemption from the draft. The heavy burden of supplying our quota immediately fell upon the citizen registrants, with the result that in some of the mining communities practically every young man of American birth was at once called to the colors. That they answered the call and presented themselves for enrollment without delay is an evidence of patriotism unequaled by any State in this Union. They are now in the cantonments, doing their very best to prepare for the final battle that will forever put an end to German militarism. I know that I speak for every one of them when I say that our State has been unfairly dealt with and that they have a right to ask that this injustice be corrected. They ask it not for themselves, because they know that this war will not wait for the training of other men to take their places, but for the sake of their brothers and friends who are listed for future military service.

That it may be of record that the unfair apportionment of draft quotas, which weighed so heavily against the people of Arizona, did not go without protest I include as a part of my remarks the following letter which I addressed to the proper authority on August 15, 1917, 20 days before a single one of the selected men had arrived at the cantonments:

WASHINGTON, D. C., *August 15, 1917.*

The honorable the SECRETARY OF WAR,
Washington, D. C.

MY DEAR MR. SECRETARY: I shall be greatly obliged if you will advise me by what authority of law an estimate of the population based upon the registration of men between the ages of 21 and 30 years was used, instead of the population as ascertained by the last census, to determine the quotas of the several States for the first call for men made pursuant to the selective-draft act? Section 2 of the act of May 18, 1917, provides that "the population" shall be the basis for determining such quotas, and there is no mention in this section of an estimate of the population. It is true that in section 4 provision is made for estimating the population of cities of 30,000 or over, but the very fact that estimates are specifically authorized in another part of the act would indicate that the omission of the word "estimated" in section 2 was intentional.

Webster defines "population" as the whole number of people, or inhabitants of a country. The Constitution provides that there shall be an "actual enumeration" of the "whole number of persons" in each State" every 10 years. Under this authority Congress has directed that a decennial census of the population shall be taken by the Director of the Census. Since no other method is provided by law for ascertaining "the population" it can not be denied that, when Congress directed that "the population" shall be used as a basis to determine the quotas of the several States, direct reference was made to the actual enumeration of 1910 and not to a later estimate.

The Consitution provides that Representatives in Congress and direct taxes shall be apportioned among the States according to their respective numbers, counting—not estimating—the whole number of persons in each State. Every reason that would justify an estimate of the population, seven years after a census, for fixing the draft quotas would apply with equal force to urge the use of the estimated population, rather than an actual count, at any time between the census periods for apportioning the number of Representatives or levying a direct tax. The authors of the Constitution very properly decided that it was unwise to follow an estimate in matters of such grave importance because any approximation of the population was bound to lead to injustice and consequent dissatisfaction, as has happened in the present instance.

Apparently the word "population" has never been given a judicial interpretation by any Federal court of record. It has, however, been judicially interpreted by the Supreme Court of New Jersey. In construing an act classifying cities according to population, it was held (in re Assessment for construction of sewer, 54 N. J. L., 156, 23 Atl., 517) that "population" could not be determined by the court through the introduction of evidence in the ordinary way, but that it must be determined by some official census or enumeration. In this case the population of a city was 8,326 by the State census of 1885 and 13,028 by the United States census of 1890, but the court held that the city could not be legally regarded as a city of over 12,000 until after April 17, 1891, when the official bulletin of the census of 1890 was published. The opinion in this case was quoted with approval in Dickinson *v.* Board of Chosen Freeholders (71 N. J. L., 589, 60 Atl., 220), where it was held that the State as well as the Federal census must be taken into account in determining the population of a county. The Code of Iowa (1897, sec. 48, par. 26) provides: "The word 'population' where used in this code or any statute hereafter passed shall be taken to be that as shown by the last preceding State or national census, unless otherwise specially provided. The compiled laws of Utah (1907, sec. 2498, par. 19) contain an almost identical provision. This comprises all the law that I have been able to find on this subject, and every line of it is in accord with my contention that the census of 1910 and not an estimate of the present population should be used to determine the draft quotas.

I also desire to know by what authority of law the Census Bureau estimate of the population in 1915, instead of the census of 1910, was used as the basis for determining the quota of each State at the officers' training camps beginning August 27, 1917? If there is lawful authority for the use of estimates of population, why was not the same estimate used in apportioning the admission to these officers' camps as in the case of the draft quotas? To illustrate the injustice that has crept in by reason of the departure from the official census figures, permit me to direct your attention to the fact that Arizona is required to furnish a gross quota of 4,478 men, while but 52 of her citizens will be permitted to attend the second officers' training camp. Our sister State of New Mexico must provide a gross quota of 3,856 men, yet 83 New Mexicans will be given an opportunity to become officers in the National Army. In other words, New Mexico will furnish an excess of 31 officers whose duty will probably be to drill the 622 additional men who will be drafted from my State. If the census of 1910 had been adhered to in all cases, this evident unfairness could not have arisen.

In view of all this confusion, it seems to me that the only proper way for you to proceed is by promptly ascertaining whether or not an error has been made in departing from the census figures of population in apportioning the quotas of officers and men to the several States. I have, therefore, to suggest that you call upon the Department of Justice for a legal definition of the term "the population" as used in section 2 of the selective-draft act. If the Attorney General should decide that you are bound by the totals of the census of 1910, it will then be possible for you to right the wrong that has been done by equalizing the quotas when the second draft is made.

As the bureau which is most familiar with this subject in a practical way, it seems to me that the Census Office might be able to throw some light on the meaning of the word "population." I therefore respectfully request that you make suitable inquiry of the Director of the Census for his views on this question.

Speaking for the people of Arizona, I can truthfully say that they are not seeking a way to avoid their full duty in the present war. They will promptly obey the selective-draft law in both letter and spirit whenever the meaning of the act is officially interpreted.

Yours, very respectfully,

CARL HAYDEN,
Member of Congress from Arizona.

Three weeks later I received this reply, to which I have heretofore referred, and which was prepared in Gen. Crowder's office. It states that the War Department "had nothing whatever to do" with the estimates of population and that it had a legal right to depend upon the Bureau of the Census for such estimates. The letter ends with the suggestion that the existing basis of apportionment be continued so as not to disturb the completion of the first draft and that any unfairness be corrected by future legislation.

WAR DEPARTMENT,
Washington, September 5, 1917.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: I have your letter of the 15th ultimo, in which you inquire:

1. By what authority the population of the States, Territories, and the District of Columbia, as estimated by the Census Bureau on July 1, 1917, instead of the population as ascertained by the census of 1910, was employed in determining the gross quotas of the several States, Territories, and the District of Columbia, under the first draft pursuant to the selective service act of May 18, 1917; and

2. By what authority the Census Bureau estimate of 1915, instead of the census of 1910, was used as the basis for determining the quota for each State at the officers' training camps, beginning on August 27, 1917.

By consulting the inclosed copy of the document, entitled "Estimates of Population * * * July 1, 1917," it will be noted that those estimates were made by the Bureau of the Census of the Department of Commerce in pursuance of and for the purpose of the act of Congress "To authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917. That act of Congress, in section 4, refers to "the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce" as a basis for determining the population of subdivisions of the several States and Territories and the District of Columbia, in order that local boards may be established. Section 2 of said act provides that "Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof," and also provides that the draft "shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act."

The President, under date of July 5, 1917, formally issued regulations governing the apportionment of quotas and credits, which had on June 15, 1917, been sent out to the governors of States and Territories in tentative form but substantially as finally issued. Section 4 of those regulations provides that "gross quotas shall be apportioned to the several States and Territories and the District of Columbia in proportion to the population thereof as determined by the Bureau of the Census of the Department of Commerce.

The Bureau of the Census of the Department of Commerce was selected by the President as the instrument by which population was to be determined for the purposes of said act of Congress. The wisdom and the fairness of this selection probably needs no argument to support it.

Complaints concerning the estimates of population furnished by the Census Bureau in May of 1917 were received by this office and no doubt also by the Census Bureau. Those estimates were necessarily prepared in great haste. Subsequently it was possible to readjust the estimates in the light of additional information, and new estimates were prepared accordingly by the Census Bureau as of July 1, 1917. Those estimates were embodied and published in Form 18.

It is a well-recognized fact that in recent years great shifts of population have taken place in this country. Growth in certain sections and certain centers has been phenomenal. The extent of these shifts of population can not be determined with mathematical accuracy until a new census is taken. Nevertheless it seems plain that an estimate prepared by census experts, in the light of available information, is more nearly indicative of the actual distribution of population between States, Territories, and the District of Columbia than is the latest census, taken more than seven years ago.

Two estimates recently prepared by the Census Bureau have been employed in connection with the registration and draft under the selective-service act. The first was hurriedly prepared in May of 1917 and was employed in connection with the registration and the organization of the selective machinery. The second was prepared as of date July 1, 1917, in the light of the latest information then available, and since its publication has been employed in the determination of the gross quotas to be furnished by the several States, Territories, and the District of Columbia. In each case the estimate was prepared in pursuance of and for the purposes mentioned in the selective-service act of May 18, 1917, and in neither case was the estimate employed as a basis of final official action until after it had been published.

As the estimates of population are the estimates of the Bureau of the Census of the Department of Commerce, with which the War Department has nothing whatever to do and upon which the War Department has a legal right to depend, and inasmuch as the first call was made for only 687,000 troops, would it not be the part of wisdom to allow the existing basis of apportionment to remain undisturbed until the first draft is entirely completed in order that it may then be determined whether in the interest of fairness throughout the Nation a new basis for any future draft that may be ordered should be prescribed by law?

That portion of your letter which deals with the second question stated above will be taken up in a later communication.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

I might say at this point that I have never received a reply to my second question as to why the Census Bureau estimates of 1915 were used to determine the quota of each State at the officers' training camps. Neither has the Judge Advocate General been willing as yet to permit the Attorney General to pass upon the question as to whether he was in error when he departed from the census of 1910 in fixing the draft quotas. In view of Gen. Crowder's promptness in throwing the responsibility for the "estimate of population" upon the Census Bureau one would think that he might have consistently asked the chief law officer of the Government to relieve him of another part of his trouble.

Now, my purpose in bringing the arbitrary conduct of the Provost Marshal General and his subsequent efforts to evade responsibility for his acts to the attention of the House is not primarily to hold him up to censure. I am trying to do something more important than that. If section 2 of the selective-draft act had provided that the quotas of the several States must be determined in proportion to the population as ascertained by the last decennial census, there would have been no room for evasion or argument. The blame for the omission of such specific instructions is therefore upon Congress. Having seen the evil effect of ambiguity, we should not repeat the mistake, particularly when we are dealing with that same official.

If Congress does not make any law dealing with the draft quotas so clear and simple that he who runs may read, I am warranted in saying that the Provost Marshal General will be sure to twist and distort it into something different from the measure that we think we are passing. It is for this reason that I favor the clarification of this legislation by the adoption of an amendment which will make it certain that the quotas of the several States shall be based upon the number of men actually liable to military service. The majority report says that such is the intent of the act, and the fairness of the proposal can not be denied. The actual wording of the bill does not compel anything of the kind to be done. Let us fix it so that hereafter there can be no dispute about doing the thing upon which we are all agreed.

The bill should be further amended to provide that credit shall be given to each State for the number of men who have entered the military and naval service of the United States. It is only by this method that we can do justice to the patriotism of thousands of men who have volunteered for service. The people of my State demand credit for the 672 men who were in Federal service as members of the First Arizona Infantry when war was declared, together with over a thousand voluntary enlistments in the National Guard and the Regular Army since that date. They also have a right to ask to be credited with the 646 sailors that Arizona has furnished to the Navy and for 52 marines. The officers who have been commissioned in the various branches of the service should also be entered in the count.

But the largest credit to which they are entitled and which otherwise would not be granted is for 3,472 men furnished under the first draft. An additional draft of 148 men departed about two weeks ago and 470 more men are now preparing to leave for Camp Funston on April 26. We also claim credit for several hundred men who have been inducted into various special and technical units of the National Army, none of whom were credited on the first draft nor since that time. It is only by giving credit for every selected man that the injustice done to the people of my State under the first apportionment of quotas can be corrected.

Up to this good hour Arizona has furnished more men in proportion to the number actually liable to military service than any other State in the Union. By that record we have earned the right to say that the forty-eighth star in the American flag is the Mars of the constellation. I want to see this bill amended so that credit shall be given for every son of Arizona who is now fighting for freedom and democracy on land or sea. [Applause.]

Mr. FIELDS. Mr. Speaker, this debate is getting interesting, and I think there should be a quorum present. [Cries of "Oh, no!"] Very well, I shall withdraw the point.

Mr. SHALLENBERGER. Mr. Speaker, I have seven minutes remaining.

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I approached the consideration of this Senate joint resolution modifying the draft law with the expectation of supporting it, but the more I examine it the more clear it becomes to me that I can not properly support it in its present form, and the more I become convinced that it is neither wise, fair, nor equitable. We are all tremendously interested in the success of the coming draft. We want it to be fair, we want it to be just, we want it to be equitable, so far as that may be possible, to all sections of the country. As the law now stands the State quotas are based on estimated populations, each State and county furnishing the number of men which is its share according to population. Those estimated populations are, it is true, erroneous in many cases.

They were good enough to credit the State that I have the honor to represent with about 20 per cent more people than it is fortunate enough to possess. But we are filling our quota upon that basis and making no complaint about it. It was suggested by the gentleman from Nebraska [Mr. SHALLENBERGER] that this is a proposition to change the rules of the game after the game is called. It would be more accurate to say that it is a proposition to change the rules after the innings are half played. That practice is of doubtful propriety under any conditions, and as there is no extraordinary condition requiring it, I do not believe it should be done in this case. Why is the change suggested, approved, demanded? Because, forsooth, there has not been a uniform and equitable distribution of the men in the various States and in the various counties of the States in the

classification, and it having developed that certain counties and certain States have placed many more men in class 1 than other counties and other States, it is proposed to take advantage of the situation thus created and penalize the States and communities which have placed a large number of their men in that class. One does not like to discuss this matter from the standpoint of a local situation, but the whole subject can be best illustrated by local examples. For instance, in my State, according to the report of the Provost Marshal General, 40 per cent of all the classified men are in class 1—the largest percentage in that class of any State in the Union. In the surrounding States from 21 to 26 per cent of the classified men are in class 1, and under this resolution, this change of the rules of the game, we would be called upon to nearly double our quota, to supply almost twice the number of men, as compared with surrounding States, that we are called on to supply under existing law. Our people are patriotic. One-third of all the counties of our State have furnished so many volunteers that they have had no call under the draft.

Several counties of the State still have sufficient volunteer credits that without change of law they would be called upon to furnish few, if any, men under the coming draft. This resolution as it passed the Senate deprives us of all volunteer credits. In spite of that fact and situation our people are so tremendously interested in the success of this great enterprise of war in which we are engaged that they would, I believe, be willing, so far as they are concerned, to accept this additional burden if it were fair and equitable generally, but it is not, it is as unfair to many local sections of the country as it is to our people. Our boys have volunteered freely because they wanted to get to the firing line, and yet, under this change of law, all credits for volunteering are to be wiped out, and the communities that sent the boys to the front at the first call are to be placed at a disadvantage compared with the communities where volunteers have been few and far between. They are to be put to a tremendous disadvantage compared with those communities where easy exemption boards have placed a large part of the men in the deferred classes. Why do not the gentlemen who were most enthusiastic for the selective draft in its present form stand by their guns? They are now proposing to modify the system by putting in practice a rule that will call only the men who would be most likely to go under a volunteer system, for they are proposing to take the men who made no claim of exemption, who allowed themselves to be placed in class 1, even though many of them might have been exempted or placed in deferred classes at their own demand. Why, at this late date, are we to call to the colors only the men with the volunteer spirit, while the slacker who appealed through affidavits to be placed in the deferred class is to be left at home? Such a proposal violates the very essence and spirit of a selective draft, and in view of that fact I can not see my way clear to support the resolution in its present form. Why can not the draft go on according to the established rules of the game? Why can not the States continue to furnish their quotas according to the estimated populations or the total of men registered? Why can not we go on as we began, under the rule that these gentlemen themselves laid down? And why are the most patriotic communities to be called upon to furnish double their quotas? Why is one county to be called upon to furnish an increased quota compared with a neighboring county, or one State an enlarged quota compared with a neighboring State? Why are communities to be deprived of the credit they ought to have and the proud distinction that they claim of having been foremost in offering volunteers to their country's service?

Mr. BURNETT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BURNETT. Is not this really a penalizing of patriotism? Is not that just what the majority bill is?

Mr. MONDELL. That is exactly what it is. It is turning back on the essentials of the system that we adopted and under which one call has been made. It is proposed now, as the gentleman from Alabama well says, to penalize the communities that offered the most volunteers to the service, to penalize communities where the smallest number of men asked exemption, to penalize communities whose men come forward without claims of exemption and allowed themselves to be placed in the first class. Without the amendment offered by the gentleman from Nebraska this resolution proposes a rule that is flagrantly unfair, unjust, and inequitable. Gentlemen who imagine that as it applies to their States or districts as a whole, it will not, barring the loss of credits for volunteers, be inequitable, and therefore they are justified in supporting it, will learn much if they will examine the published lists showing the different percentages of men in class 1 in their various counties. They should consult those lists before they support this bill in its present form. I have no doubt it was proposed in good faith, but it could not have been proposed after a careful study of the situation for I can not understand anyone desiring the draft to be as inequitable as this resolution unamended would make it. [Applause.]

Under the law as it now stands the State and local quotas under the draft, based on population, are understood, are definite, and are accepted as being settled, under the plan now proposed to fix the quotas on the men in class 1, with no credit for volunteers, and with further authority to draw from the deferred classes, the quotas are uncertain, indefinite, and, owing to the varying proportion of men in class 1 and the wide difference in the number of volunteers in many cases, inequitable. Under the present law, Congress has definitely fixed the basis of the quotas; under the new plan the determination of the number of men a given State or community shall furnish is largely left to the discretion of the Provost Marshal General.

While I am on the subject of military service I can not refrain from expressing the pride I feel in the record of my State in this war. Its people have responded nobly to every call in men, money, and material. Our quotas of bond issues for the Red Cross and for the work of the Y. M. C. A. have all been oversubscribed. In every community of the State our splendid women have given of their time, talents, and money in liberal and generous measure. They have bravely bid goodby and Godspeed to their sons, brothers, sweethearts, and husbands and taken up the patriotic work of providing articles for their comfort in the field, in camp, and in hospital.

Nor have the war services of our patriotic women ended with war work. They have responded cheerfully to the advice and suggestions of the Food Administration and performed faithfully the duty of conserving the food supply of the Nation, and at the same time providing wholesome and nutritious food for the household in spite of rising prices, food embargoes, and doubtful substitutes hard to get.

Our stockmen and farmers have met the problems of labor shortage and increased costs with a heroic spirit and kept the farms and ranches up to the maximum of production of foodstuffs, so essential to the conduct and winning of the war, in the face of the most trying and discouraging conditions.

In the mines, on the railroads, wherever brawn and muscle, skill and endurance are applied to production and transportation of food and feed and fuel and all articles necessary to keep the wheels of enterprise turning, the Nation clothed and fed, and "the home fires burning," our men of skill and muscle have been true, faithful, and efficient.

In the matter of military service Wyoming's record has been such as to afford our people abundant reason for proper and pardonable pride. One-third of the counties of the State—to wit, Big Horn, Crook, Fremont, Hot Springs, Park, Platte, and Uinta—filled their entire quotas in the first draft by voluntary enlistments. Two counties—Park and Uinta—have volunteer credits remaining, and in the case of Park County the credit is sufficient to cover the probable quota under the second draft.

The State stands fourth among the States in the ratio of enlistments to the gross quota, and if we could have the credits due us for enlistments of Wyoming men in other States, would no doubt stand first. The acid test of service is to be found in the ratio of actual enlistments to gross quotas, and by this test Wyoming also stands fourth among the States, being exceeded only by States which by reason of their location furnished many men for the Navy and received credit for them.

The finest test that can be had of the physique as well as the spirit of a people is to be found in the proportion of men certified and accepted to those called; where this ratio runs high it reflects a high physical standard and a patriotic desire to serve. It is the final proof of the lack of weaklings and slackers. On this test Wyoming stands first in the official records of the draft. Fifty per cent, or one-half of the men called, were certified and accepted. The average for the country is 34 per cent, and in some States it was below 25 per cent.

I have already called attention to the fact that as our men stand classified for the second draft 40 per cent are in class 1. We may realize how high a percentage this is when we consider that the average for the country is a fraction less than 28 per cent and that in some States it is as low as 21 per cent. In our neighboring State of Utah the percentage of class 1 men is 22; in Colorado, 24; in Nebraska, 26; and in Montana, 31 per cent. It is this wide difference in the proportion of men in class 1 that renders the plan of basing quotas on class 1 men, as proposed by this resolution, so inequitable.

It may be claimed that our large proportion of men in class 1 is due to a considerable extent to the large number of unmarried men, but that claim is not sound, because neighboring States, with quite as large a percentage of unmarried men as we, have

far fewer men in class 1. Furthermore, the records show that with the exception of the States of Arkansas, Louisiana, and Mississippi, where there are large colored populations subject to the draft, a larger number of married men were accepted in Wyoming in proportion to those called than in any State in the Union. Class 1, it should be remembered, includes all married men who made no claim for exemption or deferred classification and also those whose claims for deferred classification were not allowed.

In this connection it is interesting to note the spirit of the men called for service as reflected in the claims for exemption. With our fine showing otherwise, we would perhaps be unduly puffed up if we stood at the very head of the list in this respect, but I think we may be proud of the fact that in this regard Wyoming stands fifth from the top of the list of States. This fine record is a splendid testimonial to the enthusiasm and patriotism of our people.

Such, briefly, are the outstanding facts of Wyoming's conduct toward and contribution to the war thus far. Our boys have gone freely with stout hearts and high resolves; our folks at home stand steadfast behind them, prompt and faithful in every good work and necessary sacrifice. Over yonder where the guns thunder are our valiant fighters, and over here are the faithful hearts and willing hands giving them support. We have confidence that our men on the battle line will give a good account of themselves and that the folks at home will do their full duty. In that assurance lies our faith in the ultimate victory of our cause.

Mr. SHALLENBERGER. Mr. Speaker, in the few minutes yet remaining before the close of the debate on this side, I want to make plain to the House and answer, if I can, the argument of the gentleman from Vermont [Mr. GREENE], who made the only argument that can be made to support this bill, and which the gentleman from California [Mr. KAHN] will undoubtedly elaborate. That is that the plan proposed by Gen. Crowder contemplates a nation war; that the thing we of the minority are contending for is a local matter. As a matter of fact, when you investigate the matter you must see that the plan that the minority is contending for is the national principle. If you have the call based on class 1 alone, it makes it a matter of the action of local boards of the different counties—becomes a matter of great local interest to the neighborhood. If the quota is based upon a military population, the action of the board can not change the number of soldiers to be furnished. Here is a tremendous responsibility—a responsibility of furnishing men to fight in this war—and we propose by the rule of military population to distribute that great responsibility fairly over the entire population of the United States. Our proposition is a national proposition. Their proposition makes it a neighborhood proposition. The Census Bureau pointed out to Gen. Crowder, as we learn from the speech of the gentleman from Arizona, that the proposition which we stand for was the fair proposition upon which to draft the country's manhood. [Applause.]

Mr. FIELDS. Mr. Chairman, before yielding the remainder of my time I just want to take time to say a word to the House. If the proposition of the committee prevails, no married men will be taken from their families in any section, so long as there are single men to be called in the country; but if the proposition of the minority prevails, married men will be taken from their families in some sections while there still remain uncalled unmarried men in other sections of the country. I now yield the remainder of my time to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. MADDEN. Mr. Speaker, I think we ought to have a quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] It seems quite evident a quorum is not present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Beshlin	Curry, Cal.	Fairchild, G. W.	Goodall
Borland	Decker	Fess	Graham, Pa.
Britten	Delaney	Flynn	Hamilton, N. Y.
Buchanan	Dies	Fordney	Harrison, Miss.
Byrnes, S. C.	Donovan	Foss	Heaton
Candler, Miss.	Dowell	Gallagher	Heflin
Carew	Drukker	Gallivan	Heintz
Carter, Mass.	Dunn	Gandy	Hensley
Costello	Elliott	Godwin, N. C.	Hicks
Hollingsworth	McLemore	Reed	Smith, T. F.
Hood	Mann	Riordan	Snyder
Johnson, S. Dak.	Meeker	Roberts	Stephens, Nebr.
Jones, Va.	Miller, Wash.	Rose	Sterling, Ill.
Juul	Mondell	Rowland	Taylor, Colo.
Kettner	Moon	Rubey	Templeton
LaGuardia	Mudd	Sanders, N. Y.	Towner
Lea, Cal.	Neely	Sanford	Volstead
London	Norton	Scott, Iowa	Walsh
McAndrews	Parker, N. J.	Scott, Pa.	Wilson, Ill.
McClintic	Powers	Sears	Wood, Ind.
McCulloch	Ramsey	Sells	

The SPEAKER. On this call 350 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. FIELDS. Mr. Speaker, the gentleman from California [Mr. KAHN] has been yielded 30 minutes.

The SPEAKER. The gentleman from California is recognized for 30 minutes.

Mr. KAHN. Mr. Speaker, no one can have read the speech of the English premier, delivered in the House of Commons last Tuesday, without becoming impressed with the seriousness of the European war situation and the magnitude of the task that confronts the American people. Lloyd-George, in speaking on the English man-power bill, announced a program that contemplated the drafting of men up to those 50 years of age; of drafting clergymen and putting them into noncombatant work; and of taking all men under 25 years of age now engaged in the industries and drafting them into the fighting force of Great Britain. He announced frankly that his country had met with a serious reverse, but he said that England will never quit until her last ship is sunk. Her spirit is dauntless. In that same dauntless spirit we will have to fight this war.

Let us not delude ourselves. The man power of this country will be needed to win this war. The men on this floor and in the Senate of the United States have already begun to figure, not in dollars and cents, not in hundreds of thousands, not in millions, but in billions of dollars. The men on this floor and in the Senate will have to figure as to man power in this country not in thousands but in millions. We will have to furnish in the final analysis, as I stated a moment ago, the man power to win this war. There are not going to be a few hundred here or a few thousand there; there are going to be millions of American fighters before we can hope to finish the struggle.

It matters not how we got into the war. We are in it, and no patriotic American will question his country's right in this crisis. We began the war because Germany served notice on us on January 31, 1917, that if our ships crossed a certain line which she herself drew on the Atlantic Ocean, which line under international law we had an absolute right to cross, she would ruthlessly destroy our ships and perchance sink and drown our people. She carried that threat into effect. Thereafter there was nothing for us to do but to surrender or to fight, and we determined to fight. [Applause.] And we have got to win the fight. [Applause.]

Certainly I have tried since this country entered the war not to minimize our difficulties. At times I may have seemed pessimistic in discussing the matter with my colleagues, but I think I understand the psychology of the German people. Members of this House during the past year have often thought that a condition had arisen in Germany when the people of that Empire were starving and that they would have to make peace. Conditions had arisen in Germany, or at least the newspapers told us they had arisen, which indicated that possibly there was going to be a revolution in that country, and therefore the central powers would have to make peace. Personally I constantly held that no such conditions prevailed in Germany. As I asserted a moment ago, I believe I know the psychology of Germany. Personally I maintained that we would have to win this war by force, and nothing but force. [Applause.] High authority in this country has come to that same conclusion quite recently, I am happy to say, and we might just as well face the issue that confronts us on the basis of force from now on. Therein lies our safety, our salvation, I believe. [Applause.]

It is almost a year since we passed the selective-draft law. That law was predicated upon the principle that it is the duty of every citizen to render service to his country, especially when that country is involved in war. It is a sound principle, and the American people have amply justified that law. They have accepted it in the spirit in which it was enacted. The conditions to-day in the National Army camps of this country attest the soundness of that principle. The splendid way the boys went to the colors from their various homes shows how sincerely the people stand behind that law.

To-day we are considering a proposition to amend that law. The pending resolution provides for the calling into the military service of certain classes of persons registered and liable to military service under the terms of the selective-draft law. It likewise is predicated on a basic principle. That principle is that the men who should first be called to the service of their country ought to be those who can be best spared with the least possible injury or disturbance to industrial, agricultural, or domestic relations. The proposed legislation takes these availables from each locality in proportion to the resources of that locality

That is what is involved in this bill. That is what the classification means. All those in class 1 under the questionnaire system have few ties, but the men in class 2 and class 3 and all the other deferred classifications are so industrially or socially related to the affairs of the Nation that to take them ahead of some of the others would be a serious disturbance of those relations. That is the basic principle involved.

It is claimed by those who signed the minority report that this plan is productive of inequalities. I grant that is so. Of course, there will be inequalities. But I contend there will be fewer inequalities under this plan than under the first draft. Therefore, in my opinion, inequalities have nothing to do with the quota basis. There are naturally inequalities in the 4,557 registration districts into which the Union has been divided. In some States the inequalities between these districts within the State have been very great. In the aggregate, however, when the entire country is taken into consideration, the inequalities between the States range less than 10 per cent, and these are due to various industrial and social differences. In fact, the new classification reduces inequalities and does not increase them.

England made her serious mistake by taking all men of certain ages at first, although they were connected with industries necessary to the winning of the war, and then sending them back again to reenter those industries. We want to avoid that. We want to keep the men that are necessary to agriculture, that are necessary to industry, that have families dependent upon them, as long as we can in this country before sending them abroad. Oh, no one can tell how long this war is going to last. We may be fighting for the life of the Republic within a year, and we must have these reserve classes in the final analysis to fall back upon for the maintenance of those very industries that will be needed to be kept alive to help win the war.

It was inevitable that the first draft, based upon population figures, could not be anything like correct. No census had been taken since 1910. The Census Bureau had to guess at the population in many of the rapidly growing manufacturing cities of the country. There will be no census taken in this country until 1920 under the Constitution. So the population figures have been misleading in numerous instances. But the classification figures form a safe basis from which to draw quotas.

But there is another consideration that has to be taken into account. We are not fighting this war as 48 separate States of the Union or 435 congressional districts of the Union. We are fighting this war as a great Nation. It is the Nation's war. It is not the war of any State. It is not the war of any congressional district. It is the war of every American, no matter where he lives. [Applause.] If we win the war—and we must win it—every State will share in the benefit, every congressional district will share in the benefit. But each separate division and subdivision of the American Republic must come wholeheartedly, patriotically, devotedly, to the assistance of the Government, and furnish its man power whenever called upon to do so by the Commander in Chief of the Army, the President of the United States. [Applause.]

In this crisis I contend that no man should take such a narrow view of the situation as to want to make a fight against the proposed legislation because his district may have to furnish a few more men than some other district. If any Member here should be defeated, the country will still be able to survive. There are none of us of such importance that our defeat would be a calamity, but our country's defeat would be a calamity that would have a serious effect on the civilization of mankind. Therefore I repeat we must win this war.

I am afraid those who have signed the minority report have taken too narrow a view of this matter. Suppose we were to follow their views to a logical conclusion in connection with the armies of our cobelligerents. Take the case of Great Britain. Suppose Scotland were to say to Wales, "We have furnished 5,000 more men than you, and we will not send another man until you have furnished as many as we have." What would be the position of England in this war? Suppose England were to say to Scotland and Wales, "We have furnished 10,000 more men than you together. We will not furnish another man until you bring forth another 10,000." Where would Great Britain, fighting as a nation, end in this war? Suppose Yorkshire should say to Lancashire, "We have furnished more men than you. We will not furnish another man until you meet our number." Where would Great Britain be in fighting this war?

Take the case of France. France is fighting superbly, fighting nobly. She has won the admiration of the world. [Applause.] She is fighting as a nation. Under the arguments adduced here to-day Normandy ought to say to Brittany, "We have furnished more men than you, and we will not furnish another man until your number equals ours." Suppose Picardy should say to La Vendee, "We have furnished more men than you, and therefore we will not furnish another man until your quota equals ours." That would be the logical conclusion in Europe if the views of the gentlemen of the minority should prevail.

And what of Germany? What if Saxony and Bavaria and Wurtemburg and Baden should say to Prussia, "We have furnished more men than you. We will not furnish another man until you furnish as much man power as we have furnished." I wish to the Lord they would say that. [Applause and Laughter.] It would make our task a great deal easier. But Germany is fighting as a nation, and the sooner we begin to realize the fact that we, too, are fighting as a great nation that has fundamental rights at stake the better it will be for us and the better it will be for our cause. [Applause.]

I believe we have taken a long step in advance in this war. Our armies are not referred to nowadays as the Regular Army, the National Army, the National Guard Army. They have all been merged into one. They are referred to as the Army of the United States; and in the Army of the United States California has her sons, Wisconsin has her sons, Nebraska has her sons, Virginia has her sons. Every State in the Union has her sons, who have gone to fight for the cause of the Union in the Army of the United States. For me the cause of the Union in this crisis is paramount and the legislation for which we are called upon to vote to-day will enable us to furnish an army of men whose going "over there" with the American colors will do the least possible injury to our economic and social relations.

Mr. Speaker, I listened with a great deal of interest to the argument of my friend from Nebraska [Mr. SHALLENBERGER], the leader of the minority on this question. The only logical deduction I could make from his argument was this, that every local board in this country—and there are 4,557 of them—must be distrusted. That is evidently his conclusion. His argument indicates to me, at least, that they have not acted squarely, and that their work must be distrusted. I have no such view on the proposition. The members comprising those boards were men who were appointed to their positions because they had a known reputation in their respective communities. They were men of probity, of honesty, of integrity, and they did their work according to their lights. In some places they may have been too lenient, in other places they may have been too rigorous; but the Provost Marshal General has already sent a telegram to the governor of every State asking that in those districts where there seem to be an abnormal number of rejections or an abnormal number of acceptances the cases arising in such local board districts be investigated by special agents. These special agents are now in the field.

If they find that some of the boards have been too rigorous, they can order appeals to the district boards, and the district boards will see to it that the proper classification will be made. So, too, in the districts where there have been too many exemptions. The inspectors are out now, and if they find that the local board did not properly interpret the Provost Marshal General's instructions, they have ample authority to see that the district boards shall hear appeals, and those inequalities can and will be corrected. In fact, they are being corrected and will continue to be corrected right straight along.

But there is one other proposition involved in the amendment to be proposed by the gentleman from Nebraska [Mr. SHALLENBERGER]. He assumes, or must assume from the trend of his argument, that the conditions in every district are practically identical; that practically the same conditions prevail in every district throughout this country. Why, you all know that that is impossible. It stands to reason that in many districts conditions are so dissimilar that there must be a larger number of exemptions or a larger number of acceptances in some than in others. Yet the amendment proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] is based practically on the proposition that in every district in this country the conditions are about the same. I deny that such a condition prevails.

My colleagues, I have heard it said that even assuming that we are going to have such a large Army as has been spoken of, it will be impossible for the American forces to be landed in

France, or to feed them in France. No condition has ever yet arisen in the United States of America that has baffled the ability of American statesmen and the American people. [Applause.] We will meet those conditions as they arise. We realize that we must win this war no matter how many men it may take, no matter how much treasure it may cost, no matter how long the time in winning it. We are but beginning the struggle now. Let us, by adopting this resolution, give the President every opportunity to take into the service of the Nation those men who can best be spared at this time. Let us take everybody embraced in class 1 before we begin anywhere with class 2. Therein lies our safety. Therein lies our power to win this war. Picture to yourselves millions of Americans leaving their homes, leaving their land to fight for American principles, to fight for American rights. You do not want at the very outset to pull away from their homes and families men who can not be spared. You want to take the men who best can be spared. If, God forbid, we shall ever have to go into class 2 or 3 or 4 to win this war, I know that Americans in those classes will go cheerfully and willingly. But do not let us take them until the country is driven to the extremity of taking them. [Applause.]

One word more and I have done. It has been suggested that you are not going to get credit for those who volunteer. Those who have volunteered have thus far been credited to the districts and the States.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I shall then speak of this matter when we get under the five-minute rule. [Applause.]

The SPEAKER. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act; or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

Mr. SHALLENBERGER. Mr. Speaker, I have an amendment that I desire to offer to the bill.

The Clerk read as follows:

On page 2, line 5, strike out all after the word "act," down to and including the word "act," at the end of line 8, and in line 11, after the period at the end of the bill, insert the following:

"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption, and credit shall be given on its quotas to any State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States from any such State, Territory, District, or subdivision thereof, since April 1, 1917, including members of the National Guard who were in the Federal service on that date."

The SPEAKER. The question is on the amendment.

Mr. SHALLENBERGER. Mr. Speaker, I wish to speak on the amendment.

Mr. GREEN of Iowa. Will the gentleman from Nebraska permit me to make a suggestion?

Mr. SHALLENBERGER. Certainly.

Mr. GREEN of Iowa. Would it not be well to agree on some time for debate on the amendment?

Mr. SHALLENBERGER. I suggested to the gentleman from Kentucky [Mr. FIELDS] that we should make some agreement as to time on the amendment, and he thought we had better go on a little bit under the five-minute rule, and then arrive at an agreement later.

Mr. STAFFORD. Will the gentleman permit me to make a parliamentary inquiry?

Mr. SHALLENBERGER. Yes.

Mr. STAFFORD. Mr. Speaker, the gentleman from Nebraska is proceeding under the one-hour rule, having offered an amendment, this being a House bill?

The SPEAKER. He undoubtedly is.

Mr. STAFFORD. I think there ought to be some agreement as to time and not run along without limit. Does the gentleman have any objection to the bill being considered under the five-minute rule?

Mr. SHALLENBERGER. I have no objection.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the bill be considered under the five-minute rule.

Mr. SHERLEY. Reserving the right to object, literally the five-minute rule would permit a speech for and against the amendment of the gentleman from Nebraska, which presents the whole question by way of amendment to this bill, but I think there ought to be more debate than 5 or 10 minutes on a side under the five-minute rule. If we can have an understanding that those who have not been able to speak in general debate, who have been busy in other work, may have a reasonable opportunity to debate the matter, I shall not object.

Mr. DENT. May I make a suggestion to the gentleman from Kentucky and the gentleman from Nebraska that debate on this amendment be limited to, say, one hour, the time to be controlled by the gentleman from Kentucky and the gentleman from Nebraska.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that debate on this amendment be limited to one hour, half of the time to be controlled by the gentleman from Kentucky [Mr. FIELDS] and the other half by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?

Mr. SHALLENBERGER. May I be permitted to make a suggestion, that so many gentlemen have made application for time that I am quite sure that one hour is not sufficient, and I suggest to the gentleman from Kentucky that he ascertain how many Members want to speak for five minutes.

Mr. FIELDS. Mr. Speaker, so many Members have a desire to speak that I ask unanimous consent that the time be limited to two hours, one hour on each side, to be controlled one half by the gentleman from Nebraska [Mr. SHALLENBERGER] and the other half by myself.

Mr. CANNON. Does that cut off all other debate?

Mr. FIELDS. That is only a request to limit the time on the pending amendment.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate on the Shallenberger amendment be confined to two hours, one half to be controlled by himself and the other half by the gentleman from Nebraska. Is there objection?

Mr. WALSH. Reserving the right to object, is it the intention of the gentleman in yielding this time to yield only five minutes to a Member? There are several gentlemen who I think ought to have more than five minutes to discuss this amendment, who have not participated in general debate, and if they do it is going to require more than two hours. I do not think that necessarily the Members who desire to discuss the amendment under this arrangement should be confined to five minutes.

Mr. FIELDS. It is my intention to be fair and extend the time as far as I can. I hope that gentleman will confine themselves to five minutes as near as possible, because the rights of all Members are equal in the House, one man having just as much right to speak as another. I hope Members will confine themselves to five minutes.

Mr. CANNON. The committee is entitled to first recognition, and the committee consists of 21 members?

Mr. FIELDS. Twenty-one members.

Mr. CANNON. What does the gentleman think of an hour on a side for that?

Mr. SHALLENBERGER. Mr. Speaker, I suggest that we make it an hour and a half on a side.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that we proceed under the five-minute rule for the present, without fixing any time.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed under the five-minute rule, without limiting the time. Is there objection?

Mr. SHALLENBERGER. I object. I think we ought to pass this bill and agree upon a time to debate it. If two hours are not enough, let us make it two hours and half.

The SPEAKER. Has anyone any request to make? If not, the Chair will recognize the gentleman for an hour.

Mr. BURNETT. Mr. Speaker, we have already spoiled the day, and we will likely not do anything more than this, and I suggest that we debate this matter for three hours.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the debate on this amendment be confined to three hours, one-half to be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and one-half by myself.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate on this amendment be limited to three hours, one half to be controlled by himself and the other half by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, does that include the amendment and all amendments thereto?

The SPEAKER. It includes the Shallenberger amendment.

Mr. BARKLEY. I desire to offer an amendment to the Shallenberger amendment. I desire to propound an inquiry as to whether I shall be shut off from debate of my amendment?

The SPEAKER. If the gentleman can get his amendment before the House now, you might debate the whole subject at one time.

Mr. FIELDS. Mr. Speaker, I shall modify my request by making it the Shallenberger amendment and all amendments thereto.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate upon the Shallenberger amendment and all amendments thereto be limited to three hours. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, I will ask the gentleman from Kentucky as to whether or not I will be taken care of to debate my amendment during those three hours?

The SPEAKER. The Chair can not say what the gentleman from Kentucky will do.

Mr. FIELDS. Mr. Speaker, I will state to the gentleman that I will yield to him.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Speaker and gentlemen of the House, there are two items only that I want now to bring to the attention of the House that were not presented heretofore, and I do not want to take more than a minute or two to do it. First, I want to call attention to the fact that when we passed this great draft law the Congress of the United States surrendered to the War Department the lives and the bodies of these young men of draft age with but two limitations only upon that department. You may search this law through and you will find only two possible limitations on the absolute power of the War Department over the lives of these men. One is—and I quote from the act—

> Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population.

That is something they could not change. The population is determined. It is fixed. That was one safeguard that you put around it, that every section of the country should be treated exactly alike in asking this great sacrifice. The second is that credit shall be given upon those quotas for the number of men who are in the military service of the United States and the National Guard, or who have entered that service since the 1st of April, 1917. Those are the only two limitations put upon the War Department in handling these men. This resolution that is so carefully drawn is intended to and does take away the last limitation of protection that the Congress of the United States threw around this matter to protect the interests of these men.

This resolution provides that nothing in this act shall prevent the President of the United States from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons of any class or classes, except those exempt from draft under the provisions of the act. The first part of the act which it repeals is the one basing it on quotas, and the other is that which says that credit shall be given for volunteers. They tell you they have a classification now. Do you know that if you enact this law the Provost Marshal General can do what he has done before? He can change this draft classification to suit himself. If you repeal that provision of the present law, he can issue a classification that all of the men who are red-headed shall be placed in one class, that all of the black-headed men shall be placed in another class, and all of the light-headed men shall be placed in another class, and then he can say that he will keep the red-headed men at home, because the enemy can see them in the nighttime, and that he will take the black-headed over there, because they can not see them in the nighttime, and that he will use the light-headed men for day attacks. You say that that is absurd. Well, many absurd things are being done in certain bureaus of the War Department. And he can do another thing if you adopt this bill without amendment. He can classify all of the men from Iowa in one class, all of the men from New York in another class, all of the men of military age from any particular State in one class by themselves, and then he can call those men from different States in the order that he determines. He is in effect doing that already. The gentleman from Georgia calls your attention to the fact that he has asked for more men from Georgia than he has from New York in this new draft.

In the first call under the second draft no credit was allowed for the volunteers. I wrote a letter to the Provost Marshal General and asked him why no credit was allowed, and reply was made that credit was refused at present because he had to get a certain number of men, but that in subsequent quotas they expected to give credit to those entitled to it for volunteers. Now he is calling for more men from Georgia than he is calling for from New York, and he can keep on calling, if you repeal this law, until he has taken every man from Georgia under that draft quota as he goes on getting his 800,000 or his 2,000,000 men, and he may finally say, "I am going to take those fellows from New York next summer."

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. I can not be interrupted now. But, my friends, this war may be over in six months and those men from Georgia may go over there and get into the trenches while these other fellows remain here drilling. You surrender every protection of the present as to equality of liability to military service to these men who are over there fighting for us in the trenches, who are giving their lives for us.

Now, is the Congress of the United States going to attempt to repeal and take away from these drafted men every protection that the law gives to them at present? And yet that is what you do when you repeal this act. Now, I want to make this point and then I am done: The present law is attacked frequently because they state that it is unfair as between those communities having only a small alien population and those having a large alien population. Gen. Crowder is upon record that of this second call of all the men remaining of proper draft age he expects to get 2,200,000 certified for service and in class 1.

Every delinquent in the United States that failed to respond to the draft or answer the questionnaire is in class 1. We had in the last draft 3,000,000 to get the first million certified men from, and they had 252,294 delinquent from that 3,000,000 men. Every one of those are in class 1 if they are still delinquent. Now, he has called 6,000,000 men to draw his new quotas from, and we have the right to assume that since he got that number of delinquent men from the first 3,000,000 men it is only fair to assume he will get 500,000 delinquents from the remaining 6,000,000 men. If that is so, then he will get 750,000 delinquents in class 1. The gentleman from Arizona has pointed out the fact that he has had a telegram from the adjutant general of that State that in a certain county of Arizona more than half the men of class 1 are delinquent—Mexicans leaving the country to avoid service. Now, these are some things in this bill I want you to understand. Mr. Speaker have I used five minutes?

The SPEAKER. The gentleman has an hour and a half.

Mr. SHALLENBERGER. I shall not use much more time, as there are many other gentlemen who have applied for time. The Judge Advocate General says we should secure for service 2,200,000 men. He only claims that many by counting also the boys he expects to get when you allow him also to take in the million boys that have come of age since the declaration of war. It is in the RECORD that 1,500,000 men are all the men expected to be furnished this country from the boys called from class 1, taking those men absolutely fit for service, unless we include also those 21 since last June. As I stated yesterday, gentlemen of the Congress, if you limit this class to class 1, we can not possibly get the size army that we will require; and the contention is made and the only argument that I have heard that seems to appeal to a great many gentlemen with force is that class 1 excuses married men. Now, gentlemen tell you that class 1 excuses married men. Do you know how many men in the United States did not claim exemption under class 1? Sixty per cent of all the men that went in did not claim exemption.

We do not know whether they are married or not. Thousands of married men are in class 1. Do you think that those counties that have got 75 per cent of all their registrants in class 1 have not got married men in that class? Every married man that a board thought did not support his wife is in class 1. Every married man who they thought had enough money to support his family without him, and that he ought not to stay at home, is in class 1. Every married man who did not claim exemption as having dependents is in class 1. Nobody knows how many married men are in class 1.

Mr. SABATH. Will the gentleman yield?

Mr. SHALLENBERGER. I will yield.

Mr. SABATH. The local boards have the power to classify so; for instance, in the case of Nebraska, it was up to the local boards to properly classify them, is not that true?

Mr. SHALLENBERGER. Yes, sir.

Mr. SULLIVAN. If there is a fault anywhere it would lie with the local board?

Mr. SHALLENBERGER. The local boards when they classified the men did not know that was going to be the basis for quotas. Now, as to the classification, and I want to say with regard to that, that I am glad the gentleman brought it to my at-

tention, that those of us who advocate this amendment do not propose to do away with Gen. Crowder's classification at all. Our contention is that the classification is a proper thing. Of a thousand men of draft age in a certain county we say that county shall be required to furnish the same number of soldiers as any other county of the same military population, and we propose under this selective plan to allow that board to determine the order in which they shall be taken. If a county has a large number of men of military age and a call goes forth for those men and the men refuse to go as volunteers, what are you going to do to the boy who has the courage to go? Is it not the purpose to take that fellow who ought to go and did not go? Is not that the purpose of the law?

Mr. SABATH. Is it not much better even to take those who are desirous of going and ready to fight than to take a lot of cowards and slackers who do not want to serve their country?

Mr. SHALLENBERGER. That is the object of my amendment.

Mr. PHELAN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. PHELAN. Will the gentleman point out in the committee bill specifically what there is to prevent the President from taking class 2 men when he sees fit, even though he desires to take class 2 men before all of class 1 are exhausted?

Mr. SHALLENBERGER. He can. He can take all the men, if we pass this bill, in any class that he sees fit. We have repealed all restrictions as to that.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. STEVENSON. Then why should not the apportionment be based on all the men of these four classes, because they are all made liable to be called under this bill at the same time?

Mr. SHALLENBERGER. Yes. Some have misunderstood my language when I say that the quota should be based upon those men of military age, liable to military service. That includes the four classes. Under the classification every man who is not liable to military service is in class 5, so that in these places that have a large alien population every alien claiming his alienage is in class 5, and he is not counted. The only distinction I make from those who are liable to military service, I say, is including those aliens who waive exemption, and I do that because under the ruling of the draft board every alien who is willing to fight and waives his exemption is placed in class 1, so that under my amendment every soldier who is willing to fight is allowed to go to the front, and each county furnishes its quota according to its population.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. REAVIS. Mr. Speaker and gentlemen of the House, it is with great reluctance that I oppose the amendment of my colleague from Nebraska [Mr. SHALLENBERGER], but this matter has been agitated to such an extent in my State that I feel that it should be my privilege to briefly give my reasons for opposing the amendment.

The debate has indicated that certain territorial divisions of the United States have been independently classifying as soldiers all men liable to military service. On the contrary, the United States itself, as a nation, through regularly authorized agents, has been taking a census of man power within this Nation. These agents have selected for class 1, presumably acting honestly and in good faith, those men who are best fitted to bear arms for their country. They have put into class 1, as I understand it, those men who in large measure, or the greater proportion of whom at least, are without dependents at home, who can be best spared from the employment the curtailing of which would materially reduce the military efficiency of the Nation.

There never was a time when the Republic needed efficient soldiers as it needs them now. It is useless for us to deny or minimize the tragedy which the cause of civilization now faces. Disaster lurks just around the corner in France.

Roumania has made a separate peace; Russia has collapsed; Italy is driven back to the plains; the western front is 2 miles nearer Paris than it was on this date two years ago. What is there in the present condition to justify the belief that this war can be won without the greatest assistance from us of which the Nation is possessed?

With that idea in view, the man power of the Nation has been classified. Into class 1 has gone that type of man whose mind will be unfretted by anxiety and worry for dependents left at home. He will have nothing to divert him from the stupendous task allotted to him. Class 1 is made up in large measure of the lads who are searching life for its adventures, and who will seek upon the fields of France the opportunity that hearts unafraid have searched for since the world was young. An army of such as these when assembled will be the most potent military force that ever troubled the earth with martial tread. In this day of apprehension it is not essential what city or county or district or State shall claim them, for they come as soldiers of the Republic, not as citizens of a community. [Applause.]

This is not a county war, nor a congressional district war, nor a State war. This is the war of the Nation. Never since the old bell clanged out the announcement that a new Nation was born has the Republic faced such a crisis; never during its glorious history has the Nation had the opportunity for world service that it has at this hour.

Already we fight side by side with those with whom we make common cause. Already, beyond the sea, American boys are thrusting their strong young bodies between the advancing hordes and the Nation they serve. In the trenches, hollow-eyed with fatigue, grey of face from weariness, struggling, panting, sobbing from exertion, the American soldier seeks to stop the advance of those who are bent on the destruction of all that you and I hold dear. Why, even as I talk to you in the fading light of this day, boys, American boys, lie with torn and twisted bodies, mere huddles of clothes, with white upturned faces in the blood puddles of France. The wires beneath the restless waters of the ocean are singing with the burden of appeals for help that they carry. Appeals from France, from England, from Pershing. Efficient help and immediate help. But with our ears dulled we debate as to whether Waterloo, Iowa, shall furnish more or less men than Cedar Rapids. We are calling upon the citizens of the Nation, for in this hour nothing but the country counts. In this day of peril if every man able to bear arms and to be of military service to the Nation lived in my State I would bid them go, for they would go to defend the Nation without which there would be no State.

Because the exigency is national in aspect, and because the need for efficient soldiers is so great, I oppose the amendment.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama is recognized for 15 minutes.

Mr. DENT. Mr. Speaker, I do not see why there should be so much feeling over the proposition involved in this bill as has been displayed in the debate. Whether you adopt the proposition proposed by the War Department, which is sponsored by Gen. Crowder, a very able man, or the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], you do not add one single solitary soldier to the forces of the United States. So that it is useless to talk about raising a big army by adopting the War Department plan instead of the Shallenberger plan. You do not add a single man to the military forces of the United States, and I am getting awfully tired of the propositions that are being advanced by the newspapers, criticizing Congress because it does not absolutely adopt everything that the War Department proposes. [Applause.]

So far as this bill is concerned, for instance, there appeared in the morning press the statement that I was opposed to the bill and that the gentleman from California [Mr. KAHN] was leading the fight for it. As a matter of fact, under an agreement between the gentleman from California and myself, the time in favor of the bill is controlled by the next ranking Democratic member of the committee, Mr. FIELDS. Now, it is not fair that Congress should be continually criticized because we happen to exercise some little judgment and opinion as to what the character and the nature of legislation should be in order to carry on this war. [Applause.] So far as I am concerned, I have been holding back the report of the Army appropriation bill, because I want to know, when the Secretary of War returns from France, whether he wants a million and a half men that they have asked now or whether he wants 3,000,000 men; and if he wants 3,000,000 men, I am going to vote for it. [Applause.] There is absolutely no difference of opinion between the members of the Military Committee, so far as supporting the War Department and the administration is concerned, except as to matters of detail.

Now, I have heard a great deal of discussion here to-day about the difference between the plan proposed by Gen. Crowder and the amendment offered by the gentleman from Nebraska. Let us see what it all means. In a nutshell Gen. Crowder's proposition gives to each local board the opportunity and offers the temptation to eliminate from class 1 those who might have some political pull and influence.

Under the plan proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] there is recognized the classification proposed by the War Department. He recognizes the fact that there ought to be a call, first, of men who have no dependents, but he says that they ought to be called from class 1 first, not in accordance with the number that the board puts in class 1, but in accordance with the number totally liable for military service under the law that has been enacted. [Applause.] Now, is there anything unfair in that proposition? Are we unpatriotic because we support a proposition like that? Are we to be charged with not supporting the administration and the war because we say that each community should furnish from class 1 its proportion in accordance with the total number liable for military service?

Mr. PHELAN. Will the gentleman yield for a minute?

Mr. DENT. Yes.

Mr. PHELAN. What does that mean—the first four classes—"the total number liable for military service?"

Mr. DENT. It means all liable to service.

Mr. PHELAN. The gentleman will admit that under the proposed amendment it is possible to exhaust class 1 and go into class 2 in one district and not in another, is it not?

Mr. DENT. That may be possible, it is true, and it is also possible that one county in one State could exclude men who ought to be in class 1 under the program proposed by Gen. Crowder, whereas another county would live up to the law.

Mr. SHALLENBERGER. And it is possible, under the bill as asked for by Gen. Crowder, to go in and take all of classes 2, 3, and 4 before taking those from class 1.

Mr. GORDON. He can also take all the men he calls for from one State—is not that true?

Mr. DENT. He certainly can.

Mr. GORDON. There is no mistake about it.

Mr. FIELDS. The very fact that he can would obviate the objection that men might be placed in class 2 instead of in class 1. His department has authority to do that.

Mr. DENT. Of course, it has authority to do it, but that is not the program that Gen. Crowder told us he was going to carry out.

Now, there is another proposition involved in this. I want an army just as much as anybody else; but, as I said in the beginning, you do not add anybody to the military service by this bill. We deliberately, under the act of May 18, 1917, commonly known as the selective-draft law, provided that every community should be given credit for volunteers in either the Regular Army or the National Guard. The proposition of Gen. Crowder absolutely repeals that idea. The amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] preserves it. I have been so worried over this situation——

Mr. FIELDS. The gentleman is referring to credit for volunteers?

Mr. DENT. Yes. If the gentleman will give me time, I will state that more fully.

Mr. FIELDS. Is not the gentleman aware of the fact that that question is not the issue in this amendment?

Mr. GORDON. Oh, yes; it is.

Mr. DENT. Certainly it is.

Mr. FIELDS. I understand the gentleman divided his amendment.

Mr. DENT. No; the gentleman is mistaken about that.

Mr. HARDY. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Texas.

Mr. HARDY. Will not this law and the amendment of the gentleman from Nebraska both repeal the original law, which provided that quotas should be furnished by States in proportion to their population?

Mr. DENT. Undoubtedly.

Mr. HARDY. Both repeal that.

Mr. DENT. Yes.

Mr. GORDON. It has never been carried out, anyway.

Mr. HARDY. So that with either one of these amendments adopted we would go to making each State furnish its quota in proportion to the number of those who seem to be liable for military service?

Mr. DENT. That is the interpretation of the War Department.

Mr. HARDY. And a State, with its population composed one-half of foreigners, will be called upon to furnish its quota in proportion only to those liable to military service?

Mr. DENT. Undoubtedly.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman just stated that if the original bill passes it will do away with credit for all those who volunteer. Now, under the original law, all those who volunteered got credit under the first draft. Is it not a fact that the gentleman really means that if this original bill is passed there will be no credit, only for those who have volunteered since then.

Mr. DENT. That is exactly what the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] seeks to correct, and under his amendment credit will be given for those men who have volunteered in either the Regular Army or the National Guard since then.

Mr. KINCHELOE. Since the first draft?

Mr. DENT. Yes.

Now, Mr. Speaker, one other question. I started a few moments ago with a statement to the effect that under the act of May 18, 1917, credit was given for volunteers. I have been exceedingly worried and anxious to have bills coming from the Military Committee receive unanimous support from every member of that committee—this is the second bill about which there has been any difference of opinion. I have taken no stock in this fight one way or the other up to this time. I took this matter not only to Gen. Crowder, to the Acting Secretary of War, but to the President himself, and voluntarily, on the 26th of March, the President wrote me this letter:

THE WHITE HOUSE.
Washington, March 26, 1918.

MY DEAR MR. DENT: After my brief conference the other day with you and two of your colleagues of the Military Affairs Committee, I laid the matter we then discussed before the Acting Secretary of War, and he has sent me the inclosed memorandum. I must frankly say that I find the arguments contained in this memorandum very hard to answer. The whole thing is very debatable, but, on the whole, I think the weight of the debate lies on the side of the contention of the War Department.

That is in favor of the first proposition offered by the gentleman from Nebraska [Mr. SHALLENBERGER], the President himself admitting that the proposition is exceedingly debatable, and therefore nobody can be criticized, I think, for voting either way.

It may be, as they say—

Continuing the reading of the letter of the President—

that in giving credits for voluntary enlistments under the new draft no "useful purpose" would be served, but I think, nevertheless, that it would be perfectly proper to include such allowances in the new law.

Cordially and sincerely, yours,

WOODROW WILSON.

[Applause.]

Mr. SHERLEY. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Is there anything that requires the House to take all of the Shallenberger amendment in order to deal with the question of giving credit for volunteers?

Mr. DENT. Why, certainly not. It is a divisible proposition. The gentleman is a good parliamentarian, and he knows that.

Mr. SHERLEY. But there seems to have been such an effort to tie them together, so as to make the House take all or none, that I wanted the gentleman's opinion.

Mr. DENT. I think it is a divisible proposition, but I do not care whether they are tied together or not. The gentleman from Nebraska came to me and asked me whether or not I thought the proposition was divisible, and not being a parliamentarian, like my friend from Kentucky [Mr. SHERLEY], I went to the gentleman from Georgia, Judge CRISP, and asked his opinion, and he told me it was, and I accepted his opinion on the subject. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Speaker, I am strongly in favor of the Crowder plan for the next draft, and against the Shallenberger amendment. I represent a population of 265,000. In my district is a voting population of nearly 60,000, showing you that I have no sectional interest but certainly a sectional pride, and that I have no large foreign population in my district. For the information of the House I would like to attempt to show you that some credit is given in the next draft to the volunteers who have already gone out into the service of the Nation.

The gentleman from Kentucky [Mr. FIELDS], on page 123 of the hearings before our committee, in discussing this bill, says:

Mr. FIELDS. For instance, the county of Bracken, in Kentucky, had no draft; they had no men taken by the draft. They had 52 more enlistments than their quota under the draft. How would that county be affected?

Gen. CROWDER. They would take the reduced strength of class 1 in that community, due to the fact that all these men had been transferred to the service, as the basis for determining the number of men to be taken from that community into the second draft.

Then Mr. HULL of Iowa asked this question:

Mr. HULL. That means that we must accept the principle and not claim any credit for all the National Guardsmen who have already gone in.

Gen. CROWDER. You get credit in the way I have suggested. The basis for determining credits is the strength of class 1. If you have had a large number of enlistments, the number of men in class 1 is correspondingly reduced, and therefore you work out a smaller quota for that community under the new rule than under the old rule.

Yesterday the gentleman from Nebraska [Mr. SHALLENBERGER], in his most eloquent speech, said:

Let us have done with foolish fancies about winning this war or fighting with ships, with speeches, etc. This war will be won and can only be won when we put more fighting men in France than the central powers of Europe can muster.

To be sure, Mr. Speaker, we have the men here. It is acknowledged that we have nearly 2,000,000 men under draft, many of whom volunteered, and we must feed these men. These men must be clothed and ships must be built to send these men across the water. I am in favor particularly of the Crowder plan of drafting because it drafts according to eligibles and not population. I have no large foreign population in my district, perhaps, except in one city, the city of Quincy, the home of the Fore River Shipbuilding plant and the Victory plant. In one of these plants are employed 8,000 men working in two shifts. In going through this plant more than a year ago I ascertained that 2,500 men could not speak a word of English.

The city of Quincy in the first draft exhausted nearly 40 per cent of its eligibles, and why should the city of Quincy be penalized by going on in the old way according to population because it has a large foreign population—2,500 men in that city building ships which are of prime necessity in winning the war. These men are just as useful in their occupations as many of the men who have gone into the draft service.

The President and Secretary of War may approve this plan or that plan; they have not as yet indicated that they are for this amendment or for the Crowder plan, but I should prefer to take the dictation of the Provost Marshal General whose function is to carry out the plan for raising the next draft army. He is in the position perhaps of my father, the proprietor of a woolen mill, who knew all about the buying of wool and the sale of woolen goods; but he did not know, perhaps, about the intricate and special work of the sorting room, the weaving room, or the carding room, but left the functions of that important duty to his boss sorter, the boss carder, the boss spinner, and the boss weaver, and yet he was the actual administrator of the woolen mill, as the President is the Commander in Chief of the forces of the Army, and the Provost Marshal General is the particular officer designated by the Government to propose draft legislation, and he has worked out the first draft with notable ability and efficiency.

Gen. Crowder has worked out a splendid plan for reinforcing the Army of the country, and his wisdom can be absolutely relied upon. This is no district matter, it is not sectional, not a proposition of the State, but is of national consideration. My own town of Dedham, with a population of 11,000, has sent to the war in volunteers and in other capacities 400 men. In the first draft its quota amounted to about 70 men, showing you that there is no sectional reason for my favoring the Crowder plan; but it is just a matter of eligibility and the fairest way to raise the next quota of 500,000 men for service in France. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Speaker, I had not intended to speak on the measure because I thought it was so fair in all of its provisions that it would hardly be necessary to appeal to the House to enact this necessary legislation. I regret very much to differ from the distinguished chairman of the committee, for whom I have the highest regard and who, I believe, is working to the best of his ability to form, equip, and provide for a splendid Army for the United States. I think that Gen. Crowder in his splendid presentation of this matter before the committee has simply given the country and all of us the benefit of practically one year's actual experience in the operation of the so-called draft law. And I believe that the classification as arranged for, which has been carried out, is a step in the right direction. In other words, the local boards have decided by scanning the questionnaires which have been submitted to them, regardless of whether exemptions have been claimed, who in their communities belong in these different classes. The Shallenberger amendment presupposes two things. First, that you can not trust the local boards in the different communities to do their duty.

I want to ask the gentleman from Nebraska [Mr. SHALLENBERGER] whether he is afraid to trust the local boards in his own State? I want to say here that my own experience has been that these boards are trying just as conscientiously as any men can to do their whole duty. All of our laws are administered through human agencies, and these men are courts administering this law, just as the judges and the juries of our local courts administer all of our laws, and I say it is absolutely absurd to claim that we can not trust the men who have been selected for these boards to do what they know is right in making these classifications.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. SHALLENBERGER. The gentleman, of course, understands that no draft board had any idea when it classified these men that it was going to determine the percentage of men that was going to be sent?

Mr. CRAGO. I am not so sure about that, but I venture to say that the boards in this country did their duty as they saw it when they put these men in the classes where they belong. The amendment which the gentleman has offered presupposes another thing, and that is that conditions are the same, economically, industrially, socially, all over this country. We know that is a fallacy. They are not the same, and these boards in doing their duty to the utmost will necessarily find in some of our communities class 1 will be small and class 2 larger and class 3 still larger. You can not take our entire country and so standardize our conditions as to make the classes the same in all of them. Our whole draft law was based on the idea of furnishing to the service of the United States the men most available. These men have been classified by our local boards, and is it not the fairest thing to take from that classification No. 1 the men who have been placed there before we touch any other class? "Oh," but it is said, "they have the power to take men from any class." I have heard that repeated several times. Any member of the committee surely knows the purpose of that language as it was explained to us by Gen. Crowder, namely, this: These local boards, by reason of a man's environment, by reason of the fact that he may be the pivot man in some industry, will put him in a deferred class, but the time will come perhaps when that man will not be needed in that community for that particular purpose, when he is more necessary to the Government by reason of the fact which gave him his deference into that class, and, consequently, if the Government needs so many expert carpenters, so many expert electricians or mechanicians of any kind, they can go into those other classes and take them from those classes only when the President has decided it is for the best interests of the Government rather than the community to take these men out of the other classes. I think some of the members of our committee have forgotten the testimony that was voluntarily given before our committee when a Member from Texas brought in some of his constituents from along the border and they said to us: "Gentlemen, under this present plan of assessing quotas you have absolutely robbed us of all of our American citizens within the draft age. We have in our community so many men who have come across the border who are not subject to this draft that in order to furnish our quota you have absolutely robbed us of our entire citizenship between the ages of 21 and 30."

That made an impression on our committee at that time, and that situation is exactly what this classification plan will correct.

The great stumbling point, as I see it, is the misunderstanding as to giving credit for the volunteers. I want to say this, and I wish I had time to go into it further, that we did get credit in the local communities for the men who went voluntarily into the National Guard organizations, and that was the real purpose of putting that provision into the draft act. Most of the volunteering since that time has not been in the line of the Army, and to-day they are not taking volunteers in the line of the Army for which these communities can get credit. They are taking them for technical purposes, and they are being urged for this or that particular purpose, but not for the line of the Army. There is no great argument in that, because the community is not doing itself justice when it asks that the individuals who want to stay at home be protected by reason of the fact that patriotic young men have been found to volunteer for this technical service in the Army. You are not protecting any community; you are taking from that community and its industrial life more of its strength than you would take under this classification system, and you are only protecting the individuals who would be left at home, who do not want to serve, because the community will have sent the same number of men into some service—not into the line of the Army—and they are getting credit for them, not as a community, but the individuals who stay at home are getting credit for them. It seems to me that would not appeal to anyone. We have had our credit for our volunteer organizations—namely, the National Guard—and why should any community ask this in behalf of the individuals in class 1 who want to stay at home? It results in their asking it for those individual persons who are

benefited, and they are the only ones who are benefited at all by this so-called claim for exemption. Indirectly they are getting credit anyhow, because the men within the draft age who go into any arm of the service voluntarily go directly out of class 1. At least 90 per cent go from that class. Therefore class 1 is reduced to that extent, and the district will not be required to send as many men as they would otherwise.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. FIELDS. Mr Speaker, I yield seven minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, considerable feeling has been aroused by the Shallenberger amendment. Supporters of this amendment, of which I am not one, have made statements insinuating that the local draft boards would use their power in an unfair and unjust way. On the floor there have been suggestions, if not absolute accusations, to the effect that if the quota is based on the total number of those eligible to military duty in class 1 that the local boards would discriminate and put some men in class 2 who ought to be in class 1. This is an insinuation and accusation against the fidelity of the local boards. I contend that any indictment of a draft board is equivalent to an indictment of the Government itself. It is an indictment of the selective-draft law, which constitutes the bulwark of our present and future Army. If we can not trust these 4,500 boards to act as fairly and justly as boards humanly can, then our whole system fails. If it is true, if the suggestion is at all valid, if it is possible or remotely probable that these draft boards would fail justly and fairly to consider all the facts with regard to each case, then these draft boards should be shot at sunrise. I can not conceive of anything more damnable than for a draft board, dealing with human lives, to do otherwise than their very best, to deal justly and fairly with every young man coming before them for consideration. Personally I have the greatest confidence in the fidelity of our local boards, and I do not believe that the great mass of them would ever consciously do anything but the fair thing and the right thing. They have given strenuous labor to their task and have sought to do justice in exercising their great powers. These boards have tremendous responsibilities, and involved in these insinuations that the draft boards are going to put men in class 2 in order to escape the draft is an indictment of the whole selective-draft system. The day will come, if it is not already here, when the Nation will recall the selective-draft law as the salvation of the country at a time when we faced our greatest crisis. It was with regret that I listened to other insinuations to the effect that Gen. Crowder had not been open and above board in all his work.

Too great credit can not be given to Gen. Crowder for the splendid manner in which he has accomplished the great task placed upon him by the Government. He has worked early and late, amid many provocations, seeking only to act justly under conditions which could not but bring forth criticism from one source or another. It would not be humanly possible to raise a great army in the short time in which our Army was raised without injustice of one kind or another. But I, for one, believe that the Provost Marshal General based all his actions on fundamental principles involved in the selective-service act and deserves not the condemnation that has been meted out to him by some, but words of praise and commendation for the tremendous task he has achieved.

The Nation has accepted the selective-service law with that splendid spirit that always characterizes our people. If this draft law is wrong, abolish it. I am one who fought consistently for it, and I believe in it now as the only democratic method of raising an army, and I want to see it perfected.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. LUNN. In a moment.

I want to see it perfected, so that the selective character of the draft can be more effectively carried out. This bill without the Shallenberger amendment carries out the purpose of the selective-service law better than in any other way. It would take as a basis for the quota the total number eligible for military service in class 1. And who are those in class 1? The young men who are most able to serve; those who would be most effective in the Army. The great majority of them are unmarried and without dependents. It has been the purpose of the questionnaire to place those who are married and have dependents in class 2. That being the case, it seems to me we are following out the spirit of the selective draft as we have not been able to follow it out heretofore, owing to our lack of experience when we first adopted the law.

Now I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I just want to ask the gentleman if he stood by his statement that, in a certain event, it ought to be abolished. Would not the adoption of this resolution abolish the principle of the selective-draft law?

Mr. LUNN. No; it would not. I am speaking now against this Shallenberger amendment. Insinuations have been made to the effect that we can not trust the local boards. The gentleman would be the first to invoke the severest penalty on any board who would be guilty of giving any man deferred classification who ought to be in class 1.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. COX. I would like to get the gentleman's viewpoint on this proposition, if I can make myself plain: What would be the remedy in the event a local board would not put in class 1 the men who ought to be there? Or what would be the remedy in the event a local board put in class 1 the men who ought to be put in classes 2, 3, and 4?

Mr. LUNN. If it can not be covered by regulation, it should be covered by law if they purposely and willfully do that thing.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. SHALLENBERGER. Is it not a fact, since you raised the question of the draft board's honesty, that certain draft boards have been removed in your State because they were corrupt? [Applause.]

Mr. LUNN. Yes. We should do that. But the fact that one man is guilty of robbery in America is not an indictment of the whole population, and the fact that we have removed a board simply shows the determination of those in charge of the draft to penalize as far as possible those who would do wrong. [Applause.]

Mr. COX. Does the gentleman think there is any danger along that line?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LUNN. May I have two minutes more?

Mr. FIELDS. I yield to the gentleman from New York two additional minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes more.

Mr. LUNN. Mr. Speaker, I want to say just a word as to the statement made that we are penalizing patriotism by this bill. We are not penalizing patriotism. The whole Nation has volunteered, and the selective-service law simply calls in his proper turn the young man at the time needed and in the way needed. I do not believe that credit to the community should be given for men who for one reason or other volunteer over the men who are kept until they are called in the draft, and would as gladly go in advance of the draft as they do when called to the colors. The basis of our Nation's life is on the principle of universal service. Not military service, for it is impossible for all to serve in the Army, but we are all universally obligated for service to the Nation. Let me also emphasize as strongly as I can, that men are not volunteering because they love the small city or the larger community or the whole State, but are, to my mind, volunteering and going in advance of the draft because they love America and are able to go in advance of the draft.

That is the object of those who volunteered, and the ones who are to benefit by such volunteering should be the entire Nation. Those who claim that the patriotic men who volunteered are being penalized unless their community is given credit are, in their turn, endeavoring to penalize patriotism by capitalizing it locally. To my mind no one within the draft age should be allowed to volunteer on the basis that all have volunteered and are waiting call when the Nation needs them. The whole Nation should be benefited by those who are above the draft age volunteering their services. I would not allow any man in the draft to volunteer for the reason that I would more and more honor the draft system, for the man following his call in the draft is as patriotic as the man who volunteers. Many a man naturally waits his call in the draft who, if conditions allowed, would gladly volunteer. Therefore the men in the draft should not in the least be considered as deserving of any less honor than the man who volunteers.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. LUNN. Yes.

Mr. HARDY. Suppose the gentleman would find that of two exemption boards in two counties of similar population one of them had put in class 1 25 per cent of its population and the other had put 45 per cent. Would the gentleman think, however honest the boards might have been, that that would be a criterion on which to base the quotas of those two counties?

Mr. LUNN. I would say that would be an apparent wrong, but I think that under any system there may be here and there an injustice.

Mr. HARDY. The gentleman is basing his quota upon an apparent wrong.

Mr. LUNN. That would not exist over the entire country in the 4,500 boards. Some inequities would arise inevitably. There would be cases of injustice, but the whole purpose of the selective-draft law is to avoid this as much as possible and gradually take care of every case where an injustice has been done.

America is confronted by the most tremendous task in its history; her very life is threatened; her future imperiled. Therefore we need the protection of the selective-draft law and must not witness its impairment in any case whatever. America must win this war, and America will win this war for the reason that our cause is just.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Maryland [Mr. PRICE].

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

Mr. PRICE. Mr. Speaker, during last year there were two great events—particularly great—in this country. The first was on the 6th day of April, when this Congress, the Members of this House, nearly 400 of them, sat in this Chamber and voted to serve notice upon the Imperial German Government, "So far shalt thou go, and no farther," and on which occasion we pledged all the resources of this great country to that cause. The other was on the 5th day of June, when 9,600,000 of our young American manhood went to the registering places in their respective States and placed their names upon their country's roll and said, "Here am I; send me."

I say to you, Mr. Speaker and gentlemen of this House, that that was one of the most inspiring spectacles that the American people have ever been called upon to observe. It was brought about without disorder, in a spirit of patriotism and of loyalty. There were scarcely any violations of the law. And why was that? In this great Nation, with our prejudices for peace and with our inherent love for the volunteer system and our abhorrence of the draft, why was that possible? Simply because the young men of the country felt—and they had a right to feel—that when they registered themselves for service to their country they would be treated fairly. They felt that this great Government would see to it that they had a square deal. In the law that we passed it was specifically stated that the different quotas of the different States and political divisions of this country should be based upon the population of those communities.

Can anything be fairer than that? Is not our whole theory of Government based upon representation according to population? And why should that whole system be now disturbed? Is it not fair to assume that the registered military strength of any community is the proper proportion for that community to furnish to the military service? These young men who felt that this Government had pledged them a square deal have the right to expect of this Congress to see to it that the agreement is kept and that our contract with them is carried out in good faith.

Now, this resolution proposes to disturb the whole theory on which this draft law was based. I can see the argument that the shifting of population or the predominance of aliens in a community may work unfairly, but that will be rectified in the amendment offered by the gentleman from Nebraska, which gives credit for volunteers and fixes the status of aliens, so that if that is disposed of and the young men of a community go and register, can anything be fairer than that those people should be called in proportion to that registration?

I want to give an illustration. I am not one who charges that local boards in this country are corrupt. I do not believe they are. But I have had occasion to question the judgment of some of them, and I want to show you, gentlemen, on what a flimsy pretext you would disturb this great national policy of distribution of quotas for military service.

I took occasion recently to ascertain from the local boards in my own district the number of registrants in each class, and in the nine counties of my district the variation in the judgment of the local boards is shown in the fact that the proportion of the registrants in class 1 runs from 13 per cent in one county to 41 per cent in another. Do you think that is anything on which to base a national policy? It so happens that in one county which has 13 per cent in the first class, the adjoining county has 41 per cent. They are alike as two peas. They are not like the two counties referred to by my friend from California [Mr. KAHN]. One is not Republican and the other Democratic; they are both Democratic. It so happens that each county has about 1,100 registrants in the four classes, and it also so happens that the two counties are absolutely like one community. I know them. There is practically no difference either in the mode of living or in the industries of those two counties. Yet one of them furnishes 148 people in class 1, while the other furnishes 450. It is merely the judgment of the local boards in those counties and nothing more. Shall we base a great national policy on such judgment as this? I assume this is no exception, and that such conditions exist all over the country, in fact, several instances have been cited during this debate by gentlemen from different sections of the country.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. PRICE. Yes.

Mr. McKENZIE. Does the gentleman know the number of men who volunteered from these two particular counties?

Mr. PRICE. No; I do not.

Mr. McKENZIE. That might change it, might it not?

Mr. PRICE. I do not think it does. So far as I can see, that has nothing to do with the classification. That had to do with those who went away in the first draft, whether communities were given credit or not.

Mr. McKENZIE. It would change the number remaining in those counties in class 1, would it not?

Mr. PRICE. No, sir.

Mr. McKENZIE. If a large number of them had volunteered?

Mr. PRICE. No, sir; I do not think so. That is not my understanding of it.

Mr. FIELDS. Will the gentleman yield for a question right there?

Mr. PRICE. Yes.

Mr. FIELDS. Is the gentleman aware of the fact that the differences between the local boards is not so great under the questionnaire system as it was under the system under which the first draft was made?

Mr. PRICE. This was done under the questionnaire system, and I have received this information within the last few days.

Mr. PHELAN. Will the gentleman yield?

Mr. PRICE. Yes.

Mr. PHELAN. Do not these very discriminations exist under the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. PRICE. These discriminations still exist, but the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] will prevent the taking away of all of one class all over the country, and will distribute this military service in the place where it ought to be distributed.

Mr. KAHN. Will the gentleman yield?

Mr. PRICE. Certainly.

Mr. KAHN. Does the gentleman think a man ought to be dragged from his family and put into the service while there are single men who have no ties, and who could go with the least effort to serve the country?

Mr. PRICE. I do not think it is necessary to drag anybody from his family. That does not enter into the question at all.

Mr. BARKLEY. Will the gentleman yield there?

Mr. PRICE. I prefer not to be interrupted. The question is this: My friend from California [Mr. KAHN] very beautifully described this proposition as a great national question. I believe it is a national question. I believe this Nation is alive to its responsibilities and its duties, but I also believe if you want to nationalize it in the best possible way, the best way to do it is to let each community and State be permitted to furnish only its proportional part. [Applause.]

Mr. FIELDS. I yield five minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, I am glad to see something done on this matter. Last September I appeared before the Committee on Military Affairs and urged the reporting of a bill of a similar kind. Whether we adopt the bill submitted by the committee or the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], either one will be a great improvement over the present law.

I favor the bill reported by the committee, but I should like to see it amended. I hope to see it amended first so that the new provisions will apply whether classes are made or not. In other words, I should like to see the word "population" stricken out of the present law. I should like to see it amended, furthermore, so that credit will be given for voluntary enlistments or inductions. In that particular I want to point out that in lines 9 to 11, on page 2, those men especially ought to be considered in giving credits, and I think under the present bill they probably will not be.

In both the present committee bill and the amendment offered we find these same propositions. These provisions in this bill apply only when classes are made. The amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] applies only when classes are made. We find also that under each the divi-

sion into classes is intended. All this talk, therefore, about the injustice done by the various boards under the bill proposed by the committee is begging the question. No matter whether we have the present law or the Shallenberger amendment or the law proposed by the committee, we still have classes and we still have classification boards; we still have the liability to error of men's judgment, or even unfairness on their part, and the possibility of a lack of uniformity in arranging the classes. So that when you argue that proposition you are begging the question.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. PHELAN. I will if I can get more time. I will say that it might be a little more accentuated under the committee bill, but the question still remains. Now, here is the fundamental principle underlying the difference between these two. Under the committee bill you can not go into one class until you have exhausted the class before it, unless you go into that same class proportionately all over the country. Or, to put it another way, every time you go into one class, no matter what class it is, the same process applies all over the United States, and the same percentage is applied to that class. Under the Shallenberger amendment it is possible and probable, and it undoubtedly will happen in many cases that in some parts of the country while you are still drawing men to fight in the trenches from class 1 in other parts of the country you will be taking men from class 2 to do the same thing. Now, if that is so, will somebody tell me why you should make any classes at all?

Mr. MONDELL. Will the gentleman yield?

Mr. PHELAN. No; I have not the time, unless I can get my time extended.

Mr. MONDELL. I thought the gentleman wanted an answer to his question.

Mr. PHELAN. I do, but the gentleman takes too long to answer questions. Let me give a few figures. These may not be the actual figures in a particular case but they will show the point: Suppose in one community we have 5,000 men in the first class, 2,000 men in the second class, 2,000 in the third class, 1,000 in the fourth class, making 10,000 altogether. Suppose in another community we have 2,000 in class 1, 2,000 in class 2, 2,000 in class 3, 4,000 in class 4, making 10,000 just the same. The call goes out to take 25 per cent. Under the Shallenberger amendment you take the whole 10,000 in the first community and take 25 per cent of that. There you get 2,500 men from that community—community No. 1—and you take 2,500 men out of class 1, and it leaves 2,500 men still in class 1. In the other community you again take 25 per cent of the total 10,000. That amounts to 2,500. You take 2,000 out of class 1, and then go into class 2 and get 500 additional to get the total of 2,500. In other words, while you are taking men from class 1 in one part of the country you may be taking men from class 2 in another part of the country. I feel that it would arouse a great deal of discontent if a condition like this were permitted. Our people will gladly make any sacrifice, but they do insist, and have a right to insist, that burdens shall be distributed equitably. The Shallenberger amendment will not distribute them equitably. With the changes I have suggested I shall support the committee bill.

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, as I understand the proposition, it is primarily to change the method upon which the draft law of 1917 was built. That law provided that the draft should be based on population, and the Census Bureau worked out a scheme of population which, it is claimed, is inequitable and unfair.

This bill that is now proposed by the committee, which I favor, proposes to place this whole matter on the basis of the persons that are registered and liable for military service. That is the only equitable way in which to build an army in this present crisis.

Mr. LONDON. Will the gentleman permit me to ask him a question?

Mr. ROBBINS. No; I have not the time.

Mr. Speaker and gentlemen of the House, on the 5th day of April, 1917, the Congress of the United States declared—

that a state of war between the United States and the Imperial German Government had been thrust upon the United States is formally declared, and pledge the entire resources of our country to carry forward this war to a successful termination.

In order to successfully carry out this declaration it was necessary to raise men and money, and the selective-draft law was enacted and approved by the President on May 18, 1917.

This law established a new method of raising an army in the United States and provided that the quotas for the several States and Territories and the District of Columbia, and subdivisions thereof, should be determined in proportion to the population thereof, and credit should be given to any State or Territory or subdivision thereof for the number of men who were in the military service of the United States or members of the National Guard on April 1, or who had since entered the military service, either as members of the Regular Army or National Guard, and all male persons between 21 and 30, both inclusive, should register in accordance with the regulations to be prescribed by the President.

Pursuant to this the President issued a proclamation fixing June 5, 1917, as the date upon which all those subject to this selective-draft law should register, and in accordance therewith, on said date, 9,586,508 men registered as subject to military service. It was decided to select from this number 687,000 men by the first draft, and a system of selection was devised whereby the names were placed in black capsules and drawn from a glass bowl by blindfolded men specially selected from among the students of the various universities. The first drawing took place on Friday, July 20, 1917, in the Senate Office Building, the first number being selected by the Secretary of War himself, in the presence of a vast concourse of people, in the Senate caucus room, the event being epoch-making.

In order to carry this law into effect it was necessary to organize 4,557 local draft boards, each composed of 4 persons, which with their clerical force and assistants voluntarily rendered, made an aggregate of 100,000 men engaged in this service, who, between July 30 and August 25, heard and disposed of about 1,000,000 cases, averaging 70 cases per day per board. This service was rendered voluntarily in most instances, so that the cost per man selected averaged from 54 cents cost per registrant to $7.59 per man drawn, or an aggregate of $5,211,965.38, to the General Government.

This preliminary statement is given to explain the cause of the necessity for now amending this law, because it was found that this draft bore inequitably upon the various districts from which the men were drawn and that much dissatisfaction arose from the literal enforcement of the law.

In order, therefore, to ascertain the true facts and circumstances that surrounded each registrant, and in order to enable the various boards to properly consider claims for exemption, because there had been taken and filed with the President 22,250 appeals from the decisions of the local boards under the rules promulgated by the Provost Marshal General's office, an order was issued October last to each registrant to file a statement, called "questionnaires," disclosing the facts with reference to his employment and history, so that the question of exemption and classification could be worked out equitably, promptly, and justly.

These "questionnaires" resulted in the division of all registrants into five classes; the first class was to include those who, under the selective draft registered throughout the entire country, could best be spared for military service. The second, third, and fourth classes embraced those less available in the order names, and class 5 contained those who were not subject to military service in any event, namely, those physically and morally unfit aliens, those already in the military service, conscientious objectors, and some others.

With the completion of the first draft and the filing of these questionnaires, the exact amount of men in each district available for military service was fully disclosed and the inequalities under the existing law were made apparent.

May I call the attention of this House, Mr. Speaker, to my own district.

In the county of Westmoreland, Pa., which is the largest of the two counties in the district which I have the honor to represent, this condition was disclosed:

Number of registrants		26,940
Number of aliens not subject to military service	9,570	
Number of alien enemies	96	
Total aliens		9,666
Registrants subject to military service		17,274
In Butler County, Pa., total registrants		7,036
In Butler County, Pa., total aliens		1,109
Total from which quota must come		5,927

Under the selective-draft law, therefore, the quota which Westmoreland County must furnish was based on 26,940, but after deducting those who had already claimed exemption and were released the number of men that were available was but 17,274, from which the entire quota must be furnished, because the law required the quota to be furnished "in proportion to the population thereof," while the quota to fill the draft must come from the lesser number, to wit, those remaining after deducting aliens. In Butler County, the other county in my district, the same inequality appears by the above figures.

This was manifestly unfair. With this mere statement this situation cries loudly for correction.

Therefore the joint resolution now being considered is proposed. This resolution provides, omitting unnecessary verbiage, as follows:

> That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress * * * are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes * * * in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however, classified or wherever residing.

This, therefore, means that when in my district, because of the large number of aliens, class 1 is exhausted no further calls shall be made therein until class 1 in the other districts of the country have been exhausted.

The selective-draft law was passed in order to organize the Nation to carry on this war. The classification found on the questionnaires is made up by sorting out all men within the draft age, so that those who can be most readily spared to enter the military service shall be first taken, and those who are required to remain at home to carry on the business of the country, produce food, manufacture arms and equipment for the soldiers, build ships, and support dependents shall not be taken until dire necessity compels the Government to withdraw them from industrial pursuits.

The effect of the enforcement of the act of the 18th of May, 1917, is to strip all districts where there is a large foreign population of all the native-born Americans and leave the foreigners to take their good jobs, grow rich on the profits arising from war activities, while the Americans must bear the brunt and hardship and suffering and death caused by this terrible war. This is unjust. This condition can not be imposed upon the inhabitants of the districts where industrial activities have attracted large foreign population. This war can not be fought without the munitions and fuel, equipment, and industrial output of the large populous centers, along the Atlantic seacoast, and in the mineralized sections of the United States. The iron mills of Pittsburgh are located there because of the presence of fuel and ore and natural environment.

The shipbuilding of the Delaware was located there because natural conditions make it the most available spot. Coke and bituminous coal are produced in my district, because the minerals exist there in a state of nature, and in their development a large foreign population has been attracted by the advantageous conditions of employment, and yet to say that because the population is enhanced, by a number of residents of foreign birth and who are not subject to military service, and that the native Americans must furnish all the men for the Army, is to assert that an inequality and unjust burden must be borne by these people. Such position is untenable, unfair, and should not be seriously advocated by anyone.

It has been asserted on this floor that this war can only be won by the men in the trenches with a gun in his hand and a bayonet pointed toward the foe. Far be it from me that I should detract anything from the man who risks his life, he is undoubtedly the greatest factor in winning this war. He is the one who is making the supreme sacrifice; he is the man who is entitled to our undying gratitude, and over him and his deeds the enconium of his countrymen should ever be pronounced. But we must not forget that this man must have ammunition for his gun, must have the protection of artillery and airplanes, and must have behind him a mighty fleet to carry him food, clothing, medicines, and munitions.

The Russian infantry made poor showing when their munitions ran out, and they fought the Germans with shovels, crowbars, and guns without bayonets. The collapse of their army was largely due to the failure of the people to support it, equip it, sustain it, and this Congress and this Nation would blush with shame and disgrace if the day ever comes when the American troops will be driven from their trenches because of lack of munition, lack of artillery, lack of airplanes, lack of food.

It has been stated that it requires five men working at home to support, equip, and maintain one man in the trenches.

Just now, with the greatest battle in this horrible, terrible war raging in Europe, and the American troops are just entering this great battle, it does not become us here in the American Congress to long debate any measure that looks for the better equipment of our Army. What we want to do is to strengthen the American Military Establishment, not weaken it nor embarrass it by criticism. Let us lift the draft age to 40 years, so opportunity may be given to other men who are ambitious to serve. But let us not be unfair to the districts throughout the country, where, by reason of the large alien population, the enforcement of present law has stripped it of the American citizens and left the foreigners at home who claim and receive exemption from military service to grow rich on war profits.

The principle of the selective-draft law demands that all those in class 1 throughout the whole country be first taken. This is a national war. The army we are raising is a national army, and the Member of Congress who seeks to protect those in class 1 in his own district while seeking to force those in classes 2 and 3 in his neighbor's district or any adjoining State into military service is taking a very narrow view of our selective-draft law and of our part in this great war. He has by strict construction defeated the whole theory of the selective-draft law. "The word of the law killeth, but the spirit giveth life."

The selective-draft law is intended to accomplish two principal things:

The first is to make a scientific and most complete inventory of our man power, with a searching inquiry into the qualifications and the industrial and domestic circumstances of each man registered. With this at hand, the second is to make a scientific classification of their relative availability for military service and for all the war-time activities of the Nation.

This has been accomplished, and if we but permit the law to be administered in the spirit in which we enacted it, the result will be the complete mobilization of the Nation for the war. This purpose is thus announced by the Provost Marshal General in his annual report, in which he says:

> It can be announced now as the policy and belief of this office that in all probability it will be possible to fill our military needs without ever invading any class more deferred than class 1, and this is the promise, the standard, and the goal, here for the first time announced, toward which every administrative effort of this office shall be directed.

It is, therefore, more than ever incumbent upon this Congress to sustain the War Department in this great war. We shall undoubtedly be compelled to raise the draft age to probably 40 years or possibly 45. This will more than treble, in all probability, the number of men available for class 1. In fact, the large army that volunteered to go with Col. Roosevelt, who were all above the draft age, voiced the desire of men over 30 who wished to enter the military service in defense of our country.

But this increase in the number of selective draftees in class 1 will only make more imperative the adoption of the amendment here pending changing the basis of selectives from "population" to "registrants" in class 1.

Gentlemen of the House, the reports that come to us from the battle field of Picardy indicate the eagerness with which the Americans are entering the first baptismal fire in the great battle for freedom.

The meager information that passes the censor's pencil tells us that the German assaults against the American columns have been uniformly and without exception broken, driven back, and defeated. Even in the face of superior numbers, American troops have won signal honor. Veterans of the French and English Armies, both officers and men, stand in their presence acclaiming them men of great bravery and soldiers of the greatest skill and valor.

Those high in authority in Europe have given to our soldiers unstinted praise and honor and speak of them only in terms of highest admiration.

Let us therefore stand behind our American soldiers and support them with unfaltering loyalty, believing, as we all do, that by the bravery of the American troops the battle of freedom will be won on the battle field of Europe.

We have organized in the United States for the purpose of fighting this war not only by man power but industrially and in every other way. When they first drew the men under the law they drew 687,000 men. They started out in a blind scheme of drawing them by lot. But it was soon discovered that that would not work out equitably, so in October last they devised a scheme known as the "questionnaire," by which they ascertained from every man available of military age in the 9,500,000 that had registered on the 5th of June all the conditions that surround him. And then they have started out to build a National Army, but we are confronted with this serious defect in the draft law. It has been established by its operations that in some communities when the draft calls for the number of men to be furnished under the quota on the basis of population, that it has stripped the communities of native Americans, because of the large foreign population that reside therein. Of course, we are all here to legislate for the country as a whole, we are fighting the war as a national war, but each one of us

must apply the laws we are considering to the facts that arise in our own districts, because we are familiar with the situation there.

Applying this selective-draft law to the twenty-second district of Pennsylvania, which I represent, I want to call your attention to how inequitable, unjust, and burdensome this draft law has worked out. In the county of Westmoreland, the largest of the two counties I represent, may I in conclusion recapitulate, there was a registration on the 5th of June of 26,940 men. But it was discovered under that registration that there are embraced 9,666 men who were aliens, and who were not compelled to render military service under the draft law to the Government of the United States. So that left 17,274 men to answer a quota based on a population, or based on a registration of 26,940 men. There are eight registration districts in that county, and the practical application of this law has been that it has actually entirely stripped class 1 in some of these districts. As we have learned in the course of this debate, class 1 embraces the men who have no ties to retain them at home, either socially or industrially.

Take Butler County, the other county of my district, and we have a condition just as accentuated and emphatically calling for relief. There were 7,036 registered, 1,139 aliens not compelled to render military service, leaving 5,937 from which we must furnish a quota based on 7,036. Now, gentlemen, this amendment proposes to remedy that inequality, that unjust burden placed on certain communities. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GORDON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I shall vote for this bill whether the Shallenberger amendment prevails or not, though I think it ought to be adopted. I have never refused my vote to any war measure simply because it did not accord with my individual views, and I shall not now.

There has been much misrepresentation of the issue now involved. It is not a question of whether the Government shall be furnished the men which it needs. We decided that long ago, and the men will be furnished. It is simply a question of how the draft act shall be changed to make it more equitable. Everyone agrees that it should be changed, and that is the sole purpose of the bill before the House. I voted for the original conscription bill and urged its passage on this floor. The bill contains certain inequities in it which afterwards developed in its application, some of which have been mentioned by the gentleman preceding me [Mr. ROBBINS]. The majority of the committee say that they have brought in a bill to correct the unfair apportionment of the draft made in the original bill, but when shown that their own bill unfairly apportions the men drawn among the different counties, they take the position that no district ought to complain.

Mr. Speaker, at the time of the passage of the original bill for the selective draft, some Members thought it would not be accepted by the country; but I believed then, and believe now, in the patriotism of the masses of the people. They are ready to do anything that is necessary to bring the war to a successful conclusion, but they want the burdens of the war distributed as equally as can reasonably be done. The original bill undertook to do this, but we have found that in some parts of the country where there are large numbers of aliens who were not subject to the draft it was not fair to apportion it in accordance with the total population. Hence, I favor that portion of the bill before the House which seeks to correct this injustice, but I do not favor permitting another injustice in order to remedy the faults of the original bill. The astonishing statement is now made and has several times been repeated on this floor, that it makes no difference if one community is required to furnish more men than its share, and that we ought not to concern ourselves about a matter of that kind.

Mr. Speaker, if any Members should rise in this House and advocate that in the apportionment of taxes required to carry on the war it made no difference whether one man or any one community or State paid more than its share, we would be somewhat inclined to question his sanity. Such a proposition would be considered too preposterous for consideration. To my mind it is, if anything, more unreasonable that where the lives of our citizens are concerned that we should not consider whether the counties and States are going to do more or less than their share. Great hardships are unavoidably inflicted in many instances by the draft; but can we justify ourselves in bringing them about when by an unfair apportionment some person who has not the slightest excuse is relieved from going at all? In fact, Mr. Speaker, I do not complain so much about the burden which will be added in my own community or the district or the State which I have the honor to represent. My town, my district, and my State is always ready to do all and more than its duty. It has led in enlistments and has not only furnished its share of men, but more than its quota, and has always oversubscribed for liberty bonds. Naturally I resent the imputation of want of patriotism which has been thrown out by some of the speakers who have preceded me with reference to those who favor the Shallenberger amendment, which nobody has denied or can deny presents a perfectly fair and just apportionment, namely, to base the draft upon the number of men eligible to military service; and I notice that some of those who have been so insistent that this bill should not be changed in word or letter represent States or communities which would be largely exempted from the draft by virtue of its provisions. I have not time to give figures in this respect, but they have or will be given before the debate is concluded and will show that some of the States have only placed about 20 per cent in the first class, while others have gone as high as 35 and 40 per cent. Yet it is proposed by this bill to make the numbers taken depend upon this classification and thus permit those communities with the lower per cent to shirk their duty. The citizens of my State are quite willing to perform their own duty, but they are unwilling that others should be permitted to evade it. The bill as it stands encourages the slacker who is trying upon one excuse and another to escape the draft.

Mr. Speaker, at the opening of this war we had several companies of the Guard in my district which young men joined. Many could not wait even for that to go, but enlisted with the Regulars which went with Pershing. The Guard regiment which they joined followed closely after the Regulars and all are now fighting on the battle front. There they have gloriously maintained the traditions of this Nation and some 10 or 12 have already been decorated by the French Government for gallantry, among them Lieut. Col. Tinley from my own city. Numbers of them have already sealed with their blood the covenant they made to protect this country and the glory and honor of its flag; and now gentlemen stand here and say that no credit ought to be given for their enlistment; that it should not be taken into account in making up the quota for their county, their district, or their State. They urge, in fact, that communities which have made up their classifications in such a way as only to put 20 per cent into class 1, should be permitted to escape their duty, but others who have a classification with as high as 40 per cent in class 1 shall furnish men accordingly. It needs no argument to show the injustice of requiring one community to send 40 per cent of its men who are subject to military service and requiring only 20 per cent from another, the two communities being, perhaps, side by side.

Mr. Speaker, the Shallenberger amendment not only avoids the inequalities which were created by the original bill, but avoids those which are created by the bill now before the House. It bases the apportionment on the number of men subject to military duty and gives credit for enlistments either in the Regulars or Guard. It is as fair and just an apportionment as it is possible for us to make. We can not entirely avoid inequalities, some will always exist, but it is our duty to avoid them as far as we can and not interfere with our military success. I have always been for the highest efficiency and would sacrifice any man or community to efficiency and the success of our arms. Efficiency ought to be the motto of our military preparations, but you will not gain in efficiency by the bill as it stands over the provisions of the Shallenberger amendment.

The bill as it stands will not add one man to the force over what would be provided by the amendment. The same number of men will go; there will be the same number at the front. If the bill stands in its present form, the gallant men who have been first in the fight, first to lead the charge, first in honors, will be told that their communities will receive no benefit from their action in the apportionment of future drafts.

I make no attack upon the local officials. They had a difficult task to perform without any definite directions from Washington. Naturally, the different boards took different views with reference to the claims for deferred classification. There were in some States a few unworthy officials who abused the trust which was imposed in them; but, whether it was done by mistake, ignorance, or willfulness, we ought not to let these variations in the classifications control, but should equalize them so far as possible.

I do not care so much about that part of the amendment which fixes the basis of the draft. There may be something in the contention of gentlemen that inequalities in the basis proposed by the bill will, to some extent, be rectified by the boards which pass on each case, but I insist that in fairness and justice credit should be given for those who enlisted, and that States whose citizens held back until they were summoned should not profit thereby. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, it seems to me that this question resolves itself into a question of whether we are going to try to adopt a theory or take advantage of experience and adopt that kind of a measure that experience has taught us is the thing that we ought to have. We have had a draft law in operation under which about three-quarters of a million men have been drawn into our Army. The men who have had the administration of this law have had more experience in detail than all of the Members of this House combined, and the men attached to the Provost Marshal General's office are unanimous in the indorsement of the suggestion as set out in this resolution. Before the Provost Marshal General suggested it to the Secretary of War, and before it got the indorsement of the President of the United States, a poll was taken of all of the local boards in the United States, and this is the result of the concensus of opinion of the men who have actually had to do with the operation of this draft. It seems strange to me that the membership of this House, which is thoroughly American, and in which there is not a single man who is not prepared to do everything he can to promote this war, will vote millions of money practically without discussion, pass bills relative to the future of our country, pass any kind of law controlling our industries, and the men who work in them simply on the belief that it will help our boys win, but when it comes to the question of who shall take a gun and go away and fight for the country we find a great number of the Members of this House standing up and saying that the boys in his locality shall not go before those in some one else's State go.

This is an American fight, and every man must do his share, whether somebody else goes or not. The question is, How are you to do it—in a practical way or are you going to do it in a theoretical way? I believe we ought to take advantage of the experience of the men who have been administering this law and iron out the kinks that have been in their way. They tell us that by the passage of this resolution they will be able to more evenly and justly administer the law that we have placed in their hands. Understand, this war is not going to be over in a day or two, nor in a week or two, nor in a month or two, nor in a year or two. We have in our Army 1,640,000 men today fully armed, ready to go away. We have in our Navy over 300,000; practically 2,000,000 men bearing arms for our country. That is only a drop in the bucket that we are to pour out for democracy's salvation. This war is going to last, it is going to take billions of money and millions of men, and the point is, Are we going to stick to theory or learn from experience? If we are to close our eyes, then we must be prepared for the war to last longer than the time that I have suggested. I say to you in all sincerity of purpose, I believe that by the change of law, as here suggested, it will work with greater equality and with greater justice to the South than the present law does, and it will work with greater equality and greater justice to the North than the present law does. I therefore am heartily in favor of the resolution without amendment.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the House and the country are to be congratulated in that both the majority plan and the minority plan which come from the Committee on Military Affairs will enable us to eliminate from our calculation the alien element which was under the original law included in determining quotas and which hence was responsible for so much inequality during the last year. My inquiry mentally has been which of the two plans was the better. I think the plan proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] has one advantage in that it rests upon mathematics and not upon human discretion, with the inevitable possibility of error and frailty. On the other hand, I think that the committee proposal has the advantage, which has been brought out several times and very clearly a few moments ago by my colleague [Mr. PHELAN], that it insures that all the most available men are taken before the class containing less available men is invaded at all. That, to my mind, is the controlling consideration and the one which has determined me——

Mr. GORDON. Will the gentleman yield?

Mr. ROGERS. I can not yield—to support the contention of the majority of the committee. I wish those who are following me would turn to page 5385 of the RECORD, which appeared this morning, where I printed a table which was furnished some Members of the House by the Provost Marshal General. This shows the number of men by States who have been classified into all classes, the number of men classified into class 1, and, finally, the percentage of men in class 1 as compared with those in all classes.

Mr. WINGO. Will the gentleman yield?

Mr. ROGERS. I am sorry, but I have not the time. I desire to make my point, and must proceed. Gentlemen have suggested that there would be a very wide disparity, a very wide probability of error among the several States, because of the different views which members of the local boards would take of the type of men who should be put in class 1. That may be true as between individual districts, but I think the table very clearly establishes that it is not true as between States. The general average for the United States, as the figures show, of men in class 1 as compared with men in all classes is 27.71 per cent. I have made an analysis of the percentages which go to make up that 27 or 28 per cent. I find that 7 States have exactly the correct percentage; that 15 States have within 1 per cent of the percentage shown as normal for the United States; that 26 States are within 2 per cent of the United States mean; that 34 are within 3 per cent; 38 within 4 per cent; and 41 within 5 per cent of the mean of the United States. That indicates that there are only seven States in the Union which are more than 5 per cent away from the normal for the entire United States. Of those seven, three are below the normal and four are above. The gentleman from Iowa [Mr. HULL] said in the course of his remarks yesterday that the reason for the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], as he sees it, is that the States in the East made in a deferred class a larger proportion for industrial reasons than the States in other parts of the country. Here is his exact language:

> The East took the Army contracts, and they filled their munition factories with their young men, and they want to pass this law in order to exempt them. That is the real truth of the matter.

The facts as developed by this table show the contrary—that the three States which are more than 5 per cent below the mean of the United States are Arizona, Utah, and California, which would, I think, not be regarded as industrial States, and would certainly not be regarded as Eastern States. The States which are above 5 per cent in excess of the mean are Florida, Louisiana, South Dakota, and Wyoming, with a total registration of less than 3 per cent of the registration of the entire United States. Now, of course, we can not——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS. May I have two minutes more?

Mr. FIELDS. I yield two minutes additional to the gentleman.

Mr. ROGERS. I thank the gentleman. Of course, we can not assert with confidence that there will be no trace of disparity between the several States of the Union; but when we find that 41 out of the 48 States, large and small, East and West, are within five per cent of the normal, it indicates that there was a remarkably close approximation throughout the United States of identical action by the draft boards. When we develop the further facts that those appreciably below the average are all agricultural and Western or Southern States, and that those far above the average are also, in general, agricultural States, it would seem perfectly clear that the distinctions which have been made are neither fundamental or sufficient to justify the charge that in different States there was any appreciable unfairness on the part of the several draft boards. All States are, of course, not exactly alike. There is an infinite difference of conditions and situations among them. As the gentleman from Nebraska [Mr. SHALLENBERGER] said in reply to a question from me yesterday, there is machinery for correcting errors. If the draft board in an individual case has been dishonest or has been erroneous, there is a provision in the law for correcting it. I agree, if this proposal of the committee is adopted, that these decisions of the draft boards should be very carefully scrutinized to eliminate any improprieties which may creep in.

I rose to make clear what a remarkable degree of uniformity has been attained by the thousands of draft boards, acting independently, in classifying into class 1. The figures I have cited indicate remarkable efficiency in applying the regulations of the Provost Marshal General, and I think answer the contention that the discretion left to the draft boards will be abused by them.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. STEPHENS].

Mr. STEPHENS of Mississippi. Mr. Speaker, whether the bill is amended or not, the number of men to be taken for military duty remains the same. The only difference between the two plans is in the order in which men will be taken for service.

There is disagreement as to which is the better plan, as there have been varying opinions on many other policies; but there is no conflict of opinion—we are all of one mind—on one subject: That as a Nation we have one, and only one, business now—to win the war.

Citizens all over the country have disagreed upon war questions; some have criticized because the United States became a party to the war; some have held to one opinion on governmental policies and some to another opinion; but now everyone who loves life and liberty and home realizes that each one must do his part to preserve those things.

This is the most serious hour that the Nation ever faced. The very existence of the Nation is at stake. The time for earnest, active effort is here.

It is useless to waste time bewailing the fact that we are at war. Expressions of regret will not win battles. Surely all of us would prefer peace to war, but we must face conditions. As a great man once said:

There is no use arguing with the inevitable; the only argument with the east wind is to put on your overcoat.

So we must meet the inevitable. The war is a solemn, living fact. No matter what opinion a man may hold as to the rightfulness of our entry into the war, certainly each one believes now that he owes it to himself, his family, and his country to do everything in his power to bring the war to a successful conclusion.

There can be, there is, no difference of opinion among Americans about the safety of America. There have been, and perhaps will continue to be, differences about what is best, in many instances, to do; but on the one great question of protecting ourselves we are all agreed.

That our Nation shall not be destroyed; that our institutions shall not be overthrown; that what we reverence and revere shall not be trampled upon and desecrated; that violent and unclean hands shall not be laid upon our mothers and sisters and daughters, is a determination fixed in the heart and mind of every citizen of the United States.

We have been made to shudder with horror and revolt at the German Army killing, burning, ravaging, respecting nothing, defiling all that it touched; at the German soldier becoming less the semblance of a man than the personification of a wild animal—ferocious, murderous, thirsting for blood, grinning for delight at his victims' helplessness.

Mr. Speaker, that an army of this kind should conquer us and visit upon our own people such horrible and barbarous treatment is unthinkable; and I feel sure that the people of the Nation will see to it that it does not come. Those that do not fight in the Army will give of time and money and effort that will aid those on the battle line.

But, back to the amendment. I said that it will affect somewhat the order in which men will be called for service. The gentleman from California [Mr. KAHN] opposes it. It happens that his State has a smaller percentage in class 1 than any other State in the Union. I merely call attention to that. Of course, I know that the gentleman was not influenced in the slightest by that fact.

Mr. KAHN. Mr. Speaker, will the gentleman permit an interruption?

Mr. STEPHENS of Mississippi. Yes.

Mr. KAHN. I want to say candidly to the gentleman that I never saw that table until about two days ago, and therefore it did not in any way actuate me. About two days ago I saw that table for the first time.

Mr. STEPHENS of Mississippi. I had already said to my friend that I felt sure that it did not influence him. But I called attention to that in order to say that it is not right for any discrimination to be shown between the States.

Every State, every community, every citizen is equally interested in this matter; and I trust that no one will fail to do his whole duty in this trying time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, if we were considering this matter from the standpoint that each State should be called upon to send only its proportionate number to the trenches, I would be in favor of this amendment. But, Mr. Speaker, that is not the question that ought to impel us in legislation of this character. It is now nearly a year ago since I said upon this floor that in all war legislation there should be but one motive, and that motive was to so legislate as to win this war in the shortest possible time. [Applause.] And having that motive in mind I must support the recommendation of the majority of the committee, so far as quota is concerned.

It is not primarily a question of who shall go to the trenches. It is primarily a question of using the men and the resources of this Government to the very best possible advantage in winning this war. [Applause.]

Now, the statement has been made that the man who works in the shipyards, the man who is working in industrial enterprises necessary to carry on the war, is not engaged in an equal service with the man who is in the trenches. He is not, so far as any credit to him is concerned; but he is, so far as the winning of this war is concerned.

And what is the position of those who now offer this amendment? We take a district where a majority of those registered may be in a deferred classification because they are engaged in shipbuilding, without which we can not win the war. If this amendment be adopted, in that district we will have, after class 1 is exhausted in that district, to take the men from the building of ships and put them in the trenches. That is not the theory of the selective draft. The very theory of the selective draft is to take those men who can best be spared and utilize the others in the best possible way at home for the winning of the war.

And then there is another thing that we ought to remember. This is not a war of a combination of States. This is a war of a Nation, and it is going to require all of the resources and all of the men to win this war. A year ago we did not realize that as we do to-day. If it were a question of furnishing some men and some resources, then the amendment would be very proper. But we should realize to-day that the very future of this Republic is imperiled this very hour. And when that is true we have no right to make as a primary consideration the balancing and the leveling of the different States of the Union. We ought to consider only the utilizing of all our resources, all of our men, to win this great war in which we are now engaged. And looking at it from that standpoint, I can do nothing other than support the majority of the committee upon that proposition. [Applause.]

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. BLACK. Mr. Speaker, I shall support the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], and if that amendment is divided I shall support both divisions of the amendment.

I shall do it because I believe his amendment is in harmony with the spirit and the intent of the selective-draft law, for which I voted when it was passed.

I vote for this amendment because it is just and right, and because I further believe that the method of calling men into the service proposed in the Senate resolution reported by the committee is susceptible of grave errors and abuses. Already it has been brought to light during this debate and in information furnished by the public press of the country that some local and district boards have placed a much larger proportion of registrants in class 1 than have some other local boards and district boards.

Gentlemen of the House, I do not believe that we can justify the provisions of this bill as it now stands except upon one basis, and that is to assume that the local boards and the district boards have observed uniformity in the classification of registrants, and that throughout the several States of the Union men who are within the draft age have been dealt with in substantially the same manner.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLACK. I am sorry that I can not, on account of the brief time that I have. To my way of thinking, it is too violent an assumption for us to indulge to say that there has been that uniformity which ought to exist in so important a matter as this, if we are to follow the method proposed in the pending bill for calling these men into service. Now, what does the Senate joint resolution now under consideration provide? It provides that when the War Department, under the provisions of the selective draft law, calls out a particular class of registrants it shall call them, not in proportion to the men registered who are liable for military duty, but in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia. This method would entirely change that which was provided in the original draft law and would make it entirely possible for one State to be called upon to bear much more

than its share of the military burdens of the Nation. Now, what does the amendment of the gentleman from Nebraska propose to do? It says that when a State's quota is called for it shall furnish its men in proportion, not to the population nor in proportion to the number of men in any particular class, but in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption.

Is that just? Is that fair? I think so. I do not see how any possible objection can be found to it. We are all anxious and determined to provide the necessary machinery needed in raising the great army to prosecute to a successful conclusion the war in which we are now engaged. The question is: What shall be the method used in calling out the men? Gentlemen, if it were true that the man who is at work in the munition factory, that the man who is at work in the shipyard, that the man who is at work on the farm at higher wages than he ever received before in his life was rendering as great a service to his country as the man who bares his breast to the whirling bullets and the onrushing bayonets, then you might justify this bill. But I do not subscribe to that kind of talk. The very most that you and I do—that the man on the farm, in the shipyard, in the munition factory does—will be very small in comparison to what our brave soldiers are doing at the battle front in this great fight for liberty and justice, virtue and truth, and the democracy of the world. Oh, to be sure these noncombatant branches of the service are essential, and I do not decry or minimize their importance, but the real sacrifice, the one that tries men's souls, is that which sends them to the dreadful, bloody orgy of battle to fight for our country and the honor of its stainless flag. By the side of that kind of service all other sinks to negligible notice.

Some gentlemen have said during this debate that this is a war of the Nation, and there is nothing sectional in it. Notably the gentleman from California, Mr. KAHN, endeavored to make much out of that line of argument, as if anybody here was disputing it. Of course it is a war of the Nation, and the Nation has never been so united in all of its history than it is to-day. Shoulder to shoulder and man to man, the sovereign States of the American Union have rallied behind our Commander in Chief, President Wilson, to carry on this war until a sane and just peace can be secured and men can return to their civil occupations unmolested by the haunting fear of militarism and its hideous instrumentalities—the fire and the sword.

Yes, gentlemen, we agree with you that this is the war of the whole Nation, and all that we ask—the only purpose we have in mind who support this amendment—is that the blood and the sacrifice which must be laid on the altar of service to win the conflict shall be shared equally by the several States. Perhaps it will be so, even if the resolution is enacted in its present form, but in my opinion it would be more certain of accomplishment if the amendment of the gentleman from Nebraska were adopted. That, gentlemen, is the reason why I shall support the amendment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to my colleague from Kentucky [Mr. BARKLEY].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for five minutes.

Mr. BARKLEY. Mr. Speaker, I have been laboring under some confusion, which I have sought to eliminate by consultation with various members of the Committee on Military Affairs, about the effect of the latter portion of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], providing for credits to be given for those who entered the service since April 1, 1917. Under the original selective-draft act it was provided that credit should be given for all those who were in the National Guard on April 1, and for those who might enter the service thereafter, either in the National Guard or in the Regular Army. Under the operation of the first selective draft credit has already been given to those. In the raising of the Army already in the cantonments credit has been given for all those who were in the National Guard on April 1, 1917, and all those who volunteered thereafter, either in the Regular Army or the National Guard, up until the time the first draft was completed. Now, it is perfectly apparent to me that credit ought not to be given twice for these same men. I have no serious objection to giving credit for men who have volunteered or who have enlisted or who have entered the service in any way since the first draft was completed; but under the language of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] credit is given for all those who have entered the service since the 1st day of April, 1917, and, according to my interpretation of the act, it is bound to result in a duplication of credit given to the various States and districts for men who have entered the service since then.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SHALLENBERGER. The language I used is the exact language of the present act. Does the gentleman mean to say that if we do not repeal this act they would keep on giving credit for those who volunteered for whom credit was given in the last quota?

Mr. BARKLEY. No; I do not.

Mr. SHALLENBERGER. I submitted this language to the Provost Marshal General himself, Gen. Crowder, and he said it was perfectly practicable under the language just as I have got it.

Mr. BARKLEY. But this is not an amendment to the original act. This is a new bill to provide for future drafts.

Mr. SHALLENBERGER. It is the exact language of the present law in the respect to which the gentleman refers.

Mr. BARKLEY. The fact that it is the exact language of the present law does not prevent a duplication of credit for those who volunteered up to the 1st of April, and under the effect of the language, I think, that credit would have to be given for every man who had entered the service, whether he was a volunteer or whether he was drafted; and if this amendment of the gentleman from Nebraska is adopted it ought to be amended so as to provide that credit shall not be given in the future for men for whom credit has already been given in the first draft under the selective-draft law. I have consulted members of the Committee on Military Affairs, and they attempt to explain this on the ground that the War Department is working out a system of bookkeeping by which they will preserve a record of all volunteers who have entered the service since April 1, and that in providing for the second draft under this amended bill they will give a sort of gross credit, I believe they call it. They take into consideration all the men registered and deduct from that the men who have been enlisted in the Army or who have been drafted in the Army, and thereby bring about a net result by which they arrive at the number they want to bring into the Army under the second draft, but it strikes me that there ought not to be any confusion at all about it, and I am afraid that whereas that may be the practice of the War Department now, it is purely voluntary on their part, and they may change it at any time, so as to go back and make it possible for some county which had volunteers enough in the beginning to equal its quota to receive credit for that number of volunteers in every subsequent draft, which might result in preventing that county from ever adding any more men to the Army, since its original volunteer list was as large as the original quota, or as the quota of the county under the amended bill.

Mr. HARDY. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. HARDY. If I understand this bill introduced by the committee, it simply means that, regardless of what has been contributed heretofore by a community, its future contribution shall be determined by the number remaining in class 1.

Mr. BARKLEY. That is my understanding of the bill.

Mr. HARDY. There is no question of credit in the bill at all.

Mr. BARKLEY. No; I am speaking of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], which provides that the quota shall be based on all those registered and liable for service, and that credit shall be given for every man who has entered the service since April 1, 1917.

Mr. HARDY. It could be remedied by providing that there should be no duplication.

Mr. BARKLEY. I have prepared an amendment, which I shall offer unless it is demonstrated to my satisfaction that this duplication which I fear can not result.

Mr. SHALLENBERGER. I yield three minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. The gentleman from Kentucky [Mr. BARKLEY] is talking about a theory. I know the facts. I have been to the office of the Provost Marshal General, and I have been to the statistical division of the War Department, to find out about this very question. At one time I was under the same impression as the gentleman from Kentucky, that it was possible to give duplicate credits. But after inquiry I find that this is the way in which credits are given. In the last draft the Provost Marshal General combined the number of men to be drafted, with the number of men who had volunteered, which made the gross quota for the entire country. He then allocated to each district its gross quota, and each district was given credit for the number of men already in the service, leaving the net quota which had to be produced. We have to-day

about a million and a half men in the service. If we were going to draft 500,000 more that would make a gross quota of 2,000,000 men. That gross quota will be distributed in the same way. Now, in the allocation of the quota to each district, either according to the plan proposed by the majority of the committee or by the gentleman from Nebraska [Mr. SHALLENBERGER], credit will be given for the men already in the service, leaving a net quota for each district. Later there will be another draft. Now, suppose there were 2,000,000 men in the service, and we want to get 500,000 more men. That gives a gross quota of two and a half million men. Credit will still be given to each district for all the men enlisted since the beginning of the war. The amendment prepared by the gentleman from Nebraska [Mr. SHALLENBERGER] conforms exactly with the practice and the procedure of the War Department, and they could not do differently if they wanted to. To adopt his amendment is liable to lead to something that I am sure the gentleman from Kentucky [Mr. BARKLEY] himself does not want.

Mr. BARKLEY. What is the sense in adding to the number desired those who are already in the service, and then immediately subtracting them from the number desired, when it makes it necessary to go through a lot of bookkeeping in order to arrive at the very same result that might be arrived at by beginning from the bottom and taking the drafted men liable to serve?

Mr. HAYDEN. There is only one way to do it, and that is to make up the gross quota, consisting of the men in the service and the men to be drafted, each time that a new draft is called. Then give credit to each district for the number of men already in the service. In the enlisted division of The Adjutant General's Office, a branch of which is located in the old Census Building, near the Driscoll Hotel, they are now preparing a list of the credits due to each State, which will be completed within the next three days. This list will show how many men have been brought into the service by voluntary enlistment up to March 31 and where each man came from. They keep that data up to date, because each recruiting office reports every 10 days on the number of men who have enlisted. Now, I am sure that neither The Adjutant General nor the Provost Marshal General desire any other amendment to the existing law, because that would mean some change in the procedure. They are successfully administering the law as it is written, and the Shallenberger amendment does not change the method in the least.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BARKLEY. The first draft was based on population. If this bill passes it will be based on registration, and if you take into consideration the men already in the service under the draft you have a mixed basis for quota by bringing in men on the population basis instead of registration.

Mr. HAYDEN. The same number of men are in the service and each State gets credit in the same way. Furthermore, Gen. Crowder has testified that the last apportionment of draft quotas was not based upon population at all, but upon the registration.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. Does the gentleman mean to tell the House that the Census Bureau wanted this amendment?

Mr. HAYDEN. The gentleman from California misunderstood what I said. I mentioned the fact that a branch of The Adjutant General's office is located in a building formerly occupied by the Census Bureau. I did say that the Provost Marshal General wants no change in the method of apportioning credits.

Mr. KAHN. Does the gentleman mean to say that the Provost Marshal General's office wants the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. HAYDEN. No. The Provost Marshal General's office said that it was perfectly feasible to give credit for voluntary enlistments in the future as they have in the past, and if credit is given they want it given in the same manner as provided by the present law, which the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] does. The Provost Marshal General's office would be glad to do away with the allocation of credits for voluntary enlistments, but all of the work is actually done by a branch of The Adjutant General's office, so that I do not see how the Provost Marshal General has any real interest in the matter.

Mr. BARKLEY. Mr. Speaker, I desire to send my amendment to the Chair to have it read for the information of the House.

The SPEAKER pro tempore (Mr. NICHOLLS of South Carolina). That can not be done, except by unanimous consent.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that it be read for information.

Mr. SAUNDERS of Virginia. Mr. Speaker, it might be well to add that the time taken to read it shall not be taken out of the time for general debate.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the amendment of the gentleman from Kentucky be read for information, and the gentleman from Virginia asks unanimous consent that the time be not taken out of that for general debate.

Mr. STAFFORD. A parliamentary inquiry. Is the amendment reported for the consideration of the House?

The SPEAKER pro tempore. The Chair understands it is being read for information.

Mr. STAFFORD. I understood the ruling of the Chair to be that the gentleman could not offer it.

The SPEAKER pro tempore. Not without unanimous consent.

Mr. STAFFORD. Why not?

The SPEAKER pro tempore. Because the gentleman did not have the floor for that purpose.

Mr. STAFFORD. Under the unanimous-consent agreement a Member can offer an amendment.

Mr. SAUNDERS of Virginia. Yes; but the time of the gentleman from Kentucky had expired.

Mr. BARKLEY. Mr. Speaker, that is all I want—to have it read for the information of the House.

Mr. SAUNDERS of Virginia. But the gentleman from Wisconsin said he could offer it.

The SPEAKER pro tempore. Is there objection to the request that the amendment be read for the information of the House. [After a pause.] The Chair hears none.

The Clerk read as follows:

At the end of the amendment add the following:
"*Provided further*, That no such credit shall be given to such State, Territory, or subdivision thereof for any men who have been already so accredited to such State, Territory, District, or subdivision, as provided under the provisions of the act of May 18, 1917."

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, I shall support the amendment of my colleague for the reason that I believe we are not keeping good faith with the communities, counties, and States if we do not support that amendment or its equivalent. I shall vote for the resolution whether it shall be amended or not. No executive officer of this Government will have any excuse to offer for lack of action on the part of Congress or to cover his errors from any act of mine. We must have effective fighting done and soon.

I was very much interested in the trend of the arguments in support of this resolution, and opposed to the Shallenberger amendment, by the gentleman from California [Mr. KAHN] and the gentleman from Vermont [Mr. GREENE]. I note the peculiar ring they give. Each speaks from the great national standpoint. One would think the arguments were made in favor of another and different way of raising the American Army. They talk now like those who opposed the draft last spring. Perhaps I might be expected to say I was glad that they had come back to the other system, but I will not. The enactment of a law in these times makes your choice my choice, and I want to defend rather than criticize the deliberate determinations of this Congress.

We adopted a system in America and there ought to have been stability enough in this Congress to stay by it for at least one year. The passage of this resolution unamended takes Congress out of the army-raising and hands it over to the executive department. We adopted the selective draft nine months ago. The reasons given by its supporters were they did not want to too greatly disturb the various communities in their social and industrial relations. They did not want a man to offer himself to his country, but wanted him to have the great distinction of having the Government select him. Therefore they said first the State, next the county, and sometimes running down into the precincts, but especially the county should be called upon to find out how many men there were to come from it as a fair share of the National Army draft. That has been true of every county in the United States, except where there were very large populations within the county. In such cases they were subdivided. They were drawn in that way. Each man was given a county number and assured that with his national number, which chance gave him, should fix his status. That number was to be his passport to the Government gratitude and favor. He in his order was the representative on the battle front of his county folks at home.

In each county a selective-draft board was formed of his own county neighbors.

A county quota was determined to be so many fighting men. First 5 per cent of them was called; then 15 per cent; next 40 per cent; afterwards 35 per cent; and finally 5 per cent, all in terms of and from the county. Then came the questionnaire, with the corps of legal aids for the registrants, all of and within the county. Every question of construction having reference to the county. Nay, more, every member of the local board solved every question of eligibility and exemption with reference to the county as a unit. Every registrant, reading in newspapers and listening to patriotic speeches, heard the selective-draft law extolled for its perfection. From how many tongues have we heard the ranking member of the Military Affairs Committee extolled for his efficient aid in securing the passage of the selective-draft law. It is perhaps fitting that the same member should in this proceeding give the law its coup de grâce, because no one will seriously claim that the working under the present resolution will closely relate to the working of the present law.

I desire whatever this House and the Senate passes shall be the law of the land, and I desire to support it and give its merits as best I can to the people. But it is difficult after opposing a measure to go and heartily support it, and then before a year has passed see its original sponsors declare it all wrong and force a substitute in its place which will do a manifest injustice to a patriotic constituency.

I desire especially to favor that part of the Shallenberger amendment which gives, or ought to give, credit for voluntary enlistments from the counties. I trust it will prevail.

It was expected by every member of every draft board in the United States, by every young man who answered the questionnaire, that he was answering with reference to the existing law, with no prospect of repeal or important change, such as is here proposed. So that every man who answered the questionnaire and every member of the board acted upon it with reference to that condition.

I believe the local boards of the United States are loyal, honest, impartial. But each board acted differently, depending somewhat upon the sentiments of the community. It was not a question whether they were going to take the next quota from class 1. They agreed on that. The ordinary question arising was, Shall we encourage a large field in our county to be selected from or shall it be a restricted field? Every board, I venture to say, believed that all they would have to do would be to give so many men from their county, whether or not 10 or 90 per cent of their registrants were placed in class 1. That was what was before the boards and that is why we claim this is unjust, with no notice given by this Government or its officials that this remarkable change was to be made. We have a state of affairs that would result unjustly in many parts of nearly every State in the Union. I challenge most of you gentlemen to figure out just how it affects your States and counties before you pass on this by your vote. I accept the figures submitted by Gov. SHALLENBERGER as to Nebraska, taken from Gov. Neville, rather than those submitted on page 4998 of the RECORD.

This condition obtains in my own district. There are 11 counties, every one of them an agricultural county, with about the same percentage living in the towns and country in each one as of the others. The percentage of registrants in class 1 in Butler County is 20, while in Seward County, which adjoins it, the percentage is 98. These counties are very much alike in almost every essential particular. Ninety-eight per cent of all of the registrants in Seward, 74 per cent in Gage, and 80 per cent in Saunders are placed in class 1. Why? I am informed that there was very little encouragement to plead exemption. There was insistent urging not to plead exemption. And above all there was a patriotic spirit among the young men, all of which prompted many, regardless of their vocation, dependents, or circumstances, to waive exemption, so that very few were placed outside of class 1. Later a number did plead their exemption, but 722 out of a total of 1,287 were placed in class 1, with no exemption claimed and no appeal, so if every appeal was allowed and exemption judgment rendered Seward County would be furnishing 56 per cent, or 28 per cent more than it should. And that would go to make up the shortcomings of every slacker county in the United States under this resolution.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. May I have one minute more?

Mr. SHALLENBERGER. I grant the gentleman half a minute more.

Mr. SLOAN. I want to say this, that my district has 45 per cent of its registrants in this class 1, while the rest of the State has 30 per cent, and the United States has only 27 per cent.

Mr. GORDON. And the country at large 26 per cent.

Mr. SLOAN. In Nebraska there were registered for classification under the recent questionnaire 103,491 men; placed in class 1 and not appealed from, 27,351, or a percentage of 26.4. There were 6,330 appeals. If all these were left in class 1 the percentage would be 32.5 per cent.

For the fourth Nebraska district there were unappealed from 4,241 out of a total registered of 15,324, or 27.6 per cent. Including 2,715 appeals taken, there would be in class 1 6,956, or 45.6 per cent of total registered.

The average for the State outside of the fourth district was 30.2 per cent. This includes all placed in class 1, including the appeals. Outside the fourth district the percentage of men in class 1 not appealed from is 26.1 per cent.

	Number registered.	Class 1 unappealed.	Class 1 appealed.	Per cent appealed.	Per cent appealed and unappealed.
Butler	1,275	225	35	17.67	20.38
Fillmore	1,143	219	70	19.16	25.28
Gage	2,443	794	1,014	32.50	74.00
Hamilton	1,241	248	45	19.98	23.61
Jefferson	1,303	347	148	26.63	37.98
Polk	877	192	4	21.87	22.35
Saline	1,447	301	89	20.80	26.95
Saunders	1,697	657	655	38.71	79.90
Seward	1,287	722	540	56.09	98.05
Thayer	1,131	246	15	21.27	23.07
York	1,480	290	100	19.72	26.35
Total	15,324	4,241	2,715		

And men say that is not an injustice! If Seward, Gage, and Saunders County young men, married or single, on farm or in trade, had of their own volition been permitted to join the ranks there would be no injustice, but simply because these young men waived their exemption so as to be in a class of fighting men to meet any equitable demands that should be made upon their county, now, without warning to them or their board, they surged into class 1 not only to meet their county's share but to help make up the dodgers and slackers of every county in every State of the Union. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, as I look at this resolution its main purpose is to correct a mistake in the original draft act, a mistake which was the result mostly of oversight. When we were discussing the original draft act last May we did not realize what the effect would be of basing the draft wholly on population. The difficulty was, however, detected in the Senate, and the Senate made an effort to amend the bill along the lines somewhat of this resolution, but that amendment was lost in conference between the two Houses. It is obviously fairer to base a draft on the men eligible to serve than on the population, because the population in some places is much more largely ineligible to serve than in others. In some places there is a very large proportion of aliens in the population, and in some rural communities the young men have moved away to go into the cities or to go West, and there is therefore a very much larger proportion of women and children than in other communities, but the act as it stands bases the draft on population. It seems to me that no argument can be made with regard to the possibility that local boards are going to be unfair in classifying the men. In the first place, the classifications are all made for the present, and the local boards are composed of good men. They have had a pretty severe responsibility. The eyes of every community are on them. You can not presume that any community wants its men as a whole to avoid their fair share of the duty of defending our country. I do not believe that you can point to any community in your neighborhood where you would want to say that the sentiment of the people would uphold the local board in trying to exempt young men from doing their part in defending the country.

I think we must presume that the local boards have, as a rule, done their duty well, and we know they have, as the figures show, as pointed out by the gentleman from Massachusetts [Mr. ROGERS] in the table printed in the RECORD of April 11. The year's working of the law has shown that this oversight which we made when we first passed the act should be corrected, the War Department urges its correction, and now we have a resolution to correct it. The correction proposed is fair and just and should be made.

I was somewhat taken at first by the Shallenberger amendment, but the more I studied it the more I saw it would not do. The first part of the amendment I am strongly against. I should like to see credit given for the volunteering, as proposed

in the second part, but I do not think it is particularly important excepting as it applies to young men who volunteer when they are under 21. Most of that, however, has already gone by, and has been credited, and unless some better arguments are made than have so far been made I shall vote to stand by the resolution as recommended by the War Department.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HARDY. Can the gentleman reconcile with his sense of justice the idea that two counties side by side should furnish quotas, one of them at the ratio of 20 per cent and the other at the ratio of 40 per cent just because that was the way their classification of class 1 stood?

Mr. PLATT. One community might have twice as many women and children or twice as many aliens as the other.

Mr. HARDY. But I spoke of two counties standing side by side.

Mr. PLATT. And one might have a big city in it and the other might not.

Mr. HARDY. But the gentleman from Nebraska [Mr. SLOAN] gave an illustration of two counties.

Mr. PLATT. He did not tell what the character of people was in the two districts, and I should like to know.

Mr. SLOAN. I would say that they are practically the same, but I should like to look into the census figures.

Mr. PLATT. It is a possibility as to those two counties. If the local board of one of these counties has deliberately given a deferred classification to many more men than it should have so classified, it should be called to account and should be required to reclassify its men of draft age. There is provision for correcting such matters, but if you pass this amendment as it stands you defeat the very purpose of the selective draft. You base the draft on all the men of draft age with exception of a portion of the aliens, instead of basing it on those who are eligible for service. Now, Mr. Speaker, I have not looked up the census figures with regard to my own district, and I have no definite recollection of the proportion of aliens or others ineligible to serve. I hope we shall soon have treaties ratified that will provide for the service of the aliens from countries on our side in the great war. But the proposal of this resolution, as recommended by the War Department and the Committee on Military Affairs, is equitable and fair, and I shall vote against the Shallenberger amendment and in favor of the resolution as reported by the committee.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, I am opposed to the amendment proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] on the broad principle that it destroys the scientific character of the selective draft. The selective draft has certain great advantages over any other system that we have ever used in drawing an Army. A year's experience has more than justified the wisdom of those who proposed the selective draft. We are to-day gratified by hearing from every quarter, not from a few or a majority, but from every quarter of military information that the men who have responded to this country's service under the selective draft constitute in appearance, in the character of their training, in morale, in habits, in spirit, and in efficiency the finest body of troops that ever were marshaled for battle. [Applause.] Certain inequalities have appeared in the administration of the selective-draft law. A year of careful study on the part of those who had the administration of the law has resulted in the recommendation that the majority of the committee has presented for our adoption. It is proposed by the gentleman from Nebraska that we engraft upon it a change, and this is the change: That there shall be selected from one locality no more men to carry a musket than are selected from another locality. Now, that is absolutely wrong in principle. The selective draft means that we shall send to the battle field those who by reason of family connections, by reason of their utility or nonutility in industrial life can best afford to go, and it means that those who may be needed in their avocations can be retained for those. I was drawn very strongly to the selective draft from the outset on the principle that this would enable our country to become scientifically efficient in war. This, as has been said many times, is not simply a war of men on the battle field.

It is a war of nations organized to their fullest capacity and strength, and I for one firmly believe that the men who are digging coal in the coal mines, the men who are mining iron ore, the men who are working on battleships, the men who are working on merchant ships, the men who are working in munition factories, are soldiers of this country equally with those men who are on the battle field, and there may be the utmost reason in the world why certain of those men should be retained to perform those various works. One thing I learned while in Europe, which I think I am justified in making public here, strengthens my conviction. I was informed by the intelligence department, by a very able man, it is not necessary now to state who, that while Germany has squatted upon nearly all the coal mines of Europe, nevertheless she is short of coal and is having great difficulty in furnishing Holland, Switzerland, and Sweden with that coal that is absolutely necessary for those countries to have and which Germany must furnish in order that she may in turn receive from those countries vital necessary munitions, and that her shortage of coal is due to the fact that she was unwise in taking from the coal mines her trained mine workers and putting them in the Army——

Mr. BLAND. Will the gentleman yield——

Mr. MILLER of Minnesota (continuing). Who ought to have been retained in large measure in the mines digging coal to make Germany efficient. I have only a moment or two, but I will yield to the gentleman.

Mr. BLAND. Does the gentleman understand that the coal miners of the bituminous field, if they are single and have no one dependent upon them, are not in class 1 classification?

Mr. MILLER of Minnesota. I can see that is a matter of administration——

Mr. BLAND. They are.

Mr. MILLER of Minnesota. I should think it were entirely proper and competent for the Provost Marshal General to put them in a distinct class, which will not be possible if the amendment of the gentleman from Nebraska is adopted. Therefore for the scientific administration of the selective draft I say, vote for the bill exactly as it is introduced by the committee. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield four and one-half minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I have heard a great deal here to-day about this war being a national war. That is a sentiment to which we all agree, and for that very reason I am in favor of the amendment of the gentleman from Nebraska to the pending resolution. If we want to make this war national, I for one am not only willing that my district do its part, but I am willing that the district of every other Member in this House shall be permitted to do its part. No part of the country ought to desire to do less than its share nor should it be permitted to do less than its share. A great deal of harm has already been done in this country by this preachment which has been made that we are going to exempt the workers in factories and the farmers, that we are going to exempt the miners, that we are going to exempt the men in the shipyards, and that we are going to exempt everybody who is of any account and performing any useful function, and only take those who are not properly articulated into the industrial or commercial or some other kind of useful life of this country. We must come to know that we may have to draft men in all lines of endeavor [applause], and it is a false theory to preach to the people of this country because some particular class happens to be engaged in a certain character of work that it is to be free from the draft. Mr. Speaker and gentlemen of the House, I am in favor of the amendment of the gentleman from Nebraska because it preserves the theory of universal service.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CONNALLY of Texas. I will.

Mr. SHERLEY. Why do you have any classification, then?

Mr. CONNALLY of Texas. I will state to you why—in order to determine the relative order in which they shall be called.

Mr. SHERLEY. If you are going to determine that in that way, why do not you stick to it after you have determined it?

Mr. CONNALLY of Texas. I will stick to it, and I will grant the gentleman's position might be correct if every board throughout the United States construed the rules and regulations in the same way and enforced them in the same way. [Applause.] But, Mr. Speaker and gentlemen of the House, you do not have to charge local boards with fraud, you do not have to charge them with corruption, in order to know they have applied the law in different ways. The tables of statistics submitted before you in the RECORD prove that. Your own experience, if you have gone back home and investigated local conditions, will prove that to your mind, because, my friends, any law must be administered by human beings, and whenever administered by human beings, naturally that administration will partake somewhat of the mental, temperamental, and other characteristics of the men who are enforcing it. I am not charging the local broads with corruption, but I am in favor of protecting the local board which does its duty and makes a fair classification

and the registrants who have been fairly and properly classified against the fraudulent or improper action of some other board in some other district which does not make a fair and just classification under these rules.

Now, I grant you that the old regulations which based it upon population are proven to be unfair in many particulars. Therefore I think they should be changed. But I can see no reason why it is not fairer to base the quota upon the theory propounded by the gentleman from Nebraska when you proportion it according to the entire number within the respective ages and liable for duty than to place it simply upon those who have been in many instances arbitrarily placed in class 1 while others similarly situated in civil life have been by some other board placed in deferred classes. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FIELDS. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for three minutes.

Mr. MADDEN. Mr. Speaker, the gentleman from Arizona [Mr. HAYDEN] complains because he fears that Arizona will be obliged to furnish too many men. The average percentage of men in class 1 is 27.71. The percentage from Arizona is 22. I do not see what he is kicking about. The gentleman from Nebraska [Mr. SHALLENBERGER] complains because he fears that Nebraska will furnish more men than the average State should furnish, and I find that Nebraska has only 26 per cent of its men in class 1.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman permit a question?

Mr. MADDEN. No; I have not the time.

Mr. SHALLENBERGER. That is not correct.

Mr. MADDEN. That is what the record shows. I refuse to yield.

Now, the inequity of the proposition submitted by the gentleman from Nebraska is that it will make matters worse, if that be possible, than they are to-day. Illinois has 28 per cent of its registered men in class 1. No complaint has come from Illinois, and no word of complaint, so far as I know, will come from that State.

Pass the bill reported by the majority of the Committee on Military Affairs and you will find this condition to exist in the future: There will be no man taken from any class below class 1 in any section of the United States until every man in class 1 from all sections of the United States is taken.

And so I find no reason why we should listen to these pacifists who here to-day are trying to embarrass the administration in its conduct of this great war by the introduction of an amendment by the gentleman from Nebraska. These men, most of them, at any rate, who are in favor of the amendment, who have advocated it and who have spoken for it, were opposed to the draft, and they have stood here on the floor of the House at all times since then and fought every movement calculated to vigorously prosecute the war. If you want the war prosecuted to a successful conclusion, adopt the bill as proposed by the majority of the committee and you will have some hope of success. [Applause.]

The SPEAKER pro tempore (Mr. HARRISON of Virginia). The time of the gentleman from Illinois has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Speaker, some words have been spoken here about the change of sentiment on the part of gentlemen who favored the selective-draft law and who now propose to make some changes in that law. The fact of the matter is that those gentlemen who favored the selective-draft law and who have seen the inequalities under that law that ought to be corrected are trying in this law to mend their fault of yesterday by the wisdom of to-day. The people who are opposing the proposition, with one exception, never were for the selective-draft law. The members of the committee who signed the minority report, except the gentleman from Virginia [Mr. HARRISON], opposed the selective-draft law; they opposed in every way they could the selective-draft law. They were for the volunteer system; and I was rather surprised yesterday at the remark of my friend from Nebraska on the committee, Judge SHALLENBERGER, when he said that the selective-draft law "must be held inviolate." He has at least arrived at the point of admitting that the selective-draft-law "must be held inviolate." But about this proposition of the credit for volunteers: Every district in this country will get credit for those who have volunteered. They will not get direct credit, but indirect credit, and in this way: Most of the men who have volunteered have been inducted into the service. They are of the draft class; they are class 1 men. They would be put in class 1 in their respective districts; but having volunteered their names are not in class 1. Therefore class 1 in their respective districts will contain fewer names than if they had been certified in that class. Indirectly the district will get credit for the man who is already in the service under his voluntary enlistment.

Mr. BARKLEY. In other words, the deferred classifications are that much larger by reason of his volunteering?

Mr. KAHN. Exactly; and class 1 in his district is not as large as it would have been if he had not volunteered.

Mr. BARKLEY. And other classes are larger?

Mr. KAHN. Yes; and therefore the district indirectly gets the credit for his volunteering.

Now, about the district that my friend from Nebraska [Mr. SLOAN] has referred to: I do not recall anywhere in the figures, which I looked over pretty carefully, that any district in this country has 98 per cent of its registrants in class 1; but if that did occur, I have here a copy of the telegram which the Provost Marshal General has sent to the governor of each State, asking that in all those districts where the local boards seemed to have been too rigorous or too lenient the lists be investigated and looked into. That if the local boards have acted improperly, appeals be taken to the district boards and the matter rectified; if that be done, these inequalities which the gentleman speaks about will cease to exist.

Mr. Speaker, I shall put the telegram into the RECORD:

[War Department telegram—Mail copy.]

WASHINGTON, *April 3, 1918.*

(No. B 366.)

To all governors, except Nebraska, Alaska, Hawaii, and Porto Rico:

PARAGRAPH 1. An examination of the reports being received from various parts of the country indicate a wide variance in the number of men classified in class 1. In a few cases the classification is too high and injustice to individuals may have resulted, while in a much larger number of cases it is too low, thus putting an additional burden on other local boards.

PAR. 2. You are requested at once to examine the reports on file in your State headquarters and direct inquiry to the local boards who have unusually low percentages in class 1, requesting detailed reasons for such classification. You should give particular attention to local boards which have reported a strength of class 1 falling considerably below the State average. You will scrutinize under similar rules reports of boards showing unusually high percentages considerably higher than the State average.

PAR. 3. It may be presumed that a local board returning a class 1 substantially varying from the average has failed to administer the requirements of the law with sufficient care and has loosely allowed a smaller number of men to be classified therein than the spirit and letter of the law would justify. The belief that a low number in class 1 would reduce the quota to be drawn from that area may account for this excessive depletion of class 1 in such boards.

PAR. 4. It is true that such low figures may often be justly attributable to peculiar local circumstances, such as an extraordinary number of aliens, of physically unfit, of enlistments, of pivotal men in industry or agriculture or the like circumstances, which would increase the relative numbers of classes 2 to 5. If such shall prove to be the case, the presumption of error will be overthrown and the board's classification will be allowed to stand as final.

PAR. 5. But the burden of explanation will lie upon all such boards. And such explanation must be promptly made, with adequate details to support it. The explanation must be scrutinized by you.

PAR. 6. Immediate inspection should be made of all local boards who do not give a complete and satisfactory explanation for the abnormal number of those appearing in class 1. This inspection will be made best by local board members, or Government appeal agents, or others who have demonstrated their ability and skill in the application of the selective-service regulations. They should be men who have handled the same kind of problems which confronted the local board whose classification has apparently failed. They should be charged with the importance of the task assigned to them, and perform it without offense to the local board whose records are being examined. They should work expeditiously and make prompt report. Where possible they might through suggestion have errors corrected, and thus accomplish immediate results, without a large number of appeals to district boards.

PAR. 7. A sufficient number of inspectors should be appointed, consistent with the character of men required, to insure the earliest possible completion of this task. It is suggested that immediate assignments be made and that a complete investigation be under way not later than April 10. It is earnestly desired that a complete report be in your hands and a copy of such report filed with this office not later than April 25.

PAR. 8. You may issue to them the necessary travel orders and compensate them on the basis of $7.50 a day. This inspection should be made at the earliest possible moment, as the information sought is of the greatest importance at this time.

CROWDER.

N. B.—After the addition of the following paragraph the above telegram was sent to Nebraska:

PAR. 9. For congressional criticism of selective-service law in Nebraska see CONGRESSIONAL RECORD, March 29, page 4306.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. FIELDS. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD some tables which show that certain parts of this country have

mainly young and unmarried men who would go into class 1. I have taken these from the census of 1910 which nobody can challenge.

Mr. GORDON. But New Jersey is not one of those States

Mr. PARKER of New Jersey. New Jersey is one of those States that has sent out a number way above its quota.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Under leave to extend my remarks, I add the following:

The unfairness of making the draft in proportion to population, or even to registration, is shown by the fact that some States are full of newcomers, who are young and mostly unmarried men of class 1, while in other States many of the young men have gone away. In the Abstract of the Census of 1910 there are no statistics of the males in each State between 21 and 30 years of age, but the militia table shows that the proportion of males from 18 to 44 years of age per thousand was, in—

North Carolina	178
Georgia	191
Virginia	193
Tennessee	194
Alabama	188
Mississippi	192
Maine	204
New Jersey	236

And the average for the whole United States was 223, while it was in—

Montana	328
Wyoming	374
Nevada	359
Washington	298
Arizona	289
Oregon	283
California	280

(Taken from page 119 of the Abstract of the Census, 1910.)

This proportion was very much greater in the younger ages. The per cent of the whole population between the ages of 20 and 29 of both sexes was as follows, as shown on page 136:

	20 to 24 years.	25 to 29 years.	20 to 29 years.
Vermont	8.1	7.6	15.7
Maine	8.3	7.7	16.0
New Hampshire	8.6	7.8	16.4
Virginia	9.5	7.8	17.3
North Carolina	9.5	7.6	17.1
Average	8.8	7.7	16.5

While in—

	20 to 24 years.	25 to 29 years.	20 to 29 years.
Oregon	10.5	10.4	20.9
Arizona	10.2	10.8	21.0
Washington	10.7	11.0	21.7
Montana	11.5	11.8	23.3
Wyoming	13.3	13.4	26.7
Average	11.2	11.5	22.7

Even this does not represent the real difference, because in the States first named there were just about as many men as women (see p. 100), while in Montana there were 152 men for every 100 women; Wyoming, 168.8 men for every 100 women; Arizona, 138.2 men for every 100 women; Washington, 136.3 men for every 100 women; Oregon, 133.2 men for every 100 women; so that a much larger proportion of the population of draft age were men in these latter States, and were largely or mostly unmarried.

For example, in North Carolina, there were 171 of every 1,000 of both sexes between the ages of 20 and 29, and in that State there were only 99.2 men to every 100 women, by which proportion less than 85 would be men (84.321). In my own State there were 192, of whom just half, or 96, were men. On the other hand, in Montana, there were 233 of every 1,000 men and women of ages between 20 and 29, and in that State there were 152 men to every 100 women, by which proportion over 140 of the 233 would be men (140.64).

The difference was still greater between Vermont and Wyoming. In Vermont there were only 157 between 20 and 29 of the 1,000 of both sexes, and there were 105.6 men to every 100 women, so that of this 157, less than 81 (80.63) would be men. While in Wyoming, 267 of every 1,000 were between the ages of 20 and 29, but there were 168.8 men to every 100 women, so that of the 267, more than 167 (167.66) would be men, or more than double the number of men in Vermont.

In Wyoming, where there were two-thirds more men than women, most of the men seem to have been unmarried and in class 1.

We want to win this war, and in order to be fair we should first take the class that can go without deranging society. Younger men even than 21 are eager to come in. We should add younger ages to the draft; and if they prove fit they should be qualified to be officers.

I support the joint resolution as it is—I oppose the amendment which, like the present law, would disregard the principles of the selective draft and compel some communities to send forward men from the deferred classes, while others would keep back a large number of class 1, who should be the first called.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY]

Mr. SHERLEY. Mr. Speaker and gentleman of the House, the table of classification of registrants in the various States that has been referred to so very frequently happens to show that of class 1 registrants my State's percentage is 28, a fraction over the average of the whole country, and consequently its position can not be urged as affecting my view. In fact, I do not think it matters one iota in the determination of this question, and it is because of the emphasis of that phase of the matter that so many gentlemen here are being led into error. I shall not waste any time in impugning the motives of men. I shall not follow the example of my friend from Arkansas [Mr. CARAWAY], who at first spurned any imputation as to the motives of those on his side and then proceeded to challenge the motives of those opposing him. I think the differences of opinion that have arisen have arisen because of the emphasis men put on certain phases of the question. Many gentlemen seem to think that the most important thing here is to do exact and complete equity between localities.

I think the most important thing to-day is to give to the National Government that class of men that can perform the greatest service with the minimum cost and loss to the Nation. [Applause.] That is the distinction that existed between the two sides when the original fight was up here upon the draft law, and it is the distinction that runs through this whole matter here to-day. We are really fighting over in a new guise the old issue as to whether men shall think of locality and the equities and rights of individuals as the paramount consideration, or shall consider what the Nation needs as the paramount thing. What is the difference between the two proposals as I see it? Both sides have reached the point where they believe in a classification, a classification that designates what men shall be chosen first, and presumably designates those men because they are the men best fitted to perform the work for which the Nation calls them.

One group here, after making a classification, proposes to live to it, and the other group says, "We are in favor of the classification and we will live to it as long as it does not interfere with an arbitrary rule of distribution according to population." I submit to the House, which is the logical position and which is not?

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. GORDON. That arbitrary distinction the gentleman speaks about is in the law which he voted for and advocated on this floor?

Mr. SHERLEY. Yes; and it is because that arbitrary distinction did not work well that we are willing to amend the law. We are not so hidebound that we have to stick by a position, even though it be a wrong one, and I suggest that liberality of mind to the distinguished gentleman from Ohio. [Applause.]

We have had another curious parallel in this debate. We have had gentlemen express tremendous fears as to what the War Department could and would do; fears which, by the way, could not be realized without a violation of the law. I desire only to call attention to the fact that those fears so expressed here are equaled only by the fears expressed by the same gentlemen touching the frightful results that would flow from the draft act at the time it was up for discussion. [Applause.] After all, Mr. Speaker, there is only one basis upon which the opposition to the majority proposal can really rest its case, and that is that the various boards have either so ignorantly or so fraudulently performed their work as to create such inequalities in localities as to justify your disregarding the classification rule that we have set out.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FIELDS. Mr. Speaker, I yield two minutes to the gentleman.

Mr. SHERLEY. Mr. Speaker, that is a necessary predicate for the position that is taken by those gentlemen to-day. I deny it as a fact. I deny it according to the figures that they themselves have here put in evidence and which show an average for the whole country that is much nearer to the percentages of each of the States than the average that would be obtained by using the arbitrary rule of population. Let me suggest to the gentleman one other matter. You can correct, and you are correcting by the revision of the action of the local boards, the inequalities and the wrongs that have been done by the local boards. You state that they are human and that they make mistakes and that therefore you should not follow them. It is true they make mistakes, but when they make a mistake there can be an effort to remedy it, but when there is inequality from an arbitrary rule that has been adopted, then there is no way of getting away from the inequality of that arbitrary, mathematical rule which you adopt and which does not fit the facts, and gentlemen should bear that in mind when they discuss the matter.

It is important, in my judgment, that every man in class 1, broadly speaking, should be taken before the other classes are invaded. If that is not true, why did you classify? If you are going to have the rule of apportionment applying to all men who are subject to military service, what is the use of having five groups? [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, it is an unfortunate fact that as a debate proceeds it too often happens that gentlemen undertake to project into that debate suggestions that have no sort of relation to the matter before the House. This is too often done in the hope that the cause advocated may be won in the result, by the creation of a distracting and befogging prejudice. The gentleman from Illinois [Mr. MADDEN] stated that the great bulk of the speeches that have been made to-day in favor of the Shallenberger amendment had been made by gentlemen who were opposed to the war resolution. I merely wish to say in response to that statement that I challenge it absolutely. So far as I am aware, only one speech of the many that have been made this afternoon in support of the Shallenberger amendment was made by a gentleman who voted against, or was opposed to, the declaration of war.

Mr. MADDEN. Mr. Speaker, the gentleman does not want to do me an injustice? He does not want to misquote what I said?

Mr. SAUNDERS of Virginia. No. I do not.

Mr. MADDEN. The gentleman does not state what I said at all.

Mr. SAUNDERS of Virginia. I so understood the gentleman.

Mr. MADDEN. What I did say was that the gentlemen who were making speeches here to-day advocating the Shallenberger amendment opposed the draft.

Mr. SAUNDERS of Virginia. I did not understand the gentleman to use the word "draft."

Mr. MADDEN. That is what I said.

Mr. SAUNDERS of Virginia. If the gentleman states that he used the word "draft," why of course I withdraw what I said. I did not so understand him, but if I was mistaken, I have nothing further to say in the way of comment on the gentleman's remarks. It is true that I was one of the Members who opposed the draft, and the difficulties which have confronted the War Department in the administration of the draft act, an act which they are now seeking to radically amend very clearly shows that our attitude of critical opposition to that act was well qualified.

There is no one word that I had to say in the debate on the draft act that I care to withdraw to-day. It has never been shown that at the time that act was passed, it was necessary to resort to conscription. But that incident is closed. Like every other Member of this body I accepted the verdict of the majority, and have uniformly from that time forward given my hearty and undeviating support to every proposition designed to win this war. [Applause.] But to return to the question before the House. The gentlemen opposing this amendment, have sought to a most astonishing extent to confuse the pending proposition with some other proposition heretofore acted upon and with which it has no relationship. The gentleman from Kentucky [Mr. SHERLEY], who ought to be informed about this legislation, has sought to create the impression by what he has had to say, that this in another form is the old fight, against the draft, presenting the same issue, and to be decided upon the same considerations. The Shallenberger amendment will in no wise hinder, or obstruct the task of raising a National Army by the process of conscription.

In this connection allow me to quote the declaration made on yesterday, by my colleague, Judge HARRISON, a member of the Committee on Military Affairs, and thereby bring the House back to the consideration of the real question that is in issue:

> The difference between this resolution and the Shallenberger amendment does not involve the size of the Army. Neither resolution, nor the amendment will add a single soldier to the number now authorized.

The Shallenberger amendment proposes to give a State, or a subdivision, credit for its enlistments, and in addition that a quota required of a State shall be in proportion to the men in the four classes liable for military service, and not in proportion to the men in class 1. It is the purpose of the War Department to make class 1 the reservoir from which the fighting men shall be drawn. The Shallenberger amendment in no wise contravenes, or interferes with that purpose. Bear that in mind. Keep it in view in the consideration of this amendment which is a proposition of simple and fundamental justice. Why should one State, or one community furnish more fighting men than another State, or community similarly situated, and equally well supplied with men liable to military service? Why do gentlemen seek to befog this argument, by suggesting that this amendment has a meaning which plainly it does not carry?

The gentleman from Vermont [Mr. GREENE] stated on yesterday that this is a national war, and that we ought to think in national terms. Certainly I agree to that. I believe that I can think in national terms as truly and as patriotically as my colleague.

But when you undertake to think in national terms why is it necessary to commit injustice? Think nationally, if you will, but in the same connection, think justly, and do justice. The two are not incompatible. Now the foundation of any law, and of any thought, national or local, should be justice. Justice to the individual, means justice to the collective mass. No law not founded in, and resting upon justice, will ever receive the comprehensive and enthusiastic support, of the truly patriotic citizens of this Republic. Why, said the Member from Kentucky, the gentlemen who support the Shallenberger amendment talk about the equities of the case. Aye, why not? Unless we regard those equities how will you maintain the morale of our people who are asked to sacrifice themselves and their nearest and dearest in the prosecution of this colossal, world-shaking war? Unless you have regard for those equities, how will you appeal to them to make the ultimate sacrifice for home, and country? Unless those equities are conserved do you believe that you will ever be able to implant in the hearts of the American soldiers the flame of imperishable, and undying patriotism, the sense of high endeavor, and immortal sacrifice, without which we will never win this war?

Mr. WINGO. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I regret I have not the time to yield. In this connection, I desire to present another thought. What is the underlying principle upon which the right of national conscription is supposed to rest?

It is that upon all alike, one man with another, there is imposed the obligation of national service. What does that mean? It means that the men in Maine and in California, in Washington and in Florida are equally liable to be expended and to be sacrificed in the service of the motherland. Is that universal liability consistent with the suggestion that it is more incumbent upon one section than upon another to defend the flag in Flanders? Surely not. Every community, in proportion to its supply should furnish fighting men for the armies of the Republic. If Maine has 10,000 fighting men, and California 20,000, then on every call California should furnish two men for every one furnished by Maine. Who will gainsay a proposition so plainly just? The pending resolution is an ingeniously devised method by which a State with an inferior population may be required to furnish more soldiers than another State, with double its population. This injustice the Shallenberger amendment is designed to correct. The gentleman from California [Mr. KAHN], in the course of his remarks threw up many coruscating rhetorical fireworks, star bombs, skyrockets, and Roman candles. He alluded to Picardy, and Normandy, and Brittany, to Ireland, and Scotland, and possibly other countries known to ancient, and modern history, but not intimately connected with the Shallenberger amendment. And when he returned to earth, after this dizzy aerial flight, the substance of what he seemed to be saying was that after all, it should not be considered an act of injustice to require one State to furnish more young men for the supreme sacrifice, than another State of equal population.

Mr. KAHN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Not at this time, I will be glad to yield later. I would like to put up this proposition to the gentleman from California, and ascertain whether he would be willing to live up to the magniloquent sentiments announced in the course of his rhetorical appeal to this body to reject the Shallenberger amendment.

Mr. KAHN. I will try to do so.

Mr. SAUNDERS of Virginia. If California had furnished 50,000 men to carry on this war, and Virginia had not furnished a man, it would be competent for the Nation to call upon California for another 50,000, and exempt Virginia from that call. I would like to inquire of the gentleman from California whether under those circumstances, he would approve that national action, and justify it before the people of his State and district, as a fair and just exercise of national authority? As a matter of fact, it appears from the figures put into the RECORD by the gentleman from Arkansas, that the gentleman from California is very differently situated. So far from his State being called upon to furnish more fighting men, than other States, it appears that under the plan which the gentleman advocates, his State will fare uncommonly well. California has about one and a half times as many people as Arkansas, but the latter State will furnish many more soldiers than California. Is that right? Can an amendment which will correct so gross, and palpable an injustice, be possibly wrong? Any proposition which makes such an inequality a possibility, reeks with injustice.

Mr. KAHN. Allow me to furnish the gentleman with the figures from those two States.

Mr. SAUNDERS of Virginia. I have the figures, and will furnish them later. The resolution which the gentleman from California supports, provides in substance according to the plans of the Provost Marshal General, that class 1 shall furnish the fighting material of the future drafts. The other classes may be drawn upon, in theory, but in practice, it is contemplated that class 1 will be drawn upon, until it is exhausted, to furnish the men for the line. This class has been created under the questionnaire system. By the action of the local boards in the exercise of a flexible and ill-defined power of discretion, this class has been so constituted that if the future soldiers are drawn in proportion to its contents, the grossest inequalities and injustices will be developed. Some counties with a large population have a small class 1. Other counties with a small population have a large class 1. This means that under this resolution, if the Shallenberger amendment is defeated, a county with a small population but a strict local board, will furnish a very much greater number of soldiers, than another county with a larger population but a more easy-going board. This will be absolutely and fundamentally unjust. The gentleman from Virginia, and the gentleman from Iowa, have furnished a number of illustrations showing the inequalities between counties, that have been created by the action of the respective local boards. The boards that have so administered the regulations of the Provost Marshal General, as to create in their respective counties a well-filled first class, have created a situation in which their people will be the inevitable sufferers. Other counties with a small class 1, and abundant material in the other classes, will profit at their expense. It is suggested that this inequality is only apparent, not real, since the Provost Marshal General can draw men from the other classes, in the favored counties. Yes, these may be drawn, but for expert work, not for fighting. I am concerned for the men in class 1. They are the men upon whom the real burden, the real tragedy of this war will fall.

Another ground of objection to the pending resolution is that it is grossly unfair to the farmers. Under the questionnaire system inaugurated by the Provost Marshal General, young men who are suitable for fighting men, but who in addition can qualify as skilled laborers are not included in class 1. But the farmers in the view of the department and taken as a whole, are not rated as skilled laborers. Gen. Crowder stated in his testimony that class 1 would be larger in the country, than in the urban communities, for the reason that skilled labor is not so abundant in the country. This means of course that the country people, that is to say, the farmers will be required to furnish more fighting men than the towns. Is this just, or fair? Is it true that skilled labor is lacking in the country? The fact is that in any real sense the farmers are as a class, entitled to be rated as skilled laborers, fully as much as the blacksmith, or the carpenter, or the shipwright, or the boiler maker, or the motor car craftsman. The young man who has spent 15, or perchance 20 years of his life, in the active and intelligent cultivation of the soil, is a skilled laborer. If put into the shops, or required to do artificer's work, he would be fully as efficient in his new field, as the handicraftsman upon the farm. It is absurd to contend otherwise. It is said that the man in the trades is serving his country, and doing his bit. Yes, but do not compare his lot with that of the man in the line, at $30 a month, confronting death at every turn in its most horrid forms.

What is the sacrifice involved in working in the munition plants, or shipyards, in perfect safety, and in the regular enjoyment of the normal wages? These enterprises are necessary, I agree, but so is agriculture. Daily we are told that food will win this war. How will that food be produced? If class 1 in the agricultural communities is to be filled with the so-called unskilled labor now tilling the farms, and this labor to be later drawn into active service, the question may well be asked who will till the farms? Why is the man who can handle the auger, or the broadax, or the plane, to be preferred over the man who can drive a team, turn a furrow, direct a reaper, or handle a tractor? I know many men of the latter type who are now in the camps, and their farms lying idle. Still food, we are told, will win the war. So will guns, and powder, and ships, and over and above all, men. But these men should be fairly, and justly procured. No artificial distinction should put the artisan in the skilled labor class, and recruit the experienced agriculturist to class 1 for service in the trenches. I protest against this injustice, just as I protest against the proposition to make one section, or community furnish proportionately more fighting men, than another community similarly situated. Such an inequality means that a greater burden will fall upon the community furnishing the excess of men. There will be more sorrow, and tears in that community, more sorrowing fathers, more weeping mothers, more pitiful figures in stricken homes, the pathetic wastage thrown up by the tides of war. I protest that this burden should be equally shared and that an amendment which in the largest measure will secure this equality, should receive the full support of this body. The task of raising an army is our task under the fundamental law.

In the discharge of this task, we should think in national terms, but remember that equality is equity. The bare power to do injustice, does not justify injustice. The right to call to service in unequal proportions, does not justify the exercise of that right. It should be our task to formulate a law which will afford an army adequate to our necessities, but one so fairly constituted, so appropriately selected that no one will be found to challenge the justice of our creation.

In conclusion I submit the figures as to California and Arkansas, taken from the CONGRESSIONAL RECORD: California has a population of 2,377,549. In class 1 are found 21 per cent of her registrants. Arkansas has 31 per cent in class 1, that is in her reservoir of fighting men, and a population of 1,575,449. It will not be difficult to figure out which of these two States occupies a preferred situation. Under the Crowder plan, Arkansas will furnish many more fighting men than California, though the population of that State far exceeds the figures for Arkansas. I need not enlarge upon the lesson conveyed by this comparison. Mr. Speaker, the decision of this issue is remitted to the Members of this body. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. FIELDS. Mr. Speaker, I yield to myself the time that remains.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized.

Mr. FIELDS. Mr. Speaker, the first thing I desire to call attention to, in view of the colloquy between the gentleman from Alabama [Mr. BURNETT] and the gentleman from California [Mr. KAHN] is that Alabama has furnished 1,998 volunteers, while California has furnished 5,430 volunteers. [Applause.]

Mr. BURNETT. How about Kentucky?

Mr. FIELDS. I have not looked up the figures, but she has always furnished her share.

Mr. CALDWELL. Kentucky has furnished 2,415.

Mr. FIELDS. Mr. Speaker, there has been a good deal of camouflage about this whole proposition. The minority members did not offer these amendments in committee and they did not suggest or even refer to them in their minority report. They opposed the bill in committee and attempted to defeat it because, forsooth, in a county here and there in their congressional districts there was apparently some inequality in the classification by the local boards. Notwithstanding the fact that the head of that branch of the War Department that has taken the responsibility of raising the soldiers to fight this war urges that the passage of this bill is absolutely essential, these gentlemen oppose it because of these minor inequalities that exist here and there in counties throughout their districts. I regret that these conditions exist, but they are not as extensive under the new classification as under the old, as I showed you yesterday and as has been shown by other members of the committee.

Now, in order to carry out their plans to defeat the bill they come in with a proposition to cut out of the bill all there is in it.

The first part is the Shallenberger amendment with regard to the quota basis, which, if adopted, will destroy the bill and defeat its purpose, and in order to try to pass that amendment they tack onto it two propositions. First, the proposition that all aliens who do not claim exemption shall be classified. Why, that is done anyhow. Every registered alien in the United States who did not claim exemption because of his alienage was classified and put into class 1, unless he claimed a deferred classification because of dependents.

Then what is the other proposition? It is camouflage, pure and simple. In order to win votes for the first proposition, the purpose of which is to destroy the bill, they tack onto it a proposition to give credit for enlistments that have already been made and for which credits have already been given. And in order to relieve them of that advantage I shall demand a division of the question at the proper time, and the first vote will be upon the quota proposition. I want gentlemen to bear that in mind. I do not want gentlemen to get confused. The second vote will be upon the question of allowing credits. So gentlemen will understand the vote when it comes.

Gentlemen this is not a time to cavil over differences that exist here and there in some parts of a county or of counties of the various districts of the United States. The War Department says that this legislation is necessary. Every Member of Congress owes it to the War Department to uphold its hands, because we have laid upon it the responsibility of conducting this war, the outcome of which will write the future history of the democracy of the world.

At a time like this, when the democracy of the world is hanging in the balance, men can not on the floor of this House afford to cavil over minor differences that may have grown out of some injudicious act or some unwarranted decision of some local board somewhere in the United States. We have laid this responsibility upon the War Department. We expect that branch of the Government to make good, and we should give it the law necessary to enable it to do so. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired. All time has expired. The question is on agreeing to the Shallenberger amendment.

Mr. FIELDS. Mr. Speaker, I demand a division of the amendment.

The SPEAKER. The gentleman from Kentucky demands a division of the amendment, and the Clerk will report the first proposition in it.

The Clerk read as follows:

Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption.

The SPEAKER. The question is on agreeing to that proposition, the first half of the Shallenberger amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FIELDS. Mr. Speaker, I demand a division.

Mr. KAHN. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 80, noes 132.

Mr. SHALLENBERGER. I demand the yeas and nays.

The SPEAKER. The gentleman from Nebraska demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the first half of the Shallenberger amendment, the first proposition just read, will vote "yea" when their names are called; those opposed will vote "nay."

The question was taken; and there were—yeas 118, nays 243, answered "present" 3, not voting 67, as follows:

YEAS—118.

Alexander	Caraway	Estopinal	Humphreys
Almon	Carlin	Goodwin, Ark.	Jacoway
Aswell	Carter, Okla.	Gordon	Johnson, Ky.
Austin	Cary	Gray, Ala.	Jones, Tex.
Ayres	Church	Griffin	Keating
Bankhead	Clark, Fla.	Hardy	Kehoe
Barnhart	Claypool	Harrison, Va.	Kincheloe
Bell	Collier	Hayden	Kitchin
Black	Connally, Tex.	Helm	La Follette
Blackmon	Connelly, Kans.	Helvering	Larsen
Blanton	Crisp	Hilliard	Lee, Ga.
Booher	Dent	Holland	Lesher
Brand	Dewalt	Houston	Little
Brodbeck	Dies	Howard	Lobeck
Burnett	Dill	Huddleston	London
Cannon	Dominick	Hull, Iowa	McKeown
Mansfield	Rayburn	Stafford	Watson, Va.
Martin	Roberts	Steagall	Webb
Mays	Robinson	Stephens, Miss.	Welling
Mondell	Rouse	Stevenson	Whaley
Montague	Russell	Sumners	Wheeler
Nicholls, S. C.	Sanders, La.	Taylor, Ark.	Williams
Oldfield	Saunders, Va.	Thomas	Wilson, La.
Oliver, Ala.	Sells	Thompson	Wilson, Tex.
Overstreet	Shackleford	Tillman	Wingo
Park	Shallenberger	Van Dyke	Wise
Polk	Sherwood	Venable	Wright
Price	Shouse	Vinson	Young, Tex.
Ragsdale	Slemp	Walker	
Randall	Sloan	Watkins	

NAYS—243.

Anderson	Esch	Knutson	Rogers
Anthony	Evans	Kraus	Romjue
Ashbrook	Fairchild, B. L.	Kreider	Rose
Bacharach	Fairchild, G. W.	Langley	Rowe
Baer	Fairfield	Lazaro	Rubey
Barkley	Farr	Lea, Cal.	Rucker
Beakes	Ferris	Lehlbach	Sabath
Beshlin	Fields	Lenroot	Sanders, Ind.
Bland	Fisher	Linthicum	Sanford
Bowers	Focht	Littlepage	Scott, Mich.
Britten	Fordney	Lonergan	Scott, Pa.
Browne	Foster	Lufkin	Scully
Browning	Francis	Lunn	Sherley
Buchanan	Frear	McArthur	Siegel
Burroughs	Freeman	McCormick	Sims
Butler	French	McFadden	Sinnott
Byrns, Tenn.	Fuller, Ill.	McKenzie	Slayden
Caldwell	Fuller, Mass.	McKinley	Small
Campbell, Kans.	Gard	McLaughlin, Mich	Smith, Idaho
Campbell, Pa.	Garland	McLaughlin, Pa.	Smith, Mich.
Cantrill	Garner	Madden	Smith, C. B.
Chandler, N. Y.	Garrett, Tenn.	Magee	Snell
Chandler, Okla.	Garrett, Tex.	Mapes	Snook
Clark, Pa.	Gillett	Mason	Stedman
Classon	Glass	Mecker	Steele
Condy	Glynn	Merritt	Stephenson
Cooper, Ohio	Goodall	Miller, Minn.	Sterling, Ill.
Cooper, W. Va.	Gould	Moore, Pa.	Sterling, Pa.
Cooper, Wis.	Graham, Ill.	Moores, Ind.	Stiness
Copley	Gray, N. J.	Morgan	Strong
Cox	Green, Iowa	Morin	Sullivan
Crago	Greene, Mass.	Mott	Sweet
Cramton	Greene, Vt.	Mudd	Swift
Crosser	Gregg	Nelson	Switzer
Currie, Mich.	Griest	Nichols, Mich.	Tague
Dale, N. Y.	Hadley	Nolan	Talbott
Dale, Vt.	Hamill	Oliver, N. Y.	Temple
Dallinger	Hamilton, Mich.	Olney	Tilson
Darrow	Hamlin	Osborne	Timberlake
Davidson	Haskell	O'Shaunessy	Tinkham
Davis	Hastings	Overmyer	Treadway
Dempsey	Hawley	Padgett	Vare
Denison	Hayes	Paige	Vestal
Denton	Heaton	Parker, N. J.	Volgt
Dickinson	Hersey	Peters	Waldow
Dillon	Hull, Tenn.	Phelan	Walsh
Dixon	Husted	Platt	Walton
Dooling	Hutchinson	Porter	Ward
Doolittle	Igoe	Pou	Wason
Doremus	Ireland	Pratt	Watson, Pa.
Doughton	James	Purnell	Weaver
Drane	Johnson, Wash.	Quin	Welty
Dupré	Kahn	Rainey	White, Me.
Dyer	Kearns	Raker	White, Ohio
Eagan	Kelley, Mich.	Ramseyer	Wilson, Ill.
Eagle	Kelly, Pa.	Rankin	Winslow
Edmonds	Kennedy, Iowa	Reavis	Woods, Iowa
Elliott	Kennedy, R. I.	Reed	Woodyard
Ellsworth	Key, Ohio	Riordan	Young, N. Dak.
Elston	Kiess, Pa.	Robbins	Zihlman
Emerson	Kinkaid	Rodenberg	

ANSWERED "PRESENT"—3.

Good	Longworth	Lundeen

NOT VOTING—67.

Borland	Flynn	Jones, Va.	Powers
Brumbaugh	Foss	Juul	Ramsey
Byrnes, S. C.	Gallagher	Kettner	Rowland
Candler, Miss.	Gallivan	King	Sanders, N. Y.
Carew	Gandy	LaGuardia	Schall
Carter, Mass	Godwin, N. C.	Lever	Scott, Iowa
Cleary	Graham, Pa.	McAndrews	Sears
Costello	Hamilton, N. Y.	McClintic	Sisson
Curry, Cal.	Harrison, Miss.	McCulloch	Smith, T. F.
Decker	Haugen	McLemore	Snyder
Delaney	Heflin	Maher	Stephens, Nebr.
Donovan	Heintz	Mann	Taylor, Colo.
Dowell	Hensley	Miller, Wash.	Templeton
Drukker	Hicks	Moon	Towner
Dunn	Hollingsworth	Neely	Volstead
Fess	Hood	Norton	Wood, Ind.
Flood	Johnson, S. Dak.	Parker, N. Y.	

So the first part of the Shallenberger amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. CANDLER of Mississippi (for) with Mr. BRUMBAUGH (against).

Mr. SISSON (for) with Mr. LONGWORTH (against).

Mr. LEVER (for) with Mr. CARTER of Massachusetts (against).

Until further notice:

Mr. JONES of Virginia with Mr. ROWLAND.

Mr. KETTNER with Mr. SCOTT of Iowa.

Mr. MCANDREWS with Mr. TEMPLETON.

Mr. McLEMORE with Mr. RAMSEY.
Mr. MAHER with Mr. TOWNER.
Mr. NEELY with Mr. VOLSTEAD.
Mr. TAYLOR of Colorado with Mr. JOHNSON of South Dakota.
Mr. MOON with Mr. SANDERS of New York.
Mr. HENSLEY with Mr. HEINTZ.
Mr. THOMAS F. SMITH with Mr. McCULLOCH.
Mr. SCHALL with Mr. DRUKKER.
Mr. GALLAGHER with Mr. CURRY of California.
Mr. SEARS with Mr. DOWELL.
Mr. DECKER with Mr. HOLLINGSWORTH.
Mr. BORLAND with Mr. GOOD.
Mr. STEPHENS of Nebraska with Mr. HAMILTON of New York.
Mr. BYRNES of South Carolina with Mr. HICKS.
Mr. GALLIVAN with Mr. DUNN.
Mr. HARRISON of Mississippi with Mr. FOSS.
Mr. GANDY with Mr. NORTON.
Mr. McCLINTIC with Mr. WOOD of Indiana.
Mr. CAREW with Mr. PARKER of New York.
Mr. CLEARY with Mr. COSTELLO.
Mr. DELANEY with Mr. FESS.
Mr. DONOVAN with Mr. HAUGEN.
Mr. FLOOD with Mr. GRAHAM of Pennsylvania.
Mr. FLYNN with Mr. JUUL.
Mr. GODWIN of North Carolina with Mr. KING.
Mr. HEFLIN with Mr. MILLER of Washington.

Mr. GOOD. Mr. Speaker, I desire to know if the gentleman from Missouri [Mr. BORLAND] voted?

The SPEAKER. He did not.

Mr. GOOD. When my name was called I voted "nay." I am paired with the gentleman from Missouri, Mr. BORLAND, and I desire to withdraw that vote and to answer "present."

Mr. LONGWORTH. Mr. Speaker, I desire to know if the gentleman from Mississippi, Mr. SISSON, voted?

The SPEAKER. He did not.

Mr. LONGWORTH. I voted "nay." I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the last half of the amendment.

The Clerk read as follows:

And credit shall be given on its quota to every State, Territory, District, or subdivision thereof for the number of men who have entered the military service of the United States from any State, Territory, District, or subdivisions thereof since May 1, 1917, including members of the National Guard who were in the Federal service on that date.

Mr. PHELAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PHELAN. May I offer an amendment to that amendment without debate?

The SPEAKER. Yes.

Mr. WINGO. Is it not too late?

The SPEAKER. There were two propositions, and the vote was on the first. The Clerk will report the amendment of the gentleman from Massachusetts.

Mr. RAGSDALE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. In agreeing to a vote at a particular period of time my understanding was that we would then vote on the amendment and all amendments thereto.

The SPEAKER. The debate was on the amendment and all amendments thereto.

Mr. FIELDS. I will say to the gentleman that my request for unanimous consent applied only to the debate on the Shallenberger amendment and amendments thereto.

The Clerk read as follows:

Amendment by Mr. PHELAN: Amend, by inserting after the word "military," the words "or naval," so that the line will read as amended "or subdivision thereof for the number of men who have entered the military or naval service of the United States."

The SPEAKER. The question is on the Phelan amendment to the Shallenberger amendment.

The question was taken; and on a division (demanded by Mr. KAHN) there were 226 ayes and 31 noes.

So the amendment to the amendment was agreed to.

Mr. BARKLEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. The original amendment of the gentleman from Nebraska provided that certain words should be stricken out of the bill and his whole amendment inserted in lieu thereof. The first half having been voted down, do we vote on the proposition nevertheless to insert the last half, or does the last half come in after the bill?

Mr. SHALLENBERGER. The motion to strike out the lines in the first part of my amendment was voted down, and this will go to the end of the bill.

The SPEAKER. The question is on agreeing to the last half of the Shallenberger amendment as amended.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 292, nays 66, answered "present" 3, not voting 70, as follows:

YEAS—292.

Alexander	Fairchild, B. L.	Larsen	Scully
Almon	Farr	Lazaro	Sells
Ashbrook	Ferris	Lee, Ga.	Shackleford
Aswell	Fisher	Lenroot	Shallenberger
Austin	Focht	Lesher	Sherwood
Ayres	Fordney	Linthicum	Shouse
Bankhead	Foster	Little	Siegel
Barkley	Francis	Littlepage	Sims
Barnhart	Frear	Lobeck	Sinnott
Bell	French	London	Slayden
Beshlin	Fuller, Ill.	Lonergan	Slemp
Black	Gard	Lufkin	Sloan
Blackmon	Garland	McArthur	Small
Blanton	Garner	McCormack	Smith, Idaho
Booher	Garrett, Tex.	McFadden	Smith, C. B.
Bowers	Goodall	McKeown	Snell
Brand	Goodwin, Ark.	McKinley	Snook
Brodbeck	Gordon	McLaughlin, Pa.	Stafford
Browne	Gould	Magee	Steagall
Brumbaugh	Graham, Ill.	Mansfield	Stedman
Buchanan	Gray, Ala.	Martin	Steele
Burnett	Green, Iowa	Mason	Steenerson
Burroughs	Greene, Mass.	Mays	Stephens, Miss.
Butler	Gregg	Mondell	Sterling, Ill.
Byrns, Tenn.	Griest	Montague	Stevenson
Campbell, Pa.	Griffin	Morgan	Stiness
Cannon	Hadley	Mudd	Strong
Cantrill	Hamill	Nelson	Sullivan
Caraway	Hamilton, Mich.	Nicholls, S. C.	Sumners
Carlin	Hamlin	Nichols, Mich.	Sweet
Carter, Okla.	Hardy	Oldfield	Swift
Cary	Harrison, Va.	Oliver, Ala.	Switzer
Chandler, N. Y.	Haskell	Oliver, N. Y.	Tague
Chandler, Okla.	Hastings	O'Shaunessy	Talbott
Church	Haugen	Overmyer	Taylor, Ark.
Clark, Fla.	Hayden	Overstreet	Thomas
Clark, Pa.	Heaton	Padgett	Thompson
Classon	Helm	Paige	Til'man
Claypool	Helvering	Park	Timberlake
Collier	Hersey	Phelan	Treadway
Connally, Tex.	Hilliard	Polk	Vare
Connelly, Kans.	Holland	Porter	Venable
Cooper, Ohio	Houston	Pou	Vestal
Cooper, W. Va.	Howard	Pratt	Vinson
Cooper, Wis.	Huddleston	Price	Voigt
Cox	Hull, Iowa	Purnell	Walker
Crisp	Hull, Tenn.	Quin	Walsh
Dale, N. Y.	Humphreys	Ragsdale	Walton
Dallinger	Husted	Rainey	Ward
Darrow	Hutchinson	Raker	Wason
Davidson	Igoe	Ramseyer	Watkins
Davis	Ireland	Randall	Watson, Pa.
Dempsey	Jacoway	Rayburn	Watson, Va.
Dent	James	Reavis	Weaver
Denton	Johnson, Ky.	Reed	Webb
Dewalt	Johnson, Wash.	Riordan	Welling
Dickinson	Jones, Tex.	Roberts	Welty
Dill	Kearns	Robinson	Whaley
Dillon	Keating	Rodenberg	Wheeler
Dixon	Kehoe	Rogers	White, Me.
Dominick	Kelly, Pa.	Romjue	White, Ohio
Dooling	Kennedy, Iowa	Rose	Williams
Doolittle	Kennedy, R. I.	Rouse	Wilson, Ill.
Doremus	Key, Ohio	Rubey	Wilson, La.
Doughton	Kiess, Pa.	Rucker	Wilson, Tex.
Drane	Kincheloe	Russell	Wingo
Dupré	Kinkaid	Sabath	Winslow
Dyer	Kitchin	Sanders, Ind.	Wise
Eagan	Knutson	Sanders, La.	Woods, Iowa
Eagle	Kraus	Saunders, Va.	Woodyard
Edmonds	Kreider	Schall.	Wright
Esch	La Follette	Scott, Mich.	Young, Tex.
Estopinal	Langley	Scott, Pa.	Zihlman

NAYS—66.

Anderson	Dale, Vt.	Kahn	Olney
Anthony	Denison	Kelley, Mich.	Osborne
Bacharach	Elliott	Lea, Cal.	Parker, N. J.
Baer	Ellsworth	Lehlbach	Peters
Beakes	Elston	Lunn	Platt
Bland	Emerson	McKenzie	Robbins
Britten	Fairchild, G. W.	McLaughlin, Mich.	Rowe
Browning	Fairfield	Madden	Sanford
Caldwell	Fields	Mapes	Sherley
Campbell, Kans.	Freeman	Meeker	Smith, Mich.
Cleary	Fuller, Mass.	Merritt	Temple
Copley	Garrett, Tenn.	Miller, Minn.	Tilson
Coady	Gillett	Moore, Pa.	Tinkham
Crago	Glynn	Moores, Ind.	Waldow
Cramton	Greene, Vt.	Morin	Young, N. Dak.
Crosser	Hawley	Mott	
Currie, Mich.	Hayes	Nolan	

ANSWERED "PRESENT"—3.

Good	Longworth	Lundeen

NOT VOTING—70.

Borland	Curry, Cal.	Drukker	Foss
Byrnes, S. C.	Decker	Dunn	Gallagher
Candler, Miss.	Delaney	Evans	Gallivan
Carew	Dies	Fess	Gandy
Carter, Mass.	Donovan	Flood	Glass
Costello	Dowell	Flynn	Godwin, N. C.

Graham, Pa.	Juul	Moon	Smith, T. F.
Gray, N. J.	Kettner	Neely	Snyder
Hamilton, N. Y.	King	Norton	Stephens, Nebr.
Harrison, Miss.	LaGuardia	Parker, N. Y.	Sterling, Pa.
Heflin	Lever	Powers	Taylor, Colo.
Heintz	McAndrews	Ramsey	Templeton
Hensley	McClintic	Rankin	[illegible]ner
Hicks	McCulloch	Rowland	Van Dyke
Hollingsworth	McLemore	Sanders, N. Y.	Volstead
Hood	Maher	Scott, Iowa	Wood, Ind.
Johnson, S. Dak.	Mann	Sears	
Jones, Va.	Miller, Wash.	Sisson	

So the second part of the Shallenberger amendment was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. SISSON (for) with Mr. LONGWORTH (against).

Mr. LEVER (for) with Mr. CARTER of Massachusetts (against).

Mr. CANDLER of Mississippi (for) with Mr. SANDERS of New York (against).

Until further notice:

Mr. DONOVAN with Mr. DRUKKER.

Mr. MOON with Mr. GRAY of New Jersey.

Mr. DIES with Mr. VOLSTEAD.

Mr. EVANS with Miss RANKIN.

Mr. STERLING of Pennsylvania with Mr. POWERS.

Mr. VAN DYKE with Mr. LAGUARDIA.

Mr. HARRISON of Virginia. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HARRISON of Virginia: Amendment at the end of the bill: Strike out the period, insert a colon, and add the following:

"*Provided*, That all those registrants who are bona fide engaged in agricultural enterprises, conducted for commercial purposes, and producing supplies in excess of the necessities of those engaged therein, shall be entitled to deferred classification as long as and no longer than they are so engaged, whether they are engaged therein as proprietors, managers, tenants, or farm laborers. For the proper enforcement of this provision such rules and regulations shall be prescribed not inconsistent therewith similar in character to those prescribed for registrants on emergency fleet classification list in sections 153, 154, and 155 of the selective-service regulations."

Mr. CALDWELL. Mr. Speaker, I make a point of order that the amendment is not germane.

The SPEAKER. The point of order is overruled.

Mr. HARRISON of Virginia rose.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

Mr. HARRISON of Virginia. Mr. Speaker, I desire to be heard on the amendment.

Mr. FIELDS. Mr. Speaker, I make the point of order that the demand comes too late.

The SPEAKER. Oh, no; if the gentleman from Virginia desires recognition, he is entitled to it.

Mr. HARRISON of Virginia. Mr. Speaker, how much time does that give me?

The SPEAKER. The gentleman has one hour.

Mr. FIELDS. Mr. Speaker, in view of the lateness of the hour, I move that the House do now adjourn.

Mr. SAUNDERS of Virginia. Mr. Speaker, the gentleman can not take the gentleman from Virginia off the floor.

The SPEAKER. If the gentleman from Virginia desires to proceed, he has the right to do so.

Mr. HARRISON of Virginia. I would be very glad to yield if I could have my time in the morning.

The SPEAKER. The gentleman would be entitled to the time in the morning if the bill comes up.

Mr. FIELDS. How much time does the gentleman want?

Mr. HARRISON of Virginia. There are a number of gentlemen who desire to be heard upon this amendment, and I desire to give them the opportunity to do so. For myself I want only five minutes, but I am willing to take my hour in the morning if I can get it.

The SPEAKER. If the bill comes up to-morrow, the gentleman is entitled to his hour.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, April 13, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations, customhouse and post office at Providence, R. I., and post office, courthouse, and customhouse at Richmond, Va. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of legislation for inclusion in the sundry civil appropriation bill granting authority for the construction of an additional building for laboratory purposes and research work and for enlarging and remodeling the present animal house for the Hygienic Laboratory, Public Health Service, Washington, D. C. (H. Doc. No. 1037); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety, reported the same with amendment, accompanied by a report (No. 485), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11143) granting an increase of pension to John A. Ott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1224) granting an increase of pension to George Edward Blackmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOULD: A bill (H. R. 11407) to provide for an aircraft administrator, and for other purposes; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 11408) to amend section 4516 of the Revised Statutes of the United States as amended by sections 1 and 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 11409) authorizing the President to appoint as quartermaster assistants in the Quartermaster Corps of the United States Army certain clerks employed in the Quartermaster Corps of the Army and heretofore known as clerks, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. ELLSWORTH: A bill (H. R. 11410) for the classification of members and preparation of correct tribal rolls, the completion of allotments, and the disposal of all remaining property of the Chippewa Indians of Minnesota in conformity with the agreement of 1889, and for other purposes; to the Committee on Indian Affairs.

By Mr. LUNN: A bill (H. R. 11411) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States"; to the Committee on the Judiciary.

By Mr. CHANDLER of Oklahoma: Resolution (H. Res. 309) requesting the Secretary of the Interior to furnish to the House of Representatives information as to why the Osage Indians in Osage County, Okla., were not paid the moneys due them in March, 1918; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11412) granting an increase of pension to Felix Beske; to the Committee on Invalid Pensions

Also, a bill (H. R. 11413) granting an increase of pension to Edgar P. Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11414) granting a pension to Mary E. Livingston; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 11415) granting a pension to David J. Holbrook; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 11416) granting an increase of pension to Wellington Harder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11417) granting an increase of pension to Eli Brainard; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 11418) granting an increase of pension to George W. Smith; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 11419) for the relief of George A. Smith; to the Committee on War Claims.

By Mr. KEARNS: A bill (H. R. 11420) granting an increase of pension to Levi W. Short; to the Committee on Invalid Pensions.

By Mr. McLEMORE: A bill (H. R. 11421) granting a pension to Otilia P. Smythe; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 11422) granting an increase of pension to William B. Dunlop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11423) granting a pension to Nancy J. Clark; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 11424) granting a pension to Belle S. Robinson; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 11425) granting an increase of pension to William Goodwin; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11426) granting an increase of pension to Levi Lindenmuth; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11427) granting an increase of pension to John Stout; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 11428) granting an increase of pension to Mary E. Wainwright; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petitions of sundry citizens of Chicago, Ill., relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, petition of Fond du Lac (Wis.) Woman's Club, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of faculty of Lake Erie College, of Painesville, Ohio, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of New York State Ice Manufacturers' Association, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. CLASSON: Petition of J. B. Steele, publicity chairman, liberty-loan committee, relative to subscription for liberty loan in Outagamie County, Wis.; to the Committee on Banking and Currency.

By Mr. GRIEST: Memorial of Lancaster (Pa.) Clearing House Association, relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. GRIFFIN: Memorial of The Bronx Board of Trade, New York City, favoring pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Memorial of Northwestern Typographical Conference, opposing the admission of oriental labor into the United States; to the Committee on Immigration and Naturalization.

By Mr. LUNDEEN: Petition of the representatives of the building industry of the States of Minnesota, Iowa, Nebraska, Missouri, Kansas, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, requesting that a representative from the States mentioned above be appointed to serve upon the war emergency construction board; to the Committee on Military Affairs.

Also, petition of Machinist Helpers' Lodge, No. 959, Minneapolis, Minn., asking that Federal control of railroads be given a fair trial before return of roads into private hands; also, asking that no definite time be set for return of public roads back to private capital; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR: Petitions of Linn County Pomona Grange, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petition of Linn County Pomona Grange, favoring law conscripting wealth; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of Goodyear Rubber Co., Weir Fancy Goods Co., Frank B. Peterson Co., Cardinell-Vincent Co., and Newbauer Bros., all of San Francisco, Cal., urging support of Senate bill 3962, relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. RANDALL: Memorial of Owensmouth (Cal.) Chamber of Commerce, indorsing employment in agricultural pursuits of prisoners of war; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of Ella D. Nicholson, secretary Woman's Club, Thief River Falls, Minn., against use of national parks for grazing purposes; to the Committee on the Public Lands.

By Mr. TEMPLE: Petition of Young Women's Missionary Society of First United Presbyterian Church, McDonald, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Military Order of Foreign Wars of the United States, in favor of permitting the soldiers and sailors of the United States to receive decorations given by our allies; to the Committee on Military Affairs.

SENATE.

SATURDAY, *April 13, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the comradeship of service brings us very close together in this tragic life of ours. To-day as we meet with the notice of the passing of one of the honored Members of the Senate our hearts are saddened. We thank Thee for his life and for his public service. We bless Thee that he has lived among us, bearing in all the years the white flower of a stainless life. Thou hast called him to the reward of the great beyond. Let Thy blessing rest upon us as we cherish his memory and help us to emulate all his virtues.

And now, O God, as we have come this day to the greatest crisis in our Nation's history, and in the history of the world, we pray Thee to make bare Thine arm to save. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. RANSDELL and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR BROUSSARD.

Mr. RANSDELL. Mr. President, it is with profound sorrow that I announce to the Senate the death of my late colleague, Senator BROUSSARD, who died at his home in New Iberia, La., at 8.30 last night, after a long and very painful illness.

I shall not attempt to say anything about the late Senator at this moment, but at a later time I shall ask the Senate to set aside some hour at which fitting testimonials may be paid to the memory and public services of my deceased colleague.

Mr. President, I send to the desk the following resolutions and ask for their adoption.

The resolutions (S. Res. 224) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to take order for superintending the funeral of Mr. BROUSSARD, to be held in the city of New Iberia, La.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE PRESIDENT appointed under the second resolution, as the committee on the part of the Senate, Mr. RANSDELL, Mr. VARDAMAN, Mr. KIRBY, Mr. KING, Mr. THOMPSON, Mr. SUTHERLAND, Mr. MYERS, and Mr. SHAFROTH.

Mr. RANSDELL. Mr. President, as a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 15, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 13, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Soul, a living, vitalizing presence, ever working in and through the minds and hearts of the susceptible, for the larger life and grander achievements, that human happiness may be advanced.

But alas, for the perversity of human nature and the willfulness of men, we stand before Thee abashed and humiliated at the awful spectacle presented by the world in the terrible tragedy through which we are passing; brought about by the machinations, cunning, and evil designs of comparatively few, who would change the course of human events and subject mankind to the barbarous methods of militarism and autocracy.

Intervene, we beseech Thee, with all the force of Thy holy influence; confound the enemies of civilization and give success to the arms of those who are compelled to fight for human rights; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following communication:

APRIL 13, 1918.

Hon. CHAMP CLARK,
Speaker of the House.

DEAR MR. SPEAKER: I ask leave of absence for three days, to participate in liberty-loan campaigns in my district.

Very truly, yours, ISAAC BACHARACH.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS F. SMITH, for one week, on account of illness.

To Mr. CANDLER of Mississippi, for two days, on account of illness.

CAPT. H. A. MEYER.

The SPEAKER. The Chair lays before the House a communication from the Acting Secretary of War in response to a House resolution. The Clerk will read the communication.

The Clerk began the reading of the communication.

The communication is as follows:

WAR DEPARTMENT,
Washington, April 6, 1918.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: With reference to House resolution No. 297, Sixty-fifth Congress, second session, directing the Secretary of War to furnish the facts concerning the issuance of a commission as captain to Herbert A. Meyer, which resolution was referred to the Committee on Military Affairs, I beg leave to place before you the facts in this connection. Herbert A. Meyer was appointed captain, Quartermaster Reserve Corps, on March 12, 1917. This appointment was made upon the recommendation of the Quartermaster General as the result of an examination conducted by a board of officers in conformity with General Orders No. 32, War Department, 1916. His papers show that he had four years' service with the United States Marine Corps, finishing his enlistment as quartermaster sergeant, and six years' excellent administrative training in civil life. He performed no active service under this commission. On February 16, 1918, with the consent of the Quartermaster General, he was examined by a board of officers under Special Regulations No. 43, War Department, 1917, for appointment to the Signal Corps and found duly qualified for appointment as captain, Signal Reserve Corps, and recommended by the Chief Signal Officer for such appointment. This recommendation was approved on March 16, 1918. His appointment as captain, Signal Reserve Corps, automatically vacated his quartermaster commission.

Attention is invited to the fact that as captain, Quartermaster Reserve Corps, on the inactive list, he was entitled to classification in section 5, Selective Service Regulations. However, he failed to avail himself of this and was placed in class 4, because of a dependent wife and child. Capt. Meyer was examined for his first commission two months before the declaration of war and over three months before the passage of the selective-service law. The foregoing clearly establishes that Capt. Meyer was appointed in conformity with the act of June 3, 1916, as passed by Congress and the regulations as prescribed by the President. He has been continuously in the military service since the date of his commission, March 21, 1917, though not on active duty, and at no time has been subject to selective-service regulations for this reason.

With respect to that part of the resolution which reads, "recent official statements of the War Department discontinuing the issuance of commissions in the Army of the United States to persons in civil life and to registrants under the selective-draft act of May 18," this could be construed to mean that the War Department had announced that the issuance of commissions to civilians and draft registrants had been discontinued absolutely. This is not the fact so far as concerns the various staff corps and departments and the special and technical units provided for in the selective-service act of May 18, 1917. Commissions have been and are under the existing policy issued to qualified applicants from each of the classes referred to in your resolution. No announced policy of the War Department was violated when Capt. Meyer was commissioned captain, Aviation Section, Signal Corps. Any applicant for this or any other staff corps commission, whether from civil life or a registrant under the selective-draft act, with the same qualifications and recommendations, would have been so commissioned.

At the beginning of the war the various staff corps and departments were in the process of a relatively great expansion and their need for properly qualified officers was very great. The heads of the various departments were charged with the responsibility to carry out successfully the war program in so far as it concerned each of them, and as they were responsible for the results it was thought best to give them a comparatively free hand in the selection of their officers to accomplish these results. Appointments were made under the national-defense act, June 3, 1916, and regulations made in pursuance thereof, and without regard to the age of the applicant, except as specified therein, provided he was professionally qualified and recommended by the head of the staff corps or department concerned.

On August 11, 1917, the following instructions were given concerning the commissioning of young men subject to selective-draft regulations:

"The Secretary of War directs that, before staff commissions that do not imply active field service are issued to young men in good physical condition subject to the selective draft, certificate be required that equally well-qualified men who are above the draft-age limits, or who are physically disqualified for active service, are not available."

This rule governed until January 4, 1918. Many applicants for commissions were rejected if they did not have special qualifications for the work required. Some department heads complained that the work of their departments was being interfered with by the enforcement of this rule. The matter was submitted to the War Council and on January 4, 1918, the following resolution of the War Council was approved and directed to be carried into effect:

"*Resolved*, That the War Council recommends that hereafter men required by the staff departments, and having special qualifications for the duty for which they are desired, shall be commissioned, provided they do not come in class 1 under the new classifications for the next draft. The council recommends that commissions be not issued to persons in class 1."

This remained in effect until February 4, 1918, when the following amendment was ordered by the Secretary of War upon the recommendation of the Provost Marshal General:

"Only registrants whose class and order number are so late that they are not within the current quota of their local boards shall be eligible to be commissioned in staff corps."

This is the rule, with respect to registrants and civilians, now in effect in so far as regards staff corps commissions; likewise for commissions in special and technical units provided for by act of May 18, 1917.

The policy above outlined has not been violated in the issuance of commissions to persons in civil life or registrants under the selective draft, May 18, 1917.

It will be noted that at no time has it been the policy of the department to refuse to commission civilians or registrants of the selective draft if they were specially qualified and recommended by the head of the staff corps or department that desired their services, though at all times an effort has been made to prevent the appointment of able-bodied young men within the draft age to staff departments unless they appeared to be exceptionally qualified for duty therein.

There have never been any restrictions upon appointments, in so far as concerns the draft age, in the Medical Department. For obvious reasons this was not desirable.

There has been a gradually increasing tendency on the part of the staff corps and departments (Signal, Ordnance, Engineer, and Quartermaster) to confine commissions to enlisted men, unless the applicant had special technical qualifications and training which were desired. The Engineer Corps has conducted three training camps; the Signal Corps is now conducting a large number of training schools in various parts of the country; the Ordnance Corps has commissioned about 100 from its training school and is now conducting a school for securing commissioned officers in the Ordnance Department; and the Quartermaster Department likewise is conducting a school for the purpose of securing officers for that corps.

With respect to commissions in the line (Infantry, Cavalry, Field Artillery, and Coast Artillery), the following policy of the department was announced at the beginning of the war before any troops were officered or organized and shortly after the selective-draft act was passed (June 4, 1917):

"To provide officers for the drafted forces of the National Army, the War Department has adopted the policy of commissioning all new officers of the line (Infantry, Cavalry, Field and Coast Artillery) purely on the basis of demonstrated ability after three months' observation and training in the officers' training camps. Thus, the officers of the new armies will be made entirely on merit and free from all personal or other influences."

This policy has been consistently followed. There has, therefore, been no discontinuing of the issuance of such commissions to registrants under the selective-draft act, May 18, 1917, or to persons in civil life.

The attached lists of officers commissioned in line sections who did not qualify at a training camp but were, however, given line commissions is furnished:

"A." A list of officers commissioned in the Infantry Reserve Corps under authority provided in section 31–A Selective Draft Regulations and assigned to duty as assistants to the governors of the States to assist them in carrying out the selective-draft regulations. These officers will not be assigned, under their commissions, to duty with troops.

"B." A list of colored enlisted men taken from the Regular regiments to provide officers necessary to organize and officer the Ninety-third Division, not enough being provided by the colored training camp.

"C." Maj. Laurence Angel, an ex-officer Porto Rican Regiment, with 16 years' commissioned service, who resigned in 1916 to accept a lucrative position with the Maxims Munitions Corporation. He was a graduate line and staff class, Army Service Schools, Fort Leavenworth. His appointment as major of Infantry was considered and directed by Chief of Staff upon the recommendation of Maj. Gen. John F. Morrison, who was in charge of the service schools. His services were desired for use as an instructor at future training camps.

It is believed that the above is the only one of this class, although it is possible that there may have been a few others appointed under similar circumstances, but it is practically impossible to list such by name without going over the records of all line officers appointed to date, which investigation would require an indefinite length of time.

"D." A list of officers commissioned for purely intelligence work under the direction of the chief of the military intelligence branch of the General Staff. These men were recommended for appointment by the chief of the intelligence branch, and their appointments were made at the direction of the Chief of Staff, and orders have been issued that such officers shall not be assigned to line duty, because they are not qualified for such duty It was not desired that they be allowed to secure line commissions without having qualified through a training camp. These officers are available for duty wherever their services are needed, at home or abroad, but only for intelligence work.

"E." A copy of the board report on Capt. Meyer's examination and a copy of the recommendation of the Chief Signal Officer.

"F." Training-camp memorandum, containing policy with reference to appointment of line officers.

Very respectfully, BENEDICT CROWELL,
Acting Secretary of War.

House resolution 297.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
April 5, 1918.

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the House, for information of the House, as soon as practicable, the facts in reference to the issuance of a commission to Herbert A. Meyer, as captain in the Aviation Section of the Signal Corps; also any information as to whether the recent official statements of the War Department discontinuing the issuance of commissions in the Army of the United States to persons in civil life and to registrants under

the selective-draft act of May 18, 1917, were violated in the case of Herbert A. Meyer; also a list of all commissions which have been issued in violation of such procedure.

Attest: SOUTH TRIMBLE, *Clerk.*

By J. C. SOUTH, *Chief Clerk.*

EXHIBIT A.

Name.	Age.	Address.
Maj. Graph J. Hubbard, Infantry Officers' Reserve Corps.	47-3	Montgomery Ala.
Maj. Frank S. Hutton, Infantry Officers' Reserve Corps.	36-2	Sacramento, Cal.
Capt. John Evans, Infantry Officers' Reserve Corps.	33-7	Denver, Colo.
Maj. John Buckley, Infantry Officers' Reserve Corps.	32-11	Hartford, Conn.
Capt. Raymond O. Wilmarth, Infantry Officers' Reserve Corps.	33-4	Washington, D. C.
Capt. Edward Anderson, Infantry Officers' Reserve Corps.	51-2	Tallahassee, Fla.
Maj. Joel B. Mallet, Infantry Officers' Reserve Corps.	24-1	Atlanta, Ga.
Capt. Frank A. McCall, Infantry Officers' Reserve Corps.	47-3	Boise, Idaho.
Maj. June Smith, Infantry Officers' Reserve Corps.	42-1	Springfield, Ill.
Maj. Robt. C. Baltzell, Infantry Officers' Reserve Corps.	38-8	Indianapolis, Ind.
Maj. Roy W. Snell, Infantry Officers' Reserve Corps.	5-9	Des Moines, Iowa.
Maj. R. Neill Rahn, Infantry Officers' Reserve Corps.	43-1	Topeka, Kans.
Maj. Henry F. Rhodes, Infantry Officers' Reserve Corps.	22-1	Frankfort, Ky.
Maj. Chas. S. Miller, Infantry Officers' Reserve Corps.	44-2	Baton Rouge, La.
Capt. Wm. Ernest Lawry, Infantry Officers' Reserve Corps.	35-	Augusta, Me.
Capt. Benj. G. Gott, Infantry Officers' Reserve Corps.	52	Annapolis, Md.
Maj. Roger Wolcott, Infantry Officers' Reserve Corps.	40-3	Boston, Mass.
Maj. Albert E. Petermann, judge advocate Michigan National Guard.	41-1	Lansing, Mich.
Maj. John P. Snyder, Infantry Officers' Reserve Corps.	31	St. Paul, Minn.
Lieut. Col. James H. McCord, Missouri National Guard.	58-5	Jefferson City, Mo.
Capt. Harold M. Stewart, Infantry Officers' Reserve Corps.	43-4	Helena, Mont.
Capt. Walter Anderson, Infantry Officers' Reserve Corps.	50-2	Lincoln, Nebr.
Capt. Chas. W. Howard, Infantry Officers' Reserve Corps.	27-6	Concord, N. H.
Maj. Mahlon R. Marzerum, Infantry Officers' Reserve Corps.	51-5	Trenton, N. J.
Capt. R. C. Reid, Infantry Officers' Reserve Corps.	41-4	Santa Fe, N. Mex.
First Lieut. M. A. Holmes, Infantry Officers' Reserve Corps.	22-7	Albany, N. Y.
Capt. G. A. Fraser, Infantry Officers' Reserve Corps.	23-1	Bismarck, N. Dak.
Maj. W. S. Pealer, Infantry Officers' Reserve Corps.	37-5	Columbus, Ohio.
Capt. John E. Cullison, Infantry Officers' Reserve Corps.	50-5	Portland, Oreg.
Maj. Wm. G. Murdock, Infantry Officers' Reserve Corps.	36-9	Harrisburg, Pa.
Capt. Geo. C. Webb, Infantry Officers' Reserve Corps.	49-7	Providence, R. I.
Maj. Rutledge Smith, Infantry Officers' Reserve Corps.	47-4	Nashville, Tenn.
Maj. John C. Townes, jr., Infantry Officers' Reserve Corps.	31-9	Austin, Tex.
Capt. F. V. Fitzgerald, Infantry Officers' Reserve Corps.	33-2	Salt Lake City, Utah.
Capt. Steven S. Cushing, Infantry Officers' Reserve Corps.	34-1	Montpelier, Vt.
Maj. William W. Sale, Virginia National Guard.	49-6	Richmond, Va.
Capt. Irving W. Ziegaus, Infantry Officers' Reserve Corps.	30-8	Olympia, Wash.
Capt. Breckenridge Jones, Infantry Officers' Reserve Corps.	30-3	Charleston, W. Va.
Maj. Edward A. Fitzpatrick, Infantry Officers' Reserve Corps.	33-8	Madison, Wis.
Capt. John T. Hunt, Infantry Officers' Reserve Corps.	38-1	Juneau, Alaska.
Capt. H. Godding Field, quartermaster, Officers' Reserve Corps.	51-7	Honolulu, Hawaii.
Capt. Richard J. VanDeusen, Infantry Officers' Reserve Corps.	39-1	San Juan, P. R.
Maj. Henry F. Fredeman, Infantry Officers' Reserve Corps.	.....	Little Rock, Ark.
Capt. Henry G. Parker, Infantry Officers' Reserve Corps.	.....	Dover, Del.
Maj. John M. Hairston, Infantry Officers' Reserve Corps.	.....	Jackson, Miss.
Capt. W. J. McCabe, Infantry Officers' Reserve Corps.	.....	Carson City, Nev.
Maj. Franklin S. Hutchinson, Infantry Officers' Reserve Corps.	.....	Albany, N. Y.
Maj. John D. Langston, Infantry Officers' Reserve Corps.	.....	Raleigh, N. C.
Maj. Eugene M. Kerr, Infantry Officers' Reserve Corps.	.....	Oklahoma City, Okla.
Capt. Richard E. Carwile, Infantry Officers' Reserve Corps.	.....	Columbia, S. C.
Capt. Ray K. Olds, Infantry Officers' Reserve Corps.	.....	Cheyenne, Wyo.

EXHIBIT B.

List of colored officers commissioned in the Reserve Corps or National Army who did not attend the training camp at Des Moines, Iowa. All were enlisted men when commissioned.

Name.	Rank.	Assignment.
Black, Samuel A	Second lieutenant	Newport News (port of embarkation), Va.
Brown, William	do	Do.
Gaines, Underwood	First lieutenant	Do.
Harvey, Jesse J	Second lieutenant	Brig. Gen. Roy Hoffman, 93d Division, Newport News, Va.
Hurt, John	First lieutenant	Newport News (port of embarkation), Va.
Johnson, Robert	do	Brig. Gen. Roy Hoffman, 93d Division, Newport News, Va.
Maryweather, Moses W	do	Newport News (port of embarkation), Va.
Newton, Arthur	do	Do.
Penn, James R	Second lieutenant	Brig. Gen. Roy Hoffman, 93d Division, Newport News, Va.
Simelton, Dove E	First lieutenant	Newport News (port of embarkation), Va.
Thornton, William	do	Do.

EXHIBIT C.

List of officers commissioned from civil life without attending training camp.

Maj. Laurence Angel, Infantry, National Army; age, 47.

EXHIBIT D.

Officers of the Infantry on intelligence duty.

Name.	Rank.	Age.	Address.
Knabenshue, F. G	Lieutenant colonel, Infantry, National Army.	45-2	Seattle, Wash.
Craig, Henry C	Captain, Infantry, National Army.	39-9	Hoboken.
Cramer, J. Grant	do	48-4	Washington.
Hughes, Rupert	do	45-3	Do.
Tiffany, Chas. L	do	40-3	New York.
Tausig, Knox	First lieutenant, Infantry, National Army.	32-5	St. Louis.
Hay, Clarence L	Second lieutenant, Infantry, National Army.		New York.
Manning, Jos. A	Captain, Infantry, Officers' Reserve Corps.	38-9	Washington.

EXHIBIT E.

WAR DEPARTMENT,
SIGNAL CORPS, UNITED STATES ARMY.

Record of examination for the Signal Reserve Corps, Aviation Section.

Name in full: Herbert Alton Meyers, captain—nonflying.

If in military service: Rank, captain; organization, Quartermaster Reserve Corps; regiment—station, inactive list.

Present post-office address: 1760 Euclid Street NW., Washington, D. C.

Permanent post-office address: 1760 Euclid Street NW., Washington, D. C.

Date and place of birth: August 30, 1886, at Chillicothe, Ohio, U. S. A.

Educational institutions attended: Staunton Military Academy, Virginia, 1900–1904; George Washington University, Washington, D. C., 1905–1907; National University Law School, Washington, D. C., 1908.

Business experience: Assistant to secretary in charge of Alaskan Railroad and Territories, Secretary of Interior, March, 1917, to date; private secretary to Secretary of Interior, 1911 to 1917; assistant secretary Railroad Securities Commission, United States Government, November, 1910, to March, 1911; clerk, Department of Commerce and Labor, July, 1909, to November, 1910; clerk, headquarters United States Marine Corps, December 26, 1905, to July 14, 1909.

Previous military or naval service or training: Captain cadet corps, Staunton Military Academy, 1903–1904; sergeant Quartermaster Corps, United States Marine Corps, 1905–1909; captain Quartermaster Corps, U. S. A., March 21, 1917, to date.

EXAMINATION.

Physical: Satisfactory if waiver on physical disqualification is granted.

Moral: Satisfactory.

Professional: Satisfactory.

Qualifications for special services: Proficient in automobile driving; studied theory of automobile repair, accounting, storekeeping, surveying.

Remarks: None.

The board is of the opinion that Herbert Alton Meyers has the physical, moral, and professional qualifications to perform efficiently all the duties of captain, nonflying, in the Signal Reserve Corps, Aviation Section, and does recommend that he be commissioned as such immediately.

S. M. DE LOFFRE,
Lieutenant Colonel, Medical Corps, United States Army, Retired, Examining Board.

R. D. WRENN,
Captain Signal Reserve Corps, Aviation Section, President Examining Board.

Board met in compliance with Special Order 207, War Department, 1917, and Special Order 284, War Department, 1917.

Present: Lieut. Col. Nelson Gapen, Medical Corps, United States Army, retired, or Lieut. Col. S. M. De Loffre, Medical Corps, United States Army, retired, and Capt. R. D. Wrenn, Signal Reserve Corps, Aviation Section.

Place: Washington, D. C.; date, February 16, 1918.

Applicant personally appeared before examining board on the 16th day of February, 1918, and was accorded the right of challenge, of which privilege he did not avail himself, and was then examined.

EXHIBIT F.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
June 4, 1917.

Memorandum of information. Officers' training camps, August 27–November 26, 1917.

1. GENERAL PLAN.

To provide officers for the drafted forces of the National Army the War Department has adopted the policy of commissioning all new officers of the line (Infantry, Cavalry, Field, and Coast Artillery) purely on the basis of demonstrated ability after three months' observation and training in the officers' training camps. Thus, the appointment of officers of the new armies will be made entirely on merit and free from all personal or other influences.

As an emergency measure to provide officers for the first 500,000 drafted troops the War Department has put in operation 16 officers' training camps, with a total attendance of about 40,000. These 16 camps correspond to the territorial divisions in which it is planned to raise troops under the draft act of May 18, 1917. These camps, which began May 15, 1917, are expected to provide line officers well qualified as to character and training and sufficient for the first increment of 500,000, with a reserve for that increment.

Following the policy of commissioning officers on demonstrated worth it is intended that after the first increment of 500,000 has been organized, officers will be obtained by promoting officers and men already in the Regular Army, National Guard, and drafted forces, thus giving to those who have volunteered or have been drafted for military service full opportunity to earn promotion to the exclusion of those not in actual military service.

The period devoted to the organization of the first 500,000 must therefore be devoted to training and selecting officers for the second 500,000 to supplement those promoted from troops in service.

To meet this situation a second series of officers' training camps will be held beginning August 27, 1917, with the definite mission of producing a body of line officers (Infantry, Cavalry, Field and Coast Artillery) capable of filling all places in the grades above lieutenant and many of the places in the grade of lieutenant in the second 500,000 troops.

The training camps to be established for this purpose will afford those not in the military service, or drafted in the future, the last opportunity to become officers. Also, in connection with these camps it is to be noted that mature and experienced men are needed to fill the higher grades (first lieutenant, captain, major, and a few lieutenant colonels) in the second 500,000.

2. DATE AND LOCATIONS OF CAMPS.

Date (for all camps), August 27 to November 26, 1917.

Locations: Fort Myer, Va. (two camps).—For Divisional Area I (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut) and Divisional Area V (New Jersey, Delaware, Maryland, District of Columbia, and Virginia).

Fort McPherson, Ga. (two camps).—For Divisional Area II (congressional districts 1 to 26, inclusive, of New York State, being New York City and contiguous territory) and Divisional Area VII (Alabama, Georgia, and Florida).

Fort Oglethorpe, Ga. (two camps).—For Divisional Area III (New York congressional districts 27 to 43, and Pennsylvania congressional districts 10, 11, 14, 15, 16, 21, 25, and 28) and Divisional Area VI (Tennessee, North Carolina, and South Carolina).

Fort Benjamin Harrison, Ind. (three camps).—For Divisional Area IV (Pennsylvania congressional districts not included above in Area III), Divisional Area VIII (Ohio and West Virginia), and Divisional Area IX (Indiana and Kentucky).

Fort Logan H. Roots, Ark. (two camps), or other place to be designated.—For Divisional Area X (Wisconsin and Michigan) and Divisional Area XII (Mississippi, Louisiana, and Arkansas).

Leon Springs, Tex. (two camps).—For Divisional Area XI (Illinois) and Divisional Area XV (Texas, Arizona, New Mexico, and Oklahoma).

Fort Riley, Kans. (two camps).—Divisional Area XIII (Minnesota, North Dakota, South Dakota, Nebraska, and Iowa) and Divisional Area XIV (Kansas, Missouri, and Colorado).

Presidio of San Francisco, Cal. (one camp).—For Divisional Area XVI (Utah, Wyoming, Montana, Idaho, Nevada, Oregon, Washington, and California).

3. QUOTAS OF CAMPS BASED ON POPULATION.

Each camp will have a quota equaling the population of the divisional area (Census Bureau estimate, 1915) multiplied by .00016. This will give to each divisional area about 1,000 men, and will insure an equal basis of representation to each State in the Union according to population.

4. QUALIFICATIONS.

(1) Classes eligible to apply. Age limits.

(a) Members of the Officers' Reserve Corps (line sections) who, through no fault of their own, were unable to attend the first series of camps; also reserve officers of staff corps under 50 years of age with at least two months' service in war and who have had experience in Infantry, Cavalry, or Artillery.

(b) Noncommissioned officers of the Regular Army recommended in March, 1917, for temporary appointment in case of war, and who, through no fault of their own, were unable to attend the training schools for Regular Army noncommissioned officers in April, 1917. Maximum age limit, 50 years.

(c) Resigned officers of the Regular Army. Maximum age limit, 50 years.

(d) Men of proper qualifications made eligible for the Officers' Reserve Corps by the Army appropriation act of May 12, 1917. Maximum age limit, 50 years.

(e) Men who have qualified for commissions under General Orders, No. 42, War Department, 1915. Maximum age limit, 50 years.

(f) Citizens of the United States who have had war service in the present war as officers or noncommissioned officers of the line in the armies of allied powers. Maximum age limit, 44 years.

(g) Men of exceptional qualifications who tendered their services to the Government prior to June 5, 1917, and who have been listed under General Orders, No. 37, War Department, 1916. Maximum age limit, 50 years.

(h) Citizens with valuable military experience and adaptability for commissioned grade, or citizens who have demonstrated marked ability and capacity for leadership, and are clearly adapted for military service in commissioned grade. Maximum age limit, 44 years.

Note.—Men who applied for the first series of camps must reapply, whether or not certified as suitable for the first camps. Right to enter camp, if selected, is not affected by the fact that applicant is drafted before or after camp begins.

The minimum age limit for all applicants is 20 years and 9 months. However, in order to obtain the experienced class of men desired preference will be given to men over 31 years of age, other things being equal. Because of the anticipated large number of applications it will probably be difficult for men under that age to qualify, except in instances where the applicant has preeminent qualifications or unusual military experience. This applies to the training camps described herein. For later camps see paragraph 1.

5. MANNER OF APPLICATION AND PROCEDURE FOR SELECTION.

All who desire to become candidates will apply on the official application blank which accompanies this circular. Men certified as acceptable for the first series of camps (the camps now in operation), but not directed to attend must in all cases renew their applications. Department commanders have been directed to return to prior applicants papers filed with their previous applications.

A member of the National Guard in Federal service may apply through channels, and, if accepted, will be part of his State quota. While in the training camp he will be on detached service from his National Guard organization.

It is expected that the entire National Guard will be in Federal service before these training camps open. If the applicant's organization is not in Federal service at time of making application he must inclose with his application a signed statement of the adjutant general of the State recommending the applicant as suitable for appointment as an officer, and agreeing to discharge him, or furlough him for three months beginning August 27, 1917, if not in Federal service on that date.

The few noncommissioned officers of the Regular Army who were not in position to be included in the training schools established for noncommissioned officers recommended for temporary appointment will, if accepted, be included in the quota of the State in which they are stationed. These men are highly trained instructors scattered through the country on college or recruiting duty.

Employees of the United States must inclose the signed recommendation and consent of their chiefs.

Area.	Quota.	Those who reside in—	Will mail their applications to examining officer, second training camp—
I	128	Maine	Fort McKinley, Me.
	72	New Hampshire	Fort Constitution, N. H.
	58	Vermont	Fort Ethan Allen, Vt.
	587	Massachusetts	Fort Warren, Mass.
	96	Rhode Island	Fort Adams, R. I.
	196	Connecticut	Do.
II	972	New York (districts 1 to 26, inclusive).	Governors Island, N. Y.
III	714	New York (districts 27 to 47, inclusive).	Fort Porter, N. Y.
	272	Pennsylvania (districts 10, 11, 14, 15, 16, 21, 25, and 28).	130 North Washington Avenue, Scranton, Pa.
IV	998	Pennsylvania (not included in Area III).	1220 Arch Street, Philadelphia, Pa.
V	362	New Jersey	Trenton, N. J.
	35	Delaware	Fort McHenry, Md.
	208	Maryland	Do.
	48	District of Columbia	Do.
	347	Virginia	Fort Monroe, Va.
VI	379	North Carolina	Raleigh, N. C.
	256	South Carolina	Southeast Department, Charleston, S. C.
	361	Tennessee	523½ Broadway, Nashville, Tenn.
	448	Georgia	Fort McPherson, Ga.
VII	368	Alabama	Clark Building, Birmingham, Ala.
	135	Florida	53 West Bay Street, Jacksonville, Fla.
VIII	216	West Virginia	Charleston, W. Va.
	801	Ohio	Columbus Barracks, Ohio.
IX	448	Indiana	Fort Benjamin Harrison, Ind.
	377	Kentucky	640 West Jefferson Street, Louisville, Ky.
X	482	Michigan	Fort Wayne, Detroit, Mich.
	395	Wisconsin	391 Wells Street, Milwaukee, Wis.
XI	719	Illinois	Fort Sheridan, Ill.
XII	304	Mississippi	202½ West Capitol Street, Jackson, Miss.
	272	Arkansas	Fort Logan H. Roots, Ark.
	288	Louisiana	Jackson Barracks, New Orleans, La.
XIII	361	Minnesota	Fort Snelling, Minn.
	355	Iowa	Fort Des Moines, Iowa.
	113	North Dakota	Fort Lincoln, N. Dak.
	109	South Dakota	Sioux Falls, S. Dak.
	200	Nebraska	Fort Crook, Nebr.
	528	Missouri	Jefferson Barracks, St. Louis, Mo.
XIV	288	Kansas	Fort Riley, Kans.
	152	Colorado	Fort Logan, Colo.
	688	Texas	Fort Sam Houston, Tex.
XV	336	Oklahoma	Fort Sill, Okla.
	64	New Mexico	Santa Fe, N. Mex.
	40	Arizona	Whipple Barracks, Ariz.
	72	Montana	Helena, Mont.
	28	Wyoming	Fort D. A. Russell, Wyo.
	64	Idaho	Boise Barracks, Idaho.
XVI	240	Washington	Fort Lawton, Wash.
	130	Oregon	Vancouver Barracks, Wash.
	16	Nevada	Reno, Nev.
	68	Utah	Fort Douglas, Utah.
	457	California	Presidio of San Francisco, Cal.

Read the instructions on the application and fill it out carefully. Note particularly that letters of recommendation are not wanted, but only the names of three responsible citizens who know the applicant best. Each applicant must be examined physically at his own expense by a reputable physician, who will fill out the physical report forming part of the official application blank. This preliminary examination is subject to review, and the examining officer may require another examination. Men who submitted physical examinations on the Army blank for the first series of camps may submit these reports in lieu of a new examination.

Applications will be received between June 15 and July 15, 1917. Under no circumstances will an application be considered if received after July 15. It will be promptly returned to the applicant.

Shortly after July 15 Army examiners will visit various points, to be announced, in each State. Applicants selected for personal and physical examination will be notified to appear before the Regular Army

examiner in person at a convenient point for inquiry into his record, capacity, leadership, and qualifications in general, also for further physical examination if deemed necessary by the examiner.

After the personal and physical examinations are completed, and as soon after August 1, 1917, as practicable (not later than August 10), the accepted applicants will be notified when and where to go for the training course.

6. OBLIGATION.

Accepted applicants, unless they are reserve officers or members of the Regular Army or National Guard in Federal service, will be required to enlist for a period of three months, under section 54, national-defense act, and will agree to accept such commission in the Army of the United States as may be tendered by the Secretary of War. The enlistment obligates one to service in the training camp only.

7. APPOINTMENTS AT CLOSE OF CAMPS—AGE LIMITS FOR COMMISSIONS.

Men will be classified and recommended for commissions on the basis of their qualifications as demonstrated during the training. Those eligible under the Officers' Reserve Corps age limits (up to 32 for second lieutenant, 36 for first lieutenant, 40 for captain, and 45 for major), will be commissioned for five years in the Reserve Corps. However, these age limits will not govern all appointments, because under the draft act of May 18, 1917, these age limits do not apply to appointment for the war only. Accordingly, men qualified for commissions (except for the Reserve Corps age limits) will be commissioned in the National Army for the war. In other wards, a man of 40 may be commissioned a second lieutenant in this manner if recommended for that grade.

8. PAY AND EXPENSES.

The Government will pay the men in training $100 per month during the three months' course, and will provide transportation, uniforms, and subsistence, except that reserve officers in training will receive the pay of their grades, and will provide uniforms and subsistence at their own expense.

All accepted applicants are urged, however, to provide their own uniforms in advance, as follows:

1 hat, service
1 coat, service, olive drab.
2 shirts, flannel, olive drab.
2 breeches, service, olive drab.
1 pair leggins, canvas.
1 pair shoes, marching.

The Government will provide all necessary arms and equipment, and the necessary drill regulations and other publications used in the course will be issued to accepted applicants in the camps.

9. COURSE OF INSTRUCTION.

The training will cover a period of three months. For the first month the course will be uniform for all, with the purpose of giving instruction in the duties common to all arms. At the end of a month the men will be divided, according to qualifications and needs of the service, into Infantry, Cavalry, Field and Coast Artillery for special instruction in their respective branches during the last two months. Candidates for Cavalry commissions will be equipped and trained dismounted for service as Infantry.

10. CHARACTER OF MEN DESIRED.

Since the special object of these camps is to train a body of men fitted to fill the more responsible positions of command in the new armies, every effort will be made to select men of exceptional character and proved ability in their various occupations. While it is desired to give full opportunity for all eligible citizens to apply, no man need make application whose record is not in all respects above reproach and who does not possess the fundamental characteristics necessary to inspire respect and confidence.

By order of the Secretary of War:

H. P. McCAIN,
The Adjutant General.

Memorandum for The Adjutant General.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, April 6, 1918.

The Acting Chief of Staff directs the attached resolution be referred to you for the preparation of the necessary report.

P. P. BISHOP,
Colonel, General Staff, Secretary.

Received appointment section, Adjutant General's office, April 8, 1918.

Done:

H. P. McCAIN,
The Adjutant General.

Received Office Chief of Staff April 8, 1918.

The SPEAKER. This communication was in answer to a resolution introduced by the gentleman from Kansas [Mr. ANTHONY], and the Chair submitted it to him——

Mr. ANTHONY. Mr. Speaker, I understand that it will take about half an hour to read that report, and I can probably dispose of it in a short time by making the motion to refer it to the Committee on Military Affairs, and if recognized to make that motion I can probably in a few words explain so as to save the House some of the time that it would take to read the entire report.

The SPEAKER. The gentleman will proceed.

Mr. ANTHONY. Mr. Speaker, having had the privilege of reading that report I regret that the Acting Secretary of War has not seen fit to furnish the House with all the information that is asked for in the resolution which was sent to that department. The report of the War Department seems to be entirely devoted to a justification for the appointment of Capt. Herbert A. Meyer as a captain in the nonflying branch of the Aviation Corps. It tells what a fine man he is, and all that. Capt. Meyer's character has never been questioned. He may be all that the report says he is. He probably was a very efficient secretary to one of the Cabinet officers of the present administration. But that is not the question. What we did want to know is what were the military reasons why his appointment has been juggled with by the War Department as the appointment of no officer in the Reserve Corps has been juggled. The report neglects to state that in September last, I think it was, Mr. Meyer was commissioned as a captain in the Quartermaster Corps and ordered for active duty with the Army in France at about the same time when the draft was imminent, and the department neglects to say that there is on file in the War Department, as I understand there is, an order from the Chief of Staff, dated a few days after the first one, revoking the order assigning him to duty in France for some reason not specifically stated, and he returned to duty as the secretary of one of the Cabinet officers.

Mr. SLAYDEN. With the rank of captain?

Mr. ANTHONY. With the rank of a captain on the inactive list. The matter drifted along with Mr. Meyer on the inactive list as a captain of the Quartermaster Corps, and during that time the department has construed that a man declining an order to active service left the corps——

Mr. GARRETT of Tennessee. Mr. Speaker, is the gentleman proceeding by unanimous consent?

The SPEAKER. No. The gentleman made this statement, that as it would take half an hour to read this communication it would shorten the time if he explained it a minute or two and he would move to refer it to the Committee on Military Affairs and have it printed in the RECORD.

Mr. GARRETT of Tennessee. The gentleman from Kansas seems to be cricitizing a report none of us have heard. He seems to be making a statement that he has certain facts in his possession that are not set forth in that report.

The SPEAKER. What the Chair was endeavoring to do was to shorten up this matter.

Mr. GARRETT of Tennessee. The gentleman from Kansas does not seem to be contributing very much to the efforts of the Chair.

Mr. ANTHONY. If the gentleman will have a little patience, perhaps——

The SPEAKER. The gentleman can not proceed without unanimous consent.

Mr. GARRETT of Tennessee. Mr. Speaker, of course, I do not suppose the motion would be in order unless I had unanimous consent, but I ask unanimous consent that the report be referred to the Committee on Military Affairs without further reading.

Mr. CALDWELL. And that it be printed in the RECORD.

Mr. ANTHONY. I have already made the motion that it be referred to the Committee on Military Affairs, if my memory is correct.

The SPEAKER. The Chair understands the gentleman to make that motion.

Mr. ANTHONY. Then I ask for recognition on the motion.

Mr. GARRETT of Tennessee. Then it will have to be read, of course.

Mr. GILLETT. To save time, I ask unanimous consent that it be printed without reading. Of course, it will be read, if the House wishes it.

Mr. GARRETT of Tennessee. Well, I shall not interpose further objection to the gentleman proceeding.

Mr. ANTHONY. Ordinarily an officer appointed in the reserve who receives an order to the active list and is ordered to duty, if he declines that order to active duty, goes back to his status as a citizen. He is dropped from that list. In this case, Mr. Meyer was not dropped from his status as an officer on the inactive list, but for some purpose was kept on the list, and the report from the department neglects to give us that information.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COX. I wish the War Department had answered the gentleman's resolution. Will not the gentleman introduce another resolution and ask for the information again?

Mr. ANTHONY. I shall renew my motion that this answer be referred to the Committee on Military Affairs, and then I will introduce another resolution and ask for further information. The case of Mr. Meyer slumbered along all winter until March of the present year, when a reclassification of men eligible to the draft was made. I have ascertained upon good information that about March 17 Mr. Meyer was given a new designation to class 1. The probabilities were strong that this man would be taken in the next draft. Thereupon, by some mysterious influence, Mr. Meyer received an appointment as a captain in the Aviation Corps—the nonflying branch. That appointment was obtained in the face of repeated statements from the War Department that they would not assign young men who were on the draft list to commissions in the Army unless

they were specially qualified from a technical standpoint. Yet Mr. Meyer is given an appointment as captain in the Aviation Corps in the nonflying branch. In order to secure that appointment the Medical Department of the War Department, through some mysterious influence, gives an order waiving a deficiency of 16 pounds in weight, all of which is omitted in the present report. I also understand that in this case some one secured a statement from an officer of the Signal Corps to the effect that this man's services were very badly needed in the Aviation Corps—the nonflying branch—because of the fact that among the 3,500 officers on duty in that corps there were none available that could perform the duty for which he was desired, a preposterous statement on its face. That is the foundation that is carefully laid in the department. Now, after he is appointed, in the face of such a situation, the duties to which he was assigned, as I understand it, were those of superintending the construction of buildings in a camp somewhere out West, a duty that anyone of the 3,500 officers on duty could have performed or perhaps better by some civilian foreman. By the same mysterious influence this man is jumped over the heads of hundreds, perhaps thousands, of other officers already in the Aviation Corps. I hope the House will send for all that information. I want to ask that a stop be put to political influences securing such appointments in the War Department. [Applause.]

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COX. Is this man in class 1?

Mr. ANTHONY. I understand the reclassification in his case was made on March 17, and that he was put in class 1, and that on the day before or after the department gave him this appointment as captain, which made him safe.

Mr. COX. There is no question but that he is of the draft age?

Mr. ANTHONY. There is no quesion but he is of draft age.

Mr. COX. Does the gentleman know whether he is married or single?

Mr. ANTHONY. I understand he is married.

Mr. CONNELLY of Kansas. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes; I yield.

Mr. CONNELLY of Kansas. The gentleman is very much opposed to political influence in appointments by the War Department, as I understand it?

Mr. ANTHONY. I absolutely am.

Mr. CONNELLY of Kansas. Would my colleague be willing to inform the House just how many appointments from his district there are in Gen. Crowder's office and in the Judge Advocate General's office?

Mr. ANTHONY. From my district?

Mr. CONNELLY of Kansas. Yes, sir.

Mr. ANTHONY. I do not know exactly. I think a couple of officers have been appointed from my district; perhaps three officers; and I will state that two of them were appointed on the initiative of the department alone, without consulting with any Member of Congress or any Senator that I have heard of.

Mr. CONNELLY of Kansas. Would the gentleman be willing to state what their politics is?

Mr. ANTHONY. I will not say as to that. I am not discussing appointments in Gen. Crowder's office. I am discussing appointments in the line of the Army, and in the Army as a whole.

Mr. CALDWELL rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. I want to speak on the motion when the gentleman has concluded.

The SPEAKER. That can be dealt with later.

Mr. ANTHONY. Mr. Speaker, if I may be allowed to proceed, the country has been scandalized by publications in the great newspapers of the country, especially the Chicago Tribune, of lists of hundreds of young men, most of them members of prominent families, most of them of very rich families of the millionaire class, most of them with strong political connections, who in the face of repeated assurances from the War Department to Members of Congress that men of the draft age will not be directly commissioned, have been appointed and assigned to noncombatant places in all the different bureaus of the War Department scattered over the country, where they can not smell powder, as a gentleman in my rear suggests. There is no doubt but that the power of appointment in the War Department has been grossly abused.

And before I close my remarks here on the floor and ask that the reply of the Acting Secretary of War be referred to the Committee on Military Affairs for further action, I want to express my fear that in the present crisis which faces the country the War Department is not taking proper steps to provide sufficient trained commissioned officers for the great army we are trying to raise.

For the last three months the War Department seems to have been stricken with a palsy in the matter of raising a great body of commissioned personnel to officer the next body of troops that we are going to put into the field. For several months the originally established training camps of the line have not been in operation in this country. They were abandoned in favor of training men in the cantonments with the troops. I happen to know that a section of the General Staff has made the strongest kind of recommendations to the Secretary of War that immediate steps be taken toward the training of another large body of commissioned officers to officer the next body of men that we are going to draft in this country, and so far the department has not taken a single step along that line. Gen. McCain believes we should have a reserve of 50,000 trained officers of the line to make up possible losses in the field in France, and Gen. Wood only to-day urges that another large body of men be put into immediate training for commissions. I say it is time that some life were shown and some activity displayed toward raising and training not less than 50,000 commissioned officers to train and lead the next great draft of troops that are to be called into service.

Mr. HAYDEN. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HAYDEN. Do I understand the gentleman to say that no steps are being taken to provide training for officers?

Mr. ANTHONY. No steps are being taken to reopen or establish the original training camps for the training of officers of the line.

Mr. HAYDEN. A series of training camps started on January 5, and they are just closing now, at every cantonment in the United States. A Member of this body has been training at one of these camps.

Mr. ANTHONY. Those are training camps most largely for enlisted men who are on duty at those cantonments; but the training camps proper, for officers of the line, as I understand it, closed several months ago.

Mr. HAYDEN. These are for officers of the line. I am sure the gentleman is mistaken.

Mr. SHALLENBERGER. Does not the gentleman think the proper policy is what the department is doing, recognizing at these training camps these men who have had the courage to go into the enlisted ranks? Does the gentleman want to indorse the idea of taking men from civilian life and putting them into training camps?

Mr. ANTHONY. No; I appreciate what the department has done, but within the next month or two all of these organizations will be in France, where they ought to be. We are going to raise a great levy of absolutely untrained men, and in my opinion it is not good military policy to take the commissioned officers altogether from the ranks of these new levies of men. Enough men best fitted to be officers ought to be in training now at properly established officers' training camps before we withdraw all these organizations from this country.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall have to make the point of order that the gentleman from Kansas is not discussing the matter before the House. The gentleman was given consent to discuss a report, the reading of which had not been completed, and to dispose of it in a very few moments. The gentleman did proceed for a time to discuss that report in his own way, but now he has branched off into another proposition entirely. It seems to me the gentleman ought to proceed in order, out of regard for those of us who did not object to the request for unanimous consent.

Mr. ANTHONY. I do not think the gentleman has the slightest ground for his assertion. My remarks have been entirely along the line of the subject of my inquiry, and I have kept faith with the House, because my remarks have taken less time than it would have taken to read the report; and if it will relieve the gentleman's mind any I will state to him that I am about through with the few words that I have had to say.

The SPEAKER. The question involved in this report was about one man, and the gentleman's later remarks have been concerning the War Department.

Mr. ANTHONY. I will say to the Speaker that the question involved the appointment of a great many other men.

Mr. SLAYDEN rose.

Mr. ANTHONY. If I may yield to the gentleman from Texas [Mr. SLAYDEN], I will after that move the previous question on my motion.

Mr. SLAYDEN. I should like to ask the gentleman a question.

Mr. ANTHONY. I yield to the gentleman from Texas.

Mr. SLAYDEN. The gentleman just now stated that he approved of the policy of the War Department in promoting men from the ranks to be commissioned officers?

Mr. ANTHONY. Yes.

Mr. SLAYDEN. Has there been a proper rigid adherence to that policy?

Mr. ANTHONY. No; there has not. There has been the widest divergence from that policy, as I say, in the matter of these favored sons with political influence and sons of families able to pull the strings.

On March 22, 1918, this article appeared in the Chicago Tribune:

[By a staff correspondent.]

WASHINGTON, D. C., *March 21 (special)*.

Reports that commissions have been issued to 62,000 noncombatant officers, although the combatant officers number only 63,000, and that thousands of the noncombatant officers are of draft age, are to be investigated by Congress.

The Senate Committee on Military Affairs has decided to act, and Senator THOMAS, of Colorado, Democrat, to-day introduced a resolution calling on the War Department to state how many noncombatant reserve officers are of draft age.

"If reports are true, that there has been wholesale commissioning of young men of draft age to staff jobs, whereby they not only escape the draft but will escape fighting for their country, I do not think it is a very good thing for the morale of the American Army," Senator THOMAS said.

A MAZE OF UNIFORMS.

Washington is the grand headquarters of the noncombatant officers, for there are few men, young or old, of the thousands performing even clerical duties in the war offices who have been unable to obtain commissions. There have not been so many uniforms in Washington since the grand review of the Union Army at the close of the Civil War.

Many young officers of wealth and influence are sharing the discomforts of an overcrowded Capital with hundreds of men of draft age, but in more modest circumstances, who have obtained noncombatant commissions, War Department clerkships carrying exemptions from the draft at the request of Secretary Baker or assignment by Secretary of the Navy Daniels to the "inactive list" of the Naval Reserve.

THE CASE OF BROWN.

Perhaps the most unusual noncombatant commission so far issued is that possessed by L. Ames Brown, the 27-year-old bosom friend of Secretary Tumulty and late assistant of George Creel, chairman of the Committee on Public Information. Young Mr. Brown, placed in class 1 of the draft during his service in the Creel bureau, was made a first lieutenant and assigned to "intelligence duties solely" in Washington and New York, with the proviso that he should "not be assigned to any other duty or the command of troops under this appointment."

Humphrey Redfield, son of the Secretary of Commerce, is an assistant pay clerk, with a desk in the Navy Supply Bureau. He was commissioned an ensign after his graduation from Amherst College, and since that time has married and brought his bride to Washington.

ONE DANIELS IN SERVICE.

The only one of Secretary Daniels' four sons in the service is Josephus, jr., who enlisted in the Marine Reserve Corps and was assigned to duty in the Marine Corps office in Philadelphia. Recently he was commissioned a second lieutenant in the Quartermaster Department of the Marine Corps Reserve. Lieut. Daniels's duties do not take him to sea.

Secretary of Agriculture Houston's son, David, jr., has been commissioned an ensign in the Navy and assigned to duty on a patrol vessel in the second naval district. His service will be on the New England coast.

Secretary of State Lansing has no children. The only representative of the family in the commissioned ranks of the service is John Foster Dulles, Mrs. Lansing's nephew, who has been commissioned a captain and assigned to the Army War College.

HAMMOND IS EXEMPTED.

John Hays Hammond, jr., son of the millionaire mining engineer, is in Washington, engaged in work upon the radio torpedo which he invented, and which he believes can be made useful in this war. The device is to be given a test eventually, he says, by a War Department board headed by Gen. Wood. Mr. Hammond was exempted from the draft at the request of Secretary of War Baker.

A younger brother, Richard Hammond, enlisted in the Naval Reserve as a boatswain's mate, first class, in May, 1917, and is now in the Yale unit of the Naval Reserve in training for eventual service on a coast-patrol vessel in the New England district. Service on coast-patrol vessels is confined to this side of the Atlantic. Another brother, Harris Hammond, who was married last week, is engaged in business in New York.

STRAIGHT IS A MAJOR.

Willard Straight, of the American International Corporation, was commissioned a major early in the war and sent to France for a short time to straighten out the question of pay allowances and insurance for soldiers and dependents. Maj. Straight, who was formerly in the American Diplomatic Service, married Dorothy Payne Whitney, daughter of the late millionaire, William C. Whitney.

Charles R. Crane, one of the President's most intimate friends, has three of his kin in the Government service. Two are in Washington, while a young nephew, Charles R. Crane, 2d, is a second lieutenant in the Ordnance Procurement Division, assigned to Chicago.

These Ordnance Department assignments are generally called "bomb-proof" jobs in Washington parlance.

SOME CHICAGOANS THERE.

Among Chicagoans who have been busy with war work in Washington is Jack Peabody, son of F. Stuyvesant Peabody, who, it is reported, has been assigned to the Department of Gases, United States Army.

George R. Nichols, jr., is a captain of ordnance, whose assignment has been in Washington. He is a son-in-law of Dr. Frank Billings. Charles Barnett Goodspeed, of Chicago, is also an ordnance officer, with an assignment, at last reports, in this city.

Edward S. Moore, also a millionaire Chicagoan, is now a major of ground aviation.

Thomas S. Chalmers, of Chicago, son of William J. Chalmers, former vice president of Allis-Chalmers, is in the procurement division of the Ordnance Bureau, and has taken an appointment in Washington.

Perry H. Keeney, a wealthy young Chicago lawyer, Harvard '06, obtained a captain's commission in the National Army, although not being required to pass through an officers' training camp, and has been assigned to duty at the War College.

W. J. Carboy, son-in-law of former Gov. Dunne, of Illinois, is a second lieutenant in the contract section of the Ordnance Bureau.

Melvin Ericson, the young son-in-law of Charles G. Dawes, was brought to Washington as confidential assistant to Secretary Baker. Later he was given a commission as captain in the Signal Reserve Corps. Recently he filed charges against Gen. Thomas Cruse, retired.

HE'S A NONFLYER.

Charles Marshall, brother of Mrs. Marshall Field, 3d, was recently commissioned a first lieutenant in the nonflying branch of the Aviation Service and assigned as adjutant of the One hundred and eighty-fourth Aero Squadron, at Hicks, Tex. Although under 30, Lieut. Marshall is wealthy. He married Miss Alice Huntington, sister of Mrs. Vincent Astor. The Marshalls spent the winter in Washington, occupying Ivanwold, a Virginia estate, a few miles from the Capital.

Winthrop Murray Crane, jr., son of the former Senator from Massachusetts, is a major in the Ordnance Supply Bureau here.

Burchell Dunbar Adams, a wealthy New Yorker, who married Edith Gracie, daughter of Col. Archibald Gracie, one of the *Titanic* survivors, was drafted, but later was able to secure a commission. He lived with his bride in the Gracie home in Nineteenth Street until recently transferred to New Haven, Conn.

Anthony J. Drexel, jr., of Philadelphia, a member of the wealthy Drexel family, recently was made a second lieutenant and assigned to the Ordnance Department. He will live in Washington.

SON OF MRS. STOTESBURY.

After a six weeks' special course at Annapolis, an ensign's commission in the Navy was given to James H. Roberts Cromwell, son of Mrs. Edward Stotesbury, who recently accepted the chairmanship of the Woman's Naval Auxiliary of the Red Cross, created by Secretary of the Navy Danials to supplant the Navy League Comforts Committee, which had incurred his displeasure. Mrs. Stotesbury built a submarine chaser for her son, with the understanding that he was to command it. The Government, however, did not accept the boat, and she has now presented it to the New York post of the Junior Naval Reserve as a training craft.

Ensign Cromwell has been assigned to the battleship *Louisiana*.

Robert Goelet, of the rich and prominent New York family of that name, received a captain's commission and was assigned to the postal censorship substation at New Orleans.

Col. E. M. House, the President's chief confidant, has no sons, but has two sons-in-law, one of whom, young Gordon Auchincloss, is in the office of—

And so forth.

Mr. SLAYDEN. I have submitted the names of a good many gentlemen who have not been appointed.

The SPEAKER. The question of the gentleman from Texas and the answer of the gentleman from Kansas are extraneous to this subject.

Mr. ANTHONY. Mr. Speaker, I move the previous question.

Mr. GARRETT of Tennessee. Mr. Speaker, that is not at all necessary. Under the rules of the House the report would go to the committee.

The SPEAKER. That would be true if the Chair had not interrupted the reading of the report, and the Chair wanted to get the House out of the hole it got into. This report will be referred to the Committee on Military Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and further insist upon its amendment No. 44, still in disagreement.

AGRICULTURAL APPROPRIATIONS.

Mr. LEVER presented a conference report on the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, to be printed in the RECORD under the rule.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

The SPEAKER. The Clerk will report the title of the joint resolution under consideration yesterday.

The Clerk read the title of S. J. Res. 123, providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. FIELDS. Mr. Speaker, is it in order to move the previous question on this joint resolution and all the amendments to the final passage?

Mr. HARRISON of Virginia. Mr. Speaker, I am entitled to the floor. I claim the floor on the amendment which I offered. I wish to make a statement to the House.

The SPEAKER. The gentleman asks unanimous consent——

Mr. HARRISON of Virginia. No; I had the floor when the House adjourned yesterday.

The SPEAKER. That is true. The gentleman undoubtedly had the floor. The only thing that the Chair was studying about was whether the gentleman from Kentucky [Mr. FIELDS] had the right to move the previous question at this particular juncture.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry.

Mr. FIELDS. Mr. Speaker, I withhold my motion.

Mr. MILLER of Minnesota. I am opposed to the amendment of the gentleman from Virginia, but it was distinctly understood that if he yielded the floor for the purpose of permitting the gentleman from Kentucky [Mr. FIELDS] to move to adjourn the gentleman from Virginia [Mr. HARRISON] would have an hour when we reconvened this morning. On that statement is he not entitled to recognition by the Speaker immediately upon the taking up of this bill?

The SPEAKER. The Chair thinks he is.

Mr. HARRISON of Virginia. Mr. Speaker, on yesterday evening, when I introduced this amendment to the present bill, it embodied in terms a bill that I had already introduced earlier in the session, and which had been referred to the Committee on Military Affairs. Now, I have been assured by the Committee on Military Affairs that that bill, which is now before them, will receive their prompt consideration and action. The question has never been debated or passed on by the committee, and therefore I am anxious to have the committee consider it and not embarrass the present legislation by injecting into it a matter that might complicate the operation of the draft under the law as it is now framed. All I desire is to secure for the people who I think need protection from the draft consideration by this House of their claims. The only purpose of the amendment was to place farm labor on the same footing that is given labor in shipbuilding yards. In view of the fact that the adoption of this amendment may embarrass the prompt passage of the necessary legislation for the new draft, and in view of the fact that this matter has never been considered by the Committee on Military Affairs, that there is a bill now pending before it which has the same object, which I am assured will receive prompt consideration, I ask leave to withdraw the amendment. [Applause.]

The SPEAKER. The gentleman from Virginia withdraws his amendment.

Mr. FIELDS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. BURNETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. As I understood the ruling of the Chair a short time ago, in a matter that is before the House the gentleman has no right to withdraw it without unanimous consent. I want to know, because I want to register my opposition to the withdrawal.

The SPEAKER. The gentleman has in mind the rule that prevails in Committee of the Whole. Anybody can withdraw anything in the House without asking unanimous consent, clear up to the time it is voted on. It is not so in Committee of the Whole. The gentleman from Kentucky moves the previous question on the bill and all amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WALSH. The resolution having been considered in the House as in Committee of the Whole, is it in order to take a separate vote on the amendments agreed to by the House?

The SPEAKER. The Chair thinks that is the universal practice.

Mr. GARNER. I think the Speaker is mistaken about that. I want to suggest to the Chair that if he will refer to the precedents he will find that where bills are considered in the House as in Committee of the Whole and amendments adopted it is not necessary to take another vote on the amendments.

The SPEAKER. The gentleman is correct. The question is on the third reading of the Senate joint resolution.

Mr. STAFFORD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. I rise to inquire of the Speaker what action was taken by the House as to that part of the motion of the gentleman from Nebraska which struck out certain language of the resolution. The RECORD, on page 5438, shows:

> The SPEAKER. The time of the gentleman from Kentucky has expired. All time has expired. The question is on agreeing to the Shallenberger amendment.
>
> Mr. FIELDS. Mr. Speaker, I demand a division of the amendment.
>
> The SPEAKER. The gentleman from Kentucky demands a division of the amendment, and the Clerk will report the first proposition in it.
>
> The Clerk read as follows:
>
> "Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption."
>
> The SPEAKER. The question is on agreeing to that proposition, the first half of the Shallenberger amendment.

As far as I recall, no action has been taken by the House on the substantive proposition of the gentleman from Nebraska to strike out a certain part of the Senate resolution. The fact is the amendment of the gentleman from Nebraska was not a motion to strike out and insert, but a substantive proposition to strike out certain lines of the joint resolution as reported to the House and to add—not to insert in lieu thereof—but to add at the conclusion of the Senate resolution certain substantive propositions which were divisible under the ruling of the Chair into two parts. Action has been taken by the House on the substantive parts of the divisible proposition, but no action, so far as the RECORD shows and followed the procedure in the House, has been taken on that part of the amendment of the gentleman from Nebraska which sought to strike out a certain portion of the Senate joint resolution.

Mr. SHALLENBERGER. Mr. Speaker, the question which the gentleman from Wisconsin raises was raised yesterday, when we voted on the measure. If the Chair will observe the language of the resolution, that part of my amendment which proposed to strike out certain language of that resolution has no application whatever to the second part of my amendment, and when the attention of the Speaker was called to that in debate I made the statement, and the Speaker accepted it, that the portion of the amendment adopted went to the end of the bill, and that part which called for the striking out of certain language was defeated.

Mr. STAFFORD. No action has been taken by the House on the substantive proposition to strike out, which was a distinct proposition of the amendment of the gentleman from Nebraska.

Mr. WALSH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Notwithstanding the lack of action on the part of the House, as claimed by the gentleman from Wisconsin, I submit that it is now too late for the House to act on the matter, the previous question having been ordered.

The SPEAKER. The Chair thinks the statement made by the gentleman from Nebraska is absolutely correct, that his amendment proposed to strike out certain things and the House refused to strike out, and then voted on the new matter added at the end of the bill.

Mr. STAFFORD. If the Chair will permit, no action at any time has been taken by the House on the motion of the gentleman from Nebraska to strike out these lines.

Mr. WALSH. Mr. Speaker, I think if the gentleman will reflect, he will recall that the part of the amendment of the gentleman from Nebraska to strike out was read as the first half of his amendment when the amendment was defeated.

Mr. STAFFORD. If the gentleman will refer to the RECORD he will see——

Mr. WALSH. I do not care what the RECORD says.

Mr. STAFFORD. That no reference was made to that portion of the amendment in which it was sought to strike out certain lines of the resolution.

Mr. PARKER of New Jersey. It certainly was read, for I noticed it, and that is borne out by the RECORD, on page 5059, where the gentleman from Nebraska [Mr. SHALLENBERGER] says:

> The motion to strike out the lines of the first part of my amendment was voted down, and this will go to the end of the bill—

Referring to the second part of his amendment.

Mr. STAFFORD. He may have made that statement, but no action was taken upon it.

Mr. SAUNDERS of Virginia. Mr. Speaker, I submit in respect to the point of order that even if it is conceded that everything is precisely as the gentleman from Wisconsin [Mr. STAFFORD] states, it is perfectly immaterial. We have added substantive language to this resolution, by an amendment which did not require a preliminary motion to strike out anything. If the motion to strike out has never been acted upon, what earthly difference will that make? The amendment has added a new paragraph to the resolution. That action has been taken, and it is a matter of no concern whatever what becomes of the motion to strike out, which was necessary only in the event that the Shallenberger amendment was adopted as a whole. It was

a necessary part of that portion of the Shallenberger amendment, which was rejected. Therefore, it may be fairly considered as nonexistent with respect to the amendment, which was actually adopted. Hence when that part of the amendment to which the motion to strike out applied, failed to carry, that action can be considered as a substantial disposition of the motion to strike out.

The SPEAKER. The Chair thinks the gentleman from Virginia is correct, and the vote is on the third reading of the Senate joint resolution.

The resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

Mr. FIELDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 3, answered "present" 9, not voting 85, as follows:

YEAS—334.

Alexander	Elston	Kreider	Sanders, Ind.
Almon	Emerson	La Follette	Sanders, La.
Anderson	Esch	Langley	Saunders, Va.
Anthony	Estopinal	Larsen	Schall
Ashbrook	Evans	Lazaro	Scott, Mich.
Aswell	Fairchild, B. L.	Lea, Cal.	Scott, Pa.
Austin	Fairchild, G. W.	Lee, Ga.	Scully
Ayres	Fairfield	Lehlbach	Sells
Baer	Farr	Lenroot	Shackleford
Bankhead	Ferris	Lesher	Shallenberger
Barkley	Fields	Lever	Sherley
Barnhart	Fisher	Linthicum	Sherwood
Beakes	Flood	Little	Shouse
Beshlin	Focht	Littlepage	Siegel
Black	Fordney	Lobeck	Sims
Blackmon	Foss	Lonergan	Sinnott
Bland	Foster	Longworth	Sisson
Booher	Francis	Lufkin	Slayden
Bowers	Frear	Lunn	Slemp
Brand	Freeman	McArthur	Sloan
Britten	French	McCulloch	Small
Browne	Fuller, Ill.	McFadden	Smith, Idaho
Browning	Fuller, Mass.	McKenzie	Smith, Mich.
Brumbaugh	Gard	McKeown	Smith, C. B.
Buchanan	Garland	McKinley	Snell
Burroughs	Garner	McLaughlin, Mich.	Snook
Butler	Garrett, Tenn.	Madden	Stafford
Byrns, Tenn.	Garrett, Tex.	Magee	Steagall
Caldwell	Gillett	Mansfield	Stedman
Campbell, Pa.	Glynn	Mapes	Steele
Cannon	Godwin, N. C.	Martin	Steenerson
Cantrill	Goodwin, Ark.	Mays	Stephens, Miss.
Caraway	Gould	Merritt	Sterling, Ill.
Carlin	Graham, Ill.	Miller, Minn.	Stevenson
Carter, Okla.	Gray, Ala.	Montague	Stiness
Cary	Green, Iowa	Moore, Pa.	Strong
Chandler, N. Y.	Greene, Mass.	Moores, Ind.	Sumners
Chandler, Okla.	Greene, Vt.	Morgan	Sweet
Church	Gregg	Morin	Swift
Clark, Fla.	Griffin	Mott	Switzer
Clark, Pa.	Hadley	Mudd	Tague
Classon	Hamill	Nelson	Talbott
Claypool	Hamilton, Mich.	Nicholls, S. C.	Taylor, Ark.
Coady	Hamlin	Nichols, Mich.	Temple
Collier	Hardy	Nolan	Thompson
Connally, Tex.	Harrison, Va.	Oldfield	Tillman
Connelly, Kans.	Haskell	Oliver, Ala.	Tilson
Cooper, Ohio	Hastings	Oliver, N. Y.	Timberlake
Cooper, W. Va.	Haugen	Olney	Treadway
Cooper, Wis.	Hawley	Osborne	Van Dyke
Cox	Hayden	O'Shaunessy	Vare
Crago	Hayes	Overstreet	Venable
Cramton	Heaton	Padgett	Vestal
Crisp	Helm	Paige	Vinson
Crosser	Helvering	Park	Voigt
Currie, Mich.	Hersey	Parker, N. J.	Wallow
Dale, N. Y.	Hilliard	Peters	Walsh
Dale, Vt.	Holland	Phelan	Walton
Dallinger	Houston	Platt	Ward
Darrow	Howard	Polk	Wason
Davidson	Hull, Iowa	Pou	Watkins
Davis	Hull, Tenn.	Pratt	Watson, Pa.
Dempsey	Humphreys	Price	Watson, Va.
Denison	Husted	Purnell	Weaver
Dent	Igoe	Quin	Webb
Denton	Ireland	Ragsdale	Welling
Dewalt	Jacoway	Rainey	Welty
Dickinson	James	Raker	Whaley
Dill	Johnson, Ky.	Ramseyer	White, Me.
Dillon	Jones, Tex.	Randall	White, Ohio
Dixon	Kahn	Rayburn	Williams
Dominick	Kearns	Reavis	Wilson, Ill.
Dooling	Keating	Reed	Wilson, La.
Doolittle	Kehoe	Robbins	Wilson, Tex.
Doremus	Kelley, Mich.	Roberts	Wingo
Doughton	Kelly, Pa.	Rodenberg	Winslow
Drane	Kennedy, Iowa	Rogers	Wood, Ind.
Dupré	Kennedy, R. I.	Romjue	Woodyard
Dyer	Key, Ohio	Rose	Wright
Eagan	Kiess, Pa.	Rouse	Young, N. Dak.
Eagle	Kincheloe	Rubey	Young, Tex.
Edmonds	Kitchin	Rucker	Zihlman
Elliott	Knutson	Russell	
Elsworth	Kraus	Sabath	

NAYS—3.

Burnett	Gordon	Huddleston

ANSWERED "PRESENT"—9.

Bell	Lundeen	Thomas	Wheeler
Blanton	Mondell	Tinkham	Wise
Good.			

NOT VOTING—85.

Bacharach	Gallivan	Kinkaid	Riordan
Borland	Gandy	LaGuardia	Robinson
Brodbeck	Glass	London	Rowe
Byrnes, S. C.	Goodall	McAndrews	Rowland
Campbell, Kans.	Graham, Pa.	McClintic	Sanders, N. Y.
Candler, Miss.	Gray, N. J.	McCormick	Sanford
Carew	Griest	McLaughlin, Pa.	Scott, Iowa
Carter, Mass.	Hamilton, N. Y.	McLemore	Sears
Cleary	Harrison, Miss.	Maher	Smith, T. F.
Copley	Heflin	Mann	Snyder
Costello	Heintz	Mason	Stephens, Nebr.
Curry, Cal.	Hensley	Meeker	Sterling, Pa.
Decker	Hicks	Miller, Wash.	Sullivan
Delaney	Hollingsworth	Moon	Taylor, Colo.
Dies	Hood	Neely	Templeton
Donovan	Hutchinson	Norton	Towner
Dowell	Johnson, S. Dak.	Overmyer	Volstead
Drukker	Johnson, Wash.	Parker, N. Y.	Walker
Dunn	Jones, Va.	Porter	Woods, Iowa
Fess	Juul	Powers	
Flynn	Kettner	Ramsey	
Gallagher	King	Rankin	

So the Senate joint resolution was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. SEARS with Mr. DOWELL.

Mr. DECKER with Mr. HOLLINGSWORTH.

Mr. BORLAND with Mr. GOOD.

Mr. STEPHENS of Nebraska with Mr. HAMILTON of New York.

Mr. BYRNES of South Carolina with Mr. HICKS.

Mr. GALLIVAN with Mr. DUNN.

Mr. HARRISON of Mississippi with Mr. ROWE.

Mr. GANDY with Mr. NORTON.

Mr. GALLAGHER with Mr. CURRY of California.

Mr. THOMAS with Mr. WHEELER.

Mr. BRODBECK with Mr. TINKHAM.

Mr. DOUGHTON with Mr. MONDELL.

Mr. CAREW with Mr. PARKER of New York.

Mr. CLEARY with Mr. SANFORD.

Mr. DELANEY with Mr. SANDERS of New York.

Mr. DIES with Mr. COPLEY.

Mr. DONOVAN with Mr. FESS.

Mr. GLASS with Mr. GOODALL.

Mr. HEFLIN with Mr. GRAHAM of Pennsylvania.

Mr. HOOD with Mr. GRIEST.

Mr. JONES of Virginia with Mr. JOHNSON of Washington.

Mr. MCANDREWS with Mr. KING.

Mr. MCLEMORE with Mr. KINKAID.

Mr. MAHER with Mr. MCLAUGHLIN of Pennsylvania.

Mr. MOON with Mr. MASON.

Mr. NEELY with Mr. MILLER of Washington.

Mr. RIORDAN with Mr. DRUKKER.

Mr. ROBINSON with Mr. RAMSEY.

Mr. THOMAS F. SMITH with Mr. ROWLAND.

Mr. STERLING of Pennsylvania with Mr. TEMPLETON.

Mr. SULLIVAN with Mr. TOWNER.

Mr. TAYLOR of Colorado with Mr. VOLSTEAD.

Mr. WALKER with Mr. JUUL.

Mr. MCCLINTIC with Mr. WOODS of Iowa.

Mr. BROWNING. Mr. Speaker, three of my colleagues, Mr. HUTCHINSON, Mr. BACHARACH, and Mr. GRAY, are unavoidably absent. If they were present, they would all vote "yea."

Mr. QUIN. Mr. Speaker, I desire to make the statement that my colleague, Mr. CANDLER, is sick and unable to be here. If he were present he desires me to state that he would vote "yea" for the bill.

Mr. DYER. Mr. Speaker, I desire to announce that my colleague, Mr. MEEKER, is unavoidably absent to-day, and if he were present he would vote "yea" for this bill.

Mr. BLANTON. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. BLANTON. I came in just after my name was called.

The SPEAKER. The gentleman can not vote.

Mr. BLANTON. I ask to be marked "present."

Mr. ASHBROOK. Mr. Speaker, the gentleman from Pennsylvania [Mr. PORTER] is sick and confined to his room. He wishes me to state that if he were present he would vote "yea."

Mr. WALSH. Mr. Speaker, my colleague, Mr. CARTER of Massachusetts, is absent on account of illness. He desires me to say that if he were present he would vote "yea."

The result of the vote was announced as above recorded.

On motion of Mr. FIELDS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

GENERAL EXTENSION OF REMARKS.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that all gentlemen have 10 legislative days in which to extend their remarks on Senate resolution 123.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that all gentlemen have 10 legislative days in which to extend remarks on the resolution just passed. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. LITTLE. Mr. Speaker, my colleague, Mr. CAMPBELL of Kansas, requested me to say that if he were present he would vote for the bill.

TO PUNISH THE DESTRUCTION OR INJURY TO WAR MATERIAL, ETC.

Mr. WEBB. Mr. Speaker, I present the conference report on the bill S. 383, known as the sabotage bill, and ask to have it printed under the rule.

The SPEAKER. The Clerk will read the bill by title.

The Clerk read as follows:

S. 383. An act to punish the destruction or injury of war material and war-transportation facilities by fire, explosives, or other violent means and forbid the hostile use of property during time of war, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. TINKHAM. Mr. Speaker, by unanimous consent I desire to be recorded as present on this vote.

The SPEAKER. Too late.

Mr. TINKHAM. But I was present.

The SPEAKER. Why did not the gentleman answer "present"?

Mr. TINKHAM. Because I happened to be in the door, that is all. I wanted to vote "yea," but could not hear my name when called.

The SPEAKER. If the gentleman was present, he has a right to be recorded present.

Mr. TINKHAM. Thank you.

PERMISSION TO ADDRESS THE HOUSE.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. TILSON] be permitted to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the gentleman from Connecticut [Mr. TILSON] be permitted to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, my apology for taking even five minutes of the time of the House at this time is the very serious situation on the western front and my desire to have the membership of the House visualize it. We read in the morning papers that Field Marshal Haig has issued a statement to his men to the effect that they are standing with their backs against the wall and no more ground must be given. The wall to which he refers is indicated by the gray line on this map.

These two maps are two sheets of the same map and connect here [indicating]; the one that is at the top should be moved down until it joins the lower one here [indicating]. It is a map on a scale of practically 4 miles to the inch, so that you can estimate the distance in that way.

Ten days ago I presented the lower section of this map, which showed the situation at that time in Picardy. The red line indicated here shows the then front, about 10 miles from Amiens. Since that time and up to April 5 the map shows only these slight gains indicated by the purple thread. The advance made from April 1 to April 5 was a minor thrust westward, just north of the Cojeul River, pushing out as far west as Mercatel and Neuville. Also, a little farther south from Ayette, pushing out to Douchy, reaching its greatest depth at Hebuterne and extending southward and slightly to the west, leaving Albert about a mile within the German lines. Since that time the changes have been so slight on that section of the map as to be difficult of recording, even on a map of this scale, 4 miles to the inch. The latest changes of any significance were in this corner [indicating], to the southeast of the Somme battle field.

On April 8 the line indicated in red here in the vicinity of Ypres on this northern half of the map was the line held. The line in brown is the line that was held on the night of the 9th of April. The territory included represents one day's work, breaking through the Portuguese sector of the line here [indicating] and pouring through on both sides of the break.

The next day's line is indicated by the green thread. You will note that to the north of Armentieres this line runs from Houthem, by way of Messines and Ploegsteert, to Houplines here, while on the south of Armentieres it runs from Premesques, through Sailly and Estairese, to a point 1 mile west of Richebourge, connecting at Givenchy, which latter has been held stubbornly since.

These two salients thrust westward on the second day created what is called in the papers "the pocket," in which is Armentieres. Note the two deep salients driven westward making the intervening eastward salient at Armentieres still deeper. It was so deep that it was untenable, and the British had to withdraw.

The white thread indicates the position on April 11. It runs from Hollebeke, approximately through Wytschaerte, Nieppe, Steenwerck, and Vieille Chapelle, connecting with the line of April 10 at a point 1 mile west of Richebourge, then down to Givenchy, the pivot, which has been held ever since.

The situation last night at 10 o'clock is indicated by the gray thread, much farther to the west, which includes almost as much territory as was taken the three days preceding. This line now runs from Wytschaerte, through Neuve Eglise, Bailleul, Vieux Berquin, Neuf Berquin, and Merville, rejoining the line of April 10 and 11 about a mile west of Richebourge, the line being about 4 miles from Bethune at the narrowest point.

This was the situation last night at 10 o'clock, according to the last dispatches that were received from Gen. Pershing and Gen. Bliss. This map was very kindly arranged for me by a competent officer in the Chief of Staff's office, and is as nearly correct as it can be made from the official dispatches. It contains no secret or confidential information, but is intended to be helpful, as I am sure it will aid us in more clearly visualizing the situation.

A MEMBER. What do you make out of the situation?

Mr. TILSON. It is far from hopeless, but bad enough.

Mr. MONTAGUE. How far is the line from Calais?

Mr. TILSON. About 40 miles. It is about 25 miles from the line to Dunkirk.

Mr. SUMNERS. What point of most strategic importance is made toward by the last thrust?

Mr. TILSON. The Channel ports.

Mr. SMITH of Michigan. What change has been made at the bottom of the map?

Mr. TILSON. Not enough to be indicated on the map.

Mr. ROGERS. Do you think that Ypres is the German objective now?

Mr. TILSON. I would not say that Ypres is the objective. Ypres is held by a very strong line at the east, very difficult to push back at that point. If the enemy pushes very much farther here to the south of Ypres it would probably render it untenable.

Mr. FARR. Where is Gen. Goff's army?

Mr. TILSON. It was down here in this section of the region of the Somme.

Mr. MONTAGUE. Where the coal fields are?

Mr. TILSON. Yes.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. TILSON. I thank you, gentlemen. [Applause.]

EXTENSION OF REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

Mr. CARY. Mr. Speaker, I make the same request.

Mr. LANGLEY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks on the military bill.

Mr. DYER. Reserving the right to object, is the gentleman's speech on the bill?

Mr. RAKER. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDALL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California makes the same request. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I make the same request.

Mr. DYER. Did the gentleman speak on the bill?

The SPEAKER. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Alabama makes the same request. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KREIDER. Mr. Speaker, I make the same request.

Mr. ESCH. And I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania [Mr. KREIDER] and the gentleman from Wisconsin [Mr. ESCH] made the same request. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Was an order made yesterday that those who spoke on the bill should have time for extending remarks?

The SPEAKER. That was the understanding of the Chair. The order was made that everybody who spoke could extend their remarks.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Have these requests been made to extend their remarks on the bill itself?

The SPEAKER. Yes.

PERSONAL STATEMENT.

Mr. OVERMYER rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. OVERMYER. I want to make a statement. I was down at one of the departments when the vote was taken on the military bill. If I had been here, I would have voted "yea."

PENSIONS.

Mr. RUSSELL rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUSSELL. To ask unanimous consent. There was a sort of tacit understanding yesterday, pension day, that after the bill then pending was finished the pension bill could be called up. I ask unanimous consent that the pension bill H. R. 11364 be now taken up and considered.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of House bill 11364. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. RUSSELL. I ask that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The bill will be read for amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Nathan L. Nims, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William B. Hazeltine, late of Company A, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Mather, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert N. Lafferty, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Estes, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jesse Roark, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Hall, late of Company K, Fifteenth Regiment, and Company F, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Schofler, late of Company D, Tenth Regiment, and Company C, Second Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sallie Blevins, helpless and dependent child of George Blevins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month: *Provided*, That the pension heretofore granted Luzenia Brown shall not be affected by this act.

The name of Louis Irons, late of Company M, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph A. Craig, late of Company F, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Prior, late of Company D, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas J. Shocker, late of Company B, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary A. Ames, widow of Florian W. Ames, late of Company C, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Josephus Gatten, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank F. Randolph, helpless and dependent child of William F. Randolph, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Mathew Stamets, late of Company K, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C. Taylor, late of Company G, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph G. Kitchen, late of Company I, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph K. Kelly, late of Company F, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Barger, late of Company B, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clay Jackson, late of Company B, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Miller, late of Company G, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Paul Schools, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George R. Watt, late of Company D, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Church, widow of Milton Church, late of Company L, First Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Lulu Hendrixson, helpless and dependent child of William N. Hendrixson, late of Company E, One hundred and seventy-fifth Regiment Ohio Volunteer Infanty, and pay her a pension at the rate of $12 per month.

The name of William H. H. Adams, late of Company I, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Pinson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joel A. Pugh, late of Company B, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Goodman, late of Company K, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David F. Black, late of Company I, Twenty-first Regiment, Pennsylvania Volunteer Cavalry, and Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret J. Rogers, former widow of George Musser, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Jacob H. Gimstead, late of Company F, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lytle McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and Fourth Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James W. Beasley, late of Company G, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles J. Edington, late of Company C, One hundred and sixteenth Regiment New York Volunteer Infantry, and Company B, Sixth Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Felix Gremore, late of Company F, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eli Miller, late of Company I, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Rolls, late of Company A, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sylvanus C Oppelt, late of Company D, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Stoneking, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel B. Bailey, late of Company E, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David S. Oliphant, late of Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. Naylor, helpless and dependent child of Alfred Naylor, late of Company C, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Alfred H. Wrenn, jr., late of Company E, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Emrich, late of Company H, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry R. Playford, late of Company G, Ninety-second Regiment, and Company I, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Campbell, late of Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Groesbeck, late of Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Wilkinson, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Donnells, late of Company E, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eliza J. Fosha, divorced wife of George W. Fosha, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John Fasnacht, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Wyatt, late of Company F, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Fuller, late of Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Noftsinger, late of Company K, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Harrell, late of Company C, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James N. Beasley, late of Company B, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah Lane, widow of Peter H. Lane, late unassigned, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of James M. Hummer, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. Ladd, late of Company F, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Goodwin, late of Company K, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nancy E. Benedict, widow of Lafayette Benedict, late of Company C, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Alvin W. Every, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen K. Lyon, late of Company B, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margie A. Raines, former widow of William Mathews, late of Company A, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Edward Springer, late of Company C, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Wilson, late of Company B, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and Company K, Thirty-second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patterson Short, late of Company A, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton Campbell, late of Company E, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Reuben A. Anderson, late of Company B, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard C. Newsom, late of Company H, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Young, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Belt, late of Company D, Forty-eighth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John W. Harvey, late of Company G, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horace E. Adams, late of Company H, Forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Landress, former widow of William Landress, late of Company E, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Polly Fields, widow of George Fields, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Eli Ingraham, late of Company G, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Quail Erity, late of Company H, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jerry A. Fitzgerald, late of Company G, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adam A. Worthington, late of Company C, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Smith, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Buckle, late of Company E, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Carrie L. Kibbe, widow of Howard C. Kibbe, late of Company H, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Lucius S. Hitchcock, late of Company K, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy C. Jones, widow of Euphrates Jones, late of Company H, Sixty-third Regiment Enrolled Missouri Militia Infantry, and pay her a pension at the rate of $25 per month.

The name of James O. Batten, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan N. Spence, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Franklin Hereford, late of Company L, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Boyce, late of Company D, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C. Edmiston, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. Middleton, late of Company I, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Maria Wilson, widow of John H. Wilson, late of Company F, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Van Stewart, late of Company C, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simeon D. Chelf, late of Company G, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Phedora J. Black, former widow of John L. Black, late of Company K, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of David A. Gage, late of Company H, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The name of Emma Chase, widow of Augustus L. Chase, late of the United States Navy, and pay her a pension at the rate of $25 per month.

The name of Darius N. Shaw, late of Company E, Fourth Regiment Minnesota Volunteer Infantry, and Company B, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph W. King, late of Company F, Twenty-ninth Regiment, and Company E, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Keene, late of Company B, Sixty-seventh Regiment, and Company F, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas R. Thompson, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie Ridgway, widow of William Ridgway, late of Company E, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $25 per month.

The name of Burton M. Goines, late of Company A, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Stolcolp, widow of Frederick Stolcolp, late of Company D, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Hezekiah E. Hawver, late of Company A, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Bannon, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Ephraim Whitson, late of Company E, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry F. Sager, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Milton T. Bedford, late of Company B, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William H. McCurdy, late of Sixth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucian B. Walker, alias Burt Crowell, late of Company H, Forty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William S. Webb, alias William Stoddard, late of Company C, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Counts, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mitchell Mason, late of Company F, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Griffin, late of Company H, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles McCarroll, late of Company D, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and Battery K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Minihan, late of Company E, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram H. Reed, late of Company D, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samual V. Bocock, late of Company H, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Julia A. Gorman, widow of Robert Gorman, late of Company I, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Otis Gorman, helpless and dependent child of said Robert Gorman, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Julia A. Gorman, the name of said Otis Gorman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Julia A. Gorman.

The name of Foster D. Brown, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Macy, late of Company H, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Sherrard, late of Companies A and C, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Morrison, late of the Signal Corps, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Dallas Runyon, late of Company C, First Regiment West Virginia Volunteer Infantry, and Company E, Second Regiment West Virginia Veteran Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Allen, late of Company D, Sixtieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henrietta Schmidt, former widow of Peter Eberle, late of Company B, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Arvilla I. Briggs, widow of John F. Briggs, late of Company K, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Eva Briggs, helpless and dependent child of said John F. Briggs, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Arvilla I. Briggs, the name of said Eva Briggs shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Arvilla I. Briggs.

The name of Zerah T. Baker, late of Company G, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Charles, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elijah L. Wyatt, late of Company B, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua S. Fisher, late of Company C, First Battalion Delaware Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan C. Messick, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Molten R. Pepper, late of Companies F and C, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah C. Frankford, widow of Edward Frankford, late of Company B, First Regiment Pennsylvania Volunteer Reserve Corps, and pay her a pension at the rate of $25 per month.

The name of Mathias Klingel, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Archable Dougherty, late of Company F, Fiftieth Regiment, and Companies E and D, Fifty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry W. Wright, late of Company C, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martin De Glopper, late of Company D, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel W. Spring, late of Company B, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George D. McKinney, late of Company K, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel M. Boone, late of Company D, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Johnson Hatfield, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Phineas B. Ewan, late of Company G, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Green, late of Company B, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elijah Coffman, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Agee, late of Company M, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Burcham, late of Company F, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Jack, late of Third Independent Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George A. Burgess, late of Company F, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lettie Edie, widow of Arthur S. Edie, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary E. Edie, helpless and dependent child of said Arthur S. Edie, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Lettie Edie, the name of said Mary E. Edie shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Lettie Edie.

The name of Martin T. Shadwick, late of Company C, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah J. Farlow, late of Company B, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Monmonier, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Letzkus, late of Company G, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Davidson, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel J. Henderson, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvania Farmer, former widow of Denton Farmer, late of Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of William B. Carr, late of Company E, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horace E. Hand, late of Company H, First Regiment United States Sharpshooters, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Joseph B. Doan, late of Company E, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The name of Edward Searls, late of Company H, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Custer, late of Company I, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Welcome Ashbrook, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thaddeus Clark, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles J. Mead, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Hamon, late of Companies F and G, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William L. Stephenson, late of Company H, Eleventh Regiment, and Company A, One hundred and forty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alonzo Green, late of Company F, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James F. McLuen, late of Company E, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Etta C. Bartholomew, widow of William S. Bartholomew, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Almeron D. Martin, late of Company D, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harriet L. MacGregor, widow of Peter MacGregor, late of Company H, First Regiment New York Volunteer Engineers, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles H. MacGregor, helpless and dependent child of said Peter MacGregor, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Harriet L. MacGregor, the name of said Charles H. MacGregor shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Harriet L. MacGregor.

The name of Joseph Wiley, late of Company D, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William A. Hartley, helpless and dependent child of John Hartley, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Myrtle Collver, helpless and dependent child of George W. Collver, late of Company B, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Beal, late of Company I, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. King, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Brady, late of the United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sedonia A. Smedley, widow of Henry A. Smedley, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lemuel T. Smedley, helpless and dependent child of said Henry A. Smedley, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sedonia A. Smedley, the name of said Lemuel T. Smedley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sedonia A. Smedley.

The name of James A. Rives, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Underwood, late of Company B, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel P. Thurber, late of Company B, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Smith, late of Company D, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John A. Sare, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Brocious, late of Company H, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of George C. Miller, late of Company B, Twentieth Regiment Iowa Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Mitchell, alias William Terow, late of Company C, Twenty-second Regiment New York Volunteer Infantry, and Company I, Second Regiment New York Veteran Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John T. Axline, late of Company B, Second Battalion Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Bivens, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. SHERWOOD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 7, strike out "$36" and insert "$40."

The amendment was agreed to.

The amendment increases the pension of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, from $36 to $40 per month.

This bill is a substitute for the following bills referred to the Committee on Invalid Pensions:

H. R. 578. Nathan L. Nims.
H. R. 792. William B. Hazeltine.
H. R. 794. Jesse Mather.
H. R. 863. Robert N. Lafferty.
H. R. 864. George M. Estes.
H. R. 1152. Jesse Roark.
H. R. 1318. George W. Hall.
H. R. 1475. Jacob Schofler.
H. R. 1884. Sallie Blevins.
H. R. 2047. Louis Irons.
H. R. 2150. Joseph A. Craig.
H. R. 2521. William H. Prior.
H. R. 2627. Thomas J. Shocker.
H. R. 2799. Mary A. Ames.
H. R. 3574. Josephus Gatten.
H. R. 3583. Frank F. Randolph.
H. R. 3591. Mathew Stamets.
H. R. 3890. Henry C. Taylor.
H. R. 4052. Joseph G. Kitchen.
H. R. 4205. Joseph K. Kelly.
H. R. 4208. Jacob Barger.
H. R. 4324. Clay Jackson.
H. R. 4358. James Miller.
H. R. 4424. Paul Scheops.
H. R. 4649. George R. Watt.
H. R. 4930. Mary F. Church.
H. R. 5043. Lulu Hendrixson.
H. R. 5129. William H. H. Adams.
H. R. 5212. William R. Pinson.
H. R. 5454. Joel A. Pugh.
H. R. 5499. Benjamin F. Goodman.
H. R. 5502. David F. Black.
H. R. 5728. Margaret J. Rogers.
H. R. 5784. Jacob H. Olmstead.
H. R. 6088. Lytle McCracken.
H. R. 6311. James W. Beasley.
H. R. 6365. Charles J. Edington.
H. R. 6424. Felix Gremore.
H. R. 6631. Eli Miller.
H. R. 6632. James Rolls.
H. R. 6688. Sylvanus C. Oppelt.
H. R. 6689. George Stoneking.
H. R. 6734. Daniel B. Bailey.
H. R. 6840. David S. Oliphant.
H. R. 6865. George H. Naylor.
H. R. 7052. Alfred H. Wrenn, jr.
H. R. 7212. William Emrich.
H. R. 7213. Henry R. Playford.
H. R. 7307. William L. Campbell.
H. R. 7401. John W. Groesbeck.
H. R. 7593. John Wilkinson.
H. R. 7752. Joseph Donnells.
H. R. 7949. Eliza J. Fosha.
H. R. 7983. John Fasnacht.
H. R. 7990. William J. Wyatt.
H. R. 8025. George H. Fuller.
H. R. 8041. John I. Noftsinger.
H. R. 8098. Francis M. Harrell.
H. R. 8111. James N. Beasley.
H. R. 8120. Hannah Lane.
H. R. 8131. James M. Hummer.
H. R. 8281. David A. Laild.
H. R. 8369. John M. Goodwin.
H. R. 8379. Nancy E. Benedict.
H. R. 8449. Alvin W. Every.
H. R. 8505. Stephen K. Lyon.
H. R. 8542. Margie A. Raines.
H. R. 8555. Edward Springer.
H. R. 8663. Thomas Wilson.
H. R. 8743. Patterson Short.
H. R. 8862. Hamilton Campbell.
H. R. 8884. Reuben A. Anderson.
H. R. 9000. Richard C. Newsom.
H. R. 9070. Charles A. Young.
H. R. 9088. John Belt.
H. R. 9089. John W. Harvey.
H. R. 9115. Horace E. Adams.
H. R. 9130. Mary C. Landress.
H. R. 9196. Polly Fields.
H. R. 9203. Eli Ingraham.
H. R. 9225. Quail Erity.
H. R. 9266. Jerry A. Fitzgerald.
H. R. 9279. Adam A. Worthington.
H. R. 9435. George W. Smith.
H. R. 9443. Joseph Buckle.
H. R. 9469. Carrie L. Kibbe.
H. R. 9528. Lucius S. Hitchcock.
H. R. 9549. Nancy C. Jones.
H. R. 9588. James O. Batten.
H. R. 9634. Nathan N. Spence.
H. R. 9659. Franklin Hereford.
H. R. 9670. Isaac Boyce.
H. R. 9719. Henry C. Edmiston.
H. R. 9721. Joseph L. Middleton.
H. R. 9746. Maria Wilson.
H. R. 9757. Van Stewart.
H. R. 9759. Simeon D. Chelf.
H. R. 9789. Phedora J. Black.
H. R. 9804. David A. Gage.
H. R. 9805. Emma Chase.
H. R. 9821. Darius N. Shaw.
H. R. 9825. Joseph W. King.
H. R. 9921. Daniel Keene.
H. R. 9925. Thomas R. Thompson.
H. R. 9939. Annie Ridgway.
H. R. 9947. Burton M. Goines.
H. R. 9999. Mary A. Stolcolp.
H. R. 10015. Hezekiah E. Hawver.
H. R. 10017. William Bannon.
H. R. 10032. Ephraim Whitson.
H. R. 10056. Henry F. Sager.
H. R. 10089. Milton T. Bedford.
H. R. 10123. William B. McCurdy.
H. R. 10128. Lucian B. Walker, alias Burt Crowell.
H. R. 10145. William S. Webb, alias William Stoddard.
H. R. 10184. William W. Counts.
H. R. 10232. Mitchell Mason.
H. R. 10233. Charles B. Griffin.
H. R. 10253. Charles McCarroll.
H. R. 10314. Peter Minihan.
H. R. 10342. Hiram H. Reed.
H. R. 10343. Samuel V. Bocock.
H. R. 10348. Julia A. Gorman.
H. R. 10384. Foster D. Brown.
H. R. 10405. Benjamin Macy.
H. R. 10440. John Sherrard.
H. R. 10452. Joseph Morrison.
H. R. 10453. Dallas Runyon.
H. R. 10460. John H. Allen.
H. R. 10464. Henrietta Schmidt.
H. R. 10480. Arvilla I. Briggs.
H. R. 10486. Zerah T. Baker.
H. R. 10496. John Charles.
H. R. 10504. Elijah L. Wyatt.
H. R. 10508. Joshua S. Fisher.
H. R. 10510. Nathan C. Messick.
H. R. 10513. Molten R. Pepper.
H. R. 10533. Sarah C. Frankford.
H. R. 10559. Mathias Klingel.
H. R. 10560. Archable Dougherty.
H. R. 10561. Henry W. Wright.
H. R. 10570. Martin De Glopper.
H. R. 10571. Daniel W. Spring.
H. R. 10596. George D. McKinney.
H. R. 10635. Samuel M. Beone.
H. R. 10637. Johnson Hatfield.
H. R. 10641. Phineas B. Ewan.
H. R. 10645. Andrew J. Green.
H. R. 10647. Elijah Coffman.
H. R. 10677. William W. Agee.
H. R. 10678. Henry Burcham.
H. R. 10683. Samuel Jack.
H. R. 10686. George A. Burgess.
H. R. 10700. Lettie Edie.
H. R. 10706. Martin T. Shadwick.
H. R. 10707. Elijah J. Farlow.
H. R. 10729. George W. Monmoneir.
H. R. 10736. Joseph Letzkus.
H. R. 10737. John H. Davidson.
H. R. 10738. Samuel J. Henderson.
H. R. 10740. Sylvania Farmer.
H. R. 10751. William B. Carr.
H. R. 10756. Horace E. Hand.
H. R. 10769. Joseph B. Doan.
H. R. 10771. Edward Searis.
H. R. 10779. James Custer.
H. R. 10790. Welcome Ashbrook.
H. R. 10797. Thaddeus Clark.
H. R. 10812. Charles J. Mead.
H. R. 10829. Jacob Hamon.
H. R. 10831. William L. Stephenson.
H. R. 10837. Alonzo Green.
H. R. 10865. James F. McLuen.
H. R. 10866. Etta C. Bartholomew.
H. R. 10881. Almeron D. Martin.
H. R. 10906. Harriet L. MacGregor.
H. R. 10917. Joseph Wiley.
H. R. 10942. William A. Hartley.
H. R. 10946. Myrtle Collyer.
H. R. 10949. William H. Beal.
H. R. 10963. John H. King.
H. R. 10964. Charles Brady.
H. R. 10967. Sedonia A. Smedley.
H. R. 10968. James A. Rives.
H. R. 10986. William P. Underwood.
H. R. 11034. Samuel P. Thurber.
H. R. 11044. Charles H. Williams.
H. R. 11050. Benjamin F. Smith.
H. R. 11052. John A. Sare.
H. R. 11063. John Brocious.
H. R. 11089. George C. Miller.
H. R. 11095. William Mitchell, alias William Terow.
H. R. 11096. John T. Axline.
H. R. 11098. William A. Bivens.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIVER AND HARBOR APPROPRIATIONS.

On motion of Mr. SMALL, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Pascagoula, Wolf, Jordan, Pearl, and East Pearl Rivers, and Biloxi Harbor, Miss.: For maintenance, $15,000.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word. In all the bills heretofore passed, just after that provision for the Pascagoula, Wolf, Jordan, and other rivers, the item for the Yazoo River and its tributaries has been carried. I notice that in this bill that is put over with the Arkansas items. I was going to suggest that the item on page 9, beginning with line 7, be transferred to this point, if it is satisfactory. That is the place where it has always been.

Mr. SMALL. I can explain that. In the formulation of this bill it was arranged by engineer districts, and these two projects to which the gentleman refers just happen to be in different engineer districts. This was thought to be a better arrangement than the one we had heretofore followed, which was largely by location and nearness to each other. This arrangement is followed throughout the bill.

Mr. HUMPHREYS. Very well. I do not care to disturb it. I was just wondering why it was.

Mr. SMALL. That is the only reason.

Mr. HUMPHREYS. In referring to a bill of two or three years ago to see what provision was made for the Yazoo River, and then referring to this bill, a casual examination would indicate that the item had been omitted; but I have no objection to this arrangement, if the committee think it the better one.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $100,000.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FREAR. I wish to discuss briefly conditions on the Mississippi River, because it occurs to me that we are facing one of the most important problems in reference to inland-waterway navigation that can possibly be considered by this country. Briefly, I desire from the record to show conditions as they exist on this river at the present time. We have spent on the Mississippi River, in round numbers, or have appropriated, over $170,000,000. I have given a statement, and made some comparisons in the minority report, which ought to receive consideration from those who desire to know how the Government money is being expended and what return is had for this enormous expenditure.

I quote briefly from the hearings on page 85, where Col. Newcomer makes this statement regarding the upper Mississippi:

The 4½-foot project is said to have been completed on the upper Mississippi, and I think they have substantially that depth all the time. Of course, in a stream subject to such variations of stage such as the Mississippi, during these changes of stages it is always changing on the bar, and there will be some periods possibly when there may be a less depth than a depth of only 3½ feet.

Col. Keller was before our committee. He is a very able Army engineer, and he discussed this same question and suggested that there was an excellent depth of water at the present time in the river. This was at hearings on inland-waterway transportation, on page 19. Among other things the question was asked:

Mr. FREAR. Now, let us see on what point we are in agreement. We have spent something like $100,000,000 on the lower Mississippi from St. Louis down to New Orleans. That is a channel of 9 feet on the average, is it not?

Col. KELLER. It is supposed to be 8 feet from St. Louis to the mouth of the Ohio, and 9 feet from there down.

Mr. FREAR. Of course, that is a condition which is far better than in any European country, and yet we have no line of boats between these two points.

Col. KELLER. That is an admitted fact.

Mr. FREAR. And the commerce has depreciated, as estimated, 90 per cent, which I presume is true. Now, do you believe that the fault lies with the railroad systems?

Col. KELLER. Undoubtedly.

Again, a little further down, the question was asked:

Mr. FREAR. On the upper Mississippi we have appropriated something like $30,000,000 thus far and we have very little there. I think we will agree on that.

Col. KELLER. Yes.

In that, reference was made to the commerce, which is insigficant, with an average haul of only 14 miles. Appropriations on the Mississippi above the mouth of the Ohio reach over $50,000,000, with practically no result commercially on the finest inland waterway in the country.

On page 20 of this report the further statement was made by Col. Keller:

Mr. FREAR. Now, what do your people propose to do; what change do you propose to make at this time so as to eliminate this situation in regard to railroad discrimination in rates? You say you propose to place some boats upon the Mississippi River?

Col. KELLER. None for the purpose of curing the general situation. I have already explained that the boats are to be placed upon the upper Mississippi River, and they have been authorized to be built for a special purpose, and I think that that special use is possible in the face of existing railroad rates. There is no necessity for changing railroad rates in order to make special traffic profitable. That is Mr. Goltra's proposition. He has already satisfied himself, and the rest of us are agreed with him, that such business can be carried on without difficulty.

On page 21 Col. Keller says:

Col. KELLER. We have had many applications, but none that are predicated upon as tangible a basis as Mr. Goltra's. For example, the people who are interested in the New Orleans-St. Louis line, that has been under discussion for some time past in these two cities and elsewhere in the valley intervening, have been anxious to have the Government build a fleet of them much the same as is proposed by Mr. Goltra, and have expressed a desire to lease it from the Government. We have not up to the present time found any authority under which we construct such a fleet. The authority given by the Shipping Board to construct this fleet for Mr. Goltra is specially limited to that case alone.

Here we have a statement that Mr. Goltra's is the only application of many that could be considered, and that the authority given by the Shipping Board is for a fleet for Mr. Goltra, specially limited to his case alone.

Again, at the botton of page 20:

Mr. FREAR. The Government provides the boats?

Col. KELLER. Yes, sir; towboats and barges. We are going to build 4 towboats and 24 large barges.

Mr. FREAR. And they are to be leased; or what arrangement made?

Col. KELLER. Leased under equitable conditions to Mr. Goltra or an operating company.

I will show that the Government is to build these boats, at a cost of $3,360,000, for Mr. Goltra's use, as stated. That is the proposal.

On page 23 Col. Keller further says, in reply to a question:

Mr. FREAR. Do you believe, getting back to the original point, which is the important one in determining our action in regard to transportation, do you believe that this can be carried on profitably, notwithstanding the present railroad rates?

Col. KELLER. Yes, sir; I do; but on the upper Mississippi only in this special traffic—

Not for general or public use; only for this special traffic of Mr. Goltra's. What justification exists for this $3,360,000 contract to be made by the Shipping Board?

Eight years ago, Mr. Chairman, this Congress appropriated $500,000 and placed that money in the hands of our Army engineers for an experimental fleet upon the Mississippi River for the purpose of determining whether or not we can carry on any substantial commerce.

I will not read the conditions, but it provides that Congress is to receive reports of what use can be made of the river, to be determined by experiments.

Two years ago Congress again, as an amendment to a bill, passed a brief statute which provided that the engineers were to immediately make experiments and report within two years what could be done on this great river in stimulating commerce.

For eight years that other statute has been on the books, with $500,000 in the hands of the Army engineers for experimental work. We have put $170,000,000 into the Mississippi River for improvement. The Government engineers have been given from one to two million dollars annually in recent years for continual river improvement on the finest river in the world, on which we have lost 95 per cent of a once great commerce; and yet no report has come from the Army engineers to show that the stream can be utilized—that they are making any experiments. Why not? What have they been doing? To my mind it is an astounding situation. The report of Col. Townsend proposed to stop all improvements, except on the Mississippi and Ohio, until we could demonstrate that the rivers would carry commerce profitably, as rivers do in Europe—not to spend more for new improvements but to ascertain how to use those we have. And yet, in the hearings, the statement of Col. Keller is that there is practically no commerce on the river, and the Army engineers have not shown any development of commerce under the power given them to buy or build boats or to indulge in commercial experiments. Now comes an offer from Col. Goltra, of St. Louis, a private individual, who makes a statement that he has been given a lease, or is about to be given a lease, which has been referred to in the minority report—a lease of boats that are to be built by the Government at a cost of $3,360,000 for two dozen barges. That is in addition to four towboats, and I wish to read what he says on that same subject.

Col. Goltra, whose military title, I assume, is political, last year made experiments on the Mississippi River. He has a steel plant in St. Louis, and he proposed to carry ore from St. Paul to St. Louis and carry coal back, which, of course, if it can be done, will be of some commercial benefit to Col. Goltra, although in this case, as I have shown from Col. Keller's statement, it is for Col. Goltra's special purpose alone, and it is going to Col. Goltra's steel plant in boats for his special use. Referring to his past experience, which consisted in one trip on the river last year, on page 38 of the hearings on the inland waterways Col. Goltra says:

She drew between 5 and 6 feet. After struggling with the *Nokomis* to the extent of taking everything off of her except, as the captain expressed it, the cook and the paint, we finally succeeded in getting her down to St. Louis in the latter part of October, and when we got to Alton the barges were there awaiting us, and we hooked up and came into St. Louis, having no difficulty from that time on. The financial result being that all the money that had been made in going up the stream was lost in getting the *Nokomis* back to deep water, and about $10,000 besides. That is what it cost to get the boat down.

On this trip Col. Goltra had the use of Government boats for a nominal rental in making an experimental trip, as described.

In other words, he lost $10,000 in that trip, the only experimental trip we know anything about, and one in which he experimented with Government boats furnished by Army engineers.

Further down on the same page—38—he says of that trip:

We came down, I repeat, over that 675 miles with the lowest stage of water that there ever has been in the river, so far as history tells us, with no difficulty, comparatively speaking, with our load—the barges were loaded—but with all kinds of difficulty with the deep-water boat. In other words, it was clear that a deep-water boat was not a proper boat for the upper Mississippi in the low-water months of the year, and certainly not the proper boat when the river is lower than it was ever known to have been before.

In other words, Col. Goltra said with the river at a low stage, the lowest ever known, he was able to bring down loaded barges without difficulty. The trouble came with the experimental tow-boats they built, which drew about 6 feet of water. Think of engineers building boats of that draft for river traffic. But Goltra says nothing is the matter with the river.

Here is a further statement, on page 39, by Col. Goltra. He says:

I would state, gentlemen, that this was done on a commercial-sized basis. I call it to your attention again that what I was endeavoring to do was twofold: First, to find out whether the river was in a condition that made it and rendered it navigable now; and, second, the trip was made for the purpose of determining just exactly what was the kind of vessel or vessels best adapted for the purpose. Both of the objects sought were accomplished. To my surprise, gentlemen, the condition of the river from St. Louis to St. Paul was very much better than I had any idea. I was like a great many—in fact, like the people of St. Paul, who thought that I would never get through with that enormous fleet.

Let it be understood at this point that the river is in proper shape, plenty of water; but after spending nearly $170,000,000 it is minus boats, and the $500,000 given to the engineers to build boats has been without results, at least nothing has come to Congress.

We have the testimony of all these gentlemen—Col. Newcomer, Col. Keller, and Col. Goltra, all colonels—to the effect that on this river, upon which we have spent $170,000,000, that is to-day practically without any commerce, conditions are all that can be asked for carrying commerce. Col. Goltra now desires to make a contract, and is expecting to make a contract, not through the Rivers and Harbors Committee but through the Shipping Board. The Army engineers have refused to make any experiments worth while, because we have had no report from them that gives us any information of what can be done on the river. It is left for Col. Goltra.

Mr. Chairman, at this point I ask unanimous consent to put two or three paragraphs in the RECORD in regard to Col. Goltra's testimony.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by including the matter referred to. Is there objection?

There was no objection.

Mr. FREAR. On page 48 Col. Goltra says as follows:

If I can eventually purchase this fleet for $1,700,000 that has cost $3,360,000, that money will cost me 6 per cent per annum; that is, $283 a day. I know the number of men that are going on that boat to operate it—I am speaking now of one boat—and I know how much they will cost and how much they will eat; that will cost me just $36 a day.

This is to prove he thinks he can make it profitable for himself in his steel business.

Further down on the same page he says:

My scheme contemplates creating a body politic, to be known, for instance, as the Mississippi Valley Transportation Co., and that transportation company will take over a railroad, the control of which I have secured—the option on the railroad—that railroad will bring over the coal from the mines, 25 miles down to the river, and the cost in the matter will be the cost of raising the coal and putting it on board the boat.

On pages 43 and 44:

Mr. SWITZER. Just one more question: Mr. Keller stated that the steamers would cost about $300,000. I don't believe he stated what the barges would cost; do you know?
Mr. GOLTRA. I think about $100,000.
Mr. SWITZER. Apiece?
Mr. GOLTRA. Apiece. They will cost more than twice as much as they would have cost several years ago.
Mr. FREAR. What will be the total?
Mr. GOLTRA. $3,360,000; that is the amount set aside.
Mr. FREAR. For this particular purpose?
Mr. GOLTRA. Yes, sir.
Mr. FREAR. Are any other contracts being proposed?
Mr. GOLTRA. Not that I know of. I am speaking about this thing because, with this thing a success, you will see a great many boats on that river eventually.

Referring to the new Liberty motor, Garabad experimental, $3,360,000 fleet, to be built by the Government, by Mr. Goltra, page 46:

Mr. FREAR. I understand there is no such boat in existence to-day.
Mr. GOLTRA. There is no such boat in existence to-day.

Col. Goltra will build them with Government money. On page 47:

Mr. FREAR. And you think the river is in good enough condition now to give a good test of that?
Mr. GOLTRA. Yes, sir; I think we better spend $3,500,000 now and find out whether our $30,000,000 expenditure was worth while. Uncle Sam could afford to throw that over and give me the boats in the end.
Mr. FREAR. Do you think you could do that with the present railroad rates?
Mr. GOLTRA. Yes, sir; I was coming to that.
Mr. SWITZER. You think this traffic will continue?
Mr. GOLTRA. Yes, sir; I have ideas about that matter that will interest you. At first you may disagree with me, but on reflection I think you will agree with me. The cost per ton per mile: If I can eventually purchase this fleet for $1,700,000 that has cost $3,360,000, that money will cost me 6 per cent per annum—that is $283 a day. I know the number of men that are going on that boat to operate it—I am speaking now of one boat—and I know how much they will cost and how much they will eat; that will cost me just $36 a day.

And so on. He figures that if the Government will build in these times of war stress when labor is high and he can buy back from the Government at half price, or $1,700,000, that it will be a good bargain for him sure. If the Government would pay his railway freight charges now, it would be very convenient. Remember this is not a war proposition. It will take two or three years presumably to build these boats for Col. Goltra to be used by him exclusively in his steel business.

Here is what he says about this fleet on page 47:

If I do not keep it going, if I do not do what I say, Uncle Sam will lose every dollar he puts into it, excepting the boats.

That is a prospect which at least ought to give your Uncle Sam a jolt.

Down further on that same page, 47, he says:

I think we had better spend $3,500,000 now and find out whether our $30,000,000 expenditure was worth while. Uncle Sam could afford to throw that over and give me the boats in the end.

I believe that was read before, but think of the proposition about to be put over by the Shipping Board with Government money. All for Col. Goltra's private business.

There is no question, I presume, if we can develop any commerce there, that it is wise to make an experiment. That is what Congress gave a half million dollars to the engineers to demonstrate. But this is a gift of $3,360,000 to Col. Goltra. Why? I have objected in my report to making this private contract when the Army engineers have been directed, with half a million dollars placed in their hands, to determine whether that river can be made commercially valuable. I have stated at all times that we ought to improve the channel of the river. That is what we have done to the extent of $170,000,000, which is an enormous amount to waste unless we use the river. These expensive improvements have been going on, and are larger than they were many years ago, yet with a loss of 95 per cent in the commerce since we began improvements, ought to call attention of the country to what we have been doing blindly all this time.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. BOOHER. The gentleman did not read all of that last sentence.

Mr. FREAR. Oh, no; I want to state this in fairness to Col. Goltra, that he believes he can make a success of it, but what I say is, he lost $10,000 on the only trip he ever made, and he asks this Government to put $3,360,000 more into boats for his private use, and it is conceded by Col. Kellar that no other business can be served excepting Mr. Goltra's especial traffic. In that he appears to be right. Commerce is not to be established for any general purpose, but only for Col. Goltra's purpose, iron at one end and coal at the other. Not for any general commercial use. We are not improving the river for that purpose.

We are digging the channel in the river and putting this money in with the hope that the people of the whole country may utilize it, not for Col. Goltra's private purposes. I said to him in my office, "Will you reduce the cost of your ore if you can get those boats for $3,360,000?" and he said, "Excepting as it affects the general trade"; and that was a reasonable explanation. Grain, stock, lumber, and other commerce is not considered. Just for Mr. Goltra's private company, that seems to be the only use to be served. What I complain of is that, with this $500,000 placed in their hands, the authorized agents of the Government, the Army engineers, have made no effort to develop that river, notwithstanding they have expended nearly $170,000,000 received from Congress in the improvement of the river without developing any commerce; and now they permit this man to come here and take $3,360,000 of Government war funds, as he says, for his own private business uses, to build 28 experimental boats—nothing like them, he says, in existence. And he lost $10,000 on the only trip he ever made, and comes with the proposition that unless he can succeed those boats might as well be scrapped, because they will be of as little use to the Government as the $170,000,000 river which is now deserted. Is it not time to inquire where the money goes?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FOSTER. Mr. Chairman, I have listened attentively to what the gentleman from Wisconsin [Mr. FREAR] has said in reference to the operation of these barges by Mr. Goltra, of St. Louis. In my judgment Mr. Goltra is to be commended for his undertaking to demonstrate whether it is possible or not to navigate the river from St. Louis to St. Paul.

I remember a few years ago that there was appropriated $500,000 for the Army engineers to determine if possible some craft that might be used on this river, and everyone who is acquainted with the Mississippi River hoped that the Army engineers would be able to develop such a craft by this time and be able to give Congress some definite information of what might be done. Mr. Goltra has at least demonstrated that there is a channel in the Mississippi River that can be navigated. The Army engineers have apparently given up the fight, or at least they are not doing anything to demonstrate whether there can be navigation of the river as it now exists with some new craft. Mr. Goltra went up there with a fleet of barges when the river was at its lowest ebb, and while he did not make a financial success of his venture, he has developed the fact that it was possible to go there with these boats. There has always been a difference of opinion in reference to the Mississippi River between the Army engineers and people who are commonly called river men. It has occurred to me that men who have been on the river and who have known it most of their lives, who have navigated it for many years, may be able to demonstrate something more if they are given a chance, even though the Army engineers are unable to solve the problem. We all have great respect for the ability of Army engineers who have charge of this work, yet it has not been demonstrated that they are always infallible and that their judgment has always been the best that could be had. Others may make valuable suggestions, at least. So it seems to me that in a problem of this kind the views of these men ought to be taken into consideration and they ought to be given an opportunity to demonstrate whether they can make suggestions and demonstrate their ideas in reference to the navigation of this river. Especially at a time like this, when transportation is so necessary and when the Congress has met all of the demands that it ought to meet in the way of appropriations, it occurs to me that something further ought to be done.

I do not live on the river. I live on the other side of the State, but I have talked with some of these men who have navigated that river in the past, and they believe that there is a way even with the low water as it occurs in the summer time and the fall and with the river channel as it is now, in which that river can be navigated. I think it is important to the people of the Mississippi Valley if it can be shown there may be constructed some craft that can be put on the river and carry freight. As you all know, in southern Illinois and Kentucky we have coal in large amount that is transported to the North. There is a large amount of ore that needs transportation from the North to the South, especially to St. Louis. There are other commodities that might be transported by water. I say these few words in the hope that there may be some consideration given to these men who honestly believe that a craft can be constructed by which the river can be successfully used for navigation.

Mr. SWITZER. Mr. Chairman, I dislike very much to take up the time of the committee, and I told the chairman of the Committee on Rivers and Harbors I would not say anything at this time; but as there has been considerable criticism directed against Col. Goltra, to the effect that a venture that he now expects to engage in may be of some considerable advantage to him or those he represents at St. Louis, I feel that, as a member of the Committee on Rivers and Harbors, it is my duty to express what I believe and my feelings about the matter at this time. I do not think that Col. Goltra should be criticized because he is in a venture that will move a commodity that may be of advantage to some industry that he represents or is interested in at the city of St. Louis. I would have the members of this committee look to the Monongahela River, which is is a branch of the Ohio, and whose navigation has been developed by the expenditure of twelve to fourteen million dollars. There will be a commerce this year upon that river of 20,000,000 tons, and it is an advantage directly to the men who have industries upon the banks of the Monongahela River, who in great measure own these industries and own the towboats and barges that engage in the handling of this great traffic upon that river, and to some extent it is true upon the Ohio. So I see no reason to criticize Mr. Goltra because he may be interested in some industry at St. Louis that desires to receive low-grade traffic up in Minnesota like iron ore. The testimony discloses that there is an abundance of iron ore near Minneapolis and St. Paul, in Minnesota, that can be transported down the Mississippi by barges at a low cost, competing with railway rates of to-day; and the testimony further discloses that there is coal in southern Illinois and in western Kentucky that can be transported from that region up to St. Paul and Minneapolis at a low cost by river transportation, thereby relieving the congested railway traffic of the Mississippi Valley. Now, it is stated by the engineers and by Col. Goltra that this sort of traffic can be carried on with competition with the railroad rate of to-day. Why, then, should I, as a member of the Committee on Rivers and Harbors, criticize anyone? The fact is I desire the Shipping Board or any other board to demonstrate, if they can, the utility of the upper Mississippi and Ohio or Tennessee or any other stream. I have no objection if they can show some merit, some proof, that their scheme will succeed. I think that Col. Goltra has gone into this matter in good faith. Like the gentleman from Illinois [Mr. FOSTER], I think he is to be commended. Trips can be made in six, seven, or eight days from St. Louis by water to St. Paul or Minneapolis, and vice versa.

In other words, you can take iron ore down by barge in 8, 10, or 12 days, where it takes 6 or 8 weeks now by rail. That is one advantage that may be of great help in prosecuting this war. Like the Panama Canal, to bring ships now constructed through the Panama Canal from the Pacific coast to the Atlantic may be of great advantage in helping to win the war, so, if we can utilize the Mississippi, or the Ohio River can be utilized as the Monongahela has been demonstrated it can be used, I see no reason why a member of the Committee on Rivers and Harbors should object to a shipping board or any other board appropriating or being allowed any reasonable amount to demonstrate the utility of those rivers, and I want to say here that the testimony of those two gentlemen show that to-day pig iron can be brought from Birmingham to Sheffield, on the Tennessee River, down the Tennessee River, down the Ohio, up the Mississippi, and up the Illinois River to Peoria in much quicker time—in one-third or one-fourth the time—and at a much cheaper rate than transportation by rail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. The observations of the gentleman from Illinois [Mr. FOSTER] interested me, because ordinarily he is one of the most painstaking economists of the House. I was somewhat surprised indeed to observe that he would rise in defense of a proposition to turn over, in effect, Federal money to an individual, one of considerable influence, to organize a company for the purpose of experimenting upon a river, the success of whose navigation, the gentleman from Illinois admits, has not been altogether satisfactory. Col. Goltra, who is to have the privilege, or who already has the privilege, through the Shipping Board or Emergency Fleet Corporation——

Mr. SWITZER. Will the gentleman yield?

Mr. BOOHER. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. MOORE of Pennsylvania. To the gentleman from Missouri.

Mr. BOOHER. I want to say to the gentleman that Col. Goltra has no contract with the Shipping Board or anybody else. There has been no contract let, and nobody has got any claim on this proposition. Col. Goltra's proposition, Col. Keller said, was the best one they had, but they had not accepted any proposition. Col. Goltra on Thursday, in an interview in St. Louis, stated that there had been no proposition made to him at that time, and that he had accepted no proposition. He stated exactly as he testified before the committee.

Mr. MOORE of Pennsylvania. I was taking into account the statement made by the gentleman from Wisconsin [Mr. FREAR], together with the data which he has placed in the minority report and the testimony which he cites as having been taken before the committee.

Mr. BOOHER. I think the gentleman is mistaken where he got his information. I do not know. I think instead of getting it from the hearings he got it from the private conversation he had with Col. Goltra.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. FREAR. I have given the testimony here in which Col. Keller recommends this proposition, in which Col. Goltra states he expects to have this contract.

Mr. BOOHER. Will the gentleman turn to the page where he stated anything of that kind before the committee?

Mr. FREAR. I do not want to take the time of the gentleman from Pennsylvania, but I would be glad to read it into the RECORD or to print it in the RECORD, as I have in the past.

Mr. BOOHER. Will the gentleman give the page?

Mr. FREAR. Let me ask the gentleman, if the gentleman from Pennsylvania will yield, does not the gentleman from Missouri understand that Col. Goltra expected to get this contract?

Mr. BOOHER. I do not know what he expects.

Mr. FREAR. That is the statement in the record of what he proposed to do.

Mr. BOOHER. Yes; he put his proposition, but I do not know what the others proposed to do, and Col. Keller said he did not, but they were receiving other applications.

Mr. FREAR. He said no other applications would be considered.

Mr. BOOHER. Where did Col. Keller say that?

Mr. FREAR. I will read it into the RECORD.

Mr. MOORE of Pennsylvania. Meanwhile, since Col. Goltra has come to our notice, I will ask the gentleman from Missouri just who he is?

Mr. BOOHER. He is a steel manufacturer in the city of St. Louis. He is a member of a large company. They get their coal from Illinois and their iron from Minnesota.

Mr. MOORE of Pennsylvania. Is he engaged in politics?

Mr. BOOHER. Yes. He is a Democrat.

Mr. MOORE of Pennsylvania. Is he a member of the Democratic National Committee?

Mr. BOOHER. Yes; and has been for years. It does not say so in the record, however.

Mr. MOORE of Pennsylvania. He is a very strong man in St. Louis?

Mr. BOOHER. Yes. He is a very prominent business man, and he would be prominent anywhere.

Mr. MOORE of Pennsylvania. It is to such a man, I assume, that a contract of this kind ought to go.

Mr. BOOHER. Let me read what Col. Keller says.

Mr. MOORE of Pennsylvania. It was with that in mind that I commented on the project.

Mr. BOOHER. As a business man no man stands higher in the West than Col. Goltra. I want to read an extract from the testimony of Col. Keller. Mr. FREAR asked this question:

Mr. FREAR. And they are to be leased, or what arrangement made?

Col. KELLER. Leased under equitable conditions to Mr. Goltra or to an operating company.

Mr. FREAR. Are there any other propositions in view as to the building of boats and leasing them?

Col. KELLER. We have had many applications, but none that are predicated upon as tangible a basis as Mr. Goltra's. For example, the people who are interested in the New Orleans-St. Louis line that has been under discussion for some time past in these two cities, and elsewhere in the valley intervening, have been anxious to have the Government build a fleet for them much the same as is proposed by Mr. Goltra, and have expressed a desire to lease it from the Government. We have not up to the present time found any authority under which we could construct such a fleet. The authority given by the Shipping Board to construct this fleet for Mr. Goltra is specially limited to that case alone.

Mr. FREAR. That is an unusual course, for the Government to build a fleet and then lease it as an experimental proposition.

Col. KELLER. As I have explained the committee hasn't any funds. We can not build any special plant. All we can do is to investigate the schemes proposed and decide whether they would be profitable as commercial or private enterprises—

That is the same as is proposed in this case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. The gentleman from Missouri knows that I do not always follow carefully the reports of the gentleman from Wisconsin [Mr. FREAR] on river and harbor bills; but may I ask the gentleman whether this statement which the gentleman from Wisconsin has made in his minority report is correct? He says that the Government of the United States has placed $3,360,000 in the hands of a waterways committee with which to build several steamers of an experimental design and to design new barges for trial tests on the upper Mississippi, and then the statement is made that Col. Goltra is to be the beneficiary of that enterprise and is to participate in the use of $3,360,000 of Federal money for experimentation. Is that a true statement?

Mr. BOOHER. I do not want to pass on the truth of the statements of the gentleman from Wisconsin. I feel sure the gentleman from Wisconsin is mistaken in his facts and quotes from a private conversation and not from the record.

Mr. MOORE of Pennsylvania. The gentleman from Missouri is an able defender of his State and has spoken bravely for Col. Goltra. I do not want unduly to embarrass the gentleman nor the gentleman from Illinois [Mr. FOSTER], who ordinarily is a careful administrator of public funds, and who would not ordinarily support a Government contract that he was not thoroughly satisfied with.

Mr. FOSTER. I am not saying anything about a Government contract of that kind.

Mr. BOOHER. Here is what is said in the St. Louis Republic of April 6, and I want you to note that it says the feasibility of the barge line was to be investigated. I read:

GOLTRA ACCUSED OF TRYING TO PROFIT BY WAR—WISCONSIN CONGRESSMAN ASSERTS ST. LOUISAN IS IN DEAL WITH UNITED STATES SHIPPING BOARD—RIVER BOATS ARE INVOLVED—REPRESENTATIVE DECLARES MANUFACTURER EXPECTS EVENTUALLY TO BUY VESSELS AT HALF COST.

[By leased wire from the Washington Bureau of the Republic.]

WASHINGTON, D. C., *April 5.*

Representative JAMES FREAR, of Wisconsin, opened his annual fight against the rivers and harbors bill to-day with the cry of "pork."

This time, however, he said, the pork was not being grabbed by Members of Congress for their districts but was being passed to Edward F. Goltra, of St. Louis, who, Mr. FREAR charged, was in a deal with the Shipping Board to purchase from the Government, after the war, at one-half cost of construction, boats built for Mississippi River traffic.

Asked if there was anything in the bill contemplating such a deal, Mr. FREAR replied:

"No; it is a deal contemplated by Mr. Goltra and the Shipping Board. But I refer to it now because of an appropriation we made at one time to test the navigability of the Mississippi River.

VALUES OF BOATS INCREASE.

"Mr. Goltra was very frank. He said the Government would have to pay twice as much now during this war time to manufacture the boats and that after the war he expected to purchase them at one-half the cost."

"I have always understood that boats which had been used for two years or so were of more value than when placed in the water the first time," suggested a Republican Member.

"That is the statement of men who understand this boat business," said FREAR. "And to think of it at this time when the allies are crying for boats and every shipbuilder in the country is expected to build boats.

"Mr Goltra should not have one boat built for him for his private use during this war time."

FREAR said the boats would be used for Goltra's private corporation and that no reduction in the price of steel would be made to the Government by the Goltra firm.

PRAISES $11,000 FAILURE.

"Will Congress sit silently by when the keys of the Treasury are being turned over to a private corporation such as this?" he demanded.

Outside his attacks upon Goltra, FREAR seemed to have found little in the rivers and harbors bill upon which to criticize, except a charge that river transportation upon the Mississippi had proven a failure and that it was not a feasible proposition. He charged that Secretary Redfield and Brig. Gen. Bixby supported the Goltra experiment and praised the "failure," although it cost $11,000.

He became eloquent about the recent election in Wisconsin and accused the Democrats of playing partisan politics. Political leaders saw in this attack a fear by FREAR that if the Democratic party in the next election makes as good a showing in his district (the tenth Wisconsin) as it did in the recent election he will stand a slim chance of being returned to Congress.

The bill, which was pared to the bone on everything except river and harbor work, which is necessary only as war measures, probably will pass the House to-morrow.

—

GOLTRA SAYS HE TRIED TO RELIEVE FREIGHT TRAFFIC.

Edward F. Goltra, president of the Mississippi Valley Iron Co., of St. Louis, who, at the instigation of the Government, investigated the feasibility of the barge line between St. Louis and St. Paul, referred to by Representative FREAR and for which the Shipping Board recently appropriated $3,500,000, said last night at his home:

"From what you say Mr. FREAR stated, it seems hardly worthy of reply. It is an ingenious piece of verbal jugglery, the fallacy of it being readily exposed by a single statement of the facts.

Mr. MOORE of Pennsylvania. Then Col. Goltra does not agree with the gentleman from Wisconsin?

Mr. BOOHER. No. I read further:

The congestion on the rail carriers on account of the tremendous activity due to the war makes it necessary that we put into use, to supplement these carriers, every means at our command. The shortage of coal in the Northwest became unusually great. It was plain that the only other means at hand was the river. Such steamers and barges as the Government had, which were only about 45 per cent efficient, were pressed into service, and I made a pioneer trip with them loaded with coal, from the southern Illinois coal fields to St. Paul, to determine the practicability as a freight carrier of the river.

The trip was a physical success, and would have been an economical one had the city of St. Paul been prepared to promptly unload the barges. They held us there six weeks waiting to unload. This, of course, occasioned the unusual expense. The steamer used was a lower river, deep-draft boat, and the trip downstream, bringing iron ore back, thereby was unduly delayed.

The object sought was fully attained, to determine the kind of craft that should be built for the purpose.

He paid $10,000 out of his own pocket to determine it. I read further:

Mr. FREAR'S statement that the boat will cost twice as much now to build as in normal times is correct. But, in my opinion, that is not sufficient reason or excuse for our not doing everything we can to move these important commodities—Illinois coal to the North and ore from Minnesota to the central section. As to the "deal" between the Shipping Board and myself, which he alleges, please quote me as stating there is none.

Mr. FREAR. None what?

Mr. BOOHER. No agreement. I do not think that anybody who knows Col. Goltra would doubt that statement.

Mr. ALEXANDER. Would it not be sufficient to call upon a member of the Shipping Board to refute that?

Mr. MOORE of Pennsylvania. I was reading from the report of Mr. FREAR concerning the testimony that was presented.

Mr. FREAR. So far there is nothing that has developed to disprove the statement that I made.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, may I have a little more time?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. BOOHER. I read again:

No contract has been made nor has any proposition been submitted to me or any company in which I am interested by the Shipping Board or any other board.

The extraordinary building cost will have to be absorbed in some manner, just how I do not know. The Government is just completing a large river steamer of light draft, and when she is ready it has been determined to take a cargo of 7,500 tons of Illinois coal to St. Paul. I have invited Mr. FREAR to accompany me on this trip to show him the feasibility and practicability of the Government's intentions. I am sorry he declines the invitation, notwithstanding his plea of pressing business in the Congress.

There is, of course, nothing in the implied argument that the fabrication of these barges will interfere with the Government's shipbuilding program, as they will be built in small boat yards located on the river, the use of which is not contemplated in the Shipping Board program.

Seagoing vessels could not be built in these small yards.

St Louis is using about 500,000 tons of pig iron per annum. This is equal to 1,000,000 tons of ore. It takes iron ore to make pig iron. I know of no one thing that will so greatly relieve rail carriers as bringing this commodity in by boat instead of by rail.

As regards the price the Government will pay for iron, the same will be fixed by the board, which is fixing all prices.

Mr. FREAR apparently has not investigated the subject sufficiently to know that the 2,200 tons of steel built into barges will carry a tonnage of iron ore and coal that would require 17,000 tons of steel built into cars to transport. The Government is trying to conserve its steel.

Right in that connection let me state that Mr. FREAR is again mistaken in the statement he made—not that he did not have some foundation for it. He said he had a conversation or consultation with Col. Goltra in his office, but at no time has he stated what was said there. Mr. FREAR also said that Col. Goltra was to pay 2 per cent for the use of the boats, and when he got through with them, if the experiment was a failure, the Government would lose all it had in boats. What he did say was that he was to pay 4 per cent on a lease of 20 years, and at any time within that period he was to have the option of buying these boats at the appraised value. That was called out by a question of my friend from Wisconsin [Mr. FREAR] himself.

Mr. FREAR. He was to buy them at $1,700,000, whatever their value.

Mr. BOOHER. No. He said they were to be appraised, and he was to buy them at the appraisement, whatever it was. The gentleman says that Col. Keller said that if Col. Goltra did not take the boats the Government would lose everything. He said that the boats could be used for transportation purposes either inland or along the coast. It is an effort to get transportation on the river somewhere. It was not to be a dead loss.

Mr. MOORE of Pennsylvania. I was attracted to this controversy by the statement prepared by the gentleman from Wisconsin [Mr. FREAR], and my interest, of course, was aroused by the address of the gentleman from Illinois [Mr. FOSTER], who, as I say, ordinarily may be depended upon as one of the watchdogs of the Treasury, to see that money does not go out for experimental projects or in doubtful contracts. I was rather glad, while I was not always able to agree with the gentleman from Wisconsin [Mr. FREAR], that he was able to bring these facts forward if only for the purpose of debate. The gentleman from Illinois, however, indicated that the Government had already spent upward of $500,000 in an effort to build barges that would be suitable for navigation on the Mississippi. I am inclined to think that much more money than that $500,000 has been expended for that purpose.

Mr. BOOHER. I wish every Member of the House had read Col. Goltra's testimony. He says in that testimony that it is better for the Government to spend $3,600,000 to find out whether that river can be made navigable; and if it can not, he says it is their duty to stop spending money on it.

Mr. MOORE of Pennsylvania. This is the statement of Col. Goltra?

Mr. BOOHER. Yes.

Mr. MOORE of Pennsylvania. And not of the Army engineer.

Mr. BOOHER. Yes. He says it is a business proposition that he is offering to the Government, and that if it can not be made navigable, after spending this $3,600,000 to find out, then it is the duty of Congress to stop spending money on it, and I think so too.

Mr. MOORE of Pennsylvania. I take it from the remarks of the gentleman from Illinois [Mr. FOSTER] that he is inclined to think that there are times when the United States Army engineers ought not to be followed literally, and that there are times when it is better to take the advice of gentlemen outside, like Col. Goltra, who has had long experience on the Mississippi River, and therefore may be better informed than the United States Army engineer. That is the way I took the remarks of the gentleman from Illinois [Mr. FOSTER], and it was extremely interesting to me to find him taking that stand; that is, that the Army engineers having failed, after the expenditure of $500,000 and other sums that have been spent in experiments upon the Mississippi River, it might be well in his judgment to take the advice of Col. Goltra, who is of good standing in St. Louis, a big business man there, and who also attained considerable prominence as a national committeeman in the party to which the gentleman from Illinois [Mr. FOSTER] and the gentleman from Missouri [Mr. BOOHER] belong.

Mr. FOSTER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FOSTER. "The gentleman from Illinois" did not make that statement. The gentleman from Pennsylvania is mistaken.

Mr. MOORE of Pennsylvania. The gentleman from Illinois said that it was possible that the engineers might not be as well informed on the question of navigation as some of these practical gentlemen, like the gentleman who happens in this case to be the Democratic national committeeman for the State of Missouri.

Mr. FOSTER. The gentleman from Illinois never said anything of the kind, as the gentleman will see if he will look at the RECORD.

Mr. MOORE of Pennsylvania. No; the gentleman did not mention Col. Goltra as the Democratic national committeeman. That is true.

Mr. FOSTER. No; nor did he mention Col. Goltra in that connection. He did say this, and I think the gentleman from Pennsylvania——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Most of my time was taken by the gentleman from Missouri [Mr. BOOHER]. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman proceeding for five minutes?

There was no objection.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. FOSTER. The gentleman from Illinois said this: That the Army engineers had had a long time to demonstrate whether they could secure suitable craft——

Mr. MOORE of Pennsylvania. Since 1879, I will say to the gentleman.

Mr. FOSTER. Oh, no; I am talking about the $500,000——

Mr. MOORE of Pennsylvania. The Mississippi River Commission has been working since 1879.

Mr. FOSTER. I am talking about the $500,000 that was appropriated some years ago.

Mr. FREAR. About 10 years ago.

Mr. MOORE of Pennsylvania. I do not know whether it has been spent or not.

Mr. FOSTER. The gentleman from Illinois said this: That the Army engineers are not infallible——

Mr. MOORE of Pennsylvania. I remember that.

Mr. FOSTER. The gentleman from Pennsylvania may have the idea that they are infallible.

Mr. MOORE of Pennsylvania. No; I do not have any such idea.

Mr. FOSTER. The gentleman from Illinois did not say anything about Col. Goltra's contract or wanting a contract.

Mr. MOORE of Pennsylvania. The gentleman very studiously avoided saying anything about Col. Goltra. [Laughter.]

Mr. FOSTER. But he said that rivermen who had navigated that river for many years in the past——

Mr. MOORE of Pennsylvania. Men just like Col. Goltra.

Mr. FOSTER. Might be able to give some idea and be able to devise some sort of craft that could navigate that river. That is what the gentleman from Illinois said.

Mr. MOORE of Pennsylvania. There is really no difference between the gentleman from Illinois and the gentleman from Pennsylvania.

Mr. FOSTER. I am surprised that the gentleman from Pennsylvania questions an item in the river and harbor bill.

Mr. MOORE of Pennsylvania. I did not question it.

Mr. FOSTER. We spend millions of dollars in other places to which the gentleman does not object, and probably those expenditures are all right; but when an attempt is made to solve a problem out on the Mississippi River the gentleman from Pennsylvania seems to take exception to what men say about it.

Mr. MOORE of Pennsylvania. I want to say to my friend from Illinois that I did not intend to question this item as it is written in this bill. The controversy is over the Shipping Board venture. What I rose to say was that I was not only interested but somewhat surprised to find my distinguished friend from Illinois, one of the most careful custodians of the Treasury in this body, I repeat——

Mr. FOSTER. I thank the gentleman.

Mr. MOORE of Pennsylvania. Proposing that we should spend, through the Shipping Board or through some other method not provided in a river and harbor bill, what the gentleman from Wisconsin [Mr. FREAR] indicates will be upward of $3,000,000——

Mr. FREAR. Four million dollars.

Mr. MOORE of Pennsylvania. By a gentleman who happens to be the Democratic national committeeman from Missouri, on experimental boats on a river which the gentleman from Illinois admitted the Army engineers were incapable of managing so that navigation is wholly successful upon it.

Mr. FOSTER. The fact that a gentleman was the Democratic national committeeman from Missouri or from any State would indicate that he was an honest man and that the money would be properly spent. That fact is a recommendation for him. [Applause.]

Mr. MOORE of Pennsylvania. The gentleman from Missouri [Mr. BOOHER], who had the floor a moment ago, certified to the high character of Col. Goltra in a manner that, I think, does both himself and the colonel proud, and both he and the gentleman from Illinois are entitled to great credit for the able defense they have made of Col. Goltra and the situation.

Mr. FOSTER. He needs no defense.

Mr. MOORE of Pennsylvania. But what I wished to impress on the Members, who have been patient with us during this discussion, is this: At some future time when a question of experimentation on some other stream than the Mississippi River arises, I would like to recall, merely by way of proving up the consistency of the gentleman from Illinois when he rises to oppose such a suggestion, that in this instance of the Mississippi River, coursing by the great State which he in part represents, when the opportunity arises to utilize the services of a distinguished committeeman of the National Democratic Party, he is willing that the Government shall experiment with its money in testing out whether such a scheme is wise and calculated to improve navigation.

I merely want to have the gentleman from Illinois remember on some future occasion the stand he has taken to-day in favor of improving navigation on the various inland waterways of the country. I want him to remember, when the question arises, that there are other streams besides the Mississippi that he so ably champions. I want him out of the depths of his patriotism to remember, if it is necessary to build barges on the Delaware or the Hudson or to connect the Chesapeake and Delaware Bays, to bear in mind that on this great day in the House, when Col. Goltra was in issue, he took this noble stand for inland waterways.

Mr. FOSTER. The "gentleman from Illinois" well remembers in every river and harbor bill coming before Congress in the several years since he has been here the many pleadings in eloquent speeches the gentleman from Pennsylvania has made, trying to secure all the appropriations that were possible, that he has been able to secure larger appropriations for streams up around his city of Philadelphia than anyone else.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, I ask permission to put in the RECORD the whole article of which I read a part.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

The Mississippi River Commission shall forthwith make an examination of the caving bank on the right bank of the Ohio River below the mouth of the Cache River and shall make such plans and take such steps, to be approved by the Chief of Engineers, as may be necessary from time to time to protect the levee line endangered by this caving bank, such improvements to be paid for out of any funds heretofore or hereafter appropriated for the work of the Mississippi River Commission.

Mr. HUMPHREYS. Mr. Chairman, I make a point of order against the item.

Mr. SMALL. Mr. Chairman, by direction of the committee I move to strike out the paragraph.

Mr. HUMPHREYS. But I have made a point of order.

The CHAIRMAN. The gentleman from Mississippi makes the point of order against the paragraph.

Mr. SMALL. Does not my motion to strike out have priority?

Mr. HUMPHREYS. No; nothing is in order after the point of order is taken but to dispose of the point of order.

The CHAIRMAN. In view of the motion of the gentleman from North Carolina, does the gentleman from Mississippi insist on his point of order?

Mr. HUMPHREYS. If I withdraw the point of order and the motion of the gentleman from North Carolina should not prevail, my rights would be forfeited. If I may reserve the point of order and ask unanimous consent that the item be stricken from the bill, or if the gentleman asks that it be stricken from the bill, I will reserve the point of order.

Mr. SMALL. If the motion is not carried, if it is necessary, I ask unanimous consent that the gentleman may then make his point of order.

The CHAIRMAN. The Chair thinks, in view of the point of order made by the gentleman from Mississippi that the motion to strike out is not in order until the point of order has been disposed of.

Mr. HUMPHREYS. I can not withdraw the point of order, because I would lose my rights.

The CHAIRMAN. The gentleman from Mississippi reserves the point of order against the paragraph, and the gentleman from North Carolina asks unanimous consent that the paragraph may be stricken from the bill.

Mr. SMALL. That was not quite my request.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Would not recognition first go to the chairman of the committee?

The CHAIRMAN. That is quite true and the Chair recognized the gentleman from North Carolina.

Mr. MOORE of Pennsylvania. Who moved to strike out.

The CHAIRMAN. But the gentleman from Mississippi in the meantime made the point of order.

Mr. MOORE of Pennsylvania. Does the Chair hold that the point of order takes precedence of a motion to strike out, the motion to strike out having first been made?

The CHAIRMAN. In the opinion of the Chair the point of order must be disposed of before any action can be taken on the paragraph.

Mr. SMALL. I do not think it is necessary now, Mr. Chairman, to argue the point. I disagree with the Chair, but I do not understand it to be necessary because the gentleman from Mississippi says that he has the right to make the point of order in the event that the motion to strike out is not carried, he is satisfied.

Mr. HUMPHREYS. I ask unanimous consent that the paragraph be stricken from the bill.

Mr. SMALL. Mr. Chairman, I do not want to be taken off my feet for a motion to be made by the gentleman from Mississippi.

Mr. HUMPHREYS. I did not make a motion. The gentleman from North Carolina will understand that I am simply trying to preserve my rights. If the motion of the gentleman to strike the paragraph from the bill should not prevail it would be too late then to make a point of order. I am willing to reserve the point of order if the gentleman wants the item stricken from the bill, and it seems to me he ought to be willing to have it go out by unanimous consent.

Mr. SMALL. I want it to proceed from the committee because I am doing it by instruction of the committee.

Mr. HUMPHREYS. I will yield to the gentleman.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that this paragraph be stricken from the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that this paragraph, page 9, beginning at line 17, be stricken from the bill. Is there objection?

Mr. GOOD. Reserving the right to object, there are other items in this bill which seem to me to be taking from the proper committee the power of appropriation. It seems to me that when the matter is presented to the Chair there should be a ruling on the proposition. The gentleman from Mississippi has reserved the point of order on this item and an item that clearly presents that proposition because it has no place in this bill. It seems to me that we might as well meet that proposition and meet it fairly, and therefore I object.

Mr. SMALL. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. SAUNDERS of Virginia. Mr. Chairman, this is the situation at present. The gentleman from Mississippi reserves the point of order to the paragraph. The gentleman from North Carolina moves to strike the paragraph from the bill. If a vote is taken on that motion, and is lost, then the reservation of the point of order remains for the protection of the gentleman from Mississippi.

Mr. HUMPHREYS. I do not think the gentleman from Virginia will insist that anything is in order when a point of order is reserved, except procedure by unanimous consent.

Mr. SAUNDERS of Virginia. Oh, yes, if you reserve it, it is lodged there, it is a sort of caveat.

Mr. HUMPHREYS. I dare say the Chair will not agree with that opinion.

Mr. SAUNDERS of Virginia. I do not see any real difference between the gentleman from North Carolina [Mr. SMALL] and the gentleman from Mississippi [Mr. HUMPHREYS]. If you lodge the point of order and the motion is made to strike out, and the paragraph goes out, the purposes sought to be subserved by both these gentlemen will be secured. The gentleman from Mississippi said that he would yield to the gentleman from North Carolina to ask unanimous consent to strike the language from the bill.

Mr. HUMPHREYS. Absolutely.

Mr. SAUNDERS of Virginia. That being so, the same result would be obtained by moving directly to strike it out, and the gentleman from Mississippi would not lose any position of right.

Mr. HUMPHREYS. If the Chair were announcing that opinion as the parliamentary status, the gentleman from Mississippi would be much happier than to hear it come from any Member on the floor.

Mr. SAUNDERS of Virginia. I am not announcing any ruling, as a matter of course, but my suggestion, I submit, is sound. If the gentleman from Mississippi reserves, or lodges the point of order and the gentleman from North Carolina then moves to strike out the section, and that motion prevails, the section goes out and along with it the reservation of the point of order, but if the gentleman from North Carolina loses on the motion to strike out, then the reservation of the point of order remains, and preserves all the rights of the gentleman from Mississippi. That is a very plain conclusion of common sense, and promotive of the orderly and efficient conduct of the business of this body.

Mr. HUMPHREYS. I have no question that it is in the interest of common sense, but it is not the rule of the House.

Mr. SAUNDERS of Virginia. Absolutely.

Mr. SMALL. Mr. Chairman, at the conclusion of the reading of the paragraph I addressed the Chair and secured recognition and immediately said that by direction of the committee I moved to strike out the pragraph. Is it true, as a matter of procedure, that a gentleman may break in at that point and make a point of order against the paragraph which is moved to be stricken out? Can he take me off the floor to do that?

Mr. HUMPHREYS. Otherwise I could not make the point of order.

Mr. SMALL. But all points of order on this bill were reserved. When I moved originally to go into the Committee of the Whole upon the bill, some gentleman on that side, possibly the gentleman from Iowa [Mr. KENNEDY], reserved all points of order on the bill.

Mr. CRISP rose.

Mr. SMALL. I yield to the gentleman from Georgia.

Mr. CRISP. Mr. Chairman, I have no desire to interfere with the gentleman at all, and when he gets through I desire to give the Chair my view of the proposition.

Mr. SMALL. Very well, I shall soon conclude. The point in my mind is that having been recognized to strike out the paragraph, by direction of the committee, the first thing in order was to put that motion. Then if perchance the motion had failed, all points of order being reserved, the point of order could then be made and passed upon. That seems to me to be regular and proper, and I submit that having been recognized, and being upon my feet and addressing the Chair, and making the motion to strike out, the gentleman from Mississippi was not in order at that time to make a point of order against the paragraph.

Mr. CRISP. Mr. Chairman, I have no interest whatever in the controversy between the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from North Carolina [Mr. SMALL]. And as far as the House is concerned, it seems to me that it is a question of tweedledum and tweedledee, for both want the provision eliminated from the bill; but I do have some interest in the rules of the House and the regularity of the proceedings of the House, and that is the only reason I am trespassing my views upon the Chair.

There is a good deal of misunderstanding among many of the Members as to when and how a Member may be taken off the floor. Where a gentleman has the floor I can only recall two ways whereby he may be taken off the floor. One is by lodging a point of no quorum, because no business whatever can be transacted when no quorum is present, and the other is by lodging a point of order against the bill or some portion of the bill. Under the rules and under the precedents of the House a point of order to be effective must be made before there has been any debate whatever on the proposition or amendment. If any debate has been had, the question of estoppel applies, and it is too late to then make a point of order. When a point of order is reserved the only way it has ever been operative in the House is for the purpose of discussion, the object of the reservation being to hear the merits of the proposition discussed with a view to seeing if the point of order would be withdrawn. You can not offer an amendment to any provision in a bill to which a point of order is reserved, and why? Obviously because if the point of order is sustained the whole proposition goes out and there is nothing left for the amendment to relate to. In the present instance the motion is to strike out the entire section, and, answering the argument of my friend from Virginia, Mr. SAUNDERS, if that motion to strike out is lost, he says the point of order could then be passed on. I do not think so. Suppose the motion, instead of striking out the whole paragraph, was to simply strike out some part of it or to add some new matter to it, and the motion prevailed. The entire text might be thus changed so as to relieve it from the point of order, whereas the original text, to which the point of order was lodged, may have been clearly subject to the point of order. It seems to me clear, under the rules of the House, if the point of order is insisted upon, the Chair must pass on the point of order before he can recognize or submit to the House any motion to amend or strike out. If an amendment is allowed, the point of order is waived.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. MOORE of Pennsylvania. It strikes me as a peculiar situation, and I made a parliamentary inquiry of the Chair for that reason. Suppose the gentleman from North Carolina, having been recognized, should carry the motion to strike out; there could be no point of order—there would be nothing against which to make the point of order.

Mr. CRISP. Then you would have the point of order reserved and held up in the air, and the House would never act upon it.

Mr. LENROOT. Will the gentleman yield?

Mr. CRISP. I will.

Mr. LENROOT. The amendment vote would be taken upon that, and the point of order would be waived and the reservation gone.

Mr. SAUNDERS of Virginia. Mr. Chairman, the whole contention advanced in this connection, it seems to me, as stated by the gentleman from Georgia, to be the difference between tweedledum and tweedledee. If the motion to strike out should fail then as I have argued the common sense of this matter is that the section must be taken up for consideration, subject to the reservation of the gentleman from Mississippi. The point of order has been reserved, and action upon the same is not insisted upon. I agree that if the gentleman should insist upon a ruling on the point of order, a different situation would be presented. I understood the gentleman in charge of the bill to say that he moved to strike out the whole section. Now if those two gentlemen are agreed and if the action taken on the motion to strike out is favorable, then that will end this whole matter.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. ALEXANDER. Suppose the motion to strike out prevails and the bill is reported in that form, and then a vote in the House is demanded, and the motion to strike out defeated, and the provision is restored to the bill. What becomes of the vote?

Mr. SAUNDERS of Virginia. It will come up I presume in the House for a ruling on the part of the Speaker. Of course logically this would be the case, if the reservation is noted. In that event the reservation will go along with the motion to strike out. Should action on the amendment be demanded in the House, it would seem therefore that a ruling might be asked of the Speaker on the point of order. And why not? In many of these cases, it would be very desirable to have an affirmative and authoritative ruling by the Speaker, on questions arising in the Committee of the Whole.

Mr. STAFFORD. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. STAFFORD. In the suppositious case propounded by the gentleman from Missouri [Mr. ALEXANDER], would the gentleman from Virginia claim that if a motion to strike out prevailed that the chairman in reporting the action of the committee to the House would report that that paragraph was stricken out with the reservation of the point of order?

Mr. SAUNDERS of Virginia. What else could he report, if the reservation is noted? The two would naturally go together. If the reservation of the point of order is made and a notation of same made at the desk, why of course when the sub-

ject matter comes up in the House, the reservation would accompany the subject matter, and again, I ask, why would not this be desirable, and good parliamentary practice?

Mr. STAFFORD. Then I take it the Chairman would report not only the reservation of the point of order but the persons who participated in the debate, in the discussion, and the persons who——

Mr. SAUNDERS of Virginia. What is the reservation of the point of order?

Mr. HUMPHREYS. A matter of courtesy on the part of the man who makes it to give gentlemen an opportunity to make remarks not pertinent to the point raised and to make them out of order.

Mr. SAUNDERS of Virginia. No it is something more. It is to preserve the right of a Member to make a point of order after other action has been taken. Under the rules, a point of order can not be made after debate has begun. But if a reservation is made, the debate may proceed indefinitely on the merits. After this debate is concluded, action may be asked on the point of order which pending the debate has remained dormant, or quiescent. And so by analogy, if a point of order is reserved, and the motion is made to strike out, then in the event of the failure of that motion, the Member who has made the reservation, and whose rights have been preserved by that reservation, can ask for a ruling on his point of order. Just as the reservation operates to preserve a Member's rights, pending a discussion on the merits, by analogy, it will preserve his rights in the case suggested. It is merely dormant while the House is voting on the motion to strike out. It is not in anywise destroyed, or affected by that motion, should the motion fail.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. No, I will not press this matter further. I do not consider that it is important enough to justify the consumption of the time that otherwise might be used in the disposition of the pending bill.

Mr. SMALL. Mr. Chairman, I desire to submit a request for unanimous consent, to which I ask the attention of the gentleman from Iowa, and in a different form from that in which I put it before. I ask unanimous consent that I may submit a motion to strike out this paragraph, that the gentleman from Mississippi may reserve a point of order against the paragraph, and that the motion to strike out shall be put to the committee, and if it does not carry that then the gentleman from Mississippi may present his point of order. Now, I will say to the gentleman from Iowa, if he is thinking that it makes a precedent that affects anything else in this bill, that his fear is groundless in that respect. There is nothing in the bill that is like it or similar to it, and it does not affect any other proposition in the bill, and I hope no objection will be made.

Mr. GOOD. Mr. Chairman, may I ask the chairman why this unusual, unprecedented, and unheard of request to dispose of it in this way rather than to meet the question on the point of order? What is the object to be attained?

Mr. SMALL. The answer to that is obvious. If the committee had decided since reporting this bill that they will submit a motion when it came up in the bill to strike it out, then it is quite obvious they prefer to have the motion put rather than the point of order. I hope the gentleman will not object.

Mr. GOOD. That is the only reason; that is the real reason?

Mr. SMALL. Oh, it takes time, the gentleman can understand——

Mr. GOOD. Is that the only reason? Now, will not the gentleman from North Carolina tell us the real reason, all the reasons that actuate him to have the committee take this unusual action?

Mr. SMALL. I have given the substantial reasons. If there are other reasons they are personal, not personal to me, however.

The CHAIRMAN. Before the Chair puts the request of the gentleman from North Carolina he trusts the committee will permit him to make this statement: This presents a rather peculiar question, in that both the gentleman from North Carolina and the gentleman from Mississippi have the same purpose in view; that is, the elimination of this particular provision in the bill. It is true the Chair did recognize the gentleman from North Carolina, the chairman of the committee, who made the motion to strike out.

The gentleman from North Carolina [Mr. SMALL] could not be taken off his feet by any Member except in the two ways indicated; that is, either by the point of no quorum or by some Member who interposes a point of order. If the Chair had refused to recognize the gentleman from Mississippi [Mr. HUMPHREYS] for the purpose either of making or reserving a point of order, which was his undoubted right as the Chair understands the rules and precedents of the House, then he would have lost that right if the motion to strike out had been put to the committee and had failed. It was for that reason that the Chair, acting in accord with the rules and the parliamentary precedents, recognized the gentleman from Mississippi to make the point of order; not to take the gentleman from North Carolina off his feet, but simply to preserve the right of the gentleman from Mississippi to make a point of order, or reserve it, which would give Members the right of debate on the proposition, but not the right to offer any amendment in the way of a motion to strike out, or add to, or take from, the provision.

Now, the gentleman from North Carolina asks unanimous consent that he may be permitted to make a motion to strike from the bill the paragraph on page 9, beginning on line 17 and running down to and including line 25, and that the point of order which has been raised by the gentleman from Mississippi may be reserved, and that the gentleman from Mississippi will not lose any of his rights in making a point of order against the paragraph if the motion of the gentleman from North Carolina does not prevail. Is there objection?

Mr. GOOD. I object.

The CHAIRMAN. The gentleman from Iowa objects. Does the gentleman from Mississippi make the point of order?

Mr. HUMPHREYS. Yes; I make the point of order.

The point of order is, Mr. Chairman, that this is a matter that the Committee on Rivers and Harbors has no jurisdiction of as an original proposition, and it has no right to report it in an appropriation bill and give it the privilege that goes therewith.

The Chair understands that all jurisdiction which was formerly vested in the Committee on Rivers and Harbors, if it ever had any, over matters relating to flood control was taken from it and given to another committee that was created for that purpose. I think the Chair will have no trouble in finding the precedents there. They occur to me as being ample and full. I did not know, in fact, that the point of order had ever been contested.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. MOORE of Pennsylvania. The jurisdiction of the Committee on Rivers and Harbors may conflict with that of the Committee on Flood Control, of which the gentleman is chairman, but the matters to be referred to the Committee on Flood Control are matters relating to flood control other than appropriations therefor?

Mr. HUMPHREYS. Yes.

Mr. MOORE of Pennsylvania. I have read this paragraph carefully, and I do not observe in it anything that relates to floods. It is a matter of shoring up the banks of a river.

Mr. HUMPHREYS. For what purpose?

Mr. MOORE of Pennsylvania. Shoring up the bank of a river. That is all. There is not a word about flood or flood control.

Mr. HUMPHREYS. To protect the levee line endangered by this caving bank. The chairman of the committee will very frankly state to the gentleman, if he wishes to have this information, that this has no relation to navigation.

Mr. MOORE of Pennsylvania. Flood control, as I understand it, and as we understood it when that committee was created, meant the abnormal flow of the water, not the normal flow affecting navigation. So far as this paragraph reads, it may be regarded as a matter to protect navigation, a matter of improvement of the channel, which would certainly come under the jurisdiction of the Committee on Rivers and Harbors.

What is there in the paragraph to indicate that there is a flood there? It is a normal condition, not an abnormal one. It is a matter of the natural flow of the water, which may cause erosion on one bank or the other. But there is nothing to indicate that it is a matter of flood or flood control. The Mississippi River is an uncertain quantity. It is a river in which the flow changes. It cuts in on this bank and it cuts in on that bank. That is the normal condition. Then there are certain seasons when the river rises and there are freshets which result in floods, and great danger ensues to surrounding property. Then it becomes a matter of flood control. There is nothing on the face of this paragraph to indicate that it is a matter of flood control but everything to indicate that it is a matter purely of the normal regulation of the flow of a river. I beg the pardon of the gentleman from Mississippi for making that statement in his time.

Mr. HUMPHREYS. It will not be stated by anybody on this floor that the purpose for which the appropriation is asked is in the interest of navigation.

Mr. SWITZER. I wish to say to the gentleman that I take the position that it is in the interest of navigation.

Mr. HUMPHREYS. I withdraw my statement. I did not think anybody would state that. The river there is nowhere less than 22 feet deep, and runs from 22 feet to 56 feet deep, and the engineers who have examined it say:

It is clearly shown within that the protection of the banks and levees between Mound City and Cairo is not necessary in the interest of navigation; that water-borne commerce would in no way be affected thereby, and that the only benefits to be expected from such an amendment would inure to the Cleveland, Cincinnati, Chicago & St. Louis Railway Co. and riparian owners.

It is further true that in the hearings before the committee not a word was said about navigation. The whole issue was flood control—the protection of that country from the floods of the river.

The chairman of the committee told me that the question of navigation was not involved—and I know he will make the same statement here—and it did not occur to me that any gentleman would come here and say that when the river is at no place less than 22 feet deep, and from that to 56 feet, along this whole reach of the river, and that the engineers in the only reports that have been made upon it have said that it had no relation to navigation, and when the people who came and asked for the improvement asked for it for the purpose of protecting this levee, to protect the territory immediately behind it from overflow, and nobody had ever mentioned the subject of navigation, I assumed that nobody would claim it was in the interest of navigation, and I am quite sure the chairman of the committee will state frankly to the House that the purpose of it is to prevent the overflow of that drainage district.

Mr. DENISON. Mr. Chairman, I desire to be heard on the point of order. Preliminary to it I want to state this: I am interested in the provision that is under discussion. After it had received practically the unanimous approval of the committee, I heard that this question of jurisdiction might arise here, and in order to avoid taking up the time of the committee with the discussion of the question of jurisdiction I gave consent to the committee that the provision be withdrawn from the bill entirely, and the chairman of the committee, in keeping with that understanding, endeavored to get the provision out of the bill in order to avoid raising the question of jurisdiction. But it seems that there are certain parties who want to discuss the question of jurisdiction, whether the provision is in the bill or not. So it seems that the question of jurisdiction is forced on the committee, notwithstanding the fact that the Rivers and Harbors Committee were willing to dispose of the provision otherwise; and I, as the member more interested in it than anyone else, was willing to have it take that course.

Now, I have not a particle of doubt on this question of jurisdiction, and never have had any. I do not suppose the gentleman from Mississippi will deny the fact that the Committee on Rivers and Harbors have always had jurisdiction of this subject until the time when this Flood Control Committee was created by the House, and that if the jurisdiction of the Rivers and Harbors Committee has been taken away from it, it has been taken away by reason of the creation of this new Committee on Flood Control. So we start out with the assumption that this formerly was within the jurisdiction of the Rivers and Harbors Committee, and I do not think that proposition will be disputed or denied at all.

Now, the rules defining the jurisdiction of the Rivers and Harbors Committee have not been changed in one particular, and were not changed at the time of the creation of the Committee on Flood Control. There was simply another new committee of the House created, known as the Committee on Flood Control, and its jurisdiction was defined. The jurisdiction of the Rivers and Harbors Committee was not changed, and never has been changed in this particular.

When this question arose once before, Speaker CLARK stated that the jurisdiction of the two committees overlapped, and I think that is necessarily true to some extent, growing out of the subject matters which the two committees are created to handle, and there is always going to be a question of overlapping jurisdiction or conflict between those two committees. If the Chair will recall the debate that took place here when the Flood Control Committee was created, a number of Members spoke and said that the resolution was not in proper form in order to avoid a conflict in jurisdiction. Among them was the gentleman from Wisconsin [Mr. LENROOT], who spoke particularly of that question, and he stated then that there would be an interminable conflict of jurisdiction between the two committees because of the wording of the resolution creating the Flood Control Committee. Last year Mr. Speaker CLARK stated in the House that the jurisdiction of these two committees overlapped. That is for this reason, that the Flood Control Committee was created for the purpose of dealing with the question of preventing or controlling floods.

Now, it may be that occasionally, in order to do that, something may have to be done that will indirectly affect navigation. On the other hand, it may be necessary to make expenditures for improvements that directly affect navigation and indirectly affect flood control. The two subjects are so closely related that you can not always legislate upon one without indirectly or directly affecting the other. That in the very essence of the proposition must be so. So the jurisdictions of the two committees overlap.

Now, whenever there are two committees the jurisdictions of which do necessarily overlap to some extent, I contend that the committee which first takes jurisdiction of a proposition ought to retain jurisdiction over it if the subject is one that it has jurisdiction over. The gentleman from Mississippi has just stated that no question of navigation is involved here. I should like to know upon what authority he states that. The Chair must judge the question from the language in the bill.

The CHAIRMAN. Undoubtedly the rule stated by the gentleman from Illinois would control if this had come in by way of the bill and had been introduced in the House and referred to the Committee on Rivers and Harbors, and that committee had been given jurisdiction of it, and there had been no objection raised, and that committee had reported it to the House. Under those circumstances, undoubtedly, as the Chair understands the precedents, the Committee on Rivers and Harbors would have had jurisdiction. But this provision presents a somewhat different question. This provision comes in as a part of the river and harbor bill reported by the committee and is not a bill regularly introduced.

Mr. DENISON. For that reason I think our position is all the stronger. The Rivers and Harbors Committee is an appropriating committee, has the power to appropriate. The Flood Control Committee has no such power. I contend, if the chairman please, that where an improvement like this is to be made on the river and an immediate appropriation is necessary, it peculiarly belongs to the Rivers and Harbors Committee. The Rivers and Harbors Committee has jurisdiction of all questions pertaining to improvements of rivers and harbors. In the act creating the Mississippi River Commission, which, as I understand, was river and harbor legislation, one of the duties of the Mississippi River Commission was to prevent the changing of channels of rivers and the caving of the banks, and it has always been understood, as I read the record, that legislation that is intended for the purpose of preventing the changing of channels of rivers and the caving of banks of rivers is in the interest of navigation. That is exactly what this legislation is for.

The situation presented is one in which the Ohio River is changing its course north of the city of Cairo, and it has been doing it for a series of years. It has been moving in the direction of the Mississippi River north of the city of Cairo, and it has gone so far that there is now only a neck of land still remaining between it and the Mississippi River. Some day there is going to be a calamity there, and the city of Cairo will be threatened. It is to prevent the continual changing of the channel of the river and the continual caving of the banks of the Ohio River north of Cairo that this provision is inserted in the bill. There can be no question as to the merits of the proposition. It is true that there is a question of controlling flood involved indirectly, but there is also the question of navigation involved.

In other words, I think the question of navigation is always involved when the river is changing its course, and I think the improvement to prevent the banks of the river from caving involves navigation.

The jurisdiction of the Rivers and Harbors Committee covers all questions of improvements of the rivers. A provision in the bill to prevent the change of the banks of the river, to prevent the washing away of the banks of the river is, on the face of it, an improvement of the river. The Chair can not say by looking at the provision that it is purely one for flood control. It says:

The Mississippi River Commission shall forthwith make an examination of the caving bank on the right bank of the Ohio River below the mouth of the Cache River and shall make such plans and take such steps, to be approved by the Chief of Engineers, as may be necessary from time to time to protect the levee line endangered by this caving bank.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. MOORE of Pennsylvania. There is no flood on the Ohio River.

Mr. DENISON. No.

Mr. MOORE of Pennsylvania. And none in the Mississippi Valley.

Mr. DENISON. No. It is a normal condition on the Ohio River.

Mr. MOORE of Pennsylvania. The caving in of the banks affects navigation on the river?

Mr. DENISON. Yes; and it will affect it more if it breaks through into the Mississippi River.

Mr. MOORE of Pennsylvania. But it is not a question of flood control; it is due to no flood, but to the normal action of the water; is that right?

Mr. DENISON. Exactly. The Ohio River at this point has changed its course a long distance, and has finally changed its course until it has reached the base of the levee.

Now, as I understand the parliamentary situation, if the Chairman holds that the point of order is well taken against this particular provision in the bill it must appear to the Chairman from the language in the bill that it is a provision clearly intended for flood control. I think the Chairman can not say that.

Mr. HUSTED. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. HUSTED. Have not the Army engineers repeatedly stated that this caving in of the banks only takes place during periods of high water in the river when the rivers are in a flood state?

Mr. DENISON. If they have said that, I never heard of it.

Mr. HUSTED. I think it is in the RECORD.

Mr. DENISON. It is not in the RECORD in this case. But I want to state to the Chairman and the gentleman from New York that the Chief of Engineers and Col. Newcomer, for the purpose of getting the work done and because they recognized the importance of it, went before the Commerce Committee in the Senate two years ago to help me get a provision in the river and harbor bill extending the jurisdiction of the Mississippi River Commission to include this part of the Ohio River for the purpose of having this work done.

Mr. HUMPHREYS. If the gentleman will yield, that was after the House had passed the flood-control bill containing the item which extended the jurisdiction of the commission up the Ohio River.

Mr. DENISON. I beg leave to differ with the gentleman; it was before the flood-control bill was passed.

Mr. HUMPHREYS. The gentleman is mistaken. We passed the flood-control bill in May and it went to the Senate, and it appeared that the Senate was not going to pass the flood-control bill, and so the following winter, after the flood-control bill had passed here, for fear that it was going to fail, the gentleman got the Commerce Committee in the Senate to incorporate this matter in the river and harbor bill.

Mr. DENISON. Mr. Chairman, the gentleman is mistaken, and, to refresh the gentleman's mind, I will remind him I went before the Senate committee to get that jurisdiction extended to the Mississippi River Commission upon the advice of the gentleman from Mississippi.

Mr. HUMPHREYS. Absolutely. There is not any doubt about that, because we thought the flood-control bill was going to fail; and, in order that the Mississippi River Commission might have jurisdiction up the Ohio, we extended it on the flood-control bill, and, as it seemed that was going to fail, I suggested that the gentleman take that particular provision and have it put in the river and harbor appropriation bill in the Senate, and it appears there in the exact language that it appeared in the flood-control bill, which passed the House in the early part of May prior thereto.

Mr. DENISON. The gentleman will recall the provision was put in the flood-control bill in exactly the same language it was put in the river and harbor bill before that. I know what I am talking about on that question. That provision was put in the river and harbor bill before the flood-control bill was ever passed, and was put in with the assistance and consent of the Chief of Engineer's office. Gen. Black went before the committee for the very purpose of getting this work done, because it was recognized as urgent and important. It has not been done, and this provision is put in the river and harbor bill for the purpose of getting the work done now.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HUMPHREYS. Why did the gentleman and the other gentleman from Cairo go before the Committee on Flood Control and have a long hearing in order to induce us, in which he succeeded, to put this provision in the flood-control bill when, as a matter of fact, as he has just stated, he had already, prior thereto, had it enacted into law in the river and harbor bill?

Mr. DENISON. The gentleman is skipping a cog.

Mr. HUMPHREYS. Which cog?

Mr. DENISON. We first got the provision put in the river and harbor bill in order to give the Mississippi River Commission jurisdiction over this part of the Ohio River to do the work.

Mr. HUMPHREYS. Yes.

Mr. DENISON. There was no appropriation or direction to do it, but simply extending the jurisdiction of the commission over this part of the Ohio River, so that they would have authority to do it.

Mr. HUMPHREYS. That is all the flood-control bill did. Why did the gentleman go to the Flood Control Committee and ask them to put in their bill a provision already the law of the land, and take up two or three days in the hearings before that committee when it was already the law of the land? The reason the gentleman did it is because it was not in the law, and we put it in our bill and passed it in the House, and the following fall, when it appeared the bill was not going to pass through the Senate, the gentleman got the Senate to put it in the rivers and harbors bill.

Mr. DENISON. I will answer the gentleman's question. Of course, I dislike very much to differ with the gentleman from Mississippi on a question of this kind, and yet, I am so certain that he is wrong that I feel constrained to say so, because I followed the advice of the gentleman from Mississippi in the matter, he being older and more experience in questions of river legislation. We went and got that provision in the river and harbor bill first which extended jurisdiction of the commission over this part of the Ohio River; that gave them authority to go up there and do the work whenever they got the appropriation to do so. When the flood-control bill came up, we were appropriating $45,000,000, as I remember it, for the purpose of doing work on the Mississippi River.

Mr. HUMPHREYS. The flood-control bill did not appropriate any money.

Mr. DENISON. I mean we were authorizing $45,000,000 for doing work on the Mississippi River, and it seemed to me that that bill ought to provide that the Mississippi River Commission could go on up this part of the Ohio River where they had jurisdiction and do work there, so we put it in the flood-control bill for that purpose.

Mr. HUMPHREYS. But it was already the law.

Mr. DENISON. That is, they already had jurisdiction.

Mr. HUMPHREYS. The provisions are identical in both bills. The river and harbor bill had passed and had become a law. Then why did the gentleman induce us to put it in the flood-control bill, when it was already the law?

Mr. DENISON. I will try to make that plain. It certainly ought to be plain to anyone who can read, but I will try to make it plain to the gentleman from Mississippi. In the flood-control bill Congress was authorizing the appropriation of $45,000,000 to do what? To provide against floods up and down the Mississippi River. I think we ought to agree on that plain statement.

Mr. HUMPHREYS. Absolutely. It was to authorize——

Mr DENISON. They had jurisdiction to do that before that.

Mr. HUMPHREYS. It was to authorize the Mississippi River Commission to expend $45,000,000, to enter into continuing contracts therefor, provided only they should not expend exceeding $10,000,000 a year.

Mr. DENISON. Yes.

Mr. HUMPHREYS. So that it relieves them of the necessity of going to Congress every year for an appropriation. We did not extend the power, the jurisdiction, of the Mississippi River Commission in the slightest, except we did tell them they could go up the Ohio River and in their discretion make allotments for that part of the Ohio River which the Rivers and Harbors Committee for 20 years had refused to take care of. So the gentleman came to us and said that the Rivers and Harbors Committee would not take care of this, because they said it had nothing to do with navigation. He said, "You have a flood-control bill; extend the jurisdiction up there and see if they won't take care of it as a flood problem."

We said, "Very well, we will do that, we will take you in; that is, we will let the commission do that at their discretion," and lo and behold, as soon as the gentleman got in he goes to the Committee on Rivers and Harbors and says, "Now, I am in; I want you to pass a law so as to take care of me first." Is not that the truth?

Mr. DENISON. Of course the gentleman has made a very good speech on that side of the question, and I want to say this to the gentleman: The Flood Control Committee was to make authorization of $45,000,000 for doing work up and down the Mississippi River. In order that they might know that they had authority to spend part of that money on the Ohio River, we put that provision in the flood-control bill and——

Mr. SHERLEY. But, if the gentleman will permit, was not the purpose of the insertion of that provision touching the Ohio River in order to give to the Mississippi River Commission the right to continue its work for the improvement of that with the Mississippi River?

Mr. DENISON. It was for the purpose of authorizing their spending a part of that $45,000,000 to prevent floods on the Ohio River.

Mr. SHERLEY. But the reason for giving the Mississippi as well as the Ohio was not simply for the protection of the levees, but it was to continue the improvement of it, and it took from the Rivers and Harbors Committee and gave to the Flood Control Committee jurisdiction for authorizations and gave to the Committee on Appropriations power within the authorizations to appropriate.

Mr. DENISON. Is it the contention of the gentleman from Kentucky that all questions of river and harbor improvement now belong to the Flood Control Committee?

Mr. SHERLEY. It is the contention of the gentleman from Kentucky that to the extent that the act gives control over the Mississippi and tributaries for the improvement and flood control that it ceases to give to the Rivers and Harbors Committee jurisdiction.

Mr. MOORE of Pennsylvania. I question whether we gave that jurisdiction, only up to the point of the mouth——

Mr. SHERLEY. I do not say it gave the whole river, but the language of the act passed through the action of the Flood Control Committee says, "for control of the floods of the Mississippi River and to continue its improvement from the Head of the Passes to the mouth of the Ohio River," and then afterwards included these stretches in the Ohio.

Mr. DENISON. That language of the bill was put in there, but they can only expend money for the purpose of improving the river, in so far as the improvement of the river may control the floods—

Mr. SHERLEY. It does not say so.

Mr. DENISON. That is what it means, and the gentleman ought to know that.

Mr. SHERLEY. I do not know that, and I am not sure that the language warrants that construction.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DENISON. I will.

Mr. GARRETT of Tennessee. This is a flood-control proposition, is it not?

Mr. DENISON. No; not entirely.

Mr. GARRETT of Tennessee. Does the gentleman say that?

Mr. DENISON. Certainly I say it.

Mr. GARRETT of Tennessee. Does the gentleman say this in any way is related to navigation?

Mr. DENISON. Yes; and if the gentleman will permit, I will tell you how it is related, and be very glad to do it. The way it is related to navigation is this: If the gentleman knows the situation in Cairo he knows Cairo is on a point of land between the two rivers——

Mr. GARRETT of Tennessee. I do know it perfectly well.

Mr. DENISON. Up above the city of Cairo the rivers approach each other and there is a very narrow neck of land between the Ohio and Mississippi Rivers. That condition is growing worse from year to year because the Ohio River is changing its course and approaching the Mississippi River. There is now only a narrow neck of land, less than half a mile wide, between the two rivers. The fact that that river is changing its course, the Ohio River, by moving north is due largely, in my judgment, at least I am told that, to an old dike which was built from the Kentucky shore a number of years ago which forced the current over on the Illinois side and deepened the harbor at Mound City. Now, that has done that work well, but the current is still forcing its way along the north bank of the Ohio River and approaching the Mississippi River. The bank is continually crumbling and as the bank washes off it is falling in and washing in the river and the current of the river has changed a great deal, not very rapidly, but changed some. Sooner or later, with a great flood, this levee will go out and the river will break across into the Mississippi above the city of Cairo. Will not that affect navigation?

Mr. GARRETT of Tennessee. Yes; sooner or later the Mississippi River will break its banks and thereby affect navigation. Let me say to the gentleman from Illinois this: I was a member of the committee that visited Cairo——

Mr. DENISON. I know the gentleman did.

Mr. GARRETT of Tennessee. And studied the problem——

Mr. DENISON. And I am sure the gentleman enjoyed his visit.

Mr. GARRETT of Tennessee (continuing). And there never was a claim there that this proposition had anything to do with navigation. At no point——

Mr. DENISON. Well, I do not know what the gentleman is talking about. I know that the claim was made before the River and Harbor Committee at this hearing. If the gentleman will go to Cairo, he will get some information.

Mr. SHERLEY. Will the gentleman yield for an inquiry?

Mr. DENISON. I will.

Mr. SHERLEY. Is not this the situation, that the people interested at Cairo undertook to get the Mississippi Commission to spend this money for this particular work and they were not able to impress them with the overwhelming importance of it, as the gentleman views it? And, having failed to get the money out of the commission, are they not now turning to the Committee on Rivers and Harbors?

Mr. DENISON. I will answer the question.

Mr. SWITZER. Mr. Chairman, with the gentleman's permission, the only reason, as I understand, why the people at Cairo want this work done by the Mississippi River Commission is not because the Mississippi River Commission is engaged in improving the Mississippi River in flood-control work, but because they have special equipment there. I do not know whether it is under their authority especially, but it is under the authority of the Secretary of War and it belongs to the United States. It does not belong to the Mississippi River Commission or to the Flood Control Commission. It is the only equipment that can do this revetment work.

Mr. GARRETT of Tennessee. Was there any thought in the Committee on Rivers and Harbors, at the time you put this proposition in, that it was a navigation proposition?

Mr. SWITZER. Certainly. That has always been my contention.

Mr. GARRETT of Tennessee. That is a navigation proposition?

Mr. SWITZER. Yes. The gentleman from Illinois [Mr. DENISON] took that position before our committee. His statement has been made there three or four times. We have as much right to rely on the gentleman from Illinois as on some Army engineers or others when we want to act.

Mr. DENISON. I want to answer the question of the gentleman from Tennessee [Mr. GARRETT]. I want him to go down there and see that situation. He makes his statement very positively, but perhaps he has never seen that situation. If he should see it I do not think he would hold the view that he states.

Mr. GARRETT of Tennessee. If the gentleman will permit me, right there, while I do not like to admit going to Cairo very frequently [laughter], yet I have seen that proposition time and time again.

Mr. DENISON. The gentleman would be honored by going there.

Mr. GARRETT of Tennessee. I am in sympathy with the idea of saving that bank, but I contend that it is not a navigation matter. I am interested in saving that bank, but the commission has ordered a survey to take place in May. This proposition which is in the bill does not order a survey; or rather it orders one, and then orders them to go on and do the work, notwithstanding the survey. It is the most remarkable proposition that was ever brought in. It is not a navigation proposition. It is a flood-control proposition. There is no question about that fact.

Mr. DENISON. Now, then, I will say to the gentleman that this proposition is copied word for word from the provision that was put into the river and harbor bill last year for Memphis, Tenn.—word for word—so that the gentleman evidently was not familiar with last year's bill when he made that statement.

Mr. HUMPHREYS. What was the purpose of the provision in the bill with reference to Memphis? It was to remove a mud bar from the city of Memphis. It had no earthly relation to flood control.

Mr. DENISON. I did not mean it was for the same place, but the language directing it was the same.

Mr. GARRETT of Tennessee. It was merely to get that bar out of the way, so that boats could come up to Memphis.

Mr. DENISON. But the Ohio River is forming bars with the bank that is washed down. It is a navigation question as well as a question of flood control.

Now, I want to answer the statement of the gentleman from Kentucky [Mr. SHERLEY]. He asked me if we had not tried to get the Mississippi River Commission to make this expenditure. We have tried to do so, but they have held back on the matter because they have been working for some time under the wrong impression as to the situation there. That is as to the railroad question that they thought was involved. In other words, there is a railroad that runs along there, and the Mississippi River Commission has been under the impression heretofore that it is the duty of the railroad company to do this work. Now they have found out differently.

Mr. SHERLEY. I understand that; but that is not the reason for refusing to do this work.

Mr. DENISON. It was the reason.

Mr. SHERLEY. I say to the gentleman that since he talked with them they have testified before my committee on this exact point, and the gentleman is mistaken, in my judgment.

Mr. DENISON. I do not know what they said to the gentleman.

Mr. SHERLEY. Take the bald proposition as it appears in the bill: Here is an effort by the Committee on Rivers and Harbors to instruct the Mississippi River Commission in its duty. Now, if that is true, there is no reason for the Flood Control Committee existing. The Flood Control Committee has undertaken by the passage of an act to provide what the Mississippi River Commission shall do with a certain amount of money. Then the Mississippi River Commission comes before the Committee on Appropriations to get the money, but in the meanwhile the Committee on Rivers and Harbors proposes to come in and tell it what to do. If they can do that, any other committee can do that and override the jurisdiction of the Flood Control Committee. It may be desirable to be done, but on the point of order I insist that it is not in order that it should be done.

Mr. DENISON. Is it the gentleman's point that the committee has not jurisdiction because of the peculiar language it uses?

Mr. SHERLEY. All I have to argue from is the language you have used, and I say as to the provision you are carrying on this bill, you are without jurisdiction to carry it.

Mr. DENISON. I differ with the gentleman.

As I understand the rule, the Chair must judge the question of jurisdiction by the language of the bill. These matters that are stated extraneously are matters that may be stated, of course, in our attempt to enlighten each other, but the Chair can not decide the question of jurisdiction of a committee by statements of fact by Members of Congress, or can not even go to the hearings, so far as that is concerned; and I say as a matter of parliamentary principle that unless it appears on the face of the provision itself that this is intended for flood control, and is clearly within the jurisdiction of the Flood Control Committee and not in the jurisdiction of the River and Harbor Committee, the Chair should overrule the point of order.

Mr. SWITZER. Mr. Chairman, I make no pretense of possessing any peculiar knowledge, or really any knowledge, of parliamentary procedure, but upon this question of concurrent jurisdiction over the Ohio River I have been to the Supreme Court once or twice.

I think the gentleman from Illinois [Mr. DENISON] is absolutely correct when he says the Flood Control Committee took no jurisdiction away from the Committee on Rivers and Harbors. The truth of the matter is, the Committee on Rivers and Harbors never had any jurisdiction over flood control. The jurisdiction of the Committee on Rivers and Harbors from its inception had to do with navigable streams for navigable purposes only, and whatever jurisdiction they exercised in the way of preventing floods overflowing the surrounding territory alongside a stream was always done under the guise that it was for the purpose of navigation, for holding the water within the channels of the stream, and washing it out, and making it deeper, and so on. That is, they exercised flood control, but not flood-control jurisdiction, by subterfuge, as you might say. Sometimes they can show that it meant some little improvement of the streams.

So the Rivers and Harbors Committee never did have jurisdiction over flood control. And the Chair must recollect that the Rivers and Harbors Committee has jurisdiction over all the navigable streams of the United States, including the Mississippi River, on matters pertaining to navigation, regardless of flood control.

Now, the Flood Control Committee reported out a bill which became a law. The gentleman seems to infer that by the enactment of that law the Flood Control Committee in some way or other has now acquired exclusive jurisdiction over the Secretary of War, over the Chief of Engineers, and over the Mississippi River Commission. If you will read the section I assert that you will see that the law does not give the Flood Control Committee jurisdiction, and the law itself does not undertake to exercise any jurisdiction over any one of these functionaries. That act says that for the purpose of flood control and the improvement of the river—that was a matter they had no jurisdiction over, but nobody objected, and it is in the law. Of course, if some one had raised the point of order, the Flood Control Committee could not have reported out a bill for the improvement of the Mississippi River, especially at that time. It says that not to exceed $10,000,000 a year may be expended under plans of the Mississippi River Commission, approved by the Chief of Engineers. The truth of the matter is that the Chief of Engineers and the Secretary of War can control that whole thing. They can even nullify the act of the Mississippi River Commission. And if you will read the act closely, it does not give any jurisdiction over either one of these agencies, as I want you to understand. It is merely to be expended under their direction. I say, therefore, that the Rivers and Harbors Committee have the right to report out a bill, and we are an appropriating committee. We can report a bill appropriating money, and we can call upon the Mississippi River Commission to expend it in the interest of navigation, can we not? They have acquired no exclusive jurisdiction over that commission.

This equipment, that cost millions of dollars, paid for with money appropriated by bills reported out heretofore by the Rivers and Harbors Committee, belongs to the United States. It does not belong to the Mississippi River Commission, and the Mississippi River Commission is not subject solely to the orders of the Flood Control Committee or to legislation enacted in bills reported out by the Flood Control Committee.

Mr. WALSH. Will the gentleman yield for a question?

Mr. SWITZER. I will.

Mr. WALSH. Do I understand that this will cost some $10,000,000 a year?

Mr. SWITZER. The bill reported out by the Flood Control Committee some years ago, which Congress has passed, authorized Congress to appropriate not to exceed $10,000,000 a year up to a total of $45,000,000, conditioned upon certain things.

Mr. WALSH. And this paragraph is for that purpose, is it?

Mr. SWITZER. No; the $10,000,000 is for flood control and the improvement of the Mississippi River. There is only a small portion of this that goes for flood control. Some three or four million dollars of it goes for flood control, upon condition of the localities concerned putting up half the amount. The rest of the money, some five or six million dollars, or whatever it may be, goes for the improvement of the river, a matter that the River and Harbors Committee has exclusive jurisdiction over if it wants to exercise it. The Flood Control Committee exercised it only because no one objected in that particular authorization. Therefore it became a law. Now, if there are some five or six million dollars, or if there is one million dollars, that can be expended under the direction of this Mississippi River Commission for the improvement of the river, like revetment work on the banks or levees or deeping the channel—exclusively a matter of navigation—that money is as much under the jurisdiction of the Rivers and Harbors Committee as it is under the jurisdiction of any other committee of this House when it comes to directing how it shall be expended.

Money that Congress has appropriated for the improvement of a navigable river is certainly subject to the control of legislation recommended and reported by the Rivers and Harbors Committee, and the flood-control act does not authorize an appropriation solely for flood control, but for the purpose of flood control and the improvement of the Mississippi River.

Mr. WALSH. One further question. In view of the dispute as to jurisdiction and as to the enormous sum of money involved, does not the gentleman think that the point of order should certainly be sustained?

Mr. SWITZER. That does not get rid of the $10,000,000. I do not think the gentleman understands what is up here at this time.

Mr. WALSH. I am following the entire discussion, and I understand less about it since the gentleman has been talking than I did before. [Laughter.] I think if we can save $10,000,000 this year we ought to sustain this point of order.

Mr. SWITZER. I will say to the gentleman that, as I understand, the Appropriations Committee will likely bring in a bill here appropriating some amount. I do not know whether it will be $10,000,000; but this has got nothing to do with that. That will be met when it comes up, of course.

Mr. GOOD. Will the gentleman yield?

Mr. SWITZER. I yield to the gentleman from Iowa.

Mr. GOOD. I understood the gentleman to say, when he took his place on the floor, that the question of jurisdiction was one that he had given considerable study to.

Mr. SWITZER. On the Ohio River, I said.

Mr. GOOD. I want to call the attention of the gentleman, in connection with what he is saying and what he has said with regard to the study he has given to this subject, to the hearings had before his own committee from January 22 to February 5, 1918, in which, on page 8 of the hearings, appears the following:

Mr. SWITZER. Mr. DENISON, a few years ago I assisted Mr. COLLIER to get a similar piece of work done at Vicksburg under the Mississippi River Commission. I am interested in directing this Mississippi River Com-

mission to settle this matter here, but I do not know, as to the points raised by Mr. DUPRÉ, whether we still have any jurisdiction over this commission or not. I hardly think we do, but I am not sure of it.

Now, the gentleman is very sure of it to-day.

Mr. SWITZER. I had not even read this act at that time. Since then I have read the act. I am directing the attention of the Chair to the act, and I say that the law does not acquire any jurisdiction over the Mississippi River Commission. It merely directs that a certain sum of money shall be expended according to the plans and specifications laid down by some department of the Government, which belongs as much to one committee as it does to another. Now, as to the jurisdiction over this matter, I want to make my statement as concise as possible, coming right down to the specific matter.

I contend that the Flood Control Committee and the Rivers and Harbors Committee have concurrent jurisdiction over the navigable streams, one for the purpose of flood control and the other in the interest of navigation. Does the gentleman say that the Rivers and Harbors Committee can not control the authorization for the construction of a dam within 6 or 7 miles of the mouth of the Ohio River? Certainly not, if in the interest of navigation. If we revet the banks in the interest of navigation, why should they object? Take the language of the provision objected to, which says to investigate the caving banks; the banks that have caved into the stream and falling into it are bound to affect navigation. Whether this affects navigation or not, we look to all the statements that are before the committee. For instance, the gentleman from Illinois [Mr. DENISON] has told you what he stated to us and that this would change the course of the stream. True, the engineer said he did not think it had much to do with navigation, but we are not bound by what the engineers say. We look at all the statements and all the evidence that is before us. I for one will always contend that on the Ohio River the Rivers and Harbors Committee has jurisdiction over the banks for the purpose of aiding navigation just as much as the Flood Control Committee has jurisdiction over the banks and can revet them to stop the floods. I think there is a concurrent jurisdiction, and under the practice the committee first taking jurisdiction retains it.

Mr. WILSON of Louisiana. Mr. Chairman, the ruling that the Chair will shortly make on this point of order has such an important bearing on the work of the Mississippi River Commission under the flood-control bill that I ask for a few moments to discuss the matter. If, as the gentleman from Kentucky [Mr. SHERLEY] has stated, the Rivers and Harbors Committee can come in and direct by order the work and operation of the Mississippi River Commission under the provisions of the flood-control bill, then it may absolutely destroy all the purposes for enacting that legislation. It has been stated that the Rivers and Harbors Committee were unanimous, or practically so, about the insertion of this clause in the rivers and harbors bill. I believe, as a matter of fact, many of the members of the Rivers and Harbors Committee held the opinion that the gentleman from Ohio [Mr. SWITZER] originally did, that this was a matter over which the Committee on Rivers and Harbors had no jurisdiction at all. I know members of that committee were opposed to the insertion of this paragraph in the rivers and harbors bill because they felt that it was without their jurisdiction.

I want to read from the hearings before the committee on the project. After a clear statement of the situation by the gentleman from Illinois [Mr. DENISON], Mr. DUPRÉ, a member of the Rivers and Harbors Committee, asked questions which were answered by Mr. DENISON, as follows:

Mr. DUPRÉ. Do you think you have come to the right committee?
Mr. DENISON. I think I have.
Mr. DUPRÉ. Was not a law passed that authorized the expenditure of a certain amount, up to $10,000,000, by the Mississippi River Commission from the Head of the Passes up to this place?
Mr. DENISON. For flood protection?
Mr. DUPRÉ. Yes.
Mr. DENISON. Yes.
Mr. DUPRÉ. When that appropriation is made, it will be carried in the sundry civil bill; so, why don't you insert an amendment including that improvement in the funds carried in that bill? I merely throw that out as a suggestion to you.
Mr. DENISON. You mean direct the Mississippi River Commission to do the work?
Mr. DUPRÉ. Yes.
Mr. DENISON. That is why I came before your committee.
Mr. DUPRÉ. I make that suggestion because that is the committee to go to, I think; and the Appropriations Committee will report the bill to the House that will carry the appropriations for the Mississippi River Commission.
Mr. DENISON. Doesn't this committee make appropriations for the protection of places of this kind?
Mr. DUPRÉ. I do not understand that there will be any appropriation that will be expended by or under the Mississippi River Commission. Am I correct in that or am I making it too broad?
Mr. DENISON. I have not so understood it. I understand this committee has power to direct this commission.

Now, Mr. Chairman, this matter has been placed in charge of the Mississippi River Commission under the flood-control law.

The hearings continue:

For this work, the people of Cairo will get the relief which they need so badly.

On page 11 of the hearings, after reading the clause read by the gentleman from Mississippi [Mr. HUMPHREYS], giving the language of the flood-control bill by which jurisdiction was extended up the Cache River, the Chairman of the committee, Mr. SMALL, said, after reading that:

So the question that occurs now is, as Mr. DUPRÉ suggested, whether this committee would have jurisdiction to consider any legislation commanding the Mississippi River Commission to do certain work upon the Ohio River between its mouth and the Cache River, and making an appropriation therefor which was exclusively for flood control or bank protection and not for navigation.

Now, Mr. Chairman, this proposition is purely a question of saving levees for flood control. But even if it is mainly for that purpose I want to insist that it comes under the provisions of the flood-control bill. The Mississippi River Commission is charged with the duty under the law of carrying out the provisions of that bill, and if the Rivers and Harbors Committee can come to the House and take jurisdiction of the Mississippi River Commission, then I say that the Rivers and Harbors Committee can absolutely destroy the work that this Congress had in mind in passing the flood-control bill, and absolutely destroy the Committee on Flood Control created by the House for the purpose of taking charge of questions of flood control. It is naturally somewhat connected with navigation. If you take the speech of the Speaker of the House urging the creation of this committee it will be seen that it was a question of flood control and not a question of navigation in cases like this.

Mr. BOOHER. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. BOOHER. The gentleman is aware that there is no flood-control committee in the Senate?

Mr. WILSON of Louisiana. No; the Committee on Commerce has jurisdiction.

Mr. BOOHER. When it becomes necessary to have a committee of conference, what committee in the House would have jurisdiction? The conference committee appointed by the Speaker would come from the Rivers and Harbors Committee, and the Rivers and Harbors conferees would have jurisdiction, would they not?

Mr. WILSON of Louisana. I think that is correct.

Mr. BOOHER. That being correct, then we have got jurisdiction. Then we would have original concurrent jurisdiction with the Flood Control Committee.

Mr. WILSON of Louisiana. I do not wish to assume that the Commerce Committee of the Senate would destroy the Flood Control Committee for the purposes of the flood-control bill. I have been at Cairo and have seen the conditions existing there, and it was at the instance of the gentleman from Illinois [Mr. DENISON] and on account of the enthusiastic work of the people there that this location was placed under the control of the Mississippi River Commission for the purpose of safety and protection.

Mr. BOOHER. When it goes over to the Senate and flood control comes up in the Senate, what committee of the House takes jurisdiction of it?

Mr. WILSON of Louisiana. No committee of the House does, but the Commerce Committee of the Senate does.

Mr. BOOHER. It gets into conference, does it not?

Mr. WILSON of Louisiana. Yes; of course; but that is not giving the Rivers and Harbors Committee any control over flood control.

Mr. BOOHER. They put it in the river and harbor bill, and when it goes to the conference committee it goes to a conference committee of the Rivers and Harbors Committee.

Mr. HUMPHREYS. Suppose the Committee on Commerce of the Senate puts in a river and harbor bill a public building, and it goes to conference, does that give the Committee on Rivers and Harbors jurisdiction of public buildings in the House?

Mr. BOOHER. I do not think that is an illustration at all. I do not think it has anything to do with this proposition, because the Senate has a committee on public buildings and grounds and would not do a thing of that kind.

Mr. HUMPHREYS. I would not swear to that.

Mr. BOOHER. The Committee on Commerce takes on the river and harbor work that ought to go to the Flood Committee, and they have no Flood Committee over there, and we take jurisdiction of it.

Mr. WILSON of Louisiana. If this bill should go without this clause and the clause should be inserted by the Commerce Committee of the Senate and come back to the House, and the

conferees should agree on it, I do not know what would be the result, but we know that the River and Harbor Committee has no jurisdiction of the matter. That is admitted.

Mr. BOOHER. By whom?

Mr. WILSON of Louisiana. By practically the members of the committee, for they come in here and ask that this clause be eliminated. I can not imagine that they would do that unless they felt that they had put something in the bill that ought not to go there.

Mr. BOOHER. I do not know what authority the gentleman has to speak for anybody but himself.

Mr. WILSON of Louisiana. They realized that they had taken jurisdiction of something they had no jurisdiction of.

Mr. BOOHER. I believe they had jurisdiction.

Mr. WILSON of Louisiana. That they were encroaching upon the prerogatives of the Flood Control Committee.

Mr. BOOHER. Suppose the point of order should be sustained and they should go to the Senate and have it put in there. It is put in the river and harbor bill, is it not?

Mr. WILSON of Louisiana. Yes.

Mr. BOOHER. And it goes to conference, and the conferees appointed by the Speaker on the river and harbor bill consider it?

Mr. SHERLEY. Mr. Chairman, will the gentleman permit me to answer the question? It would be the duty of the House conferees to insist that the Senate recede, because the Senate was legislating outside the jurisdiction of the committee that had reported the bill in the House. If the gentleman's reasoning be right, then you can enlarge the permanent jurisdiction of any House committee by Senate action, no matter how extreme it may be, and I do not think this House is going to take the position that the Senate can make our rules for us.

Mr. BOOHER. Oh, the gentleman is getting scared.

Mr. SHERLEY. Oh, no.

Mr. BOOHER. Oh, yes; the gentleman is pretty badly frightened. It is simply concurrent jurisdiction, and you can not get away from it. We have had jurisdiction of it, and we do not have to stand up there and say to the Senate that we will not consider it, because they have no committee over there that can consider it.

Mr. WILSON of Louisiana. Would the gentleman say that and admit at the same time that this is primarily a question of flood control?

Mr. BOOHER. No; it is not.

Mr. WILSON of Louisiana. Would the gentleman say that if he felt that it was primarily a question of flood control?

Mr. BOOHER. Would I say what?

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. Is the Chair ready to rule on this question?

Mr. BOOHER. Does the gentleman from Texas want to take us off our feet on this question? The gentleman asks me if I would consider this a question of flood control wholly.

Mr. WILSON of Louisiana. I would not say wholly.

Mr. BOOHER. There may be flood control mixed in it. I think that whenever you permit one of these rivers to cut through and form a new channel you destroy navigation for a while; it can not be otherwise, and if the gentleman has ever seen one of these cut-offs on the Mississippi River he will realize that, and it takes years to fix it.

Mr. WILSON of Louisiana. Was it not the contention of the gentleman who came before the Committee on Rivers and Harbors in this House that this work be done in order to protect and save a levee?

Mr. BOOHER. Oh, no; it has no connection with levee work.

Mr. WILSON of Louisiana. That is what the hearings say.

Mr. BOOHER. Oh, no; they did not state it that way. They stated it for the purpose of preventing the Ohio River cutting across a little narrow neck of land and turning the course of the Ohio River into the Mississippi.

Mr. SHERLEY. Mr. Chairman, I wish the Chair would hear me very briefly, because I believe the language of the bill is so plain that unless the Chair sustains the point of order a precedent would be established that is very dangerous. It is not simply a question of whether the Committee on Rivers and Harbors has jurisdiction over the Mississippi River. That is not the proposition that is presented to the Chair. The proposition presented to the Chair is whether this language carried in this bill is within the jurisdiction of the Committee on Rivers and Harbors to report. Now, I submit that if for no other reason the language is subject to the point of order because it undertakes to direct the Mississippi River Commission as to how it shall spend moneys that the Committee on Rivers and Harbors has no right to appropriate for the use of that commission and is not appropriated for that purpose. If this can be done every dollar that the Committee on Appropriations may report for the use of the Mississippi River Commission, and which the House may authorize and the Congress may authorize, can then be diverted by instructions from the Rivers and Harbors Committee. They might just as well have provided that the money which is carried for the purpose of taking care of the third liberty loan shall be used by the Mississippi River Commission in taking care of this caving bank, and they would have been just as thoroughly within their rights as to undertake to divert money that was appropriated for a specific purpose. Not only is that true, but the language of the provision itself shows that it is for the purpose of protecting a bank and not for the purpose of improving navigation. There is not a line there which says that it shall report as to navigation or take such steps as to improve or continue navigation. Now, the gentleman can not read into the language what he may have intended. So far as the Chair is concerned, the decision must rest upon the plain language itself and not upon what some gentleman may say, want, hope, or wish.

Mr. DENISON. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman.

Mr. DENISON. The gentleman says there is nothing in the bill that shows it is for navigation. Is there anything in the provision which shows it is for flood control?

Mr. SHERLEY. I think there is.

Mr. DENISON. Tell it to the Chairman.

Mr. SHERLEY (reading)—

Protect the levee line endangered by this caving bank.

Now, the protection of the levee line is for the purpose of flood control, and not for the purpose of navigation.

Mr. DENISON. It may or may not be.

Mr. SHERLEY. It may or may not be, but that is the plain meaning of it.

Mr. DENISON. Well——

Mr. SHERLEY. But aside from that I desire to call to the attention of the Chair, and then I am through, the language which says "that such improvements must be paid for out of the funds heretofore or hereafter appropriated for the work of the Mississippi River Commission." Now, what moneys are appropriated for the work of the Mississippi River Commission? They are moneys carried in bills from the Committee on Appropriations. What are the limitations upon the Committee on Appropriations in appropriating such money? They are the limitations found in the act in connection with the flood control of the Mississippi. We would not undertake under the language of that act to appropriate moneys instructing the Mississippi River Commission to do something not authorized by that act. Now, if that be true, after we have appropriated within that law, the Rivers and Harbors Committee can not come and reach out and take these funds created for an express purpose, and divert them to other purposes for which they were not originally appropriated, and if it can do that, why, jurisdiction of the committees does not amount to a hill of beans.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. SHERLEY) there were—ayes 41, noes 11.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill, H. R. 10069, the river and harbor bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent (on request of Mr. ASHBROOK) leave of absence was granted to Mr. PORTER for 10 days, on account of illness.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4138. An act to amend certain sections of the act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

S. 3802. An act authorizing appropriations made for the expenditures of the War Department, the Navy Department, or the Emergency Fleet Corporation, to be used for the purchase,

condemnation, or requisition of real estate, or the use thereof, when such purpose is not specifically stated in said appropriations; to the Committee on Military Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to take order for superintending the funeral of Mr. BROUSSARD, to be held in the city of New Iberia, La.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

LEAVE TO PRINT.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a very short letter in reference to the payment of internal-revenue taxes in installments.

The SPEAKER. The gentleman from Michigan asks unanimous consent to insert in the RECORD a statement about the payment of internal-revenue taxes. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE NATIONAL HARDWOOD LUMBER ASSOCIATION,
EAST CAMBRIDGE, MASS., *April 12, 1918.*

The National Hardwood Lumber Association, consisting of over 900 members, representing every hardwood-producing section of the country, by its constituted authorities has unanimously adopted the following resolutions:

"Whereas the provision in the revenue laws of the United States now requires the payment, on or before June 15 of each year, of Federal taxes, including personal and corporation income taxes and excess-profits taxes of large amounts, based upon income or earnings for an entire year, and as in many cases the income or earnings from which such taxes are payable are fully absorbed in conducting the business of the taxpayer and can only be withdrawn therefrom at great burden and inconvenience to the individuals, firms, or corporations by whom payment must be made, or, if the money be borrowed from the banks, with a resulting money stringency: Therefore be it

"*Resolved*, That the National Hardwood Lumber Association strongly recommends to the Congress of the United States that the existing revenue law be so amended as to authorize the payment of the total excess-profits taxes in four installments, on the 15th of June, August, October, and December of the year 1918 and each year thereafter."

Respectfully submitted.

JOHN M. WOODS, *President.*
FRANK F. FISH, *Secretary-Treasurer.*

Executive committee: Hon. John M. Woods, chairman, Boston, Mass.; Hon. E. V. Babcock, Pittsburgh, Pa.; T. M. Brown, Louisville, Ky.; Theo. Fathauer, Chicago, Ill.; Charles H. Barnaby, Greencastle, Ind.

EXTENSION OF REMARKS.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

Mr. WALSH. On this bill?

The CHAIR. On this bill?

Mr. WILSON of Louisiana. On this point of order.

The SPEAKER. The Chair hears no objection.

ORDER OF BUSINESS ON MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on the Unanimous Consent Calendar next Monday be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business on the Unanimous Consent Calendar on next Monday be dispensed with. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the gentleman knows we have not made very much progress on the river and harbor bill, and we have the naval appropriation bill and other appropriation bills ready. What is the purpose of asking the suspension?

Mr. KITCHIN. Mr. Speaker, I think it is very important we should pass next week the naval appropriation bill, and in order to do that we ought to have Monday to finish up this bill, and I think we ought to finish it up Monday even if we have to stay here until 12 o'clock Monday night.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE LATE SENATOR ROBERT F. BROUSSARD.

Mr. MARTIN of Louisiana. Mr. Speaker, I send the following resolutions to the Clerk's desk and move their adoption.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 311.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT F. BROUSSARD, a Senator of the United States from the State of Louisiana.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That a committee of 11 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were unanimously agreed to.

The SPEAKER. The Clerk will announce the committee on the part of the House to attend the funeral.

The Clerk read as follows:

Mr. WATKINS, Mr. ESTOPINAL, Mr. DUPRÉ, Mr. LAZARO, Mr. ASWELL, Mr. WILSON of Louisiana, Mr. SANDERS of Louisiana, Mr. MARTIN, Mr. RODENBERG, Mr. LANGLEY, and Mr. RUCKER.

ADJOURNMENT.

The SPEAKER. The Clerk will report the final resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned until Monday, April 15, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Acting Secretary of the Treasury, transmitting a communication from the Acting Secretary of the Interior, submitting a supplemental estimate of appropriations required by the Reclamation Service, fiscal year 1919, for the Rio Grande project (H. Doc. No. 1038); to the Committee on Appropriations and ordered to be printed.

2. Letter from the Acting Secretary of the Treasury, transmitting withdrawal of certain estimates submitted for inclusion in the sundry civil bill, as printed in the Book of Estimates, 1919, beginning on page 487 (H. Doc. No. 1039); to the Committee on Appropriations and ordered to be printed.

3. Letter from the Secretary of the Navy, transmitting tentative draft of a bill authorizing the discharge of officers of the Navy and Marine Corps incapacitated for service by reason of misconduct (H. Doc. No. 1040); to the Committee on Naval Affairs and ordered to be printed.

4. Letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers report on preliminary examination of harbor at Poplar Island, Md. (H. Doc. No. 1041); to the Committee on Rivers and Harbors and ordered to be printed.

5. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Caney and Live Oak Creeks, Tex., and report on survey of Caney Creek with a view to a connection with the inland waterway (H. Doc. No. 1042); to the Committee on Rivers and Harbors and ordered to be printed.

6. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Tennessee River, Tenn., with a view to locating one low dam at mouth of Whites Creek and one low dam at the mouth of the Clinch River (H. Doc. No. 1043); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10891) to amend and reenact an act for the establishment of a probation system for the District of Columbia, reported the same without amendment, accompanied by a report (No. 488), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 2123) to regulate the practice of podiatry in the District of Columbia, reported the same with amendment, accompanied by a report (No. 489), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 10175) for the relief of

John Berrin, reported the same without amendment, accompanied by a report (No. 490), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 10412) for the relief of Stephen J. Haff, reported the same with amendment, accompanied by a report (No. 491), which said bill and report were referred to the Private Calendar.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 1797) for the relief of Joseph A. Choate, reported the same without amendment, accompanied by a report (No. 492), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 11429) for the relief of the Chicago, Milwaukee & St. Paul Railway Co.; the Chicago, St. Paul, Minneapolis & Omaha Railway Co.; and the St. Louis, Iron Mountain & Southern Railway Co.; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 11430) providing for the payment of accrued pension to the estate of a deceased pensioner; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 11431) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes; to the Committee on the District of Columbia.

By Mr. SLOAN: A bill (H. R. 11432) to fix the price of wheat at the primary markets; to the Committee on Agriculture.

By Mr. WHITE of Ohio: A joint resolution (H. J. Res. 279) providing for deferred payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. KEY of Ohio: A resolution (H. Res. 310) authorizing the payment of $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-fifth Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 11433) granting a pension to Mae Ringwalt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11434) granting a pension to Henry F. Henson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11435) granting a pension to George H. Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R 11436) granting a pension to Abraham Crist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11437) granting a pension to William H. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11438) granting a pension to Austin Hemphill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11439) granting a pension to Franklin Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11440) granting a pension to James A. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11441) granting an increase of pension to John Fink; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 11442) granting a pension to U. S. G. Brown; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 11443) granting an increase of pension to Benjamin F. Jacks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11444) granting a pension to Emma E. Urquhart; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 11445) granting a pension to William H. Smith; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 11446) granting an increase of pension to James I. Mosher; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11447) for the relief of Timothy L. P. Miles; to the Committee on Military Affairs.

By Mr. McKEOWN: A bill (H. R. 11448) granting a pension to Rose Ettie Sheppard; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11449) granting a pension to Christine Heldt; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 11450) granting an increase of pension to William Goodwin; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11451) granting a pension to S. Ida Rhodes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11452) granting a pension to Lillia M. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11453) granting a pension to Olive O. Norton; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 11454) granting an increase of pension to Wesley Reed; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 11455) granting an increase of pension to Francis M. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11456) granting an increase of pension to Jacob Kurtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11457) granting an increase of pension to Jefferson C. Garrigus; to the Committee on Pensions.

Also, a bill (H. R. 11458) granting an increase of pension to George W. Thorneburgh; to the Committee on Invalid Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 11459) granting a pension to Mary J. Kazar; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 11460) authorizing and directing the payment of the claim of Edwin C. Foster; to the Committee on Claims.

Also, a bill (H. R. 11461) granting a pension to Angeline E. Holt; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 11462) granting an increase of pension to John Wesley Melton; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11463) granting a pension to Florence F. Hubbard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. GRAHAM of Illinois: Petition of Harry W. Thompson and 70 other citizens of Gerlaw, Ill., protesting against zone rates on second-class mail matter; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of sundry citizens of Barry County, Mich., against passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

By Mr. HAYES: Petitions of Free Methodist Church, Oak Grove Mothers' Club, United Presbyterian Church, all of San Jose, and Methodist Episcopal Church of Morgan Hill, Cal., favoring immediate war prohibition; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: Petition of Woman's Christian Temperance Union of Hebron Church, of Penn Township, Allegheny County, Pa., favoring immediate war prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Henry Barton Jacobs, of Baltimore, Md., favoring passage of House bill 9563, relative to grades for medical officers in the Army; to the Committee on Military Affairs.

Also, petition of the Boosters, Baltimore, Md., against passage of Senate amendment No. 41, relative to potato grading; to the Committee on Agriculture.

By Mr. RAKER: Memorials of San Diego (Cal.) Chamber of Commerce, Lake Erie College, of Painesville, Ohio, and John McNeely and family, of Redding, Cal., against increase in second-class postage; to the Committee on Ways and Means.

By Mr. REED: Evidence to accompany House bill 11422, to increase the pension of William B. Denla; also, papers to accompany House bill 11423, granting a pension to N. J. Clark; to the Committee on Invalid Pensions.

By Mr. DALE of New York: Memorial of the National Security League, relative to placing Bureau of Public Information under direction of committee of three or five men not holding other office; to the Committee on Military Affairs.

By Mr. DOOLING: Petition of New York Produce Exchange, favoring retention of pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of Geneseo (Ill.) Creamery Co., opposing House bill 3777; to the Committee on Agriculture.

Also, petitions of L. P. Halladay Co., of Streator, Ill.; W. Shanhouse & Sons, of Rockford, favoring Senate bill 3963 relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of Pilgrim Publicity Association, against increase in second-class postage; to the Committee on Ways and Means.

Also, petition of the National Security League, relative to committee of three or five men for Bureau of Information; to the Committee on Military Affairs.

SENATE.

MONDAY, *April 15, 1918.*

Most Rev. Edward J. Hanna, Archbishop of San Francisco, offered the following prayer:

O God of our fathers, in whose hands are the lives of men and in whose power is the destiny of the Nation, look down upon Thy children gathered here in Thy name. In the way of Thy love Thou hast again visited this body and taken from it one whose power was our glory. Make us recognize that with Thee are the issues of life and death. Make us submissive to the decree of Thy divine providence. Thou alone can bring strength to those who mourn. Thou alone can bring peace to hearts oppressed by grief and pain. O grant that his loved ones may find strength in Thee to bear their loss. Grant that his loved ones may through their tears look up to Thee as the only source of joy and consolation.

Chosen representatives of a mighty people, we come to Thee in the most crucial day in the history of our civilization. O give us light that we may see Thy way among the nations. Give us strength that we may follow the light whithersoever it may be. Make our laws reflect Thy divine wisdom and may they direct the issues of the world unto Thy greater glory.

Give strength unto our President and to those in whose hands are the affairs of our mighty people. We pray above all things that they may have strength and power to endure and to fight to the end. Give strength to our men who in fields afar battle for our rights. Give strength to their arms that they may win victory and that through victory there may come peace. And grant, O Lord, that in the days of peace we may grow in power unto righteousness and unto the glory of Thy holy name. Amen.

The Journal of Saturday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions on the death of Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes;

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women; and

H. R. 9901. An act to give indemnity for damages caused by American forces abroad.

DEATH OF SENATOR STONE.

Mr. REED. Mr. President, Senator STONE died on yesterday, at 4.30 o'clock in the afternoon. His funeral services will occur at the family residence at 4 o'clock this afternoon. His body will be borne to the capital of his State, arriving there on Tuesday morning. It will lie in state in the capitol building a part of Tuesday. It will then be conveyed to Nevada, Mo., for interment amidst those surroundings where he began his illustrious career.

In a few days more he would have arrived at the allotted threescore years and ten. Over half of that long period he had devoted to the public service. He now returns to his State the badge of his office, upon which there is neither blot nor stain. Dishonor never laid its touch upon the life of WILLIAM JOEL STONE. It may of him be justly said that all his mature life was devoted to his country. Possessing those great abilities which would have enabled him to achieve eminence in any position of life and to have acquired fortune, he chose to devote his talents to the public welfare and to lead a life devoid of luxury and to die without even a competency.

His love of country was so passionate as to be beyond the understanding of many men. His loyalty was so exalted that he was not always understood, for all could not rise to the sublime devotion which inspired his soul. I knew Senator STONE better than any man outside his immediate blood kin. I knew him so well that I am sure I knew his great soul—the soul of this great Missourian and great American.

Knowing him in this intimate way, I may be permitted to say that during the last three weeks constant news from the battle fields of France telling the story of how our lines were being pushed back by German hordes fell upon his heart with a crushing force. Of all the men I have known there is not one who seemed to me to feel so much the weight of anxiety for our cause, upon whose lips there was so passionate a prayer for victory for the arms of our allies and of our own soldiers. I use no extravagance of speech when I declare that could we restore to him the life that has passed out and bring him here among us clothed in health and flesh he would gladly give his life again if thereby he could serve his country's cause and bring to it a great and victorious peace.

At such a time as this and in the days that are to come, when the wounds of a bleeding world must be bound up, the Senate can ill afford, his State can ill afford, his country can ill afford, the world can ill afford his absence.

Mr. President, I offer the following resolutions, and ask for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 225) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. WILLIAM JOEL STONE, late a Senator from the State of Missouri.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. STONE, which will take place at 4 o'clock post meridian to-day at his late residence in this city.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Nevada, Mo., for burial, in charge of the Sergeant at Arms, attended by the committee, which shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE PRESIDENT appointed, under the second resolution, as the committee on the part of the Senate Mr. REED, Mr. HITCHCOCK, Mr. SMITH of Arizona, Mr. PITTMAN, Mr. JONES of New Mexico, Mr. KING, Mr. KENDRICK, Mr. GALLINGER, Mr. SMOOT, Mr. CURTIS, Mr. SUTHERLAND, and Mr. FERNALD.

Mr. REED. Mr. President, I submit the following resolution, and ask for its adoption.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 16, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 15, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely great, Infinite in all Thine attributes, our God and our Father; above all, through all, and in us all; make us, we beseech Thee, fit temples for the indwelling of Thy Spirit and tractable to its holy influence; that we may conceive wisely, follow the dictates of a clear conscience, and stand firm in our convictions.

Thus may we think well, live well, pray without ceasing, and be ready, when the summons comes, to pass on into the realms of the blest.

Death has laid a heavy toll upon the congressional family, leaving us to mourn, by the passing of two faithful and conspicuous Senators, the wife of a Representative of this body, and one of the oldest and most trustworthy employees of this House.

Comfort us and their several families, by the faith once delivered to the saints, through Him who said, "I am the resurrection and the life; whosoever believeth on me shall never die." Amen.

The Journal of the proceedings of Saturday, April 13, 1918, was read and approved.

OUR SERVICE FLAG.

Mr. CRAGO. Mr. Speaker, this is the fifty-third anniversary of one of the saddest days in American history. Fifty-three years ago to-day in the city of Washington the brave spirit—the life spark—of President Lincoln returned to God who gave it. Let us all hope that in this crisis that spirit is still with us as a Nation and as a people. I have taken the occasion of this solemn memorial day to call attention to the fact that on April 7 last Gen. Pershing, in urging a large subscription to the liberty loan as an expression of confidence by the people at home in the American soldiers at the front, cabled Secretary McAdoo as follows:

Every dollar subscribed to the liberty loan is a dollar invested in American manhood. Every dollar subscribed as the result of self-denial means partnership in the hardships and risks of our men in the trenches. Every dollar subscribed will confirm the determination of our people at home to stand by its Army to a victorious end. An overwhelming subscription to the third liberty loan will be a patriotic expression of confidence in our ability as a Nation to maintain all that we hold dear in civilization.

This expression of our commanding general from the front—somewhere in France—is, to my mind, most timely and to the point, and I submit the same with the following verses in the hope that some one with poetic thought and words may give proper expression to the ideas the verses seek to convey:

OUR SERVICE FLAG.

There's a little flag—the service flag—
Which hangs in our homes to-day,
With its stars of blue or its stars of gold,
Which tell of loved ones away.

This little flag—this silent flag—
Tells more than words can say
Of the solemn pride of the folks at home,
Who can but work and pray.

O may these stars—these service stars—
Not change from blue to gold,
Yet well we know our country's pride
These boys will now uphold.

For love of that flag—that service flag—
There is work for each to do;
Let's all do our bit, let's all do our best,
Is the motto for me and for you.

For love of our homes and our native land
Let each of us here decide
We will gladly respond to our general's call
From the front on the other side.

For that service flag—that prized home flag—
With stars of whatever hue,
Means our men are guarding our Nation's flag,
The red, the white, the blue.

[Applause.]

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3475. An act to prescribe the requisite form of proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes; to the Committee on the Judiciary.

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women; and

H. R. 9901. An act to give indemnity for damages caused by American forces abroad.

DESTRUCTION OR INJURY OF WAR MATERIAL—CONFERENCE REPORT (NO. 487).

Mr. WEBB. Mr. Speaker, I desire to call up the conference report on Senate bill 383, commonly known as the sabotage bill.

The Clerk began the reading of the conference report on the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

Mr. WEBB. Mr. Speaker, I ask that the statement be read instead of the report. It is shorter, and the matter will be generally understood by the House.

The SPEAKER. The gentleman asks that the statement of the House conferees be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the House conferees.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredients thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

"SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on

the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The Senate recedes from the amendment of the House striking out all of the bill after the enacting clause and substituting therefor the bill as agreed upon in the House, with certain minor changes and additions.

The definition of "war material" in the first paragraph of section 1, is enlarged so as to include live stock, stores of clothing, foodstuffs or fuel, also munitions, and any part or ingredient of the things included in the definition, and defines the use by the words "intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war."

In the third paragraph of section 1 the words "about to be" are changed to "may be" so as to make the clause limiting "war utilities" read, "whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported," etc. It is further amended so as to include water and gas mains, etc., by which water and gas is being furnished or may be furnished to any war premises as well as to the military and naval forces of the United States as originally provided in the House substitute.

Section 2 of the House amendment was changed by striking out the following: "or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities."

Section 3 of the House amendment was stricken out.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. WEBB. Mr. Speaker, I wish to state that on Saturday a week ago the House adopted a conference report embodying the Cannon amendment and the Lunn amendment, known as the labor amendments in the bill. The Senate rejected the conference report, presumably because the Lunn amendment, with reference to the right of labor to strike in order to better conditions or increase wages, was contained in the bill. The House was notified of the rejection, and a further conference requested by the Senate, to which the House agreed. In the conference that was held last Saturday the House conferees agreed to eliminate both the Cannon amendment and the Lunn amendment, and that is the report which we present to you to-day for your adoption. We felt that under the circumstances that was the best way, and certainly the quickest way and possibly the only way out of the difficulty; and there is so much of great value in the other part of the bill that it ought to be passed as speedily as possible in order that offenders may be quickly apprehended.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. WEBB. I yield to the gentleman.

Mr. MILLER of Minnesota. As I understand, the conferees decided, and have so reported, to eliminate entirely everything in reference to labor organizations?

Mr. WEBB. That is correct.

Mr. MILLER of Minnesota. Can the gentleman inform the House upon what principle of legislation that is based? Or, not to put it quite that way, what was the influential reason that caused the conferees to eliminate from the operations of this law one class of people in the United States.

Mr. WEBB. "One class of people" are not exempted. That is where the gentleman makes a mistake. If any laboring men or any labor organizations commit any of the numerous offenses defined in this bill as we now present it, they are just as guilty as if they were the humblest men in the land or the richest, regardless of the organization to which they belong. It treats everybody alike—rich and poor, high and low, labor and capital.

Mr. MILLER of Minnesota. We all understand that anybody who commits an act prohibited by the bill as it now stands is committing a crime, of course. That is not what I am asking. I am asking the gentleman why the bill does not contain some provision that will affect a certain class of activities.

Mr. WEBB. I will say that the Cannon amendment does not cover the ground sought to be covered at all. It is a very good amendment, in my opinion, but it applies simply to conspiracies to prevent the construction of war material, war premises, and war utilities. Most of those things are all in existence now and going on. What we want to do is to punish the man who, with reason to believe that it will obstruct the prosecution of the war, does any act forbidden in the bill.

Mr. MILLER of Minnesota. Let me ask the gentleman one question. Does the gentleman's committee have in mind any legislation that will cover that subject which is attempted to be covered by the amendment presented by the gentleman from Illinois [Mr. CANNON] and which was adopted by the House?

Mr. WEBB. The opinion of the Judiciary Committee, and I believe the opinion of the House, at that time was that we should do nothing in the way of legislation at that time with reference to labor organizations. The President has a commission dealing with these great bodies of men now, and this seems to be just a little too important a matter to handle hastily on the floor of the House without careful committee consideration. Some legislation of this character may come. I do not know about that, but at this time it seems to us unwise to inject this big problem into a bill the object of which was different from those sought to be obtained by this amendment. I will say to the gentleman that the conferees labored over it very conscientiously, and it seems to be the understanding and belief on both sides of the House that we should not attempt to cover that subject in this bill.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. WEBB. I yield to the gentleman from Illinois.

Mr. STERLING of Illinois. Does the gentleman consider that there was anything in the original bill or in the Cannon amendment that prevented strikes, even without the Lunn amendment?

Mr. WEBB. No; I do not think so.

Mr. COX. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. COX. I am not sure but that the gentleman from Illinois asked the same question that I want to ask. Is there any law on the statute book enabling the Department of Justice or any other department to lay its strong arm on men working in a munition plant or a shipyard from agreeing to a strike?

Mr. WEBB. None. The law to-day expressly gives them the right to strike, unless in doing so they conspire to violate some law of the United States.

Mr. COX. Does not the gentleman feel that Congress ought to enact some legislation to prevent them from striking?

Mr. WEBB. Frankly, I do not know. The gentleman may think that the time has come to enact such legislation, but under all the present circumstances it is very doubtful. We did not think that we should hold up this bill, which the Department of Justice is anxious to have passed, in order to try to get something that we might not get.

Mr. COX. I think the time has come when we ought to have some legislation to stop the men from striking.

Mr. WEBB. I will yield to the gentleman from Illinois two minutes.

Mr. CANNON. Mr. Speaker, the so-called Cannon amendment, as modified by the gentleman on my request and at his suggestion, I believed in when it was agreed to by three-quarters of this House on a roll call. It merely, as I recollect it, prohibited a conspiracy to strike under certain conditions. Then came the extraordinary action on the motion of the gentleman from New York [Mr. LUNN], in which the House reversed itself and in which it was provided that nothing herein should

be construed to prevent labor striking to better its condition or to increase its wages.

Now, I realize that this is a very important bill, and that there seemingly is between the House and the Senate the condition of the irresistible body and the immovable force. I think the Senate was right. I believe in the not distant future that there will come on the statute books legislation that will prohibit anybody conspiring to strike pending arbitration, and that all disagreements shall be submitted to arbitration, and that when the award comes it shall be made a judgment of the court, as the President advised when the Adamson bill passed. He said, in substance, he had the pledge of the leaders in both the House and the Senate that it would be promptly passed at the beginning of the next session. That is all I desire to say at this time, but I believe and hope that in the not distant future there will be given power to the President of the United States to prevent, by apt legislation, a striking for higher wages through a conspiracy prior to an arbitration. [Applause.]

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman to ask a question.

Mr. STERLING of Illinois. Does the gentleman from Illinois think that Congress has the power to pass legislation to prevent strikes, unless it would be in industries engaged in interstate commerce? I think the decision of the Supreme Court in construing the Adamson bill, not in express terms but in effect, holds that Congress might by legislation prohibit strikes of men engaged in interstate commerce, but certainly Congress could not go beyond that.

Mr. CANNON. If my colleague will allow me, Congress, as a war measure, can enact legislation that will bring into the service of the United States by a proclamation of the President or by the determination of the President, by conscription or otherwise, any kind of labor.

Mr. STERLING of Illinois. I did not limit the proposition to a war measure.

Mr. CANNON. We are dealing with war measures. This is a war measure, and I believe that the President has been given the power, or I hope he will be given the power, if necessary, to conscript or draft men for service on the farm and upon all industries as a war measure.

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I desire to commend the action of the conferees. The so-called sabotage bill provided punishment for certain overt acts intended or resulting in the destruction or injury of war-material utilities or transportation. An amendment was adopted in the House the effect of which was to greatly modify the legislation by inserting in it a provision relating to conspiracies. In other words, placing in the body of a bill to punish individual overt acts a provision relating to an entirely different class of acts in the nature of conspiracy. That amendment should not have been adopted as a part of the bill presented to the House. The Lunn amendment, providing that nothing contained in the bill should be construed as intended to deny the right of men to strike to better their condition, logically followed that amendment, and made it clear that by the adoption of the Cannon amendment it was not intended to deprive men of the right to attempt to better their condition by striking. It is entirely logical and proper that both amendments should go out of the bill, leaving it as was originally intended, a proper and needed measure to punish overt acts, but not a conspiracy measure. The bill is now restored to its original intent, and I think the conferees were right in the action they took and are to be commended for it.

We are at war and must adopt all the measures necessary and essential to the success of our arms. We should punish swiftly all who attempt to interfere willfully with war activities or enterprises. The Senate bill now under consideration proposes to do that, and will, as we now approve it in the conference report, do it effectively. The Senate did not consider any conspiracy provisions necessary in the bill, and none were necessary, and when the House, after brief consideration, inserted such a provision there was in the minds of many the very reasonable fear that such a provision might be construed as intended to prevent the exercise of a right clearly recognized by our laws and court decisions.

Some may think that laboring men are overcritical and suspicious of such legislation, but we must keep in mind, even in the midst of war, that certain rights have been won only after a long struggle, and that once won men do not, and should not, readily surrender them or allow them to be questioned by decisions under legislation of doubtful meaning and intent.

It will require the united strength and purpose of all our people to win this war. The men in the mines, on the railroads, and in the shops and fields, as well as the heroes in the trenches, and I am confident that the great majority of them will do their duty whatever it may be, and while the boys are fighting for democracy abroad let us preserve it at home.

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DENISON. I would like to ask the gentleman if there is any law now under which a man can be punished, under this bill or any other law, under these circumstances: If a society of the Industrial Workers of the World should be discovered in conspiracy to destroy property in an ammunition plant or a ship loading with munitions?

Mr. WEBB. Yes; undoubtedly if the bill passes, because a conspiracy to commit any offense against the United States is an offense.

Mr. DENISON. They could be punished if they had not consummated it by an overt act.

Mr. WEBB. Yes; punished the same as if they had committed the overt act.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. The right to strike was specifically preserved by the Clayton antitrust law?

Mr. WEBB. Yes; and passed by a unanimous vote of the House.

Mr. MOORE of Pennsylvania. With the Cannon amendment out and the Lunn amendment out, the bill stands as reported by the committee?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. It is substantially the bill asked for by the administration?

Mr. WEBB. It is a stronger bill than the administration asked for.

Mr. MOORE of Pennsylvania. So that the elimination of these two amendments does not affect the original proposition?

Mr. WEBB. Not at all. We practically have the bill as it was presented by the committee on the floor of the House.

I yield 10 minutes to the gentleman from Michigan [Mr. CURRIE].

Mr. CURRIE of Michigan. Mr. Speaker, I thank the gentleman for the time that he has yielded to me. I agree with the gentleman from Illinois [Mr. CANNON] that the conference report is not satisfactory, but it is gratifying to know that final action upon this measure is at hand.

It will be a great relief to loyal people the country over when this sabotage bill shall be enacted into law. For months their patience has been tried to the breaking point. They have been obliged to listen to disloyal utterances from traitorous persons who blaspheme the Government and sow the seed of sedition everywhere. They read in the daily press and even in the CONGRESSIONAL RECORD itself that our aeroplane plants, shipyards, and other war industries are literally infested with spies and German propagandists, tampering with blue prints, retarding production, and doing other things to counteract and defeat our purpose and aid the Kaiser, yet going unpunished to further prey upon our tolerance.

Only last week the United States district attorney at Detroit informed me that a mechanic employed in the Liberty Motor Co. plant willfully broke a complex machine causing an actual loss in production of 13 aeroplane engines; yet there is no Federal statute under which to prosecute the culprit. It is a startling fact that in Detroit alone Federal agents and operatives of a patriotic organization have secured proof in over a thousand cases of a similar nature, yet rarely a prosecution. Almost every hamlet in the country has appealed to the Federal authorities for the suppression of disloyalty. Rare are the instances in which relief has been secured.

The great battle that may decide the fate of civilization itself now rages. We are face to face with the greatest crisis of all history and we realize it now. Americans await with breathless anxiety news from the front. The Army of the United States goes forward to the battle line. God helping them, with their brothers who are rushing forward to fight by their sides, they will turn the tide to victory and be heralded down through all the ages as the saviors of humanity. Never was there such an intense moment fraught with such serious possibilities and consequences. American people are no longer in a mood to tolerate Kaiser aids in their midst. We have already observed to our shame prominent people in a peaceful Illinois town lynch a suspected German spy or propagandist, and in explaining this deplorable incident the Collinsville mayor said:

> The lynching was the direct result of a widespread feeling in this community that the Government will not punish disloyalty, and although I deprecate the existence of this feeling, it is, nevertheless, not without some foundation. We have repeatedly reported to Federal authorities cases of disloyalty where no action has been taken, and probably could not be taken, by reason of the inadequacy of the law.

This same sentiment prevails throughout the country, and unless Federal authorities relieve the righteous indignation of patriotic people other disgraceful incidents of mob violence may occur.

It is, then a pertinent question to inquire, wherein rests the responsibility for this inactivity on the part of Federal authorities?

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CURRIE of Michigan. I yield to the gentleman.

Mr. CANNON. Mr. Speaker, speaking of the Collinsville matter—the lynching of a man with a German name, Praeger—I have had something of information in respect to it. How well founded it is I do not know, but it is asserted that Praeger was a thoroughly loyal man, and that his death came under false pretenses, due to a local condition, because he was not under the tongue of good report with a certain organization, and that they took advantage of the name to kill him and claimed he was disloyal. What the facts are I do not know.

Mr. CURRIE of Michigan. But this condition of mob violence usually results from the failure of Federal authorities to suppress disloyalty.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. CURRIE of Michigan. I can not yield.

With this in mind, I recently addressed the Department of Justice, inquiring whether it was the lack of law or law enforcement, and what suggestions, if any, this department had made to Congress upon the subject. The reply was a startling revelation to me and likely will be to many Members of Congress.

Attorney General Gregory, in part, says:

> There is as yet no Federal statute, except the treason statute (which is unworkable for this purpose), under which the Government can prosecute men who attempt to destroy factories, munitions, and other stores necessary for our armies. The so called sabotage bill, prepared by this department and introduced more than a year ago, is now before your body, and I hope speedy action may be taken thereon.

The so-called sabotage bill was passed by the Senate a year ago. It is a regrettable fact that it was not acted upon in the House until nearly a year later. The House passed this bill on March 6, 1918, amending it first by adding to section 2 the so-called Cannon-Webb amendment—

> Or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material, or war utility.

And then practically destroyed that amendment by adding section 3, reading as follows:

> Nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with a bona fide purpose of securing better wages or conditions of employment.

In my judgment, adding section 3 was a serious blunder, and I compliment the conferees that the conference report before us to-day has eliminated that amendment; and I likewise regret that the Cannon-Webb amendment, intended to strengthen the bill, was not retained. In striking it out, we have not listened to labor, which is loyal and true. We have heeded the arguments of the labor agitator. It was bad enough in time of peace for persons to come before Congress and, in substance, threaten to tie up the great transportation systems of the country in 48 hours if the Government did not grant its request. Mediation or arbitration would not suffice them. Then we were at peace; now we are at war; and every real American must consecrate himself absolutely to the winning of this war and nothing else. The greedy profiteer who thinks and acts only for gain, searching for gold in Government contracts while others are yielding their lives for him, and the strikers who would willfully and deliberately violate the provisions of the so-called Webb-Cannon amendment are in the same class—traitors to their country and to humanity.

My sympathy is with the toiler; but I have no sympathy with the man or group of men who, seeing others for a meager wage in the service, yielding their lives that humanity may survive and the ravages of the Hun be repelled while they, drawing the greatest wage ever paid in the history of the country, throw down their tools, hinder production, delay transportation, and imperil not only their own protection, but the very life of their country.

It is a startling fact that during the first six months after this country entered the war there were over 1,156 strikes, mostly in industries essential to war production. The number of days of production lost was 6,285,519 The magnitude of this waste can be best appreciated by stating that it would require a plant employing 1,000 employees to operate 300 working days each year for nearly 21 years to recoup this loss. And think of it; our Nation at war and many of these very strikers exempted because needed in war industry. If they will not work, then make them fight. If the man in the service refuses to do his part in the prosecution of the war he is court-martialed and shot; but here we are in Congress spending our time in trying to make certain that the fellow who stays home and strikes will not be amenable to this law and may conspire with others to defeat its very purpose. Ask the father and mother of the boy in the service whether we should be so solicitous for the striker, from whom no hazardous service has been requested.

My friends, every appeal by labor to Government boards has resulted in favorable decision for it. There is no tendency to be unfair with labor. If section 3 is retained in this bill it will stand forth as an invitation to all the agents of the Kaiser in America to incite and encourage strikes in our war industries, from the sawmills of the South and the West to the munition plants of the North and the East. They can do it, and will do it, with impunity unless section 3 is eliminated. We will either strike that section out to-day or righteous public sentiment will compel us to before many months more of this war. If this conference report had retained the Cannon-Webb amendment it would have given to the country the greatest war legislation since the passage of the act creating the National Army. And let us resolve here to-day that there shall be no further delay in the program of supplying necessary legislation for apprehending and punishing disloyalty and traitorous conduct everywhere it shows its head. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

The matter referred to is as follows:

APRIL 2, 1918.

DEPARTMENT OF JUSTICE,
Washington, D. C.

GENTLEMEN: You are undoubtedly aware of the strong feeling throughout the country that our Government authorities are dealing too leniently with spies and dangerous enemies within our confines. It is commonly reported that our aeroplane plants are literally infested with spies and that blue prints have been changed, production hindered, and even the complete planes so tampered with as to render them unsafe. Inquiry at the United States marshal's office in the State of Michigan brings forth the claim that we have not sufficient laws with which to deal with this situation. It is very apparent that we either lack the law or its enforcement. I assume that the bill recently passed by the House to punish willful interference with war production was intended, in part, at least, to care for this situation. * * *

Will you please advise if any legislation is yet required, in the opinion of your department, to properly handle this situation, and whether any suggestion has been made by your department in this regard?

I am not familiar enough with the custom here to know, but in State affairs we depend a great deal upon suggestions from the departments as to desired legislation.

I realize that it is much easier to criticize than to perform, and I am satisfied that this important matter is and has been receiving the utmost consideration by you. However, I receive so many inquiries and am so intensely interested in a betterment of conditions with respect to spy activities that I will appreciate your reply.

Very respectfully,

GILBERT A. CURRIE.

—

APRIL 12, 1918.

Hon. GILBERT A. CURRIE,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter to the Department of Justice, under date of the 2d instant, in which you refer to certain alleged activities of "spies" and state that "there exists a strong feeling throughout the country that our Government authorities are dealing too leniently with spies and dangerous enemies within our confines."

If such a feeling does exist, it is mainly caused by the lack of Federal statutes and not by any lack of activity upon the part of the prosecuting officials, for I am glad to assure you that the Department of Justice has investigated and, so far as the present laws warrant, vigorously prosecuted every case of enemy activity of which it has acquired information. The stories that dangerous spies have been paroled by this department from internment camps are unqualifiedly false in every particular. The power of internment vested in me by the President has been exercised carefully but unsparingly, and as rapidly as really dangerous enemy aliens have come to the attention of Government officials they have been apprehended and interned.

Long before we entered the war this department recognized the necessity of an efficient system for the prevention as well as the detection of enemy activities, and began at that time to strengthen and build up its Bureau of Investigation, which now for a long time has been operated on a war basis. In addition to this, the department has accepted the services and to a great extent supervises the activities of more than 200,000 citizens of proven loyalty, systematically organized throughout the country as an auxiliary to the work of the department. It is a fair statement to say that the country has never been so thoroughly policed in its history by the Federal authorities as it is to-day. You will get some idea of the magnitude of the work from the fact that the Bureau of Investigation of the Department of Justice receives on an average of upward of 1,500 complaints per day. While most of these complaints eventually prove unfounded, all of them are carefully investigated. Work of this character necessarily has to be done with little or no publicity and, as a matter of policy, the action by the department in interning enemy aliens has also been done, so far as possible, without publicity. For example, on the night of April 6, 1917, the day of our declaration of war, this department seized in different parts of the country all of the German agents then known to it and caused them to be immediately transferred to war-prison camps, the number of enemies, for obvious reasons, being kept secret.

The public assumes that there is a great deal of enemy activity going on in this country, and it is but natural that vague rumors are magnified into definite and sensational stories. The talk of damage done by enemy aliens in causing incendiary fires is an illustration of this. Repeatedly, both in reputable newspapers and in publications gotten out by citizen societies, exaggerated statements are made as to the amount of damage. Statistics show that, considering the vastly increased value of merchandise and plants, the actual fire loss to property of all descriptions in 1917 was not appreciably larger than that of the year 1913. Likewise the report recently made by the National Board of Fire Underwriters shows, in substance, that during the past year not one fire has been clearly proven to be the work of alien enemies, and at a recent conference in the Treasury Department of all the men in all departments charged with protection of plants and supplies it was stated without dissent that no instance was known of a fire caused within the past year by alien enemies.

This does not mean that there is little danger to be apprehended from enemy alien activities. On the contrary, the most careful watchfulness is constantly necessary, but I cite this illustration to you to show you how unfounded are some of the extraordinary stories now in circulation. The very necessity for keeping secret many of the activities of the department undoubtedly contributes to the impression of which you have complained. It would be absurd to say that every hostile act has been successfully run down and the offender brought to punishment or that every enemy agent or propagandist at work in this country has been discovered. I do, however, assert that every possible effort is being made to ferret out and punish activities of this character, and that this work in other departments, as well as my own, is being done from day to day with constantly increasing efficiency.

In addition to prosecution of the work above described, this department has during the past year drawn and enforced the various regulations governing the conduct of alien enemies prescribed in the three proclamations made by the President; has devised the machinery and carried out successfully a registration of all male German alien enemies; has put into operation regulations for barring alien enemies from water-front shipping facilities and other prohibited areas; has caused to be instituted military patrol by the Army on the most important piers in all of the large seaports of the country; and has instituted a pass system to protect water-front zones from acts of alien enemies.

In connection with enemy-alien activities, you will recall that under the most conservative estimate there are in this country to-day more than 450,000 German, 600,000 Austrian, and 400,000 Hungarian enemy aliens—that is, unnaturalized males upward of 14 years of age—estimating three to a family, there would be within the United States about 4,000,000 persons who are either male enemy aliens or members of their families. If you will bear in mind that we have quite as much, if not more, trouble with native and naturalized Americans as we have with enemy aliens, you will get some idea of the magnitude of the work which daily confronts this department.

I have already adverted to the lack of adequate laws, and I take the liberty of calling your attention to this important subject. Although we have been at war for more than a year, there is as yet no Federal statute, except the treason statute (which is unworkable for this purpose), under which the Government can prosecute men who attempt to destroy factories, munitions, and other stores necessary for our armies. The so-called sabotage bill, prepared by this department and introduced more than a year ago, is now before your body, and I hope that speedy action may be taken thereon.

Most of the disorder throughout the country is caused by the lack of laws relating to disloyal utterances. Congress did not pass the original espionage act in the form in which my department prepared it, and section 3 of the law as passed by Congress has been the only weapon with which the Government could attack this dangerous evil. Although the only clause of section 3 which has been of value is the one aimed to prevent obstruction of enlistment and recruiting, my department has succeeded under that one clause in securing the conviction of more than 250 offenders in different parts of the country, and in obtaining the imposition of sentences in some cases of 15 and 20 years' imprisonment. It is earnestly hoped that Congress will act favorably upon legislation now before it which will give the Government adequate weapons with which to prevent the spread of flagrant disloyalty.

Another serious defect in the legal situation is the fact that there is no law providing for the control of departures from or entries into the United States by persons other than those who are alien enemies. The dangerous work of our enemies is not done solely through enemy nationals, and the public safety requires that a measure of control be vested in the President over the movements of all persons into and from the country in time of war. A bill to accomplish this purpose, commonly known as the "passport bill," drawn by this department, was introduced into Congress some time ago, and has the unanimous approval of the Departments of State, Labor, and Justice, and of the officers of the Military and Naval Intelligence Service. It can not be enacted into law too speedily.

I need not say that so long as the Federal Government is impotent to suppress industrial treason and disloyal utterances, just so long there will be danger of disorder, and there will be a steady increase in the feeling among the irresponsible of disrespect for legally constituted authority. Taking advantage of your courteous offer of assistance, I earnestly ask that you call the attention of your associates to the legislative situation which is above outlined. I need scarcely add to what I have said the assurance that my department will promptly, aggressively, and thoroughly investigate the cause of every hostile act or utterance which is brought to its attention, and will, so far as the law permits, continue relentlessly to prosecute those shown to be responsible therefor.

Respectfully,

T. W. GREGORY,
Attorney General.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, in this crucial time of war we should never indulge in hysterical legislation; never should pass laws in violation of the fundamental principles on which the Government is based unless conditions become so serious that for a temporary period fundamental rights may be given up for the greater purpose of national security and perpetuity.

A few weeks ago we had under consideration this very important bill, which was to enact a law necessary for the protection of our people. The bill ought to have been passed the day it was considered, and would have been passed and by this time would have been the law of the land if it had not been for the Cannon amendment. The bill as introduced by the committee had no such purpose nor no phrases that could possibly have been construed as conscription of labor. Then came the Cannon amendment. There could be no possible mistake as to the gentleman's object in introducing his amendment, judging from his remarks on the floor and published in the RECORD. The Cannon amendment was a violation, at least to my mind, of a fundamental principle. I introduced my amendment with the purpose and design of overcoming what I felt was the repudiation of a fundamental principle of our Government, which principle was to deal fairly with all classes and refuse to legislate either for or in favor of a special class.

When the Cannon amendment passed the House I am sure many of the Members voted for it little realizing its full meaning. How otherwise could they explain the immediate passage of my amendment, the purpose of which was to overcome the Cannon amendment. When the House bill went to the Senate there was loud and somewhat bitter discussion of that particular section 3, which was the Lunn amendment. Many of the distinguished Senators were opposed to the Lunn amendment for the reason that they evidently desired conscription of labor.

I have always taken the stand, and I take it now, and will always take it, that there is nothing too sacred and nothing too great in the way of sacrifice to make for American victory in this war.

If in this colossal conflict the very life of the Nation should demand that we take away temporarily certain of our rights, if it should become necessary to give much of our property or all of our property, let us act on the line of the principle which works with absolute fairness to all of our people. If the time ever comes to conscript everything, including labor, that time will mean that we should also conscript capital.

There is little excuse for strikes during the present time, when wages are high, but that is no excuse to attempt to take away a fundamental right. Capital struck a few days ago. Capital went on a strike for increased wages, and they won. They received one-quarter of 1 per cent more for their capital than they did on the last liberty loan. The first liberty loan was quoted at 3½ per cent. The capital wages increased in the second liberty loan to 4 per cent; but capital was not satisfied with this wage, so they insisted on 4½ per cent, but were granted only 4¼ per cent. In saying this I am not unmindful of the patriotic spirit of those men of great wealth who have and are devotedly serving their country in this time of national crisis. Let every honor be given to those men, rich or poor, learned or ignorant, who count life itself none too dear to give this Nation in its hour of trial.

Only under national necessity could we ever demand the conscription of labor, and then only when the necessity demanded that we conscript capital. Never could we consistently take a position that the man could be conscripted while the dollar remained in freedom; but no such emergency existed, neither did anything in the bill propose such a thing. The bill sought to deal strenuously with the men, whoever they be, who sought to interfere individually or by conspiracy with the prosecution of the war. It is necessary that we fix determent penalties on any man or men who are willfully plotting against the Government. The bill was not aimed at the mass of the American workers who are loyal to the heart in this great war, but the Cannon amendment said to working men that they would be compelled to work for private employers who might reduce their wages, or allow most harmful conditions in factories and shops, and that, regardless of how just their cause of complaint, the men would not dare to stop. Three men would not dare to talk together regarding shameful conditions surrounding their work and agree to stop, for that would be a conspiracy, and they would be threatened with 30 years to think it over. Such law is unthinkable. The House may have acted hastily on the Cannon amendment, for many of them were absent during the discussion, but when they passed the Lunn amendment, they were nearly all present and understood the real purpose of the amendment. To my mind the House acted in a spirit of fairness, not of demagogy, and not in any way hysterical. I wanted to see this bill passed quickly, and now that the Cannon amendment has been eliminated there is no occasion for the other, for with the elimination of the one goes the necessity of the other. A few moments ago we listened to the gentleman from Pennsylvania [Mr. CRAGO], in his tribute to the memory of President Lincoln, who passed from us 53 years ago to-day. I can not speak in too high praise of the splendid spirit of the martyred President. I recall that he based his life on great underlying humanitarian principles. He stood foursquare regarding the great mass of

those who toil. In his annual message to Congress on December 3, 1861, he said:

Labor is prior to and independent of capital. Capital is only the fruit of labor and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration.

He further said in that same message:

No men living are more worthy to be trusted than those who toil up from poverty—none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which if surrendered will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them till all of liberty shall be lost.

The views expressed by the gentleman from Illinois [Mr. CANNON] are tremendously at variance with the views expressed by that other gentleman from Illinois, Mr. Lincoln.

When we deal with labor, we are dealing with human rights and human conditions, and we must never go on record for a form of slavery which is involved in conscription of labor unless it becomes necessary in order to save the very life of the Nation. The great mass of our workers have been patriotic. God save America if they were not patriotic, for no war can be waged when the working masses refuse their loyalty. They have not refused their loyalty, but have entered this war with the same high spirit and resolve that has characterized the rest of us. If the time comes, when, to preserve this Nation, conscription of labor is essential there must go with it an absolute conscription of capital, not some of the capital but all of the capital, and if that day ever comes I will stake my life that the great mass of labor would rise to the great occasion with a spirit that would put to shame every slacker of whatever name. [Applause.]

Mr. MCARTHUR. Will the gentleman yield for a question?

Mr. LUNN. I would be very glad to yield if I had more time yielded me, but I can not otherwise.

The SPEAKER. The time of the gentleman has expired.

Mr. LUNN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the rivers and harbors appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the rivers and harbors appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, when the committee rose on Saturday last, the Chairman had under consideration a point of order made to the paragraph at the bottom of page 9 of the bill directing the Mississippi River Commission to do some work at the mouth of the Ohio River for the protection of a caving bank. I desire to discuss just one phase of the point of order and no other, and I may say at this point, as we had a full discussion on Saturday, I hope there will be no necessity for further discussion and that the Chairman may be permitted to make his ruling. The contention on the point of order which was discussed involves the jurisdiction of the Committee on Flood Control and the Committee on Rivers and Harbors as applicable to this point of order. I shall not discuss at all the facts in the case bearing upon the question of whether it is exclusively for flood control or exclusively for river improvement, but I do wish to submit a few expressions or arguments upon the general question. As to the Mississippi River Commission, that commission was created by act of Congress, approved June 28, 1879.

The act creating the commission in section 4 gave it this jurisdiction:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service.

There has been no amendment since that date to the act creating the Mississippi River Commission which changes its jurisdiction in the respect I have indicated, so that the Mississippi River Commission in its activities may improve the river or rivers under its jurisdiction, and may also take steps to control floods.

The flood-control act, which was approved March 4, 1917, and which I have not at the moment before me, also fixes as the duties of the Mississippi River Commission the improvement of the rivers and also the control of floods. Therefore I submit to the chairman at this point this statement, which I do not think can be contradicted, that the Mississippi River Commission in its activities as defined by Congress may engage in river improvement and flood control.

Again, from 1883 until the Committee on Flood Control was created the Committee on Rivers and Harbors took jurisdiction, and almost every river and harbor act passed since that time contains some legislation either directing the activities of the Mississippi River Commission or making appropriations for its activities, or both; and I shall, with the consent of the committee, ask leave to incorporate in the RECORD some excerpts from past river and harbor acts. Until the flood-control act was passed on March 4, 1917, the River and Harbor Committee directed its activities and made appropriations for the commission.

Now as to the two committees: The Committee on Rivers and Harbors under the rules of the House has jurisdiction of subjects relating to the improvement of rivers and harbors, and that jurisdiction has been well defined. Whatever legislation seeks to improve the channel of a river or harbor for purposes of navigation and commerce is admittedly within the jurisdiction of the Committee on Rivers and Harbors.

In the amendment to the rules creating the Committee on Flood Control the jurisdiction of that committee is fixed in this simple language; that is to say, that it has jurisdiction of subjects relating to flood control, and there is no disposition on my part or upon the part of the Committee on Rivers and Harbors in its collective capacity to dispute or to cavil about the jurisdiction of the Committee on Flood Control.

One other thought. There may be improvements of rivers which at the same time affect control of floods. I can well conceive of such.

There has been, and may be in the future, legislation intended for the improvement of a river for navigation, the work of improvement at the same time tending to control floods, so that it may well be and will occur that concurrent jurisdiction will rest with each of these committees. As to which committee would have jurisdiction under a condition of that kind, would probably depend upon the committee which first assumed jurisdiction.

Now, in conclusion, what is the duty of the Chair in the consideration of the point of order made against this paragraph? In order for the Chair to hold that the point of order should be sustained and the paragraph go out, the Chair must of necessity hold that it is exclusively for flood control. It is within the province of the Chair to determine preliminarily that question of fact; and if the Chair holds upon the issue of fact that only flood control is affected by this paragraph I concede that the Committee on Flood Control has jurisdiction. And, further, to express it in another way, I submit that the Chair must hold upon that issue of fact that only flood control is affected by this paragraph in order to sustain the point of order, because if it happens to be a work or an activity authorized which affects both improvement of the river and flood control, then I assume as a matter of parliamentary law that this committee, first having assumed jurisdiction, would hold jurisdiction.

So with that statement, Mr. Chairman, upon what I think are the controlling issues of parliamentary procedure applicable to this point of order, I shall be content to leave the matter with the Chair, except, however, to make this general statement in behalf of the committee and not to precipitate any argument: In the opinion of the committee the work proposed in this paragraph was meritorious. In the opinion of the committee there seemed to be no other committee of Congress which would take jurisdiction and afford Cairo and its immediate vicinity the relief which the committee seemed to think they required. I mention that only as bearing on the merits of it, and not as bearing on the point of order which the Chair has before him.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Mississippi [Mr. HUMPHREYS] makes a point of order against the paragraph on page 9, lines 17 to 25, inclusive, and which reads as follows:

The Mississippi River Commission shall forthwith make an examination of the caving bank on the right bank of the Ohio River below the mouth of the Cache River and shall make such plans and take such

steps, to be approved by the Chief of Engineers, as may be necessary from time to time to protect the levee line endangered by this caving bank, such improvements to be paid for out of any funds heretofore or hereafter appropriated for the work of the Mississippi River Commission.

This point of order was very fully and very thoroughly discussed on Saturday, and since the session of the committee on Saturday the Chair has read the arguments then made, as they appeared in the CONGRESSIONAL RECORD, and has also given the matter some thought and consideration; and such thought and consideration as the Chair has been able to give it have confirmed the opinion of the Chair as to the views entertained at the previous session of the committee with reference to the point of order. It is not necessary, of course, to say that, in passing upon the point of order, the Chair has not given any consideration whatever to either the merits or the demerits of the proposition contained in the paragraph.

The point of order is made on two grounds. First, that the Committee on Rivers and Harbors has no jurisdiction of the subject matter of the paragraph as an original proposition, and second, that even if it be conceded that it has such jurisdiction, it is not authorized to report it as a part of the pending appropriation bill, which under the rules of the House has a privileged status.

It is insisted that the subject matter of this paragraph comes within the exclusive jurisdiction of the Committee on Flood Control, the rules of the House providing that all proposed legislation relating to flood control shall be referred to that committee. In the opinion of the Chair, under the plain language of the rule, this view is clearly correct, if the paragraph does not also relate to the improvement of a river or harbor. Whether or not the fact that an improvement of a river or harbor results as a mere incident to the main purposes of controlling flood waters would serve to give jurisdiction to the Committee on Rivers and Harbors, the Chair does not feel called upon at this time to decide. The rules of the House do not clearly define the difference in the jurisdiction of these two committees, and as the Speaker of the House has heretofore remarked there may be cases where their jurisdiction overlaps. It seems clear to the Chair that under the present rules of the House cases may arise where the jurisdiction of the two committees would be in a sense concurrent, or where one committee might acquire jurisdiction of a subject matter which as an independent proposition would belong to the other.

But the Chair does not feel called upon to pass upon the question of the jurisdiction of these two committees, in view of his opinion as to the second ground of the point of order. If the paragraph has for its primary object and effect the improvement of the river, then, in the opinion of the Chair, it is properly included in the bill, even though the control of flood waters shall result to a greater or less degree as an incident thereto; for it must be borne in mind that the river and harbor bill is not one of the general appropriation bills within the meaning of clause 2 of Rule XXI, and it is not therefore subject to their restrictions as to legislation. There is an abundance of precedents which might be cited to this effect. Hinds' Precedents, volume 4, sections 3897 to 3901 and section 4219.

It does not follow, however, that any subject matter of which the Committee on Rivers and Harbors may acquire jurisdiction is a proper subject of consideration in the rivers and harbors appropriation bill. Such a bill is a privileged bill under the rules. The committee may at any time, under the rules, report a bill relating to the improvement of rivers and harbors, and it may be called up as a privileged matter under the rule. It is a bill which is reported originally by the Committee on Rivers and Harbors and not a bill which has been referred to that committee by the House. It follows, therefore, that anything in the bill which the committee has not the authority to report as a privileged matter under the rules is subject to a point of order.

If, therefore, the conclusion of the Chair is sound, then it is only necessary to inquire as to whether or not the language of the paragraph relates to and has for its primary object and effect the improvement of a river or harbor. It provides in substance that the Mississippi River Commission shall make an examination of the caving bank on the right bank of the Ohio River below the mouth of the Cache River and directs it to make such plans and take such steps as may be necessary from time to time to protect the levee line endangered by the caving bank. It will be observed that these steps are to be taken not to protect the caving bank of the river for the purposes of navigation, but to protect the levee line. Now, the Chair thinks that without doing violence to reason or parliamentary practice, judicial notice can be taken of the fact that levees are built to prevent destruction to life and property by overflows, although in some cases an incidental benefit to navigation may result therefrom. In this particular case the Chair is fortified by statements and admissions made from the floor in argument on the point of order, and also by both the majority and minority reports of the Mississippi River Commission, which were made in 1880.

The attention of the Chair has been called to the fact that the flood-control bill, which was passed at the last term of Congress, authorized and directed the Secretary of War to carry out the plans of the Mississippi River Commission not only for the controlling of floods of the Mississippi River but also for continuing the improvement of that river, and also the Ohio River, from its mouth to the mouth of the Cache River. But this, in the opinion of the Chair, need not be considered in a decision of the question now before it. This paragraph directs the commission to do a specific thing, and that is to protect the levee line, and makes no reference to the improvement of the river.

The Chair is aware of the fact that heretofore propositions relating to the flood waters of the rivers in the United States have been referred to the Committee on Rivers and Harbors, but this was before the establishment of the Committee on Flood Control, to which now, under the rule, all proposed legislation relating to flood control must be referred. But, as stated, for the purpose of passing upon the point of order the Chair does not feel called upon to pass upon the question of jurisdiction between the two committees. It is sufficient to say that the Chair is constrained to hold that the paragraph in question does not relate to the improvement of the river and hence, in the opinion of the Chair, it is not within the authority or jurisdiction of the Committee on Rivers and Harbors to report it as a part of the bill now under consideration. For the reasons stated, the point of order is sustained and the paragraph will be stricken from the bill.

The Clerk read as follows:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $500,000.

Mr FREAR. Mr. Chairman——

Mr. HUMPHREYS. Will the gentleman from Wisconsin yield to me for a moment?

Mr. FREAR. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS. I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS. Mr. Chairman, in view of the fact that the paragraph has been stricken from the bill, I wish to make a brief statement.

After many years of discussion Congress finally arrived at the conclusion that the proper way to take care of the floods of the Mississippi River was to create a fund, turn the fund over to the Mississippi River Commission, composed of engineers from the Army, engineers from civil life, and engineers from the Coast and Geodetic Survey, and to have this improvement and flood control in accordance with plans and specifications which that commission might adopt. This particular part of the Ohio River is subject to overflow from the floods of the Mississippi River. For many years the bank has been caving at Cairo more or less rapidly, though within the past 10 or 15 years not very rapidly. The people interested have endeavored to get the Rivers and Harbors Committee to revet this bank to protect it; but every report made by the engineers who were instructed to inspect the work was to the effect that it was not in the interest of navigation, and therefore it was not undertaken. So when the Flood Control Committee was created and this limitation which had hitherto proven a strait-jacket for the Rivers and Harbors Committee, by limiting them to matters touching navigation, was removed and the Flood Control Committee was given jurisdiction under the law to make improvements through the Mississippi River Commission, without reference to their relation to navigation and solely in the interest of flood control, the Cairo people came before our committee and asked that the jurisdiction of the commission be extended up as far as the Cache River, so that they could get the benefits of the act; and the committee, after the hearing and after visiting Cairo, decided to do that.

I have asked the opportunity to make this statement because I did not want anybody interested in Cairo to get the thought that I or the Committee on Flood Control were at all opposed to this project. Last fall interested parties from Cairo went before the Mississippi River Commission and asked that this work be undertaken. I will read from the official records of the commission to show just what happened, because this is

going to be taken care of, and taken care of just as soon as it would have been if this item had stayed in the bill. There is not any doubt about that.

Mr. RUSSELL. Will the gentleman yield for a question?

Mr. HUMPHREYS. Yes.

Mr. RUSSELL. The fact, then, that the chairman of the Flood Control Committee has made this point of order which has been sustained does not signify at all that the chairman of the Flood Control Committee is opposed to this needed improvement? Personally I am very anxious to see this work done, and think it is very necessary.

Mr. HUMPHREYS. Not a bit in the world, and that is the reason I wanted to take the floor, because I did not want that impression to get out.

Now, here are the facts: We have already agreed to create a commission, to give it a fund, and to let the commission exercise its judgment in improving the river as a whole. Why, Members of this House who have been here for many years remember that we created a commission on the Missouri River and appropriated money, but one Congressman would secure an amendment providing that so much of this money must be expended in his district, and another Congressman would secure a provision that so much must be spent in his district, with the general result that Congress very soon arrived at the conclusion that if we were going to create a commission and then not permit the commission to exercise its own judgment, we were doing a useless thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. May I have five minutes more?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS. So Congress thereupon refused to appropriate any money for that commission and abolished it.

And so as to the Mississippi River Commission. When I first came to Congress there was a bad habit that prevailed for a number of years of providing that so much of this money may be spent here, there, and about. One of these provisos related to the city of Greenville, Miss., my home town. Mr. Burton was then chairman of the Rivers and Harbors Committee. He took the matter up with me and said, "This is not the way for us to do this. If we are going to create a commission and give them money, we should permit that commission to go on and exercise its best judgment and spend the money where it really ought to be spent, having in view the general improvement of the river." I agreed with that, and upon my motion my own home city was stricken from the bill, and the commission was given the authority to do the work where, in the judgment of the commission, it ought to be done. Once or twice since then provisions of the same sort have been proposed here, and I have always opposed them. I opposed them at Vicksburg; I opposed them at Memphis, right next door to me. I have opposed such provisions anywhere. But in certain instances we could not help ourselves. The Senate put on these unwise provisions. I remember on one occasion the Senate put on a proviso that a part of the money should be taken away up the Arkansas River and spent there. We could not help ourselves. The Senate would not pass the bill unless we permitted them to mar it, so we submitted, but the House has universally adhered to the proposition that the commission ought to be permitted to exercise its own judgment.

The flood-control bill is a new thing. There has been only one appropriation made under it. These gentlemen went before the Mississippi River Commission last November, and I read now from the records of the commission:

> Parsons, George, chairman Cairo drainage district: Letters transmitting copy of agreement between trustees of Cairo City property and the Cairo & Vincennes Railroad Co., and requesting aid from the commission. Copy of agreement and blue-print map accompanying. (Nov. 15, 1917.)
>
> It was moved by Mr. Ockerson that the president reply to the Cairo drainage district stating that all the plant belonging to the commission is occupied on other and more urgent work and nothing can be done along the Ohio River front between Cairo and the mouth of Cache River at the present time. Carried.
>
> It was moved by Mr. West that the first and second districts engineer be directed to make, after the next high water and before the next working season, further examination, and submit a report giving an estimate of cost of an adequate revetment protecting the caving banks on the Illinois bank on the Ohio River below the mouth of Cache River and also an estimate of cost of building a new levee along the caving front. Carried.

So you will see that the Mississippi River Commission, without any instructions from Congress, have ordered the survey which this bill provided, and there is no sort of question that when Congress makes the appropriation this year in the sundry civil bill, as it will make a liberal appropriation, this work will be done at Cairo.

This contingency, of course, is always to be taken into consideration that there is a possibility of some development upon the river, a caving in of banks, where the work would be of more urgency in the opinion of the Mississippi River Commission than at Cairo, which is improbable. Of course, if that were true, the House would all agree that the work ought to be done at the place where the needs are the most urgent.

Now, in the northern part of my own district—and gentlemen will see the embarrassment that comes to every Congressman who lives on the river if this sort of legislation should be enacted—in the Yazoo Delta there is a pressing need caused by a threatened caving in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS. My constituents have come to me and with just as great urgency as it is possible that anybody else's constituents could have, and insisted that we direct the commission to go there and revet the banks before they caved in and overflowed the Yazoo Delta which comprises some 7,000 square miles of very fertile territory with numerous small towns and small cities. I have told them that I would do nothing of the sort, that we had turned the money over to the commission and instructed the commission to look over the entire river, treat it as a whole, and spend the money where, in the judgment of the commission, it should be spent. I take it that nobody can take exception to any such a proceeding.

Now, I do not hold this up as an example for others to follow, but I have been in Congress 15 years. Ninety-five per cent of my district is subject to overflow. My home, my house that I live in, in the city of Greenville, is 15 feet below the level of the Mississippi when it is at flood tide, and only five blocks away. Yet I have refused persistently and consistently for 15 years even to go before the Mississippi River Commission when they held their annual meetings to determine where the money should be allotted. I have told my constituents that I would not go before the commission and attempt to influence them in the slightest. I believe I ought to keep faith with my colleagues, when we agreed that we would appropriate a lump sum, turn it over to the commission, direct the commission to spend it where in the judgment of the commission it ought to be expended; that I did not think that I ought to try to influence the commission to do anything that was not absolutely consistent with its own judgment and initiative.

Mr. DENISON. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. DENISON. The gentleman knows that Congress did do that in the last rivers and harbors bill.

Mr. HUMPHREYS. Yes; the Senate put on the last bill a provision with relation to the bar formed in front of the city of Memphis, and said it must be removed. It was destroying the harbor there. It was put on the rivers and harbors bill, and it related solely to navigation and not to flood control. They have done some things like that. The Senate put on a proposition to go up the Arkansas River fifty-odd miles and revet the banks that had no relation to navigation but solely to protect private property. But the House has never done it on its own initiative, and I have always fought it on the floor of the House.

Mr. DENISON. Did not Congress do something of that sort at Vicksburg?

Mr. HUMPHREYS. That is an entirely different matter. Vicksburg was outside of the jurisdiction of the Mississippi River Commission. The controversy there arose as to whether or not Vicksburg should be put back under the Mississippi River Commission, and I think that was very properly done, because Natchez, New Orleans, Cairo, and other places were under the jurisdiction of the Mississippi River Commission.

Mr. SWITZER. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. SWITZER. Has not the Senate put in a provision and Congress enacted a law that the commission should do certain things?

Mr. HUMPHREYS. Yes; several times.

Mr. SWITZER. And that violated your principle.

Mr. HUMPHREYS. Yes.

Mr. SWITZER. And the gentleman thought it was right.

Mr. HUMPHREYS. I voted against the Vicksburg proposition and I voted against it everywhere. Now at Memphis—we are getting entirely off from the subject and going into matters relating solely to navigation—but at Memphis a bar formed in front of the city that threatened to destroy the harbor for several hundred yards. That related solely to navigation and had nothing on the face of the earth to do with flood control.

Mr. SWITZER. Did not the gentleman go before the Senate committee and use his influence to get that provision put in the bill giving relief to the city of Memphis?

Mr. HUMPHREYS. I could truthfully say no, but it would not be the whole truth. I never went before the Senate committee, but I spoke to Senator SHIELDS and told him I thought it was a perfectly proper thing to do.

Mr. SWITZER. And did not that violate the principle that the gentleman is advocating?

Mr. HUMPHREYS. It did not, in my opinion, for it only related to navigation; and the jurisdiction of the Senate Commerce Committee over matters relating to navigation has never been questioned, not in the slightest. We designate harbors and rivers all over the country to be specifically provided for, but I submit that there is no question at all that this House would overwhelmingly sustain the position that when we create a Mississippi River Commission giving it $45,000,000 to spend according to its judgment where it ought to be spent, having in view the general control of the river, there is no doubt at all that the House will say that that is right, and they will vote down any proposition to violate it and substitute the uninformed judgment of the House of Representatives for the opinion of the engineers.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, I want to say just a word in regard to this provision of the bill that has gone out, and somewhat in reply to what the gentleman from Mississippi [Mr. HUMPHREYS] has said. After I became a Member of Congress some three years ago, my attention was invited to the condition of the Ohio River just above the city of Cairo. The Ohio River was changing its course, and gradually moving over toward the Mississippi River, just above the city of Cairo, and the people there felt they were very much endangered and were uneasy about it. They went before the Mississippi River Commission to get relief, and they could not get any. The Mississippi River Commission would not listen to them or pay any serious attention to them, practically. Then when I came here I began to see if we could not get some relief through Congress. I consulted with the gentleman from Mississippi [Mr. HUMPHREYS], because he had been influential in matters of this kind for some time. The trouble at that time was that the Mississippi River Commission only had jurisdiction of the Mississippi River, and had no jurisdiction whatever over the Ohio River, and this work could only be done by the Mississippi River Commission, because it is revetment, and the Mississippi River Commission has charge of the machinery that is necessary for putting in revetments. So the first thing we had to do in order to get this relief, if we could get it at all, was to get the jurisdiction of the Mississippi River Commission extended up this part of the Ohio River some 5 or 6 miles, so that they would have authority to do the work up there. About this time the Flood Control Committee was created and began consideration of a bill to prevent floods and improve the Mississippi River.

I went before that committee and we got a provision in the bill for controlling the floods of the Mississippi River and the Sacramento River, extending the jurisdiction of the Mississippi River Commission up the 5 or 6 miles of the Ohio River. That bill passed the House and went over to the Senate and remained in the Senate for about a year, as I remember. I think it passed the House in May, 1916. There was some thought or fear that that bill would not pass the Senate at all. In the meantime the river and harbor appropriation bill came up in the House, and, after consultation with the gentleman from Mississippi [Mr. HUMPHREYS], and upon his advice, I went over and took the matter up in the Senate with the Senate Commerce Committee in order to get a provision of that kind inserted in the river and harbor appropriation bill extending the jurisdiction of the Mississippi River Commission up this part of the Ohio River for the express purpose of getting this work done. I did not do it without consulting with the Chief of Engineers. The Chief of Engineers, Gen. Black, furnished evidence to the Senate Commerce Committee, and upon a presentation of the necessity of this work to the Senate Commerce Committee both by representatives of the people at Cairo and by the Chief of Engineers' office the Senate inserted a provision in the river and harbor appropriation bill of 1916 conferring jurisdiction on the Mississippi River Commisson over this part of the Ohio River; and, as I say, it was done for the purpose of giving them authority to go up there and do this work, which was recognized as urgent. That bill became a law and extended the jurisdiction of the Mississippi River Commission over this part of the Ohio River months before the flood-control bill ever became a law.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. For a question.

Mr. WHEELER. No part of the $45,000,000 appropriated for Mississippi flood control can be expended for a retaining wall along the Ohio River that the gentleman speaks of?

Mr. DENISON. It can be now.

Mr. WHEELER. Must it not all be confined strictly to the Mississippi River?

Mr. DENISON. No; it can be expended upon this part of the Ohio River as well as the Mississippi River. Afterwards the flood-control bill did become a law; I think in 1917. That contained a similar provision to the provision which the river and harbor bill had contained the year before, so that both bills gave the Mississippi River Commission this jurisdiction. The flood-control bill simply gave it jurisdiction so that the commission could expend whatever part of the $45,000,000 they might think was necessary to do the work, but their jurisdiction had already been extended for that purpose by the river and harbor appropriation bill of the year before.

Mr. HUMPHREYS. That amendment taken from the flood-control bill which passed the House in May prior?

Mr. DENISON. Yes; it had passed the House, and it had hung up in the Senate for nearly a year, and we did not think it would go through; and because we did not think it would, we got the provision put in the river and harbor appropriation bill in July, 1916. Notwithstanding their jurisdiction has been extended over this part of the Ohio River so that they could do this work, the commission still would not do it. We could not find out why they did not; but finally they disclosed the reason why they did not, and that reason was that certain officials of the Mississippi River Commission had the impression that it was the duty of the railroad company to prevent the changing of the bed of the Ohio River, and they seemed to think it was not the duty of the Government to do it. Their contention was absolutely without foundation. They never had looked into the records, but they had that impression; and notwithstanding it was a meritorious proposition and the work ought to be done, they would not do it because they thought the Big Four Railroad Co. would have to do it. Finally we got the Chief of Engineers' office to look into the merits of the question, and they found that the railroad was under no obligation to do this work and could not do it. Then the office of the Chief of Engineers took it up with the Mississippi River Commission with a view of having them do it, in substance, but did not, of course, like to give any specific directions to do it.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. For a question.

Mr. HUMPHREYS. The Chief Engineer's office, in a letter which I put in the RECORD, says that their opinion on the merits of the proposition was never requested by the commission, and they had never expressed any opinion, but did express the opinion before the Committee on Appropriations the other day that this was, as it was expressed, a bad item, that they ought not to understake to direct the Mississippi River Commission, but ought to leave it to their judgment.

Mr. DENISON. Well, I am going to say I do not know what has been done by the commission before the Appropriations Committee, but I know what has been done by the Chief of Engineer's office. Now, last year after the commission got jurisdiction to do the work and got their appropriation the people of Cairo went before them and asked them to come up there and do this work, and their reply was that their funds had been exhausted in other places, which may be true. But the point I want to make is this, that this work has to be done. It is a matter that is threatening Cairo and the people in the vicinity of that city, and is going to have to be done sooner or later, and it ought to be done now, because it can be done for a great deal less money than it can be done hereafter. And the question now arises whether or not the people of Cairo must sit still and wait for the Mississippi River Commission to do the work in its own good time, or whether Congress has the right to direct them to go and do it now, before there is a disaster.

Now, I agree with the gentleman from Mississippi [Mr. HUMPHREYS] as to the general principle that this commission ought to be left to its own discretion to do its work; but when the commission is laboring under a false impression, as it has been so for a number of years, and because of that false impression has refused to do work that ought to be done, I think that Congress is superior to the Mississippi River Commission and ought to direct them to do it. Now, when we came to look into the precedents for that I found that last year Congress directed them to expend money in making certain improvements at Memphis, and it has heretofore directed them to spend money at other places. I think if Congress could direct the Mississippi River Commission to expend money at Memphis, at Vicksburg, and at other places, then certainly there is justification for ask-

ing the Rivers and Harbors Committee for legislation that will direct them to expend money here where it is needed at Cairo.

Mr. HUMPHREYS. The gentleman understands Congress never directed money to be expended at Vicksburg, but authorized it.

Mr. DENISON. It has directed them to spend money at Memphis, I understand, with the gentleman's approval, and at other places. There is no one who doubts the merits of this proposition. The people at Cairo and its vicinity have been spending money for years and years building levees, and the river has encroached upon those levees until it is going to destroy them, and it will be impossible for the people there to replace them. They can not do it. The loss and suffering that will result can not be estimated. They must have aid from the Government, and they ought to have it now. I regret the gentleman from Mississippi made the point of order against this provision of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I was content to remain silent after the point of order had been disposed of, but in view of the discussion I think I ought to make a brief statement. The Mississippi River Commission and its activities embrace not only the Mississippi River, but from time to time its jurisdiction has been extended. The river and harbor acts in past years have usually made appropriations for the activities of the commission of the Mississippi River from the Head of the Passes to the mouth of the Ohio, but also for other rivers within its jurisdiction. The jurisdiction of the Mississippi River Commission has been extended to Cape Girardeau, above the mouth of the Ohio, and also to Rock Island, Ill., which latter point is 449 miles above the mouth of the Ohio, both of which are in the river and harbor act of 1916. In 1913 it was authorized to do work at the mouth of the Yazoo River and the harbor at Vicksburg, and in the last river and harbor act to remove a shoal opposite the city of Memphis. The matter of the danger of flood waters at Cairo was brought to the attention of the committee, primarily by the gentleman from Illinois [Mr. DENISON]. Other proof, however, was submitted. The committee were impressed by what they regarded as the acute situation at Cairo which demanded attention. It was represented to the committee that the Mississippi River Commission had for several years been importuned by the people of Cairo to make a survey and to take steps there to protect a caving of the bank of the river, to all of which they had given no favorable response. When the gentleman from Illinois [Mr. DENISON] first came before the Rivers and Harbors Committee at this session we sent him to the Committee on Flood Control and advised him to confer with its distinguished chairman, Mr. HUMPHREYS.

He came back and reported that the chairman of the committee stated that his committee would do nothing about the matter, or, to put it perhaps in entirely courteous terms, could do nothing, and nothing was to be done, so that the Committee on Rivers and Harbors were confronted with this situation, that unless that committee acted there would be no legislative relief afforded at this session to this critical situation at Cairo. After our committee had completed the river and harbor bill the Committee on Flood Control, through its chairman, protested so strongly against the inclusion of this paragraph in the bill the committee reconsidered the matter and decided, in deference to the Committee on Flood Control, desiring to have no unseemly controversy with it as to jurisdiction, to eliminate it from the bill, and authorized the chairman to make the motion to strike it out. Now, that is the status of its relationship to the Rivers and Harbors Committee in its deliberations during this session. Now, I would like to say something else about the Mississippi River Commission. The Rivers and Harbors Committee will at all times in the future endeavor not to trespass upon the jurisdiction of the Flood Committee, but it must be remembered that the Mississippi River Commission have activities which are within the jurisdiction of the Committee on Rivers and Harbors, because they affect the improvement of rivers, and whenever conditions arise which in the wisdom of the Committee on Rivers and Harbors justify them in proposing legislation to the House to direct the activities of the Mississippi River Commission so far as it affects the improvements of rivers, they will without hesitation submit it to the House. One other thought. The Mississippi River Commission constitutes an agency of Congress. They are not superior to the Congress, and I take it that this House will not admit at any time that they are immune from direction involved in legislation proposed by the House.

And I wish to say, with all deference to the distinguished members of the commission, that I think they are playing in too large a degree the rôle of autocrat. Congress in the last river and harbor act inserted a clause in this language:

The Mississippi River Commission shall forthwith make an examination of the Memphis Harbor, on the Mississippi River at the mouth of Wolf River, and at the earliest practicable moment make such plans and take such steps, to be approved by the Chief of Engineers, as will remove the large sand bar in front of Memphis to such an extent as may be necessary in the interest of navigation at that point, such improvements to be paid out of any funds heretofore or hereafter appropriated for the work of the Mississippi River Commission, not to exceed, however, the sum of $250,000 for the current fiscal year.

Mr. FISHER, of Tennessee, represented——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. FISHER, of Tennessee, a member of the committee, represented to us that both he and others, since the last river and harbor act was approved, August 8, 1917, had gone before the commission insisting that they should discharge the plain mandate of Congress; that up to that time, which was about 10 days or two weeks ago, they had taken no steps whatever to comply with the direction of Congress. Now, I can speak judicially minded about this matter. My district is located hundreds of miles from the great Mississippi Valley.

I have no prejudice whatever against the improvement of the lower Mississippi River for flood control, or for any of these other rivers which have been placed under the jurisdiction of the Mississippi River Commission. But when Congress places the Ohio River, from its mouth to the mouth of the Cache River, within the jurisdiction of the Mississippi River Commission, I say that that amounts to a direction to the commission to take care of flood conditions there when they are acute and urgent just as well as when conditions are acute and urgent at other places. I will do the gentleman from Mississippi the justice to say that he does not think that this condition at Cairo is as urgent as at other places. We were impressed differently. He may be right about that.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In half a minute. But as long as this paragraph has been stricken from the bill we may now have an opportunity to determine the relative urgency of these improvements on rivers within the jurisdiction of the Mississippi River Commission.

Mr. HUMPHREYS. The gentleman stated that I did not think the work at Cairo was as urgent as at other points. I do not think that is exactly accurate. I said that the Mississippi River Commission decided that in their opinion it was not as urgent. I just read it. It was not an opinion of mine. The only reason I wanted to discuss the matter at all was to put into the RECORD the fact that I am in entire sympathy with the people of Cairo and have no hostility in the world toward them, and hope that the work will be done. I have not the remotest doubt that it is going to be done, but I want it to be done in order.

Mr. SMALL. Well, I hope it will be done, and I hope its urgency will be impressed on the Mississippi River Commission.

Mr. HUMPHREYS. I hope the gentleman indulges that same hope as to Commerce Landing, in my district, and as to Panther Forest, over in the district of the gentleman from Arkansas.

Mr. SMALL. I do.

Mr. HUMPHREYS. I said "Commerce Landing, in my district, and Panther Forest, in the district of the gentleman from Arkansas," and up in the district of the gentleman from Missouri as well, and the Tensas front, in the district of the gentleman from Louisiana. In other words, I want to bring all within the blessing of that benediction that the gentleman from North Carolina has just pronounced.

Mr. SMALL. At a future time I shall seek the genial companionship of the gentleman from Mississippi, and we can commune together on that subject.

Mr. HUMPHREYS. And when that comes to fruition the gentleman from North Carolina will leave to the Mississippi River Commission the responsibility of selecting the points to be improved.

Mr. SMALL. The Mississippi River Commission is the creature of Congress and subject to its direction, and when Congress places these different rivers under its jurisdiction it expects that commission impartially, justly, and fairly to give attention to such rivers as are placed under its jurisdiction. Congress has the right at any time to direct its activities when, in its opinion, it is not pursuing its activities in a fair manner.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. SMITH of Michigan. As I understand from the arguments and remarks that have been made here, the Mississippi River Commission is limited to the Mississippi River?

Mr. SMALL. Oh, no. Its activities embrace the Mississippi River up as far as Rock Island, and the Arkansas River; and it has taken jurisdiction heretofore of the Yazoo River and harbor at Vicksburg, Miss., and also a part of the Ohio River. You might say "the Mississippi River and some of its tributaries."

Mr. SMITH of Michigan. How about the Missouri River? That is subject to overflow, and a great many acres there are subject to inundation. Is there any commission to look after that?

Mr. SMALL. There was a commission, but that has been abolished, and now the Missouri River is under a general project of improvement.

Mr. FREAR. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last two words.

Mr. FREAR. I do so in order to introduce into the RECORD a letter received this morning from the Shipping Board in reference to the proposed Goltra contract, which was mentioned on the floor on Saturday. I desire to introduce this letter with an accompanying statement, and also with a brief comparison of the shipments and appropriations for the harbors and rivers taken from the minority report. I will state that the letter from the Shipping Board says in effect that the Army engineers have been given this sum of money, $3,360,000, and it is under their control, and any contract made with Col. Goltra, of St. Louis, must be made with the engineers. I suggest that this is in addition to the $500,000 which was appropriated by Congress and which they have had for experimental purposes for eight years.

There is another suggestion made in this letter that a mistake was made as to the amount proposed for the Black Warrior, for the building of barges and other vessels. The press statement was $21,000,000, and that was quoted in the speech the other day on that press authority. In this letter it is stated that that amount is just 10 times too large. The amount set apart is $2,100,000, which has been proposed for these Warrior River boats.

I ask unanimous consent to put this letter into the RECORD at this particular point, together with the statement of explanation; but before that is inserted, and prior to that, for the purpose of affecting the standing of this bill in the House, I ask to have read from the Clerk's desk a letter that I received from the Secretary of War upon this bill.

The letter from the Secretary of War is self-explanatory, and has governed the action of a majority of the Rivers and Harbors Committee in the preparation of this bill. The committee has confined expenditures to those recommended by Army engineers and those recommended by the Secretary of War for war purposes. Many expenditures recommended by Army engineers are of doubtful value, but they are linked in with war measures, impossible to separate or change in an omnibus bill, and the bill as a whole is supported because we are in war and can not stop at extravagance in some quarters when necessity demands immediate harbor improvements for carrying on the war.

The CHAIRMAN. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, February 3, 1918.

Hon. JAMES A. FREAR,
House of Representatives.

MY DEAR MR. FREAR: I have your letter of January 29, with regard to river and harbor legislation.

It is the President's wish and mine that the bill of this year be limited to the maintenance of existing projects, and that if any new projects be introduced that they be such only as are of immediate value in the prosecution of the war.

I have not been able personally to follow the pending bill through the committee, but no doubt it follows fairly closely the suggestions of the Chief of Engineers made in accordance with the policy I have above outlined.

I shall be very happy indeed to comply with your suggestion and to aid in restraining the introduction of new projects for which a clear and cogent war reason can not be given. So far no such project has been brought to my attention.

Cordially, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. FREAR. Now, Mr. Chairman, my purpose in introducing that letter of the Secretary of War is to briefly indicate to the House that the Secretary of War and the War Department have recommended the particular new projects which they think are necessary at this time for war purposes. There have been one or two projects that have been proposed here on the floor—one, particularly, has been placed in the bill—and the committee has been overridden in its efforts to sustain the bill as recommended by the Secretary of War. There are projects and there are items of appropriation in this bill that I do not believe can be justified; but they have been recommended by the Army engineers, and for that reason, as long as they are coupled with war projects, I do not believe there is anyone on the floor that will vote against the bill that contains these necessary war projects for harbors. I ask to have these other letters printed from the Shipping Board in connection with the letter of the Secretary of War

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FREAR. The following correspondence presents the facts according to attached letter regarding the proposed contract with Col. Goltra, wherein Col. Keller's statements to the River and Harbor Committee, found on pages 20 and 21 of the hearings, were quoted. Therein it was stated by him that—

The authority given by the Shipping Board to construct the fleet for Mr. Goltra is especially limited to that case alone.

It was assumed that Col. Keller, a representative of the Army engineers and also inland waterway committee, who appeared with Col. Goltra, spoke for the Shipping Board through the committee. It appears he spoke for the Army engineers, who have been given $500,000 for experimental work on the Mississippi River without any tangible result. It is the Army engineers who propose to spend $3,360,000 in building a fleet of boats to be used by Col. Goltra, of St. Louis, for his private business at a nominal rental, not for war purposes but for Col. Goltra's steel plant at St. Louis, as was disclosed from the hearings. It is also true, according to Col. Goltra's statement, that he is not a practical riverman, has had no experience on the river, excepting on the one trip to St. Paul last year, when he lost over $10,000.

Responsibility for this expenditure for boats of an experimental new type, according to Col. Goltra's statement on page 46 of the hearings, is now shifted from the Shipping Board to the Army engineers. The Army engineers have expended nearly $170,000,000 on the Mississippi River, with a loss of 95 per cent in river commerce during that period, and after failing to make any experiments of value, with $500,000 placed in their hands, the burden is to be shifted to Col. Goltra, a novice in waterway transportation, who is to lease the Government boats for his own use exclusively. It is an interesting situation.

The second proposition is that a statement in the minority report and in debate as to building of boats for the Warrior River is a mistake in amount. This is unfortunate, because no misstatement was intended. The information was gained from several press clippings, all to the effect that $21,000,000 was to be given for building boats for the Warrior River. These statements were not publicly denied or corrected so far as noted. The amount is only $2,100,000, in addition to an annual maintenance fee of $1,453,800, according to the letter herewith.

As a war measure, this proposition can not be measured by ordinary rules of governmental expense, but it is noted that after spending nearly $12,000,000 to make the Warrior River a perfect canalized stream with a completed project, Army engineers have succeeded only to the extent of fastening a present maintenance charge of $200,000 a year on the Government Treasury in addition to a half million dollars annual interest charge without producing any noticeable commerce by ordinary business activities. The river is almost as deserted as the Mississippi, and the Government is now required to build boats and operate them under well-known methods of Government extravagance. Such contracts in ordinary times would be subject to close scrutiny, but if any use can be made of these rivers during war times the expenditures, however large, may be justified.

That is beyond the province of our committee to determine, and was called to the attention of the House because of the enormous expenditures reported to be authorized for Warrior River craft in addition to the Muscle Shoals project in that same neighborhood, and Goltra boats on the Mississippi, all at Government expense.

It is further noted that whereas our own committee has endeavored to confine this bill, under recommendations from the Secretary of War, to a war basis, that the proposed Goltra contract and Warrior River expenditures may take several years to complete, although the predictions, as usual, are for early construction at a time when boat builders are in great demand for Government ships.

The letter and attached memorandum is self-explanatory. The following is the letter from the board:

UNITED STATES SHIPPING BOARD,
Washington, April 12, 1918.

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

MY DEAR MR. FREAR: In the CONGRESSIONAL RECORD of April 5, page 5074, in the course of your discussion of the river and harbor bill, you were quoted as stating in effect that the sum of $3,360,000 had been "given by the Shipping Board to Mr. Goltra for his own private in-

terests" A little further on in your speech, on the same page, you state that Mr. Charles Montecon—evidently meaning Mr. Charles Bontecue—and Mr. A. J. Mason, special examiners for the Shipping Board, had recommended an expenditure of $21,000,000 for the construction of barges on the Warrior River.

Appreciating your desire for accuracy, I am taking the liberty of calling your attention to certain evidently unintentional misrepresentations in connection with these two statements.

Last December, upon the recommendation of the Department of Commerce and the Department of War, after the proposal had met with the approval of the legal authorities, the Shipping Board made an allotment of $3,360,000 to the Board of Engineers of the War Department for the purpose of constructing tugs and barges on the Mississippi River.

The Shipping Board has no contract, agreement, or understanding with Mr. Goltra, and, apart from making the allotment for the proposed construction, at the request of the two departments named, the Shipping Board has left the entire matter in the hands of the engineers of the War Department.

With regard to the statement that the special examiners of the Shipping Board had recommended an expenditure of $21,000,000 for barges and towboats for the Warrior River, I am inclosing you herewith a copy of the Mason-Bontecue report. Whatever may be your judgment in respect to the force of the argument presented, you will note that the recommendation, instead of being $21,000,000, is for $2,100,000, or exactly one-tenth of the figures which you name.

It occurred to me that you might like to have these facts for your information, if not for the record.

Sincerely, yours,

FRANK B. LORD,
Assistant to the Chairman.

Attached hereto is a brief statement taken from page 3 of the minority report, and gives much light on comparative expenditures and results achieved by the Engineering Corps on inland waterways. I am in favor of developing these waterways if to be used, but they ought to be used, and that was the purpose of making the $500,000 appropriation for experimental purposes which was placed in the engineers' hands eight years ago:

Amazing comparisons of water-borne commerce and cost.

[From United States Engineers' Reports, 1917.]

	Tons.	Value.	Average miles hauled.
Harbors:			
Superior-Duluth	52,177,330	$387,219,625	850
Ashland	10,076,703	29,489,599	800
Milwaukee	7,925,488	267,155,651	300
Total	70,179,511	684,264,875	800
Rivers:			
Ohio	4,000,000	33,773,721	28
Mississippi	300,000	Indefinite.	14
Missouri	24,000	6,335,313	200
Total	4,324,000	.....	28

Ferriage and sand hauled from 1 to 2 or 3 miles, on the average, unaffected by new river improvements, is deducted, because no justification exists for including such items. Three Wisconsin harbors handled about sixteen times as much actual freight and hauled it twenty-seven times as far on the average, compared with traffic on the three greatest rivers, or, expressed differently, the total ton mileage was four hundred times larger at these three harbors than on the three rivers.

Government expenditures furnish equally important comparisons.

Appropriations.

	Total.	1918 balances.	Appropriation, this bill.
Harbors:			
Superior-Duluth	$8,116,028	$447,002	.....
Ashland	644,500	29,876	$6,000
Milwaukee	2,460,475	51,387	12,500
	11,221,003	519,265	18,500
Rivers:			
Ohio	59,016,469	7,550,164	5,000,000
Mississippi	170,000,000	4,500,000	2,412,000
Missouri	22,594,591	2,383,162	500,000
	251,611,060	14,433,326	7,712,000

Why should it cost the Government twenty times as much to furnish waterways for about 4,000,000 tons of actual commerce floated 28 miles compared to 70,000,000 tons floated 800 miles?

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not rise in opposition to the motion made by the gentleman from Wisconsin, but I do wish to comment upon the letter from the Secretary of War.

Mr. SMALL. Mr. Chairman, will the gentleman pardon an interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMALL. We are proceeding now by unanimous consent, and of course I do not want to take the gentleman off his feet, and will not do so; but I simply wish the committee to understand that we are proceeding by unanimous consent and that we would like to proceed with the bill.

Mr. MOORE of Pennsylvania. I want to aid the gentleman.

Mr. SMALL. Then, Mr. Chairman, I ask unanimous consent that at the end of five minutes we proceed with the reading of the bill. The gentleman can get recognition on another paragraph.

Mr. MOORE of Pennsylvania. If the gentleman wants to have a paragraph read, I will come in after that paragraph. I want to see the committee make progress.

Mr. SMALL. Will that be agreeable to the gentleman?

Mr. MOORE of Pennsylvania. Entirely agreeable.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mississippi River between St. Paul and Minneapolis, and between Brainerd and Grand Rapids, Mississippi and Leech Rivers, and reservoirs at headwaters of Mississippi River: Completing improvement of Mississippi River between St. Paul and Minneapolis, $80,000; completing improvement of reservoirs at headwaters, $32,000; in all, $112,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin [Mr. FREAR] has had read into the RECORD a very important and interesting letter from the Secretary of War, in which he speaks also for the President of the United States. The effect of that letter is to suggest to the Congress that its action on this river and harbor bill shall be limited to those projects reported by the Committee on Rivers and Harbors. I take it that means that such projects as the East River 40-foot channel, which has been voted into the bill, and which I approve, and the Key West Harbor project, which has been voted into the bill, are not at this time receiving the sanction of the Secretary of War or of the President.

Mr. MADDEN. And what about Charleston?

Mr. MOORE of Pennsylvania. But it leaves the very important item of Charleston in the bill, because that item has the approval of the Secretary of War. This whole matter is extremely important at this time, because the river and harbor bill presented to us is presumed to be a war measure. From my point of view it is one of the most important of all the war measures, excepting those which actually prepare for the equipment of the Army and the Navy and the sending of our boys to the front. The river and harbor bill is a bill to promote transportation within the United States; not to promote it in France or in any other country, but to promote it in the United States, where, if transportation is needed anywhere on earth, it is surely needed at the present moment.

The railroads, as we all know, were incapable of handling the business of the country, and broke down under the strain, particularly the strain of war business; and we know that the waterways, if improved, would relieve that situation. The President knows this, the Secretary of War knows it, and every Member of Congress knows it—that if we put the waterways in working order and make them work they will be the most serviceable auxiliaries to the overdone railroad transportation of the country.

The introduction of the Charleston project at 40 feet, at the instance of the Secretary of War, makes it reasonable that the great port of New York should ask for 40 feet to get through the East River to Long Island Sound and to connect with the 40-foot Ambrose Channel to the sea. It makes it pardonable also for our friends from Key West to come in and ask that their channel at that important port be improved. I was one of those who wanted to agree with the Committee on Rivers and Harbors in reporting this bill. But New York was voted into the bill against the protest of the committee. Charleston went into the bill at the instance of the committee. That being done, I thought Key West should also go into the bill, because I know something of the Key West project, and I am satisfied that at this particular time it is a war emergency. I believe that every channel capable of bearing vessels of war to or from a harbor is now a war measure of the first importance. Key West is such a harbor, and its channels are such channels if kept in order; but at the present they are not as they should be, because vessels of war, as well as vessels of commerce, have been going aground at Key West. I do not want to be understood as arguing the case of Key West. I am simply saying that if it is reasonable that Charleston should go into this bill for 40 feet, as the Secretary of War suggests, it is reasonable that New York should go in for 40 feet, and it is reasonable that Key West should go in, and perhaps that other worthy projects approved by the Army engineers should go in. We may find ourselves in great distress if the war reaches our shores and some of our rivers and harbors and channels that connect them up are found inadequate to the demands of our Army or Navy or to meet the requirements for transporting troops, munitions, and supplies.

Mr. LINTHICUM. I should like to know what effect the 40 feet for New York and for Charleston and Norfolk will have upon Philadelphia and Baltimore with only 35 feet?

Mr. MOORE of Pennsylvania. It is going to have a serious effect upon those two ports. I would like to explain that situation, and hope I may be able to do so intelligently. With Charleston given 40 feet and New York given 40 feet and Boston given 40 feet, what becomes of the other great ports along the Atlantic seaboard? The people of Philadelphia and the people of Baltimore must wake up to the situation that confronts them. We have a wonderful river in the Delaware——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman proceeding for five minutes?

There was no objection.

Mr. MOORE of Pennsylvania. We have a wonderful river in the Delaware, giving probably as much service to the war to-day as any other single factor in the manufacture of ships, in the manufacture of war munitions, and in the employment of the other agencies of war. Up at Philadelphia, where the navy yard is, we are 100 miles from the sea, well protected against any enemy, and we have the finest fresh-water navy yard in the world, where the ships of the fleet can be taken care of at all times, with the least loss and the least waste.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Ohio.

Mr. FESS. How much would it require to make 40 feet in the Delaware? How long a channel would have to be improved?

Mr. MOORE of Pennsylvania. We are now working on a 35-foot channel project, for which we contended for years, over a length of 63 miles. It was authorized in 1910. According to the original estimates of the engineers it should have been completed in six years. It should be completed now, but it is not now more than 50 per cent done. Yet, with this great river upon which more than 45 per cent of the warship building of the United States is now going on, we are put behind New York with 40 feet, behind Boston with 40 feet, and behind Charleston with 40 feet, as now assured at the instance of the Secretary of War. Norfolk perhaps is in better shape as to channel depth than we are, and Baltimore also, although the approaches there are somewhat similar to those at Philadelphia.

Mr. FESS. Will the gentleman yield for an interruption?

Mr. MOORE of Pennsylvania. I will.

Mr. FESS. That is one of the things that it seems to me ought to be pressed, that where the commerce and the defense is so necessary, like New York and Philadelphia, and perhaps Baltimore, I do not think we ought to hesitate at all to do that, but I have always had a question of making it a condition of doing work at other places.

Mr. MOORE of Pennsylvania. I thank the gentleman for his suggestion. The people in the States of Pennsylvania, New Jersey, and Delaware should be warned, and I warn the people of Maryland also to get busy and look after their respective port interests. I warn the Nation, and particularly in this time of war, not to minimize the importance of this great national asset in the Delaware River. It may not be wise to concentrate all the business of the country, all the international business at least, at one or two or three ports. The creation of 40-foot channels at one or several ports to the exclusion of others raises that question.

In providing 40 feet for Charleston you may be prejudicing other southern ports and you may be disturbing business along the coast. In giving New York 40 feet to the exclusion of other northern ports you certainly aided the congestion which hampered the management of the war during the past winter.

Mr. SEARS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes. I yield to the gentleman from Florida.

Mr. SEARS. I would like to call attention to the fact that this letter is dated February 3, more than two months ago, and that Secretary of War Baker has been out of the country two months.

Mr. FREAR. But that was written at the time we were in committee.

Mr. MOORE of Pennsylvania. I have no quarrel whatever with the Charleston project. I am very glad to see Charleston get 40 feet. I am glad that somebody had sufficient influence with the Secretary of War to have him write a letter in support of Charleston, but I want the committee and the House to know that while we give 40 feet to one port on the north coast, and then to one on the south, and forget to bring the other ports up to par, we may be doing an injury to the entire country.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMITH of Michigan. How long would it take to make the harbor at Philadelphia 40 feet deep?

Mr. MOORE of Pennsylvania. Well, we started with a 35-foot project in 1910 and it is 50 per cent completed now.

Mr. MADDEN. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes to answer the gentleman from Illinois.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I was wondering if the gentleman had given consideration to the fact that all the deep-draft ships carrying commerce across the seas would naturally go into the port most convenient to enter, with the shortest possible trip to make, and would not that preclude the possibility of such ships going to either Philadelphia or Baltimore?

Mr. MOORE of Pennsylvania. No; because the facts do not warrant any such supposition. The facts are that New York is the first port along the Atlantic coast, so far as international trade is concerned, and Philadelphia is the second port; its river is easily navigable. The thing lacking at Philadelphia—it was originally the first port of the country—was depth of channel. We had 30 feet only up to 1910. Now we are giving assurance to the whole world that we have 35 feet at high tide, which is the fact, and the international trade can come freely. We passed a vessel up the river a few days ago drawing 34.9 feet of water.

Mr. MADDEN. The proportion of ships that require a 40-foot channel, in proportion to the whole, entering American ports is very small is it not?

Mr. MOORE of Pennsylvania. The proportion that goes to New York that might not go to Philadelphia because of the draft is less than 1 per cent. The question is, are you going to construct every port channel 40 feet deep to accommodate less than 1 per cent of ships in international trade? That is a question for the Congress of the United States, and it is a serious one. I once introduced a bill which set a limit to the draft of vessels, and it was regarded as a freak bill. Its enactment would have meant that we would not attempt to deepen every port channel in the country to accommodate one or two big ships. The Panama Canal is supposed to limit the draft of vessels to 40 feet. That might settle the problem for our country. But I wish to say, in conclusion, that the sills of the Kiel Canal are 5 feet lower than those at Panama, so you may expect a continuance of deep-draft ships. You must also expect a demand for increased channel depths so long as you continue to increase the draft of your ships.

Mr. FREAR. Mr. Chairman, I introduced the letter from Secretary Baker supposing the purpose was understood, to show that the committee had been attempting to confine itself to these war projects and the projects recommended by engineers, and to show how carefully we have been trying to hew to the line. The argument just made is what has been said in the past of many other projects and many other ports undertaking to acquire ship improvements. Let me say to the gentleman from Pennsylvania and the House that he has not suffered very much, nor has his port in the past. In this bill there is over one million and a half dollars for the Delaware River and the Schuylkill at Philadelphia. That immediate locality has had over $25,000,000 for its improvement.

Mr. MOORE of Pennsylvania. I challenge that statement as to the 35-foot channel. That applies to the river since the beginning of time.

Mr. FREAR. Here is the statement right here on page 2158 of the Army Engineers' Report of 1917. The appropriations for Philadelphia Harbor are $25,210,373.46. I am speaking of what has been put in the channel, and it has been a tax on the people the same as every other tax.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FREAR. I want to make my statement first. Now, Mr. Chairman, the gentleman speaks of the Delaware River. Admiral Benson came before our committee and he stated, as members of the committee will remember, in a hearing last year that the Delaware River to-day is floating the largest battleships that are needed at the navy yard. The finest channel of any navy yard on the Atlantic coast is my recollection. That was his statement. I think he said that it was the best waterway they had for the navy yard on the coast.

We have given quite liberal appropriations, but the Secretary of War or the Army engineers have made certain recommendations for war purposes in this bill, not for the Delaware River, because it was not needed for that river. If it is necessary to

come in here on the floor and drive home projects day after day, in order to influence the House in opposition to the report of the Army engineers, or to the War Department, that may be all right for those who engage in it, but it seems to me that the moment you do that—insist on amendments to the bill—you are breaking down the whole force, because every community believes its own interests are paramount. Each community desires to have its own river or harbor or creek, if necessary, placed in this bill.

We endeavor to proceed upon a logical basis by accepting the Secretary of War's recommendations for war purposes, supplemented by the reports of the Army engineers as to such places they claim are necessary for commercial purposes, and with which some of us do not agree in respect to their importance. We have left out new projects and new surveys, and in attempting to do that that we have reported this bill in the way in which it is reported, and we desire to stand by it. It is unusual for us to stand together. I have not done so generally, but this war is on; we are in the midst of war; and you can not break down this measure in an effort to get a larger appropriation for Philadelphia Harbor or other harbors, when the Chief of Engineers and the Secretary of War say it is not necessary at this time. We can not do that for New York or elsewhere unless it is necessary. As far as the New York proposition is concerned, it was simply changing the effect of a word, and I do not think it was very material. The Charleston proposition was recommended by the Assistant Secretary of War, and notwithstanding the Army engineers made a statement that it was sufficiently deep at the present time to carry ordinary vessels up to that navy yard. So far as the Key West proposition is concerned, we had no basis or recommendations from the War Department.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask the gentleman a question. If there is merit in a 40-foot proposition at Charleston to go to a navy yard, why can not the gentleman see merit in a 35-foot proposition at Philadelphia to go to a navy yard?

Mr. FREAR. I thank the gentleman for the inquiry. I took the floor when the Charleston project was being considered and read from the Army Engineers' Report that it was necessary to put that 40-foot channel in. A 30-foot channel was sufficient. I was opposed to that 40-foot project because I believed from their report it is not necessary at this time, but if it be a war measure I shall accept it, because the Secretary of War has so called it a war measure, but I concede to the gentleman that I can not see any reason for this 40-foot project for Charleston.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Clerk read as follows:

St. Croix River, Wis. and Minn.; Minnesota River, Minn.; Lake Traverse, Minn. and S. Dak.; Red River of the North, Minn. and N. Dak.; Warroad Harbor and River, Zippel Bay, and Lake of the Woods, Minn.: For maintenance, $6,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. I quite agree with the gentleman from Pennsylvania [Mr. MOORE] when he says that Philadelphia and Baltimore will be put to great disadvantage, so far as the other large seaboard cities are concerned, when they have only 35 feet of water and the others have 40. Boston on high tide, or not quite high tide, will have 40 feet. New York has been provided with 40 feet, and the other day we voted her 40 feet through Hell Gate, to give entrance to Long Island Sound. Norfolk is provided 40 feet, and Charleston with 40 feet. Baltimore and Philadelphia, it seems to me, will not be touched by the large boats when they can go to ports where they have the deepest water. That fact will be advertised not only in this country but throughout the world, and every chart will note the fact. Baltimore Harbor has been gradually deepened to 35 feet. It has not been an expensive proposition. The total expenditures for the deepening of the Baltimore Channel to 35 feet, including the upkeep, has been about $9,200,000. Baltimore had 17 feet of water when the work started, and for $9,200,000 the Government has deepened it to 35 feet and kept it dredged and in shape, all for that entire sum. It costs only $40,000 or $45,000 a year to keep the entire channels to Baltimore dredged. That includes 11 miles in the Patapsco River and 4½ miles in Chesapeake Bay in what is called York Spit Channel. The channel there is 1,000 feet wide.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. The gentleman has introduced a bill for a 40-foot channel to Baltimore?

Mr. LINTHICUM. Yes; some time ago.

Mr. MOORE of Pennsylvania. How much dredging would have to be done over the 35-foot area to obtain 40 feet?

Mr. LINTHICUM. Eleven miles in the Patapsco River and 4½ miles in Chesapeake Bay.

Mr. MOORE of Pennsylvania. The gentleman knows that the Delaware River from Philadelphia to the sea would require probably 63 miles of dredging, so that that would be a much more difficult and prolonged operation.

Mr. LINTHICUM. Yes; but when we come to think of the millions of dollars we are expending for railroads and everything else in the country and consider what it would save to have these ports deepened to carry this traffic, I can not see that the expense of it is a matter of the most serious consideration.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to put one inquiry into his statement that the gentleman from Wisconsin [Mr. FREAR] would not permit me to put into his? Inasmuch as the port of Philadelphia in normal times produces about $21,000,000 of revenue, is it unreasonable that in more than a hundred years $23,000,000 or so should have been expended upon its improvement?

Mr. LINTHICUM. Oh, I do not think it is at all unreasonable. Almost every mile on your Delaware represents some great industry established there. I think the work ought to have been completed long ago. The gentleman from Illinois [Mr. MADDEN] says that every community thinks that its project is the most important.

Mr. MADDEN. Oh, I did not say anything of the kind.

Mr. WELLING. It was Mr. FREAR.

Mr. LINTHICUM. Perhaps I am wrong. It was the gentleman from Wisconsin [Mr. FREAR] who said that. This question of harbor improvement is not a matter of mere local concern. Take the harbor of Baltimore, for instance, in which I am most deeply interested. That is the nearest seaboard harbor to the Central West, and when you deepen that harbor you benefit the great cities of the Central West, just as you do the locality of Baltimore. It is 200 miles closer to St. Louis than any other seaboard city, and the entire Central West can ship its products cheaper to Baltimore and send them to the ports of the world than it can to any other port by reason of its nearness to that section. It is extremely near to western Pennsylvania and western New York. Why, the city of Buffalo is 18 miles closer to Baltimore than to New York City, and so I say it is not merely a community question but it is a question which concerns the entire Nation, and upon that basis I have always voted for harbor improvements——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I desire to ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Now, I voted the other day to give New York 40 feet through Hell Gate, because New York is a great port. It drains an immense section of the country; it is the greatest port perhaps in the world, and it ought to have 40 feet through Hell Gate, and I voted for it.

Mr. MADDEN. Will the gentleman yield right there?

Mr. LINTHICUM. Yes.

Mr. MADDEN. I desire to ask the gentleman if the possibility of getting a 40-foot channel at Baltimore on account of 40 feet at New York had anything to do with the gentleman's vote?

Mr. LINTHICUM. Not at all. Hope springs eternal in the human breast, and I have always hoped for 40 feet at Baltimore, and I believe Congress will eventually see the necessity of making these ports on the Atlantic seaboard, which are the gateways to the world, of sufficient depth to accommodate with perfect safety the largest vessel that comes to this country. I am glad to see New York have these 40-foot channels, and I want Boston to have them, and I want to see Norfolk a splendid port, and Charleston also; and I say, when you are expending money on those ports, you ought also see that the port of Baltimore, another gateway to the world, be deepened for the benefit of our commerce and that of the vast section of the country it serves.

Mr. SNYDER. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. SNYDER. The gentleman says this is an emergency measure?

Mr. LINTHICUM. I did not say that the matter of Baltimore was an emergency measure.

Mr. SNYDER. I was wondering whether the gentleman was figuring upon this being an emergency measure for this war or some other war?

Mr. LINTHICUM. I did not say it was an emergency measure. I say it is a matter of commerce, not a matter of war emergency. Let me say, however, that Hell Gate, N. Y.; Charles-

ton, S. C.; and Norfolk, Va., none of them can be dredged within five years, and I pray the war will be over long before that.

Mr. SNYDER. Then the Baltimore proposition is not a war-emergency proposition pertaining to this war?

Mr. LINTHICUM. Of course it is not, and I have never contended it was, but I think it is absolutely necessary to be fair and just to all, and that we ought to have 40 feet.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. MOORE of Pennsylvania. The German submarine *Deutschland* came to the port of Baltimore?

Mr. LINTHICUM. It did.

Mr. MOORE of Pennsylvania. And it came in because Baltimore had deep water. Does not the gentleman think, therefore, that the port of Baltimore itself is a war measure and that the deepening of the channel is of war importance?

Mr. LINTHICUM. I think, of course, that would be a means of defense, because I think if we had 40 feet we could protect it better and at the same time be of vast service to the country in shipping troops and war materials. Baltimore and its environs is a great beehive of war industries and troop training. In that respect a deeper channel is of inestimable benefit to the Nation in war emergency.

Now, in connection with defense, let me say that at the entrance of the Chesapeake Bay there is a great fort provided, and nothing, practically, has been done upon that work, and upon that depends the safety of the Capital of the United States, Baltimore, and Norfolk, and all those places along the bay, and I am not surprised that the channel at Philadelphia has not been completed, because work moves so slowly. Let us look upon these seaports as great assets of the Nation, not as local concerns. Let us be just and fair to all alike. No money can be better spent than in the improvement of our harbor facilities. The South American Republics realized this long ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Georgia.

Mr. OVERSTREET. Mr. Chairman, I desire to say a few words only. I have consumed very little of the valuable time of this committee, but before I conclude I desire to direct some remarks to those who habitually talk and do nothing but waste time.

There is no longer any doubt among all well-informed people of this country that the entrance of the United States into this great war was unavoidable. Every person who has kept up with the progress of the war knows that our great President exhausted every means known to diplomacy to keep us out of it. For nearly three years before war was declared he almost begged the German Kaiser to let our people alone and permit them to live in peace. He made it clear to the rulers of all belligerent nations that this country desired to remain at peace with them all. Time and again he implored the Imperial German Government to respect our rights upon the high seas and desist from destroying our commerce and firing upon our flag, but Germany would listen to none of these appeals, and slowly, but gradually, we were dragged into the most stupendous and horrible war in the history of the world.

At first there was some opposition to the plan adopted by Congress for raising an army, but after Congress overwhelmingly voted for the selective-draft law all are now agreed that it is the only fair and equitable way an army could be raised. There was some objections at first to the plan of enforcing this law, but these have been met and overcome, and so far as I can learn the law is giving general satisfaction.

It is the purpose of the Government to levy the burdens of this war as evenly as possible upon its people, who everywhere are beginning to realize that we are actually at war with the greatest military power in the world. They at last realize that great sacrifices must be made, not only in money but in lives. The giving of money is the least sacrifice that we can make. Most people thus far have shown a willingness to lend their money to the Government and to pay the taxes required of them for the purpose of raising revenue to carry on the war, but whether they do it willingly and unwillingly, the money must come.

Some in and out of Congress are constantly criticizing this department and that department of the Government for inefficiency, and suggesting this remedy and that for the evils complained of. There can be no objection to honest criticism—to criticism made in good faith—with a view to helping and improving the situation. That sort of criticism is to be welcomed at any and all times; but a nagging, fault-finding criticism, made for the purpose of embarrassing the administration in the prosecution of the war, is unpardonable and a little less than criminal. Yet we see it indulged in on this floor, and, judging from newspaper reports and from the speeches printed in the RECORD, it is constantly indulged in at the other end of the Capitol. This is no time for faultfinding and idle speculation. This is a most serious business we are engaged in. The final results of this most awful conflict will change the map of the world and will decide the destinies of millions of human beings yet unborn.

For the most part politics has had no part in these debates, but as election time approaches it is becoming more in evidence. A Member of this body is not expected to lay aside his political convictions because we are engaged in war, but personal preferment and selfish ambitions should be subordinated to the exigencies of war and every effort should be put forth by us all to unify and coordinate all the resources of the country for the purpose of winning the war. As the great battle rages in France the Premier of England is calling upon this Government to send more help and send it quickly. From now on we must rush our preparations and hurry to the front with all possible dispatch. The steel men must work faster; the carpenters should be kept busy; munitions workers ought to work overtime; airplane manufacturers must work night and day. Congress should waste no time; every line of red tape should be cut; and every man, woman, and child living under the protection of the Stars and Stripes should do his whole part of the great task before us—the overwhelming defeat of the German Army and the crushing of the Kaiser.

From the very beginning of this war some people realized that a tremendous task confronted this Nation, but by far the larger portion of our population did not comprehend the magnitude of the undertaking. Day by day and week by week it has dawned upon us, and there are now but few who realize that our ultimate destiny for weal or woe depends upon the fortunes of the war we are waging for liberty, justice, and freedom of mankind. We have staked all upon the issue. The result of this war will decide whether we shall forever remain a free people or become the subjects of a foreign ruler.

It is true, money, munition, and men have been supplied without stint by this Nation. Every demand upon Congress by the Commander in Chief of the Army and Navy has been met, not as promptly in some instances as should have been done, perhaps, but the people's representatives have not hesitated to give to the President ample authority and all the means necessary for prosecuting the war, and the people themselves will indorse what has been done. They are willing to make the necessary sacrifices. They will give more money and more men, but they want results. Delays will not longer be tolerated; the useless consumption of time is becoming tiresome. Only last Saturday the gentleman from Kentucky [Mr. SHERLEY], the able chairman of the Appropriation Committee, said what we must do is to get down to business and quit wasting time. The country is impatient, it wants less talk and more action in Congress. The distinguished gentleman from Tennessee [Mr. GARRETT], chairman of the Committee on Rules, recently warned the House that unless more work and less talk was done a special rule would be brought in to cut off debate. I for one will welcome such a rule, and the majority will welcome it and vote for it. The time is wasted by the few who constantly occupy the floor. By an examination of the daily record of this House it can be readily seen that two or three dozen Members are responsible for the wasting of time the distinguished gentlemen from Kentucky and Tennessee referred to in their recent remarks.

Our boys are going to the front in large numbers in answer to their country's call, and the fathers and mothers of these noble boys demand that we waste not a minute of the time that is so precious when the lives of their boys are being offered up for the perpetuity of our Government and for the safety and security of those who remain at home. [Applause.]

The Clerk read as follows:

Missouri River: For maintenance and continuing improvement with a view to securing a permanent 6-foot channel between Kansas City, Kans., from the upper end of Quindaro Bend, and the mouth of the river, $500,000.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. This is one item which should be stricken from this bill. I would like to compare the Missouri River with the Illinois River, both being about the same size. Two large cities are located on the Missouri River—Kansas City and St. Louis—whereas the Illinois River has St. Louis and Peoria. Kansas City has three times the population as Peoria. There has been expended on the Missouri River about $22,000,000 and on the Illinois River less than $2,500,000, yet the Illinois River carries in one year about nine or ten times the amount of freight as is carried on the Missouri River. No improvements are needed on the Illinois River at this time, and perhaps for some time to come; and if the Government would destroy the three dams and

locks—the one at Kampsville, the one at La Grange, and the other at Copperas Creek—it will be a saving of about $20,000 a year. On the Missouri River, as I say, the Government has expended $22,000,000, or near that amount, and we are continually appropriating every year. I think we should quit appropriating money for the Missouri River, particularly at this time, as it is not a war necessity and it is not a good business proposition, and the improvements you make there this year may be of no value the following year, owing to frequent changes of the channel in the river. Not a year passes but what some place in the stream of the channel changes. Every dollar you expend on that river is money absolutely frittered away. These three objections should be sufficient to strike this item out of this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $5,000,000: *Provided*, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session: *Provided further*, That the Secretary of War is hereby requested to investigate and submit to Congress on or before the first Monday in December, 1918, a report showing (a) the status of water terminals at cities and towns along the Ohio River between Pittsburgh and Cairo, inclusive, and whether owned by municipalities or some other public agency, and whether the same are satisfactory as to location, construction, and equipment; (b) the names of cities and towns where an interchange of traffic exists between the water transportation lines and the railroads; (c) a list of the water transportation lines existing and proposed on the Ohio River with a description of the number and type of boats in operation and under construction or to be constructed and as to whether the same are appropriate and suitable for the traffic; (d) the names of cities and towns where no adequate public terminals exist, together with a statement of any prospective plans for water terminals and the status of same; (e) any recommendation for the development of transportation on such river.

Mr. BARKLEY. Mr. Chairman, I desire to submit a point of order against the proviso of this section.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. The point of order is this: In 1910, I think it was, Congress adopted a project for the improvement of the Ohio River by building locks and dams from Pittsburgh to Cairo, Ill. It was proposed to construct those locks and dams and finish the canalization of the Ohio in a period of 12 years. Now, the proviso to this section authorizes the Secretary of War to modify the original project of improving the Ohio River, which I do not think can be done upon an appropriation bill. It is new legislation changing the whole project of the Ohio River, and for that reason I do not think it is in order on this paragraph.

The CHAIRMAN. The Chair is ready to rule. The Chair has had occasion to say heretofore a river and harbor appropriation bill is not one of those general appropriation bills to which restrictions as to legislation apply.

That has been held in numerous cases. The Chair undertook to recite a few of those cases in a ruling that was made at the beginning of the session to-day. Therefore the Chair thinks that the proviso is in order, notwithstanding the fact that it is legislation, and the Chair overrules the point of order.

Mr. BARKLEY. Therefore I move to strike out the proviso.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, lines 1 to 5, inclusive, strike out the following:

"*Provided*, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session."

Mr. BARKLEY. Mr. Chairman, in the year 1910 Congress pledged itself to the canalization of the Ohio River, with a view to obtaining a 9-foot channel for the benefit of navigation during the entire year.

At the time this project was begun Senator Burton, of Ohio, was chairman of the Committee on Rivers and Harbors of the House, and the project contemplated the construction of 52 locks and dams between the city of Pittsburgh, Pa., and Cairo, Ill. Ever since this project was begun money has been appropriated in the neighborhood of $500,000,000 and $600,000,000 and $700,000,000 a year for the purpose of carrying on the work. The War Department has gotten down to Lock and Dam No. 48, which is just below Henderson, Ky. After having completed the locks and dams, at least to such an extent as to insure navigation in the neighborhood of Pittsburgh and Cincinnati and Louisville and other large cities along the Ohio River, the project now is to eliminate the six locks and dams in the lower part of the Ohio, and the report of the Board of Engineers on the Ohio River puts it up to the Secretary of War to determine whether, instead of building these last six locks and dams to insure 9 feet of navigable water during the entire year, they will engage in channel-dredging work.

Now, Mr. Chairman and gentlemen, not only did the Congress of the United States pledge to the people of the Ohio Valley to complete that canalization by the year 1920, but the project also took into consideration the canalization of the Cumberland River. Logically, the project to canalize the Cumberland River contemplates seven locks, A, B, C, D, E, F, and G, from Nashville, Tenn., to the mouth of the Cumberland River at Smithland, Ky.

Some few years ago the engineering corps decided that, because of the fact that one of these locks and dams on the Ohio River—I believe No. 52—was to be constructed just below the mouth of the Cumberland River, it would be able to back up water of the Cumberland River as far as Lock G, and now the Cumberland River project contemplates, instead of six locks and dams, only five locks and dams, and F is the last one they expect to build. That was based on the completion of the project for the canalization of the Ohio from the harbor of Pittsburgh to the mouth of the Ohio River at Cairo.

Now, if this project is modified, as this bill authorizes the Secretary of War to modify it, by the elimination of these six locks and dams, it means that after having gone to the expense of creating a 9-foot channel below Henderson, Ky., for the rest of that river, some hundreds of miles to its mouth, there will be no lock or dam, no channel of 9 feet, no yearly navigation of 9 feet, because it is impossible, as I believe, for the War Department to dig and dredge around in the Ohio River to get an open channel of 9 feet throughout that interval of 150 miles.

Moreover, in addition to that, after the Government has purchased sites for every one of these locks and dams, if these are to be eliminated, after constructing a warehouse in the city of Paducah, Ky., where they will store materials and tools for use along the entire river, now they propose to abandon all these six locks and dams because somebody in the Ohio Valley has deemed it better to dredge the Ohio River instead of building these six locks and dams; and if that is true as to the last 150 miles of the river, why is it not equally true of the rest of the river? If they could dredge for 9 feet throughout that last stretch of 150 miles of river, they could also do it in the rest of the river.

I think it is not keeping good faith with Congress and with the cities on the lower Ohio River—Cairo and Hickman and Metropolis and Paducah, Ky., and other places on the Ohio River near the mouth of the Cumberland and Tennessee River, where there is a possibility of greater commerce in the future than on any other inland river almost anywhere in the United States.

It seems this proviso ought not to be contained in this bill. This is a new proposition. Heretofore we have gone on and appropriated this money. Steamboat men along the Ohio River have hoped for years that these locks and dams would be completed, and now, without giving them an opportunity to appear before the Board of Engineers, or to appear before the committees of Congress, six of these locks and dams are to be eliminated from this project, and they will receive no benefit from the canalization of the river.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MADDEN. I would like to have some information as to the comparative cost of the two methods. Would the gentleman explain what would be the difference in cost between dredging the channel along the distance he describes and building the locks? And if the locks are built, would it be necessary to dredge between the locks? What would be the annual average expense for that purpose after the locks are constructed?

Mr. BARKLEY. I am not prepared to give the gentleman a comparison between the cost of dredging and the cost of building the locks, because I have no figures upon the dredging, for the reason that it has never been engaged in to any extent or degree in the lower Ohio.

But, aside from the cost of the dredging or the cost of the locks and dams, during more than half of the year the Ohio River down below Lock 48 is not navigable for steamboats of any size; and one of the reasons why its commerce has been driven from the lower Ohio is because men are not willing to invest their money in an enterprise that can operate only six months in the year.

Not only that, but during the winter season when the water is high bars of sand accumulate in the channel of the river, because there is no defined channel for water that is sufficiently rapid in its flow to wash these bars of sand out of the way; and after the locks and dams are completed and the 9-foot channel is completed I do not believe it will be necessary to do any dredging, practically, except possibly a little here and there, just as is done in any other river that is locked and dammed.

Mr. MADDEN. Then the gentleman's contention is that it will not be possible to maintain the channel unless we build the locks?

Mr. BARKLEY. I do not believe it can be successfully maintained unless these locks and dams are completed; and every city on the Ohio River has prepared itself and looks forward to the completing of these locks and dams, and capital is waiting for the investment in boats because of the fact that they have been promised the building of this 9-foot channel.

The Cumberland River will be navigable from Paducah to Nashville after the locks are completed, and upon the completion of the system of locks and dams on the Cumberland River above Nashville it will open up a great coal field, a great agricultural field, and a great lumber field, and will make navigable the Cumberland and Ohio Rivers out to the Mississippi River and down to St. Louis.

Mr. MADDEN. How much money has been expended on the Cumberland River so far?

Mr. BARKLEY. The last appropriation was $243,000, and that was sufficient to carry on the work on locks D, E, and F during the present year, and, according to the engineers, during the next fiscal year. In other words, the last appropriation is sufficient to carry on continuous work on these last three locks, D, E, and F, for the next fiscal year. Therefore, no appropriation is contained in this bill for work during the next fiscal year.

Mr. MADDEN. I would like to ask the gentleman just one further question.

Mr. BARKLEY. The clerk of the committee tells me that the total for the Cumberland River is $5,300,000.

Mr. MADDEN. I should like to ask whether the improvement of the Cumberland River and the construction of locks, which the gentleman has so well described in connection with that improvement, had in contemplation the improvement of the Ohio River as a canalized waterway?

Mr. BARKLEY. Yes.

Mr. MADDEN. Would it be possible to complete the Cumberland River improvement if we abandoned the canalized Ohio?

Mr. BARKLEY. It will not. As I said in the beginning, the site for lock 52, just below the mouth of the Cumberland River in the Ohio, has already been purchased by the Government, and the reason why they eliminated the last lock in the Cumberland project is because the lock below the mouth of the Cumberland River in the Ohio, lock 52, was intended to affect not only the Ohio River but also the Cumberland River back up to the lock lettered F. Unless this lower Ohio improvement is completed, and these locks are built, then the Cumberland River will not be navigable the year round, according to the original project. It confuses and disrupts the whole plans of the lower Ohio River Valley, the Tennessee Valley, and the Cumberland Valley to eliminate these six locks and dams which are contemplated in this bill, and I hope the amendment to strike out this provision will be voted down, in order to keep faith with these people who have looked forward to the completion of the Ohio River project.

Mr. FREAR. I rise in opposition to the motion, and more particularly to discuss briefly some statements made by the gentleman from Kentucky [Mr. BARKLEY], who has just taken his seat. He states that the cities along the river have been preparing themselves for this improvement. I wonder if he means that seriously, because that is a statement made upon the floor of the House which means what it says, I take it. I desire to read into the RECORD the official report, to show what preparation the cities along the Ohio River have made after an appropriation of $59,000,000 for the improvement of that river.

Mr. BARKLEY. Will the gentleman yield?

Mr. FREAR. No; not until I state this. The gentleman says that Congress has pledged itself to go on with this improvement. Let us see. After we have appropriated $59,000,000 for the Ohio River, as we have, what do we find? Maj. John Stewart, Army engineer, says in his report dated December 22, 1917:

> There are no municipal water terminals along the Ohio River. All terminal facilities are privately owned and are inadequate to properly provide for water transportation of any magnitude and are not constructed or equipped for joint rail and water transportation.

Again, he says:

> The towns and cities have sold the privileges of their water gates for a very low rental—some for nothing. In a number of cases the business of the water carrier has been shut off by the municipalities granting unrestricted franchises to the railroads to the right of way along the river front.

And we have gone along, year after year, appropriating millions of dollars for that river, and not a single waterway terminal has been put in, notwithstanding the gentleman says—and I took down his words here—"every city has been preparing itself." You have not prepared a single terminal, according to the statement of the Army engineer who makes that report.

Now, just a word on the other. I do not want to take up the time of the committee unnecessarily.

This proposition is left to the Secretary of War:

> The Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session.

I do not believe the Secretary of War will arbitrarily take any action that will not be fair and just to the people of Kentucky, of whom the gentleman has just spoken. I am sure that he would not. But if all the money we have been expending on the river has not brought any return, if they can see that the modifications are better for the people at large than for the people on the Ohio River who have not taken advantage of conditions—if he can see that it is proper and better for the public at large—why should not the administration as it stands to-day have the right to consider the question of modifying this improvement? Surely all parties will be heard before the War Department and before the Board of Engineers. I can not see any harm; and if it is going to be economy for the Government and it will be of advantage to the public, I can not see any question but that it is the proper course to pursue.

Mr. BARKLEY. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. BARKLEY. I desire to disabuse the gentleman's mind of the impression that I intended to convey the thought that the cities on the lower Ohio had built any terminals. I was speaking of those below Lock 48. There is no use of building terminals until there is navigation, but they are preparing themselves commercially for the increased traffic.

Mr. FREAR. Not along the Ohio from the head to the foot, according to the report of the engineers, has a single municipal terminal been provided for. He says that the cities have sold their rights along the river. That is the point I am making.

Mr. BARKLEY. It is not necessary for the city to own terminals in order to have commerce.

Mr. FREAR. No terminals to take care of such commerce as you have.

Mr. BARKLEY. The reason is that we can not have the commerce until we have the improvements.

Mr. FREAR. The Mississippi River runs from 8 to 9 feet in depth from St. Louis to New Orleans, but we have not the traffic. Why? Because conditions do not invite it. The commerce does not go on the river. It has lost 95 per cent of what was there before the improvements were begun.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. LONGWORTH. I think the gentleman is not quite correct. In regard to Cincinnati, the city owns a considerable portion of the water front.

Mr. FREAR. They may own the water front; they own the street fronts; but they have no improvements that reach down to the water's edge.

Mr. LONGWORTH. They have docks down there and barges.

Mr. FREAR. But they are privately owned.

Mr. LONGWORTH. No; the city owns the river frontage.

Mr. FREAR. The engineers' report speaks for itself.

Mr. BARKLEY. If the gentleman will yield, the city of Paducah, with 32,000 inhabitants, owns the entire water front and wharfage on the Ohio River at that place, which does accommodate traffic, not only of the Ohio but of the Mississippi, Cumberland, and Tennessee, and when the navigation is completed they will have ample commerce.

Mr. FREAR. Again I say the Engineers' official report is in evidence, and it is clear as to conditions on a river where over $50,000,000 has been expended by the Government.

Mr. SWITZER. Mr. Chairman, I desire to oppose the motion of the gentleman from Kentucky and also at this time I wish to put on record my dissent from the report of the Army engineers as to the terminals along the Ohio. I think in most places there have been sufficient terminals for the traffic that exists on the Ohio River. The great traffic on the Ohio River, the large tonnage, is coal, and it can only be handled, in the main, by private-owned terminal facilities. That is, you dump it from

the mine tipples into the barges in the river. Of course, they are privately owned. Who would develop a coal mine and want the public to run into their tipple. They must necessarily be privately owned. I will say to the gentleman from Wisconsin that I have no doubt the greater part of the Lake tonnage—iron ore and coal—is handled by private-owned terminals. I believe that most of the coal at Toledo is loaded and iron ore unloaded from barges by private-owned terminals. I agree that they ought to keep pace with the progress of improvement on the river, and wherever traffic or prospective traffic justifies it public terminals should be constructed. As to the recommendation of the Rivers and Harbors Committee having in view a modification of the Ohio River project, I want to assure the gentleman from Kentucky that I do not think the Army engineers want to do anything injurious to the people living on the lower part of the Ohio River. I live on the upper part and we want 9 feet of water at the mouth of the river. If the engineers can be allowed to change the method they may procure 9 feet without the necessity of spending eight or ten million dollars on expensive locks and dams. Recollect that this is a mere try-out proposition. The construction of the dams on the lower Ohio are held in abeyance while they are constructing the dams above Cincinnati, and if they find by the dredging of the river below dam 48 for the next three or four years that they can procure 9 feet depth and maintain it by dredging cheaper than you can maintain it by locks and dams, and they can get 9 feet of water without locks and dams, you will have a channel unobstructed. Recollect that locks and dams impede to some extent navigation. I would prefer that the Ohio had 9 feet of water from my city, Gallipolis, to Pittsburgh without a lock or dam in it.

Mr. BARKLEY. I would like to ask the gentleman, under the language of this proviso, after the Secretary of War has authorized a modification of the original project, how is he going to remodify it so as to complete the locks and dams?

Mr. SWITZER. He is directed to merely hold the matter in abeyance until they try out this proposition of dredging there, and if they can not procure 9 feet in that way necessarily they will go on and construct the dams. Originally there were to be 54 dams, but one has already been eliminated and nobody has objected. If they can eliminate 10 or 12, they may still give the people the original proposition of 10 feet of water.

Mr. MADDEN. Will the gentleman yield?

Mr. SWITZER. Yes.

Mr. MADDEN. I was wondering whether the proviso means what the gentleman says. It provides—

that the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session.

That gives him absolute power to do the thing, does it not?

Mr. SWITZER. No; it is according to that report, is it not?

Mr. MADDEN. Yes.

Mr. SWITZER. That report provides for the elimination of all locks below Lock 48. This is what he says:

In view of the possibility that the project depth below this lock [Lock 48] may be made available by dredging at reasonable cost the Ohio River Board recommends that work on the project below this lock be held in abeyance for the present.

Mr. MADDEN. Mr. Chairman, will the gentleman yield further?

Mr. SWITZER. Yes.

Mr. MADDEN. The iniquity of the language used, if I may be permitted to so express myself, in the rivers and harbors bills is that they all refer one back to a document that nobody reads. The law itself ought to state the facts; that is, it ought to state what is intended to be done. I am afraid that the language employed here in this proviso is a little too broad.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I think the language of the proviso is broader than the language in the document.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. FESS. The canalization of the Ohio when completed we think will produce more commerce.

Mr. SWITZER. We hope so; yes.

Mr. FESS. Every time that there is any objection made to it, it is upon the ground that we have not the commerce.

Mr. SWITZER. Yes.

Mr. FESS. If you change the plan, how much time is going to be required and how much interruption in getting the river in shape so that it can be used?

Mr. SWITZER. If the proposed dredging method appears to be successful, the river, of course, will be put in condition from the head to the mouth; that is, there will be secured a 9-foot channel from the head of the river to the mouth, within five or six or seven years sooner than it will be if we have to construct those locks and dams on the lower part of the river. It is going to take three or four or five years to construct some of those dams.

Mr. DIXON. The interpretation of the gentleman from Ohio of this provision is that it is simply to give them an opportunity to test the question as to whether it can be dredged successfully.

Mr. SWITZER. Yes; and I do not want them to have any more authority than that. If we are giving them too much authority, I want to modify it.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWITZER. I will say this to the gentleman from Kentucky [Mr. BARKLEY], that I do not want anything in the bill that at this time can be construed as a provision that we have already decided to eliminate those locks and dams. If it does anything more than we think it does, I would like to have it modified.

Mr. BARKLEY. The report of the engineers simply suggests that they go ahead with channel work for the next few seasons, to determine whether it can be done successfully; but the bill authorizes the Secretary of War to modify the project.

Mr. SWITZER. If I could have the attention of the chairman of the committee and suggest that if this language is likely to be so construed, that we find at this time the necessity for modifying the project, and that we propose to eliminate these dams, I shall not favor it.

Mr. SMALL. There is not the slightest danger of the language being construed by the Chief Engineer as modifying the project, other than the recommendation.

Mr. SWITZER. What objection would there be to changing the language somewhat? Why not say that it is modified according to this report?

Mr. SMALL. We have already said that. The language is this:

Provided, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session.

Mr. SWITZER. Why not say that the construction of these dams be held in abeyance until they try out this proposition?

Mr. BARKLEY. They have already been held in abeyance, and they can go and do channel work without putting anything in the bill at all. It is not necessary to authorize the War Department to do channel work. Why can not this proviso be left out until they determine whether they can do channel work successfully?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SMALL. Mr. Chairman, I would like to say, with all due respect, that the amendment to strike out here is without the slightest merit. The report is known as House Document No. 1695, Sixty-fourth Congress, second session, submitted to Congress December 7, 1916. This report, which we are adopting by this proviso in the bill, simply provides for three modifications, first, that movable dams 1 and 2 have substituted for them one fixed dam, located at the head of the river, near Pittsburgh; that the Secretary of War be authorized to substitute fixed dams for movable dams in the river wherever it may appear to be best for the navigation of the river; and, third, that he be authorized to substitute open-river improvement for movable dams below Lock and Dam No. 48, if that should appear to be advantageous. What the gentleman from Kentucky [Mr. BARKLEY] objects to is that last recommendation. The report says that Lock and Dam No. 48 is the lowermost lock on which construction has been begun, and I may add, by way of parenthesis, that Dam 48 is 804⅕ miles below Pittsburgh, 164 miles from the mouth, and 6 miles below Henderson, Ky. That will give information as to the relative location of Dam 48. I quote from the report of the Board of Engineers for Rivers and Harbors to whom this matter was referred:

4. Lock and Dam No. 48, 804.1 miles below Pittsburgh, is the lowermost one upon which construction has begun. Consideration is given by the Ohio River Board to the question of maintaining the desired channel depth below this dam by dredging instead of by the completion of the slackwater system. Experience indicates that the estimates for the locks and dams on the lower river are too low; also that the unit cost of dredging is higher than on the Mississippi River and that apparently there is not a sufficient flow of water in the Ohio at its lowest

stage between No. 48 and the mouth of the Tennessee River to maintain a dredged channel of project depth. Below this tributary conditions are more favorable for maintaining an open channel, and it appears probable that the 9-foot depth can be successfully and economically maintained by dredging below the mouth of the Tennessee. Whether dredging or locks and dams will be the better between No. 48 and the mouth of the Tennessee is a question which can be determined only by further experience, and it is proposed by the Ohio River Board to conduct such dredging operations below No. 48 during the next few seasons as will permit a determination of this question, the work to be carried on under the existing project for open-channel improvement.

5. In conclusion, the Ohio River Board recommends:

"(a) That the Secretary of War be given authority, if the same is not already possessed, to cause fixed dams to be built in the Ohio River wherever such fixed dams would be more advantageous than movable dams, and that such authority be secured by the first bill in Congress to which its enactment would be germane.

"(b) That a fixed dam at or near Emsworth, Pa., be built at an early date to take the place of existing Dams 1 and 2.

"(c) That the question of number and location of other fixed dams be left open at present pending information gained by experience with the first fixed dam.

"(d) That the question of the construction of dams below No. 48 or the maintenance of the channel in this part of the river by dredging be held in abeyance and allowed to await decision from the data obtained by the time that the matter of construction of these dams in serial order would arise."

6. The Board of Engineers for Rivers and Harbors is in general accord with the views of the Ohio River Board. It therefore recommends the following modifications of the existing project for the improvement of Ohio River; that a fixed dam be authorized at or near Emsworth, Pa., in place of the existing movable Dams Nos. 1 and 2; that the Secretary of War be given authority to substitute fixed for movable dams wherever in his opinion they may be desirable and to substitute open-river improvement for movable dams below No. 48 should this appear to be advantageous.

The final report or conclusion of the Chief of Engineers is always controlling. In this report the Chief of Engineers concurred with both the Ohio River Board and the Board of Engineers for Rivers and Harbors. I now insert the report of the Chief of Engineers in full:

2. The existing project for the slackwater improvement of the Ohio River, adopted by the river and harbor act of June 25, 1910, contemplates the improvement of the entire river to a depth of 9 feet by the construction of 54 locks and movable dams and the widening of the Louisville & Portland Canal, in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session, or such modification thereof as in the discretion of the Secretary of War may be advisable. Under the authority granted the Secretary of War, the project has been modified to provide for the widening of the Louisville & Portland Canal and Lock from 170 feet to 200 feet and from 85 feet to 110 feet, respectively, and for the omission of Lock and Dam No. 42, reducing the total number to 53. It has been found that in the upper river, where the run-off is more rapid than below, fixed dams would have some important advantages over movable dams, particularly in maintaining permanent pools in which tows may be made up conveniently and in affording better conditions for the establishment of industrial plants along the banks. Dams Nos. 1 and 2 were constructed many years ago and were originally designed for a depth of 6 feet, being subsequently modified for a depth of 9 feet. They are now in poor condition and will require reconstruction in the near future. In the opinion of the Ohio River Board it is advisable to substitute for these two dams one fixed dam located at or near Emsworth, and it recommends that the Secretary of War be given authority, if the same is not already possessed, to cause fixed dams to be built on the Ohio River wherever such fixed dams would be more advantageous than movable dams. Lock No. 48 is the lowermost lock on which construction has been begun. In view of the possibility that the project depth below this lock may be made available by dredging at reasonable cost, the Ohio River Board recommends that work under the project below this lock be held in abeyance for the present. The Board of Engineers for Rivers and Harbors is in general accord with the views of the Ohio River Board.

3. After due consideration of the above-mentioned reports, I concur in general with the views of the Ohio River Board and the Board of Engineers for Rivers and Harbors, and therefore recommend legislation authorizing the construction of a fixed dam at or near Emsworth, Pa., in place of the existing movable Dams Nos. 1 and 2, and authoizing the Secretary of War to substitute fixed for movable dams wherever in his opinion they may be desirable, and to substitute open river improvement for movable dams below No. 48, if this should appear to be advantageous.

W. M. BLACK,
Chief of Engineers, United States Army.

These six locks and dams below Lock No. 48 will cost at a minimum $12,000,000, and, judging from later estimates, the cost of those six locks and dams will, in all probability, largely exceed the sum of $12,000,000. Now, the only effect of adopting this report is to authorize the Chief of Engineers to make an experiment with open-channel work to see if the project depth of 9 feet can be maintained without locks and dams, and if it can be maintained, who would wish to involve the Government in an expensive construction of locks and dams?

Mr. MADDEN. I think it ought to be maintained if it can.

Mr. SMALL. And if it can not be maintained by open-channel work, of course——

Mr. MADDEN. Can not there be some way of expressing it in words in the bill which will make certain that it is not intended to do more than experiment, as it were, and not give the Secretary of War the power to say later on that it meant something quite different?

Mr. SMALL. I am in sympathy with the purpose of the gentleman. There is no difference as to the purpose we have in view. I was simply contending that by the uniform method of construing reports, when they are referred to or when an authorization is made in accordance with a certain report, is to construe it as if the recommedations of the Chief of Engineers was a part of the act itself; and when, therefore, it is made a part of the act, it appears entirely to be a matter of experiment to determine whether the 9 feet can be maintained. I do not wish to be considered as obstinate, and if the gentleman from New York can suggest anything to carry out the purpose of the bill, I would be very glad to hear it.

Mr. DEMPSEY. Let me suggest that you strike out the word "modify" and insert in place thereof the following: "hold in abeyance for the present"; and, after the word "river," insert "while experimenting with open-channel work to gain the desired depth of 9 feet instead of lock construction." That is what the committee is trying to do, and I think that expresses it in very clear language.

Mr. BARKLEY. That might include all locks and dams, and not below No. 48.

Mr. DEMPSEY. Well, say project for the improvement of the Ohio River below Lock 48——

Mr. MADDEN. Mr. Chairman, will not the gentleman pass this by for the present time?

Mr. BARKLEY. Mr. Chairman, I do not like the words "held in abeyance"——

Mr. MADDEN. Mr. Chairman, I would ask the gentleman to pass it over and see if we can agree on something. If we can not, of course we will accept what the committee has.

Mr. SMALL. Mr. Chairman, in deference to the request of the gentleman from Illinois, I ask unanimous consent that this paragraph for the Ohio River be passed over temporarily.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the paragraph under consideration——

Mr. MOORE of Pennsylvania. Does that mean the paragraph?

Mr. DEMPSEY. Just this proviso——

Mr. WALSH. You can not pass the proviso; you have to include the entire paragraph.

The CHAIRMAN. The Chair understands the request of the gentleman applied to the entire paragraph?

Mr. SMALL. The entire paragraph.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I desire to offer the following amendment and ask its adoption.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, after line 25, insert as a new paragraph the following: "Marais des Cygnes River, Kans.: For improving and maintaining banks, $25,000."

Mr. FOSTER. Mr. Chairman, I reserve the point of order.

Mr. LITTLE. Will the gentleman make the point of order?

Mr. FOSTER. I will reserve it if the gentleman wants to say something.

Mr. LITTLE. I would rather have it disposed of if the point of order be valid. What is the point of order?

Mr. FOSTER. The amendment provides for preserving the banks of the river, and not for navigation.

Mr. LITTLE. It does not do that—does not say it is not to aid navigation.

Mr. FOSTER. I understood the amendment to say that. Will the Clerk again report the amendment?

The CHAIRMAN. The Clerk will report the amendment, without objection.

There was no objection.

The amendment was again reported.

Mr. SMALL. I suggest that the gentleman from Illinois reserve the point of order.

Mr. LITTLE. Mr. Chairman, I would rather have it passed on, as I do not care to take up the time of the committee unless it is in order, and that is what I want to find out. If it is in order, I shall urgently request the House to include it in the bill, as it is a just and useful measure.

Mr. FOSTER. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard?

Mr. LITTLE. I do not see anything in the amendment that would sustain a point of order. The gentleman tells us that there are certain conditions about it, but that is no part of the amendment.

Mr. SMALL. I assume the gentleman makes the point of order because it does not involve an improvement of a river.

Mr. FOSTER. I do. It is not a matter of navigation. While the work may be very beneficial and probably ought to be done, yet there are thousands of streams in the United States which come under that same head.

The CHAIRMAN. It is very clear to the Chair that if the amendment provides for the improvement of the river it might possibly be in order, but the amendment offered by the gentleman from Kansas provides for improving and maintaining the banks of the river to which the gentleman refers.

Mr. LITTLE. But what I called to the attention of the Chair is the fact that it does not say that it is not done for the purpose of navigation. The improvement of the bank might be for purposes of navigation.

The CHAIRMAN. But the Chair can readily see how a bank could be improved and at the same time it would be no improvement of the river.

Mr. LITTLE. I do not see how you can improve the bank without improving the navigation of the river, if it had any navigation.

The CHAIRMAN. Not necessarily.

Mr. LITTLE. As a matter of fact, as the gentleman suggested, it is a very desirable thing to have done, and it should have been done a long time ago. We have been trying to find a place to work it in. If it is in order, I would like to have it go in. Every year vast crop losses occur there, and the crops saved any year would pay for the improvements, I should say. The Flood Control Committee has not had a meeting this Congress and does not intend to expend any money on flood control during the war. Here appears to be our only chance to get it in.

The CHAIRMAN. In its present form the Chair thinks it is not in order, and the Chair therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Allegheny River, Pa.: For maintenance by open-channel work, $5,000; continuing improvement by construction of locks and dams, $500,000; in all, $505,000.

Mr. WALSH. Mr. Chairman, the item as read by the Clerk is "For maintenance by open-channel work, $5,000; continuing improvement by construction of locks and dams, $5,000." The bill which I have on the second item says "$500,000." I assume that it may have been a misprint.

Mr. SMALL. The gentleman from Massachusetts is correct. It is stated correctly in the bill.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. May I be permitted to ask the chairman of the committee if this river is at all affected with the plague of water hyacinths?

Mr. SMALL. I am happy to report that the water hyacinth does not thrive on the Allegheny.

Mr. WALSH. Well, Mr. Chairman, I think it is a matter of congratulation that the distinguished gentleman from Pennsylvania who has championed so well the cause of river and harbor improvement for a great many years has not had to combat this frightful evil in his own great State, and that no part of this $505,000 carried in this item is going to be used in exterminating that somewhat troublesome weed.

I am very sorry that I was called out of the Chamber when the two items for the eradication of this weed in the present bill were up for discussion, because I desired to ask some questions with reference to the sum of $416 that had been received from the sales. I wondered whether they were selling the blooms as flowers for weddings and floral decorations, or whether there were any chemical properties about the weed which make it valuable for fertilizer.

I understand that another great committee of this House some few years ago had submitted to it a project that the Government buy a troop of hippopotami and turn them loose in those rivers in Alabama and Louisiana, and they were given assurance that these animals would clean the rivers of that weed. I notice, in referring to the report of the engineers, that they are unable to continue the use of arsenic in spraying these plants because the cattle getting into the rivers to drink or feed are poisoned. I wondered, it having been intimated and insinuated, not in the Official Bulletin, but in other official publications, I think, that this was to be a rather poor year for circuses in view of the Government controlling the railroads, whether or not the distinguished chairman of the committee might not prevail upon the owners of some of these beasts to permit them to try browsing about in these rivers in these two sections. [Laughter.] Their upkeep, I assume, would be but slight, and I doubt not but that they could be kept within a very restricted area because of the profusion of the water hyacinths.

I observe that we have expended $170,000 in one State in seeking to eradicate this weed, and in another State I think nearly $400,000. The activities in seeking to wipe it out lasted in one year from the 7th of July to the 21st of August, and during that time I assume that the great water commerce in that vicinity was tied up along the banks while the work of extermination by log beams and dredges was going on.

It would seem to me, Mr. Chairman—and I intended to offer a proviso to this paragraph if the Allegheny River and the dwellers along its beautiful bank were unfortunate enough to be troubled by this weed—that the local authorities ought to contribute to work such as that; that when commerce is in such a condition that the water hyacinth, growing in profusion, can obstruct it, it is not of such an interstate character that we ought to spend money year after year, running up into the hundreds of thousands of dollars, in seeking to exterminate it.

With these few uninteresting observations I will now ask the chairman of the committee if he can tell me for what the $416 was received?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. WALSH. Will not the gentleman let the chairman of the committee answer my question?

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Massachusetts has had the floor for full five minutes without any one assuming to dispute with him what he has said.

Mr. WALSH. I know that the distinguished gentleman from Pennsylvania can answer it, but I would prefer to have the answer of the chairman of the committee.

Mr. SMALL. I do not understand the gentleman from Massachusetts to attempt to quote from any report of the Chief of Engineers any statement to the effect that $416 had been received from the sale of water hyacinths. The probability is that it was the sale of some discarded material, which is frequently sold.

While the gentleman is looking for his data I may say that my regard for his intelligence forbids my accepting his remarks as being made seriously. My regard for him would rather induce me to say that he is speaking facetiously, and if he is speaking facetiously I beg to remind him that some of his distinguished predecessors in past Congresses, when river and harbor bills were under consideration, have played the rôle of ridicule and irony and facetiousness with much greater success than has the gentleman from Massachusetts. [Laughter.] I would advise him to read up the pages of the CONGRESSIONAL RECORD in order that he may brush up and amend his facetious remarks about the water hyacinth and improve them, so that he may have them ready to expend upon a gaping and waiting House at the next regular session of Congress when the river and harbor bill is under consideration. We shall be distinctly disappointed if he does not, and if he should not be inclined to do so, that he will find some other Member who will assume the rôle. The consideration of no river and harbor bill would be complete without some merriment over the water hyacinth.

It would be distinctly disappointing to have a hiatus at the next session when the water hyacinth shall not be paraded before the House in all its odoriferousness and glory. [Laughter.]

Mr. WALSH. If the gentleman will permit, of course I would not attempt to be facetious in the absence of a quorum, and I did not make the point of order that there was no quorum present. But I would like to state to the gentleman that the report of the Board of Engineers discloses——

Mr. SMALL. What page is the gentleman reading from?

Mr. WALSH. On page 176, in connection with the Withlacoochee River—that the total expenditure, not including receipts from sales, amounted to $416. Now, on page 946 we are told——

Mr. KNUTSON. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. WALSH. I will not. We are told that receipts from sales amounted to $1,823. My question was prompted by the desire to ascertain seriously if this weed, or lily, or root, or herb, had any chemical properties which might make it valuable as a fertilizer. As the gentleman well knows, along the rock-bound coast of New England there is gathered seaweed, kelp, and rockweed, which is valuable for its fertilizing qualities, and I wondered whether or not this water hyacinth contained any substances——

Mr. FOSTER. Of medicinal value.

Mr. WALSH. Potash, or ammonia, or anything of that sort, that might make it useful for fertilizer.

Mr. SMALL. I have no information on that phase of the hyacinth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Did the gentleman from North Carolina speak in his own time or mine?

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania yielded to him.

Mr. SMALL. I hope the gentleman from Pennsylvania may have five minutes, and after the gentleman concludes it is my purpose to move that the committee rise.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania proceeding for five minutes?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would not have risen except that the gentleman from Massachusetts [Mr. WALSH], in the kindliness of his soul, made special reference to me during his inquiry about the water hyacinth. If I recall his remarks correctly, he inquired whether the water hyacinth grew in the Allegheny River in western Pennsylvania. I can say to the gentleman emphatically and positively that the water hyacinth does not grow in the Allegheny River. If the gentleman from Massachusetts would travel about the country a little, he would learn something about rivers and harbors; some things, I would say in all kindness, that he does not now seem to know. The water hyacinth is indigenous to certain Southern States. That may account for the fact that the gentleman from Massachusetts, who is an arboreal artist in other respects, may not understand the situation. The water hyacinth grows in the rivers and streams of Florida and along the Gulf coast over to Louisiana. It is of perennial growth. It is just as necessary to make appropriation and provision for its removal as it is to make provision for the maintenance of a channel concerning which I recall the gentleman from Massachusetts inquired during one of the earlier days of the consideration of this bill. Gentlemen have asked about the necessity for appropriations to maintain a channel, and have asked it just as ingenuously as the gentleman from Massachusetts asked this question about the water hyacinth. The water flows up and down a tidal stream, back and forth, and the water flows in from tributary streams, and sometimes a tributary stream carries silt, dirt, and mud along with it, and that settles in the main channel. Sometimes it carries logs and timber and brush, particularly in times of freshet, and if they settle they help to fill up the channel for which appropriations were made in preceding years. It is just as important that a channel should be swept and kept in order from year to year as it is that a good housewife should take her broom and remove the dust from the floor and the cobwebs from the wall every day. It is just as natural, just as proper, and just as necessary if the channel is to be kept clean and kept serviceable. It is one of the conditions that confronts all the waterways of the country.

Now, the growth of the water hyacinth in its particular locality must be given the same consideration that the maintenance of a channel must be given elsewhere. The trouble with the water hyacinth is that it grows on the top of the water. It does not grow out of the soil. And it packs together until in some streams it is so thick and becomes so firm that it would almost bear the weight of a man crossing over. Of course such a mass of matter on the top of a stream will impede navigation, and the purpose of these small appropriations from year to year is to cut through this covering and to prevent this great mass of sea weed, or hyacinth, as it is called, from floating into the navigable portions of the streams where it endangers navigation.

The gentleman from Massachusetts [Mr. WALSH] asks his questions somewhat facetiously, I am sure; but with regard to the utilization of the hyacinth I assure him that efforts are being made to grind it into fertilizer. Experiments are being made, I am informed, and to a certain extent they are successful. That answers that question. As to the propriety of the appropriations to remove the water hyacinth the gentleman should be consid erate, for in his own State of Massachusetts, indeed along the whole New England coast, that rock-bound coast from which he is proud to come, while they do not have the water hyacinth, they have water grasses of one kind or another, they have sea weed, and even the periwinkle. God help the small boat whose propeller gets tied up in any one of these natural grasses that are indigenous to the New England coast. I do not recall that we have made many appropriations for the purpose of removing sea grass from the streams of the Northern States, but I do know that folks up yonder have made complaints to the Government, and they have made complaints to individuals down here in Washington, with respect to the effect of this grass growing in the streams upon such navigation as they have there. Rivers in Maine are affected by sea grass, rivers in Massachusetts, even the Merrimac, have difficulty in navigation with regard to these grasses. It is no uncommon thing for a farmer using his motor boat, or for some one in larger craft to find his propeller clogged. In such a case he must reverse the engine in order to get the grass off. The trouble with the water hyacinth is that it is a great deal more "cussed" than the ordinary sea grass of the Northern States. I hope this explanation is satisfactory to the gentleman from Massachusetts.

Mr. FREAR. Mr. Chairman, I request unanimous consent to extend in the RECORD two letters—one from the Attorney General and the other a reply—in regard to broken glass, poisoned water and poisoned court-plaster, and other complaints of that kind. I will withhold the reading. I would have liked to have read it if we had had an opportunity.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to know whether the gentleman will put this in the back of the RECORD.

Mr. FREAR. Yes; I will ask to place it in the back of the RECORD.

Mr. MOORE of Pennsylvania. Then I have no objection.

Mr. WALSH. Reserving the right to object, I do not think you can grant a request to put it in the back of the RECORD; it ought to go in where it is offered.

Mr. MOORE of Pennsylvania. I will say to the gentleman that this is a matter that has nothing to do with rivers and harbors. It is a communication from the Attorney General with respect to the rumors about ground glass in food. I think it is just such a communication as Members would wish to read at this time.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the river and harbor appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. MCLEMORE, by unanimous consent, was given leave of absence for one week, on account of important business.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma presented a conference report on the Indian appropriation bill, and by unanimous consent was given until 12 o'clock midnight to file a statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 494).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "That," insert the following "on and after September 1, 1918"; and in line 3 of the amendment proposed, before the word "country," insert the word "Indian"; and in line 3 of the amendment proposed, after the word "is," insert the words "or was"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the following figures and word "$400,000: *Provided*" and insert the following "$350,000: *Provided*, That not to exceed $40.000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000: *Provided further*"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "$1,650,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and

agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That $5,000 of this amount shall be immediately available: *Provided further*, That not to exceed $15,000 of this appropriation shall be used for continuing the work of the competency commission to the Five Civilized Tribes in Oklahoma."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$150,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended by this act, $3,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That not to exceed $80,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., 137), of which amount $50,000 shall be immediately available, may be expended by the Secretary of the Interior in payment of the expenses authorized by said act, and in the logging, booming, towing, and manufacture of timber at the Red Lake Agency sawmill: *Provided*, That not to exceed $15,000 of said amount may be used to reimburse the tribal fund, known as 'Indian money, proceeds of labor, Red Lake Indians,' heretofore actually expended in said operations."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That of the unexpended appropriation of $5,000 authorized to be withdrawn from the tribal funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River on the Cass Lake Reservation by the Indian appropriation act approved March 2, 1917, $4,000 may be expended for improving the road between the Cass Lake Indian School and the village of Cass Lake upon the condition that the counties of Cass and Beltrami, in the State of Minnesota, shall file with the Secretary of the Interior a written agreement to reimburse the United States, for the benefit of the Chippewa Indians, within two years to the extent of one-half of the amount expended upon said road."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 10 of the amendment proposed, after the word "the," insert the words "actual and necessary"; and in line 13 of the amendment proposed, before the word "expenses," insert the words "actual and necessary"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 12 of the amendment proposed, and insert the following:

"That $4,000 of said amount, or so much thereof as may be necessary, may be used in the construction of a suitable school building at the town of White Earth: *Provided further*, That the State school district in which the town of White Earth is located, contributes a like amount to be used in the construction of a building, the total cost of which shall not exceed $8,000, the said appropriation to remain available until expended: *And provided further*, That when said building is completed it shall be turned over to the local school authorities of the said town of White Earth, and shall thereafter be operated and maintained by them, and Indian children shall at all times be admitted to said school on the same conditions as white children,"

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"MISSISSIPPI.

"SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, $5,000; for their education by establishing and maintaining day schools, including the purchase of land and the construction of necessary buildings, $20,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, under such rules and regulations as he may direct, $25,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, $25,000, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all $75,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the amendment proposed strike out the figures "$250,000" and in lieu thereof insert the figures "$375,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For continuing construction, maintenance, and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, $50,000 (reimbursable), which shall be immediately available and remain available until expended."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "approximately," and in line 5 of the amendment proposed strike out the word "approximately"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For one-half the cost of constructing a wagon road between Tularosa, Otero County, N. Mex., and the Indian agency on the Mescalero Indian Reservation in said State, in conformity with plans approved by the Secretary of the Interior, $16,000, or so much thereof as may be necessary, to be immediately available, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Mescalero Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$10,000; in all, $36,600" and insert "$6,000; in all, $32,600"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of the amendment proposed after the word "acts," in line 10 thereof down to and including the word "Indians," in line 11, and insert in lieu thereof the following: "or to use said moneys for the benefit of the Indians entitled thereto"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 9 of the amendment proposed strike out the words "said moneys may be," and in line 10 of the amendment proposed strike out the words "expended without limitation and shall include," and in lieu of the matter stricken out in lines 9 and 10 insert the following after the word "That," in line 9: "the expenditure of said money shall include the St. Louis Mission Boarding School and"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and

agree to the same with an amendment as follows: In line 3 of the amendment proposed, before the word "surplus," insert the word "unencumbered"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order: *And provided further*, That the superintendent for the Five Civilized Tribes shall, immediately upon the approval of any lease, notify the Secretary of the Interior of such approval, giving the names of the parties and description of the property leased."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of the amendment proposed, after the word "amounts," insert a comma and the following: "not exceeding $1,050"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$250,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "five" and in lieu thereof insert "four," and in line 7 of the amendment proposed strike out the figures "$20.000" and insert the figures "$17,500"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$400,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment proposed, and after the figures "$200,000," in line 3, strike out the following: "to be immediately available and to remain available until expended," ; and in line 17 of the amendment proposed, after the word "hereby," strike out the words "made available until expended" and insert the following "reappropriated"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of $2,801.50, being the unexpended balance of the sum of $5,000 appropriated by the Indian appropriation act approved May 18, 1916, as a proportionate share of the cost of constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak., be, and the same is hereby, made available upon the same terms and for the same purposes as provided in said act."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"TEXAS.

"SEC. 22. For the education of the Alabama and Coushatta Indians located in Polk County, Tex., by the construction of a school building, including equipment, upon land belonging to said Indians, $5,000; and by aiding the public schools established by the State or local authorities to the extent of 10 cents per day for each Indian child who attends such schools, $2,000, to be expended under the direction of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to cause an investigation to be made as to the necessity and advisability of purchasing lands for said Indians and to make report thereon to Congress on or before the first Monday in December, 1918, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of such investigation; in all, $8,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$12,600" and insert the figures "$12,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the construction of a wagon road through the Shivwits Indian Reservation, Utah, $5,000; for the construction of a steel bridge and approaches across the Santa Clara River on the Shivwits Indian Reservation, $10,000; in all, $15,000, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Shivwits Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the word "expense," and insert in lieu thereof the following: "actual and necessary expenses"; and in line 7 of the amendment proposed, after the word "attorneys," insert the following: "from the State of Washington"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In line 4 of the amendment proposed strike out the word "directed" and in lieu thereof insert the word "authorized"; and in line 5 of the amendment proposed, after the word "sum," insert a comma and the following: "not exceeding $25,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the amendment proposed and insert the following:

"SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common, or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe to withdraw from the Treasury and deposit in banks to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized, and the same shall be expended for the purposes aforesaid: *Provided, however*, That the funds of any tribe shall be deposited in banks to the credit of said tribe or invested for its benefit until the final rolls of said tribe are complete: *And provided further*, That the fore-

going shall not apply to the funds of the Five Civilized Tribes or the Osage Tribe of Indians in the State of Oklahoma."

And the Senate agree to the same.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

HENRY F. ASHURST,
CHARLES CURTIS,
ROBERT L. OWEN,
Managers on the part of the Senate.

STATEMENT.

The bill as it passed the House carried appropriations as follows:

Gratuity	$8,145,160.00
Reimbursable	3,002,965.00
Total	11,148,125.00

The bill as it passed the Senate carried appropriations as follows:

Gratuity	$8,619,600.00
Reimbursable	1,967,373.86
Total	10,586,973.86

The bill as agreed upon in conference carries appropriations as follows:

Gratuity	$8,245,660.00
Reimbursable	2,786,857.36
Total	11,032,517.36

The estimates for the fiscal year ending June 30, 1919, were $12,255,210. The bill as agreed upon in conference is $1,222,692.64 less than the estimates of the department and $445,543.50 more than the bill carried when it passed the Senate.

The Senate conferees have receded on the following amendments: 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

The House conferees have receded unqualifiedly on the following amendments: 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

On No. 1: Reduces amount $50,000.

On No. 2: Corrects the designation of the officer.

On No. 6: Reduces amount $50,000.

On No. 9: Correction of language.

On No. 14: Provides for completion of project.

On No. 16: Limits expenditure to material and labor.

On No. 17: Appropriates $5,000, reimbursable, for completing the construction of two bridges near the Leupp Indian Agency, Arizona, in addition to the $42,500 appropriated by act of March 2, 1917.

On No. 18: Prohibits conversion of public lands in New Mexico and Arizona into Indian reservations without consent of Congress.

On No. 19: Appropriates $9,000 for installation of water supply at Fort Bidwell School.

On No. 20: Provides for construction and equipment of buildings on lands set aside by the State of Florida for perpetual use of the Seminole Indians, and that $8,000 appropriated by act of March 2, 1917, for relief, civilization, and education of said Indians may also be used for construction and equipment of buildings on said lands.

On No. 21: Provides for $10,000 for completing the construction of a drainage system on Haskell Indian School Reservation, Lawrence, Kans.

On No. 22: Provides that not exceeding $16,000 of funds heretofore appropriated for mechanical and general utility shop-building and for addition to hospital may be expended for rebuilding laundry, purchase of laundry equipment, and for repairs to heating and power systems at Pipestone School, Minnesota.

On No. 31: Corrects the section number.

On No. 34: Decreases appropriation $25,000 for irrigation systems on Blackfeet Indian Reservation, and decreases allowance by $10,000 applicable appropriations for Flathead, Blackfeet, and Fort Peck irrigation projects made available for maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for officers' use upon aforesaid project.

On No. 35: Authorizes the Secretary of the Interior to withdraw from the Treasury $200,000 of tribal funds to credit of Crow Indians in Montana and to expend the same for making necessary improvements to irrigation systems in Big Horn Valley on the Crow Reservation in Montana, and to be reimbursed to the tribe.

On No. 36: Correct the section number.

On No. 37: Correct the section number.

On No. 39: Correct the section number.

On No. 42: Reappropriates and makes immediately available $2,500.

On No. 43: Correction of language.

On No. 45: Corrects the section number.

On No. 46: Corrects the section number.

On No. 48: Corrects the section number.

On No. 52: Corrects the section number.

On No. 53: Makes the amount immediately available.

On No. 56: Insert the words: "tribal officers and."

On No. 57: Provides for deposit in National and State banks in Oklahoma of proceeds from leasing of oil, gas, and other minerals, the same to be done by rules and regulations prescribed by the Secretary of the Interior.

On No. 58: Appropriates $25,000 from Osage fund for construction of Osage Agency and school buildings.

On No. 62: Increases amount of Creek tribal funds retained in Treasury for expenses of Creek tribal affairs by $100,000.

On No. 63: Increases amount of Creek tribal funds retained in Treasury for payment of salaries for employees and other expenses by $10,000.

On No. 66: Authorizes the Secretary of the Treasury to allow credit in the settlement of the accounts of William M. Baker in the sum of $5,356.13.

On No. 67: Provides for the adjudication before the Court of Claims of the claims of J. F. McMurray as assignee of firm of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nations.

On No. 68: Authorizes the expenditure of $15,000 Chickasaw tribal funds supplemental to $50,000 appropriated by Indian appropriation act of March 2, 1917, the same to be used in construction and equipment of dormitories at Murray State School of Agriculture, Tishomingo, Okla., immediately available.

On No. 69: Corrects the section number.

On No. 71: Limits the time.

On No. 73: Corrects the section number.

On No. 74: Corrects the section number.

On No. 78: Corrects the section number.

On No. 81: Corrects the section number.

On No. 84: Corrects the section number.

On No. 87: Authorizes the per capita payment of $50 to the Menominee Indians of Wisconsin.

On No. 88: Corrects the section number.

On No. 90: Provides for the equitable distribution of cost of the Wind River Reservation project.

On No. 91: Corrects section number.

On the following amendments the House conferees receded with modifying or substitute amendments: 3, 4, 5, 10, 11, 23, 24, 25, 26, 27, 30, 32, 33, 38, 44, 49, 51, 54, 59, 60, 61, 64, 65, 70, 75, 76, 77, 79, 80, 83, 86, and 92.

The effect of the recession of the House conferees on the amendments on which they have receded with modifying or substitute amendments is as follows:

On No. 3: Modifies Senate amendment which makes possession of intoxicating liquor an offense punishable in accordance with acts of July 23, 1892, and January 30, 1897, so as to apply to Indian country only and to not take effect until after September 1, 1918.

On No. 4: Decreases appropriation for relief and care of destitute Indians not otherwise provided for, etc., from $400,000, as passed by the Senate, to $350,000.

On No. 5: Decreases the amount allowed by the Senate for the support of Indian day and industrial schools from $1,700,000 to $1,650,000.

On No. 10: Makes $5,000 immediately available out of funds appropriated for general expenses of Indian Service.

On No. 11: Decreases the appropriation for industry and self-support from $300,000, as it passed the Senate, to $150,000.

On No. 23: Eliminates Senate language making $3,000 appropriation for White Earth rolls immediately available and available until expended.

On No. 24: Includes also similar Senate amendment No. 28, which two combined authorize the use of $80,000 from Chippewa funds for purpose of manufacture of timber at the Red Lake Agency sawmill.

On No. 25: Modifies language of Senate amendment which authorizes use of $4,000 unexpended balance of Chippewa funds for improving road between Cass Lake Indian School and village in Case and Beltrami Counties, Minn.

On No. 26: Authorizes not to exceed $10,000 of tribal funds of Chippewa Indians in Minnesota for payment of expenses of general council of said tribe and actual and necessary expenses of legislative committee visiting Washington during present session of Congress.

On No. 27: Authorizes the use of $175,000 of Chippewa funds for promotion, civilization, and support among said Indians. This was consolidated with Senate amendment No. 29, making the $4,000 authorized for construction of school building at White Earth available from Chippewa Indian funds.

On No. 30: Reduces the amount of $150,000 allowed by the Senate for the Mississippi Choctaws to $75,000 and makes the appropriation for each purpose specific.

On No. 32: Increases the amount allowed by the Senate for irrigation systems on the Flathead Indian Reservation, Mont., from $250,000 to $375,000.

On No. 33: Increases the amount allowed by the Senate for irrigation systems on the Fort Peck Indian Reservation, Mont., from $25,000 to $50,000.

On No. 38: Reappropriates unexpended balance of $11,996.13 for procuring homes, etc., for nonreservation Indians in Nevada. Also $7,611.23 reappropriated for purchase of agricultural equipment, etc.

On No. 44: Provides $16,000, reimbursable, for a wagon road between Tularosa and the Indian agency on the Mescalero Indian Reservation, N. Mex.

On No. 49: Restores amount of appropriation for support and education of Indian schools, Bismarck, N. Dak., and reappropriates $10,000 for employees' quarters and $15,000 for new dining room and kitchen and equipment.

On No. 51: Amends acts so as to authorize the Secretary of the Interior to make per capita distributions to Standing Rock Indians.

On No. 54: Authorizes continuation of Osage schools until June 30, 1919.

On No. 59: That the House agreed to the amendment by inserting the word "unencumbered" before the words "surplus lands."

On No. 60: Appropriates $185,000 for the administration of the affairs of the Five Civilized Tribes, Oklahoma. Authorizes report to be made to Congress by the superintendent of the Five Civilized Tribes through Secretary of the Interior and prohibits the expenditure of funds for forwarding from the office of the superintendent of the Five Civilized Tribes to the Secretary of the Interior the settlement of undisputed claims and applications for uncontested agricultural and mineral leases.

On No. 61: Authorizes the investigation and payment from funds due certain Choctaw Indians of certain claims not exceeding $1,050 by the Secretary of the Interior.

On No. 64: Increases the appropriation in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma, from $225,000, as it passed the Senate, to $250,000.

On No. 65: Restores the House provision and language, but provides for four oil and gas inspectors.

On No. 70: Decreases the amount passed by the Senate for industry and self-support among the Klamath Tribe of Indians in Oregon from $500,000 to $400,000.

On No. 75: Restores the House language, but provides that the unexpended balance of $300,000 appropriated by act of March 2, 1917, be reappropriated.

On No. 76: Makes available $2,801.50, being unexpended balance of sum appropriated by Indian appropriation act of May 18, 1916, for constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak.

On No. 77: Authorizes $5,000 for school building, $2,000 for pay of tuition, and $1,000 for investigating condition of Alabama and Coushatta Indians in Polk County, Tex.

On No. 79: Decreases the appropriation in aid of the public schools in the Uintah and Duchesne County school districts, Utah, from $12,690, as it passed the Senate, to $12,000.

On No. 80: Authorizes $10,000 for the construction of a steel bridge on the Santa Clara River and $5,000 for construction of a wagon road, all on the Shivwits Indian Reservation in Utah, reimbursable.

On No. 83: Appropriates $2,000 from the tribal funds of the Yakima Indians, State of Washington, for actual and necessary expenses in presenting matters to Government officials at Washington, D. C., and for employment of attorneys.

On No. 86: Authorizes Secretary of the Interior to investigate claim of the legal representatives of R. V. Belt against the Pottawatomie Indians and to settle same from Pottawatomie Indian funds at not exceeding $25,000.

On No. 92: Authorizes the Secretary of the Interior, when practicable, to segregate tribal funds held in trust by the United States for any Indian tribe and place same to the credit of individual members; to deposit Indian funds in State or National banks at interest, or to invest such funds in United States Government bonds.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

SPEAKER PRO TEMPORE.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint a Speaker pro tempore until his return from the funeral of Senator STONE, the rules of the House to the contrary notwithstanding.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Speaker be authorized to appoint a Speaker pro tempore during his absence in Missouri to attend the funeral of Senator STONE, the rules of the House to the contrary notwithstanding. Is there objection?

There was no objection, and the Chair appointed Mr. KITCHIN, of North Carolina, as Speaker pro tempore.

EXTENSION OF REMARKS.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WALSH. Reserving the right to object, upon what subject?

Mr. LEA of California. On the zone postal rate plan.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. WILLIAM JOEL STONE, late a Senator from the State of Missouri.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. STONE, which will take place at 4 o'clock p. m. to-day at his late residence in this city.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Nevada, Mo., for burial in charge of the Sergeant at Arms, attended by the committee, which shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing resolutions the Vice President had appointed as said committee Mr. REED, Mr. HITCHCOCK, Mr. SMITH of Arizona, Mr. PITTMAN, Mr. JONES of New Mexico, Mr. KING, Mr. KENDRICK, Mr. GALLINGER, Mr. SMOOT, Mr. CURTIS, Mr. SUTHERLAND, and Mr. FERNALD.

DEATH OF SENATOR WILLIAM J. STONE, OF MISSOURI.

Mr. SHACKLEFORD. Mr. Speaker, I send to the desk the following resolutions and move their adoption.

The Clerk read as follows:

House resolution 312.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM J. STONE, a Senator of the United States from the State of Missouri.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That a committee of 19 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER appointed as the committee to attend the funeral the following Members: Mr. RUCKER, Mr. SHACKLEFORD, Mr. BOOHER, Mr. ALEXANDER, Mr. BORLAND, Mr. HAMLIN, Mr. RUSSELL, Mr. RUBEY, Mr. DICKINSON, Mr. HENSLEY, Mr. IGOE, Mr. DECKER, Mr. ROMJUE, Mr. DYER, Mr. MEEKER, Mr. LINTHICUM, Mr. TEMPLE, and Mr. RAINEY.

The Clerk read the following additional resolution.

Resolved, That as a further mark of respect the House do now adjourn.

Accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 16, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Acting Secretary of the Interior submitting an alternative estimate of appropriation required by the Interior Department for care and custody of the insane in Alaska (H. Doc. No. 1044); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting an additional urgent deficiency estimate of appropriation in the sum of $100,000 required by the Division of Printing and Stationery of this department for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1918 (H. Doc. No 1045); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required by the War Department for military post exchanges, fiscal year 1919 (H. Doc. No. 1046); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a proposed change in the wording of the estimate of appropriation heretofore submitted by the Engineer Department of the Army for the purchase or construction of a patrol vessel for the prevention of deposits in the harbor of New York (H. Doc. No. 1047); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the United States Shipping Board submitting a supplemental estimate of appropriation required by the board for the acquisition or establishment of plants for concrete-ship building (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, reported the same with amendment, accompanied by a report (No. 493), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIEGEL: A bill (H. R. 5271) authorizing appointment of chaplains at large for the United States Army; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 11464) to define criminal syndicalism, prohibiting the advocacy thereof and the advocacy of crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends, and assemblage for the purpose of such advocacy; declaring it unlawful to permit the use of any place, building, or rooms for such assemblage in certain cases; and providing penalties for violations of the provisions thereof; to the Committee on the Judiciary.

By Mr. GOULD: A bill (H. R. 11465) to provide for an aircraft administrator, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11466) granting a pension to Zelpha I. Eaton; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 11467) granting an increase of pension to Lewis W. Crane; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 11468) granting a pension to Beatrice Edwardy; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 11469) granting an increase of pension to William Ellison; to the Committee on Pensions.

By Mr LANGLEY: A bill (H. R. 11470) to authorize the President to award a medal of honor to Maj. B. F. D. Fitch, for conspicuous bravery rendered on the man-of-war *Varuna* on April 24, 1862; to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 11471) granting a pension to Clara A. Rice; to the Committee on Pensions.

Also, a bill (H. R. 11472) to correct the military record of Cuthbert W. Laing; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 11473) granting an increase of pension to Henrietta Round; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11474) granting a pension to Eli Gusdonowicz; to the Committee on Pensions.

Also, a bill (H. R. 11475) for the relief of William A. Specht; to the Committee on Claims.

By Mr. ROSE: A bill (H. R. 11476) granting an increase of pension to Levi H. Figard; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11477) granting a pension to Jesse A. Smith; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11478) granting a pension to S. P. Battle; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11479) for the relief of the heirs or legal representative of Nat W. Fant, deceased; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 11480) for the relief of Thomas Monteith; to the Committee on Claims.

Also, a bill (H. R. 11481) for the relief of Cary B. Moore; to the Committee on Claims.

Also, a bill (H. R. 11482) granting an increase of pension to Thomas J. Bradshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Mrs. Cornelia Deal; to the Committee on Pensions.

Also, a bill (H. R. 11484) granting a pension to Annie Trexler; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ELSTON: Petition of Berkeley (Cal.) Woman's Christian Temperance Union, for the passage of a bill to prohibit the waste of foodstuffs in the production of vinous and malt liquors; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the executive committee of the National Security League, asking that the Bureau of Public Information be composed of three or five men selected because of high standing and not because of political affiliations; to the Committee on Military Affairs.

Also, petition of Milwaukee-Downer College, Milwaukee, Wis., favoring the Pou bill to exempt religious and educational bequests from taxation; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of the Daughters of the American Revolution of Illinois, favoring universal military training; to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Scottsbluff, Nebr., in behalf of conservation of foodstuffs by the prevention of the use of grain for the manufacture of intoxicating liquor; to the Comimttee on Agriculture.

By Mr. LONERGAN: Memorial of Hartford Grade Teachers' Club, of Hartford, Conn., protesting in re postal increase; to the Committee on Ways and Means.

By Mr. RAMSEYER: Petition signed by 116 citizens of Pulaski and vicinity, Davis County, Iowa, asking and urging legislation for immediate war prohibition to prevent the waste of grain in the manufacture of alcoholic liquors; to the Committee on Agriculture.

By Mr. ROSE: Petition of the Presbyterian Churches of Vintondale and Gallitzin, Pa., opposing the increase of postal rates on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of civil-service employees of Lock No. 4, Monongahela River, Pa., for the support of House bill 7356; to the Committee on Appropriations.

SENATE.

TUESDAY, *April 16, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast placed reverence to Thy name the first of the great commandments. Thou hast taught us, both by revelation and by experience, reverence for Thy holy name as the first obligation of human life. We pray that we may be enabled to measure our responsibilities and duties in the light of Thy revealed truth. While we abhor that which is low and mean and sensual in life, grant that sacred things may be placed first in our thoughts and that God's name may be above every name. We reverence Thy name and worship Thee, and pray Thee to guide us this day to Thine own honor and glory. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM WISCONSIN.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the secretary of state of Wisconsin, transmitting the certificate of election of Hon. IRVINE L. LENROOT as a Senator from Wisconsin. The credentials will be read and placed on file.

The credentials were read, as follows:

UNITED STATES OF AMERICA,
STATE OF WISCONSIN,
Department of State.

To all to whom these presents shall come, greeting:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of April, 1918, IRVINE L. LENROOT was duly chosen by the qualified electors of the State of Wisconsin as Senator, to represent said State in the Senate of the United States for the term ending on the 3d day of March, 1921.

Witness: His excellency our governor, Emanuel L. Philipp, and our seal hereto affixed, at Madison, Wis., this 11th day of April, in the year of our Lord 1918.

[SEAL.] EMANUEL L. PHILIPP,
Governor.

By the governor:

MERLIN HULL,
Secretary of State.

HOUSE BILL REFERRED.

H. R. 11364. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

COMMISSIONED OFFICERS ON DUTY IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 214).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, in response to a resolution of the 1st instant, a report relative to the number of commissioned officers within the draft age who have received their commissions since the outbreak of the war and are now assigned to duty in the District of Columbia, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a report showing the results of the investigation into the cost of living of wage earners in the District of Columbia, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 383) to punish the destruction or injuring of war materials and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The message also transmitted to the Senate resolutions on the death of Hon. WILLIAM J. STONE, late a Senator from the State of Missouri.

PETITIONS AND MEMORIALS.

Mr. LODGE. I ask that the following telegram be printed in the RECORD from the Massachusetts branch of the National Woman's Party.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FRAMINGHAM, MASS., *April 14, 1918.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

I am authorized to send you the following resolutions:

"*Resolved*, That this convention of the Massachusetts branch of the National Woman's Party, held in Kingsley Hall, Boston, on April 13, call upon Senators LODGE and WEEKS each to cast his vote for the national suffrage amendment, and to use his best endeavor to bring about immediate action in the Senate, to the end that democracy may be established in our beloved land. Be it further

"*Resolved*, That this resolution be read into the CONGRESSIONAL RECORD by Senator JOHN W. WEEKS:

"Whereas citizens of Massachusetts have endured a great wrong at the hands of the Government of the District of Columbia; and

"Whereas the decision of the Court of Appeals declared the action of the suffrage pickets to be lawful, orderly, and in accordance with the constitutional rights of American citizens:

"*Resolved*, That this convention of the Massachusetts branch of the National Woman's Party call upon the Senate of the United States to pass a bill immediately to investigate the treatment of the suffrage pickets from June to November, 1917, and the unlawful arrests by the Washington police and the unlawful sentences of the police court and the unlawful imprisonments in the District jail and workhouse."

We request that this be read into the CONGRESSIONAL RECORD by Senator LODGE.

OLIVE MILLS BELCHER,
State Chairman.

Mr. LODGE presented a petition of the National Hardwood Lumber Association, of East Cambridge, Mass., praying for the payment of excess-profits taxes in installments, which was referred to the Committee on Finance.

Mr. JONES of Washington. I present a petition from King County Pomona Grange, No. 13, of the State of Washington, representing 1,500 farmers, containing some very pertinent facts bearing upon the regulation of prices. I ask that it may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

STATE OF WASHINGTON,
KING COUNTY POMONA GRANGE, NO. 13,
OFFICE CONGRESSIONAL COMMITTEE,
Kent, Wash., April 5, 1918.

To the honorable ladies and gentlemen of the Sixty-fifth Congress, United States Senate and House of Representatives, Washington, D. C., greetings:

The farmers of my State in general and of my county (King) in particular have been watching the daily proceedings of your honorable body for the past few months with intense interest, hoping, day by day, that some representative of the farmer would bring forth for discussion some method of relief from the intolerable, unjust condition governing his business to-day, but we have looked in vain.

Since March 15 you have faithfully and earnestly discussed one branch of farming, and a very important one we admit; but after having passed Mr. GORE'S amendment to the Agricultural appropriation bill, guaranteeing $2.50 wheat, we fail to see wherein you have assisted the wheat farmer to any appreciable extent, inasmuch as you have failed to provide any protection from exploitation by the producer of raw material, manufacturer, and distributor of the supplies necessary to the production of wheat. Of what use to the wheat farmer is the extra 30 cents per bushel when you permit the implement and supplies to consume it? And does this consumption help us in any way to win the war? If so, we have nothing more to say; but we question the validity of such thought.

In your deliberations and discussions you seem to have overlooked the fact that there are probably 25 citizens engaged in other branches of agriculture to one engaged in wheat raising. We admit that wheat comes first from an efficiency standpoint at this time; but what about milk, butter, cheese, poultry, eggs? From the standpoint of food value, do they not merit your second consideration? Dairy and poultry farmers have much more money permanently invested per acre than has the wheat farmer, and their land is not suited to the production of wheat, but is far more valuable commercially, and is therefore taxed two and three times as much as the wheat lands.

You have taught the dairyman and poultryman to breed pure-bred stock, and they have responded until millions of dollars are tied up permanently. You can not sidetrack such a business, nor can these farmers kill off this stock and try to produce wheat. This is a permanent business, and you, ladies and gentlemen of Congress, have got to give it some protection, and that quickly, or this Government will have upon its hands thousands of bankrupt farmers and millions of unfertilized acres lying idle before we have whipped "Old 'Kizer' Bill." These farmers only ask the same right of existence you extend the shipbuilder and miller. They are of the most loyal of our citizenry and do not seek profit at this time, but they insist that you stop this excessive profiteering of their product to the extent that they be permitted to make both ends meet.

You have guaranteed the miller a certain profit per barrel for the flour he manufactures, and you have overlooked the by-products thereof, viz, bran, shorts, middlings, screenings, etc., and which forms the leading dairy and poultry feeds, and which said miller is using to exploit the farmer. The dairyman nor the poultryman care what price is paid for their product, if the cost of production is regulated to meet it.

Many of you have admitted on the floor of your respective assemblies that "price fixing has proven a failure" and that the "law of supply and demand should control." Permit me to disagree. President Wilson stated correctly, "The law of supply and demand has been supplanted by unrestrained selfishness." There has been no honest law of supply and demand for the past 25 years, and especially so for the past 10 years. The commission man and the broker have created a fictitious supply and a fictitious demand at will and have absolutely controlled prices for their profit alone.

You have a right to exclaim that the partial price fixing done has been a failure and detrimental to the last degree. In the name of justice and fairness to your constituents in all lines of business you must now go further and place a price upon all commodities produced by capital or labor.

I am authorized to write you this letter by the grange of King County, State of Washington, representing 20 local organizations with a membership of 1,500 and approximately 1,000 farms of an average acreage of 40 acres; hence 40,000 acres of as rich and productive soil as will be found anywhere in this United States is now appealing to you for a square deal.

Permit me to cite you a few facts. At our regular meeting held Thursday, March 28, figures were presented by different investigating committees and individuals concerning the cost of production of milk. The lowest actual cost of production was $3.125 per 100 pounds; the average cost of production, $3.431. The price received by producer on February 28 was $3 per 100 pounds; March 1 to 15, $2.90; March 15 to April 1, $2.75; and another drop due in April. You can appreciate the result.

Will you delve into this matter immediately and produce some remedial legislation before it is too late? If you seek personal evidence, it will be forthcoming.

Yours, very truly,
C. R. COTTRELL,
Chairman Congressional Committee.

Mr. SHIELDS. I present a resolution from citizens of Knoxville, in meeting at Knoxville, Tenn., on the subject of equal suffrage, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Be it resolved, That we, citizens of Knoxville, in meeting assembled at Knoxville, Tenn., this 13th day of April, 1918, congratulate Senator MCKELLAR on his progressive stand on the Federal suffrage amendment and urge Senator SHIELDS to work and vote for this measure granting

political liberty to 20,000,000 American women at a time when they are called on to serve and suffer in a war for democracy abroad; and be it further

Resolved, That we call upon the United States Senate for the immediate passage of the Federal suffrage amendment, that political justice may be done to the women of this Nation; and be it further

Resolved That copies of this resolution be sent to Senator McKELLAR and to Senator SHIELDS, with the request that he read it into the RECORD of the Senate.

L. CROZIER FRENCH, *Chairman*.

Mr. CUMMINS. I present a petition numerously signed by citizens of Des Moines, Polk County, Iowa, respectfully petitioning the passage of legislation giving letter carriers and clerks an increase in salaries to help meet the abnormal rise in living expenses. I move that the petition be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. NELSON presented resolutions adopted by the Spanish-American War Veterans of the Fifteenth Minnesota Volunteer Infantry at their annual reunion, March 27, pledging anew their allegiance to the country and offering their services to the flag in any capacity in which they can be of use, which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by the St. Paul Growers' Association, of St. Paul, Minn., favoring the fixing of a fair price on all wheat substitutes, to be based upon the established price of wheat, which were ordered to lie on the table.

He also presented a petition of the faculty of the Suak Rapids Schools, of Suak Rapids, Minn., and a petition of sundry citizens of Suak Rapids, Minn., praying for the repeal of the zone system of postage rates on second-class mail matter, which were ordered to lie on the table.

Mr. CURTIS presented a petition of sundry citizens of Sylvan Grove, Kans., praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Kansas Employers' Association, of Topeka, Kans., remonstrating against the adoption of the proposed antiefficiency clause in the naval appropriation bill, which was referred to the Committee on Naval Affairs.

He also presented a petition of the united congregations of the Baptist and Methodist Churches of Goddard, Kans., and a petition of the congregation of the Baptist Church of Derby, Kans., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of Robert Anderson Post, No. 45, Grand Army of the Republic, Department of Kansas, of Center, Kans., and a petition of General Hazen Post, No. 258, Grand Army of the Republic, Department of Kansas, of Lincoln, Kans., praying for an increase in pensions of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Club, of Kinsley, Kans., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Upton, Wyo., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of Federal Employees' Union, No. 17, of Port Huron, Mich., and a petition of sundry citizens of Detroit, Mich., praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

He also presented a petition of the Houghton County Medical Society of Michigan, praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented petitions of the Granite Cutters' International Association of America, of San Francisco; of the Riggers' and Stevedores' Union, of San Francisco; of Local Branch No. 21, National Association of Letter Carriers, of San Francisco; and of sundry citizens of Ontario, all in the State of California, praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

ACCEPTANCE OF DECORATIONS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 143) to permit any and all members of the military or naval forces of the United States serving in the present war to accept decorations from the Government of any of the countries concurrently engaged with the United States in the prosecution of said war, reported it with amendments and submitted a report (No. 395) thereon.

PUBLIC HOUSING FOR WAR NEEDS.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably with amendments the bill (H. R. 10263) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, and I submit a report (No. 394) thereon. I will ask that the bill and report be printed, and after the bill is printed with the amendments I may try this evening to see if I can not get consideration of it. I want to give Senators who are interested in the bill an opportunity to have a copy of the bill and the report of the proposed amendments. It can be printed with the amendments in a few hours, I understand.

The VICE PRESIDENT. The bill will be placed on the calendar.

ENLISTED MEN TRAVELING ON DUTY.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. Will the Senator from Oregon please explain the bill and whether it differs from the Senate bill?

Mr. CHAMBERLAIN. It is exactly the same as Senate bill 3691, which passed the Senate on March 23. It is to reimburse enlisted men when they go off on other duties than the regular service in the line. It has already passed the Senate and the committee reports the bill as it came from the House.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That hereafter under such regulations and within such maximum rates as may be prescribed by the Secretary of War enlisted men may be reimbursed for actual expenses of travel, including subsistence and lodging, incurred while traveling under competent orders and not embraced in the movement of troops, or they may be paid a flat per diem therefor in lieu of such reimbursement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEMPORARY PROMOTIONS IN THE REGULAR ARMY.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 9902) to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

I will state with reference to this bill that it is in the exact language of Senate bill 3801 which passed the Senate on the 23d of March, 1918. The House bill in the meantime had passed the House, and it has come over here and the committee ask that the House bill be passed.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the last sentence of section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be, and the same hereby is, amended to read as follows:

"Vacancies in the grades of the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed by section 114 of the national defense act, approved June 3, 1916, except that such promotions and appointments may be made by the President alone when such vacancies are in grades not above that of colonel; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions or be prejudiced in their relative or lineal standing in the Regular Army."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 4360) granting an increase of pension to Charles F. Lytle (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4361) to amend an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 4362) to provide preferential homestead entries for soldiers and sailors of war with Germany and Austria; to the Committee on Public Lands.

By Mr. TILLMAN:

A bill (S. 4363) to authorize the discharge of officers of the Navy and Marine Corps incapacitated for active service by reason of misconduct; to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4364) to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States by acting as spies in time of war in the United States, and for other purposes; and

A bill (S. 4365) to authorize the President to make provision for the care and treatment of persons discharged from the military or naval forces of the United States who are citizens of any nation at war with a nation with which the United States is at war; to the Committee on Military Affairs.

A bill (S. 4366) to amend section 5 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes," approved June 23, 1913 (38 Stat. L., 4, 75) (with accompanying paper); to the Committee on the Library.

By Mr. SHIELDS:

A bill (S. 4367) granting a pension to Zack Amis (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4368) for the relief of Joseph Eubor; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4369) granting an increase of pension to David Patchin (with accompanying papers); to the Committee on Pensions.

A bill (S. 4370) prohibiting trespassing upon the cars or trains of carriers by rail engaged in interstate or foreign commerce (with accompanying paper); to the Committee on Interstate Commerce.

By Mr. CURTIS:

A bill (S. 4371) granting an increase of pension to John W. Johnson (with accompanying papers);

A bill (S. 4372) granting an increase of pension to Samuel H. Booker (with accompanying papers);

A bill (S. 4373) granting an increase of pension to Joseph J. Bennett (with accompanying papers);

A bill (S. 4374) granting an increase of pension to Benjamin F. Sawrey (with accompanying papers);

A bill (S. 4375) granting a pension to Alice P. Knapp (with accompanying papers);

A bill (S. 4376) granting an increase of pension to James William Alexander (with accompanying papers);

A bill (S. 4377) granting an increase of pension to Anna C. Seaman (with accompanying papers);

A bill (S. 4378) granting an increase of pension to James H. Mills (with accompanying papers);

A bill (S. 4379) granting an increase of pension to Jeremiah B. Cook (with accompanying papers);

A bill (S. 4380) granting a pension to Walter C. Niccolls (with accompanying papers);

A bill (S. 4381) granting an increase of pension to Maria Love (with accompanying papers);

A bill (S. 4382) granting an increase of pension to Abram W. Sidwell (with accompanying papers);

A bill (S. 4383) granting an increase of pension to Swain C. Kindblade (with accompanying papers);

A bill (S. 4384) granting an increase of pension to Davis Parsons (with accompanying papers);

A bill (S. 4385) granting an increase of pension to Eli Avery (with accompanying papers);

A bill (S. 4386) granting a pension to Frances L. Ha Ha (with accompanying papers);

A bill (S. 4387) granting an increase of pension to John H. Biddle (with accompanying papers); and

A bill (S. 4388) granting an increase of pension to Henry Yerkes (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4389) granting a pension to Malinda Dillon (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4390) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by section 7 of the act entitled "An act to create a Commerce Court," and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on Interstate Commerce.

By Mr. GALLINGER: A bill (S. 4390) granting an increase of pension to James W. Elwell (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 148) providing for the payment of income tax in monthly installments by certain members of the military and naval forces of the United States (with accompanying paper); to the Committee on Finance.

WITHDRAWAL OF PAPERS—ELIZABETH CROWELL.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 4640, Sixty-fourth Congress, first session, granting an increase of pension to Elizabeth Crowell, be withdrawn from the files of the Senate, no adverse report having been made thereon.

OUTPUT OF COAL.

Mr. THOMAS. Mr. President, I desire to read without any comment three very short clippings from papers of recent date. The first is entitled "Miners warn chaos means fuel famine":

MINERS WARN CHAOS MEANS FUEL FAMINE—STABILIZATION OF PRICE AND DISTRIBUTION URGED AS VITAL.

INDIANAPOLIS, IND., *April 13.*

Declaring that the present coal production in the United States is far below the Nation's lowest possible estimated requirements, the international executive board of the United Mine Workers of America, in a telegram to Federal Fuel Administrator Garfield, urged the immediate stabilization of prices and distributing agencies to prevent a recurrence of the crisis of 1917.

The telegram declares that mines in the States of Iowa, Oklahoma, Missouri, Kansas, Colorado, Wyoming, Montana, and West Virginia are working less than half time, and that in many mining towns large producing mines are actually shut down. Miners are leaving the mines in industrial centers where the car shortage shows no signs of improvement, the committee states, and adds: "If this exodus of miners to other lines of employment is permitted to continue, full car supply and most satisfactory distributing facilities provided later will be destined to failure."

The committee reiterates its pledge of full cooperation to all agencies of the Government to the end that the maximum coal production may result.

The second clipping is entitled "Soft coal production less":

SOFT COAL PRODUCTION LESS—1,500,000 TONS DECREASE IN WEEK ENDED APRIL 6, REPORT SHOWS.

That a serious coal shortage is impending is shown by the report of the Geological Survey made public yesterday. The decrease in production of bituminous for the week ended April 6 was 1,500,000 tons, or 14 per cent, as compared with the preceding week. The total production of bituminous coal, including lignite and coal made into coke, is estimated at 9,395,000 net tons.

The average per working day for the week ended April 6 was 1,566,000 tons, as compared with 1,833,000 tons for the week ended March 23. Bituminous shipments on 123 roads fell off from 197,415 carloads for the week ended March 2 to 161,500 carloads for the week ended April 6.

The last clipping has no headline and it appeared in an obscure portion of the paper.

One day Lee Thurman happened to be Acting Secretary of Commerce, Mr. Redfield being out of town. It also happened that a lighthouse inspection steamer ran out of coal.

The Department of Commerce sent to the Coal Administration for an order for the steamer's fuel, and Acting Secretary Thurman signed the order. Back it came.

"We can't take orders from subordinate officials," said the Fuel Administration with its head in the air; and do you know, because of that stupid bit of red tape the lighthouse inspection steamer hung around in port for one week.

Mr. LODGE. Mr. President, I happened to see a recent report of the Geological Survey in regard to coal which shows a great diminution in the production of coal, as the Senator has shown in the clippings. Is that not due in large measure to the fact that people are not buying coal as recommended by the Fuel Administration?

Mr. THOMAS. The reasons assigned by the executive committee of United Mine Workers and also in a statement this morning which I did not read in the RECORD—I do not state them in the order of their importance perhaps—are, first, coal-car shortage; second, interference in prices, lack, in other words, of stabilization of prices sufficiently reasonable to admit of fair profit. In my judgment the latter is the more serious of the two, for the reason that interference with prices by frequent changes and the probability of the continuance of that policy introduce the element of uncertainty in the business so great as to make it difficult for the producers to hold their organizations together or to assure their men of constant work. The two things together threaten the country with a coal famine quite as serious as or more serious than the one of last winter which resulted, as we have good reason to recollect, in the temporary paralysis of American industry.

Mr. LODGE. Is it not true that there is an effort being made to reduce the prices to railroads?

Mr. THOMAS. I am unable to answer that question. I understand that an effort is being made—and it is a very proper one if not carried to an extreme, to supply all industries engaged in the production of war material with such coal as they need.

Mr. LODGE. I did not mean precisely that. I mean is there not an effort being made to compel mines to sell coal to railroads at prices below those fixed by the Fuel Administration?

Mr. THOMAS. I understand the Senator's question. I am unable to answer it. I have no information on that subject.

Mr. FLETCHER. I wish to ask the Senator just one question. My information may be wrong, and I would like to be corrected if it is. It is that the output of the mines for 1916, both of

bituminous and anthracite, was the greatest in the history of the country, and that for 1917 there was an immense increase in the bituminous and anthracite output?

Mr. THOMAS. That is my information.

Mr. FLETCHER. And that the price now at the mines is much greater than it has been heretofore?

Mr. THOMAS. The latter statement I can not concur in. I do not think that is true. I feel very sure it is not the case in my State.

Mr. LODGE. The Fuel Administration has recently fixed certain prices and given it to be understood that they were to continue during the year. I have heard that there is an effort being made to compel mines to sell coal cheaper to the railroads, and therefore the railroads are holding off in buying, and as they consume a quarter of the production the result will be if that is done that the difference will have to be made up either out of the private consumer or by a reduction in the wages of labor.

Mr. THOMAS. That is unquestionably true, but I have no information, as I said before.

Mr. LODGE. I have not the details of it. I only heard that, and I thought the Senator might know.

Mr. THOMAS. I am not posted on that subject.

Mr. LODGE. I was told that the consumption by the railroads in the Senator's State would have a great effect in taking certain kinds of coal which could not be stored.

Mr. THOMAS. If the decrease in production continues for any considerable length of time I fear that when the general shortage comes, even in the great coal section where I live, they may find it necessary to obtain a part of their supply from other sources. I hope that will not be the case. The two fundamental causes of the present distressing situation are lack of stabilization of prices at reasonably remunerative rates and the possibility of further reductions, coupled with an undoubted shortage of cars.

ARTICLE BY ANDREW FURUSETH.

Mr. FLETCHER. Mr. President, I present an article by Andrew Furuseth, president of the International Seamen's Union of America, entitled "American Sea Power and the Seamen's Act." I ask that it be referred to the Committee on Printing with a view to having it made a public document.

The VICE PRESIDENT. Without objection, it will be so referred.

NATIONAL WAR LABOR BOARD.

Mr. SHERMAN. I present an article from the Official Bulletin of April 1, 1918, a report and recommendation of the War Labor Conference Board, and another from the Official Bulletin of April 10, 1918, being the President's proclamation appointing a National Industrial Conference Board. I ask that it may be printed without reading, and following that an article prepared by James A. Emery, of the National Industrial Conference Board, referring to those two documents, which I also ask may be printed without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

NATIONAL WAR LABOR BOARD IS RECOMMENDED BY COMMISSION; PROGRAM OF ACTION OUTLINED—REPORTS TO SECRETARY WILSON—REPRESENTATIVES OF EMPLOYERS AND EMPLOYEES AGREE ON STATEMENT OF POLICIES AND PRINCIPLES TO BE FOLLOWED—NO STRIKES OR LOCKOUTS.

The following report and recommendations are presented by the war labor conference board, representing employers and employees, in accordance with the suggestion of Secretary of Labor William B. Wilson, to aid in the formation of a national labor program for the period of the war:

WASHINGTON, *March 29, 1918.*

Hon. WILLIAM B. WILSON,
Secretary of Labor.

SIR: The commission of representatives of employers and workers, selected in accord with the suggestion of your letter of January 28, 1918, to aid in the formulation, in the present emergency, of a national labor program, present to you, as a result of their conferences, the following:

(a) That there be created, for the period of the war, a national war labor board of the same number and to be selected in the same manner and by the same agencies as the commission making this recommendation.

FUNCTIONS AND POWERS OF BOARD.

(b) That the functions and powers of the national board shall be as follows:

1. To bring about a settlement, by mediation and conciliation, of every controversy arising between employers and workers in the field of production necessary for the effective conduct of the war.

2. To do the same thing in similar controversies in other fields of national activity, delays and obstructions in which may, in the opinion of the national board, affect detrimentally such production.

3. To provide such machinery by direct appointment, or otherwise, for selection of committees or boards to sit in various parts of the country where controversies arise, to secure settlement by local mediation and conciliation.

4. To summon the parties to the controversy for hearing and action by the national board in case of failure to secure settlement by local mediation and conciliation.

PROVISION FOR UMPIRE.

(c) If the sincere and determined effort of the national board shall fail to bring about a voluntary settlement and the members of the board shall be unable unanimously to agree upon a decision, then and in that case, and only as a last resort, an umpire appointed in the manner provided in the next paragraph shall hear and finally decide the controversy under simple rules of procedure prescribed by the national board.

(d) The members of the national board shall choose the umpire by unanimous vote. Failing such choice, the name of the umpire shall be drawn by lot from a list of 10 suitable and disinterested persons to be nominated for the purpose by the President of the United States.

(e) The national board shall hold its regular meetings in the city of Washington, with power to meet at any other place convenient for the board and the occasion.

MAY ALTER METHODS.

(f) The national board may alter its methods and practice in settlement of controversies hereunder from time to time as experience may suggest.

(g) The national board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

(h) The place of each member of the national board unavoidably detained from attending one or more of its sessions may be filled by a substitute to be named by such member as his regular substitute. The substitute shall have the same representative character as his principal.

(i) The national board shall have power to appoint a secretary and to create such other clerical organization under it as may be in its judgment necessary for the discharge of its duties.

(j) The national board may apply to the Secretary of Labor for authority to use the machinery of the department in its work for conciliation and mediation.

HOW ACTION MAY BE INVOKED.

(k) The action of the national board may be invoked in respect to controversies within its jurisdiction by the Secretary of Labor or by either side in a controversy, or its duly authorized representative. The board, after summary consideration, may refuse further hearing if the case is not of such character or importance to justify it.

(l) In the appointment of committees of its own members to act for the board in general or local matters, and in the creation of local committees, the employers and the workers shall be equally represented.

(m) The representatives of the public in the board shall preside alternately at successive sessions of the board or as agreed upon.

(n) The board in its mediating and conciliatory action, and the umpire in his consideration of a controversy, shall be governed by the following principles:

PRINCIPLES TO BE OBSERVED.

There should be no strikes or lockouts during the war.

RIGHT TO ORGANIZE.

1. The right of workers to organize in trade-unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the employers in any manner whatsoever.

2. The right of employers to organize in associations of groups and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the workers in any manner whatsoever.

3. Employers should not discharge workers for membership in trade-unions nor for legitimate trade-union activities.

4. The workers, in the exercise of their right to organize, shall not use coercive measures of any kind to induce persons to join their organizations nor to induce employers to bargain or deal therewith.

EXISTING CONDITIONS.

1. In establishments where the union shop exists the same shall continue, and the union standards as to wages, hours of labor, and other conditions of employment shall be maintained.

2. In establishments where union and nonunion men and women now work together, and the employer meets only with employees or representatives engaged in said establishments, the continuance of such condition shall not be deemed a grievance. This declaration, however, is not intended in any manner to deny the right or discourage the practice of the formation of labor unions or the joining of the same by the workers in said establishments, as guaranteed in the last paragraph, nor to prevent the War Labor Board from urging, or any umpire from granting, under the machinery herein provided, improvement of their situation in the matter of wages, hours of labor, or other conditions as shall be found desirable from time to time.

3. Established safeguards and regulations for the protection of the health and safety of workers shall not be relaxed.

WOMEN IN INDUSTRY.

If it shall become necessary to employ women on work ordinarily performed by men, they must be allowed equal pay for equal work, and must not be allotted tasks disproportionate to their strength.

HOURS OF LABOR.

The basic eight-hour day is recognized as applying in all cases in which existing law requires it. In all other cases the question of hours of labor shall be settled with due regard to governmental necessities and the welfare, health, and proper comfort of the workers.

MAXIMUM PRODUCTION.

The maximum production of all war industries should be maintained, and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged.

MOBILIZATION OF LABOR.

For the purpose of mobilizing the labor supply with a view to its rapid and effective distribution, a permanent list of the number of skilled and other workers available in different parts of the Nation shall be kept on file by the Department of Labor, the information to be constantly furnished:

1. By the trade-unions.

2. By State employment bureaus and Federal agencies of like character.

3. By the managers and operators of industrial establishments throughout the country.

These agencies should be given opportunity to aid in the distribution of labor, as necessity demands.

CUSTOM OF LOCALITIES.

In fixing wages, hours, and conditions of labor regard should always be had to the labor standards, wage scales, and other conditions prevailing in the localities affected.

THE LIVING WAGE.

1. The right of all workers, including common laborers, to a living wage is hereby declared.

2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort.

Loyall A Osborne, L. F. Loree, W. H. Van Dervoort, C. E. Michael, B. L. Worden, Wm. H. Taft, Frank J. Hayes, Wm. L. Hutcheson, Thomas J. Savage, Victor A. Olander, T. A. Rickert, Frank P. Walsh.

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[From the Official Bulletin, Wednesday, April 10, 1918.]

PRESIDENT APPROVES CREATION OF NATIONAL WAR LABOR BOARD; OUTLINES ITS POWERS AND DUTIES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas, in January, 1918, the Secretary of Labor, upon the nomination of the president of the American Federation of Labor and the president of the National Industrial Conference Board, appointed a War Labor Conference Board for the purpose of devising for the period of the war a method of labor adjustment which would be acceptable to employers and employees; and

Whereas, said board has made a report recommending the creation for the period of the war of a national war labor board with the same number of members as, and to be selected by the same agencies, that created the War Labor Conference Board whose duty it shall be to adjust labor disputes in the manner specified, and in accordance with certain conditions set forth in the said report; and

Whereas, the Secretary of Labor has, in accordance with the recommendation contained in the report of said War Labor Conference Board dated March 29, 1918, appointed as members of the National War Labor Board Hon. William Howard Taft and Hon. Frank P. Walsh, representatives of the general public of the United States; Messrs. Loyall Z. Osborne, L. F. Loree, W. H. Van Dervoort, C. E. Michael, and B. L. Worden, representatives of the employers of the United States; and Messrs. Frank J. Hayes, William L. Hutcheson, William H. Johnston, Victor A. Olander and T. A. Rickert, representatives of the employees of the United States;

Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby approve and affirm the said appointments and make due proclamation thereof and of the following for the information and guidance of all concerned:

The powers, functions, and duties of the National War Labor Board shall be: To settle by mediation and conciliation controversies arising between employers and workers in fields of production necessary for the effective conduct of the war, or in other fields of national activity, delays and obstructions which might, in the opinion of the national board, affect detrimentally such production; to provide, by direct appointment or otherwise, for committees or boards to sit in various parts of the country where controversies arise and secure settlement by local mediation and conciliation; and to summon the parties to controversies for hearing and action by the national board in event of failure to secure settlement by mediation and conciliation.

The principles to be observed and the methods to be followed by the National Board in exercising such powers and functions and performing such duties shall be those specified in the said report of the War Labor Conference Board dated March 29, 1918, a complete copy of which is hereunto appended.

The national board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

And I do hereby urge upon all employers and employees within the United States the necessity of utilizing the means and methods thus provided for the adjustment of all industrial disputes, and request that during the pendency of mediation or arbitration through the said means and methods there shall be no discontinuance of industrial operations which would result in curtailment of the production of war necessities.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the District of Columbia, this eighth day of April, in the year of our Lord one thousand nine hundred and eighteen, and of the independence of the United States the one hundred and forty-second.

[SEAL.] WOODROW WILSON.

By the President:

ROBERT LANSING,
Secretary of State.

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WAR LABOR BOARD FOR INCREASING PRODUCTION—BODY JUST FORMED WILL ENDEAVOR TO MAINTAIN HARMONY BETWEEN EMPLOYERS AND LABOR IN ORDER TO SPEED UP WORK OF AMERICAN INDUSTRIES.

[By James A. Emery, of the National Industrial Conference Board.]

Without attracting proportionate attention or comment, a remarkable social experiment of critical interest to our country is about to be made. A representative committee of employers and organized labor will undertake, through machinery jointly devised, to secure uninterrupted maximum production of war necessities and conciliate, mediate, or arbitrate inevitable differences as to hours, wages, and working conditions by the application of standards of mutual conduct which they agree ought to govern the employment relation for the duration of the war.

The joint committee which fathered these proposals was appointed by the Secretary of Labor January 28, 1918, and consisted of five representative employers nominated by the National Industrial Conference Board, and five officers of international unions named by the American Federation of Labor. Each group then selected a representative of the public to participate in the conferences. The employer representatives nominated ex-President Taft; the union representatives Frank P. Walsh, head of the old Industrial Relations Commission.

This joint committee, after repeated conferences at Washington, made recommendations to the Secretary of Labor on March 29 suggesting the creation of a war labor board, to conciliate and finally adjust labor disputes affecting war production, and offered certain principles and policies to govern the administration of the proposed board.

With the approval of the Secretary of Labor, the President of the United States, by Executive proclamation on April 9, adopted the proposals of the joint conference and appointed the same representatives of employers and unions to constitute the National War Labor Board. The President further urged "upon all employers and employees within the United States the necessity of utilizing the means and methods thus provided for the adjustment of all industrial disputes," and requested "that during the pendency of mediation and arbitration through the said means and methods there shall be no discontinuance of industrial operations which would result in curtailment in the production of war necessities."

The need for devising an effective means of preventing the continuously increasing interruptions of our war production has become steadily greater. So far as it has been and is being caused by agents of the public enemy it has been and will be the subject of increasingly drastic legislation and police administration, but so far as it has been due to economic differences intensified by the circumstances of war production, agitation, and suspicious discontent it is but partially and ineffectually met by existing agencies or the experimental policies of the Government.

Soon after the declaration of war labor-dispute adjustment machinery was created by agreement between the Secretary of War and Mr. Gompers in relation to cantonment construction, by the Shipping Board, and the international officers of the craft unions involved, while the Department of Labor and various temporary committees and commissions, including the President's Mediation Commission, undertook the investigation, mediation, or arbitration of general classes of employment controversies. Despite these various agencies, none of which were coextensive with the field of industrial production, from our entrance into the war strikes steadily increased in number, extent, and intensity.

An investigation of strikes between April 6 and October 6, 1917, made by the National Industrial Conference Board, showed during that period a verified loss of 6,285,519 production days. The Bureau of Labor Statistics, Department of Labor, in its December, 1917, bulletin reported for the preceding month of September 171 strikes involving 147,349 persons, whose average loss of time indicated a minimum labor loss of more than a million workdays.

The same bulletin, reporting from official statistics of the German Empire, indicated that the United States lost through strikes in the single month of September, 1917, more workdays than the German Empire from the same cause in the whole year 1916. Whether we prefer the conclusions of a private body predicated upon painstaking inquiry or the comparisons afforded by official figures, either indicates an actual and threatened loss of production through labor disputes, with their social reaction upon national unity of thought and action, constituting a tragic menace. Whatever the motive of those who stop, or threaten to stop, the production of ships or supplies for ourselves or our allies, they consciously or unconsciously perform the work of the public enemy.

Great Britain met this condition by the famous treasury agreement of March, 1915, between the Government and the representatives of all the British trade-unions. The unionists were asked to abandon every restrictive shop practice or custom threatening the maximum output of munitions, to agree that there should be no strikes affecting such production, that a dilution of unskilled, female, and unorganized labor be accepted, with a compulsory arbitration of all differences. In return for this the Government assured a limitation of employers' profits and the restoration, without prejudice to the unions, of the customs and practices which they abandoned for the period of the war. In other words, highly organized Great Britain became an open shop to win the war, for organized British labor accepted the proposal, and has kept its pledge with magnificent loyalty.

American labor conditions as we entered the war were substantially those which Great Britain reached by agreement. There from 80 per cent to 90 per cent of the war industries, including shipbuilding, were highly unionized. Here the reverse was the fact. The Naval Consulting Board which examined and classified plants available for munition production reported, prior to our entrance into the war, 18,654 establishments, of which 1,867, or slightly more than 10 per cent, were union shops. We therefore possessed, as a matter of fact and law, upon entering the war, a condition which Great Britain sought and established as a national policy through negotiation and after learning its necessity by costly experience.

Our industrial circumstances are, therefore, not only unlike those of our great ally, but the establishment of the War Labor Board presents an essentially different method in principle of fixing standards of conduct and methods of adjusting disputes. Great Britain sanctioned the Treasury agreement by enacting its industrial policy and the Government's pledge into the munition acts of 1915–16. We have undertaken to accomplish the same purpose without legislation through representatives of employers and unions directly recognizing and declaring for the imposition of specific reciprocal voluntary restraints in the conduct of their relations with each other, in order to minimize causes of disagreement, while adjusting such disputes as arise between them through machinery of their own devising, which they jointly administer in the presence and with the aid of representatives of the public.

The board is without legal authority to compel the acceptance of its policy or methods, the reference to it of any dispute, or the enforcement of any award. It can not compel a single employer to adopt its views or a single employee to remain at his task. But the circumstances of its formation, the representative quality of its membership, the inherent worth, perceived necessity, and apparent practicability of its principles and procedure attach a powerful moral sanction to its proceedings.

For the American people realize more clearly each day the necessity of uninterrupted production. The needs of their soldiery are calling insistently from the trenches. They know their cause to be equally imperiled whether that production is stopped by stubborn disputants or the military effort of the public enemy. If it can not be assured by the operation of a voluntary arrangement, the people are likely to demand that the very extreme of authority shall be exerted to obtain it. It will be a notable and inspiring achievement, indeed, if the recognition of a common obligation to the national defense will supply an ample substitute for any exercise of public authority.

The fundamental declaration which underlies the whole scheme is the recognition by both parties that "there should be no strikes or lockouts during the war." Expressed in the form of an opinion rather than an imperative pledge, it expresses the end to which all else is subordinate. To avoid this wasteful, and for the war unendurable, method of settling labor disputes the board arms itself with a means of flexibly adapting its organization to the circumstances of any disagreement. It refuses first of all to take cognizance of any case in which by agreement or statute a medium of adjustment is provided until that medium has been tried and failed. Even after its intervention has been invoked the board may drop any case if its character or importance does not justify its further consideration.

The action of the board is invoked by application of either of the parties or the Secretary of Labor. It may operate through permanent or temporary local committees of its own appointment, provided always

that employers and employees are equally represented. It creates its own methods and practice as it progresses, and may alter these in the light of its experience.

While the plan emphasizes a determination to exhaust the resources of mediation and conciliation before proceeding to arbitration, it nevertheless provides, in the event of the failure of these methods, for the choice of an umpire, either by the unanimous vote of the board or by a drawing from a list of 10 suitable and disinterested persons nominated by the President of the United States. The decision of such umpire is to be final and without appeal. The subject matter to which the board confines itself are controversies directly, or in its opinion indirectly but detrimentally, affecting production necessary for the conduct of the war. The whole working arrangement is by its very nature for the duration of the war.

A means of adjustment without standards would be a procedure without substantive law. The joint conference committee therefore proposed, and the Executive proclamation approves, a brief declaration of principles to govern the board or its representatives in the consideration of any controversy. These include a declaration of the right of all workers to a living wage in recognition of the principle that found perhaps its best expression in the famous labor encyclical of Pope Leo XIII, a recommendation to assist in the mobilization of labor by providing lists of workers to the Department of Labor through trade-unions, State and Federal employment agencies, and the management of industrial establishments. Women workers, it is declared, should be allowed equal pay for equal work on work ordinarily performed by men and be limited to tasks proportionate to their strength.

In respect to hours of labor the basic eight-hour day is recognized in all cases where it is required by law. In all other instances hours of service are determinable by the public necessity and the welfare, health, and proper comfort of the worker.

A most important declaration is made with respect to the necessity for "maximum production," which, it is asserted, "should be maintained, and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged."

It is recognized that local custom and standards should prevail in fixing wages, hours, and conditions of labor.

In addition to these declarations of economic standards and policy, and for the assured continuance of established safeguards and regulations for the protection of health, safety, and welfare of workers special declarations are made upon the subject of the "right to organize" and in recognition and protection of existing employment conditions in munition establishments. These declarations are for the apparent purpose of clearly affirming for trade unions the right to organize and deal collectively with their employers and engage in all legitimate activities to that end.

The nonunion worker and the employer not at present dealing with trade-unions is assured of equal protection against the use of any coercive means either to compel the one to take membership in a union or the other, against his will, to deal with it.

It is likewise clearly stated that where union standards and conditions exist they shall be maintained, but where union men and women or nonunion men and women now work together the continuance of such a condition shall not be deemed a "grievance" by organized labor.

While I am a member of the National Industrial Conference Board, I neither know nor am authorized to express the opinions of its membership nor of the employer members of the War Labor Board, but I should assume from antecedent circumstances that the representatives neither of employer nor employee intended to make this declaration of principles exclusive, but rather sought through it to clarify the ambiguous interpretation and misunderstandings which have frequently arisen in the endeavor to apply the standards which early in the war the National Council of Defense declared ought to govern the employment relation throughout the struggle. It is substantially summed up in the declaration that neither employer nor employee should take advantage of the circumstances of the war to obtain a condition which they were unable to secure prior thereto.

Of course neither employer nor employee can undertake to define the rights or privileges of the other, nor substitute his opinions or desires with respect to the same for those which spring from the nature of our Government or the decisions of our highest judicial tribunals. But the accredited representatives of such parties can, as they have in this instance, and with great moral authority, recommend a course of conduct with respect to the relations of employers and trade-unions, which, springing from exceptional experience, should be calculated to diminish the differences likely to arise from disagreeing interpretations of the employment relation.

The economic standards proposed should be mutually acceptable. The right to organize, which is undeniable, is properly conditioned by condemnation of the use of coercive measures and the assurance of the recognition of the rights and protection of the nonconformant, whether employer or employee. If trade-unions by superior efficiency or service can merit and win the membership of individual workers, and if employers voluntarily, and not because of coercive threats, prefer to deal with them because of a demonstrated advantage, neither the individual nor the public has cause for complaint.

The experiment is unique in political history; the stake a tremendous one. The practical operation of the plan will be its true test. But the object it seeks to accomplish is at present essential to our national safety, and we should therefore give to the enterprise our hearty cooperation, with every desire to make it a notable success.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," in the item of appropriation for clerks and messengers for the following committees, on page 5, line 9, before the word "clerk," where it occurs the first time, to insert "actuary, $4,000."

The amendment was agreed to.

The next amendment was, in line 11, after "$1,440," to strike out "two experts (one for the majority and one for the minority) at $2,000 each," and insert "expert for the minority, $2,000."

Mr. SMOOT. Mr. President, I call the attention of the Senator from Virginia to the fact that I think the committee desires that amendment rejected.

Mr. MARTIN. I move that the Senate disagree to the amendment just stated, and the amendment previously agreed to in respect to that matter. I shall explain my reasons for doing so a little later on.

The VICE PRESIDENT. Does the Senator desire that the Senate shall disagree to the amendment in reference to an actuary?

Mr. MARTIN. I desire that the Senate shall disagree to these two committee amendments.

The VICE PRESIDENT. The Senator refers also to the amendment on page 5, line 9?

Mr. MARTIN. Yes.

The VICE PRESIDENT. Without objection, the vote whereby the amendment on page 5, line 9, was agreed to will be reconsidered and the committee amendment rejected. Without objection, the committee amendment on page 5, lines 11, 12, and 13, is also rejected. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the item of appropriation for clerks and messengers to the following committees, on page 6, line 11, after "$2,220," to strike out "assistant clerk, $1,440" and insert "two assistant clerks, at $1,440 each," so as to read:

Military Affairs—clerk $2,500, assistant clerk $2,220, two assistant clerks at $1,440 each, messenger $1,200.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "clerk," to strike out "$1,800" and to insert "$2,220," so as to read:

Naval Affairs: Clerk, $2,500; assistant clerk, $2,220.

The amendment was agreed to.

The next amendment was, in the item of appropriation for clerks and messengers to the following committees, on page 7, line 25, after the words "in all," to strike out "$428,380" and insert "$432,240," so as to read:

Transportation routes to the seaboard—clerk $2,220, assistant clerk $1,440, messenger $1,200; University of the United States—clerk $2,220, assistant clerk $1,440, messenger, $1,200; Woman Suffrage—clerk $2,220, assistant clerk $1,440, messenger $1,200; in all, $432,240.

The amendment was agreed to.

Mr. MARTIN. I ask unanimous consent that the Secretary be authorized to correct all the totals which it shall be necessary to change because of amendments to the bill.

The VICE PRESIDENT. Without objection, the Secretary will be authorized to correct the totals. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 8, line 9, after the word "each," where it occurs the second time, to insert "one for the minority, $1,440"; in line 10, after the word "one," where it occurs the first time, to strike out "$1,050" and insert "$1,440"; in line 20, after "$1,200," to strike out "two" and insert "four"; in line 24, after the word "each," to strike out "thirty-two" and insert "thirty-four"; and on page 9, line 1, after the words "in all," to strike out "$139,650" and insert "$144,720," so as to make the clause read:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; Assistant Sergeant at Arms, $2,500; Assistant Doorkeeper, $3,000; Acting Assistant Doorkeeper, $3,000; two floor assistants at $2,000 each; messengers—4 (acting as assistant doorkeepers) at $1,800 each, 34 at $1,440 each, one for the minority, $1,440; one $1,440, one $1,000, one at card door $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,400; storekeeper, $2,220; stenographer in charge of furniture accounts and records, $1,200; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; skilled laborers—4 at $1,000 each; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; 3 attendants to women's toilet rooms, Senate Office Building, at $720 each; telephone operators—chief $1,200, 4 at $900 each, night operator $720; telephone page, $720; press gallery—superintendent $1,800, assistant superintendent $1,400, messenger for service to press correspondents $900; laborers—3 at $800 each, 34 at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $144,720.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "folders," to strike out "6" and insert "7"; in the same line, after the word "each," to strike out "8" and insert "7"; and in line 11, after the words "in all," to strike out "$16,920" and insert "$17,080," so as to make the clause read:

Folding room: Foreman, $1,600; assistant, $1,400; clerk, $1,200; folders—7 at $1,000 each, 7 at $840 each, in all, $17,080.

The amendment was agreed to.

The next amendment was, on page 9, line 25, before the word "clerks," to strike out "24" and insert "30"; on page 10, line 1, before the words "assistant clerk," to strike out "24" and insert "30"; in line 2, before the word "messengers," to strike out "24" and insert "30"; and in the same line, after the words "in all," to strike out "$105,000" and insert "$132,000," so as to make the clause read:

For assistance to Senators who are not chairmen of committees, as follows: Thirty clerks, at $2,000 each; 30 assistant clerks, at $1,200 each; 30 messengers, at $1,200 each; in all, $132,000.

The amendment was agreed to.

The next amendment was, on page 10, line 11, after the words "Sergeant at Arms," to strike out "$6,000" and insert "$7,000," so as to make the clause read:

For maintaining, exchanging, and equipping motor vehicles for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $7,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 11, line 4, after the word "labor," to strike out "$50,000" and insert "$140,000, of which sum $40,000 shall be immediately available," so as to make the clause read:

For miscellaneous items, exclusive of labor, $140,000, of which sum $40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Police," on page 11, line 17, before the word "additional," to strike out "10" and insert "60"; and in line 20, after the words "in all," to strike out "$65,550" and insert "$114,550, of which sum $7,000 shall be available for the fiscal year 1918: *Provided*, That the appointment to the positions herein provided under the Capitol Police shall be made solely on account of efficiency and special qualifications," so as to make the clause read:

For captain, $1,800; 3 lieutenants, at $1,200 each; 2 special officers, at $1,200 each; 47 privates, at $1,050 each; 60 additional privates, at $840 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House; in all, $114,550, of which sum $7,000 shall be available for the fiscal year 1918: *Provided*, That the appointment to the positions herein provided under the Capitol Police shall be made solely on account of efficiency and special qualifications.

The amendment was agreed to.

The Secretary continued the reading of the bill, the last clause read being on page 13, after line 2, as follows:

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary.

Mr. MARTIN. On page 13, line 6, I move the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 13, line 6, after the word "office," it is proposed to strike out the sum "$900" and in lieu thereof to insert "$1,200," so as to read:

Hire of horse and wagon for use of the Clerk's office, $1,200, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Library of Congress," on page 28, after line 9, to insert:

For temporary services of additional employees when found necessary, at the discretion of the superintendent, in the operation of the Library Building and grounds, $500.

The amendment was agreed to.

The next amendment was, on page 28, line 19, after the word "stonework," to strike out "$18,000" and insert "$18,500, of which sum $1,500 shall be immediately available," so as to make the clause read:

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, including new auto delivery wagon, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, including $2,000 for repairs to roof and $1,500 for pointing exterior stonework, $18,500, of which sum $1,500 shall be immediately available.

The amendment was agreed to.

Mr. MARTIN. I send to the Secretary's desk an amendment to come in on line 18, page 29.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 29, line 18, it is proposed to strike out "care and maintenance of motor-propelled delivery vehicle" and in lieu thereof to insert "purchase, exchange, care, and maintenance of motor-propelled delivery vehicles."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of State," in the item of appropriation for salaries of Secretary of State, Assistant Secretary, etc., on page 34, line 11, before the word "telephone," to strike out "two" and insert "four"; and in line 12, after the words "in all," to strike out "$321,320" and insert "$322,760," so as to read:

Four laborers; 4 telephone switchboard operators; chauffeur, $1,080; in all, $322,760.

The amendment was agreed to.

The next amendment was, on page 35, line 7, after the word "act," to insert "except the act making appropriations for the Diplomatic and Consular Service," so as to make the clause read:

No money appropriated by any other act, except the act making appropriations for the Diplomatic and Consular Service, shall be used during the fiscal year 1919 for employment and payment of personal service in the Department of State at Washington, D. C.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department," on page 36, line 18, after the word "each," to strike out "Government actuary, under control of the Treasury, $3,500"; and in line 22, after the words "in all," to strike out "$82,700" and insert '$79,200,' so as to make the clause read:

Office of the Secretary: Secretary of the Treasury, $12,000; assistant to the Secretary, $5,000; 3 Assistant Secretaries, at $5,000 each; 2 additional Assistant Secretaries, at $5,000 each, in accordance with the authority contained in the deficiency appropriation act approved October 6, 1917; clerk to the Secretary, $3,000; executive clerk, $2,400; stenographer, $1,800; 5 private secretaries, 1 to each Assistant Secretary, at $1,800 each; clerks—1 of class 4, 4 of class 3, 2 of class 2; chief messenger, $1,100; 2 assistant chief messengers, at $1,000 each; messengers—3 at $900 each, 5 at $840 each; in all, $79,200.

Mr. MARTIN. I ask that the Senate disagree to that amendment of the committee.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

Mr. MARTIN. In lieu of the amendment which has just been rejected I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 36, line 18, after the word "each," it is proposed to insert:

Government actuary, under control of the Treasury, $4,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 45, line 4, before the words "of class four," to strike out "thirty-six" and insert "thirty-nine"; in the same line, before the words "of class three," to strike out "sixty-three" and insert "sixty-six"; in line 5, before the words "of class two," to strike out "seventy-nine" and insert "eighty-three"; in line 6, before the words "of class one" to strike out "one hundred and three" and insert "one hundred and thirteen"; in line 7, before the words "at $1,000 each," to strike out "twenty-six" and insert "thirty"; in line 7, before the words "at $900 each," to strike out "seven" and insert "nine"; and in line 10, after the words "in all," to strike out "$468,290" and insert "$501,890," so as to make the clause read:

Office of Auditor for War Department: Auditor, $4,000; assistant and chief clerk, $2,250; law clerk, $2,000; chief of division of accounts, $2,500; chief of claims and records division, $2,000; 2 assistant chiefs of division, at $1,900 each; chief transportation clerk, $2,000; clerks—39 of class 4, 66 of class 3, 83 of class 2, 113 of class 1, 30 at $1,000 each; 9 at $900 each; skilled laborer (qualified as carpenter), $900; skilled laborer (to act as foreman of laborers), $900; 2 messengers; 8 assistant messengers; 12 laborers; messenger boy, $480; in all, $501,890.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 63, after line 16, to strike out:

The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco within six months after the President shall have proclaimed the termination of the existing state of war between the United States and Germany; and section 3595 of the Revised Statutes of the United States is repealed from and after the discontinuance of the said offices. The Secretary of the Treasury further is authorized to retain only such of the employees in the office of the assistant treasurers as may be necessary to safeguard the property and funds of the United States and to transfer to Washington to the office of the Treasurer of the United States such others as in his judgment may be necessary in connection with the discontinuance of the said offices.

The amendment was agreed to.

Mr. MARTIN. On behalf of the committee, I send to the Secretary's desk an amendment and move its adoption.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, after line 14, it is proposed to insert the following:

For the following as authorized by the act approved April 6, 1918, at annual rates of compensation as follows: Second Assistant Secretary of War, $4,500; Third Assistant Secretary of War, $4,500; in all, $11,075; of which sum $2,075 shall be available for the fiscal year 1918.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "War Department," at the top of page 77, to insert:

The Chief of Ordnance is authorized to appoint one of the Army officers serving in his office as disbursing officer to pay the civilian employees in the Ordnance Office authorized in this or any other appropriation act for the fiscal year 1919.

The amendment was agreed to.

Mr. MARTIN. I ask for the adoption of the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 78, line 24, after the word "trucks," where it occurs in each instance, the first and last words in the line, it is proposed to insert the words "and motorcycles," so as to read:

purchase and exchange of motor trucks and motorcycles; maintenance, repair, and operation of motor trucks and motorcycles.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. MARTIN. I send another amendment to the desk and ask for its adoption.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 78, line 21, it is proposed to strike out "$4,000" and insert in lieu thereof "$3,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "State, War, and Navy Department Buildings," on page 82, after line 16, to strike out:

War and Navy Department Buildings (Henry Park Reservation): For the following employees for the maintenance and protection of the buildings, at annual rates of compensation, as follows: Clerks—1 of class 3, 1 of class 2, 2 of class 1, 1 at $1,000; 2 messengers, at $720 each; electricians—chief $1,400, 3 at $1,200 each; 2 plumbers, at $1,200 each; machinist, $1,200; foreman, $1,500; 2 painters, at $1,200 each; four carpenters, at $1,200 each; 8 general mechanics, at $1,000 each; assistant engineers—2 at $1,400 each, 2 at $1,200 each; 18 firemen; laborers—foreman $1,000, 30 at $660 each; 9 female laborers, at $480 each; guards—captain $1,600, 3 lieutenants at $1,000 each, 6 sergeants at $840 each, 135 at $720 each; charwomen—3 forewomen at $300 each, 78 at $240 each; in all, $202,880.

And insert:

War and Navy Department Buildings (Henry Park Reservation): For the following employees for the maintenance and protection of the buildings, at annual rates of compensation, as follows: Assistant superintendent, $2,000; clerks—1 of class 3, one of class 2, 2 of class 1, one at $1,000; 3 messengers, at $720 each; electricians—chief $1,400, 2 at $1,200 each, 3 at $1,000 each; 2 plumbers, at $1,200 each; machinist, $1,200; foreman, $1,500; 2 painters, at $1,200 each; 4 carpenters, at $1,200 each; 2 carpenters, at $1,000 each; 3 switchboard operators, at $1,000 each; 10 general mechanics, at $1,000 each; chief engineer, $1,400; assistant engineers, 4 at $1,200 each; steam fitter, $1,080; firemen—7 at $840 each, 11 at $720 each; laborers—foreman $1,000, 50 at $660 each; 9 female laborers, at $480 each; guards—captain $1,600, 3 lieutenants at $1,000 each, 6 sergeants at $840 each, 155 at $720 each; charwomen—4 forewomen at $300 each, 80 at $240 each; in all, $245,700.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in the item of appropriation for the Hydrographic Office, for the purchase and printing of nautical books, charts, sailing directions, etc., on page 88, line 14, after the words "purchase of," to strike out "a hand press" and insert "such additional printing presses as may be necessary," so as to read:

Purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; care and repairs to printing presses, furniture, instruments, and tools, including the purchase of such additional printing presses as may be necessary.

The amendment was agreed to.

Mr. MARTIN. I send to the Secretary's desk, on behalf of the committee, an amendment proposing to reduce the amount for the purchase of a motor vehicle from $4,000 to $3,000.

The SECRETARY. On page 96, line 2, it is proposed to strike out "$4,000" and insert in lieu thereof "$3,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of the Interior," on page 102, line 23, before the words "at $2,000 each," to strike out "13" and insert "14"; in line 25, before the words "of class 3," to strike out "53" and insert "57"; on page 103, line 1, before the words "of class 2," to strike out "77" and insert "83"; in line 2, before the words "of class 1," to strike out "85" and insert "89"; in the same line, before the words "at $1,000 each," to strike out "73" and insert "77"; and in line 13, after the words "in all," to strike out "$647,190" and insert "$672,790," so as to make the clause read:

General Land Office: Commissioner, $5,000; assistant commissioner, $3,500; chief clerk, $3,000; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of divisions—1 of surveys $2,750, 1 $2,400, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—14 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 57 of class 3, 83 of class 2, 89 of class 1, 77 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 3 skilled laborers, who may act as assistant messengers when required, at $660 each; 3 laborers (13 transferred to building for Interior Department offices); packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000, who may, with the approval of the commissioner, designate a clerk of the General Land Office to act as such depositary in his absence; clerk and librarian, $1,000; in all, $672,790.

The amendment was agreed to.

The next amendment was, on page 106, line 9, before the words "per cent," to strike out "25" and insert "33⅓," so as to make the clause read:

Appointment shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1918, nor shall more than 33⅓ per cent of other vacancies actually occurring in any grade in the classified service of that bureau, during the fiscal year 1919, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure, but shall lapse, and shall be covered into the Treasury. The provisions of this paragraph shall not apply to any position with a salary of $2,250 or above that sum.

Mr. MARTIN. I ask that the Senate disagree to the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. MARTIN. Now, I ask that lines 5 to 17, both inclusive, be stricken from the bill, and in lieu thereof to have inserted the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 106 it is proposed to strike out lines 5 to 17, inclusive, and insert in lieu thereof the following:

Appointment shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1918, nor shall more than 50 per cent of other vacancies actually occurring in the $1,200 grade, nor more than 25 per cent of such vacancies actually occurring in all other grades or positions, except those with salaries of $2,250 or above, or $1,000 or below, during the fiscal year 1919, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure, but shall lapse, and shall be covered into the Treasury.

Mr. SMOOT. Mr. President, I am not going to take the time of the Senate to discuss this amendment, further than to say that the amendment that has just been proposed by the chairman of the committee is very much better than the House provision, although I should like to see even this amendment rejected; but I am not going to ask a vote of the Senate upon it.

The situation at the Pension Office is such that, in my opinion, and in the opinion of the commissioner himself, no limitation ought to be put upon the number of employees in that department this year. Some eight years ago this provision first appeared in the law. It was a very wise provision, and it has continued in the law from that time until this. Last year was the first year it became burdensome upon the department. In that year some 149 employees less were employed, brought about through death and the fact that their positions could not be filled. If that continues, and our pension laws are such that the work of the department increases, it can not do the work necessary this year; but I am perfectly willing now, with the amendment that was offered by the Senator from Virginia, to allow the amendment to be adopted, and hope the department for this year can get along with the present number of employees.

Mr. MARTIN. Mr. President, I will say just a word. The committee certainly had no idea of hampering the work of that department; but this amendment was gotten up after an investigation by Mr. Brown, of the Bureau of Efficiency, and we feel very sure that it will meet the necessities for the present. If it develops that they need additional service, of course it will be allowed.

The VICE PRESIDENT. The question is on agreeing to the amendment offered on behalf of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 108, line 18, after the word "papers," to insert "and for expense of transporting publications of patents issued by the Patent Office to foreign governments," so as to make the clause read:

For producing copies of weekly issue of patents, designs, and trade-marks; production of copies of drawings and specifications of exhausted patents and other papers; and for expense of transporting publications of patents issued by the Patent Office to foreign governments, $140,000.

The amendment was agreed to.

Mr. MARTIN. Mr. President, the adoption of that amendment renders unnecessary lines 15, 14, and the words "and expense of," in line 13; so I ask the Senate to strike out those words, not including the sum "$3,000."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 108, line 13, after the word "books," it is proposed to strike out the remainder of the paragraph, except the numerals "$3,000," in the following words:

And expense of transporting publications of patents issued by the Patent Office to foreign governments.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 111, line 5, after "$3,000," to strike out "and $750 additional so long as the position is held by the present incumbent," and in line 16, after the words "in all," to strike out "$30,710" and insert "$29,960," so as to make the clause read:

Office of Superintendent of the Capitol Building and Grounds: Superintendent, $6,000; chief clerk, $2,000; chief electrical engineer, $3,000; civil engineer, $2,400; 2 draftsmen, at $1,200 each; 2 clerks, at $1,200 each; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $2,200; in all, $29,960.

The amendment was agreed to.

Mr. MARTIN. I send to the desk an amendment to reduce the amount for the purchase of an automobile from $4,000 to $3,000.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 111, line 25, it is proposed to strike out "$4,000" and in lieu thereof to insert "$3,000," so as to read:

not exceeding $3,000 for the purchase of a motor-propelled passenger-carrying vehicle for official use of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Post Office Department," on page 118, line 23, before the words "of class 4," to strike out "86" and insert "88"; in line 24, before the words "of class 3," strike out "130" and insert "134"; in line 25, before the words "of class 2," to strike out "200" and insert "208"; on page 119, line 1, before the words "of class 1," to strike out "246" and insert "276," so as to read:

Office, Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; appointment clerk, assistant to chief clerk, confidential clerk to Postmaster General, and chairman, board of inspection, at $2,000 each; chief inspector, $4,000; chief clerk to chief inspector, $2,000; purchasing agent, $4,000; chief clerk to purchasing agent, $2,000; assistant attorneys—1 $2,750, 1 $2,500; 3 at $2,000 each; bond examiner, $2,500; law clerk, $1,800; clerks—88 of class 4, 134 of class 3, 208 of class 2, 276 of class 1, 183 at $1,000 each, 31 at $900 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Maintenance of office, Postmaster General," on page 120, line 2, after the words "in all," to strike out "$1,459,340" and insert "$1,516,540," so as to read:

Assistant foreman $840, 2 at $840 each, 76 at $720 each, 3 at $660 each; female laborers—1 $540, 3 at $500 each, 9 at $480 each; 58 charwomen; actual and necessary expenses of the purchasing agent while traveling on business of the department, $500; in all, $1,516,540.

The amendment was agreed to.

The next amendment was, on page 120, after line 2, to insert:

In making readjustments hereunder, the salary of any clerk in any class may be fixed by the Postmaster General at $100 below the salary fixed by law for such class and the unused portion of such salary shall be used to increase the salary of any clerk in any class entitled thereto by not less than $100 above the salary fixed by law for such class.

The amendment was agreed to.

The next amendment was, on page 120, after line 16, to insert:

For enforcement of title 12 of the espionage act, approved June 15, 1917, and section 19 of the trading with the enemy act, approved October 6, 1917, $50,000.

The amendment was agreed to.

The next amendment was, on page 123, after line 8, to insert:

For rent of stables, $500.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 126, line 6, after the words "Attorney General," to strike out "$30,000" and insert "$37,000," so as to make the clause read:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car tickets not exceeding $200, and other necessaries, directly ordered by the Attorney General, $37,000.

The amendment was agreed to.

Mr. MARTIN. I send to the desk another amendment reducing the price of an automobile.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 126, line 9, it is proposed to strike out "$4,000," and in lieu thereof to insert "$3,000," so as to make the paragraph read:

For official transportation, including the purchase of a motor-propelled passenger-carrying vehicle for use of the Attorney General to cost not exceeding $3,000, and for the maintenance, repair, and operation thereof, to be used only for official purposes, and purchase and repair of bicycles, $6,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 126, line 16, after the words "chief clerk," to strike out "$2,000" and insert "who shall also discharge the duties of chief law clerk, $2,250"; in line 17, after "$2,250," to strike out "2 law clerks, $2,000 each" and insert "law clerk, $2,000"; in line 21, after the words "in all," to strike out "$28,980," and insert "$27,230," so as to make the clause read:

Office of Solicitor of the Treasury: Solicitor, $5,000; Assistant Solicitor, $3,000; chief clerk, who shall also discharge the duties of chief law clerk, $2,250; law clerk, $2,000; 2 docket clerks, at $2,000 each; clerks—2 of class 4, 2 of class 3, 2 of class 2; assistant messenger; laborer; in all, $27,230.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," on page 128, line 12, after the word "each," to insert "statistical and technical expert, $3,000," and in line 20, after the words "in all," to strike out "$739,240" and insert "$742,240," so as to make the clause read:

Census Office: Director, $6,000; 5 chief statisticians, at $3,000 each; statistical and technical expert, $3,000; chief clerk, $2,500; geographer, $2,000; stenographer, $1,500; nine expert chiefs of divisions, at $2,000 each; clerks—20 of class 4, 30 of class 3, 65 of class 2, 285 of class 1, 90 at $1,000 each, 81 at $900 each; skilled laborers—3 at $900 each, 1, $720; 3 messengers; 5 assistant messengers; 4 unskilled laborers, at $720 each; 4 messenger boys, at $480 each; in all, $742,240.

The amendment was agreed to.

The next amendment was, in the item of appropriation for securing information for census reports provided for by the law, etc., on page 129, line 17, before the words "special agents," to strike out "seven" and insert "ten," and in line 18, after the words "per day," to strike out "$450,000" and insert "$490,000," so as to make the proviso read:

Provided, That the compensation of not to exceed 10 special agents provided for in this paragraph may be fixed at a rate not to exceed $8 per day, $490,000.

The amendment was agreed to.

The next amendment was, on page 130, line 5, after the words "Fourteenth Decennial Census," to strike out "$60,000" and insert "$70,000," so as to make the clause read:

For the construction, purchase, rental, or repair of punching machines for use in punching cards of the Fourteenth Decennial Census, $70,000.

The amendment was agreed to.

The next amendment was, on page 134, line 14, after "$1,500," to insert "Newport News, $1,500," and in line 17, after the words "in all," to strike out "$28,000" and insert "$30,100," so as to make the clause read:

Shipping service: For shipping commissioners in amounts not exceeding the following: Baltimore, $1,200; Bath, Me., $1,000; Boston, $3,000; New Bedford, $1,200; New Orleans, $1,500; Newport News, $1,500; New York, $5,000; Norfolk, $1,500; Philadelphia, $2,400; Portland, Me., $1,300; Seattle, $3,500; Providence, $1,800; Rockland, $1,200; San Francisco, $4,000; in all, $30,100.

The amendment was agreed to.

The next amendment was, on page 134, line 21, after the words "shipping commissioners," to strike out "$45,000" and insert "$47,700," so as to make the clause read:

Clerk hire: For compensation, to be fixed by the Secretary of Commerce, of not to exceed $1,600 per annum to each person or clerk in the offices of shipping commissioners, $47,700: *Provided*, That 1 clerk may be employed hereunder at a compensation not to exceed $1,800 per annum.

The amendment was agreed to.

The next amendment was, on page 135, line 2, after the words "in all," to strike out "$7,500" and insert "$8,365," so as to make the clause read:

Contingent expenses: For rent, stationery, and other requisites for transaction of the business of shipping commissioners' offices, and for janitor in the commissioner's office at New York, $840; in all, $8,365.

The amendment was agreed to.

The next amendment was, on page 142, after line 14, to insert:

For the standardization and design of sugar-testing apparatus; the development of technical specifications for the various grades of sugars with particular reference to urgent problems made pressing by war conditions, especially involving the standardization and manufacture of sugars; for the study of the technical problems incidental to the collection of the revenue on sugar and to determine the fundamental scientific constants of sugars and other substances, including personal services in the District of Columbia and in the field, $30,000.

The amendment was agreed to.

Mr. MARTIN. I send to the desk an amendment, in line 22, page 143, changing "$4,000" to "$3,000."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 143, line 22, it is proposed to strike out "$4,000" and to insert "$3,000," so as to read:

Not exceeding $3,000 for the purchase of a motor-propelled passenger-carrying vehicle for official use of the Secretary of Commerce.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 145, line 16, before the word "section," to strike out "Hereafter" and insert "During the present war," so as to make the clause read:

During the present war section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Commerce when the aggregate amount involved does not exceed the sum of $25.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 147, line 7, after "$3,000," to strike out "and $500 additional so long as the position is held by the present incumbent"; and in line 18, after the words "in all," to strike out "$173,460" and insert "$172,960," so as to make the clause read:

Bureau of Labor Statistics: Commissioner, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; statistician, $3,000; 6 statistical experts, at $2,000 each; employees—2 at $2,760 each, one $2,520, 5 at $2,280 each, one $1,800, 6 at $1,600 each, 7 at $1,400 each, 2 at $1,200 each; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; clerks—8 of class 4, 7 of class 3 (1 transferred to the Secretary's Office), 10 of class 2, 17 of class 1, 8 at $1,000 each (1 transferred to the Secretary's Office); 2 copyists; messenger; 3 assistant messengers; 2 laborers; in all, $172,960.

The amendment was agreed to.

The next amendment was, on page 151, line 1, after the word "heating," to insert "purchase, exchange," so as to read:

Contingent expenses, Department of Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, laundry, street car tickets not exceeding $150, lighting and heating; purchase, exchange, maintenance and repair of a motor truck and passenger-carrying vehicle to be used only for official purposes.

The amendment was agreed to.

The next amendment was, on page 151, after line 22, to insert:

During the present war section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of $25.

The amendment was agreed to.

The next amendment was, on page 157, after line 20, to strike out:

SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of $2,000 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1919, additional compensation at the rate of $120 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than $2,000 and less than $2,120 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of $2,120 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 30 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rates of 5 and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1917, has received during the fiscal year 1918, or shall receive during the fiscal year 1919 an increase of salary at a rate in excess of $200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1917, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Governments of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation; and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads as employees of the United States.

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis 313 days in the said fiscal year would amount to $2,000 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department.

So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Governments of the United States or the District of Columbia is authorized to be paid, respectively, from such trust funds.

Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or establishment receiving the increased compensation at the rate of $120 per annum and the average number by grade receiving the same at each other rate.

No income herein shall apply to salaries or compensations for personal services in any of the executive departments or independent establishments of the United States or of the District of Columbia, or any bureau or office therein, which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day.

And to insert:

SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total compensation at the rate of $2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1919, additional compensation at the rate of $120 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than $2,500 and less than $2,620 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of $2,620 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 30 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rates of 5 and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1917, has received during the fiscal year 1918, or shall receive during the fiscal year 1919 an increase of salary at a rate in excess of $200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1917, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees paid from lump-sum appropriations; employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads as employees of the United States.

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis of 313 days in the said fiscal year would amount to $2,500 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department.

So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Government of the United States or the District of Columbia is authorized to be paid, respectively, from such trust funds.

Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or establishment receiving the increased compensation at the rate of $120 per annum and the average number by grades receiving the same at each other rate.

Mr. MARTIN. Mr. President, I send to the desk an amendment to come in on line 22, page 163, after the word "appropriations." It is an amendment to the original committee amendment, though this has been adopted by the committee and is presented as a committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 163, line 22, after the word "appropriations," and before the semicolon, it is proposed to insert "in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916," so as to read:

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916—

And so forth.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. THOMAS. Mr. President, I wish to inquire of the chairman of the committee what the additional burden upon the Government, as expressed in figures, will result from this amendment?

Mr. MARTIN. In view of the modification made this morning when the committee met I can not give it accurately, but I should say with approximate accuracy it is something over $20,000,000. As the House fixed it the amount was $27,200,000; as the Senate committee first reported it it was $28,100,000; but with the modification made by the committee this morning it is reduced, and I should say, roughly speaking, nearly enough for practical purposes, it is something over $20,000,000. That is as near as I can come to it at the moment.

Mr. THOMAS. I am informed that the proposed increase to postal employees will amount somewhere in the neighborhood of $33,000,000.

Mr. MARTIN. That is a mistake.

Mr. THOMAS. That is not in this bill.

Mr. MARTIN. I beg the Senator's pardon, I misunderstood him.

Mr. THOMAS. The amount of increase made by this bill, added to the amount of contemplated increase which will undoubtedly be passed in the Post Office appropriation bill, will increase the expenditure of our domestic establishment by a sum very considerably in excess of $50,000,000, and presumably the increases in other directions will make the total sum much larger, probably approaching $75,000,000.

I shall not delay the passage of the bill, Mr. President. I could not do so if I tried, and time is too valuable to justify me in doing more than record a protest against these ever-increasing expenditures.

There is no doubt, Mr. President, that the increased cost of living is out of proportion to the salaries which existed and were paid prior to the war. There is no doubt either that this is not the way in which to remedy that situation. We can not increase the pay of employees as fast as those who furnish supplies and shelter can increase the cost of them, and it is inevitable that as the prices paid for labor increase, the prices of those who cater to the people will increase out of proportion it may be to the benefit which we seek to confer by this kind of legislation.

We are merely by this bill providing for the transfer to the landlords and the groceries and the dry-goods merchants and the other purveyors $20,000,000 through this increase of salaries. It is not the way, Mr. President, to meet or to do away with this situation. England has handled the problem differently and with far greater success, and I hope she will continue to do so.

Mr. President, our people are responding with unprecedented generosity to subscriptions for war loans. So long as money is necessary to prosecute the war and is utilized for that purpose just so long will they contribute their money to the Public Treasury. But we are beginning to note, Mr. President, that vast sums, raised both by taxes and by bond issues, are not being used for the prosecution of the war but for many things which have little or any relation to it. There is nowhere in this country, certainly not in Washington, any spirit or practice of economy whatever. On the contrary, we are more prodigal in our appropriations than we have been in all our history, and as far as one may judge the future from the past, we will be more prodigal and less frugal as time goes on, because our funds and our credit, necessarily expansive during a time like this, not only stimulate extravagance on the part of the legislators of the country but prompt fresh demands upon the Treasury, veiled under the pretense of necessity, either contributing for or essential to the prosecution of the war.

Mr. President, this war is a formidably serious thing. It is becoming more serious for America every day. The news from the front this morning is not reassuring. The last reverse is one of the most serious which the British troops have recently encountered. How many more of them they will be able to endure no man can tell. They are fighting with their backs to the wall and with that grit and tenacity characteristic of the Anglo-Saxon as his last successful resource in many a previous time of crisis and of travail.

But we should look beyond the present, Mr. President, and take some note of what the immediate future may have for the Republic should that splendid line of heroes be pierced by the German hordes and driven back upon the Channel. They are fighting our battle. They are fighting it with a heroism without parallel in the history of warfare. Every true American heart to-day is beating in response to the hope that they may prevail over the Hun and save civilization for the world.

In the event, Mr. President, that line is broken and the Germans capture the channel ports, which I do not believe, America will be faced with the immediate prospect of a war nearer at home, and for that we should make, it is essential that we do make, immediate preparation, for possibly France, war worn and weary, bled white, and her resources strained to the utmost, can do no more; that Britain, depending solely upon her fleet, America will be obliged to carry on this war to its ultimate and successful conclusion. We will do that, God willing, should the task be imposed upon us.

I trust, Mr. President, that no such responsibility will be ours, but since there may be such a responsibility I want to see some evidence of that spirit of sacrifice and that manifestation of patriotism, patriotism in the deepest sense of the word, manifest not only in our proceedings, but among the people without regard to class or condition.

These are serious times, Mr. President. America is more than ever the hope of the world. Her strength, her endurance, her stout-heartedness, her ability to measure up to the tremendous responsibilities that may soon be hers depend in large degree upon our financial resources, and they should be in every way husbanded and protected as far as it is within our power to do so.

Mr. President, I do not care to say anything more upon the subject. I do not think this amendment is wise. It will give no serious permanent measure of relief, but will merely tend to increase the already high cost of living, and become the precedent for another and a larger increase in the fiscal legislation for the year 1920.

Mr. TOWNSEND. Mr. President, I know it is unpopular with Senators who are very anxious to pass this measure carrying $70,000,000 immediately upon its introduction to submit any remarks upon it, and I do not propose to occupy any considerable length of time of the Senate in its discussion, but I must state that I agree very largely with many of the sentiments which the able Senator from Colorado [Mr. THOMAS] has just uttered. I do not agree with him, however, that there

should be no increase of salaries to Federal employees. I know that the salaries now paid are not sufficient, even if other conditions in the country were normal and all of the people who have rent and other things to sell in this District were actuated by purely patriotic motives.

I understand that the bill which seeks to investigate and remedy conditions connected with landlordism here in the city is working upon a measure of relief.

I have never been one who has strongly favored interfering with individual effort when that effort is exerted along reasonable lines, but when I realize, as I do, that the people not directly connected with the Government who are living in the District of Columbia are here because the Government's Capital has made it a most desirable place to live in, because the burdens upon the property owners are comparatively light and the advantages here furnished by the taxpayers of the whole country are greater than those of any other city in the United States—when I know these things I am impressed that in time of war, when every patriot should think of service and sacrifice rather than profit, I am ready to deal with the profiteers in this District as I would with any other disloyal citizen. Until we entered this war I have not been moved to criticize the disposition of many of the residents of Washington to extort from Government officials and employees all that the Government pays in salaries, but now when the life of the Nation requires thousands of men and women to live here I regard it as nothing less than treasonable for the favored property owners to profiteer out of the necessities of the war. One of the discouraging features of the present is the too general disposition to make and save money by any means, however questionable, rather than to spend it for the general welfare. I know of no place where that disposition is more manifest than in the Capital of our Nation. I do not know what the conditions will be generally throughout the District, but in many places the occupants of rooming houses, apartment houses, and hotels have been notified that on the 1st day of May the rents are to be increased. I happen to know that many of these rents have already been increased 75 per cent over what they were prior to the breaking out of the war. It is now proposed to make it 100 per cent. I know that the general excuse is that the cost of fuel has been and is very great, but I also know that this is not a good excuse. So do many of us. Coal has been higher, but much less has been used. The increased cost has been offset by decreased quantity purchased. Tenants have not been warmed. The rooms have not been fit for occupation on account of the lack of heat. Owners have economized in coal.

I have inquired as to the cost of help that landlords have employed. The owners have been magnanimous enough in many instances to increase the pay of servants who were receiving already $20 a month to $22 a month, and at the same time increasing the rentals charged their patrons from 75 to 150 per cent more than they charged prior to the war.

Mr. President, I am in favor of this increase of salaries for the clerks. In fact, I would be willing to vote a little more in most cases; but I hope that this will not be simply additional plunder for those who are profiting out of the necessities of those who are compelled to remain here in Washington. I would give greater weight to the arguments of District residents for increased wages to Government employees if I did not realize that they were inspired by the vision of increased spoils. I would not care to vote an additional salary to a clerk if that additional salary is to be turned over to a landlord.

Not only the rentals to employees, but, of course, the cost of food, has increased, and provision should be made for it; but the responsibility of Congress does not end with granting the increase of salaries, it should extend as far as in justice it can, and these employees should be protected against the greed of profiteers.

Mr. President, I hope that the antiprofiteering measure is going to be pushed to legal enactment. I do not say that all hotels and apartment and rooming houses are guilty of extortion, because I happen to know that there are many proprietors who have not increased their charges materially. I want to get after the men who feel that the Government of the United States is established in Washington in order to support the District of Columbia or the property owners who happen to be here. Patriotism and sacrifice are demanded quite as much of the residents of the District of Columbia as they are of those who live outside. I shall be very glad to support, if I have an opportunity, any just measure or any reasonable measure which attempts at least to allow Government employees to retain a small portion of their salaries for their own individual use without being obliged to contribute to people who feel that this is their opportunity to profit at the expense of the Government's vital necessity.

I indorse what the Senator from Colorado says relative to economy, but I also know that expenses naturally increase, and that clerks of the Government should not be expected to make all the sacrifice. They should be paid a sufficient salary upon which to live. Therefore I am in favor of the increase, but I hope it will be supplemented by action looking to the possibility of their retaining at least a portion of what they earn.

Mr. SMOOT. Mr. President, I have had prepared a statement showing the average salaries or wages paid by representative commercial concerns and States and municipalities for work similar to that which is done for the Federal Government by its employees. I want to put the finding of that investigation into the RECORD in order that Senators and the country may know the facts concerning compensation paid by the Government of the United States in comparison to compensation for similar work paid by private corporations and by municipalities and States as well. This statement will show that the Government of the United States to-day is paying a higher rate of compensation than is paid for similar work anywhere else in the United States, with a few exceptions, and those exceptions appear in this statement.

I present this statement, Mr. President, because there has been a universal charge outside of Congress that the employees of the Government are not paid so well as are employees elsewhere, and I desire that the facts may be known by all. I ask that the statement be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

Statement showing average rates paid for similar work by the Federal Government, representative commercial concerns, and State and municipal governments.

MALE EMPLOYEES.

Description of work.	1918								1914				
	Federal Government.				Commercial concerns.		State and municipal governments.		Federal Government.			Commercial concerns—average annual salary.	State and municipal governments—average annual salary.
	Average annual salary.	Per cent of increase over 1914.	Per cent of commercial salary.	Per cent of State and municipal salary.	Average annual salary.	Per cent of increase over 1914.	Average annual salary.	Per cent of increase over 1914.	Average annual salary.	Per cent of commercial salary.	Per cent of State and municipal salary.		
Bookkeeping:													
1. Preparing schedules or registers of accounting documents or transactions	$1,264	— 3.2	105.9	101.9	$1,194	26.1	$1,241	12.6	$1,306	137.9	118.5	$947	$1,102
2. Posting and balancing detail ledgers	1,368	3.8	109.1	96.3	1,254	24.5	1,420	13.7	1,318	130.9	105.5	1,007	1,249
3. Journalizing routine transactions	1,339	0.3	90.8	92.5	1,475	32.2	1,448	98.0	1,335	119.6	90.3	1,116	1,478
4. Searching for errors, making trial balances	1,444	— 0.6	72.7	86.2	1,987	22.5	1,675	8.9	1,453	89.6	94.5	1,622	1,538
Averages for bookkeepers	1,367	1.7	102.3	97.4	1,336	25.0	1,404	11.7	1,344	125.7	106.9	1,069	1,257
Stenography-typewriting:													
1. Plain copying on the typewriter	1,078	6.1	127.3	106.6	847	21.3	1,011	.....	1,016	145.6	.....	698	.....
2. Transcribing from dictating machines	1,164	29.3	.....	114.1	.....	.....	1,020	.....	900	115.4	.....	780	.....

Statement showing average rates paid for similar work by the Federal Government, representative commercial concerns, and State and municipal governments—Continued.

MALE EMPLOYEES.

Description of work.	1918								1914				
	Federal Government.				Commercial concerns.		State and municipal governments.		Federal Government.			Commercial concerns—average annual salary.	State and municipal governments—average annual salary.
	Average annual salary.	Per cent of increase over 1914.	Per cent of commercial salary.	Per cent of State and municipal salary.	Average annual salary.	Per cent of increase over 1914.	Average annual salary	Per cent of increase over 1914.	Average annual salary.	Per cent of commercial salary.	Per cent of State and municipal salary.		
Stenography-typewriting—Continued.													
3. Taking and transcribing routine dictation	$1,152	8.1	98.0	100.2	$1,175	23.6	$1,150	13.1	$1,066	112.1	104.8	$951	$1,017
4. Expert stenography	1,359	2.0	97.6	61.4	1,393	26.2	2,214	5.2	1,332	120.7	63.3	1,104	2,104
Averages for stenographers and typists	1,159	8.5	102.3	98.0	1,133	25.3	1,183	95.9	1,068	118.1	86.5	904	1,234
Secretarial work—correspondence:													
1. Composing and typing routine correspondence	1,378	5.4	103.9	113.4	1,366	35.4	1,215	13.0	1,307	129.5	121.6	1,009	1,075
2. Composing and dictating correspondence	1,578	5.8	89.5	80.1	1,764	26.5	1,971	4.1	1,492	107.0	78.8	1,394	1,894
3. Secretaries to administrative officers	1,767	6.1	74.3	92.8	2,380	17.4	1,904	5.8	1,666	82.2	92.6	2,027	1,800
Averages for secretaries and correspondents	1,559	6.2	83.8	81.4	1,861	26.5	1,915	4.9	1,468	99.8	80.4	1,471	1,826
Clerical work:													
1. Plain copying, filling forms	1,196	9.4	146.9	119.6	814	27.1	1,000	3.4	1,093	170.8	113.0	640	967
2. Indexing or filing, comparing, verifying	1,182	−0.9	122.7	98.7	963	25.7	1,198	8.8	1,193	155.7	108.4	766	1,101
3. Operating tabulating or calculating machines	1,230	11.3	117.0	111.8	1,051	24.5	1,100	10.0	1,105	130.9	110.5	844	1,000
4. Operating addressing and duplicating machines	954	9.8	145.4	86.7	656	21.7	1,100	10.0	869	161.2	86.9	539	1,000
5. Preparing and verifying pay rolls	1,176	−8.9	105.1	79.8	1,119	30.2	1,474	10.3	1,291	150.3	96.6	859	1,336
Averages for clerks	1,155	−0.8	115.3	98.5	1,002	27.3	1,173	7.2	1,164	147.9	104.0	787	1,094
Miscellaneous:													
1. Telephone switchboard operators	739	0.8	98.5	72.5	750	2.4	1,030	6.3	733	100.1	76.4	732	960
2. Messengers	639	2.1	134.5	65.4	475	52.2	977	8.3	626	200.6	69.4	312	902
3. Unskilled laborers	626	12.0	70.6	65.1	886	49.1	961	26.3	559	94.1	73.5	594	761
4. Elevator operators	705	2.8	84.7	82.4	832	31.2	856	14.1	686	108.2	91.5	634	750
5. Watchmen	717	3.0	70.3	84.9	1,020	45.5	845	13.0	696	99.3	93.0	701	748
6. Carpenters	1,139	8.1	90.5	64.8	1,258	35.3	1,758	11.5	1,054	113.3	66.8	930	1,577
7. Electricians	1,141	7.6	87.9	62.5	1,299	37.7	1,825	9.3	1,060	112.4	63.5	943	1,669
8. Plumbers and fitters	1,117	1.2	96.4	.....	1,159	26.6	.....	.....	1,104	120.7	56.3	915	.....

FEMALE EMPLOYEES.

Bookkeeping:													
1. Preparing schedules or registers of accounting documents or transactions	$1,161	13.8	173.8	105.2	$668	44.6	$1,104	10.4	$1,020	220.8	102.0	$462	$1,000
2. Posting and balancing detail ledgers	1,161	4.8	148.8	111.4	780	39.2	1,042	3.0	1,108	197.5	109.5	561	1,012
3. Journalizing routine transactions	1,257	2.1	201.1	86.6	625	34.1	1,452	7.6	1,231	234.2	91.2	466	1,350
4. Searching for errors, making trial balances	1,236	−3.6	123.2	.....	1,003	43.9	.....	.....	1,281	183.8	.....	697	.....
Averages for bookkeepers	1,197	3.1	164.0	108.1	730	39.0	1,107	5.6	1,161	221.1	110.8	525	1,048
Stenography-typewriting:													
1. Plain copying on the typewriter	1,106	9.4	172.0	116.4	643	22.0	950	12.0	1,011	191.8	119.2	527	848
2. Transcribing from dictating machines	1,088	23.6	145.8	98.9	746	20.1	1,100	10.0	880	141.7	88.0	621	1,000
3. Taking and transcribing routine dictation	1,120	4.4	125.1	106.2	895	22.6	1,055	11.3	1,073	147.0	113.2	730	948
4. Expert stenography	1,287	3.5	127.0	118.1	1,013	18.5	1,090	11.2	1,243	145.4	126.8	855	980
Averages for stenographers and typists	1,134	6.6	140.3	108.7	808	21.7	1,043	11.3	1,064	160.2	113.6	604	937
Secretarial work—correspondence:													
1. Composing and typing routine correspondence	1,333	3.3	155.9	123.9	855	23.9	1,076	18.0	1,290	187.0	141.4	690	912
2. Composing and dictating correspondence	1,324	4.3	135.4	80.2	978	43.0	1,650	37.5	1,269	185.5	105.8	684	1,200
3. Secretaries to administrative officers	1,468	6.8	110.0	97.9	1,335	33.2	1,500	7.1	1,374	137.1	98.1	1,002	1,400
Averages for secretaries and correspondents	1,358	6.4	131.7	111.4	1,031	34.2	1,219	21.3	1,276	166.1	123.0	768	989
Clerical work:													
1. Plain copying, filling forms	1,054	.5	181.7	93.4	580	31.8	1,129	12.9	1,049	238.4	104.9	440	1,000
2. Indexing or filing, comparing, verifying	1,031	1.2	156.7	106.9	696	42.9	1,021	2.2	1,078	221.4	107.9	487	999
3. Operating tabulating or calculating machines	1,037	8.1	140.3	94.3	739	23.0	1,100	10.0	959	167.4	95.9	573	1,000
4. Operating addressing and duplicating machines	1,054	5.4	173.9	87.8	606	30.3	1,200	.....	1,000	215.1	.....	465	.....
5. Preparing and verifying pay rolls	1,155	−2.8	173.2	92.5	667	21.4	1,248	22.4	1,188	216.4	116.5	549	1,020
Averages for clerks	1,101	3.8	161.9	104.0	680	32.8	1,059	5.9	1,061	207.2	106.1	512	1,000
Miscellaneous:													
1. Telephone switchboard operators	770	3.9	105.3	90.1	731	23.4	855	7.1	741	125.2	92.9	592	798
2. Messengers	504	−6.7	103.7	45.8	486	25.6	1,100	10.0	540	139.5	54.0	387	1,000
3. Unskilled laborers	403	4.1	86.3	.....	467	21.6	.....	.....	387	100.8	.....	384	.....
4. Elevator operators	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5. Watchmen	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
6. Carpenters	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
7. Electricians	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
8. Plumbers and fitters	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire to call the attention of the chairman of the committee to an item on page 101, line 17, being the appropriation for the salary of the medical expert in the office of the Solicitor for the Interior Department. The salary of that official was estimated for at $2,500, and the appropriation made carried by the bill is $2,000. I happen to know that that employee is a very efficient man and is almost indispensable to that office. I should like very much indeed to have the salary increased to the estimate and have the matter go to conference, where undoubtedly it will be scanned very closely.

Mr. MARTIN. I am perfectly willing for the matter to go to conference.

Mr. GALLINGER. I therefore move, on page 101, line 17, to increase the salary of the medical expert from $2,000 to $2,500.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GALLINGER. Mr. President, I desire to call attention to one other matter, which, I think, was an oversight on the part of the committee. Turning to page 147, line 6, the bill reads:

Chief statistician, who shall also perform the duties of chief clerk, $3,000.

The estimate for that item was $4,000, it being recommended that $1,000 additional should be given to that official so long as the office was retained by the present incumbent. The House of Representatives allowed an additional $500, using the language—

and $500 additional so long as the position is held by the present incumbent.

The Senate committee very properly intended to strike out the language "so long as the position is held by the present incumbent," but in doing so struck out the appropriation of the additional $500 which the House had allowed.

The official now occupying this position is acknowledged by everyone to be one of the most efficient employees of the Government and one performing a vast amount of work. I therefore appeal to the Senator from Virginia to consent to an increase of the amount of $3,000, which is provided in line 7, page 147, to $3,500. That would make the exact amount which the House of Representatives has allowed. Then, let the language, "so long as the position is held by the present incumbent," which the Senate committee doubtless intended to strike out, be stricken out.

Mr. MARTIN. Mr. President, the policy of the Committee on Appropriations, a policy with which I am in most earnest sympathy, was not to increase the salaries of civilian employees of the Government in this time of war. The committee was very liberal as to all war expenditures, but was very unwilling to increase the salaries of civilian employees. There are not a half dozen instances in the entire bill—I do not think there are over three—in which an increase has been allowed in the salary of civilian employees, except in the case of the lump-sum increase of $120.

Mr. GALLINGER. But, Mr. President, I will suggest to the Senator from Virginia that there are very few instances where the amount allowed by the House of Representatives was reduced by the Senate committee.

Mr. MARTIN. I think we made reductions in quite a number of instances.

Mr. GALLINGER. The House allowed $3,500 in this instance.

Mr. MARTIN. But the Senate committee did not agree to it in this instance for this reason: While soldiers are going to the front, giving up big salaries and comforts and luxuries, and working and serving the country and risking their lives in the Army for $30 a month, I tell you I can not look with any favor on increasing the salaries of civilian employees. If a man has a salary of $3,000 a year—and that is what this official got last year—he can get along on it. The committee was unwilling to increase the salaries of civilians under conditions such as now confront us.

Mr. GALLINGER. I was laboring under the impression that the Senate committee had made a mistake in striking out the $500 additional which was allowed by the House of Representatives. My impression was that the committee simply intended to strike out the language "so long as the position is held by the present incumbent."

Mr. MARTIN. It was a deliberate action of the committee; they did not think that the salary ought to be increased. Under ordinary circumstances the increase might be very proper, but had we increased this salary there are scores of others which should have been increased in cases which are just as meritorious. The committee was not willing to increase the salaries of civilian employees in this critical period of our history.

Mr. GALLINGER. If that is the position which the chairman of the committee takes, I have nothing further to say about it, except to add a word to the effect that I feel sure that if the chairman of the committee will investigate this particular case he will find that it is very exceptional, so far as the capabilities of this man are concerned and the importance of the work which he is performing.

Mr. MARTIN. We had no doubt about all that; but this is a time of sacrifice, and we thought that these civilian employees could get along on the salaries which they had heretofore received.

Mr. JONES of Washington. Mr. President, I desire to ask the chairman of the committee about a provision on page 139 of the bill. I had intended to ask about it in committee, but overlooked it. I refer to the provision on that page, beginning in line 22, which reads as follows:

For investigation of the standards and methods of measurements of public utilities, such as gas, electric light, electric power, water, telephone, and electric railway service, and the solution of the problems which arise in connection with standards in such service, including personal services in the District of Columbia and in the field, $50,000.

As I understand, the estimate of the department for the service was $100,000. They have represented to me that this work is very important and that the demand and need for work along this line is very important. I desire to ask whether or not the subcommittee gave that matter any special consideration?

Mr. MARTIN. I will say to the Senator from Washington that the subcommittee did give the matter very careful consideration, but we felt that in these strenuous times, when there is so much demand for money, this service could get along with the sum which was provided for in the bill as it came from the other House, which is $50,000.

Mr. STERLING. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 9, at the end of line 2, it is proposed to insert the following:

To authorize the Secretary of the Senate to pay those officers and employees of the Senate borne on the roll known as the soldiers' roll, in accordance with the provisions of Senate resolution of July 14, 1911, and continue such persons on said roll who are now designated as "mail carriers," "folders," "skilled laborers," "policemen," or by other designation, but who are now serving as messengers in and about the doors of the Senate and performing service exactly similar to those performed by messengers whose compensation is $1,440 each per annum, a sum sufficient to make their compensation at the rate of $1,440 each per annum for the fiscal year ending July 30, 1918, $4,327.50, which amount shall be immediately available.

Mr. STERLING. I trust this amendment will be acceptable to the chairman of the Committee on Appropriations.

Mr. MARTIN. Mr. President, it is very painful to me to say a word in opposition to anything for an old soldier. The committee has not made an investigation into the details of these special cases, but, generally speaking, the old soldiers on the rolls are getting a reasonable salary—I will not say they are getting what they ought to have—but they are getting pensions and each one of them will get the $120 increase. Still, the matter is one which appeals to the sympathies of every Senator, and I should be glad, if it be agreeable to the Senator from South Dakota, to let the amendment go to conference, where it will be carefully considered.

Mr. STERLING. That will be satisfactory to me.

Mr. OVERMAN. Do I understand that the Senator from Virginia accepts the amendment?

Mr. MARTIN. I am willing that the matter shall go to conference.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. JONES of Washington. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. It is proposed to strike out all after line 5, on page 3, all of page 4, all of page 5, all of page 6, all of page 7, and lines 22, 23, 24, and 25 on page 9, and in lieu thereof insert after line 5 on page 3 the following:

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Appropriations—clerk, $4,000; two assistant clerks, at $2,500 each; two assistant clerks, at $1,440 each; messenger, $1,440; laborer, $720; Banking and Currency—clerk, $3,000; assistant clerk, $1,800; assistant clerk, $1,440; messenger, $1,200; Claims—clerk, $2,500; assistant clerk, $2,000; assistant clerk, $1,440; messenger, $1,440; Commerce—clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,800; messenger, $1,440; Conference Minority of the Senate—clerk, $2,500; assistant clerk, $1,800; two messengers, at $1,200 each; District of Columbia—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Education and Labor—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Engrossed Bills—clerk, $2,500; assistant clerk, $1,800; messenger, $1,200; Expenditures in the Interior Department—clerk, $2,500; assistant clerk, $1,800; messenger, $1,200; Finance—clerk, $3,000; assistant clerk, $2,220; assistant clerk, $1,600; assistant clerk, $1,440; messenger, $1,440; two experts (one for the majority and one for the minority), at $2,000 each; Foreign Relations—clerk, $3,000; assistant clerk, $2,220; messenger, $1,440; Immigration—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Indian Affairs—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440; Interoceanic Canals—clerk, $2,500; assistant clerk, $1,800; messenger, $1,200; Interstate Commerce—clerk, $2,500; two assistant clerks, at $1,800 each; messenger, $1,440; Judiciary—clerk, $2,500; assistant clerk, $2,220; two assistant clerks, at $1,800 each; messenger, $1,440; Manufactures—clerk, $2,500; assistant

clerk, $1,500; messenger, $1,440; Military Affairs—clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,440; messenger, $1,200; Naval Affairs—clerk, $2,500; assistant clerk, $1,800; assistant clerk, $1,440; messenger, $1,440; Pacific Islands and Porto Rico—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Pensions—clerk, $2,500; assistant clerk, $1,800; 3 assistant clerks, at $1,440 each; messenger, $1,440; Philippines—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Post Offices and Post Roads—clerk, $2,500; assistant clerk, $2,000; 2 assistant clerks, at $1,440 each; messenger, $1,440; Printing—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440; Private Land Claims—clerk, $2,500; assistant clerk, $1,800; messenger, $1,200; Privileges and Elections—clerk, $2,500; assistant clerk, $1,500; messenger, $1,440; Public Buildings and Grounds—clerk, $2,500; assistant clerk, $1,500; messenger, $1,440; Public Lands—clerk, $2,500; assistant clerk, $1,800; assistant clerk, $1,440; messenger, $1,200; Rules—clerk, $2,720, to include full compensation for the preparation biennially of the Senate Manual, under the direction of the Committee on Rules; assistant clerk, $1,800; messenger, $1,440; in all, $211,380.

For assistance to Senators who are not chairmen of the committees specifically provided for herein: Sixty-eight clerks, at $2,500 each; 68 assistant clerks, at $1,500 each; 68 messengers, at $1,200 each; in all, $353,600: *Provided*, That such clerks, assistant clerks and messengers shall be ex officio clerks, assistant clerks, and messengers of any committee of which their Senator may be chairman.

Mr. JONES of Washington. Mr. President, this amendment strikes out the provision that refers to clerks and messengers to the committees, beginning on page 3, and also the provision at the bottom of page 9, beginning in line 24, and makes another provision in lieu thereof, which I will explain. The amendment I have proposed is framed on the theory of giving to each Senator a secretary at $2,500 a year, an assistant secretary at $1,500 a year, and a messenger at $1,200 a year. This is in accord with the conclusion that was reached by the special committee that was appointed a year or two ago, of which the Senator from North Carolina [Mr. OVERMAN] was the chairman. The amendment was framed to carry out that conclusion, and was referred to the committee at the suggestion of the special committee.

The amendment which I have proposed does not interfere with the provision made by law now for the compensation of clerks of any committee where their compensation exceeds $2,500 for a secretary, $1,500 for an assistant secretary, and $1,200 for a messenger; in other words, I reinsert in my amendment every provision made in this bill for clerical help to committees that would not be cared for by my amendment. That course was followed on the theory that where the Senate had given consideration to the needs of any committee and had allowed special compensation to any employee of that committee we would not disturb that conclusion, except in the case of one or two of the insignificant committees where the messenger gets more than the ordinary compensation of messengers. In such cases we have provided the regular messenger rate of $1,200 for each messenger.

The purpose of this amendment is to get rid of a number of committees that every Senator admits are useless, the only purpose served by them being to give increased compensation to employees who do not do any more work than they would do if they were not employees of such committees; in other words, the purpose of this amendment is to put the compensation of the help of Senators upon an equal, just, and fair basis.

The amount carried, as I have had it figured out as nearly as possible with reference to the provisions which were agreed to by the committee, would only be a little over $4,000 more than the amount provided in the bill as reported to the Senate.

Mr. President, that is all I am going to say about it. I am not going to take the time of the Senate to discuss it at any further length. I do think that we ought to get rid of a number of the committees that are actually useless, that never meet, and never have any business to do as committees, and that we ought to place the employees of all Senators upon a fair, just, and equitable basis, one with another.

Mr. MARTIN. Mr. President, I have no hesitation in saying that there is a great deal of merit in the proposition presented by the Senator from Washington. We have many committees that should be abolished; there should be a revision of the compensation allowed to clerks of the different committees; the matter ought to have the attention of the Senate; but the proposal of the Senator from Washington has not been considered by any committee and the time does not seem propitious to act upon the question now. The Senate has just given to each Senator an additional clerk, unless he already has as many as four clerks, and it seems to me that this matter, for which I concede there is a great deal of justification, which has a great deal of merit, and which is entitled to careful consideration, should not be pressed now. It will certainly have careful consideration at an early day, so far as I am concerned, but just at present I hope the Senator will not press his amendment, as we could not well dispose of it to-day with such a full understanding as there ought to be before it is finally acted upon.

Mr. JONES of Washington. Mr. President, I submitted the amendment some time ago and had it referred to the committee, where it was referred, I presume, to the subcommittee. I recognize that the committee has a great deal to do, that the very important problems that confront it take a great deal of time, and I am disposed to accede to the request of the chairman of the committee. I should like to know, however, if the chairman of the committee can give me any assurance that probably at the next session, when the next legislative, executive, and judicial appropriation bill comes along, we can give this matter consideration and take some action upon it?

Mr. HARDWICK. Will the Senator from Washington yield to me for a moment?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES of Washington. I yield.

Mr. HARDWICK. I am in sympathy with the purpose of the Senator, but let me suggest to the Senator that inasmuch as these committees were created by the standing rules of the Senate, first the rules ought to be changed, and then the useless committees ought to be abolished after action of the Rules Committee.

Mr. JONES of Washington. I wish to suggest to the Senator that I do not intend to abolish committees, but I do put the compensation of their employees on an entirely different basis, and that will rid us substantially of perhaps the worst evil.

Mr. HARDWICK. I thought the Senator's amendment had that purpose in view, and I am glad it has, because I should like to support such a proposal.

Mr. JONES of Washington. I do not by the amendment try to amend the rules but simply to place the compensation on a different plane, which will accomplish, I think, the real practical results which we would like to get at.

Mr. HARDWICK. If the Senator will pardon me just one suggestion further, I think a better way to do that would be to abolish every useless committee.

Mr. JONES of Washington. I think so, too; our rules ought not to be encumbered with them at all.

Mr. HARDWICK. The best way to do that would be to get the Committee on Rules to take action looking to the abolition of all the useless committees, and merely leave the virile, vital committees.

Mr. JONES of Washington. Yes; but the legislative, executive, and judicial appropriation bill is the measure that really fixes the compensation; our rules do not do that, so that if we fix the compensation upon a fair, just, and equitable basis we can still have all the committees provided for by the rules, and yet it would not affect the committees and would put their employees upon a fair and just basis. That is what I am really concerned about, and I should like to ask the chairman of the committee if he does not think that probably at the next session, when we are considering another appropriation bill, we may be able to give this matter serious consideration?

Mr. MARTIN. I will say to the Senator that it is my earnest desire to proceed right along the line with him. I think action along that line ought to be taken, and I hope we can find the opportunity to do so intelligently at the next session of Congress.

Mr. JONES of Washington. In view of that statement of the chairman of the committee, in the interest of the early passage of the pending legislation and in the hope that I will get the result which I seek quicker by taking this course, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Washington withdraws his amendment.

Mr. CALDER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, line 25, it is proposed to strike out "$2,000" and in lieu thereof to insert "$2,220."

Mr. CALDER. Mr. President, this amendment is in line with the amendment just offered by the Senator from Washington and afterwards withdrawn. It is not so involved as his amendment. His amendment readjusts the pay of the clerks of all committees. My amendment simply provides that each Senator's clerk who now receives $2,000 shall hereafter receive $2,220.

We have had some talk in the Chamber to-day about useless committees. I intended to read the names of some of these committees into the RECORD, but perhaps that is not necessary. We all know the ones that are useless. The first one I see is the Committee on Additional Accommodations for the Library of Congress. I do not know just what that committee has to do; but the fact that there is such a committee and that a Senator is chairman of it allows his clerk $220 a year more than he would otherwise receive. I find, on looking over these

committees, that the Senators from the States of New Mexico, Arizona, Wyoming, and Utah—the States of smaller population—all have chairmanships. I am sure the clerks of these Senators earn all the money that is paid to them; but in the case of many of the States of larger population, where the clerks of Senators work not 7 hours or 8 hours a day but 12 or 14 hours a day the clerk is paid but $2,000.

Moreover, if this amendment is agreed to, I am going to ask that another amendment be made on the next page, giving the second clerk $1,440, the same pay allowed the second clerks of Senators who are chairmen of committees. I may say that last year the War Department took my second clerk from me. He was receiving $1,200, and they offered him $1,500, and he left. This year one of the executive departments offered my second clerk $1,600, one whom I had brought from my own State. I said to him, "All we can give you is $1,200," and purely out of loyalty he stayed with me. But these departments of the Government are offering many Senators' clerks higher pay than we can give them, and when these clerks see that the clerks of other Senators, doing less work than themselves, are paid $220 and $240 more than they are paid it certainly is very discouraging to them and to us.

I hope that this simple little amendment will be agreed to. It is not involved at all; and if it is adopted, together with the one on page 10, increasing the pay of the $1,200 clerks to $1,440, it will mean altogether an additional appropriation of only $13,200.

Mr. JONES of Washington. Mr. President——

Mr. CALDER. I yield to the Senator from Washington.

Mr. JONES of Washington. I just want to ask the Senator from New York if the effect of his amendment would not be this: The minimum compensation paid to the secretaries of Senators who are chairmen of minor committees is $2,220?

Mr. CALDER. Yes.

Mr. JONES of Washington. The Senator's amendment would give the secretaries of Senators who are not chairmen of these minor committees the same compensation that the clerks of these minor committees receive?

Mr. CALDER. Exactly.

Mr. JONES of Washington. I think that is entirely just. There is no reason at all why the secretaries of Senators who are not chairmen of minor committees but who do just as much work, and in many instances possibly more work, should not have exactly the same compensation that comes to the clerks of committees who do not have any work to do because of the fact that they are clerks of committees.

Mr. CALDER. I am glad that the Senator from Washington agrees with what I am trying to do. It is just plain, simple justice that the clerks of all Senators who are doing identical work should get exactly the same compensation.

In view of the fact that these two items—the amendment I have now offered, and the amendment on the next page—will take only $13,200, and that they will enable Senators to hold their good clerks, rather than have them taken away by the departments of the Government, when we are authorizing increases of salaries right along for clerks in the departments, I trust that the chairman of the committee will agree to accept this amendment.

Mr. MARTIN. Mr. President, I regret exceedingly that the Senator from New York wishes to open up this question of compensation to clerks. We have just allowed an additional clerk to every Senator who has less than four. I say to him very frankly that while the House generally concedes to the Senate the right to fix the compensation of its own force, it would be impossible to get a measure of this sort through at this time.

The Senator from Washington, in a very broad and liberal spirit, passed by the general proposition, which would include what the Senator from New York is asking. Under the circumstances, I feel constrained to make the point of order that the amendment has not been reported from any committee, and has never been even considered by a committee, and increases an appropriation, and is therefore subject to a point of order.

The PRESIDING OFFICER. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DESTRUCTION OR INJURING OF WAR MATERIAL—CONFERENCE REPORT.

Mr. OVERMAN. I present a conference report on Senate bill 383, to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to prevent the hostile use of property during time of war, and for other purposes, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

"SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall,

upon conviction thereof, be fined not more than $10,000 or imprisonment not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. THOMAS. Mr. President, this is the second report from the conference committee. The conferees seem to have agreed upon two changes in the original report, which I presume were designed to balance each other. That is to say, those members of the Senate committee insisting upon the elimination of section 3 secured the assent of their associates on the House committee by agreeing to strike out the words in section 2 reading:

Shall conspire to prevent the erection or production of such war premises, war material, or war utilities.

I have no doubt that that compromise was effected upon the theory that if the clause of section 2 which I have read were eliminated from the bill the need for section 3, to which some of us here successfully objected, would be eliminated. If that were true, I would not be able to vote for the second conference report, since it would be substantially identical with the first report.

I have had occasion more than once, in discussing legislation of this sort, to call attention to my opinion as to the probable consequences of the proposed legislation. This bill upon its face as it now stands—and when I say "as it now stands," I mean as it now stands upon the present conference report—would exempt from the operation of the act conspiracies to commit the offenses provided against by it. In other words, it would require the actual accomplishment of the thing prohibited to invoke the machinery of the act and bring about the consequences and the penalties which it provides. But, Mr. President, it is due from me to those who are interested in this subject, and particularly to those who believe that section 3 should have remained in the conference report, that I should say that in my judgment the elimination of the clause of section 2 does not accomplish the purpose designed; and because it does not I shall vote for the committee report.

The subject of conspiracies generally is covered by section 37 of the Criminal Code, which reads as follows:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than two years, or both.

I wish to go on record at this time as saying that in the event this conference report is accepted, as I hope it will be, section 37 of the Criminal Code covers conspiracies to commit the offenses therein provided for; and under the provisions of section 37 indictment and punishment, in the event the evidence sustains the indictment, will inevitably follow, in my judgment.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I yield.

Mr. POINDEXTER. Is it not true that altogether aside from the question of conspiracy to do certain things specified in the clause of section 2, that has been referred to, the manner in which the conference report has now been changed does not constitute those things an offense even though there be no conspiracy to do them? In other words, they have not only eliminated the idea of conspiracy but they have eliminated the provision which makes it a crime to interfere with the production of war materials.

Mr. THOMAS. I do not so understand.

Mr. POINDEXTER. I fail to see anything in the legislation recommended by the report that makes it unlawful to prevent the erection or production of such war premises, war materials, or war utilities, or to injure or interfere with or obstruct the United States in the production of them. There is nothing in the report to make that an offense. Now, that is the important thing that was intended to be curbed by this legislation; but in striking out a provision to punish a conspiracy to do that, which I understand was done in order to be sure that it did not interfere with the right of workmen not to work, they have struck out the substantive part of the legislation as well.

Mr. THOMAS. I have misread the second report of the conference committee if that conclusion is correct. The words in section 2, "shall conspire to prevent the erection or production of such war premises, war material, or war utilities," are the only words eliminated from the section. If that is not correct, I hope the chairman of the committee will correct me.

Mr. OVERMAN. Mr. President, that is correct. We struck those words out of section 2 and then we struck out section 3; that is all.

Mr. THOMAS. That being the case, section 2 as it stands is perfect, except that it does not punish conspiracies to do the things prohibited by that section.

Mr. POINDEXTER. Mr. President, if the Senator will pardon me——

Mr. THOMAS. I yield.

Mr. POINDEXTER. I do not want to embarrass the Senator in any way.

Mr. THOMAS. Indeed, I have said practically all that I intended to say.

Mr. POINDEXTER. I am making these suggestions largely for the purpose of developing just exactly what will be the effect of this legislation. I would be glad if the Senator from Colorado or the Senator from North Carolina making the report could point out any provision that is left in this proposed legislation providing for penalties against the man who interferes with or obstructs the production of war materials. I say there is nothing to that effect in the proposed legislation as it is now reported, and I will call the Senator's attention to what it does contain.

Mr. THOMAS. I want to say that if that criticism is correct, then the bill was defective ab initio, and the defect is not due to the report of the committee.

Mr. POINDEXTER. That may be true. I am not urging that the original bill contains this provision which I am talking about, but the first conference report did contain it, and it also contained in connection with it a penalty against conspiring to do those things. The conferees have eliminated the conspiracy and they have eliminated the whole subject matter along with the conspiracy.

Mr. OVERMAN. I think the Senator is mistaken about that. We have only eliminated words from what is known as the Cannon amendment. All that was eliminated were the words "shall conspire to prevent the erection or production of such war premises, war material, or war utilities," that is all.

Mr. POINDEXTER. If the Senator from Colorado will pardon me just a moment, all the acts that are prohibited by this report are defined in section 2 and in what is now called section 3. They are in those two last sections of the report. The rest of it is merely definition of material, and so forth, and what constitutes war utilities, so that we turn only to those two last sections to ascertain what acts shall be prohibited and penalized by this proposed legislation. Now, what are they?

Section 2 prohibits anyone, with the intent to injure, interfere with, or obstruct the United States or any associate nation, in preparing for or carrying on the war, or with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war; that is, with the intent to do those things. Shall do what? "Shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material," and so forth. There is nothing said there about interfering with or obstructing the production of it. That denounces the crime of destroying or of injuring war material after it is produced, and that is all there is in section 2. In section 3 there is a provision—

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States——

The PRESIDING OFFICER. The Senator from Washington will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be laid aside temporarily for the disposition of this report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Will the Senator yield to me?

Mr. POINDEXTER. In just one second I will yield to the Senator. I merely want to complete the sentence which I was engaged in at 2 o'clock.

Mr. THOMAS. I think I have the floor, Mr. President, but I am not certain.

Mr. POINDEXTER. Undoubtedly the Senator from Colorado has the floor, and I will yield to him.

Mr. THOMAS. I do not mean by that to cut off the Senator.

Mr. POINDEXTER. I just want to say a word more.

Mr. THOMAS. The Senator said that he would yield the floor to the Senator from Minnesota, and I did not want it to be understood that I had myself yielded the floor to the Senator from Washington.

Mr. POINDEXTER. I beg the Senator's pardon for trespassing on his courtesy.

Mr. THOMAS. It is not necessary.

Mr. POINDEXTER. I pointed out the acts which are prohibited in section 2. The only other acts prohibited are defined in section 3, and those acts are with the intent, using the same language as to the intent that I read from the second section, to do what? Not that it shall interfere with or stop the production of war material, but "shall cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material."

So, Mr. President, the only things that are prohibited by this legislation are, first, with the intent referred to, to injure or destroy war material; second, with the same intent already referred to and defined, to make in a defective manner or attempt to make in a defective manner such war material. That is all, and there is not anything in either one of those provisions that makes it a penalty to interfere with or to obstruct the production.

Mr. THOMAS. I am inclined to think there is considerable force in the Senator's criticism, but it goes to the bill itself and not to the changes made in the second conference report. I think section 2 would have been more complete had it contained the word "produce" or "production" or both or their equivalent. That, however, goes to the merit not only of this but of the first conference report and to the original bill itself. We are confronted here, however, at this time with the second conference report, which eliminates one section and a phrase in another relating to conspiracy. My sole purpose in taking the floor was to call attention to what I conceive to be a very important proposition, which is that the striking out of the clause regarding conspiracy in section 2 still leaves full play to section 37 of the Criminal Code, and that completes the report. So I am prepared to vote for it.

Mr. FLETCHER. Will the Senator allow me to say that that I think is the view of the conferees?

Mr. THOMAS. I think that is the correct view to be taken of it. I yield the floor, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HOLLIS. Mr. President, I do not desire to renew the controversy of last week over the conference report on this measure. There were certain statements made last week in criticism of the conduct of the Government Employment Service and the attitude of the American Federation of Labor which ought to be explained, and instead of making that explanation myself I ask leave to print in the RECORD without reading a letter from the Secretary of Labor regarding the United States Employment Service as it relates to shipbuilding plants in the Puget Sound district, a letter from the secretary of the American Federation of Labor regarding the report of the National Industrial Conference Board, and a letter from the president of the American Federation of Labor, Mr. Gompers, with regard to the attitude of labor, with certain inclosures, being a letter to me.

The PRESIDING OFFICER. Without objection, leave will be granted.

Mr. FALL. Do I understand that it is the request of the Senator that these letters shall be printed in the RECORD without reading?

The PRESIDING OFFICER. That is the request.

Mr. FALL. I think they should be read, in view of the statement of the Senator that they are intended to answer some of the criticisms which were offered on the floor here in the discussion. I so understood the Senator.

Mr. HOLLIS. Does the Senator object to having them printed in the RECORD?

Mr. FALL. I object to anything being printed in the RECORD as an answer to criticisms made by a Senator on the floor without knowing what the answer is.

The PRESIDING OFFICER. Objection is made.

Mr. HOLLIS. If the Secretary will return the papers to me, I will read them and make such comments as I think are necessary.

Mr. FALL. I should like to have them read.

Mr. HOLLIS. The first letter is in regard to a suggestion made by the Senator from South Dakota [Mr. STERLING] that the United States Employment Service had notified men who applied for work in the shipbuilding district of Puget Sound that they should not go there to work unless they were union men.

Mr. JONES of Washington. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. JONES of Washington. I merely wish to suggest to the Senator that in view of the fact that these letters apparently answer some statements made by certain Senators on the floor, and those Senators are not here now, probably it would be well to have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Shields
Baird	Gerry	New	Smith, Ga.
Borah	Hale	Norris	Smith, S. C.
Brandegee	Harding	Nugent	Smoot
Calder	Hardwick	Overman	Swanson
Chamberlain	Henderson	Page	Tillman
Culberson	Hollis	Phelan	Townsend
Cummins	Johnson, Cal.	Pittman	Trammell
Curtis	Jones, Wash.	Poindexter	Warren
Dillingham	McCumber	Pomerene	Weeks
Fall	McKellar	Saulsbury	Williams
Fletcher	McNary	Sheppard	Wolcott
France	Martin	Sherman	

Mr. CURTIS. I desire to announe the absence of the Senator from West Virginia [Mr. SUTHERLAND] on official business.

While I am on my feet I desire to announce the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN]. I will let this announcement stand for the day.

Mr. WARREN. I wish to announce that my colleague [Mr. KENDRICK] is absent to-day on public business.

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator Broussard.

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator Stone.

The PRESIDING OFFICER (Mr. SHEPPARD). I desire to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are necessarily detained, taking part in the third liberty loan campaign.

Fifty-one Senators having responded to their names, a quorum is present. The Senator from New Hampshire will proceed.

Mr. HOLLIS. As I was saying before the call for a quorum, a statement was made last week on the floor of the Senate with reference to the conduct of the United States Employment Service engaging men to work in the shipbuilding district of Puget Sound, and it was then said that men who were secured by the Department of Labor for that purpose were told that if they were not union men it was useless for them to apply. The Secretary of Labor, Mr. Wilson, has sent me this letter in explanation, and I will read it:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 11, 1918.

Hon. HENRY F. HOLLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR HOLLIS: My attention was called to an article in the morning paper referring to an attack by some Senators on the administration, and particularly to this department, charging that it was catering to union labor, the discussion apparently having been brought about by reference to the recruiting by the United States Employment Service of this department of labor for the shipyards in the Puget Sound district.

The statement is alleged to have been made that the officers of the Employment Service conducting this recruiting announced to the public that no one but union men would be employed and sent to the shipyards in Seattle. This statement is quite correct, but the Senate should know that the shipbuilding companies in the Puget Sound district have a written agreement with the metal-trades council of that district to employ no one but union men. Consequently it would be useless for any agency to recruit any labor for these shipyards other than union labor. It would not only be useless but misleading and work a great injury on nonunion men, who might leave positions in the Middle West and go to Seattle only to find that under the agreement between the unions and the shipyards they could not be employed. The agreement between the shipbuilding companies and the metal-trades council in that district has been in existence for a long time. This department or no other branch of the Government is a party to the contract, nor was it urged by the Government. The shipbuilding com-

panies have simply agreed to the closed union shop in that district, and the agreement is defended by the shipbuilding companies and the Seattle Chamber of Commerce and other employers in that district as a measure of great efficiency, and the speed with which the shipbuilding companies in that district are turning out ships for the Shipping Board indicates the value of the plan under which they are working. If you will refer to the speech of Chairman Hurley, of the Shipping Board, at New York on March 26, you will find that he makes particular reference to the greater speed in shipbuilding on the Pacific coast than elsewhere. It is true that the United States Employment Service of this department supplies absolutely all of the labor, both skilled and unskilled, going into the shipyards in the Puget Sound district.

It is quite clear from what I have just stated that if the shipyards are operating on a written closed union shop agreement with the unions that the Employment Service supplying the labor must supply union labor if it is to supply it at all.

Very sincerely, yours,

W. B. WILSON,
Secretary.

The letter from Mr. Frank Morrison, secretary of the American Federation of Labor, is as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 15, 1918.

Senator HENRY F. HOLLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Read into the CONGRESSIONAL RECORD, issue of April 10, on page 4902, is a report of the National Industrial Conference Board on "Strikes in American industry in war time, April 6 to October 6, 1917."

It is stated that during this time 1,156 strikes are recorded. The number of employees made idle, it is stated, was 283,402, and the number of days of production lost was 6,285,519. The National Industrial Conference Board, as you know, is composed of representatives of 17 employers' organizations and associations. It would be interesting to know the method employed by which these figures were compiled or if they were merely the estimate of some individual or group of individuals.

The trade-union movement has found it impossible to compile figures of this character that would be found approximately correct, for the reason that in strike times a large percentage of men drift into other activities for temporary employment. Although known as strikers, these men are engaged in production or other useful occupations, and could not be included in the list above referred to. To illustrate: If 500 employees are on strike for four weeks that does not mean a loss to society of 2,000 days of production, because many of these workers secure employment elsewhere. Because of the temporary character of their employment and the constant shifting from one place of employment to another during this period we have not been successful in securing reliable statistics.

In support of our position and to show the unreliability of the figures issued by the National Industrial Conference Board I quote the following statement by the bureau of mediation and arbitration of the New York State Industrial Commission, published in the commission's monthly bulletin issued February, 1918:

"It may properly be mentioned in this connection that it has been customary in the reports of this bureau and of other bureaus of a like character to speak of the number of days' continuance of a strike as time lost, as a measure of the wages lost to the employees, and also as indicating, in a way, the economic loss to the employer. It is the experience of this bureau, however, that while the total of lost working days reported does show the seriousness of the strike in loss to the worker and employer, it is not an exact estimate of the real loss to either. During the continuance of a strike the bureau has frequently observed that many strikers have obtained temporary employment from another firm or person than the one involved in the dispute, returning to the old position upon settlement of the dispute, and it has also often occurred that one department of an industrial concern may be tied up temporarily by a strike, while the other departments continue in absolutely normal operation, without lessening of the production of the plant as a whole. The great majority of industrial disputes, however, result in material loss to both employer and employee and affect injuriously a community in which they occur."

Yours, very truly,

FRANK MORRISON,
Secretary American Federation of Labor.

The letter from Mr. Gompers, president of the American Federation of Labor, is dated April 13, 1908.

DEAR SIR—

Then there is a complimentary reference to myself, and I will omit the first paragraph of the letter. He mentions the sabotage bill and the discussion last week, and then continues:

Am I right in assuming that the vote of the Senate, reversing the decision of the Presiding Officer of the Senate, was not indicative of opposition to the features of the bill discussed, but rather as a matter of parliamentary procedure? At least I hope so.

Surely when there was such a divergence of views expressed as to the necessity for incorporating section 3 of the bill, the Congress should retain it, for you know, as many Senators know, how the interests and rights of the workers have been subverted on account of interpretations by the courts of laws which the Congress had not the slightest notion should apply to the normal, natural activities of wage earners. Either section 3 should be restored or the so-called Cannon amendment stricken out.

Yesterday I addressed a letter to Hon. LEE S. OVERMAN, member conference committee of the Senate and House, upon the above bill, and it seemed to me that you ought to be in possession of a copy of that letter. I may say, too, that I furnished a copy of my letter to Senator OVERMAN and to each of the conferees on the part of the Senate and the House.

It is with a sense of regret I find that Senator SHERMAN should, at least by indirection, call into question the loyalty of the American Federation of Labor or myself. More than a month before our country entered into the war I issued a call to the representatives of organized labor of America to meet in conference at Washington. That conference was held on March 12, 1917, and, after a thorough discussion, a declaration was unanimously adopted. Permit me to quote the few concluding paragraphs of that document:

"We, the officers of the national and international trade-unions of America in national conference assembled in the Capital of our Nation, hereby pledge ourselves in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.

"In this solemn hour of our Nation's life, it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and the burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

"But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict, we, with these ideals of liberty and justice herein declared, as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against its enemies whomsoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service.

"Issued by American Federation of Labor, American Federation of Labor Building, Washington, D. C."

That declaration was reported to the convention of the American Federation of Labor, held at Buffalo, N. Y., November, 1917, and it was indorsed by a unanimous vote of all the delegates to that convention.

It has been my purpose and that of my associates to do everything physically possible to prevent interruptions of work.

Under date of April 8, 1918, I addressed a circular to all the organizations of workers of America. May I presume upon your patience and ask you to read a copy of it, which I take pleasure in inclosing?

For nearly a year, in conference with the Secretary of the Department of Labor and members of the Advisory Commission of the Council of National Defense, I have cooperated for the purpose of first reaching agreements by which industry would be continued without interruption. As the result of these conferences, the employers' associations and the undersigned as representing the workers, appointed committees representative of both sides, and they in turn selected two high-minded citizens of our country representing the public; that they agreed upon principles and standards, and also upon machinery or instrumentality by which these principles and standards and methods of adjustment or prevention of disputes might be put into operation, and that these have been established by the proclamation of the President of the United States. I do not undertake to question the figures quoted by Senator SHERMAN, but I venture to express my judgment that the men engaged in the strikes to which he has referred were largely unorganized.

This fact must be borne in mind, that among the unorganized workers employers have for years had full sway to determine wages, hours, and conditions of the workers, and the former have not failed during all these periods to take full advantage of the impotency of the workers to defend or protect their rights and interests, and that within this past year opportunities had opened up to the workers which they utilized in securing some improvement in their conditions.

Of course, you know that there are no workers in this country under my jurisdiction. There is no power vested in me or even in the American Federation of Labor itself to act more than in an advisory capacity to our fellow workers. That course as advisors we have consistently and persistently pursued, and under it the organized, as well as the unorganized, have almost generally, and particularly in this recent past, conformed. Should section 2 be retained in the bill and section 3 rejected, the influential, advisory character of the American Federation of Labor and me would be minimized or destroyed.

I have some understanding of men and the causes which prompt them to action, particularly as to their action as wage workers, and it is because of that knowledge that I aim to call the attention of Congress to the wholly hurtful effect which would result should it retain section 2 and reject section 3 of the bill.

It is gratifying to me to see in the utterance of Senator SHERMAN that the differences which exist between us he is perfectly willing to lay in abeyance, particularly at this time. I sincerely reciprocate that expression on my part. I am endeavoring by the light that is given me and by every effort I can put forth help our country and our allies to as quickly as physically possible bring this war to a triumphant conclusion for our common cause. If the time should arrive when greater sacrifice may be necessary to win for these great principles, the working people of America will not be found wanting, and while we are fighting for the safety of our Republic and the freedom of the world, we should at least not unnecessarily sacrifice justice and freedom at home. It is something not yet fully understood how perfectly safe is freedom.

Concluding with another complimentary reference, he signs himself:

I have the honor to remain,
Yours, very respectfully,

SAM GOMPERS,
President American Federation of Labor.

The circulars are short, are in printed form, and together with the copy of the letter to the Senator from North Carolina [Mr. OVERMAN], I presume may be printed in the RECORD without reading. I am sorry to take up the time of the Senate to this extent, but I felt that these letters ought to go into the RECORD.

The PRESIDING OFFICER (Mr. GERRY in the chair). Without objection, the matter referred to by the Senator from New Hampshire will be printed in the RECORD. The Chair hears no objection.

The matter referred to is as follows:

APRIL 8, 1918.

To the TOILERS OF AMERICA:

BROTHERS: Will the battle line of freedom hold against the onslaughts of autocracy's military machine? Upon that line hangs the destiny of the world for decades to come. The line can hold back the offensive and drive the invaders out of the Republic of France only if it is the concentrated expression of national determination unfailingly supplying men, munitions, food, and every accouterment required.

Workers of America, the safety of that battle line in France depends mainly now upon us. We must furnish the majority of those in the trenches. We must build the ships that carry the troops and munitions of war. Regardless of hidden dangers we must maintain the life line of ships on the high seas which connect the fighting front with our national bases of supplies. We must make the guns, the munitions, the aeroplanes. We must have ready food, clothing, blankets. We serve in the great industrial army that serves overseas with the fighting forces.

We must do all these things because a principle is involved that has to do with all we hold dear.

We are fighting against a government that disregards the will of the governed; a government that pries into intimate relations of life and extends its supervision into smallest details and dominates all of them. We are fighting against involuntary labor; against the enslavement of women and the mutilation of the lives and bodies of little children. We are fighting against barbarous practices of warring upon civilian populations, killing the wounded, the agents of mercy, and those who bear the white flag of truce.

We are fighting for the ideal which is America; equal opportunity for all. We are fighting for political and economic freedom, national and international.

We are fighting for the right to join together freely in trade-unions and the freedom and the advantages represented by that right.

Our country is now facing a crisis, to meet which continuity of war productions is essential. Workers, decide every industrial question fully mindful of those men—fellow Americans—who are on the battle line, facing the enemies' guns, needing munitions of war to fight the battle for those of us back at home, doing work necessary but less hazardous. No strike ought to be inaugurated that can not be justified to the men facing momentary death. A strike during the war is not justified unless principles are involved equally fundamental as those for which fellow citizens have offered their lives—their all.

We must give this service without reserve until the war is won, serving the cause of human freedom, intelligent, alert, uncompromising wherever and whenever the principles of human freedom is involved.

We are in a great revolutionary period which we are shaping by molding everyday relations between man and man. Workers of America as well as all other citizens have difficult tasks to perform that we might hand on to the future the ideals and institutions of America not only unimpaired, but strengthened and purified in spirit and in expression, thus performing the responsible duty of those intrusted with the high resolve to be free and perpetuate freedom.

Fraternally, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

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AMERICAN LABOR'S POSITION IN PEACE OR IN WAR.

WASHINGTON, D. C., *March 12, 1917.*

A conference of the representatives of the national and international trade-unions of America, called by the executive council of the American Federation of Labor, was held in the American Federation of Labor Building, March 12, 1917, in which conference the representatives of affiliated national and international trade-unions and the railroad brotherhoods participated.

The executive council of the American Federation of Labor had the subject matter for three days under advisement prior to the conference and submitted a declaration to the conference. The entire day was given over to a discussion of the recommendation and such suggestions as were submitted. After a thorough discussion the following document was adopted by a unanimous vote:

"We speak for millions of Americans. We are not a sect. We are not a party. We represent the organizations held together by the pressure of our common needs. We represent the part of the Nation closest to the fundamentals of life. Those we represent wield the Nation's tools and grapple with the forces that are brought under control in our material civilization. The power and use of industrial tools is greater than the tools of war and will in time supersede agencies of destruction.

"A world war is on. The time has not yet come when war has been abolished.

"Whether we approve it or not, we must recognize that war is a situation with which we must reckon. The present European war, involving as it does the majority of civilized nations and affecting the industry and commerce of the whole world, threatens at any moment to draw all countries, including our own, into the conflict. Our immediate problem, then, is to bring to bear upon war conditions instructive forethought, vision, principles of human welfare, and conservation that should direct our course in every eventuality of life. The way to avert war is to establish constructive agencies for justice in times of peace and thus control for peace situations and forces that might otherwise result in war.

"The methods of modern warfare, its new tactics, its vast organization, both military and industrial, present problems vastly different from those of previous wars. But the Nation's problems afford an opportunity for the establishment of new freedom and wider opportunities for all the people. Modern warfare includes contests between workshops, factories, the land, financial and transportation resources of the countries involved; and necessarily applies to the relations between employers and employees, and as our own country now faces an impending peril, it is fitting that the masses of the people of the United States should take counsel and determine what course they shall pursue should a crisis arise necessitating the protection of our Republic and defense of the ideals for which it stands.

"In the struggle between the forces of democracy and special privilege, for just and historic reasons the masses of the people necessarily represent the ideals and the institutions of democracy. There is in organized society one potential organization whose purpose is to further these ideals and institutions—the organized labor movement.

"In no previous war has the organized-labor movement taken a directing part.

"Labor has now reached an understanding of its rights, of its power and resources, of its value and contributions to society, and must make definite constructive proposals.

"It is timely that we frankly present experiences and conditions which in former times have prevented nations from benefiting by the voluntary, whole-hearted cooperation of wage earners in war time, and then make suggestions how these hindrances to our national strength and vigor can be removed.

"War has never put a stop to the necessity for struggle to establish and maintain industrial rights. Wage earners in war times must, as has been said, keep one eye on the exploiters at home and the other on the enemy threatening the National Government. Such exploitation made it impossible for a warring nation to mobilize effectively its full strength for outward defense.

"We maintain that it is the fundamental step in preparedness for the Nation to set its own house in order and to establish at home justice in relations between men. Previous wars, for whatever purpose waged, developed new opportunities for exploiting wage earners. Not only was there failure to recognize the necessity for protecting rights of workers that they might give that whole-hearted service to the country that can come only when every citizen enjoys rights, freedom, and opportunity, but under guise of national necessity labor was stripped of its means of defense against enemies at home and was robbed of the advantages, the protections, the guaranties of justice that had been achieved after ages of struggle. For these reasons workers have felt that, no matter what the result of war, as wage earners they generally lost.

"In previous times labor had no representatives in the councils authorized to deal with the conduct of war. The rights, interests, and welfare of workers were autocratically sacrificed for the slogan of 'national safety.'

"The European war has demonstrated the dependence of the governments upon the cooperation of the masses of the people. Since the masses perform indispensable service, it follows that they should have a voice in determining the conditions upon which they give service.

"The workers of America make known their beliefs, their demands, and their purposes through a voluntary agency which they have established—the organized-labor movement. This agency is not only the representative of those who directly constitute it, but it is the representative of all those persons who have common problems and purposes but who have not yet organized for their achievement.

"Whether in peace or in war, the organized-labor movement seeks to make all else subordinate to human welfare and human opportunity. The labor movement stands as the defender of this principle and undertakes to protect the wealth producers against the exorbitant greed of special interests, against profiteerings, against exploitation, against the detestable methods of irresponsible greed, against the inhumanity and crime of heartless corporations and employers.

"Labor demands the right in war times to be the recognized defender of wage earners against the same forces which in former wars have made national necessity an excuse for more ruthless methods.

"As the representatives of the wage earners we assert that conditions of work and pay in Government employment and in all occupations should conform to principles of human welfare and justice.

"A nation can not make an effective defense against an outside danger if groups of citizens are asked to take part in a war though smarting with a sense of keen injustice inflicted by the government they are expected to and will defend.

"The corner stone of national defense is justice in fundamental relations of life—economic justice.

"The one agency which accomplishes this for the workers is the organized-labor movement. The greatest step that can be made for national defense is not to bind and throttle the organized-labor movement but to afford its greatest scope and opportunity for voluntary effective cooperation in spirit and in action.

"During the long period in which it has been establishing itself the labor movement has become a dynamic force in organizing the human side of industry and commerce. It is a great social factor which must be recognized in all plans which affect wage earners.

"Whether planning for peace or war, the Government must recognize the organized-labor movement as the agency through which it must cooperate with wage earners.

"Industrial justice is the right of those living within our country. With this right there is associated obligation. In war time obligation takes the form of service in defense of the Republic against enemies.

"We recognize that this service may be either military or industrial, both equally essential for national defense. We hold this to be incontrovertible that the government which demands that men and women give their labor power, their bodies, or their lives to its service should also demand the service in the interest of these human beings of all wealth and the products of human toil—property.

"We hold that if workers may be asked in time of national peril or emergency to give more exhausting service than the principles of human welfare warrant, that service should be asked only when accompanied by increased guaranties and safeguards, and when the profits which the employer shall secure from the industry in which they are engaged have been limited to fixed percentages.

"We declare that such determination of profits should be based on costs of processes actually needed for product.

"Workers have no delusions regarding the policy which property owners and exploiting employers pursue in peace or in war, and they also recognize that wrapped up with the safety of this Republic are ideals of democracy, a heritage which the masses of the people received from our forefathers, who fought that liberty might live in this country—a heritage that is to be maintained and handed down to each generation with undiminished power and usefulness.

"The labor movement recognizes the value of freedom, and it knows that freedom and rights can be maintained only by those willing to assert their claims and to defend their rights. The American labor movement has always opposed unnecessary conflicts and all wars for aggrandizement, exploitation, and enslavement, and yet it has done its part in the world's revolutions, in the struggles to establish greater freedom, democratic institutions, and ideals of human justice.

"Our labor movement distrusts and protests against militarism, because it knows that militarism represents privilege and is the tool of special interests, exploiters, and despots. But, while it opposes militarism, it holds that it is the duty of a nation to defend itself against injustice and invasion.

"The menace of militarism arises through isolating the defensive functions of the State from civic activities and from creating military agencies out of touch with masses of the people. Isolation is subversive to democracy; it harbors and nurtures the germs of arbitrary power.

"The labor movement demands that a clear differentiation be made against military service for the Nation and police duty, and that military service should be carefully distinguished from service in industrial disputes.

"We hold that industrial service shall be deemed equally meritorious as military service. Organization for industrial and commercial service is upon a different basis from military service—the civic ideals still dominate. This should be recognized in mobilizing for this purpose. The same voluntary institutions that organized industrial, commercial, and transportation workers in times of peace will best take care of the same problems in time of war.

"It is fundamental, therefore, that the Government cooperate with the American organized-labor movement for this purpose. Service in Government factories and private establishments, in transportation agencies, all should conform to trade-union standards.

"The guarantees of human conservation should be recognized in war as well as in peace. Wherever changes in the organization of industry are necessary upon a war basis, they should be made in accord with plans agreed upon by representatives of the Government and those engaged and employed in the industry. We recognize that in war, in certain employments requiring high skill, it is necessary to retain in industrial service the workers specially fitted therefor. In any eventuality when women may be employed, we insist that equal pay for equal work shall prevail without regard to sex.

"Finally, in order to safeguard all the interests of the wage earners organized labor should have representation on all agencies determining and administering policies for national defense. It is particularly important that organized labor should have representatives on all boards authorized to control publicity during war times. The workers have suffered much injustice in war times by limitations upon their right to speak freely and to secure publicity for their just grievances.

"Organized labor has earned the right to make these demands. It is the agency that, in all countries, stands for human rights and is the defender of the welfare and interests of the masses of the people. It is an agency that has international recognition which is not seeking to rob, exploit, or corrupt foreign governments, but instead seeks to maintain human rights and interests the world over, nor does it have to dispel suspicion nor prove its motives either at home or abroad.

"The present war discloses the struggle between the institutions of democracy and those of autocracy. As a nation we should profit from the experiences of other nations. Democracy can not be established by patches upon an autocratic system. The foundations of civilized intercourse between individuals must be organized upon principles of democracy and scientific principles of human welfare. Then a national structure can be perfected in harmony with humanitarian idealism—a structure that will stand the tests of the necessities of peace or war.

"We, the officers of the national and international trade-unions of America in national conference assembled in the Capital of our Nation, hereby pledge ourselves in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.

"In this solemn hour of our Nation's life, it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and the burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

"But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict, we, with these ideals of liberty and justice herein declared as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against its enemies whomsoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service."

Issued by American Federation of Labor, A. F. of L. Building, Washington, D. C.; Samuel Gompers, president; Frank Morrison, secretary.

APRIL 11, 1918.

Hon. LEE S. OVERMAN,
Member Conference Committee,
Injury to War Material Bill,
Senate Office Building, Washington, D. C.

DEAR SIR: The legislative committee of the American Federation of Labor brought to my attention the fact that after consideration by the Senate of the conference report on the "protection of war material and war transportation facilities bill," the conference report was rejected and a motion adopted that the Senate insist upon its disagreement to the amendments of the House and requesting further conference.

It appears that the discussion on conference report centered about section 3 of the bill, which expressly stipulates that the provisions of the bill were to be interpreted as not preventing workmen from ceasing their work in disputes solely over wages and conditions of employment. Apparently the conference report was recommitted for the purpose of *making an effort* to eliminate this section.

Labor, as those most vitally affected, interposed no serious objections to this bill as originally drafted, but, during its consideration in the House, Mr. CANNON, of Illinois, offered and the House adopted the following amendment:

"Whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both."

To this amendment, without any qualifications, labor has very serious objections. Labor has had some sorrowful experiences in the interpretation of statutes.

In order that there might not be any question as to the meaning of the statute, an amendment was offered to this bill making it clear that the section above referred to did not apply to the normal and legal activities of workmen. The amendment offered, and which was accepted by the House, is as follows:

"That nothing herein shall be construed as making it unlawful for employees to agree together to stop work, or not to enter thereon, with the bona fide purpose of securing better wages or conditions of employment."

This bill, upon its passage by the House, went to conference. The conferees agreed to a change in the amendment and inserted the words "sole and," so that the provision would read:

"That nothing herein shall be construed as making it unlawful for employees to agree together to stop work, or not to enter thereon, with the sole and bona fide purpose of securing better wages or conditions of employment."

There would have been no occasion for the introduction or the passage of the amendment last referred to had it not been for the adoption of the so-called "Cannon amendment."

The elimination of section 3 and the retention of the Cannon amendment would be a direct challenge to labor. Such a policy would be unjustifiable and discriminatory against human beings and the granting of power and special privileges to private employers over their employees, and would be so interpreted by the great mass of the workers of our country.

No one disputes the fact that the workers generally of our country and the American Federation of Labor have given indispensable service, and the failure of the Congress to retain the amendment above quoted would bring about its reaction among the wageworkers of our country and would nullify all the efforts made by the organized-labor movement. A challenge of this character will destroy the cooperative spirit of the workmen of our country, and thus retard rather than accelerate our necessary industrial activities in the conduct of a successful war.

Depriving workmen of their inherent and constitutional rights can have no other effect than to create in an intensified form the spirit engendered and developed by those who covertly desire to see the issues of this war result in failure. It is my earnest hope that no legislation will be enacted that will retard the successful prosecution of the undertaking in which we are now engaged, and I sincerely trust that in the final determination of this bill either it will remain in the form reported by the conferees or that both the Cannon amendment and section 3 be stricken from it.

Realizing that you will give this matter most serious consideration, I am,

Very respectfully, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McCUMBER. Mr. President, I want to know what the conference report means before I agree to it. I do not know when it was brought in here. I have not heard any statement as to just what has been done and the changes agreed on by the conferees. I should like to have the Senator from North Carolina explain it.

Mr. OVERMAN. Mr. President, the Senator from North Dakota was not present, I am sorry to say, when the conference report was brought in. The Senator from Colorado [Mr. THOMAS], who was the chief opponent of the conference report as previously presented, took the floor and explained it. Therefore I did not say anything about it. The Senator from Colorado explained it fully and stated why he would vote for it.

What was known as the Cannon amendment and section 3, which was debated long and fully here, the conferees agreed to strike out. That was done in agreement between the conferees of the House and the Senate. The House conferees stated that section 3 would not have been adopted had not what was known as the Cannon amendment been adopted. I presume that the Senator from North Dakota is familiar with the Cannon amendment and does not desire that I shall read it.

Mr. McCUMBER. I know what the Cannon amendment is.

Mr. OVERMAN. The conferees agreed to strike out section 3 and the Cannon amendment. We had before us the general conspiracy statute of the United States, which is found in the Judicial Code and which made it a crime for anyone to conspire to do anything denominated a crime by the laws of the United States. It was stated that that statute would cover this situation, anyway, and we made a compromise agreement on that basis. The House was willing to strike out section 3 if the Senate conferees would agree to strike out what was known as the Cannon amendment, because they said that the adoption of the Cannon amendment was the reason for the adoption of section 3 by the House of Representatives. We agreed to strike out everything about labor, and so those two amendments were stricken out.

Mr. McCUMBER. Mr. President, the Senator from North Carolina refers to some other section of existing law, and states that that other section of the law covers the same question.

Mr. OVERMAN. The Senator from North Dakota is doubtless familiar with the general statute.

Mr. McCUMBER. Is the Senator from North Carolina certain that the situation is covered by the general statute?

Mr. OVERMAN. That is what I thought, and I understand the Senator from Colorado, in the statement which he made here, said that he was going to support the conference report, because he had examined the statute and was satisfied that it covered the situation.

Mr. McCUMBER. I know, but one would suppose that every Senator on the conference committee would himself examine the statute and would pass his own judgment upon it.

Mr. OVERMAN. We had the statute before us, and what I have stated was the judgment of every member of the committee, without exception.

Mr. SHERMAN. Will the Senator from North Dakota permit me to interrupt him a moment?

Mr. OVERMAN. I will read the statute for the Senator from North Dakota in a moment.

Mr. SHERMAN. The Senator from North Carolina refers to the general conspiracy statute, I presume?

Mr. OVERMAN. Yes, sir.

Mr. SHERMAN. Prosecutions have been had under that statute several times, particularly in the Indiana cases which were prosecuted under the general conspiracy section. I think that is the section to which the Senator from Colorado alluded?

Mr. McCUMBER. Yes; but was not a demurrer sustained in those cases?

Mr. SHERMAN. Some convictions have been had and some of the defendants are in the penitentiary.

Mr. McCUMBER. For doing what? Will the Senator from Illinois tell me what the particular crime charged was?

Mr. SHERMAN. Indictment was brought under the general conspiracy act, which prohibits the doing of any unlawful act to the injury of the United States, and in the Indiana cases the specific charge was because of fraud committed at an election in which Members of Congress were voted for. I refer to what is known as the Roberts case, growing out of prosecutions in the

district of Indiana. The acts were committed in Terre Haute. The act was sustained in the circuit court of appeals.

Mr. McCUMBER. I want to ask the Senator from Illinois a question. This section provides:

That whoever * * * shall conspire to prevent the erection or production of such war premises, war material, or war utilities shall upon conviction thereof be fined not more than $10,000 or imprisoned not more than 30 years, or both.

Have we any law upon the statute books to-day that is practically the same as this provision which has now been stricken out by the conferees?

Mr. SHERMAN. I think we have. I think the section for which the Senator from North Carolina is looking would be violated by such an act.

Mr. OVERMAN. Mr. President, we have had expressions of opinion from the Senator from Illinois [Mr. SHERMAN] and the Senator from Colorado [Mr. THOMAS], and they think the situation is covered by the existing statute. That is all I can say. As soon as I can find the statute I will read it to the Senator. I have not yet had time to find it, as I do not remember it specifically by number.

Mr. McCUMBER. While the Senator from North Carolina is looking for the law to which he refers I wish to present another letter to the Senate and to have it read into the RECORD. The letter is one which is addressed to the Senator from Minnesota [Mr. NELSON], and he has authorized me to have it put into the RECORD. I desire the Secretary to read it. I especially want to call the attention of the Senate to the number of strikes which, according to this letter, have taken place between the 15th day of February and the 11th day of March, 1918, at a time in which it has been stated that labor difficulties had all been settled.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEATTLE CHAMBER OF COMMERCE AND COMMERCIAL CLUB,
Washington, D. C., Office, March 11, 1918.

MY DEAR SENATOR NELSON: I hand you herewith an incomplete record of strikes which have occurred in the United States since February 15 of the present calendar year. I find that I am unable at this time to tell you just what has caused all of them or how long they were in effect. A great number of them have been called to force the "closed shop" and reduction of hours of labor to eight:

NEW ENGLAND STATES.

Fall River, Mass., cotton mills	3,000
Lynn, Mass., shoe factories	8,000
Sanford, Me., textile mills	450
Pawtucket, R. I., textile mills.	
Portland, Me., biscuit factory.	
Chelsea, Mass., clock makers.	
Bristol, R. I., shoe factory	2,000

In addition there has been a number of strikes in nonessential industries and continued threatened strikes in textile, garment, shoe, and machine shops.

NEW YORK AND MID-ATLANTIC STATES.

New York, longshoremen	2,000
New York, cotton-duck factories	1,000
New York, chemical workers	600
Allegheny, Pa., machinists	100
Shamokin, Pa., coal washers	200
Kensington, Pa., weavers	4,000
Buffalo, N. Y., turbine-engine workers	200
Chester, Pa., munition workers	300
Baltimore, Md., shipbuilders	600
Cohoes, N. Y., shoddy mills	200
Hog Island, Pa., ship carpenters	300
Mount Carmel, Pa., coal miners	150
Conshohocken, Pa., boiler makers	500
Buffalo, N. Y., shipbuilders	900

Also a number of strikes, such as elevator men, teamsters, section hands, cigar factories, etc. A continued threatened strike of all the marine workers of New York.

SOUTHERN STATES.

Alabama, general coal mine.	
Birmingham, Ala., metal trades	5,000
Ensley, Tenn., coal miners.	
Louisville, Ky., Avery farm implements	500
Waco, Tex., street car strike.	

Number of threatened strikes in southern shipyards.

MIDDLE WEST STATES.

Kansas City, general, sympathy laundries	22,000
St. Louis, Mo., general	18,000
Chicago, Ill., airplane workers	800
Martins Ferry, Ohio, sheet-metal workers.	
Pekin, Ill., gunstock factory.	
Chicago, Ill., carriage workers	1,200
Peoria, Ill., all structural iron workers.	
Chicago, Ill., garment workers	1,000
Elyria, Ohio, aero-engine workers.	
Springfield, Ill., munition plant.	
Gary, Ind., switchmen, trainmen.	
Peoria, Ill., boiler makers.	
Murphysboro, Ill., steel plant.	
Fort Wayne, Ind., freight handlers.	
Marine, Ill., mill workers.	
Denver, Colo., shop mechanics.	
Great Falls, Mont., general	1,500

A great many minor strikes, including teamsters, garment workers, electricians, woodworking plants, clerks, waiters, etc.

PACIFIC COAST STATES.

Generally quiet, excepting small strikes in Spokane, North Yakima, and Toppenish, Wash., and pipe fitters on ship construction at Oakland, Cal.

NOTE: This list includes about 80,000 men who have quit work for one reason and another. The Buffalo shipyard strike was caused because the company would not discharge the assistant superintendent, who had been active in reporting the men for slacking. A strike occurred in a Raleigh, N. C., shell plant because two nonunion men were not discharged; and, as stated before, a great number of them are for closed shop.

Trusting these figures may be of some use to you, I am,
Very sincerely,

J. E. BARNES,
828–830 Woodward Building, City.

Mr. McCUMBER. Mr. President, that shows a very serious situation existing to-day in the matter of construction of war material. I have looked over that list of strikes, and I find that out of 43 strikes occurring in those few days, 17 were in shipyards or in industries closely allied to the shipbuilding and construction business. At this period of the war and in the present critical situation I want to appeal to Senators that it is time that we take this matter up and meet it honestly and fairly.

No one is attempting to condemn Mr. Gompers or any other of the labor-union leaders; on the contrary, we all desire to pay to Mr. Gompers our highest tribute for his wisdom and his patriotic efforts ever since the war began; but, notwithstanding his efforts, notwithstanding the strong efforts of Mr. Morrison, it is, nevertheless, true that the labor situation has gotton away from the labor leaders and they have not been able to sufficiently control it or to secure for the Government of the United States more than 50 per cent efficiency in the construction of war material and in that particular branch of industry that means so much to this country to-day, ship construction.

Mr. OVERMAN. Mr. President, I desire to say that the reason I could not readily find the statute which I desired to read was that I was handed the wrong volume. I find that the old statute is section 5440 of the Revised Statutes, and section 37 in the criminal code. It reads as follows:

SEC. 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. Mr. President, notwithstanding the assurance that has been given me by Senators who undoubtedly have given the matter greater consideration than have I, I am very doubtful if that statute would apply to this case. If to-day, without any just cause, anyone should organize a conspiracy to get men to quit their work upon the construction of a ship that is greatly needed for war purposes, I do not believe that that character of conspiracy would be covered by this particular law. I do not believe the section read would meet the strike situation. I now yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I wish to state, in addition to what the Senator from North Dakota has had read, that on yesterday 350 men quit their work at Sparrows Point without any apparent cause. The press report in regard to that matter is as follows:

BALTIMORE, *April 15.*

About 350 men employed in the shipyards at Sparrows Point went on strike this afternoon without giving the management of the company any reasons for their action or without stating any cause of grievance.

Then the details follow. This only goes to prove what the Senator from North Dakota has stated—that the labor situation is getting away from the labor leaders. They are patriotically trying to hold the individual workman to his duty, but in numerous places in the United States—I note as many as I can from the press reports—strikes are occurring with alarming frequency, and they are impairing our ability to prepare for our whole duty in this war. They are reaching that point, Mr. President—and I particularly wish to add this to what the Senator from North Dakota has stated—that unless there is already some law which, taken in connection with this bill, will curb them, they will weaken us so that we can not utilize our resources.

I think, if the Senator will permit me further, that section 5440 of the General Statutes, which has been read by the Senator from North Carolina [Mr. OVERMAN], can be construed to punish a strike where it is willful. If a number of men, in pursuance of a common understanding, quit work on a Government contract or in a shipyard, and under that concerted action go out leaving work undone, I believe that that is a conspiracy to the injury of the United States.

If the Senator will permit me, that statute, as I have said, was construed in a case arising in Indiana by the circuit court

of appeals for the seventh circuit. That case specifically involved a violation of the election laws; it was a case of conspiracy to procure the fraudulent election of certain candidates for Congress. The first time the statute was applied was in that case. It was doubted whether Congress had in mind at the time it enacted this statute the question of elections, and so it was only by construction that it could be held to cover elections. The circuit court of appeals sustained the interpretation put upon it by the trial court, and held that a conspiracy to obtain fraudulent votes in the election of an officer of the United States was a conspiracy that resulted in the injury of the United States and was a violation of section 5440.

I do not think it would be any more violent a construction of the statute—and I wish to invite the Senator's attention to this, because it may be an open question; I am only giving my opinion, as the Senator from Colorado and as the Senator from North Carolina have done—to say in war times that concerted action to cease work on a Government contract or in a shipyard where ships are in the course of construction is a conspiracy of itself when proven that it is to the injury to the United States. I think the Seventh Circuit Court of Appeals would not have to make so violent a construction of the statute, if the contrary could even be contended by those representing the defendants, as has already been made in the interpretation and the application of this statute.

This is what leads me to favor the adoption of this report: I believe the prosecuting attorneys and others who have to do with the interpretation and enforcement of the law when this bill is applied and construed with section 5440 will conclude that it will furnish a remedy.

Mr. McCUMBER. Mr. President, recognizing the fact that Congress has from time to time indicated its desire that labor unions should not be held to the same strict accountability for breach of law as unions of capital and as individuals, I am rather inclined to believe that the court would pause a long time before it would conclude under that statute that it was the intention to punish anyone who would incite a strike in a Government shipyard, even though the very life of the Nation depended upon the rapid construction of ships. I think we ought to have a law at this time to govern cases of that kind. If Mr. Gompers or Mr. Morrison were the absolute dictators of the labor unions, I have no doubt that we would be freed entirely from strikes, but in view of the strike the Senator from Illinois has just read about, the account of which was published in the press this morning, it appears, unhappily, that they can not control the situation, and unhappily there is in many of the labor unions a large element of the I. W. W., which in some instances controls the union; and where it does not control, it is an element of disloyalty, an element that has prevented construction in so far as it could and has rendered construction work in our shipyards up to the present time, on the average, not more than 50 per cent efficient. At this particular time we ought to have some method to deal with the situation of that character.

The Senator from New Hampshire [Mr. HOLLIS] in his address, I think on the 10th of April or about that time, stated that without any law we had come to an agreement with all the labor organizations. I drew from his statement the conclusion that he did not believe there was now danger of any further strikes, and yet right in the face of this belief comes information of a strike in one of the shipyards, for which no reason on earth is given.

The Senator from New Hampshire made a speech the other day, as I remember, which was strongly in defense of labor unions. Certainly those unions have had no man in the Senate who has been more friendly to their interests than the Senator from New Hampshire, and I think sometimes that he carries that friendship so far that to a certain extent he does an injustice to the Government. Criticizing those who did not agree with him, he stated—

> It is not desirable to take the laboring men out and shoot them at sunrise.

Mr. President, that statement has been iterated and reiterated several times upon the floor of the Senate, and it seems to me that it needs some attention. I do not think that the labor element of the United States ought to look upon Congress as its enemy; I know of no one in the Senate or in the other House who has ever advocated any injustice of any character toward honest labor. I have never heard of anyone advocating a low-wage scale. I know that it is the consensus of conviction of every Member of the Senate, and I have no doubt also of the other House, that the greatest liberality should be allowed in the matter of wages for our laborers, especially during this war, to the end that every laborer may feel that his service is recognized and appreciated by the American Republic, and when any Senator condemns sabotage, when any Senator condemns slacking in this most serious situation, I insist that it is hardly just to accuse him of a desire to have laboring men "shot at sunrise."

I want the Senator from New Hampshire to look also upon the other side of this question, and I want if possible every man who performs labor in the United States to-day to look upon the other side of the question. The Senator says that it is not desirable to shoot the laborers at sunrise. God knows that is true, and it is not desirable, either, through the slacking of any American laborer or any other American that our soldiers over in France should have their throats cut at sunrise. That is a matter I think that the labor unions and every other citizen of the United States should think of for a moment. I read from a written report by Adjt. R. G. Starboard, who has charge of the Salvation Army work in France. This is what he says:

> I visited a base hospital recently and had this story from a sergeant who had passed through one of the raids. The sergeant was horribly wounded by grenades, and was passed by the Germans as dead. Before the sergeant lost consciousness, however, he saw a dozen Germans overpower three American boys and cut their throats from ear to ear. The sergeant said the murder of the third American was most horrible. Four Germans held him while another fairly severed his head from his body.

Mr. President, suppose it had been the son of the Senator from New Hampshire or the son of some good mother whom the Senator knows in his State——

Mr. THOMAS. As these men were the sons of good American mothers.

Mr. McCUMBER. Yes; they were the sons of good American mothers. Reports come to us almost daily of horrible atrocities inflicted upon American and British prisoners. If we had had the Army that we proposed to have in France before the last German drive, which may prove fatal to our allies, that drive never would have been made. If we had had 1,500,000 well-armed American boys to put into the breach at that time beside their British and French allies, this war would have been well on toward the last stages to final victory. We did not have them there. Why? Secretary Baker said in the early winter: "I have 1,500,000 men whom I could ship to France to-day, but I have not the ships. The crux of the whole situation is ships, and I do not know where to get them."

The ships could have been built if, first, the Shipping Board had done its duty and, second, if labor connected with the shipping had faithfully performed its duty. I will not lay the blame all on one or all on the other; it was due to the delay of the Shipping Board, due to profiteering on the part of those who had things to sell to the American Government for the construction of ships, and due even to a greater extent, after we began our shipbuilding program, to the inefficiency and the slacking of labor in the shipyards.

It is problematical whether, with all the ships that we can bring to our support, even when Great Britain is denying her people food that they ought to have in order that her few remaining ships may be put into the service of the United States to take our soldiers to the front, it will be possible for us to get over a sufficient number of soldiers to stem the tide and to be able to save the situation in France to-day; but we are bending every possible effort to do so, and in this critical situation it is our moral duty—the duty of Congress, the duty of every American citizen, I do not care whether he is a laborer or a millionaire, or who he may be—to do everything in his power to see that there is not one minute of delay in our ship construction. That is all that patriotic American citizens are asking for, and I am certain we are asking none too much of our laboring men.

If one son stays at home, what right has he to slack in his work while he sends his brother over to the trenches to face an army? And yet the work of the former is just as essential to final victory as the work of the brother who holds the gun.

It is even more important, because it not only is necessary to support the boy who is at the front, but it is also necessary to support those who must go to his assistance if he is to make his work at the front successful. The workman here is receiving from $5 to $8 per day. The strikes are not for greater wages. I would not complain if they were even greater, though I fear that our extravagance to-day is such that we will bankrupt the Government before we ever get into this war. But be the wages what they will, there is one thing that we have a right to ask of the workman, and that is an honest day's work for the wage that is paid; and, as a matter of fact and truth, no one will deny that nearly every one of these strikes has been because those who employed the workmen would not yield to their demands to make their places closed shops. They were not strikes for higher wages or better conditions.

One of the Senators read this morning a letter indicating that the reason why men were required to say either that they would

become members of the labor union or that they were members of the labor union before they were sent out to the West coast was that they might be assured of work. I do not complain of the Government doing that; but is it not also true that the Government forced every establishment in the West to go under the rule of a closed shop before it would allow it to take any contracts? That is the information that I have.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield to the Senator.

Mr. HOLLIS. The letter I read from the Secretary of Labor stated that the agreement was between the private shipbuilding plants and their employees; that it was a contract that had been in existence since long before the war, which the Government did not advise and which the Government had no power to change. If a man went out there who was not a labor-union man, he could not be employed, under the private contract between the shipbuilding plants and their employees.

Mr. McCUMBER. Yes; that is what I understood was in the letter which the Senator read, and I think that was proper under those conditions. I think we have a right to complain, however, when the Government says to another shipbuilding yard that is running under an open shop, "Unless you close your shop and take in only union laborers we will cancel our contract with you." Now, I may be mistaken; the information which comes to me may be erroneous, but I have it from many sources that that has been done.

Mr. HOLLIS. Mr. President, will the Senator permit me to interrupt him again?

Mr. McCUMBER. Certainly.

Mr. HOLLIS. In all those cases there is an agreement between labor and capital, to which the Government is a party, that where there has been an open shop it shall continue an open shop until the war is ended, and where there has been a closed shop it shall continue a closed shop until the war is ended. I am very confident of that.

Mr. McCUMBER. I hope, Mr. President, that that is the case.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield to the Senator from Colorado.

Mr. THOMAS. I know the Senator has kept very closely in touch with these conditions for some time and will correct me if the statement which I am about to make is erroneous. I have been informed that the hull of a large vessel was constructed on the Pacific coast and launched, the work being done by nonunion labor; that it was towed to the proper place in San Francisco Bay, or some harbor in the vicinity of that bay, to receive the installation of its engines, but that because this vessel had been constructed by nonunion labor the trades-unions refused to place in the vessel the machinery necessary to equip her and make her seaworthy, and that no other labor could be secured for that purpose. I am also informed that that condition still prevails, and that that splendid hull, new and otherwise seaworthy, is rendered useless to the Government because another class of labor absolutely refuses to make her seaworthy and efficient by the installation of the machinery. If that be so, then, in my judgment as a man and a Senator, the situation in these times borders very closely upon treason.

Mr. McCUMBER. Mr. President, if the Senator will peruse the January and the March numbers of the Sunset Magazine he will find not only that there is one but that there are four or five of those hulls lying idle out on the west coast to-day that can not be used by the Government because the Government can not get the men to put the boilers and the engines in them, the hulls having been constructed by nonunion labor.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I yield to the Senator.

Mr. SHERMAN. I will ask the Senator to permit me to supplement that statement with another fact: That on the Pacific coast the shipbuilders' union has adopted and is enforcing a rule that no member of less than one year's continuous standing shall be employed as a riveter in shipyards, although the supply of riveters is grossly insufficient.

I should like to add to that the further statement that at Newark, N. J., where there is a shipyard, the local union has fined members of the union from $100 to $1,000 apiece for working with nonunion men who have been assembled on the emergency to put together the fabricated portions of ships, that being an assembling plant.

Mr. McCUMBER. And if the Senator had investigated the subject a little further, he would have found that according to the reports any active man can become a good riveter in a month's time, notwithstanding the fact that under the union rules he must hold a card showing that he has worked a year before he can be employed as a riveter.

Mr. SHERMAN. Mr. President, the average village blacksmith can learn the trade in 30 days—a man that is used to pounding hot iron.

Mr. McCUMBER. The Senator is correct.

Mr. President, there is not a man in the Senate or in the House who realizes the present precarious situation in this war, who realizes the dire necessity for ships, who does not also realize in this hour of our need the effect of having a strike in our shipyards, the effect of delaying for a day or a month the construction of any ship necessary for the support of our Army. I can not but fear that this desire to eliminate the Cannon amendment displays a rather gross lack of courage, a subversion of our conscience, in the hope of receiving the votes of some particular organization, that we are willing to see the country's interest so jeopardized.

We talk about the courage of our soldiers. We laud and commend their wonderful courage. Their's is a courage to face death. Their's is to face bullets. Well, if that courage is so commendable, I submit that the Members of the Senate ought to have courage enough to face a paper ballot, even if it should be aimed at the Senator's political interests. We talk about having a Congress free from partisanship. We do not want partisanship to enter into our discussions. No; Mr. President, and we do not want anything but honest, patriotic Americanship in our discussions and actions during this conflict. That means we should do everything that is necessary to protect this country, everything that is necessary to win a victory; and what is most necessary for this country and for victory is to speed up the construction of war materials, to see that every man employed does an honest day's work for an honest wage, and, in addition to that, to see that every American is employed in some useful vocation. Nothing short of that is ever going to save this war, and, Mr. President, it does not need the courage that a great many Senators think it needs to do the right thing.

I know something about labor and laborers myself. I have been associated with them. I have been brought up with them. I have probably performed more physical labor between the ages of 8 and 22 than any of them performs in this age in a like number of years. I know that for the most part they have the same sentiments, the same conscience, the same respect for independence and patriotism that you have and that I have, and they are not led by their officials when it comes to the ballot. They vote their convictions exactly the same as you and I do, and I do not believe there is going to be one patriotic American labor vote polled against an American citizen because he believes that every laborer ought to perform eight hours of honest service. I should be perfectly willing to take my chances with them. There are a great many of the I. W. W.'s that would probably be against you, but would you not rather have them against you than for you?

Mr. THOMAS. They are against you, anyway.

Mr. McCUMBER. They are against anything that is in favor of honest government. They are against anything that does not wear the garb of the murderer and the robber and the thief; so we need not be afraid of that element. I believe with all my heart, Mr. President, that we ought to have left the Cannon provision in this bill. I regret very much that the conferees have brought in a report in which that has been eliminated, in order that they might eliminate that which would exempt labor unions from the operation of this most just law.

Just at the time when we ought to do everything in our power to encourage American labor, I confess we ought to have had the courage to strike out section 3 and leave in the bill the Cannon amendment, which in no uncertain words declared that any person who should conspire to prevent the construction of things necessary for the Government in this war should be subject to punishment. I think he should, and I would be willing to vote for it. I have just as much right to refuse to pay my taxes because I think they are heavier than they ought to be, as a laborer has a right to refuse to proceed to work upon a ship which the Government needs and which my taxes are to pay for, because the wage is not as much as he thinks he might get if he should organize a strike.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield to the Senator.

Mr. FLETCHER. I merely wish to suggest to the Senator that section 37 of the Criminal Code fully covers the subject of conspiracy; but, further than that, there is a great deal

more in this bill than appears by reading sections 2 and 4. If the Senator will refer to the definition given at the beginning of the bill of war material, war premises, and war utilities, and the broad latitude covered by those definitions, and then keep in mind the fact that sections 2 and 4 merely make reference to those words, and they must be read together, the Senator will see, as I say, that there is a great deal more in the bill than there would appear to be from reading just sections 2 and 4.

Mr. McCUMBER. Let me ask the Senator a question for his candid judgment. Suppose this bill, as reported by the conferees, should become a law to-morrow, in its present form, and suppose day after to-morrow there should be a strike organized of the character of the one which was read into the RECORD just a few moments ago, in which laborers struck in a shipyard, giving no reason whatever for the strike, no claim that they needed higher wages or that they required better conditions. Does the Senator believe that those persons would be told by the Department of Justice, "You either go to work now and do an honest day's work for $5 or $8 or $10 a day or you will be proceeded against in a criminal prosecution"?

Mr. FLETCHER. No; I do not, Mr. President.

Mr. McCUMBER. Neither do I.

Mr. FLETCHER. I do not think so, if those are the facts. Of course, each one of these particular strikes depends upon the facts in the case. For instance, the Senator read in this list of strikes that some 300 or more carpenters had struck at Hog Island. I happen to have information, which I think is absolutely reliable—it was reported by Admiral Bowles, as I recall—to the effect that that strike lasted about 30 minutes, and then the whole thing was over and every man went back to work. There was a disagreement about the amount of wages. Now, I do not know what the facts are in connection with the matter to which the Senator refers. As published, the statement is to the effect that the men stopped work without giving any reason. I think they have a right to do that, and I do not know how on earth you are going to prevent it.

Mr. McCUMBER. Mr. President, I really do not think they have a right to do it.

Mr. FLETCHER. I mean, a legal right.

Mr. McCUMBER. Well, I do not think that, Mr. President. Any individual has the right to refuse to perform personal services for another individual at any and all times, and there is no law that can compel him to do otherwise. That is one proposition.

Mr. FLETCHER. That is what I mean.

Mr. McCUMBER. On the other hand, we can pass a law making criminal in time of war a conspiracy to secure all the employees in a certain plant that is producing articles for the Government needs to stop work. That we have the power to do.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield to the Senator.

Mr. HARDWICK. Does not the Senator think that we can go even further than that? Does not the Senator agree that we could prohibit strikes entirely in these munition plants producing war necessities?

Mr. McCUMBER. There could not be a general strike unless it was preceded by some kind of a talk which, in law, would amount to a conspiracy to bring on the strike; so it would be the same thing.

Mr. HARDWICK. All right; we will not quarrel about that. That is purely technical. I believe we could do that, and I want to go further; I think we ought to do that; but I think, whenever we do do that, there are two things we ought to do concurrently. We ought to be sure that we have limited the application of that extreme power to the real war necessities of this country, and that we have not applied it to the industries generally.

Mr. McCUMBER. I agree with the Senator. I think we should have more laws upon the subject than we have that will provide for a board of conciliation and settlement, supervised by the Government, and that the wages should always be most liberal.

Mr. HARDWICK. Yes. Secondly, let me say to the Senator that I believe it is an absolute necessity, whenever we enact legislation of that sort—and I think the time is coming, if it has not already arrived, when we must do it in order to supply the necessities of this Government and in order to prosecute this war adequately—whenever that time arrives, we ought to limit it to the war industries of the country entirely and strictly; and we ought also, at the same time that we take away from labor its only weapon, to provide authority of law to see that labor is fairly treated in every respect by the Government; and those things ought to be done concurrently.

Mr. McCUMBER. We ought to protect labor. There is no question about that.

Mr. HARDWICK. That was one reason why I did not like the first conference report—because that proposition had not been carefully worked out. I think it ought to be carefully limited and carefully worked out along that line.

Mr. McCUMBER. I think myself that I have no right, even at my age, to fail to do what I can for the Government. I think the Government has a right to call on me for whatever I can do; and if I could be more efficient elsewhere than in the Senate of the United States, I would concede that in time of war the Government would have the right to select me and put me into that work. That is one duty that the citizen owes to the Nation in time of war, and no one has a right to be exempted from it.

Mr. President, I simply desired to express my opposition to any scheme that would make a conspiracy criminal if it was entered into by one class of American citizens, and make it legal if it was entered into by another class. I would not be concerned quite so much in times of peace, even though I deeply feel that there never ought to be a law upon the statute books which would recognize any class in American citizenship.

I ask, Mr. President, that this article on the last strike, which was published in the Washington Post of this morning, may be read into the RECORD. It is very short.

The PRESIDING OFFICER. Without objection, the article referred to will be read.

The Secretary read as follows:

[From the Washington Post of Tuesday, Apr. 16, 1918.]

THREE HUNDRED AND FIFTY QUIT WORK IN SHIPYARDS—NO REASON GIVEN BY MEN FOR THEIR WALK-OUT AT SPARROWS POINT.

BALTIMORE, *April 15.*

About 350 men employed in the shipyards at Sparrows Point went on strike this afternoon without giving the management of the company any reasons for their action or without stating any cause of grievance. General Manager Anderson, of the shipbuilding plant, said to-night that he knew of no reason for the men stopping work; that there had been no money troubles of any sort, no demands for increased pay, and no complaint about conditions of work.

"The men just walked out," he said, "without giving any explanation, and I have not the slightest knowledge of why they went out. The entire plant is now being operated under the direction of the Government, and if they had any grievances it would have been easy for them to have had them adjusted.

"Judge Gray, of Wilmington, Del., is the referee for this district in any labor disputes, but so far as I have heard no complaints have been laid before any of the Government officials who have to do with labor difficulties."

The men out are principally riveters, platers, and calkers.

Mr. SHERMAN. Mr. President, I do not think the Senator from North Dakota is any more earnest in this matter than I am, so far as my private thoughts go. If I thought this conference report left matters where some adequate remedy could not be applied, I would oppose it by voting against it.

If we take section 5440 of the Revised Statutes of the United States and couple it with the provisions of the conference report, it seems to me that we have a proper remedy if this report should be adopted and the bill should mature into a law. Section 5440, under the title of "Crimes," is as follows:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than $1,000 and not more than $10,000, and to imprisonment not more than three years.

This is one remedy, I think, by a fair construction of the act, when a case is before a court provided by existing law. I believe the construction given by the Circuit Court of Appeals in the seventh district in applying the law to fraudulent elections, as I suggested a while ago, is not a more liberal construction even of a criminal statute—perhaps not as much so, when we consider the fact that we are now at war—than the interpretation of this same act, and applying it to strikes that limit or interfere with war munitions production in a way that amounts to an offense against the United States.

Mr. McCUMBER. Mr. President——

Mr. SHERMAN. I yield to the Senator from North Dakota.

Mr. McCUMBER. Let me suggest to the Senator this difference: The injury must be one directly against the United States. The fraudulent election of an officer of the United States, of course, could well be construed to be an offense against the United States, affecting the United States in its governmental functions. But here is a private shipyard. The strike is not really and directly against the United States, but it is a strike organized against the employer.

The employer is not the United States, even though the United States is indirectly affected by the act. Now, I am fearful that the court will construe that to mean an act that directly, and not indirectly, affects the Government.

Mr. SHERMAN. I wish to read, in connection with that same section, and by way of enforcing what the Senator from North Dakota has said, paragraph 3 of the text of the war act of Great Britain of 1915, as amended by the act of Parliament known as the munitions of war act of 1916, which reads as follows: I read from page 64 of the volume entitled, "Employers and Workmen: A Handbook Explanatory of their Duties and Responsibilities Under the Munitions of War Acts, 1915 and 1916," by Thomas Alexander Fyfe:

Any rule, practice, or custom not having the force of law which tends to restrict production or employment shall be suspended in the establishment, and if any person induces or attempts to induce any other person (whether any particular person or generally) to comply, or continue to comply, with such a rule, practice, or custom, that person shall be guilty of an offense under this act.

Under that provision undoubtedly a strike, as we commonly understand it, is a penal act or any of the acts which tend to or do restrict production.

In connection with section 5440 of the Revised Statutes now in force we ought to read sections 2 and 3 of the conference committee report:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises—

And so forth.

This is an affirmative act of destruction of war materials. Then in the following section, section 3:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisonment not more than 30 years, or both.

These two provisions, section 2 and section 3 of the report, coupled with section 5440 of the statutes it seems to me furnish a remedy. The Government now has control of all shipyards, so as to be directly affected by a strike. If it should be found upon actual application that the remedy is not forthcoming under these provisions I would be very glad then to vote for a measure that in express terms and by as positive provisions as can be employed in the English language cover anything that will interfere with the production of war material or for the preparation of this country to bear its full part in the war.

Mr. McCUMBER. I think if the Senator will read it more carefully he will probably vote against this conference report. Section 37 reads:

If two or more persons conspire either to commit any offense against the United States, or to defraud—

And so forth.

Now, they must conspire to commit that which has been declared by law to be an offense. What it means is a criminal offense. The law has never declared a strike to be a criminal offense. Therefore the conspiracy to commit an offense against the United States is not fulfilled in a conspiracy to organize a strike which has not been declared an offense against the United States.

Mr. SHERMAN. I believe section 5440 is leveled against an offense committed against the United States so that it ordinarily must be a violation of some existing law. That evidently was in the mind of Congress when the original act was passed. But the interpretation of this act in applying it in the seventh district by the circuit court of appeals liberalized it considerably. It does not seem so restricted. It said that the fraudulent voting by persons, two or more, for an election of an officer of the United States, a Member of the House, was an offense against the United States. The election law does not specifically provide more than general declarations. It does not extend to a conspiracy for fraudulent or illegal voting or for the fraudulent or illegal election of a Member of the House. Still the court, in the liberal construction which they gave in order to advance the remedy that was intended by this section or other acts of the United States, found that it was a conspiracy, that the trial court properly instructed the jury on the nature of the act that it constituted a conspiracy, and so sustained the conviction.

I believe it may be a fair interpretation of this section 2 to say that a strike that leaves property in a condition where it will be injured is within section 2, or willfully interfering with or obstructing "the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States in preparing for or carrying on the war." That is one distinct offense: "Shall willfully injure or destroy or shall attempt to injure or destroy." Ordinarily that is an affirmative act. It must be some one who breaks up a mold, who destroys ship timber, who destroys a shipway, or some affirmative act of destruction, taking away something that the Government is using or will use when completed.

A strike occurs by which a hindrance to the completion, say, of a shipway is the direct and natural result—not a remote consequence, but which directly follows from it. I think, however, it is within section 2, so that when this bill is enacted it becomes an offense against the laws of the United States, even bringing it within the strict interpretation that an offense against the United States must be some violation of existing law. At any rate, it would not require any more liberal construction of the section that is now the law to declare it an offense against the United States to interfere with the preparation of war material or the building of ships, but that of itself in time of war is an offense against the United States, than was declared in the case I have referred to, decided by the circuit court of appeals.

I would go as far, I know, as the Senator from North Dakota to produce results. I think it is tolerably evident by this time that if we are to get anything speedily out of this legislation we had as well adopt this report.

The House is in one mind, it seems, and somewhat persistently of that mind, and the majority of the Senate is of another mind. This presents a real purpose of a conference committee to adjust differences. It is not an attempt to legislate originally, as we have recently prohibited by a very wise rule of the Senate, it seems to me, but it is an honest attempt to effect a settlement of differences, to the end that legislation may result rather than continued differences. In view of that I believe this conference report has accomplished some good results. It is a forward step.

I would go further, Mr. President, than possibly this conference report has gone if I were the sole judge of it, but I am not. There are 94 Senators here, and besides that there are 435 Members of the House who are to be consulted. Most legislation is a matter of adjustment of different opinions. The radical neither gets what he wants nor does the extreme conservative, and usually it is a sort of happy medium, and that has marked the advance of legislation for the time being.

Probably that is the condition in which this conference report finds itself, but it is an advance, to say the least of it, over present conditions; and if the wisdom of this law shall demonstrate upon its application the necessity of a further step or if the folly of those against whom it may be directed shall by their continuous folly make it demonstrated that further legislation is required, they by that act of folly will produce the necessary votes in this and the other body, if it is shown that no other remedy is adequate except to amend this law or to pass additional measures.

Mr. President, I wish to add before this is left a statement about the general course of labor unions. I think the officers of the American Federation of Labor are sincere, loyal, and patriotic in their efforts to control the local unions and the members who are essential in the preparation of much war material and of the merchant shipping that we must have. I think whatever differences they have had with employers or with lawmaking powers—such of us as have not altogether agreed with them at times—will be fused in a common loyalty with all of us. I am sure I have a spirit ever of meeting them upon a common ground for the production of the necessary results that will give us adequate preparation for this struggle.

I have never had any hostility to labor unions as labor unions. I think they have a right to exist. I would vote at all times and would support their right to organize and to exist as lawful bodies. I want the same degree of tolerance shown by them to others outside of the union that they have a right to ask for themselves. When we concede that they have a right to exist; that through lawful organization their purposes are good; that they have done many good things in remedial legislation and given them protection by court decisions as well as legislation, whatever some of their members may say to the contrary, then they themselves are in duty bound to exercise

the same liberal charity and the same broad toleration for other people who are not members of the union.

Nevertheless, Mr. President, it is true that there is a degree of narrowness on the part of some and some members of unions, a degree that would keep a man from earning a living in this world if he does not join a union. When it comes to that I have had frequent controversies with unions. I will have them as long as I live. They have no right to attempt to try to prevent my neighbor, because he is a member of a union or is not a member of a union, from earning his living. I am just as hostile to an employer who discharges a man because he is a member of a union as I am to one who discharges a man because he is not a member of a union. The right is correlative and mutual, and there can not be classes built up in this country based upon mere membership in any private organization. Because I may be a Free Mason or my neighbor may be a member of the Knights of Columbus is no reason for discriminating against each other in government. It is the end of civil government when that is permitted or tolerated in any country.

Nevertheless, official documents are in the possession of various persons in this country in private life coming from the departmental officers or heads of bureaus recognized by law as Government agencies, that provide before a man can get work in a certain part of this country, and I will be specific about it, on the northwest Pacific coast or the entire Pacific coast, every shipyard along the coast—before he can be sent to an employment agency from any part of the country under Government auspices he must signify that he will be a member of the union or is already a member of the union.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. HOLLIS. Does the Senator happen to know why that is?

Mr. SHERMAN. I know in one place, and I will reply.

Mr. HOLLIS. Not where it is, but why it is?

Mr. SHERMAN. In the Seattle district the yards are all union yards. The shipbuilding companies are union employers.

Mr. HOLLIS. Then what good will it do for the United States Government to send a man there who is not a union man? Will he not be out of pocket his expenses?

Mr. SHERMAN. He would not get work in that locality, it is true, but the documents to which I refer say that no man can go to the Pacific coast to work in a shipyard unless he is a union man or has signified his willingness to become a union man. There is a shipyard or there are yards in the Northwest, at Seattle, possibly at Portland, or near there, on the Columbia River. These comprise at least what is called the Puget Sound country, the northwest Pacific coast. Those are union yards. There is a yard at San Francisco, there is one at Los Angeles, there is one at San Diego, and these are open-shop yards. The Government does not, through its agents, represent the conditions as they are to the men who are asking to be taken to the Pacific coast for work. Those are open-shop yards below, but not in the Seattle district. So far as it applies to that district it is true, and the statements made by the Senator are strictly correct, but when applied to the entire Pacific coast they are not in accordance with actual working conditions, and that far the documents which are sent out are misleading and taking advantage of the closed-shop conditions in the Puget Sound country.

In addition to that, there is at Newark, N. J., a shipbuilding yard that is, I think, a successful experiment, so far as I have any facts. It is a yard that assembles fabricated material. They are making an experiment, the first of this kind in the world. They are taking farmers' boys, they are taking clerks out of dry-goods stores, they are taking blacksmiths and bartenders, and in a very short time, in from 30 to 90 days, they are turning them into shipbuilders under an intensive course of training, because a large part of the material comes to that yard fabricated or framed according to the blue prints before it is brought there. It is a question of putting it together after it is on the ground. It is an assembling ground, in other words, for these workmen. They are making remarkable progress there.

These men, coming from every walk in life, not skilled laborers at the beginning, have under the foreman who gives them the instruction learned to be efficient men. They have not joined the union. Some of these newly skilled workmen under this course of training I have referred to do not care to join the unions. When the war is over they will go back to their before-the-war occupation, whatever it is. They have gone into the shipyards just like my neighbors' sons went into the Army before the draft law. Many of them volunteered. My own State and many of the Western States sent volunteers when there was no conscription law, sent them by the thousands, and they went, not because they wanted to be professional soldiers, but because they thought their country needed them. These men have left the farms and the blacksmith shops and the stores and have gone into the shipyards to give of their service because they think the country needs them. They will work 14 hours a day if the country needs them. They do not watch the clock. It is not their permanent occupation; they do not expect to be caulkers and riveters and hanger men all their lives. They expect, when the war is done and the ships are built and the treaty of peace has once more turned us back into our peaceful nation to return to their farms, their shops, and their blacksmithing—the things that they left when the war began and called for them. Under those conditions they do not join that union.

Let me call the attention of my friends who are the leading spirits of the American Federation of Labor to the fact that union men of patriotic sentiment who are loyal and who are listening to such manly, powerful appeals as the Senator from North Dakota [Mr. MCCUMBER] has made here to-day have dropped their differences and have touched elbows, and their sweat has fallen on the same forge with the nonunion men.

They have been fined by their local unions all the way from $100 to $1,000 apiece for working with nonunion men. Against that I protest. Against that I wish Mr. Gompers with his official influence would level an edict of his and tell them to remit those fines, loosen their rule, and tell the men to go into shipyards or a shipbuilding plant and build ships as fast as their employers know how.

That is the reason why I complain here that some optimistic views that are taken are not justified. They may say that strikes are ended. I know that is not true, all the way from the coal miner, who is bringing the fuel out to furnish power, up to the riveter in the shipyards. I know that strikes are in constant progress and others are threatened. I know that the whole soft-coal mining belt in the Mississippi Valley to-day is on the edge of a volcano. Say what they please, I know that strikes are contemplated now, and if by merely anticipating or telling about it we can throw daylight in and ventilate it before it happens we will be justified in taking the few hours we have spent this afternoon on this measure.

I wish to read what I consider good authority. I do not criticize our beloved Chief Executive. I criticize his ministers sometimes. I think they lead him to commit errors which by a sort of vicarious atonement ought to be laid on them, not on the President, who has too much to do; he can not keep track of all these details.

In a time when he had fewer advisers and could use his own clear thinking faculties, at Cincinnati, Ohio, in 1907, he in an address delivered himself of these sentences:

> There is another as formidable an enemy to equality and freedom of opportunity as it, and that is the class formed by the labor organizations and leaders of the country representing only a small minority of the laboring men of the country, quite as monopolistic in spirit as the capitalists and quite as apt to corrupt and ruin our industries by their monopolies. If we are to restore the purity of our law and the freedom of our life we must see to it—in all moderation and in all fairness—that no class whatever is given artificial privileges or advantages; that our life move free again of fear or favor from whatever quarter for whatever class. What we need is not a square deal but no deal at all, an old-fashioned equality and harmony of conditions—a purged business and a purged law.

We certainly need a purged business, and if existing law will not give us the required relief, then we need not only a purged law but an amended law. I wish my voice could reach the locals in these unions, not only among my own immediate constituency but everywhere in this country. I should like to look the workmen in the face by the thousands and say to them what I think here and say this afternoon, say to them that when Haig sent out the touching appeal to the free Governments of the world that the English Army is fighting now with its back to the wall it ought to make every workman in this country willing within the limits of his health and strength to go to his work and stay there, with union or nonunion men, without complaint, as many hours in a day and as loyally as lies within his ability.

Not only did Haig send out that appeal to the world, but we remember, Mr. President, that on the 9th day of April Lloyd-George, speaking to the House of Commons, said, "We must admit that it is a grievous disappointment that we have not the forces from the American Army, magnificent men as they are, that we had hoped"; and only yesterday in London, by a cablegram that came across, the foreign secretary, Mr. Balfour, said, "What is now most pressingly required is that the fighting forces of the United States should be brought as speedily as possible into the field."

In addition to that, in another part of his address, Mr. Balfour uses this language:

> Perhaps the most important was because the German higher command were determined that the land struggle should come to an end before the United States could bring its forces to bear upon the western front.
>
> * * * * * * * *
>
> Before this great struggle had come to a conclusive end America would prove its determination to bear its full share in the tremendous struggle.

Mr. FALL. Will the Senator state to whom Mr. Balfour was making that plea?

Mr. SHERMAN. It was to a delegation of laboring men representing the labor interests of his country. I wish that the magazine published by the American Federation of Labor, of which Mr. Gompers is the editor, would publish these words of appeal from the English Foreign Secretary; that it would publish the appeal of Gen. Haig, fighting with his back to the wall; that it would publish the appeal of Lloyd-George, voicing the disappointment that he inevitably must feel because we have not forces on the line sufficient to do what was necessary in resisting the army released from Russia and joined with the original line of Germany on the west front.

The day before Lloyd-George made the appeal the responsible censor, as already said on the floor of the Senate Chamber, while Lloyd-George was calling upon us to hurry, just the day before that, George Creel had said in the capital of this Republic, he thanked God we were unprepared when we went into the war. I have a stack of postal cards about that high [indicating], most of them sent out from my own State postmarked, that are all a part of the propaganda in which fortunately I feel a very sympathetic response, and it is much better than the slogan of George Creel. It was the last words spoken by Joseph H. Choate, "For God's sake, hurry up." I wish I could have that appeal put in Mr. Gompers's magazine and sent into every local of every union in this country—"For God's sake, hurry up."

Of course, it is fashionable to criticize Congress. What can we do? Pass laws. After they are passed I wish to remind Mr. Gompers of what he said; and that is why I criticized his statement on the floor of the Senate Chamber a few days ago, after we had rejected the former conference report, when he said in substance it did not make any difference what kind of a law Congress makes, we will not obey it. I want Mr. Gompers to obey the laws of this Republic and of the several States. I have sometimes feared he has spent more time breaking laws than he did in defending his country prior to our declaring war. I am glad now to join hands with him in a patriotic purpose, and to fuse with him some of the differences we may have had in the common design of defending our country. When peace comes I hope we may, with his help, work out under wise laws an industrial peace based on justice.

It is a doubtful method, though, of showing how one is devoted to one's country by saying in advance that if certain laws with which one does not agree are passed that it will not be possible to enforce them and they will be habitually disobeyed. It is a direct invitation to break such laws in the event of their enactment.

I do not wish to go any further, although at some opportune time we may discuss that question. The question now pending is the conference report. The main thing, after all, is for us to sink our differences. I shall vote for the conference report upon that ground and that only, and that we must at least make some forward step. Whether it be a long enough step or not I will not now stop to inquire. If we take this step, we can take a longer one when occasion requires. If it does not bring about the necessary result, we shall have to legislate further. One thing, however, is certain: The men who are losing priceless time, who are delaying the building of ships and the manufacture of material, who are obstructing and impeding our war program, if not by malicious intent by their overt omission to work, without any adequate cause, when a tribunal is furnished to adjust their differences by peaceful compromise and hearing—these men are not doing the lawful patriotic service to the country that we have a right to demand of them.

The Government can take every one of us who has not reached the age of 60 years, say, and can impress us into the service. I am like the Senator from North Dakota [Mr. MCCUMBER]; whenever the Government can do better with my service some place else than it can here, it has a right to reach out and take me, and I will cheerfully go. If the Government sees fit to put me on the farm or in the field again, if it sees fit to make me an apprentice in a shipyard, I will work at whatever I can do; but I will not join a union to help my country. If I am a member of a union and wish to belong to one, I shall not leave it to help my country. I will fight just as hard for my right to stay in a union as I will for the right of a man to stay out of a union and earn an honest living if he wishes to.

Mr. HOLLIS. Mr. President, my only excuse for saying a word further is that the Senator from North Dakota [Mr. MCCUMBER] has seen fit to make me the special target of his remarks this afternoon. I wish to say to the distinguished Senator that it is not necessary for him to plead with me to try to make our Government, our Army, and our workingmen most efficient for winning this war. It is not necessary for the distinguished Senator to ask me to assume that I have a son in order to point the argument. I have a son. It is not necessary for the distinguished Senator to ask me to assume that that son is in the service of the United States. He is in the service of the United States. You will not find him sitting in a swivel chair in one of the departments; you will not find him in an easy and safe place. He is in the most difficult and most dangerous service of the United States Army; he is in the flying section of the Aviation Corps. That is no credit to me; he did not do it to please me; he did it of his own will; but I am as anxious as is the Senator from North Dakota or any other Senator to have him furnished with the best possible equipment, and to have this war speeded up and terminated as speedily and as successfully as possible.

The Senator wants more ships and I want more ships; but the way to get more ships is not to pass a law saying to the workingman that he shall not quit work, if the conditions are not what he thinks they should be. If I believe that passing a law would prevent strikes, would make this Government more efficient, then I would vote for it; we may come to that; but I believe the only way to get the greatest efficiency out of labor is to treat laborers as if they had intelligence and patriotism.

I am willing to join with the Senator from Illinois [Mr. SHERMAN] and urge Mr. Gompers to put in his official magazine and in his communications to the local unions "Hurry up"; I have no doubt Mr. Gompers is doing that now and has done it to the best of his ability since the war started; but you can not make men work by passing laws; you can not make men do unjust things by passing laws. I join with Mr. Gompers not as a threat, but as advice to Senators of the United States that if they pass a law forbidding peaceful strikes that law can not be enforced.

The conditions in the aircraft service are not due to labor. If there is a fall-down in the airplane program, it is due to the falling down of capitalists; it is not the fault of Congress. Congress acted promptly, and appropriated $640,000,000 for airplanes. It turned it over to the captains of industry of this country, who enlisted the most efficient and the most famous engineers they could find in the effort to secure the best motor and the best airplane that could be obtained. I do not know wherein labor has delayed that program one day. The delay is not the fault of labor; it is the fault of the employers of labor, the captains of industry, of whom we hear so much.

It was only a few years ago that a distinguished man, now a justice of the Supreme Court of the United States, called attention to the inefficiency of the railroads. I think his statement was that if the railroads were properly run a million dollars a day could be saved. I have no doubt that was true of the railroads, and I have no doubt that it is true of business generally. We have got ahead in this country because we have not had to compete with other people; we have got ahead because of this very spirit of American labor—the spirit of freedom and independence, of working for themselves—but we have got to get down to earth now and require service not only of labor but of the men who employ labor—of capital. Senators stand up here and say how much they love labor and how much they are willing to give labor; but when it comes down to voting something that will help labor they are content with giving them three cheers and letting it go at that.

The Senator from North Dakota, with great industry, has produced a list of strikes in this country—not of to-day but of March 11—and, considering the greatness of the country and the number of men employed, it is a very short list. The strikes in this country to-day are inconsiderable. The Senator has had to go into the cloak room and dig among all the newspapers we have here to produce just one present instance of a strike in this country, and that is the most ridiculous report a man ever heard—350 men in a shipyard striking without any grievance. No one who gives it a moment's thought will believe it. It is an incorrect report, and can not be otherwise.

Hog Island was on the list of strikes. They have not lost a week's work at Hog Island on account of strikes. They had just one strike there, and it lasted 30 minutes; but that was put on the list, and it is figured out with a pencil and we are

told how many days and months and years of labor have been lost through that strike.

But, Mr. President, I have said all I want to say upon this subject. The Senator from North Dakota intimated at least that Senators voted a certain way because they wanted labor votes. I do not want a labor vote. There is no man in the United States who has less need for labor votes than have I. I never belonged to a labor union; I never was counsel for a labor union; I never advised a labor union; but I do feel that up to this time laborers have needed help more than have employers, and they have had less help. Labor is the side that is down and needs to be raised. If the time ever comes when labor unions are getting more than they are fairly entitled to and the poor employer is ground in the dirt, then I will take hold and help the poor employer just as hard as I have tried to help the poor laboring man in the past.

Mr. McCUMBER. Mr. President, I was not aware that my few remarks were directed to the Senator from New Hampshire entirely. I admit the fact that I was facing in his direction, and I paid my respects to the Senator's defense of the labor unions and insisted that he had been certainly a very good friend to labor organizations. Other than that, the cap which I was making was not especially fitted for the Senator, and I had not even invited him to put it on. If he did so, it was without any intent upon my own part.

The Senator says that the way to get men to work is to treat them right. I should like to know wherein the conditions have not been made right for the laborers since this war began. They have been paid from two to three times the wages that they have ever earned before. So far, therefore, as compensation is concerned, they never had such splendid treatment as they have had since this war began; and yet there have never been so many strikes in the history of the country or so many days lost by strikes as since the United States entered into this war, only a little over a year ago.

Mr. HOLLIS. Mr. President, will the Senator give his authority for that statement, or is it merely his opinion?

Mr. McCUMBER. My judgment, from all the sources of information that I can obtain, is that there have been more days lost because of strikes in the essential industries of the United States during the last year than in any other equal period of the history of the United States. They have not all been strikes of 350 men. Only a little while ago about 6,000 men, carpenters alone, struck in shipyards.

We have treated labor well. They have been treated well by Congress. They have not only been made the equals of any other class in the United States, but they have been made the superiors of any other class in the United States. We have put laws upon our statute books—I admit I voted against them—which would make an act if committed by the Senator from New Hampshire and myself a crime, but which if committed by two members of a labor union would not be a crime.

In view of those facts, I do not think the Senator from New Hampshire is justified in saying that labor does not have fair treatment in the Senate and the House of Representatives of the United States. Labor has always had more than fair treatment, if equality means fairness.

The Senator from New Hampshire speaks about the boys being conscripted. Mr. President, I would be ashamed if I had any relative within the serving age who was not in the Army or the Navy of the United States. I would not myself mention the fact that my son or brother or any other relative were in the Army or the Navy, because that is but a common duty, incumbent upon every son and every brother within the conscription age. I would disown a son that was not patriotic enough to enlist in his country's service in this great war. But, Mr. President, that has nothing to do with the question; that would be doing nothing more than a common duty, and I would not allow any boy of mine to even wait to be conscripted. I am not condemning those who have been conscripted, because there are many who would like to have enlisted could they have done so.

Mr. HOLLIS. Will the Senator permit me to say that my son volunteered and was not conscripted?

Mr. McCUMBER. Certainly; and so would the Senator himself have volunteered if he were within the age. Now, if the country has a right to call your boy to the colors to serve in the trenches of France, to face bullets, to battle 24 hours of the day, then the Government has a right to call upon his brother or his comrade in the United States to work at least 8 hours to furnish him with the material with which to carry on that warfare and to furnish ships to provide him sufficient support to enable him to meet the enemy on the field of battle.

We ought to be fair. I do not think the Senator is fair when he says that capital was responsible for the delay in the aircraft production program. I wish the Senator or anybody else would tell me what capital had to do with it. I want to say frankly that labor was not responsible for that delay in any way; that was a delay unquestionably due to those who had the authority to go ahead and construct machines; but whether it was their fault or misfortune we must look to them alone, and we can not place the responsibility for their failure upon either capital or labor.

But the Senator and I both want the same thing; we want every American citizen to perform his duty in this time of war, and if anyone is slacking in the building of ships, he is committing a crime against his Government, and the Senator and myself both want him to cease committing that offense and to perform his duty. That is all I have to say, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

NATURALIZATION OF ALIENS IN MILITARY SERVICE.

Mr. HARDWICK. Mr. President, I will ask the Senator from North Carolina if he will agree again to lay aside temporarily the unfinished business in order that I may present an important matter which I think is vital.

Mr. OVERMAN. Mr. President, I realize the importance of the matter the Senator has in charge, and I therefore ask consent that the bill alluded to, which is now the unfinished business, be temporarily laid aside for the consideration of the bill in charge of the Senator from Georgia.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the unfinished business is temporarily laid aside.

Mr. HARDWICK. I ask unanimous consent that the Senate shall presently consider the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization. I will say by way of explaining the request that there are two great purposes sought to be accomplished by this bill: One is to provide for the naturalization of 123 000 soldiers of the United States whom we can not with either safety or justice to themselves send abroad until this is done. The second purpose, although hardly so important and hardly so pressing, is not unimportant, and that is to readjust our naturalization laws to meet war conditions. I hope the Senate will consent to consider this bill.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, which had been reported from the Committee on Immigration with an amendment to strike out all after the enacting clause and insert:

That section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, be, and is hereby, amended by adding seven new subdivisions, as follows:

"Seventh. Any native-born Filipino of the age of 21 years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who may be honorably discharged therefrom after an enlistment of not less than four years, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted or may hereafter enlist in the armies of the United States, either the Regular or the Volunteer Forces, the National Guard, or Naval Militia of any State, Territory, or District, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than 20 tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is at war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts

specified in section 3 of the act of June 29, 1906, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings, and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service for the time required showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie rebuttable evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or District, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during 30 days preceding any election in the jurisdiction of the court. Any alien, who, at the passage of this act, is in the military service of the United States, including the Czecho-Slovak and Polish forces, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section 1750 of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section 11 of the act of June 29, 1906. Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section 10 of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section 15 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding any election in the jurisdiction of the court: *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

During time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section 13 of the act of June 29, 1906.

"Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: *Provided*, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March 4, 1915 (38 Stat. L., pt. 1, p. 1164, ch. 153), being an act to promote the welfare of American seamen.

"Ninth. That for the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization authority is hereby given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia, and to aid the local Army exemption boards and cooperate with the War Department in locating declarants subject to the Army draft and expenses incident thereto.

"Tenth. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding May 1, 1910, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

"Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: *Provided*, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after the written consent of the Commissioner or Deputy Commissioner of Naturalization shall have been received by the clerk of the court and exhibited to the court, and the petition shall be given no final hearing except in open court and in the presence of the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section 2171 of the Revised Statutes of the United States is hereby repealed: *Provided further*, That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to except natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies, and thereupon they shall have the privilege to apply for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of $400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section 3679 of the Revised Statutes shall not be applicable in any way to this appropriation.

"Twelfth. That no person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, and the act (Public 55, 65th Cong., approved Oct. 5, 1917), is hereby repealed.

"Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or District for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law."

SEC. 2. That the following provisions of law be, and they are hereby, repealed: Sections 2166 and 2174 of the Revised Statutes of the United States of America and so much of an act approved July 26, 1894, entitled "An act making provisions for the naval service for the fiscal year ending June 30, 1895, and for other purposes," being chapter 165 of the laws of 1894 (28 Stat. L., p. 124), reading as follows: "Any alien of the age of 21 years and upward who has enlisted or may enlist in the United States Navy or Marine Corps and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps," and so much of an act approved June 30, 1914, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes," being chapter 130 of the laws of 1914 (38 Stat. L., pt. 1, p. 392), reading as follows: "Any alien of the age of 21 years and upward who may under existing law become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for reenlistment, or who has completed four years in the Revenue-Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval or revenue-cutter sources of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, Revenue-Cutter Service, or the Naval Auxiliary Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions"; and so much of section 3 of an act approved June 25, 1910 (34 Stat. L., pt. 1, p. 630), reading as follows: "That paragraph 2 of section 4 of an act entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, be amended by adding, after the proviso in paragraph 2 of section 4 of said act, the following: *Provided further*, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States, who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his

citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens."

That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect: *Provided further*, That as to all aliens who, prior to January 1, 1900, served in the armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding.

SEC. 3. That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention filed prior to September 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized.

Mr. HARDWICK. Mr. President, on page 3, line 8, before the word "District," I move to insert the word "the," and after the word "District" I move to insert the words "of Columbia," so that instead of reading "District" the text shall read "the District of Columbia."

The VICE PRESIDENT. The amendment to the amendment will the stated.

The SECRETARY. On page 3, line 8, before the word "District," it is proposed to insert the word "the," and after the word "District" and before the comma it is proposed to insert the words "of Columbia," so that, if amended, it will read:

Or the District of Columbia, or the State militia in Federal service.

The amendment to the amendment was agreed to.

Mr. HARDWICK. Mr. President, I move the same amendment in connection with the word "District" on line 13 of page 5 as a committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 13, it is proposed to strike out the word "District." and in lieu thereof to insert the words "the District of Columbia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 6, lines 1 and 2, I move to strike out the words "including the Czecho-Slovak and Polish forces."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 6, lines 1 and 2, after the words "United States," it is proposed to strike out the words "including the Czecho-Slovak and Polish forces." so as to read:

Any alien who, at the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court.

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 10, line 19, I move to strike out the word "within" and to insert in lieu thereof the words "nor less than two nor more than."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 10, line 19, it is proposed to strike out the word "within," and in lieu thereof to insert the words "not less than two nor more than," so that, if amended, it will read:

No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject—

And so forth.

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 13, line 2, in lieu of the word "District" in said line, I move to insert the words "the District of Columbia."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 2, it is proposed to strike out the word "District" and in lieu thereof to insert "the District of Columbia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. At the end of the bill, just before the amendment to the title, I move to insert the following words:

The word "District" in sections 4, 10, and 27 of the act which this act amends is hereby amended to read "the District of Columbia."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 18, after line 2, it is proposed to insert:

The word "District" in sections 4, 10, and 27 of the act which this act amends is hereby amended to read "the District of Columbia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. That completes the committee amendments, and unless some Senator desires to question me about some of the details——

Mr. LODGE. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. LODGE. I do not desire to ask any questions. If the Senator is through, I have an amendment which I should like to offer to the bill.

Mr. HARDWICK. Yes.

Mr. LODGE. It is in the shape of an additional section. I send the amendment to the desk and ask to have it stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the amendments heretofore agreed to, the following:

No citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States.

Mr. LODGE. Mr. President, on the 1st of January, 1914, the German Government promulgated a law or decree that a subject of the German Empire might be naturalized in any other country and if he filed a statement with an official of the German Government he could retain his allegiance to the German Empire. That is, he could become a citizen of the United States by our process of naturalization and yet remain a German subject. It was one of those far-sighted things that Germany is apt to do. It was also one of those, I think, villainous things that she is apt to do, for this simple reason:

No man could possibly take naturalization in the United States and retain his allegiance to the German Emperor without committing perjury of the grossest kind. The oath which a foreign-born citizen takes is an extremely strong oath. It not only renounces all other allegiance, but it especially renounces allegiance to the sovereign of the country from which the alien comes; and this was a deliberate attempt to allow Germans to become naturalized in this country while they remained subjects of the German Empire, and held their allegiance to the Kaiser.

Mr. President, I think that is entirely wrong. I do not think we ought to permit men to be naturalized where they have the opportunity to commit this perjury and attempt this dual citizenship. No doubt there may be cases where they desire naturalization honestly, and do not file the certificate with the official, but we have no means whatever of knowing that—none whatever. It would be impossible to find out. The German could file a certificate in Germany before he left that country. He could file it with the consul here. We have no access to their records, and a man in this country who gives himself out and parades as a naturalized citizen, and who all the time is a German, is a dangerous citizen, and ought not to be admitted. I see no way of getting at it except by a general provision of this kind. It is quite true that at this moment Germans are alien enemies, and can not be naturalized, but it is just as well to prepare against the future.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield; certainly.

Mr. POMERENE. The Senator has just stated, and I think correctly, that German aliens could not now be naturalized.

Mr. LODGE. I understand not. They are enemy aliens.

Mr. POMERENE. That is my understanding about it, too. That being so, might it not be for the best to let this amendment rest until some time in the future? It certainly would do no good now, and a new situation may arise later on.

Mr. LODGE. It could do no possible harm now. I think, as a broad general proposition, that we ought not to admit the possibility of such a thing as that. We have always been the champions against the doctrine of indefeasible allegiance, and I do

not think we ought to allow our contention with respect to that doctrine to be impaired; and we have always held, as the necessary corollary of that doctrine, that where the man gave up his prior allegiance to the country of his origin, he became an American citizen. The thing is false from beginning to end.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield.

Mr. CUMMINS. I call the attention of the Senator from Massachusetts to the eleventh subdivision of the bill, on page 10. I want to ask him what effect, in his opinion, the proposed amendment would have upon that subdivision? It provides:

No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within seven years prior to the existence of the state of war.

That permits the naturalization of a German citizen who had filed his declaration of intention within seven years of our declaration of war. Then, further—

or was at that time—

I assume that the words "at that time" refer to the declaration of war, although that is not entirely clear—

entitled to become a citizen of the United States, without making a declaration of intention—

And so forth. Is it not true that so far as German aliens are concerned the amendment proposed by the Senator from Massachusetts would entirely destroy the operation of the parts of the bill which I have read?

Mr. LODGE. Mr. President, I had no such intention, and I do not think it does. My amendment can not be retroactive. These are people who have gained another status entirely.

Mr. CUMMINS. It would not be necessary for the amendment to be retroactive. The Senator's amendment would operate from now on, and the naturalization is to take place in the future.

Mr. LODGE. That is very easily met, Mr. President, by inserting the word "hereafter," if there is any doubt. I do not think there is. I had no desire to interfere with the class of people to whom this subdivision refers.

Mr. CUMMINS. I mention that because I chink the amendment would interfere with them unless it were somewhat modified.

Mr. LODGE. I think the word "hereafter" will make it perfectly clear.

Mr. CUMMINS. Will the Secretary state the amendment with that change in it?

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. The Senator from Massachusetts modifies his amendment so that it will read:

No citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall hereafter be eligible for naturalization in the United States.

Mr. CUMMINS. I call the attention of the Senator from Massachusetts to the wording of his amendment. These naturalizations which are to take place under the eleventh subdivision are hereafter to take place. They have not yet taken place, and therefore the amendment which he has proposed, even with the modification——

Mr. LODGE. It is easy enough to put in "except as provided in subdivision 11."

Mr. CUMMINS. I think there ought to be some modification of that kind.

Mr. LODGE. I will modify it so that it will read "shall hereafter be eligible for naturalization in the United States except as herein provided in subdivision 11."

Mr. CUMMINS. I should like to ask the Senator from Massachusetts another question, and I ask it purely out of unfamiliarity with the subject myself. Wherein does the description of nations which have a regulation of the character referred to in the amendment differ in status from those nations which refuse to recognize the right of expatriation?

Mr. LODGE. Why, Mr. President, I think it is entirely different. For instance, France and Italy both claim that they have the right to military service even after their natives have become naturalized here. That we have always denied. It is a conflict of law. This is wholly different from that. They deny the right of their people to expatriate themselves and become Americans. Germany, in her law, does not deny that right; but she expressly invites them to become naturalized here, retaining at the same time citizenship in their own country. That is, she invites them to commit perjury in order that they may pass as American citizens. To me, there is a broad distinction.

Mr. CUMMINS. The Senator can hold no greater abhorrence for the general view of the matter held by Germany than I do; but I think that those nations which deny the right of expatriation, and insist that an immigrant from their own sovereignty who comes here and becomes naturalized shall still be subject to allegiance to them, are just as reprehensible as far as we are concerned as those that have made a special regulation about it.

Mr. LODGE. I can not see it that way. The only nations that do deny the right of expatriation are Turkey and Russia.

Mr. CUMMINS. Yes.

Mr. LODGE. We are put upon notice that they deny the right of expatriation. Germany does not deny the right of expatriation. She says to her people: "You may go to the United States and be naturalized and expatriate yourselves, if you want to; but we give you the opportunity to retain your German allegiance, so that when war comes, or anything of that kind, you may consider yourselves Germans, if you choose." It seems to me very different from putting us upon notice, as those other countries do.

Mr. CUMMINS. One other difficulty would be that, no matter how much the alien desired to throw off the yoke of his native country, no matter how deep his resentment might be against his own country, simply because his own country had that kind of regulation he would be denied citizenship in the United States. It seems to me that you are visiting rather a severe penalty upon the man who really desires to change his sovereignty and his allegiance.

Mr. LODGE. Mr. President, I have referred to that already. I see the difficulty of that; but how are we to know? A man who will perjure himself when he renounces allegiance would not hesitate to perjure himself if he were asked whether he had made any reservation, or whether he had filed a certificate with the German Government. It seems to me to create a perfectly false class in this country—men who have a double allegiance. A man should have but one. I do not believe, myself, that such a thing can exist.

Mr. CUMMINS. If we should apply any such principle or rule to people who hereafter come from Germany into the United States it would meet with my entire approval. I shrink a little from visiting that penalty upon Germans who have already come to the United States, who are already here, who want to become American citizens, and who can be prevented from doing so simply because their own country, with which they have no sympathy whatever—I hope they have not; most of them have not—passed a law or makes a regulation of this kind.

Mr. LODGE. Those who are already here I do not want to cut off, as I have already said to the Senator. I do not want to cut them off. I will make it so that it can apply only in the future, so that no German coming from Germany now can be naturalized. You may confound the innocent with the guilty under that rule.

Mr. CUMMINS. I am willing to absolutely prohibit the immigration of any Germans——

Mr. LODGE. So am I.

Mr. CUMMINS. And make it applicable for a good many years to come.

Mr. LODGE. But, from the national point of view, how can we as a Nation admit the proposition of a double allegiance? It seems to me that it is impossible to expect us to admit it. I think the amendment should be modified, if the Secretary will make the change, so as to read, "subject to the provisions of subdivision 11."

Mr. HOLLIS. Mr. President, before the Senator takes his seat, let me ask whether the amendment has been read?

Mr. LODGE. It has been read three or four times. It is a very short one.

Mr. HOLLIS. Will the Senator state what it is? I have been trying to gather its import.

Mr. LODGE. The object is to prevent the naturalization of Germans in this country while they have a law, which has been promulgated in Germany, permitting them to become naturalized here and at the same time, by filing a certificate with some German official, retain allegiance to the Empero".

Mr. HOLLIS. Then, might a German become a citizen if he did not file that certificate? Is that the point?

Mr. LODGE. If there was any way of finding it out.

Mr. HOLLIS. Then, would the Senator's amendment absolutely prohibit the naturalization of Germans?

Mr. LODGE. It would prohibit any German, after the war, from being naturalized here until they had this law in Germany changed.

I was about to say that Germany is the only country, so far as I am aware, that has ever attempted or thought of such a

provision as that. As I said to the Senator from Iowa [Mr. CUMMINS], Russia and Turkey deny the right of expatriation, and we are on notice with regard to that, which is a different thing entirely. Our laws operate in favor of those who are here; but in this case the German Government provides that her subjects may commit perjury and remain loyal Germans while apparently naturalized American citizens. That seems to me a very unwholesome situation, an unsound one from every point of view, and one that no nation ought to tolerate.

Mr. HARDWICK. Mr. President, I am in such thorough accord with the views of the Senator from Massachusetts on immigration and on sharply restricting immigration, and in such thorough accord with the general proposition that he has in mind when he presents this amendment, that I hesitate to differ with him about it; and yet I feel that justice to the department, to the Bureau of Naturalization, and to the committee that handled this subject requires me at least to state the difficulty that we see in his amendment. I will say that it was considered by the Committee on Immigration—not in these words, but the proposition was considered by the committee—because the Senator kindly gave me the benefit of his counsel, and I was much impressed by it, and submitted his suggestion to the committee.

In the first place, we must remember that the House bill which we are amending, and which we are passing in the form of a substitute, was a bill which provided that alien enemies who became such by virtue of the declaration of war of this country against the countries from which these aliens came, and who therefore could not prosecute their pending petitions for naturalization in the courts of the land, should be allowed to go on with their actions at law in the courts, provided the petitions were pending before the declaration of war. The Senate committee thought that was too broad and too dangerous a proposition to adopt without a great many limitations. The Secretary of War, as I remember, protested very earnestly against it, and said that there was very great danger that great harm might be done by it if the bill were passed in the form in which the House of Representatives passed it. So that as a substitute on that one question, for the action of the House, the Senate committee has proposed the eleventh subdivision, on page 10 of the printed bill, which I will read:

Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

In substance that would be, without the modification contained in the proviso, the House provision, but we put this additional safeguard around it:

Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after the written consent of the Commissioner or Deputy Commissioner of Naturalization shall have been received by the clerk of the court and exhibited to the court, and the petition shall be given no final hearing except in open court and in the presence of the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*—

The balance of the subdivision I need not read.

We took the House proposition, and we said, "Even if these petitions were pending at the time war was declared, and even if the legal rights of these people had accrued and were perfected prior to the declaration of war, still we will not permit them to become citizens of the United States by the process of naturalization unless the Government is satisfied of their loyalty and unless the Government has no objection to the proceedings." We thought that was a wise precaution in time of war.

Now, let us see where the amendment of the Senator from Massachusetts would lead us. We are informed by the Naturalization Bureau that there are many thousands of these people, so-called German-Americans, who are of undoubted loyalty to this country. It is the purpose of the Government to try to separate the loyal from the disloyal. They have ample appropriations and an ample force to make inquiries and to ascertain the truth in these cases. If the Senator from Massachusetts should secure the adoption of his amendment in such a form that it will apply to these aliens resident in the United States who came from Germany, and who are perfectly loyal, the fact that Germany—the Government that they want to repudiate forever, the Government that they want to leave for our Government—has enacted a law over there that they could not help will forever bar them and all of them from citizenship in this country, although it is admitted that they are perfectly loyal.

Mr. LODGE. Mr. President, if the Senator will allow me, I am entirely in agreement with what he is saying——

Mr. HARDWICK. The Senator's amendment is not, though.

Mr. LODGE. And I have so amended the amendment that it excludes all those people.

Mr. HARDWICK. The Senator has done so?

Mr. LODGE. Yes. I have asked the Secretary to put in those words.

Mr. HARDWICK. I will stop now and ask the Secretary to read it in my time. I want to be sure on that point.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The Secretary read as follows:

Hereafter, subject to the provisions of subdivision 11 of this act, no citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States.

Mr. HARDWICK. I think that meets that particular objection. I think I ought to say, in behalf of the department and of the bureau, that the department contends that it already has ample machinery of law to meet this situation; that the courts have held, under existing statutes, that proceedings lie to cancel citizenship on the ground that the oath of allegiance was taken with a mental reservation, and that such proceedings have been had, and successfully had, by the Government in this country within recent months. They contend that wherever they can make out a case against one of these people for doing that sort of thing—and they say they have done it in a good many cases—they can cancel his naturalization by court proceedings. For that reason the bureau did not believe there was any necessity for quite so drastic a provision as this.

I want to say that generally I am in sympathy with the main proposition laid down by the Senator from Massachusetts. I do not believe in a divided allegiance. I want no citizen to swear loyalty to this country while in his heart he is loyal or partly loyal to some foreign prince or potentate.

I do not object to establishing a policy of that sort if it does not work a grievous injustice to many honest people. Let us see what might happen. I do not know what the immigration conditions will be after this war is over; but I expect when we face that question, if it is any part of my duty to face it, the Senator from Massachusetts will not be more anxious than I am to have as little foreign immigration into this country as is possible, and that no man in this Chamber on either side will possibly go beyond my position in that regard. I think one of the great troubles we have had in this country is that we have had too much undigested and indigestible foreign immigration already. But be that as it may, extreme as I am in my views on that question, I hesitate to penalize anybody who has honestly and whole-heartedly given up his allegiance to a foreign prince or a foreign potentate and who comes to this country with a whole-hearted desire to become and remain permanently an American citizen——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. HARDWICK. I am glad to yield to the Senator.

Mr. LODGE. The Germans are not coming to this country now.

Mr. HARDWICK. And they ought not.

Mr. LODGE. They are excluded as alien enemies. The others to whom the Senator refers, who in the future would come here, in that way would be excluded from naturalization, but not from the country.

Mr. HARDWICK. But I do not think we ought to let anybody come here whom we do not intend to naturalize and take into the citizenship of the country except under treaty provisions about travel, and so on.

Mr. LODGE. We had some difficulty in drawing that line in the immigration bill.

Mr. HARDWICK. Yes, we did; I remember. I say to the Senator, those are the objections I have to the amendment, but as modified I do not think it will do any harm as to the future policy that it seeks to establish. While I can see some great merit in it, still I can see some great objections to it. But I want to get through with the bill. The Senator knows that I want to deal with candor with him. I am willing to accept his amendment and take it to conference if that will facilitate the measure, although I will not pledge myself to support it.

Mr. LODGE. That is perfectly agreeable to me.

Mr. CUMMINS. In the part of the bill the Senator from Georgia read I fear that, in his very proper anxiety to prevent

the possibility of naturalizing a disloyal citizen, he has subjected a judicial proceeding to the will of a bureau of the Government.

Mr. HARDWICK. Undoubtedly the Senator is right.

Mr. CUMMINS. I do not think that is wise, nor do I think it is fair. If we are going to carry forward naturalization proceedings in a court as we do, and ought to do, I thing in these perilous times when one seeks naturalization papers under this provision the Government, the Department of Justice, or the Bureau of Naturalization—I care not what particular function of the Government—ought to be notified, but I do not think that the mere failure of the Government to appear in the proceeding and make objection ought to have the effect of denying the naturalization.

Mr. HARDWICK. It will not. The Government has to object.

Mr. CUMMINS. That seems to me to be very wrong.

Mr. HARDWICK. The Government has to object and continue to object in order to keep the case open.

Mr. CUMMINS. The bill provides in the first place:

That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, except after the written consent of the Commissioner or Deputy Commissioner of Naturalization shall have been received by the clerk of the court and exhibited to the court—

That is hard enough. Then the bill proceeds—

and the petition shall be given no final hearing, except in open court and in the presence of the representative of the Government from the Bureau of Naturalization.

If the Bureau of Naturalization does not present the case through a representative then the proceeding can not be opened.

Mr. CALDER. If the Senator will permit me, the language written in the bill was caused by the fact that in some parts of the country judges have been giving naturalization to citizens of any country without regard to the opinion of the bureau, and it was deemed wise to have a provision of that kind in the bill to safeguard the Government.

Mr. CUMMINS. Then we ought to give to the Bureau of Naturalization the naturalization of citizens and take it away from the courts. It is shocking to me to suggest that the Bureau of Naturalization can command the court, and say that it shall not issue these papers unless it is satisfied that naturalization ought to occur. It destroys the attitude of the court in the matter entirely. I do not like that sort of thing. It is simply another instance of destroying all the safeguards that we have heretofore set up for the American people, and as far as I am concerned I protest against it.

Mr. NELSON. Mr. President——

Mr. HARDWICK. I yield to the Senator, although I should like to answer the Senator from Iowa.

Mr. NELSON. I wish to call attention to the language at the top of page 3, commencing after the word "reenlistment," in line 2:

Or any alien or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted or may hereafter enlist in the armies of the United States, either the Regular or the Volunteer Forces, the National Guard or Naval Militia of any State.

And so forth.

Under that provision the cases of men who have been drafted into the National Army, as it is called, drafted men—and there are a good many of them—who have declared their intention, but who are willing to serve, and do not claim an exemption because they are not full citizens, would not be covered. I would be glad to have them encouraged, so that instead of insisting upon exemption they will go in for the sake of becoming citizens. So I suggest two amendments, after the word "enlist," in line 5, to insert the words "or enter," and then after the words "National Guard," in line 7, to insert the words "the National Army." I want the door open so that those who get into the Army through our draft law in that way may have the opportunities afforded by the bill.

Mr. HARDWICK. I have no doubt the Naturalization Bureau is in sympathy with that purpose, and I will say that personally I am in sympathy with it, and I have no objection to those amendments. I suggest to the Senator, however, to let us dispose of this other matter first. I will say to him I favor his amendments as far as I am personally concerned.

Mr. NELSON. Then I move to amend the bill.

Mr. HARDWICK. Just a moment. I have not yielded the floor. I want to get through with the objection made by the Senator from Iowa. Then I will say to my friend from Minnesota I think his amendment is a good one, and I do not see why we could not agree on it.

I realize the force of what the Senator from Iowa has said. Yet the Senator from Iowa must realize, as the Senator from Georgia was forced to realize when he considered this question fully, the unusual position we are in. It is an unusual position, and I think I can say without any reflection on these people that this legislation is intended to protect a dangerous condition in most instances, to admit to citizenship at all during times of war alien enemies. It does not accord with the practices of nations, it does not accord with the usual and ordinary way with which nations treat each other, and it is not as a rule founded on safe considerations.

When the House of Representatives undertook by law to say that we would admit to citizenship of the United States men whose legal status to-day is that of alien enemies we thought it much wiser to put very rigid restrictions upon the exercise of that right. I would not subject any person except a person in the legal position of an alien enemy to any such a condition as that.

Mr. CUMMINS. I do not object to the rigorous test. My objection lies in subordinating a legal procedure to the will of an administrative bureau. I would be perfectly willing to strike out the court entirely and allow none of these people to be naturalized without the consent of the President. I am willing that he shall issue naturalization papers in such instances, or the Bureau of Naturalization, although I do not know what that is or who presides over it nor do I know how it is constituted. But it is entirely inconsistent with every conception which we have with free institutions to say that a man can file an application in a court to accomplish a certain end upon which he is called upon to prove certain things which will entitle him to the relief he asks, and then say that unless a subordinate officer of the Government, entirely unknown I think to most of us, gives his consent to the entry of a judgment of the court it can not be entered, and if he merely abstains from the court and does not see fit to go to the place of trial then there can be no action on the part of the court. It is to me as I said before so different from my notions of a trial of a case in a court that I can not contemplate it with any kind of toleration.

I would be perfectly willing to have the representative of the Bureau of Naturalization served so that he would be required to be present; I would be perfectly willing to take away from the court entirely the jurisdiction to issue naturalization papers to such a person, but I am not willing to combine the two authorities and give the superiority or the supremacy to at least a very obscure officer of the Government.

I know two or three men in my State who have lived there for 40 or 45 years, one of them for 50 years. They have been voting for not quite all of that time, but they have been voting at every election for 35 years. Two of them have held high offices in the State. They are among our foremost citizens, responsible and worthy in every way, and as loyal to the country as any human being can be, as earnest and as active in the work citizens now have to do in the prosecution of the war as any citizen can be. Yet owing to misinformation with respect to the law and to their right under the law they are not citizens of this country, and all of them are alien enemies. I have been interested in them somewhat, and I have assumed that under this statute they could be naturalized, but of course if some clerk in the Bureau of Naturalization can deny the court the opportunity of passing upon their fitness to become citizens and their loyalty and all other qualifications that are required, I would have no hope whatever of remedying the mistake, and it is only a mistake which they made and which those about them made in their early life. I do not like it. I do not believe the Senator from Georgia would like it any better than I do, and I do not think the exigency requires any such rigorous measure.

Mr. LODGE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Massachusetts.

Mr. LODGE. Merely to ask a question.

Mr. HARDWICK. I yield to the Senator.

Mr. LODGE. I wish to ask a question of the chairman of the Immigration Committee. Is it not true that under our immigration laws a candidate for naturalization going into court has to present proof and show that he was admitted in accordance with our immigration laws and was properly admitted?

Mr. HARDWICK. Undoubtedly that answers the suggestion of the Senator from Iowa.

Mr. CUMMINS. Precisely, but it does not have to depend on the consent of the Naturalization Bureau.

Mr. LODGE. It depends on the consent of the Commissioner of Immigration.

Mr. CUMMINS. That is all. He is admitted by consent of the immigration officer, but no man can be naturalized in the United States who can not get the consent at that moment of the immigration officer.

Mr. LODGE. Previous consent. The immigration officer can come in and take him out and have him deported, if it is disclosed that he entered the country fraudulently.

Mr. HARDWICK. A part of the argument of the Senator from Iowa I do not sympathize with. The Senator says he is willing to give this power to the President. So am I, and yet there is not one whit difference between giving it to the President and giving it to the Naturalization Bureau, because that is the only way the President can exercise it, and the only way he would exercise it. That is the way all presidential power is exercised, or practically all of it, through subordinates, in the various executive departments.

Mr. CUMMINS. The difference, if the Senator will allow me, is that this gives a power without responsibility.

Mr. HARDWICK. I do not know about that. These people are officers of the Government. The commissioner is confirmed by the Senate; the head of the department is confirmed by the Senate. My guess would be that we have fully as much power to hold them responsible as we have to hold the President responsible if he should make a mistake. I can not sympathize with that part of the argument, although I do strongly sympathize, as the Senator from Iowa knows, with the proposition that it is, ordinarily, undesirable to see such tremendous powers given to the Executive authority over citizenship and its processes. Yet I must confess that in this moment of national stress, in this moment of national trial, when the very existence of this country may be at stake, and when we are proceeding to naturalize people who occupy at least the legal status of alien enemies, I feel that it is not wrong to give the Government that much authority. Now, that is the reason. It is not in accord with any principle I would apply in peace times to anybody, and it is not in accord with any principle I would apply in war times to anybody but an alien enemy.

To show you how the committee felt, there is another part of this proposition, and I wish to present it, and then I am going to ask the Senate to vote as soon as we can on this bill so that we may not be too long detained.

That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to except natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies.

That is the classification made by statute law.

Mr. CUMMINS. Why do you give him power to exempt an individual or class from the operation of the law?

Mr. HARDWICK. I will tell you. Because there are thousands and hundreds of thousands of perfectly loyal Americans in this country who have not been naturalized, like the Bohemians, who are furnishing thousands of the bravest troops that are enlisted under our banner, who are in this classification, and because it is necessary that those men should not be driven to the position of disloyalty when they are thoroughly loyal. That is all. The interest of the country requires it. Listen to what we provided about that:

That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to except natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies, and thereupon they shall have the privilege to apply for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of $400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section 3679 of the Revised Statutes shall not be applicable in any way to this appropriation.

The moment the President relieves them by a proclamation, in individual cases or in classes, where loyalty is established to the satisfaction of the President, then by law they have a right to apply for naturalization just as aliens who are not alien enemies may apply.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I do.

Mr. CUMMINS. You will then have the rather astonishing situation of the President exempting an individual from the operation of the law, assuming that he really ought to be naturalized, and the chief of the Bureau of Naturalization being able, by his absence from the court, to prevent him from being naturalized.

Mr. HARDWICK. But all the President can do is to relieve him from the operation of the alien-enemy act. Surely the Senator would not hesitate in war times to give that power to the President.

Mr. CUMMINS. I tell the Senator I am willing to give the entire power to the President of naturalizing or refusing to naturalize alien enemies.

Mr. HARDWICK. What difference does it make, then? Even if we have given it to the Naturalization Bureau, that is the bureau through which the President will exercise the power in any event.

Mr. CUMMINS. If the President is given the power, he will feel a sense of responsibility no matter to whom he delegates the power, and when he is appealed to he will decide the case, I assume, with confidence and with knowledge. If you give to the Bureau of Naturalization the authority to prevent the action of the court simply by staying away from court, you will have, in my opinion, an inoperative as well as an unjust statute.

Mr. HARDWICK. There is no need of arguing in circles. I believe that whatever power we give the President over this subject would be necessarily exercised through this bureau any way. So I am not especially concerned whether the bureau or the President is named. I hope we shall now have a vote on the bill.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. HARDWICK. I do.

Mr. FALL. I want to ask the Senator from Georgia if it would not meet the views of the committee, and at the same time allow some of us a little discretion in voting upon this proposition, if there were an amendment adopted on page 11, so that it would read that no hearing should be had upon any petition except after due notice given by the court to the commissioner or deputy commissioner to be present at a certain time, and that no final hearing should be had except on due notice to him to come in, and that it would be heard at that time?

Mr. HARDWICK. And that then it should not be heard if he objected?

Mr. FALL. That then it should not be heard if he objected.

Mr. HARDWICK. I do not object to that at all. I do not think that would impair what the bureau has in mind.

Mr. FALL. Then I suggest, after the word "after," that lines 3, 4, and 5 should be stricken out, and the words "due notice"——

Mr. HARDWICK. I do not think those three lines should be stricken out, if the Senator will pardon me.

Mr. FALL. I have made a mistake. If the Senator will listen to me I can give him my idea as to what I mean. I think the bill should provide for due notice to the Commissioner or Deputy Commissioner of Naturalization to be present instead of requiring his written consent. Why should the court not act except upon the written consent of the commissioner, when the commissioner may absent himself from the court and the court may therefore not be able to act?

Mr. HARDWICK. I agree with the Senator about that, and I am willing to modify the amendment so far as I have the power in that respect, because after the Government has a fair and reasonable opportunity to object and does not object, then I am willing for the proceedings to go on.

Mr. FALL. Then I suggest the following amendment——

The PRESIDING OFFICER. There is an amendment pending.

Mr. HARDWICK. An amendment was merely suggested in my time. It will be offered but is not now pending.

Mr. LODGE. I have an amendment pending.

Mr. HARDWICK. I beg pardon. The Senator from Massachusetts has a pending amendment.

Mr. LODGE. The chairman of the committee stated that he would accept the amendment, and I believe the Senate thought it had been disposed of.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FALL. I can suggest how I would have the language read:

Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after due notice to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued—

And so forth.

Mr. HARDWICK. I do not think that would change the meaning materially.

Mr. FALL. It would give the commissioner notice and allow him to come in and present his objections.

The PRESIDING OFFICER. Will the Senator from New Mexico send his amendment to the desk in writing or will he suggest it so that the Secretary may get it?

Mr. FALL. I think if I state it over again the Secretary will get it. In line 3, page 11, after the word "after," I move to strike out the words "the written consent of" and to insert "due notice to"; in line 4, to strike out "shall have been received by the clerk of the court and exhibited to the court" and to insert "to be present"; and in line 7, to strike out the words "in the presence of" and to insert the words "after such notice to."

The PRESIDING OFFICER. The Secretary will read the language as proposed to be amended by the Senator from New Mexico.

The SECRETARY. As amended the language will read:

Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after due notice to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Mexico to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. NELSON. I offer an amendment to the bill, in line 5, page 3, after the word "enlist," to insert the words "or enter."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota to the amendment reported.

The amendment to the amendment was agreed to.

Mr. NELSON. Then, in connection with that amendment, after the words "National Guard," in line 7, page 3, I move to insert the words "National Army."

Mr. HARDWICK. Let me suggest to the Senator that that is probably covered by the language in the line just above where it reads "Regular or the volunteer forces," is it not?

Mr. NELSON. No; we have three classes.

Mr. HARDWICK. Very well; I will not object to the amendment.

Mr. NELSON. One is called the National Army as distinguished from the Regulars and as distinguished from the National Guard of the States.

Mr. HARDWICK. I do not object to the amendment.

The PRESIDING OFFICER. The Chair desires to suggest to the Senator from Minnesota that he thinks the amendment should come after the words "volunteer forces" in line 6. The Secretary will state it in that way.

The SECRETARY. On page 3, line 6, after the words "volunteer forces," it is proposed to insert the words "the National Army."

Mr. HARDWICK. That is right.

Mr. NELSON. I accept that modification.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to the amendment.

The amendment to the amendment was agreed to.

Mr. POMERENE. Mr. President, I am not quite clear that I understood the amendment offered by the Senator from Minnesota. He moved to insert the words "or enter" after the word "enlist." Would that give the privileges herein set forth to aliens who have already entered the service?

Mr. NELSON. It is in the present tense—"to enlist or enter"—it relates to the future and not to the past.

Mr. POMERENE. I mean, does it apply to those who have already entered the service, so that they can have the privileges of naturalization?

Mr. NELSON. It does not cover them exactly. The word "enter" would have the same meaning as to time as the word "enlist." The Senator will observe in line 5 the words "or may hereafter enlist." My amendment is "or enter," so as to cover those who get in through the draft law.

Mr. POMERENE. But my thought was that it should apply to those who had already entered the service as well as those who might hereafter enter, and it occurred to me that the thought I had in mind would be met if we would insert after the words "who has enlisted" the words "or who has entered."

Mr. NELSON. Mr. President, I move to reconsider the vote by which the words "or enter" were inserted.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is reconsidered.

Mr. NELSON. I ask now to have that amendment rejected.

The PRESIDING OFFICER. The vote whereby the amendment was agreed to has been reconsidered, and, without objection, the amendment to the amendment will be considered as rejected.

Mr. NELSON. Then I move to insert after the word "enlisted," at the beginning of line 5, the words "or entered."

Mr. HARDWICK. That is the same amendment the Senator offered before.

Mr. NELSON. The same amendment, only it applies to those who are already in the service as well as those who afterwards enter the service.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. NELSON. I think it ought to apply to the future, and I renew my amendment to insert the words "or enter" in line 5, after the word "enlist," so as to apply to future cases.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to amend so that the clause will read:

Who has enlisted or entered, or who may hereafter enlist in or enter, the Army of the United States.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization."

The PRESIDING OFFICER. It has been suggested to the Chair that the words "and for other purposes" should be added to the title.

Mr. HARDWICK. Very well. Let those words be added; but I think they make no difference.

The PRESIDING OFFICER. Without objection, the title will be so amended.

Mr. HARDWICK. I move that the Senate request a conference with the House of Representatives on the bill and amendment and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. HARDWICK, Mr. GORE, and Mr. DILLINGHAM conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 17, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 16, 1918.

REGISTER OF LAND OFFICE.

John A. Ross, of South Dakota, to be register of the land office at Bellefourche, S. Dak., his present term expiring May 21, 1918. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

William H. Edley, of Wyoming, to be receiver of public moneys at Lander, Wyo., his present term expiring May 13, 1918. (Reappointment.)

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICERS.

To be major generals with rank from April 12, 1918.

Brig. Gen. William P. Burnham, National Army.
Brig. Gen. Willard A. Holbrook, National Army.
Brig. Gen. James H. McRae, National Army.
Brig. Gen. George B. Duncan, National Army.
Brig. Gen. Ernest Hinds, National Army.
Brig. Gen. Charles H. Martin, National Army.
Brig. Gen. Charles S. Farnsworth, National Army.
Brig. Gen. James W. McAndrew, National Army.
Brig. Gen. Edward F. McGlachlin, jr., National Army.
Brig. Gen. LeRoy S. Lyon, National Army.

To be brigadier generals with rank from April 12, 1918.

Col. Robert H. Noble, Infantry.
Col. Arthur Johnson, Infantry.
Col. Charles Gerhardt, Infantry.
Col. William R. Dashiell, Infantry.
Col. Guy H. Preston, Cavalry.
Col. Frank M. Caldwell, Inspector General's Department.
Col. Lutz Wahl, General Staff Corps.
Col. John L. Hines, Infantry.

Col. Joseph G. Castner, Infantry.
Col. Julian R. Lindsey, Infantry, National Army.
Col. George H. Jamerson, Infantry, National Army.
Col. Lincoln C. Andrews, Infantry, National Army.
Col. Dwight E. Aultman, Field Artillery.
Col. Ora E. Hunt, Infantry, National Army.
Col. Adrian S. Fleming, Field Artillery.
Col. Thomas W. Darrah, Infantry, National Army.
Col. Johnson Hagood, Coast Artillery Corps.
Col. Lytle Brown, Corps of Engineers, National Army.
Col. Alfred A. Starbird, Inspector General's Department.
Col. Edward T. Donnelly, Field Artillery, National Army.
Col. Fred T. Austin, Field Artillery, National Army.
Col. William I. Westervelt, Field Artillery, National Army.
Col. Augustine McIntyre, Field Artillery, National Army.
Col. Richard W. Young, National Guard.
Col. George A. Wingate, National Guard.

To be brigadier generals with rank from April 15, 1918.

Lieut. Col. Robert E. Wood, National Army.
Col. Hugh S. Johnson, General Staff.

TRANSFERS TO THE ACTIVE LIST OF THE ARMY.

CAVALRY ARM.

Capt. Louis R. Ball, United States Army, retired, to be major on the active list with rank from July 24, 1917.

INFANTRY.

Capt. George L. Byroade, retired, to be major with rank from July 1, 1916.

TEMPORARY PROMOTIONS IN THE ARMY.

INFANTRY.

To be colonel with rank from December 8, 1917.

Lieut. Col. George L. Byroade, additional officer.

To be lieutenant colonel with rank from August 5, 1917.

Maj. George L. Byroade, additional officer.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1918.

COLLECTOR OF CUSTOMS.

George H. Rowley to be collector of customs for customs collection district No. 12, with headquarters at Pittsburgh, Pa.

PROMOTIONS IN THE NAVY.

The following-named lieutenant commanders to be commanders:
Hugo W. Osterhaus and
Byron A. Long.
Lieut. (Junior Grade) Zachary Lansdowne to be a lieutenant.
The following-named lieutenants (junior grade) to be lieutenants:
Augustine H. Gray,
Warren L. Moore,
Wadleigh Capehart,
Melville S. Brown,
George M. Cook,
Frank H. Kelley, jr.,
Dorsey O. Thomas,
Miles P. Refo, jr.,
Robert T. Young,
Elmer K. Niles,
Charlton E. Battle, jr.,
Alfred G. Zimermann,
Ellis S. Stone.
Thomas S. King, 2d,
Urey W. Conway,
George F. Parrott, jr.,
Norman Scott, and
Jay L. Kerley.
Ensign Herbert K. Fenn to be a lieutenant (junior grade).
Asst. Surg. Charles S. Stephenson to be a passed assistant surgeon with the rank of lieutenant.
The following-named passed assistant paymasters to be paymasters with the rank of lieutenant commander:
Lewis W. Jennings, jr., and
William G. Neill.
Passed Assistant Paymaster Edward R. Wilson to be a paymaster with the rank of lieutenant commander.
The following-named assistant paymasters to be passed assistant paymasters with the rank of lieutenant (junior grade):
John B. Ewald and
Samuel R. White, jr.
Assistant Paymaster Macdonough C. Merriman to be a passed assistant paymaster with the rank of lieutenant (junior grade).
Assistant Paymaster John D. P. Hodapp to be a passed assistant paymaster with the rank of lieutenant (junior grade).
Chaplain Eugene E. McDonald to be a chaplain with the rank of captain.
The following-named assistant naval constructors to be naval constructors with the rank of lieutenant:
Philip G. Lauman,
Arthur W. Frank, and
Ralph T. Hanson.
Lieut. Roland M. Comfort to be a lieutenant commander for temporary service.
Lieut. (Junior Grade) Herbert W. Jackson to be a lieutenant for temporary service.
Lieut. (Junior Grade) Clifton A. F. Sprague to be a lieutenant for temporary service.
Lieut. (Junior Grade) Thaddeus A. Hoppe to be a lieutenant for temporary service.
The following-named acting ensigns for engineering duties only to be lieutenants (junior grade) for engineering duties only for temporary service:
Joseph H. Currier,
Isaac J. Van Kammen, and
Ernest V. David.
Ensign Michael J. Wilkinson to be a lieutenant (junior grade) for temporary service.
Carpenter Herman R. Newby to be an ensign for temporary service.
The following-named warrant officers to be ensigns for temporary service:
Frederick W. Boldt,
Horace L. Ham,
George Berton,
Alexander B. Provost,
Harry A. Mewshaw,
Chris Halverson,
William G. Scott,
Harry Bennett, and
Elmer J. Tugend.
The following-named enlisted men to be ensigns for temporary service:
Morey H. Downs,
Daniel E. Haskell,
John C. Mayhew,
Tom H. Williamson,
Hubert K. Stubbs,
Harold V. Andrews,
Clarence V. Waggonner,
Henry C. Flanagan, and
Omer L. Brewington.
The following-named ensigns in the United States Naval Reserve Force to be ensigns for temporary service:
Cecil A. McKay,
Nathan Young,
Stuart Parker,
Caleb Loring,
William L. Hickey,
Feustman B. Thatcher,
Barnes Newberry,
Bruce Burns,
Charles H. Duell, jr.,
John R. Haire,
Donald M. Lovejoy,
Edgar M. Queeny,
Charles H. Sterrett, and
Allen L. Welch.
The following-named ensigns in the National Naval Volunteers to be ensigns for temporary service:
Duncan W. Frick and
Ralph J Stern.
The following-named pay clerks to be assistant paymasters for temporary service:
Henry G. Conrad and
Harry H. Bloxham.

POSTMASTERS.

LOUISIANA.

Lucien L. Prothro, Lenzburg.

MINNESOTA.

Margaret E. Gillespie, Carlton.
Alfred J. Lamberton, Kasota.

OHIO.

John P. Cummings, Waynesville.
William J. Evans, North Canton (late New Berlin).
Sage P. Deming, Rocky River.

PENNSYLVANIA.

Flora C. Harwi, Hellertown.

SOUTH CAROLINA.

Frank P. Wilson, Due West.

WASHINGTON.

Maury C. Hayden, Lind.
Petrus Neilson, Enumclaw.
Grover C. Schoonover, Odessa.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 16, 1918.*

The House was called to order at 12 o'clock noon by Mr. KITCHIN as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who workest ever, in all and through all Thou hast made, animate or inanimate, creating, re-creating, and who art mighty to deliver, help us as rational beings, gifted with the power of choice, to open wide the portals of our souls that we may receive abundantly that power of spirit ever emanating from Thy heart to which we are so closely allied, that we may be strong to bear the burdens of life and be guided to a happy solution of its intricate problems and so become instruments in Thy hands for the fulfillment of Thy plans and good purposes, in the spirit of Him who said, "I must work the works of Him that sent me while it is day; the night cometh, when no man can work." Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. MADDEN. Mr. Speaker, I ask that Mr. JOHN W. RAINEY, Member elect from the fourth district of Illinois, be sworn in. His certificate of election is on file with the Clerk.

The SPEAKER pro tempore. The certificate has been filed in due form.

Mr. RAINEY appeared at the bar of the House and took the oath of office.

ELECTION CONTESTS.

The SPEAKER pro tempore laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., April 16, 1918.

The SPEAKER,
House of Representatives, Washington, D. C.

SIR: I have the honor to lay before the House of Representatives a list of contests for seats in the House of Representatives for the Sixty-fifth Congress of the United States, notices of which have been filed in the office of the Clerk of the House, and also transmit herewith all original testimony, papers, and documents relating thereto, as follows:

"James J. Britt against Zebulon Weaver, of the tenth district of North Carolina.

"Jacob Gerling against Thomas B. Dunn, of the thirty-eighth district of New York.

"James S. Davenport against Thomas A. Chandler, of the first district of Oklahoma."

The Clerk has opened and printed the testimony in all of the above cases. In compliance with the act approved March 2, 1897, entitled "An act relating to contested-election cases," such portions of the testimony in the above cases as the parties in interest agreed upon, or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest and the answers thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in each case have been mailed the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and contestee in each case has been complied with as far as possible upon receipt by the Clerk of said briefs.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement, which has been prepared by the Clerk, showing the number of pages of testimony and the present status of each contested-election case, and all the papers in connection therewith.

Yours, respectfully,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DALE of New York for two weeks, on account of important business.

COMMITTEE TO ATTEND FUNERAL OF LATE SENATOR STONE.

Mr. GARRETT of Tennessee. Mr. Speaker, in announcing the Stone funeral on yesterday the Speaker of the House [Mr. CLARK], of course, did not announce himself as a member of that committee. I think he ought officially to be a member of the committee, and I ask unanimous consent that his name be added to the list.

The SPEAKER pro tempore. Without objection, the Speaker's name will be added to the list of the committee.

There was no objection.

TAKING OVER OF CERTAIN TRANSPORTATION LINES.

Mr. SAUNDERS of Virginia. Mr. Speaker, on behalf of the Committee on the Merchant Marine and Fisheries I ask unanimous consent that the bill (S. 3388), to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, be made in order after the disposition of the river and harbor appropriation bill. The chairman of the Shipping Board states that the passage of this bill will save the Government a large amount of money, and that this action is of immediate urgent necessity. Admiral Bowles has written to the same effect in relation to the necessity for the prompt passage of the bill. I would like to arrange by unanimous consent to take the bill up and agree upon a time for discussion, and have it in order to follow the disposition of the river and harbor appropriation bill.

Mr. SMITH of Michigan. Why is it that that proposition was stricken out of the housing bill? That right was given in the $50,000,000 housing appropriation bill.

Mr. SAUNDERS of Virginia. It went out of the housing bill because it did not properly belong there under the rules of the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. MOORE of Pennsylvania. Are the various lines specified in the bill?

Mr. SAUNDERS of Virginia. No. It includes the lines necessary to be taken over in connection with the housing of the employees at work in our shipping yards, wherever located.

Mr. MOORE of Pennsylvania. The gentleman referred to a statement by Admiral Bowles, who is now in charge at Hog Island, and I desire to know whether the trolley lines are lines leading to Hog Island, and whether it is contemplated improving the transportation facilities to that point.

Mr. SAUNDERS of Virginia. The lines that will be taken over are those lines immediately necessary in connection with the housing proposition. Of course the phrasing of the bill is necessarily comprehensive.

Mr. SMITH of Michigan. How much does the bill carry?

Mr. SAUNDERS of Virginia. It does not carry anything.

Mr. MOORE of Pennsylvania. I have been making inquiries this morning concerning the housing problem and transportation facilities as far as Hog Island, and I am in doubt at the present time whether it is proposed to go on with the housing or whether it is proposed to substitute for housing improved transportation facilities, or whether we are to have both.

Mr. SAUNDERS of Virginia. The two lines of activity will go forward at the same time. A number of houses will be built, but the taking over of these lines will save the necessity for a great deal of construction. I will say to the gentleman from Michigan [Mr. SMITH] in this connection, that this bill does not propose to appropriate, but to save the necessity for appropriation. It is a money-saving, not a money-spending proposition.

Mr. MOORE of Pennsylvania. Then it means to curtail the housing construction?

Mr. SAUNDERS of Virginia. Yes; immensely.

Mr. MOORE of Pennsylvania. And to increase the transportation facilities?

Mr. SAUNDERS of Virginia. To the necessary extent, of course.

Mr. GILLETT. Has the bill been reported from the committee?

Mr. SAUNDERS of Virginia. Unanimously.

Mr. GILLETT. How long ago?

Mr. SAUNDERS of Virginia. Several days ago. Here is what Admiral Bowles says in this connection:

I have just received word of the passage of S. 3388, regarding transportation for shipyards. It is important to the Fleet Corporation, and I hope you can secure action by House.

Mr. Hurley writes more elaborately and strongly in relation to what will be accomplished by the bill.

Mr. MOORE of Pennsylvania. Could the gentleman put that in the RECORD before the bill is considered?

Mr. SAUNDERS of Virginia. Oh, yes; I am trying now to arrange for taking up the bill.

Mr. GILLETT. What is the gentleman's request?

Mr. SAUNDERS of Virginia. Why, that following the disposition of the river and harbor bill that this bill may be made a special order.

Mr. GILLETT. Well, I would suggest—I do not see a minority member of the committee present on the floor—that the gentleman postpone his request until they can be consulted.

Mr. SAUNDERS of Virginia. I will say to the gentleman that I left my committee considering another bill and came over in behalf of the committee to endeavor to make this arrangement.

Mr. GILLETT. Is it the unanimous desire of the committee?

Mr. SAUNDERS of Virginia. It is a unanimous report.

Mr. GILLETT. Is this the unanimous desire of the committee to have it taken up?

Mr. SAUNDERS of Virginia. I did not consult my colleagues particularly on that point.

Mr. GILLETT. I think they have the right to be consulted.

Mr. SAUNDERS of Virginia. Of course, if there was any question on my mind that there was anyone on our committee opposed to the proposed action, I would not have asked unanimous consent. But I know that this is their desire.

Mr. MOORE of Pennsylvania. I will oppose immediate action, I think, until those letters are published.

Mr. CARTER of Oklahoma. Is the gentleman making a unanimous-consent request?

Mr. SAUNDERS of Virginia. This will obviate the necessity of asking for a rule.

Mr. GILLETT. I do not think it will be necessary to have a rule.

Mr. SAUNDERS of Virginia. I think we can agree to take this bill up, and agree on terms of debate and everything else necessary for prompt action.

Mr. GILLETT. I do not think there will be any difficulty in making an arrangement, but inasmuch as there is no member of the minority of the committee present, if the gentleman will postpone his request until later——

Mr. CARTER of Oklahoma. The gentleman, of course, does not want to interfere with conference reports and other privileged matters?

Mr. SAUNDERS of Virginia. Oh, not at all. That would be made a part of the unanimous-consent request.

Mr. JOHNSON of Kentucky. Would the gentleman be willing to modify his request and provide that it shall not under any circumstances interfere with the transaction of District business next Monday?

Mr. SAUNDERS of Virginia. Yes. Certainly.

Mr. PADGETT. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. PADGETT. I want to ask the gentleman how long a time it is contemplated the bill will take. Speaker CLARK had agreed to recognize me to call up the naval appropriation bill following the river and harbor bill.

Mr. SAUNDERS of Virginia. Well, I can not see that this bill would possibly take over an hour, but of course I can not control that. This is a matter strongly favored by the entire committee. Of course the bill will pass when it is once taken up.

Mr. MOORE of Pennsylvania. Will the gentleman speak louder, we can not hear him over here.

Mr. PADGETT. I said that Speaker CLARK had said he would recognize me to bring up the naval appropriation bill following the rivers and harbors bill, and it was important to get consideration of that bill. I asked the gentleman how long it would take and he said perhaps not more than an hour. Of course, it is immaterial if it will take no longer than that. I want to say further that there is a bill that is very important as a war measure It is for the enlargement of the facilities at the naval proving ground for the testing of our big guns. The operations of war on that line are being very much hampered, and while this is in the naval bill I have also introduced a special bill to try to expedite it, and the Speaker had told me that he would take care of that, and I do not want this to interfere with that.

Mr. MOORE of Pennsylvania. Will the gentleman from Tennessee yield?

Mr. SAUNDERS of Virginia. Let me make this suggestion: The regular naval bill, of course, will take a good deal of time. This other bill will not take very much time——

Mr. PADGETT. It ought not to take an hour.

Mr. SAUNDERS of Virginia. Let us agree to this, to take up the latter bill, if it will only take about an hour, and then let me come in between that bill and the regular naval bill.

Mr. PADGETT. I would be perfectly willing if it would take no longer than an hour.

Mr. MOORE of Pennsylvania. This involves the problem of congestion of men working at the shipyards, and that is an important war measure now.

Mr. SAUNDERS of Virginia. There is no more important war measure than this.

Mr. MOORE of Pennsylvania. It may also involve the question of profiteering in rents about the shipyards. That is the question that may involve some discussion. Will not the gentleman ask unanimous consent to put in the RECORD these communications to which he referred before he calls up the bill?

Mr. SAUNDERS of Virginia. I will.

Mr. MOORE of Pennsylvania. So that we may have this information to-morrow morning.

Mr. SAUNDERS of Virginia. I will put it in the RECORD.

Mr. MOORE of Pennsylvania. If the gentleman will do that it will save time.

Mr. RAYBURN. While these unanimous-consent promises are going around here I may say that the Speaker agreed several days ago to recognize me to ask unanimous consent for a little amendment, which, we think, will not take more than 30 minutes, to the war-risk insurance bill.

Mr. SAUNDERS of Virginia. Well, why can not this measure follow the consideration of your amendment? That would be entirely agreeable to me.

Mr. RAYBURN. This is very important at this time; not only as a war measure but as a peace measure.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question.

Mr. SAUNDERS of Virginia. I yield to the gentleman.

Mr. RAYBURN. I want to say further, Mr. Speaker, that probably this request will be put off to a later time in the day, and I think we should have an understanding that I may get in this little bill.

Mr. SAUNDERS of Virginia. Yes; that is agreed to.

Mr. GARNER. Mr. Speaker, what is the unanimous-consent request?

The SPEAKER pro tempore. There is no specific request pending before the House.

Mr. GARNER. Let us have one made, then.

Mr. SAUNDERS of Virginia. I will make a formal request if it is desired, that the Senate bill that I refer to, No. 3388, which has been unanimously reported from the Committee on the Merchant Marine and Fisheries as a war measure, may be taken up for disposition following the disposal of the bill referred to by the gentleman from Tennessee [Mr. PADGETT], the measure referred to by the gentleman from Texas [Mr. RAYBURN], and not in anywise to interfere with District-day business.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman from Virginia a question. There have been a number of railroads in the war activities plants commandeered by the Navy Department and by the War Department, and I would like to know if the gentleman from Virginia can say whether the bill he proposes to take up for consideration will cover all the cases on which separate action has been taken and make one action of all, or whether this is in addition to the things that have already been done and will complicate the situation more than it is now complicated?

Mr. SAUNDERS of Virginia. It will not complicate the situation. I will read what the bill undertakes to do.

Mr. SMALL. Reserving the right to object, Mr. Speaker——

Mr. SAUNDERS of Virginia. I read from the bill:

> To take possession of, lease or assume control of, any street railroad, interurban railroad, or part thereof wherever operated, and all cars, appurtenances, and franchises or parts thereof commonly used in connection with the operation thereof necessary for the transfer and transportation of employees of shipyards or plants engaged or that may hereafter be engaged in the construction of ships or equipment therefor for the United States.

Mr. THOMPSON. Reserving the right to object, Mr. Speaker——

Mr. COX. I demand the regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the unanimous-consent request?

Mr. THOMPSON. I object.

The SPEAKER pro tempore. Objection is made.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the river and harbor bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. BYRNS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consid-

eration of the bill H. R. 10069, the river and harbor bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

St. Joseph Harbor and River, Saugatuck Harbor and Kalamazoo River, South Haven, Holland, Grand Haven, Muskegon, White Lake, Ludington, Manistee, Portage Lake, Arcadia, Frankfort, Charlevoix, and Petoskey Harbors, and Grand River, Mich.: For maintenance, $70,500.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to offer an amendment on page 12, line 20, after the words "White Lake" insert the words "Pentwater."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MCLAUGHLIN of Michigan: Page 12, line 20, after the word "Lake," insert the word "Pentwater."

Mr. SMALL. Mr. Chairman, does the gentleman from Michigan wish to be heard?

Mr. McLAUGHLIN of Michigan. I understand the chairman of the committee is not opposed to the amendment. In that case, I do not ask for time.

Mr. SMALL. There is no objection to the amendment.

Mr. THOMPSON. Mr. Chairman, I desire to be heard.

The CHAIRMAN. Does the gentleman from Michigan yield the floor?

Mr. McLAUGHLIN of Michigan. Yes; if I may have it later.

Mr. THOMPSON. Mr. Chairman, if the gentleman will yield, I would like to have recognition. I objected to the unanimous-consent arrangement proposed a moment ago by reason of the fact that it did not take care of conference reports. I think one of the most important matters before the House at this time is the Senate amendment to the Agricultural bill which fixes the price of wheat at $2.50 for the year 1918. The Senate has adopted the conference report. That report was made to the House last Saturday. It should have been taken up here on Monday. It was not taken up yesterday. It has not been taken up to-day. My reason for reserving the right to object was——

Mr CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. CANDLER of Mississippi. I will state to the gentleman that my information is that that report will be taken up to-morrow.

Mr. THOMPSON. If the gentleman had made that statement and had gotten that agreement I would not have objected.

Mr. CANDLER of Mississippi. The gentleman from Virginia [Mr. SAUNDERS] had stated, in making his request, that he did not want the bill to interfere with conference reports.

Mr. THOMPSON. He did not make that statement generally but he made it specifically as to the Indian appropriation bill in answer to a question by the gentleman from Oklahoma [Mr. CARTER], chairman of the Committee on Indian Affairs, who asked him particularly as to the conference report on the Indian bill. I want that applied to the Agricultural bill conference report.

Mr. CANDLER of Mississippi. I understood he made it general. As a matter of fact, it would not interfere with conference reports anyway.

Mr. THOMPSON. I do not know whether that is so or not. The fact that the gentleman from Oklahoma [Mr. CARTER] asked if it would interfere prompted me to make the reservation of an objection, so that I could find out whether it applied to the Agricultural bill, so that they could take up that conference report as it applied to $2.50 wheat.

Mr. SMALL. Mr. Chairman, I must object to further discussion along this line.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I did not yield to the gentleman from North Carolina. I had five minutes.

Mr. SMALL. The gentleman is talking out of order.

Mr. THOMPSON. If the gentleman makes that point, we can consume more time this afternoon than five minutes.

Mr. CARTER of Oklahoma. If the gentleman will allow me a moment, I think we can end the discussion and save a little time. The gentleman from Virginia [Mr. SAUNDERS] stated that he did not expect the measure he presented to displace conference reports and other privileged business.

Mr. THOMPSON. I think if you will examine the RECORD you will find that it was not as broad as that. It only applied to the inquiry of the gentleman from Oklahoma [Mr. CARTER], chairman of the Committee on Indian Affairs, as to his conference report.

Mr. CARTER of Oklahoma. No. I asked him the question whether it would displace conference reports and other privileged business, and his answer was it would not.

Mr. THOMPSON. If conference reports generally can be considered to-morrow, of course I have no objection to proceeding.

Mr. CARTER of Oklahoma. Conference reports are privileged anyway.

Mr. THOMPSON. If it is understood we are to consider the conference report on the Agricultural appropriation bill to-morrow I shall not object. It is very important that the matter be not delayed.

Mr. WALSH. Mr. Chairman, if it will not infringe upon the proprieties, I would like to ask a question with reference to the amendment which has been proposed by the gentleman from Michigan [Mr. MCLAUGHLIN]. I should like to ask the gentleman from Michigan whether or not the item for this improvement was left out through inadvertence or whether it was a new project.

Mr. McLAUGHLIN of Michigan. I believe it has not been left out by inadvertence, neither is it a new project. Pentwater is a harbor on the shore of Lake Michigan, upon which something like a quarter of a million dollars has been expended, but concerning which there is, or has been, some disagreement among the engineers, and those in charge now have not thought favorably of the proposition of spending the money at this time. I have conferred with the chairman of the Committee on Rivers and Harbors, and he agrees to have the word "Pentwater" inserted, with the idea of calling the matter again to the attention of the engineer, so that he may, if he wishes to do so, expend a portion of the money on this harbor. It is for maintenance——

Mr. WALSH. May I ask the gentleman from Michigan further what the work of maintenance would consist of—dredging or protecting the work already done?

Mr. McLAUGHLIN of Michigan. I think almost entirely of dredging.

Mr. WALSH. Deepening the channel, or extending it a greater distance?

Mr. McLAUGHLIN of Michigan. Not extending the channel at all. I think the work would be entirely that of dredging, for the purpose of restoring the depth of the permanent or regular channel, to make it accessible to ships that will enter the harbor.

Mr. WALSH. May I further inquire whether this channel is 4 feet deep, or 30 feet deep?

Mr. McLAUGHLIN of Michigan. It has been maintained generally at a depth of from 12 to 14 feet.

Mr. WALSH. And this project is simply to deepen that channel?

Mr. McLAUGHLIN of Michigan. To maintain it at a reasonable depth.

Mr. WALSH. Mr. Chairman, the gentleman from Michigan has given the information which I, of course, appreciate, was within the possession of the chairman of the committee. I notice there are a great many projects included in this item, and apparently the maintenance of Pentwater Harbor would not to any alarming extent decrease the opportunity for maintaining the work done in these other more or less important ports in the great State of Michigan. So I shall not oppose the amendment, although I arose for that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN].

The amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MCLAUGHLIN of Michigan: Page 12, line 22, strike out "$70,500" and insert "$75,500."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this amendment is offered for the purpose of making available money for the maintenance of the harbor to which the preceding amendment refers, if in the discretion of the Chief of Engineers such use of the money be deemed advisable. As I stated in answering the inquiry of the gentleman from Massachusetts [Mr. WALSH], this harbor at Pentwater has been constructed and maintained for many years, the aggregate of money expended being in excess of $250,000. I do not remember the exact amount.

It is a harbor constructed and maintained for many years by the engineers under appropriations made by the Congress.

In 1909 this Congress, pursuant to a very favorable report on this harbor and a harbor, the name of which immediately precedes it in the paragraph, White Lake, appropriated $101,000 for the maintenance of these harbors. The expenditure of that money was discretionary with the Chief of Engineers. Before the time came for expending the money on these two harbors, White Lake and Pentwater, for which the $101,000 was carried in the bill, there was a change of engineers in the district, and the report of the later engineer was unfavorable. The result was that the engineers refused to expend any part of the $101,000 on either of the harbors. At the next session of this Congress, at my request, a provision was inserted in the river and harbor bill requiring the expenditure of the money theretofore appropriated for the maintenance of these two harbors, and for two or three years annually the sum of about $5,000 was expended on each harbor.

Later—three years ago, I believe—there was enacted a law appropriating a lump sum of $25,000,000, the entire amount of which was to be expended throughout the country in the discretion of the engineers, and that law contained a provision to the effect that the Chief of Engineers might take from the account or credit of any existing project any unexpended balance. In going through his books he found a balance of $40,000 standing to the credit of these two little harbors, and he took that and made it a part of the $25,000,00 and deprived those two harbors of the money intended for their maintenance. I took the matter up with the Chief of Engineers and called his attention to what had been done in his office. He evidently was in ignorance of it, and my impression was and now is that if his attention had been called to the matter at the time action was taken he would not have approved it. It was done by a subordinate, and he approved it without knowing the effect of it.

Naturally I objected strenuously to that action and asked him what he could do. He said he thought that later they would be able to take care of these harbors. I said it would be difficult to do so in the face of an unfavorable report to Congress. He said he would like to help the harbors if a way could be found to do so.

Later the Chief of Engineers recommended an appropriation for White Lake of $5,500, as I remember, for each year for the next five years. His recommendation was approved by Congress, and the money has been appropriated and is now available. Pentwater stood in exactly the same position as White Lake. Its proportion of the $40,000 fund was improperly taken away, inadvertently. This Congress by express action had insisted that the money theretofore appropriated should be expended, and, in my judgment, at the first opportunity that Congress has to review and correct the action of the Chief of Engineers it ought to provide that for the time being at least a portion of the money appropriated by the Congress and intended for this harbor should be made available and expended.

The law of 1909 carrying $101,000 for these two harbors was the smallest rivers and harbors bill that this Congress has passed in a great many years, amounting to only $9,000,000; and it carried appropriations only for the most deserving and necessary projects existing at that time in the judgment of the engineers then in authority. The recommendation for improvement and maintenance of the two harbors leading up to the appropriation in 1909 was clear-cut, positive, and very favorable, and in that bill carrying only $9,000,000 Congress appropriated $101,000 for these harbors. The failure to expend any part of it was due to the exercise of discretion by the engineers. That exercise of discretion was not approved by this Congress, because, as I have said, the very next session, at my request, the Congress inserted in the rivers and harbors bill an express direction to expend the money theretofore appropriated.

There is a difference of opinion among the engineers inspecting this harbor, so there is justification for exercise of judgment by the Committee on Rivers and Harbors and by Congress. Congress appropriated the money, the engineers refused to expend it. Congress directed after the refusal that the money should be expended, and there was $20,000 remaining in the fund and credited to this harbor. It was unfairly taken away from the credit of the harbor; it was unjust, it would not have been done by the action of the engineer himself, but was done by a subordinate practically without his knowledge. I insist in all fairness to that harbor the small appropriation ought to be available.

If the sum now carried in the bill shall be increased, it does not make it necessary for the engineers to use it. The entire appropriation of $70,000 or $75,000, if my amendment is adopted, will be within the discretion of the engineers and they can use the money or not as they please. With the approval of the chairman of the committee the name of Pentwater has been inserted, but in order to make it effective, if the Chief of Engineers shall find it necessary and advisable to use the money at Pentwater, it is necessary and appropriate to increase the amount. It will not make necessary or mandatory the expenditure of the money, but it will make it possible for him for one year to correct the grievous error made and which did the harbor a serious injustice.

It is an important harbor, the only harbor on Lake Michigan, in the best fruit county in Michigan—the only harbor in that county from which fruit shipments can be made. Regular lines of steamers ply between the ports of Lake Michigan and Chicago, Milwaukee, and other points of Wisconsin, and they regularly stopped at that harbor when it was maintained, but when it was neglected and dredging was necessary and it was not done, boats failed to make their regular trips. Companies operating these lines of boats would like to renew their trips and that part of the State would have the advantage of this harbor if this appropriation was used by the engineers.

Mr. SMALL. Mr. Chairman, the committee of necessity must oppose this amendment; but before speaking to its merits, may I say just a word? While I desire to extend every courtesy in debate on the bill, it is exceedingly important to make progress and complete the bill to-day. I have been requested by many Members on both sides to ask that all debate be confined to the bill and that gentlemen as far as possible limit themselves to five minutes for discussion. The chairman of the Committee on Rivers and Harbors will, so far as he can, conform to the request he has made of other Members.

Now, Mr. Chairman, there are at least two reasons why the amendment ought not to be adopted. In the first place, it is in the face of the report of the Chief of Engineers, because he has made no recommendation for appropriation for this project for the next fiscal year. And if the Committee of the Whole should adopt this amendment and increase this appropriation you will be doing that which has not been done in any other amendment in the whole bill.

In the next place, there is the report of the Chief of Engineers in House Document 429, Sixty-fourth Congress, first session, recommending that Pentwater Harbor is unworthy of further continuance and maintenance and abandonment of the project and discontinuance of appropriation for the harbor is recommended. That report has never been adopted; but the committee did not object to including Pentwater in the paragraph, for the reason that in the last rivers and harbors act of August 8, 1917, there was an appropriation authorizing a resurvey. In order to give the people of the section an opportunity to present the merits of Pentwater Harbor it was thought not improper to add Pentwater to the paragraph pending the final report of the Chief of Engineers. So upon these facts I am sure that the Committee of the Whole will see that it would be entirely improper to adopt the amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it is true that the last report of the engineers is not favorable. It is true also that the report before that was very favorable. There is a difference of opinion between the engineers. It is also true that the last report, the unfavorable report, has not been adopted. Therefore Congress was not bound by it. It is also true, and this I say with emphasis, that no other harbor is in the same condition as this. The engineers at one time refused to use the money appropriated for the maintenance of the harbor, and when Congress learned of it, it passed a positive law requiring the use of the money, and the money thus made available was being used until the passage of the omnibus bill with $25,000,000 and until the remaining money in this fund, $40,000, was improperly extracted. That places this harbor on a different footing from any other in the long list of harbors that have received consideration by the House and the engineers. I feel in justice to this harbor that Congress should act now and make some appropriation. It is true the last rivers and harbors bill carried a survey of this harbor to be made this year or next year. What will be the result if the harbor is not maintained in the meantime? It will deteriorate, sifting sand will cause bars, there will be no business at the harbor, and it will be able to make only a poor showing when the engineers carry on the next survey.

It is only fair that the harbor should be maintained in the meantime in reasonable manner so that it will be at least in normal condition when the survey provided by Congress shall be made. I trust the amendment I have offered may be adopted. The money does not have to be used unless the engineers shall determine it is necessary and proper to use it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. McLAUGHLIN of Michigan) there were—ayes 26, noes 33.

So the amendment was rejected.

The Clerk read as follows:

Ship channel connecting waters of the Great Lakes between Chicago, Duluth, and Buffalo, including St. Marys River, St. Clair River, channels in Lake St. Clair, and Detroit River, Mich.: For maintenance, $50,000; completing improvement of fourth lock in St. Marys River, $470,000; in all, $520,000.

The Clerk read as follows:

Toledo, Port Clinton, Sandusky, Huron, Vermilion, Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, Ohio: For maintenance, $50,000.

Mr. EMERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, line 12, after the numerals "$50,000," strike out the period, insert a semicolon, and add the following: "for maintenance of the navigable channel in Cuyahoga River, to a depth of 20 feet, $50,000; in all, $100,000."

Mr. EMERSON. Mr. Chairman and gentlemen of the House, there are between 12 and 15 foundries, blast furnaces, and iron mills within 2 or 3 miles of Lake Erie on the Cuyahoga River. The iron ore that is brought down from the Lakes enters through this channel and is taken up to these blast furnaces, foundries, and iron mills. I am informed by a representative of the chamber of commerce that there are at least 12 of these factories manufacturing iron which is necessary and is being used every day in the manufacture of war material, and they feel that this river should be kept open to the depth of 20 feet to assist the vessels that come from the Lakes to enter this river and go up to these different blast furnaces and foundries.

Mr. WALSH. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. WALSH. Has the river ever been improved by Congress?

Mr. EMERSON. Yes; up to 4 or 5 miles, but I think in conjunction with the city.

Mr. WALSH. How long ago has it been since an appropriation was made for that purpose?

Mr. EMERSON. I do not know that. This is an appropriation for war emergency and ought to be done to assist in the manufacture of war essentials. There are millions of dollars' worth of war material being made in the city of Cleveland and we ought to do everything we can to facilitate that manufacture.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. MOORE of Pennsylvania. Is this the Cuyahoga River?

Mr. EMERSON. Yes.

Mr. MOORE of Pennsylvania. This is the river made famous by the former distinguished chairman of the Committee on Rivers and Harbors, Mr. Burton?

Mr. EMERSON. I expect it was.

Mr. MOORE of Pennsylvania. That was before the gentleman arrived in Congress?

Mr. EMERSON. Yes.

Mr. MOORE of Pennsylvania. I think for a time he sought to prevent appropriations being made on the ground that the river bisected the city.

Mr. EMERSON. It bisects the city. The city is about evenly divided on either side of the river, and on the river, near the lake, are these furnaces, and so forth. Of course, the river ought to be improved beyond the 5 miles, I suppose, a distance of 8 miles.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that I never could agree with the former distinguished chairman of the Committee on Rivers and Harbors that the Cuyahoga River ought not to have an appropriation, and that the city itself ought to take care of that river because it went through the city. That is a principle I do not agree with.

Mr. EMERSON. Of course the city has done a great deal of this work and spent a great many thousands of dollars upon it, but it can not do it at the present time without issuing bonds, and that would require a vote of the people, because the city's rate of taxation is about to the limit at the present time.

I am offering this amendment purely for the reason that there ought to be an improvement of this river to facilitate the passage of these vessels coming up from the Lakes to these foundries and rolling mills there.

Mr. LITTLE. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. LITTLE. If I were to support a measure of this kind and enable you to escape the issuing of bonds, would the gentleman favor a measure to repay Kansas City, Kans., $2,000,000 it has expended to take care of the Kaw which runs through it?

Mr. EMERSON. I do not know; that question does not come in connection with my amendment——

Mr. LITTLE. It does, if the gentleman expects me to appreciate the force of his reasoning. The Kansas—or Kaw—River was formerly navigable by steamers regularly up to Lawrence. An immense manufacturing business is carried on along its banks for several miles up. I doubt if eventually any of the smaller rivers will send out as great trade as the Kaw. This Government really ought to give it consideration. Long since Army engineers have reported on it favorably.

Mr. EMERSON. I put it in on the ground that it is a war emergency. If Congress does not want to do it, it is up to Congress, and the responsibility is off my shoulders. I think the amendment ought to be adopted.

Mr. SMALL. Mr. Chairman, I just wish to say this about the amendment. There is no favorable report on the project——

Mr. EMERSON. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. EMERSON. Did not Col. Newcomer state he felt that under the rules of the department——

Mr. SMALL. Oh, the gentleman's amendment does not contemplate a survey. The gentleman's amendment is to authorize an improvement, and there has been no favorable report——

Mr. EMERSON. It is true they have not had time to make a report.

Mr. SMALL. Then the gentleman admits that he is asking for an appropriation for an improvement upon which there has been no survey or no favorable report?

Mr. EMERSON. If the gentleman will pardon me, that may be true, but I am asking it because I think it is necessary and the Chamber of Commerce of the city of Cleveland thinks it is necessary. They have asked the city to do it, and the city has not funds with which to do it, and they say there are millions of dollars' worth of war material being manufactured in the city and the Government could do it quicker than the city could do it, and that is the only reason I am asking it.

Mr. SMALL. Now, Mr. Chairman, the gentleman is presumed to know as a member of the Committee on Rivers and Harbors that his amendment is inappropriate and unprecedented and has no place in the bill. It is absolutely without merit. It is a proposition for an improvement of a part of the Cuyahoga River which the city of Cleveland has always heretofore maintained. There is no favorable report.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. EMERSON. Mr. Chairman, I have another amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 12, after the numerals "50,000," insert: "And the Secretary of War is hereby directed to cause an examination and survey to be made of Cuyahoga River, Ohio, with a view to maintenance of the navigable channel in said river in cooperation with local interests, the expense of said examination and survey to be paid from the funds appropriated in this paragraph."

Mr. EMERSON. Mr. Chairman, this simply provides for a survey. I think the committee ought to put this in the bill.

Mr. SMALL. Mr. Chairman, I only desire to say this, that the committee after mature deliberation decided that it was not proper to have authorization for any surveys in this bill. If the gentleman was present at the time that conclusion was reached I think he voted for it. The gentleman is a member of the committee. He offered no amendment for this survey, and if the committee adopts this authorization for a survey it will be an exception, because not a survey is authorized in this bill nor has the Committee of the Whole on the state of the Union authorized one, so that I do not think the gentleman ought to insist upon it, and in any event it is certainly without merit. This matter was very carefully considered by the committee and the committee consulted with many Members on both sides of the House, and the reasons why we decided to have no surveys are fully set forth in the report of the committee. I shall not take the time to recapitulate them here, but the reasons should impress any Member who wishes to reach a fair conclusion, and I think they will be regarded as conclusive.

Mr. EMERSON. Mr. Chairman, I simply want to say in reply to what the chairman has said, I do not know whether I was present or not, but it does not make any difference anyway. The gentleman's objection to my first amendment was because it was not recommended by the War Department. The War Department can not recommend it without a survey. Now, I am complying with his objection to my first amendment by asking for a survey. At any rate, this amendment simply provides that we should have a survey, complying with the criticism of the chairman. I think we ought to have it, and I think the House ought to put it in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. EMERSON. Let us have a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 6, noes 27.

So the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Erie Harbor, Pa.; Dunkirk and Buffalo Harbors, Black Rock Channel and Tonawanda Harbor, and Niagara River, N. Y.: For maintenance, $61,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, in reading the bill we have swung round the circle to western Pennsylvania and have reached the Erie Harbor, a harbor represented by my distinguished colleague from Pennsylvania [Mr. CLARK] and one well worthy of improvement. Like all Lake ports, it ought to receive careful consideration in these war times.

But I desire at this point to bring some new information to the House with regard to a question that has been discussed for several days—that of the relative importance of channel depths along the Atlantic seaboard. We have had some debate here concerning 40-foot channels that are being provided for certain ports along the Atlantic coast, and the question has been raised—and I think properly—as to the wisdom of bringing other ports doing an international business up to that standard, or sooner or later we may be compelled to fix a limit to which we will go in improving the harbors of the country. If one harbor finally obtains a depth of 50 feet and becomes supreme in the matter of international commerce, it may not be good for the other ports.

As showing the relevancy of the discussion at this time, when we are at war with a foreign country, and when every American desires that his coast lines shall be properly fortified and protected and made available for war service, I want to read into the RECORD a letter just received from the Acting Quartermaster General, Maj. Gen. Goethals. I read the other day that the Quartermaster Department had proposed to establish a large embarkation station at the port of Boston, a port which now has 35 feet assured depth of channel and on tide more than 40 feet; and I inquired of Gen. Goethals whether such improvements as were contemplated for Boston were for Boston only or whether they were to be carried to other points along the coast.

I am happy to say the General replies that other points are to be considered and that there is to be a distribution of this port work. I send to the Clerk's desk the letter and ask that it be read.

The CHAIRMAN. Without objection, the Clerk will read it.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, April 13, 1918.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: In reply to yours of the 12th inst., I beg to advise you that the statement relative to the equipment of an embarkation station at Boston, with the necessary docks and warehouse facilities, is correct. The cost is not yet determined, but will be in the neighborhood of $21,000,000.

A site has been selected and arrangements made for taking over land necessary for similar facilities at Philadelphia, the plans for which are now in preparation. In addition to the foregoing, New York, Norfolk, and Charleston are to be provided with similar facilities.

Very truly, yours,

GEO. W. GOETHALS,
Acting Quartermaster General.

Mr. MOORE of Pennsylvania. It may not be wise to discuss this matter in detail, although I assume it is giving no information or comfort to the enemy, but this highly important information shows that the Quartermaster's Department is alive to the necessities of distribution. The fact indicated in this letter is that a $21,000,000 establishment is being set up at Boston. I am glad it is. Boston has splendid harbor facilities and probably the best dry dock along the whole Atlantic seaboard. It is entirely proper that it should be considered in a matter of the embarkation of the troops and war supplies of the country.

It is proper that Norfolk be considered, because Norfolk is a great port. It is proper that New York should be considered, because New York has now, through the Ambrose Channel, a depth of 40 feet to the city, and if this bill carries it is assured of a 40-foot channel through the East River to Long Island Sound. This letter also throws some light on the Charleston situation, about which there has been some question in the House. I supported the Charleston proposition, because the committee supported it and because the President and the Navy Department wanted it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. And because it was supported by the Secretary of War.

Now, then, we may begin to understand why it is that Charleston is being considered in this general scheme of improvement along the coast. If we are to have a great dry dock at Charleston, which is below Cape Hatteras, well and good. The lower coast surely should have available for ships in distress at sea or ships needing repairs a dry dock somewhere south of Cape Hatteras, because there is urgent necessity for it. I am pleased, of course, to know that Philadelphia is included in this scheme for the construction of embarkation stations. There is no point along the Atlantic seaboard where the raw material is more available, where the labor market is better in hand, and where the fuel supply is more easily obtained. But, as I have pointed out, whereas Boston will have 40 feet, and New York will have 40 feet, and Charleston, under the provisions of this bill, will have 40 feet, and Norfolk has an assured 35 feet, there is still a big problem ahead of the Delaware River to attain a 40-foot depth. It is a matter of such consequence to the Nation and to the rest of the ports along the coast that I feel warranted in again calling attention to it.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Pennsylvania a question.

Mr. SMALL. How much time does the gentleman desire?

Mr. WALSH. Oh, probably two minutes. Will the gentleman state whether or not he has any information as to the situation with reference to the taking over by the Government of some canals, authority for which was carried in the last river and harbor bill? I think there is one somewhere up in the gentleman's region and another one down on Cape Cod.

Mr. MOORE of Pennsylvania. Yes; I know it troubles the gentleman very much and he has very great difficulty in remembering it, although the name is now a household word, even in Massachusetts. But there are two canals——

Mr. WALSH. The gentleman is facetious, and I am asking a serious question. I could not think of the name of the canal down in the gentleman's section of the country.

Mr. MOORE of Pennsylvania. If the gentleman has so easily forgotten it, I shall have to rack my brains a little bit myself; but the Cape Cod Canal, which cuts through a spit of land near the district represented by the distinguished gentleman from Massachusetts [Mr. WALSH], was provided for in the last river and harbor bill. That is to say, provision was made for an inquiry as to the advisability of taking over that canal for Government use. And I may say to the gentleman that that canal is used constantly by the Government of the United States. Small warcraft pass through it, and it is wise that they should do so, because it saves a tremendous risk in outside sailing in times of peace or when vessels are moving from one point to another for ordinary purposes.

The other canal to which the gentleman refers, and which I now recall, is the Chesapeake & Delaware Canal, one of greater importance than that at Cape Cod, because it connects up two of the greatest bodies of water in the United States—the Delaware and Chesapeake Bays.

Mr. WALSH. The gentleman misunderstood my question. I wanted to know how far the Government authorities had gotten toward taking over that canal, and what the situation was?

Mr. MOORE of Pennsylvania. So far as the Chesapeake & Delaware Canal is concerned, condemnation was provided for in the last bill, and I am advised by the Engineer office that negotiations are now pending with the owners of the canal, so far as they can be found. The owners of the canal consist very largely of estates and heirs and descendants of the original owners, who are difficult to find. I understand that negotia-

tions are pending and that in due course we may have some information on the subject. In all good faith I thank the gentleman from Massachusetts for making this inquiry.

Mr. CLARK of Pennsylvania. I move to strike out the last word for the purpose of stating that I have some official correspondence and some valuable data, as it seems to me, relating to the port of Erie, which I desire to present.

HARBOR.

The Erie Harbor is known as a landlocked harbor. Some 4 miles west of the central section of the city of Erie a peninsula joins the shore and runs out into the open lake beyond the city of Erie and curves in toward the shore. In some places this bay is a mile or a mile and a half in width and is approximately 7 miles in length.

Where the peninsula, known as Presque Isle, joins the mainland it is narrow and widens as it extends eastward. In area there are about 2,700 acres of land under the control of the United States.

I have often wondered why the Government at the present time has not made some use of this land. Across the narrow neck of this peninsula, west of the city, the storms made a channel last October about 11 feet wide, which has been enlarged by the storms sweeping down the lake since until now it is nearly 450 feet in width. Through this channel the waves of the lake run into the bay and there deposit sand to an alarming extent.

Some years ago, under expert engineering advice, it was deemed advisable to create a channel across this neck of the peninsula so that ships could sail directly into the harbor from the west and pass out of the harbor from the east. This channel was made and the result was most disastrous. The bay filled up so rapidly with sand that it became necessary to restore the peninsula to its original condition.

On November 1, 1917, I sent a telegram to the Hon. Newton D. Baker, Secretary of War, informing him of the breach across the peninsula, and at the same time I requested the Board of Commerce of the city of Erie to also bring this matter to the attention of the Secretary; this was done, and responsive telegrams received in due time, and the district engineer was ordered to investigate. Work was commenced last fall to repair the damage, but a severe storm destroyed what little had been accomplished.

The situation was investigated by the United States Engineering Department and an estimate was made of the amount of money necessary for the work and that sum was fixed at $50,000. Col. Newcomer appeared before the Committee on Rivers and Harbors and stated that the harbor was quite important and that this amount was required for the improvement contemplated, but I am under the impression that the channel has been widened since Col. Newcomer appeared before the committee. His testimony may be found on page 146 of the hearings.

I fear that this amount is not sufficient, but as I am not an engineer I am not qualified to speak with precision upon the subject. In a letter received from Col. J. G. Warren, of the Corps of Engineers, the division engineer lakes division, with offices at Buffalo, N. Y., he speaks of this harbor as being "one of the best harbors of its size on the Great Lakes," and this opinion coincides with that of men engaged in the lake traffic, and is almost universally spoken of as the best harbor on the chain of lakes. Many vessels find a refuge there during the winter.

Running out of the city of Erie are several railroad lines which convey the traffic of the lakes into the interior and bring to the port coal, ore, and merchandise for shipment east and west.

TONNAGE.

Mr. James Thompson, in charge of the terminal facilities of the Pennsylvania Railroad at Erie, and likewise in charge of their freight traffic at the port of New York, furnishes me with the following data relating to the amount of ore received, covering a period from 1914 to 1917:

Statement of coal and ore handled at port of Erie during years 1914, 1915, 1916, and 1917.

Year.	Number of vessels.	Tonnage.	Total number vessels.	Total tonnage.
Y. & O. COAL DOCK.				
1914	380	1,389,643		
1915	319	895,630		
1916	354	688,170		
1917	364	756,907		
			1,417	3,729,450
P. R. R. CAR DUMPER.				
1914	57	185,339		
1915	117	540,148		
1916	293	1,498,323		
1917	168	654,437	635	2,878,250
Total both coal docks			2,052	6,607,700

Statement of coal and ore handled at port of Erie during years 1914, 1915, 1916, and 1917—Continued

Year.	Number of vessels.	Tonnage.	Total number vessels.	Total Tonnage.
E. & P. ORE DOCK.				
1916	36	184,000		
1917	29	148,314		
			65	332,314
P. & E. ORE DOCK.				
1914	40	260,991		
1915	90	707,875		
1916	170	1,341,012		
1917	238	1,930,113	538	4,239,991
Total both ore docks			603	4,572,305

Year.	Number of vessels.	Average per vessel.
P. & E. ORE DOCK.		*Tons.*
1914	40	6,525
1915	90	7,872
1916	170	7,889
1917	238	8,109

The Board of Commerce of Erie, Pa., through its secretary, furnished the following tabulated data:

	Year 1917.	Valuation.
RECEIPTS.		
Copper, tons	563	$452,803
Fish, do	4,258	510,960
Flour, barrels	1,000,531	11,005,951
Gravel, tons	13,520	20,280
Iron ore, do	2,030,484	12,182,904
Limestone, do	12,948	51,792
Lumber, M feet	2,281,000	82,116
Merchandise, tons	33,250	6,650,000
Mill stuff, do	12,670	443,450
Pulpwood, cords	53,089	849,424
Sand, tons	292,500	234,000
Shingles, do	3,784	151,360
Wheat, bushels	304,821	673,665
Steel rails, tons	315	6,200
Total value		33,314,492
SHIPMENTS.		
Coal (anthracite), tons	589,993	4,129,951
Coal (bituminous), do	722,713	2,890,852
Merchandise, do	71,229	14,245,809
Total value		21,266,603
		33,314,492
Entire total		54,581,095

Vessels entered, 1914	676
Vessels entered, 1915	855
Vessels entered, 1916	966
Vessels entered, 1917	948
Vessels cleared, 1914	613
Vessels cleared, 1915	717
Vessels cleared, 1916	994
Vessels cleared, 1917	962

The following is a report of the tonnage of fish received during a period of years:

	Tons.
1905	[1] 4,469
1906	[2] 2,100
1907	[1] 5,189
1908	No report.
1909	[1] 5,530
1910	[1] 5,930
1911	[1] 4,852
1912	[1] 5,471
1913	[1] 5,714
1914	[1] 5,052
1915	No report.
1916	[1] 3,701
1917	[3] 5,500

[1] Obtained from the records of the local customhouse.
[2] Owing to a strike during 1906, the fishing season was limited to just a few months.
[3] Estimated, but based on report of the members of the Fresh Water Fish Producers' Association.

Roughly speaking, for the last year the tonnage approximates 5,000,000 tons.

Mr. B. B. Brown, the former collector of customs at this port, states that during 1916, 1,448 boats entered this harbor, many of them with cargoes of 15,000 tons. So it will be seen that the traffic is of considerable importance. Some of the ore that comes down from the upper lakes is used in the city of Erie and part of it is sent down to the furnaces south to Pittsburgh, to the Cambria Steel Co. and, as I am informed, to the Bethlehem Co. and other places.

The Pennsylvania Railroad Co. recently contemplated an expenditure of $2,000,000 to increase its terminal facilities at this port, but I understand that conditions growing out of the war will postpone this improvement.

The appropriation is not asked for a new project, but for the purpose of immediately repairing the damage done. "A stitch in time saves nine" is a truth worth observing and is surely applicable to the present situation, for if the repairs are not now made a much larger appropriation will be required. Haste in this case is not waste.

The Clerk read as follows:

Oleott, Charlotte, Pultneyville, Great Sodus Bay, Little Sodus Bay, Oswego, Cape Vincent, and Ogdensburg Harbors, N. Y.: For maintenance, $13,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 13, line 18, strike out the numerals "$13,000" and insert in lieu thereof the numerals "$43,000."

Mr. SMALL. Mr. Chairman, this amendment is based upon a letter from the Chief of Engineers, setting forth that recently a tug used in this improvement had been destroyed and that it was necessary to have this additional $30,000 for the purchase of a tug. I will ask to have that letter read.

Mr. WALSH. Then, will the gentleman answer a question after that?

Mr. SMALL. Yes; with pleasure.

The CHAIRMAN. Without objection the clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1918.

Hon. JOHN H. SMALL,
Chairman, Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: Referring to the following item on page 13 of the pending river and harbor bill, "Oleott, Charlotte, Pultneyville, Great Sodus Bay, Little Sodus Bay, Oswego, Cape Vincent, and Ogdensburg Harbors, N. Y.: For maintenance, $13,000," your attention is invited to the fact that the necessity for a greater appropriation for maintenance of these works has recently developed. Under date of March 7, 1918, the district engineer submitted a report setting forth the necessity of purchasing a tug for use as a tender to the dredge *Sodus*, which does the annual maintenance dredging required for the harbors on Lake Ontario. The tug *Brewerton*, which had been in this service, foundered in deep water in Lake Ontario during the storm of December 8, 1917. It was at first thought that it might be possible to secure a tug by transfer from some other district for next season's work, but this has been found impracticable and it has, therefore, become necessary to purchase a tug. An additional appropriation of $30,000 is deemed advisable for this purpose. It is, therefore, recommended that, if practicable, the amount of the above item for maintenance be increased from $13,000 to $43,000.

Very truly, yours,

FREDERIC V. ABBOT,
Brigadier General, Engineers,
Acting Chief of Engineers.

Mr. SMALL. It is only necessary to add that this tug is used in all the Lake Ontario harbors, and it is absolutely essential that they should have another steam tug to replace the one destroyed.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. WALSH. Under what authority of law can the Chief of Engineers, or the War Department, or any other department, proceed to construct a tug costing $30,000 out of an appropriation for maintenance of $43,000 for specifically named harbors?

Mr. SMALL. There is a general authority in past acts appropriating for these harbors for the maintenance of a Government-owned dredge and an accompanying tug, and under that authority they could replace the tug that has been destroyed.

Mr. WALSH. Mr. Chairman, I assume that at some time or other this tug was authorized under a specific item in some river and harbor bill or some other measure. Now, the point I make is that under an item for maintenance it does not seem to me that we could build an entirely new craft from keel to masthead. If we desired to raise that tug from the bottom of the lake, repair it, and restore it to its former condition, I can see where it might be done under previous authority; but I do not know of any existing law which would authorize the building of an entirely new craft or the creation of a new agency under an item for maintenance unless some specific authority is carried in the law.

Mr. SMALL. May I say to the gentleman that his position would be correct if the authorization had been simply to purchase or to construct a specific tug; but the authorization here was general—to maintain at all times a tug. The same general authority was given for the maintenance of a dredge, so that under that general authority if one is displaced or destroyed, as in this case, when the appropriation is made the authority will attach.

Mr. WALSH. I do not wish to be understood as quibbling, but I assert that maintenance, which refers to something that is in existence, can not comprehend the creation of a new agency or the construction of a new craft.

Mr. SMALL. I think the gentleman's inquiry was entirely appropriate.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

San Francisco, Oakland, Richmond, Monterey, and Humboldt Harbors, Redwood and Petaluma Creeks, Napa River, San Pablo Bay, Mare Island Strait, and Suisun Channel, Cal.: For maintenance, $4,000; continuing improvement of Oakland Harbor, $100,000; in all, $104,000.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 15, line 7, strike out the words and numerals at the end of line 7, "in all, $104,000," and insert in lieu thereof the following: "For improvement of Petaluma Creek, in accordance with report submitted in House document No. 849, Sixty-fifth Congress, second session, and subject to the conditions set forth in said document, $20,000; in all, $124,000."

Mr. SMALL. Mr. Chairman, this amendment is offered in accordance with the recommendation of the Chief of Engineers, based on conditions occurring since the bill was reported, and I ask to have the communication from the Chief of Engineers read.

The CHAIRMAN. Without objection, the Clerk will read the communication.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, March 22, 1918.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

DEAR SIR: In response to your letter of March 16, 1918, addressed to the Acting Chief of Engineers, concerning the project for the improvement of Petaluma Creek, Cal., and the serious shoaling in San Pablo Bay, which obstructs the approach to this channel, I have the honor to state that the recent report from the district engineer, to which you refer, indicates that there is now a controlling depth of only 2 feet across the San Pablo flats outside the mouth of Petaluma Creek. The channel across these flats is not included in the existing project for Petaluma Creek, and the funds available for the maintenance of the latter can not therefore be applied to this channel in the bay. Petaluma Creek has a very substantial commerce, running over a couple hundred thousand tons a year, with a value of about $16,000,000, and it is a matter of great importance that adequate facilities should be provided to accommodate this traffic.

Two reports on this locality recommending additional improvement have been submitted to Congress in recent years, one in House Document No. 118, Sixty-third Congress, first session, which recommends only extending the channel across the shoal in San Pablo Bay, and the other in House Document No. 849, Sixty-fifth Congress, second session, which, in addition to an approach channel in the bay, recommends four cut-offs at bad bends and a turning basin in the upper portion of the creek at an estimated total cost of $82,600 subject to certain conditions of local cooperation. The latter report is the one which should apparently be approved in case Congress is willing to extend the project for this locality at this time.

The Chief of Engineers is of the opinion, in which I concur, that the provision of an adequate approach channel across the flats in the bay is a matter of sufficient importance, on account of the transportation interests involved to constitute an emergency which would bring the new project within the policy adopted by the committee in the formulation of the pending bill. An initial appropriation of $40,000 is recommended in the project document, but it is believed that $20,000 would be sufficient to meet the present emergency requiring additional depth across the shoal in San Pablo Bay. It is therefore recommended that the pending bill be amended so as to make an appropriation of this amount for the improvement of Petaluma Creek, Cal., in accordance with the report printed in House Document No. 849, Sixty-fifth Congress, second session, and subject to the conditions set forth in said document.

Very respectfully,

BENEDICT CROWELL,
Acting Secretary of War.

Mr. SMALL. Mr. Chairman, the controlling factor which makes this project an emergency is this: Petaluma Creek has been under improvement for some years. It is an important channel, as the communication of the Chief of Engineers states. It has 217,000 tons of commerce valued at $17,000,000. The existing project only embraces the creek itself. It empties into San Pablo Bay and very recently shoals have formed in the bay at the mouth of the channel, so there is now only about 2 feet of water, a depth which virtually closes the entrance channel to commerce. So, unless we adopt this amendment, which provides for the removal of these shoals, we virtually permit an embargo to exist on this important commerce on Petaluma Creek. If it was simply meritorious, and that was its only virtue, the amendment would not be asked for, but it is an emergency because of the important commerce on Petaluma Creek, which is now practically closed to the entrance at San Pablo Bay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was considered and agreed to.

Mr. BRUMBAUGH. Mr. Chairman, I want to make a brief statement relating to the Los Angeles Harbor proposition in this bill. As chairman of the Committee on Railways and Canals, I do not intend to concede, waive, or yield any of the rights, privileges, or prerogatives belonging to that committee. Acting in response to the unanimous expressed desire of the members of that committee we intend to insist that all bills and measures that should properly be referred to that committee be so referred in the future. I recently became chairman of this committee, and I desire to state that we are a live active committee, having frequent meetings and giving prompt consideration to all measures referred to us, but, Mr. Chairman, regardless of our attitude as thus expressed, nevertheless I want to say that I believe that this item of the bill more justly and properly belongs with the Rivers and Harbors Committee, and therefore so believing I do not intend to make any point of order against this item of the bill.

The Clerk read as follows:

Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg., and mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance of Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg., $250,000.

Mr. ESCH. Mr. Chairman, I was not present in the House when the item in reference to the Mississippi River was passed, and I beg the indulgence of the committee for five minutes to refer to the matter of experimental work on the upper river. I was instrumental in having incorporated in the rivers and harbors bill two years ago the amendment requiring the Chief of Engineers to experiment with tows and barges on the upper river, the navigable portion thereof, both with heavy and light freight. I did that because the original warrant for such experimentation was contained in the rivers and harbors act of 1910. In order to get results the amendment was offered and accepted.

In that amendment the two years provided for have about elapsed. The experimentation was undertaken by Col. Goltra last fall with barges loaded with coal to St. Paul, and with return cargoes of iron ore from St. Paul to St. Louis. I was in hopes that under the amendment of two years ago the experimental work might be more elaborate, that it might not be confined to purely engineering problems, but that it might cover questions of navigation. As to this the engineers might profit by the experience of the old pilots—might take a leaf out of the book of experience of other nations where rivers had been made navigable by the use of chains and cableways. There are stretches of the upper river where chains and cables might be made efficient. On the Elbe River, Germany, there is a stretch of 275 miles which is chained, and on the upper regions of the Rhine cables are in use. Through these instrumentalities the swift currents are overcome and commerce is expedited. That amendment of two years permitted the Secretary of War to do, through the engineers, this work, or through such board as he might appoint. It seems to me civilians might be called in to aid in making these experiments. The report presented to the Committee on Rivers and Harbors, as shown in the evidence of Col. Goltra, shows that we have got a navigable river on the upper Mississippi, a thing which those of us who have lived on the banks many years were aware of. I have with me the latest report made by Gen. Keller, based on the report made to him by Col. Mitchell, engineer in charge at St. Louis. I desire to have that made a part of the RECORD.

There is now being built a steamer at St. Louis by Government authority which will meet the conditions of the upper river navigation which were not met with by the *Nokomis* with her draft of 6 feet. It is hoped that when this vessel takes a tow up river she will not meet with the difficulties of the *Nokomis*. If this work is fully and successfully demonstrated, I am quite confident that the commerce of the upper river will be restored. I ask unanimous consent that the report of Gen. Keller be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The following is the report:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, April 1, 1918.

Hon. JOHN J. ESCH, M. C.,
Washington, D. C.

MY DEAR MR. ESCH: In accordance with the promise of my letter of March 21 I take pleasure in inclosing an extract from a letter just received from our district engineer at St. Louis.

Very truly, yours,

C. KELLER,
Brigadier General, Engineers, Secretary.

WAR DEPARTMENT
UNITED STATES ENGINEER OFFICE.
St. Louis, Mo., March 28, 1918.

Brig. Gen. CHAS. KELLER,
Secretary Committee on Inland Waterways,
601 G Street NW., Washington, D. C.

MY DEAR GEN. KELLER: In response to your letter dated March 23, the following statement is submitted concerning the experiments made during the late summer and fall of last year in commercial towing between St. Louis and St. Paul:

In the early summer effort was made by the department to organize a transportation line, to be operated by the Government, with Government plant, to engage in commercial towing on the upper Mississippi River, to aid in relief of the general railway car shortage.

It was found, however, that this was impracticable, but that Government plant could be leased for such use to private parties, and arrangements were made to that end with Mr. Edward F. Goltra, of this city, as lessee, for the purpose of bringing Minnesota iron ore from St. Paul to the furnaces at St. Louis and to balance that traffic by towing coal from the Illinois fields near this city back to St. Paul. The only plant available for the purpose at that time were 2 towboats and 12 barges which had been borrowed by the Experimental Towboat Board from the Mississippi River Commission and from the St. Louis engineer district, and which were engaged at Keokuk during the spring and early summer in experiments under that board to determine the propelling powers of various types of towboat wheels and machinery. These vessels, therefore, were transferred to the lessee, although it was recognized that the towboats were too deep in draft and not well adapted to navigate the shoal channels of the upper Mississippi River during the low-water season.

Nearly 3,000 tons of coal were loaded by the lessee on six of the barges, which, in tow of the United States steamer *Nokomis*, started from St. Louis at the end of July. Although the usual low water season had begun and the stage of river was about that normal to the season, the boat made the upstream trip without difficulty or incident, arriving at St. Paul, August 14, with the heaviest tow probably that has ever been carried upstream on the upper Mississippi River.

The steamer took fuel from the barges on the way up, also for the downstream trip, leaving about 2,200 tons to be sold at St. Paul. Previous arrangements having been made between the city of St. Paul and the lessee, a dock was prepared by that city at which the coal could be unloaded, but unfortunately it had not been completed at the time of arrival. Some delay was thus caused, during which the river steadily declined to a very unusually low stage and maintained that low stage continuously during the remainder of the season. This river condition reduced the channel depths approximately to that of the draft of the *Nokomis* and accounts for the difficulties of the return trip.

After unloading the coal the six barges were reloaded for return trip with ore, again about 3,000 tons, which made the draft and width of tow too great for the channel available, and to complicate matters further, through some misunderstanding the railroad brought in, at the last moment, 500 additional tons of ore, which the lessee was compelled to unload from the cars and place upon four small wooden barges hastily borrowed for that purpose from the United States engineer office at St. Paul. These extra barges were added to the already overloaded *Nokomis*, and the boat started south at the last of August with such an unwieldy tow and great draft of boat that the whole grounded upon nearly every bar on the way south.

So many difficulties were encountered that the tow was finally broken up and divided into the charge of other small towboats of the Rock Island engineer office, and finally reached St. Louis October 20.

This experience resulted in financial loss to the lessee, but developed conclusively the controlling depth, 4 feet, for a wide tow at low water throughout the entire distance of 700 miles between the two cities, to which depth any vessels expected to navigate that stream must so conform in design that they may be controllable. In this connection it may be stated that the new barges soon to be built for this particular through traffic on the upper Mississippi River are designed with special reference to carrying large loads, about 850 tons each, of these low-grade freights on depths not exceeding 4 feet and at high water 2,500 tons each, drawing 8 feet, and the towboats, when drawing about 3 feet, are to have ample power to propel and fully control a tow of three such barges rafted into a tow in area (length and width) equal to that of the six barges of the *Nokomis* tow.

The lessee made attempt to send another tow of coal north October 4 to 20, but because of the trouble on the *Nokomis's* down trip, this was diverted to the Illinois River and the coal was discharged at the head of Hennepin Canal.

During all of this time the experiments of the towboat board, of course, have been stopped for want of floating plant and nothing further has been done by that board except the installation of new machinery and steam plant upon another large steamer *King*, at St. Louis, which will be used in continuing the wheel experiments or in towing, if equipment can be obtained. It is expected that this boat will be ready for service during the latter part of April, and it is hoped that another trip, towing coal to St. Paul and return with ore, may be made with this boat of great power with a much larger tow of barges than was possible with *Nokomis* at low water last fall. As the spring stage of high water will then prevail, it is expected thus to develop the high-water possibilities of the channel, which should present no difficulty to navigation on the scale intended.

Yours, sincerely,

WM. S. MITCHELL,
Assistant Engineer in Charge.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ESCH. I will.

Mr. GREEN of Iowa. What was the trouble with the first boat that went up, too deep draft?

Mr. ESCH. Too deep a draft. On her return trip she struck about every sand bar in the river.

Mr. GREEN of Iowa. Is there any necessity for using a boat of such a deep draft?

M. ESCH. No; the *King* will have a draft of 3 feet, with powerful engines and be able to take six barges in tow with a maximum capacity of 750 tons each.

Mr. GREEN of Iowa. I take it that it will be as effective as a towboat, nowithstanding it does not have as deep a draft?

Mr. ESCH. Yes.

Mr. GREEN of Iowa. One further question, if the gentleman will permit. The gentleman spoke about the chain system prevailing on the rivers in Europe. That is to overcome the swift current. Is there a very swift current on the upper Mississippi?

Mr. ESCH. There are certain regions where the current may be two or three miles an hour, but it is not as rapid as it is on the upper reaches of the Rhine.

Mr. GREEN of Iowa. I think not, but very much less. So that possibly it may not be necessary?

Mr. ESCH. It may not be necessary. In fact, Gen. Keller stated that the physics of flow on the upper Mississippi would make the chain or cable system impracticable.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ESCH. Mr. Chairman, I ask unanimous consent to proceed for one minute longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. I would ask if this experimentation of which the gentleman has spoken went at all to the question as to whether it would be at all practicable in a commercial sense to overcome the rapids by chains or cables or anything of that kind?

Mr. ESCH. No experiments in that direction were made.

Mr. TILSON. It is simply a question of whether it is physically possible to do it by means of chains and cables?

Mr. ESCH. They made no demonstration with reference to chains and cables.

Mr. TILSON. What was the nature of the experimentation that they made?

Mr. ESCH. It was as to the character of the tow and the barge, the lines of the barge, and the tow, the character of the wheel that should be used in the tow to propel it, and whether they should use the tunnel or the stern wheel type.

Mr. GREEN of Iowa. Mr. Chairman, a little further along that line. Is this line sufficiently supplied with terminal facilities, or is it affected in that kind of a way?

Mr. ESCH. St. Paul authorities constructed terminal facilities in order to unload the barges of coal brought up by the *Nokomis*, but their delay was one of the causes for Col. Goltra losing his $10,000.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired, and the Clerk will read.

The Clerk read as follows:

Willamette River above Portland and at Willamette Falls, Yamhill and Clatskanie Rivers, Oreg.; Cowlitz, Lewis, and Grays Rivers, Wash.: For maintenance, $12,000; continuing improvement of Lewis River, including North and East Forks, $13,500; in all, $25,500.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 16, line 8 after the word "Yamhill" insert the word "River," and after the word "Clatskanie" change the word "Rivers" to "River," and add the words "from its mouth to the town of Clatskanie."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is this: The Government improved the lower river in 1902, and then later a subsequent proposal was adopted to improve the river above the bridge to the town of Clatskanie. The amount of money heretofore appropriated yearly for maintenance has only been applied to the stretch of the water from the town of Clatskanie down to the railroad bridge, leaving about 2 or 3 miles of the stream from the railroad bridge to the Columbia River without any money for its maintenance. The Government dredges go into the river and improve the upper portion of it, but they are not allowed, in passing in or out, to remove any obstruction that may exist in the lower river. Consequently the improvement of the upper river does not accomplish very much good in the movement of commerce. This amendment of mine does not increase the appropriation at all, but simply allows them to use on the entire stretch of the river the amount of money available for its maintenance.

Mr. SMALL. Mr. Chairman, from the reading of the amendment I am not sure that I get the purport; but unless I misunderstand the gentleman, his amendment contemplates a modification of an existing project.

Mr. HAWLEY. I do not know whether that would be a correct interpretation or not. There is an existing project on the lower river of 40 feet in width and 6 feet in depth, and the engineers have reported, as the gentleman knows, a new project covering the entire river and making it into one project instead of two.

It now consists of two units instead of one and is a very short river. This would not be the adoption of a new project, but simply make available for removing small obstructions in the lower river—which has been improved by the Government and on which there is an existing project—the moneys available for the improvement or maintenance of any part of the river.

Mr. SMALL. I may say to the gentleman that under existing law and under the provision carried in this bill any part of this appropriation may be applied to any improvement within the group. Any part of the $25,500 carried for this group may be applied to any improvement named in this group of items.

Mr. HAWLEY. There is a balance for this river now on the books of the Treasury of $1,154.27, which can be used for the maintenance of the channel from Clatskanie down to the railroad bridge. It is manifestly insufficient to improve the upper portion of the river unless the lower portion is maintained accordingly, and this amendment will allow the money to be used on the entire stretch of the river some 4 miles, so that there may be uniform depth of water, and boats seeking the upper river can go in there and get their cargoes and depart with an even depth of water in all places.

Mr. SMALL. Will the gentleman say whether that part of the river is at present under improvement, under existing projects, the part the gentleman wishes the money expended on?

Mr. HAWLEY. The lower part, which is the part I wish the money expended on, was a project completed in 1902—6 feet in depth, 40 feet in width. It is an existing project. Subsequent to that time an association engaged in dyking the lands agreed to maintain the river in connection with their dyking work, and they did that for a time. They have completed their dyking work and they no longer have any interest in maintaining the river.

The river now remains unmaintained in the lower portion, and this amendment would enable the money to be used for the maintenance of existing project completed in 1902.

Mr. SMALL. Then if the only effect of this amendment is to authorize the money to be used on a project which has already been adopted, the engineers already have that authority, and the amendment would be surplusage. On the other hand, if the amendment contemplates work which is not embraced in any existing project—that is, a project heretofore adopted by Congress—then it would be improper, and ought not to be adopted. So in one case it would be surplusage and in the other case it would be improper.

Mr. HAWLEY. The gentleman I think will agree that the balance now to the credit of this river of $1,154.27, appropriated specifically for the maintenance of the river from the railroad bridge to the town of Clatskanie, can not be used for the maintenance of the lower part of the river unless that authorization is extended to cover the other project adopted and completed by the Government?

Mr. SMALL. Mr. Chairman, I ask unanimous consent, with the consent of the gentleman, of course, that we may pass over this amendment until the end of the bill, and in the meantime we will endeavor to understand it more fully.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the paragraph and amendment offered by the gentleman from Oregon be passed over. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 16, after line 11, insert a new paragraph, as follows:

"For improvement of the channel in the inner harbor of Coos Bay, Oreg., from the entrance to Smiths Mill, in accordance with the recommendation contained in House Document No. 325, Sixty-fifth Congress, first session, and in accordance with the conditions set forth in said document, $130,000."

Mr. HAWLEY. Mr. Chairman, the people of Coos Bay, under the laws of the State of Oregon, organized a port district and created a port commission. This commission has the power to levy taxes and sell bonds. Under its powers the port commission sold about $650,000 worth of bonds. This entire amount of money, and some more obtained from citizens who bought the material dredged out of the bay for the purpose of filling in their lots in the lower parts of the city, was expended in opening a channel 25 feet in depth from the entrance to Smiths Mill, of a suitable and convenient width, with two large turning basins opposite the towns of North Bend and Marshfield. Under the law the port commission is limited in the amount of indebtedness it may incur, and in the expenditure of this $650,000 it has attained the limit of its power to incur an indebtedness. There is existing on the bay, or was before the commission undertook to improve the bay, a Government project of an 18-foot depth, and for a long period of years the Government maintained such a channel. But an 18-foot depth was not sufficient to accommodate the commerce of the place. The

water on the bar is ample to accommodate any vessel drawing 25 feet of water or more. During the last three years some portions of this channel built by the port commission have silted in. The bottom of the bay is, in part, of soft material, and the sides of the channel made by the port have silted in to some extent in places. There is a project favorably reported by the engineers, pending before the Committee on Rivers and Harbors and before the House for a 22-foot channel from the entrance to Smiths Mill, and that is the one I am advocating at this time.

The people have put about $650,000 into this improvement. They ask the Government now to put up $1 where they have put $5 to maintain that improvement. They are sawing lumber on the bay at the rate, I should say, of about 600,000 feet at least per day. The greater proportion of that lumber is sent south to California, and a considerable part of it is used in the making of ships for the service of the Government in the war.

This is one of the best spruce sections of the West. The great spruce section runs from northern California to southwestern Washington, and this is one of the best parts of the spruce section. They are sawing spruce for the making of Government aeroplanes, and some of the finest spruce that ever has grown, I suppose, anywhere grows in this country. Now, unless they can ship out the other lumber cut from the logs—and only about 5 or 10 per cent of the spruce log goes into aeroplane stock by any possibility, and therefore it leaves 90 or 95 per cent of the log—and unless they can ship that out profitably they must discontinue the cutting of spruce. There is one other thing to be mentioned. Both the towns of North Bend and Marshfield have public docks to which the public has access and service at all times. Since the people have done this amount of work they now ask the Government to restore and maintain the channel constructed by them to a depth of 22 feet. The $130,000 recommended by the engineers will make available the depth of water through the main channel necessary to accommodate for the present the great and growing commerce of that section. It seems to me that the proposition is a reasonable one, when $1 is to be appropriated by the Congress is matched by $5 expended by the community. I trust it will meet the favor of the committee.

Mr. SMALL. Mr. Chairman, this is a new project and does not come within the policy adopted by the committee for a new project. As I stated before, the committee have, after mature deliberation, determined to include no new projects in this bill except such as were intimately associated with the prosecution of the war and so recommended by the Secretary of War. This new project was not so recommended. It is not at all necessary in opposing this amendment to say anything in disparagement of the project. The gentleman from Oregon [Mr. HAWLEY], whom we all so highly esteem, came before the committee and presented this project, as well as several other new projects in his State. He presented them clearly and strongly and did all in his power to convince the committee that it ought to be included in the bill, and if the committee were inclined to yield to anyone they would certainly have been inclined to yield to the gentleman who now offers this amendment. I have here before me a large list of new projects in different sections of the country just as important, I may say, as the new project advocated by the gentleman. It would not be fair to them and to other Members and to other sections if any project were permitted to stay in the bill which does not come within this policy of the committee, and as we supposed and still believe to be a policy which has the approval of the House. With that statement, I hope the committee will vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 16, after line 11, insert the following as a new paragraph:

"For the improvement of the bar, entrance, and harbor of the Coquille River, Oreg., in accordance with the recommendation contained in House Document No. 207, Sixty-fifth Congress, first session, and in accordance with the conditions set forth in said document, $64,000."

Mr. HAWLEY. Mr. Chairman, I say frankly to the committee that this is also a new project, but it seems to me to possess such merit that it merits a brief statement in the consideration of the bill.

The people of the Coquille River Valley have formed a port and created a port commission under the authority of State law, and for the improvement of the port and immediate entrance to the river have tendered to the Government dollar for dollar, and in addition to that they have already expended a considerable sum in the improvement of the river, and they intend to spend a considerable sum more in addition to this $64,000 which they pledged themselves to spend to supplement the equal amount of $64,000 to be furnished by the Government if this amendment is inserted in the bill.

There are a number of mills on the river. During this past summer, when they had some important spruce-cutting contracts with the Aircraft Board, a shoal formed about a thousand feet inside the mouth of the river, and the mills were compelled to close down their operations three days out of six several times. They could not ship the side cut of the lumber out of the river on account of this obstruction.

Now, the $64,000 asked to be appropriated by Congress, to be used in connection with a similar sum or a larger amount to be furnished by the port commission, will remove this obstruction and prevent its recurrence by means of improvement at the mouth of the river.

It is important to the Government that it has this airplane stock. As I said in connection with Coos Bay, this section has some of the best spruce found anywhere. You can get a greater percentage of fine stock from spruce grown there than from that grown in almost any other section of the country, and it is necessary that the Government should have this airplane stock. The allies need it. There is a demand for it on the part of England and on the part of France. We can furnish it, but we must sell the side cut when we furnish the spruce for the airplane stock, and that is the reason why I take the time of the committee to submit this project for its consideration. It has merit. The people are willing to put in dollar for dollar with the Government, and more, showing their confidence in it. It is not a scheme to do anything in the nature of boosting a community. It is a plan to enable them to continue to do business profitably to themselves and to serve the country at this time. The proposed improvement is favorably reported by the engineers in House Document No. 70, Sixty-fifth Congress, first session, and describes at length the public advantages to be derived from the improvement.

Mr. GREEN of Iowa. Mr. Chairman, I am not sufficiently familiar with the project which the gentleman from Oregon [Mr. HAWLEY] has just presented to discuss that alone, but I want very much to commend the spirit of the vicinity and State which he represents in their plan of putting some money of their own into these projects.

I have long contended that the great objection to these river and harbor bills would be done away with if every community was required to put up dollar for dollar with the amount the Government was expected to put into the projects. It is a plan, however, that has not been adopted or insisted upon by the Government to any great extent. It has been done in some river and harbor bills, but so far as I know very few, and the result is that only in a few cases like this which the gentleman from Oregon has mentioned have the communities most benefited by the projects been willing to put any of their own money into them. They ought to be required in all cases to at least equal the amount that the Government supplies. If they were called upon in every instance to advance that amount, or to make good their power to produce it, when the Government puts its money into a project, there would not be very much trouble with these river and harbor bills. The good faith of the project and those who prompted it would be shown at the outset. There would be no doubt about the question whether it was in reality a scheme to get money out of the Government rather than to benefit the country at large. Of course, the country at large always benefits by the improvement of rivers and harbors, but the immediate community, the town itself, where the work is done, always benefits the most, and that community or that town, as the case may be, ought to be required to put up a similar amount of money, as in the case that the gentleman from Oregon has spoken of. I hope that that will commend itself to the further attention of the Committee on Rivers and Harbors.

An objection is sometimes made that this would not be practical in the case of the improvement of rivers flowing through different States, but in such cases the construction of terminal facilities could be required. We have spent millions on rivers like the Ohio, and then found that the river so improved was not used because the towns on its banks had no facilities to enable boats to use the river. We should require these towns to build suitable wharves, to provide machinery for loading and unloading and to make the wharves accessible. When we have done this and made the railroads connect with the water transportation, we shall have a system which will be a matter of pride instead of a disgrace.

Mr. SMALL. Mr. Chairman, I shall occupy only a moment. The gentleman from Oregon [Mr. HAWLEY] candidly admits that this is a new project and that it does not come within the

policy adopted by the committee, which I have just had the honor to state. What I might say about this project would simply be a repetition of what I expressed in the committee about the former amendment, and for these reasons we hope that the amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Oregon offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 16, after line 11, insert the following as a new paragraph:

"For the improvement of the Yaquina Bar, Bay, and Harbor, Oreg., in accordance with the recommendation contained in House Document No. 109, Sixty-fifth Congress, first session, and in accordance with the conditions set forth in said document."

Mr. HAWLEY. Mr. Chairman, I will say frankly this is a new project. The people on the Yaquina Bay and River have formed the port of Toledo and the port of Newport, and have submitted a proposition to the Engineer Department to supply half the money necessary to improve the bar entrance and harbor. They have, under the permission of the War Department, already undertaken this improvement. They entered into a contract with a gentleman formerly an engineer in the War Department to supervise the expenditure of the money provided by them. They have issued $150,000 worth of bonds, and have sold them, I understand, and have let contracts for the beginning of the improvement at the bar. The improvement will cost about $836,000, as recommended by the engineers. One-half of that the community will provide—$418,000.

The purpose of this amendment, however, is not to appropriate any money at this time on the part of the Government, but it is for the Government to take over the project and to conduct the improvement under the supervision of the engineers, so that hereafter, if Congress should adopt the project—and I am confident it will—the community will be entitled to full credit on its proportion of the expenditure without question for all the money it is now expending. The Engineer's Office reports favorably on the project. There are about 30,000,000,000 feet of timber as one item for development there to furnish tonnage for the waterway, and the engineers, in House Document No. 109, Sixty-fifth Congress, first session, state at length the advantages to be realized from this improvement and favorably recommend it. But the point I rose to explain was that this amendment does not ask any money for the improvement. It merely gives authority to the engineers to take over and take charge of the improvement, so that the money now being advanced by the port for the improvement may be properly expended under engineering directions. It is a very worthy project, and the people of the locality have shown their good faith in providing so large a sum of money.

Mr. SMALL. Mr. Chairman, as the gentleman admits, this is a new project, which he presented to the committee along with several other Pacific coast projects, which the committee could not include in the bill under the policy they adopted and which they applied to every section of the country. We therefore hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I have been much interested in and desire to indorse the statements presented by the gentleman from Oregon [Mr. HAWLEY], who is the senior Representative in Congress of the great Northwest. The presentations he has made in behalf of important projects, and which technically are in reality projects under way at important harbors on the coast of Oregon, apply equally and with full force to the harbors on the extreme north Pacific coast of the United States, that is, the State of Washington, and to the harbors in the Puget Sound district. My colleague, Mr. HADLEY, and myself represent districts which include all of the Pacific Ocean coast of the State of Washington, and our districts together the whole of Puget Sound, except that part in front of and across the bay from the city of Seattle, represented by our colleague, Mr. MILLER. In addition, my district carries a large part of the Columbia River, while Mr. HADLEY's district carries the length of the straits of Fuca—in all, a great stretch of navigable water and many important harbors. At these harbors are improvement projects, some in abeyance and some coming under the head of new projects. My colleague [Mr. HADLEY] and myself have presented them to the Committee on Rivers and Harbors, and in accordance with the policy of that committee made necessary by the war, now refrain from pressing them on the floor. We withhold our proposed amendments, inasmuch as our arguments would be along exactly the lines of those presented by the gentleman from Oregon [Mr. HAWLEY], and the answer of the chairman of the committee [Mr. SMALL] of course would be quite the same, and the action of the House the same. So neither Mr. HADLEY nor myself will take the time of the Members. We realize that our projects will be advanced exactly as will other new projects when war conditions permit. I desire to congratulate the Rivers and Harbors Committee on having drawn and presented a tight, economical, and proper war-time bill. The time will come, of course, when the committee will take in these meritorious so-called new projects on the north Pacific.

I was pleased to hear the gentleman from Iowa [Mr. GREEN] discuss the matter of local contributions. As the members of the Rivers and Harbors Committee know, nearly all of our newer and rapidly growing Northwest places have gone into the port commission plan, by which the people of all the community immediately benefited tax themselves to do their part of their particular river and harbor improvements, and then call upon the Government to help finish them on the Government's plan, and to contribute part of the maintenance.

I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Puget Sound and its tributary waters, Olympia, Tacoma, and Bellingham Harbors, Lake Washington Ship Canal, Snohomish and Skagit Rivers, Swinomish Slough, waterway connecting Port Townsend Bay and Oak Bay, Columbia River between Wenatchee and Kettle Falls, Wash.: For maintenance, $10,000.

Mr. SMALL. Mr. Chairman, we have now completed section 1, which authorizes all the appropriations, with the exception of one item, the Ohio River, which by unanimous consent was passed over on yesterday. I now ask to return to the item for the Ohio River.

The CHAIRMAN. Without objection, the committee will now return to the item for the Ohio River, beginning with line 24, on page 10, and ending with line 25, on page 11. There is an amendment pending offered by the gentleman from Kentucky [Mr. BARKLEY] to strike out certain language and insert.

Mr. SMALL. Mr. Chairman, I ask the indulgence of the committee simply to say for the information of the committee that some question arose as to whether the language in the bill would modify unequivocally the existing project, and I stated to him with others that by the uniform construction of such language by the War Department it would not definitely modify the project, but would only give the War Department the opportunity of endeavoring by experiment to ascertain whether a stable 9-foot channel could be maintained below Lock and Dam No. 48 by open-channel work. But in order to relieve any fear upon that point, at the proper time, I shall offer an amendment which will read as follows:

Provided, That the modification of the existing project by omitting locks and dams below Dam No. 48, as herein authorized, shall not become effective until it shall be satisfactorily demonstrated that the project depth of 9 feet on that section of the river can be maintained by open-channel work.

I will say that I have submitted this amendment to the gentleman from Ohio [Mr. SWITZER] and also to the gentleman from New York [Mr. DEMPSEY], who interested themselves in the matter, and I think it has also been submitted to the gentleman from Illinois [Mr. MADDEN]. I just wish to make this statement at this time.

Mr. BARKLEY. Mr. Chairman, I do not know whether I am entitled to any further time in argument of this motion or not. Yesterday I occupied 10 minutes, or a part of 10 minutes, and if the Chair will recognize me now I shall not take very much of the time of the committee.

This language in the bill, in the proviso as it now stands, authorizes the Secretary of War to modify the Ohio River project by eliminating all locks and dams below Lock No. 48. In Gen. Black's recommendation or report to the Secretary of War he states that experience has demonstrated that it is very improbable, owing to the slackness of the water in the Ohio River between Lock 48 and the mouth of the Tennessee, that an open channel can be maintained by dredging. He goes far enough to state that it can not be demonstrated whether it can until they have experimented with the dredging of the river at that point, and he simply recommends that not only the locks and dams be held in abeyance but the question of whether to construct locks and dams or to maintain a channel by open-channel work both be held in abeyance until experience has demonstrated whether dredging is feasible, or which is more feasible than the other. Now, my motion was made to strike out this language because the power and authority ought not

to be given to the Secretary of War to determine whether this project shall be modified. Congress adopted this project in the beginning, and all that ought to be done, if anything is done, is to give the War Department power, if it has not the power now, to conduct experiments to determine whether it is feasible to maintain this 9-foot channel by open-channel work, and then report back to Congress their findings upon the subject, and allow Congress to determine whether the project shall be modified in accordance with these suggestions.

Gen. Black states that that is going to be done. It is not necessary to have further authority to do it. It is going to be done under the existing project for open-channel improvements. So this language is not necessary in the bill. It will in all probability be two or three years before they determine whether it is feasible to maintain it by dredging, and by that time Congress will have had the information and will not in advance give the Secretary of War the power to modify the project, because the Chief of Engineers states that it is very doubtful whether it can be done between Lock 48 and the mouth of the Tennessee River, although the circumstances may be more favorable below the mouth of the Tennessee River.

I hope the proviso will be stricken out of the bill. Evidently the War Department will go ahead, as it proposes to experiment and see whether it can be modified, and if they report back to Congress that it can be modified Congress can take the matter up and determine it for itself.

Mr. SMALL. Mr. Chairman, I ask the attention of the committee for two or three minutes. We are discussing a comparatively unimportant matter in the Ohio River and omitting a most important feature involved in this paragraph.

Criticism has been made in the past that commerce upon many of our interior rivers did not exist in sufficient volume to justify the appropriations which have been made by Congress and expended. There has been some ground for the criticism, and it is my purpose very briefly to point out the cause and the remedy.

The underlying cause has been that the country, including Congress, were of the opinion that the mere creating of a deeper channel which made the stream navigable would promote commerce. That is only one of the essentials. Universal experience has shown that a mere channel does not make commerce. The best students of the subject say that some of the essentials in addition to navigable channels are adequate boat lines, adequate water terminals, and a system for the interchange of traffic between the water lines and the railroads.

Every one of these essentials must be provided under our present scheme of improvements of rivers and harbors by the respective localities contiguous to the improved rivers. Unless we have boat lines of a proper type, unless we have water terminals, unless we have an interchange of traffic between railroads and water lines, we can not have a commerce which will be commensurate with the expenditures necessary for the improvement of the channels of these rivers.

The committee concluded to take the Ohio River as an object lesson. That river is 968 miles long from Pittsburgh to Cairo. In the river and harbor act of 1910 we adopted a project for the improvement of that great river, contemplating 54 locks and dams at a total cost of more than $60,000,000.

It is a proper inquiry, Is the country going to get a return for its investment of $60,000,000? It will not get that return unless there are boat lines, unless there are water terminals and interchange of traffic.

We requested the Chief of Engineers to detail an engineer of the corps to make an investigation of the Ohio River, of every city and considerable town, as to the existence of water terminals, and he made a report showing that there was not a city or town upon that river that had a municipally owned terminal, or a terminal of any kind which was adequate and sufficient to meet the demands of traffic which would be expected to develop when the improvement was completed.

The committee held up the appropriation of $5,000,000 for the Ohio River for a little while until we could receive some assurance. These assurances were only partially satisfactory and complete. And, by direction of the committee, I wish to serve notice upon the cities and towns contiguous to the Ohio that if they wish this large annual appropriation of $5,000,000 to continue they must get busy, and must submit to the committee in the formulation of the next bill assurances which will be satisfactory that they will do their duty; that they will put on boat lines of the proper number and type and that they will construct adequate terminals. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. If that is not done, the committee will not continue to recommend appropriations for this great river. Of course we understand that in this policy we are simply the servants of the House, and we ask the House for its approval.

Mr. BARKLEY. Will the gentleman yield?

Mr. SMALL. I will yield to the gentleman.

Mr. BARKLEY. I want to ask the gentleman how that proposition affects the amendment before the House. There is no effort to strike out that part of the bill that authorizes an investigation as to terminals. Therefore the gentleman's remarks are not appropriate to the particular proviso under consideration.

While I am asking that I would like to get an idea of what sort of terminal facilities the gentleman has in view. He says not a single city has a municipally owned terminal or a water wharfage sufficient to accommodate commerce that would justify this expenditure. What has the gentleman in mind by stating that railroad terminals must be constructed on rivers so as to bring about an interchange of commerce? I do not get what the gentleman has in view. There are many towns where they would have to move the entire depot or freight yards in order to comply with that condition.

Mr. SMALL. Mr. Chairman, may I ask unanimous consent to proceed for two minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, I have not the time now to explain what is an adequate water terminal nor its relationship to local traffic or through traffic, which means traffic going partly by rail and partly by water. When I presented this bill I had the honor of going into that somewhat fully, and if gentlemen will read those remarks when printed in the RECORD perhaps they may give some information.

I also commend to the gentleman from Kentucky the reading of the report of Maj. Stewart, which is printed in the committee hearings, and I also commend to gentlemen of the House the third volume of a Report on Water Transportation by Mr. Herbert Knox Smith, the former Commissioner of Corporations, in which is discussed in that volume the subject of water terminals. It is one of the most informing and useful publications which has ever been authorized by Congress upon the subject of water transportation.

Coming now to the amendment of the gentleman from Kentucky [Mr. BARKLEY], I submit that if these six locks and dams below Lock and Dam 48 can be omitted and we can maintain a stable channel of 9 feet by open-channel work, it ought to be done.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In a moment. Under the language that is in the bill there is no doubt in the world that it does not eliminate locks and dams unconditionally, but only permits the Chief of Engineers for a few seasons to experiment and see if it can be maintained by open-channel work. In the meantime they will be occupied in the construction of locks and dams above Lock and Dam No. 48. I yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. I understand that the gentleman, in case the amendment of the gentleman from Kentucky shall fail, will offer the amendment which he read?

Mr. SMALL. That is correct.

Mr. ROBBINS. Mr. Chairman, I rise in opposition to the amendment. I wish to take exception at least to a part of the remarks made by the chairman of the Committee on Rivers and Harbors with reference to the fact that there are no terminal facilities on the Ohio River. At the city of Pittsburgh there is a very capacious wharf that is used entirely by steamers of the Ohio River, and the Monongahela River, and those that ply on the lower waters of the Allegheny River. There is a large wharf boat maintained there for the use of those steamers.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. SMALL. A very general misconception exists on that point. My old and good friend Col. Vance wrote me a letter in which he said they have terminals on the Ohio. I heard the distinguished gentleman from Ohio [Mr. LONGWORTH] yesterday suggest that Cincinnati was provided with terminals. I have heard other gentlemen dispute that, but I am content with the verdict of any gentleman who will give study to this matter and reach a final conclusion. The kind of terminals necessary for commerce on our interior rivers do not exist upon the Ohio River at any city or town.

Mr. ROBBINS. Mr. Chairman, that just raises the question suggested by the gentleman from Kentucky as to the character of terminals that the Committee on Rivers and Harbors are going to require, that must be provided.

In former days when the Ohio River was a great highway of commerce and before the railroads were constructed, so as to take away that river commerce, this wharf that is now open in the city of Pittsburgh from the point at the junction of the two rivers clear up to Smithfield Street along the river front was lined with boats plying upon those rivers. There are but three or four lines of steamers plying down the Ohio River and but two or three plying up the Monongahela River now, but that wharf is still there, nearly a mile in length, extending from Water Street clear down to the low water of the Monongahela River, and there is a large wharf boat maintained there, and the same facilities are there for developing the commerce that always have existed ever since Pittsburgh was first a navigable port. But if you are going to insist that you must establish in the midst of a populous city like Pittsburgh terminal facilities which carry with it a rail connection, with a wharf boat into which freight can be discharged, then you are setting up an impossible condition; it can not be done. You have got to go outside of the city of Pittsburgh, just as you would have to go outside the city of Wheeling, or the city of Steubenville, and get a point where the railroad can be built down to the river and where a wharf boat can be maintained and transfer facilities built up and freight transferred direct from a boat on the river into a railroad car. That can not be now built in the city of Pittsburgh, but it can be built, I submit, either up the Monongahela or up the Allegheny, at which point the various railroads of the country run along and extend along down either bank of the river. There seems to be a mistaken impression that there is not now an increase in the commerce on the navigable rivers of western Pennsylvania. That is farthest from the truth. Let me read statistics from Locks 3 and 4 on the Monongahela River, taken on the 1st of April, this year, for the month of March. Through Lock 3, one end of which is located in my district, there was passed 1,392,400 tons of coal in the month of March, as against 1,073,000 tons last year, or an increase of 318,000 tons, exceeding all prior records.

There was also locked through at the same time 43,500 tons of coke, 69,460 tons of sand and stone, and there were 1,260 lockages through that lock in the month of April, and for three days it was closed on account of high water. Through Lock 4, which also has one end on one side of the river in my district, there passed 2,599,000 bushels of coal during that month, 1,658,000 bushels of coke, 47,000 cubic feet of lumber, and there were 1,061 lockages, showing larger increase in every part of the tonnage of the Monongahela River, and yet it is lined with a railroad on either bank. The wharves in most of the small towns have been occupied by the railroads, and all these towns and ports need along the river in order to develop them and bring back a return of this commerce is to improve this Ohio River so that you can get somewhere with the commerce developed on these rivers which form the Ohio.

The city of Pittsburgh has preserved for the use of navigation on the Monongahela and Allegheny Rivers, which join within the city limits and form the Ohio, long stretches of river front or wharfage, and this has been kept and preserved especially for the use of boats plying on the Ohio, Monongahela, and Allegheny Rivers and their tributaries. Large amounts of coal, sand, stone, lumber, and other material are handled from these docks at the present time. Steamers regularly plying on the Ohio and Monongahela Rivers carry passengers, freight, farm produce, and a great amount of the manufactured commodities from the Pittsburgh mills.

There is more coal moved down the Monongahela River than any other similar stream of water in the world. But it must be remembered that the Ohio is navigable only a portion of the year, hence it is not possible to develop a steady, regular river business between Pittsburgh and the lower river ports because of the frequent interruption on account of low water in the Ohio. The improvement of the Monongahela has shown steady and continued increase in coal and other freight, and that is because it is constantly open and ready for use. Transportation of coal, coke, stone, and other freight over the Monongahela River is one-third to one-half less in point of cost than transportation of the same commodity by rail and very much quicker and more regular and in greater volume.

Much of the greatness of Pittsburgh is due to the early river traffic coming up the Ohio and down the Monongahela and Allegheny and being transferred at Pittsburgh into larger boats for the lower river traffic.

A study of the situation and the possibility of water-borne commerce in and around Pittsburgh has convinced everyone who has given it serious and thorough attention of this fact, that as soon as the Ohio is so improved that commerce will move all the year freight will develop in abundance on the Ohio River. It has even been the subject of a special report of the Government engineers at Pittsburgh that by the improvement of the Youghiogheny River, at a cost of considerably less than $1,000,000, a large transfer wharf could be established at Suterville, 28 miles above Pittsburgh, at which point the Baltimore & Ohio, the Western Maryland, the New York Central, and the Pennsylvania Railroad all come down to the water's edge of that river. This would relieve the congestion in Pittsburgh on the railroads by enabling them to send their freight south and west by water through this transfer point, and freight could be brought by the river up to this point, relieving Pittsburgh of its congested condition for eastbound traffic, and transferred from boats to cars and sent east over these three trunk-line railroads. Now that the Government has control of both the rivers and the railroads, this plan is entirely feasible, and in the opinion of the Government engineers will relieve the congestion existing in and around Pittsburgh on the railroads and in the first pool of the Monongahela River.

Therefore I am strongly in favor of completing the improvement of the Ohio River by the erection of the remaining locks and dams therein required to carry slack water to Cincinnati.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. I desire to say at this point that I most earnestly hope and believe that the House will give hearty support to the program as outlined by the chairman of the committee. I come from the city of St. Louis, and those from that section will remember many hard-fought battles on this floor for the saving of any appropriations for the Mississippi and Missouri Rivers. The experiment referred to a while ago by the gentleman from Wisconsin [Mr. ESCH] has been sufficiently successful thus far very materially to silence those who have said that transportation was forever impossible on those upper rivers. I not only believe, but I feel I absolutely know, that those rivers will come back to their rightful place of service in the Mississippi Valley commerce. St. Louis, and I may say Kansas City and some of the other cities, but St. Louis has taken well the point made by the chairman of this committee some two years ago. The city of St. Louis realized that if we did have the commerce we did not have the modern facilities with which to handle this freight and the purchase of the line that is to be run along by the river, the installment of new and modern loading and unloading devices are being pushed as rapidly as can be. It will mean much to the men who represent the districts along those rivers if they will see to it that in their municipal campaigns in the years that are just before us, this be made a part of the municipal policy for the cities and that dockage fronts and freight transportation and things of that sort shall be brought back once more to the attention of the cities and receive their support. It has been a matter of education and agitation in St. Louis. A few years ago when you talked about reviving river transportation you were laughed at even there in the city, but in the last few years the people have begun to believe that it is possible, that it is practicable, and the appropriations have begun to come from the city treasury and the support has begun to come more strongly from the organizations throughout the city generally. I only want to say at this time that we realize that the chairman of the Committee on Rivers and Harbors is a gentleman with a rather stiff spine and when he says something must be done he generally means just what he says. I hope that the men, especially from along the river districts throughout the entire Nation, shall see to it that the Committee on Rivers and Harbors shall have the most loyal support by going back to their municipalities and to their districts where these docks and harbors and freight stations are to be placed and not only urge upon them but demand that these municipalities shall make the greatest endeavor and shall come across with their part of the expenses before they can be expected to support these appropriations as they come in the committee. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the words *"Provided further,"* in lines 5 and 6, page 11, insert the following: "That the modification of existing projects by omitting locks and dams below Dam No. 48 as herein authorized shall not become effective until it shall be satisfactorily demonstrated that the project depth of 9 feet on that section of the river can be maintained by open-channel work: *And provided further."*

Mr. BARKLEY. Mr. Chairman, I desire to offer a substitute for the amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, line 1, after the word *"Provided,"* strike out the remainder of the proviso and insert in lieu thereof the following: "That the Secretary of War is hereby authorized to conduct experimental open-channel dredging below Lock No. 48,

with a view to determining whether the projected 9-foot channel can be maintained by that method to greater advantage than by constructing locks and dams, in accordance with the report submitted in House Document No. 1094, second session, Sixty-fourth Congress; and he is directed to report to Congress annually the progress and result of such experiments."

Mr. BARKLEY. Mr. Chairman, just a word. The gentleman from North Carolina [Mr. SMALL] states that the object he has in view in his amendment and proviso is to give the department authority to make this experimental dredging, yet his amendment carries with it the proposition that the Secretary of War shall have final authority to modify this project without ever coming back to Congress or making any report about it. My substitute simply authorizes the department to go ahead with this experiment below Dam No. 48 to determine whether it is feasible to substitute that method for the lock-and-dam method and then to report back to Congress the progress and result of that experiment. I think that is the better way to do it, because it keeps Congress not only advised, but it leaves it in the hands of Congress to determine later by reason of these experiments whether the project shall be modified or left as originally enacted into law by the original canalization act. I hope the substitute to the gentleman's amendment will be adopted. I regret that the committee did not strike out the entire provision about modifying the original project; but as that could not be done, my substitute would leave the matter in a better situation and ought to be adopted.

Mr. ROBBINS. Will the gentleman yield for a question? Where is Lock 48—just at what point on the Ohio River?

Mr. SMALL. It is 6 miles below Henderson, Ky.

Mr. ROBBINS. What is the stage of water at that point that would warrant the change of this method of improving the channel?

Mr. SMALL. That varies, of course, with flood conditions and the amount of water coming down the river, but the adoption of this project simply authorizes an experiment in open-channel work with a view of obtaining the project depth of 9 feet below Lock 48 to the mouth of the river, and ascertain if it is possible thereby to avoid the large expenditure necessary in the construction of locks and dams. Mr. Chairman, just this expression about the substitute offered by the gentleman from Kentucky: The substitute is both improper and unnecessary. It is unnecessary because the same purpose which the gentleman has in view by his substitute is accomplished by the language in the bill, and if there is any doubt whether the language in the bill accomplishes it, then unequivocally it is done by the amendment which I have offered by direction of the committee, so that the purpose the gentleman has in mind in his substitute is fully accomplished by the provision in the bill plus the committee amendment which I have offered. Now, the gentleman's substitute is improper for these reasons. This report which we adopt here gives the Secretary of War the authority to substitute a fixed dam at or near Emsworth, Pa., for the old Locks and Dams No. 1 and 2. It also authorizes the Secretary of War to substitute fixed for movable dams wherever in his judgment it may be advisable to do, and, third, it gives him the right to experiment with a view to substituting open-channel work below Lock and Dam No. 48. Therefore the amendment of the gentleman in striking out this report here which it is proposed to adopt takes out two of the most valuable features which are recommended.

I would like to say to the gentleman and also to others that he misconstrues the language in the amendment as reported in the bill of the committee. The language there conforms to the usual verbiage and adopts as a part of the law the recommendations in the report. The word "modify" there has no further effect than to refer to the report itself, and the modification is limited by the recommendation in the report. It would be unfortunate if the gentleman's substitute should be adopted, and his purpose is accomplished by the provision in the bill plus the amendment which the committee has submitted.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. DIXON. Do I understand your interpretation of your amendment is that this provision is limited absolutely to the dams below 48, and that it in no way modifies the project of the other locks and dams above No. 48?

Mr. SMALL. Absolutely; and in addition to that, if I should be a Member of the House—and I say it now, binding this committee as far as I can—if they can not get a project depth of 9 feet below Lock and Dam No. 48 by open-channel work, you will find the committee anxious and willing at any time to provide for the construction of locks and dams, because we are under promise to complete this improvement, provided always, of course, we are going to get some commerce there adequate to the expenditure when the improvement is completed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Chair will ask the gentleman from North Carolina if it is the purpose to take up the Oregon item now?

Mr. SMALL. It was my purpose to return to the amendment offered by the gentleman from Oregon after we had completed the other sections.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Where separate works or items are consolidated herein and an aggregate amount is appropriated therefor, the amount so appropriated shall, unless otherwise expressed, be expended in securing the maintenance and improvement according to the respective projects adopted by Congress after giving due regard to the respective needs of traffic. The allotments to the respective works so consolidated shall be made by the Chief of Engineers as authorized by the Secretary of War. In case such works or items are consolidated and separate amounts are given to individual projects, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Chief of Engineers and the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so in order to inquire of the chairman of the committee if this section is identical with the existing law?

Mr. SMALL. Section 2 is the one the gentleman is referring to?

Mr. WALSH. Yes.

Mr. SMALL. I will say it is.

Mr. WALSH. Then I would like to ask the gentleman as to the first sentence on page 17:

In case such works or items are consolidated and separate amounts are given to individual projects, the amounts so named shall be expended upon such separate projects, unless, in the discretion of the Chief of Engineers and the Secretary of War, another allotment or division should be made of the same.

That means that if we appropriate for specific items in a paragraph the Chief of Engineers or the Secretary of War can disregard that specific item?

Mr. SMALL. Yes. May I say to the gentleman it means a little more than that? Take one of these groups here, containing seven improvements, say. For four of those improvements recommendations or estimates of appropriations are made; for the other three estimates are not submitted, either because no work of maintenance is necessary or because the available balance on hand is assumed to be sufficient. Now, we will assume that the gross amount recommended for the four items of improvement is $40,000, or $10,000 each.

The Chief of Engineers, through the district engineer, will expend $10,000 on each of the items, unless in the meantime conditions shall change, so that more than $10,000 is necessary on one of the items, or if the amount available on some item for which no estimate was made turns out to be insufficient, then the Chief of Engineers has the right to make a reallotment out of the gross appropriation in order to meet the contingency subsequently occurring.

Mr. WALSH. The gentleman has explained why a lump-sum appropriation is made for a group of items. Take for instance an item on page 7, Mobile Harbor and Bar, where for maintenance $160,000 is appropriated, and for continuing improvement $100,000 is appropriated for the same item. Now, does that mean that if, for continuing the improvement, the department should need more than $100,000, they could take $60,000 of the maintenance and put it into the appropriation for continuing the improvement, and have only $100,000 left for maintenance?

Mr. SMALL. Ordinarily the line of demarcation between maintenance and further improvement is plain, but sometimes it becomes confused. By the usual interpretation of the Chief of Engineers the amount appropriated for maintenance would be confined to maintenance, and the amount for further improvement under the projects heretofore adopted would be confined to further improvement. That would be the ordinary plan. But sometimes maintenance may be at the same time in continuation of the improvement on a project. Where there is that confusion the expenditure is made regardless of whether it is appropriated for maintenance or for further improvement, but usually the distinction is made.

Mr. WALSH. Of course, when that transfer is made, when that is done, it appears in the annual report submitted to Congress?

Mr. SMALL. Yes.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 3. That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, the sum of $200,000 is hereby appropriated.

Mr. WATSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATSON of Pennsylvania: Page 17, line 12, after the word "appropriated," strike out the period, insert a semicolon and the following: "And so much of this sum as may be necessary is hereby authorized to be expended for a survey of the Delaware River from a point opposite Allegheny Avenue, Philadelphia, Pa., to Trenton, N. J., with a view of deepening the channel for war purposes."

Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. Mr. Chairman, in order to emphasize the importance of my amendment I asked for a few extra minutes so that I may have an opportunity to describe one of the Government shipyards; and if the ambition of the Shipping Board is realized, then this yard will be one of the model plants of the world, and I do not hesitate to say that Bristol on the Delaware will be the home of the greatest shipyard of the world.

It is admirably situated. It is bounded on the north by a rich and fertile agricultural district, where the thousands of employees and their families may be served with food at normal prices. The plant is within very few hours by rail of the coal fields and the steel industries of the great State of Pennsylvania. Through the property passes the line of the Pennsylvania Railroad from north to south, and just beyond the railroad is the Delaware division of the Pennsylvania Canal. The street called Radcliffe Street was the old post road in the Revolutionary times between New York and Philadelphia. While passing, will the committee permit me to relate a bit of local history?

In 1824 Lafayette, in his triumphal tour in America, passed along Radcliffe Street, and I recall that when I was a boy one of the old judges of my town, who was an eyewitness of the occasion, described to me that Lafayette was a handsome man; that he rode in a barouche drawn by six buckskin-colored horses; and that Lafayette bowed and smiled to the thousands of men, women, and children who lined either side of the highway to see the great general pass by—a man who perhaps did more than any other general to assist Washington in establishing our Republic. [Applause.] Only a few weeks ago I read that Pershing went to the grave of Lafayette and said, "Lafayette, we are here." [Applause.]

The lines on the chart which I show you represent the 12 ways that are now completed. In three of them the keels are laid. The Government has contracted for 60 transports to be built at this yard. Each vessel is to be 9,000 tons, 410 feet long, 56 feet beam, and 2,750 horsepower. Eighty per cent of these ships are standardized. A machine shop 1,000 feet long has been completed, where the steel plates will be curved to fit the bows and sterns of the ships. In September, when the contract was entered into, the estimated cost of each vessel was $1,305,408, but since then the prices of material have advanced, labor has increased, thus each vessel will cost about $300,000 more than the estimate in September. Under no conditions, however, will the shipbuilding plant at Bristol make more than $64,000 on each vessel, and not less than $50,000. If the boats are completed for less than the estimated cost, then the amount saved will be divided as follows: One-third to the Government, one-third to the Merchant Shipbuilding Corporation, and one-third to the workmen, but under no circumstances will the contractor make more than 4 per cent upon the contract. Thirty-five to forty per cent of the cost of the vessels will be returned to the Government in the way of taxes.

In January in all the waters of the United States there were about 3,051,000 tonnage carrying the American flag, which included 684,000 tonnage of the German and Austrian ships that were interned. Recently we have added 560,000 tonnage belonging to the Dutch. We have to-day not more than 5,500,000 tonnage of ships in all waters of the world. The Shipping Board has contracted with 160 different corporations for 1,299 boats, with a tonnage of 7,846,000. To-day on the Atlantic Ocean we have but 2,486,000 tonnage carrying the American flag.

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. WATSON of Pennsylvania. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Will the gentleman state how far Bristol, at which this shipyard is located, is above the city of Philadelphia?

Mr. WATSON of Pennsylvania. It is 22 miles above Philadelphia. I will come to that in a moment.

Mr. MOORE of Pennsylvania. Some gentlemen here have asked me, and I wanted them to know that this plant is above Philadelphia, which is about 100 miles from the sea.

Mr. WATSON of Pennsylvania. Yes; it is above Philadelphia.

Mr. MOORE of Pennsylvania. Toward Trenton and New York?

Mr. WATSON of Pennsylvania. Yes. Now, when we realize that it takes seven tons of shipping to take care of each soldier in the trenches, that means if we want to send 1,000,000 men to the trenches we must have 7,000,000 tons of shipping. To-day we have only five and one-half million tons, and we can not get our boys to Europe as fast as we wish, therefore I believe that the American people should understand and appreciate the seriousness of the hour. Now, when we estimate that there were about 10,000,000 tons of shipping in the trans-Atlantic trade one year ago, and that 7,500,000 of that tonnage was sunk by the U-boats, and that only 4,800,000 tons were added last year, it will not take a very great mathematician to solve the problem of how many years it will require when there would not be a boat on the Atlantic Ocean. We can not aid our allies unless we have ships, and if Germany forces France and England to terms of peace, it is a possibility that future battles will be fought over here. Thank God we are one people. Never in our history has our bond of union been so close as it is to-day. We are a unit, a complete entirety of the whole. We will win. We can not be beaten. [Applause.]

Now, I want to speak for a moment on the importance of my amendment.

The basin opposite the ways will be dredged by the Shipping Board. Of course they have no authority to dredge the channel between Bristol and Philadelphia. These boats when completed will draw 20 feet of water, and 12 feet without ballast. From this point to the 35-foot channel at Philadelphia the mean depth of the channel is only 12 feet at low tide and 18 feet at high tide. Therefore these boats can be floated to Philadelphia if they have no ballast.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his colleague may have five minutes more. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. There is only $59,000 in the Treasury for the purpose of taking care of this channel from Trenton to Philadelphia. This channel, like all other channels, will fill up with sand bars, and after the $59,000 is expended this board will not have one dollar left in 1919 to maintain the channel in order to get these boats when completed to the sea.

It is the intention of the Government at this yard to build boats over 500 feet long, drawing 22 feet of water. The ways are constructed for the purpose of building these large boats. Just beyond this plant 1,200 acres have been purchased by a corporation, and just below here is another shipyard where 30 boats are being constructed. Therefore I urge and call upon the wisdom of the committee to permit my amendment to become a law, in order that next year in 1919 the engineers after making their survey may see proper to ask the Rivers and Harbors Committee to report an appropriation for deepening this channel.

I think I have explained the importance of getting these boats to the sea. I have explained the importance of providing a channel deep enough to meet the growing commerce of the upper Delaware. While it is not deep enough now, yet if we expend the $59,000 this summer we will not have a dollar to dig out the channel in another year.

Mr. BROWNING. Will the gentleman yield.

Mr. WATSON of Pennsylvania. Yes.

Mr. BROWNING. Why do you say it is deep enough now, when you have only 18 feet in high water and vessels draw 22 feet?

Mr. WATSON of Pennsylvania. Because the vessels will not draw but 12½ feet without ballast. They will have the machinery in them and be sent to Philadelphia without ballast, and will be floated down at high tide. There is not a harbor

in the world where the channels do not have to be kept open, and the channels of the Delaware River are no exception to the rule.

Mr. SMALL. Mr. Chairman, I do not know whether the gentleman insists on his amendment or not.

Mr. WATSON of Pennsylvania. I do.

Mr. SMALL. The amendment proposes a survey, and there are no surveys authorized in the bill. Quite a number of Members have advocated surveys before the committee. I think it would be unwise to adopt this amendment authorizing a survey of this specific locality. Besides, I do not think any greater depth is necessary for the immediate utilization of this shipyard.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. This section makes an appropriation of $200,000 for examinations, surveys, and contingencies.

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Does that contemplate new examinations and surveys?

Mr. SMALL. No. The explanation is that this authorization for examinations and surveys in past rivers and harbors bills will require a larger expenditure than the existing appropriation, and this appropriation of $200,000 in this bill is simply to meet increased costs of former authorizations for examinations and surveys.

Mr. MOORE of Pennsylvania. It is in the nature of a deficiency appropriation and does not contemplate new surveys?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Otherwise, I should think the motion of the gentleman from Pennsylvania [Mr. WATSON] would be in order.

Mr. SMALL. Otherwise, there would be no necessity for the paragraph. The original estimate was $300,000, but the committee reduced it to $200,000.

Mr. WATSON of Pennsylvania. Mr. Chairman, the distinguished chairman of the committee knows that this is not a new survey. The department has surveyed the river and has a chart of it. It will cost us very little money. The report of the committee is as follows:

> Again, it was not thought advisable during this critical period of the war to authorize any additional surveys unless it could be shown that they were essential as being associated with the prosecution of the war.

Certainly the getting our battleships to the sea is one thing that is very essential to the prosecution of the war. It is not a new survey, it is taking up an old project, and therefore I can not understand why the distinguished chairman of the committe should not be in favor of this amendment.

Mr. FREAR. The chairman and gentlemen will remember that when the representatives of the Shipping Board were before us they said they had authority to dredge out in front of the shipyards to a sufficient depth for the vessels to be taken out. They will take care of that. They said they had authority to do that under the authorization.

Mr. WATSON of Pennsylvania. It is true that they have authority to dig out the basin, as I explained it, but they have not the authority to dig out the channel 20 miles long.

Mr. FREAR. That is not the length of the channel. It is only 16 miles. But here is the fault of the argument, in my judgment. It is a dangerous thing to build a boat drawing 22 feet of water on a stream that only has 12 feet of water.

Mr. WATSON of Pennsylvania. There is water enough to get the boats down at present.

Mr. SMALL. Mr. Chairman, the evidence before the committee was to the effect that there was sufficient water in the Delaware River channel opposite Bristol and the shipbuilding plant to accommodate these ships after they were built, but there was not sufficient water between the main channel and the shipbuilding plant. As to dredging the basin there the Shipping Board said they would undertake to do that work.

Now, the existing project on the Delaware River from Philadelphia to Trenton is 12 feet. That depth exists in that part of the river opposite Bristol. Any authorization for examination and survey would of necessity contemplate a greater depth. It would introduce into the bill an amendment which has been denied to Members in other sections of the country, and I think to that extent would be unfair. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WATSON].

The question was taken; and on a division (demanded by Mr. WATSON of Pennsylvania) there were—16 ayes and 24 noes.

So the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Page 17, line 12, after the word "appropriated." strike out the period and insert a comma and the following: "$5,000 of which sum, or so much as may be necessary, shall be used for making a survey of the power sites on the Missouri River in South Dakota."

Mr. DILLON. Mr. Chairman, this bill does not carry an appropriation for the Missouri River above Kansas City. I want to take a few moments' time to tell you about our contemplated improvement of the Missouri River as a State project. When the ice breaks up in the river we frequently get ice gorges which throws the water out of the river banks, and thousands of acres of land are flooded.

Again, when the June rise comes, we also have floods, caused by the melting of the mountain snows. These floods in March and June are doing a vast amount of damage to the property along the Missouri River, sometimes running into hundreds of thousands of dollars. The banks are caved in and eaten away, so that whole farms are sometimes devastated by the cutting of the banks. A few years ago Congress made numerous appropriations for revetment work, but during the last five or six years these projects have been abandoned. I think the time will ultimately come when a new plan will be adopted in reference to preventing these floods by dikes and dams along these rivers that come from the mountains; by so doing the waters may be impounded and used for irrigation purposes, and thus the waters may be withheld during the flood periods, which causes the destruction of property. Recently the legislature of my State, in session in 1917, proposed an amendment to the constitution, which reads as follows:

> SEC. 10. The State may purchase, own, develop, and operate plants for development of power upon the streams of this State and at coal mines upon land owned by this State, and may transmit such power and supply the same to the people of the State. The State may pledge such plants and accessories thereto to provide funds for such purchase and development, anything in the constitution to the contrary notwithstanding. The legislature, by a two-thirds vote of the members elected to each house, shall provide by law for carrying the provisions of this act into effect.

This proposed constitutional amendment will go to the people of my State at the next November election. I want here at this time to accord my hearty approval of this provision, which will permit us to engage in State internal improvement. I think our State will adopt this constitutional amendment; if so, we will engage in constructing dams across these rivers, thereby giving us power sufficient to run all of the machinery in the State, creating light, heat, and power for our homes and machinery and bring to our people a wonderful development of our industries.

Along the Missouri River are some ten or twelve power sites. We have a fall of 317 feet. We can generate power to the extent of 552,000 horsepower, which can be readily, cheaply, and easily developed, because the bed of the river in certain places where these power sites are located is a rocky bottom. I call attention to simply two of those power sites—at Little Bend and Big Bend. We were in hopes that the Government might adopt Little Bend or Big Bend for the nitrate plant that was recently established, but not so. At Big Bend there is a bend in the river winding 24 miles, and which curves back, forming a neck of only 1¾ miles across.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. DILLON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DILLON. At Little Bend the curve is about 18 miles in length, coming back to a narrow neck which is only 1¾ miles across, so that we have these power sites by which the drilling of a sewer, so to speak, will give us vast resources of power. We are going to engage in these internal improvements, as I believe, and we will be here asking you to help us in a way, not that we want you to do it all, but we want a little help. We would like for you to show your good faith by allowing us to have a little money for this survey.

BIG BEND.

> The detour at Big Bend is from mile 286 to mile 310 being a distance of 24 miles. The distance across the neck is 1¾ miles and the height of the hill in the gorge is, according to Nelson's survey, 298 feet. The water level on the south side is 1,421 feet and upon the north side 1,441 feet, making the net fall across the bend 20 feet, as shown by the contour map of the Chief of Engineers, United States Army, for 1889. As will be seen from an examination of the contour map published herewith there is a wide flat area on the north side of the river on the upper side of the neck of Big Bend. That flat has been produced by the slow progress of the river in cutting away the gorge, so that all of the area, fully 5 miles wide, now a magnificent subirrigated meadow, is former river bed, across which it would be impracticable to build a dam. Consequently about the only practicable

method of development for power purposes at Big Bend will be by tunnel of sufficient capacity to divert and carry the minimum flow of the stream. A tunnel 30 by 15 feet wide will do this at no extraordinary expense, producing about 18,000 horsepower. The tunnel proper will be about 1 mile in length, the remainder of the distance may be negotiated by open canal. To this extent Big Bend can be developed much more cheaply than any other tentative power site upon the river. It has been asked if the process of erosion above referred to will not continue and ultimately the neck be cut away. It is not impossible that this may occur but only after many hundreds, perhaps many thousands, of years. Lewis and Clark measured the neck 113 years ago and found it practically what it is to-day.

LITTLE BEND.

The Little Bend begins at mile 406 and ends at mile 424, being 18 miles around the detour. The neck is of the same width as that at Big Bend, being 1⅞ miles. The hill in the gorge is 271 feet above low water. The development here will be by diversion dam and canal; that is, the flow of the stream around the bend will be wholly cut off except for extremely high water, and the flow will be diverted through a canal across the neck, in which canal the power house and navigation locks will be erected. The dam in the canal will be a bulkhead over which the water will never pass; floods will fall over the barrier in the old channel and pass around the bend. The dam upon the north side will be 4,600 feet long and 41 feet high above standard low water, which added to the natural fall across the neck of 16.5 feet will give a total head of 57.5 feet and will produce at the lowest water known 52,000 effective horsepower constantly. This will be an expensive development, but the great power produced will justify the outlay.

Little Bend has been reported upon by Gen. George W. Davis, engineer of the Panama Canal, Maj. Edward Schultz, United States engineer in charge of the Missouri River, Westinghouse, Church, Kerr & Co., and by W. H. Finley, chief engineer of the Chicago & North Western Railway, all of whom have declared the physical conditions well adapted to power development, by at least a 40-foot dam.

HARNESSING A HOPE.

[By Doans Robinson in the Dakota Farmer.]

There were some doings in South Dakota, about 150,000 years ago. George Fitch would not then have ventured to slander the Missouri River, for it was a stream of Amazonian bigness, in whose flood the zeuglodon disported himself, the brontosaurus waddled through the bordering marshes, the titanothere crunched the tropical vegetation, the mammoth mosied over the mesas, and the eohippus hopped hopefully on the heaths—when one day a shiver shook the longitudinal vertebrae of these primitive Dakotans and they looked up to observe an obstructive glacier poking his icy nose into the valley. Slowly but majestically he made his way, marching straight into the bosom of the outraged Missouri, chasing the live stock from the ranges or grinding into bone meal such as opposed his passage. The war which ensued between the river and the trespasser involved questions of inherent rights which yielded to no court of arbitration. For centuries the contest was unrelentingly waged, the mighty river throwing its terrific strength upon its lethargic but irresistible enemy, until finally Old Ice was able to look back from the western coteau upon his titantic body filling the continental valley, while the baffled river slunk away into the mountain fastnesses about its upper reaches.

The victory of the ice was not for long. Forty leagues only had he made his way westward from the bed of the vanquished river before he encountered another enemy, before whose seductive caresses he unwittingly surrendered. The mild breath of the Pacific wrung cold and debilitating perspiration from his massive brow, consumed his substance and stopped his progress. The waiting and watchful river, quick to discover the weakening of its foe, marshalled its forces and, rushing upon him, flanked his western border, bored out a new valley, and again made its unvexed passage to the sea.

THE MISSOURI VALLEY.

This, geologically, new valley, extending from the mouth of the Yellowstone to the mouth of the James, for most of its length is eroded through the stratified shales laid down by Old Ocean in that period which even science can measure only in eons. Chiefly, the flood plain is narrow—a couple of miles wide in North Dakota—contracting to a mile or less in South Dakota, expanding again as the Nebraska line is approached, and at the mouth of the James is 4 or 5 miles in width. The actual breadth of the stream is about 2,000 feet and its slope is a foot to the mile. Through the quicksand flood plain the rapid, roily stream wanders at will, changing its bed over night, throwing up sand bars, plowing up meadows, swallowing farms, stealing villages, wrecking railroads, and driving navigators to desperation and drink. Those most familiar with it regard it as a blot upon the landscape, and it has been graphically characterized as "a stretch of country too thin to cultivate and too thick to navigate." In the family of great North American rivers it is admittedly the drabbled Ovis, and its nearest relatives have been sorely tempted to abandon it in sheer despair.

Yet it has not quite given up. True, the steamboat no longer battles its steep channel and the annual pittance doled from the rivers and harbors pork barrel does little to restrain its vagrant and criminal propensities—but there has lingered a faith in many heads that some time, some way, the Missouri River would be tamed, harnessed, and made to serve the public welfare. The modern development of hydroelectric enterprises has given new impulse to this faith, and the conviction is growing that God provided the Missouri to generate the marvelous fluid which has revolutionized the affairs of men. That it is practicable to harness the stream for hydroelectric development is no longer questioned.

At any point where the trough of the Missouri is not more than 1 mile wide the engineers deem it entirely practicable to dam it. Many borings demonstrate that the bedrock floor of this trough is practically level and that the side walls are abrupt. The floor is about 45 feet below water and superimposed upon it is about 25 feet of soft conglomerate composed of hard mud, silt, gravel, bowlders, bone quarries, and other débris, and upon this conglomerate bed is a soil-covered quicksand from 20 to 40 feet in depth through which runs the true channel of the stream, the immediate banks of which hold 16 feet of rise before the plain is flooded.

MANY DAMS POSSIBLE.

Within South Dakota, at intervals of about 25 miles each, there are at least 12 points where the trough is less than 1 mile wide and where dams are feasible to heads varying from 22 feet to 45 feet, giving in the aggregate 317 feet over which the flood of the Missouri may be poured. The consideration of this possibility, reduced to terms of horsepower, presents a prospect bewildering in stupendousness, dazzling in potentiality, absorbing in interest.

To so dam the Missouri it will be necessary to erect great barriers of masonry, set firmly into the bedrock and extending entirely across the trough from rim to rim. To do so involves no untried engineering problems. In fact, concrete has been placed in the bedrock underlying the stream at many places and to a much greater depth than will be demanded by the dams. Railroad bridges resting upon subriver masonry have been built at Plattsmouth, Omaha, Blair, Sioux City, Pierre, Mobridge, Bismarck, and other points. At Pierre 12,000 cubic yards were put down to a maximum depth of 65 feet at a cost of $24 per yard. A very large percentage of this cost was charged to plant. Indeed, the plant provided for sinking these piers would have been sufficient for building a dam. A dam would not necessarily be sunk deeper than 50 feet below low water. Perhaps $15 or $16 per cubic yard would place the concrete for a dam and locks in a structure involving the use of nearly a half million cubic yards.

TREMENDOUS POWER.

The Missouri River is a stream of notably irregular flow, but there is a minimum below which it has not been known to go. This minimum in the South Dakota region is 10,000 second-feet, and the power generated from this flow could always be delivered. This minimum over the 12 dams would produce the poorest day in the year 281,000 actual horsepower, using only 80 per cent efficiency of the turbines. As horsepower is commercially rated in eight-hour days, we would have 843,000 horsepower dependable at any moment, transmissible to every city, hamlet, and farm in the State, for the commerce, the convenience, and the comfort of the people.

This 843,000 horsepower always deliverable is but the beginning of the marvelous hope. The upper Missouri flows through a semiarid region, where irrigation for insurance against drought in half the years is imperative. Fortunately the higher-water season and the irrigation season fall contemporaneously; any practical development of the potential power of the Missouri must include provision for the utilization of the high water for pumping to supply irrigation to the thirsty land. The accumulated higher water acting for a period of 30 days amounts to more than 5,000,000 horsepower, amply sufficient to pump an abundance of water upon 6,000,000 acres of as fertile land as God has made—soil crying for the drink and anxious and ready to pay the price.

Six million acres of this deep, black prairie soil is to-day pleading with Congress to be permitted to subject itself to the cost of this development. Should the 12 units mentioned average the high cost of $20,000,000 each, it would be but $40 per acre of the land to be benefited. At that it would be a fine bargain for the landowner, for every acre of it would leap from its present value of $25 to $100 or more the instant that the water was turned into the ditches.

DREAM OF THE DAKOTAN.

This, then, is the dream of the Dakotan: Through cooperation with his State and Federal Governments to harness the mighty Missouri and pour its tremendous flood over more than 300 feet of fall; transmute its power into "white coal"; transmit the energy to the borders of the State and beyond for the advantage and comfort of the people who, free from grasping corporation or grinding monopoly, shall pay for, own, and operate this great gift of the gods; through it to develop commercially, agriculturally, and mechanically to the highest estate which unequaled opportunities permit.

An incident of the suggested development will be the final settlement of the navigation problem through the region affected. The dams and locks will appear at intervals of 25 miles, and in each case the backwater will extend to the tailrace of the dam above. Thus will boats no longer struggle against the slope of the stream nor dodge sand bars, but ride upon flat, still, deep water through a succession of beautiful lakes.

That this attractive dream is in the way of realization and that the next five years will see the beginning of development is my confident prediction.

Mr. SMALL. Mr. Chairman, this provision authorizes the diversion of this appropriation for the purpose of making surveys of water-power sites. I do not think that it is appropriate or that it ought to go into the bill. In the first place, the subject of water-power legislation is now being considered by a special committee of the House and this authorization ought not to be made pending legislation following a report of that committee. In the second place, it does amount to an authorization for examination and survey of a part of the Missouri River which presumably is navigable. The Committee on Rivers and Harbors has jurisdiction of the development of water power on navigable rivers, and if this river is navigable it will be within the jurisdiction of the committee, but because this general matter of water power is now under investigation awaiting the report from a special committee and because it would be unfair to other sections if this amendment were adopted, I hope the committee will not adopt it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. DILLON) there were—ayes 5, noes 25.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That no part of the funds herein or hereafter appropriated for works of river and harbor improvement shall be used to pay for any work done by private contract if the contract price is more than 25 per cent in excess of the estimated cost of doing the work by Government plant.

Mr. SEARS. Mr. Chairman, I went before the Subcommittee on Rivers and Harbors, and they informed me that no inlets would be included in this bill. I therefore have not offered any amendment to the bill. Briefly I would like to call the attention of the Committee on Rivers and Harbors and

the Committee of the Whole to the fact that at Jacksonville, on account of the war, the Board of Engineers recommended that no appropriation be made. I would say that while the channel is 30 feet at two or three places, there are only 27½ feet of water, and as the chain is only so strong as its weakest link, unless they will promptly remove these points, it will make, to a certain extent, useless the terminals on which the people of Jacksonville have expended a million dollars. I represent more than 500 miles of seacoast and 1,500 miles of rivers. I had in the bill only $20,000 until the Committee of the Whole put in the Key West amendment. I have not asked for anything else other than that, and stated to the committee that I would not do so, because of war conditions. Where they stated in the report of the Board of Engineers that on account of war conditions no estimate was made, I kept my faith with the committee.

But I believe I have shown the Members of this House from document No. 185, dated June of last year, after we went into the war, indorsed by more than six Government engineers, that the appropriation was urgent and necessary, and that Key West should have been placed in the bill by the Committee on Rivers and Harbors. I want to thank the Members of the House for their patience in listening to me, and I can say that I believe they will vote on any proposition as they see it, and if it is meritorious they will support it. That is the attitude I have always assumed in the House, and it is the attitude I shall continue to assume, and I would not ask any of my colleagues to do more than I would do myself. But I sincerely believed the other day, and believe now, that there is not a more urgent or worthy proposition in the bill than the item relating to Key West.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 5. That, within limits to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States or into any tributary of any navigable water; and every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the foregoing provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than 30 days nor more than one year, or by both such fine and imprisonment in the discretion of the court: *Provided*, That this section may be enforced as provided in section 17 of the river and harbor act of March 3, 1899, the provisions whereof are hereby made applicable thereto.

Mr. TREADWAY. Mr. Chairman, I reserve a point of order.

Mr. WALSH. Mr. Chairman, I make the point of order.

Mr. SMALL. Mr. Chairman, I wish to say the amendment——

Mr. WALSH. Mr. Chairman, I will withdraw the point of order.

Mr. TREADWAY, Mr. MOORE of Pennsylvania, and Mr. MEEKER. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Massachusetts, the gentleman from Pennsylvania, and the gentleman from Missouri reserve the point of order. The Chair will state to the gentlemen that it is necessary to dispose of the point of order——

Mr. TREADWAY. Mr. Chairman, may not the amendment which the gentleman desires to offer be read for information while the point of order is still reserved?

The CHAIRMAN. By unanimous consent that can be done.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The Chair having held in a case somewhat analagous to this that a point of order took precedence over a motion such as is now made by the gentleman from North Carolina, are the rights of those who reserved the point of order in any way impaired by the consideration of the substitute or the amendment offered by the gentleman from North Carolina?

The CHAIRMAN. The Chair understands the amendment is only offered to be read for information.

Mr. MOORE of Pennsylvania. And the rights under the reservation of the point of order are preserved?

The CHAIRMAN. Exactly. The rights of gentlemen who reserve the point of order will not be affected by the reading of the amendment.

Mr. SNYDER. Mr. Chairman, if there is any question about the point of order, I make the point of order on the section. It has no place in this bill and ought to go out.

Mr. SMALL. Well, we will have the point of order if the gentleman insists upon it.

Mr. MOORE of Pennsylvania. I ask the gentleman from New York [Mr. SNYDER] not to insist upon his point of order.

Mr. SNYDER. I will reserve the point of order.

The CHAIRMAN. Without objection, the proposed amendment will be read for information.

There was no objection.

The Clerk read as follows:

Committee amendment. Strike out all of section 5 on lines 17 and 18 and in lieu thereof insert the following:

"SEC. 5. That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit into any of the navigable waters of the United States, or into any tributaries of same, of free acid or acid waste in any form, and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States or upon any vessels navigating the same, and submit a report, with any recommendation it may deem appropriate, and any necessary expenses connected therewith shall be paid out of the available funds herein or heretofore appropriated for examinations, surveys, and contingencies."

Mr. SMALL. Mr. Chairman, I ask unanimous consent, if it is agreeable to the committee, that the committee may vote upon the amendment, and if the amendment should not carry, then that it shall be in order to press the point of order.

Mr. TREADWAY. May I ask if the amendment is submitted as a substitute so that an amendment can be offered to it, or is it in such form that a further amendment to the proposed amendment would not be in order?

The CHAIRMAN. The Chair understands that it is a motion to strike out and insert.

Mr. TREADWAY. That permits an amendment to it to be offered?

The CHAIRMAN. Yes.

Mr. TREADWAY. That being understood, that I have an opportunity to offer an amendment when it comes before the House, I withdraw the reservation of the point of order against the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. If this amendment is voted in the bill, the paragraph now in the bill goes out?

The CHAIRMAN. The Chair so understands.

Mr. WALSH. Mr. Chairman, I believe the chairman of the Committee on Rivers and Harbors preferred a request that there be a vote taken on this amendment and then the point of order could be made or ruled upon if it should fail. While the Chair did not put the request to the committee, I desire to say I object to that. I do not think that is the proper way or good practice to try to get around a parliamentary situation by reason of the making of a reservation of a point of order. If the gentleman is willing to concede the point of order to offer this amendment, which has been read for information——

Mr. SMALL. If the gentleman will permit me to interrupt. Let us have the point of order decided. If the Chair wishes to hear me, I desire to be heard. There is not any question about the jurisdiction of the committee upon this subject.

The CHAIRMAN. The point of order has simply been reserved. Does any gentleman desire to make the point of order?

Mr. ROBBINS. Mr. Chairman, I do desire to make it against this bill, because it means the destruction of the coal industries of Pennsylvania, and I can not stand for that.

The CHAIRMAN. What is the point of order?

Mr. ROBBINS. That it is not germane to a bill of this kind, that it is legislation, that it is foreign to a river and harbor bill, that it is new legislation entirely, and not proper on this bill.

Now, Mr. Chairman, I want to say a word on that, in order to establish the fact that it is new legislation. But I wish to say to the chairman of the committee that I understood this was to go out, and I am entirely in accord with that proposition.

Mr. SMALL. Mr. Chairman, I shall not object to the gentleman getting time, but I do object to his discussing the merits of this proposition on the point of order now. I must insist that the gentleman confine himself to the point of order.

The CHAIRMAN. The point of order has been raised. The gentleman will be heard as to the point of order.

Mr. ROBBINS. We are considering here a river and harbor bill. That is a navigation proposition entirely, with the necessary incidents that go to improving channels and fixing up the stream for navigable purposes. This section 5 of the bill, which has just been read, refers entirely to the discharge of acids and impurities into the waters of streams. It is a different question altogether, and the point of order is made against it because it is not relevant or pertinent to the purpose of the bill. Waters are navigable or otherwise, and whether they are pure or impure makes no difference. The discharge of acids into a river does not affect its navigability, but it does affect the use of water

for culinary purposes and potable purposes, and it may have an effect on the iron used in the construction of locks. But that is remote from the main proposition here. If we are to deal with the question of whether acids or impurities are discharged into a stream, that is a proposition that ought to be dealt with in connection with the police power and in connection with the health authorities of a State, or something of that sort. It is a different question altogether from navigation. This section 5 is extraneous to and foreign to the purposes of this bill.

It is difficult to discuss this narrow proposition without also adverting to associated causes. It is a fact that this acid comes into the streams from coal mines, from paper mills, from chemical works, from dyeing establishments. It can not be kept out of these streams. This proposes not only to reach out to the navigable streams, but it reaches out to the tributaries of those navigable streams Take western Pennsylvania, the district in which I live. There we have the Monongahela River, which is navigable; also we have the Allegheny, which is partly navigable, and the Youghiogheny, which is partly navigable, and the Conemaugh, nonnavigable. Into every one of those streams there are smaller streams that discharge water from coal mines, and as it comes from some of them it is almost blood red in some places on account of this acid with which it is impregnated as it comes out of the mines.

If we are to reach out to the tributaries and take in the little creeks and interfere with the situation to that extent we will find that every small run, every rivulet, every creek, every brook that pours into these navigable rivers must be purified, and that is going far beyond the reach of navigation legislation over which alone Congress has jurisdiction. It is extending our control over the small streams that have nothing to do with this bill, which proposes to establish and improve navigation on the navigable streams of the United States.

Mr. FARR. Does it refer to sulphur water?

Mr. ROBBINS. Yes; it refers to sulphur in the water, and almost every stream in eastern Ohio and western Pennsylvania and West Virginia is affected by sulphur. In these States it is the subject of police regulation and of regulation by the health authorities.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. MEEKER. Will not the discharges from these mines and these chemical plants deepen the streams and make them more navigable?

Mr. ROBBINS. Not at all.

Mr. MEEKER. It would increase their navigability.

Mr. ROBBINS. It does not affect the channels. It affects the water. It has nothing to do with the channels or the navigability of the channels.

Mr. FARR. This legislation would close up many of the anthracite mines of Pennsylvania, and result seriously in the aggravation of the coal shortage that is already threatening the country for the coming winter.

Mr. ROBBINS. I have no doubt of it. It would close up all the bituminous mines in western Pennsylvania. I am not familiar with the anthracite mines.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. COOPER of Wisconsin. I am told, Mr. Chairman—and I will ask the gentleman from Pennsylvania what he thinks about this as affecting navigation—I am told by a member of the Committee on Rivers and Harbors that there was testimony had before the committee to the effect that the acids poured into these navigable streams directly and indirectly coming from these mines did very seriously interfere with navigation, because the acids ate out the iron and the metal on the boats and lessened their usefulness by 30 or 50 per cent. That is a direct injury to navigation.

Mr. ROBBINS. That can also be said as to salt water. Salt water eats out and rusts the iron of bridges and the metal of ships, and you can not use that in boilers any more than you can use sulphur water in boilers.

Mr. COOPER of Wisconsin. The Lord put it in the salt water, but He did not put it into the streams of Pennsylvania.

Mr. ROBBINS. Oh, yes; He put it in the coal seams. It is claimed that this has nothing to do with the point of order. It has to do with it. If this sulphur water has to be purified, it would not improve navigation. You can not take the sulphur out of the water as it comes from the coal mines. That is an impossible proposition at this late date.

The fact is, Mr. Chairman, that this bill ought not to be loaded down with a proposition that is not pertinent to it. If we are going to deal with this sulphur-water proposition, we should go about it as it is done in the State of Pennsylvania, and it is purely a State affair and should be left to the States. There it is regulated by the police department and by the health department. We realize that it is impossible to eliminate the sulphur from the mine water, and the Supreme Court of the State of Pennsylvania has decided in the celebrated case of Sanderson against the Pennsylvania Coal Co. that the pouring of sulphur into a stream, while it may be injurious and may injure property, and in that case destroyed the plumbing in a spacious dwelling house, the plaintiff was not allowed to recover damages because the supreme court said the coal could not be mined without discharging mine water carrying sulphur, and therefore it was a matter upon which no damages would lie, being "damnum absque injuria." Therefore if there is anything in this bill that is going to strike terror to the mining industries of this country at a time, too, when we are clamoring for coal and when there is a shortage of fuel all over the country, it is the proposition that you are going to compel the producers of coal to purify the waters that come from the mines and that carry sulphur with it and deposits the same in the surface streams and is carried thence into the rivers.

The CHAIRMAN. That is a matter that the Chair has nothing to do with—the merits of the proposition.

Mr. ROBBINS. I want to show the magnitude of the proposition. It is no insignificant act as applied to the State of Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. MOORE of Pennsylvania. As written in the bill the paragraph provides a fine and imprisonment.

Mr. ROBBINS. Yes.

Mr. MOORE of Pennsylvania. That may be a little beyond the jurisdiction of this committee. But the gentleman from North Carolina [Mr. SMALL] proposes to strike that out and substitute a paragraph which contemplates an inquiry, so that, so far as the merits are concerned, the situation is entirely changed, it seems to me. I submit that to my colleague. If the gentleman from North Carolina holds to his present purpose, the danger that the gentleman points out is reduced.

Mr. SNELL. Mr. Chairman——

Mr. SMALL. I would say, Mr. Chairman, that by the direction of the committee I shall move to strike out the paragraph and simply insert one authorizing an investigation.

Mr. SNELL. Mr. Chairman, as I understood——

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ROBBINS. Mr. Chairman, I have not given up the floor.

Mr. SNELL. I believe the Chair recognized me.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania had concluded.

Mr. ROBBINS. No. Does the gentleman from North Carolina state that it is the position he still intends to take, to strike out this paragraph?

Mr. SMALL. Yes.

Mr. ROBBINS. Then, if that is true, I will not insist on the point of order again.

Mr. MEEKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEEKER. If the point of order is made against the paragraph as it stands, the gentleman from North Carolina can then offer the other as an amendment, can he not?

The CHAIRMAN. He can offer it as an amendment to the bill.

Mr. MEEKER. As a new section.

The CHAIRMAN. Without desiring to avoid the responsibility of making a ruling, the Chair will state that, with this amendment stricken from the bill on the motion of the gentleman from North Carolina, there will be no necessity for arguing the point of order. Of course, the gentleman from North Carolina will then be in order to offer an amendment.

Mr. MEEKER. I make the point of order against the paragraph.

Mr. JOHNSON of Washington. I thought the chairman of the committee had announced his intention to withdraw the text of the paragraph in the bill.

Mr. SNELL. Mr. Chairman, I have yielded once or twice, and I demand the floor. As I understand, the gentleman from North Carolina is willing to allow this section to go out of the bill. If he is, I do not care to be heard on the point of order. Is that right?

Mr. SMALL. I have offered an amendment to that effect, which is pending, to strike out and substitute.

Mr. Chairman, there seems to be some difficulty in making clear the position of the committee. The motion I sent up by direction of the committee was to strike out this paragraph and insert a paragraph authorizing simply an investigation.

But the gentleman insists upon making the point of order, and we are willing to have the point of order discussed and passed on by the Chair. At the proper time I simply want to put to the Chair a brief argument in favor of the jurisdiction of the committee over this proposition.

The CHAIRMAN. If the gentleman will permit the Chair, this seems to be a case of tweedledum and tweedledee. If the motion of the gentleman from North Carolina [Mr. SMALL] is adopted and the paragraph goes out of the bill, of course that avoids all necessity of making the point of order, and then the gentleman from North Carolina can offer his amendment.

Mr. WALSH. How is the gentleman from North Carolina going to submit his amendment with the point of order pending?

Mr. ROBBINS. We are going to withdraw it.

Mr. WALSH. No; the gentleman from Missouri [Mr. MEEKER] made the point of order.

The CHAIRMAN. The Chair was simply making the suggestion that a great deal of time might be saved and the same thing accomplished that all gentlemen are trying to accomplish by permitting the gentleman from North Carolina to make his motion to strike out the paragraph, and thereby avoid the necessity of considering the point of order.

Mr. WALSH Suppose that motion should be defeated after the point of order had been withdrawn.

The CHAIRMAN. If the motion should be defeated, of course the paragraph would remain in the bill.

Mr. DOWELL. Is it not a fact that if the amendment is adopted a point of order will not then lie against it? If the point of order is to be made at all, it is to be made now to this paragraph, together with any amendments that are to be offered.

Mr. WALSH. I desire to be heard on the point of order.

Mr. LONGWORTH. Will the gentleman from North Carolina yield?

Mr. SMALL. Certainly.

Mr. LONGWORTH. I think there has been some misapprehension upon this side of the House. Some gentlemen do not seem to understand that the gentleman from North Carolina states officially that by instruction of the committee he proposes to move to strike out the paragraph.

Mr. SMALL. I do.

Mr. LONGWORTH. That being so, what is the use of debating the point of order? The point of order would lie equally well against the amendment, if anybody desires to make it. I think some gentlemen do not understand that the chairman of the committee has announced that he proposes to strike out the paragraph.

Mr. WALSH. Does the gentleman from Ohio know that that motion will be agreed to by the House?

Mr. LONGWORTH. The gentleman from North Carolina has stated officially that he proposes to move to strike it out. Now, everybody on this side is in favor of that, so why waste all this time?

Mr. GARRETT of Tennessee. He proposes to strike out and insert, and that which he desires to insert may be subject to the point of order, if anyone wants to make it.

Mr. MOORE of Pennsylvania. May not the point of order be made against the substitute just the same as against the original paragraph?

Mr. LONGWORTH. Certainly.

Mr. DOWELL. The point is that if you adopt the amendment you can not then raise the point of order.

Mr. MOORE of Pennsylvania. We have the right to debate the amendment.

Mr. DOWELL. The question comes on the adoption of an amendment which proposes to insert certain language.

Mr. FESS. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Ohio demands the regular order. The Chair will hear the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, I assume that the point of order is against the provision as it appears in the bill in section 5. What is that provision? It makes it unlawful to throw or discharge free acid and acid waste into any navigable river or tributary of a navigable river. It appears in the report of the committee, upon official evidence, on page 5, that the result of this discharge of such material into a navigable river is to cause destruction to the hulls of steel vessels, to the boilers of steamboats, and also to the metallic parts of locks and dams and other improvements in navigable rivers. In other words, by the action of an industry along the banks of a river in discharging certain materials into that river works of the United States which it has constructed to improve the navigation of that river are subjected to destruction. Yet gentlemen take the position that a provision of law to prevent the destruction of the works of improvement in a river, put there to improve navigation, are not within the jurisdiction of this committee.

Mr. MEEKER. In view of what has been said as to the substitute, I withdraw the point of order.

Mr. WALSH. I renew the point of order.

The CHAIRMAN. The gentleman from Massachusetts renews the point of order.

Mr. SMALL. Mr. Chairman, what is the jurisdiction of the Committee on Rivers and Harbors? Under the rules it has jurisdiction of subjects relating to the improvement of rivers and harbors; and when we propose a provision of law intended to preserve the improvement which we put in a river to promote its navigability gentlemen say it is not within the jurisdiction of this committee. If not, pray what committee of this House would have jurisdiction of it? Tell me a single committee, if you please, which has jurisdiction superior to that of the Committee on Rivers and Harbors over such a subject? Why, it is stated in the memorandum of the Chief of Engineers that so long as these deleterious substances were put into navigable rivers, affecting only the potability of the water, or killing the fish, it was not and never has been the intention of the War Department to ask Congress to legislate upon it, because those subjects are local and within the jurisdiction of the State, relating as they do to the preserving of the domestic water supply and to preserving the supply of fish. But when it comes to putting a substance in a navigable stream which destroys the instrumentalities of commerce upon these rivers, which destroys locks and dams constructed in these rivers to improve navigation, they say that Congress has nothing to do with it and that as to this committee it is new legislation. Congress has authority to maintain and preserve the navigability of its rivers, and it follows conclusively that it has authority to do whatever is necessary to preserve and maintain the work that you put upon these rivers in furtherance of their navigation.

So far as the new legislation is concerned, of course this committee has a right to propose new legislation. It is only a question of whether this provision is connected with the improvement of rivers and harbors, and if it is, it is within the jurisdiction of the committee If it is not within the jurisdiction of this committee, no committee in the House has jurisdiction. We are not insisting on the paragraph, and I beg the indulgence of the House to make this brief statement. This is an injury to the navigability of streams, and the reason the committee upon further deliberation authorized the chairman to strike it out is because of war conditions. We did not desire to put these industries near these rivers in fear because we did not desire to do the least thing to impair their efficiency during the war.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMALL. I will.

Mr. MOORE of Pennsylvania. As bearing upon the importance of this measure, which I think is somewhat exaggerated, is it not true that in the letter that came to the committee from the Chief of Engineers the deterioration, not loss, but deterioration due to the acid in the waters is not less than $25,000 a year in the Monongahela and not less than $32,000 in the Ohio? That is to say, the total loss is less than the cost of the inquiry. I merely want to bring that fact out, and it is a fact, is it not?

Mr. SMALL. It is so stated.

Mr. WALSH. What has that to do with the point of order? Mr. Chairman, of course, this is not one of the general appropriation bills, but this section has to do with the subject of the jurisdiction which, peculiarly enough, is sometimes lodged in the Rivers and Harbors Committee and sometimes in the Committee on Interstate and Foreign Commerce.

Now, the chairman of the committee having this matter in charge asks what committee would have jurisdiction over a subject like this, and I submit that the committee having jurisdiction over the regulations of rivers and harbors and placing the works therein, and such as might constitute obstructions and interfere with the navigation of it, has jurisdiction over and to prevent and regulate matters of that sort. The Committee on Rivers and Harbors, under the rules of the House, is vested with jurisdiction relative to the improvement of rivers and harbors. The Committee on Interstate and Foreign Commerce has jurisdiction over matters relating to commerce other than appropriations for Life-Saving Service and the lighthouses.

Now, this section attempts to make a part of the criminal law of this country not matters that are obstructions to navigation because the deposit of this acid would not make the river impassable, but might make the waters to a certain extent injurious to certain classes of vessels. It would not impede the navigability of the river. The deposit of these acids would interfere with

commerce, because it might injure the instrumentalities which navigate the river. It would have an injurious effect upon iron and steel vessels or barges which ply up and down these rivers. The deposit of this substance in the river would have a detrimental effect upon the carriers engaged in commerce, but it does not do any injury to the river. If it is anything that relates to the injury of bridges or dams I submit that under the rules of the House legislation to cure that would go to the Interstate and Foreign Commerce Committee.

Now, there is another provision in this section which seems to me to be extremely unusual, and that is the imposing of a penalty for the doing of what is prohibited. It is not imposing a penalty necessarily upon persons who are using the river for navigation, but it would be imposing a penalty upon persons engaged in the manufacture of articles which might later enter into commerce.

Then it is provided at the end of the section, which nobody, I think, outside of the Committee on Rivers and Harbors knows what it means, that the section should be enforced as provided in section 17 of the rivers and harbors act of 1899, the provisions of which are made applicable.

Now, Mr. Chairman, this is not a proper matter to legislate upon in a bill relating to the improvement of rivers and harbors and to the maintenance of improvements already made. It throws into this bill an entirely new matter, something that does not impede or destroy the navigability of the river, because if it injured one class of vessels another class of vessels would proceed to use the river. It interferes with commerce. That is what this seeks to do; it seeks to permit the doing of some act that interferes with commerce. I submit in answer to the distinguished chairman and equally distinguished Committee on Rivers and Harbors, that the appropriate committee for legislation of this sort is the Committee on Interstate and Foreign Commerce and not the Committee on Rivers and Harbors.

Mr. DEMPSEY. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. DEMPSEY. Would the Committee on Interstate and Foreign Commerce have jurisdiction where the stream did not cross the State line?

Mr. WALSH. I think if a stream did not cross the State line that it would not necessarily follow that the use of the river was not in interstate commerce, for it might cross the State and go to a railroad landing where it would go into another State or run to the ocean, and thus be a part of an interstate marine highway.

Mr. DEMPSEY. Would it not follow, as a matter of necessity, that the Committee on Interstate and Foreign Commerce would have jurisdiction of very few of these matters, and that you would have to sort them out and first determine whether——

Mr. WALSH. They have to be sorted out anyhow.

Mr. DEMPSEY. Oh, no; the Committee on Rivers and Harbors has jurisdiction over all navigable waters, which would include all waters which are navigable, and this applies only to navigable waters.

Mr. WALSH. The gentleman is wrong there. The Interstate and Foreign Commerce Committee has jurisdiction over all navigable waters.

Mr. DEMPSEY. That are interstate waters—not over waters wholly within a State.

Mr. WALSH. Oh, yes; over waters wholly within a State.

Mr. DEMPSEY. I do not think so.

Mr. WALSH. Of course, they have jurisdiction over harbors that are wholly within a State, over rivers that are wholly within a State, over streams that are wholly within a State, and they have exercised it.

Mr. SNELL. Mr. Chairman, I do not believe that anyone will seriously contend that the subject matter in this provision is not germane to the bill. Rule XXI, section 2, makes certain provisions that are not in order to a general appropriation bill, but it has been continually ruled that the river and harbor bill is not a general appropriation bill, and by referring to Hinds' Precedents, section 3897 and section 3903, each one a situation similar to the one before us now, it will be seen that where points of order were made similar to this, the Chair in each case overruled the point of order upon the ground that it was not a general appropriation bill and this legislation or amendment was germane to the general legislation in the bill and not subject to the point of order. Therefore, I maintain that the section is in order, and it can not be overruled on the point of order under these precedents.

Mr. GOOD. Mr. Chairman, I desire to call the Chair's attention to one thing in this paragraph to which the attention of the Chair has not been called. Leaving out a portion of the language, the paragraph reads:

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States or into any tributary of any navigable water.

This provision not only attempts to regulate the navigable streams, but it attempts to regulate every tributary to a navigable stream, no matter how small, no matter how little the creek may be. In intends here to give the Committee on Rivers and Harbors jurisdiction over the waters in a little creek if it is tributary to a navigable water. It is true this committee is all powerful, but I never heard it contended before that the Committee on Rivers and Harbors had jurisdiction over small creeks, no matter how small, if perchance the waters were tributary to some navigable stream.

Mr. MOORE of Pennsylvania. The gentleman does not contend that this committee does not have jurisdiction over navigable streams, however small?

Mr. GOOD. I am not talking about that. I am talking about the little tributaries to the navigable streams. Does the gentleman mean to say that because a little creek is tributary to a navigable stream that it also is navigable?

Mr. MOORE of Pennsylvania. The Missouri is tributary to the Mississippi.

Mr. GOOD. But the Missouri is a navigable stream. But Bear Creek and Skunk Creek are brought within the provisions of this law, even if they do not have more than 6 inches of water in spring freshets.

Mr. MOORE of Pennsylvania. If they are navigable; yes.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Massachusetts makes a point of order against section 5 of the bill, which, in substance, makes it unlawful to discharge any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States. It has been uniformly held that the river and harbor appropriation bill is not one of the general appropriation bills as to which restrictions in the way of legislation on an appropriation bill apply. Therefore, while the section carries with it legislation, if it be germane, and if it relates to the improvement of a river or harbor, then, in the opinion of the Chair, it is in order. The chairman of the Committee on Rivers and Harbors has made the statement from the floor that the discharge of free acid or acid waste into navigable waters does interfere with the improvement of such rivers. The attention of the Chair has also been called to a report or memorandum of the Chief of Engineers, in which the statement is made that "the presence of acid and acid salts in the water results in deterioration of the boilers and hulls of steamboats and damage to the submerged metal parts of the Government locks and dams." He further states that "the damage done to the Government locks and dams is extensive." While the Chair is not altogether clear upon the subject, the Chair is inclined to think that this section is in order as bearing upon the improvement of navigable streams, because it is perfectly manifest that if the discharge of free acid and acid waste into navigable streams has the effect of destroying the locks and dams which are placed in the streams for the purpose of improving and making them navigable, then its presence is a very serious detriment and hindrance to the governmental work of improvement on such streams, and the River and Harbor Committee, in the opinion of the Chair, would have jurisdiction to report legislation having for its object the elimination or prevention of such injury. Under such circumstances it seems to the Chair that the committee is as much authorized to report legislation removing the acid or acid waste from navigable streams, constituting, as it has been stated, an obstruction to navigation, as it is to report legislation removing snags or similar obstructions from a navigable river, a right which the Chair understands has not been denied.

It is a question for the committee to decide as to whether or not such waste shall be allowed in navigable streams, and in overruling the point of order the Chair wishes to say, inasmuch as a great deal has been said upon the floor as to the merits of this proposition, that of course that is something which rests entirely with the committee and with which the Chair in passing upon this question has nothing whatever to do. The Chair overrules the point of order.

Mr. LONGWORTH. Will the Chair yield for a question?

The CHAIRMAN. Yes.

Mr. LONGWORTH. I understand the effect of the ruling of the Chair is that any legislation whatever provided it is only germane is in order upon the rivers and harbors bill?

The CHAIRMAN. No; the Chair has not announced any such ruling. The Chair undertook to say that in his opinion any legislation relating to an improvement of a river or harbor

was in order upon a river and harbor appropriation bill under the rules of the House, subject to the limitations announced.

Mr. MOORE of Pennsylvania. If it was germane.

The CHAIRMAN. Certainly; it must be germane to the bill, to the subject matter of the bill.

Mr. LONGWORTH. My understanding of the ruling of the Chair—I am only speaking of it now as to the precedent it may have—goes to the full extent of saying that no matter whether it may be new legislation or not providing it is only germane it is in order?

The CHAIRMAN. That has been the ruling, as the Chair understands the precedents, for a great number of years.

Mr. LONGWORTH. I understand; but I do not remember a case where we went so far as to permit the Committee on Rivers and Harbors to provide a punishment—to make it unlawful and provide a very severe punishment—for an infringement of the law.

Mr. SMALL. Mr. Chairman, I could cite the gentleman to dozens of instances.

Mr. LONGWORTH. I did not recall an instance of that kind.

Mr. SMALL. I will cite the gentleman later.

Mr. ROBBINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBBINS. If I am dissatisfied with this ruling can I appeal to the committee?

The CHAIRMAN. Certainly; the gentleman can. The Chair will be glad to entertain it and have the committee pass upon it.

Mr. ROBBINS. Well, I do appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained.

Mr. SMALL. Mr. Chairman, after a conference with the other two Members, particularly the gentleman from Massachusetts [Mr. TREADWAY], I ask unanimous consent to amend my substitute so as to strike out those words in the third line, "or into any tributaries of same."

Mr. WALSH. The gentleman does not have to do that, because the amendment was only read for information.

Mr. SMALL. Then I offer the amendment with those words omitted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 5, on pages 17 and 18, and in lieu thereof insert the following:

"SEC. 5. That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit into any of the navigable waters of the United States of free acid or acid waste in any form, and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States, or upon any vessels navigating the same, and submit a report of any recommendations which may be deemed appropriate, and any necessary expenses connected therewith shall be paid out of available funds herein or heretofore appropriated for examinations, surveys, and contingencies."

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve the point of order. I should like to have that part of the amendment again reported which referred to examination of the effect of these acids on vessels navigating the streams. Is that in there?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order. I shall not undertake to cover the ground that has been covered heretofore. If I understood correctly the conclusions of the Chair, they were based upon the fact that this acid might have effect upon the material in the locks because that would affect the navigability of the stream, but I did not understand the former ruling of the Chair to go to the extent of saying that the effect of these acids poured into the water might affect the craft navigating the stream was a proper matter for legislation by the Committee on Rivers and Harbors under the rules of the House.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. GARRETT of Tennessee. Certainly.

Mr. SMALL. To submit a unanimous-consent request. Mr. Chairman, in order to make haste and eliminate any discussion I ask unanimous consent to strike out those words, "or upon any vessels navigating the same."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve the right to object for a moment, and I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I desire to say to the gentleman from North Carolina that what he proposes to omit seems to be one of the most important subjects for investigation. It appears to me preposterous to suppose that Congress will appropriate money to promote the navigability of a stream, to deepen the water, to put in dams, and the Government itself build boats to be placed upon those streams, and yet the committee which reports the bill for an appropriation for these specific purposes can not at the same time do anything to protect the very vessels—not even the Government's vessels—which seek to navigate those streams. You might dig a stream as deep as you please, build as many dams as you please, but if you put into the water a substance that interferes with vessels seeking to navigate it you, to that extent, virtually destroy its navigability. Certainly the providing of a remedy for that ought to be within the jurisdiction of the Committee on Rivers and Harbors.

Mr. GARRETT of Tennessee. Mr. Chairman, I can suggest to the gentleman from Wisconsin a remedy for that, and that is that Congress decline to make appropriations to improve rivers that are polluted in any such way.

Now, Mr. Chairman, this is a matter that is not at all new. For 20 years and more efforts have been made to destroy the police powers of the States by just such movements as this.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. SMALL. Did the gentleman vote to amend the Federal Constitution for national prohibition?

Mr. GARRETT of Tennessee. I did.

Mr. SMALL. Did you also vote to amend the Constitution for woman suffrage?

Mr. GARRETT of Tennessee. I did not.

Mr. SMALL. Well, I do not know how you made the distinction, but I do not understand how a gentleman who voted for national prohibition can complain very much about invading the rights of the States.

Mr. GARRETT of Tennessee. Well, Mr. Chairman, of course if the gentleman does not distinguish between that which is a moral wrong and the navigability of a stream, of course I can not hope to convince him of anything, or that I would be consistent in any way about it. [Laughter.] I voted to amend the Constitution. The gentleman brings in a proposition and asks its passage, despite the Constitution.

Now, if the gentleman withdraws that language, of course, under the prior ruling of the Chair—and to be entirely frank, I do not concur in the ruling made a few moments ago—I realize that the Chair would hold the same way again; but if the gentleman withdraws that language, there will be, of course, no necessity for our pressing the point of order any further.

Mr. SMALL. Mr. Chairman, simply in the interest of saving time, I ask that those words be stricken from the amendment.

The CHAIRMAN. The gentleman from North Carolina asks permission to modify his amendment in the manner indicated. Is there objection?

Mr. MADDEN. I reserve the right to object, Mr. Chairman. If this is done simply in the interest of time—and there is no merit in the withdrawal unless it is withdrawn for the purpose of making the language more in keeping with the responsibility placed upon Congress and its power to act—I think the gentleman ought not to be permitted to withdraw it. It is rather joking with a very important and serious subject, it seems to me. I do not want to object, but I think the gentleman from North Carolina ought to be permitted to change his reasons for his withdrawal. [Laughter.]

Mr. SMALL. I think I will adopt any reasons the gentleman may suggest. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. COOPER of Wisconsin. Mr. Chairman, I will object if it is to withdraw that investigation so far as it goes to an investigation of the effect of acids upon boats.

Mr. GARRETT of Tennessee. Then, I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair has heretofore stated that according to his interpretation of the rules and the precedents the Committee on Rivers and Harbors has the authority to report legislation upon a river and harbor bill which relates to the improvement of rivers and harbors and which is germane to the subject matter of the bill. The amendment offered by the gentleman from North Carolina [Mr. SMALL] proposes that an

investigation shall be made by the Secretary of War regarding "the discharge or deposit into any of the navigable waters of the United States of free acid or acid waste in any form and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States, or upon any vessels navigating the same."

Now the Chair fails to see how the question as to the injury that may arise to vessels upon navigable streams has any direct relation to the improvement of a river or harbor for purposes of navigation. The Chair therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. SMALL. Mr. Chairman, I offer an amendment with those words stricken out.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is not an amendment already pending?

The CHAIRMAN. The former amendment went out on a point of order.

Mr. SMALL. Strike out the words "or upon any vessel navigating the same." I ask that the modified amendment be read, Mr. Chairman.

The CHAIRMAN. The Clerk will again report it.

The Clerk read as follows:

Committee amendment. Strike out all of section 5, on pages 17 and 18, and in lieu thereof insert the following:

"That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit in any of the navigable waters of the United States, of free acid or acid waste in any form, and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States, and submit a report with any recommendations which may be deemed appropriate, and any expenses connected therewith shall be paid out of the available funds herein or heretofore appropriated for examinations, surveys, and contingencies."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, is the gentleman from North Carolina going to speak on his amendment? I desire to do so.

Mr. SMALL. Mr. Chairman, at this time I desire to see if we can not have an agreement as to the debate on this paragraph. I ask unanimous consent that all debate close in five minutes.

Mr. ROBBINS. I would like to have some time on this.

Mr. SMALL. I would not take the gentleman from Pennsylvania off his feet.

Mr. MADDEN. Mr. Chairman, I move that the debate on this section and all amendments thereto be closed now.

Mr. WALSH. I make the point of order that that is not in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have the floor.

Mr. MADDEN. The time has come when we should finish this bill.

Mr. WALSH. The gentleman is getting impatient all of a sudden.

Mr. SMALL. Mr. Chairman, I now make the request that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to have three minutes.

Mr. SMALL. In eight minutes, then.

Mr. ROBBINS. I would like to have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. ROBBINS. Can I have three minutes?

Mr. SMALL. Then, Mr. Chairman, make it 11 minutes.

Mr. GARRETT of Texas. I am going to object to that. We might as well close this thing up.

Mr. SMALL. We are trying to adjust things.

Mr. GARRETT of Texas. I know, but we have been adjusting things for three or four days, and the bill ought to pass.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this amendment and all amendments thereto close in 11 minutes.

Mr. GARLAND. I want to be included in that for two minutes.

Mr. SMALL. Then make it 13 minutes.

Mr. GARRETT of Texas. I object.

Mr. SMALL. Then, Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 13 minutes.

Mr. GARNER. A point of order, Mr. Chairman. You must have some debate before that motion can be made.

The CHAIRMAN. The point of order is well taken. The gentleman from Pennsylvania [Mr. MOORE] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I dislike very much not to agree with the committee on this proposition. It seems to me that the amendment which has been suggested is inexpedient at this time. In all large centers of population full use is being made of our industries for war purposes, and it is possible that many of them are discharging waste into navigable streams. I question whether this is the time to harass these great industrial enterprises by annoying investigations. The Chief of Engineers, in his letter to the Rivers and Harbors Committee, has stated that this matter had been fully investigated; that there had been careful tests along the Monongahela and the Ohio Rivers in particular, and that these tests indicated that the deterioration in one year due to the acid waste going into the Monongahela has been $25,000, and upon the entire 900 miles of the Ohio River, $32,000. It is proposed by this amendment to start a new inquiry over and above the one already conducted by the Chief of Engineers and his assistants, and no one knows what the cost of that inquiry is to be, or how much annoyance it is to bring to the various manufacturers and others who are doing the best they can now to further the business of the war. This legislation ought not to come up in the river and harbor bill, anyhow. It would more properly come up in a separate measure from the Rivers and Harbors Committee, or it might come up from the Committee on the Merchant Marine and Fisheries, within the jurisdiction of the Steamboat-Inspection Service of the United States. It is not clearly a question of navigation. It involves the pollution of streams, and the States have laws relating to the pollution of streams. By this inquiry it is possible to interfere with the measures already enacted by the States in the matter of sanitation and the discharge of waste into streams. I repeat, this is not a time to start an inquiry of this kind. It ought to go over, or come up in a separate measure. So important a matter should not come in as a rider on the river and harbor bill, and I submit that at this time the public interest demands that this amendment be defeated.

Mr. SMALL. I now ask unanimous consent that all debate on this paragraph and amendments close in eight minutes, to be divided, three minutes to the gentleman from Pennsylvania [Mr. ROBBINS], three minutes to the gentleman from Wisconsin [Mr. COOPER], and two minutes to the gentleman from Pennsylvania [Mr. GARLAND].

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the pending paragraph and all amendments thereto close in eight minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. ROBBINS. Gentlemen of the committee, I recognize that you are all weary, and that probably anything that I say will not influence a vote at this late hour of the day, but this proposed amendment is so important to the mining interests of western Pennsylvania, where is the congressional district which I have the honor to represent, that I can not let it pass without entering a vigorous protest.

It is proposed to appoint a commission to investigate the waters of western Pennsylvania and elsewhere with reference to mine water and other impurities and report some legislation prohibiting the same. That is plainly what is intended.

The district that I represent mined last year 20,000,000 tons of bituminous coal, and out of every one of those mines, not only the ones that are active, but a large number of old mines in that district that have been worked out or abandoned, is pouring a stream of water that is impregnated with sulphur. For more than half a century the mines of western Pennsylvania have been operated. They were first developed above the water level. In the mining of coal generally the surface of the ground and the coal seam are severed, and the title is vested in different owners. When these mines are worked out and abandoned, there is no fixed ownership of the space from which the coal has been removed; but by the mining of the coal the overlying surface cracks, subsides, and falls in, and the water that naturally found its vent on the surface in springs is now precipitated into the coal seam, and is pouring out at the pit's mouth into the streams, impregnating them with sulphur and other impurities. To adopt legislation here and attempt to exclude that water from flowing in natural watercourses into the

rivers would simply mean to close up the mines of western Pennsylvania.

Not only that, but it is unnecessary. On August 5, 1886, and June 29, 1888, Congress passed two laws which now prevent the depositing in the navigable streams of the United States, of any substance, like "sawdust, slag, slate, and so forth, or any material of that kind," that would impede navigation, so that it is not necessary to legislate here to exclude this mine water, and that is what this means.

More than that, this is an invasion of the rights of the State of Pennsylvania. Pennsylvania has a completely organized system of inspection of the waters within the State under "a water commission" and "a health commission." They exclude from the streams everything that can be excluded. They have looked into this matter most carefully, and they have found that it is absolutely impossible to stop the running of coal-mine water into the streams.

We have had this same question up in our supreme court, and it was settled in our jurisdiction in the well-known case of Sanderson against the Pennsylvania Coal Co., that you can not prevent the water from a coal mine from flowing into the surface streams and flowing in natural watercourses, and you can not be required to purify it. The gentleman from Wisconsin has asked the question whether the rivers of western Pennsylvania are not 30 per cent mine water. They are 30 per cent mine water, because many of the hills of western Pennsylvania are being hollowed out by our mining operations, and the sources from which this water comes in part are through these worked-out mines. And I want to say to the chairman of the River and Harbor Committee that if he proposes to cripple the mining industry of Pennsylvania and Ohio tributary to these improved rivers, that there will not be any freight for these rivers that will need transportation by slack-water navigation.

By the striking out of section 5 and the substitution of the new section which proposes to provide for the appointment of a commission to ascertain the amount of acid and other impurities in the water that are flowing into the rivers and make recommendation of legislation required to prevent it we are starting on a dangerous course which is bound to result disastrously to the mining industries of the country.

The report made by experts, engineers, or chemists would, of course, show that the rivers of my district, to wit, the Allegheny, Monongahela, and Youghiogheny, which flow either along or through it, contain large quantities of sulphur, which attacks and destroys iron, also lime, magnesia, and other impurities which render the water unfit for domestic use or steam purposes.

When such a report is obtained and brought before Congress it would furnish a basis for an act of Congress to prohibit water containing these deleterious substances from being permitted to flow into the navigable streams. This would be a menace to the industries of my district and my State.

I am opposed to even giving countenance to this matter to the extent of appointing a commission and spending public money on a useless investigation of this kind. I do not want to have it even countenanced by being seriously considered in an act of Congress. Let the States work this situation out in their own way, as Pennsylvania is now doing.

Even if it were possible to purify the waters from coal mines, it would entail an expense on the mining industry that would close up every coal mine in western Pennsylvania. What good will it do to purify the water from the mines that are now active, and let the water flow from the old openings, to which no responsible ownership can now be found, into the streams and defile them? The whole proposition is impossible.

I urge you, my colleagues, to vote to strike out not only section 5 but to refuse to insert the substitution offered by the chairman of the River and Harbor Committee to create a commission to look into this water question.

Let us end the whole matter by voting both the section and the proposed substitute out of the bill, allowing this matter to rest with the States. Let us acknowledge that the States have still some rights that even Congress "is bound to respect."

Mr. GARLAND. Mr. Chairman, I want to add my testimony to the facts stated by my colleague [Mr. ROBBINS]. This provision would apply not only to the mines, but every rolling mill situated along the rivers in western Pennsylvania uses more or less acid in cleaning the iron, and for other purposes. Not only that, but the tanneries and innumerable paper mills, and all the great industries situated in western Pennsylvania, discharge some acid into these rivers.

Now, there have been demands made to stop this. Fifteen years ago they went out and attempted to enforce it. They provided that the rolling mills must dig vats in the earth to take the water before it entered into the river. They found that that did no good. They had to set that aside. They have been trying everything possible to prevent it. The sawmills are burning up all their stuff, but there comes rains and floods that takes the stuff into the river. So far as that is concerned, we have a great deal of navigation on that river, and have had for 100 years. We have had damage to navigation, but it has been so slight that the people have not complained of it. The piers put down by the Government are cement and stone. There is very little iron used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, in reply I beg to remind gentlemen that this is not the ordinary question of the mere pollution of streams, an evil which is subject to the police powers of the States. On the contrary, it is a question of appointing a commission to investigate and make a report with a view to the possible removal of substances—acids and acid wastes—which, it is said, directly interfere with navigation. The evidence by Government experts is clear and uncontradicted that the great amount of free acids and acid waste now pouring into these streams eats out the boilers in steamboats and in steam barges and dredges owned by the Government, and in the machinery in dams and other Government improvements. Here is therefore a direct obstruction to navigation. The Congress has exclusive jurisdiction to remove obstructions from navigable streams.

These substances would in time so cripple the engines in steamboats and steam barges as to make it impossible for them to go upstream. In other words their presence in the stream directly interferes with navigation.

With all respect to the Chair and to the gentleman from North Carolina, I think the withdrawal of that clause was a mistake, and I hope, because of the precedent this may establish, that some day the position of the Chair on that point will be changed.

The gentleman from Pennsylvania [Mr. GARLAND] says that for 100 years there has been acid in the streams and that it has not interfered with navigation. But during 50 and, in many instances, 75 of those 100 years there was only a small amount of acid running into the navigable streams compared with what is pouring into them now. This great increase in the volume of acids in these streams does, according to the testimony of Government engineers, interfere seriously with navigation. The Government dredges the channels, and it ought certainly to be able to remove from them whatever interferes with vessels—at least its own vessels—wishing to navigate them.

Mr. GARLAND. What would be the use of stopping the acid coming into the water if you thereby stop the industries? What good is that to navigation?

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania, I think, misunderstands the question now before us. The proposition here is only to have an expert committee appointed to investigate and report to the House.

Mr. ROBBINS. What it is proposed to do is to get an investigation and a report by a lot of experts and bring it in here, where they do not know anything about it, and enact legislation that would shut up the coal mines.

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania will be here, and also other men will be here, who know all about it, and no mere committee report could, while they are present, compel Congress to enact a law to do a thing like that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The original paragraph, which is more objectionable than the amendment, still stands in the bill.

The CHAIRMAN. It does.

Mr. MOORE of Pennsylvania. I move to strike out section 5.

The question was taken, and the amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. SMALL. Mr. Chairman, we passed over, by unanimous consent, an amendment offered by the gentleman from Oregon [Mr. HAWLEY]. I understand that he wishes to withdraw his amendment and propose another.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment and substitute another.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Page 16, line 8, after the word "Yamhill," insert the word "River." Strike out the word "rivers," in line 8, and insert in lieu thereof the following: "river from the mouth of Clatskanie."

Mr. HAWLEY. Mr. Chairman, I understand that this will meet with no objection.

Mr. SMALL. Mr. Chairman, the only effect of this amendment as it has been re-formed is to enable the appropriation for this group to be expended on all that part of the river which is under the existing project. It is not a new project, but simply modifies it to that extent. I do not think it is necessary, but the gentleman thinks so, and I defer to his opinion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill do pass. Pending that I ask unanimous consent that the Clerk may be authorized to renumber the sections.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Clerk may be permitted to renumber the sections. Is there objection?

There was no objection.

The motion of Mr. SMALL was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. KITCHIN] having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the rivers and harbors bill, and had instructed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. SMALL. Mr. Speaker, I expect to move the previous question, but before doing so I desire to be heard briefly by the House. I shall ask for a separate vote on the amendment inserted by the Committee of the Whole adopting a new project at Key West, Fla., and I beg the attention of the House briefly to a statement which I shall make.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. SMALL. Yes.

Mr. CLARK of Florida. I want to state this: The gentleman is asking unanimous consent?

Mr. SMALL. Oh, no; I am not. I have the floor, and I have an hour, as I understand it, if I wish to use it; but I expect to use only a part of it.

Mr. CLARK of Florida. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. Is that the rule, that the gentleman has an hour in presenting the bill in this way to the House?

The SPEAKER pro tempore. He has, until the previous question is ordered.

Mr. SEARS. Mr. Speaker, will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. SEARS. Will the gentleman yield me 10 minutes and reserve for himself 50 minutes?

Mr. SMALL. Mr. Speaker, this matter was thoroughly discussed, and the gentleman had ample time. If I should yield to the gentleman for five minutes now, would that be sufficient?

Mr. SEARS. At the end of the gentleman's time, if I care to take it.

Mr. SMALL. Oh, I have the floor, and I want to close the matter.

Mr. SEARS. Yes; I will be very glad to have five minutes.

Mr. SMALL. Mr. Speaker, am I yielding the floor in yielding to the gentleman for five minutes?

The SPEAKER pro tempore. The gentleman would be yielding the floor to the gentleman for five minutes.

Mr. SMALL. And at the end of five minutes would I resume the floor?

The SPEAKER pro tempore. Yes.

Mr. SMALL. I yield five minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Florida is recognized for five minutes.

Mr. SEARS. Mr. Speaker, I had not intended taking any more of the time of this House. The gentleman from North Carolina has stated that I had plenty of time to argue the Key West proposition. I suggest that the gentleman also had plenty of time; but I want to say this to my colleagues, as I said this afternoon briefly: I believe the Key West proposition is a war proposition, that it is meritorious, and, as I said in the conclusion of my argument the other day, with a naval base, with a torpedo base located at Key West, with all of the Government properties and interests located there, with a torpedo boat about a year ago destroyed because of the lack of proper facilities in the harbor, with a Government collier going aground, with hundreds of cars loaded waiting for ships so they could be unloaded, with the Mallory Steamship Co. taking off a steamer, with the Navy Department spending more than half a million on an aviation station and other improvements, if that does not constitute a war proposition, then I fail to see what a war proposition is. All I ask of the membership of this House, and evidently the chairman of this committee does not agree with me, is that they shall vote according to the merits of the proposition. On a viva voce vote and on a division in the committee the amendment was agreed to.

The committee lacked four votes of having a quorum, and a point of order of no quorum was raised. A quorum was secured and on a teller vote, with the membership of this House here to vote on this question, it was again adopted by about 32 votes. I believe the membership of this House will stand by that vote, and that you knew what you were doing then and what you will do now. In June, 1917, after we had declared war, Gen. Abbott, Gen. Black, and all of the Army engineers indorsed the report of Lieut. Col. Ladue that the improvement at Key West was urgent and necessary, and I contend that is an indorsement of the proposition. As I said to my colleagues this afternoon, in the case of Jacksonville, where the Board of Engineers stated that no estimate was made for Jacksonville because of war conditions, I refused to and would not ask the committee to make an appropriation, because I am in hearty accord with it. Neither would I ask for an appropriation at Miami, because of the funds on hand being sufficient. With 560 miles of seacoast, I did not ask the committee to give me a single dollar, except at Key West, which—according to admirals of unquestioned ability, to wit, Admiral Helm and Admiral Benton—is to the United States, if we would only make it so, what Heligoland is to Germany. There is no need of my taking up more of your time, and I simply say in conclusion, giving the gentleman 55 minutes in which to reply, that I believe my amendment is a meritorious one; that it is a worthy proposition; that it is a war proposition; that the freight congestion makes it one; and I also believe that my colleagues are convinced that the same is true, and, so believing, they will not force me to go to some board, not elected by anyone, to try to get an indorsement of a meritorious proposition before they will vote for it. If you are in accord with these sentiments, I ask you to vote with me; if you are not, then it is your duty to vote against me. [Applause.]

Mr. SMALL. Mr. Speaker, the gentleman from Florida says that he defeated the committee. If that were the only issue involved, the chairman of the committee is broad enough to accept the judgment of the Committee of the Whole upon any matter, but the House upon a separate vote ought to reject this amendmen for a new project at Key West for broad reasons. It is contrary to the policy of the committee in the formulation of the bill and will seriously jeopardize the passage of any bill whatever at this session.

Mr. GARNER. Mr. Speaker, may I interrupt the gentleman in that connection?

Mr. SMALL. Yes.

Mr. GARNER. The gentleman states that this is a new project. I want to ask the gentleman if he expects to call for a separate vote on what is known as the Dempsey amendment, the New York amendment?

Mr. SMALL. For the East River?

Mr. GARNER. Yes, sir.

Mr. SMALL. It is not the intention of the chairman of the committee to do it.

Mr. GARNER. Is not that in the same category as Key West?

Mr. SMALL. Not at all.

Mr. GARNER. Is not that a new project, a 40-foot project?

Mr. SMALL. Not at all. The river and harbor act last session, approved August 8, 1917, adopted that project of 40 feet and the only effect of the amendment is to expedite the improvement, that is all.

Mr. GARNER. Did not the gentleman from North Carolina just make the reverse statement in discussing that amendment on the floor of the House?

Mr. SMALL. I did not.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. SMALL. I will.

Mr. SHERLEY. Why did not the committee carry that amendment of the gentleman from New York as an original proposition in the bill?

Mr. SMALL. Because the committee did not think it wise and does not now think it is wise.

Mr. SHERLEY. Then, why does not the committee now oppose its adoption?

Mr. SMALL. The question the gentleman from Texas asked was whether there is any difference between them. There is quite a distinction. The amendment as to the East River simply expedites the improvement. Key West is a new project absolutely.

Now, let me present this matter to the House, and let the House do what it deems best in wisdom and fairness to do. This, as I said, is a new project, and I ask the attention of gentlemen, because I am going to be brief.

Mr. GARRETT of Tennessee. Will the gentleman permit me a moment?

Mr. SMALL. I will.

Mr. GARRETT of Tennessee. I suggest that this is a very unusual procedure. I have never, if the gentleman will permit——

Mr. SMALL. I did not yield for a speech, I yielded for a question.

Mr. GARRETT of Tennessee. I have never seen, after the completion of a bill in the Committee of the Whole House on the state of the Union, an argument then had in the House. Now, if it is for the purpose of convincing the House, in order to have a full vote of the House we ought to have a full House here.

Mr. SMALL. I have no objection.

Mr. GARRETT of Tennessee. I do not wish to do anything objectionable to the gentleman.

Mr. SMALL. I have no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Tennessee makes a point of order that there is no quorum present, and evidently there is not.

Mr. CRISP. Mr. Speaker, I move a call of the House.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided: and there were—ayes 13, noes 64.

So the call of the House was refused.

Mr. GARNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Texas moves that the House do now adjourn.

Mr. WATSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks——

The SPEAKER pro tempore. The Chair suggests to the gentleman from Texas that he withhold that for a moment.

Mr. GARNER. I will withhold it for a moment.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the proceedings on to-morrow may be dispensed with in order that the conference report on the Agricultural appropriation bill may be called up.

Mr. LONGWORTH. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LONGWORTH. In the situation we now find ourselves I submit that that request is out of order.

The SPEAKER pro tempore. The point is well taken. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. FOSTER. Mr. Speaker, I ask for the yeas and nays.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. Is this division upon the demand for the yeas and nays?

The SPEAKER pro tempore. There is no demand for the yeas and nays.

Mr. FOSTER. Mr. Speaker, I demanded the yeas and nays.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Illinois to ask for the yeas and nays?

Mr. FOSTER. I do. I want to see how many of this House are willing to quit at this hour of the afternoon with business of importance pending.

The SPEAKER pro tempore. But the gentleman from Illinois did not answer the Chair's question. Did the gentleman ask for the yeas and nays?

Mr. FOSTER. I do, Mr. Speaker.

The SPEAKER pro tempore. Those in favor of the yeas and nays will stand and be counted. [After counting.] Twenty gentlemen have arisen; not a sufficient number——

Mr. FOSTER. The other side, Mr. Speaker.

The question was taken; and there were—ayes 20, noes 80.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 54, nays 245, not voting 133, as follows:

YEAS—54.

Black	Freeman	James	Sanford
Booher	Garner	Kiess, Pa.	Sells
Browne	Garrett, Tenn.	Langley	Sims
Byrnes, S. C.	Gillett	Larsen	Sisson
Campbell, Kans.	Good	Linthicum	Small
Cannon	Goodall	Little	Stephens, Miss.
Carlin	Gray, Ala.	Longworth	Talbott
Chandler, Okla.	Hamill	Madden	Thomas
Coady	Hamilton, Mich.	Mansfield	Walsh
Collier	Hardy	Moores, Ind.	Watson, Va.
Dies	Hersey	Park	Whaley
Doughton	Holland	Ragsdale	Young, Tex.
Elliott	Houston	Rayburn	
Fordney	Huddleston	Roberts	

NAYS—245.

Almon	Elston	Kitchin	Rouse
Anderson	Emerson	Knutson	Rowe
Ashbrook	Esch	Kraus	Sanders, Ind.
Ayres	Fairfield	La Follette	Sanders, N. Y.
Bacharach	Farr	Lea, Cal.	Saunders, Va.
Baer	Ferris	Lee, Ga.	Schall
Bankhead	Fields	Lehlbach	Scott, Mich.
Barkley	Fisher	Lenroot	Scully
Barnhart	Focht	Lesher	Sears
Beakes	Foss	Lever	Shallenberger
Beshlin	Foster	Littlepage	Sherley
Bland	Francis	Lobeck	Sherwood
Blanton	Frear	London	Siegel
Bowers	French	Lonergan	Sinnott
Brand	Fuller, Ill.	Lufkin	Sloan
Britten	Gallivan	Lundeen	Smith, Idaho
Brodbeck	Garland	McArthur	Smith, Mich.
Browning	Garrett, Tex.	McCulloch	Snell
Brumbaugh	Glass	McFadden	Snook
Buchanan	Glynn	McKenzie	Snyder
Burroughs	Godwin, N. C.	McKeown	Sterling, Ill.
Butler	Goodwin, Ark.	McLaughlin, Mich.	Stevenson
Byrns, Tenn.	Gordon	Maher	Stiness
Caldwell	Gould	Mapes	Strong
Campbell, Pa.	Graham, Ill.	Mason	Summers
Candler, Miss.	Graham, Pa.	Mays	Sweet
Caraway	Green, Iowa	Mecker	Swift
Carter, Okla.	Greene, Mass.	Merritt	Switzer
Chandler, N. Y.	Greene, Vt.	Miller, Wash.	Tague
Church	Gregg	Moore, Pa.	Taylor, Ark.
Clark, Fla.	Griest	Morgan	Taylor, Colo.
Clark, Pa.	Griffin	Mott	Thompson
Classon	Hadley	Mudd	Tillman
Claypool	Hamilton, N. Y.	Neely	Tilson
Cleary	Harrison, Miss.	Nelson	Timberlake
Connally, Tex.	Harrison, Va.	Nicholls, S. C.	Tinkham
Cooper, Ohio	Haskell	Nichols, Mich.	Treadway
Cooper, W. Va.	Hastings	Oldfield	Venable
Cooper, Wis.	Haugen	Oliver, Ala.	Vinson
Cox	Hawley	Oliver, N. Y.	Voigt
Cramton	Hayden	Osborne	Waldow
Crisp	Heaton	Overmyer	Walker
Crosser	Helm	Overstreet	Walton
Currie, Mich.	Hilliard	Padgett	Ward
Dale, Vt.	Hollingsworth	Paige	Wason
Darrow	Howard	Parker, N. J.	Watson, Pa.
Davis	Hull, Tenn.	Parker, N. Y.	Weaver
Delaney	Humphreys	Peters	Webb
Dempsey	Hutchinson	Phelan	Welling
Denton	Ireland	Polk	Welty
Dill	Jaceway	Pratt	Wheeler
Dillon	Johnson, Ky.	Price	White, Me.
Dixon	Johnson, Wash.	Quin	Williams
Dominick	Jones, Tex.	Raker	Wilson, Ill.
Donovan	Juul	Ramseyer	Wilson, Tex.
Doolittle	Kearns	Randall	Wingo
Dowell	Keating	Reavis	Wood, Ind.
Drane	Kehoe	Riordan	Woods, Iowa
Dunn	Kelley, Mich.	Robbins	Young, N. Dak.
Eagan	Kennedy, Iowa	Robinson	
Eagle	Kincheloe	Rogers	
Ellsworth	King	Rose	

NOT VOTING—133.

Alexander	Doremus	Husted	Moon
Anthony	Drukker	Igoe	Morin
Aswell	Dupré	Johnson, S. Dak.	Nolan
Austin	Dyer	Jones, Va.	Norton
Bell	Edmonds	Kahn	Olney
Blackmon	Estopinal	Kelly, Pa.	O'Shaunessy
Borland	Evans	Kennedy, R. I.	Platt
Burnett	Fairchild, B. L.	Kettner	Porter
Cantrill	Fairchild, G. W.	Key, Ohio	Pou
Carew	Fess	Kinkaid	Powers
Carter, Mass.	Flood	Kreider	Purnell
Cary	Flynn	LaGuardia	Rainey, H. T.
Connelly, Kans.	Fuller, Mass.	Lazaro	Rainey, J. W.
Copley	Gallagher	Lunn	Ramsey
Costello	Gandy	McAndrews	Rankin
Crago	Gard	McClintic	Reed
Curry, Cal.	Gray, N. J.	McCormick	Rodenberg
Dale, N. Y.	Hamlin	McKinley	Romjue
Dallinger	Hayes	McLaughlin, Pa.	Rowland
Davidson	Heflin	McLemore	Rubey
Decker	Heintz	Magee	Rucker
Denison	Helvering	Mann	Russell
Dent	Hensley	Martin	Sabath
Dewalt	Hicks	Miller, Minn.	Sanders, La.
Dickinson	Hood	Mondell	Scott, Iowa
Dooling	Hull, Iowa	Montague	Scott, Pa.

Shackleford	Stedman	Towner	Winslow
Shouse	Steele	Van Dyke	Wise
Slayden	Steenerson	Vare	Woodyard
Slemp	Stephens, Nebr.	Vestal	Wright
Smith, C. B.	Sterling, Pa.	Volstead	Zihlman
Smith, T. F.	Sullivan	Watkins	
Stafford	Temple	White, Ohio	
Steagall	Templeton	Wilson, La.	

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. SHACKLEFORD with Mr. NOLAN.
Mr. GANDY with Mr. NORTON.
Mr. GALLAGHER with Mr. CURRY of California.
Mr. SANDERS of Louisiana with Mr. RODENBERG.
Mr. ASWELL with Mr. MORIN.
Mr. BELL with Mr. MILLER of Minnesota.
Mr. LAZARO with Mr. MAGEE.
Mr. DUPRÉ with Mr. MCKINLEY.
Mr. IGOE with Mr. KREIDER.
Mr. ROMJUE with Mr. JOHNSON of South Dakota.
Mr. BORLAND with Mr. HUSTED.
Mr. MARTIN with Mr. PORTER.
Mr. ALEXANDER with Mr. HICKS.
Mr. BLACKMON with Mr. TINKHAM.
Mr. BURNETT with Mr. ANTHONY.
Mr. CANTRILL with Mr. AUSTIN.
Mr. CAREW with Mr. CARTER of Massachusetts.
Mr. CONNELLY of Kansas with Mr. CARY.
Mr. DALE of New York with Mr. COPLEY.
Mr. DENT with Mr. COSTELLO.
Mr. DEWALT with Mr. CRAGO.
Mr. DICKINSON with Mr. DALLINGER.
Mr. DOOLING with Mr. DAVIDSON.
Mr. DOREMUS with Mr. DENISON.
Mr. ESTOPINAL with Mr. DYER.
Mr. EVANS with Mr. DRUKKER.
Mr. FLOOD with Mr. EDMONDS.
Mr. GARD with Mr. GEORGE W. FAIRCHILD.
Mr. HAMLIN with Mr. BENJAMIN L. FAIRCHILD.
Mr. HEFLIN with Mr. FESS.
Mr. HELVERING with Mr. FULLER of Massachusetts.
Mr. HOOD with Mr. HAYES.
Mr. KELLY of Pennsylvania with Mr. HULL of Iowa.
Mr. KETTNER with Mr. KAHN.
Mr. KEY of Ohio with Mr. KENNEDY of Rhode Island.
Mr. LUNN with Mr. KINKAID.
Mr. MCANDREWS with Mr. MCCORMICK.
Mr. MCCLINTIC with Mr. MCLAUGHLIN of Pennsylvania.
Mr. MCLEMORE with Mr. MONDELL.
Mr. MONTAGUE with Mr. PLATT.
Mr. MOON with Mr. PURNELL.
Mr. OLNEY with Mr. POWERS.
Mr. O'SHAUNNESSY with Mr. RAMSEY.
Mr. POU with Miss RANKIN.
Mr. HENRY T. RAINEY with Mr. REED.
Mr. JOHN W. RAINEY with Mr. ROWLAND.
Mr. RUBEY with Mr. SCOTT of Iowa.
Mr. RUCKER with Mr. SCOTT of Pennsylvania.
Mr. RUSSELL with Mr. SLEMP.
Mr. SABATH with Mr. STEENERSON.
Mr. SHOUSE with Mr. TEMPLE.
Mr. SLAYDEN with Mr. TEMPLETON.
Mr. CHARLES B. SMITH with Mr. TOWNER.
Mr. THOMAS F. SMITH with Mr. VARE.
Mr. STEAGALL with Mr. VESTAL.
Mr. STEELE with Mr. VOLSTEAD.
Mr. STERLING of Pennsylvania with Mr. WINSLOW.
Mr. VAN DYKE with Mr. ZIHLMAN.
Mr. WATKINS with Mr. HEINTZ.
Mr. WILSON of Louisiana with Mr. GRAY of New Jersey.
Mr. WISE with Mr. WOODYARD.
Mr. WRIGHT with Mr. LAGUARDIA.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Speaker, nothing but a sense of duty impels the committee to ask for a separate vote upon the new project for Key West, and upon that I wish to make a brief statement, and I ask not to be interrupted until I have completed my presentation.

When the committee took up the river and harbor bill at this session for consideration its first thought was to have no new projects in the bill. The reasons for that course are manifest. We are engaged in a great war. The prosecution of that war demands all of the labor, all of the material, and all of the resources of the country which are not of necessity dedicated to other important uses. Therefore the committee concluded that there should be no new projects in the bill.

Subsequently that was amended so as to permit the inclusion of such new projects as were intimately associated with the prosecution of the war and were so recommended by the Secretary of War. With the exception of Key West, adopted in the Committee of the Whole, there is no new project in this bill except such as were recommended by the Secretary of War because they were intimately associated with the prosecution of the war.

This project was presented to the committee among a large number of other projects. The chairman of this committee has spent hours in examining the new projects which have been heretofore reported to Congress, which number nearly 200, and here is a list of new projects which I hold in my hand which it was insisted should be included in the pending bill. Let me name just a few of them: Beverly Harbor, Mass.; Taunton River, Mass.; Stamford Harbor, Conn.; Buffalo Harbor, N. Y.; Oswego Harbor, N. Y.; Key West Harbor, Fla.; waterway, Mississippi River to Bayou Teche; Vermilion River, La., and channel to connect with inland waterway; Cumberland River above Nashville; Livingstone Channel, Detroit River, Mich., which connects Lake Erie and Lake St. Clair and through which the great commerce of the Lakes passes; Siuslaw River, Oreg., Acme to entrance; Yaquina Bar, Bay, and Harbor, Oreg., for which the gentleman from Oregon [Mr. HAWLEY] offered an amendment this afternoon in the Committee of the Whole and which the Committee of the Whole refused to adopt; Coos Bay Harbor, Oreg., which the gentleman from Oregon also endeavored to induce the Committee of the Whole to adopt by amendment, but which they refused to do; Anacortes Harbor, Wash.; Nawiliwili Harbor, Kauai, Hawaii; Hackensack River, N. J.; Tangier Channel, Va.; Brunswick Harbor, Ga.; Cape Fear River below Wilmington, N. C.; Connecticut River below Hartford, Conn.; Newtown Creek, N. Y.

And so I might enumerate to you, if time permitted, other new projects which were impressed upon the committee, all of which the committee declined to include in the bill because they did not come within the policy of the committee.

If you should permit the project for Key West Harbor to remain in the bill, would it be fair, would it be just to these other new projects? Would it be giving a square deal to all other sections of the country? I have always found the House fair and just. I believe the House will deal fairly and justly in this matter.

There was another reason particularly why we could not have adopted the project for Key West, because it involved either the construction or the purchase of a dredging plant. The committee adopted a policy that they could not at this time recommend any provision which would result in either the purchase or the construction of a dredge. In this critical time, when the United States Shipping Board is telling Congress and the country that every resource of our shipyards and our man power should be exerted in the construction of merchant ships, we concluded that we could not in justice to the country authorize the purchase or construction of any dredge.

Gentlemen, there is another feature involved in this new project. If the House decides to adopt in the bill the new project for Key West, then, what will be the policy of the other body when they come to consider this bill? Suppose they amend this bill by putting in a large number of new projects? You will disagree to all of the Senate amendments and direct the conferees to act for you in conference with the committee of the other body. What argument will we have against those new projects when we shall have put in a new project which is no more meritorious, perhaps, than those other projects which the Senate shall have added to the bill? You can see that you fetter the hands of your conference committee. You must appreciate the difficult situation you would create. But if the House is willing for the other body to adopt a number of new projects as amendments to this bill, and you are willing when that bill comes back to adopt those new projects, then you should vote to keep Key West in. Otherwise, you should vote to exclude it.

I tell you, gentlemen of the House, that the bill is in jeopardy. We had not believed that any bill could pass this House which contained a number of new projects which were not associated with the prosecution of the war. It is for the House to say this evening whether or not we were correct in our estimate of the attitude of the House upon this question.

If it is the attitude of the House that there should be no new projects in this bill except such as are associated with the prosecution of the war, and so recommended by the Secretary of War, is it the opinion of the House that you can consistently let in

one new project which does not comply with that condition? If that is the attitude of the House, we have nothing whatever to say.

Now, gentlemen, only this word in conclusion. During the time that the roll was being called gentlemen came to me and said there is a personal viewpoint to this. I will not quote their language. I know that the gentleman from Florida, whom I esteem as highly as any gentleman in the House, has been insistent in importuning Members to vote to keep Key West in the bill. I think I am amiable. I think my course in this House shows that, except when it is a violation of a plain duty, I will go as far as any Member in responding to the personal request of another; and if I could, with a sense of duty to this bill and to the House, decline to ask a separate vote upon this amendment, I would do so. I have endeavored to give you briefly some reason why the House should vote to strike out this amendment for Key West. We have no pride of opinion in the matter. We realize that we are the servants of the House, and having made this presentation to the House we realize quite fully that the House can do what it pleases upon a separate vote regarding the new project at Key West. Now, Mr. Speaker ——

Mr. CLARK of Florida. Will the gentleman yield?

Mr. SMALL. I move the previous question on the bill and amendment to the final passage.

Mr. CLARK of Florida. I want to ask the gentleman, will he not be fair enough now to yield to my colleague [Mr. SEARS] five minutes? There are many Members present who were not here before.

SEVERAL MEMBERS. Vote! Vote!

Mr. SMALL. I think I ought not to yield now. The gentleman has already had five minutes.

Mr. CLARK of Florida. All right, if the gentleman thinks that is fair.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina for the previous question on the bill and all amendments to the final passage.

The previous question was ordered.

Mr. WALSH. Mr. Speaker, I demand a separate vote upon each amendment to the bill.

The SPEAKER pro tempore. A separate vote is to be taken on the Key West amendment.

Mr. CALDWELL. A point of order, Mr. Speaker. The demand having been made for a vote on each one of the amendments, is it not in order that each amendment be taken up as it appears in the bill?

The SPEAKER pro tempore. Does the gentleman from Massachusetts insist on his demand?

Mr. WALSH. I do.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Line 24, page 2, after the numerals "$2,200,000," add the following: "and the Secretary of War is hereby directed to prosecute the work of improvement, with a view to securing a depth of 40 feet in the channel through East River and Hell Gate as soon as practicable."

The question being taken on the amendment, on a division (demanded by Mr. WALSH) there were—ayes 140, noes 14.

Accordingly the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Strike out line 20, page 4, and insert in lieu thereof the following: "Improvement and for maintenance, including the channel to Newport News, $1,940,000."

The question being taken on the amendment, on a division (demanded by Mr. WALSH) there were—ayes 182, noes 0.

Accordingly the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 4, strike out the period at the end of line 25, insert in lieu thereof a colon, and add the following words: "*Provided*, That the Secretary of War may, in his discretion, make such minor changes in the waterways as he may deem advisable in the interest of navigation."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 5, strike out the period at the end of line 21, insert in lieu thereof a semicolon, and add the following: "For improvement to provide a channel 40 feet deep and 1,000 feet wide extending from the sea to the Charleston Navy Yard, $1,500,000: *Provided*, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized. In all, $1,610,000."

The question being taken on the amendment, on a division (demanded by Mr. WALSH) there were—ayes 158, noes 9.

Accordingly the amendment was agreed to.

Mr. HAMILTON of Michigan. A parliamentary inquiry, Mr. Speaker. How many more amendments are there?

The SPEAKER pro tempore. The Chair is unable to inform the gentleman.

Mr. WALSH. Mr. Speaker, I think the votes that have already been taken includ the larger projects which have been put into the bill, namely, Hell Gate and Charleston, and I withdraw the demand for a separate vote on the others.

The SPEAKER pro tempore. The gentleman withdraws his demand for a separate vote.

Mr. WALSH. As long as gentlemen are willing to stay here I can renew it, I presume.

The SPEAKER pro tempore. The gentleman withdraws his demand for a separate vote. The Chair will put all the other amendments en bloc, except the amendment for Key West, on which a separate vote is demanded by the gentleman from North Carolina [Mr. SMALL].

The other amendments were agreed to.

Mr. SMALL. Mr. Speaker, I demand a separate vote on the Key West amendment.

The SPEAKER pro tempore. The question is on the adoption of the amendment with respect to the Key West proposition.

The question being taken, on a division (demanded by Mr. SEARS and Mr. CLARK of Florida) there were—ayes 133, noes 98.

Mr. SMALL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 133, answered "present" 2, not voting 146, as follows:

YEAS—151.

Almon	Dominick	Kehoe	Roberts
Ayres	Donovan	Kelley, Mich.	Robinson
Bankhead	Drane	Kincheloe	Rose
Barkley	Eagan	King	Rouse
Beakes	Eagle	Kinkaid	Saunders, Va.
Black	Ellsworth	La Follette	Schall
Blanton	Farr	Langley	Scully
Bowers	Ferris	Larsen	Sears
Brand	Fields	Lee, Ga.	Shallenberger
Brodbeck	Francis	Lesher	Sherley
Brumbaugh	Gallivan	Lever	Siegel
Buchanan	Garland	Linthicum	Sisson
Burnett	Garner	Littlepage	Sloan
Burroughs	Garrett, Tenn.	London	Smith, Idaho
Byrnes, S. C.	Garrett, Tex.	Lonergan	Snyder
Byrns, Tenn.	Goodall	Lundeen	Steagall
Caldwell	Gray, Ala	Lunn	Stevenson
Campbell, Kans.	Greene, Mass	McKeown	Sumners
Candler, Miss.	Greene, Vt.	Maher	Swift
Caraway	Gregg	Mansfield	Tague
Carlin	Griffin	Mason	Talbott
Carter, Okla.	Hamill	Meeker	Taylor, Colo.
Chandler, N. Y.	Harrison, Miss.	Mott	Thomas
Chandler, Okla.	Harrison, Va.	Mudd	Tillman
Clark, Fla.	Haskell	Neely	Venable
Clark, Pa.	Hastings	Nicholls, S. C.	Vinson
Cleary	Hayden	Oldfield	Walker
Coady	Heaton	Oliver, Ala.	Walsh
Collier	Helm	Oliver, N. Y.	Walton
Connally, Tex.	Hilliard	Overstreet	Wason
Cooper, W. Va.	Holland	Padgett	Watson, Pa.
Cooper, Wis.	Howard	Park	Weaver
Crisp	Huddleston	Phelan	Whaley
Dale, Vt.	Humphreys	Polk	Wheeler
Davis	Jacoway	Price	Williams
Delaney	Jones, Tex.	Quin	Wilson, Tex.
Denison	Kearns	Raker	Wingo
Dill	Keating	Randall	

NAYS—133.

Anderson	Emerson	Hull, Tenn.	Overmyer
Bacharach	Esch	Hutchinson	Paige
Baer	Fairfield	Ireland	Parker, N. J.
Barnhart	Fisher	Johnson, Wash.	Parker, N. Y.
Beshlin	Flood	Juul	Peters
Bland	Foss	Kennedy, Iowa	Purnell
Booher	Foster	Kiess, Pa.	Ragsdale
Britten	Frear	Knutson	Rainey, J. W.
Browne	Freeman	Kraus	Ramseyer
Browning	French	Lea, Cal.	Reavis
Cannon	Fuller, Ill.	Lehlbach	Riordan
Classon	Gillett	Lenroot	Robbins
Claypool	Glass	Little	Rogers
Cooper, Ohio	Glynn	Lobeck	Rowe
Cox	Godwin, N. C.	Longworth	Sanders, Ind.
Cramton	Good	Lufkin	Sanders, N. Y.
Crosser	Goodwin, Ark.	McArthur	Sanford
Currie, Mich.	Gordon	McCulloch	Scott, Mich.
Darrow	Gould	McFadden	Sells
Dempsey	Graham, Ill.	McLaughlin, Mich.	Sherwood
Denton	Green, Iowa	Mapes	Sinnott
Dixon	Griest	Mays	Small
Doolittle	Hadley	Merritt	Smith, Mich.
Doughton	Hamilton, Mich.	Miller, Wash.	Snell
Dowell	Hamilton, N. Y.	Moores, Ind.	Snook
Dunn	Haugen	Morgan	Steenerson
Edmonds	Hawley	Nelson	Sterling, Ill.
Elliott	Hersey	Nichols, Mich.	Stiness
Elston	Hollingsworth	Osborne	Strong

Sweet	Tinkham	Welling	Woods, Iowa
Switzer	Treadway	Welty	Young, N. Dak.
Taylor, Ark.	Voigt	White, Me.	
Tilson	Waldow	Wilson, Ill.	
Timberlake	Watson, Va.	Wood, Ind.	

ANSWERED "PRESENT"—2.

Ashbrook Dillon

NOT VOTING—146.

Alexander	Flynn	McCormick	Scott, Iowa
Anthony	Focht	McKenzie	Scott, Pa.
Aswell	Fordney	McKinley	Shackleford
Austin	Fuller, Mass.	McLaughlin, Pa.	Shouse
Bell	Gallagher	McLemore	Sims
Blackmon	Gandy	Madden	Slayden
Borland	Gard	Magee	Slemp
Butler	Graham, Pa.	Mann	Smith, C. B.
Campbell, Pa.	Gray, N. J.	Martin	Smith, T. F.
Cantrill	Hamlin	Miller, Minn.	Stafford
Carew	Hardy	Mondell	Stedman
Carter, Mass.	Hayes	Montague	Steele
Cary	Heflin	Moon	Stephens, Miss.
Church	Heintz	Moore, Pa.	Stephens, Nebr.
Connelly, Kans.	Helvering	Morin	Sterling, Pa.
Copley	Hensley	Nolan	Sullivan
Costello	Hicks	Norton	Temple
Crago	Hood	Olney	Templeton
Curry, Cal.	Houston	O'Shaunessy	Thompson
Dale, N. Y.	Hull, Iowa	Platt	Towner
Dallinger	Husted	Porter	Van Dyke
Davidson	Igoe	Pou	Vare
Decker	James	Powers	Vestal
Dent	Johnson, Ky.	Pratt	Volstead
Dewalt	Johnson, S. Dak.	Rainey, H. T.	Ward
Dickinson	Jones, Va.	Ramsey	Watkins
Dies	Kahn	Rankin	Webb
Dooling	Kelly, Pa.	Rayburn	White, Ohio
Doremus	Kennedy, R. I.	Reed	Wilson, La.
Drukker	Kettner	Rodenberg	Winslow
Dupré	Key, Ohio	Romjue	Wise
Dyer	Kitchin	Rowland	Woodyard
Estopinal	Kreider	Rubey	Wright
Evans	LaGuardia	Rucker	Young, Tex.
Fairchild, B. L.	Lazaro	Russell	Zihlman
Fairchild, G. W.	McAndrews	Sabath	
Fess	McClintic	Sanders, La.	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BLACKMAN with Mr. ANTHONY.

Mr. DOOLING with Mr. ROWLAND.

Mr. MOON with Mr. VESTAL.

Mr. SABATH with Mr. BUTLER.

Mr. ASHBROOK with Mr. FOCHT.

Mr. DIES with Mr. FORDNEY.

Mr. HARDY with Mr. JAMES.

Mr. HOUSTON with Mr. MCKENZIE.

Mr. WEBB with Mr. MADDEN.

Mr. RAYBURN with Mr. MOORE of Pennsylvania.

Mr. SIMS with Mr. PRATT.

Mr. STEPHENS of Mississippi with Mr. WARD.

Mr. THOMPSON with Mr. STAFFORD.

Mr. YOUNG of Texas with Mr. FORDNEY.

The result of the vote was then announced as above recorded.

Mr. SMALL. Mr. Speaker, at the request of the gentleman from Louisiana [Mr. DUPRÉ] I wish to announce that he is attending the funeral of the late Senator BROUSSARD, and that is true of the whole Louisiana delegation.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MEEKER. Mr. Speaker, I demand the reading of the engrossed bill.

LEAVE OF ABSENCE.

By unanimous consent (at the request of Mr. SANDERS of Indiana), leave of absence was granted to Mr. VESTAL indefinitely, to attend the funeral of his law partner.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to dispense with proceedings in order on Calendar Wednesday, to-morrow, in order to take up the conference report on the Agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to dispense with business in order on Calendar Wednesday, to-morrow. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, reserving the right to object, I presume that that will not deprive the Committee on Banking and Currency from the following Wednesday.

The SPEAKER pro tempore. It will not interfere with that committee having the following Wednesday. Is there objection?

There was no objection.

TAKING OVER CERTAIN TRANSPORTATION SYSTEMS.

Mr. SAUNDERS of Virginia. Mr. Speaker, on behalf of the Committee on Merchant Marine and Fisheries, I desire to submit a request for unanimous consent. This is the same request that I submitted this morning, and I would state that all of the details in relation to it have been agreed upon between myself and the gentleman from Massachusetts [Mr. GILLETT]. My request is that following a bill to be presented by the gentleman from Tennessee [Mr. PADGETT] and one to be brought in by the gentleman from Texas [Mr. RAYBURN] and not to interfere with the business on Monday next of the Committee on the District of Columbia, the bill S. 3388, to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, shall be a special order. Further that there shall be one hour of general debate on same, one-half to be controlled by the gentleman from Texas [Mr. HARDY] and one-half by the gentleman from Massachusetts [Mr. GREENE], and the bill to be then taken up under the five-minute rule for disposition.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that after the disposition of a bill to be presented by the gentleman from Texas [Mr. RAYBURN], a bill to be presented by the gentleman from Tennessee [Mr. PADGETT] that it shall be in order to consider the bill S. 3388, not to interfere with conference reports; that one hour of general debate be allowed, one half of that time to be controlled by the gentleman from Texas [Mr. HARDY] and the other half by the gentleman from Massachusetts [Mr. GREENE]. Is there objection?

Mr. HILLIARD. Mr. Speaker, reserving the right to object, would that interfere with District day, which comes next Monday?

Mr. SAUNDERS of Virginia. That was specifically excluded in my request. Moreover action on this bill is not to interfere with the consideration of conference reports.

Mr. BRITTEN. Mr. Speaker, I should like to ask the gentleman what effect this agreement will have on the consideration of the annual naval appropriation bill?

Mr. SAUNDERS of Virginia. The gentleman from Tennessee, Mr. PADGETT, and myself, had that up this morning. He said he had two bills that he was interested in, and that one of them would not take very long. That bill is to come up ahead of the bill from the Committee on Merchant Marine and Fisheries.

Mr. BRITTEN. The consideration of the naval bill is very important.

Mr. PADGETT. Mr. Speaker, the gentleman from Virginia [Mr. SAUNDERS] says that his bill was not expected to take more than an hour or two.

Mr. SAUNDERS of Virginia. No. It is a unanimous report.

Mr. PADGETT. I told him that I would have no objection.

Mr. BRITTEN. One hour to be given to general debate. Does the gentleman have any idea of how much will be consumed under the five-minute rule?

Mr. SAUNDERS of Virginia. I do not think that the bill will require much time for its disposition after the general debate. No one can guarantee of course how much time may be taken. The members of the committee are perfectly agreed upon the bill.

Mr. BRITTEN. There is no minority report?

Mr. SAUNDERS of Virginia. No. I make this request at the suggestion of the entire committee.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to inquire what two gentlemen are to have the privilege of presenting bills?

Mr. SAUNDERS of Virginia. The chairman of the Naval Affairs Committee, Mr. PADGETT, has a bill of urgency to present.

Mr. COOPER of Wisconsin. Is it a war measure?

Mr. SAUNDERS of Virginia. Oh, yes.

Mr. PADGETT. Decidedly so.

Mr. COOPER of Wisconsin. What is the other?

Mr. SAUNDERS of Virginia. The other is an amendment to the war-risk insurance act, I think, which it is said will take but a little time, and is also of great importance.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Reserving the right to object, I would ask the gentleman from Virginia where he would be left if unamimous consent were refused for the consideration of these other two bills?

Mr. SAUNDERS of Virginia. I would come in, instanter.

Mr. GILLETT. Not under this agreement.

Mr. SAUNDERS of Virginia. Oh, I would think so. If these gentlemen could not get in, I would get in. Failure on their part to get their bills up, would be sufficient action on these bills to comply with the meaning of my request. My request is that following the bills to be presented by these gentlemen, this bill is to be in order. If these gentlemen ask for their bills to be taken up, and consent is refused, then this bill from my

committee would follow the other bills, and be in order. I think that is the plain meaning of my request.

Mr. WALSH. Not under the request as the gentleman stated it.

Mr. SAUNDERS of Virginia. Then I would modify the request by adding that in the event these other gentlemen are not able to get in, that my bill shall be in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman as modified?

Mr. SHERLEY. Mr. Speaker, as I understand the request, it is that the gentleman from Tennessee [Mr. PADGETT] shall be recognized to call up the bill which has been indicated; that the gentleman from Texas [Mr. RAYBURN] shall be recognized immediately after that for the consideration of his bill; and that then the gentleman from Virginia [Mr. SAUNDERS] shall be recognized, not to interfere with District matters in order on Monday next.

Mr. SAUNDERS of Virginia. That is substantially my request.

Mr. GILLETT. That is not the request, with all respect to the gentleman, and it seems to me that would have been the natural and logical way to have had the gentlemen who want to come first, first to make their request.

Mr. SAUNDERS of Virginia. I stated specifically that after the bills to be brought up by these gentlemen, which I may say will have to be done by unanimous consent, the bill from the Committee on the Merchant Marine and Fisheries, was to be the next in order, that is, would come immediately next.

Mr. SHERLEY. Is there objection to this suggestion?

Mr. GILLETT. I do not think there is, but it strikes me the proper way for them is to have asked——

Mr. SAUNDERS of Virginia. But I have stated specifically that these gentlemen are to have the right to bring up by unanimous consent their bills first and thereafter when those bills were concluded, the bill to which I refer shall be in order.

Mr. FLOOD. I object to that——

Mr. McARTHUR. Mr. Speaker, regular order!

Mr. FLOOD. I should object to letting everything in——

Mr. SAUNDERS of Virginia. No, simply two emergency bills like the one from my committee.

The SPEAKER pro tempore. The regular order is demanded.

Mr. WALSH. I object to this request, if it puts these two others in by unanimous consent.

EXTENSION OF REMARKS.

Mr. DIXON. Mr. Speaker, I move that the House do now adjourn.

Mr. SMALL. I will ask the gentleman to withhold that for a moment. Mr. Speaker, I desire to extend my remarks in the RECORD by inserting some data and other information which I did not wish to take up the time of the House in presenting.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. Will the engrossed copy of the river and harbor bill be laid before the House to-morrow morning the first thing?

The SPEAKER pro tempore. We hope so.

The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by inserting some data with respect to the river and harbor bill. Is there objection. [After a pause.] The Chair hears none.

Mr. McARTHUR. Mr. Speaker, I withdraw my demand for the regular order.

Mr. WALSH. It has been objected to.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill only.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. DIXON. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 17, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to amend the naval appropriation act of August 29, 1916, in so far as it relates to sea service in grade before promotion (H. Doc. No. 1050); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Hayden Slough, Columbia River, near Portland, Oreg., with a view to the relocation of the dike near the upper end (H. Doc. No. 1051); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Quinnipiac River, Conn., from New Haven Harbor to Meriden (H. Doc. No. 1052); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Banana Creek, Fla. (H. Doc. No. 1053); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a supplemental estimate of appropriation to provide a civilian assistant to the clerk in charge of the disciplinary division in the office of the Superintendent of the Military Academy for the fiscal year 1919 (H. Doc. No. 1054); to the Committee on Military Affairs and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required by the Ordnance Department of the Army for the purchase of land known as the old burying ground adjacent to Watervliet Arsenal, the removal of bodies, and the erection of a wall inclosing the land, being for the fiscal year 1919 (H. Doc. No. 1055); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. VAN DYKE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11231) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia, reported the same with amendment, accompanied by a report (No. 495), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 11247) providing for the protection of the uniform of friendly nations, and for other purposes, reported the same with amendment, accompanied by a report (No. 496), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILL: A bill (H. R. 11485) to authorize the county of Okanogan, to construct and maintain a bridge across the Okanogan River; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan (by request): A bill (H. R. 11486) to simplify the calendar; to the Committee on Interstate and Foreign Commerce.

By Mr. GREGG: A bill (H. R. 11487) waiving the age limit for admission to the Dental Corps of the United States Navy in the case of Henry Clay Lowry; to the Committee on Naval Affairs.

By Mr. CRAMTON: A bill (H. R. 11488) to amend section 314 of an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as added to said act by an act approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: A bill (H. R. 11489) to authorize the establishment of a Bureau of Farm-Risk Insurance in the Treasury Department; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11490) granting an increase of pension to Jesse L. Swigart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11491) granting an increase of pension to Daniel E. Koster; to the Committee on Pensions.

Also, a bill (H. R. 11492) granting an increase of pension to Christopher Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11493) granting a pension to Sarah M. Luman; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 11494) for the relief of Laban H. Davies; to the Committee on Claims

By Mr. DILL: A bill (H. R. 11495) granting an increase of pension to Charles Lakin; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 11496) granting a pension to Nancy J. Pier; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 11497) granting a pension to Etta Height; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 11498) to correct the military record of William McCormack; to the Committee on Military Affairs.

By Mr. SNYDER: A bill (H. R. 11499) granting a pension to Emma O. Barden; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Emmanuel Church, the Liberty Baptist Church, and St. Andrew's Protestant Episcopal Church, all of Washington, D. C., relative to a national day of prayer; to the Committee on the Library.

Also (by request), resolution adopted by Carthage (Tenn.) Equal Suffrage League, urging the administration to support the suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), resolution of the fourth district, Texas Federation of Women's Clubs, indorsing House bill 5407, to establish an osteopathic corps in the Army; to the Committee on Military Affairs.

Also (by request), resolutions of the Holland Society of New York and the Travelers' Protective Association, declaring loyalty to the Government in the present war; to the Committee on the Judiciary.

Also (by request), petitions of Scotland County Farmers' Association, Valley Farm Club, Union Farm Club, No. 47, and Missouri Farmers' Association, all of the State of Missouri, relative to reducing price of corn; to the Committee on Agriculture.

Also (by request), memorial of Federal Employees' Union No. 24, favoring passage of the Keating bill and Johnson-Nolan minimum wage bill; to the Committee on Appropriations.

Also (by request), memorial of Irish Progressive League, of New York, relative to conscription in Ireland; to the Committee on Foreign Affairs

Also (by request), petition of the Wholesale Coal Trade Association of New York, relative to distribution of coal cars; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 2619, for relief of Charles Sasser; to the Committee on Pensions.

By Mr. CALDWELL: Memorial of Liberty Loan Committee of College Point, Borough of Queens, N. Y., relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, memorial of board of aldermen of the city of New York, relative to increase in pay of employees in Post Office Department and Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of civil-service employees at Lock No. 4, Washington County, Pa., for increase in pay for all civilian employees of the United States and of the District of Columbia as provided in House bill 7356; to the Committee on Appropriations.

Also, resolutions adopted by the Medical Society of Fayette County, Pa., favoring higher rank for medical officers; to the Committee on Military Affairs.

By Mr. CURRIE of Michigan: Petition of William F. Johnston, and others, citizens of Roscommon, Mich., and vicinity, favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. DUNN: Petition of Susan B. Churchill, for special legislation placing petitioner on the pension roll as widow of Elroy Churchill, late of Company A, First New York Mounted Rifles, and second lieutenant, Company A, Twenty-third Veteran Reserve Corps; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petition of sundry citizens of Oregon, relative to House bill 8625, relating to the disposition of the Coos Bay wagon road grant lands in Oregon; to the Committee on the Public Lands.

By Mr. McFADDEN: Resolution adopted by the board of management, National Society Daughters of the American Revolution, protesting against the present zone system of postal rates; to the Committee on the Post Offices and Post Roads.

By Mr. RANDALL: Resolutions of the Central Labor Council of Los Angeles, Cal., favoring the election of all Federal judges, including the Supreme Court, by direct vote of the people; to the Committee on the Judiciary.

Also, resolutions of the Woman's Christian Temperance Union of southern California, opposing universal military training; to the Committee on Military Affairs.

By Mr. STINESS: Petition of Providence (R. I.) Fruit and Produce Exchange, protesting against Senate amendment No. 41 and favoring Senate amendment No. 26 of the Agriculture appropriation bill; to the Committee on Agriculture.

By Mr. WOODYARD: Petition of the Woman's Club, of Sistersville, W. Va., favoring the repeal of the recently enacted "periodical and newspaper law"; also a petition of the Mothers' Club, of Huntington, W. Va., favoring the repeal of the same law; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *April 17, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy favor and guidance for the duties of the day. As we look out upon the task committed to our hands we stand amazed and yet unafraid in the presence of the mighty forces which seem to be arrayed against the freedom of the world; and we come to Thee, O God of nations, and lift our hearts fervently and we trust with confidence in Thy presence and power. We pray Thee to bless those who with us on the battle field this day withstand the brute force of this earth, that they may march forward for the achievement of righteousness and truth in the world. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

GERMANY'S PREPARATIONS FOR THE WAR.

Mr. BRANDEGEE. Mr. President, I send to the desk an article from the Bridgeport Evening Post written by a correspondent abroad purporting to give the dates and the orders issued by the German Government during the few months that preceded the war. I should like to have it read and go into the RECORD. I think it is an important disclosure.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

"GERMANY'S PLANS FOR OPENING WAR FULLY REVEALED—COPIES OF AN ASTOUNDING SERIES OF MILITARY AND GOVERNMENT ORDERS SHOWING PREPARATIONS SEVEN MONTHS BEFORE STRUGGLE ACTUALLY OPENED IN HANDS OF FRENCH—AGENTS THROUGHOUT WORLD ORDERED TO CRIPPLE INDUSTRIES BY DESTRUCTIVE MEANS, REGARDLESS OF ANY CONSIDERATION—MEANS INCLUDED SABOTAGE, REVOLUTION, TERRORISM, AND CORRUPTION—AMAZING DUPLICITY MADE KNOWN.

"[By Henry Wood, United Press staff correspondent.]

"WITH THE FRENCH ARMIES IN THE FIELD,

"*March 16 (by mail).*

"The French have to-day in their possession copies of an astounding series of military and Government orders showing Germany's preparation for the present war from January 2, 1914, seven months before war actually was declared, down to the Kaiser's latest efforts to spread world-wide revolution and anarchy.

"The first indication that the German general staff knew war would be forced in 1914 is given in an order addressed on January 2 to the commanders of all army regions. It reads:

"BERLIN ORDERS.

"'Within three days you will telegraph the precise quantity, kinds, and distribution of all military provisions which you have intact and of all primary materials.'

"This was Germany's first step of military preparation. Her first step of financial preparation followed, on February 18, when the German minister of finance, in agreement with the Austro-Hungarian Government, sent to all the groups of German banks a secret circular which read:

"'The directors of credit establishments are designated to establish, with urgence, agencies in the following places: Lulea (southern Sweden); Hapsaranda and Varde, on the Finland frontier; and at Bergen and Amsterdam. The establishment of these agencies is indispensable for the exercise of a more active surveillance of the material interest of German stockholders in Russia, French, and English enterprises, and which may become necessary in certain circumstances modifying the organization of the financial and industrial market.'

"PLAN FOR MOBILIZATION.

"On March 8, 1914, the German Imperial staff began the census of the material it might have at its disposal for the war, then in view, with the aid of all inspectors of mines and factories. Then, on June 9, came indicative order of all. It reads as follows:

"'Twenty-four hours after the receipt of this circular telegraph orders to the proprietors of all industrial enterprises to open the sealed envelopes containing the drawings and plans of mobilizations indicated in the circular of the commission of Count Waldersee and Count Caprivi of June 27, 1887.'

"TERRORISM AND CORRUPTION.

"From the very moment it became apparent that Germany could not win the war by the sheer brute force of her military supremacy there began a second 'preparation' to win, if possible, by the other German means of sabotage, revolution, terrorism, and corruption.

"On November 2, 1914, the German general staff inaugurated this new 'preparation' by sending a circular to all of its military agents on the frontiers of Russia, France, Italy, and Norway, advising them that 'in all branches of German banks in Sweden, Norway, Switzerland, and the United States special military credits have been opened, destined for the accessory needs of the war.'

"UNLIMITED MONEY FOR DESTRUCTION.

"'The German general staff authorizes you to have recourse in unlimited proportions for the purpose of destroying buildings, factories, supply houses, and the provisions of the more important kind, both of a military and civil kind, belonging to the enemy,' the circular said.

"'While trying to bring about strikes, it is necessary to take steps for the sabotage of motors and machinery, for the destruction of vessels transporting war material to the enemy's country, to burn the reserve stocks of primary materials and manufactured goods, and to cut off the grand manufacturing centers from their supplies of electricity, coal, and food.'

"The circular concludes by saying:

"'Special agents put at your disposition will furnish you with the necessary materials for provoking explosions and fires; also a list of persons of the country under your surveillance who will act as destruction agents.'

"ORDER TO MOBILIZE 'AGENTS.'

"A little later, on November 28, the general staff of the German marine also took a hand by issuing orders to all maritime agents to mobilize all the agents of surveillance and agents of destruction in the military ports of the allies. Continuing, the circular reads:

"'It is indispensable by the intermediary or third persons having no relations with the official representatives of Germany to recruit progressively agents for the organization of explosions aboard ships en route to enemy countries, for causing delays and confusion in the taking on of cargo, and in the departure and unloading of these ships. To this end we recommend particularly to your attention the stevedores, amongst whom are many anarchists and escaped criminals.'

"RECRUIT DESTRUCTION AGENTS.

"On January 15, 1915, the German Imperial staff sent the following order to its military agents in the United States:

"'We call your attention to the possibility of recruiting destruction agents from amongst the anarchistic labor organizations.'

"From this point on Germany may be said to have begun a third 'preparation,' that of 'defeatism.' Her military preparation having failed to win the war, and then her sabotage preparation, Germany began a new preparation for the overthrow of the various governments in the war against her. This is defined in a circular issued by the press director of the German foreign office on February 23, 1915, and which was sent to all the German ambassadors, ministers, and consuls, which reads:

"PROPAGATE SOCIAL UNREST.

"'There have been established within the territory of the country where you are special bureaus for the organization of propaganda in the countries that are in the war against Germany. The propaganda will have for its object to propagate social unrest, accompanied by strikes, revolutionary explosions, separation movements, and civil war, as well as an agitation in favor of disarmament and the cessation of the present bloody war.'

"Numerous other documents showing the participation of German 'big business' in the 'preparation of defeatism' that has had such a terrible result in Russia are likewise on file. These include a copy of 'Kamarad' Scheidemann's letter of August 25, 1917, attacking Gorki and announcing the remittance to Russia of 150,000 marks. Still other documents show the remittance of large sums, even to Trotsky and Lenine.

"This brings Germany's three great 'preparations,' that of her military campaign, of her campaign of sabotage, and of her campaign of social unrest, revolution, and civil war, up to date."

INDIAN APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 215).

Mr. ASHURST. Mr. President, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8696, the Indian appropriation bill, I present the following report.

The VICE PRESIDENT. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "That," insert the following: "on and after September 1, 1918"; and in line 3 of the amendment proposed, before the word "country," insert the word "Indian"; and in line 3 of the amendment proposed, after the word "is," insert the words "or was"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the following figures and word: "$400,000: *Provided*" and insert the following: "$350,000: *Provided*, That not to exceed $40,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000: *Provided further*"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed, insert "$1,650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "That $5,000 of this amount shall be immediately available: *Provided further*, That not to exceed $15,000 of this appropriation shall be used for continuing the work of the Competency Commission to the Five Civilized Tribes in Oklahoma"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$150,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended by this act, $3,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That not to exceed $80,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., p. 137), of which amount $50,000 shall be immediately available, may be expended by the Secretary of the Interior in payment of the expenses authorized by said act, and in the logging, booming, towing, and manufacture of timber at the Red Lake Agency sawmill: *Provided*, That not to exceed $15,000 of said amount may be used to reimburse the tribal fund known as 'Indian money, proceeds of labor, Red Lake Indians,' heretofore actually expended in said operations."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an

amendment as follows: In lieu of the amendment proposed insert the following:

"That of the unexpended appropriation of $5,000 authorized to be withdrawn from the tribal funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River on the Cass Lake Reservation by the Indian appropriation act approved March 2, 1917, $4,000 may be expended for improving the road between the Cass Lake Indian School and the village of Cass Lake upon the condition that the counties of Cass and Beltrami, in the State of Minnesota, shall file with the Secretary of the Interior a written agreement to reimburse the United States, for the benefit of the Chippewa Indians, within two years to the extent of one-half of the amount expended upon said road."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 10 of the amendment proposed, after the word "the," insert the words "actual and necessary," and in line 13 of the amendment proposed, before the word "expenses," insert the words "actual and necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 12 of the amendment proposed and insert the following: "That $4,000 of said amount, or so much thereof as may be necessary, may be used in the construction of a suitable school building at the town of White Earth: *Provided further*, That the State school district in which the town of White Earth is located, contributes a like amount to be used in the construction of a building, the total cost of which shall not exceed $8,000, the said appropriation to remain available until expended: *And provided further*, That when said building is completed it shall be turned over to the local school authorities of the said town of White Earth, and shall thereafter be operated and maintained by them, and Indian children shall at all times be admitted to said school on the same conditions as white children"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"MISSISSIPPI.

"SEC. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, $5,000; for their education by establishing and maintaining day schools including the purchase of land and the construction of necessary buildings, $20,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, under such rules and regulations as he may direct, $25,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, $25,000, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all, $75,000, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the amendment proposed strike out the figures "$250,000" and in lieu thereof insert the figures "$375,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For continuing construction, maintenance and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, $50,000 (reimbursable), which shall be immediately available and remain available until expended."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "approximately," and in line 5 of the amendment proposed strike out the word "approximately"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For one-half the cost of constructing a wagon road between Tularosa, Otero County, N. Mex., and the Indian agency on the Mescalero Indian Reservation in said State, in conformity with plans approved by the Secretary of the Interior, $16,000, or so much thereof as may be necessary, to be immediately available, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Mescalero Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$10,000; in all, $36,600," and insert "$6,000; in all, $32,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of the amendment proposed after the word "acts," in line 10 thereof, down to and including the word "Indians," in line 11, and insert in lieu thereof the following: "or to use said moneys for the benefit of the Indians entitled thereto"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 9 of the amendment proposed strike out the words "said moneys may be," and in line 10 of the amendment proposed strike out the words "expended without limitation and shall include," and in lieu of the matter stricken out in lines 9 and 10 insert the following after the word "that" in line 9: "the expenditure of said money shall include the St. Louis Mission Boarding School and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, before the word "surplus," insert the word "unincumbered"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order: *And provided further*, That the superintendent for the Five Civilized Tribes shall, immediately upon the approval of any lease, notify the Secretary of the Interior of such approval, giving the names of the parties and description of the property leased."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of the amendment proposed, after the word "amounts," insert a comma and the following: "not exceeding $1,050"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$250,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an

amendment as follows: In line 1 of the amendment proposed strike out the word "five" and in lieu thereof insert "four"; and in line 7 of the amendment proposed strike out the figures "$20,000" and insert the figures "$17,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment proposed, and after the figures "$200,000," in line 3, strike out the following: "to be immediately available and to remain available until expended"; and in line 17 of the amendment proposed, after the word "hereby," strike out the words "made available until expended" and insert the following: "reappropriated"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of $2,801.50, being the unexpended balance of the sum of $5,000 appropriated by the Indian appropriation act approved May 18, 1916, as a proportionate share of the cost of constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak., be, and the same is hereby, made available upon the same terms and for the same purposes as provided in said act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"TEXAS.

"SEC. 22. For the education of the Alabama and Coushatta Indians located in Polk County, Tex., by the construction of a school building including equipment, upon land belonging to said Indians, $5,000; and by aiding the public schools established by the State or local authorities to the extent of 10 cents per day for each Indian child who attends such schools, $2,000, to be expended under the direction of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to cause an investigation to be made as to the necessity and advisability of purchasing lands for said Indians and to make report thereon to Congress on or before the first Monday in December, 1918, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of such investigation; in all, $8,000, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "$12,690" and insert the figures "$12,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the construction of a wagon road through the Shivwits Indian Reservation, Utah, $5,000; for the construction of a steel bridge and approaches across the Santa Clara River on the Shivwits Indian Reservation, $10,000; in all, $15,000, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Shivwits Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 5 of the amendment proposed, strike out the word "expense" and insert in lieu thereof the following: "actual and necessary expenses"; and in line 7 of the amendment proposed, after the word "attorneys" insert the following: "from the State of Washington"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, strike out the word "directed" and in lieu thereof insert the word "authorized"; and in line 5 of the amendment proposed, after the word "sum" insert a comma and the following: "not exceeding $25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the amendment proposed and insert the following:

"SEC. 28. That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to withdraw from the Treasury and deposit in banks to the credit of the respective tribes, such common or community trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized, and the same shall be expended for the purposes aforesaid: *Provided, however*, That the funds of any tribe shall be deposited in banks to the credit of said tribe, or invested for its benefit until the final rolls of said tribe are complete: *And provided further*, That the foregoing shall not apply to the funds of the Five Civilized Tribes or the Osage Tribe of Indians in the State of Oklahoma."

And the Senate agree to the same.

HENRY F. ASHURST,
ROBERT L. OWEN,
Managers on the part of the Senate.
C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

Mr. ASHURST. Mr. President, in presenting the report it is my duty to say that the conferees have clearly violated the recently adopted rule. We have inserted matter in the report which the Senate expressly legislated against. I say this frankly to the Senate, so that it may exercise its right to reject the conference report, and I certainly hope some Senator will make a point of order against the conference report.

Mr. SMOOT. May I ask the Senator a question?

Mr. ASHURST. I yield to the Senator from Utah.

Mr. SMOOT. I wish to ask the Senator if the item referred to by him is the item that affects the Five Civilized Tribes.

Mr. ASHURST. Yes; amendment numbered 60, affecting the Five Civilized Tribes.

Mr. SMOOT. As I remembered the number, it is 60.

Mr. ASHURST. It is amendment numbered 60.

Mr. OWEN and Mr. CURTIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I ask that this report be printed and go over one day.

Mr. GALLINGER. That is right. That ought to be done.

Mr. CURTIS. I desire to make the point of order against the report that it is a violation of paragraph 2 of Rule XXVII.

Mr. OWEN. I think I have a right to ask that the report be printed, so that Senators may have an opportunity of reading it and to have their judgment as to whether a point of order will lie. In my opinion, the point of order will not lie as the chairman of the committee thinks.

The VICE PRESIDENT. The rule is that when there is a motion to take up a conference report it must be decided at once and without debate. The question is, Will the Senate proceed to the consideration of the conference report?

Mr. OWEN. I ask that it may go over until to-morrow and be printed.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. I have a great deal of personal regard and respect for the distinguished Senator from Oklahoma, and I am willing on my responsibility as a Senator and on my responsibility as chairman of the Committee on Indian Affairs to say we have violated the rule and that, too, upon a vital matter. Now, in the present posture of affairs there is but one thing to do, and that is to correct the error by allowing the point of order to be sustained. If the Senator from Oklahoma wants to have the report go over, I have no objection.

Mr. OWEN. I want to have it printed, so that Senators may vote intelligently upon the point in controversy.

Mr. GALLINGER. Will the Senator from Arizona pardon me?

Mr. ASHURST. Certainly.

Mr. GALLINGER. I think the request made by the Senator from Oklahoma is very proper and that the report should go over and be printed. In fact, I think every conference report ought to go over one day and be printed.

Mr. ASHURST. That would be true if the chairman of the committee or any member of the committee were urging an immediate adoption of the report.

Mr. GALLINGER. I inferred from the suggestion made by the Chair that that request had been made. If not, very naturally the report will go over.

The VICE PRESIDENT. The Chair assumed from the attitude of the Senator from Arizona that he was asking for the immediate consideration of the report.

Mr. ASHURST. I did. I asked for the immediate consideration of the report.

The VICE PRESIDENT. Under the rule there is nothing for the Chair to do except to put the question. That is all there is to it.

Mr. OWEN. I move that the Senate direct the report to be printed and that it go over until to-morrow.

Mr. ASHURST. I make a point of order against that motion. It is not in order.

The VICE PRESIDENT. The motion of the Senator from Oklahoma is not in order. The question is, Shall the report of the committee of conference be considered? [Putting the question.] The noes have it. The report goes over, and it will be printed.

Mr. CURTIS. I wish the RECORD to show that I made a point of order against the report when it was presented.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3388) to amend the emergency shipping-fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States; to punish espionage and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, Mr. GARD, Mr. MORGAN, and Mr. GRAHAM of Pennsylvania, managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. WEEKS. I send to the desk a telegram, which contains a resolution which was passed at a convention of the Massachusetts Branch of the National Woman's Party, held in Kingsley Hall, Boston, which I ask be incorporated in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FRAMINGHAM, MASS., *April 14, 1918.*

Senator JOHN W. WEEKS,
Washington, D. C.:

I am authorized to forward the following resolutions to you:

"*Resolved*, That this convention of the Massachusetts Branch of the National Woman's Party, held in Kingsley Hall, Boston, on April 13, call upon Senators LODGE and WEEKS, each to cast his vote for the national suffrage amendment and to use his best endeavor to bring about immediate action in the Senate to the end that democracy may be established in our beloved land; be it further

"*Resolved*, That this resolution be read into the CONGRESSIONAL RECORD by Senator JOHN W. WEEKS:

"'*Resolved*, That this convention of the Massachusetts Branch of the National Woman's Party, held in Kingsley Hall, Boston, on April 13, 1918, call upon President Wilson to give effective support to the national-suffrage amendment by making it an administration measure and securing its immediate passage in the United States Senate'; and be it further

"*Resolved*, That a copy of this be sent to Senator JOHN W. WEEKS and that he be requested to read it into the CONGRESSIONAL RECORD:

"'Whereas citizens of Massachusetts have endured a great wrong at the hands of the government of the District of Columbia; and

"'Whereas the decision of the court of appeals declared the action of the suffrage pickets to be lawful, orderly, and in accordance with the constitutional rights of American citizens: Therefore be it

"'*Resolved*, That this annual convention of the Massachusetts Branch of the National Woman's Party call upon the Senate of the United States to pass a bill immediately to investigate the treatment of the suffrage pickets from June to November, 1917, and the unlawful arrests by the Washington police and the unlawful sentences of the police court and the unlawful imprisonments in the District jail and workhouse.'"

OLIVE MILLS BELCHES,
State Chairman.

Mr. WARREN presented resolutions adopted by the Loyalty League of Sheridan County, of Sheridan, Wyo., favoring the enactment of legislation providing for universal military training of the youth of the country, which were referred to the Committee on Military Affairs.

Mr. JONES of Washington presented resolutions adopted by Pomona Grange, No. 32, Patrons of Husbandry, of West Klickitat, Wash., relative to the teaching of un-American principles in our schools, the singing of foreign songs, and teaching of foreign languages, and favoring legislation to authorize the President to declare such disloyalty on the part of teachers and others as acts of treason, etc.; which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by Pomona Grange, No. 32, Patrons of Husbandry, of West Klickitat, Wash., pledging their support to the President in the prosecution of the war, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by Pomona Grange, No. 32, Patrons of Husbandry, of West Klickitat, Wash., favoring the enactment of legislation to control trust combines and monopolies, which were referred to the Committee on Interstate Commerce.

Mr. WOLCOTT. I present resolutions adopted by the congregation of the Union Methodist Episcopal Church, of Wilmington, Del., Sunday, April 14, 1918, asking for appropriate legislation necessary to secure the uniform observance of the Christian Sabbath throughout the United States of America. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Adopted by Union Methodist Episcopal Church, Wilmington, Del., Sunday, April 14, 1918.

Whereas the European war, in which the United States of America is now engaged, has seemingly reached a critical stage; and

Whereas the future of Christian civilization is in jeopardy in case of a German victory over the allies: Therefore be it

Resolved, First, that it is essential now that we have the help of Almighty God to win this war.

Resolved, Second, that we as a Nation should show the sincerity of our faith in God by keeping the Sabbath Day as provided in our laws. We have greatly sinned in this respect, even this whole Nation. It is time for sincere repentence and earnest prayer. But faith without work is dead. We should begin in good earnest to obey God. There are Federal laws and laws on the statute books of all the States of this Nation whose design is to protect the Sabbath as a sacred day by prohibiting secular employment and amusements on the Lord's Day. The secular press often sneers at these laws as "Old Blue Laws," but the secular press has not been without sin in the matter of breaking our Sabbath laws. The secular press of the country is a powerful agency for good, but it should not be allowed to sin against God and destroy the most sacred institution of this Republic.

We urgently call upon President Woodrow Wilson, and upon our Federal Congress, to make such proclamations and enact such appropriate legislation as is necessary to secure the uniform observance of the Christian Sabbath throughout the United States of America. We believe this will help toward a speedy victory on the field of battle and a righteous settlement at the close of the war.

Resolved, Third, that copies of these resolutions be sent to President Wilson, to our Representatives in Congress, to be read before the Senate and House of Representatives, to Gov. Townsend, of the State of Delaware, and to the public press.

GEORGE A. COOK,
Minister of Methodist Episcopal Church, for a congregation of about 500 people.

Mr. CURTIS presented a memorial of sundry members of the Flathead Tribe of Indians residing on the Flathead Indian Reservation in the State of Montana, remonstrating against enactment of legislation providing for the selling of certain lands within their reservation, which was referred to the Committee on Indian Affairs.

Mr. PHELAN presented a petition of sundry citizens of Blythe, Cal., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

He also presented a resolution adopted by Butchers' Union, No. 120, of Oakland, Cal., favoring the conservation of suckling lambs, which was referred to the Committee on Agriculture and Forestry.

Mr. HALE presented a petition of sundry citizens of Noblesboro, Me., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Winterport Village, Me., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 4103) to consolidate certain forest lands within the Cache National Forest, Utah, and to add certain lands thereto, reported it without amendment, and submitted a report (No. 397) thereon.

Mr. WALSH, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 10027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 398); and

H. R. 10477. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 399).

PROTECTION OF UNIFORM OF FRIENDLY NATIONS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 4277) providing for the protection of the uniform of friendly nations, and for other purposes, and I submit a report (No. 396) thereon. I ask unanimous consent for the immediate consideration of the bill, if it shall not lead to any discussion, and I do not think it will.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that it shall be unlawful for any person, within the United States or Territories, possessions, waters, or places subject to the jurisdiction of the United States to wear any naval, military, police, or other official uniform, decoration, or regalia of any State, nation, or government with which the United States is at peace, or any uniform, decoration, or regalia so nearly resembling the same as to be calculated to deceive, unless such wearing be authorized by such State, nation, or government.

Any person who violates the provisions of this act shall, upon conviction, be punished by a fine not exceeding $300 or imprisonment for not exceeding six months, or by both such fine and imprisonment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SILVER COINAGE.

Mr. OWEN. I am directed by the Committee on Banking and Currency to report back favorably, with several amendments, the bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver; and I submit a report (No. 400) thereon.

The sum and substance of this bill, Mr. President, is to permit the Treasury Department to take $350,000,000 of the standard silver dollars and retire the silver certificates, using in lieu thereof Treasury notes as a basis of the issue of bank currency by the Federal reserve banks, and then repurchase the silver at the same fixed price of $1 an ounce, so as to restore that metallic silver to the Treasury as soon as it can be produced by American mines, and to encourage the production of silver by fixing the price of $1 an ounce until that shall have been made good. I ask unanimous consent for the immediate consideration of the bill.

Mr. GALLINGER. I must object to that.

Mr. SMITH of Georgia. I object until we finish the order of the introduction of bills.

Mr. OWEN. I understood that reports of committees were in order.

Mr. SMITH of Georgia. Reports of committees are in order, as I understand, but not action upon committee reports.

The VICE PRESIDENT. Objection is made. The bill will be placed on the calendar.

Mr. OWEN subsequently said: I move that the Senate proceed to the consideration of Senate bill 4292, reported by me a few moments ago from the Committee on Banking and Currency.

Mr. GALLINGER. I make the point of order that under the rule the bill must go over one day.

Mr. OWEN. Mr. President, I ask to present, for publication in the RECORD, a letter from the Secretary of the Treasury to the Senator from Nevada [Mr. PITTMAN], requesting that this measure be favorably considered.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

MARCH 30, 1918.

HON. KEY PITTMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have examined the draft of a bill embodying the ideas which have been discussed between us for the utilization of the silver now lying unused in the Treasury of the United States. I venture to recapitulate briefly the purposes to be accomplished by the bill, and the reasons which, in my judgment, require its enactment.

The annual production of silver has varied in recent years, having fluctuated from 160,000,000 ounces to 226,000,000 ounces per annum according to the estimates of the Director of the Mint. Production for the year 1916 amounted to 156,600,000 ounces, and for the year 1917 is estimated to be approximately 160,000,000 ounces. The decline in production during recent years has been partly due to conditions in MEXICO, as the result of which Mexican mines have not been operated to their full capacity. The price of silver has varied from about 48¾ cents per fine ounce, at which price it sold during August, 1915, to $1.18 per fine ounce during September, 1917. Apart from industrial requirements, estimated at about 100,000,000 ounces per annum, silver is used by all nations for subsidiary coinage and by India and other oriental countries for major coinage. In China uncoined silver circulates as money.

The European war has greatly enlarged the demand for silver. European countries engaged in the conflict have required unusual quantities of silver coins for their armies and for the civil population. Buying power of oriental countries has been greatly enlarged, and as the importation of commodities has been limited owing to war needs of the belligerents, that buying power has been exercised to acquire silver.

China and India are the two oriental countries that absorb the largest amounts of silver. The products of India are wheat, jute, burlap, etc. The demand for Indian products has been unusual. Jute bagging is used for sugar, grain, and fertilizer bags, also as outside wrappers for cotton and other products. It is also used for trench bags and for packing many articles of military necessity. No article has been found that will serve as a substitute.

The Orient is willing to accept silver in place of gold for commodities furnished by them, and it is to the interest of the United States and its allies that foreign trade balances should, as far as possible, be settled in silver rather than in gold. The gold in this country and in the hands of its allies is needed as a base for the enormous credit structure it is necessary to erect in the process of placing Government loans, and every ounce of silver that can be used in the settlement of foreign balances is so much gained. It is better to settle trade balances by shipping silver than to make arrangements for stabilizing exchange where these are possible, as they are not in the Orient, because these exchange arrangements, whatever their form, always mean a deferred demand for gold, while the settlement of foreign balances in silver is a definite settlement calling for no future adjustments. Further, the unprecedented business activity in this country has caused an unusual demand for silver for subsidiary coinage, the needs of the United States for this purpose during the present year being greater than ever before, amounting as they do, to approximately 21,250,000 ounces.

There are now in the Treasury of the United States approximately 490,000,000 of standard silver dollars, containing approximately 375,000,000 ounces of fine silver. Against these standard silver dollars there are outstanding silver certificates, and so long as these silver certificates remain outstanding a corresponding amount of silver dollars must be held for their redemption.

The proposal is now made to borrow from the Treasury for the purposes stated above a portion of the silver so held in the Treasury, but only upon the cancellation from time to time of a corresponding amount of outstanding silver certificates. The silver having been so borrowed and used, the Secretary of the Treasury is required to repurchase from time to time at the fixed price of $1 per fine ounce an amount of silver equal to the silver so borrowed and used, and to recoin that silver into standard silver dollars, thus in time replacing in the Treasury the silver so withdrawn. In this way the large mass of silver, which is serving no useful active purpose, now can be made available for a direct war purpose. There is no intention of making any permanent change in the status of the silver certificates. The proposition is, in brief, to retire silver certificates; to borrow from the Treasury the silver for use for the war purposes above set forth; and then, as silver from time to time in the future comes on the market, to replace the silver so borrowed by purchase in the market at the fixed price of $1 per fine ounce and to replace the borrowed silver by coining the new silver acquired for that purpose into standard silver dollars. There is no limit of time within which this must be done.

The cost of producing silver, like the cost of producing all other commodities, has greatly increased. Labor is receiving very much higher wages than during normal times. Machinery is more expensive, and the chemicals and other supplies needed in the production of silver are all correspondingly higher in price. The price at which the silver is to be rebought has been fixed in the proposed bill at $1 per ounce. This price was arrived at after an examination by the Director of the Mint into the cost of producing silver in a number of different mines, and the Director of the Mint is of the opinion that $1 per fine ounce under all the conditions at present prevailing is a fair price. The silver released through the retirement of silver certificates will be

sold by the Secretary of the Treasury for the war purposes stated at a price that will permit him, without loss, to rebuy at the price of $1 an ounce the silver thus sold.

The proposed measure is unquestionably in the interest of the country as a whole for the prosecution of the war. It proposes no permanent change in our existing currency arrangements. What is proposed is a temporary change, consisting of the active use for war purposes of the silver now lying inert in the Treasury. The bill provides within itself the steps necessary to reverse that position and to replace and recoin the silver.

The arrangement proposed is purely a temporary arrangement, and the pressing needs of the United States require, in my opinion, its prompt enactment into law.

Sections 5, 6, 7, and 8 seem to me the best way of dealing with the contraction of the circulating medium which would otherwise be brought about through the cancellation of silver certificates. This is accomplished by authorizing an issue of Federal reserve bank notes in small denominations in order to fill the void occasioned by the retirement of silver certificates and provides for the prompt retirement of those Federal reserve bank notes as silver certificates are from time to time reissued. There may well be differences of opinion as to the best method of counteracting such contraction. If no method of meeting the contraction be provided, the contraction will be automatically relieved through the issue of legal-tender notes in denominations of ones and twos, Federal reserve notes taking the place of the legal-tender notes. This would be perhaps the easiest way of meeting the situation were it not for the fact that Federal reserve notes are now secured by gold reserve of over 60 per cent, and the issue of additional Federal reserve notes without a corresponding addition to the gold reserve would reduce the percentage of reserve. Federal reserve bank notes, on the other hand, require a reserve of but 5 per cent; and, as there is absolutely no reason why a larger reserve for Federal reserve bank notes should be provided, it seems to me unwise to reduce the percentage of reserve under Federal reserve notes. My reason for stating that the Federal reserve bank notes, the issue of which is contemplated under the bill, require no greater reserve than 5 per cent is that those notes in small denominations will merely take the place in the pockets of the people of the silver certificates now carried by them and are thus extremely unlikely to be presented for redemption. If, and to the extent that they are presented for redemption, it will be a demonstration that these notes are not needed in the circulation, and the means for their prompt retirement is furnished by the deposit as security for these Federal reserve bank notes of short-time certificates of indebtedness or the one-year conversion notes of the United States. Whenever, therefore, these Federal reserve bank notes are presented for redemption it will only be necessary to let the maturing obligations held against them run off. The popular and well-founded feeling against a bond-secured currency, therefore, does not apply to the present issue, because (1) the issue is strictly temporary in its nature, (2) the security behind the issue automatically provides for the redemption of the issue, (3) no artificial value is given to any long-time bonds by the circulation privilege, and no vested interest is created in the circulation privilege, which, if created, it might prove burdensome for the Government or the banks to abate.

If the method suggested for dealing with the replacement of the silver certificates that may be retired does not commend itself to you as the best manner of meeting the situation, I should be glad to discuss any modifications that may be thought advisable.

Cordially, yours, W. G. MCADOO.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 4392) for the acquisition and establishment of plants suitable for concrete shipbuilding and for the construction of concrete ships; to the Committee on Appropriations.

By Mr. PHELAN:

A bill (S. 4393) for the relief of Homer L. Wells (with accompanying papers); to the Committee on Military Affairs.

By Mr. GERRY:

A bill (S. 4394) granting an increase of pension to Alphonzo O. Drake (with accompanying papers); and

A bill (S. 4395) granting a pension to Lydia A. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 4396) granting an increase of pension to Jeremiah W. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Georgia (for Mr. GORE):

A joint resolution (S. J. Res. 149) restricting the right to vote for Senators and Representatives in Congress and Presidential electors to citizens of the United States; to the Committee on the Judiciary.

FERTILIZERS AND FARM EQUIPMENT.

Mr. SMITH of Georgia (for Mr. GORE) submitted the following resolution (S. Res. 226), which was read and ordered to lie over under the rule:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate as to the following matters in relation to farm fertilizers, tools, utensils, implements, machinery, and equipment:

First. As to the number of manufacturing establishments in the United States.

Second. As to their capacity.

Third. As to whether or not they have been running to full capacity since the declaration of war against Germany.

Fourth. As to the available supply of raw materials, stating which are available in normal quantities and which are not.

Fifth. As to the increased cost of production of such fertilizers, etc.

Sixth. As to the manufacturers' prices and profits, the jobbers' prices and profits, the wholesalers' prices and profits, and the retailers' prices and profits now as compared with the three years preceding the declaration of war.

LOYAL APPEAL TO GERMAN-AMERICAN POPULATION.

Mr. McCUMBER. Mr. President, I read an article the other day criticizing the literature that had been sent out to the country especially designed to influence the German-American population in this country. The general criticism that was urged was that the articles were written for highbrows rather than for the common people; that the ordinary reader could not understand them clearly.

I have here an article which was published in a North Dakota paper. It is an article written by a German who was born in Prussia, and is written to his German-American associates in the United States. It is written in simple and clear language, telling them why they should be patriotic Americans. I think it would do more good if articles of this kind could be freely distributed among our German-American people than does all the stuff which we have sent out concerning how this war originated. I am going to ask, in order that the article may be read by a reasonably fair number of the American people, that it may be read into the RECORD at this time by the Secretary. I hope there will be no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Valley City Times-Record.]

FRED BEIER, BORN IN PRUSSIA, WRITES STIRRING WORDS TO ALL HIS BROTHER GERMANS—HIGHLY RESPECTED GERMAN CITIZEN OF CARRINGTON IS WELL AWARE WHY HE LEFT KAISER'S KINGDOM—READ THIS LOYAL MAN'S APPEAL, ALL OF YOU.

To all people of German blood who live in this State or elsewhere in the United States, whether you are citizens or have intended to become such, I have a few words to say about what our duty is in this war.

There is much written and said these days about the Germans in America. Some of the things said about us are kind; some of them unkind. Many things are said that are unkind because we are not understood and we are not making the effort we should to show that there is no reason for people to believe as they do.

I feel that it is my duty to say a few words to the Germans for two reasons. One is, because I am a German, born in West Prussia in 1860, and lived there till I was 21 years old, so I know something about the Fatherland. The other is because I am now a citizen of the United States and have not forgotten my oath of allegiance which I swore as soon after coming here as I could get my papers. Also I see what my duty as a citizen is and want to do it as far as I am able.

One of the first questions I am often asked by people, "Why did you leave Germany?" Well, that is not hard to answer. My father was a poor man with a family of nine children. He owned only 7 acres of land. It was hard to make a living for us all, and there was no chance for me to get any part of it when I was grown up. It was not like in this country, where nearly every farmer can spare 160 acres to start his boy out with if he wants to farm. If I stayed over there and hired out as a laboring man the best wages I could earn as a common laborer was 50 cents a day. As a skilled mechanic, the best wages I could earn would be $1 a day.

The most thrifty man who worked as a common laborer could not save but about $20 in one year, and think what a long time it would take to get enough together to buy even a few acres of land when it cost from $100 to $200 per acre.

Besides, it cost more to live there, since, though the land produced well, there were extra heavy taxes over what we pay here. There was the military tax and there was the royal tax that was for the benefit of the royal family. These taxes amounted to about $20 per acre over the regular taxes such as we pay here, or as much as plenty of land can be bought for in this country.

Over in Germany there was no free homestead land like we have and which has been the start in the prosperity which many Germans now in this country enjoy. There was no land to be had only at a high price, and the poor man had no chance for getting ahead in the world.

Besides, if I had stayed in Germany I would have had to take three years of military training, and after that give about two months of each year to military work and be subject to call for active service at any time. This would have continued true until I was 45 years old, and after that I would have had to join the land reserve or home guard, as it is known here.

The only thing I could get over there that amounted to anything was a good common-school education, but there were no free higher schools and no chance for a poor fellow to better himself.

We Germans often heard and talked of America, and many who could get away were anxious to come to a land that we heard so much about, with its free lands, free schools, and freedom of all kinds that we did not enjoy there.

I was one of those who emigrated to the United States, and I have never been sorry that I did so. Instead of being sorry I am glad I came and I am proud to let it be known that I am as true an American citizen as I know how to be. Why shouldn't I be glad to be? What had Germany to offer me alongside of what America offers? I am not the biggest man in this country, far from it, but I am an independent American citizen. As long as I am honest and attend to my business I am the equal of every man here. I don't have to take off my hat to any man unless I want to, and the men in this country who are big meet me on an equal footing.

Instead of being a poor laborer in Germany I am the manager of a good, sound business institution here, and myself and my family are happy and reasonably prosperous. The other business men, no matter what their nationality or their line of business, treat me with respect and as an equal, and my family enjoy the same social advantages that theirs do.

When I look around me and see what a lot of our German people there are in this country who are worth many times what they would have been worth if they had stayed in Germany, and I think about these free homesteads that were given them and of the free schools and the right we have to vote and be part of the Government, and when I think of all the freedom we have here that we didn't have there, and when I read the papers and see what is going on over there now and what I would have had to take part in if I was over there and not here, I ask

my brother and sister Germans living here to consider all of this, and if you haven't decided fully to stand by America as a true citizen should, that you do so now and forever.

Our plain duty lies in supporting this Government that is giving us homes and protecting us and our families. We must do this not only by words but by actions as well. We ought not be German at heart and American on the outside. We must not secretly rejoice when Germany wins a battle. We must not stand with one foot on each side of the line. We must get clear over on the American side and stay there. We should be glad we are free Americans. No one will blame us for being sorry for the stain that has been put on honest German blood by the Prussian power, but ours won't be honest blood unless we back up our oath of allegiance by our sympathy and love for our adopted country. If we won't be honest about it, then we should go back and never let it be said that German blood is two-faced.

We know that Germany is fighting for conquest. We know that America stood out as long as it could before going to war. We know that Americans have always fought for liberty for all the people, and when we read how the United States is to-day fighting and spending large sums of money for the little down-trodden nations that they, too, may be free and independent, just as we are, who wants to go back?

Before the war our German citizens here were spoken of with pride. We have been thrifty; we have been honest. We have worked hard and prospered. If we are loyal Americans we can still hold up our heads, and people will still respect us. So let us stand up for this Government. It is now our Government. If it needs our time and money we must give just as other citizens give, and maybe more, because we know better than others do what this free country really means to the common people.

Don't let us kick about high prices and because everything isn't done just as we want to see it done. The Government is doing its best. We have loved peace over here so much that it takes a long time to prepare for war. If we save our money and lose this war what do we gain?

We mustn't be selfish. Our boys are at the front with those boys from here of different blood. They are brothers in one cause. We must back them up, and though it hurts because some of us are on the other side, we must be fair and keep the German name on this side of the water free from the stain of guilt.

When some one argues that if we side in with America we are fighting our own blood let us tell them that fighting against its own blood is what makes America the land of the free to-day. Didn't the first settlers in the New England States fight their own blood when in the Revolutionary War they whipped England? And they whipped her because on this side they fought for freedom. When this country went through the Civil War did not brotner fight brother and father fight son? And wasn't it freedom and liberty they fought for then? And can't we now see that their fight was a good fight and that right won?

If the freedom which we now enjoy has been bought with the blood of thousands of liberty-loving men and years of strife are we who come here and share it without one cent of cost to us going to fight against it now when it needs us? If we do we are surely traitors and never again can we claim to be honest men and women.—Frederick Beier, sr.

Mr. McCUMBER. Mr. President, I desire simply to say that that article, I believe, reflects the honest patriotic sentiment of the vast number of German-American citizens in my State.

"KNOW YOUR ENEMY."

Mr. THOMAS. Mr. President, my attention has recently been called to a pamphlet entitled "Know Your Enemy." It is prepared by Mr. Elmer E. Rittenhouse, of the Equitable Assurance Society of New York, and has been very highly commended by the Sons of the Revolution. Its purpose is to convict Germany from the mouths of her own writers, soldiers, and philosophers of inflicting this war upon mankind for the purpose of universal dominion. It appeals to me as one of the best documents that has been called to my observation—short and to the point—for general circulation in order to neutralize the propaganda which is being made in this country by German sympathizers. I ask that it may be referred to the Committee on Printing, that that committee may report it back and have it printed as a public document.

The VICE PRESIDENT. That action will be taken.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On April 16, 1918:

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases; and

S. 4102. An act granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

On April 17, 1918:

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. I move that the Senate proceed to the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. GALLINGER. Mr. President, I inquire what was the request concerning that bill.

The VICE PRESIDENT. The bill has been laid before the Senate on motion of the Senator from Virginia.

Mr. GALLINGER. Has it just been reported?

The VICE PRESIDENT. It was reported yesterday; it is on the calendar and, on motion, has been taken up by the Senate.

Mr. GALLINGER. I was not aware that it had gone to the calendar.

The VICE PRESIDENT. The report was made on yesterday.

Mr. SMOOT. It is the housing bill.

Mr. GALLINGER. Very well.

Mr. SWANSON. The bill was reported yesterday, was printed as reported, and all Senators who desired were given copies of it. At the same time I gave notice that I would call it up to-day. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the amendments reported by the committee to be first considered, and then that it be open to general amendment.

Mr. SMOOT. It is only a short bill.

Mr. SWANSON. It is a very short bill.

Mr. NELSON. What is the request of the Senator?

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent that the formal reading of the bill be dispensed with——

Mr. GALLINGER. As I understand, this is not a lengthy bill, and I ask that it be first read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor, for the purpose of providing housing, local transportation, and other community facilities for such industrial workers as are engaged in arsenal and navy yards of the United States and in industries connected with and essential to the national defense, and their families, and employees of the United States whose duties require them to reside in the District of Columbia, and whose services are essential to war needs, and their families, only during the continuation of the existing war, is hereby authorized and empowered, within the limits of the amounts herein authorized—

(a) To purchase, acquire by lease, construct, requisition, or acquire by condemnation or otherwise such houses, buildings, furnishings, improvements, local transportation, and other community facilities and parts thereof as he may determine to be necessary for the proper conduct of the existing war.

(b) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land, or any right, title, or interest therein on which such houses, buildings, improvements, local transportation, and other community facilities, and parts thereof, have been or may be constructed.

(c) To equip, manage, maintain, alter, rent, lease, exchange, sell, and convey such lands, or any right, title, or interest therein, houses, buildings, improvements, local transportation, and other community facilities, parts thereof, and equipment upon such terms and conditions as he may determine: *Provided* That no sale and conveyance shall be made hereunder on credit without reserving a first lien on such property for the unpaid purchase money.

(d) To aid in providing, equipping, managing, and maintaining houses, buildings, improvements, local transportation, and other community facilities by loan or otherwise to such person or persons and upon such terms and conditions as he may determine.

(e) To take possession of, alter, repair, improve, and suitably arrange for living purposes to be used under the terms of this act what is commonly known as the "Maltby Building," as well as all other houses on square 633, owned by the United States, together with any other houses in the District of Columbia owned by the Government and not now occupied. The Secretary of Labor shall, in the construction of buildings in the District of Columbia, make use of any lands owned by the Government of the United States deemed by him to be suitable for the purpose and which have not heretofore been dedicated by act of Congress for specific buildings.

The Secretary of Labor may exercise any power or discretion herein granted, and may enter into any arrangement or contract incidental thereto, through such agency or agencies as he may create or designate: *Provided*, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable: *Provided further*, That whenever it is practicable to use any part of the office or field force of the Office of the Supervising Architect of the Treasury Department in or about any of the work contemplated by this act, the Secretary of Labor shall do so: *Provided further*, That the powers herein authorized shall not be exercised in the housing of Government employees in the District of Columbia except upon detailed estimates and appropriations for such purpose.

SEC. 2. That whenever the Secretary of Labor shall purchase, lease, requisition, or acquire by condemnation or otherwise such land or right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation, and other community facilities, and parts thereof, he shall make just compensation therefor, to be determined by him, and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to such 75 per cent, will make up such amount as will be just compensation therefor in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

SEC. 3. That upon the requisition of or the filing of a petition for the condemnation hereunder of such land, or any right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation, and other community facilities, and parts thereof, immediate possession thereof may be taken to the extent of the interest to be acquired and the same may be occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title,

nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all real estate acquired hereunder.

SEC. 4. That the word "person" used herein shall include any person, trustee, firm, or corporation.

SEC. 5. That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for and rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war.

SEC. 6. That at the beginning of each session of Congress the Secretary of Labor shall make to Congress a full and detailed report covering all of the transactions of his department with relation to the subject matter of this act, describing each parcel of land purchased, leased, or otherwise acquired, the improvements made thereon, together with the amount of money spent in connection therewith and the disposition of the same; descriptions of all parcels of property sold, to whom, the terms of sale, and the status of the title at the time of the making of such report; description of each piece of property purchased under the terms of this act and still owned by the Government and the estimated value; a list showing the names of all persons who have been employed in any capacity to aid in carrying out the provisions of this act, the service rendered by each and the amount of compensation, including fees, commissions, allowances, and traveling expenses paid to each, and a full, detailed, itemized statement showing each and every transaction of the department in the execution of the trust herein created, and immediately after the declaration of peace in the existing war the Secretary of Labor shall make a final report to Congress covering in detail all the operations and transactions of his department, under and by virtue of the terms of this act.

SEC. 7. That no work to be done or contract to be made under or by authority of any provision of this act shall be done or made on or under a percentage or cost-plus percentage basis, nor shall any contract be let until at least three responsible competing contractors shall have been notified and considered in connection with such contract.

SEC. 8. That for carrying out the provisions of this act and for the administration thereof the sum of $60,000,000, or so much thereof as may be necessary, is hereby authorized: *Provided*, That $10,000,000, or so much thereof as may be necessary, of the amount hereby authorized shall be used to build or acquire, as herein provided, housing accommodations within the District of Columbia.

Mr. NELSON. Mr. President, I desire to call the attention of Senators to this bill. It is an illustration of how we are duplicating things. Here you are mounting a new appropriation upon the $50,000,000 appropriation that we made by the act of March 1 last. At that time we passed a bill entitled "An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes." I read paragraph (a) from that act to illustrate the scope of the law:

To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

We appropriated $50,000,000 by that act of March 1, and put it in the control of this corporation. Now, by this bill you appropriate $60,000,000. You set aside $10,000,000 for the District of Columbia, leaving $50,000,000 to be disbursed and expended by the Department of Labor; and this bill provides that the money shall be expended in building housing facilities in connection with arsenals and navy yards. We have already covered navy yards by the appropriation we made by the act of March 1. That act provides that the Emergency Fleet Corporation may build houses and provide housing facilities in shipyards in which ships are being constructed for the United States; so that under that act they have authority to build houses and acquire property for housing facilities in all yards of this country in which ships are being built for the Government, whether for merchant purposes or for naval purposes.

The situation, then, is this: By the act of March 1 last we appropriated $50,000,000 for this purpose, and now you mount it with another appropriation of $50,000,000, leaving out the District of Columbia, for practically a part of the same purposes. It seems to me that this is subject to two criticisms. First, the two together amount to a most extravagant appropriation. In the next place, it leads to a conflict of authority. In the one case you have the work done under the Emergency Fleet Corporation, which is an appendage of the Shipping Board, and in the other case you have it done, under this bill, by the Department of Labor. This seems to me to be a gross case of what I call duplication of work, such as we see occurring in the executive departments; and the aggregate of the whole thing is $110,000,000, taking the $50,000,000 that we appropriated by the act of March 1 and the $60,000,000 appropriated by this bill.

I do not care to take up the time of the Senate further on this matter. I simply call it to the attention of the Senators in the majority here who have charge of this legislation, and ask them whether they think this legislation, in the form in which it comes, and in the amount in which it comes, is proper under the circumstances and under the conditions that prevail in this country now?

Mr. SWANSON. Mr. President, the Senator from Minnesota is entirely mistaken as to the two bills. The Shipping Board asked that $50,000,000 out of the $800,000,000 appropriated for the construction of ships should be permitted to be used for housing where these merchant ships were being constructed; and the bill to which the Senator refers authorized them to spend $50,000,000 of that amount for housing in connection with the construction of merchant ships entirely, which they did not have the authority before that time to do.

Mr. NELSON. Oh, no.

Mr. SWANSON. That bill is limited to ships that are being constructed for the Government. None of the money can be spent at arsenals, none of it can be spent at these industrial plants where they are making powder or guns, and none of it can be spent at the navy yards. The navy yards are not constructing any merchant ships that I know of. They contemplated at first having an additional appropriation of $110,000,000; but the Shipping Board felt that it could not wait, on account of the conditions at the shipyards where the merchant ships were being constructed, so it asked the privilege of using $50,000,000 of the money heretofore appropriated to it for that purpose, and I understand that the authority was given to the Shipping Board to use that money for that purpose.

Mr. LODGE. Mr. President——

Mr. SWANSON. I yield to the Senator from Massachusetts.

Mr. LODGE. This bill is not confined to arsenals and navy yards.

Mr. SWANSON. No; I say this bill is confined——

Mr. LODGE. One moment; let me put my question. It covers industries connected with and essential to the national defense. That covers shipyards, of course, where merchant vessels are being built; and under this bill plans are now made, and properly made, to construct buildings for yards where only merchant ships are being built.

Mr. SWANSON. I think the Senator is mistaken, to this extent—that the $50,000,000 that has been set aside out of that fund will be used for housing where merchant ships are being constructed. It is contemplated that this shall be used for arsenals, for navy yards, and for other industrial plants where munitions of war and war materials are under contract and being constructed.

Mr. LODGE. That is what the Senator says, but it is not what the bill says.

Mr. SWANSON. If the Senator will permit me, of course some of it could be used, if it were not necessary elsewhere, at places where shipping was being constructed, because that is an industry that is carried on for war purposes, and is so considered; but that is not the purpose of it.

As I was explaining, it was intended at first to have one bill of $110,000,000 for housing purposes. I wish to say in this connection that Great Britain has spent $700,000,000 for this identical purpose. It was absolutely necessary to furnish munitions of war and to care for the employees at these great munition plants.

When the bill was being considered as one proposition, the Shipping Board, anxious to have it hurried on account of the conditions in connection with the construction of merchant ships, had it segregated, and permitted $50,000,000 of their money to be designated for that purpose. Now, this bill defines what it shall be used for:

That the Secretary of Labor, under the direction of the President of the United States, for the purpose of providing housing, local transportation, and other community facilities for such industrial workers as are engaged in arsenal and navy yards of the United States and in industries connected with and essential to the national defense, and their families, and also employees of the United States whose duties require them to reside in the District of Columbia, and whose services are essential to war needs, and their families, only during the continuation of the existing war, is hereby authorized and empowered, within the limits of the amounts herein authorized—

And so forth. Now, the estimates were made, and if what is needed is furnished it will take $200,000,000 to properly house the employees at these great industrial plants that are now engaged in munition work.

I should like to say that the attention of Congress and of the War Council was first called to this matter by a survey made by the Secretary of Labor, in which he ascertained that they could not get enough employees at these various plants; that when the employees were there they frequently left, and the trouble was the need of houses. This report was made to the War Council. The War Council then investigated the matter and had a survey made. I think the President allotted $60,000 of the money Congress had given him for a survey to be made at these various industrial plants, navy yards, arsenals, the Bethlehem Steel Co., and other places where various war industries were being carried on and war materials were being produced. After this report was made it was taken up by the War Council, it was taken up in a full Cabinet meeting, and by universal consent of all those to whom the matter had been

presented it was urged as being so important that these bills were sought to be passed at the earliest possible date.

In the meantime the Shipping Board was so anxious to have this work done that a separate bill was introduced for that purpose, which it was thought would be amply sufficient to take care of housing at the places where these merchant ships are being constructed. They had a survey and an investigation made of all the places where application has been made as to the necessity for the houses, the conditions, the turnover of labor, and the importance of houses being furnished there at the earliest practicable moment. This survey has been thoroughly made. Until I looked into the matter I did not know to what extent they had gone into it in detail. They have thoroughly investigated and ascertained the conditions at each one of these different plants. There are about 15 or 16 plants, including navy yards, where this is absolutely necessary in order for this war work to proceed.

Mr. NELSON. Will the Senator allow me to interrupt him for a moment?

Mr. SWANSON. Certainly.

Mr. NELSON. I call his attention to the language on page 1, line 6:

Engaged in arsenal and navy yards of the United States and in industries connected with and essential to the national defense.

It covers everything. The Department of Labor would overlap and cover the same ground that the Shipping Board was meant to cover under the law.

Mr. SWANSON. They could possibly do that. It would not be wise to preclude them from doing that. It is limited entirely to war industries, where constructions have been made for war industries and the production of munitions of war.

Mr. LODGE. On that precise point I do not quarrel with the amount and I recognize the need; but there is no question whatever that there is a duplication here. The law which the Senator from Minnesota has read says, however, for the use of families and employees of families of shipyards in which ships are being constructed by the United States. In my State there is a large permanent yard at Fore River, where they are building great numbers of destroyers and other vessels. The United States has also a yard there known as the Victory Yard, where they are building merchant ships. There are some 15,000 or 16,000 workmen employed there. The housing is imperative. They are perfectly covered by the existing law. They are not only covered by it, but if the Senator will examine the survey he will find they are covered by this bill. There is a clear duplication. I would not call attention to the duplication except that so many Senators have been in such an agony of apprehension for fear we had too many auditors and thought all the civil departments of the Government ought to be immediately overhauled in the midst of war in order that we may effect consolidation here and there where there is duplication. So we are creating another duplication. That is the only point. It seems to me that it would be well to bring it all under one head.

Mr. SWANSON. Does the Senator wish to offer an amendment that this money shall not be used for housing employees at shipyards?

Mr. LODGE. No; I think that is very wise; but if we have the Emergency Corporation or the Shipping Board building houses, where we have a carefully constructed commission under the Secretary of Labor to do the same thing, I much prefer that it should be under the Secretary of Labor.

Mr. SWANSON. If the Senator will permit me, they are intended to be under the same head, the Secretary of Labor, but the Shipping Board made a survey and it was very urgent and we did not know how long it would delay the Shipping Board. They simply took out of the appropriated amount $50,000,000 of money heretofore appropriated for this purpose, which the bill authorizes them to do. The bill as originally drafted provided for $110,000,000.

Mr. LODGE. Does not the Senator think it would conduce to better administration to turn over that help to the Shipping Board under that special appropriation to this commission and the Secretary of Labor and have one man do it all?

Mr. SWANSON. I would not think at this time it would be wise to do so, because the Shipping Board have proceeded, and I will say that they have an executive committee in contemplation. One member of the Shipping Board will be one of the administrative board under this bill.

Mr. LODGE. I am glad to see that hostility to duplication is subject to variation and modification.

Mr. CURTIS. As I understand it, the Shipping Board was represented, as well as the Navy and the Army at the hearings, and there was a full understanding as to the expenditure.

Mr. SWANSON. I understand the administration of the law is to be in the hands of five men, one representing the Army, one representing the Navy, one representing the Shipping Board, an attorney, and a practical builder. They constitute the administrative board of five under the Secretary of Labor. One hundred and ten million dollars are absolutely needed. All the evidence shows that we could produce 25 to 50 per cent more ships, munitions, and the various products of war if we had housing for the employees.

Mr. GALLINGER. Mr. President, I always like to make an amendment to a bill when it is as simple as the one I am going to suggest. Does not the Senator think that the word "arsenal," in line 1, page 6, ought to be "arsenals"?

Mr. SWANSON. Yes; that is a typographical error.

Mr. GALLINGER. I move that that be changed to "arsenals."

Mr. LODGE. Making it plural instead of singular.

Mr. GALLINGER. Making it plural.

The VICE PRESIDENT. The correction will be made.

Mr. GALLINGER. I have had little time to examine this bill. It is a most extraordinary and revolutionary bill. I suppose if the citizens are turned out of their homes they will find a field or woods where they will be unmolested, but there will not be much less left for them.

Mr. LODGE. They may have tents.

Mr. GALLINGER. They may have tents, possibly. I am not so sure as to that. However, I suppose we have got to meet it and that the bill will pass in some form, but it ought to be scanned pretty carefully.

I will ask the Senator from Virginia why, on pages 2 and 3, the words "local transportation, and other community facilities" are stricken out in several places, but on page 1 that language is left in as it is in the title?

Mr. SWANSON. The words "local transportation and other community facilities" ought to be stricken out in all parts of the bill. It is a mistake in the print.

Mr. GALLINGER. It is not stricken out on page 1.

Mr. SWANSON. The amendment will be moved, when the time comes, to strike out those words where they occur in the bill and in the title.

Mr. GALLINGER. I am glad to know that the words will be stricken out. I will ask the Senator from Virginia if this is a unanimous report from the committee?

Mr. SWANSON. It is a unanimous report. There were only seven of the members present when the vote was taken. If the others had been there, I understand, they would have favored the bill. Also, the bill passed the House of Representatives with only 17 votes against it.

Mr. GALLINGER. I will ask the Senator as to the word "furnishings," on line 6, page 2. I know the committee has undertaken to qualify the powers to take the furnishings in a man's home by an amendment which they have added to the bill at the close of page 2. I suppose "furnishings" would include a man's library, would they not?

Mr. SWANSON. The word would include pictures, library, everything in the house.

Mr. GALLINGER. Does not the Senator think the word "furnishings" ought to be eliminated from the bill?

Mr. SWANSON. I do not, because in some places they expect to take large clubhouses and large establishments that are near the munition plants, and they will want the furniture, too. If it can be bought it will be used. In the case of clubs and apartment houses the Government takes a building, and it would be a very great hardship to people not to have an opportunity to sell the furnishings at a reasonable price to the Government.

Mr. GALLINGER. The trouble is, while that may be true as to public buildings—clubhouses, for instance, or hotels—it applies to private residences as well.

Mr. SWANSON. Oh, no; no furniture in a private residence can be taken except by contract. It can not be condemned or commandeered.

Mr. GALLINGER. I observe that that attempt is made by an amendment, but why not say "furnishings of clubhouses or hotels" if you are going to do that, and not alarm the people who have some paintings that they very greatly value, perhaps a single book, when they would rather give up their house than give up the book.

Mr. SWANSON. If it is a private residence it can only be disposed of by contract, by agreement.

Mr. GALLINGER. What does the Senator mean by contract?

Mr. SWANSON. I mean that the owner must agree to sell it; that the Government can not condemn it, can not requisition it, can not take it unless by private sale. That is the amendment.

Mr. GALLINGER. And if the owner objected to entering into a contract, would that prevent its disposal to the Government?

Mr. SWANSON. That would prevent it in all private dwellings.

Mr. GALLINGER. If that is so, of course, it is better than I thought it was, but——

Mr. BORAH. When the Senator says "private dwellings" he means to include apartment houses? I want to protect those people.

Mr. SWANSON. I do not mean private dwellings alone. You may amend the bill in every conceivable way and trouble might arise just the same, and if you are going to amend it to cover every conceivable point there is no use to pass it. If you say here that the Government can not condemn a private house except by long process in a court, it gives an opportunity to some extent to peope in a community of three or four thousand people to have a delay of four or five months, and gives an opportunity for one person to hold the Government up and to command a certain price.

Mr. GALLINGER. I ask the Senator by what process has the Government taken possession of some apartment houses in this city?

Mr. SWANSON. Those apartment houses were condemned for Army purposes, not for the uses of people. All that I know is that the Secretary of War and the Secretary of the Navy have authority for governmental purposes to condemn property for the Army and Navy for offices, but they have no power to put one individual in there for housing purposes. This measure extends the opportunity so that people who work for the Government may be housed.

Mr. GALLINGER. Do I understand that there is a statute inhibiting the Government from taking buildings except for office purposes? Is there a law to that effect?

Mr. SWANSON. I know of none. I say that they have been condemned for office purposes entirely. I do not know of any law that authorizes the condemnation for the private occupancy of any Government agency or employee.

Mr. GALLINGER. It has seemed to me that the exercise of the power as it has been used already has been rather harsh where people have been dispossessed of their homes. If there is no statute for it, I think it would hardly be defensible.

Mr. SWANSON. There is a statute to condemn them for office purposes.

Mr. GALLINGER. That is what I asked the Senator, and he said he did not know that there was.

Mr. SWANSON. The Senator misunderstood me. I said I know of no law except the power of the Army and Navy to condemn houses for offices for war purposes.

Mr. GALLINGER. Then I understand the reference of the Senator. He misunderstood my question.

Mr. SWANSON. I say I know of no law which authorizes them to condemn any house, any apartment, to be occupied by any individual.

Mr. GALLINGER. I asked him specifically if there was a law and he said there was not. But the Senator misunderstood my question, so we will let that go.

Mr. President, I am not going to debate this bill, and I am not going to undertake to prevent its speedy consideration. It strikes me at first like being another step in the direction of establishing what we have been condemning and talking about as being the worst possible thing that can come to a nation, a species of autocracy that will end ultimately if this war continues for a couple of years in a private citizen having nothing that he can call his own if the Government wants it. It may be desirable that the war is to be won in that way, it may be necessary, but it does not exactly comport with my ideas. As I look at the question at the present time, we ought to appropriate money to build houses for the workers in the arsenals and in the shipbuilding plants; I would quite agree to that; but as to invading the homes of the people and dispossessing them and taking over their property, I have not yet been convinced that the necessity exists.

In fact, that has been already done to some extent. There have been people dispossessed of their homes in Washington. I do not know by what process it has been done. There have some things been done that I think have been very wrong, by which poor people have been compelled to leave their homes and other people have occupied their homes, but that probably was done without authority of law. However, it has been done to my knowledge.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I yield.

Mr. WEEKS. I should like to call the attention of the Senator in charge of the bill to three or four matters in the bill upon which I should like to have his opinion. On page 2, line 11, the word "otherwise" occurs. In the opinion of the Senator, would that permit the Government to accept land as a gift?

Mr. SWANSON. It would. It was put in there mostly for that purpose. The word "otherwise" was eliminated by the committee, but it was reconsidered and restored.

Mr. WEEKS. I should like the Senator to turn to section 5, page 6, line 3. As I read that section, when the war ceases the power exercised under the provisions of this bill will not be inforced except to rent property. It seems to me that there would not be any power if that section becomes a law to sell any of this property.

Mr. SWANSON. I think not.

Mr. WEEKS. It seems to me that after the word "and" in line 3, page 6, the words "sell or" should be added. I do not suppose it is the purpose of the committee to continue to operate the property if it can be sold.

Mr. SWANSON. There can be no objection to inserting the words "sell or" before the word "rent."

Mr. WEEKS. Then I move that the words "sell or" be added after the word "and," in line 3, page 6.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEEKS. I call attention to page 5, line 17. Under the law no public money can be expended for the purchase of real estate until the title has been approved by a law officer of the Government. Apparently this would abrogate that provision of the law. I ask the Senator if he thinks it is judicious policy to provide for the purchase of real estate and to pay for it before the title has been examined.

Mr. SWANSON. I would say to the Senator that ordinarily I would not, and I would not in this case except that speed is the whole essence of this relief. A delay of one or two years or even six months would be a vital matter. If we can not get these houses quickly to increase the output of war munitions, there is no use in passing the bill. I would not consider it for one minute, except in view of the necessity for quick action. It would take a long time to examine all the titles. They will be examined in a general way I have no doubt. I have known where public buildings have been delayed for two or three years in order to perfect a title. They would not be able to construct these buildings immediately near the munition plants if that were required.

Mr. WEEKS. I think I am as urgent and insistent that housing facilities shall be provided as can be the Senator from Virginia, but it does seem to me that it is an unwise public policy to pay out public money for the purchase of real estate before an examination of the title has been made. Everyone knows that on account of conditions resulting from the war the legal profession is nearer idle than it has ever been. It seems to me there would be no difficulty in getting competent real estate lawyers to examine the titles from time to time. While I am not going to make a motion to strike out the clause, it does seem to me an unwise public policy to enter into.

Mr. SWANSON. I have had to bring in relief bills here where public buildings were authorized to be constructed and the Attorney General in such cases could not get a complete title. Yet it was a reasonable title upon which to proceed to erect a public building. If you could not spend a cent of this money until the Attorney General gives an opinion that the title is absolutely correct, and it has to be corrected by a lawsuit in a court, there would be cases where you would not get the title for such a building until after the war is over, because the present law requires that the Attorney General must give a certificate that you have an absolute title before you can proceed to put any public building on the land. I suppose they will act with reasonable care and not throw this money away; but unless you construct these buildings hurriedly and quickly and get these munitions and ships there is no use of passing the bill. It is not intended to be any permanent policy.

Mr. WEEKS. I am not going to make a motion to strike out that part of the section, but I should vote for it if the motion were made. I think, as I said before, it is unwise to proceed in this way, however much we may desire haste.

I want to direct the Senator's attention to section 7. If I understand that section, the only method that can be followed is to construct these houses by contract.

Mr. SWANSON. That is, if the amount to be expended exceeds $50,000.

Mr. WEEKS. If it exceeds $50,000. Mr. President, the congestion relating to labor in this country surrounds the very places where we want to build these houses. There is no difficulty about labor in the large percentage of the cities of the

United States. I saw a statement a day or two ago coming from the Department of Labor, which is relatively correct, that, taking 30 of the leading cities of the country, there is a surplus of labor in 26 of them and a congestion in but 4, and those 4 are the cities near which this unusual construction is going on.

To take a specific case, and that located in the city of Quincy, and near the city of Boston, there are some 30,000 men employed in a locality there which has not a radius of more than 4 miles. The Fore River Shipbuilding plant is located there, as is also the Victory plant, which has recently been constructed by the Navy Department, and is now in operation; also, a very large warehouse is about to be constructed; the contracts are out for it, costing a total amount of some $20,000,000. The Commonwealth of Massachusetts is building a large dock there, for which a considerable appropriation has been made. The construction is under way.

Now, what I want to call the Senator's attention to is that in all of these operations men not only work eight hours a day, but they work extra time and get extra pay for the extra time; in some cases they work as many as 12 hours a day, getting 50 per cent more for the extra hours than they otherwise would, or time and a half. They also work on Sundays, getting extra time or extra pay; they work on Saturday afternoons, getting extra pay. If a man takes a contract to erect houses there he can not work these men more than eight hours a day. The result will be that he is not going to be able to get his labor, and putting this provision in the bill will prevent exactly what the Senator from Virginia [Mr. SWANSON] and all the rest of us desire, which is expedition in this construction.

My judgment is that it is extremely unwise to provide against entering into this construction under the percentage basis. For example, if $100,000 is to be expended, $5,000 or $6,000 or $7,000 would be a fair percentage to pay the contractor, not providing for a cost-plus basis—and I have as much prejudice against that as anyone—but providing for a fixed compensation for the construction and enabling the contractors to go on under those conditions and erect the buildings just as other work is being conducted in the neighborhood.

I warn the Senator from Virginia that if this provision prevails in its present shape, in my judgment, there is going to be a very great and deplorable delay in the construction of these houses.

Mr. SWANSON. I will say to the Senator that those who administer——

Mr. WEEKS. Mr. President, if the Senator will pardon me, before I take my seat, I move to strike out section 7.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. SWANSON. Those who will administer this law are satisfied with what the other House provided in section 7. They said it would not delay construction at all, as I understand, if a cost-plus percentage basis were prohibited and notice were given to three responsible bidders. I thought that was sufficient, but those who are to administer the law state that it will not delay construction. The other members of the committee took the same view. I voted otherwise, and reserved the right to differ, but the members of the committee insisted that this provision should go into the bill:

> Nor contract for more than $50,000 shall be let except to the lowest responsible bidder after due notice is given, the bids to be opened in the presence of such bidders, the Government reserving the right to reject any and all bids.

I am satisfied that provision will delay speed in the construction of the buildings. The amendment was put in in the committee, each member of the committee reserving the right to vote in the Senate as he saw fit. I think the Senator from Massachusetts has shown that speed will not be made if all contracts have to be let to bidders as provided in the amendment, but the committee was very insistent on that being done, and the proposition was carried by a majority vote of the committee, the bill being reported with the recommendation of the committee that this provision continue as it is. I have no objection to eliminating section 7, as I believe that speed is very important, and I think the House provision would protect the Government from any injustice or misappropriation of funds. I think the Senator from Massachusetts is correct, that the amendment put on by the committee would greatly delay the work of construction.

Mr. CALDER. Mr. President, I rise to oppose the motion of the Senator from Massachusetts [Mr. WEEKS]. I am sorry that the Senator from Virginia [Mr. SWANSON] concurs in his view. I think the committee amendment to section 7 will do as much as anything else in the bill to safeguard the measure from a waste of public funds. We have had over and over again upon this floor the statement made that these contracts for the building of cantonments and other structures throughout the country resulted in reckless extravagance, and if I am to judge from my own experience—and, Mr. President, this happens to be in my own line of business—I know that men can be obtained to perform these contracts and that the work can be done speedily under the provision which has been added to section 7. In every building trade in the country thousands of men are walking the streets idle, except only the carpenter trade.

Mr. NELSON. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. CALDER. I do.

Mr. NELSON. Does not the Senator think that the law on the statute books prohibiting more than eight hours' labor in Government work will prove an embarrassment and a restriction? Ought not the provision of the law, if we desire to expedite the work, be removed as to those who take these contracts, and provision made that they should not be limited by the eight-hour law?

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Virginia?

Mr. CALDER. I yield.

Mr. SWANSON. I think under the eight-hour law, to which the Senator from Minnesota [Mr. NELSON] refers, where there is an emergency that law can be waived, and that it has been waived. I think as to work in the navy yards the eight-hour law is permitted to be waived in an emergency.

Mr. CALDER. The Senator from Virginia refers to waiving the eight-hour law. The eight-hour law is waived in Government work, but it is only waived where the men receive additional compensation because of their working more than eight hours per day. I think that eight hours a day is long enough for any workman to labor, in ordinary times, but I would agree with the Senator from Minnesota [Mr. NELSON] that in these war times men should be permitted to work longer than eight hours.

Mr. LODGE. I want to ask the Senator from New York a question, merely for information. What is there to prevent a contractor who has a contract in the ordinary way as the lowest bidder from working his men over eight hours' time and paying for time and a half for their working on Saturdays and Sundays, as my colleague [Mr. WEEKS] has suggested?

Mr. CALDER. There is nothing to prevent him from doing it.

Mr. LODGE. Then he is at no disadvantage as compared with the Government contractor, is he?

Mr. CALDER. I can not see that he is.

Mr. President, when interrupted I was saying that in every trade in connection with the building industry there are plenty of men to be had to-day, except possibly carpenters. When I visit New York, I am told by men in the bricklaying trade, the plastering trade, the plumbing trade, the roofing trade, and other trades, that there are plenty of men to be had, and that many of the men engaged in these lines of activity are walking the streets unemployed. The junior Senator from Massachusetts [Mr. WEEKS] has made the statement that a report of the Department of Labor indicates that in 26 of 30 cities investigated there was a surplus of labor. That surplus of labor is largely in the building trades.

I would leave this provision in the bill, Mr. President, for it will assure a wide competition, and I am certain that houses will be constructed just as speedily as is necessary if we have complete and full competition in bidding for their construction.

Mr. President, I have in my hand copies of letters sent out from the Treasury Department, beginning February 5, advising the public that in these war times they should refrain from extensive building operations. I will say to the Senate the effect of these letters was almost immediately to stifle the building industry throughout the Nation. Builders felt that if they attempted to pursue their trade, their work would be discouraged; savings banks and mortgage companies immediately stopped loaning money for building operations; and I will say to the Senate that, although these letters emanating from the Treasury Department were meant to be beneficial, they had as much to do as anything else with stopping building operations throughout the country.

I can speak for New York, Mr. President, when I say that in New York City to-day there is little or no home building going on. This condition is largely caused by the fact that it costs to-day about 50 per cent more to build houses than it did two years ago, and it is also due to the difficulty the builder has in obtaining mortgage loans. Most of the men who build homes go to mortgage companies, savings banks, fire or life insurance companies and arrange to borrow 50 or 60 per cent of the cost of their project. They then sell these houses to

small investors, who pay on an average 25 per cent down and the difference between the amount paid down and the first mortgage in installments, putting a second mortgage on the property.

I think one of the best things in this bill is the provision which permits money to be loaned to those engaged in building houses. I am sure that if this whole scheme were properly managed, if it were handled by men who are familiar with this sort of business, it could in many instances be arranged that the people interested in conducting the munition, shipbuilding, and other plants should take over the responsibility of providing housing facilities for their own employees, the Government wherever necessary to advance loans to them on bonds or mortgages. My own judgment is that but for the letters of the Treasury Department and but for the opinion prevalent throughout the country that the Government itself would take care of the housing problem many of the shipyards and munition plants would themselves have provided proper housing facilities for their employees. I can see no reason why a shipbuilding, a munitions, or industrial plant making millions of dollars from the Government should not take care of this very matter themselves. I am strongly of the opinion that if the Government were insistent upon their doing so, they would contribute largely toward it.

I presume this legislation will have to be enacted. I know in some parts of the country, particularly where the shipbuilding plants and great industries have grown up overnight, where there are no housing facilities for the people employed, that something must be done to house them; but, as I said a moment ago, if the Government should pursue the course of advancing the money to the shipbuilding plants and make them assume part of the responsibility, then I have no doubt in the end there would simply be a loan of the Government's credit and that there would be very little loss when the war is over and these properties are turned into cash.

Mr. WEEKS. Mr. President, under ordinary conditions I would not question the judgment of the Senator from New York [Mr. CALDER] on a matter relating to building, because he is a trained man in that line of business and naturally would know more about it than one who claims no particular knowledge; but in this matter I can not agree with him. It may be that workmen in the city where he lives are walking the streets, but the very reason for building houses is that we can not get a sufficient number of workmen at the plants where congestion prevails without building houses. There would not be any reason for building houses if there were plenty of labor contiguous to these plants. For that reason and because of the difficulty of *transportation* we are providing for the erection of houses near the plants where this unusual work is going on.

I disagree with the Senator from New York also about the provision in respect to loaning money, putting the Government in the place of building and loan associations. To my mind that is one of the worst features of the bill. Building and loan associations, for the very reason that the Senator has described, are comparatively idle; there is comparatively little building in most places, and they are not finding a ready means for expending their money for that purpose. This is entirely an emergency proposition, and the very fact that we need the houses controverts the argument which the Senator from New York has made.

What I want to prevent, Mr. President, is the provision that will allow the construction of these houses on a cost-plus percentage basis. I think there have been a great many excessive costs due to that policy, and I think we ought to prevent it in this case; but I see no reason for the prevention of the erection of these houses on a percentage basis, as I described a few moments ago, or under contract. Therefore, I think the House provision is infinitely better than the Senate committee provision, with the exception of striking out the percentage basis instead of the cost-plus percentage basis. I ask unanimous consent to withdraw the motion which I made, and I will make another one which will carry out that idea.

The PRESIDING OFFICER (Mr. NEW in the chair). Without objection, the Senator from Massachusetts withdraws his amendment.

Mr. SWANSON. Mr. President, I think the best way would be to proceed with the bill and amend it as we go along.

Mr. WEEKS. I shall be compelled to leave the Chamber. I do not, however, wish to break in on the routine.

Mr. SWANSON. I can not consent to the Senator's amendment, because the committee has put the provision in the bill; and, although I reserved the right to vote against it, as chairman of the committee I can not consent to its elimination.

Mr. WEEKS. Well, I will make the motion at the proper time to substitute a provision along the line I have suggested.

Mr. GERRY. Mr. President, I wish to say a word in behalf of this bill, as I know the great necessity for it in my own State. At Newport we have a torpedo station which is doing magnificent work, but it is not able to do the work that it should on account of the shortage of labor. That shortage is due, I think, entirely to the lack of housing facilities in Newport. I know that in January they were working on two nine-hour shifts, and that something like 400 employees were not able to work in these double shifts because they were living in Fall River and the transportation was such that they could not get back and forth. I know that the Navy Department is very anxious to increase the output of torpedoes from that station, and I feel confident that they could employ 500 additional men if they had the proper housing facilities for them.

Mr. President, the type of individual that is employed in this factory is a very high and intelligent type, and I want to take this opportunity to pay a tribute to their spirit and their sense of duty, as evidenced by the fact that after a disastrous explosion had occurred in one of the highly explosive departments of the torpedo factory, in which a number of men were killed, every single person reported for duty the next day and there was no letting up in the process of manufacture.

It seems to me that these people, who are working so faithfully for the Government and who are making sacrifices such as are involved in living away off in Fall River and coming to their work at the torpedo station, should be encouraged; and not only should they be encouraged but others should be aided in coming to the Government's assistance and working in this plant, for there is no question that the increase of the output of torpedoes is a very important matter. When this war develops more sea battles, as it will in the future, it will be most essential that our Navy shall not have to consider whether or not they can spare the torpedoes. For that reason I am entirely in favor of this bill and of increasing the facilities of the torpedo station at Newport.

The PRESIDING OFFICER. The Secretary will state the first amendment of the committee.

The SECRETARY. On page 1, line 3, after the words "Secretary of Labor," it is proposed to insert a comma and the words "under the direction of the President of the United States," so as to read:

> That the Secretary of Labor, under the direction of the President of the United States, for the purpose of providing housing, local transportation, and other community facilities for such industrial workers—

And so forth.

Mr. FALL. Mr. President, I want to say a word on this general legislation as covered in this bill.

We have pending before this body now a bill known as an administrative measure, sent down here by the President of the United States, as we understand, through the Postmaster General, Mr. Burleson, and by him delivered over to the Senator from North Carolina [Mr. OVERMAN], and brought out of the committee. By the terms of that bill it is proposed that absolute, autocratic authority shall be vested in the President of the United States to deal with every department of this Government exactly as he pleases; to abolish the Department of Labor; to abolish the Secretary of Labor; to abolish even the War Department and the Navy Department and all the other departments of the Government. We have now, by law, authority vested in the Navy Department to acquire necessary buildings. We are constantly making appropriations for the War Department for the acquisition of necessary buildings. The Congress of the United States has never yet refused to vote a necessary amount to any department for the acquisition of any necessary buildings.

What is proposed to be done here? Instead of undertaking to coordinate your legislation, as the President asks autocratic authority to coordinate the departments of the Government and to assume all their functions himself, instead of following out some line of legislation, you bring in one administration measure, then another administration measure, and then another, all conflicting the one with the others. Congress itself apparently can not coordinate, it can not get together, on measures proposed by the administration. It can not even, in its proposed legislation, coordinate administrative legislation. You have pending now as the unfinished business the proposition to abolish all of these departments, to consolidate them, to allow the President to do exactly what he pleases—to abolish this Labor Department, as I have said, if he so desires. Then you bring in a bill authorizing the Navy Department to expend forty or fifty million dollars, or as much as is necessary, in acquiring buildings.

You make appropriations for the War Department to do the same thing, and then you bring in a general bill here authorizing the Secretary of Labor to acquire properties all over the United

States; not only those necessary in connection with the arsenals or the naval work of the United States, which are specifically set forth here in this bill, but, further, you authorize the Secretary of Labor—and I stake my reputation as an attorney upon it—to declare, in his discretion, that any farmhouse in any State in this broad United States is necessary for his purposes, and to condemn or take away from the farmer that farmhouse anywhere in any State. There never was such an attempt, in my judgment, in a free country, to make absolute slaves of the citizens of that country. Where in the name of God do you propose to stop?

Why, Mr. President, to say that the Secretary of Labor will not do such-and-such a thing, that I need not be afraid of the Secretary of Labor, is to attempt to make me ridiculous in my own eyes if I would consider such a proposition for a moment. To say that he will not take the farmhouse, to say that he will not take the furniture, to say that he will not go into any district where he may desire to go, in his judgment, and do what we consider an outrageous thing, and then ask me to vote him the power to do it, is, as I say, to make me ridiculous in my own opinion if I consented to listen for a moment to a proposition of that character.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. FALL. Certainly; with great pleasure.

Mr. SWANSON. After such great zeal against this bill, which is intended to prepare this country for the national defense, the Senator seeks to leave the impression that the Secretary of Labor can seize every house in this country out of mere caprice.

Mr. FALL. Yes.

Mr. SWANSON. Here is an amendment that the Senator has never read.

Mr. FALL. I think I have read all the amendments.

Mr. SWANSON (reading)—

Nor shall any occupied dwelling be taken under the powers in this act given except by contract unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality on petition setting forth the reason and necessity for such taking.

Now, if the Senator will permit me——

Mr. FALL. Well, Mr. President——

Mr. SWANSON. I will wait

Mr. FALL. I have that amendment in mind, and I intended to refer to it.

Mr. SWANSON. The object of that provision is this: It is contemplated to build, in some of these places, little towns——

Mr. FALL. The Senator can make that explanation in his own time, if he pleases.

Mr. SWANSON. I do not wish to interrupt the Senator unless he desires.

Mr. FALL. The Senator is a lawyer, or supposed to be. I have had some little legal experience, too.

Mr. SWANSON. I have not bragged about it as much as the Senator has.

Mr. FALL. The Senator, then, knows that in a matter of this kind the Supreme Court of the United States has held that when the political power has acted the courts abide by the discretion of the political power.

Mr. SWANSON. If the Senator is a lawyer, he has not read the amendment which says that the Secretary of Labor can not act until the court passes on the matter. The court has to pass on it.

Mr. FALL. Oh, the Senator is quibbling.

Mr. SWANSON. No, indeed.

Mr. FALL. I am speaking of the law, which is that the Secretary of Labor having decided that he would take this property, the court would not interfere under the general rule that the political power being vested with certain authority or certain discretion in a matter, the courts will not interfere with it. As to the final taking over, as to the final disposition, as to the final price to be paid for the property, the court could be brought in to take such action as appeared to be just under the circumstances.

Mr. SWANSON. Will the Senator let me read this amendment again?

Mr. FALL. I know what the amendment is. The Senator, in my judgment, is simply blindly following the voice of the master, and I am not going to blindly follow such a voice.

Mr. SWANSON. It is mighty easy for the Senator to talk that way. I think the Senator would do mighty well to have some master at some time, and a great deal better than he does. He would not be quite as wild as he is. I think the best thing the Senator's State could do would be to get somebody to regulate the Senator in emergencies like this.

Mr. FALL. Mr. President, there has not been a war measure introduced in this body which I have not earnestly and consistently supported. The so-called acid test has been put upon certain Members of Congress. When the Senator and others were meekly occupying their seats here prior to the declaration of war, I was insisting upon vesting powers in the President of the United States even to a more extreme degree than the President himself asked. The people of New Mexico have elected me. The people of New Mexico are a sovereign people. I thank the Power above us that the people of New Mexico are not so partisan and so subservient that they will not consider the claims of rival candidates nominated by the respective parties in the United States. They have not disfranchised thousands of voters for the purpose of rendering the election of a Democrat who may be nominted by the Democratic Party a "cinch," as we may say. They do not elect, and never, I believe, will they elect any man to represent them in their sovereign capacity as citizens of these United States who will come here and abjectly wear the collar of any man, in the White House or out of it. They will never, in my judgment, elect to represent them on this floor a man who will receive a measure, of whatever kind or character, delivered to him by some office boy from the White House, taking away from the people their sovereign rights as citizens of the United States, and, subserviently following, as I say, the voice of the master, urge its passage as an immediate necessity.

If the people of New Mexico ever find themselves in a frame of mind where they would elect a man as their representative who would come here, sir, and be bound by a partisan caucus, as has the Senator from time to time; if they ever find themselves in a state of mind where they would elect any man as their representative in this body who would take his orders from any source; if they ever find themselves in that condition of mind, Mr. President, they will have forgotten their ancestry. Fifty per cent of the population of my State are of the Spanish blood, and they will have forgotten that they are the sons of the conquistadors who rang the church bells of New Mexico before the English landed at Jamestown or at Plymouth Rock. They will have forgotten that they have a right to celebrate two independence days—one the 16th of September and the other the 4th of July. Anglo-Saxons, who constitute the other 50 per cent of the population of my State, will have forgotten, as apparently, from the Senator's expression, some people even here have forgotten, the traditions of those people who founded this Government—the example of those people who threw off the yoke of England and declared themselves free men—for what? To assume the yoke of partisan politics? To assume to be dictated to by a Secretary of Labor? To turn over their homes, their firesides, their property, to a Secretary of Labor? This is a high standard which the Senator from Virginia sets for the people of New Mexico, that they should castigate me.

Mr. President, I declared some time ago that I should not be a candidate for reelection to the position which I occupy. I have made that declaration firmly and strongly to the people who are interested, in New Mexico. It is generally understood not only that I shall not be a candidate, but I have gone so far as to say that were my election to be assured without a contest I would not accept a commission. Mr. President, after listening to the Senator who is in charge of this bill, if this body should vote for and enact this bill into legislation, I would thank the Lord that I had made that announcement, and had I not made it before I would make it now.

Mr. President, I have never yet found myself in a position where I would allow anyone to dictate to me. The Senator says my people had better send somebody to dictate to me what my policy should be. The Senator from the Old Dominion State, "the mother of Presidents," makes a statement of that kind on the floor of the Senate of the United States!

I am very sorry to have been led into a discussion of this character. I rose to my feet, sir, first as a lawyer to express my views upon certain phases of this bill. I rose to my feet again as a Member of the Senate who stood absolutely by the administration; and I defy the Senator from Virginia to show that he has been any more loyal, even to his President, than I have, except as his spelling of "subserviency" spells "loyalty."

I rose to my feet, sir, for the purpose, first, of pointing out, as I did in the first word, that you are now attempting to vest this absolute, autocratic power in the Secretary of Labor; and I rose to my feet to suggest that you strike out "the Secretary of Labor, under the direction of the President," and write in place of that a provision that the President of the United States is authorized to do these things. I would then vote against the bill; but at least it would be in line with the measure proposed by the Senator from North Carolina, that the President should be allowed to coordinate all branches and all departments of this Government. I am going a little further, and I will say to the Senator from Virginia and the other Senators here that

I am going to vote for the bill vesting this autocratic power in the President of the United States. I am going to do it because I have no confidence in his Cabinet members nor in their ability. In my judgment they have proven themselves absolutely inefficient. I am not going to vote to clothe any one of them with any further power. I will vote to clothe the President with absolute, autocratic power. The President stands responsible to the people of the United States for the conduct of this war. He shall not hide behind the skirts of Hoover, or Garfield, or William B. Wilson, or Baker, or anyone else, in so far as my voice and my vote are concerned. If he conducts us through this great crisis successfully, let his be the praise. Let him be perpetuated in power, if the people so choose. Let him have, as he will deserve, all credit. Let him have the vote of every man in the United States for reelection, if they choose to give it to him. I will not raise my voice against such a vote if he conducts this war successfully and conducts us through the present crisis successfully; but if he fails——

The PRESIDING OFFICER. The Senator from New Mexico will please suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate the executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. FALL. But if he fails let the people of the United States understand where is the responsibility for the death of the boys in the trenches, for the failure to place men behind Haig's weakened line. Let them understand where that responsibility rests—not upon Baker, Secretary of War; not upon Daniels, Secretary of the Navy; not upon the Shipping Board. The President is the Shipping Board, the President is the Secretary of War, the President is the Secretary of State, the President is the Secretary of the Navy, the President is the Secretary of Labor, and under the law he is the Fuel Administrator and the Food Administrator. Then name him and let him have the credit. Let him go down in history as having been the one man with the one brain, his effort practically the sole effort which carried this country through the greatest crisis which it has ever known.

As I said, let the people elect him time and again; you will never hear my voice raising an objection, if this man proves his ability. If he wants the power, and you are giving it to him, you shall not, so far as I am concerned, hide behind the skirts of the Secretary of Labor to excuse your abject failure.

Mr. President, I have made certain statements in reference to my understanding of this bill as a legal proposition. I have been led to make certain statements that I regret the necessity of making now, but I should have made those observations at some other time. It is well enough that they be made now, so that my position may be perfectly clear.

I regard this measure, even if it vests the power directly in the President, as the most obnoxious proposed legislation which has been presented to this or any other legislative body in the history of this country. That is my firm conviction. I can not under any circumstances support it. No one, in my judgment, that is my personal opinion, should support it except as vesting this authority in the President of the United States. In my judgment, if the Senator from North Carolina is earnest in his attempt to vest the power in the President of the United States to consolidate bureaus, and so forth, he should himself have made the objection which I have urged here. The other Senators who are in charge of other administration measures, it seems to me, if I may be allowed to suggest very frankly to those who have charge of legislation of this character, would do much better if they would get together and undertake to coordinate their legislation and to have some program of legislation, and not bring in matters of this kind piecemeal, with a measure pending to overturn them all, even if they are enacted into law. These would be my suggestions. Of course, they will not be listened to. At least the first suggestion, of a legal nature, which I made aroused the ire of the great Senator from the Old Dominion, whose idea of senatorship is that one should follow some leader.

Mr. SWANSON. Mr. President, I have listened to the Senator from New Mexico [Mr. FALL]. I for one am tired of hearing Senators discuss measures here not on their merits but simply saying you receive them as your master sent them here. I resent that, and when it comes in any such spirit as that it shows an antagonism to measures because they are supported by the administration.

Mr. FALL. Will the Senator yield?

Mr. SWANSON. I yield.

Mr. FALL. Will the Senator allow me to refer to a private conversation which took place between him and me a moment ago in the cloakroom?

Mr. SWANSON. I have no objection.

Mr. FALL. When I referred to the fact that the Navy Department had the power and the appropriation with which to acquire buildings, and so forth, and that it should be consolidated, did not the Senator say to me personally that the Secretary of Labor thinks this matter should be left in his hands?

Mr. SWANSON. I did not say the Secretary of Labor. I said the Cabinet thought it the best way to dispose of this matter. The Secretary of the Navy thought so and the Secretary of War, as shown by the hearings. They had it up at a Cabinet meeting and it was decided. I said there was no reason why the Secretary of Labor shoud be reflected on by having him eliminated. Did I not?

Mr. FALL. I think you did.

Mr. SWANSON. For one, Mr. President, I am tired of gentlemen who always display partisanship in the Senate, referring to every measure as being sent here by your master. It is not courteous, it is not true, and it shows the spirit of that Senator and a desire to produce antagonism to measures regardless of the merits of a measure and antagonism to the President himself. The President never sent this measure to me; not a Cabinet minister sent it to me, except so far as they came before the committee. I never saw the Secretary of Labor about this measure, except so far as the other members of the committee saw him. If the Senator has a spirit like that, if he thinks that is senatorial courtesy, it is well that he should be regulated by somebody, and I do not care from what source. I am tired of it for one. If these measures that are brought here reported from committees are right, discuss them on their merits. Discuss the question whether they are wise or unwise. I for one am tired of being eternally rebuked and talked to in any such manner as that your master told you to do so and so. I have no master.

I say one thing, however, that I am going to support the President as Commander in Chief of the Army in all measures, that whenever he recommends a measure to win this war I am going to presume that it is right, and where his vision is greater than mine, where his knowledge is greater than mine, and his information greater than mine, as it is in most cases, I am going to follow him. I never saw an Army yet that was so well organized with so many generals and leaders.

The Senator talks about the unification of power. I stated here that the Cabinet, the Secretary of Labor, the Secretary of the Navy, and those who are to administer this law had reached the conclusion that it would be administered better by the Secretary of Labor than by anyone else. Why was it first put there? The Secretary of Labor himself testified in the hearing that he had made a survey of all the conditions at the various plants, navy yards, arsenals, and industrial enterprises where munitions of war were being produced. In his department he has the employment bureau of the Government now. If they need people at any of the navy yards; if they need them at munition plants he has the employment bureau that tries to get the labor there; he tries to provide the means of doing the work. He saw a great many places where they did not have houses to house the people. He saw a great many places where the people did not stay longer than 10, 15, or 30 days and he ascertained the necessity of housing the employees, the necessity of having proper residences for them to live in. He made a report and that report went to the War Industries Board. Then it was carried to the Cabinet, and a survey was made, and it was thought wise that he should administer it. That is why it was put in the bill. I see no reason why it should not be put there. He knows the difficulties, he knows the necessity of furnishing labor as far as he can and as far as any official of the Government can do it for these plants to meet the necessities where they exist, and consequently I see no reason why the Secretary of Labor, under the direction of the President, should not have this authority and this power.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. BECKHAM. Mr. President, I am in favor of the measure which has just been laid aside, the so-called housing bill, which I believe provides for a very urgent necessity. But I shall not undertake now to discuss its features, for it is my purpose at this time to address myself to the bill reported from the Judiciary Committee, and which has just been laid before the Senate,

known as the Overman bill. I ask the indulgence of the Senate while I submit some observations on that measure.

Again, Mr. President, we find in the discussion of this important measure the fundamental question raised as to the war powers of the President of the United States.

Since this country entered into the present war one year ago many serious and imperative war measures have been before Congress, and much valuable time has been consumed in debating the question as to how far the executive branch of the Government should be intrusted with the necessary and indispensable powers to carry on the war. Every inch of ground has been vigorously and tenaciously disputed by those who seem to believe that the same constitutional restrictions should be placed upon the executive department of the Government in time of war as are admittedly proper to place upon it in time of peace. They have expressed grave fears that the liberties of our people might be in danger and the Constitution of our country might be sacrificed if we should remove any of the limitations upon executive authority, and unshackle its hands that it might more easily and successfully combat our foreign foes.

Time and time again they have ably and profoundly discoursed upon the elementary doctrine that our Government is divided into three distinct branches, the executive, the legislative, and the judicial; and sometimes they have so earnestly and jealously emphasized these distinctions that their arguments would seem to lead us to the belief that the safety of our institutions and the liberties of our people could be preserved only when each of these three departments of the Government was fighting the others, and that our real danger would come if ever they should get together and work with perfect cooperation and harmony with each other. In listening to some of these debates in the past year, and at times under the spell of the fervid oratory of some of our strict constructionist friends, I have occasionally wondered whether after all our country would be in greater danger from the barbarous hordes of the German armies, if turned loose upon our land, than from the evil designs of an American President, armed with increased powers with which to wage successful warfare; and whether, in very truth, we did not really have less to fear from William Hohenzollern, with his bad reputation and his powerful war machine, than from Woodrow Wilson, with a little more power in his hands to use in quickly raising and equipping an adequate Army and Navy to fight under the Stars and Stripes. At such times, Mr. President, when these warnings have been thundered in the Senate Chamber I have almost lost sight of the dangers from a triumphant Kaiser, and shuddered at the thought that possibly the President of the United States, if endowed with such additional powers, might turn these great armies and our superb Navy upon the trusting and unsuspecting people of his own land.

Scarcely any war measure has been proposed in the Senate that these alarms have not been sounded, and much valuable time has been lost by the almost interminable debates, in which the discussions seemed to be directed not so much upon the best and quickest way to whip the Germans, but upon the question as to how far we could trust the President of the United States with the power and authority to accomplish that purpose. So much time has been consumed in this way that there is no doubt in my mind but that our war program has been thereby delayed many months. In the consideration and passage of some of these measures weeks and sometimes months have been taken in debate, oftentimes profitless, and the bills would finally pass with very few votes in the Senate against them.

The rules of the Senate which permit unlimited debate have been an especial disadvantage to the country in the last year. If there is any justification for such rules in times of peace, there is certainly none in times of war. It would have helped our war program very materially and hastened our preparation for effective service in it if the Senate immediately after the declaration of war had adopted a rule providing for the previous question for a period at least until the close of the war. We complain that in some instances there have been evidences of serious delays in war preparations and with the lack of energy and efficiency in some governmental agencies, and yet we have certainly not set them a good example in the delays which have so often occurred in this body in the passage of measures so essential and so urgent for the proper conduct of the war.

The Senate recently spent about 10 days in debating an important measure manifestly necessary to strengthen the arm of the Government in dealing with German agents and spies in this country. Although disastrous fires were occurring in our munition factories and criminal activities of German spies in some of our war industries, we spent two days in the discussion of whether the word "calculated" or the word "intended" should be used in that measure, and yet there were so few against the passage of the bill that when it came to its final passage not even a roll call was demanded. We could greatly repair the mistake already made and accelerate our preparations for war if we would start right here in the Senate and have the Committee on Rules report without further delay a rule permitting the use of the previous question in our proceedings here during the war, and if the Senate would adopt such a rule.

There are many evidences, Mr. President, that the people of the country are becoming aroused more than ever to the gravity and peril of this war, and becoming impatient and intolerant of any unnecessary delays in Congress or elsewhere in the organization of our strength and forces for complete and successful participation in the war. We can observe this feeling growing in every section. In many places it has broken out in mob violence. Impatient of the law's delays, the citizens in many parts of the country have begun to take the law in their own hands in their efforts to stamp out treason and the evil activities of the German agents in this country. This is an unfortunate condition, for the mob spirit is likely to increase unless the Government is given sufficient power to deal effectively with these evils and crimes.

No war ever has been won or ever will be won by a debating society. Learned and eloquent disquisitions upon theories of government, profound and exhaustive addresses upon constitutional limitations may have their place in a period of peace, but in this fateful crisis of world history there is no time for them, and only action, vigorous, forceful action, can meet the situation or satisfy the demands of our people. When millions of men are lined up in a life-and-death struggle upon the long battle field of western Europe, when the civilization of the world is trembling in the balance, when hundreds of thousands of brave young American soldiers are in that battle line with their brothers in arms, sacrificing their lives in the righteous cause of human freedom, and when the American people each day while this tremendous conflict is going on are watching with intense anxiety every bulletin that comes to us from the battle fields, it is not surprising that we should see so many manifestations of impatience throughout the country when we hesitate here in Congress so often and so long to give to the President sufficient power, not only to maintain our Army and our Navy abroad but to suppress the very dangerous and grave activities of bold and defiant German agents in this country.

There may be some Senators who conscientiously fear the policy of placing too much power in the hands of the Executive, but I am confident, Mr. President, that I am not mistaken when I say that at least 95 per cent of the American people have no such fear and are willing to trust him with unlimited power in the prosecution of this war. I do not believe that the President of the United States would abuse that power in the least, and I have great confidence in his patriotism, his widsom, and his devotion to the Constitution and the laws of our land. The extraordinary powers which we give him will be promptly surrendered by him when the war is over and the danger is passed.

The great Lincoln, as we have so often been told, was bitterly assailed and called a dictator and a tyrant because when the Union was threatened in the Civil War he assumed and exercised powers not specifically warranted in the Constitution. He did it in order to save the Constitution and the Union, and who is there to-day that would dare to criticize him for what he did? Who is there now that doubts the purpose of Lincoln to surrender every one of those extraordinary powers at the close of the war and the end of its dangers?

The biggest undertaking, Mr. President, which this Government ever encountered was one year ago when we entered into this world struggle for the defense not only of the civilization of Europe but for the safety and peace of our own people. Upon a moment's notice, as it were, we had to suddenly begin transforming a democracy of 100,000,000 of peace-loving people and a Government established for such a people and for such conditions into a warlike organization to meet the most perfectly equipped war machine in the history of the world. It has been no easy or simple task. It has been one to test to the uttermost the wisdom, the patience, and the genius of the man at the head of our Government, and of those associated with him in the great work before them. That some mistakes have been made, that some disappointments and failures have occurred is undeniable, but the dispassionate historian of the future will undoubtedly pay tribute to the marvelous and splendid work that has been done, and place that work far in excess of any mistakes or failures.

I shall not take up the time of the Senate in an effort to describe or enumerate the many great achievements accomplished in the last year, for the Senate is familiar with them, and so are the people of the country. It is inconceivable that in so gigantic a task some mistakes should not have occurred,

and there is no reason to conceal them. Neither is there reason to exaggerate or magnify them. The work is going on tremendously and successfully. Back of it all stands the unwavering determination of the united American people to devote their all, if necessary, to the successful conclusion of this war. Back of it, too, stands the great President of the United States, whose clear and ringing words in behalf of human freedom have awakened the oppressed people in every land on the globe, and have thrilled our allies with a new spirit of indomitable courage on the battle fields and in their homes.

We should do our utmost in this vast work. Congress should not withhold from the President any power or any means which he considers necessary in this enormous undertaking. He is the Commander in Chief of our Army and Navy. We must trust him just as soldiers must trust their general when they go into battle. We are serving the enemy and not our country whenever we delay unnecessarily the grant of power and funds which he may need. Congress has done much excellent work since this country declared war upon Germany, and less partisanship has been shown in the two Houses in that time than at any other time in the last half a century. Democrats and Republicans alike have shown an admirable spirit of patriotism, and only with rare exceptions have evidences of partisanship been exhibited. But there is much more work to be done by us, and I believe it should be done more speedily and with less caviling and contention about the powers of the Executive and the strict adherence to the letter of the Constitution.

I yield to no man in my reverence and devotion to that Constitution. From my childhood I have been taught and I now believe that it is the great charter of our liberty and a sacred instrument, which must be protected and respected if our Republic is to endure. But, Mr. President, let me say that in my opinion it was never the intention of those who framed the Constitution that any of its provisions should ever be invoked in time of war and national peril to restrict the power of the Government in the defense of the Nation and of its institutions.

Great Britain, too, has a constitution. In no other nation on earth at the time the European war began did the people possess more liberty of thought or action than did the people of Great Britain. They reverenced their constitution with its safeguards upon their liberties just as much as we reverence ours, but when war burst upon them, and as the magnitude of their danger increased, they found it necessary to yield during the period of national peril most of the liberties insured to them by the constitution.

The changes which have taken place in the British Government in the last three years should furnish interesting and valuable lessons to us. The transformation of their governmental agencies from a peace basis to a war basis was slowly—it may be too slowly—but surely accomplished, and we see in that process of evolution the peace-time government of the able and amiable Asquith changed into a powerful war-time organization under the more vigorous Lloyd-George. No one need to doubt that when war is over and peace again established the British democracy will come into its own again more firmly established, if possible, than it was before the war. And no one here need doubt that no matter how great the power we may vest in our Executive, democracy again in this country when peace comes will be fully restored to every power which it may have surrendered during the war.

I need not take up the time of the Senate in discussing similar conditions which existed in the early part of our Civil War and the embarrassment which President Lincoln experienced in the efforts of many Members of Congress to hold him to the strictest limitations in the letter of our Constitution. It was only after his hands were unfettered by such technical restrictions that he was able to marshal the forces of the Union and bring about a successful conclusion of the war. I repeat, Mr. President, that our people are in no spirit or temper to tolerate any delays in Congress or elsewhere, nor to show any patience with those who would consume precious time in these critical days in seeking to limit the powers which the President must have if we are to achieve victory in this war.

We find this restlessness and impatience upon the part of the people throughout the country, especially in reference to the fact that the Government and the courts under existing laws have not been able to accomplish more in the suppression of the German propaganda and to prevent the disastrous losses brought about in many institutions and industries by German agents and spies. Many of these agents are escaping any punishment at all; some of them are receiving sentences of imprisonment, which amounts to no punishment to them, where similar crimes in the other belligerent countries would be summarily punished to the fullest extent. The time has about come, Mr. President, when it should be seriously considered whether or not the President should in some cases suspend the writ of habeas corpus and declare martial law to cover these offenses of alien enemies in the country. It was done in the Civil War, and there seems to be far greater reason why it should be done at this time. If we do not very soon more vigorously and effectively show the power of the Government under existing processes to sufficiently punish these enemies, then we may expect an alarming increase in mob violence and in lawlessness throughout the land.

A mob once in a while gets the right man, but too often it may persecute or murder an innocent one. The extension of the jurisdiction of courts-martial in these cases may become necessary. There is no cause to reflect upon the administration of the laws by our Department of Justice or by our courts, for they have done much good work; but it is becoming more apparent that the ordinary processes of our courts under existing laws are not sufficient to adequately combat this danger. Therefore, I say, Mr. President, more power to the President of the United States and less quibbling about constitutional objections in this hour of grave danger.

In this bill before the Senate, which bears the name of the distinguished Senator from North Carolina [Mr. OVERMAN], the President is not asking for more actual power, but is seeking to have Congress give him the authority that he may "coordinate or consolidate the executive bureaus, agencies, and offices in the interest of economy and the more efficient concentration of the Government." In brief, he is simply asking that he be allowed to redistribute in a more businesslike and efficient manner the power which he already has.

Although this is only a war measure, some such authority really should be given to the President in times of peace, because it is a well-known fact that there is great duplication of work, many instances of unnecessary waste and extravagance in the present organization of our departments and bureaus. The attention of Congress and of the people has been called to this fact for many years. We are all familiar with what Senator Aldrich said some years ago, to the effect that our Government, even in those times, on a more businesslike basis could be conducted for $300,000,000 less than it did cost without sacrifice to the public service. President Taft on numerous occasions pointed out the cumbersome, clumsy, and expensive features of the present system. Other distinguished men and officials have time and time again commented upon it, and yet nothing was ever done to remedy it. If such reforms were needed under conditions of peace, how much more are they needed now under the present conditions.

Some Senators express the fear that the President may go too far in this work and possibly impair the service and efficiency of some of our governmental agencies. They fear that the Interstate Commerce Commission or the Federal Reserve System or some other branch of the Government service might be sacrificed or impaired by him if such power was given him. I have no such fear myself, nor, do I believe that the vast majority of the American people entertain such a fear. There are some who insist that the President indicate specifically what changes or consolidations or coordinations he desires to make before authority is granted him by Congress to do it.

This, Mr. President, it seems to me, is manifestly impracticable, if not impossible. It is a case where I feel that we can with utmost safety trust the President, who is more responsible than any other official or citizen in this country, to use that discretion, intelligence, and wisdom with which he is justly credited. We can certainly try the experiment without risk or danger for the period of the war, and it would not surprise me if, in many instances, the changes brought about would prove to be so satisfactory and successful that Congress, after the war, would be ready to continue them on a permanent basis.

It might be that the President already possesses much, if not all, of the authority which this bill proposes to give him. As Commander in Chief in time of war, he might assume, without legislative sanction, to do many things contemplated in this measure toward the reorganization of the executive branches of the Government upon a more businesslike and effective basis. As an illustration, it is probable that he already has the right to coordinate the work of the Interstate Commerce Commission with the office of the Director General of Railroads under the act of Congress, giving him the authority to take over the railroads of the country in time of war.

Modern war is very different from what it used to be. It requires now not merely the operation of armies and navies. It is far more comprehensive, and takes within its omnivorous scope almost every activity and industry of human life. With vastly increased demands it calls upon the farmer, the laborer, the artisan, the captain of industry, the scientist, the chemist, the artist, and men and women from every walk of life. The fields, the factories, the commercial organizations, the labora-

tories, and nearly all, if not all, of the industrial agencies of peace conditions are now brought into direct touch with the war organization and are important and essential factors in it. The so-called peace departments of the executive branch of Government have their warlike functions to perform just as necessary as those of the War Department or of the Navy Department. It seems, therefore, that the President should have broader authority during the war to organize wherever advisable any of the executive branches for more useful and capable service in the war, and I believe that this measure which undertakes to grant, if not to confirm, such authority in his hands should be passed substantially as it has been reported by the committee.

Mr. President, the most important element now in the determination of this awful world conflict is speed. Nothing can more endanger our success and the success of our allies in the final struggle than delay. Every hour, every day, is more valuable now than at any other time in human history. No one need to have fear of the result if this great Nation, with its immense wealth, its inexhaustible resources, and its energetic and patriotic people, loses no further time in marshaling its strength for service upon the stage of this world tragedy. Never before in the history of the human race was the issue at stake greater or more far-reaching than it is to-day. Never before did any people have as great an opportunity to render service to mankind as the American people have at the present. We breathlessly and anxiously await day and night for each message that flashes across the seas, telling us of the events of the titanic struggle now going on in Belgium and in northern France. No braver soldiers ever marched to the battle front than those American, British, and French heroes who are right now along that battle line holding back the onrushing waves of the barbarous hosts of Germany. Their success in holding those lines and in driving back the ruthless foes depend upon how fast can we rush to their aid men and supplies.

The American Government is meeting this duty nobly and to the fullest extent possible. Our troops are going over faster than ever before. The necessary munitions and supplies are also going. In this crucial hour every American citizen should speed this work to its utmost. Every sacrifice that is needed to help should be cheerfully made. A disaster to the armies of our allies would be our disaster. For nearly four long years, the bloodiest and darkest in all history, these allies have been giving up the best of their life's blood and all their treasure in a struggle against the forces of destruction and wickedness. Never before in history was there a contest between men or between nations where the line of demarcation between right and wrong, between democracy and autocracy, between justice and cruelty, and between civilization and barbarity so clearly defined as it is in this struggle. All hope of success and the salvation of future generations depend now upon how soon and how strong we can be there with our aid. There should be no let-up in our work nor suggestion of peace until victory, complete victory, is won from that nation which has dealt the foulest and most brutal blow to the people of the earth in all history.

No temporary peace for ourselves, with the threat of war for our children and our children's children hanging over them. No peace until never again will it be possible for the war-mad and diabolical rulers of Germany to plunge her own people and the rest of the world into the horrors of war. Let us, Mr. President, do our utmost. Let us urge upon every man and woman in America to do all that in them lies and to make any needed sacrifice in the heroic struggle to secure a peace that will be enduring and upon a foundation as firm as a rock. And while we are calling upon them for speed, speed, speed, let not the United States Senate in this great work set any bad example of delay.

Mr. OVERMAN rose.

Mr. HOLLIS. Mr. President, I desire to ask if the bill in charge of the Senator from North Carolina is now before the Senate?

Mr. OVERMAN. It is. The housing bill was laid aside. The Senator from Virginia [Mr. SWANSON], who is in charge of that bill, is not present. He asked me if I would not allow my bill to be laid aside and have his bill proceeded with. He, however, has not returned to the Chamber, therefore we may proceed with the consideration of the unfinished business.

Mr. HOLLIS. I desire to address myself to the housing bill.

Mr. OVERMAN. I so understood, and that is the reason I rose. I think that probably the housing bill should be passed; but I repeat, the Senator from Virginia is not now present, so I desire to proceed with the bill of which I am in charge.

Mr. HOLLIS. Then, I will say what I was going to say. Very likely in the meantime the Senator from Virginia will return to the Chamber.

Mr. OVERMAN. Very well.

Mr. HOLLIS. Mr. President, I think there is great necessity for the immediate passage of the housing bill. The fact of the need of imperative haste in the solution of the housing problem has been brought to my attention, because I have been sitting with the subcommittee upon the antirent profiteering bill, and the needs of the District of Columbia in the way of housing have therefore become very apparent to us. There are now almost no houses in the District that are not fully occupied. Employees are coming into the District by the thousand every month, and they will continue to do so, as we are assured, during the balance of this year. People owning houses who have never before taken boarders or rented their rooms have been appealed to to now rent rooms as a patriotic service. They have responded in a very generous and patriotic spirit, but the limit of their resources has now been reached.

This bill carries an appropriation of $10,000,000 for the erection of houses in the District of Columbia, and those of us who are on the District of Columbia Committee have a special interest in the subject. I wish to say a word as to why the money is appropriated to be expended by the Secretary of Labor. As I said last week, the labor problem is a very acute problem in various departments, not only in the Navy Department and the War Department, but also in the Shipping Board, and with the District of Columbia itself. Each of the departments has all the different kinds of labor trouble—the question of getting labor, having fair prices, proper sanitary conditions, and safe conditions for the employees to work.

The problem was very carefully studied by the commission during the past summer and fall. The War and Navy Departments and the Shipping Board were reluctant to give up their control over it, but they finally agreed that it was better, in the interest of greater efficiency, to put all of the labor problems in all the departments in the hands of the Secretary of Labor. That included the housing problem, and the Shipping Board, which has an appropriation for housing, has held up its plan, waiting for this additional power to be conferred on the Secretary of Labor.

I make this explanation in order that the Senate may understand that this appropriation is not provided to be expended under the direction of the Secretary of Labor because he has asked for it or demanded it, but because it is in accordance with the plan of the administration to have all the labor problems, including employment, wages, and housing, handled in that department.

Mr. SMOOT. Mr. President, the unfinished business is before the Senate, is it not?

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). It is.

Mr. SMOOT. If there is no other Senator who desires to speak upon the housing bill, which has been laid aside, I know there are a number of Senators who desire to speak upon the unfinished business who are absent from the Chamber at this particular time. Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Suggestion of the absence of a quorum is made, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	New	Smoot
Baird	Hale	Norris	Sterling
Beckham	Harding	Nugent	Swanson
Borah	Hardwick	Overman	Thomas
Brandegee	Henderson	Page	Tillman
Calder	Hollis	Phelan	Townsend
Chamberlain	Johnson, Cal.	Pittman	Trammell
Culberson	Jones, Wash.	Poindexter	Underwood
Cummins	Kellogg	Pomerene	Warren
Curtis	McCumber	Sheppard	Williams
Dillingham	McKellar	Shields	Wolcott
Fletcher	McNary	Smith, Ga.	
France	Martin	Smith, Md.	
Gallinger	Nelson	Smith, S. C.	

Mr. WARREN. I wish to announce that my colleague [Mr. KENDRICK] is absent on business of the Senate. I will ask that this announcement stand for the day.

Mr. JONES of Washington. I desire to announce that the junior Senator from Iowa [Mr. KENYON] is absent in connection with the liberty loan campaign and will be absent for several days.

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator BROUSSARD.

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HITCH-

cock], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator STONE. I also wish to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty loan campaign.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. I ask the Senator from North Carolina, in charge of the unfinished business, temporarily to lay it aside, so that we may dispose of House bill 10265, the speedy enactment of which is of the utmost importance.

Mr. OVERMAN. Mr. President, I was rather impressed with what the Senator from New Hampshire [Mr. HOLLIS] said about this bill, and I think it ought to pass as soon as possible. I will therefore agree that the unfinished business may be temporarily laid aside, and ask unanimous consent that that may be done, in order that the housing bill may be taken up. I wish to say, however, that I shall not ask the Senate to lay the unfinished business aside for any purpose after 2 o'clock to-morrow. I say that in order that the Senate may have notice.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be laid aside temporarily. Is there objection?

Mr. JONES of Washington. I also want to say that the statement made by the Senator from New Hampshire was very significant in view of the fact that some time ago we were urged especially to pass the bill providing for housing in connection with the shipbuilding plants. It was urged that legislation must be passed giving the Shipping Board authority to spend $50,000,000 to provide housing facilities; and yet it is announced to-day that they have held that work up waiting for the passage of this bill. If that is the way to expedite war preparations, it is quite different from the kind of expedition that I have in mind.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. GALLINGER. Mr. President, I am not going to object, and yet I think we ought to bring ourselves to a frame of mind whereby we may expedite and pass one bill before we take up another.

Mr. OVERMAN. I think the Senator is right about that; and I have given notice that hereafter I will not ask the Senate to lay the unfinished business aside.

Mr. GALLINGER. I will not object to the request, although I regret the necessity for it.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the unfinished business is temporarily laid aside.

Mr. SWANSON. I ask unanimous consent that the Senate resume the consideration of the so-called housing bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. SWANSON. I ask unanimous consent that the bill be proceeded with by paragraphs, and that committee amendments be first considered.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to proceed with the bill by paragraphs. Is there objection?

Mr. GALLINGER. And that the committee amendments be first considered.

Mr. SWANSON. Yes; that the committee amendments be first considered.

Mr. JONES of Washington. I am not willing to consent that committee amendments shall be first considered. I can see reason for such a request in the case of an appropriation bill, but I think there are many reasons why we should not follow that practice in the case of a bill of this character.

Mr. SWANSON. Very well; I will modify the request, and merely ask that the consideration of the bill be proceeded with by paragraphs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none.

Mr. SMITH of Georgia. Mr. President, can the Senator from Virginia tell us what has become of the $50,000,000 voted to the Shipping Board for the purpose of providing housing facilities? The appropriation carried by this bill, if enacted, and that in the law to enable the Shipping Board to provide housing facilities will make $110,000,000 for building houses. If it is necessary, and the amount will be properly used, very well; but I should like to know about it.

Mr. SWANSON. If the Senator from Georgia had been in the Chamber——

Mr. SMITH of Georgia. If the Senator has already gone over that matter, I will not ask him to do so again.

Mr. SWANSON. We had quite a prolonged discussion as to the difference between this bill and the Shipping Board housing bill. It developed that the Shipping Board housing bill simply authorized——

Mr. SMITH of Georgia. I do not want the Senator to answer the question if he has already done so. I ought to have been here.

Mr. TOWNSEND. I hope the Senator from Georgia will insist on his question, because I do not think it has been explained what has been done with the $50,000,000 already appropriated for the Shipping Board.

Mr. SWANSON. The Shipping Board housing bill simply authorizes the Shipping Board to use $50,000,000 for housing purposes out of the $800,000,000 already appropriated. As to what disposition they have made of that money I do not know. It is not a matter that came to the Committee on Public Buildings and Grounds. The members of the Commerce Committee would know far better than I do as to what disposition was made of that money.

Mr. NELSON. Mr. President, if the Senator from Virginia will allow me, I wish to say that even before the Committee on Commerce reported that bill—and it became a law on the 1st of March—the Shipping Board, out of the money appropriated, had already commenced to build houses at Newport News. They construed that they had the general power under the shipping law to do that, and they had already made arrangements for building quite a number of houses in carrying on the work there long before the housing bill was passed.

Mr. SWANSON. Mr. President——

Mr. NELSON. If the Senator will allow me, I was out of the Chamber a moment ago, but I have been told that the Senator from New Hampshire [Mr. HOLLIS] stated on the floor that the Shipping Board has delayed operations under the act of March 1 last with a view of waiting until this bill is passed.

Mr. SWANSON. I will state to the Senator, as I have already stated to the Senate, that there has been constituted an executive board of five members to administer this bill when it shall become a law—one a practical contractor; one, Mr. Dorr, or some other representative of the Army; a representative of the Bureau of Yards and Docks of the Navy; a representative of the Shipping Board; and an attorney. These five men will constitute the board to administer the appropriation provided by this bill under the direction of the Secretary of Labor. As to whether the Shipping Board is waiting until this bill is passed I do not know.

Mr. NELSON. But these five men, Mr. President, are not provided for in the bill; they are not referred to. The bill practically puts it all in the hands of the Secretary of Labor.

Mr. SWANSON. The Secretary of Labor, following a practice that is very commendable, told us whom he thought he would select to administer this proposed law under his direction. Of course, it is necessary to have an organization, and he felt that he ought frankly to tell the committees, both of the House and of the Senate, which he did, whom he thought it would be wise to appoint to administer this proposed law if he were given authority to act under it.

Mr. GALLINGER. Will the Senator be kind enough to state the names again?

Mr. SWANSON. I can not give the exact names, but the board is made up of one representative of the War Department, one representative of the Navy Department, an attorney, a member of the Shipping Board—I do not think it was stated who the representative of the Shipping Board would be—and Mr. Eidlitz, of New York, who has been made director of housing.

Mr. JONES of Washington, Mr. HARDING, and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Virginia yield; and if so, to whom? There are three Senators on their feet.

Mr. SWANSON. I yield to the senior Senator from Washington who, I believe, first rose.

Mr. JONES of Washington. I understood the Senator to say that the $50,000,000 appropriated for housing facilities to be expended by the Shipping Board was out of the $800,000,000 which had theretofore been appropriated.

Mr. SWANSON. That is as I understand the matter.

Mr. JONES of Washington. The Senator is mistaken.

Mr. SWANSON. I understood that was what was done.

Mr. JONES of Washington. I have here a copy of the law from which I quote, as follows:

That the United States Shipping Board Emergency Fleet Corporation is hereby authorized and empowered within the limits of the amounts herein authorized—

To do so and so. Then, in the last paragraph it is provided:

That for the purpose of carrying out the provisions of this act the expenditure of $50,000,000 is hereby authorized—

And so forth. That is, $50,000,000 additional to what has heretofore been authorized.

Mr. SWANSON. The Senator must remember that that is simply an authorization and not an appropriation by law.

Mr. JONES of Washington. I understand that, but they can make contracts

Mr. SWANSON. As I understand, they are authorized to spend $50,000,000, but I do not understand that any appropriation has been made or possibly will be made. I can not speak definitely, but, as I understand, that act simply authorizes the Shipping Board to expend $50,000,000 of the amount that had previously been appropriated.

Mr. JONES of Washington. No; they can spend $50,000,000; they can make contracts, and so forth.

Mr. SWANSON. I do not think so.

Mr. JONES of Washington. That is the way it was understood.

Mr. SWANSON. My opinion is that they were simply authorized to spend $50,000,000 of the money heretofore appropriated.

Mr. JONES of Washington. They were already going on and spending that money.

Mr. SWANSON. At any rate, it is estimated that $110,000,000 will not be ample to provide proper housing facilities. It is for Congress to determine whether they want to do this or not; it is for Congress to determine whether they want to speed up the war program: it is for Congress to determine as to whether, in order to secure guns, munitions, destroyers, ships, and work at the navy yards, it is necessary that this appropriation be made.

Mr. JONES of Washington. I do not want the Senator to understand that I was objecting; I merely wanted to correct his statement—that is all.

Mr. SWANSON The Committee on Public Buildings and Grounds examined this matter; they had hearings, and the Secretary of Labor and others interested appeared before the committee. The committee received reports, some of them confidential and made in executive session, which we could not give to the public, but which any Senator may read, showing the places where the work is being done and setting forth the delay in the delivery of munitions, war material, destroyers, and the delay in the work at the navy yards and arsenals. If any Senator has any doubt about this, he can ascertain the places where it is proposed to expend the money, and he can ascertain that the delay in the securing of war munitions has been on account of the inability properly to house employees. I do not know of a member of the Committee on Public Buildings and Grounds, either of the House or of the Senate, who, after hearing the testimony, did not reach the conclusion that this was one of the most important and urgent war measures before Congress. We had a full hearing, and while we did not feel that we were privileged to put all of this in our reports—these various surveys that were made would not have been given to us except in executive session, to be used for that purpose—they show the plants where delay in the delivery of various munitions of war, destroyers, and other matters has been occasioned by the lack of employees, because the employees left by reason of the lack of houses. They have done everything that can be done to get private enterprise to put up houses at these places. At a great many places the cities have united and have done what they could. Private enterprise has done all that it could. They have presented this matter to the Government as one of the most important matters pending for the proper and efficient conduct of the war.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. NELSON. I have been heartily in favor of this legislation. I am a member of the Committee on Commerce; and when the Shipping Board came there and urged this legislation, and said that it was necessary to speed it up, that it was necessary that they should go on and secure the proper legislation and proper authority and get the money, we hurried it up as much as possible and succeeded in getting it through the Senate, and finally in getting the House to concur in it, and it became a law on the 1st of March; and yet, while we speeded up all we could in this matter, it seems that the Shipping Board have done nothing at all on it. What little they have done they did down at Newport News before we passed the law.

Now, I am not opposing the proposition of the Senator from Virginia. I am in favor of legislation to provide houses; but what strikes me as peculiar, and I call attention to it, is the fact that here is a duplication. You provide in the act of March 1 that the Shipping Board, or the Emergency Fleet Corporation—which is simply a part of it—shall have authority to build houses and equip them in all yards where ships are built for the Government. Now, in this bill——

Mr. SWANSON. If the Senator will permit me——

Mr. NELSON. I should like to finish my statement.

Mr. SWANSON. No; I have heard that statement before, and I should like to reply to that phase of it at this time. This bill originated, as I stated, with the Secretary of Labor, who has an employment bureau. If any employees are wanted at the navy yards or at munition plants or anywhere in this country, they ask him to furnish as many laborers as are necessary to do the work. He made a survey of the entire situation in the United States through the employment bureau. He ascertained that at some of these plants, where they had contracts for destroyers, shipping, and other things, it was impossible to complete them, and they were greatly delayed for the lack of housing for the employees. He made a report on that matter to the War Industries Board or the War Council—I do not know the technical name.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him there?

Mr. SWANSON. Then that was carried to the Cabinet, as I understand, and they felt that they needed $110,000,000, and a bill was to be introduced putting it under the Secretary of Labor to coordinate. Pending that, the Shipping Board had a bill introduced by the Senator from Florida [Mr. FLETCHER], which had passed the Senate, as I understand, at that time; and it was decided to let the Shipping Board bill go through, and this matter would be presented under the Secretary of Labor.

Mr. NELSON. If the Senator will not allow me to ask him a question, or to interrupt him, or to finish a sentence, I will take the floor in my own time.

Mr. SWANSON. I will. I shall be very glad to yield to the Senator now.

Mr. NELSON. I wanted to say—the Senator did not give me a chance to finish my sentence before—that the Shipping Board had investigated this housing proposition long before the Department of Labor did, and came before us and asked for that legislation.

We gave it to them as rapidly as possible, and now they have done nothing under it. Under this bill, you propose to give the Department of Labor jurisdiction over housing in all the yards of the country where ships are being built—naval or merchant ships. You propose to give them authority, and here you have two authorities. On the one hand you have the Shipping Board and on the other hand you have the Department of Labor, both covering the same ground; and then, more than that, you have this situation. I am in favor of housing people in our arsenals and navy yards and other Government actitivities, but we are having munitions and shells manufactured all over this country at various points. We are having shells manufactured at Stillwater, Minn., we are having them manufactured at Minneapolis, and we are having them manufactured in other States. Are you going to give the Department of Labor a roving commission to go and erect houses for laborers all over this country wherever they manufacture a few shells and munitions? Is that your purpose?

Mr. SWANSON. If the Senator will permit me, I will state the purpose of this bill as I understand it. I think the department has named 15 or 16 places—I can not remember the exact number—where applications have been made and where there is a necessity for housing to complete the war program. Applications were made, surveys were made twice, investigations were made, and it has been determined that if this housing bill is passed, at these places where contracts are being delayed they will increase their output from 25 to 50 per cent. They have said that in the future, where housing facilities can not be furnished, no contract will be given to places of that kind and character. Heretofore a great many contracts have been awarded, and they have had difficulty in getting municipalities and individuals and others to furnish proper housing facilities for these employees.

This is not a duplication. As I told the Senator, they expected originally to have $110,000,000. None of this money will be spent where the Shipping Board operates; or, rather, the Shipping Board will not and can not spend any money, as I understand, at navy yards, arsenals, or where the War Industries

Board are operating; but they expect to correlate it by coordination as far as it can be done. Except for the fact that the bill had been introduced, and had passed the Senate, giving the Shipping Board this authority, it was expected that all the authority would be vested in the Secretary of Labor; but, as I said, there was a great necessity for that bill, as I understand, and therefore this division was agreed to.

Mr. NELSON. As the Senator expresses it, then, the law we passed on the 1st of March is to be what the lawyers call functus officio—a dead letter?

Mr. SWANSON. Not at all.

Mr. NELSON. They are to operate under this new law?

Mr. SWANSON. Not at all. I understand that the Shipping Board loaned money for this purpose at Newport News. It did not build any houses, as I understand, although I may be mistaken. I have not looked into the details of the matter; but from rumor I understand that a company was organized there, and the title taken to the land, and the Government advanced it some money to construct the houses, and took a lien by way of security. The Government does not expect to lose any money in constructing these houses. It can not lose at all, except so far as the increased cost of construction now might be reduced when normal conditions return, when these houses are disposed of. The impression given us from the statements made by the Secretary of Labor and others was that they felt satisfied, from the methods they contemplated pursuing, that when this necessity disappeared and normal conditions returned they would be able to dispose of these houses where they made loans and collect the money, and they felt sure that the only loss the Government would sustain would be the loss occasioned on account of the high cost of building at this time.

Mr. GALLINGER. Mr. President, will the Senator yield to me?

Mr. SWANSON. I yield to the Senator from Ohio [Mr. HARDING] first. He has been standing for some time.

Mr. HARDING. Mr. President, it is rather a patient wait that I have made. The point I rose to address myself to has somewhat escaped our notice. I meant to impose on the courtesy of the Senator from Virginia to throw a little light on the delay in getting results from the appropriation made in behalf of the Shipping Board.

Mr. SWANSON. I am frank to say that I know nothing about the Shipping Board. That matter did not come to my committee. It was before the Commerce Committee. The Senator from Florida [Mr. FLETCHER], I think, had charge of the housing for the Shipping Board more than I did.

Mr. HARDING. By courtesy of the Senator, if I may, I will say that some considerable time before the Senate passed the measure making a special appropriation for the Shipping Board, by direction of the Committee on Commerce, the chairman and another member of the committee were authorized to call upon the Emergency Fleet Corporation and recommend the appropriation of sums already available to the Fleet Corporation for the purpose of immediately starting a house-erection campaign.

On the encouragement given by this committee, the Emergency Fleet officers designated an appropriation of approximately two and a half million dollars as an advance to the Newport News Shipbuilding Co., who were to build their own houses with this Government aid. A larger appropriation was made to the shipbuilding plant at Sparrow's Point, Md. It was expected that in the emergency then pressing there would be immediate construction, but then arose the thing that has caused this delay, and it was the thing that impelled me to interrupt the Senator in order to give it to the Senate.

There immediately arose a controvery as to who should have charge of this great housing program. I think it is no violation of confidence to say that the delay has been due to a controversy between the Labor Department on the one hand, which insists that it should have this great project under its control, and the Shipping Board on the other; and the Shipping Board found itself confronted by a question that was urged on the one hand by the great emergency and promoted on the other hand by a lot of idealists and extremists, and that is the situation to which Congress must give some consideration.

There could have been provision made for a prompt supply of temporary houses, but everyone connected with the idealist movement, which is back of the thing, was opposed to anything of that sort. You could not get anyone connected with the Labor Department to consent to any temporary relief of this situation. This is a bit of idealism fitted into the emergency of the Government for a paternal housing program in this country.

I am quite ready to agree that housing is necessary. I voted for the original appropriation, and I am content again to vote for this large appropriation, though I do so with a very great amount of concern. I think the Senate is not going far enough in the pending bill in fixing the basic conditions of operating an enterprise of this sort; and so, while I am on my feet, I want to ask the Senator in charge of the bill if the committee gave any consideration to a provision fixing the basis of rentals of these properties?

Mr. SWANSON. Mr. President, the question of rentals was before the committee. The Secretary of Labor, who under this bill is to have the administration of it, was asked as to what his policy would be. There was an idea that he might furnish rent free to some employees of the Government. I have here his statement before the committee, in which he stated that he would not do that; that if he had the administration of the measure he would not furnish rent free to anyone; that he would endeavor to regulate the rent to be paid according to what the rent would be under normal conditions, in view of the expenditures the Government made, the cost. I will read the Senator what he says in reference to it, showing that the committee carefully considered this bill and its administration as far as it could do so.

Mr. HARDING. I should like to ask the Senator from Virginia if he thinks that the Government ought to spend this enormous amount of money and make rental rates based on normal conditions when the Government itself in these plants is paying a wage rate of two to three times the normal rate?

Mr. SWANSON. The Secretary of Labor, I think, was asked that question. I can not remember definitely, but he stated that when you charged abnormal rent rates and there was an abnormal cost of food, it necessarily increased wages to an abnormal point. We were satisfied that if we had normal conditions, normal wages, and if the Government charged abnormal rents for these places it would necessarily result in an increase of wages. I will read what the Secretary of Labor says in reference to it.

Mr. HARDING. If that is the basis of his argument, I do not even care to hear it read, Mr. President. I think any Senator will be able to analyze that statement for himself.

Mr. SWANSON (reading)—

> Secretary WILSON. No; there is no intention of furnishing them free. There are different methods under contemplation. The method that will undoubtedly have to be utilized to the greatest extent will be to advance money to corporations who will guarantee the erection of buildings within a specified time, under certain circumstances, the advance being properly safeguarded, with proper arrangements for amortization, and proper arrangements for interest, and proper arrangements for control to prevent profiteering in the rentals, and so on.
>
> The pincipal method of handling it, in my judgment, will have to be that way. But there will be certain conditions in certain locations where it will be necessary for the Government to do the erecting of the housing itself, and when it does the erecting of the housing it will rent the houses at a normal rental rate, a rate that would be the normal rate that should be obtained from ordinary commercial investment in housing enterprises. There is no expectation and no desire to erect buildings at Government expense and then hand them over to some portion of the population, that portion of the population that may for the time being be engaged in certain lines of industry, rent free. That does not seem to be an equitable sort of proposition.
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> If we are going to erect housing and furnish houses free, we ought not to do it for one class of citizens only, but if we are going to do that, all of the citizens of the country ought to participate in it.

Mr. HARDING. Now, Mr. President, if the Senator will allow me, I am very much pleased with paragraph (d), which was inserted on page 3, because I think myself the enterprise would be infinitely more practicable, and more effectively and promptly worked out, if the Government advanced the greater proportion of this sum to the employers for the erection of houses that will contribute to the accommodations of a permanent and important enterprise. But the difficulty with production so far has been that the Department of Labor had hindered the Newport News and Sparrows Point construction because it was placed in the hands of the owners of the plant.

Now, I want to ask the Senator a question. I believe, under normal commercial conditions, in dealing with private property, that a rental of 10 per cent is considered necessary to meet taxes, improvements, investment, and so forth, to justify a building enterprise. I think that would be vastly too much to charge for the Government or other employees in these yards and munition plants; but would the Senator consent to write as a basic proposition in this law that the Government-builded property should be rented on a basis of 6 per cent of the actual cost?

Mr. SWANSON. I do not know. I think it would be far better to leave it to the discretion of these people to manage it. At some places 6 per cent might be fair, at some places 7 per cent, at some places 3 per cent, according to the details of the matter. I think it would be a mistake to prescribe the exact rate. Secretary Wilson stated to us the conditions on which he would figure his rentals. I think to specify 6 per cent, 7 per cent, or 8 per cent would be a mistake. It would be impossible to go into all the details of a matter like this without taking the chance that something might be done wrongly. The members of

the Public Buildings and Grounds Committee who heard the Secretary of Labor and these other gentlemen very carefully, and heard members of the housing committee testify, were all satisfied that with the amendments proposed in this bill the bill would be well and splendidly administered, and that good results would come from it, and it was reported unanimously by the committee. I do not think it would be wise to insert 6 per cent or 7 per cent or 5 per cent or 4 per cent as a requirement, because I am satisfied that the person who will administer the bill will charge a fair rental. He was asked that very question.

Mr. HARDING. If that be the case, what would be the objection to writing it in the bill?

Mr. SWANSON. I have no objection to putting in "a fair rental."

Mr. HARDING. What does the Senator think would be a fair rental?

Mr. SWANSON. I can not say. I do not know whether it would be 10 per cent, 6 per cent, or 7 per cent. I do not know the conditions at all these places. No business man would embark upon a proposition requiring the expenditure of a large sum of money without being familiar with the different conditions. This thing extends from Puget Sound and Mare Island to all the navy yards and arsenals all over the country where these accommodations are needed, consequently it is difficult to fix a specific rate. I have an idea that it will be better administered by leaving some discretion in the party who is to administer it.

Mr. HARDING. Mr. President, the Senator from Virginia has said that no business man would do so-and-so. I beg to take issue with him on that particular point. Somebody ought to speak here now and then for the people who are paying these enormous sums of money. I think the Senator from Colorado [Mr. THOMAS] has done so on more than one occasion, and I want to pay him my tribute of reverence for doing so. We are venturing here now on a program that is costing millions and millions of dollars. I do not believe any business man would set aside such a sum of money for a specific purpose without knowing the basis on which the investment was to be handled. I do not care whether it is Seattle or San Francisco or Los Angeles or New Orleans or Norfolk or Hog Island, whatever the cost of construction may be in that particular locality ought to fix the basis of rental for that property; and I say without any fear of contradiction that any workman in any munition or shipbuilding plant in any section of the United States can well afford to pay the rental to be asked, and would suffer no injustice, no matter what the locality might be.

Mr. SWANSON. Mr. President, let me ask the Senator a question. If a specific rental is prescribed by law and we build some houses, suppose after we build them at one of these plants somebody should build private houses and rent them for $1 or 50 cents a month less, we could not compete with them, and all of our houses would be empty. Would it not be better to have authority to administer the measure in such a way as to meet the conditions?

Mr. HARDING. Mr. President, I will answer the Senator. Surely Congress would not venture on this great undertaking if there were not the emergency of housing men to meet these requirements of production; and if private enterprise is willing to step in and furnish houses at a less rate of return on the investment than 6 per cent, then there is no necessity for passing this bill.

Mr. SWANSON. The Senator——

Mr. HARDING. Let me finish. Now, assume that the condition arises which the Senator recites; if that be true, then Congress is in a position to act in the matter, and readjust the basis of rentals.

Mr. SWANSON. Let me ask the Senator this question, just as a business proposition: We build these houses. The emergency exits now. A year from now the emergency may not exist, or six months from now, or three months from now. Something may occur to remove the emergency. The Government can not reduce its rent one cent, one dime, or one nickel. It is provided by law that it must be on the basis of 6 per cent. Private enterprise—some of these contractors included—may put up houses and rent them for a trifle less than the Government is charging, and then the Government would be at a disadvantage.

Mr. HARDING. The Senator does not pretend to say that Congress could not provide the necessary relief.

Mr. SWANSON. It would have to be delayed, and in the meantime the houses are all empty. You fix a specific basis that you can not reduce under any circumstances. Now, I say I am satisfied that they are going to charge a fair rent. The man who will administer the law made that a part of his statement. He has no authority under this law to rent them free or to give them to anybody.

Mr. LODGE. Has he not?

Mr. SWANSON. No; I do not see where he has.

Mr. LODGE. There is nothing to prevent his giving them away.

Mr. SWANSON. If the Senator wants to put in there a provision that he can not give them rent free, I shall be very glad to accept the amendment.

Mr. HARDING. Does the Senator from Virginia advocate an expenditure of $110,000,000 on a housing program without a single specification as to what will be charged for the occupancy of these houses?

Mr. SWANSON. I do. Congress can not make it specific. If you make the rent 6 per cent of the cost, and some one else were to go there and offer houses at $1 a year less, or $2, or $3, you could not meet it. If the Government is going into this busin —, it has to go into it to be able to meet conditions like other people. I do not think it would be wise. There is no purpose to give these buildings free. I have no objection to any amendment that will require them to charge a reasonable rent. There is no purpose to do anything but charge a reasonable rent; but any specific sum which will leave the Government at the mercy of anybody who might want to interfere with it later, it seems to me, would be very unwise.

Mr. HARDING. Mr. President, let me see if I can emphasize the point I am trying to make.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Virginia yield to the Senator from Ohio?

Mr. SWANSON. I do.

Mr. HARDING. I want to make my point a little more clear. The Government calls on the young men of the country to go into the trenches abroad, subjects them to every danger incident to warfare, requires them to suffer every hardship of camp and field, and pays them the mere nominal sum of a dollar per day. In our war preparation activities at home, in the shipyards, and in the munitions plants we are paying the largest wage ever known in the history of the world.

Why, Mr. President, only yesterday a great captain of industry in the shipbuilding line told me that under present conditions they had many a gang of riveters in their plant earning approximately $80 per day. A gang of riveters consists of three men, and the payment is 30, 30, and 40 per cent. That is, of course, the top notch, but it is a very exceptional rate of compensation. When the rate is fixed by the hour the workmen in these plants are getting on an average of $5 to $8 per day. I am not objecting so much to that; that is due to a condition under which we are living at this time, but to me it is perfectly preposterous and utterly unfair that we should ask the young men subject to draft to live as best they can on the battle field or billeted in barns and sheds on the battle fields of France, and then propose in this country to spend $110,000,000 on houses, houses to be built under a program of more or less idealism, and not protect the Government with a requirement of a reasonable rental for that property.

Mr. SWANSON. The Senator is mistaken about the houses being built on any basis of idealism.

Mr. HARDING. Well, Mr. President, I may be mistaken, but it happens, in my capacity as a Member of this body, that I have come in contact with a number of the builders of this country. There are a great many concerns that are engaged in the industry of building so-called temporary housing, and I speak only the plain truth when I say that every institution in this country engaged in temporary housing construction has been turned down with a wave of the hand, and there is little or no housing program under consideration that is not designed to be permanent in character.

I do not want to be misconstrued. I am in favor of this construction program. I am inclined to think it is a very pressing necessity, and nobody regrets so much as I do that the jealousies of the departments and the conflicts of authority here in Washington have delayed this program already 90 days. It seems to me if we are going to meet an emergency, 90 days is a pretty precious lot of time to have had wasted.

Now, we are going to be confronted by another difficulty. There will be 200, if not more, communities in the United States asking for parts of this appropriation. You can not blame the community. Very generally it is the adopted policy to get what you can "while the getting is good," and every community in the United States has the impression that here is a Federal Treasury of endless resources. From my own State there have been committees in Washington already, from communities scarcely intimately associated with war production, though they have activities in their midst which have brought their working forces beyond their capacity to house. If I could fix the policy of this bill, such a community might reasonably be loaned money to undertake a building program, but I would not spend one dollar of money directly on Government account, because by

loaning the funds needed you would put the responsibility on the community.

Mr. President, in conclusion—and I had not thought to talk so long as this—the actual truth about this situation is that with this emergency of the Government confronting us we have had the advent of the dreamer. I have no desire to discredit anybody, but I know that the 60 or 90 days' delay up to this time has been due entirely to the conflict between the dreamers and the practical men on the Shipping Board.

Mr. SMITH of Georgia. Is there anything in the other appropriation to justify any such course? Was it not a practical proposition that the Shipping Board should have put up houses where they were needed to house men at shipbuilding plants?

Mr. HARDING. The Senator is quite correct in his inquiry, but it grew out of this situation: As the Senator from Georgia will understand, connected with the Council of National Defense there was a branch——

Mr. SMITH of Georgia. What has the Council of National Defense got to do with it?

Mr. HARDING. If the Senator will allow me, I will make it as clear as possible.

Mr. SMITH of Georgia. Thank you. I did not mean to interrupt the Senator.

Mr. HARDING. Connected with the Council of National Defense there was the department given to this particular problem long before any appropriation had been made for the construction of houses, and that department had gone ahead and worked out its program. They had fashioned a plan of Federal housing throughout the country which was one step further toward the Utopia that is aimed at. When the Shipping Board undertook to follow out a practical program of expedited building there was instantly a conflict, and it was that conflict which resulted in nothing having been done thus far.

Mr. SMITH of Georgia. What did the Council of National Defense have to do with it? Did we not by legislative enactment put the money in charge of the Shipping Board without any reference to anybody else with the instruction that they should go ahead and do it?

Mr. HARDING. I have very great respect for the Senator from Georgia, and I do not want to subject myself to the suspicion of saying something that might just as well be omitted at this time, but it may indicate the trend of my thought if I suggest that when this conflict arose as to who should have this program in charge prayers and protests went beyond the shipping organization, and there was an involved conflict that paralyzed the program, and this measure is designed in large part to straighten out the tangle.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. THOMAS. I merely wish to ask if that paralysis still continues?

Mr. HARDING. I think so.

Mr. SMITH of Georgia. Has not the money appropriated to the Shipping Board been used? If not, why should we not in this bill revoke the appropriation heretofore given?

Mr. HARDING. I can only assume to explain to Senators that there has been a conflict as to who should be in authority in dealing with this great program. The Shipping Board has been inclined to surrender because of the controversy raised, and it is assumed that as soon as this bill passes and the Department of Labor is put in authority the entire expenditure will be made under the authority of the Department of Labor.

Mr. JONES of Washington. How can that be done unless this bill is amended so as to transfer the authority given in the former act from the Emergency Fleet Corporation to the Department of Labor?

Mr. HARDING. There is no reason why the same constructive authority under the Department of Labor should not receive the commission from the Shipping Board to build houses, and that is the intention.

Mr. JONES of Washington. It will be done in the name of the Emergency Fleet Corporation?

Mr. HARDING. It will be done in the name of the Emergency Fleet Corporation, but under the same directing head. It is very well known that Mr. Flannery, who has charge of the program, and is doing, I have no doubt, a very difficult and arduous task, is to have charge of the emergency fleet construction as well as the construction which is provided for in this bill.

Mr. SWANSON. No.

Mr. HARDING. Perhaps the Senator questions my statement. I am willing to let it stand.

Mr. SWANSON. It will be administered by the administrative board of five. Mr. Eidlitz——

Mr. HARDING. I hope the Senator will not misconstrue my remark. I did not criticize Mr. Flannery. In mentioning his name I had no thought of aspersing him in any way. The Senator is quite correct about a board. I have had the pleasure of meeting a number of the members of this board, and they are fine men. I think perhaps they are a little more tinctured sometimes with idealism than with practical ideas, but no matter whether there is a board or not the gentleman whom I have named is the executive head who is to push this program to completion, and I am not sure but it is a wise thing that he is the head.

Mr. SWANSON. The Senator means Mr. Flannery?

Mr. HARDING. I mean Mr. Flannery.

Mr. SWANSON. The evidence was exactly the reverse, so far as this appropriation is concerned. I understand that Mr. Flannery has charge of the appropriation for the Shipping Board. He is the executive head for that, but this is entirely different. Mr. Eidlitz, we were informed, would be the director here.

Mr. HARDING. Mr. Eidlitz has been connected with the enterprise from either point of view, and Mr. Eidlitz is a very capable man, let it be said.

Mr. SWANSON. These two points are settled. I understand it has nothing to do with the $50,000,000 that has been authorized for the Shipping Board. They will expend that. If they want any of this money, their $50,000,000 not being sufficient for the shipping program, they will be able to get it; but it will be administered differently, by different authority, and mainly for arsenals, navy yards, and where munitions are being produced.

Mr. HARDING. Mr. President, we have drifted to a line of discussion that is really unimportant and has nothing to do with the pending question. I certainly have no desire to delay the passage of the bill. I would like to have the Senator from Virginia consent to some basis of rental of these properties which are to be owned by the Government, and we can let the industrial concerns that build with Government aid reasonably fix the rental on their own account. I think the bill ought to have some provision of that kind. I am perfectly willing that it shall be the minimum sum that is consistent with reasonable, fair treatment of the taxpayers of the country. If the Senator from Virginia will accept a 5 or 6 per cent basis, I would much prefer to put that in the bill than to leave it a matter wholly in the discretion of the head of the Department of Labor.

Mr. THOMAS. Mr. President, I think the suggestion of the Senator from Ohio [Mr. HARDING] regarding the importance of providing for some fixed compensation to the Government for the occupancy of these structures is very sound and very necessary for the protection of governmental interests. The objections which the Senator from Virginia [Mr. SWANSON] suggested to that program might be of importance were it not for the other provisions of the bill. That provision is subdivision (c) on page 3 under which power to rent is given and it gives also power to exchange, sell, and convey such lands, houses, and so forth. Of course, if the demand for the buildings to be constructed out of this fund should be impaired by the competition of private owners offering similar accommodations for less money, then the authorities might easily sell, convey, or exchange these properties and by that means do away with the possible dilemma that the Government would find itself in.

It certainly would seem to the average man that in appropriations and bills of this sort that are designed to furnish men with necessities that they can not furnish themselves with because of the absence of those necessities, when the Government steps in and makes provision for their erection to the end that shelter may be given to men working for the Government, some compensation of a fixed character should be made to that government for the protection as well of those who are to administer the law as for the protection of the Government.

I think it would be a great protection to those who are to administer this law if the law should fix some definite amount by way of percentage which they are to exact from the people who occupy the property, as a protection to them. Otherwise, many influences can be and probably will be brought to bear either to secure the houses, or some of them, for a nominal compensation or for nothing.

Mr. SMOOT. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. SMOOT. I wish to ask the Senator if he understands what class of houses are to be built not only under this bill but under the provisions of the appropriation of $50,000,000 heretofore made for the Shipping Board.

Mr. THOMAS. I am not informed. I have no doubt the distinguished Senator who has charge of the bill and is familiar

with the hearings can give the Senator from Utah some information on that subject.

My impression is, however, that unless the idealism to which the Senator from Ohio referred enters largely into the problem they will be built of a practical character, as practical as possible consistent with the needs for haste in construction. What these people need, what they must have, are comfortable lodgings, not extraordinarily comfortable, not luxurious, but good, sound, well ventilated, and easily heated structures. That is what they ought to be.

Mr. SMOOT. I agree with the Senator, but I have heard rumors from several sources that the question of the kind of houses to be built under the appropriation already made by the act of March 1 was the subject of discussion, and it took about 45 days before they could agree upon the kind of houses or the material which should go into the houses.

Mr. THOMAS. Can the Senator say that they have yet agreed?

Mr. SMOOT. Only by rumor. I can not say that they have really agreed upon the plan or the kind of houses. The Senator from Virginia can perhaps state positively.

Mr. SWANSON. This bill is intended, first, to get the speedy construction of houses to meet an emergency which exists to-day. I am going to discharge my responsibility to the country and to the Senate and state the facts as they were detailed to me. If the Senate does not want to pass the bill, it is for the Senate to determine. From information given to the committee, from the facts detailed that any Senator can read, it is useless to have any soldiers in France if we can not make munitions and guns for them, and it is useless to have a Navy unless we can construct ships. It is utterly impossible to get people to go there and sleep on the ground, and they ought to have houses. They have tried individually to get them to construct these houses. The blame at the plant establishments in the past for not having these houses has been laid on the employees. We know what the department states. Any Senator can read it. It is not a mere wild scheme. There have been two surveys. We know how work has been delayed. They need temporary houses, where when peace comes and contracts are completed the population will disappear possibly one-half or one-third. They expect to put up temporary buildings there, because if they put up permanent buildings they would not be occupied and they could not sell them for as much as they would get for the temporary buildings. At the navy yards in Philadelphia, Mare Island, Puget Sound, Charleston, Boston, and elsewhere they can put up permanent buildings, and the employees are willing now to buy them at a reasonable price and pay so much per month for them, if the Government will furnish the money for the construction. At those places they expect to put up permanent buildings.

Some people want nothing but permanent buildings put up. That difficulty the committee met in getting at the facts. Others wanted nothing but temporary buildings put up. The department says it ought to be left discretionary, according to the conditions. At some of the places where they have munition plants, and where the population will not be one-third when peace comes what it is to-day, to put up permanent buildings would be a waste of money. To attempt to put up temporary buildings where you could not get temporary buildings on account of building permits, at Boston, Philadelphia, Puget Sound, Mare Island, Norfolk, Newport News, and other places, would be waste of money. Consequently we sought to leave it discretionary with those who administer the law to determine in each locality whether there should be temporary buildings or permanent buildings constructed.

Mr. POMERENE. Mr. President——

Mr. THOMAS. I yield to the Senator from Ohio.

Mr. POMERENE. I have been very much interested in what the Senator from Virginia states with regard to leaving the character of the structure to the discretion of the department. He has stated that in some instances they want temporary structures and in other instances they want permanent structures. But the committee has seen fit to strike out the very provision in the bill which would permit the building of temporary structures. On page 4, line 6, the committee propose to strike out the following:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable.

That is to be stricken out, and necessarily the construction which is to be placed on this language is that nothing but permanent buildings shall be put up.

Now, just one moment further. This matter was called to my attention some days ago when a building-material man came to see me to urge me to vote to strike out this temporary proposition. He was interested more in the building material which he was making than he was either in the welfare of these men or in the welfare of the Government, and I very plainly told him so. I think he came into my office with a more friendly feeling toward me than he had when he left. It seems to me if the Senator desires to carry out the thought he has expressed this committee amendment ought to be defeated.

Mr. SWANSON. Where did the Senator read?

Mr. POMERENE. On page 4——

Mr. THOMAS. Mr. President, I do not care to yield the floor for a general discussion. I am always willing, of course, to yield for a question or for important suggestions, and they have been made thus far by the three distinguished gentlemen to whom I have successively yielded. I think the answer made by the Senator from Virginia to the question of the Senator from Utah is far more ample and satisfactory than I could have made it, and I hope it has given him the information he desired.

Mr. SMOOT. I will say to the Senator that I was going to follow up my question after it had been answered by the Senator from Virginia with the very question that was asked by the Senator from Ohio.

Mr. SWANSON. Let me answer it.

Mr. THOMAS. Certainly; but I hope the Senator will not take too much time.

Mr. SWANSON. I will not take much time. This is the provision the Senator from Ohio objects to being eliminated:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable.

You can build a temporary building anywhere. They who administer this law said it did not leave enough discretion between temporary and permanent buildings. I have no objection to that being put in. The committee fixed it so that the discretion was left entirely that way, and they said they could exercise it when they would feel under the circumstances that they ought to give preference to temporary buildings.

Mr. CURTIS. May I suggest also it was stated in some places if they would erect permanent buildings there were parties ready to buy them without cost to the Government.

Mr. SWANSON. Without cost to the Government. If they build any in New York, Boston, Philadelphia, or Mare Island, they could sell them for what they paid out at once. Some wanted to have nothing but permanent buildings at once; others wanted nothing but temporary buildings. We reached the conclusion that the best way was to leave the discretion to those who administer the law. That is the reason why we eliminated that provision.

Mr. THOMAS. I am very glad these inquiries have been made and that they have developed the discussion which has followed. I quite agree with the Senator from Ohio that the elimination of this House provision strips the administrative authorities under the bill of power to erect temporary structures, and I have no doubt that there are a great many material men in the country fitly represented by the gentleman who called upon the Senator from Ohio who would view the elimination of that phrase from the measure with a great deal of satisfactory complacency. I am sorry, Mr. President, that, as the Senator from Utah says, the Government will not in the long run get 50 per cent of this appropriation back, whether the buildings are temporary or whether they are permanent.

I am sorry the Senator from Virginia has left the Chamber, because I wanted to express my regret that he exhibits so much feeling toward Senators who are inclined to make suggestions regarding the bill. He says that we can pass it or not; that he is doing his duty; and if we do not want to pass it we can reject it, and by that means very seriously interfere with the Government's program in the production of munitions and other equipment necessary for the purposes of the Government in this war.

Mr. President, I am just as anxious to stay here and do my part in the enactment of all needed legislation as my friend the Senator from Virginia can be. I do not think that Senators who have called attention to what seemed to be defects in the bill should be even indirectly charged with attempting to delay the program. We are here, Mr. President, for the purpose of acting intelligently upon these vastly important measures, and it is impossible for us to do so unless we examine the measures which we are to approve and ascertain whether they are perfect, or as nearly perfect as they can be made.

I do not believe that this bill is in the shape it ought to be in before we reach a final vote upon it. I do not think that we are wasting time when we are suggesting and attempting to secure safeguards to the Government wherein and whereunder the people who are obliged in the long run to pay this

money may feel that their interests have been to a certain degree subserved.

We have been spending money since this war broke out with a prodigality that is without precedent in history. We have necessarily enacted measures carrying large appropriations with extreme and sometimes with, it seems to me, undue haste. We have felt, as the Senator from Virginia has expressed himself, that such measures are absolutely necessary to meet the exigencies of the Government. But I think, Mr. President, when we turn in retrospect to some of the legislation we have enacted, it might have been better if we had proceeded more deliberately, and by that means made improvements upon the proposed legislation which would in very truth have expedited the war program.

At the behest of the War Department Congress at the last session willingly and promptly appropriated $647,000,000 for an aircraft program. That is an enormous sum of money. It is 50 per cent in excess of what it cost to build the Panama Canal. The money has either been expended or liabilities have been assumed for it and for a great many millions more. Had Congress at that time placed in that measure details of management whereby the money could have been spent, I say without offense, more intelligently and more effectively, we would have had more machines upon the front to-day than we possess, and instead of delaying it would have facilitated and expedited the program.

So, I think, here in appropriating this comparatively small sum of money, $50,000,000, it behooves us to see whether we can not—in the best of spirit and, I am sure, with as patriotic a purpose as animates the Senator from Virginia—enable the consideration of suggestions that seem to be quite essential to make the bill workable, to perfect it, and to safeguard, as far as it may be, the interest of the Government to do so.

While I am on my feet, Mr. President, and because it will therefore be unnecessary for me to take the floor again on this same subject, I want to refer for a moment to another amendment on the same page. I refer for just a moment to a somewhat remarkable amendment to section b on page 2, and I beg to assure the Senator that when I say "somewhat remarkable" I do not mean by any means to infer that it may not be necessary, as it undoubtedly was to the committee, for they thought it to be essential or they would not have put it in the bill:

Provided, That the furnishings in private dwellings, colleges, museums, libraries, State or municipal buildings, shall not be acquired except by contract.

I wonder whether it is possible that under this bill we are going to authorize a Federal official to take possession of State and municipal buildings by contract, or if not by contract, then by a mandate of a United States district judge. I wonder, too, why the furnishings in a museum should be made the subject of a contract under this bill, and if the furnishings are to be used for its purposes? In other words, what has this bill to do with museums or libraries or State and municipal buildings? I understand this money is intended to be used primarily for the erection of structures in the vicinity of workshops, arsenals, navy yards, and so forth, where large numbers of men are employed and who need this shelter.

Mr. LODGE. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. LODGE. I desire to ask the Senator from Colorado while he is speaking about that amendment, in which I take some little interest myself, whether he does not see that that is to enable this board to take possession of museums, picture galleries, and libraries for the purpose of inexpensively housing workmen at navy yards, and that books and pictures and statues and things of that sort might be very useful for war-like purposes?

Mr. THOMAS. Well, there is always a gentleness about the Senator's sarcasm which makes it all the more delightful.

Mr. SWANSON. As the Senator from Colorado has asked me a question, I hope he will permit me to answer it.

Mr. THOMAS. The question was asked the Senator having charge of the bill, and I will yield for an answer.

Mr. SWANSON. The amendment was offered, I am sorry to say, by the Senator from Delaware [Mr. SAULSBURY], who is not present. I voted against the amendment in committee and reserved the right to vote against it when the bill came into the Senate. Several members of the Public Buildings and Grounds Committee were very apprehensive that this power would be exercised in a very exacting and oppressive way, and consequently they wanted to put around it all possible restrictions. Some of them were apprehensive that colleges, museums, libraries, and State and municipal buildings might be seized under this provision for the purpose of furnishing residences for employees in munition plants. Consequently the amendment was offered so as to make it perfectly clear that under no circumstances could that be done. I thought there was no necessity for it, and I now feel that the amendment was put in merely because there was some complaint on the part of Senators that one of these officers might seize private furniture in Washington and requisition it. To eliminate that possibility the amendment was inserted that under no circumstances should the furnishings or pictures of any private individual be seized.

The latter part of the amendment was in connection with private homes, which, it seems to me, was a very substantial amendment. That amendment makes it impossible to take for public purposes a private home unless the necessity for it has been determined by the circuit court.

Mr. THOMAS. The amendment does not say that.

Mr. SWANSON. That is what was intended by the Senator from Delaware. I wish the Senator were present. We may send for him, as this is his amendment.

Mr. LODGE. Mr. President——

Mr. THOMAS. I yield to the Senator from Massachusetts.

Mr. LODGE. The question of furnishings, of course, could be dealt with simply by striking the word out of the bill. There is no earthly reason for giving authority to take furnishings. I think if that were dropped out of the bill the first part of the amendment to which the Senator from Colorado called attention—and I do not wonder that his sense of humor was aroused by it—would be needless.

Mr. THOMAS. Mr. President, I think the insertion of the proviso, however meritorious the reason for it, would, if it be enacted into the measure, only serve to emphasize the danger which it seeks to avoid.

The Senator from Virginia has referred to the fact that no property can be taken in the absence of contract except by an order of a Federal court. I think he is mistaken in that, because that is part of the proviso; and the proviso refers to the furnishings in dwellings and other structures, and not to the structures themselves nor to the land. It reads:

Provided, That the furnishings * * * shall not be acquired * * * nor shall any occupied dwelling be taken under the powers in this act given except by contract unless the necessity thereof shall be determined.

Mr. SWANSON. I think this amendment is improperly written. I think the words "colleges, museums, libraries," were intended to follow the words "private dwellings."

Mr. THOMAS. I think it would have been much better to have eliminated it entirely.

Mr. SWANSON. I thought so. It was written very hurriedly; but I have no doubt it was intended to follow the word "dwellings."

Mr. THOMAS. The first part of the subsection, which is not printed in italics, being a part of the House bill, reads:

(b) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land, or any right, title, or interest therein on which such houses, buildings, improvements, local transportation, and other community facilities, and parts thereof, have been or may be constructed.

That involves a power which is too broad, in my judgment, to successfully pass the test of a constitutional challenge in the courts, and if it is passed as a part of the bill it may delay and hamper, instead of facilitating, the building program. We have no power, Mr. President, to take, by condemnation or otherwise, "community facilities"; at least I do not think we have. A courthouse in a county in the State of Ohio or Colorado is a community facility; so is the State capitol; so are other State buildings, whether they be used for criminal or educational purposes. They are part of the appurtenances of the local sovereignty, and as such are immune from condemnation or from seizure by any Federal authority, except perhaps in cases of dire resort wherever the life of the Nation may be at stake.

Mr. WEEKS. Mr. President——

Mr. THOMAS. I yield to the Senator from Massachusetts.

Mr. WEEKS. If I am not incorrectly informed, the Government actually has taken a large schoolhouse in Newark, N. J., and turned the children out of it.

Mr. THOMAS. Well, Mr. President, the local authorities, doubtless inspired by that spirit of patriotism which is always to be commended, consented or yielded, or at least submitted without making any protest. I very much doubt whether the Government has that power eo ipso, unless it be, as I have said, a case of the direst emergency and a crisis far beyond anything that we have encountered so far since our declaration of war.

The proviso, however, specifically recognizes the right to take museums, to take colleges, to take libraries, to take State buildings, and to take municipal buildings. I can not for the life of me conceive, if this is necessary, why it is necessary to build the houses. All the Government has to do is to take possession, to invest itself with the custody of buildings which are already in existence in the cities where these works are going on and

turn the community out to shift for themselves. It is incredible to me that any exigency can arise in a building program making it necessary to give authority so extensive and so dangerous as is involved in this subsection, and I hope it will be stricken out.

Mr. HARDING. Mr. President——

Mr. SWANSON. Let us proceed with the bill by sections.

Mr. HARDING. I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 3, line 8, after the word "money," it is proposed to insert the following:

Provided further, That no lease of any Government property made available under the provisions of this act shall be made at a rate of less than 6 per cent on the actual cost of the property rented.

Mr. SWANSON. I think that for consideration in conference it might be very well to have that proviso inserted.

Mr. BRANDEGEE. May I ask the Senator from Ohio to which cost does that refer—what it has cost the Government or what it has cost the owner?

Mr. HARDING. The cost to the Government.

Mr. FLETCHER. Mr. President, I did not catch the reading of the first part of the amendment, and I will ask that it be again read.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again read Mr. HARDING's amendment.

Mr. FLETCHER. I take it that would mean that if the Government acquires the title to land, puts up a building, and undertakes to rent it, that the amount of rent must be equal to the rate of 6 per cent on the actual cost of the building without regard to the land.

Mr. HARDING. I should think so. The thought is that the Government is not trying to make any money out of this, but is trying to fix a basis of rental.

Mr. FLETCHER. I do not rise to object to the amendment.

Mr. HARDING. Will the Senator allow me a moment?

Mr. FLETCHER. Yes.

Mr. HARDING. The Senator from Utah [Mr. SMOOT] suggests that the amendment would more fittingly be inserted after the word "determine," in line 6, ahead of the proviso having to do with the sale and conveyance. If it is agreeable to the Senator from Virginia, I will make that change. It merely changes the location of the proviso early in the paragraph.

Mr. SWANSON. I have no objection to that amendment being adopted, although I have not thoroughly looked into it.

Mr. FLETCHER. As I now understand, the committee amendments have not been disposed of.

Mr. SWANSON. They have not been; but I have yielded to this amendment, as the Senator offering it must leave the Chamber in a few minutes.

Mr. FLETCHER. I do not want to act on the amendment now, as I desire to look into it.

Mr. BRANDEGEE. Mr. President, it seems to me the point suggested by the Senator from Florida [Mr. FLETCHER] raises a very pertinent inquiry. I do not think the Senator from Ohio [Mr. HARDING] understood or heard it.

Mr. HARDING. Yes; I understood it.

Mr. BRANDEGEE. Let me ask the Senator from Ohio if the object is to get not less than 6 per cent on the money invested by the Government, why should not the cost of the land upon which the building stands be included in the computation?

Mr. HARDING. If the land is acquired by purchase that enters into the cost.

Mr. BRANDEGEE. But the Senator's amendment says the cost of the building, and under the provisions of the bill in several places the land can be condemned separately.

Mr. HARDING. But the amendment does not say "no lease of any Government building," but "no lease of any Government property."

Mr. BRANDEGEE. I thought it said "6 per cent on the cost of the building."

Mr. FLETCHER. I understood that the basis was the cost of the building.

Mr. HARDING. That is not the intention at all. It is my intention to cover the actual cost to the Government.

Mr. McCUMBER. The amendment means 6 per cent on the cost of the premises.

Mr. HARDING. Exactly.

Mr. BRANDEGEE. The Senator is correct. The amendment uses the word "property" and not "building."

Mr. HARDING. Do I understand the Senator from Virginia to accept the amendment?

Mr. SWANSON. I have no authority to accept it, but I have no objection to its being adopted. It may be considered further in conference. If it appears that it is a desirable amendment and will not interfere with the operation of the bill, I should be glad to see it finally adopted. I am disposed to think that a reasonable rental ought to be fixed, but I do not know what the rate should be. I do not believe that these buildings ought to be permitted to be given to anybody except on a fair and reasonable rental.

Mr. HARDING. Does the Senator object to an expression of the Senate at this time on the amendment?

Mr. SWANSON. I have no objection to that.

Mr. HARDING. Then, I move the adoption of the amendment.

Mr. BRANDEGEE. I should like to ask the Senator one more question about the amendment, and then I will be ready to vote upon it. Suppose the property rented is one floor of a tenement, how can it be determined what it cost? Suppose there is a tenement house of 8 or 10 stories high built upon a piece of land?

Mr. HARDING. I assume, Mr. President, in answer to the question of the Senator, that if the Government builds an apartment house, as is intended in many instances, it would first ascertain the cost of the building and the land and fix a rental for the apartments just as any private owner would do in leasing property of that kind.

Mr. BRANDEGEE. They will have to apportion the cost, then, on their own judgment?

Mr. HARDING. Certainly.

Mr. FLETCHER obtained the floor.

Mr. CALDER. Mr. President, if the Senator from Florida will permit me, I wish to make a suggestion.

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New York?

Mr. FLETCHER. I yield.

Mr. CALDER. I am going to suggest to the Senator from Ohio that he reduce the rate to 5 per cent. I can readily appreciate that in some circumstances it may cost 100 per cent more to build houses this year than it did two years ago; and if that is the case, then 6 per cent upon the investment of the Government might be too high, and perhaps some of this property would be vacant, the Government not being able to rent it at all in competition with other property that might have been built a year or two ago. If the Senator is agreeable, I would prefer to have a lower rate, and I would make it even as low as 4 per cent. In that event, we would assure some return to the Government upon its investment, when under a higher rate perhaps that would be difficult.

Mr. SWANSON. Mr. President, that demonstrates what I have all along contended in connection with details of this kind, and that is that it would be better to leave such questions to the board which is to administer the act. If it is stated that a normal rent shall be required, if it is specifically stated that nobody will get rent free, I think it can be left to the board to determine whether the rate shall be fixed at 4, 5, or 6 per cent.

Mr. HARDING. Mr. President, I think the remarks of the Senator from New York [Mr. CALDER] tend to emphasize the very necessity of putting such a provision in this bill. I do not believe anyone can seriously dispute the fact that a 6 per cent rental on the actual cost of the property is a very limited rental, taking no consideration whatever of wear and tear and depreciation, and is certainly compensated for to those who occupy the property by the enormous increase in wages paid in the congested industrial localities.

Mr. LODGE. Mr. President, if the Senator will allow me, I believe we will find that, unless some provision against giving away or renting for a nominal sum is inserted in this bill, many of these tenements and apartments will be actually given away or rented for a nominal sum.

Mr. FLETCHER. Mr. President, does the Senator from Ohio contemplate that this property is not to be subject to taxation? It seems to me there might be a difference. In some localities the property will be within the corporate limits of some town and will be subject then to municipal, State, and county taxes, while in another locality the property might be outside of the corporate limits. If it is Government property, however, I presume it will not be subject to any taxation.

Mr. HARDING. If it is not Government property, the Secretary of Labor will have nothing to do with the rental rates.

Mr. FLETCHER. He would have if he operates through a corporation. There are different plans which might be followed.

Mr. HARDING. I quite agree; but if the Senator from Florida is of the opinion that a corporation is going to undertake this building enterprise it will want to conduct the enterprise in a highly satisfactory manner. I hope the work can be

done along that line, but so long as the title of the property is vested in the Government there are no taxes to be considered.

Mr. FLETCHER. In that event there are no taxes to be considered, so that item would not enter into the calculation. If the Senator desires a vote on his amendment now, I will yield.

Mr. HARDING. I should like to have an expression of the Senate upon it.

Mr. FLETCHER. I rose to make some observations in connection with the bill generally, including that subject; but as the Senator seems anxious to have a vote on his amendment, I am perfectly willing to submit to that and take the matter up later in connection with other phases of the bill.

Mr. HARDING. I ask the adoption of the amendment.

Mr. CALDER. I move to amend by striking out "six" and inserting "four."

Mr. McCUMBER. Mr. President, I have not said anything in regard to this matter; but I want to ask the Senator from New York if he does not think that the wages of labor have increased more than 5 per cent in the last year and during this war? The Senator from Ohio has made a statement of the wages paid to three riveters, who received as high, I think he said, as $80 a day—two men, each getting 30 per cent, and the third 40 per cent of that amount. Does not the Senator feel that men who receive those wages—and other wages run all the way from $5 to $8 a day at the very lowest—can afford to pay 6 per cent upon the cost of the construction of a building and the premises on which it is erected?

Mr. CALDER. I have no doubt that in most cases the rentals of these houses or apartments, or whatever they may be, will be based upon 10 per cent of their cost. I will say to the Senator from North Dakota that no man can now afford to build and rent a house at a profit for much less than 10 per cent, and get back the interest upon his money. But these houses may be built in some out of the way place, where in some trades men have not had their pay raised 100 per cent, as they have in the ship-building industry. I simply suggest a rate of 4 per cent to assure some rental for the property, although I hope that in most cases the rate will be at least 10 per cent.

Mr. McCUMBER. The Senator must remember that this bill is designed to house industrial workers and employees engaged in producing something that the Government needs. Does the Senator know of an instance where wages have not increased at least 100 per cent in any of those lines?

Mr. CALDER. I can not specify any particular industry, Mr. President, but I have no doubt that there are many plants engaged in Government business at this time where the increase has not been 100 per cent. Of the shipping trade it is no doubt true that the increase has been large. I am hopeful that those in charge of this matter will get at least 10 per cent on the cost, but I think there may be circumstances when, in order to get any return at all, it will be necessary to have a lower rental than the rate proposed.

Mr. FLETCHER. The Senator, of course, will recognize that it will cost possibly as much as 2 per cent for administration purposes, so that the Government will not be getting 6 per cent on its investment by any means; it would get probably 4 per cent at the rate fixed.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York [Mr. CALDER] to the amendment of the Senator from Ohio [Mr. HARDING] to strike out "six" and insert "four."

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, will the Senator from Florida allow me to offer an amendment to this same section?

Mr. FLETCHER. Certainly; I yield for that purpose.

Mr. GALLINGER. I offer the amendment which I send to the desk.

Mr. SWANSON. We have a unanimous-consent agreement that the consideration of the bill shall proceed by paragraphs, and I think we will make better progress if we proceed in that way and perfect the bill.

Mr. GALLINGER. The section to which I have offered the amendment has already been amended, and I should like to offer the amendment now.

Mr. SWANSON. Very well; I yield to the Senator to offer his amendment now.

Mr. GALLINGER. I will suggest that the amendment just adopted deals with leases. I propose an amendment to the same paragraph.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, after line 8, it is proposed to add the following:

Provided further, That in no case shall any property hereby acquired be given away nor shall permanent structures be sold for less than 75 per cent of their cost, nor shall rents be furnished free; but the rental charges shall be reasonable and just as between the employees and the Government, but not less than 6 per cent of the capital invested.

Mr. FLETCHER. Mr. President, I understand that the Senator desires that amendment to lie on the table to be taken up when it is reached.

With regard to the bill generally, it seems to me that we are obliged in this situation to enact some legislation along this line. Some of these amendments may not be very desirable; but undoubtedly there are instances where important public work is not proceeding as rapidly as it would proceed if there were housing accommodations. As the Senator from Ohio mentioned, a question that came before the Commerce Committee in connection with the shipyards, perhaps I am at liberty to say, merely by way of illustration, that when Mr. Homer Ferguson was before the committee, Mr. Ferguson being in charge of the building of ships at Newport News, both for the Navy and for the Emergency Fleet Corporation, an experienced shipbuilder and a man of high character, who knows the business, we inquired of him what he could do or what the committee could do or what Congress could do or what anybody could do to speed up the production of ships? He said, "You can do one thing for us at Newport News, and that is give us more men." "Well, can you get the men?" "Yes; we can get the labor." "How much more?" "We could use 3,000 more men if we had a place to house them." "Then, the difficulty is housing?" "Yes." "If you can provide houses so that these 3,000 additional men can be put to work in the shipyards, we can speed the output of the yards." Of course, it is quite an important matter. That is a big yard; they have many contracts, and they are responsible builders. We at once said, "We will take hold of that situation"; and the Senator from Ohio and myself were appointed a committee to call upon the Shipping Board to see if we could not find a way so that these 3,000 additional workmen could be provided for and set to work building ships at Newport News.

We found very cordial cooperation on the part of the Shipping Board once the situation was fully made known to them; arrangements were made under some sort of plan—I do not know just what the details of the plan were—even before the act of March 1 was passed, whereby the houses were to be promptly constructed. There are conditions, such as those at Newport News, which I have no doubt were accurately stated by Mr. Ferguson to the committee, in other yards and with reference to munition plants, navy yards, arsenals, and so forth, which can only be met by some similar arrangement. In the great industrial centers in and about these particular kinds of plants, manufacturing munitions and ships and armament, there is great congestion. Rents are very high, in the first place, sometimes almost prohibitive; and then, in the next place, buildings or rooms can not be had at all to accommodate the men who could be employed. Therefore I think that this legislation is demanded. The conditions are such that we ought to pass it.

Upon looking into the matter with reference to the housing facilities for the shipyards we found, as the Senator from Ohio has said, various theories about how they should be provided. There were various committees and boards handling the matter which had been engaged upon it for months, and we were invited into conference in reference to the matter. Finally I said, "We can not wait upon your developing some plan that you have been at work on for months and months in the past; there is need for ships now; there is need for housing in order that men can be had, and men can be had if the houses are built and can go to work. A man can build just so many tons of ships. You have got to have the men before you can turn out the ships, and we can not wait for some board or commission to develop some plan that may be agreed upon to meet the needs of the Army and Navy and the Shipping Board and that sort of thing. We must have this business attended to now."

Thereupon we introduced a bill, which Congress passed, authorizing the Emergency Fleet Corporation of the Shipping Board to proceed with the erection of houses to meet the requirements of those yards actually engaged in building ships. There is no conflict at all between that legislation and this. That fund will be handled entirely, as the act provides, by the United States Emergency Fleet Corporation, and will be devoted entirely for meeting the requirements of the shipyards that are building merchant ships.

Mr. KELLOGG. Mr. President——

Mr. FLETCHER. I yield to the Senator.

Mr. KELLOGG. I should like to know, Mr. President, if the Senator can tell us why it is the Shipping Board has not been building the houses? It has been stated here that they have not built the houses because they have been interfered with by the Department of Labor.

Mr. FLETCHER. I have no direct information as to any interference; in fact, I never heard of it until it was mentioned here to-day. My understanding is that they have made arrangements for building houses at Newport News and at Sparrows Point, and perhaps at Newark. They are taking hold of the situation at Hog Island. That was another place where houses were needed. They have been interfered with in some instances, I will say to the Senator, according to my information, by a sort of disposition to overreach, to charge excessive prices for land and for putting up buildings. The price of construction has interfered somewhat; people have not been so patriotic as to be willing to put up these buildings unless they made quite a profit on them. I think that has had something to do with it. That is my opinion. The Shipping Board have been unwilling to let contracts at exorbitant figures or to buy land at exorbitant prices, and it has been a matter of getting down to some reasonable basis.

Mr. KELLOGG. One further question. Did not the Shipping Board have power to go ahead and build these houses itself if contractors did not wish to undertake the work at reasonable prices; and if it did, why has it not been done?

Mr. FLETCHER. I think they had such power, but the Senator will understand that that is not the primary business of the Shipping Board, and they can not do too many things. They have quite a great many things to do that are perhaps more important than that. If that can be done in another way, it is best to do it in another way. I think they have proceeded very considerably to provide those accommodations in at least three of the pressing yards. I have received just to-day a clipping from the Philadelphia Press of April 16, which contains this statement:

> No change has occurred on the status of the Elmwood housing project, in the fortieth ward, now held under consideration by the housing commission of the Emergency Fleet Corporation at Washington. Admiral Bowles, however, said yesterday he expects to make an announcement about the matter before the end of this week which, it is believed, will finally dispose of further delay of the project.

It would seem from that as if they are about to get together there in Philadelphia for the Hog Island plant.

Mr. SMITH of Georgia. Mr. President, if the Senator will permit me, I should like to say that within my knowledge at Brunswick, Ga., an offer entirely satisfactory for the construction of steel ships was made, but the point was made that the housing was not already there; that there were not ample houses there to take care of the hands. It was estimated that it would cost $750,000 to furnish the houses. Locally the people raised $250,000 of the money, including the land, and tendered it to the Shipping Board, and they said they would not put up a dollar, and they refused to do anything. Then the company said that they would raise all the money, and the Shipping Board said it was too late, and they did not care to consider it.

Mr. KELLOGG. Apparently the Shipping Board has not done anything, then, toward acquiring houses at Brunswick.

Mr. SMITH of Georgia. They objected to Brunswick as a shipbuilding point solely upon the ground that it was only a place of 20,000 inhabitants, that did not already have the houses; and then, after the local people raised $250,000 toward putting them up, including the land, they still objected. That has happened within the past 30 or 60 days.

Mr. KELLOGG. Then what is the use of making another appropriation of $60,000,000 if they do not spend the appropriation they have?

Mr. FLETCHER. Of course, this appropriation does not go to the Shipping Board or Emergency Fleet Corporation at all. They have nothing to do with it. As I said a while ago, I think there is no conflict between this bill and the act of March 1, which gives the Emergency Fleet Corporation authority to purchase, lease, and construct buildings for the accommodation of the workmen in the shipyards. That act is confined to shipyards. This one is not confined to shipyards. In fact, it specifies the Army, the Navy, and the munition manufactories. There will be places, I will say, like Newport News—and other places might be mentioned, like Newark, N. J., and perhaps Sparrows Point—where there will be the need of workmen both in the building of merchant ships and in the construction of ships for the Navy; and there may be places where there will be Army munitions to be gotten out, also. I was going to say that in those places where there is need of cooperation between the Shipping Board Emergency Fleet Corporation and the Navy and the Army for the purpose of providing housing facilities for the workmen in all the enterprises the Shipping Board would be consulted, of course, and there would be an arrangement reached between these three bodies which would meet that situation. They ought to cooperate in those instances, but those are not the majority of instances.

Mr. CHAMBERLAIN. Mr. President, with the Senator's permission, I will state that Mr. Grace, the president of the Bethlehem Steel Co., appeared before the Military Affairs Committee a few days ago and stated that they had in their employ in producing forgings and ordnance some 27,000 men; that if they had housing facilities for from 4,000 to 6,000 men they could increase the output of the corporation by about 25 per cent, but that to erect the houses necessary to accommodate the number of men I mention it would cost them five or six million dollars, and they can not take it out of their business because of the immense demands that are made upon them.

I want to ask the Senator if he thinks this bill is broad enough to cover a case of this kind: Where the Bethelehem Steel Co. own the land and would be willing to sell the land to the employees could the Government enter into an arrangement with the Bethlehem Steel Co. that would enable them to sell the land to the employees, the Government advancing the money, and taking as security a first lien against the land, the Bethlehem Steel Co. expressing a willingness to take a second lien for the balance of the money? Is this bill broad enough to permit the Government to make such an arrangement as that with any company?

Mr. FLETCHER. I think so. I think that is one of the very purposes of the bill. It could be done in this way: The Bethlehem Steel Co. could deed the land to the Government, and then the Government could make the arrangement with the employee, and the employee could secure the Bethlehem Steel Co. by a second mortgage. The title could be vested in the Government under that arrangement. I think that situation would be easily met, and that is one of the purposes of the bill.

Mr. President, I do not feel that we ought to launch here into a great ideal scheme of building "cities beautiful." That is not my idea of what ought to be done under this kind of legislation. I do not think we ought to venture upon an extravagant plan of acquiring grounds, and building them up, and developing them, and dividing them off into lots, and having separate buildings of a permanent character, costing five or six thousand dollars, on each lot.

In the first place, that takes too much time. We need them now, and we have not time to wait upon putting up expensive buildings. In the next place, as the Senator from Virginia says, in many instances these buildings will become vacant after a certain period of time. We all hope, anyhow, that this war is going to end, and in those instances there will be no need for the buildings in many places. In other places they ought to be permanent, and there ought to be latitude left to those who administer the act. As a general proposition, however, my own idea is that these buildings ought to be what we would style temporary structures—that is to say, comfortable, weatherproof, and good enough looking from the outside, painted if they are wood, and constructed in such a way as to provide for the plain, ordinary citizen with a family, but not necessarily surrounded by beautiful parks and gardens, and not put up in a way that will mean an expense of four or five or six thousand dollars to the building.

There was a committee before our Commerce Committee that made a statement to the effect that in Pascagoula, Miss., four-room houses for this purpose can be built for $700 apiece. I do not think a house of that kind could be very well finished for that sum of money. Of course, that is a frame house, of four rooms, for $700. On the other hand, the proposition that the Shipping Board had for building houses at Hog Island was about $4,500 for each house. That is too much. They declined to build houses of that kind, and my information is that they actually bought houses at some $2,800 that were brick houses and good houses, too.

So I do not think this paragraph on page 4, to which the Senator from Ohio has called attention ought to be stricken out of the bill. I think the committee made a mistake, because I think the general idea here ought to be to provide housing facilities to meet the present needs and not with a view of building up permanent settlements and communities and making them too expensive for men who earn their living by their labor.

Mr. SMITH of Georgia. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Does the Senator think the $10,000,000 to be spent in Washington should be simply for temporary construction, to be practically thrown away when the war is over?

Mr. FLETCHER. I should not say that.

Mr. SMITH of Georgia. Does not the Senator really think we can afford to make those houses of a permanent character?

Mr. FLETCHER. I think so; because as long as we have any city left in this country I take it Washington will be here, and Washington will grow, undoubtedly, and the buildings here ought not to be, I think, of that temporary character. But there are locations on our coast where there is crowding at present simply because there is an industry there which depends for its life upon the needs of the war. Now, when the war is over that need will disappear, and those communities will not continue to be crowded and many buildings will be vacated; and in those instances I do not think we ought to put up these buildings in an expensive and an extravagant way. That is a matter that ought to be left to the discretion of those who have the administration of the act in hand.

Another provision that the Senator from Colorado mentioned is the feature giving the power to requisition and condemn property. That is a very broad authority, and of course there can be no requisitioning or condemnation unless there is just compensation. The bill ought to provide—I think I shall offer an amendment to that paragraph to that effect—means of determining the just compensation wherever land or buildings are condemned, as we provided in the act of March 1. However, I find that section 3 of the bill covers that. I had overlooked it.

As I say, Mr. President, I believe there is need for this legislation, and I do not believe it conflicts in any way with the act of March 1, which applies to the shipyards; and there is no need for the work authorized by the act of March 1 to be delayed or interfered with by reason of the passage of this act. There are only a few instances where there should be profitably and wisely employed cooperation between the Secretary of Labor under this measure and the Emergency Fleet Corporation under the act of March 1; and those instances are where the navy yards, the merchant shipbuilding yards, and the arsenals, for instance, happen to be at the same place, and each of these enterprises needs houses for its workmen. They ought to cooperate in order to better meet the whole situation in such cases, and I have no doubt they will; but that need not interfere at all with the operations under the act of March 1, nor should the act of March 1 interfere with the work under this act.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 1, line 3, after the words "Secretary of Labor," it is proposed to insert "under the direction of the President of the United States."

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I want to ask the Senator a question right there. On page 1, line 5, the words "local transportation, and other community facilities" appear.

Mr. SWANSON. Those words ought to be eliminated. The committee agreed to recommend the elimination of those words, "local transportation, and other community facilities," wherever they appear in the bill.

Mr. BRANDEGEE. They are eliminated from every other place.

Mr. SWANSON. The bill was reported very hurriedly yesterday, and I did not have an opportunity to look it over before it was printed.

Mr. LODGE. Those words ought to come out in line 5, page 1.

Mr. SWANSON. That is right. I ask that that be done.

The SECRETARY. On page 1, line 5, after the word "housing," it is proposed to strike out the comma and the words "local transportation, and other community facilities."

The amendment was agreed to.

Mr. LODGE. The same language ought to be stricken out of the title; but of course that can not be done until we conclude the consideration of the bill.

Mr. SWANSON. No.

Mr. BRANDEGEE. There is a provision on page 7 with regard to amending the title in that way.

The VICE PRESIDENT. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 1, line 6, after the word "arsenals," it is proposed to insert "and navy yards," so as to read:

For such industrial workers as are engaged in arsenals and navy yards of the United States—

And so forth.

The amendment was agreed to.

The SECRETARY. On page 1, line 9, before the word "employees," it is proposed to insert the word "also," so as to read:

And also employees of the United States whose duties require them to reside in the District of Columbia.

Mr. THOMAS. Mr. President, so far as this bill relates to the District of Columbia, and perhaps in its entirety, it suggests to my mind the one material and substantial method of relieving the embarrassments of Government employees. I have always contended that increases of salaries in times like these, like increases of wages, only serve to swell the profits of landlords and supply dealers, because they elevate their prices in proportion as the capacity of the consumer increases. The only effect of the bill which we passed yesterday, by means of which some twenty-odd millions of dollars was added to our annual expenditures, will be to transfer that much money, through the medium of the employees of the Government, to those who deal in the necessities of life.

I think, Mr. President, that while we are providing for that situation in a bill like this, we should recognize that there are some others who feel the very largely enhanced cost of living in this District, where rents have in some instances multiplied manyfold, and where expenditures of all kinds have become unbearable, always, as I have said, being commensurate with the ability of the consumer to respond. I think that there are Members of the Congress—I know one, in particular—who find it very difficult, practically impossible, to meet all necessary expenses and demands, and at the same time make both ends meet; and I am satisfied that in the event that the salaries of Members of Congress were increased—which, of course, would not be considered at all—its only effect would be to increase their actual and necessary expenses. So, Mr. President, it occurs to me that while we are giving power to take possession of and to build shelter for the employees of the Government, it might just as well be that we should have some consideration for ourselves.

I therefore move to insert, after the word "also," the words "Members of Congress and," so that in this expenditure of millions of the public moneys to provide shelter and the means of livelihood there shall be no discrimination between those who make the laws and those who are to work under them.

Mr. LODGE. Mr. President, if I may ask the Senator a question, ought not the Senator to make that "Senators and Members of Congress"?

Mr. THOMAS. Well, Senators are Members of Congress.

Mr. LODGE. Of course, I know we are Members of Congress; but "Senators and Representatives in Congress" would be the technical designation.

Mr. THOMAS. I want to make the phraseology what it should be; but I understand that a Member of either House is a Member of the Congress.

Mr. LODGE. Absolutely.

Mr. CUMMINS. Mr. President, I suggest that the Senator from Colorado would have to go further in order to accomplish his purpose, because the donation or solicitude would still be confined to those persons whose services are essential to war needs, and I think it is the view in many quarters that Members of Congress do not fall within that description. [Laughter.]

Mr. THOMAS. Why, Mr. President, if I should accept that suggestion and amend my amendment accordingly I would have to go further and offer the same amendment to others affected by the bill. There are large numbers of employees of the Government who, as far as I am able to see, do nothing except draw their salaries; certainly not much more. I have had occasion very frequently to go to these new bureaus for the purpose of soliciting relief, very humbly, sometimes getting it and sometimes not—usually not, as the Senator from Georgia [Mr. SMITH] suggests—and I have observed on all sides a multitudinous number of employees of both sexes, some sitting by typewriters, others operating them; some engaged apparently in the arduous duty of smoking cigarettes, and occasionally directing a would-be visitor to some place where, when he reaches it, he will be referred to some other; some knitting sweaters, and others sweating knitters—all sorts of occupations not directly concerned with the affairs of the Government. So I venture to suggest that if I accepted the suggested amendment it would open a wide field for amendment and also for discussion.

The VICE PRESIDENT. The amendment offered by the Senator from Colorado will be stated.

The SECRETARY. On page 1, line 9, it is proposed to amend the committee amendment by inserting after the word "also" the words "Members of Congress and."

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. SWANSON. I ask for a vote on that amendment.

The VICE PRESIDENT. All those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. THOMAS. If the Vice President has any doubt about the result, I will offer a further amendment including that office as well. [Laughter.]

The VICE PRESIDENT. The amendment to the amendment is rejected. The question is on the committee amendment.

The amendment of the committee was agreed to.

The SECRETARY. On page 2, lines 6 and 7, it is proposed to strike out the words "local transportation and other community facilities and parts thereof."

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will call the attention of the chairman of the committee to the phraseology of the first section. Perhaps the Senator thinks it is all right, but it strikes me as being very awkward, and that it might well be revised. In line 7, page 1, the section reads:

Arsenals and navy yards of the United States, and in industries connected with and essential to the national defense, and their families.

Mr. SWANSON. The Senator will see, if he reads it, that it comes out all right.

Mr. GALLINGER. My thought was that the words "and their families" might be transposed to some other line of the bill. I have not had time to look it up carefully.

Mr. SWANSON. Their families might not be engaged in working in the arsenals.

Mr. GALLINGER. Yes; that is true. I merely call attention to it, Mr. President, and will let it go at that.

Mr. BRANDEGEE. Mr. President, let me ask the chairman of the committee whether the word "arsenal" in that line should be plural or singular?

The VICE PRESIDENT. That has been amended.

Mr. SWANSON. It should be plural, but that has been changed.

Mr. BRANDEGEE. Very well.

The SECRETARY. On page 2, lines 13 and 14, it is proposed to strike out the words "local transportation, and other community facilities," and the comma.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, are we considering committee amendments now?

The VICE PRESIDENT. We are.

Mr. SWANSON. Any amendment to a paragraph can be offered as we go along, however.

Mr. FLETCHER. I would suggest, after line 9, the insertion of a provision for compensation wherever property is condemned, such as I read a moment ago.

Mr. SWANSON. I did not hear what the Senator read; but we have in this bill the same condemnation process that the Senator has in his bill.

Mr. FLETCHER. Is that provided for in this bill?

Mr. SWANSON. Yes; the same one that the Senator has in his bill. There is one section here where it is provided that they shall pay 75 per cent, and so forth.

Mr. FLETCHER. If that provision for compensation is in the bill, I do not care to offer that amendment. I think it is important that it should be in the bill.

Mr. SWANSON. It is in the bill.

Mr. LODGE. Mr. President, I should like to ask the Senator from Virginia if he would not be willing to pass over, for the present, the next amendment? I want to say something about it. It is very late, and the attendance of Senators is very small.

Mr. SWANSON. What does the Senator wish to do?

Mr. LODGE. To pass over the next amendment; I mean, the proviso beginning on line 15, page 2. I want to say something about that amendment, and I would rather not take it up at this time.

Mr. SWANSON. I should like to have that amendment perfected before the Senator discusses it. The words "colleges, museums, libraries, State or municipal buildings" should come after the word "dwelling" on line 18. I think the person who drew that amendment made a mistake.

The amendment was simply intended to apply to any occupied dwelling, college, museum, library, State or municipal building, so as to provide that it should only be taken under those conditions. I ask that that amendment be made.

Mr. LODGE. It seems to me that makes it rather worse.

Mr. SWANSON. That, I think, was what was intended to be the amendment.

Mr. LODGE. If that is what it was intended to be, then it intends to be rather worse. I see no reason in the world why authority should be given in any form to take colleges, libraries, or museums.

Mr. SWANSON. I will say that the Senator from New Jersey offered that amendment, and stated in the committee that they had taken a schoolhouse in New Jersey, I think, and that he would like that provision to be there so that it could not be taken unless the court determined the necessity of taking it.

Mr. LODGE. Why, they can take a State capitol under this bill, or a city hall. I think this amendment had better be discussed further. They ought to be specifically excepted, of course. It is perfectly absurd to have colleges and museums and their furnishings taken for war purposes. There is not one of them that is in the slightest degree within——

Mr. SWANSON. I have no objection to accepting the amendment. Let it be amended so that they shall be excluded.

Mr. LODGE. That will require some redrafting. I know what was attempted here in Washington.

They wanted additional space for the clerks engaged in the Bureau of War-Risk Insurance. The Regents of the Smithsonian, who are in charge of the National Museum, had given them nine or ten thousand square feet of space which had been unoccupied. They proposed to take the National Museum, which cost $4,000,000 to build, where the collections are valued at six or seven million dollars, and to move all the collections out, many of which could never be replaced or reset, in order to put some clerks in there who had plenty of space in other parts of the city.

Mr. BRANDEGEE. Who proposed to do that?

Mr. LODGE. That was desired by those in charge of the war insurance. The matter came before the Smithsonian Regents, and that is the reason why I know about it, because I happen to be one of the Regents. The late Senator from Missouri [Mr. STONE] and I took the matter up. The Chief Justice is also one of the Regents. We made representations to the Secretary of the Treasury in regard to it. We gave them some additional space that the Museum was not using, and the Museum was in that way preserved.

That only shows what these people are ready to do. They would actually have taken the Museum that belongs to the people of the country, with the collections that cost some $7,000,000, in order to house clerks whom they could house and have housed in other parts of the city. Under those circumstances, I think, it is not idle to put some protection on the museums, libraries, and public buildings of the United States.

Mr. SWANSON. I agree with the Senator. It reads:

That the furnishings in private dwellings, colleges, museums, libraries, State or municipal buildings shall not be acquired except by contract—

And so forth.

There might be some school buildings that they would want to acquire by contract.

Mr. LODGE. That limits it to furnishings. I can not imagine that they would want to take the desks out of a school building to promote the war.

Mr. SWANSON. I will agree to limit it to furnishings in private dwellings, so that they can not be taken except by contract.

Mr. KELLOGG. Transpose it so as to read:

That colleges, museums, libraries, State or municipal buildings, and furnishings in private dwellings shall not be acquired except by contract—

And so forth.

Mr. LODGE. I ought to say that the reason why I asked to have it go over is because I am against putting the word "furnishings" in there at all. This whole proviso is made necessary by the subsections (a) and (b) above. That proviso is all the protection the private citizen has under the bill as drawn, and it is manifestly absurd to give Mr. Eidlitz and his agents, whoever may have charge of it, power to go about in private houses, colleges, and museums and say, "We want your buildings; we want your furniture." The furniture of the average private house is of no use in promoting the war.

Mr. SWANSON. If the Senator will permit me, under the bill as proposed to be amended they can not get furnishings in a private house except by contract. They can buy private furniture if they want, but it might be necessary to furnish some of these buildings, and people in a private residence would sell their furniture.

Mr. LODGE. They could do that without this authority.

Mr. SWANSON. If you put in the words "colleges, museums," it can not be taken except by contract. If they want to sell one of the buildings for these purposes, it is to be done by contract.

Mr. CUMMINS. Mr. President, I should like to suggest to the Senator from Virginia that, as I read the bill, it is proposed to give the Secretary of Labor the right to condemn any college, any museum, any State or municipal building for the purpose of housing clerks or workmen. The limitation is only upon the furnishings, with the exception of private dwellings occupied. With the amendment suggested by the Senator from Virginia you would still leave to the Secretary of Labor the right to take any museum or college or school building or State or municipal building that he might think it wise to take.

Mr. SWANSON. The Senator is correct. I stated that unless it was changed it probably might have that interpretation, and it should be changed to read as follows:

Provided, That colleges, museums, libraries, State or municipal buildings, and the furnishings in private dwellings shall not be acquired except by contract.

Mr. CUMMINS. I have no objection to leaving it to contract, but the right of condemnation should be limited to private property, and should not be extended to public property.

Mr. SWANSON. That may be so.

Mr. THOMAS. Will the Senator yield to me to propose an amendment? I move to amend by striking out all of subsection (b) after the word "That," in line 15, and to insert in place thereof:

schools, colleges, museums, libraries, State, county, and municipal buildings shall be exempted from the operations of this act.

Mr. LODGE. That covers it.

Mr. THOMAS. I offer that amendment and ask for a vote on it.

Mr. SWANSON. I shall be very glad to accept that amendment.

Mr. GALLINGER. Will the Senator yield to me to make a request? We have been here something over five hours. The bill is so drawn that it ought to be carefully looked into.

Mr. SWANSON. I will agree to the amendment offered by the Senator from Colorado.

Mr. THOMAS. I understand the Senator from Virginia to say that the amendment which I suggested is acceptable to him.

Mr. GALLINGER. Let it be printed.

Mr. THOMAS. If there is no objection to the amendment I suggest that it be adopted.

The VICE PRESIDENT. Is the Senate ready to vote on the amendment of the Senator from Colorado?

Mr. GALLINGER and others. No.

The VICE PRESIDENT. The Senate does not seem ready.

Mr. GALLINGER. I offered an amendment earlier in the day which I ask may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FRANCE. I offer an amendment to the pending bill and ask that it be printed and lie on the table.

The VICE PRESIDENT. Without objection, that action will be taken.

Mr. OVERMAN. I offer an amendment which I ask be printed in the RECORD.

The amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. OVERMAN to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, viz: On page 4, at the end of section 1, add the following:

Provided further, That in communities where housing development is to be carried on under this act, such communities, or persons desiring so to do, shall be permitted to furnish a certain per cent of the cost of providing said housing facilities under such a plan of development and under such terms and conditions as may be agreed upon by the Secretary of Labor and the persons interested in the plan of development, but in no instance shall a loan of more than 85 per cent of the cost of development be made to such communities or the persons interested in the development.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. FLETCHER, Mr. REED, Mr. NELSON, and Mr. DILLINGHAM conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 10069. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

DEATH OF REPRESENTATIVE JONES, OF VIRGINIA.

A message from the House of Representatives, by G. F. Turner, one of its clerks, communicated to the Senate the intelligence of the death of Hon. WILLIAM A. JONES, late a Representative from the State of Virginia, and transmitted resolutions of the House thereon.

Mr. SWANSON. Mr. President, I ask the Chair to lay before the Senate the resolutions which have just been received from the House of Representatives.

The VICE PRESIDENT. The Chair lays before the Senate the resolutions of the House.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
April 17, 1918.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM A. JONES, a Representative from the State of Virginia.

Resolved, That a committee of 18 Members, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SWANSON. Mr. President, in the loss of Congressman JONES, of Virginia, Virginia loses one of her oldest and ablest Representatives. He represented the first district of Virginia creditably and ably for 28 years. The country has lost one of its most efficient and ablest men. I offer the following resolutions, and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 227) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM A. JONES, a Representative from the State of Virginia.

Resolved, That a committee of six Senators be appointed by the Vice President to join a committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed, under the second resolution, as a committee on the part of the Senate Mr. SWANSON, Mr. OVERMAN, Mr. UNDERWOOD, Mr. HENDERSON, Mr. NORRIS, and Mr. MCNARY.

Mr. SWANSON. Mr. President, as a further mark of respect to the memory of this distinguished statesman and able public servant, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 18, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 17, 1918.*

The House was called to order at 12 o'clock noon by Mr. KITCHIN as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Oh Lord God Almighty, a very present help in trouble, continue, we beseech Thee, to uphold, sustain, and guide our beleaguered armies at the front, who are battling for the right against overwhelming numbers in this critical moment of the world's history.

Give to them courage, fortitude, strength, endurance, that they may beat back at last the enemies of civilization; that truth may vindicate itself and Thy power prevail; and we will praise and magnify Thy holy name; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States, relating to naturalization, had insisted upon its amendments, had requested a conference with the House of Representatives, and had appointed Mr. HARDWICK, Mr. GORE, and Mr. DILLINGHAM as conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders.

The message also announced that the Senate had passed without amendment the bill (H. R. 9902) to amend section 8 of an

act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

RESIGNATION OF A MEMBER.

The SPEAKER pro tempore. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 17, 1918.

To the SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I have transmitted to the governor of the State of Wisconsin my resignation as a Representative in the Congress of the United States from the eleventh district of Wisconsin, to take effect upon this date.

Respectfully, yours,

IRVINE L. LENROOT.

CONTESTED-ELECTION CASES.

The SPEAKER pro tempore. In the following contested-election cases these references will be made:

Britt against Weaver, to the Committee on Elections No. 3;

Davenport against Chandler, to the Committee on Elections No. 2; and

Gerling against Dunn, to the Committee on Elections No. 1.

ESPIONAGE BILL.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the House bill 8753, known as the espionage bill, with Senate amendments, be taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked for.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. WEBB. Mr. Speaker, I do not care to have the Senate amendments read. They are long.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table House bill 8753, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker pro tempore announced as the conferees on the part of the House Mr. WEBB, Mr. CARLIN, Mr. GARD, Mr. MORGAN, and Mr. GRAHAM of Pennsylvania.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I call up the unfinished business, the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. MEEKER] demand the reading of the engrossed bill?

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the reading of the engrossed bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the reading of the engrossed bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. WALSH. Mr. Speaker, I ask for a division.

Mr. THOMPSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the passage of the bill will answer "yea" when their names are called; those opposed will answer "nay."

Mr. ANDERSON. Mr. Speaker, I think there was no division on the question before the point of no quorum was made.

Mr. GARRETT of Tennessee. We were voting on it, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will call the roll.

The question was taken; and there were—yeas 298, nays 25, answered "present" 3, not voting 106, as follows:

YEAS—298.

Almon	Barkley	Bland	Browne
Anderson	Barnhart	Blanton	Browning
Ayres	Beakes	Booher	Brumbaugh
Bacharach	Beshlin	Bowers	Buchanan
Baer	Black	Brand	Burnett
Bankhead	Blackmon	Brodbeck	Burroughs
Byrnes, S. C.	Francis	London	Saunders, Va.
Byrns, Tenn.	Frear	Lonergan	Scott, Mich.
Caldwell	French	Longworth	Scully
Campbell, Kans.	Fuller, Ill.	Lufkin	Sears
Candler, Miss.	Gandy	Lundeen	Shallenberger
Cannon	Garland	Lunn	Sherley
Cantrill	Garner	McArthur	Sherwood
Caraway	Garrett, Tenn.	McCulloch	Shouse
Carlin	Garrett, Tex.	McKeown	Siegel
Carter, Okla.	Gillett	McKinley	Sims
Cary	Glass	McLaughlin, Mich.	Sinnott
Chandler, Okla.	Glynn	Madden	Sisson
Church	Godwin, N. C.	Maher	Slayden
Clark, Fla.	Good	Mansfield	Sloan
Clark, Pa.	Goodall	Mapes	Small
Classon	Goodwin, Ark.	Mason	Smith, Idaho
Cleary	Gray, N. J.	Mays	Smith, Mich.
Coady	Green, Iowa	Meeker	Snell
Collier	Greene, Mass.	Merritt	Snook
Connally, Tex.	Greene, Vt.	Miller, Minn.	Snyder
Connelly, Kans.	Gregg	Miller, Wash.	Steagall
Cooper, W. Va.	Griest	Montague	Stedman
Cooper, Wis.	Griffin	Moore, Pa.	Steenerson
Copley	Hadley	Moores, Ind.	Stephens, Miss.
Cox	Hamill	Morgan	Sterling, Ill.
Cramton	Hamilton, Mich.	Morin	Sterling, Pa.
Crisp	Hamilton, N. Y.	Mott	Stevenson
Crosser	Hardy	Mudd	Stiness
Currie, Mich.	Harrison, Miss.	Neely	Strong
Dale, Vt.	Harrison, Va.	Nelson	Sumners
Darrow	Hastings	Nicholls, S. C.	Sweet
Davidson	Haugen	Nichols, Mich.	Swift
Davis	Hawley	Oldfield	Switzer
Delaney	Hayden	Oliver, Ala.	Tague
Dempsey	Heaton	Oliver, N. Y.	Talbott
Denison	Helvering	Olney	Taylor, Ark.
Dent	Hilliard	Osborne	Taylor, Colo.
Denton	Holland	O'Shaunessy	Templeton
Dewalt	Hollingsworth	Overmyer	Tillman
Dies	Houston	Overstreet	Tilson
Dill	Howard	Padgett	Timberlake
Dillon	Huddleston	Paige	Tinkham
Dixon	Hull, Iowa	Park	Treadway
Dominick	Hull, Tenn.	Parker, N. J.	Van Dyke
Donovan	Humphreys	Parker, N. Y.	Venable
Dooling	Hutchinson	Phelan	Vinson
Doolittle	Jacoway	Polk	Voigt
Doremus	Johnson, Ky.	Pou	Waldow
Doughton	Johnson, Wash.	Pratt	Walker
Dowell	Jones, Tex.	Price	Walton
Drane	Juul	Purnell	Ward
Dunn	Kearns	Quin	Wason
Eagan	Keating	Ragsdale	Watson, Va.
Eagle	Kehoe	Rainey, J. W.	Webb
Edmonds	Kennedy, Iowa	Raker	Welling
Elston	Key, Ohio	Ramsey	Welty
Emerson	Kincheloe	Ramseyer	Whaley
Esch	Kinkaid	Randall	White, Ohio
Fairchild, B. L.	Knutson	Rayburn	Wilson, Ill.
Fairchild, G. W.	Kraus	Reed	Wilson, Tex.
Fairfield	Langley	Riordan	Wingo
Fess	Larsen	Robbins	Wise
Fields	Lea, Cal.	Roberts	Wood, Ind.
Fisher	Lesher	Robinson	Woods, Iowa
Flood	Lever	Rogers	Woodyard
Focht	Linthicum	Rose	Young, Tex.
Fordney	Little	Rouse	Zihlman
Foss	Littlepage	Rowe	
Foster	Lobeck	Sanders, Ind.	

NAYS—25.

Anthony	Graham, Ill.	La Follette	Walsh
Ashbrook	Hayes	McFadden	Wheeler
Claypool	Helm	Peters	White, Me.
Elliott	Hersey	Reavis	Williams
Evans	Ireland	Sanders, N. Y.	
Ferris	Kiess, Pa.	Sells	
Gordon	King	Thompson	

ANSWERED "PRESENT"—3.

Butler	Gard	Schall

NOT VOTING—106.

Alexander	Gallagher	Lehlbach	Sanders, La.
Aswell	Gallivan	Lenroot	Sanford
Austin	Gould	McAndrews	Scott, Iowa
Bell	Graham, Pa.	McClintic	Scott, Pa.
Borland	Gray, Ala.	McCormick	Shackleford
Britten	Hamlin	McKenzie	Slemp
Campbell, Pa.	Haskell	McLaughlin, Pa.	Smith, C. B.
Carew	Heflin	McLemore	Smith, T. F.
Carter, Mass.	Heintz	Magee	Stafford
Chandler, N. Y.	Hensley	Mann	Steele
Cooper, Ohio	Hicks	Martin	Stephens, Nebr.
Costello	Hood	Mondell	Sullivan
Crago	Husted	Moon	Temple
Curry, Cal.	Igoe	Nolan	Thomas
Dale, N. Y.	James	Norton	Towner
Dallinger	Johnson, S. Dak.	Platt	Vare
Decker	Jones, Va.	Porter	Vestal
Dickinson	Kahn	Powers	Volstead
Drukker	Kelley, Mich.	Rainey, H. T.	Watkins
Dupré	Kelly, Pa.	Rankin	Watson, Pa.
Dyer	Kennedy, R. I.	Rodenberg	Weaver
Ellsworth	Kettner	Romjue	Wilson, La.
Estopinal	Kitchin	Rowland	Winslow
Farr	Kreider	Rubey	Wright
Flynn	LaGuardia	Rucker	Young, N. Dak.
Freeman	Lazaro	Russell	
Fuller, Mass.	Lee, Ga.	Sabath	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. MARTIN with Mr. PORTER.

Mr. BORLAND with Mr. HUSTED.

Mr. ROMJUE with Mr. JOHNSON of South Dakota.
Mr. DUPRÉ with Mr. MONDELL.
Mr. LAZARO with Mr. MAGEE.
Mr. SANDERS of Louisiana with Mr. RODENBERG.
Mr. GALLAGHER with Mr. NORTON.
Mr. MCCLINTIC with Mr. HICKS.
Mr. SHACKLEFORD with Mr. NOLAN.
Mr. ALEXANDER with Mr. CARTER of Massachusetts.
Mr. CAREW with Mr. AUSTIN.
Mr. STEELE with Mr. BUTLER.
Mr. DALE of New York with Mr. CHANDLER of New York.
Mr. BELL with Mr. BRITTEN.
Mr. DECKER with Mr. CRAGO.
Mr. CAMPBELL of Pennsylvania with Mr. DALLINGER.
Mr. GALLIVAN with Mr. ELLSWORTH.
Mr. GRAY of Alabama with Mr. COOPER of Ohio.
Mr. BESHLIN with Mr. FARR.
Mr. HAMLIN with Mr. DYER.
Mr. DICKINSON with Mr. FREEMAN.
Mr. ESTOPINAL with Mr. COSTELLO.
Mr. HEFLIN with Mr. GOULD.
Mr. HENSLEY with Mr. KAHN.
Mr. KETTNER with Mr. GRAHAM of Pennsylvania.
Mr. LEE of Georgia with Miss RANKIN.
Mr. JONES of Virginia with Mr. HUSTED.
Mr. HENRY T. RAINEY with Mr. MCKENZIE.
Mr. HOOD with Mr. PLATT.
Mr. MCLEMORE with Mr. LEHLBACH.
Mr. MCANDREWS with Mr. KELLEY of Michigan.
Mr. SABATH with Mr. ROWLAND.
Mr. IGOE with Mr. HASKELL.
Mr. RUBEY with Mr. SANFORD.
Mr. MARTIN with Mr. KENNEDY of Rhode Island.
Mr. RUCKER with Mr. SCOTT of Iowa.
Mr. KELLY of Pennsylvania with Mr. MCLAUGHLIN of Pennsylvania.
Mr. THOMAS F. SMITH with Mr. WATSON of Pennsylvania.
Mr. RUSSELL with Mr. KREIDER.
Mr. STEPHENS of Nebraska with Mr. TOWNER.
Mr. MOON with Mr. TEMPLE.
Mr. CHARLES B. SMITH with Mr. POWERS.
Mr. THOMAS with Mr. VESTAL.
Mr. WATKINS with Mr. SLEMP.
Mr. WILSON of Louisiana with Mr. YOUNG of North Dakota.
Mr. SULLIVAN with Mr. WINSLOW.
Mr. WEAVER with Mr. VOLSTEAD.
Mr. FLYNN with Mr. CURRY of California.

On this vote:

Mr. ASWELL (for) with Mr. JAMES (against).

Mr. BUTLER. Mr. Speaker, did the gentleman from Pennsylvania [Mr. STEELE] vote?

The SPEAKER pro tempore. He did not.

Mr. BUTLER. Then I desire to withdraw my vote. I voted "yea." I am paired with the gentleman from Pennsylvania [Mr. STEELE], and I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. SMALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the river and harbor bill. Is there objection?

There was no objection.

EXTENSION OF NAVAL PROVING GROUND.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 10783.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent for the present consideration of H. R. 10783. Is there objection?

Mr. WALSH. Mr. Speaker, may the bill be reported?

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 10783) to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I want to ask a question about it. I should like to ask the gentleman from Tennessee where this railroad runs?

Mr. PADGETT. It is not a railroad at all. This is a bill to extend the naval proving grounds.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. PADGETT. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to expend the sum of $1,000,000, or any part thereof, in his discretion, for the purpose of increasing the facilities for the proof and test of ordnance material, including necessary buildings, construction, equipment, railroad, and water facilities, land, and damages and losses to persons, firms, and corporations resulting from the procurement of the land for this purpose, and also all necessary expenses incident to the procurement of said land: *Provided*, That if the land and appurtenances and improvements attached thereto, as contemplated under the foregoing appropriation, can not be procured by purchase within one month after the enactment of this appropriation, the Navy may take said land over for its use, and then the President is hereby authorized and empowered to take over for the United States the immediate possession and title, including all easements, rights of way, riparian, and other rights appurtenant thereto, or any land selected by him to be used for the carrying out of the purpose named in the aforesaid appropriation. That if said land and appurtenances and improvements shall be taken over as aforesaid, the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum, as, added to the said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code. Upon the taking over of said property by the President as aforesaid, the title to all such property so taken over shall immediately vest in the United States. The sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated for said purpose.

Mr. PADGETT. Mr. Speaker, I wish to offer an amendment to perfect the text.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 1, strike out the words "the land" and insert the words "such lands."

The amendment was agreed to.

Mr. PADGETT. Mr. Speaker, I offer another amendment to perfect the text.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Lines 2 and 3, page 2, strike out the words "as contemplated under the foregoing appropriation."

Mr. WALSH. Mr. Speaker, it seems to me a little unusual for the chairman of the committee to call up a measure by unanimous consent and without explanation of the measure begin offering amendments, and not even explain where the amendments are offered. I should like to have the gentleman explain why he offers this particular amendment. The bill contains the words "as contemplated under the foregoing appropriation." Now he wants to strike out those words.

Mr. PADGETT. That is just an awkward expression, that is all. The language is—

Provided, That if the land and appurtenances and improvements attached thereto, as contemplated under the foregoing appropriation, can not be procured by purchase—

And so forth. Now, the appropriation comes afterward. It is not the foregoing appropriation. This does not change the meaning or the purport at all. It will read—

Provided, That if the land and appurtenances and improvements attached thereto can not be procured by purchase—

And so forth. The appropriation is made for the purposes of this act. It follows instead of going before.

Mr. WALSH. Will the gentleman state where it is contemplated that railroad properties and water facilities will be taken over for use?

Mr. PADGETT. We are not taking over any at all. They have to get two tracts of land. We have now at Indianhead, Md., the proving ground and the powder factory.

Mr. WALSH. I know that.

Mr. PADGETT. They have to get some additional land there because of the expansion of the work and to test the larger fuses. It has become impossible to do it safely within the limits that we have. Then, on the Virginia side as the crow flies, about 15 miles down the river, and as the boat runs about 22 miles, they want a thousand acres of land, where they will

have a range for testing the big guns of 45,000 to 50,000 yards. At Indianhead, where the testing is being done under great difficulty by suspending traffic, they have testing facilities of about 15,000 yards. The fighting lines are now from 20,000 to 22,000 yards, and they say it is impossible to test the large guns at Indianhead, and this is to give them a neck of land on the Virginia side, where they will have a testing range from 45,000 to 50,000 yards to test these big guns at a high elevation, instead of theoretically with a low charge, and not tested at full range.

Mr. WALSH. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. WALSH. This legislation is needed without delay?

Mr. PADGETT. Absolutely; it is in the bill, but it was so urgent that the Chief of the Bureau of Ordnance came to me and said almost with tears in his eyes that he was so hampered that he was not now able to perform the functions that the war required of him.

Mr. WALSH. One thing further. This legislation does not contemplate nor permit the construction of railroad facilities running from the city of Washington to the grounds.

Mr. PADGETT. It does not in any way, directly or indirectly.

Mr. ANTHONY. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. ANTHONY. Is this land at Cornwallis Neck, near Indianhead?

Mr. PADGETT. As the crow flies it is about 15 miles farther down.

Mr. ANTHONY. It is to enlarge the proving grounds at Indianhead?

Mr. PADGETT. Yes; they are transferring the testing of large guns from Indianhead to the new grounds.

Mr. ANTHONY. Can the gentleman tell me how far away the proving grounds for the Bureau of Ordnance are that were recently purchased?

Mr. PADGETT. Yes; a number of miles, but it has no connection with this.

Mr. ANTHONY. Would it be possible for the Government or the Navy to use the big range purchased by the Bureau of Ordnance?

Mr. PADGETT. No; the committee went into that, and the Secretary had that matter fully investigated by the officers, and they said it could not be used in common by the two.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. COOPER of Wisconsin. Some time ago the gentleman from Tennessee, chairman of the Naval Committee, introduced a bill and asked unanimous consent for its consideration, which bill provided for the construction of a railroad from any point anywhere in the District of Columbia to the proving grounds.

Mr. PADGETT. That was down through Maryland.

Mr. COOPER of Wisconsin. It was plainly apparent from that bill that it could be built down to Newport News or Norfolk.

Mr. PADGETT. That has nothing to do with this.

Mr. COOPER of Wisconsin. Would it be possible under this bill for the Secretary of the Navy to take over land necessary for the construction of a railroad up into that district?

Mr. PADGETT. It would not; it was not contemplated and would not be possible.

Mr. FOSS. Will the gentleman from Tennessee yield to me for a question?

Mr. PADGETT. I will.

Mr. FOSS. This bill, as I understand, contemplates the purchase of land——

Mr. PADGETT. At Indianhead and also in Virginia, a point down 15 miles below, giving a range of 45,000 or 50,000 yards for testing the big guns.

Mr. FOSS. How many acres, all told?

Mr. PADGETT. Two thousand one hundred and seventy-five acres.

Mr. FOSS. At what price per acre?

Mr. PADGETT. It has been estimated from $25 to $50 an acre.

Mr. FOSS. It is not valuable for agricultural purposes.

Mr. PADGETT. No; not high-priced land.

Mr. FOSS. Then, the most of the appropriation would be used toward the improvements.

Mr. PADGETT. Yes; and they say it will complete the work. The Army was given $7,000,000 on the other shore and later was given $7,000,000 more, but here they say they can complete this with the one million without asking anything further.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. PADGETT. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Does this bill come in with a unanimous report from the committee?

Mr. PADGETT. Not only with a unanimous report, but enthusiastic.

Mr. MOORE of Pennsylvania. And the amendments likewise have the unanimous consent of the committee?

Mr. PADGETT. The amendments have not been submitted to the committee because in looking over the bill yesterday I saw that the phraseology could be made better. This does not change the bill except to make it more in keeping with the language of appropriation bills.

Mr. MOORE of Pennsylvania. Referring to page 2 of the report, where the estimates of a million dollars are itemized, is that an estimate for the expenditure of this particular million dollars?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. It includes $175,000 for a railroad.

Mr. PADGETT. That is a railroad on the grounds for unloading the big guns and transporting them from one point to another.

Mr. MOORE of Pennsylvania. It is not for any commercial purpose?

Mr. PADGETT. None whatever. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, lines 4, 5, 6, strike out the words: "enactment of this appropriation, the Navy may take said land over for its use, and then," and insert the words "passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Speaker, also the following amendment, which I send to the desk.

The Clerk read, as follows:

Page 2, line 8, after the word "title" insert the words "of such lands and improvements."

Mr. LINTHICUM. Mr. Speaker, I would like to make an inquiry of the gentleman from Tennessee. How much land is it contemplated to purchase?

Mr. PADGETT. On the Maryland side 1,175 acres and on the Virginia side 1,000 acres.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Also the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 11, strike out the words "purpose named in the aforesaid appropriation," and insert the words "purposes of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Also the following amendment, which I send to the desk.

The Clerk read as follows:

Page 3, lines 1, 2, and 3, strike out the words "The sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated for said purpose," and insert in lieu thereof the words "For the purposes of this act there is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated the sum of $1,000,000, or so much thereof as may be necessary.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LINTHICUM. Mr. Speaker, I desire to ask the gentleman from Maryland another question. How much are they paying for this land?

Mr. PADGETT. Somewhere from $25 to $40 or $50 an acre.

Mr. LINTHICUM. Is it contemplated to build a railroad from Washington down to Indianhead?

Mr. PADGETT. It is not.

Mr. LINTHICUM. I know it is not in this bill, but I mean in any other bill before the gentleman's committee?

Mr. PADGETT. I have another bill on the calendar which I have tried to get up, and I shall try to get up later, but not to-day, for that purpose. It is not in this bill, and in order to make that clear I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the last line of the bill insert the following: "*Provided*, That no railroad shall be built in the District of Columbia under this act until Congress has approved the point from which such road may start and also the route to be followed in the District of Columbia.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SOLDIERS' INSURANCE—ATTORNEYS' FEES.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent for present consideration of the bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917, which I send to the desk and ask to have read.

Mr. WALSH. Mr. Speaker, may we have the bill reported?

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER of Minnesota. Mr. Speaker, reserving the right to object, would the gentleman from Texas [Mr. RAYBURN] consider favorably an amendment along the line I suggested when this matter was first mentioned to the House before?

Mr. RAYBURN. No; I would not, for this reason: An omnibus amendment bill is ready for introduction at this time covering a great many subjects, and the committee would like to have the opportunity of considering those amendments before they act upon them. The bill is ready for introduction now and will be introduced to-day or to-morrow. I made a statement here several days ago——

Mr. MILLER of Minnesota. Yes; I was present.

Mr. RAYBURN. That a bill would be introduced right away, and the Treasury Department assured me before that time that they would have their suggestions ready, but they had not gotten them ready up until I talked with the Assistant Secretary of the Treasury yesterday, and he said either to-day or to-morrow they would send that bill up.

Mr. MILLER of Minnesota. Can the gentleman advise the House whether or not he will have a rule to bring up that bill for consideration? If a rule is not provided, the bill may be introduced and never reach consideration in the House.

Mr. RAYBURN. So far in everything connected with the soldiers' insurance the House has been very liberal with the committee in letting them bring up their bills, and I think there will be no trouble about that.

Mr. MILLER of Minnesota. Will the gentleman permit me to make an inquiry of the chairman of the Committee on Interstate and Foreign Commerce?

Mr. RAYBURN. Certainly.

Mr. MILLER of Minnesota. Referring to the bill referred to by the gentleman from Texas, a bill containing many amendments to the law governing war-risk insurance, is the gentleman's committee giving consideration of any character to the bill which proposes to open the benefits of this act to these men, who are in a sort of military service in Russia, looking after the railway situation and transportation?

Mr. SIMS. A number of bills have been introduced proposing to amend the war-insurance act. The department itself has suggested several amendments. I suggested to the department, and it has been approved by the members of the committee who have discussed it, that the department should prepare all of the amendments which it thinks necessary for the successful working of the law, and I have also suggested to Members of the House who have introduced bills that we take no action on their bills until we got the suggestions of the department and then consider them all together, and report out a bill covering what the committee thinks proper from all proposed amendments.

Mr. MILLER of Minnesota. I think that is a wise suggestion, but I gathered from the statement just made by the gentleman from Texas [Mr. RAYBURN] that the committee had had these suggestions from the department and were ready now to propose an omnibus amendment bill.

Mr. SIMS. The department may be ready, but it has not transmitted its suggested further amendments. I understand that to-day or to-morrow the department will send to the committee the amendments it proposes.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Massachusetts?

Mr. RAYBURN. Yes; I yield to anybody who wants to ask a question, and I thought the gentleman from Minnesota wanted to interrogate the gentleman from Tennessee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

A bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917.

Be it enacted, etc., That section 13, article 1, of the act approved October 6, 1917, entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," be, and is hereby, amended by striking out the following words in the last sentence: "to regulate the matter of compensation, if any, but in no case to exceed 10 per cent, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles 2, 3, and 4," and insert at the end of the sentence the following words: "*Provided, however*, That payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers shall not exceed $3 in any one case: *And provided further*, That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under article 2, 3, and 4, except that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 10 per cent of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted, to his attorney.

"Any person who shall directly or indirectly solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive, any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment," so that the section as amended shall read as follows:

"SEC. 13. That the director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this act, and for that purpose have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the act, except as otherwise provided in section 5. Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulation, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided, however*, That payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers shall not exceed $3 in any one case: *And provided further*, That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under articles 2, 3, and 4, except that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 10 per cent of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted to his attorney.

"Any person who shall directly or indirectly solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment."

SEC. 2. That Article IV of said act, approved October 6, 1917, entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," is hereby amended by striking out section 405 thereof.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. MOORE of Pennsylvania. I would like to inquire whether this comes in with a unanimous report. I do not see any members of the minority here, and I wondered if they were notified that the bill was coming up?

Mr. RAYBURN. Yes; it is a unanimous report, and I have told every Member I have seen that it was coming up to-day if I could get it up by unanimous consent.

Mr. MONDELL. Did the gentleman notify the minority members that the bill was to be brought up to-day?

Mr. RAYBURN. Well, I notified them yesterday, or it is in the RECORD, or the day before that I intended to call it up yesterday; and if not yesterday, I would call it up to-day.

Mr. GARNER. It is a unanimous report?

Mr. RAYBURN. It is a unanimous report, and there is no objection to it at all.

Mr. TREADWAY. Will the gentleman yield further?

Mr. RAYBURN. I will.

Mr. TREADWAY. In connection with the question of the gentleman from Pennsylvania, may I not say this for his information, that the gentleman from Wisconsin [Mr. ESCH] has been cooperating with the gentleman from Texas [Mr. RAYBURN] in studying the subject and has declared that he is enthusiastic for the bill?

Mr. MONDELL. But the gentleman should not call it up by unanimous consent without notifying the minority members of what he intended to do.

Mr. RAYBURN. I am not responsible for gentlemen not being here, and I will say I do not care to be lectured in regard to the matter.

Mr. SIMS. Will the gentleman permit me to make a statement for a moment?

Mr. RAYBURN. Yes.

Mr. SIMS. Mr. Speaker, I wish to tell the gentleman from Wyoming that the gentleman from Massachusetts [Mr. TREADWAY] had a bill much like, in its terms, the bill now before the House. The department made certain suggestions. Mr. ESCH, the ranking minority member of our committee, Mr. TREADWAY, the gentleman who introduced a bill for the same purpose, with the gentleman from Texas [Mr. RAYBURN], were informally appointed to prepare the draft of a bill for report by the committee; and they did so, and I introduced the bill they drafted and it was reported without any amendment whatever after full consultation with Mr. ESCH, Mr. TREADWAY, and the gentleman from Texas, who has charge of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, it may be that the bill is all right; it tends in the right direction, but it involves some serious questions as to compensation to be allowed claim agents and attorneys and affects every district and millions of people, for good or for evil. It should be discussed a little, and I would like to ask the gentleman if any time——

Mr. RAYBURN. It was stated to the committee at the time that the first available opportunity for this bill to be considered and passed would be embraced, and I think I can not be mistaken in saying that every member of the committee, both minority and majority, are thoroughly satisfied with the bill.

Mr. MOORE of Pennsylvania. Will the gentleman from Texas agree to allow——

Mr. RAYBURN. The only reason on earth for the introduction and report of this bill and the asking for its consideration is that since the passage of the war-risk insurance act, like what happened under the pension act to some extent, organizations of lawyers have been formed from one end of this country to the other, so-called lawyers, who have been preying upon the ignorance of the people who are the beneficiaries of the act for insurance, compensation, and allotments.

Mr. MOORE of Pennsylvania. That ought to be stopped.

Mr. RAYBURN. That is exactly what we are trying to stop, and that is the only thing this bill seeks to do.

Mr. MOORE of Pennsylvania. The bill provides a method of compensation, but some gentlemen are of the opinion that there should be no compensation at all.

Mr. RAYBURN. I think in the discussion of this matter the reason for that would come out.

Mr. THOMPSON. Mr. Speaker, I demand the regular order.

Mr. MOORE of Pennsylvania. The gentleman from Texas is speaking in his own time.

Mr. WALSH. And he is entitled to an hour.

Mr. MOORE of Pennsylvania. The gentleman has an hour, and I was trying to ascertain whether he intended to allow some time——

Mr. ROBBINS. If the gentlemen would come down to the front of the House we could hear them better and get more information.

Mr. MOORE of Pennsylvania (continuing). I was endeavoring to ascertain—if gentlemen will keep quiet for a minute—whether the gentleman, entirely within his rights and in the possession of an hour's time, intended to be liberal in the disposal of it?

Mr. RAYBURN. I do.

Mr. MOORE of Pennsylvania. That is all.

Mr. RAYBURN. And I intend, if I can get the floor myself, to yield to the gentleman from Massachusetts [Mr. TREADWAY], who took unusual interest in this subject, and I might say in fairness to him that he introduced the first bill on this question. There were several bills introduced upon this question, and I expect to yield him 15 minutes.

Mr. MOORE of Pennsylvania. I will say to the gentleman that the purpose of the bill is all right. We are trying to get at the best method to effectuate the thing desired. The gentleman from Iowa [Mr. GREEN] has some suggestions on this subject, and there may be other gentlemen, and I merely wanted to know whether the gentleman intended to let us have a little of his time. The gentleman, I assume, will explain the bill and explain it so satisfactorily that perhaps no additional explanation may be needed, but will the gentleman give some of his time to this side?

Mr. RAYBURN. I just stated that I was going to yield a quarter of an hour to the gentleman from Massachusetts [Mr. TREADWAY] at the first opportunity I had, and I promised to yield to the gentleman from Oregon, and I shall yield some time to the gentleman from Iowa if he desires it.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. ESCH] will come in shortly, and he is to be considered.

Mr. STINESS. Mr. Speaker, as a member of the minority on the Committee on Interstate and Foreign Commerce, I will say that the minority are very anxious that this bill should pass. A committee was appointed, as was stated on the floor, and I have not heard of any opposition at all from any member of the minority, but on the contrary we are very glad to have this measure come up at the first opportunity and have it passed.

Mr. MOORE of Pennsylvania. That is a satisfactory statement.

Mr. TREADWAY. Mr. Speaker, I shall endeavor to explain such features of the bill as any Member of the House may desire to inquire about, and will yield for any questions that may be asked.

The reason for the introduction of this measure is very plain. I desire to call attention to a sentence in section 13 of the war-risk insurance act approved October 6, 1917, which reads as follows:

> The director shall adopt reasonable and proper rules to govern the procedure of the divisions, to regulate the matter of compensation, if any, but in no case to exceed 10 per cent, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles 2, 3, and 4.

Now, articles 2, 3, and 4 are the allowance, compensation, and war-risk insurance, so that you see whatever was done under the authority of a claim agent entitles that agent to receive 10 per cent of the benefits derived by the beneficiary from the Government. In other words, take, as an illustration, a $10,000 war-risk insurance policy. Such a policy would not be paid in a lump sum of $10,000, but would cover a period of 20 years, or 240 months.

Now, then, during the entire life of that policy the claim agent who has presented the claim to the War-Risk Bureau can demand the 10 per cent commission for those services.

Undoubtedly that was a mistake in the framing of the bill. The bill never was so intended. The department did not intend, the gentleman who offered the war-risk insurance bill did not intend, nor did the Committee on Interstate and Foreign Commerce intend that any such opportunity should be given to the claim agent. We have not heard, however, of any claim agent objecting to that phrase in the bill up to the present time. It is a very nice opportunity, and one which is being rapidly made use of.

Now, let me explain to you exactly what has happened. The same explanation appears in the report of the committee on this bill. During the period when the casualty lists were published and the names of the next of kin of those injured or killed in the service were printed with the addresses these so-called claim agents took those addresses and at once communicated with the beneficiaries under the law. I hold in my hand a set of papers which was sent me by the town clerk of one of the towns in my district, who brought the matter to my attention. This is the form in which the claim agents sent out the papers, giving them power of attorney and agreement as to attorney's fees, and a form of printed letter, of which I want to read one sentence; and, by the way, I will state that this letter is addressed to the mother of one of the first soldiers from my district killed in the war. This is the sentence to which I desire to call the particular attention of the House:

> Of course, you understand that in a claim of any sort against the Government, no officer or agent of the Government can render the claimant the aid and counsel an attorney can—

And so forth. In other words, this claim-agent concern here says that it can do better service for the beneficiaries under the war-risk insurance act than can any officer or agent of the Government. Was there ever a more deceiving communication put into the hands of friends and bereaved relatives than such a letter as that?

And still these people have been within their rights under this clause in the bill. That very clause was one of the reasons, as the Acting Secretary of War states in his communication to the Senate, dated March 22, 1918, why the War Department stopped sending out the casualty lists, because, as he said:

> The publication of the address of the nearest relative or the emergency address did not give the relative any information which had not already been given to them, but it brought down upon them a swarm of claim agents who guaranteed that they would obtain from the Government the war-risk insurance which is guaranteed by law to the proper inheritor, and in spite of the fact that the department has in each case advised the nearest relative that their claims will be adjusted by the Government and that they will be furnished the money that is due them without the interposition of claim agents, numbers of poor people have yielded to the importunities of these claim agents, and are thereby deprived of a portion of what is justly their due.

Gen. March, Chief of Staff, has also made a similar statement in reply to inquiry as to why the additional details were withheld in the printing of the casualty lists.

Under date of January 23 I introduced a bill, H. R. 9161, which amended that section of the act by cutting out the reference to claim agents. It also amended section 405 by removing a sentence there also permitting the appearance of claim agents. This was about the time the railroad hearings were being held, and which were at once followed by the water-power development hearings, so it was some time before the Committee on Interstate and Foreign Commerce could give the subject attention.

On March 15 Mr. SIMS, chairman of the Committee on Interstate and Foreign Commerce, introduced a bill of somewhat similar nature, which I understand was submitted by the department. This bill very much curtailed the powers of claim agents, but, nevertheless, would permit of their recognition. At a hearing given by the committee I stated my objections to the bill in that it would not seem to me that any recognition whatever should be permitted these people.

Following the hearing and after a consultation with Messrs. RAYBURN and ESCH, of the committee, on April 2 I introduced House bill 11190. Three days later, April 5, Mr. SIMS introduced practically the same bill, H. R. 11245, which is now before the House and which has my hearty approval.

Unless there is still some joker we have not discovered, enactment of this bill will absolutely prevent applications being made by claim agents in behalf of beneficiaries under the act who would prevent them from obtaining all that is justly their due.

There is no need for the intercession of agents or attorneys in these claims, as already stated. The attitude of the United States Employees' Compensation Commission with regard to claim agents has been stated to me by Chairman Little, and I am glad to quote from his letter just what the commission thinks about the appearance of attorneys in cases before that body:

> The attitude of the commission with respect to such appearances is * * * that they are unnecessary, and the commission does not encourage the participation of attorneys in the presentation of cases of injured employees in any way. The law itself provides the machinery for practically an automatic adjustment of claims for compensation through the cooperation of superior officers or injured employees with the commission, and it is our belief that the intervention of attorneys in such cases is a needless expense to the claimant.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. KING. Is it not a fact that in many cases the Department has not notified the next of kin or their relatives? I know of one case, where a man died three months ago in Jefferson Barracks, and no effort was made to identify him or inform his folks.

Mr. TREADWAY. There are cases where they have not been identified after they joined the colors. I am not familiar with any case of the kind the gentleman speaks of, but I am familiar with cases where claim agents have directly solicited the opportunity of securing the 10 per cent on the total claim.

Mr. FOSS. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. FOSS. Does the gentleman know whether the policy gives the necessary information from the beneficiary?

Mr. TREADWAY. From the department?

Mr. FOSS. Yes; from the department as to his rights?

Mr. TREADWAY. The department is very anxious to have word reach all beneficiaries that there is no need for the employment of these claim agents, and notice has been sent to them to that effect; but in numerous instances, as, for instance, in the case of the loss of the *Tuscania*, the department has record of relatives of people on the *Tuscania* whose lives were saved being put to the excruciating pain and suffering of being notified by these claim agents that their relatives and next of kin were lost, whereas they were actually saved. These people have been so solicitous for their business that they have even gone to the extent of notifying the next of kin of an entire shipload being lost, when half or more of them were saved. The Adjutant General's office informed me that it had referred three telegrams of that nature to the Department of Justice in order to prosecute these claim agents for misrepresentation and the injury to the feelings of relatives that naturally would result.

Now, Mr. Speaker, Congress and the Government are back of the boys in the trenches and back of their friends and families. [Applause.] To my mind no better piece of legislation, no more humanitarian piece of legislation has ever been put on our statute books than this war-risk insurance act. It will make the people at home feel better toward the Government that is calling out their young men and asking those men to make this supreme sacrifice. It will make the young men feel better to realize that the Government stands back of and is willing to assist the ones they are leaving behind by such humanitarian legislation as this.

It is not the intent of Congress that these mercenary claim-agent leeches should sap the blood of any financial benefit from the Government by putting up these false claims and establishing their right to this 10 per cent commission for doing nothing, and doing what the Government itself intends to do in every individual case.

Mr. Speaker, I do not feel that there is occasion for me to go into detailed explanations. I think I have stated the case as it is, and I heartily cooperate with the gentlemen who have prepared this particular bill, which, as I have stated, is the result of the original one that I introduced some time ago. The time to check this evil is in its beginning and not wait to have it reach the scandalous proportions of the pension claims. I should be very glad, if my time permits, to answer any questions bearing on the subject. If there are none I will yield back the balance of my time.

Mr. DEWALT and Mr. FARR rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Will the gentleman now please state the remedy that is suggested by the proposed legislation.

Mr. FARR. That is what I wanted to find out.

Mr. TREADWAY. The proposed bill absolutely cuts out recognition of the claim agent. The claim-agent scandal in pension legislation is well known to the House. As a result of that scandal, when the act was amended in 1916 changing the details of a widow's pension, the claim agent was excluded. as the gentleman is undoubtedly well aware, and the language found on page 2 follows the act of 1916, whereby the claim agent is excluded. The language is as follows:

> That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under articles 2, 3, and 4.

That follows the language of the pension act.

Mr. KING. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. KING. I have in mind a case in my district which has already been turned down by the War-Risk Bureau, and it is going to necessitate the employment of an attorney.

Mr. TREADWAY. Certainly.

Mr. KING. Now, what compensation will he get if he carries it through?

Mr. TREADWAY. I will call the gentleman's attention to a further provision on page 2:

> Except that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision, the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 10 per cent of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted, to his attorney.

So that covers the case which the gentleman has in mind.

Mr. KING. Will that court have the right to review the ruling of the department, and either affirm it or set it aside, or is that ruling, once made, a law which can not be set aside?

Mr. TREADWAY. I do not understand the gentleman.

Mr. KING. The department makes a certain ruling. Can that ruling be reviewed by the court in that case?

Mr. TREADWAY. This says any disagreement between the claimant and the United States allows the beneficiary to take his case to court. Did the gentleman from Pennsylvania [Mr. FARR] desire to ask me any questions?

Mr. FARR. My colleague [Mr. DEWALT] asked the question that I had in mind.

Mr. GREEN of Iowa. Has the gentleman had the views of the Treasury Department upon this bill?

Mr. TREADWAY. Yes; Mr. Speaker, the views of the Secretary of the Treasury are set forth in the report, in the letter written by the Secretary of the Treasury on March 18, and this letter is along the line of the desires of the War-Risk Bureau itself. I call the gentleman's attention to the letter addressed to Mr. SIMS, on page 1 of the report, asking that this legislation be enacted.

Mr. GREEN of Iowa. Do I understand that the Secretary of the Treasury agreed to this provision which makes the Government liable for a thousand dollar fee on a $10,000 insurance policy? This bill will cost the Government millions of dollars.

Mr. TREADWAY. I can not agree with the gentleman.

Mr. RAYBURN. I wish to say to the gentleman that this legislation will not cost the Government a cent in that direction,

because this fee to be determined by the court is to be paid by the claimant himself, as provided in the act.

Mr. GREEN of Iowa. If I can get the opportunity to speak, I think I can show the gentleman that I am right.

Mr. TREADWAY. I will say that this clause follows the original act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROBBINS. I ask unanimous consent that the gentleman have two minutes to answer questions.

The SPEAKER pro tempore. Is there objection to extending the gentleman's time two minutes?

There was no objection.

Mr. JUUL. I should like to ask the gentleman if the penalty clause in this bill may not be misunderstood, and should it not provide an exception in favor of people who legally represent claimants when there is a dispute between the Government and the claimant?

Mr. TREADWAY. That must come through court action. There could be no question of any discrepancy in that feature.

Mr. JUUL. But, if the gentleman will pardon me, in line 22 you provide a penalty against anyone who shall negotiate with anybody——

Mr. TREADWAY. It is intended that it should.

Mr. JUUL. I understand; but there are cases where attorneys are permitted by the bill, and you do not except those attorneys from the penalty.

Mr. TREADWAY. May I call the gentleman's attention to the fact that there are two places where attorneys or claim agents are recognized? One is in the preparation of the papers and the execution of necessary papers, where not to exceed $3 may be charged. That is simply a clerical service. Then, you will see the bill also recognizes attorneys in connection with a suit.

Mr. JUUL. Yes.

Mr. TREADWAY. There is no other place where the claim agent can legally perform services, and it is not intended that there should be.

Mr. JUUL. My question to you is whether or not you are providing a penalty for the attorney who properly represents the claimants before the Government, where there is a dispute as to the appointment and who the claimants are?

Mr. TREADWAY. If the gentleman will read lines 10 to 21, I think he will get the information; but I would be glad to take it up with the gentleman any time.

Mr. FARR. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. FARR. Does not the gentleman think that 10 per cent is too much to pay for legal services?

Mr. TREADWAY. That depends upon how extensive the lawsuit may be. It is entirely in the hands of the court. I think that is a fair provision and was in the original act, although personally I should be pleased to see the maximum amount made less than 10 per cent.

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SNOOK].

Mr. SNOOK. Mr. Speaker and gentlemen of the House, the original bill to which this is an amendment, as the gentleman who has just preceded me has well said, is one of the most important features of constructive legislation passed by this Congress. Soon after the passage of that bill it came to the attention of the committee that a gross abuse was likely to spring up through attorneys who congregated here in Washington, sending out these powers of attorney and contracts to which the gentleman from Massachusetts has called attention, getting claimants to sign the contracts and filing them with the department, and thereby drawing a fee where they had rendered no services to the claimant. It is the old policy followed during the days of pension legislation. These people have grown adepts in that business. In those days a great deal of money was made by people who rendered no services to the soldier, and so this amendment has been drawn to cut off such contracts.

It will be remembered by Members of the House that articles 2, 3, and 4 of the original act, each one, had a separate purpose. The first provided for the allotment, the second for compensation, and the third for insurance.

Now, this bill is so drawn, or is intended to be so drawn, that these attorneys can not collect a fee for services in any one of these cases, except under regulations to be formulated and promulgated by the Bureau of War-Risk Insurance. It was suggested to the committee, however, that it might be necessary, and probably was necessary, that some compensation should be allowed to some one for preparing the papers for applicants, and so the fee for that purpose was fixed in the bill at $3. You will find this provision in the first paragraph of the bill, at the top of page 2, under which all persons in the country may go to a justice of the peace, or an attorney, and have an affidavit prepared.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. LINTHICUM. The gentleman says "preparing papers"; that is merely filling up a blank.

Mr. SNOOK. That is merely filling up a blank.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman recall the commission or allowance paid to claim agents in pension cases?

Mr. SNOOK. In the early stages, before we had legislation on the subject, I think the fee ran as high as $25, and probably higher than that. But there was a long time that the pension agent was allowed to collect $25 and then $10.

Mr. MOORE of Pennsylvania. That fee was cut down.

Mr. SNOOK. Yes; and now has been cut out in some cases.

Mr. MOORE of Pennsylvania. Does the gentleman prefer a fixed amount to a commission?

Mr. SNOOK. Yes; this is fixed at $3, and that is all that can be charged. Now, further to protect the claimants, there is a provision on pages 3 and 4 of the bill by which the department can promulgate regulations by which they can control who shall be recognized as an attorney and who shall not, so that an unwarranted fee can not be collected.

Now, referring to the question asked by the gentleman from Illinois [Mr. JUUL], about the penalty in this bill, I think his fear is not well grounded, for you will find line 22, page 2, refers to the penalties. That language is as follows:

> Any person who shall directly or indirectly solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive, any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment.

Mr. JUUL. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. JUUL. I think you are absolutely prohibiting the negotiations by the attorney with the claimant. Suppose a claimant waits 6 months or a year or 18 months, and absolutely despairs of obtaining results by his individual negotiations; and let us suppose the claimant is illiterate and a foreigner, unable to transact business in English. Under the section here the attorney could not negotiate with the claimant for any compensation whatever beyond $3.

Mr. SNOOK. That is for the preparation of the papers.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. JUUL. Mr. Speaker, I ask unanimous consent that the gentleman be given two minutes more.

Mr. RAYBURN. I yield two minutes more to the gentleman.

Mr. JUUL. Will the gentleman yield further? This is an important matter. Here is the situation, that time may run against the claimants. The claimants can not negotiate with the attorney. Suppose the claimant is tired out by departmental delay. He goes to an attorney and seeks to get redress. The attorney is absolutely prohibited from negotiating with him for any fee.

Mr. SNOOK. In case of allotment or compensation the case will be entirely taken care of by the Government, and there will be no reason for an attorney at all, because the Government will investigate the question and it will be decided without the need of an attorney. Now, when it comes to the question of insurance, as soon as there is a disagreement he is allowed to employ an attorney, and the court is authorized to allow an attorney fee up to 10 per cent.

Mr. JUUL. Suppose there is a disagreement as to who is the legal claimant in the case; may the one who is decided by the department not to be the legal claimant go to his attorney and say, "I, and not the other man, am the legal claimant," and if he does, is the attorney to be subjected to a penalty because he negotiates?

Mr. SNOOK. No; not if he negotiates, but if he charges a fee not authorized by the law. There will be no trouble about the attorney making out affidavits or making the proper proofs. Hundreds of attorneys in this country are representing soldiers and are making proofs for them and drawing affidavits and all that.

Mr. JUUL. I think the penalty clause is a little strong.

Mr. RAYBURN. Mr. Speaker, I yield three minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Speaker, my attention has been called to numerous delays attendant upon the settlement of allotments made by soldiers and sailors upon their going into the service.

My attention has particularly been called to some specific instances, and I want to call the attention of the House to them. There is in the city of Portland, which I have the honor to represent, a woman who is the wife of an enlisted man in the One hundred and sixty-second Infantry. This woman is about to become a mother and is altogether dependent upon the allotment made by her husband. This allotment was made last October, but there are no returns from it as yet. This man did not wait to be drafted. He was one of the early volunteers from the city of Portland. I have also in mind the case of a member of the Fourth United States Engineers, who has a dependent wife and one child in the same city, who made an allotment more than four months ago, but there are no returns from that as yet. Also a member of the Twenty-third Engineers, who enlisted at Vancouver, Wash., on November 30, and who has a wife and two children in destitute circumstances, but under the allotment he has made to them there has been no return. There is another case of a Portland widow who is dependent upon the allotment made by her son, and there have been no returns in that case.

I have given all these names to the Bureau of War-Risk Insurance, but will withhold them from publication for the present, although I have a complete record of all these matters in my office. These are just samples of numerous cases that have come to my attention. I have no doubt that others have come to the attention of other gentlemen in this body. I have taken a number of these cases up with the bureau, and in a great many instances bureau officials have told me that these allotments have never reached the bureau.

Mr. Speaker, if these allotments have not reached the bureau, there is something radically wrong with the Naval and Military Establishments that permit conditions of this kind to continue in the various naval and military headquarters throughout the country. If papers are executed and allotments made by soldiers and sailors as long ago as last November and have not yet reached the bureau, I respectfully submit that there is something wrong in connection with the administration of this law, and the authorities in the Naval and the Military Establishments ought to look into the matter. I have requested the Secretary of the Navy and the Secretary of War to give their attention to these matters.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. WALSH. They may have been lost in the mail, and if that is so it would not be the fault of the Army and the Navy Departments.

Mr. McARTHUR. Oh, yes; but it is not probable that a great many of them have been lost in the mail. My attention has been called to a great many cases. It is improbable that they were all lost in the mail.

Mr. SNOOK. In the cases to which the gentleman refers, why did not the wives and the widows file applications for allotments? That can be done. I have had it done in a number of cases—instead of criticizing the department.

Mr. McARTHUR. It was undoubtedly through ignorance of the law. These dependents do not know about these things, and they are dependent upon the allotment made to them. I do not wish particularly to criticize the Bureau of War-Risk Insurance, for I realize that there is great congestion of business at the bureau. There are undoubtedly some delays down there that could have been avoided, but I want to point back to the root of the trouble. It was the failure of the men in the Military and Naval Establishments who are intrusted with the responsibility of making these reports. They have not made them.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I am very much in sympathy with the purpose of this bill. It is needed, and some of its provisions, particularly the opening provisions of the bill, are most excellent. I am surprised at the provision that permits the question of the amount to be paid on insurance to be taken to the Federal district court. This bill is supposed to be an improvement upon legislation. The particular provision which permits suits to be brought in the district courts of the United States is a backward step. In a greater portion of the States of this Union at the present time under compensation laws claims for deaths or injury are submitted to some sort of commission, which tries them under informal rules, represents the claimant as well as the State, and passes upon them without any unnecessary expense. Under this provision these cases will be tried in the district courts of the United States, the most expensive place in the world to try a case. The costs necessarily will go against the United States in the absence of some special provision, and there is no special provision here. The claimant will undoubtedly recover some sum and will be entitled to have the costs allowed. That is not the worst provision. It provides for a 10 per cent fee to be paid by the claimant, so that in a case where $10,000 is recovered, and in most of these cases $10,000 will be recovered, $1,000 attorney's fee can be taxed up against the claimant. I can fairly hear the shout of rejoicing that will go up among the ambulance chasers over this country when they read this provision of the bill.

Mr. TREADWAY. It is in the original bill.

Mr. GREEN of Iowa. That is true; it is in the original bill, but it never ought to have been there, and the purpose of this bill ought to be to correct just such matters and prevent anything of that kind taking place.

Mr. LINTHICUM. Is not the gentleman wrong when he says that it provides a 10 per cent fee? Does not the law provide not exceeding 10 per cent?

Mr. GREEN of Iowa. If the gentleman has practiced law, as I presume he has, I will ask if he ever knew of a court cutting down those fees?

Mr. LINTHICUM. I know the courts are very liberal, but we usually leave such matters to the courts.

Mr. GREEN of Iowa. I am an attorney myself. I know just how these things work, and every man who is an attorney in this House knows how it works. This provision ought to be stricken out.

Mr. LOBECK. And the gentleman has had an experience as a judge, too?

Mr. GREEN of Iowa. The gentleman will excuse me from answering that. I am not speaking from the standpoint of a judge. If I was, I would say the attorney always claims to have earned the fee.

Mr. MOORE of Pennsylvania. With an action encouraged by a claims agent, possibly, if the court decided in favor of the claimant and the recovery was $10,000, it would mean that the claim agent would receive $1,000.

Mr. GREEN of Iowa. One thousand dollars, probably, although, of course, the court would not be obliged to allow that. It would depend to a large extent on whether the attorney claimed he earned it.

Mr. MOORE of Pennsylvania. But the court could do that?

Mr. GREEN of Iowa. It could.

Mr. MOORE of Pennsylvania. That would be rather a large fee in a pension case.

Mr. GREEN of Iowa. I never heard of that amount being allowed in a pension case. Now, under the pension law I think the largest fee that can be obtained is $10. Under the war-insurance statutes whoever has charge of these cases for the Government ought to represent the claimant just as much as he represents the Government. The Government ought not to take the position that is often taken by insurance companies, and try to defeat every claim that is possible regardless of its merit; but, on the contrary, pay every one that is meritorious, and pay every cent to which the claimant is entitled.

Mr. RAYBURN. I desire to state to the gentleman it is on an altogether different assumption from a pension law. This suit, if brought, will come upon the proposition of a contract claim on the Government for an insurance policy whether the claimant is entitled to this insurance, and furthermore does the gentleman think this policy——

Mr. GREEN of Iowa. The gentleman has control of his time and he has time of his own——

Mr. RAYBURN. I will give the gentleman half a minute, and that is all I want to use of his time. I know the gentleman wants to be fair, and I want to ask him a question. This insurance can not be paid in a lump sum, and if a man has a policy and the courts decide that he is entitled to the payment of $10,000 when only $57.50 per month can be paid, does the gentleman think any court in the land will say that man ought to go down in his pocket and hand over $1,000?

Mr. GREEN of Iowa. Possibly not as to the time of payment, but I think courts are very likely to allow the amount claimed. If the case is tried in the United States district court the attorney might be entitled to it. But aside from these considerations the argument the gentleman is making with reference to insurance claims would be equally valid against every compensation law passed by any State of the Union. It would follow that in all of those compensation cases where they have done away with court procedure the proper thing would be to submit the thing to the courts in the ordinary way of trying cases. This method has been abandoned because of its expense to all parties concerned, and to the State.

Mr. FARR. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. FARR. This remuneration would extend over the entire period of the insurance, would it not, 20 years or whatever period it would reach?

Mr. GREEN of Iowa. So far as the language contained in the bill provides.

Mr. ROWE. But does not the gentleman think it would be well here to so limit the fee as not to exceed $200?

Mr. GREEN of Iowa. That would be an excellent provision, but what we ought to have, in my judgment, is a provision for an appeal to be taken to the Secretary of the Treasury the same as an appeal may be taken to the Secretary of the Interior now in pension cases. I think this provision ought to be stricken out entirely and a substitute for it offered providing for an appeal to the Secretary of the Treasury. We do not need any of these expensive court proceedings here if the Government is going to pay these claims according to their merits instead of resisting them and see how few of them it can pay. These cases ought to be tried without any formalities. The claimants ought not to be required to try these cases under the ordinary forms of law and the Government itself ought not to be put to the expense that it will be put to in paying costs in the district courts of the United States which, as I have said, is the most expensive place in the country to try a case, where it costs four or five times what it does in the ordinary courts of a State. We will have thousands of these cases tried there if this provision is continued. The cost to the Government will be immense. The claimant will have to pay large fees and will be compelled to attend court at a distance, and it will encourage litigation by insuring a fee to every lawyer who can get the claimant to take his case to the district court. I hope the provision will be stricken out entirely, but if this can not be done, then an amendment ought to be offered which would reduce the fee which can be allowed.

Mr. RAYBURN. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Mr. Speaker and gentlemen, I am for this bill. I realize that it is a necessary bill and that it should pass, but I am afraid that the $3 limitation and a provision in the penalty clause of the bill is going to work harm. I know of cases where three consecutive sets of papers in a single case are and have been missing for claims arising since the war, where allotments have not been made, and where people are suffering for the want of having the allotment made, and I think that the gentleman in charge of the bill ought to insert an amendment something like this: *Provided*, That when three or six months (whatever time you may deem proper), have elapsed after the casualty causing the claim, without action by the Government the claimant may negotiate with an agent or attorney in reference to the claim. If a claimant to-day in any State in the Union goes out and tells an attorney that he is limited to $3, that he has waited three or six months to get action on his claim, he is going to get no legal service that can be of any value to him, and I think a provision which would keep a claimant from applying to people who can be of service to him would be a mistake.

The aim of this bill is to help the claimant and not to hurt him, and I think the penalty clause as it now stands is such that no reputable attorney anywhere in the country, unless it is for a purely patriotic purpose, will help the claimant to get his money. I think, Mr. Speaker, it ought to be amended, and I may offer an amendment if the chairman does not.

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. DEWALT. Mr. Speaker, I have no doubt that the Members of the House are at least partially conversant with what the proposed legislation intends to do, but in order that it may be succinctly and clearly set forth, let us see what the original act provided. The original insurance and war-risk act, in section 405, provided:

> That in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides. The court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 10 per cent of the amount recovered, to be paid by the claimant on behalf of whom such proceedings are instituted to his attorney; and it shall be unlawful for the attorney or for any other person acting as claim agent or otherwise to ask for, contract for, or receive any other compensation because of such action.

Now, that was the provision in the original act. This act provides:

> *And provided further*, That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under articles 2, 3, and 4 of the original act.

Now, what are articles 2, 3, and 4 of the original act? Article 2 in the original act is in reference to allotment of family allowances. Article 3 is as to compensation for death or disability. Article 4 is as to insurance. So the proposed legislation succinctly sets forth that no claim agent or attorney shall be recognized in the presentation or adjudication of claims in regard to compensation, in regard to insurance, or in regard to allotment, except as provided in this act, namely, that there shall be an allowance of $3 for the preparation of papers in the presentation of the claim, and that no other allowance shall be made. That shall be the maximum. But the act further provides—and now I address myself particularly to the criticism of my friend from Iowa [Mr. GREEN]—that in case there is a dispute between the bureau and the beneficiary, the beneficiary may sue in the district court. What district court? The district court in which the claimant or beneficiary resides. Not in any district court, but in the situs or locality of the individual who has the claim against the Government.

That is just, because the claimant would have his witnesses in his locality, in all probability. That is just, because it will be less expensive to him than any other jurisdiction because it is the situs of the claim. It is just for another reason, because the party is resident there and sues before the district court where he has jurors who are his acquaintances and probably his neighbors and friends. Therefore the jurisdiction is all right.

The next question is, Is the compensation all right? My friend from Iowa [Mr. GREEN] proceeds on the theory that this is a pension claim. It is not a pension claim at all. It is a claim upon an insurance policy. The full amount is $10,000. I believe they now average about $8,000 as they generally run. But we will take the maximum sum of $10,000. The party disagrees with the bureau and says, "I am entitled to full compensation." He has lost both legs, or an eye and one leg, and therefore he claims full compensation for 12 months throughout 20 years, or 240 months. The Government says, "You are not entitled to it." Necessarily there must be litigation. The gentleman from Iowa says, "Refer it to the bureau itself." Refer it to the party who is interested for the Government? I say, "No." I say let the matter be determined by a jury of the claimant's peers. Let it be determined in the situs of the claim by people who are entirely unprejudiced in the matter, and let a jury of his peers determine as to whether or not the claimant has a just claim.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MADDEN. While you fix the compensation at 10 per cent as the maximum, would it not be possible to say, also, "not to exceed a certain amount"?

Mr. DEWALT. It would be possible, and I am coming to that in a moment.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield further?

Mr. DEWALT. Certainly.

Mr. GREEN of Iowa. Does the gentleman mean to say that the Government officials are a prejudiced party?

Mr. DEWALT. I admit this, and I am very loath to say it, that the Government officials as a rule, not only in pension cases, but in other cases, hew very strictly to the line and adhere precisely to what they know the law to be, and there are equitable cases that possibly would be better determined by a jury of 12 than by any other tribunal that could be established.

Mr. MADDEN. If the department had already decided the case against the claimant, it would be likely to make an adverse decision, would it not?

Mr. DEWALT. Certainly. They would be prejudiced. The man convinced against his will remains of the same opinion still.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. I ask for two minutes more.

Mr. RAYBURN. I yield two minutes more to the gentleman.

The SPEAKER pro tempore. The gentleman is recognized for two minutes more.

Mr. DEWALT. Now, coming down to the feature of compensation, the gentleman from Iowa [Mr. GREEN] says this 10 per cent is too great. We will take the $10,000 illustration, and the payments are to be for 240 months, covering a period of 20 years. An attorney must be employed, witnesses must be summoned, the law and the facts must be looked into. The compensation is not fixed at 10 per cent. It is fixed by whom and how? By the court, making a reasonable fee. "Whenever judgment shall be rendered in an action brought pursuant to this provision, the court, as part of its judgment, shall determine

and allow such reasonable attorney's fees, not to exceed 10 per cent."

Now, the gentleman from Iowa takes the position that the courts would always fix 10 per cent, and says that his experience as a lawyer is that they uniformly do that. I am sorry to hear the gentleman admit that he practices in a jurisdiction of that kind. [Laughter.]

I know Iowa to be one of the most reputable States in the Union, and I have no doubt the gentleman comes from one of the most reputable communities in that State, and its judiciary should be above and beyond any such suspicion. My experience, not only in the district courts but in the courts of common pleas, has been that when they have a right to fix compensation they favor the claimants and make the fees rather low instead of high for the attorneys.

Mr. MADDEN. What would the gentleman say about fixing a limit on the amount?

Mr. DEWALT. I think that would be a wise provision, and I would stand for an amendment of that sort.

Mr. LINTHICUM. I should like to suggest that the gentleman from Iowa [Mr. GREEN] was also a judge in that State at one time.

Mr. DEWALT. I hope he was not as generous to the lawyers as he now says he would be.

Mr. TREADWAY. What would the gentleman suggest as a limit, if the provision suggested by the gentleman from Illinois [Mr. MADDEN] is inserted?

Mr. DEWALT. The limit, of course, would be very hard to determine by any fixed rule. My thought would be this: That it should be a graduated scale based upon the amount recovered; that if the amount recovered was the sum of $1,000 there should be a 10 per cent fee, and that if the amount was larger the fee should be graduated according to what is known as the general fee bill in the court of common pleas of almost every jurisdiction. Let me explain. In the courts in which I have practiced for some 30 years—I am almost ashamed to tell you that, because it shows how old I am—when we have a collection of $10,000 we receive a maximum fee of 10 per cent on the first $1,000, 6 per cent on the next thousand, 5 per cent on the next, and so on down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAYBURN. I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, I hope the committee will accept an amendment to the second paragraph. It will be observed that the second paragraph reads as follows:

> Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor

It seems to me the words "except as herein provided" should be stricken out, and that we should insert "in excess of the fees or compensation herein provided."

By a strict interpretation of this language, if an attorney charged only one-half the fees fixed by the court, that would not be as provided in this bill. The bill does not provide a limitation as to the amount received, except "as herein provided." Therefore, if a person received $1 instead of $3, or if the court should fix $1,000 as the maximum fee and the attorney should insist upon receiving but $500, then he would have received a fee or compensation different from the one herein provided. It seems to me we should say that any person who receives any fee or compensation in excess of the fees or compensation herein provided shall be guilty of a misdemeanor, and that we should not say that any person who shall receive any fee or compensation except as herein provided shall be guilty of a misdemeanor. I hope the gentleman will accept that amendment.

Mr. RAYBURN. I move to amend the bill, on page 2, line 18, by striking out the word "ten" and inserting in lieu thereof "five," the same amendment to apply in line 16, page 4, to strike out "ten" and insert "five."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. RAYBURN: Page 2, line 18, after the word "exceed," strike out "ten" and insert in lieu thereof "five"; on page 4, line 16, after the word "exceed," strike out "ten" and insert in lieu thereof "five."

Mr. MOORE of Pennsylvania. This does not occur at any other place in the bill.

Mr. RAYBURN. I have considered the amendment suggested by the gentleman from Iowa [Mr. GOOD], and I am firmly convinced that the language of the bill is better than the language that he suggested, although he may be right and I may be wrong.

Now, Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

Mr. ROBBINS. I should like to ask the gentleman a question before he moves the previous question. I have been trying to get in all the morning.

Mr. RAYBURN. I yield to the gentleman.

Mr. ROBBINS. I would like to suggest to the chairman of the committee and to the Members here that this attorney fee, now reduced to 5 per cent, on a policy of insurance amounting to $10,000, would of course be $500. Now, how is that to be paid? This bill makes no provision for that, and the allotment would not be large enough to pay the whole of the fee out of the first payment. Hence you would have a widow deprived of her allowance for two or three payments in order to pay her attorney's fees. That is not right. There ought to be an amendment to provide that the attorney's fee should not be paid out of the first allotment, but should be paid pro rata out of the allotments as they fall due. Many of these people are going to be in great need of this money. It will be held up by litigation in the class of cases here referred to, and there ought to be some method by which this attorney fee would not all be paid out of the first or second or third allotment payable to the widow or beneficiary named in the policy. I suggest to the chairman that he permit an amendment providing that the attorney fees fixed and recovered by the judgment of the court, which can not exceed 5 per cent under the bill as now amended, shall be paid out of the allotments as they fall due, at the rate of one-tenth from each allotment payment. That would protect the beneficiaries and not work any hardship, because during the period that they are deprived of their allotment these people, who doubtless will be, very many of them, poor, will suffer for the need of it. We are dealing with distressing cases and if you are going to continue their distress by allowing a lawyer to demand and receive his fees before the claimant receives any money the law will only prolong an agony that we are trying to relieve.

Mr. RAYBURN. I should have no objection whatever to an amendment of that kind, if the gentleman has it drawn.

Mr. ROBBINS. I drew one and submitted it to a member of the gentleman's committee for approval. I will submit the amendment to the chairman of the committee.

Mr. RAYBURN. I offer this amendment, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Texas withdraw his demand for the previous question?

Mr. RAYBURN. Yes; and I ask for a vote on the preceding amendment.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Texas which has already been reported.

The amendment was agreed to.

Mr. RAYBURN. Now, Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

> At the end of line 18, page 4, strike out the period and insert a comma and add the following: "said fee to be paid out of the payments to be made to beneficiary under the judgment rendered at a rate not exceeding one-tenth of each of such payments until paid."

Mr. RAYBURN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER pro tempore. The gentleman from Texas moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Texas.

The amendment was considered and agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAYBURN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TAKING OVER CERTAIN TRANSPORTATION SYSTEMS.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent to take up the bill S. 3388, for taking over certain transportation systems, and crave the permission of the House for half a minute in which to make a statement. This is a highly important war bill, and as a result of the complete unanimity in the committee, growing out of our sense of the importance of the bill, we have agreed to eliminate any general debate on the measure. In addition, we have agreed to under-

take, if the House is agreeable, to pass the bill in 20 minutes. If we should not succeed in doing this, then we will give way to the conference report on the agricultural bill. I make this statement on behalf of the entire membership of the Committee on the Merchant Marine and Fisheries.

Mr. MOORE of Pennsylvania. If unanimous consent is given, will the gentleman have read in his time the letters he referred to yesterday, but which are not in the RECORD? There was a letter from Mr. Hurley, chairman of the Shipping Board.

Mr. SAUNDERS of Virginia. There was but one letter.

Mr. MOORE of Pennsylvania. Was there not a letter from Admiral Bowles?

Mr. SAUNDERS of Virginia. No, that was a statement before the committee.

Mr. MOORE of Pennsylvania. Will the gentleman make a statement in reference to that?

Mr. SAUNDERS of Virginia. I will. Mr. Speaker, I ask unanimous consent that we take up the bill S. 3388, and if it is not disposed of in 20 minutes, the same to be then laid aside.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent for immediate consideration of the bill S. 3388, with the understanding that if not concluded within 20 minutes it will give way to a consideration of the conference report on the Agricultural appropriation bill. Is there objection? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the title of the bill, as follows:

An act (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Virginia asks to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Speaker, in the urgent deficiency bill of last year may be found two provisions, one empowering the Government to take over absolutely any completed ship, or ship in the process of construction, for the benefit of the United States, the other giving the Government the authority to requisition and take over for use of the United States, to be operated by the agencies of the Government, any shipyard.

A few weeks ago we passed the bill known as the housing bill, to afford homes for the employees of the shipyards. In that connection we appropriated, as the House will recall, a very large sum of money. The authorities in charge of this shipyard and housing work find that if they can take over certain urban and interurban electric lines in connection with these yards, and operate the same so as to give priority to the movement of employees of the yards, they will be enabled to save the Government a great deal of money and at the same time expedite the work of housing the employees.

Mr. MADDEN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. MADDEN. Does that involve the taking over of railroads complete, or only such parts as the Shipping Board may have immediate use for?

Mr. SAUNDERS of Virginia. I will read a section of the bill which will afford the answer to the gentleman's question:

To take possession of, lease or assume control of, any street railroad, interurban railroad, or part thereof wherever operated, and all cars, appurtenances, and franchises or parts thereof commonly used in connection with the operation thereof necessary for the transfer and transportation of employees of shipyards or plants engaged or that may hereafter be engaged in the construction of ships or equipment therefor for the United States.

Mr. MOORE of Pennsylvania. Will the gentleman explain wherein that might conflict with the powers recently conferred in the railroad-control bill.

Mr. SAUNDERS of Virginia. I do not think there will be any conflict at all, because the character of the transportation lines that are intended to be taken over, are not at all the lines taken over under the other bill.

Mr. MOORE of Pennsylvania. This is limited to the coming and going of workmen to the shipyards only?

Mr. SAUNDERS of Virginia. Yes.

Mr. DENISON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. DENISON. What lines does the Government intend to take over?

Mr. SAUNDERS of Virginia. It is impossible to answer that precisely. Whenever, in connection with the housing problem, it is ascertained that by taking over and operating these lines as a Government proposition, and giving preferential transportation to the shipyard employees, the work in the yards may be advanced, then such lines may be requisitioned and operated. Any electric lines, necessary to the development of shipyards in that immediate community, may be taken over, and operated under the grant of authority afforded by this bill.

Mr. DENISON. Under any possible construction would this bill authorize the Government to take over lines in the District of Columbia?

Mr. SAUNDERS of Virginia. I do not think so. The bill speaks for itself. If there are any lines in the District of Columbia that would be necessary to enable the Government to more efficiently build ships, in some adjacent yards, then the authority to take them over is afforded.

Mr. CANNON. There are shipyards in Alexandria, are there not?

Mr. SAUNDERS of Virginia. Yes, the bill would authorize the Government to take over the shipyards and electric lines in that locality, if it should feel disposed to do so, and consider that the necessity of the case justified such action.

Mr. CANNON. With the bridges across the Potomac and the railroads here, could they not take over the railroads in the District of Columbia?

Mr. SAUNDERS of Virginia. Conceivably so, yes. The power is intended to be coextensive with the necessities of the situation. It was the interest of the Government that was had in mind, in connection with this taking over, and operation of the yards and electric roads. There is no question that this bill affords an extensive grant of power.

Mr. DENISON. Is not that power already in the Government, to take over and commandeer such lines as may be necessary for this purpose?

Mr. SAUNDERS of Virginia. I know of no such power.

Mr. DENISON. The War Department has done it, has it not?

Mr. SAUNDERS of Virginia. I am not aware that it has.

Mr. MADDEN. Is there any provision in the bill limiting the exercise of this power given to the period of the war or beyond the period of the war?

Mr. SAUNDERS of Virginia. This is an amendment to certain sections of the urgent deficiency appropriation bill. Those sections were limited to the war period. This particular bill will be controlled by the provisions of the sections which it amends, as to the time for the exercise of the powers conferred.

Mr. MADDEN. Is there any limitation in the provision carried in the urgent deficiency appropriation bill?

Mr. SAUNDERS of Virginia. I think so. That is my understanding.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. SNYDER. I have in mind an electric railroad company that is operated in connection with the public-utilities plant, that also runs to a shipyard. Is there power in this bill, if the railroad should be taken over, to also take over other property belonging jointly to the railroad company?

Mr. SAUNDERS of Virginia. The answer to that will be found in the terms of the bill:

(f) To take possession of, lease or assume control of, any street railroad, interurban railroad, or part thereof wherever operated, and all cars, appurtenances, and franchises or parts thereof commonly used in connection with the operation thereof necessary for the transfer and transportation of employees of shipyards.

The necessities of the Government in connection with the operation of the shipyards will be the determining test of the extent to which these lines of transportation will be taken over.

Mr. SNYDER. Then, under the gentleman's interpretation of the bill, a public utilities plant that operates in connection with the railroads and trolley system would come under the act?

Mr. SAUNDERS of Virginia. Not if it was not necessary in connection with the transportation of the employees to the yard.

Mr. MOORE of Pennsylvania. Section 2 also carries this railroad provision and would seem to give greater powers than those conferred in section 1.

Mr. SAUNDERS of Virginia. I will say to my friend in that connection that so far as the members of the Merchant Marine and Fisheries Committee of the House could ascertain, that addition is purely superfluous. We would have stricken

it from the bill but for the fact that this is a Senate bill, and the Shipping Board represented to us that the emergency requiring its passage was very great. Hence we concluded that we would not undertake to amend the bill and thereby make it necessary for the same to be returned to the Senate. It does no harm in the bill, but it is true that it is superfluous.

Mr. MOORE of Pennsylvania. It is not confined to lines running to shipyards, and therefore might be considered as giving broader powers than the committee intends.

Mr. SAUNDERS of Virginia. In that connection you might look to section (b) as the language cited is an amendment of that section.

Mr. MOORE of Pennsylvania. I have just done that, and that leaves it open. It would seem to require additional words, as, for instance, at the end of the paragraph, "in connection with the construction of ships," or "in order to reach shipyards," or something of that kind, so that it would be bound up with the shipbuilding proposition.

Mr. SAUNDERS of Virginia. The language must be construed in the light of the purport of that paragraph (b), I think.

Mr. MOORE of Pennsylvania. Does the gentleman think it would do any harm if section 2 were stricken out?

Mr. SAUNDERS of Virginia. Not a particle. So far as the committee were concerned, we were perfectly willing to strike it out save for the reason which I have given. When the bill was under consideration in the committee, we were all agreed that the bill ought to be passed at the earliest possible moment. Hence we concluded not to undertake to make amendments that we did not regard as vitally necessary.

Mr. MOORE of Pennsylvania. Having been on one or two important conferences, where the railroad question was discussed, I can see an element of danger in letting that stand in the bill as it is.

Mr. SAUNDERS of Virginia. I do not think that in the practical operation and administration of the bill there will be any danger.

Mr. MOORE of Pennsylvania. But the gentleman thinks it is superfluous?

Mr. SAUNDERS of Virginia. Yes, quite superfluous. I will say a word or more in this connection, and then desire to yield to some other member of the committee. I have given the substance of the sections of the bill so far as they relate to an affirmative grant of power. The succeeding provision relates purely to the compensation of the persons whose property may be taken over. It is the same provision that we have inserted in a number of other bills, namely that if an agreement can not be reached with the property owners as to the proper compensation for the property taken, then the same will be valued, and 75 per cent of that valuation paid over. The owner is given the right to sue in the proper courts of the United States for any remaining compensation claimed by him.

Mr. DENISON. Mr. Speaker, I would like to ask the gentleman one other question, as he is in charge of the bill, and I want to get information.

Mr. SAUNDERS of Virginia. Mr. Speaker, just one moment. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 11 minutes remaining.

Mr. MOORE of Pennsylvania. Mr. Speaker, if the gentleman will permit, I want to suggest to the gentleman that he has not yet read the letter to which he referred—the letter from Mr. Hurley.

Mr. SAUNDERS of Virginia. That is true, and I desire to have the letter read at this time. As I stated in relation to Admiral Bowles, he simply advised us in his deposition that he desired prompt action to be taken in the interest of the Government. I now ask to have read in my time the letter from Mr. Hurley, president of the Shipping Board.

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

UNITED STATES SHIPPING BOARD,
Washington, April 13, 1918.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEAR JUDGE ALEXANDER: The American International Shipbuilding Co. and the New York Shipbuilding Co., both of which I have just visited, have made large demands on us for large appropriations for housing. I am satisfied that large sums of money can be saved by improving our transportation facilities, and many of the men working at these yards are anxious to live in the large cities and will not live in the suburbs.

I therefore hope you will find it possible to urge the passage of Senate bill No. 3388, which empowers the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees.

It is far better to commandeer and loan money to going concerns, like electric street railway companies, than it is to build houses and take chances on renting them.

Yours, very truly, EDWARD N. HURLEY, *Chairman.*

Mr. SAUNDERS of Virginia. Just one further word in relation to Admiral Bowles. There were full hearings on this bill, and Admiral Bowles testified at some length, but the substance of what he said in that testimony is this: "It will be readily seen that this is a war measure, and its purpose is to give the President the power to improve the transportation facilities of our shipyards, and in other places, and in connection with, other agencies now engaged in war activities."

Mr. MOORE of Pennsylvania. Will the gentleman answer one more question, if the gentleman from Illinois [Mr. DENISON] will indulge me? The question has been raised here whether this power might not be limited to the period of the war. It is suggested that the Shipping Board ought not to have power to take or operate roads after the war.

Mr. SAUNDERS of Virginia. That question was asked. All of these measures are emergency propositions.

Mr. MADDEN. I have obtained a copy of the law, and paragraph (a) says:

To place an order with any person for such ships or material as the necessities of the Government, to be determined by the President, may require during the period of the war—

And so forth.

Mr. SAUNDERS of Virginia. That is what I stated I understood to be the provisions of the bill, which this bill seeks to amend.

Mr. DENISON. This bill would authorize the taking over of absolute title of the transportation companies and operating them for the Government. Does the chairman of the committee understand it that way?

Mr. SAUNDERS of Virginia. This is what the bill says in that connection. I do not understand that it bears the meaning imputed in the gentleman's suggestion, or query:

To take possession of, lease, or assume control of any street railroad, interurban road—

And so forth.

This provision would not support the acquisition of the title of the property, or of the permanent ownership of the property.

Mr. DENISON. Well, the question I am interested in more than anything else is the question of Government ownership. I understood the chairman to say, in his opinion, this bill does not authorize the taking over of the title of any transportation company.

Mr. SAUNDERS of Virginia. I do not so understand it. Now, I will be glad——

Mr. STERLING of Illinois. The language is just the same as that in relation to the taking over of the railroads?

Mr. SAUNDERS of Virginia. Yes.

Mr. FESS. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. Yes.

Mr. FESS. The law is limited, is it not, to interurban and street railways?

Mr. SAUNDERS of Virginia. Yes.

Mr. FESS. It will not take over a railroad line or a steam line?

Mr. SAUNDERS of Virginia. Oh, no; nothing of that sort is contemplated.

Mr. DENISON. Will the gentleman yield for one more question?

Mr. SAUNDERS of Virginia. Well, the other members of the committee may wish to say something, and there is but little time left of the agreed 20 minutes.

Mr. DENISON. Then I do not care to ask the question.

Mr. SAUNDERS of Virginia. That is the only reason, I do not yield.

Mr. MOORE of Pennsylvania. I would suggest the gentleman put his question, because the gentleman from Virginia has only four minutes remaining.

Mr. SAUNDERS of Virginia. I am perfectly willing to answer; I have no indisposition to answer questions that may be asked, if the necessary time is afforded.

Mr. DENISON. I notice in the report it is quoted here as saying further, "that all authority granted to the President therein, or by him delegated, shall cease six months after a final treaty of peace is proclaimed between this Government and the German Empire, then having acquired power and under that power acquired possession of this property by lease or otherwise, does that cease six months after the final treaty of peace?

Mr. SAUNDERS of Virginia. Yes.

Mr. DENISON. Now, further. Is there anything in this law, or the other law which this amends, which terminates the possession acquired under these powers? In other words, that the power to acquire this property shall cease six months after the treaty of peace, that the possession of the property ceases ipso facto six months after the war. If it does not I think the bill ought to be amended so as to provide for that.

Mr. SAUNDERS of Virginia. The bill does not exactly state that. It says that all authority granted to the President shall cease.

Mr. DENISON. Taat is the authority to take over the property?

Mr. SAUNDERS of Virginia. No, he could not operate it without authority. The authority to operate it must be provided, and is provided by the bill. In other words, as I understand the matter, a complete grant of authority to do the things necessary in this connection is afforded. When that general authority is terminated, then of course neither the further operation of the roads, or the acquisition of title will be possible.

Mr. DENISON. The chairman so understands it?

Mr. SAUNDERS of Virginia. I so understand it. Now I would like for my colleagues, the gentleman from Massachusetts [Mr. GREENE], the gentleman from Pennsylvania [Mr. EDMONDS], and the gentleman from New York [Mr. ROWE], to have something to say about this bill which represents, as I have stated, the unanimous action of our committee.

Mr. GREENE of Massachusetts. Mr. Speaker, there is no objection on the part of the minority to the bill that has been so clearly explained by my colleague from Virginia. I notice the objection made by the gentleman from Pennsylvania [Mr. MOORE] to the second section of the bill. I would suggest that I think the title of the bill covers all that would be at all dangerous in section 2, and I hope that the bill may be read, so we may pass it in the 20 minutes. Now, unless there is some gentleman who desires to ask me a question——

Mr. DENISON. Will the gentleman yield?

Mr. GREENE of Massachusetts. I will.

Mr. DENISON. The gentleman states that there is no objection on the part of the minority. I presume he means the minority on the committee?

Mr. GREENE of Massachusetts. Yes; on the committee.

Mr. DENISON. Now, does the gentleman from Massachusetts understand that all power or authority over transportation lines as may be taken over ceases within six months after the declaration of peace?

Mr. GREENE of Massachusetts. I do so understand; that is provided in the law.

Mr. DENISON. And it will not require any further legislation to dispose of the powers given by this act?

Mr. GREENE of Massachusetts. That is my impression.

Mr. SAUNDERS of Virginia. Mr. Speaker, if no other gentleman wishes to ask any member of the committee a question, I ask for a vote on the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire, merely as a matter of record, to move to strike out section 2, because the gentleman admits it is not necessary.

Mr. SAUNDERS of Virginia. I would say to the gentleman the committee would very much dislike to see that done, because it simply makes delay in connection with the passage of the bill, or we would have done that in the committee ourselves.

Mr. MOORE of Pennsylvania. I will not press the matter, but I will ask the gentleman again if his understanding and that of the committee is clear that section 2 does not give to the Shipping Board any power to take trolley lines or interurban lines that do not connect with the shipyards?

Mr. SAUNDERS of Virginia. It is not considered that those two sections give any more power than the first one would give. It was regarded in the committee—and other members of the committee are present—that that was a superfluity, but that we would not undertake to amend and correct the superfluities of the Senate.

Mr. MOORE of Pennsylvania. The gentleman sees no conflict between that provision and the railroad-control provision?

Mr. SAUNDERS of Virginia. None whatever.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SAUNDERS of Virginia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT (NO. 486).

Mr. CANDLER of Mississippi. Mr. Speaker, at the request of the chairman of the Committee on Agriculture [Mr. LEVER] I call up the conference report on the Agricultural appropriation bill and ask unanimous consent that the reading of the conference report be dispensed with and that the accompanying statement be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Mississippi calls up for immediate consideration the conference report on the Agricultural appropriation bill, which the Clerk will report.

Mr. CANDLER of Mississippi. Mr. Speaker, I have discovered that the statement is longer than the report.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

Mr. CANDLER of Mississippi. Mr. Speaker, I notice that the statement is longer than the report. Therefore I withdraw my request.

The SPEAKER pro tempore. Let the report be read.

The conference report was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 24, 25, 33, 34, 37, 39, 40, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 35, 36, 42, and 43, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert the following: "$500,000: *Provided, however*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, expend in the city of Washington or elsewhere out of the moneys of this appropriation, such sums as he shall determine to be necessary for the reimbursement of owners of animals so destroyed, in cooperation with such States, counties, or municipalities as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, county, or municipality where destruction of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal or at the time of destruction thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated, no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, county, or municipality where the animal shall be destroyed; and that in no case shall any payment hereunder be more than $25 for and grade animal or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations: *And provided further*, That the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture: *And provided further*, That the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "*Provided also*, That $150,000 shall be set aside for the destruction of vegetation from which such rust spores originate"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and

agree to the same with an amendment as follows: Restore the matter stricken out by the Senate amendment with an amendment as follows: In line 8 omit the words "In the Forest Service"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "*Provided further*, That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in said acts of Congress"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "reasonable," insert "and as nearly as may be to cover the cost"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of $25,892,653 insert "$25,856,753"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the word "hereafter" in said amendment; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert the following:

"To enable the Secretary of Agriculture to cooperate with individuals, firms, or corporations owning or operating plants for drying or dehydration of vegetables, fruits, and other perishable edible products to determine the best means and processes of dehydration and to disseminate information as to the value and suitability of such products for human food, $250,000, which sum shall be immediately available: *Provided*, That the Secretary of Agriculture is hereby authorized, if the President shall determine it to be necessary, to use all or any part of this appropriation for the establishment and operation of a plant or plants for the dehydration of vegetables, fruits, and other perishable edible products in any place or places in the United States for the purpose of supplying food for the Army and the Navy, and the money received from the operation of any such plant or plants shall constitute a revolving fund until June 30, 1919."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "$27,875,353"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 44.

A. F. LEVER,
GORDON LEE,
E. S. CANDLER,
G. N. HAUGEN,
J. C. MCLAUGHLIN,
Managers on the part of the House.

T. P. GORE,
E. D. SMITH,
HOKE SMITH,
G. W. NORRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: This amendment increases by $250,000 the appropriation for investigating the disease of tuberculosis of animals, for its control, eradication, etc., and adds new language providing that if in carrying out the purpose of the appropriation, the destruction of tuberculosis animals becomes necessary, that there may be paid from the appropriation not more than one-third the net loss to the owner, and in no event shall there be paid more than $20 for any grade or $50 for any pure-bred animal so destroyed. It also amends the act of May 29, 1884 (23 Stat. L., p. 31), so as to permit the interstate shipment for immediate slaughter of animals which have reacted to the tuberculin test. The House recedes and agrees with an amendment providing that, if in the opinion of the Secretary of Agriculture it shall be necessary to destroy tuberculosis animals and to compensate the owners thereof, he may, in his discretion, in the city of Washington and elsewhere, expend out of the moneys of the appropriation such sums as he shall determine to be necessary for the reimbursement of owners of animals so destroyed, but no part of the appropriation shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, county, or municipality, where destruction of such animals shall take place, and no payment shall be made out of the money hereby appropriated as compensation for or on account of such animals destroyed if at the time of inspection or test, or at the time of destruction thereof, it shall belong to or be upon premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered. The amendment also provides that in no case shall more than one-third of the difference between the appraised value of such animal and the value of the salvage thereof be paid out of the appropriation, and in no case shall any payment be more than $25 for any grade animal, or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations. The amendment also amends the act approved May 29, 1884 (23 Stat. L., p. 31), so as to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture. The amendment further provides that the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner.

On amendment No. 2: This amendment increases by $129,580 the appropriation for the eradication of southern cattle ticks. The House recedes.

On amendment No. 3: This amendment represents an amended total.

On amendment No. 4: This amendment represents an amended total.

On amendment No. 5: This amendment increases by $22,000 the appropriation for crop acclimatization and fiber plant investigations. The House recedes.

On amendment No. 6: This amendment increases by $200,000 the appropriation for cereal investigations. The House recedes.

On amendment No. 7: This amendment increases by $50,000 the allotment from the appropriation for cereal investigations for black rust and stripe rust investigations. The House recedes.

On amendment No. 8: This amendment adds new language setting aside $150,000 out of the appropriation for cereal investigations for the destruction of vegetation from which black rust and stripe rust spores originate. The House recedes and agrees with an amendment transposing the amount allotted so that the amended amendment reads: "That $150,000 shall be set aside for the destruction of vegetation from which such rust spores originate."

On amendment No. 9: This amendment represents an amended total.

On amendment No. 10: This amendment represents an amended total.

On amendment No. 11: This amendment strikes out the language of the paragraph authorizing the Secretary of Agriculture, during the existing state of war, to make sales of national-forest timber suitable for aeroplane construction without advertisement and inserts a new paragraph in lieu thereof authorizing the Secretary of Agriculture, under regulations to be prescribed by him, to permit the War Department or any other department, board, or commission of the Government to take such timber from the national forest as may be needed in the prosecution of the war. The House recedes.

On amendment No. 12: This amendment strikes out the language of the paragraph authorizing the payment of mileage in lieu of actual traveling expenses for motor vehicles used in the Forest Service. The House recedes from its disagreement of

the Senate amendment and agrees to the same with an amendment restoring the language stricken out by the Senate, with an amendment striking out the words "in the Forest Service," so that the payment of mileage for motor vehicles in lieu of actual traveling expenses shall apply to all branches of the department.

On amendment No. 13: This amendment adds new language authorizing the Secretary of the Treasury to detail medical officers of the Public Health Service to the Department of Agriculture for cooperative assistance in the administration of the food and drugs act. The House recedes.

On amendment No. 14: This amendment strikes out the word "and," between the word "handling" and the word "transportation," in the item for investigating the grading, weighing, handling, and transportation of naval stores. The House recedes.

On amendment No. 15: This amendment adds the words "and uses," after the word "transportation," in the item for investigating the grading, weighing, handling, and transportation of naval stores. The House recedes.

On amendment No. 16: This amendment adds a proviso to the paragraph, for investigation and demonstration to determine the best method of obtaining potash on a commercial scale, authorizing the Secretary of Agriculture to sell the product obtained at a price to be determined by him, and to turn the money derived therefrom into the Treasury as miscellaneous receipts. The House recedes.

On amendment No. 17: This amendment increases by $10,000 the appropriation for the investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts. The House recedes.

On amendment No. 18: This amendment represents an amended total.

On amendment No. 19: This amendment represents an amended total.

On amendment No. 20: This amendment strikes out the proviso allotting $10,000 for investigating the effect and extent of the killing of sheep and other meat-producing animals by dogs from the item for investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry. The House recedes.

On amendment No. 21: This amendment inserts after the words "insectivorous birds," in the item making appropriation for the protection of migratory game and insectivorous birds, the words "and any act of Congress to give effect to the treaty with Great Britain relating to migratory birds." The House recedes.

On amendment No. 22: This amendment authorizes and directs the Secretary of Agriculture to certify to the Secretary of the Treasury for payment and the Secretary of the Treasury to pay the appropriation for the fiscal year ending June 30, 1918, and all future appropriations, to the Georgia Experiment Station as authorized by certain acts of Congress referred to in said amendment. The House recedes and agrees with an amendment adding new language at the end of the Senate amendment providing that nothing in the amendment shall be construed as limiting the authority of the Secretary of Agriculture over the supervision of the operation of the Georgia Experiment Station.

On amendment No. 23: This amendment increases by $35,900 the appropriation for rural engineering problems and adds new language making the amount immediately available. The Senate recedes.

On amendments Nos. 24 and 25: These amendments represent amended totals.

On amendment No. 26: This amendment strikes out the paragraph appropriating $113,000 to enable the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruits, vegetables, and other perishable farm products, and inserts in lieu thereof a new paragraph appropriating the same amount and which authorizes the Secretary of Agriculture to certify to shippers and other interested parties the quality as well as the condition of such fruit, vegetables, and other perishable farm products. The House recedes, and agrees with an amendment inserting after the word "reasonable" the words "and as nearly as may be to cover the cost."

On amendment No. 27: This amendment adds a new paragraph appropriating $50,000 to enable the Secretary of Agriculture to install an experimental flour mill, baking and other apparatus. The House recedes.

On amendment No. 28: This amendment represents an amended total.

On amendment No. 29: This amendment represents an amended total.

On amendment No. 30: This amendment gives the Secretary of Agriculture, or any representative authorized by him for the purpose, power to administer oaths, examine witnesses, and call for the production of books and papers. The House recedes.

On amendment No. 31: This amendment represents an amended total.

On amendment No. 32: This amendment adds new language authorizing and directing the Secretary of Agriculture to turn into the Treasury as miscellaneous receipts any money he may collect as fees for cleaning and disinfection work on account of the pink bollworm. The House recedes and agrees with an amendment striking out the word "hereafter."

On amendment No. 33: This amendment increases by $300,000 the appropriation for the control and eradication of the pink bollworm. The Senate recedes.

On amendment No. 34: This amendment adds new language and provides that not to exceed 10 per cent of the amounts alloted for the different classes of work in connection with the pink bollworm shall be available interchangeably in the discretion of the Secretary of Agriculture. The Senate recedes.

On amendment No. 35: This amendment strikes out the paragraph requiring employees of the Department of Agriculture to work eight hours per day. The House recedes.

On amendment No. 36: This amendment adds new language authorizing the Secretary of Agriculture to use all money received from the sale of nitrate of soda, under the act of August 10, 1917, as a revolving fund for further carrying out the purposes of said act. The House recedes.

On amendment No. 37: This amendment adds a new paragraph appropriating $250,000 to be expended by the Secretary of Agriculture in offering and awarding prizes and premiums to encourage the growing of staple foodstuffs. The Senate recedes.

On amendment No. 38: This amendment adds a new paragraph appropriating $250,000 to enable the Secretary of Agriculture to establish and operate plants for the drying or dehydration of vegetables, fruits, and other edible products. The amendment also authorizes the Secretary of Agriculture to standardize dried fruits and vegetables and to sell the product prepared at such plants. It also contains a proviso that the Secretary of Agriculture may, upon the request of the President, use all or any part of the appropriation for the establishment of dehydrating plants for the purpose of supplying food for the Army and the Navy. The House recedes and agrees with an amendment striking out the paragraph and substituting in lieu thereof another paragraph appropriating $250,000, authorizing the Secretary of Agriculture to cooperate with individuals, firms, or corporations owning or operating plants for drying or dehydration of vegetables, fruits, and other perishable edible products, to determine the best means and processes of dehydration, and to disseminate information as to the value and suitability of such products for human food. The amendment also authorizes the Secretary of Agriculture, if the President shall determine it to be necessary, to use all or any part of the appropriation for the establishment and operation of a plant or plants for the dehydration of vegetables, fruits, and other perishable edible products in any place or places in the United States for the purpose of supplying food for the Army and the Navy, and provides that the money received from the operation of such plant or plants shall constitute a revolving fund until June 30, 1919.

On amendment No. 39: This amendment adds a new paragraph appropriating $10,000 to enable the Secretary of Agriculture to cooperate with and make an exhibit illustrative of the investigations, products, and processes relating to farming in the United States at the Pan-American International Farm and Live-Stock Exposition to be held at Jacksonville, Fla., during the fiscal year ending June 30, 1919. The Senate recedes.

On amendment No. 40: This amendment adds a new paragraph appropriating $20,000 to enable the Secretary of Agriculture to cooperate with and make exhibits at the International Soil-Products Exposition to be held at Kansas City, Mo., during the fiscal year ending June 30, 1919. The Senate recedes.

On amendment No. 41: This amendment adds a new paragraph, and amends the food-control act approved August 10, 1917, so as to abolish the grading of potatoes. The Senate recedes.

On amendment No. 42: This amendment adds a new paragraph appropriating $20,000 for the control and eradication of the sweet-potato weevil. The House recedes.

On amendment No. 43: This amendment amends section 6 of the act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, so as to permit the packing of oleomargarine in paper packages. The House recedes.

On amendment No. 44: This amendment amends section 14 of the food-control act approved August 10, 1917, by fixing the guaranteed minimum price of wheat for the crop 1918 at $2.50

per bushel, based on No. 2 northern spring or its equivalent, at the local elevator or the local railway market. The conferees have been unable to agree as to this amendment.

On amendment No. 45: This amendment represents an amended total.

A. F. LEVER,
GORDON LEE,
E. S. CANDLER,
G. N. HAUGEN,
J. C. MCLAUGHLIN,
Managers on the part of the House.

Mr. CANDLER of Mississippi. Mr. Speaker, in the report on page 3, line 2, of amendment No. 38, there is a word spelled "owing." It should be "owning." I ask unanimous consent that the enrolling clerk be authorized to make that correction.

The SPEAKER pro tempore. It is doubtful whether that can be done. However, without objection, it will be so ordered.

There was no objection.

Mr. CANDLER of Mississippi. Now, Mr. Speaker, the report which has just been read states pretty fully the action taken by the conferees in reference to these various amendments. The only amendment that was disagreed to is amendment No. 44, known as the "wheat amendment." There is a full agreement on the part of the conferees of the House and of the Senate on all the other amendments in the bill.

The amendment in reference to the tuberculosis proposition agrees to the amount, but changes the language, putting a new provision in the bill, which has just been read, and which is fully explained in itself.

Another change which was made was in reference to the barberry bush rust proposition. The provision as passed by the House provided that "$50,000 shall be set aside for the investigation and control of the diseases of wheat, oats, and barley known as black rust and stripe rust," and amendment 8 adds the words "and the destruction of vegetation from which such rust spores originate, $150,000, which sum shall be immediately available." It simply provides for a specific sum, which is appropriated and intended to be used for that specific purpose.

Another change is with reference to the provision for the experiment station in Georgia, which adds a proviso which leaves the whole matter under the control of the Secretary of Agriculture in reference to the supervision or the operation of the Georgia experiment station, as set forth in the acts of Congress.

Another provision is in reference to the dehydration plants. The Senate provision provided for the erection of plants, and the provision agreed upon provides that the Secretary of Agriculture may cooperate "with individuals, firms, or corporations owning or operating plants for drying or dehydration of vegetables, fruits, and other perishable products, to determine the best means and processes of dehydration and to disseminate information as to the value and suitability of such products for human food." The amount provided for in the Senate amendment is agreed to by the House conferees, with another proviso contained in the Senate provision, putting it in the power of the President of the United States to request the establishment of these plants for conserving the food products for the use of the Army and Navy.

Those are the main provisions in the conference report, and they are all fully agreed upon by the conferees on the part of the House and Senate.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CANDLER of Mississippi. Yes; with pleasure.

Mr. MOORE of Pennsylvania. The gentleman has stated that he has referred to most of the points of difference between the two Houses. There is one amendment to which he has not referred, so far as my memory goes, and that is amendment No. 12, an innocent-looking amendment in itself, but one concerning which I would like to ask the gentleman a few questions.

Mr. CANDLER of Mississippi. The amendment strikes out the words "in the Forest Service."

Mr. MOORE of Pennsylvania. It was a matter resulting in considerable discussion in the House, and a desire for reform and economy in the matter of expenditures and allowances to employees in the department.

Mr. CANDLER of Mississippi. Yes, sir. I remember very well in reference to that.

Mr. MOORE of Pennsylvania. The House took rather a positive stand on that, as I recall.

Mr. CANDLER of Mississippi. There was an original provision reported in the House bill providing for the payment for the use of automobiles and motorcycles, providing for 6 cents a mile for automobiles and 2 cents a mile for motorcycles.

Mr. MOORE of Pennsylvania. For the Forest Service only.

Mr. CANDLER of Mississippi. And that provision, reported in the original bill, went out on a point of order. Then subsequently to that there was an amendment offered by the gentleman from Missouri [Mr. RUBEY], a member of the Committee on Agriculture, which was adopted in the House, providing for the payment according to those terms. That confined it to the Forest Service.

Mr. MOORE of Pennsylvania. That is where the House left it?

Mr. CANDLER of Mississippi. That is where the House left it. The Senate struck out that provision. By agreement of House and Senate conferees the amendment was restored with a provision which strikes out "in the Forest Service," which limited it to the Forest Service, and makes it applicable to the department.

Mr. MOORE of Pennsylvania. That is to say, it makes it wide open to anybody in the Department of Agriculture to now obtain mileage on automobiles and motorcycles?

Mr. CANDLER of Mississippi. It is in the discretion of the Secretary of Agriculture, and the information that we have from the Department of Agriculture is that it will be a means of economy. If it does not result in economy, it will not be pursued or continued, but the sole purpose of the amendment is to bring about a reform, as the gentleman stated a moment ago, and to bring about economy in the service. It was believed by the department and by the conferees that it would result in economy, and the sole purpose of it is to save money to the Government. It is for that purpose, and that purpose alone.

Our idea was that if it was a good thing for the Forest Service it was a good thing for the whole service.

Mr. MOORE of Pennsylvania. How can that work economy if, having first been limited to the Forest Service, we now throw it wide open to everybody?

Mr. CANDLER of Mississippi. It is an entirely new provision.

Mr. MOORE of Pennsylvania. I was going to ask the gentleman what would be the increased cost when everybody in the department everywhere in the United States having an automobile or a motorcycle would come in for the mileage?

Mr. CANDLER of Mississippi. The department pays travel allowances now, and it is believed this provision will work out economy and a saving to the Government.

Mr. MOORE of Pennsylvania. I should like to have an answer to that question. How can the department save money when, having first limited the payment of this mileage to those in the Forest Service, it is now to allow mileage to all other branches of the service?

Mr. CANDLER of Mississippi. They allow travel service in the other branches of the Department of Agriculture as well as in the Forest Service. This is for the purpose of reducing that expense and making it more economical, and if it is made more economical for the Forest Service it is made more economical for the whole service. If I did not believe honestly that it would save the Government money I would not favor it. Travel pay is allowed now and this is intended to reduce that expense, and, believing it will reduce it and save money, I favor it.

Mr. MCLAUGHLIN of Michigan. I wish to add a word to the answer given by the gentleman from Mississippi [Mr. CANDLER] to the question of the gentleman from Pennsylvania [Mr. MOORE].

The gentleman from Pennsylvania will notice that there are only certain cases in which those who are traveling are entitled to mileage or to travel expenses. It is not, as the gentleman from Pennsylvania says, anyone who has a motorcycle or an auto can get pay for the use of it. It is only those who are traveling at the expense of the Government by direction of the Secretary of Agriculture, and entitled to receive pay for that travel, who can now be paid 2 cents per mile for the use of a motorcycle or 6 cents a mile for the use of an automobile when doing such traveling.

Mr. MOORE of Pennsylvania. Will the gentleman tell in what form this matter left the House?

Mr. MCLAUGHLIN of Michigan. The House provision was the first 11 lines on page 47, through which the black lines are now drawn. That was the House provision, and the Senate struck it out; but the conferees reinserted it with an amendment which leaves out the first four words in line 8, "in the Forest Service."

Mr. MOORE of Pennsylvania. Does not that raise the question of the powers of the conferees?

Mr. MCLAUGHLIN of Michigan. Oh, no; I think not.

Mr. MOORE of Pennsylvania. I am inclined to think the conferees have gone a step too far in this matter.

Mr. LEVER. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LEVER. If the gentleman will look at the top of page 47 of the bill, he will see the language as it passed the House. The original proposition, as presented to the House by the Committee on Agriculture, went out on a point of order. That original proposition carried these allowances to all bureaus of the Department of Agriculture. Having gone out on a point of order, as explained by the gentleman from Mississippi [Mr. CANDLER], it was reoffered, confining its application to the Forest Service. When the bill went to the Senate, the Senate added the language on page 47, beginning with line 15, as an amendment to the House proposition, striking out the House proposition. The House conferees agreed to the Senate proposition on the theory that the matter had been passed upon by the Committee on Agriculture, after a thorough discussion, and in the belief that it would effect an economy in the administration of the travel allowance for the Department of Agriculture.

Mr. MOORE of Pennsylvania. What I am endeavoring to ascertain is whether the conferees did not insert something?

Mr. LEVER. No. We inserted nothing that the Senate had not already inserted, as far as I know.

Mr. PARKER of New Jersey. If the gentleman will yield, he says that the Senate inserted a proposition as to automobiles. Where is that found?

Mr. LEVER. I beg the gentleman's pardon. I was wrong about that.

Mr. ANDERSON. The Senate simply struck out the House provision in toto.

Mr. LEVER. That is correct.

Mr. PARKER of New Jersey. The only question between the two Houses was whether there should be automobiles in the Forest Service?

Mr. LEVER. The gentleman is correct. I was looking at another matter.

Mr. PARKER of New Jersey. That was the only thing between the two Houses?

Mr. LEVER. The only thing between the two Houses was the proposition carried in the House bill.

Mr. PARKER of New Jersey. Does not that raise the question simply as to whether there should be automobiles in the Forest Service; and does that give the conferees the power to give automobiles to all branches of the department? It seems to me the conferees have gone beyond their authority.

Mr. LEVER. Probably we did go a little beyond our authority, but the point is raised too late, as a matter of fact.

Mr. MOORE of Pennsylvania. I wanted the gentleman from South Carolina to know that we are very strict on the rules, on this side.

Mr. LEVER. Yes; I know.

Mr. MOORE of Pennsylvania. And we observe that the conferees have exceeded their powers.

Mr. LEVER. I think probably they have.

Mr. MOORE of Pennsylvania. After the gentleman has admitted it in this manly fashion, I do not intend to make the point of order.

Mr. LEVER. It is too late, as the gentleman will observe.

Mr. MOORE of Pennsylvania. Oh, I think not. It is never too late to do good.

Mr. SEARS. Mr. Speaker, there is no desire on my part to delay the passage of the bill, but, as I understand, the bill will have to go back to conference anyway?

Mr. CANDLER of Mississippi. The bill will have to go back to conference on amendment 44, the wheat proposition, unless the House accepts the Senate amendment.

Mr. SEARS. I should like to call the attention of the gentleman to amendments 39 and 40. I notice in the report signed by the managers on the part of the House as to amendment 39—and the same thing applies to amendment 40, and I mention amendment 40 because I understand the gentleman from Missouri [Mr. BORLAND] is absent—amendment 39 appropriates $10,000 to enable the Secretary of Agriculture to cooperate with and make an exhibit illustrative of the investigations, products, and processes relating to farming in the United States at the Pan-American International Farm and Live Stock Exposition, to be held at Jacksonville, Fla., in conjunction with the Florida State Fair and Exposition, during the fiscal year ending June 30, 1919.

As I understand, the second part of this amendment was stricken out by the conferees because of an understanding entered into some years ago between the conferees of the House and the Senate that no appropriation similar to this should be made.

Mr. CANDLER of Mississippi. I was not on the conference committee at that time, but I understood during the deliberations of the conferees this time that that was an agreement entered into between the conferees on the part of the House and the conferees on the part of the Senate in preceding conferences, and that it was simply the carrying out of the understanding previously made.

Mr. SEARS. I will say to the gentleman that I would not have the conferees break any agreement they have entered into, but could not the conferees agree on the second paragraph of amendment 39? It does not carry any appropriation, but simply authorizes the President to extend an invitation to other nations to appoint delegates and representatives to the farmers' national conference. As I understand it, I will say to the gentleman from Mississippi, this union does not desire an appropriation. They will be entirely satisfied if the conferees will agree to the second paragraph of the amendment. As I say, it carries no appropriation, does not cost the Government a cent, but simply authorizes the President to extend the invitation.

Mr. CANDLER of Mississippi. I will yield to the gentleman from South Carolina to answer that question, as he has been on all the conferences when these matters were considered.

Mr. LEVER. Let me say to the gentleman from Florida, as explained by him a moment ago, some few years back there had grown up a habit of putting upon agricultural appropriation bills appropriations for various and sundry kinds of shows—dry-land congresses, dairy shows, and things of that kind. It got to be such an abuse that the conferees agreed among themselves that hereafter they would not allow such things to happen. In keeping that agreement the Senate conferees did not contest this proposition. More than that, I will say that the difficulty now in the way is that the Senate has already adopted the conference report, and it might make rather an awkward situation if we were to agree to take this amendment back to conference.

Mr. SEARS. The explanation is entirely satisfactory, and I only make this suggestion. If it should get into a position where the conferees could, without delay, I would like to urge the conferees to put the second paragraph in. Of course, the President could invite anybody without authority. But this gives direct authority, and gives some recognition without any expense to the Government, and I hope that the conferees will do the best they can.

Mr. LEVER. I will say that the gentleman from Florida has been extremely insistent on this proposition and has made my life a burden. [Laughter.]

Mr. CARLIN. I would like to ask the gentleman from Mississippi why he says that this would have to go back to conference.

Mr. CANDLER of Mississippi. It will depend on whether or not we agree to amendment 44. If the amendment should be adopted by the House there would be no further conference.

Mr. CARLIN. The gentleman refers to the wheat amendment?

Mr. CANDLER of Mississippi. Yes; if there should be no disagreement to the Senate amendment it would not go back to conference.

Mr. CARLIN. If we should agree to the amendment, which I hope we will, there will be no occasion for the conference report to go back?

Mr. CANDLER of Mississippi. No; not if the report is adopted and the House concurs on the other proposition.

Mr. GARRETT of Texas. Will the gentleman yield? I want to inquire of the gentleman about the wheat amendment. What are the facts, as brought out by the committee on investigation, as to the increased acreage, if any, under the price formerly fixed at $2.20 a bushel?

Mr. LEVER. I will say to the gentleman from Texas that the winter sowing of wheat has been one of the largest in the history of the country, with the possible exception of the sowing of 1915. The reports which I have had from the spring-wheat area indicate that we are going to have one of the largest spring-wheat sowings we ever have had in the country. The total acreage in sight will amount to as much as 63,000,000 acres, which would be 3,000,000 acres more than the crop of 1915, which yielded a bumper crop. I do not care to go into the discussion of that at that time, for I hope to adopt the conference report and then take up the wheat matter.

Mr. CANDLER of Mississippi. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. I am particularly pleased to note the agreement in conference upon the Senate amendment to increase the appropriation for the eradication of tuberculosis among the cattle of the country from $250,000 to $500,000; also the legislation therewith, which will make it effective and beneficial. This amendment came within three votes of adoption in the House and should have been passed here, but the fact that it has been agreed to in conference and will now be approved by the House and become law is satisfactory indeed.

There is no legislation we could adopt which will do more for the people than the eradication of bovine tuberculosis in cattle and thereby prevent the infection of the children with

that dreaded plague. "The vitality of the people is the strength of the Nation." If we are to have a strong and healthy Nation we must do all we can toward having them supplied with pure and nutritious food. Impure milk affects the children more largely than it does grown people because it is more largely used by them than by adults, and in the very young their only food.

We provide legislation for the inspection of meat but none for the inspection of milk. We know that the latter is far more dangerous because it enters the stomach in its raw state, whereas the meat is cooked and many of the germs destroyed.

Dr. Welch, when speaking to a party of ladies on this question, said water and milk might be likened unto two streams flowing through a town, the difference being that if one put a number of, say, typhoid germs in the stream of water they would be tremendously diluted, whereas the same number in milk would be indefinitely multiplied. As with the typhoid germ, so it is with the tubercular germ.

Tuberculosis is one of the diseases which may be passed from animal to man. Dr. D. E. Schroeder, in a hearing before the Committee on Agriculture in the Sixty-first Congress, said:

The remarkable thing found by Dr. W. H. Park and his associates was that among a certain number of fatal cases of tuberculosis among infants 10 per cent is due to bovine sources. Among a certain number of children under 5 years of age, not all of which were fatal, something in the neighborhood of 26 per cent was due to bovine sources; among children between 5 years of age and 16 years of age about 16 per cent was due to this source; and he estimates that 15 per cent of all American tuberculosis is of bovine origin.

"It is also shown by estimates," said Dr. Schroeder, "that 60 per cent of the bacilli in a sample of milk is concentrated in the cream."

In the twenty-fifth annual report of the Bureau of Animal Industry, page 152, it is said:

"The conclusion is almost forced upon us that a tubercular dairy cow is, to say the very least, one of the most important sources of tubercular bacilli with which we have to deal."

In an examination made by Park, of the New York City board of health, says Milk Hygiene by Moeller and Eichhorn, page 106, etc., the presence of bovine tuberculosis in man is as follows:

"In adults 955 cases were examined, of which 940 showed human infection and 15 bovine infection. In children from 5 to 16 years of age, out of 177 cases examined 131 were human infection and 46 bovine infection. Among children under 5 years of age, out of 368 cases 292 were of human infection and 76 of bovine infection."

Furthermore, Park mentions the very suggestive results obtained from 9 children under 6 years of age who were fed exclusively on cows' milk at the Foundling Hospital; 5 of these children died of bovine infection and 4 of human infection. On the other hand, in the Babies' Hospital, where the children are nursed or fed on prescription milk, out of 63 children dying of tuberculosis 59 deaths were brought about by human infection and 4 by bovine infection.

"If we compile the result of these figures," says he, "the following conclusion may be seen: That although tubercular cattle are less dangerous for man than is tuberculosis of man, the danger from the enormous spread of the disease in our herds, and especially among the dairy cows, should in no way be underestimated. Therefore the requirement of the elimination from dairy herds of all tuberculous animals which pass tubercle bacilli with their milk appears to follow as a matter of course."

When we realize that there are 22,000,000 cattle in this country, and that 1 in every 10 is infected with tuberculosis, we can imagine just how this dread disease is being spread among the children, especially, and the grown people as well. According to calculations, some 6,000 children die per year from bovine tuberculosis. We appropriated some $600,000 for the eradication of the boll weevil, hundreds of thousands of dollars for the eradication of hog cholera, thousands for the eradication of the cattle tick, and various other things, all worthy, but when it comes to the appropriation of money in order that we may have pure milk many Members of the House hesitate and doubt its benefit.

I can not understand how we have stood so long for the spread of this disease among cattle, with their tubercular germs by the millions going into the stomachs of the children and grown people of our country. It is therefore particularly gratifying that this Congress has realized the necessity of this legislation, that the Department of Agriculture will have sufficient funds with which to more vigorously attack this dread disease, that legislation has been provided by this amendment which gives them abundant authority and power to control and eventually remove it from our midst.

This dreadful war must necessarily destroy many of our splendid young men; others will no doubt be wounded and maimed and a great loss to the man power of the country. The first and foremost thing which Congress must therefore do is to see that our people are properly fed and given pure food, so that the mortality may be as small as possible. The mortality of the children of the land can be greatly decreased by the proper enforcement of this amendment and the purification of the milk supply. We must save the babies if we would have in future years a great Nation. They must also be saved in a healthy state. They can not protect themselves.

The recent examinations under the draft law has shown conclusively that the health of the people has not been guarded as it should. In the future years their lives, occupation, and food must be more seriously observed and controlled. We must have a strong Nation of strong and healthy people, and the best way is to begin at the source and remove those things which destroy life or bring disease.

I want to congratulate the men on the floor of this House who have stood shoulder to shoulder with me in the fight for this appropriation. They are men who are looking into the future and realize the great public benefit which must necessarily result. I want to thank the Federation of Labor for having taken up this work and pushed it so strongly during the last few years. They have been of inestimable benefit to me in the support of my efforts and in bringing the matter to the attention of the public and thereby creating public sentiment for the work.

Hundreds of clubs of the country have indorsed my resolution for pure milk and dairy products. The women's clubs and the Federation of Labor have particularly been active in its support, and I could mention a large number of prominent people who have assisted in the work. All of them are entitled to great praise.

This amendment, however, does not finally complete the job set before us. It is a big step in the right direction, but pure dairy products must necessarily follow. Government inspection of meat is a wise measure, inspection of oleomargarine is likewise a good one, but in order to bring the dairy products up to the high standard to which they are entitled and to make them the pure food of the Nation and create a large market for them abroad we must eventually bring them under the control of the Government.

The agitation of the question has done a great deal toward cleaning up dairies and the production of pure dairy products. The good men engaged in this industry already see the light and are conducting their business accordingly. It is not fair nor just to these men that others should be allowed to continue their business in an uncleanly manner. It is not fair competition nor good business, and I sincerely hope that Congress, having seen the necessity for the eradication of tuberculosis in dairy cattle, may soon see the light of day as to the proper inspection of dairy products. We may purify the food at the source, but it must be kept pure during its course through the creameries of the country and during its manufacture into butter and cheese, which are likewise disease-carrying products.

Some will say, Why has it become necessary for Congress to inspect dairies and dairy products? Have they not done business for years and years under present conditions, and have not our people thrived as perhaps no others in the world; and why, then, is there danger from this source?

We must remember, in connection with this, that conditions have changed in reference to dairies and dairy products, as well as they have changed in reference to the other food products of the country. There was a time when the farmer's wife prepared the butter in the cool spring house with definite care and cleanliness, and it was carried to market and sold directly to the consumer. Then came the time when creameries sprang up in every milk-producing neighborhood. The fresh milk was carried directly from the farm to the creamery in the near-by village, where the cream was separated and made into butter, and the separated milk returned to the farmer for such purposes as he might apply it on his farm. The butter made from it was known as whole-milk butter and was well made, cleanly, fresh, and usually pure. Then came the present situation.

New methods created by virtue of our greater population and the unusual demand for these products resulted in the centralizing factories to which milk is shipped for hundreds of miles to be made into dairy products. The new situation brought new conditions on the farms and among the purchases of milk. The long-distance hauls made delays beneficial until large quantities for shipment could be collected.

Then came the question of stale milk and cream and the further question of the methods used by the centralizers in preparing this stale milk and cream so that it could be made into butter. The question of the use of coloring matter in butter, so that no matter how impure, no matter how long it had stood, no matter how unclean it might be, it could be covered and hidden from the general consuming public by this coloring matter, the contents of which in itself is usually impure and unhealthy.

Disease can be carried so far and so long in dairy products that when they are not pure and wholesome they are a menace to the people.

We are making wonderful progress in the right direction and I have no doubt but that the work will go on and that in the next few years we shall have splendid results from the legislation we have passed to-day; and that the inspection of dairy products

will naturally follow in its train. We shall look back to this legislation as one of our great achievements and wonder why we continued to allow such a dreadful state of affairs so long to exist in one of the great food products of the people. [Applause.]

Mr. LEVER. Mr. Speaker, I move the adoption of the conference report.

Mr. MORGAN. Mr. Speaker, I desire to offer a motion to concur in the wheat amendment.

Mr. CANDLER of Mississippi. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

Mr. MORGAN. Mr. Speaker, is it not proper on that motion to move to concur in the Senate amendment No. 44?

The SPEAKER pro tempore. That would come later.

Mr. MORGAN. Is it not appropriate to make that motion now?

The SPEAKER pro tempore. No. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was agreed to.

Mr. MORGAN. Mr. Speaker, I desire to make a motion to concur in Senate amendment No. 44.

The SPEAKER pro tempore. The gentleman will have that opportunity.

Mr. LEVER. Mr. Speaker, before gentlemen begin to offer amendments upon the wheat proposition let us see if we can not agree on time for debate upon it.

Mr. HAUGEN. Mr. Speaker, what time does the gentleman suggest?

Mr. LEVER. I promised when we sent the bill to conference that I would be as liberal as I usually am on these things. I suggest three hours, one hour and a half on a side.

Mr. HAUGEN. That seems fairly liberal, but yet I have at least 20 requests here for time. It seems to me the very lowest time we could agree upon would be two hours on a side.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that debate on Senate amendment No. 44, and all amendments thereto, be limited to four hours, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and two hours by myself.

The SPEAKER pro tempore. Is there objection?

Mr. GRAHAM of Illinois. Mr. Speaker, reserving the right to object, I desire to inquire if others besides those on the committee will be given opportunity to discuss this matter.

Mr. LEVER. Undoubtedly.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that debate be limited to four hours on amendment numbered 44 and all amendments thereto, two hours of that time to be controlled by himself and two hours by the gentleman from Iowa [Mr. HAUGEN]. Is there objection?

Mr. HASTINGS. Mr. Speaker, reserving the right to object, is it understood this debate is going to be limited to this question?

Mr. LEVER. Mr. Speaker, I will include that in my request, that debate be confined to this question.

The SPEAKER pro tempore. The gentleman includes in the request that debate be confined to the question. Is there objection?

Mr. BURNETT. Mr. Speaker, reserving the right to object, does this mean it is to be called up during the day or to go over until to-morrow?

Mr. LEVER. No; it will go over.

The SPEAKER pro tempore. Is there objection?

Mr. McKENZIE. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee, in case I offer an amendment, would I have to get time within those four hours?

Mr. LEVER. Yes; I think so.

The SPEAKER pro tempore. Is there objection?

Mr. SHALLENBERGER. Mr. Speaker, reserving the right to object, is this time to be controlled by both gentlemen who are in favor of the lower price of wheat, or is it to be controlled half by those who are in favor of $2.50 wheat?

Mr. LEVER. I will say to the gentleman from Nebraska I propose to select some member of the Committee on Agriculture who is in favor of the Senate amendment and yield one-half of my time to him. I do not know what the gentleman on the other side will do.

Mr. HAUGEN. I understand the gentleman is going to divide his time; I shall follow the same rule as the other side.

Mr. MORGAN. Mr. Speaker, I move that the House concur in Senate amendment No. 44.

Mr. LEVER. I hope the gentleman will not start a discussion of this matter.

Mr. FOSTER. The gentleman from Oklahoma has not secured recognition.

The SPEAKER pro tempore. Is there objection to the unanimous consent asked by the gentleman from South Carolina? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to revise and correct my remarks on the war-risk insurance amendment passed this morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

ORDER OF BUSINESS TO-MORROW.

Mr. LEVER. Mr. Speaker, I think in justice to the House I should state that I shall call up this conference report to-morrow morning.

The SPEAKER pro tempore. The gentleman from South Carolina gives notice that he will call up this conference report the first thing in the morning after the reading of the Journal and disposition of business on the Speaker's table.

Mr. LEVER. May I make a further suggestion? I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that when the House adjourns this afternoon it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. ANDERSON. Mr. Speaker, I object.

DEATH OF HON. WILLIAM A. JONES.

Mr. FLOOD. Mr. Speaker, the Members of the Virginia delegation and the House have heard with profound regret of the death of one of its most beloved Members, the distinguished gentleman representing the first congressional district of Virginia, Hon. WILLIAM A. JONES, who had the distinction of the longest continuous service of the membership of the present House. I offer the following resolutions:

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 313.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM A. JONES, a Representative from the State of Virginia.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

The resolutions were unanimously agreed to.

ADJOURNMENT.

Accordingly (at 3 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Thursday, April 18, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of a bill amending the sundry civil appropriation act of June 12, 1917, relative to reroofing the Chicago (Ill.) post office and courthouse (H. Doc. No. 1056); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an alternative estimate of appropriation for employees at the Home for the Aged and Infirm and the Industrial Home School for Colored Children, with the request that the same be submitted for the original estimates for the fiscal year 1919, on pages 891 and 897, of the Book of Estimates for 1919 (H. Doc. No. 1057); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. McFADDEN introduced a joint resolution (H. J. Res. 280) adopting The Star-Spangled Banner, words by Francis Scott Key and music by Samuel Arnold, as the national anthem, which was referred to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 11500) granting an increase of pension to Jesse A. Sisk; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 11501) granting an increase of pension to Horace L. Burdett; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 11502) granting an increase of pension to William M. Darnell; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 11503) granting an increase of pension to Woodbury Smith; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11504) granting a pension to Martha Jane Griffin; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11505) granting an increase of pension to Levi W. Short; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11506) granting a pension to Jefferson L. Wylie; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 11507) granting a pension to Mrs. Mary J. Weaver; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11508) granting an increase of pension to George Evans, alias George W. Sanderson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11509) granting a pension to Robert Heukel; to the Committee on Pensions.

By Mr. SAUNDERS of Virginia: A bill (H. R. 11510) granting a pension to H. R. Dodd; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 11511) granting an increase of pension to Benjamin J. Switzer; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11512) granting an increase of pension to Jacob R. Warner; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 11513) granting an increase of pension to John Gethicher; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 11514) granting an increase of pension to George E. Tracey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11515) granting an increase of pension to Robert M. Trask; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Wisconsin: Petition of Ernest Kell and other residents of Cledonia, Wis., asking Congress to enact legislation increasing the war excess-profits tax; to the Committee on Ways and Means.

By Mr. GALLIVAN: Resolutions adopted by the Conference on Americanization called by the Secretary of the Interior, relative to education of foreign-born citizens of the United States; to the Committee on Education.

By Mr. LUNDEEN: Petition of St. Paul Grocers' Association of Minnesota, Alfred Perkins, secretary, favoring steps being taken at the earliest possible date by the Federal Government to fix fair prices on all wheat substitutes; to the Committee on Agriculture.

Also, petition of Minneapolis Clearing House Association, approving the Pomerene bill; to the Committee on Banking and Currency.

By Mr. POLK: Resolutions adopted by Union Methodist Episcopal Church, Wilmington, Del., relative to Sabbath-day observance; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Mrs. Mary Cheney to aid in food conservation; to the Committee on Agriculture.

Also, resolution from the Placer County Farm Bureau, of California, asking support of the universal military service bill; to the Committee on Military Affajrs.

Also, telegram from the San Francisco Stock Exchange, in favor of any legislation modifying the present mining laws in regard to the apex question; to the Committee on Mines and Mining.

Also, resolution adopted by the Maywood Woman's Club, of Corning, Cal., protesting against the zone system and demanding its repeal; also, letter from the Mansfield Tire & Rubber Co., of Ohio, asking for the repeal of the same law; also, a letter of the same import from the Trenton Chamber of Commerce, of Trenton, N. J.; to the Committee on the Post Office and Post Roads.

Also, petition of Portola Drug Co., of Portola, Cal., asking support of House bill 5531, a bill to create a pharmaceutical corps in the Army; to the Committee on Military Affairs.

Also, petition of William Cluff Co., of San Francisco, urging support of a bill allowing installment payment of excess profits and income taxes; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Resolution adopted by North Dakota Agricultural College Extension Force, recommending compulsory registration of all able-bodied males, and Federal authority to selectively draft such numbers of men as are found necessary to meet the emergency needs of the farmer; to the Committee on Agriculture.

Also, petition signed by the pastor of the Methodist Episcopal Church and 63 other residents of Ellendale, N. Dak., urging the enactment of prohibition laws during the period of the war; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 18, 1918.*

Rev. Hugh T. Stevenson, of the city of Washington, offered the following prayer:

We draw near to Thee, O Father, to thank Thee for Thy sustaining grace and guidance in the past, and to ask that Thou wilt give unto us of Thy leadership in the deliberations of the Senate this day, so that all our actions may be for Thy glory, for the advancement of civilization, for the preservation of liberty, and for the sustaining of justice among our people and the nations of the earth. To this end do Thou also bless all our civil officers of the State and the Nation, and be with those who have enrolled to support the Government of the United States on land and sea. Watch over, direct, and defend them, and finally, through Thy blessing upon them and our allies, bring that sustaining peace which will make the world safe for democracy. We ask it in the name of our Lord. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM WISCONSIN.

Mr. NELSON. Mr. President, Senator elect LENROOT is here and ready to take the oath of office. I ask that the oath be administered to him.

The VICE PRESIDENT. The newly elected Senator will present himself at the desk.

Mr. LENROOT was escorted to the Vice President's desk by Mr. NELSON, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

COMMITTEE SERVICE.

On motion of Mr. Martin, and by unanimous consent, it was

Ordered, That the membership of the Committee on Banking and Currency be increased from 15 members to 16 members, and that the membership of the Committee on Commerce be increased from 19 members to 20 members.

Mr. WEEKS was, at his own request, relieved from further service on the Committee on Coast Defenses and the Committee on Forest Reservations and the Protection of Game.

Mr. FRANCE was, at his own request, relieved from further service on the Committee on Expenditures in the Department of Agriculture and the Committee on Railroads.

Mr. JOHNSON of California was, at his own request, relieved from further service on the Committee on Fisheries.

Mr. WARREN. I ask unanimous consent for an order making sundry changes and assignments in the minority membership of Senate committees.

The order was read and agreed to, as follows:

Ordered, That the Senator from Massachusetts, Mr. WEEKS, be assigned to the chairmanship of the Committee on Disposition of Useless Papers in the Executive Departments.

That the Senator from Maryland, Mr. FRANCE, be assigned to membership on the Committee on Agriculture and Forestry.

That the Senator from California, Mr. JOHNSON, be assigned to membership on the Committee on Military Affairs.

That the Senator from New Jersey, Mr. BAIRD, be assigned to membership on the following committees: Banking and Currency, Conservation of National Resources, Expenditures in the Department of Agriculture, Fisheries, Mines and Mining, Public Lands.

That the Senator from Wisconsin, Mr. LENROOT, be assigned to membership on the following committees: Coast Defenses, Commerce, Forest Reservations and the Protection of Game, National Banks, Public Buildings and Grounds, Railroads.

AGRICULTURAL ADVISORY COMMITTEE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 6th instant, certain information relative

to the Agricultural Advisory Committee, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes; and

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917.

The message also announced that the House had passed a resolution authorizing the designation and appointment by the Speaker of Hon. CLAUDE KITCHIN, a Representative from the State of North Carolina, as Speaker pro tempore during the temporary absence of the Speaker, and that he be empowered to sign as Speaker pro tempore, during that period, enrolled bills and joint resolutions and appoint conferees.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker pro tempore of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 383. An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; and

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I present resolutions adopted by Fords Prairie Grange, No. 33, Patrons of Husbandry, Centralia, Wash., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

APRIL 9, 1918.

Resolution adopted by Fords Prairie Grange, No. 33.

Be it resolved by Fords Prairie Grange, No. 33, That—

Whereas the Government has stopped the board of trade from speculating in wheat, and does control the price of flour; and

Whereas the same Government causes us to buy 50 pounds of substitute to each 50 pounds of flour: Therefore be it

Resolved, That Fords Prairie Grange does hereby ask our Congressmen and Representatives in Congress to pass such laws as will control the prices of substitutes of flour, and also to make it a crime for anyone or any clique to speculate in any commodity that is a food for the human family during the war or any other time.

Yours, truly,

MRS. TILLIE NELSON,
Secretary Fords Prairie Grange, No. 33.
Centralia, Wash., Route 1, Box 78.

Mr. FRELINGHUYSEN presented a petition of sundry citizens of Newark, N. J., praying that Congress recognize the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a petition of the board of trustees of the Contemporary of Newark, N. J., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented resolutions adopted by the Broadway Association, of New York City, N. Y., favoring the construction of a tunnel under the Hudson River between New York and New Jersey, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Newark, N. J., remonstrating against any action by the United States interfering with England in the conduct of her home affairs, which was referred to the Committee on Foreign Relations.

LANDS IN CALIFORNIA.

Mr. PHELAN, from the Committee on Public Lands, to which was referred the bill (S. 4023) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906, reported it with amendments and submitted a report (No. 401) thereon.

NONCOMBATANT OFFICERS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with an amendment Senate resolution 220, and I call the attention of the Senator from Minnesota [Mr. NELSON] to it. It is a resolution directing the Secretary of War to furnish the Senate a list of noncombatant officers who have not been placed in command.

Mr. NELSON. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the committee was, in line 6, after the words "either here or abroad," to strike out the semicolon and to insert a comma and the word "indicating," so as to make the resolution read:

Resolved, That the Secretary of War be, and he hereby is, directed to furnish to the Senate as soon as practicable a list of the men to whom commissions in the Army have been issued, and who are not now and who have not heretofore been placed in command or had charge of any troops in the service of the United States, either here or abroad, indicating the branch of the service in which such men have been commissioned.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 4397) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

A bill (S. 4398) authorizing the Commissioner of Internal Revenue to refund any amount imposed as a penalty for failure to pay income tax within a specified time; and

A bill (S. 4399) providing for the adjudication of the claim of George B. Hughes by the Court of Claims for personal injuries sustained by him while in the performance of his duty in the service of the Government; to the Committee on Claims.

By Mr. FRANCE:

A bill (S. 4400) granting a pension to Joseph H. Bamberger; to the Committee on Pensions.

EDUCATION OF ADULT ILLITERATES.

Mr. SMITH of Georgia. I ask unanimous consent that the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States be reprinted with the amendments which have been agreed to.

The VICE PRESIDENT. Without objection, it is so ordered.

LOYALTY OF PEOPLE OF IRISH DESCENT.

Mr. THOMAS. Mr. President, I desire to read into the RECORD a short extract from a morning paper entitled "Irish here for draft in Erin," under date of April 14:

IRISH HERE FOR DRAFT IN ERIN—TENNESSEEANS PROTEST TO DILLON AGAINST NATIONALIST OPPOSITION.

CHATTANOOGA, TENN., *April 14.*

At a mass meeting of representative Irishmen and citizens of Irish lineage here this afternoon, a resolution protesting against the attitude of the nationalist leaders in Ireland toward conscription was passed and a copy cabled to John Dillon, nationalist leader in Parliament.

The tenor of the address and resolutions was to the effect that all questions of home rule and other matters affecting Ireland must be subordinated to the more pressing duty of preserving liberty and civilization.

T. P. McMahon, one of the speakers, said the people of Ireland were being misled by traitors and German propagandists. Mr. McMahon said it was just as much the duty of Irishmen to stand behind Lloyd-George as it was for Irishmen in this country to back President Wilson.

I ask to have inserted in the RECORD, without reading, an expression of a similar sentiment from the lips of Mr. Festus J. Wade, one of the most prominent citizens of St. Louis, Mo., now engaged in the service of his country here, and himself an Irishman.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the St. Louis Republic, Apr. 12, 1918.]

IRISH DECLARATION OF 1914 SHOWS IDEA OF DRAFT REVOLT IS UNFOUNDED, SAYS F. J. WADE.

The following is the address delivered yesterday by Festus J. Wade, State director of the war-savings committee, at the unveiling of the statue, "America defending civilization":

"Mr. Mayor, Ladies, and Gentlemen: The question now before the country is whether liberty and democracy will live or whether militarism, despotism, and German 'kultur' shall survive. The news in the morning paper is not encouraging, and yet I am as certain of the victory of our allies and our flag as I am that there is a God in heaven.

"You must not be misled by the publications coming across the seas. You must remember that we have justice, liberty, and democracy on our side and we can not and will not fail.

"You will notice in the press dispatches to-day it was predicted that when that great old war horse, Lloyd-George, the Premier of England, demanded conscription and draft upon the Irish people that revolution would follow. The Irishmen, and I am one of them—born there—have

for centuries stood for the purity and sanctity of their womanhood and the courage and valor of their manhood; and the Irishman in Ireland or in America that for one instant says a word against the British Empire in its hour of distress strikes at the American flag, because that flag, the French flag, and the British flag are all one flag, fighting for one common purpose—for liberty, for democracy, for the sanctity of womanhood, and the freedom of the world.

"Therefore I want you to treat the Irishman who denounces any of our allies the same as you treat pro-Germans. This is not a time to divide. We have all got to stand together. There are slackers in Ireland, there are slackers in America, there are slackers in England, and there are slackers in France. We have been forced to conscription and draft in this country to raise our army, and do not think for a moment that we will lose this war of liberty. We have 500,000 of the grandest men in the world, the very greatest asset that we possess, men between the ages of 20 and 30, in France to-day—your people and mine—and we are sending over to the battle field 20,000 men a week, and with God's help we will increase that to 40,000 a week until victory shall be ours.

"I want every man here to-day to become a bond salesman, and I want every woman here to become a bond seller, and I want you to go to your neighbors and tell them that the boys in khaki, who are giving up their lives, who are making the supreme sacrifice, need your support and mine, and I want to get into your minds, because I am an Irishman who loves that flag as no other flag in the world, that these press reports are all a myth; that they are pro-German in their instinct and intent, and are misleading the people. I want to read to you the declaration of the Irish party in Parliament, delivered December 17, 1914, and I want to call your attention to the fact that when this was delivered that John Redmond, the greatest Irishman in his day, was at the head of that party, and I want to tell you in addition that John Redmond's brother at that time was an officer in the British Army, and has since lost his life fighting for you and me. Here is the declaration:

"'A test to search men's souls has arisen. The empire is engaged in the most serious war in history. It is a just war, provoked by the intolerable military despotism of Germany. It is a war for the defense of sacred rights and liberties of small nations, and the respect and enlargement of the great principles of nationality. Involved in it is the fate of France, our kindred country, and the chief nation of that powerful Celtic race to which we belong; the fate of Belgium, to whom we are attached by the same great ties of race, and by the common desire of small nations to assert their freedom, and the fate of Poland, whose sufferings and struggles bear so marked a resemblance to our own. It is a war for the high ideals of human government and international relations, and Ireland would be false to her history and to every consideration of honor, good faith, and self-interest did she not willingly bear her share in its burdens and sacrifices.'

"That is the Irish platform.

"In conclusion, ladies and gentlemen, let me say to you, it is your sacred and solemn duty to forget all your 'isms.' Remember that you owe allegiance, first to God and then to the flag of your country."

Mr. THOMAS. Mr. President, it is the expression of sentiments such as these from the gallant natives and their descendants of the Emerald Isle at this time that gives to Americans renewed courage and stimulates them for continued fighting to the end.

Mr. PHELAN. Mr. President, in connection with the remarks of the Senator from Colorado [Mr. THOMAS], I ask the Secretary to read a resolution adopted by the Knights of St. Patrick of San Francisco.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

KNIGHTS OF ST. PATRICK,
San Francisco, March 16, 1918.

Resolved by the Knights of St. Patrick of San Francisco, assembled at their forty-third annual banquet on St. Patrick's eve, 1918, That as a patriotic American organization we send greetings of respect, friendship, and loyalty to Hon. Woodrow Wilson, President of the United States, and express our highest approval of his wisdom, statesmanship, and humanity in conducting the present war with Germany; and be it further

Resolved, That we, as native-born Americans and as naturalized Americans of Irish blood, reaffirm our undying devotion and loyalty to the righteous cause of our beloved country, the United States of America, in its present effort to make the world safe for democracy and to protect the autonomy of smaller nations; and to promote this end we cheerfully pledge our honor, our possessions, and our lives, if need be.

Unanimously adopted at the banquet of the Knights of St. Patrick on St. Patrick's eve, March 16, 1918.

Attest:

ROBERT P. TRAY,
Past President, Knights of St. Patrick.

Mr. PHELAN. Mr. President, it might be asked what appropriateness there is in introducing a subject of this kind at this time. The Senator from Colorado saw fit to introduce resolutions of similar tenor, which seem to differentiate between the rights of foreign-born men, naturalized Americans, as to their duty to America and to their duty to the land from which they sprang.

In the Evening Star of last evening I find that Lloyd-George, the Premier of England, said in a speech, which I shall read, and which will, when I repeat his remarks, serve very greatly to explain why I, in common with the Senator from Colorado, have broached this question at this time. He said:

"As to America, the opinion reaching the Government is that sentiment in America supports the bill"—

That is, the conscription bill—

"provided self-government is offered Ireland. It is vital to us at the moment that America is coming to our aid through the most remarkable decision ever taken by any executive. President Wilson's decision was not without difficulty, but it was the only way America could render practical assistance in this battle.

"WOULD ADD TO UNITED STATES SUPPORT.

"In these circumstances America is entitled to expect from the British Government—though they could not ask any government to carry out domestic legislation—that they would smooth these difficulties and, at any rate, not increase them. I am certain nothing would help more at the present juncture to secure the full measure of American assistance than the determination of the British Parliament to tender to Ireland her own parliament."

It seems to me that the Americans of Irish extraction are not opposed to rendering every support possible to the allied armies in our great cause, and in winning our great cause for the liberty of the world it will necessarily include the winning of their own liberty. The cause of the smaller nations of the world is our cause, and their cause is our cause. The German doctrine of the survival of the fittest, the right of the strong to crush the weak, which is repulsive to Christian civilization, shall never be tolerated.

I have here a telegram from Mr. T. P. O'Connor, the delegate of the National Irish Party to the United States, and also a telegram from Garret W. McEnerney, considered by many as the leader of the bar of San Francisco, on the same question, which I beg to submit:

"SAN FRANCISCO, CAL., *April 13, 1918.*

"Hon. JAMES D. PHELAN,
"*2249 R Street, Washington, D. C.:*

"I take most serious view of proposed conscription in Ireland. All my information makes me feel certain it can not be carried out without bloodshed, and I feel certain that in the conflict between the Irish population and the English military forces that women and quite likely children will be killed as well as men. You will know better than I the effect such unfortunate results will have upon American opinion and morale, but I am strongly of opinion that it will dreadfully inflame the Irish race in America and Australia and have profound effect on the feelings of the English-speaking world. I am looking at the moment from the American point of view. I suggest having you consider appropriateness of laying these aspects of the case before the President in the hope that it will bring about in London a reversal of the plan of conscription.

"T. P. O'CONNOR."

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[Telegram (night letter).]

"SAN FRANCISCO, CAL., *April 15, 1918.*

"Hon. JAMES D. PHELAN,
"*Washington, D. C.:*

"As Americans, and as believers in the nobility of the allied cause, we would both be very happy if every Irishman of military age could be induced to join British fighting forces on western line. Conscription of all Ireland by England and Ulster in combination is quite a different thing. For last four years England and Ulster combined have denied Ireland the enjoyment of her rights constitutionally fought for and constitutionally won. Ireland's rights and duties now are correlated. Home rule and conscription should go together. We are fighting for moral issues, and England owes it to her allies and to her own glorious place in the war not to embark upon the indefensible and immoral course of exacting allegiance from all Ireland while refusing the just and equal operation of law to both Catholic and Protestant Ireland alike.

"GARRET W. MCENERNEY."

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[Telegram.]

"SAN FRANCISCO, CAL., *April 16, 1918.*

"Hon. JAMES D. PHELAN,
"*Senate Office Building, Washington, D. C.:*

"It is of the utmost importance that there should be struck the true note upon conscription in Ireland if the occasion arises. I should say the public opinion upon this subject may be fairly divided into four classes: The first class may be said to embrace those who have little or no acquaintance with Irish affairs and little or no sympathy with Irish aspirations. This class is as firmly committed to the idea that there should be conscription in Ireland forthwith, on account of urgent military necessity, and that conscription should be carried out in total disregard of any other considerations whatever. The second class, I should say, hold the views which I attempted to express in my night letter of last night. The third class are those who hold that conscription should not follow home rule until conscription should be agreed to by an Irish parliamentary body or other body representing the public sentiment in Ireland. The fourth class will embrace those who are opposed to conscription in any form, largely upon the ground that they do not wish the Irish to augment the British fighting forces. I believe that some of

this fourth class are opposed to a settlement of the home-rule question because they feel that conscription will logically follow a home-rule settlement. It may very well happen that many of the Nationalist Party in Ireland will be found in the third class, and the propaganda of the leaders of the Sinn Fein Party would throw that party into the fourth class. In my opinion the overwhelming body of American opinion would fall into the second class. In expressing the foregoing views I have been dealing with the matter as one of abstract fairness. I am, of course, mindful all the time that Ireland is now pretty thoroughly distraught and frenzied, and that conscription may transform Ireland into a slaughterhouse, thereby bringing about a result infinitely more harmful than any good that was ever thought to be accomplished. If the enforcement of conscription in Ireland were attended by butchery of the civilian population, I am afraid that the horror of it all would chill the heart of many a brave young soldier of Irish origin in the American Army. These are psychological matters which no amount of fidelity can altogether overcome. To my mind the matter is one of the greatest possible complexity, and, after all, it may require the assistance of Divine Providence to pull us through.

"GARRET W. MCENERNEY."

Mr. President, I assume that Mr. O'Connor means by "reversal of plan" the granting to Ireland of autonomous government on the principle of self-determination before any attempt shall be made to enforce conscription. That would put the population in the sure position of fighting for itself; and that is the only honorable and feasible plan.

Mr. President, the speech by Lloyd-George published last night meets this demand and seems to indicate that the premier has a profound understanding of American public opinion, which, while it requires service by every friend at this time for our cause on French battle fields, it also is convinced that England owes self-government to Ireland, and that it should be promptly granted, in line with the universal sentiment of justice and fair play so ably voiced by our President.

I ask permission that an editorial from the New York World of April 17 be printed in the RECORD without reading, which fairly states, in my judgment, a fair expression of American public opinion.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

HOME RULE BEFORE CONSCRIPTION.

If the British Government, as a matter of justice no less than of policy, should grant Ireland home rule before applying conscription to that country its position would be strengthened.

The man-power bill, so suddenly projected into the House of Commons, has created a dangerous state of feeling throughout Ireland. Serious consequences may be expected unless prompt steps are taken to right the situation by methods of conciliation.

The Irish people have reason to regard with suspicion the intention of the Government in respect to home rule. They received an absolute pledge of local government for Ireland when Parliament in 1914 passed the home-rule act, but at the beginning of the war it was held expedient to suspend indefinitely the operation of the law. Lloyd-George, on assuming the premiership, held out definite promises that home rule would soon be established, but at once unionists, at the instigation of Lord Lansdowne, vetoed the agreement entered into with John Redmond. To the charge that the Coalition Government had broken faith with Ireland, Lloyd-George could offer only a lame explanation.

To impose conscription at this time on Ireland while leaving in doubt what action shall be taken on the majority recommendations of the Irish convention will be only to aggravate the old distrust of the Government on the part of the Irish. It will place new weapons in the hands of advocates of violence and civil war like the Sinn Feiners. But urging Lloyd-George to put home rule ahead of conscription for Ireland, the labor ministers of the cabinet are pointing the way to a peaceful settlement of the whole Irish question. Their proposal is the best hope of removing the difficulties that the Government faces.

"STRONG MEN TO THE FRONT."

Mr. SMITH of Georgia. Mr. President, I desire to bring to the attention of the Senate a few passages from an editorial which appeared in the Washington Post this morning:

STRONG MEN TO THE FRONT.

The appointment of Charles M. Schwab as director general of the Emergency Fleet Corporation, to have complete control of shipbuilding, is the best of evidence that the United States is rapidly going through the process which has been experienced by every nation in war, whereby the strong displace the weak, and the fittest survive and triumph. In some nations the process is slow and incomplete. In the United States it is to be quick and thorough.

Some men in authority are so constituted that they can not bear the thought of sharing responsibility with strong men, for fear that their own abilities may be overshadowed. The really great man, the true patriot, will always welcome cooperation. He is conscious of his own strength, and therefore he is not jealous of the strength of others. He is bent upon success, not upon exploitation of personalities. Chairman Hurley's action in calling in Mr. Schwab is most gratifying proof of breadth of character, earnestness, and manly devotion to the country's cause. It is the act of a strong and great man, an act that a weakling could not bring himself to perform. Mr. Hurley is acting solely for the success of the country, and inspired by this zeal he has selected Mr. Schwab as the best qualified industrial field marshal in the United States to take command of the forces of ship construction. These forces are becoming a mighty army, and they can not be victoriously commanded by anyone of mediocre ability. The country applauds the selection of Mr. Schwab, and is appreciative of his prompt and wholehearted response to the call of duty.

The appearance of strong men at the front is in no sense accidental. It is inevitable in a virile country like the United States, where overwhelming victory merely awaits the organization of the Nation's manhood and its material resources and their proper employment in war. France and England have weeded out incompetents and feeble-willed officials, replacing them with men whose keen intelligence, iron will, and capacity for work are among the indispensable factors of national success. The same process in America is beginning to relegate weaklings and pacifists to the rear.

The war is to be long, and the United States is to have a major rôle in the tremendous drama. The times are heroic, and they call for heroic men. Plans must be amplified to meet the needs of the war and commensurate with the capacity of the United States to make war. It is impossible for small men to conceive of the problem in its full magnitude. That can be done only by brains accustomed to great problems and enkindled with a realization of the immensity of the task that confronts this Nation and its allies. Then, when the plans have been laid and the work of execution begins, there must be equally strong wills and firm hands to supervise the work of production and delivery.

I can only express my earnest hope that a Schwab will be found at an early day to handle the creation of fighting flying machines and that all through our service able men will be put on guard and kept there.

Mr. GALLINGER. Mr. President, I think we all join with the Senator from Georgia in that declaration. For some reason or other it has taken a long time to discover the able men. I trust the appointment of Mr. Schwab is the beginning of better things, both as to the airplane situation and other situations that confront us at present.

Mr. SMITH of Georgia. That was the hope I meant to express.

The VICE PRESIDENT. Is there further morning business? [A pause.] Morning business is closed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. Mr. President, I made the point of order on the conference report when it was presented yesterday on the ground that it contains new matter.

The VICE PRESIDENT. Will the Senator from Kansas point out the new matter against which he makes the point of order?

Mr. CURTIS. I desire, if I may, to make merely a brief statement. The amendment numbered 60, as the bill passed the Senate, on page 53, included the words "excluding oil and gas leases," and, on page 54, amendment numbered 60 included the words "except oil and gas leases." Under the law leases of every kind and character of the Five Civilized Tribes must be approved by the Secretary of the Interior.

When this bill was considered by the Senate an amendment was proposed that would allow certain uncontested leases to be approved by the superintendent, but the Senate specifically excluded oil and gas leases. When the bill went to conference the conferees agreed to strike out the words "except oil and gas leases," and the words "excluding oil and gas leases," which made the provision general, and went much further than the Senate intended to go. The proposition was not considered in the House or the Senate, because the oil and gas leases were specifically excluded. I take it that if the amendment had been drawn in another way there would have been no question about it; in other words, if the amendment had provided that farming, grazing, coal, asphalt, or stone leases should be approved, and had said nothing about oil or gas, and if the conference committee had then added oil and gas, there would have been no question. The word "mineral" was used, which is a broad term, and the Senate committee intended that oil and gas should not be included, and therefore specifically excluded them.

I insist that the conferees went further than they were permitted to go under the new rule, when they struck from the bill the words "excluding oil and gas leases" and the words "except oil and gas leases." In answer to a question asked by a Senator behind me, I will say that the House inserted nothing on the subject.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Senator from Arizona has the floor. Does he yield to the Senator from Oklahoma?

Mr. ASHURST. I yield to the Senator from Oklahoma.

Mr. OWEN. Speaking to the point of order, I desire the attention of the Senate for a moment to the amendment to Rule XXVII, which reads as follows:

Conferees shall not insert in their report matter not committed to them by either House.

It will not be pretended that the conferees in this case inserted anything not agreed to by either House.

Nor shall they strike from the bill matter agreed to by both Houses.

Both Houses did not agree to this amendment. On the contrary, the Senate passed the general amendment and the House rejected it.

If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

I was on the conference committee, and the language of the amendment which was offered in the Senate and which was passed on by the Senate made this provision:

Provided further, That no part of said appropriation—

For the Superintendent for the Five Civilized Tribes—

shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such claims or leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma.

At the end of the section the conferees inserted the words:

And provided further, That the Superintendent for the Five Civilized Tribes shall, immediately upon the approval of any lease, notify the Secretary of the Interior of such approval, giving the names of the parties and description of the property leased.

And they struck out the words "excluding oil and gas leases." They also struck out the words "except oil and gas leases," so as to leave the language of the agreement to mean that the Superintendent for the Five Civilized Tribes should pass on uncontested oil and gas leases and uncontested leases of any kind and undisputed claims of any kind, leaving an appeal to be made in case of contest to the Interior Department. The conferees put at the end of this provision the safeguard that the superintendent shall immediately upon the approval of any lease notify the Secretary of the Interior of such approval.

The reason for the amendment is that the clerical work has been and is being duplicated over and over again. There was given to the committee hearing the evidence with regard to this the record of the mail division of the Superintendent for the Five Civilized Tribes; and I ask Senators to listen to this, for I shall only detain the Senate for a few moments. It is a matter of importance to my State, and it is a matter of importance in saving the money of the United States.

The mail division of this superintendency amounted to 880,000 pieces of mail. A large part of it was in this incessant duplication of work, sending uncontested and undisputed matter from the superintendent's office to a corps of clerks in Washington, to be passed on by those clerks in Washington, and then sent back to the superintendent's office.

There has been no question about the integrity or the ability of the superintendent of the Five Civilized Tribes; there has been no such question of any of the superintendents who have had control there in the years which have gone by. The mistakes, in my judgment, which have been made at all in Oklahoma questions have very largely been made in Washington City by the clerks in this city.

The Senate having agreed that these uncontested and undisputed cases, except oil and gas leases, need not come to Washington if they were reported promptly, the conferees struck out the words "oil and gas leases," leaving uncontested and undisputed claims and leases of any kind to be settled in Muskogee, where they have 300 clerks passing upon questions of this character.

The work ought not to be duplicated, as a matter of national economy. If there is any question about the integrity or the ability of the superintendent, of course he ought to be removed; or if the department thinks that another visé of everything going on there should be made, they ought to have some other representative of the Interior Department on the ground to pass upon it; but these cases coming here have laid in the department in the past for long periods of time. Leases come here and stay for six months. I have in my hand a large record of leases, appearing on page 100 of the hearings before the Committee on Indian Affairs of the House of Representatives, showing that very many of these leases staying here for months and months and months without action, interfering with the ordinary and reasonable conduct of Oklahoma business.

Now, speaking to the point of order, I wish the Senate to realize what this really is. The Senate agreed broadly that the sum of $185,000 appropriated for the expenses of the administration of this office should not be employed in this work of duplication, but the Senate excepted uncontested gas and oil leases. The House disagreed broadly to the whole provision, having disagreed to all the Senate amendments as a formal matter of disagreement. Then the conferees took this matter up, the Senate having inserted an amendment bearing upon the limitation of the use of this $185,000, and the conferees exercised their judgment in adjusting the matter. I will say, in passing, that when we considered it all of the conferees agreed to it; all of them signed the report, and after we had signed the report the Indian Office, never willing to give up any jurisdiction whatever, made themselves very busy, urgently protesting against the inclusion of "oil and gas leases," and suggesting that it would lead to harm and wrong of all sorts; but they did not specify anything; they did not do what they should have done, written a letter to the committee and state what their objection specifically was. I want them to state their objection openly, not by whispering under cover, where the objection can not be seen, understood, and analyzed.

As appears from page 253 of the hearings before the Committee on Indian Affairs of the Senate, this matter was suggested and the question was discussed by the committee. I proposed an amendment broadly covering these matters, and the Senator from Kansas [Mr. CURTIS], who has been long in the service, in speaking of undisputed claims and uncontested leases, said:

I think that uncontested matters ought to be settled down there and gotten rid of. I have been trying to get the department to do that for some 15 years.

But the department do not willingly relinquish authority; they do not want to have their clerks give up the going over of this matter.

Mr. CURTIS. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. ASHURST. Just a moment. I will yield to the Senator from Kansas. I think I have the floor, Mr. President.

Mr. OWEN. I think not.

Mr. ASHURST. I think I have.

Mr. OWEN. No.

Mr. ASHURST. I will leave it to the Chair.

Mr. OWEN. The Chair must decide that.

The VICE PRESIDENT. The Senator from Arizona yielded to the Senator from Oklahoma.

Mr. OWEN. I did not know the Senator from Arizona had yielded; I thought I was speaking in my own right to the point of order of the Senator from Kansas. I yield the floor, of course.

Mr. ASHURST. I yield to the Senator.

The VICE PRESIDENT. The Chair has listened to the Senator from Oklahoma and the Senator from Kansas. As these points of order are not discussable in the first instance, and as there will probably be an appeal from the decision of the Chair, the Chair wishes to rule on the point of order. This is not a question as to what the law is or what the law should be, nor is it a question as to what the legislation should or should not be; it is a plain question as to what can be done in this conference report under the rules of the Senate. The Senate adopted an amendment appropriating certain money and providing that no part of that money should be used in forwarding undisputed claims to the department at Washington for approval, but that they might be approved by the superintendent of the Five Civilized Tribes in Oklahoma. The claims which the Senate provided should not be forwarded to the Interior Department were agricultural and mineral leases, and the provision specifically excepted oil and gas leases therefrom. The rule of the Senate recently adopted is that—

Conferees shall not insert in their report matter not committed to them by either House.

The conferees have now provided that oil and gas leases shall not be sent to Washington for approval by the Secretary of the Interior. That is a plain insertion of new matter by the conferees, and the Chair sustains the point of order.

Mr. OWEN. Mr. President, I do not think it advisable for me to take up the time of the Senate, which is so important, upon a minor matter of this kind, and I shall take no appeal from the decision of the Chair. I wish to say, however, in my own behalf, as one of the conferees, that I do not agree with the decision of the Chair in this matter, because the House of Representatives in rejecting this matter rejected the whole of the Senate provision, and, having rejected the whole of the Senate provision, rejected what the Senate did in its attempt to limit the expenditure of this money in this way. Therefore

the whole subject matter was before the conferees, in my judgment, and I think the conferees did not exceed their jurisdiction in limiting the expenditures, subject to immediate report of all leases approved to the Secretary of the Interior.

Mr. ASHURST. Mr. President, I do not wish to prolong the controversy, except to state that when I signed the conference report, in language quite plain I advised the Senator from Oklahoma that this was a plain and palpable violation of the rules; and I am very glad that the Chair has passed upon it, so that hereafter conferees, whatever the pressure may be, will manfully stand up and refuse to insert matter that the Senate has precluded them from inserting.

The VICE PRESIDENT. The conference report is recommitted to the committee of conference.

ARMY CHAPLAINS—VETO MESSAGE (S. DOC. NO. 216).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I am taking the liberty of returning without my signature S. 2917, entitled,

"An Act to amend section fifteen of the Act approved June third, nineteen hundred and sixteen, entitled 'An Act for making further and more effectual provision for the national defense, and for other purposes,' as amended by the Act approved May twelfth, nineteen hundred and seventeen, entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes,'" because I fear that the last proviso contained in the Act, and constituting the last printed line of the engrossed copy herewith returned, is susceptible of being interpreted to mean that no chaplain shall retain his commission in the Army of the United States after reaching the age of forty-five.

I assume that this was not the intention of the Congress and respectfully suggest that these words be substituted,

"That no person shall be appointed chaplain in the Army who on the date of appointment is more than forty-five years of age."

WOODROW WILSON.

THE WHITE HOUSE, *18 April, 1918.*

The VICE PRESIDENT. The objections will be entered at large on the Journal, and, unless there is some objection, the reconsideration of the question will be postponed until the Committee on Military Affairs can examine the veto.

HOUSE BILLS REFERRED.

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917, was read twice by its title and referred to the Committee on Finance.

SILVER COINAGE.

Mr. OWEN. I ask unanimous consent for the immediate consideration of Senate bill 4292, on the calendar, relating to the use of metallic silver.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver, which had been reported from the Committee on Banking and Currency with amendments.

The Secretary proceeded to read the bill.

The VICE PRESIDENT. Are the amendments to be passed upon as they are reached?

Mr. SMOOT. Mr. President, I desire to ask the Senator from Oklahoma, having the bill in charge, if he intends to make any statement as to the necessity of the legislation?

Mr. OWEN. I shall be very glad to do so. I submitted a report on the bill which is before the Senate, and in which a statement is made with regard to it. I shall be glad to make the statement on the floor or to answer any questions.

Mr. GALLINGER. Pending that, I ask that the bill be first read.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill.

The VICE PRESIDENT. The first amendment of the committee will be stated.

The SECRETARY. The first amendment of the Committee on Banking and Currency is, on page 1, line 5, before the word "hundred," it is proposed to strike out "two" and insert "three," so as to read:

That the Secretary of the Treasury is hereby authorized from time to time to melt or break up and to sell as bullion not in excess of 350,000,000 standard silver dollars now or hereafter held in the Treasury of the United States.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having charge of the bill the reason for the increase in the amount of silver dollars to be melted and broken up.

Mr. OWEN. The reason is that there is in sight a demand for a larger amount than the $250,000,000 first proposed.

Mr. SMOOT. Or, I might add, the $350,000,000.

Mr. OWEN. Possibly.

Mr. THOMAS. In sight for what purpose?

Mr. OWEN. In sight for the purpose of meeting the international debtor trade balances of the United States for the use of nations at war with Germany. There is a large demand for silver in India, among others.

Mr. THOMAS. That demand is not the demand from the United States directly, is it?

Mr. OWEN. It is from the most important ally of the United States.

Mr. THOMAS. That may be; but it is a demand which is not primarily that of the United States?

Mr. OWEN. I think it is properly to be regarded as a demand on the United States.

Mr. THOMAS. Of course that is a matter of opinion between the Senator and myself.

Mr. OWEN. I think we have no difference as to the facts. It is a matter of opinion.

Mr. THOMAS. Frankly, I understand that the demand is one which is against Great Britain rather than against the United States. If I am wrong in that impression, I shall be glad to be corrected.

Mr. OWEN. The Senator is wrong. We need $50,000,000 per annum to take care of our jute from India alone.

Mr. THOMAS. Then that is only $50,000,000 of the $350,000,000 of this money that is going to be destroyed.

Mr. OWEN. I want to call the attention of the Senator to the facts, without expressing any opinions of my own at all.

The United States has, as a matter of fact, found it necessary to finance in large part this war. We have been furnishing our allies thousands of millions of dollars. That money has been used to pay for goods shipped from neutral countries which are in excess of the amounts that neutral countries import from the allies; and those trade balances can only be paid for in one of three ways: Either by commodities—and that possibility, of course, is already destroyed when we get the trade balances—by gold or silver, or by the placing of credits. We are, therefore, face to face with a very large demand for metallic money in the Orient to meet the demands there of our debtor-trade balances.

Mr. THOMAS. Mr. President, I do not object for a moment to any expenditure which this Government has made, or which in the opinion of its officers should be made, in aid of any of our allies in this war. I heartily approve of every such step of the past and every such step of the future, because we are in this war practically as a unit, and every ounce of credit and of financial aid that needs to be furnished and which can be furnished will, if it is so directed, meet with my unqualified approval. Hence, my queries are not of a complaining nature, nor should they be taken to indicate any purpose upon my part to oppose that general policy. But, frankly, I am suspicious of any movement in the American Congress which has for its purpose the diminution of our silver supply. It has been said that a burnt child dreads the fire; and the people whom I in part represent here have been burnt so much and so frequently that they are apt to shy at a fire even from a distance. I want to know why, and I want to know definitely why, it is going to be necessary to take out of the Treasury of the United States three hundred and fifty millions of silver dollars and melt them up, when there is a good deal of silver in the markets, and will be more silver in the markets if the Governments needing it will obey the law of supply and demand and pay for it what it is worth and what it costs to produce it.

Mr. OWEN. I should like to say——

Mr. THOMAS. Just a moment, and I will yield the floor. So that my queries are entirely for information. If it is necessary to take them all, and anything else we can lay our hands upon, for the purpose of prosecuting this war, God knows I am willing to go to the extreme limit; but a bill of this sort, which

is taken up practically as an emergency measure, is one about which I must be fully informed before I can consent to support it.

Mr. OWEN. Mr. President, answering the Senator's suggestion that this bill would diminish the supply of silver in the United States, which is the essence of the anticipated fear he suggests, I wish to call the attention of the Senate to the fact that this silver is lying unemployed as dead metal in the Treasury of the United States as a basis of the silver certificates which now we intend to replace, as far as currency is concerned, with the Federal reserve bank notes, based upon the security of United States one-year gold Treasury notes.

Mr. THOMAS. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. Certainly.

Mr. THOMAS. Then one purpose of this bill is to retire a perfectly good currency, represented by silver certificates, circulating at par, and costing the people nothing, for an equal amount of paper money, based, of course, upon security, but costing the people of the United States the interest upon the certificates and other evidences used for the issue of the new money. In other words, we are going to substitute an interest-bearing for a noninterest-bearing currency. Is not that correct?

Mr. OWEN. Mr. President, when the necessity arose to use this metallic silver it was perfectly plain that if we used the silver which was the basis of the present silver certificates we would be compelled to replace that with currency of some kind; otherwise we would shrink our own currency. Therefore the plan was devised to use the Federal reserve banks, which represent practically every bank in the United States, and the stockholders of all of these banks, as an agency for issuing Federal reserve bank notes against the security of United States Treasury gold notes. When they get those gold notes they will pay for the notes. The Government will get the funds, I take it, for the gold notes. They will not give the gold notes for nothing. They will get the money at a very low rate of interest, which would be a little over 2 per cent, probably 3 per cent, and then the Government would get the use of that money; but the certificates representing the indebtedness would become a basis, instead of the silver. But the Senator interrupted me before I was able to answer the real crux of his suggestion.

Mr. THOMAS. I beg the Senator's pardon. I did not intend to do that.

Mr. OWEN. I wanted to say this: Silver has fluctuated between 85 cents an ounce and $1.12 an ounce; and it was proposed here to fix a price of $1 an ounce for whatever the Government should buy of silver, and in that way stimulate the production of silver, by giving the miners of silver a positive market to this extent at least, which would probably absorb the output of the mines for two or three years.

The present output of silver is between seventy and eighty million ounces. Commercial purposes require about 22,000,000 ounces, leaving somewhere about 40,000,000 ounces that would be available for the purpose of money.

When the Government fixes a definite price for silver the miners can make their plans accordingly, and seeing for several years ahead a fixed market at $1 an ounce, it will stimulate the production of silver in this country and replace the idle silver which is now in the Treasury merely in storage.

Mr. TOWNSEND. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. TOWNSEND. My attention was distracted while the Senator was discussing some matters with the Senator from Colorado. Possibly he may have answered what I am going to ask him. If he has, I do not care to have him go over it again.

As I understand the provisions of the bill, the standard silver dollars now in the Treasury are to be melted or broken up and their place is to be supplanted as these dollars are taken up by the subsequent purchase of silver, to be coined into standard silver dollars.

Mr. OWEN. Yes.

Mr. TOWNSEND. What I wanted to understand was why that is done. Why not purchase the silver? Why break up the standard silver dollars already coined only to replace them by a subsequent purchase and coinage?

Mr. OWEN. The answer to that is that the cost is very small to mint silver, and the need for metallic silver at this moment is of great urgency.

Mr. TOWNSEND. You can not buy silver?

Mr. OWEN. You can not buy the bullion silver now. I wish to read a telegram which I received from the Secretary of the Treasury. He wired me from San Antonio, Tex., April 16, saying:

A war emergency of the utmost urgency makes the prompt passage of the Pittman bill imperative. I commend this subject earnestly to the consideration of yourself and your associates on the Banking and Currency Committee. Will you please permit Assistant Secretary Leffingwell to lay before you my views about this matter immediately?

The Assistant Secretary and his experts came before the committee and I think satisfied the committee of the absolute necessity for the passage of this measure so that the committee reported it with these amendments.

I have not stated really what the bill proposes. I will be glad to do that. It will take only two or three minutes.

The bill proposes to melt up the metallic silver which now lies in storage in the Treasury of the United States and to replace it by purchasing silver at a fixed rate of a dollar an ounce, selling the silver at not less than a dollar an ounce, and buying it back at a dollar an ounce, so that the Treasury neither gains nor loses. Since we would have to retire the silver certificates if we melted up the silver now in the vaults of the Treasury it is intended to temporarily replace that by Federal reserve bank notes safeguarded by United States Treasury one-year gold notes, so that our currency would not be contracted.

Mr. GALLINGER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. In the event of this bill becoming a law, the silver certificates will be called in and canceled, of course.

Mr. OWEN. Yes; they will be called in and canceled.

Section 9 provides for the extension of the acts now in force, which only run to the term of the war, as to the issuing of licenses for exports of silver, so as to leave the United States Treasury in a position where it could actually replace the silver which is to be taken out of storage.

It was the spirit and purpose of the bill to avoid any controversy with those who believe in silver as a metallic money by replacing exactly the amount of silver which was taken out, so as not to interfere with our existing use of silver for coinage purposes.

This matter was discussed quite extensively, I understand, by those who produce silver, and while they believe that silver will go to a higher point than a dollar an ounce, they were content as a war measure to have a definite value fixed. With the silver taken out of the Treasury restored to the Treasury by fixing a definite amount of a dollar an ounce, and having the right to issue licenses against exports, the United States could assuredly obtain from our own mines the amount of silver within two or three years which would be necessary to replace the silver now used for this war emergency.

Mr. SMOOT. Mr. President, I do not want the Senate to get the impression that this bill, if passed, will be of any benefit whatever to the silver producers of the West. The silver producers of the West would be perfectly content to allow silver to take its regular course in the commerce of the world.

Mr. THOMAS. And keep hands off.

Mr. SMOOT. I wish to say now that if silver were treated as a commodity and nothing else and hands off was the program of our Government the price would advance immediately to $1.29 an ounce. I think I occupy a position that has given me the information to justify that statement. I never was classed as a silver man. I opposed Mr. Bryan's theory of 16 to 1 in the year 1896, and I have continually taken the position that every dollar of money circulated in the United States should be worth 100 cents. When the silver question was a political one, the opponents of silver claimed that silver was a commodity, and was worth only what it would bring in the market. To-day if silver were treated upon that same basis it would be worth $1.29 an ounce. And why? Because the demand for silver to-day caused by the war is such that the world is not producing one-quarter of the amount of silver that is absolutely necessary.

At a meeting of officials of the Government and representatives of the silver producers of the West held last December I called attention to the fact that the balance of trade in favor of India last year that would have to be met in gold or silver was such that the production of silver was but a fractional part of the amount that would be necessary.

In September last silver began to rise rapidly. It reached the price of $1.18 an ounce, and it would have continued to have increased in value until it reached $1.29 an ounce if it had not been for an understanding between our Government and England. The price was forced down in the interest of England, and the silver producers were the losers.

The annual production of silver for this year in all the world will not be above 160,000,000 ounces. The highest production of silver at any time that I can remember now in any one year was 226,000,000 ounces. India prefers silver to gold for her metallic money. She is demanding it to-day in payment for the balance of trade in her favor. India produces wheat and jute

and other articles that the war has so greatly increased their values and thus has greatly increased her usual balance of trade against the principal countries of the world, and now she is demanding a settlement and wants it in silver.

Mr. LODGE. If I may ask the Senator a question, is it not true that silver is much more than currency in India? It is the form in which they hoard their savings.

Mr. SMOOT. As the Senator suggests, they hoard their savings in silver rather than gold. That has been the practice for hundreds of years, and it is so to-day.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Will the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. That statement is absolutely correct up to the time when England entered upon her attempt to establish the gold standard in India. Since then vast quantities of gold have gone to India and have been similarly hoarded. The fact is that the two metals whenever they reach India disappear from the world's circulation. They are as completely absorbed and done away with as though they were sunk in the middle of the ocean. That is true now of both metals, more particularly so of gold, since the experiment to which I have referred.

Mr. SMOOT. Mr. President, when we stop to think that of the silver produced annually 100,000,000 ounces are used in the world's industries, and that on account of the Mexican situation the world's production has been greatly reduced, we find that of the production of silver for the year 1917 not to exceed 60,000,000 ounces are available for the increase of the money of the world.

In August, 1915, silver dropped to 48½ cents an ounce, and I want to say to the Senate now that the silver producers of the West could produce silver at 50 cents an ounce under ordinary conditions at as good a profit as they can produce silver to-day at $1 an ounce. The labor conditions are such, in the first place, that they can not get the necessary labor, nor does labor produce as much to-day as it did before the war in a given time. Again, wages have increased by leaps and bounds. After increase upon increase in wages, and increased cost of from 100 to 400 per cent on everything that the mine owner purchases, such as powder, steel, and tools of all kinds, the mine owner could better afford to allow his properties to lie idle and produce silver at 50 cents an ounce when ordinary conditions return than to extract the ore at this particular time.

Are the western producers of silver going to follow that course? No; they are too loyal to their country, and they are willing to produce silver, even if they get only enough out of it to pay actual cost. I wish to say that many of the mines of the West are doing that to-day. In many mines the price of silver is not sufficient to pay operating expenses.

Mr. President, I know that the situation in India is critical, and that this bill is to relieve that situation. England must have more silver to meet her obligations to India, and India wants silver. There is only one great reserve of silver in the world to-day and it is found in the Treasury of the United States, and that reservoir of silver must be opened and hastened to India in order to relieve the existing conditions.

I am not going into details, Mr. President, because it would do no good nor improve the situation, and perhaps be unwise. All I want to say is that if conditions were not such as they are to-day in the world, and if one of our allies, and the principal one, was not involved, I never would support legislation of this kind. I am going to vote for the bill because I know its passage is necessary.

I think I ought to say that the situation would not have been as critical as it is to-day if England had not held off from purchasing silver at a reasonable price during the last six months. I know within that time she has been offered silver at much less than a dollar an ounce, and she has refused to purchase it, and it has been purchased by Japan. England for years and years past has been buying our silver at from 48½ cents to 60 cents an ounce and paying her obligations at 94 cents an ounce, and she wanted to maintain that advantage just as long as possible.

The balance of trade of our country with India is adverse to us. It is true that we can pay the amount of that balance, and will pay it in silver if this bill becomes a law, and I admit that the United States ought not to allow the exportation of gold, and certainly none of our allies are in a position to do so. All the gold we have we must keep. The notes that are being issued and the notes that will be issued must have something back of them; and while we have one-fourth of all the gold in the world we have none too much.

As far as the price of silver is concerned, following the war it will not go back to what it was a year ago. I do not believe that we will live long enough to see the price of silver below a dollar an ounce. Why do I say it?

There is not gold enough to cover the paper money that is being issued by all the countries of the world, and when we see some of the nations involved in the present war with only 3 per cent of gold back of their paper issues, and the war is not closed yet, is it possible to think that every ounce of silver that is in the world to-day and every ounce that will be produced in the world for 25 years will be more than sufficient to cover the paper money that will be in circulation in all countries at the close of the war?

So, Mr. President, coming from a State which is deeply interested in the price of silver, one of the largest producers of silver of all the States of the Union, I say that the price of a dollar an ounce, as fixed in this bill, is no advantage whatever to the silver producer, and yet our miners say if that is the price the Government decides upon, and if they are called upon as patriotic Americans to produce it at that figure, they are going to do it. I approve of that position; but let us understand the situation, and let the American people know that it is no benefit whatever to the western producer of silver.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. GALLINGER. Hostile, as I have been and now am, to disturbing in any way the gold standard, I am going to vote for this bill because of the emergency that is upon the world at the present time; but somewhat as a justification for my vote and my attitude I want to ask the Senator from Utah, who doubtless is well informed on this point, what the conditions are surrounding the production of silver in the silver-producing States? What about the labor situation, as an illustration?

Mr. SMOOT. Mr. President, I will say to the Senator from New Hampshire that, as to the labor situation, we are to-day paying at least 100 per cent more than we were paying before the war began. We are paying more for steel; we are paying more for powder; we are paying more for tools; we are paying more for everything that enters into the production of silver, and we are paying all the way from 100, 200, 300, and 400 per cent more. The Senator can see from these facts what effect they must have on the cost of producing silver.

There is another thing I do not particularly like. I have said nothing about it on the floor of the Senate, but I do not believe, Mr. President, that we are being treated by our allies as we are treating them. The Government has fixed the price of copper at 23½ cents a pound; the producer sells it to all of the allied countries for that price. We not only sell it to them, but we sell it to the general trade for the price fixed by the Government; and yet Canada, our neighbor to the north of us, a producer of copper, receives as high as 30½ cents a pound on the identical day for her copper purchased by England, being a difference of 7 cents a pound in favor of the Canadian producer. The same condition exists as to Mexico. Canada is receiving more for lead than we in this country are receiving.

However, I have expressed no bitter opposition to the fixing of the prices of commodities that were absolutely vital to the successful prosecution of the war, although I am opposed to the principle of price fixing. I agreed, Mr. President, beforehand that we should undertake to produce copper in the West at 23½ cents a pound. I know that the Utah Copper Co. can produce it for that price and make a profit; but I am speaking not for one company in my State, but I am speaking for the hundreds and thousands of producers who produce copper in small quantities, and who do not have the advantages which some of the great companies enjoy.

But, be that as it may, I know that there is lying in the Treasury of the United States to-day some 476,000,000 ounces of silver which has been coined into silver dollars. Much of that silver has been purchased at 50, 55, and 60 cents an ounce from the silver producers and has been coined into dollars at the rate of $1.29. I should be perfectly willing for our Government to make that difference if it were absolutely necessary; but with that great reservoir of silver lying there and serving no useful active purpose, with our allies crying for help—and our Treasury is the only place that can furnish the relief, and that by releasing that reservoir—I say let it be done. Let it go, Mr. President, to India, to China, or to Japan in order that the balance of trade against our allies with those countries may be met. They can not send the gold, for they have not got it; but if we do not furnish them the silver we shall have to lend

them the gold or we shall ourselves have to arrange as to how those balances shall be settled.

I thought the Senator from Oklahoma [Mr. OWEN] should have admitted immediately on the question that was asked by the Senator from Colorado [Mr. THOMAS] in relation to the retirement of these silver certificates, which are noninterest bearing, that they were to be replaced by Federal reserve notes, one being a noninterest bearing currency and the other being an interest-bearing currency.

Mr. OWEN. I stated that in the report, and it is perfectly obvious.

Mr. SMOOT. I may have misunderstood the Senator in his answer to the Senator from Colorado.

Mr. OWEN. I stated that fact, and, more than that, I agree with the Senator from Utah with regard to this being a patriotic contribution by the miners of the West. I do not regard these prices during the present exigency of the world as high prices or as adequate prices; but the American people have been making contributions, they have answered the charge that was leveled against them at one time, and have proven that they are not in this war for profit, but they are in this war for principle, and are willing to make sacrifices when they are met with the exigency.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. HOLLIS. I think it ought to be stated that when we sell the silver, which is now drawing no interest, we shall either get money which we can put out at interest or we shall get an interest-bearing obligation, so that the interest that is paid on what we get as the proceeds of the sale of the silver will probably at least counterbalance what we shall lose by the operation to which the Senator calls attention.

I think nearly all of us are for this measure, but I am afraid, if we get into a debate, we may have the "crime" of former years before us and not get the bill through; but I think it ought to be stated in justice that the Government will not lose anything by this operation.

Mr. OWEN. The Senator from New Hampshire is correct.

Mr. SMOOT. Mr. President, what the Senator from New Hampshire says is correct; but this is what the Senator from Colorado had in mind, I think, or at least it appears to me that that is what he had in mind, that to-day the silver is in the Treasury, and it is performing its function not by circulation but by a currency issue.

Mr. THOMAS. Absolutely; and partially by circulation.

Mr. SMOOT. Of course, partially by circulation; but that will not be interfered with by the passage of this bill. In other words, the subsidiary coin will not be touched nor will the silver dollars that are in circulation be touched. We reserve some $126,000,000 in silver dollars, which will still be in the Treasury.

Mr. THOMAS. That will go later.

Mr. SMOOT. That may be; but now that we are to withdraw the silver certificates, and that silver is to be sent out of the country in the shape of bullion and sold, we must have another issue of paper money to take its place; or, in other words, it will result in placing another class of obligation upon the American people; the American people will have to take that much more of the Government's obligations through this transaction. That is necessarily so, because when we take out of our financial system the amount of money proposed it is just the same as if we had loaned that money to our allies, so far as the investments of the American public are concerned, and that is the source from which the Government will receive its payments for Government bonds.

Mr. HOLLIS. On the contrary, if the Senator will permit me, we not only issue a part of the people's obligations, but we get an equal amount of obligations in return, which will bear a higher rate of interest.

Mr. SMOOT. I do not know, Mr. President, that there is any necessity for me to discuss the question further. I think the points to which I have called the attention of the Senate are the main ones involved in this proposed legislation.

So far as the people of the West are concerned, I know how loyal they have been to every call of our Government. There is not a State in the West that has not only subscribed all it was asked to subscribe to the Red Cross fund and purchased its share of every issue of liberty bonds, as it will of the present issue, but the States of the West have purchased bonds sometimes to the extent of 150 per cent more than their quota. When we take into consideration the fact that scarcely one dollar of the money collected by our Government is paid in the West to producers of munitions of war, steel of every kind, aeroplanes, and similar products that are necessary for the carrying on of the war, it will at once be seen how loyal they have been to our Government. In the purchase of bonds in the West it is almost like taking the money out of circulation at once, and it amounts to that in many cases.

I asked the Secretary of the Treasury to allow the payments upon liberty bonds to be withdrawn from the banks, say, at four different periods of a month apart, so as to allow business to go on in its regular ordinary way without taking the amount of the purchase immediately out of circulation.

Mr. OWEN. I should like to say to the Senator that I agree with him very cordially in that proposal.

Mr. SMOOT. But the Secretary told me a number of times that, unfortunately, it was impossible to do that. Why, Mr. President, over $16,000,000 were invested in second issue of liberty bonds by the people of Utah, and the banks were not given time to get exchange from New York or San Francisco by mail, but were asked to telegraph the money to San Francisco immediately upon payment. That is a burden that the Eastern States do not have to carry. The money paid for the bonds in the East immediately is paid to eastern manufacturers, and in the eastern section of the country it amounts virtually to a transfer of credits at the banks.

Mr. President, it seems to me that the American people ought to know these facts. Notwithstanding this condition, the people of the West are asked to produce silver for the Government at a dollar an ounce, and they are going to do it, no matter if they do not make one cent in so doing. Remember that whenever a ton of ore is taken out of a mine it is gone forever. It can not be replaced. A mine is not like a farm, which produces wheat year after year; it is not like a beet field, that produces beets 1 year, 2 years, 25 years, and the ground is as good as ever; but whenever you take a ton of ore out of the ground it is gone forever. Dividends paid by a mine are not paid in the way of an ordinary dividend; they are paid out of the capital of the concern. But, Mr. President, we are not only willing to give whatever profit there may be, but we are willing to give the capital of the mine to assist the Government of the United States and its allies in these trying times, when the cause of liberty and justice is at stake.

Mr. LODGE. Mr. President, I desire to say only a word, for I wish the bill to pass as soon as possible. I am very much opposed to price fixing if we ever can possibly avoid it. I think it was a great mistake to fix to our allies and to the domestic market the price of copper and lead, to which the Senator from Utah has referred; but silver stands, of course, upon a different ground, because it enters into the currency, not only our currency but the world's currency. The situation simply is that to prevent a financial convulsion in India silver must be supplied, and we are the only people who can supply it. I see no other way to supply it except that proposed by the committee in their bill, which I think they have guarded well.

I do not take quite such a dark view of the dollar-an-ounce proposal as does the Senator from Utah. I think the stabilization of the price, the certainty, will be worth what they might get on a sudden fluctuation in addition.

I have been examining the bill and listening to the debate, and I believe the bill is safe as framed. That the emergency must be met there can be no question, and I think the committee has met it very well. I shall be very glad to vote for the bill.

Mr. THOMAS. Mr. President, this bill, although proposed as an emergency measure, was not originally prepared as such. A copy almost in the present phraseology of the bill as reported was transmitted to me for examination some two or three months ago. I have had occasion, therefore, to examine it with some degree of care, and reach some definite conclusions about its contents when the emergency, now so palpably apparent, hastened the committee in its examination and report.

Primarily this bill had for its purpose the release of silver from the Treasury in order to meet some of our exchanges with silver-using countries, and also to stimulate the production of silver, and the fact of its pendency has made it comparatively easy for the committee to consider it speedily.

It is true that the United States possesses the sole remaining supply of silver in quantity, and that as a consequence our greatest ally may appeal to us for assistance at this time with an assurance that, if granted, our supply of the needed metal is ample for its purposes. I can not resist the temptation to refer for a brief moment to the opposition which the friends of silver encountered in an effort to secure its remonetization and, failing in that, to provide an adequate supply for the currency needs of the United States.

I know of no legislation in the history of the past 50 years that has been so derided and so rediculed as the Bland and Sherman silver bills, said to have been sops to the silver Cerberus, a violation of the natural laws of supply and demand, and

a lowering of the integrity of American coinage and currency. But a majority of the people, represented by a majority in Congress, persisted, and successfully persisted, in their efforts to secure the supply of a considerable quantity of silver in the Treasury through monthly and other purchases. That silver, Mr. President, has been doing duty as currency ever since its purchase by the Government, and every ounce of it has been in circulation at par, represented in my section of the country by silver dollars, and elsewhere by silver certificates based upon them.

The volume of silver, therefore, has played quite as important a part in supplying the people with their currency needs and in developing the industries and resources of the country as gold and greenbacks. Through a system of forced supply, as it were, denied the same right to entrance at the mints that gold has always enjoyed it has, nevertheless, in actual practice, refuted the reflections that have been cast upon it as a currency and as a monetary metal.

I could not help thinking, Mr. President, while this debate proceeded, what our condition and the condition of England would be to-day had this much-abused legislation been defeated or had the Government yielded to the many attempts which have been made to do away with the supply on hand at whatever cost.

Mr. President, I differ from the Senator from Utah [Mr. SMOOT] with regard to the general question of silver as money. A great many years ago I endeavored to make an impartial and dispassionate study of the entire question. I entered upon that investigation with a mind free, I trust, from either prejudice or preconceived views, and after a long period of anxious investigation and inquiry I came to the conclusion that the two metals were absolutely essential to the world's business, functioning as money of redemption, and that the discarding of either would mean ultimately the abandonment of any metallic basis for the currency of the Nation. I have never been so impressed with the soundness of that conclusion as I have been since this world's war was staged, every development of which has more and more demonstrated the danger, not only the danger, but the impossibility of pivoting the world's credits and money upon the world's supply of gold.

The Senator from Utah said that we could not afford to lose a dollar of our gold supply. So say England and France; so say Japan and Germany. In all times of stress, because the world's credits and the world's currency have unfortunately been based upon one metal, the apprehension consequent upon its loss in extraordinary periods of excitement or of war becomes a hysteria of international proportions.

Let me say to the Senator, though he is absent, that we may retain all the gold we possess, we may secure all the gold of all the other nations of the world, and yet the supply will be woefully unequal to the burden of money and of credit now based upon it. Our system may be likened to an inverted pyramid, as may that of all the other countries, in that they have selected a restricted base, because insufficient in quantity, for the structure of money and of credits; and no matter how this war may end, the edifice will topple to the ground and lie prostrate sooner or later. Hence, Mr. President, the silver which we are now using as money, and with which we propose to aid the great monometallic nation of the world; the silver which it first demonetized and reduced to a condition of monetary vassalage—that metal, Mr. President, comes to the rescue of that great nation in her extremity, and which will tide her over any crisis, however great it may be, with which she may now or hereafter be confronted.

Mr. President, there are some considerations attendant upon this measure, and which may flow from it, which I think we should consider very carefully before we finally determine to part with the metal absolutely, physically.

I assume that the great bulk of it will go to India. Now, if it does go to India, it will never appear in any form outside of that country hereafter. It will be, as I have said, as completely withdrawn from active circulation or from metallic use as though it were reburied in the ground from whence it was dug. From the earliest periods of human history, all silver reaching India has disappeared. Since about 1902, practically all gold reaching India has likewise disappeared. Great Britain, in her unsuccessful attempt to establish the gold standard there, was compelled, until the menace to her own reserves made it impossible to continue the policy, to supply India with millions upon millions of pounds sterling in gold; and, having educated the East Indian to the idea of the gold standard, his habit attached to that as it had previously attached to the white metal.

Therefore, Mr. President, we are faced with this condition: Can we afford, if it is possible to use the representative of silver in the shape of silver certificates, if you please, to part with the metal, when parting with it means its virtual destruction? Of course its physical destruction is impossible; we all know that; but if it becomes inert, if it seeks hiding places, if it is no longer found in the highways and byways of industry and commerce, it is as much dead to the world as though it had been destroyed by fire. I wonder whether this thought has occurred to the members of the committee in their preparation of this bill—whether the notes which we use as the representative of this silver can not be made equally serviceable to the British Government at this time? If it can be done, then it should be done. If it can not be done, then, whatever the result may be, let us act as the emergency requires, leaving the consequences to the future.

But, Mr. President, I can not accept the suggestion that the production of silver will be stimulated by this bill by stabilizing the price at $1 an ounce. The production of silver at present is enormously expensive, not only because of the reasons assigned by the Senator from Utah [Mr. SMOOT], but because the old bonanza silver mines no longer exist. They have been worked out. They are practically exhausted. Silver now is largely a by-product. It is always found in conjunction with gold, very frequently with lead and with gold, in the West with copper as well, and with iron.

Since the demonetization of silver by the repeal of the Sherman law, and since the establishment of the gold standard by the act of 1900, silver has necessarily become a by-product, except in rare instances. It is produced through processes which separate it from other metals which are commercially more valuable and more desirable. In addition to that, Mr. President, improved economic processes for the separation of silver from refractory ores in small quantities have proceeded apace, and during the period between 1896 and the present time millions of tons of ore not before then commercially valuable for their silver contents have been made so through these improved processes.

Now, it may be that the world still contains hidden within its bosom vast deposits of silver ore. If so, the miners have not yet been able to discover it. The last important discovery was at Cobalt, in the Dominion of Canada, to the north of us. That was a number of years ago. By this time it must be well toward the process of ultimate exhaustion. In Mexico mining is practically impossible, owing to the disturbed conditions of the country, and in South America the product is scarcely more than necessary for the financial uses of that continent.

So I do not perceive, Mr. President, the possibility of depending upon our mines and miners for any greatly enhanced amount of silver, whether this bill becomes a law or whether it does not. Since the adoption of our forest-reservation policy, since conservation has gone so far as to produce stagnation in mining circles everywhere, there has been no great inducement to the prospector to attempt to further prospect and discover ores. Nowadays the moment a man opens a new body of ore or discovers a well upon the public domain official and public opinion in the East brands him as a thief and a scoundrel, and, instead of being rewarded, that which he has is taken away from him by departmental action. This bill will not change that situation, however much we give the miner for his silver. The only way to stimulate the production of that or any other metal on the public domain is to go back to the good old way of dealing with the prospector—to encourage him by rewarding him with what he finds by way of discovery. Then he will again endure the heats of the desert and face every danger confronting his pathway in the search for these valuable necessities of trade and commerce. Until he is stimulated by such hope of reward the mining industry of the West will lag, if, indeed, it does not disappear. The way, therefore, to stimulate him is to let him alone, let the laws of the country operate without interference, and give him the rewards to which he is entitled by virtue of his hazards, his expense, and his discoveries.

Mr. President, I do not believe that there is any immediate prospect of such a stimulation. It may come at some time—some time after the war—a long time after I, perhaps, shall have been laid away; but it must come if there is to be a real stimulation to the production of silver in the West.

If, however, the bill is to carry out its professed purpose, I am unable to perceive why the price of silver should be rigidly limited to $1. I propose to offer an amendment making that the minimum price. I do not believe that silver can be produced, except in conjunction with other metals, to-day at a profit if a dollar an ounce is to be the limit of the miner's compensation.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. THOMAS. I yield.

Mr. PITTMAN. I have no idea as to the form of the amendment which the Senator will draw, but, as far as the Government is concerned, the Government does not attempt in this bill to go further than to state that the Director of the Mint shall purchase silver at a fixed price of $1 an ounce.

Mr. THOMAS. Yes; I know; but the Government will need every dollar of silver that can be mined, in my judgment, and need it as fast as it is mined; and it is very easy to construe this proviso so as to enable the Government to take that silver and pay a dollar an ounce and no more, however great the need of outsiders may be for the metal, and however great the tendency, therefore, for the price to rise.

Let us not deceive the miner by telling him we are going to stimulate his prices when we are doing no such thing. Provision is made by a very proper Senate amendment to this bill on page 2, line 1, by which the sales of bullion to be realized from the melting of our silver dollars "shall be made at such prices, not less than $1 per ounce of silver 1,000 fine," as shall be established by the Secretary of the Treasury. That is proper; but when we come to the price to be paid for silver hereafter, the bill provides that the purchases shall be made in accordance with existing regulations at the fixed price of $1. Now, that should be "at not less than $1," so that the play of the same forces which enable the Government to get the prevailing price for its silver and which are recognized by the committee may be so extended as to apply to the miner.

Mr. OVERMAN. Is it limited to the war?

Mr. THOMAS. Why, I suppose the bill is limited to the war. Personally, I should prefer to see the provision fixing the price eliminated from the bill and let the law of supply and demand take its course; but if we are to fix it, let us fix it so that the miner will be satisfied and stimulated to some degree. I shall offer an amendment, Mr. President, to that effect.

I think, too, Mr. President, that this bill should require not only the recoinage of all the dollars melted, but the issuance of silver certificates as well for each dollar that is coined.

The PRESIDING OFFICER. Will the Senator please suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OWEN. I should like to ask the Senator in charge of the bill if he will not agree to temporarily lay it aside until we conclude this measure?

Mr. OVERMAN. On yesterday I stated that I would not agree to lay it aside for any other measure. However, the argument has proceeded upon the bill which has been before the Senate for an hour or two, and I should like to ask the Senator from Oklahoma how long he thinks it would take to dispose of the bill he has in charge?

Mr. OWEN. As far as the chairman of the committee is concerned it will take very little time. I do not think that any other Senators perhaps are going to discuss it further than the amendment now proposed by the Senator from Colorado. I think the Senator from Colorado can indicate the time better than I.

Mr. THOMAS. I shall occupy but a comparatively short time of the Senate beyond this point. I wish to say in this connection, however, that I do not feel like permitting this bill to go to a vote until the return of my colleague [Mr. SHAFROTH], who I know is greatly interested in the general proposition and who has given considerable study to the measure. He is absent attending the funeral of the late Senator from Louisiana, Mr. BROUSSARD, and I presume will be back to-day or to-morrow.

Mr. OVERMAN. The Senator from Oklahoma can see the situation. The Senator from Colorado will object to the disposition of the bill at this time.

Mr. THOMAS. I did not mean to make a statement so arbitrary as that. I will put it in the shape of a request.

Mr. OWEN. I will ask the Senator from North Carolina if he will not permit the measure to be proceeded with for three-quarters of an hour?

Mr. OVERMAN. I should like to know whether I could not get a unanimous-consent agreement not to take a vote on the unfinished business, but unanimous consent that the debate at not later than 3 o'clock on Thursday next shall be limited on the bill to 30 minutes and on all amendments to 20 minutes and that after that time no Senator to speak more than once on the bill or an amendment.

Mr. THOMAS. That will require the presence of a quorum, I presume.

Mr. OVERMAN. It would not.

Mr. THOMAS. It may result in debate in either event.

Mr. OVERMAN. If there is going to be any objection, that is the end of it. I will keep the bill before the Senate all the time, we will have no morning business, and it will give us to-morrow, Saturday, Monday, Tuesday, and Wednesday for long speeches, and then after Thursday at 3 o'clock Senators can debate the bill, but their speeches are to be limited.

Mr. SWANSON. I could not consent to that unless we have a morning hour so as to dispose of the housing bill. It is a very urgent measure, and I ask the Senator not to eliminate the morning hour from his proposed agreement. However, I shall not interpose any objection.

Mr. OVERMAN. We will have Friday, Saturday, Monday, Tuesday, Wednesday, and Thursday until 3 o'clock when Senators may speak as long as they desire, but after that time their speeches will be limited to 30 minutes on the bill and 20 minutes on amendments to the bill, and no Senator can speak more than once on an amendment or on the bill.

Mr. THOMAS. I am satisfied if that is insisted upon at the present time the absence of a quorum will be suggested, and I do not want to yield the floor for that purpose, because I will get through very soon.

Mr. OVERMAN. The Senator has a right to continue his speech. He has the floor.

Mr. SWANSON. Having the bill known as the housing bill in charge, I agreed to give way this morning in the morning hour to the Senator from Oklahoma on account of the vast importance of the measure he has in charge. The housing bill is very urgent, and I should like to know from the Senator from North Carolina whether, in case the silver bill is disposed of or laid aside, if he will yield to dispose of the housing bill to-day.

Mr. OVERMAN. I can not agree to that.

Mr. SWANSON. The reason why I make the request is because I have an engagement to attend a patriotic liberty loan meeting on Saturday, and unless I have an opportunity to take up the housing bill for consideration this afternoon it will be impossible to call it up again before Monday.

Mr. OVERMAN. I will say to the Senator from Virginia that instead of taking a recess we can adjourn on Saturday until 12 o'clock on Monday and have a morning hour on Monday.

Mr. SWANSON. Then I understand there will be no opportunity to consider the housing bill until Monday in the morning hour. The Senator would not consent to displace the unfinished business to take up the housing bill?

Mr. OVERMAN. I could not, after what I said yesterday. That is as far as I can go. I think I will ask the Senate to adjourn Saturday afternoon, and not take a recess.

Mr. SWANSON. So as to give the housing bill the morning hour on Monday?

Mr. OVERMAN. Yes. The Senator will be here then.

Mr. SWANSON. I do not think there is any measure pending before Congress, except possibly the silver bill, that is more important than the housing bill. There is a delay in producing munitions needed in France now. Nothing has been urged of more importance than that measure. It will increase the facilities from 25 to 50 per cent when it becomes operative. I wish the Senator from North Carolina would relent and permit the housing bill to be considered this afternoon.

Mr. OVERMAN. No, Mr. President; they have $50,000,000 now with which they can build houses, I think I heard it stated on the floor.

Mr. SWANSON. That applies simply to ships. It does not apply to arsenals, it does not apply to powder, it does not apply to guns, it does not apply to destroyers. If the Senator would read the reports and surveys that have been before the committee, and which have been given to the Senate confidentially, I am satisfied that he would realize the urgent necessity of the early passage of the housing bill.

Mr. OVERMAN. I heard the Senator's able argument and the information he gave, but I can not agree with him that it is such an important bill as to displace other bills. I think if we get through with that bill on Monday morning it will be soon enough. The Senator could bring it up Saturday morning, but I understand he is going away. I promise that I shall ask the Senate to adjourn, so as to give him Monday morning.

Mr. SWANSON. I wish to give notice that on Monday morning, as soon as the routine morning business is concluded, I shall move that the Senate proceed to the consideration of what is commonly known as the housing bill. I am sorry the Senator from North Carolina can not yield so that we may dispose of it this afternoon.

Mr. OVERMAN. Mr. President, if there is the least objection to the consent I ask, of course I can not insist on it, but I should like to have some fixed idea so that Senators may know. I do not want to take advantage of anybody. I never have done so.

Senators will bear me out in the statement that I never have taken any advantage of anybody in any parliamentary situation. I do not want to do that, and I shall not, but if we are all agreed I should like to fix a time when the debate shall be limited That is all. I do not ask for a vote.

Mr. McCUMBER. How long has the bill been before the Senate now?

Mr. OVERMAN. About a week or 10 days.

Mr. McCUMBER. What is the necessity of taking another full week before we begin to even debate under the 30-minute rule?

Mr. OVERMAN. I do not mean that we should necessarily take a week. I say not later than Thursday, because I do not want to take any advantage of Senators who may want to speak on the bill. I understand that a great many want to speak and we may reach a vote before that time. The Senator will remember how it was with the espionage bill. The consent was given there to limit debate, and the bill passed some hours, probably a day, before the time fixed.

Mr. McCUMBER. Does not the Senator really think we could get a vote more quickly if we just go right along with the bill?

Mr. OVERMAN. I am going along with it, and I am going to get it as soon as I can.

Mr. McCUMBER. I think a unanimous-consent agreement would delay rather than facilitate the progress of the bill.

Mr. OVERMAN. That has not been my experience.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I will yield to the Senator from Washington.

Mr. POINDEXTER. That reminds me that it is unnecessary really to ask the question I rose to put. I was going to ask the Senator from North Carolina why he did not submit the so-called Overman bill to a vote right now. But the Senator from Colorado has the floor.

Mr. OVERMAN. That is what I am going to do when we take it up. I can not take a Senator off the floor. The Senator from Oklahoma asked me if I would not yield. Of course, the Senator from Colorado has the floor, but I was trying to see if we could not get a unanimous-consent agreement to limit debate. I am going to press the bill to a vote next week. I should like to ask the Senator from Oklahoma if he thinks this is really an emergency measure that he has in charge?

Mr. OWEN. It is a matter of war emergency of the first magnitude.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be temporarily laid aside until 3 o'clock p. m. for the consideration of Senate bill 4292, known as the silver bill.

The PRESIDING OFFICER. The Senator from North Caroline asks unanimous consent to temporarily lay aside the unfinished business, S. 3771, until 3 o'clock. Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, I do not wish to even seem to be using valuable time at present which might be much better employed by the passage of what are said to be measures of great emergency. From what has been said it might well appear that I am occupying the attitude of an obstructionist, which is not the case. I feel so deeply the importance of these measures that I shall abbreviate what I intended to say by omitting a number of considerations which seem to me to be of importance regarding this bill and confine myself to the proposed amendment, together with one other consideration as to the possible effect of the bill, unless some provision is made to guard against it.

I understand that silver at present in South America is very much less than a dollar an ounce, and if that be so there is an opportunity for speculation at the expense of the Government by the exportation to us of large quantities of silver purchased at a comparatively small price in adjoining countries. Certainly we do not or should not intentionally so legislate as to produce such consequences. There is a query in my mind, therefore, whether or not the purchase of silver at a dollar an ounce should not be limited to the United States, and possibly to Canada, for the present. I make that suggestion to the Senator having in charge the bill for his consideration.

Now, Mr. President, coming to the amendments which I have proposed, the first will occur on page 2, at lines 14 and 15, to strike out the word "fixed," on line 14, and between the word "of" and the dollar mark, on line 15, insert "not less than," so that the sentence will read:

Such purchases shall be made in accordance with the then existing regulations of the mint and at the price of not less than $1 per ounce of silver 1,000 fine.

The other amendment has reference to the issuance of silver certificates in place of those to be retired when this bill goes into effect. As I read the bill, there is no such requirement at present. The Government may buy silver and coin it or it may not. If it does coin it, it is not required under the provisions of the bill to reissue the silver certificates. I think a first-class currency which costs the people nothing is a great deal more valuable to them than a first-class currency which costs the people something. These silver certificates bear no interest and they circulate as money. The Federal reserve notes which are to be issued are based upon other securities that do pay interest, and there is no answer to that except to say that the Government does not pay it.

Mr. OWEN. If the Senator will allow me, there is an answer and an adequate answer.

Mr. THOMAS. There may be. I should like to hear it.

Mr. OWEN. If the Senator will permit me——

Mr. THOMAS. Certainly.

Mr. OWEN. You take $100,000,000 of these silver certificates and retire them, and then you issue $100,000,000 of gold one-year Treasury gold notes. That is the basis of the new Federal reserve bank notes, and those new gold notes of the Treasury will bear interest at 3 or 4 per cent, as the case may be. So, in lieu of the silver certificates that are retired, you have issued a Treasury note bearing a high rate of interest which is used as a basis of Federal reserve bank notes that themselves would not bear interest, but——

Mr. THOMAS. If I construe the Senator's answer properly, it is an admission instead of an explanation, and bears out entirely what I am insisting upon.

Mr. OWEN. The Senator could not possibly have understood what I said.

Mr. THOMAS. Possibly not.

Mr. OWEN. What I said was, that in order to retire these silver certificates we have to replace them.

Mr. THOMAS. Certainly.

Mr. OWEN. When we turn over the silver we get the interest-bearing securities of Great Britain, for example, if we let Great Britain have a part of them. So the silver certificates which now bear no interest will be substituted for a security which will bear interest.

Mr. THOMAS. That security costs somebody something. The fact that the Government of the United States does not pay it does not detract from my assertion.

Mr. OWEN. The United States receives it.

Mr. THOMAS. The United States receives it, but I deny that the Government should go into the business of issuing money upon an interest-bearing plan for the purpose of profiting by a circulation needed by the people.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I yield.

Mr. KELLOGG. Will the Senator allow me to ask a question of the chairman of the Committee on Banking and Currency?

Mr. THOMAS. Certainly.

Mr. KELLOGG. The Federal reserve notes which are to be issued to take the place of the silver certificates of course will not be issued without the legal gold reserve?

Mr. OWEN. They will have the reserve behind them.

Mr. KELLOGG. The only difference then practically would be that the silver certificates have the full amount of silver behind them and the others would have the gold reserve?

Mr. OWEN. They have 80 cents of market silver behind them now.

Mr. THOMAS. The immediate basis of the money that is to be substituted for the silver certificates is securities bearing interest. The basis of those securities is gold, as I understand it.

Mr. President, there is more money in circulation in this country now than we would have the gold to redeem if we were obliged to do so. We are increasing the burden of an already overburdened metal by retiring these certificates without making adequate security for their replacement. My only proposition is that they shall be replaced by currency of a similar kind just as rapidly as we secure the silver for it. I do not think that is an unreasonable demand.

I want the bill, in other words, to provide in terms that when we get more silver to make more dollars we shall have more certificates, and of course any substituted money doing duty in the interval will be retired. Hence my suggestion of the second amendment, occurring after the word "coinage," in line 23, page 2, so as to read "shall be coined into standard silver dollars or

held for the purpose of such coinage, and silver certificates shall be issued to the amount of such coinage." I think that is a perfectly fair proposition.

Mr. OWEN. As far as the issue of new silver certificates against the silver going back into the Treasury, I assume that would occur under the law governing the issue of silver certificates.

Mr. THOMAS. Let us say so here.

Mr. OWEN. I am perfectly willing to say so, because that is the intent.

Mr. THOMAS. Very good; that is perfectly satisfactory to me. I am not disposed to take any chances on it. I know that in a good part of the country with a majority of the people now there is a prejudice against silver money and against silver certificates, and we have never made any concession in all the silver legislation that has occurred since the Civil War, but what through construction, and, I think, in some cases misconstruction, the people of the West have been euchred out of the conclusions and purposes which they sought to effect by such legislation. So I do not want to take any chances. If the amendment is accepted by the chairman of course that ends the controversy so far as I am concerned.

Mr. OWEN. I would be glad to have the Senator state precisely the terms of his amendment.

Mr. THOMAS. After the word "coinage," add "and silver certificates shall be issued to the amount of such coinage."

The PRESIDING OFFICER. The Chair will state that there is already one amendment pending. The Secretary will state the pending amendment.

Mr. OWEN. I ask the Secretary to state the second proposed amendment. Of course it is not in parliamentary order, but I want to know what it is.

The PRESIDING OFFICER. First, the Secretary will state the pending amendment.

The SECRETARY. On page 2, lines 14 and 15, strike out "fixed," and after the words "price of," insert "not less than," so as to read:

At the price of not less than $1 per ounce of silver, 1,000 fine.

Mr. THOMAS. I withdraw that amendment temporarily.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. THOMAS. I withdraw it in order that we can dispose of the other amendment.

The PRESIDING OFFICER. Will the Senator from Colorado please state the other amendment he proposes?

Mr. THOMAS. After the word "coinage," on page 2, line 23, strike out the period and insert "and silver certificates shall be issued to the amount of such coinage."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. Now, I renew the original amendment on line 14 to strike out the word "fixed," and between the word "of" and the dollar mark to insert "not less than."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 14, strike out the word "fixed," and, in line 15, after the words "price of," insert "not less than."

Mr. OWEN. I do not think that representing the committee I can agree to that amendment, for it would mean that the United States would sell its silver in the Treasury at a dollar an ounce and be perhaps confronted with having to buy it at a larger price. I do not think that would be fair to the Treasury of the United States.

Mr. THOMAS. Mr. President, I think there are two answers. In the first place, the Government purchases the silver for very much less than $1 an ounce. We have painful reason to recollect the fact. I think I am entirely within bounds when I say that the average cost to the Government of this silver was less than 75 cents an ounce.

The other answer is that the Senator, by an amendment of his own committee, has expressly provided that the sale of this bullion shall be made at not less than $1 an ounce of silver 1,000 fine, and it is the duty of the Government, I take it, to sell it for what it is worth, as it is equally the duty of the Government to buy it from its own citizens at what it is worth. The law of supply and demand would determine it. I would rather see, as I said a few moments ago, the provision eliminated and have nothing said about $1 an ounce at all as the price of silver. It would be far better.

Mr. OWEN. That is the effect, of course, of the Senator's amendment.

Mr. THOMAS. No.

Mr. OWEN. The Senator would compel the Government to buy and sell on the market. The policy of the bill is to fix a market at a dollar an ounce, both for buying and selling, until the Government gets back the silver which is now temporarily used in the war emergency.

Mr. THOMAS. Certainly.

Mr. OWEN. So the Senator is opposed to the policy of the bill, and it is expressed in his amendment accordingly.

Mr. THOMAS. The Government coins the silver on the basis of a dollar to 129 ounces of silver. I do not think silver will go beyond that. I am very sure that if it is given an opportunity it will go to that. If the Government is going to fix the price lower than that, it will be in a position to enforce that price as against all the silver the miners of the West produce. It is not fair. These men want to do all they can, they have done all they can, and they will continue to do all they can, even if you force them to deliver their silver without any pay at all. They should have the same opportunity for a free market for their product—that is necessarily limited; there is not much of it in the world—that is given to the man who mines gold and other metals. So I want to insist on that amendment.

Mr. PITTMAN. Mr. President, I am in sympathy, naturally, with the desires which are indicated by the Senator from Colorado regarding the pending bill, and also with the sentiments expressed by the Senator from Utah [Mr. SMOOT], but this is not the original discussion of this matter by any means. This matter has been under discussion for three months, and this is a compromise bill as the result of those discussions.

Mr. THOMAS. May I ask the Senator who has discussed it? It has not been discussed on the floor of the Senate.

Mr. PITTMAN. No; I intended to explain that without being asked to do so. The silver producers of this country, whom the Senator from Colorado in part represents, do not want the fixed price left out of this bill.

The men who make their living by working in silver mines and who depend upon the production of silver for a livelihood do not want to take the theoretical chances that the Senator from Colorado is willing to take upon what the price of silver will be. If the 350,000,000 ounces are dumped on the market it would be foolish to do so. Dump 350,000,000 ounces, or rather dollars, of silver on the market and the market would be satisfied for a long time to come.

Mr. THOMAS. I do not want to interrupt the Senator in the course of his argument, but does the Senator suppose for a moment that a dollar of this money is going to be dumped on the market? In this emergency it is going to India, every dollar of it, and the world will never see it again. If that is not so, then we ought not to pass the bill.

Mr. PITTMAN. Mr. President, the Senator's constituents would not be as careless as the Senator is in regard to their livelihood. It is very easy for a person who does not depend upon a certain occupation to be very careless with regard to the future of such occupation. You can be as theoretical as you please in regard to it. In fact, you can be as independent as you please in regard to it. A man who does not have to have water can refuse to accept water under certain conditions. A man starving to death accepts food and he accepts it on those conditions under which he can obtain it. Everyone knows that.

I know that silver has been discriminated against. There is not any question about that. That was known to the mining congress that met in Denver in December, which indorsed this bill; that was known to the committees that represented the various western producers who met in this city and discussed this matter. It is nothing new; it has not suddenly come before the Senate here that there is a discrimination against silver. For years it has been general knowledge.

Why, as matter of fact, Mr. President, the demand for silver for 16 years has been every year, every month, every day twice the production. We all know that. Then, we are asked, if that is the case, if the demand is and has been twice the production, why did not the price of silver go above a dollar? It is because there are artificial barriers against the law of supply and demand in the case of silver with which we are all familiar. We understand that. We know that Great Britain constituted itself the sole buyer and distributor of silver for practically the whole world, and we know, on the other hand, that it is against the law of this country for the silver producers to form a combination so that they can sell as one seller to one buyer.

The result was that a thousand sellers were consuming each other in competition to sell to one buyer. Those things were known. There is not anything new in the situation. We know that we can not remedy that condition now; we know we shall never remedy that condition until after this war is over; and we know it will be after years of fighting in Congress. Of course, the Senator from Colorado is going to fight to remedy the wrong, and the Senator from Nevada will join him in that fight; but that fight can not be won now. We are meeting a condition now. We are not discussing the free-silver issues of

1896, nor are we discussing the silver issues that will arise after this war is over. We are discussing a condition that exists now, and that is as well known to the silver producers of this country as it is to any Senator on this floor, including the distinguished Senator from Colorado.

Silver in September went up to $1.15 an ounce, and in one week after that it went down to 85 cents an ounce. Why? By reason of the action of Great Britain, because of the policy of Great Britain; but what control over such actions have you and I? What control have the silver producers of the country over the condition that has brought about that tremendous fluctuation? None on earth; and there is no legislation that we may enact, during this war at least, that will remedy that condition. That is a condition that faces us now, which has faced us for years, and which will face us during this entire crisis.

Mr. THOMAS. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I will put the Senator's question down and answer it later. I yield.

Mr. THOMAS. I will not interrupt the Senator.

Mr. PITTMAN. I merely want to go on with this thought; but I prefer to have the Senator from Colorado ask the question now.

Mr. THOMAS. I was simply going to ask the Senator if his last statement was correct, that we could not do anything, why does he try to do something by putting into this bill an arbitrary price for silver?

Mr. PITTMAN. Mr. President, I think it is apparent that we can not control the violent fluctuations that I have just mentioned, because we can not by reprisal control our allies during this war; we will not do it; and that is all.

I want to say to you now frankly, however, as knowing the silver situation, knowing the views of the representatives of the silver producers of this country, knowing the sentiment of the West, that I would rather have the fixed price of $1 an ounce for silver than to have the price $1.15 one week and 85 cents the next week. That is exactly the condition that we are now under, and we shall continue under that condition unless this Government stabilizes the price of its own product. That is the situation.

This Government could not utilize the silver in the Treasury of the United States unless it was fair to the silver producers of this country. The Treasury Department knew that. Its representatives knew they could not arbitrarily do an injustice by legislation in this Congress; and I want to say in justice to them they have never attempted it. They met here in November with the representatives of every western silver-producing State. The distinguished Senator from Colorado [Mr. THOMAS] being sick at the time, but his colleague [Mr. SHAFROTH] attended several of those meetings, the Senator from Utah [Mr. SMOOT] attended many of those meetings, former Senator Newlands, of Nevada, attended; in fact, nearly every western Senator who was here at that time and was interested in a State where silver is produced was there. The questions that are now being discussed by the Senator were discussed for days. The very question came up as to whether or not they would leave the price to chance; and those representatives were overwhelmingly of the opinion that they did not dare permit millions of ounces of silver to exhaust the demand of the market, and then trust to a future market, under the artificial conditions that surround the silver market, to which I have already referred. Those representatives insisted that the word "fixed" should be in the bill. They said they would never stand for any bill that did not give them some definite idea as to how they were going to be treated in the future. This was a mutual condition of the agreement.

There was a meeting of the mining congress, which consists of representatives of miners from all over the country, which was held in the Senator's own city of Denver in December. By the invitation of that body I appeared before them and discussed this very measure together with others. It was discussed fully before that meeting. The bill then was in exactly the same form it now is with regard to the fixed price of silver; just the same with regard to a dollar an ounce as it now is. The only difference between the bill then and now is that they have increased the amount of silver to be taken from the Treasury. They knew that the price was to be a dollar an ounce, and knew it was to be no more and no less than a dollar an ounce. The mine producers of this country demanded that it should be a dollar, and the representatives of the Government demanded that it should be no more than a dollar.

Do you not know that the representatives of the producers of the Western States, do you not know that some of the western governors who were present, and that the western Senators urged that there should be the same provision in the bill that you now offer? It was the first provision urged, and the demand was met with an absolute positive objection—a final objection, a conclusive refusal. It was declared that the Government of the United States was not going to be deprived of buying silver possibly at 85 cents an ounce when it was down, and then have to buy it at $1.15 an ounce when it was up. They had an argument that was even better than that. They said the object of this whole transaction was simply to anticipate the production of silver; that they did not want to change any conditions whatever, but desired to take the silver out with one hand and use it and reach into the market with the other hand and replace it in the same condition. Their idea was to sell it at the same price at which they bought it, place it back in the Treasury in the same coined condition in which they took it out. It was one transaction. When that transaction was completed, the law ceased to exist. After the transaction is consummated silver takes its course, following the law of supply and demand as well as artificial barriers will permit. But I will say frankly that I agree with the Senator that the laws of supply and demand have nothing to do with the price of silver and have not had for many years and never will have until the Government of the United States sees fit to protect this product just as it protects wheat or cotton or anything else against unjust discrimination in the markets of the world. It does not protect silver, and we can not change that policy, and we are not going to change it during this war. If we do not get this help that the Government holds out to us now, they will not only crush the price of silver down to 85 cents an ounce, but they will crush it as low as they wish to crush it.

If the law of supply and demand had anything to do with silver, the price would have been $1.29 all the time, because the demand has been twice the supply for 16 years, to my knowledge. There were only 156,000,000 ounces of silver produced in 1916 in all the world, and the United States produced 75,000,000 of that; yet during that time the price of silver in 1916 never went to 75 cents an ounce. Why? Because the law of supply and demand had nothing to do with it. You had a monopoly among the buyers but a monopoly among the sellers was prohibited. You had a thousand poor little men who had to live from hand to mouth on the silver they produced, all trying to sell to one person. Of course, Great Britain is partially responsible for the condition in India by trying to bear the silver market; but no matter what the result has been in Great Britain, the result to us was such as I have described, and there is not a prominent mining man to-day in the United States who does not know it.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. PITTMAN. Yes, sir.

Mr. KELLOGG. Do I understand the Senator to say that this is a bill for the relief of the silver producers?

Mr. PITTMAN. I do not know how the Senator could have heard that; it was never said.

Mr. KELLOGG. That was the substance of what I understood the Senator to say.

Mr. PITTMAN. Does the Senator mean that he is inferring that the Senator from Nevada is arguing that it is for their benefit?

Mr. KELLOGG. I received that impression from the statement that they demanded this relief from the Government.

Mr. PITTMAN. They demanded this relief from the Government in consideration, mark you, of having their market destroyed by the utilization of silver that has already once been used and has served its purpose; that is all. The silver miners never asked for this legislation; the silver miners knew nothing about this legislation at the start. I agree with the Senator from Colorado that this is not the kind of legislation they want.

Mr. KELLOGG. What is the price of silver to-day? I do not happen to know.

Mr. PITTMAN. The price of silver yesterday—I do not know what it is to-day—was 104, which means a dollar and four cents an ounce. But that does not amount to one thing or another; it might be 85 cents to-morrow or it might be $1.15; in other words, the law of supply and demand has nothing to do with it.

So far as the price of $1 an ounce is concerned, I wish to say that that matter was canvassed by every committee from the West, by representatives of all the silver producers, and by the Representatives from those States, with the experts of the

Treasury Department. I agree that at a dollar an ounce the producers of silver are not going to make any more than they made at 60 cents an ounce before the war. That is absolutely true. I will go further than that and say that the price of 60 cents an ounce for silver, the average price before the war, was a subnormal price. Of course it was subnormal; if it had not been for the artificial barriers put on silver at that time it would have been a dollar an ounce in 1916; but it was not. The silver men simply say this, "You have got to use this silver as a war measure; you have got to have this silver to conserve the gold supply of this country; you have got to have this silver to buy jute bagging in India." Right here I will say to the Senator from Colorado that, according to the report of the comptroller of India, the producers of jute bagging will not accept gold or silver notes or anything except silver metal. That is the position that the Treasury of the United States was in; that is the position that the business men of this country were in. They had to have silver, and you might know there would be no surplus in the world when the demand has been twice the supply for 16 years.

You would know there would be no supply of silver in the world when in 1916 the demand was for 270,000,000 ounces and the supply of the world was 156,000,000 ounces; so that there was only one place to get it, and that was the silver supply in the Treasury of the United States. They had to have it. It was then an American emergency. To-day it is not only an American emergency but it is a British emergency, and I want to say that that British emergency is an American emergency as long as this war lasts. It is just as much our duty to support the credit and the power of production of Great Britain and its territories in this war as it is to support ourselves, so far as war products are concerned.

Mr. THOMAS. Mr. President, will the Senator permit me to say that I fully concur with him in that, and I hope I have not said anything that indicates any contrary view.

Mr. PITTMAN. I did gain that impression from the Senator, and I am very glad to hear him make that statement. I got a different iden about his position.

That was the situation before this last emergency arose, and it was that situation which appealed to the patriotism of the western men. While they were not satisfied with $1 an ounce, because $1 an ounce now affords less profit than 60 cents an ounce before the war, it was a matter of negotiation between the experts of the Treasury Department on the one hand and the producers on the other hand, and they came to the definite understanding that in the emergency $1 per ounce would be a fair and reasonable price to charge the Government.

I desire to say that the Treasury Department and the Federal Reserve Board have bound themselves to stand behind that as a fair price and I understand that the mine producers of the West have bound themselves to stand by this bill with that fixed price in it. I know that if it were left to a vote of the West they would say, "We will stand by this agreement; we are going to insist also that the other beneficiaries of this bill throughout this country shall stand by every word of the agreement." I feel bound to support this bill by reason of the negotiations that have taken place and by reason of the mutual pledges that have moved on both sides. It would only be in case there was an attempted violation on the other side of this agreement that I would feel released, and if that ever took place I would feel at liberty to offer any amendment that I saw fit.

I agree with the Senator from Colorado that the price of silver at $1 an ounce is a less increase than in almost any other metal we produce. At a dollar an ounce the increase in the price of silver since the war will be 44 per cent; whereas the increase in the price of steel has been 137 per cent; in copper, 65 per cent; in wheat, 124 per cent; in lead, 58 per cent; in cotton, 122 per cent; in zinc, 50 per cent; in mercury, 188 per cent. So, at the price of $1 an ounce, silver will have increased less in price than any of the other great mining products. Yet the cost of the production of silver is just as great as the cost of production of the others.

The producers of silver knew these things; the committees knew these things; the western governors knew these things; and the Senators from the Western States who were present at those conferences knew these things, and yet I state to you that all of them for the sake of patriotism have agreed to the compromise of a fixed price of $1 an ounce until every dollar of the silver is returned to the Treasury of the United States. I have got to stand by that agreement.

Mr. THOMAS. Mr. President, I dislike to delay the Senate a moment longer upon this bill, but in view of some of the assertions of the Senator from Nevada [Mr. PITTMAN] I must say a word or two additional to what I have already submitted with regard to the amendment now pending.

I was aware, Mr. President, of the meeting to which the Senator refers, attended by representatives of the silver-mining interests of the West; I was in correspondence with many of those interested in them and in the purpose of the meetings at the time. In that correspondence I took at that time the same position which I take now, and advised as earnestly as I could advise against any arrangement whereby a definite price should be fixed upon the metal, my conviction being—and I think I have some right, without being unduly conceited, to advise—that legislation fixing the price of silver, which in the past had failed of successful results, would be equally disappointing, should act as warnings and that we should again imitate them now.

I believe I know more about this question, its history, and the effect of legislation upon the metal than the average man knows; and I say that with all becoming humility, merely because I have made a very careful and earnest study of it for many years. It was my fortune, good or bad, to oppose the late Sherman law, which every silver miner in the West was clamoring for, because he thought he knew that it would not only stabilize the price but ultimately give him $1.29 an ounce for his product. He lived to learn the bitter lesson of disappointment and discouragement.

Let me say, Mr. President, also that the condition which confronted the silver industry last summer is not the condition which requires the enactment of this bill at this time. Had the bill become a law then, its effect would have been to place upon the market a very large amount of silver bullion, which would necessarily have affected the price, but no such condition exists at the present time.

This bill, according to the chairman of the committee, is an emergency measure of the first magnitude. Not one penny represented by the silver now in the Treasury will go into circulation in this country. The Senator from Nevada has just assured me that the jute producers of India demand silver for their product—not silver certificates, not gold, no form of currency, except silver bullion—and yet his argument would indicate——

Mr. OWEN. I did not——

Mr. THOMAS. Just a moment—that this bill would result in unloosing a huge reservoir of silver and deluge the markets of the United States. I now yield to the Senator from Oklahoma.

Mr. OWEN. I did not make that statement.

Mr. THOMAS. Did I say the Senator from Oklahoma?

Mr. OWEN. I so understood the Senator.

Mr. THOMAS. I beg the Senator's pardon; I meant the Senator from Nevada [Mr. PITTMAN]. It was a misstatement. The Senator from Oklahoma did not make that statement.

So much, Mr. President, for the statements which the Senator from Nevada has offered regarding this amendment, and which he has made with so much earnestness and apparently with so much heat—why, I do not know. I still insist, Mr. President, that this amendment should be adopted if there is to be any price fixing in the bill at all. I say that from my conviction of what I owe to the very interests which the Senator says will accept this provision and no other.

Mr. FALL. Mr. President, I should like to ask the chairman of the committee, if I may do so at this time, if he will not accept an amendment to provide that the purchase of silver shall be made from the production of American mines, American smelters, and American reduction works in this country?

Mr. OWEN. Mr. President, I will accept such an amendment.

Mr. FALL. Then, Mr. President, after the word "purchase," in line 9, page 2, I move to insert the words "in the United States, of the products of mines situated in the United States and of reduction works so located."

Mr. OWEN. I accept that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The question now is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

The VICE PRESIDENT. The Secretary will state the first committee amendment.

The first amendment reported by the Committee on Banking and Currency was on page 1, line 5, after the words "in excess of," to strike out "two," and insert "three"; on page 2, line 2, after the word "melted," to strike out "and," and insert "or"; and in line 3, after the word "prices," to insert "not less than $1 per ounce of silver one thousand fine"; so as to make the section read:

That the Secretary of the Treasury is hereby authorized from time to time to melt or break up and to sell as bullion not in excess of 350,000,000 standard silver dollars now or hereafter held in the Treasury of the United States. Any silver certificates which may be outstanding against such standard silver dollars so melted or broken up shall be retired at the rate of $1 face amount of such certificates for each standard silver dollar so melted or broken up. Sales of such bullion shall

be made at such prices not less than $1 per ounce of silver one thousand fine and upon such terms as shall be established from time to time by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 9, after the word "notes," to insert "issued under authority of section 5 of this act, if then outstanding," so as to make the section read:

SEC. 6. That as and when standard silver dollars shall be coined out of bullion purchased under authority of this act, the Federal reserve banks shall be required by the Federal Reserve Board to retire Federal reserve bank notes issued under authority of section 5 of this act, if then outstanding, in an amount equal to the amount of standard silver dollars so coined, and the Secretary of the Treasury shall pay off and cancel any United States certificates of indebtedness deposited as security for Federal reserve bank notes so retired.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 1, after the word "That," to strike out "nothing in this act shall be construed as repealing or restricting the right of Federal reserve banks to issue Federal reserve bank notes under authority of the Federal reserve act, and," so as to make the section read:

SEC. 8. That except as herein provided, Federal reserve bank notes issued under authority of this act shall be subject to all existing provisions of law relating to Federal reserve bank notes.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to add a new section, as follows:

SEC. 9. That the provisions of Title VII of an act approved June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the powers conferred upon the President by subsection (b) of section 5 of an act approved October 6, 1917, known as the trading with the enemy act, shall, in so far as applicable to the exportation from or shipment from or taking out of the United States of silver coin or silver bullion, continue until the net amount of silver required by section 2 of this act shall have been purchased as therein provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. OVERMAN. I now ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber, and I know the Senators are all interested in these amendments and in the bill itself; so I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	New	Smith, S. C.
Baird	Henderson	Norris	Smoot
Borah	Johnson, Cal.	Nugent	Sterling
Brandegee	Jones, Wash.	Overman	Swanson
Cummins	Kellogg	Owen	Thomas
Curtis	Lenroot	Phelan	Townsend
Fall	Lodge	Poindexter	Trammell
Fletcher	McCumber	Pomerene	Wolcott
France	McKellar	Sheppard	
Gallinger	McNary	Shields	
Hale	Martin	Smith, Md.	

Mr. SHEPPARD. I wish to announce that the Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. MCNARY. I desire to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained on official business.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. PITTMAN, Mr. SIMMONS, Mr. SMITH of Georgia, Mr. WARREN, and Mr. WILLIAMS answered to their names when called.

Mr. DILLINGHAM, Mr. FRELINGHUYSEN, Mr. GERRY, and Mr. TILLMAN entered the Chamber and answered to their names.

Mr. GERRY. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator BROUSSARD.

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator STONE. I also wish to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty loan campaign.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will state the pending amendment of the committee.

The SECRETARY. The pending amendment is on page 3, line 11, where the committee proposes to strike out the word "available" and to insert in lieu thereof the words "expended only," so that, if amended, it will read:

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The committee proposes to insert a new section in the bill to be known as section 4, and to read as follows:

SEC. 4. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. Mr. President, I think it very important to understand exactly what this means. Is the President to abolish the bureau and then report, or is he to report before action is had and submit the question to Congress?

Mr. OVERMAN. Mr. President, under the bill the President can not abolish anything. I think that is an improper word to be used there. There is no power given in the bill to abolish anything. This is an amendment introduced and adopted by the committee, which I think the Senator from Georgia favored:

That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished—

It ought to read, "conclude that any change should be made in any bureau"—

and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

That was the understanding in the committee.

Mr. SMITH of Georgia. Of course, this amendment gives the right to transfer the duties and functions at once. The bill does not give the right to abolish permanently the bureau or department—I do not think it would—but it does give the right at once to transfer the duties and functions to some other department or bureau.

Mr. BORAH. Mr. President, it seems to me to be very clear from section 4 that the President can do nothing more than report to Congress in case he finds that any bureau should be abolished.

Mr. OVERMAN. That is it.

Mr. BORAH. And that was the intent of the Senator who offered the amendment. If there is any possible doubt about that, I should be glad myself to have the language changed accordingly.

Mr. FLETCHER. Mr. President, it would seem——

Mr. SMITH of Georgia. One moment; let me answer the Senator from Idaho first. The bill does not give the right to permanently abolish a bureau.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Georgia yield to the Senator from Washington?

Mr. SMITH of Georgia. I do.

Mr. POINDEXTER. I have heard that statement made a number of times, that the bill does not give the right to abolish bureaus or other agencies, but does give the right, so it is stated, to transfer the functions and to transfer the officials. I should like to ask the Senator from Georgia what would be left of a

bureau after the functions and the officials had been transferred?

Mr. SMITH of Georgia. It would not be temporarily in existence, unquestionably. For the time being it would not be operative.

Mr. FLETCHER. Mr. President, will the Senator allow me to make a suggestion?

Mr. SMITH of Georgia. Yes.

Mr. FLETCHER. The concluding lines of the amendment indicate very clearly its purpose, it seems to me. The President is required to report to Congress, with such recommendations as he may deem proper.

Mr. SMITH of Georgia. Then suppose we add, after the word "proper," on line 22, the words "before action is taken." That would make it clear. Otherwise I think it is very far from clear.

Mr. BORAH. Speaking for myself, I should have no objection to that, although I must say that I can not see that it adds anything to it; but if the Senator thinks it does I am perfectly willing to have that amendment made, so far as I am concerned.

Mr. SMITH of Georgia. I think, under the amendment as it is drawn, action can be had before reporting to Congress, so far as the bill in other portions gives the right of action. The bill in other portions gives the right to transfer the functions from any bureau, commission, officer, agent, or agency.

Mr. BORAH. If the Senator will excuse me just a moment, how would it do to say that the President shall report his conclusions to Congress, with such recommendations for the abolishment of the bureau as he may deem proper? That would certainly leave no possible doubt about it.

Mr. SMITH of Georgia. Why not say "before action is had"?

Mr. BORAH. Well, I have no pride of authorship.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. I want to ask the Senator from Idaho a question about this section and see if his view of it corresponds with my own. Is it not true that it was understood by the committee in adopting and reporting the amendment that the purpose was this, that after the war, when we resumed normal conditions, we might be able to readjust our system permanently to a degree through the experience which the President had during war times, and that if he thought we could reform our various civil establishments to advantage he should point that out and recommend legislation to that end? That is the purpose of it, is it not?

Mr. BORAH. I think that states it fairly. The idea, stated in another way but I think with the same purport, was that the President, in redistributing these agencies and rehabilitating these bureaus, in a measure, would undoubtedly discover—at least, there are some who think he should discover—that there are some bureaus which are unnecessary, some duplications, both in expenditure and in function, which Congress ought to have the benefit of in the nature of recommendations from the President; and that, as I understand, is what the Senator understood.

Mr. CUMMINS. Precisely. That view of it is emphasized if we turn to the last six or seven lines of the bill, which read:

> Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

Mr. BORAH. Exactly.

Mr. CUMMINS. Taking the two things together, I think it very clear that the purpose was that at the end of the war, or even before the end of the war, the President might recommend a re-formation or reorganization of our bureaus or departments, and that we might permanently achieve some economy and some further efficiency by reorganizing.

Mr. BORAH. Precisely. That is my understanding of it; and I think, if I may make a suggestion to the Senator from Georgia, that when you take section 4 and read it in connection with section 5 there is no room for possible misconstruction. While I am not in charge of the bill and have only a right to bind myself, I have no objection to the words which the Senator suggests. In view of the fact that the last six or seven lines specifically provide that all the functions of all departments are to be restored to their integrity after the war, nothing can be done until Congress acts upon it, and the President's recommendation would have no effect until Congress had enacted a law in pursuance of it.

Mr. SMITH of Georgia. Mr. President, the effect would simply be that the President could not permanently abolish a bureau; he could not permanently interfere with the existence of a department. He is simply left temporarily to suspend a bureau or temporarily to suspend a department or any portion of our civil government that he sees fit, pending the war. After the period has expired to which the power is limited in this bill, then, under the last section, they would revive in some sort of shape, somewhere, I suppose, in their original place. I suppose something would have to be done then to put somebody in them, after they had been torn to pieces; but, though torn to pieces theoretically, they go back into existence for renewed organization.

Mr. BORAH. The Senator knows that a bureau is like a cat; it has nine lives, and you can not destroy it very easily. It was not really necessary to put this in here. Under the terms of the bill, without the last six or seven lines, in my judgment, they would go back to their original functions and be restored to their original integrity; but there were those Members who thought it was necessary to put that in in order that there might be no doubt at all about it. But my observation and my experience here is that it takes a heroic and extraordinary effort, in the most plain and specific terms conceivable, to abolish a bureau, and that it is never done by any indirection or by any ambiguous language.

Mr. SMITH of Georgia. There is already a provision in the act of 1917 that authorizes the President, wherever he finds duplication in the bureaus, to consolidate and eliminate them, so that that feature of authority is given without reference to this statute. This act could not be considered one simply for that purpose. At least I wish to emphasize the fact that there is no saving grace in section 4 affecting the unlimited authority given by this bill to the President to temporarily wipe out of existence anything from a department on down and put it and its functions wherever he sees fit.

Mr. CUMMINS. Mr. President, in not opposing the amendment before the Senate I want to be clearly understood as the Senator from Georgia has now been understood. Section 4 is about the only good part of the bill, in my judgment. I am as wholly opposed to the bill in its present form as I was the other day, when I made some remarks with regard to it, and I intend later, when the time comes for amendments to be offered from the floor, to present amendments and make some observations with regard to them. I would not have anyone gather the idea that in allowing these amendments to be adopted without discussion I have in any manner tempered my opposition to the bill itself in its present form, although I repeat that there are certain great powers which I think the President ought to have, if he has not them already, which may be doubtful, and I stand prepared to give them to him without reservation, but not all the powers that are granted by this bill. I shall be very glad to see section 4 as well as the final committee amendment on page 4 adopted, for these two amendments together at least give assurance to the people of the country that the disaster which I think is involved in a part of this bill is to be temporary only.

Mr. OVERMAN. Mr. President, the Senator from Georgia will remember that the law that was passed in 1917 authorized the Economy Commission to investigate duplications of work and recommend as to the abolishment of certain departments where there was duplication or unnecessary departments or agencies of the Government. That Economy Commission has not reported, and, as I said before, there is nothing in this bill that authorizes the abolition of a department; but if the President, after investigation, in transferring these functions, should find in his judgment that some of these agencies or that some of these commissions or that some of these bureaus should be abolished, then the act authorizes him to report to Congress his judgment as to whether or not they ought to be abolished, and let Congress say whether they should be abolished and not himself. That was the amendment offered in the committee, and I can not see how there can be any trouble about that.

Let us see what it says:

> That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper

Leaving it entirely to Congress as to whether it will abolish any of these bureaus or agencies. That is to be done after the war, after he has thoroughly investigated, and after he has exercised the authority conferred in this bill; so I do not see how there can be any mistake about it.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment known as section 4.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The SECRETARY. It is proposed to renumber section 4 to stand as section 5, and after the word "That," on line 23, page 3, to strike out the following words:

During the time this act is in force all restrictions in any existing law creating any executive department, commission, bureau, agency, office, or officer, or defining the duties thereof, shall be deemed to be suspended to the extent that they may be inconsistent with the exercise of the authority herein conferred.

And to insert:

All laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

The amendment was agreed to.

The SECRETARY. Also, on page 4, beginning on line 6, it is proposed to insert the following paragraph:

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment passed over.

The SECRETARY. One amendment was passed over on page 2, line 23, where, after the word "executive," the committee proposes to insert the words "or administrative," so as to read:

Or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers.

Mr. SMITH of Georgia. Mr. President, I wish to explain what the effect of this amendment is.

On page 3 the original bill contained the following provision:

And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

That provision was stricken out. When it was stricken out, this word "administrative" was offered as an amendment on line 23, page 2. I submit that it accomplishes practically or exactly the same thing as the language stricken out on the next page.

Mr. OVERMAN. Mr. President, I think that amendment has been agreed to.

Mr. SMITH of Georgia. The amendment inserting the words "or administrative"? The Secretary says not; that it was passed over.

Mr. OVERMAN. I ask the Chair whether that is so or not. The word "utilize" was passed over, I think, but not the words "or administrative."

The PRESIDING OFFICER. The amendment now under consideration was passed over.

Mr. OVERMAN. I will ask the Secretary to state the amendment.

The SECRETARY. On page 2, line 23, after the words "or consolidate any executive," the committee proposes to insert "or administrative," so that it will read:

Or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers.

Mr. SMITH of Georgia. Mr. President, as I stated, the original bill had a provision on page 3 authorizing the President to employ, by Executive order, any additional agency or agencies, and to vest therein the performance of such functions as he might deem desirable.

This bill takes all the functions connected with every officer in the Government, except, perhaps, the President and Vice President and Congress and the judiciary, and authorizes the President to transfer all their duties to any other department or any other officer or any other bureau or any public official whom he sees fit. It puts the whole civil Government of the United States in a basket without order or regulation or legislative enactment affecting it, whenever the President sees fit.

The original bill as drawn went further and provided not only that any of these functions be transferred to any other department or to any other bureau or any other officer or to any commission, but to any new agency that the President might see fit to create. That was the bill as it came to us. That was the first bill that the Senator from North Carolina introduced. It is almost shocking to contemplate it unless we are ready to abandon all legislative responsibility. I am aware of the fact that there are some who think it should be done. If I thought it would help win the war and was necessary to its prosecution and it could be done constitutionally, I would be in favor of it, but my conviction is that the performance of their constitutional responsibility by Congress is the way to help win the war, and Congress can bring wisdom and force and not hindrance to our military operations.

Now, let us see what is proposed after this broad power creating additional agencies was stricken out. The amendment still will accomplish just as much, but in not as open a way.

In section 2 three additional words are added:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties—

And so forth.

To transfer any duties or power from any existing department, commission or agency, office or officer to another and to transfer the personnel thereof or any part of it either by detail or assignment, and so forth. That is to say, if this word "administrative" goes into the bill, then any function of any department or any commission can be transferred not only to an officer of the Government but to an administrative agent.

Mr. BORAH. May I ask the Senator what distinction he draws between an executive agency and an administrative department?

Mr. SMITH of Georgia. I think the term "executive agency" as there used has reference to officials as a part of the executive department. I think the term "administrative agency" is much broader.

Mr. McKELLAR. What does the Senator say would be included in "administrative"?

Mr. SMITH of Georgia. I am just coming to that. I want the Senate to understand it as I understand it. Let us see what is an administrative agency. It is any agency of any kind that is given something to do in connection with the administration. Every one of your advisory committees under the Council of National Defense were administrative agencies.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. SMITH of Georgia. Yes.

Mr. WOLCOTT. Does not the Senator think that these so-called advisory committees could also be properly called executive agencies?

Mr. SMITH of Georgia. No; I hardly think so, but I am perfectly clear that they are administrative agencies. They helped administer by advice, but they did not actually execute.

Mr. CUMMINS. Mr. President, I do not want to interrupt too greatly the Senator from Georgia, but I think we might as well settle one question right now with regard to the meaning of the word "administrative." It was questioned by the Senator from Delaware [Mr. WOLCOTT] and possibly by others at a former time whether the Interstate Commerce Commission is an administrative agency or an administrative commission. It seemed to me that that was worthy of inquiry. I find that the Supreme Court of the United States has decided that. It has not only referred to the Interstate Commerce Commission as an administrative body many times in its opinions, but in the case of the Interstate Commerce Commission *v.* Brimson, reported in One hundred and fifty-fourth United States, beginning at page 447, the question is as definitely decided as a question of that kind could be. Of course that was not one of the issues in dispute. I beg leave to refer to the case so that the Senator from Georgia may have it in mind as he proceeds with the discussion upon this point.

In that case, as all lawyers will remember, there first arose a controversy with regard to the authority of the Interstate Commerce Commission to require the presence of witnesses to testify in some matter that might be pending before the commission. The law was—and it is yet, for that matter—that if any witness summoned by the commission fail or refuse to appear, the matter could be certified to the court, and thereupon the court could compel the witness to appear if the commission was acting within its jurisdiction. During the course of the opinion the court in the case, on page 476, it said:

We have before us an act of Congress authorizing the Interstate Commerce Commission to summon witnesses and to require the production of books, papers, tariffs, contracts, agreements, and documents relating to the matter under investigation. The constitutionality of this provision—assuming it to be applicable to a matter that may be legally intrusted to an administrative body for investigation—is, we repeat, not disputed and is beyond dispute.

The court then proceeds along the same line to argue; and there is another——

Mr. BORAH. Does the court decide there that it is an administrative body as contradistinguished from an executive body?

Mr. CUMMINS. No, it does not. Personally, I think it is both.

Mr. BORAH. Yes, I think the Senator is correct; and I do not believe that the Supreme Court used it in any other way than as synonymous with an executive body or an administrative body.

Mr. CUMMINS. Personally, I think it is both, but we all know why this word was inserted in the bill. It was inserted

in the bill by the committee to catch the Interstate Commerce Commission.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I have not the floor.

Mr. OVERMAN. I do not think the Senator ought to say that. I never heard that suggested except by the Senator.

The PRESIDING OFFICER. Senators should address the Chair.

Mr. OVERMAN. We put in the words, the Senator will remember, "now existing by law."

Mr. CUMMINS. I will not go further into it, because I may have occasion to deal with it later, but the opinion of the court in that case repeatedly refers to the Interstate Commerce Commission as an administrative body. I do not think we ought to proceed upon the theory that it is not within the terms of the bill.

Mr. OVERMAN. Does not the Senator think it is an administrative body or an executive-administrative body?

Mr. CUMMINS. I do not care which it is, it is administrative and we bring the Interstate Commerce Commission within the terms of the bill beyond all dispute by inserting the word "administrative." I think it is an executive commission also, whether it executes for Congress, or whether it executes for the President is immaterial.

Mr. OVERMAN. The Senator from Georgia left out the words which were put in by the committee, "or administrative commissions now existing by law;" that is, an administrative body, an administrative commission, which Congress has passed a law to establish. While Congress has passed the law, it is an administrative commission.

Mr. CUMMINS. As in this case, the Interstate Commerce Commission was established by Congress and it exists by law.

Mr. McKELLAR. Mr. President, I wish to ask the Senator from Iowa just one question, if I may. If the words "or administrative" were left out, does the Senator think that it would still include the Interstate Commerce Commission?

Mr. CUMMINS. Answering the question very frankly, I do.

Mr. McKELLAR. I am inclined to think the same way. My notion about the word "administrative" was that it was intended by it to include some of these advisory bodies of which we have had so many.

Mr. CUMMINS. I do not know what was in the mind of every Senator, but I got the notion very clearly that there were some who believe the Interstate Commerce Commission might be brought within the terms of this bill, and that if the word "administrative" were inserted there would be no doubt about it.

Mr. WOLCOTT and Mr. OVERMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. SMITH of Georgia. I do for a moment, but I really would be glad to go on shortly with what I have to say.

Mr. WOLCOTT. I shall take a very few moments. The Senator from Iowa has called attention to some language in the Supreme Court decision. I was interested to see if the words "executive and administrative" had been defined by judicial decision, and I made quite an extensive search for some authority on the question. I find none. I did see the language the Senator from Iowa refers to. I saw also in another Supreme Court case, familiarly known I think as the Railroad Commission Cases, where the question came up from Mississippi that Justice Brewer used the word "administrative" as descriptive of a railroad commission with powers similar to those of the Interstate Commerce Commission; but there is no place in the decisions I have been able to find, at least, where there is a judicial definition of these words. I have read the decisions. The court simply uses the word "administrative" as descriptive of the particular body it is speaking of, but not as conveying any particular definiteness or refinement of meaning. I think also that the Senator from Georgia will find that many of the law dictionaries define "executive" and "administrative" as synonymous, and I question whether there is very much difference.

Mr. SMITH of Georgia. I have no doubt the term "administrative" has a broader meaning and is offered to cover the agencies that the word "executive" would not cover. If it has the same meaning, why put it in? If it does not add anything to "executive," then let us leave it out by unanimous vote.

Mr. BORAH. Does the Senator think if we would leave out "or administrative" the Interstate Commerce Commission would be in no danger?

Mr. SMITH of Georgia. I think myself it would still be in danger. I read from the dictionary the difference in the meaning of the two terms. This is the Century:

> Administrative: * * * Sometimes the term "executive," which strictly means an authority which puts the laws in force, is opposed to the term "administrative," which implies the performance of every other sort of immediate governmental act, such as collecting taxes, organizing and directing the Army, Navy, and police, supervising trade, locomotion, postal communication, and carrying out in detail legislative measures for promoting public health, education, morality, and general contentment.

It is recognized as a broader and more comprehensive word, and it is put in to cover everything that "executive" has not covered.

I was about to state what some of these administrative agencies were. The most distinguished that we had for a while were the advisory boards that were administrative agencies not to execute but to gather information—an agency for information. Take the Creel bureau. That is not an executive agency, but I would consider it an administrative agency. It performs the function of gathering up romances and scattering them throughout the country.

Mr. OVERMAN. Is not that created by law?

Mr. SMITH of Georgia. Yes; I think there is a statute which authorizes the organization of a bureau for the presentation of information. If it was not created by law, who is paying for it out of the Government Treasury, and by what authority?

Mr. McKELLAR rose.

Mr. SMITH of Georgia. Wait a moment. I want to give these administrative agencies. The Food Administration is an administrative agency. In all its ramifications the people connected with it are administrative agents. The Fuel Administration—Dr. Garfield and all his force—are administrative agents. The alien-enemy organization is an administrative agency. They are just so innumerable already that anybody who is desired can be put into them, and by using this word "administrative" the President might name any agency he saw fit to perform any of these duties. Any of these administrative agencies can be used, and that would cover anybody whom it is desired to put in charge of functions of government.

So I insist that the word "administrative" put in here and the privilege of utilizing the administrative agencies have broadened out the scope of this bill. It seems to me this amendment was found necessary when the language was stricken out which permitted employment by Executive order of any additional agent or agency and to vest therein the performance of such functions as might be deemed appropriate. That language having been stricken out and the same power being desired, it became necessary to put in the two words "to utilize" and to add "or administrative agency." Thus those to whom transfer of Government functions may be made are not limited to officers of the Government—those who are, strictly speaking, officers—but transfer can be made to those entirely outside of the classes of men confirmed by the Senate and outside those holding positions fixed by law. All these agencies come within the purview of the bill, and to any of them we as legislators are to permit a transfer of the functions of our civil Government. What functions we are not told. Why? We are told, "To win the war." Mr. President, if it was necessary and it would win the war to transfer them all to Mr. Hoover and his organization I would be willing to do it. But to say that you do it to win the war is one thing and to show that it would help win the war is a very different thing.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. SMITH of Georgia. Yes.

Mr. WOLCOTT. Does the Senator take the point of view that it is not necessary to transfer anything anywhere, to do any reorganizing, in order to enable us to get along to advantage in this war?

Mr. SMITH of Georgia. I think there is a great deal of reorganizing that ought to be done, and it ought to be done at once, and I think it is lamentable that it has not been done before. I commend a splendid act of reorganization when Charles Schwab was put in charge of the shipbuilding work. That was great. That is the kind of reorganization I urge and pray for.

I will tell you where I think there ought to be reorganization. Take the production of fighting flying machines. Do we need a reorganization? Yes, there. Not in our civil government, not in the Interstate Commerce Commission, not in the Federal Reserve Board. They are splendidly organized now. Do not turn the President to the task of tearing them to pieces. Ask the President to take hold of the problem of preparing flying machines to fight our battles in France. For 12 months we have waited. How many are there? If the $680,000,000 that we appropriated for that purpose had been properly used during the past 12 months we would have had 5,000 or 10,000 of them in France, ready to meet the Germans in their recent onward

march, and they would have been worth 500,000 men in the ranks.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I yield.

Mr. BORAH. I understood the Senator to say we should not impose upon the President the task of tearing some of these departments to pieces, such as the Federal Reserve Board and others. Of course, we do not impose anything upon the President at all by this bill. We do not obligate him to make a single move, and certainly we would not assume that the President would, for instance, make a move which in his judgment as Commander in Chief was not only likely to be but absolutely essential to what he conceived to be the best interests of the situation. We do not impose the duty upon him to tear anything to pieces.

Mr. SMITH of Georgia. Mr. President, I have more confidence in the judgment of the Congress in organizing the Interstate Commerce Commission and the Federal Reserve Board than I have in any advisors outside of Congress the President might have who would undertake to help him perform that task. I am unwilling to leave it to any President. The Constitution placed the duty of legislation upon Congress; not upon the President, and I believe it was wise. I believe it will be a better Interstate Commerce Commission and a better Federal Reserve Board if Congress fixes its functions and prescribes its duties and passes upon the men than if any President did it. He must do it by the advice of others; he could not do it by himself. I would rather have the judgment of the Senate upon a problem of that sort than the judgment of the President and any who might gather around him to advise him. I am unwilling to see the plan we have prescribed by law changed by any President.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. Congress has already acted with reference to the Interstate Commerce Commission, and, in my humble judgment, there is nothing the President can do which will more completely emasculate that institution during the war than Congress has already done. Congress has rendered the Interstate Commerce Commission into a situation where it is not only powerless but one which it is humiliating for it to occupy. It has taken away from it powers which belong to it, which were delegated to it, and suspended those powers; and it has given it an inconsequential reviewing power and admonished it in the bill not to exercise those powers.

Mr. SMITH of Georgia. I take issue with the Senator in the conclusion he has just drawn. I admit that we went further than I desired in the recent bill which provided for the handling of the railroads by the Government. The bill as it came to us from the administration obliterated the Interstate Commerce Commission. It left to the Director of Railroads the unrestricted control of railroad rates. It took away any review by the commission of discriminatory or excessive rates. The bill does not leave the commission as much power as I would wish, but it still leaves the power of review and the power of final decision. I read the language:

Mr. BORAH. I know——

Mr. SMITH of Georgia. I wish to put in the RECORD the language of the bill in reply to his statement. After the schedule has been filed by the Director of Railroads with the Interstate Commerce Commission changing the rates—

> Said rates, fares, charges, classifications, regulations, and practices shall be reasonable and just and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate, fare, charge, classification, regulation, or practice of any carrier under Federal control, and may consider all the facts and circumstances existing at the time of the making of the same. In determining any question concerning any such rates, fares, charges, classifications, regulations, or practices or changes therein, the Interstate Commerce Commission shall give due consideration to the fact that the transportation systems are being operated under a unified and coordinated national control and not in competition.
>
> After full hearing the commission may make such findings and orders as are authorized by the act to regulate commerce as amended, and said findings and orders shall be enforced as provided in said act.

The further proposition to which the Senator refers, which I would not have had put in the bill if I could have prevented it, is as follows:

> *Provided, however,* That when the President shall find—

Which means the Director of Railroads—

> *Provided, however,* That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control and operation fairly chargeable to railway operating expenses, and also to pay railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers, operating as a unit, it is necessary to increase the railway operating revenues, the Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President, together with such recommendations as he may make.

Now I yield to the Senator from Idaho.

Mr. BORAH. What does the Senator think, in its practical operation, would be the effect of the law during the continuance of the war, so far as any real control of the situation is concerned, by the Interstate Commerce Commission? Does he expect anything from the Interstate Commerce Commission except that which emanates from the Commander in Chief, either directly or indirectly, with reference to the entire matter?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. Does the Senator contemplate that the Interstate Commerce Commission, after its record in the 5 per cent rate case, in which it took into consideration the conditions of the war at the time when the law did not authorize it to take it into consideration, in reviewing the action of the Chief Executive, the Commander in Chief, under those instructions, will undertake to make any changes in the adjustment of rates?

Mr. SMITH of Georgia. Yes; if they do their duty.

Mr. LODGE. Mr. President——

Mr. SMITH of Georgia. Furthermore, let me say, and then I will yield to the Senator from Massachusetts, the very fact that you have a tribunal where you can obtain a hearing, where you can obtain the facts, where you can present testimony, where you can show injustice, where you can bring proof to demonstrate that a rate is discriminatory as well as unreasonable, will be a restraint upon the railroad superintendents all over the country, who really make these rates. The President does not do it. It can not be his work. No 10 men could do it. It will exercise a tremendous restraining influence of great value, and it will make it possible for shippers and communities and owners of industries to protect themselves from being closed up.

Mr. BORAH. Mr. President, does not the Senator know that when these different communities and industries and interests become dissatisfied with their situation, they will not go to the Interstate Commerce Commission, but that they will go to the Commander in Chief and to the Railroad Directors? Does he suppose that they will go to the Interstate Commerce Commission, as they formerly did? Why, Mr. President, they will appeal direct to the power which has not only the initiative, but, in practical effect, the conclusion with reference to this matter.

Mr. SMITH of Georgia. I dissent from the view of the Senator that the action of the Railroad Director will be the conclusion; I dissent from his view that shippers will have much of a hearing before the Director. I furthermore believe that the fact that shippers can put their cases before the public through the Interstate Commerce Commission will be most helpful even if they go first before a local superintendent under the Director.

Mr. LODGE. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, the point I was going to inquire about was this: The Interstate Commerce Commission was intrusted by Congress with the duty of making a physical valuation of the railroads. It has been engaged in that work, I think, for now some three years. The railroad law, from which the Senator from Georgia has quoted, does not take that work from them; they still have that. Under this bill as it stands, that work can be taken from the Interstate Commerce Commission and transferred to the Director General of the Railroads, which I think would be a very great misfortune.

The Senator from Idaho [Mr. BORAH] has said that we do not impose the duties on the President. I do not think it is a question of whether we impose them or not. I think that we ought never to grant a power, whether we make it mandatory or permissive, that we do not expect to see and are not prepared to see exercised. I think nothing can be worse than to loosely grant powers on the theory that they will not be exercised.

Mr. BORAH. Mr. President, we pass laws here every day—we have passed half a dozen acts since this war began, and we shall pass a dozen more—in which there are powers which if used improperly would be destructive. We grant such powers continuously upon the theory that they will be exercised in a proper, intelligent, and patriotic way, and if this power is exercised in that way the things which the Senator from Massachusetts speaks of will not happen.

Now, for instance, take the railroad law. What are the powers of the President under that law? The President under that law could build up one town and destroy another; he could

build up one industry and destroy another; he could do things which would be absolutely destructive of the business interests of this country upon the theory that he would not proceed with intelligence and with a desire to protect the situation, but upon the theory that he would proceed with a willful desire to do injury.

Mr. LODGE. But, Mr. President, if we think—and I believe the majority of the Senate does think—that it would be a mistake to take from the Interstate Commerce Commission the work of the physical valuation of railroads and give it to the President, why should we give it to the President on the theory that he will not exercise that improper power? If he does not want the power, and it is an improper one for him to exercise, let us not grant it to him.

Mr. BORAH. That is precisely what I have been saying. We must grant certain general powers here if the President is going to redistribute these functions at all. Within that grant he may do things which it would be wholly undesirable to have done. We are constantly doing that in all these measures. There are many things which might be done under the railroad law which the Senator from Massachusetts would not want to see done. Under the railroad law as it now stands the President could practically stop the physical valuation of the railroads. I have not learned anything particularly about the physical valuation of the railroads as it is progressing and as it is disclosing the facts that ought to endear it to anybody in this country. In saying this I do not mean that the commission is not properly carrying out the law.

Mr. CUMMINS. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. The Senator from Idaho [Mr. BORAH] may have more information upon that subject than I have, but I think the work that has been done by the Interstate Commerce Commission and by the Bureau of Valuation is the most important work that this Government has carried on, save the prosecution of the war, during the years that it has been in progress, and that as much has been done for the protection of the people of this country in that respect as has been done anywhere else within the administration of the law.

Mr. BORAH. Mr. President, I do not desire to debate with the Senator from Iowa about his conclusions. He is much better informed about these things than am I; but I venture to say that if the physical valuation of the railroads continues along the trend which it now takes and the result is what the present situation indicates it will be of very great benefit to the railroads of the country. It will be a distinct boon to them. And again I say that I do not contend that the officers are not doing their duty. But the facts seem different than they were supposed to be.

Mr. CUMMINS. It may be, but certainly if it is taken out of the hands of the Interstate Commerce Commission and transferred to——

Mr. OVERMAN. Right there——

Mr. CUMMINS. If it is transferred to Mr. McAdoo, it will be of infinitely more benefit to the railroads than it will be if left in the hands of the Interstate Commerce Commission.

Mr. SMITH of Georgia. I yield to the Senator from North Carolina [Mr. OVERMAN].

Mr. CUMMINS. Just a moment.

Mr. SMITH of Georgia. I yield to both Senators.

Mr. CUMMINS. I rose really to ask the Senator from Georgia to put in with his quotation from section 10 of the railway law the whole section. There is a great misapprehension here with regard to what we have done in the railroad law, bad as it was. The first part of section 10—that is, the section in which the quotation made by the Senator from Georgia occurs—is as follows:

SEC. 10.-That carriers while under Federal control shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control or with any order of the President.

As it is now under the present law, with the exception of initiating rates—and that the railroads had the right to do before the law was passed—the President, in order to interfere with the Interstate Commerce Commission, must override by an order an act of the commission; and he would be much more reluctant to do that, to the prejudice of the people, than he would be to transfer the entire authority to some other person.

Mr. OVERMAN. Mr. President, I want to ask the Senator from Iowa a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. Yes.

Mr. OVERMAN. The Senator from Iowa speaks of the President transferring the power from the Interstate Commerce Commission to some other body to make a valuation of the railroads. Could the President do that under this bill?

Mr. CUMMINS. Certainly he could.

Mr. OVERMAN. Could he do it, unless it was done in the interests of the prosecution of the war and as a matter solely in the interest of the prosecution of the war?

Mr. CUMMINS. It would be done against the war, in my judgment, if it were done; but when the President decided its relation to the war, there would be no review of that decision.

Mr. OVERMAN. No.

Mr. CUMMINS. That is simple, pure camouflage, if I may use that much abused word; it does not mean anything.

Mr. OVERMAN. Does the Senator from Iowa think that the limitation as to its being done in the interest of the prosecution of the war does not mean anything?

Mr. CUMMINS. It is no limitation, in my judgment.

Mr. OVERMAN. The other day the Senator argued that the President might abdicate his function as President of the United States and transfer it to a boy 4 years old.

Mr. CUMMINS. He could do that under this bill, certainly. There are certain constitutional provisions, however, that would prohibit that.

Mr. OVERMAN. He would at least be limited to a man who was over 21 years of age.

Mr. CUMMINS. But, then, I am assuming that we are disregarding the Constitution. Assuming that that fundamental law has no restraining force now, under this bill the President could transfer his own functions to any officer of the Government.

Mr. OVERMAN. Provided it was done in the interest of the prosecution of the war.

Mr. CUMMINS. Provided the President thought somebody else could manage the war better than he could.

Mr. OVERMAN. Does that statement not reduce itself to the fact that the President is a fool?

Mr. BORAH. Does the Senator from Iowa contend that the President——

The PRESIDING OFFICER. The Chair must ask Senators to address the Chair and obtain permission to interrupt. Four Senators have been now on the floor at the same time.

Mr. SMITH of Georgia. I am going to yield to the Senator from Idaho, and then I will request an opportunity to go on with what I was saying.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. I shall not interrupt the Senator, because, if I should ask the question which I have in mind, it would require an answer from the Senator from Iowa [Mr. CUMMINS].

Mr. SMITH of Georgia. I yield for that question and its answer.

Mr. BORAH. I was going to ask whether the Senator from Iowa does not contend that the President could relieve himself of the executive duties imposed upon him by the Constitution simply because the proposed statute says that he may redistribute the executive agencies of the Government?

Mr. CUMMINS. This bill says a great deal more than that.

Mr. BORAH. I know; but a statute can not relieve the President from his constitutional executive duties.

Mr. CUMMINS. So long as we observe the Constitution, no; but if we depart from the Constitution, as I think we are departing from it in this instance, and assume that the Constitution has no binding force either upon Congress or upon the President, under the terms of this bill the President could deputize any officer he might select to act as President during the war. Possibly that may be what he desires to do, for aught I know.

Mr. SMITH of Georgia. Mr. President, I wish to express a few views, first, with reference to the effect of this bill on the Interstate Commerce Commission. Without the word "administrative" I am perfectly clear that the Interstate Commerce Commission is reached, and I had not intended to bring the Interstate Commerce Commission into the discussion of this word "administrative," but since it is here, I will say just a few words with reference to it.

I regret that we were not able to retain in the railroad law exactly the same status for the Interstate Commerce Commission which it had prior to the passage of that law. I would give it just as complete authority, if I could, to review rates fixed by the Director of Railroads as it had over rates fixed by the corporations. I dislike this class of legislation, which

provides that the President shall perform tasks when we know he can not and when we know the extent of the tasks make performance by the President impossible. It is bad legislation; it is misleading.

We really ought not to say "the Director of the Railroads," for no one man can fix the rates on the railroads from the Atlantic to the Pacific, from the Gulf to the Lakes; they will be fixed by local men all over the country. No one man would have time to consider their suggested changes; he could not and would not. They will come automatically through the Director of Railroads to the President and go to the Interstate Commerce Commission after they have been acted upon locally all over the land. So if we strike down the remaining powers of the Interstate Commerce Commission, the local superintendents from one end of the land to the other, or local organizations—dozens of them in number—will really make the new rates. They will hold in the hollow of their hands the power to destroy towns and cities by discrimination; they will hold in the hollow of their hands the power to suppress any industry anywhere. A discriminatory rate can destroy any industry; a discriminatory rate can destroy any city or any town; and, without this power of revision by the Interstate Commerce Commission, we would turn the industries of the country, we would turn the cities and towns of the country over to the pleasure of local organizations, many in number, scattered throughout the entire land. Even to hang the threat of such a condition over them, to hang the possibility of such a condition over them, is to menace their prosperity. I would not go into business or put a dollar in an industry requiring the use of transportation if the local superintendents or the local railroad officials could stop me by an excessive rate or a discriminatory rate at pleasure.

Mr. McKELLAR. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. SMITH of Georgia. I yield.

Mr. McKELLAR. It seems to me, Mr. President, that a couple of months ago or so the question which the Senator is now discussing was a live one; but I want to ask the Senator if he does not think since Congress has passed the railroad law that that settles the question which he is now discussing? The railroad law itself provides:

> After full hearing the commission may make such findings and orders——

Mr. SMITH of Georgia. Yes; I have read that.

Mr. McKELLAR. The act proceeds:

> as are authorized by the act to regulate commerce as amended, and said findings and orders shall be enforced as provided in said act: *Provided, however*, That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control——

Mr. SMITH of Georgia. If the Senator will pardon me a moment, those provisions have all been read during his absence and put in the RECORD.

Mr. McKELLAR. Does not that provision absolutely put it in the hands of the President to control the rate-making authority, and is not the Interstate Commerce Commission denuded of authority by the act of Congress which we have already passed?

Mr. SMITH of Georgia. I answer the Senator with no embarrassment and with emphasis, it is not. When, a half hour or an hour ago, we had the provisions of the railroad bill up for discussion, we read them and views were expressed with reference to them. If the Senator will go just a little further back in the railroad act he will find this provision:

> Said rates, fares, charges, classifications, regulations, and practices shall be reasonable and just and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate, fare, charge, classification, regulation, or practice of any carrier under Federal control.

And after hearing all the facts the Interstate Commerce Commission is to determine the question, and its decision is to be final.

Mr. McKELLAR. Yes, Mr. President; but there is still a further provision, which says that after all that is done—

> The Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President, together with such recommendations as he may make.

After the matter has been gone into by the Interstate Commerce Commission under this act and a decision has been reached, then the act prescribes that it must listen to recommendations made by the President of the United States, the same authority that appoints each member of the commission; and the conclusion is inevitable that what Congress meant by that provision is that, if the President overrules the Interstate Commerce Commission, the President's ruling must go and the commission must accede to it.

Mr. SMITH of Georgia. On the contrary, the reverse is true; it is expressly declared that the commission shall set aside the order if it is unreasonable and discriminatory. While the President may file a certificate, and while the commission may consider it, still, if they are men of courage and character, they will overrule the President when he is wrong. They will well understand also that the President can not have mentally acted upon the rates. He will only certify what others have done. They will perfectly understand that the President knows nothing about it; that it is not the work of the President; they will perfectly understand that it is not the work of the Director General of Railroads; they will perfectly understand that it is the work of a superintendent or of men away off from the center handling the railroads; they will perfectly understand that the President could stand an examination on any certificate he may send to them, and that if they should make inquiry concerning the certificate he could not tell them what was in it. No one human being can keep up with the changing rates. There are sent in over 10,000 changes a year, as a rule; and if the President remembered the number he had signed he would do well. Instead of meaning that they are to abandon their duty, the law puts a duty on them. It may be true that the spirit is abroad in the land that officials charged with duties by the Constitution and by law ought to lay down and abandon their responsibilities, but this puts a responsibility upon the commission, and I regard it as valuable.

Mr. McKELLAR. Well, Mr. President, will the Senator explain why such a proviso was put there if the Interstate Commerce Commission was not to consider the advice and the recommendation of the President?

Mr. SMITH of Georgia. It says they are to consider it for what it is worth, but are not to be bound by it. The provision was put there because there was influence enough in one branch to pass this bill putting all the powers in the Director of the Railroads. That is why. The Senate passed it with no such provision; and I would have been willing, if a majority of the Senate had been, to have stood by the Senate provision, even if there never had been a railroad bill passed.

Mr. McKELLAR. Mr. President, will the Senator permit me to interrupt him once more?

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Tennessee?

Mr. SMITH of Georgia. I yield.

Mr. McKELLAR. That brings the Senator to the very statement that I made in the beginning, that the unfortunate part of the situation, as it seems to me from the Senator's standpoint, is that we have already acted on it; we have already yielded the power.

Mr. SMITH of Georgia. We have not; we have expressly made it the duty of the Interstate Commerce Commission to render their own judgment as to whether a rate is reasonable and just; but the act provides that the commission can consider the certificate of the President. That is what it says. Now, if they are servile, possibly they will lie down and abandon their duty; but I do not believe they will. I tell you the power to have a discriminatory rate reviewed before them and to take testimony regarding it to show its reasonableness is a valuable power. The local body, knowing that they will be subject to public presentation as to action, knowing that they will be subject to public criticism before a semijudicial tribunal, where testimony can be taken, will be a little more careful of the rights of those whom they touch. Turn them loose without the right of hearing, turn them loose without any right of review and reversal, and I would not give the snap of a finger for the rights of any industry dependent upon the privilege of transportation.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Tennessee?

Mr. SMITH of Georgia. Yes.

Mr. McKELLAR. Take a concrete case. Suppose a body of shippers had petitioned the Interstate Commerce Commission and had secured a reduction of rates from a certain class of railroads; that that action was made final by the Interstate Commerce Commission; and then, after that was done, the President of the United States should say, "While your finding is no doubt in a way all right, still, because of 'war taxes'"—I am reading from the statute now—"because of the additional cost of operation, because of railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers operating as a unit, the rate pro-

vided is too low." The statute says the President has a right to take into consideration all such questions and submit them to the Interstate Commerce Commission. Does the Senator, as a practical question, think that the Interstate Commerce Commission would refuse to consider the certificate of the President?

Mr. SMITH of Georgia. Of course, they would consider the certificate.

Mr. McKELLAR. I am inclined to think they would not only consider it, but that they would feel that they were bound by it, if the President of the United States enumerated all those things.

Mr. SMITH of Georgia. Then why did the law give the right to have a hearing?

Mr. McKELLAR. I think it is nugatory myself.

Mr. SMITH of Georgia. It is nugatory if they are a set of cowards that ought to be impeached, but not otherwise. The Senator misunderstands the certificate from the President. It comes in as a part of the original case and is to be before the commission before they render their decision; but in spite of that certificate from the President, it is their duty to pass upon the testimony and decide the case. That certificate has no bearing upon discriminatory rates; that certificate is to bear upon the general problem of how much money is to be raised as a whole.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I do.

Mr. KELLOGG. May I suggest to the Senator from Georgia also that the facts which the President may certify to the commission are facts which the commission would take under consideration in any event in fixing a rate. The courts have held and the commission has held over and over again that such facts should be taken into consideration. There may be an object in the President certifying to those things, because the President is operating the roads and has all the knowledge and the facts.

Mr. SMITH of Georgia. I thank the Senator. In point of fact, as he states, the certificate of the President simply covers matter that even to-day under the law they would be required to consider. It is not a certificate that is to be filed with them after they render a decision, but it goes to them as part of the original evidence. I apprehend that the greatest danger to the public from the loss of this authority to the commission would be in the case of discriminatory rates, where a rate is intentionally made so heavy affecting a particular industry as to suppress it.

The President's certificate is to have reference to the general problem of the amount of money that is to be raised, the amount that will be needed. I apprehend that there will be a substantial increase of rates; I am not enthusiastic about Government operation of railroads; and had not the President already seized them, I would not have voted to allow him to seize them. When the act was passed in 1916 I did not think we had voted to do so, and I have not changed my mind. Why should we authorize the President to break down the service which we have reserved to the Interstate Commerce Commission? The answer is to win the war; yes; if it would win the war; but suppose it would help the Germans?

I think it would help the Germans, and therefore I am against it. I know it would help the Germans, and therefore I am against it. Do not put on us this help to the Germans; do not put the industries in a state of doubt and break them down in the interest of Germany, the enemy of the universe. Give some better reason than that you want to win the war. Is the President going to use the power or is he not? If he is not, leave it out; he does not need it. If he is going to use it, keep it out; do not let him do so. That is my view of it. If I knew that the President wanted to use it, I would know that I ought to help keep it out of the bill and not give him the power; and if you know he does not intend to use it, why do you object to leaving it out? I tell you, you menace the prosperity of the country by putting that provision in the bill.

I had not intended to discuss that feature of the bill at this time. I was objecting to the word "administrative." I think we should leave that word out. I think that word "administrative" was put there so that all these Creel agencies and Garfield agencies and the advisory commissions of the Senator from Tennessee and all the remainder of these administrative agencies——

Mr. McKELLAR. I hope the Senator will not call them my advisory commissions. I am sure I am as much opposed to them as almost any man in this country.

Mr. SMITH of Georgia. I call them his, because he has rendered good service to the Senate by showing how useless, how worse than useless, how harmful they have been. I think the word "administrative" ought to be stricken out, because it broadens the distribution of all the functions of our Government to all these indefinite agencies, changeable and shifting day by day and hour by hour, the agencies that have caused most of the confusion that has existed at this capital during the past 12 months.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. NELSON. I do not want to interrupt the Senator unless it is agreeable to him.

Mr. SMITH of Georgia. It is entirely agreeable.

Mr. NELSON. I merely wish to say, in reply to the question why was the word "administrative" put in the bill, that it was an amendment offered by myself and was put in the bill to differentiate and segregate administrative bodies from what we call advisory commissions, of which we have such a multitude. It was to leave them outside of the breastworks. That was the only malice prepense there was in the amendment.

Mr. SMITH of Georgia. I know that any purpose the Senator from Minnesota ever has is a good one. While I may not always agree with him, I never doubt, when I differ with him, the earnestness of his patriotism or his devotion to his conviction of what is right. I think he used an unhappy word. I am afraid that instead of cutting them out they are included, and I want to cut them out.

Mr. President, I have said a good deal this afternoon about the Interstate Commerce Commission. While I am on my feet I wish to express my earnest delight that the President has put into the Shipping Board a mentality capable, in my judgment, of handling that tremendous enterprise. Oh, let him have his time for work of that sort. The Interstate Commerce Commission is doing all right. The Federal Reserve Board is doing all right. If there is an organization in the United States that has commanded the respect and confidence of the country, it is our Federal Reserve Board. Our banks during this year of war have moved on with a confidence in the Federal Reserve Board that has been simply splendid, and that has not helped the Germans. It has helped us. Breaking down the Federal Reserve Board will not help win the war. It will help the Germans.

Mr. OVERMAN. Mr. President, the Senator does not think the President wants to help the Germans, does he?

Mr. SMITH of Georgia. No; but I do not think the President's judgment is infallible. I would rather have the judgment of the Senate on the organization of the Federal Reserve Board than that of the President and any advisers he may have; and there is where the Constitution puts it. The framers of our Constitution believed that the Senate and the House of Representatives, coming from every part of the Union, were better capable than one man of doing work of that character. I believe in the Constitution, and I do not intend to abandon at anybody's dictation my part of the responsibility which falls upon me under the Constitution, and I do not want to abandon it. I want to help whip the Germans and I want to stop hindrances through the unwise delegation of authority that can not be properly performed. I believe we ought to stay here and do our part. If any change is needed in the Interstate Commerce Commission, I say we know how to make it better than the President does or would if he had nothing else to do. The Senate as a whole has had broader experience in matters of this kind than any man that lives. It has had broader experience than any one Senator. Men are men, whatever place they hold. I wish to save these organizations, to save them for the service of my country during this war. We need them. I am not willing to help the Germans by running from my responsibilities as a Senator. If I am called upon to stand by the President by supporting every bill that is labeled "Administration," I reply that it is not wise for Senators to vote without mental action. The Constitution requires us to say whether a measure is wise or not, and I intend to help decide this as a Senator——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Certainly.

Mr. LODGE. Do I understand from the remarks of the Senator from Minnesota and the Senator from Georgia that this was framed so as to exclude the advisory commissions and take them out of the reorganization?

Mr. SMITH of Georgia. That was what the Senator from Minnesota said.

Mr. NELSON. Mr. President, if the Senator will address his question to me, I can answer it.

Mr. LODGE. I shall be delighted to have the Senator answer it. Is that the purpose?

Mr. NELSON. We had a lot of advisory commissions, any amount of them, and I did not want them inserted in this legislation; and so we put in the word "administrative" to refer to those that had administrative jurisdiction, as distinguished from legislative authority. Is not that plain?

Mr. LODGE. Yes; so far as it goes. What I want to get at is whether this takes the advisory commissions from the control of the President.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. LODGE. Certainly, although I have not the floor.

Mr. OVERMAN. If the Senator will examine the bill, he will find that we also put in there the words "now existing by law." The Creel commission is not created by law, as the Senator knows. The Senator from Georgia thought it had been created by some law. I understand that it was not created by law, but that it was established by the President under some fund he has. But that is administrative. There is a Council of National Defense that is established by law. The Council of National Defense, under that law, has established certain agencies. Those are created by law; but there are certain commissions as to which I do not know how they are established. This does not apply to them.

Mr. LODGE. What I want to get at is whether the advisory commissions, of which we have a great many, were exempted from the operation of the provisions of this bill.

Mr. OVERMAN. Not if created by law.

Mr. LODGE. Are those exempted that are not created by law?

Mr. OVERMAN. Does the Senator mean whether they are exempted by this bill?

Mr. LODGE. Yes; exempted from the operation of this bill.

Mr. OVERMAN. It exempts all administrative agencies not created by law or existing by law.

Mr. LODGE. But the Senator from Minnesota stated with the utmost clearness that the word "administrative" was put in in order to distinguish them from the advisory commissions. What I am trying to find out is whether the advisory commissions are exempted from the operation of this bill.

Mr. OVERMAN. Not if they are created by law.

Mr. SMITH of Georgia. I answer the Senator without any hesitation that this term "administrative," which is applied to places to which these functions can be transferred, covers, in my opinion, all the advisory commissions or any others that might be appointed, because there is a law which authorizes the creation of the Council of National Defense and authorizes it to appoint an advisory commission and such other commissions or committees as it deems proper. Now, all these advisory commissions heretofore appointed, or any that may be hereafter appointed, are appointed in pursuance of law, for there was a law that authorized their appointment; and in my opinion this word "administrative" would bring all of those committees into a position where any of the functions of any part of the Government might be placed on them.

Mr. LODGE. I do not want the Senator to misunderstand me. It is not because I am anxious to have them exempted that I am asking these questions. It seems to me that they are the very things that should be specially included in the bill, for if anything can be done to consolidate the advisory commissions and reduce their numbers it is very desirable.

Mr. SMITH of Georgia. But the Senator does not catch the criticism I make. This term is used in a class naming the agencies to which the functions of the civil government may be transferred; not from which they shall be taken, not from which any authority they have is to be removed. It is a description of the agencies to which all the powers of every department—all the powers of the Federal Reserve Board, the Interstate Commerce Commission, all of our functions of government—might be transferred; and as it is broadened it includes more indefinite agencies, and creates additional uncertainty as to where the civil government is going.

Mr. LODGE, Mr. FLETCHER, and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Georgia yield? There are three Senators on their feet.

Mr. LODGE. If the Senator will allow me, as he was addressing me, I shall be through in a moment. I am in entire agreement with him that the Interstate Commerce Commission, and the Federal Reserve Board, and a number of other wholly civil departments, should be exempted from the operation of this bill; but I should be sorry to think that the advisory commissions could not be consolidated or reduced.

Mr. NELSON. Mr. President, will the Senator from Massachusetts allow me to interrupt him?

Mr. LODGE. Certainly.

Mr. NELSON. I want to say that I think there was some confusion in the statement just made by the Senator from Georgia. We have a statute—I have not it before me—creating what is known as the Council of National Defense, consisting of the members of the Cabinet.

Mr. LODGE. Yes.

Mr. NELSON. That Council of National Defense is authorized to appoint advisory commissions, but they have no administrative functions. If the Senator will read the law—I will point it out to him afterwards—he will see that the only power that all those commissions have is to give advice and furnish information. They have no administrative authority. That is the status of the case.

Mr. LODGE. I understand that.

Mr. NELSON. Take, for instance, Mr. Creel's bureau. That is outside of the breastworks. I do not know any law for that. The President has appointed that bureau by a species of main force; and I do not use the term in any odious sense. He has appointed that bureau, and it is a bureau that might do a good deal of good, but whether it has or not up to the present time is a question that I leave for Senators to judge.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. SMITH of Georgia. I yield to the Senator from Florida.

Mr. FLETCHER. I will say to the Senator from Massachusetts that I have the impression—and I refer him to the Senator from Minnesota to confirm it—that his idea in offering this amendment was not to recognize in the law at all those commissions which are not created by law. The purpose of the amendment was to ignore those outside commissions, and not include them or recognize them under this law. That was the main purpose of the amendment.

Mr. LODGE. That was what I supposed, and that is what I am trying in my humble way to point out as something that ought not to be done. I think if we are going to have everything consolidated and transferred and practically abolished, that is a splendid place to begin.

Mr. FLETCHER. Does the Senator feel that those commissions are the proper commissions to distribute functions to, and have them perform functions that are now performed by departments?

Mr. LODGE. Why, Mr. President, what we have been suffering from more than anything else is diffusion of responsibility. Under those commissions and under those boards there has been continual diffusion and separation and scattering, when what we want is concentration.

Mr. FLETCHER. That is precisely the object of the Senator's amendment—to except those commissions that are scattered here and there, and not to include them in this law at all.

Mr. LODGE. The Senator from Florida has just assured me that all these endless advisory commissions are to be carefully preserved.

Mr. FLETCHER. No; I said distinctly the other way. I said that the purpose of the amendment was not to recognize them.

Mr. NELSON. Mr. President, will the Senator from Georgia allow me to say a word?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I do.

Mr. NELSON. I want to call the attention of my friend from Massachusetts to the fact that we have stricken out of the bill lines 4, 5, 6, and 7, on page 3. That ought to be considered in connection with the phrase that we have used there, "administrative commissions." We struck out those words—

> And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

We did not want him to establish any outside agency, outside of any of the Government bureaus.

Mr. LODGE. I think that is a very wise provision.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. SMITH of Georgia. Certainly.

Mr. McKELLAR. I want to ask the Senator about these advisory committees. For instance, the Council of National De-

fense is composed of six Cabinet officers. They are given the right under the law to designate an advisory commission, and they have so acted. Now, as I understand that very vague law, it authorized the advisory commission to constitute advisory committees, and they have constituted so many committees that I do not believe anyone in this country can count them.

Mr. SMITH of Georgia. A few thousand.

Mr. McKELLAR. I imagine it is a very, very large number. I do not think anyone ever knew the exact number.

Mr. SMITH of Georgia. So many that nobody could ever locate them.

Mr. McKELLAR. The question that I want to ask the Senator is: Does this bill include all of these various committees appointed in this way? Does the Senator understand that the President will be given the right to furnish an office for each member of each committee, if he so desires?

Mr. SMITH of Georgia. Yes; and not only that——

Mr. McKELLAR. I do not understand the bill in that way.

Mr. SMITH of Georgia. Not only that, but he can transfer to them, if this word "administrative" is used, any function of any department he sees fit.

The Senator from Minnesota says that they added the word "administrative" to exclude these advisory commissions. Why, "administrative" is a much more comprehensive word than "executive." I have read from the Century Dictionary to show that the word "administrative" covers, in the broadest manner, all connected with the administration. That was why I read from the Century Dictionary. Anything connected with administration that is an agency is an administrative agency. All the advisory commissions are connected with the administration, and are administration agencies; and this word "administrative" will extend the right of transfer of functions practically without a limit.

Mr. President, I shall not at this time discuss the evil of permitting the Federal Reserve Board to be subject to the effect of this bill. I wish I could call the attention of the banks of this country to it and make them realize the threat held over the whole banking system of the United States by this bill. I wish I could make the banks from ocean to ocean understand that, with this bill as it is drawn, the powers of the Federal Reserve Board could be transferred to the Comptroller of the Currency.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

Mr. SMITH of Georgia. Yes.

Mr. FLETCHER. May I ask the Senator whether he has any real basis for assuming that any such thing is contemplated, or whether he contends that that is one of the things that would be possible under the act?

Mr. SMITH of Georgia. Then will not the Senator join me in excepting it from the bill, so that it will not be possible?

Mr. FLETCHER. Why, I do not think it is necessary for me to say that I am in favor of this bill on condition that you add to it a proviso to the effect that the President does not go crazy and commit an insane act.

Mr. SMITH of Georgia. Then I do not want to go crazy and authorize him to do it. I decline to go crazy myself and embrace in a bill an authority to the President to do something which I think the President must go crazy before he uses. I am asked to do something which it seems to me requires that I should be worse than stupid—to vote to authorize the President to do something which would be so wicked, so helpful to the Germans, so hindering in our effort to win the war, that I could rely upon the President never doing it. Mr. Wilson may not always be President. This power is given to any President during the war. It may be some other President. No man has a guaranty even of life. Any President could do it. I will not vote to authorize any President to ruin the country. I will not, abandoning my constitutional responsibility as a legislator, vote to authorize him to tear to pieces one of the greatest securities to the financial system of my country. The Senator from Florida knows he ought not to use the power if we give it to him. Then, O Senators, help us to save from doubt so necessary a part of our Government!

The great Senator from Illinois [Mr. LEWIS], the whip of the Democratic side—my side—who frequently speaks by suggestion, not with complete authority, but with suspicion of something else coming, advised us that the Interstate Commerce Commission and the Federal Reserve Board ought to be consolidated. Upon the floor here he maintained that they should be consolidated, and he wanted this bill in order that they might be consolidated into some new board, to be termed the board of finance and transportation. Now, he did not say he spoke by authority; but we frequently hear——

Mr. OVERMAN. Mr. President, does the Senator think he ought to make that suggestion?

Mr. SMITH of Georgia. What?

Mr. OVERMAN. That the President suggested that to him.

Mr. SMITH of Georgia. I did not say he suggested it to him.

Mr. OVERMAN. The Senator is arguing the matter in that way.

Mr. SMITH of Georgia. Not at all. I said he did not say he spoke by authority. That is what I said, and I do not think he spoke by authority.

Mr. OVERMAN. I heard the Senator say that something was gotten to him by suggestion. As I understood the Senator, he was suggesting that——

Mr. SMITH of Georgia. I said that the Senator from Illinois frequently brought matters before the country which seemed to come to him by suggestion. I said he disclaimed having spoken by authority. I understand that the Senator from North Carolina means that nothing of the sort would be done. Then let us cut it out of the bill, so that it can not be done. We may not have so wise a President as Mr. Wilson during the whole of the war. Any President could do it. Oh, Senators, let us help whip the Germans! Do not whip your own country.

Mr. OVERMAN. We will never whip the Germans by attacking the President indirectly.

Mr. SMITH of Georgia. You force this discussion by insisting upon dangerous legislation. You will never whip the Germans by giving any President power that he ought not to have or transferring to some one authority to tear to pieces our institutions which ought not to be disturbed.

Mr. OVERMAN. That is the trouble with the country now; it will not stand by the Commander in Chief.

The PRESIDING OFFICER. Senators should address the Chair.

Mr. SMITH of Georgia. Would you have Senators abandon their convictions as legislators, supinely rest upon their backs, and turn over duties that belong to them to the Executive, to be exercised under the advice of men who are not as competent as Senators to act? We are asked to place upon the President duties that must be performed by others for him, duties it is humanly impossible for one man to perform. I will stand by the Commander in Chief, and I will help him, but I will help by being candid and by doing my duty as a Senator. I commend him for his splendid work in putting Mr. Schwab on the Shipping Board, but would I have been patriotic to commend everything that has taken place before on that board? Would that be the way to help whip the Germans?

We have our organization to build flying machines. Shall we have them built? Are you pleased that we have not one finished here flying in France to-day? Shall I commend the men who have mismanaged this part of our work? I stand by the administration and urge it to promptly put a competent man in charge of that work. If we had had five or ten thousand armed flying machines in France the Germans could not have made this drive. We appropriated $680,000,000 for the work. We ought to have had 10,000 of them to-day in France, armed and ready for service.

Mr. OVERMAN. Does the Senator charge that the President is responsible for that?

Mr. SMITH of Georgia. I do not charge the President with being responsible for it. I regret a competent man was not in charge to handle it. When months ago it was found machines were not being built somebody should have forced construction. Whose duty was it? The President has had more placed upon him than any human could perform. Others acted for him. Of course, in detail this was not his duty. Perhaps the Secretary of War should have known about it.

I would leave the President a free hand in all military matters. I wish your bill to give him that. I will go further. I hope he will name a competent Chief of Staff and keep him here to do his work. I hope the head of the Ordnance Bureau will be selected and kept here to do his work. During the past 12 months there has been change after change. You say we help the Germans by not standing by the Commander in Chief. Do you mean we help the Germans when we urge a better organization in the War Department? I can not say that I approve the failure to furnish flying machines for use in France. For me to say so would not help whip the Germans.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I do.

Mr. THOMAS. I think I should say at this point, in justice to the administration, that the men who were put in charge of the aviation program were men of the highest business ex-

perience in automobile production and were recommended as such to the President.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. SMITH of Georgia. I yield.

Mr. FLETCHER. Allow me to say, further, that those gentlemen are well-known manufacturers. They were not selected from the President's party. Aside from that, the Senator surely does not say that the administration is to blame for not having 20,000 battle planes—fighting planes—in France, when this entire industry was absolutely new a year ago, when it takes time to organize to prepare to construct these machines, when changes and improvements have been made in the motor from time to time, and are being made yet?

Mr. SMITH of Georgia. And I think the failure to construct on tested models, while waiting these changes, was very unwise.

Mr. FLETCHER. No; improvements are suggested by the use of the machines, by the experience of those who are operating the machines over there, that it would be absolutely absurd to ignore; and it is an utter physical impossibility to have manufactured the engines, the motors, and these planes in order to have them in any such quantity anywhere in this country or in the world.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. The Senator from Florida speaks about our not being prepared to make them. American firms were turning out motors which have been used by England and France over the battle lines at the rate of 100 a week. They could have turned them out for us. They are flying now all over the French lines—American motors in English and French models. Why did we not go on and take those motors? Instead of taking those motors we wasted a whole year in trying to develop one of our own. We could have developed one of our own among the automobile manufacturers, if you please; but why did we not take those that were ready and use them?

Mr. FLETCHER. Will the Senator tell me what motors of American manufacture are being used, and where?

Mr. LODGE. In England. I only know they are making them here in large numbers, and have been ever since the war began.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. I think the statement of the Senator from Massachusetts is rather broad.

Mr. FLETCHER. I do not think there is any testimony justifying it.

Mr. THOMAS. At the time we declared war I do not think American manufacturers were manufacturing engines for fighting planes. They were manufacturing engines for training planes. I may say that I quite agree with the Senator that we should have used the best models at the English and French fronts in France, and should have manufactured them contemporaneously with the development of our own engines; but the manufacture of the Hispano Suiza engine, which is, I think, the engine used in the British fighting plane, has been carried on here by the Wright & Martin Co. in New Jersey, beginning, if I recall correctly, some time last December.

Mr. LODGE. But we have been making fighting planes here.

Mr. THOMAS. Oh, unquestionably.

Mr. LODGE. And fighting planes on French and English models.

Mr. THOMAS. Yes.

Mr. LODGE. And these planes have been successful abroad. Their motors have been perfectly successful.

Mr. THOMAS. Yes.

Mr. LODGE. They could have made those motors for us. If we had only gone ahead and allowed them to make those motors for us, in the meantime our geniuses could have devoted themselves to perfecting a Liberty motor. What I find fault with is that they told the country that they were to have these motors, and that on the 1st of July a year after the war began we would have 20,000 motors. There is where the number came from; and they make the country think we have them already, when we have not one now.

Mr. THOMAS. If the Senator from Georgia will permit me——

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. My purpose in interrupting the Senator was not to criticize the Senator's comment upon how we should have proceeded. I quite agree that we should have manufactured improved planes and improved engines contemporaneously with the development of our own engines.

Mr. LODGE. Precisely. That is my whole point.

Mr. THOMAS. To some degree, however, that was done, since Gen. Pershing placed orders abroad, and fortunately, through those orders, we have some flying machines.

Mr. LODGE. Oh, yes; we have had them made abroad.

Mr. THOMAS. Subsequently, beginning, as I remember, in December, the plan suggested by the Senator was adopted. It was, however, after we had lost a number of months of precious time, for which to some extent we are paying the penalty.

Mr. LODGE. I do not want to take the Senator from Georgia off the floor, but in this connection I wish to ask the Senator from Colorado, who is thoroughly informed on the subject——

Mr. THOMAS. Not thoroughly.

Mr. LODGE. Who is very well informed on the subject about the Bristol fighter, one of the best of these planes. We tried to make them, and did make one, I believe. Did we improve it before it was burned or was it an improved model?

Mr. THOMAS. The Bristol plane is a machine considered apart from the engine. It is the boat—the ship. I think efforts were made to improve the plan of the Bristol, but as to that I am not now absolutely certain. At any rate we began to manufacture them, and I think the first one was turned out something like three months ago, and a small number have been made.

Mr. LODGE. The report of the Committee on Military Affairs states that one Bristol fighter—if that is the name, it is a good name——

Mr. THOMAS. Yes; the machine sent to France to which the Senator refers is composed of a Liberty engine and a Bristol body.

Mr. LODGE. Is that the one that burned?

Mr. THOMAS. No; the one which burned was turned out in Buffalo. It made a successful flight, and immediately after the flight it was destroyed by fire.

Mr. LODGE. That is the one we improved?

Mr. THOMAS. I can not answer as to that, but I think it was a regulation standard Bristol body.

Mr. LODGE. Very well. I beg the pardon of the Senator from Georgia. I did not mean to take him off the floor.

Mr. FLETCHER. If the Senator from Georgia will allow me to refer back to the original statement made by the Senator from Massachusetts, he said we were manufacturing machines in this country and sending them to France and England, and they were actually being used over there when we should have been manufacturing them for ourselves. That statement is wholly inaccurate according to my information.

Mr. LODGE. We have been making planes—I may be mistaken about their having been fighting planes—we have been making motors, and they are being used abroad to-day. The French and English planes are the only ones we have, as the Senator knows.

Mr. FLETCHER. We are using planes made in France and England. We have shipped the material over there and I think we will make them there. I believe it would be wise for us to continue to ship the raw material to France and England, where they are prepared to manufacture these machines, and at the same time make them here. I think it would be wise to do both, to make them here and to ship the raw material over there. They requested us to do that.

Mr. LODGE. I think it would be wise to send the raw material there and let them manufacture them and then we would get some planes.

Mr. FLETCHER. That is what we have been doing.

Mr. LODGE. We leave them to be manufactured here, but somehow or other—I blame nobody—we do not get fighting planes.

Mr. SMITH of Georgia. Mr. President, what I was seeking to do was to show that the transfer of power to the President does not necessarily mean that we have taken a step to help whip Germany. The President had power over the Shipping Board; the President had the power over the manufacture of airplanes; the President had power over the organization of the War Department. The mere transfer of power to the President does not necessarily mean that thereby you will help whip the Germans.

Mr. McKELLAR. Will the Senator yield?

Mr. SMITH of Georgia. I will yield, but after all this I will not yield any more because I should like to say a few words in closing.

Mr. McKELLAR. I will take only a few moments. The Senator paid a very high compliment, and I apprehend a very deserving compliment, to Mr. Schwab, who has been appointed head of the Shipping Board.

If later on the President in the exercise of the power conferred upon him by this bill should see fit to consolidate the airplane industry under Mr. Schwab, knowing Mr. Schwab's great capabilities, his wonderful experience as the head of the largest steel organization in the country, does not the Senator think that a distinct service would be performed by the consolidation of those two departments of the Government?

Mr. SMITH of Georgia. I do not. I think Mr. Schwab has all of one man's job to build ships. I have no doubt a man practically of the same ability can be found and put in charge of the construction of flying machines, and I think that would be better, but as I would amend the bill the power would still be left in the President to make the consolidation suggested by the Senator from Massachusetts. Everything that pertains directly to the war or the construction of ships, the Navy Department, the War Department, all those functions, I think, must be left in the President, because he is Commander in Chief of the Army and Navy.

What I have been trying to point out is that transferring additional powers to the President did not mean necessarily a better performance of the duties now vested in public servants nor does it necessarily mean a better organization than we now have.

I instanced the flying machines. I am asked by the Senator to approve everything the administration has done. I can not do it. I think we ought to have had flying machines in France before now. I think we ought to have had a Chief of Staff on the job, an able man, all the time since the war began, selected with a view to his capacity and fitness and kept here. I do not believe we get the best service by so many changes. I think we should have had an able head of the Quartermaster's Department selected at the beginning of the war and kept here. I think we should have had an able Chief of Ordnance selected 12 months ago and kept here. I do not believe that you strengthen your organization by changing and changing and changing.

If we are to whip the Germans and if we have made mistakes, the way to whip them is to be honest about it, admit the mistakes, and overcome them by correcting them. You can not strengthen yourselves by declining to admit that you have made mistakes. The strong way to do is if you made a mistake to frankly face it and correct it. What we are all bent upon doing is what the Senator from North Carolina wants to do, "Win the war." He has just started a little along the wrong road. We must whip the Germans, and we know that there is still plenty for the President to do in our strictly military establishment in the War Department, in the Shipping Board, in the construction of fighting planes, in thoroughly and permanently reorganizing our military bureaus in Washington, so that a man will be in the same place after he masters the work. That is a full share for one man to do, and I beg that we do not throw into the sea of uncertainty two such organizations as the Federal Reserve Board and the Interstate Commerce Commission, when they can not be helped by doing it, when they may be harmed by doing it, and when our banking system and our industries will be jarred by doing it. I beg that they be saved at least from this misguided effort to fight the Germans in an unwise way.

Mr. OVERMAN. Mr. President, I know there are some Senators who think they can run this country better than the President has done, and not only Senators think so but others. The trouble is that they are not President. The people of the United States have elected Woodrow Wilson President. Congress has placed this matter in his hands as Commander in Chief. The Constitution has made him Commander in Chief. When you declared war you pledged the President to support him to the last limit, that you would give him all the resources of the country. I can not see that the Senator from Georgia is supporting him in making the speech that he has made here to-day and criticizing him for mistakes that any man might have made. The President has done his best. He has made errors. He has come to Congress and asked Congress to give him authority that he may correct errors. The trouble is that we have Senators from day to day fighting a bill when the President comes here and asks for authority to carry out the laws already enacted in the interest of the war alone, and to fight the war. You have got to trust him. He is the Commander in Chief, and if Congress is going to give him this authority——

Mr. SMITH of Georgia. Are we obliged to trust him with the Federal Reserve Board and the Interstate Commerce Commission?

Mr. OVERMAN. No; Senators do not trust him, but the people of the United States have implicit trust in Woodrow Wilson. You may get up on the floor and denounce him and denounce the mistakes of the administration, but it goes in deaf ears, because the people of this country know him, they know his patriotism, they know he is trying to do right, and when he asks this authority from Congress they know you ought to give it to him. They are standing behind him, and the Senate is going to stand behind him.

Now, Mr. President, I submit the following proposal for a unanimous-consent agreement:

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that after the hour of 3 o'clock p. m., on the calendar day of Wednesday, April 24, 1918, no Senator will speak more than once or longer than 30 minutes upon the bill S. 3771, authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, etc., or more than once or longer than 20 minutes upon any amendment offered thereto.

Mr. LODGE. Before we undertake to get a quorum——

Mr. OVERMAN. It will not require a quorum.

Mr. LODGE. Is it not a proposed unanimous-consent agreement to vote?

The PRESIDING OFFICER. The Chair thinks it will not require a quorum. Is there objection to the request?

Mr. LODGE. I should like to hear it read again. I misunderstood it.

The PRESIDING OFFICER. It will be again read.

The Secretary again read the proposed agreement.

The PRESIDING OFFICER. Unless the time for a vote is fixed in a unanimous-consent agreement it does not require the call for a quorum. Is there objection?

Mr. LODGE. I misunderstood it. I thought it was a unanimous-consent agreement to vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is agreed to.

ARMY CHAPLAINS—VETO MESSAGE.

Mr. CHAMBERLAIN. Mr. President, there was laid before the Senate a short while ago a veto message of the President. The basis of his veto was a proviso added to Senate bill 2917, as follows:

Provided, That the maximum age limit of chaplains in the Army shall be 45 years.

I think the President very properly suggests in his veto message that that language is ambiguous and might mean that the chaplains would go out when they reached the age of 45 years. He suggests an amendment as follows:

That no person shall be appointed a chaplain in the Army who, on the date of appointment, is more than 45 years of age.

That was the intention of both branches of Congress, I am sure. I move that the bill and veto message be referred to the Committee on Military Affairs and printed.

The motion was agreed to.

CIVIL-SERVICE EXAMINATIONS.

Mr. McKELLAR. I desire to call up the joint resolution (S. J. Res. 141) amending the act of July 2, 1909, governing the holding of civil-service examinations. It simply permits persons who have already taken the examination to be——

Mr. SMOOT. Mr. President, there is so much confusion I can not hear what the Senator says. I wish he would repeat his statement.

Mr. McKELLAR. In 1909 a joint resolution was passed allowing civil-service examinations to be held here in the city of Washington——

Mr. BRANDEGEE. Can not the joint resolution be read so that we may hear what it is?

Mr. McKELLAR. Very well.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the act of July 2, 1909 (36 Stats. L., 1), and any amendments thereto, be, and the same is hereby, amended so as to permit the United States Civil Service Commission to excuse all applicants who may have successfully passed civil-service examinations for temporary positions since April 6, 1917, from taking such examinations again, and the said commission shall have the right to certify such applicants without further examination.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Just a moment. I desire to ask the Senator from Tennessee if in reporting the joint resolution the amendments were reported as agreed to by the committee?

The PRESIDING OFFICER. There are amendments of the committee.

Mr. McKELLAR. I will say to the Senator that the committee was polled and the amendment adopted that was suggested, and very properly suggested, by the Civil Service Commission itself; that is to say, that applicants for these positions who had already stood the examination should prove their citizenship and be apportioned to the several States. That, I think, is a very proper amendment, and I hope the Senate will agree to it.

Mr. SMOOT. That is the one I had reference to in asking the question.

Mr. McKELLAR. Those are the facts about it.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, which had been reported from the Committee on Civil Service and Retrenchment with amendments.

The first amendment was, on page 1, line 4, to strike out the word "any" before "amendments."

The amendment was agreed to.

The next amendment was to add at the end of the joint resolution the following proviso:

Provided, That such applicants prove their citizenship and are apportioned as now provided by law.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 19, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1918.

GOVERNOR OF HAWAII.

Charles J. McCarthy, of Honolulu, Hawaii, to be governor of Hawaii, vice Lucius E. Pinkham, term expired.

COLLECTOR OF INTERNAL REVENUE.

George F. Crutchley, of Norborne, Mo., to be collector of internal revenue for the sixth district of Missouri, with headquarters at Kansas City, Mo., in place of E. M. Harber, resigned.

COAST GUARD.

Cadet Engineer Leo Robert MacHale to be third lieutenant of engineers in the Coast Guard of the United States, to take effect from date of oath.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

First Lieut. Wallace J. Redner, Infantry, to be first lieutenant of Cavalry with rank from May 15, 1917.

INFANTRY ARM.

First Lieut. Folsome Reed Parker, Cavalry, to be first lieutenant of Infantry with rank from May 15, 1917.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1917:

John P. Miller and
James P. Olding.

Lieut. Albert S. Rees to be a lieutenant commander in the Navy from the 27th day of October, 1917.

Lieut. Hollis M. Cooley to be a lieutenant commander in the Navy from the 18th day of December, 1917.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of March, 1918:

Howard K. Lewis,
Robert T. Merrill, 2d,
Francis G. Marsh,
Percy K. Robottom,
Stanley R. Canine,
Joseph P. Norfleet,
Bernard O. Wills,
Walter V. Combs,
Thomas Moran,
Francis P. Traynor,
Roy C. Smith, jr.,
Walter D. La Mont,
Clarkson J. Bright,
William D. Kilduff,
Herbert A. Ellis,
Herbert R. Hein,
Morris D. Gilmore,
James McD. Cresap,
Paul M. Bates,
Elliott B. Nixon,
Joseph M. Blackwell,
Norman L. Kirk,
Merritt Hodson,
Fred Welden,
Pat Buchanan,
Franz B. Melendy,
Joseph R. Mann, jr.,
John F. Meigs, jr.,
John W. Gates,
William C. Barnes,
Marion C. Cheek,
George C. Fuller,
Harry R. Bogusch,
Lee C. Carey,
Glenn A. Smith,
Donald C. Godwin, and
Edwin J. Gillam.

Ensign William D. Austin to be a lieutenant (junior grade) in the Navy from the 7th day of December, 1917.

Pay Clerk Samuel B. Caldwell to be a chief pay clerk in the Navy from the 8th day of September, 1917.

The following-named temporary warrant officers to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

Le Roy H. Ripley,
Frank A. Saunders,
Warren P. Boardman,
Benjamin J. Shinn,
William J. Clark,
Merton R. Hinkle,
Caspar Yeager, and
Lon H. Robb.

The following-named enlisted men to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

William Y. Rorer,
Cedric O. Eaton,
Charles A. Oliver,
Harry F. Newton,
Fred C. Forster,
George E. Ernest,
Albert J. Fern,
Frank Leghorn,
Edward F. Manning,
William G. Spurlock,
Theodore A. Kelly,
William H. Fiddler, jr., and
Frederick J. Leonard.

The following-named ensigns of the United States Naval Reserve Force to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

George L. Heyer,
Harold B. Collins, and
William C. Eberle.

The following-named ensigns of the National Naval Volunteers to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

Alan M. Gray,
Hale G. Knight, and
Charles A. Williams.

The following-named pharmacists to be dental surgeons in the Navy for temporary service from the 15th day of April, 1918:

William F. Murdy and
Clarence A. Chandler.

The following-named pay clerks to be assistant paymasters in the Navy with the rank of ensign for temporary service from the 1st day of January, 1918:

Independent W. Gorton,
Daniel Lynch,
Edward H. Duane,
Raymond A. Auringer, and
Lloyd C. Sowell.

Harry M. Peterson, citizen of Illinois, to be an acting chaplain in the Navy for temporary service with the rank of lieutenant (junior grade) from the 30th day of March, 1918.

John M. J. Quinn, citizen of New York, to be an acting chaplain in the Navy for temporary service with the rank of lieutenant (junior grade) from the 4th day of April, 1918.

Second Lieut. Francis S. Kieren to be a first lieutenant in the Marine Corps for temporary service from the 25th day of July, 1917.

First Lieut. Francis S. Kieren to be a captain in the Marine Corps for temporary service from the 26th day of July, 1917.

First Lieut. Alvin J. Daigler to be a captain in the Marine Corps for temporary service from the 16th day of October, 1917.

Second Lieut. Carl J. Jessup to be a first lieutenant in the Marine Corps for temporary service from the 28th day of August, 1917.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 23d day of March, 1918:

Lester D. Johnson.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 10th day of April, 1918:

Edgar B. Pendleton.

POSTMASTERS.

CALIFORNIA.

Mary A. Dempsey to be postmaster at Colusa, Cal., in place of Ruth D. Kilgore, resigned.

COLORADO.

Clinton E. Mason to be postmaster at La Salle, Colo., in place of Dwight McKenney, removed.

CONNECTICUT.

Walfred C. Carlson to be postmaster at Washington Depot, Conn., in place of Francis J. Kilborn, resigned.

GEORGIA.

Mary V. Lynch to be postmaster at Fort Screven, Ga., in place of W. D. Evans, resigned.

IDAHO.

Avery G. Constant to be postmaster at Buhl, Idaho, in place of Olive R. Biggs, resigned.

Paul Disney to be postmaster at Rupert, Idaho, in place of O. H. Marsh, removed.

ILLINOIS.

Arthur S. Hurr to be postmaster at Altona, Ill., in place of Benjamin T. Hart, removed.

George W. Halm to be postmaster at Peru, Ill., in place of John J. McCluskey, deceased.

INDIANA.

Otto O. Griffin to be postmaster at Carthage, Ind., in place of Leonard B. McCarty, deceased.

MAINE.

Stanwood M. Rose to be postmaster at East Machias, Me., in place of William C. Myrick, resigned.

MINNESOTA.

Nicholas Young to be postmaster at Albany, Minn., in place of Henry J. Schaefer, resigned.

Edna M. Grandy to be postmaster at Eyota, Minn., in place of Edwin E. Lietz, removed.

Gunella M. Nelson to be postmaster at Hanska, Minn., in place of A. R. Eggensperger, resigned.

William A. Schummers to be postmaster at Olivia, Minn., in place of W. J. Heaney. Incumbent's commission expired February 11, 1918.

MISSISSIPPI.

Reuben Lafayette Beal to be postmaster at Monticello, Miss., in place of H. M. Sims, resigned.

MONTANA.

Charles H. Baker to be postmaster at Big Sandy, Mont., in place of James E. M. Vig, resigned.

NEBRASKA.

C. Earl Steuteville to be postmaster at Bridgeport, Nebr., in place of John G. Porter, removed.

Edwin S. Updike to be postmaster at Chappell, Nebr., in place of W. E. Roudebush, resigned.

Lottie L. Colby to be postmaster at Marquette, Nebr., in place of J. C. Larsen, resigned. Office became presidential January 1, 1917.

NEW JERSEY.

Eva H. Ketcham to be postmaster at Belvidere, N. J., in place of Wilmer J. Smith, resigned.

NEW YORK.

M. Francis Doyle to be postmaster at Katonah, N. Y., in place of E. A. Arnold. Incumbent's commission expired September 9, 1917.

John Chester Jubin, to be postmaster at Lake Placid Club, N. Y., in place of Roy Ferguson, not commissioned.

Alfred G. Tucker to be postmaster at Minetto, N. Y., in place of Edwin G. Brown, removed.

William F. Winterbotham to be postmaster at Old Forge, N. Y., in place of E. F. Abbott, resigned.

James H. Butler to be postmaster at Scottsville, N. Y., in place of Robert B. Cox, removed.

NORTH DAKOTA.

Arthur L. Young to be postmaster at Bowman, N. Dak., in place of Lillian B. Totten, removed.

OKLAHOMA.

George M. Hagan to be postmaster at Stilwell, Okla., in place of William H. Davis, resigned.

TENNESSEE.

Jesse C. Worthington to be postmaster at Coal Creek, Tenn., in place of E. M. Beasley, resigned.

TEXAS.

William C. Blake to be postmaster at Jasper, Tex., in place of Mrs. W. F. Holmes. Incumbent's commission expired May 22, 1917.

UTAH.

Charlotte H. Nelson to be postmaster at Castlegate, Utah, in place of D. R. Evans, resigned.

David A. Webster to be postmaster at Milford, Utah, in place of W. J. Munford, resigned.

VERMONT.

Herbert H. Beeman to be postmaster at Milton, Vt., in place of Emerson M. Kennedy, resigned.

WEST VIRGINIA.

Mary W. Scott to be postmaster at Gary, W. Va., in place of R. V. Shanklin, resigned.

Lon E. Browning to be postmaster at Logan, W. Va., in place of Scott Justice, resigned.

Edward E. Reyburn to be postmaster at Vivian, W. Va., in place of W. G. Williamson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 18, 1918.

THIRD ASSISTANT SECRETARY OF WAR.

Frederick Paul Keppel, to be Third Assistant Secretary of War.

COLLECTOR OF INTERNAL REVENUE.

George F. Crutchley, to be collector of internal revenue for the sixth district of Missouri, with headquarters at Kansas City, Mo.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

Oscar G. Haines, to be supervising inspector, fifth district, in the Steamboat-Inspection Service.

JUDGE OF THE MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Robert H. Terrell to be judge of the municipal court.

APPOINTMENT IN THE ARMY.

MEDICAL CORPS.

First Lieut. James Harold Leyda, Medical Reserve Corps, to be first lieutenant.

POSTMASTER.

KENTUCKY.

David C. Bradley, Scottsville.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 18, 1918.

Theodore Holun to be postmaster at De Forest, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 18, 1918.*

The House was called to order at 12 o'clock noon by Mr. KITCHIN as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our Heavenly Father, for that long line of patriots, statesmen, and soldiers, who by their daring and heroism made our Nation possible, a government of the people, by the people, for the people, and who have brought it through every crisis it has been called upon to meet.

We thank Thee for what they did, but more, for that deep and hidden principle within, which prompted them to high resolves and self-sacrifice, which while it lives insures the life and perpetuity of our Republic.

With profound sorrow and keen regret we are called upon to record the death of a veteran Member of this House, who, though modest, was ever firm in his convictions; strong, yet unobtrusive; a patriot who served his State and Nation with all the fervor of soul. Comfort his colleagues, friends, and those to whom he was near and dear, with the imperishable hope that he lives to a larger life in one of God's many mansions; through Him, who died that we might live. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, had agreed to the conference asked by the House, and had appointed Mr. OVERMAN, Mr. FLETCHER, Mr. REED, Mr. NELSON, and Mr. DILLINGHAM as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 4277) providing for the protection of the uniform of friendly nations, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolution:

Senate resolution 227.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM A. JONES, a Representative from the State of Virginia.

Resolved, That a committee of six Senators be appointed by the Vice President to join a committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance under the second resolution the Vice President had appointed as a committee on the part of the Senate Mr. SWANSON, Mr. OVERMAN, Mr. UNDERWOOD, Mr. HENDERSON, Mr. NORRIS, and Mr. MCNARY.

The message also announced that the Senate had passed with amendments the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the President had approved and signed bills of the following titles:

On April 11, 1918:

S. 3994. An act to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2. 1917, and for other purposes.

On April 16, 1918:

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases; and

S. 4102. An act granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

On April 17, 1918:

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker pro tempore (Mr. KITCHIN) signed the same:

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; and

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

The SPEAKER pro tempore (Mr. KITCHIN) announced his signature to enrolled bills of the following titles:

S. 383. An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes; and

S. 3388. An act to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills of the following titles:

On April 15, 1918:

H. R. 9314. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

On April 16, 1918:

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women.

On April 18, 1918:

H. R. 9901. An act to give indemnity for damages caused by American forces abroad.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; and

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

DESIGNATION OF SPEAKER PRO TEMPORE.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. GARNER). The Clerk will report it.

The Clerk read as follows:

House resolution 314.

Resolved, That the designation and appointment by the Speaker of Hon. CLAUDE KITCHIN, a Representative from the State of North Carolina, as Speaker pro tempore during the present temporary absence of the Speaker be, and the same is hereby, approved, and the said CLAUDE KITCHIN is hereby empowered to sign, as Speaker pro tempore, during said period, enrolled bills and joint resolutions and appoint conferees.

Resolved, That a copy of these resolutions be sent to the Senate as notice of the action of the House.

Resolved, That a copy of these resolutions be sent to the President as notice of the action of the House.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PAYMENT OF INCOME TAXES.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore (Mr. KITCHIN). The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FULLER of Illinois. Mr. Speaker, I wish to call the attention of the House this morning to what I consider a very important and urgent matter in connection with the third liberty loan, now being subscribed by the people, and that is that some provision ought speedily to be made to provide for the payment of income and excess-profits taxes in installments rather than in

a lump sum. I have received this morning the following telegram from the committee at Rockford, Ill.:

ROCKFORD, ILL., *April 17, 1918.*

Congressman CHARLES E. FULLER,
National Hotel, Washington:

Winnebago County third liberty loan committee are unanimous in belief that requirement of full payment of income taxes in June will seriously hamper the banks of this district in financing liberty loan purchases for their customers and work great hardship on individuals and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to success of the third liberty loan in this county and Middle West.

F. G. HOGLAND,
Chairman Winnebago County Third Liberty Loan Committee.

I also received this telegram from Belvidere, Ill.:

BELVIDERE, ILL., *April 10, 1918.*

Hon. C. E. FULLER,
Washington, D. C.:

Full payment income taxes in June is seriously hampering liberty loan particularly in securing corporation subscriptions. Greatly increased corporation subscriptions can be secured here if income-tax payment can be made in three installments.

BOONE COUNTY LIBERTY LOAN COMMITTEE.

Also this from the members of the committee in the seventh Federal reserve district:

CHICAGO, ILL., *April 10, 1918.*

Hon. CHAS. E. FULLER,
Representative, Washington:

Requirement of full payment of income taxes in June is seriously hampering the banks of this district in financing liberty-loan purchases for their customers and working great hardship on individuals and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to success of the third liberty loan in the great Middle West.

H. L Stuart director of campaign; Heman Gifford, Illinois director of sales; George H. Dunscomb, Indiana director of sales; Wm. L. Ross, Wisconsin director of sales; F. R. Fenton, Michigan director of sales; C. H. McNider, Iowa director of sales; Chas. W. Folds, Chicago and Cook County director of sales of the liberty-loan campaign committee, seventh Federal reserve district.

We want this liberty loan to succeed, Mr. Speaker, and to "go over the top," and I believe that one of the things necessary in order to help immensely, and which could be done without any great injury, would be to provide for the payment of these taxes in installments. I hope some such provision may be made, and made soon.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to inform the House of Representatives that the Senate has recommitted to the committee of conference the report of the committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

LEAVE TO ADDRESS HOUSE.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to present an article which was published in the Boston Herald of yesterday—April 17, 1918—in regard to the completion of the tank "America."

The SPEAKER pro tempore. Does the gentleman desire to ask unanimous consent to proceed?

Mr. GREENE of Massachusetts. Yes; so that this article can be read by the Clerk in my time, or I will read it.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to address the House for two minutes. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Massachusetts what this newspaper editorial is about?

Mr. GREENE of Massachusetts. It is not an editorial. It is an article on the completion of the tank "America," which is to be used in the sale of liberty bonds on Friday and then sent abroad to crush out the Germans.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. I read:

[From the Boston Herald of Apr. 17, 1918.]

TANK "AMERICA" TAKES CRUISE—BOSTON WINS DISTINCTION OF COMPLETING FIRST UNITED STATES LAND MONITOR—FIGHTER WILL BE CHRISTENED TO-DAY

The United States's first big war tank, the "America," is ready for whatever part she may be called upon to play in the world war. Every rivet has been hammered home, her engines are in place, and she awaits only a starting signal to send her into action.

She is a triumph of American Army engineering ingenuity and every portion of her giant body was "made in America"; in fact, it was constructed in Cambridge under the direction of Army officers of the department of the northeast. To the country and to the world the "America" will be proclaimed a product of Boston, for Cambridge was but the workshop of the officers who are stationed at Boston, and to Boston will belong the glory of the achievement.

GEN. JOHNSTON SPONSOR.

The "America" was to be christened by Brig. Gen. John A. Johnston yesterday, and, though the event was unannounced generally, the news spread quickly through the Copley-Plaza Hotel, where Army and Navy officers congregated during the afternoon. Within a short time the news was on the street and Copley Square was soon thronged. The Coast Artillery Band and the provost guard reported for duty, and their activities added credence to the report that the tank was coming.

Gen. Johnston and his staff waited at department headquarters, and a ceremonial program was arranged for the christening, but word was received from Cambridge that the tank was working out, and her officers deemed it unwise to run her over to Boston until her engines were running smoothly.

The America was constructed in record-breaking time. Gen. Johnston drove her first rivet home January 25, and within three months every final touch was given to her hull, engines, mechanism, and armament and she was ready for her trial.

The tank weighs 45 tons and is of the size of those now in commission on the European battle fields. It is so much larger than the Brittania that the English tank could be stored inside of the America. The American Army engineers took full advantage of the experiences of English engineers and improved upon the British type in many ways, eliminating features and designs which were proved impracticable in the big war engines in Europe and adding many distinctive American engineering improvements, so that the America stands out as a peer of all war engines and a monument to American ability and ingenuity.

While the country has been busy speculating and estimating the speed with which war engines can be manufactured in different parts of the country where factories and materials are available, the engineers of the northeastern department have been turning out the first engine. At the Institute of Technology, which was turned over to the Government, the work has been under way.

Prof. E F. Miller designed the huge machine and Col. Francis R. Shunk, head of the engineering department, supervised its construction. Maj. Henry Adams had direct charge of the work, with Capt. Henry J. Snider as his assistant, while the actual construction of the tank was done by Capt. Albert S. Smith, Lieut. John A. Lunn, and Lieut. Leo H. Praver, and a corps of machinists.

Gen. Johnston will christen the tank to-day, probably at Commonwealth armory, and in a manner quite at variance with custom. There will be no breaking of a bottle of champagne, nor yet of lithia water, over her bow. Instead she will be christened with a gold cross, typifying her dedication to the cause of God and justice. Then she will be ready for participation in the great military parade Friday.

Every detail of the big machine was in working order yesterday. Her engines were span new and required working out, and it was in order that the tank should be in perfect, smooth-running order before she went on to the streets of Boston that these last tests were made at Cambridge yesterday and the exercises at Copley Square deferred.

MEN WANTED FOR CREWS.

Boston and New England have given to America the first big engine of war, even as the first units of the American Army and the first ships of the American Navy went out from New England into the world war. The "America" plans are now available for use in other factories where the Government is turning out tanks and engines, and the "America" is but premier of a great fleet.

The American "tank" service started a drive in Boston yesterday for recruits between 18 and 45. The tank corps is one of the newest and most attractive parts of Uncle Sam's fighting machine. It is one of the few open to men above draft age.

Lieut. T. W. Crosby, in charge of recruiting, announced the time for enlistments is limited. Recruits will be sent to Gettysburg, Pa., for preliminary training and will be certain of seeing active service in France soon. Promotions are rapid in this branch, and pay for noncommissioned officers is higher than the average Army pay. Men skilled in mechanical trades and general clerks, telephone operators, stenographers, chauffeurs, auto electricians, blacksmiths, topographers, cooks, machine designers, and machine-gun mechanics are among those specially desired.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Speaker, another matter which, although not related to the tank question, it is of vital interest to the prosecution of the war. Last year we had great trouble over the fuel question. Factories were closed and thousands of operatives were thrown out of employment because of the inability to procure transportation and supply coal and other fuel for domestic and manufacturers' use. There was a great shortage of fuel both at home and abroad for the proper and efficient conduct of the war. We ought to guard against the disaster of 1917 by providing.

A WAR PROGRAM BASED ON OIL.

To-day the country is aroused as never before over the necessity for merchant ships, aeroplanes, submarines and submarine destroyers. I fear that the people of the United States do not realize as they ought to that all these programs—ships, submarines, destroyers, and aeroplanes—rest upon oil fuel, and that the United States is not producing, and can not within its own borders produce, the oil to sustain this program without another expensive shutdown in industry.

I am credibly informed that in Mexico alone there is an oil base that can immediately support the great program of our country for successfully conducting the war.

The oil fields of Mexico are threatened by German propaganda and contending military forces. I am informed that two years ago the United States had 162,000,000 barrels of oil in storage. This was reduced last year and the reduction continues. At the present rate of consumption without outside relief, our storage supplies will be exhausted next year when our new ships launch the United States as again a world power on the ocean.

REDUCED AMERICAN OIL PRODUCTION.

The great oil field of the United States is that of Kansas, Oklahoma, and Texas, with 50,000 wells, producing about 450,000 barrels of oil per day, but I have been told there is the startling decrease of 82,000 barrels per day in production since last October.

I have been informed our next largest field is that of California, whose 7,800 wells, yielding more than three times per well the Oklahoma output, gives us nearly 90,000,000 barrels a year, a decrease of 10,000,000. Wyoming is a new field, with only 400 wells, averaging somewhat over 40 barrels per day. There is no reason to expect therefrom any relief production. The old Appalachian region, with its 99,000 wells, yields only 63,000 barrels per day. All the 200,000 oil wells in the United States are now producing at the rate of only 300,000,000 barrels per annum, and we shall shortly require 425,000,000 barrels per annum to sail our ships, submarines, and destroyers and produce the very high-grade oil necessary in our aeroplane program.

It is stated Great Britain is using tonnage needed in the war zone on long routes to bring oil from Java. Consumption in California has been somewhat relieved by transfer of the South American demand to the Mexican oil fields, because the distance for ships is so much shorter through the Panama Canal from South American ports to Tampico as compared with California ports.

OIL SHORTAGE GREATER THAN COAL.

Our coal famine, with all its disasters in life and property, was due to a shortage of less than 10 per cent. Yet there are possibilities of a 40 per cent shortage in the fuel-oil supplies unless relief is had from Mexico and production and transportation safeguarded.

We produced 600,000,000 tons of coal last year, an increase of 50,000,000, and of a hundred million over a few years before. But we were still short of requirements by 50,000,000 tons, or less than 10 per cent, and coal is in unlimited supply in the United States. It can be safely mined and safely transported, and supply is only a question of price and men.

But Mexico presents a very complicated situation. It is the greatest oil field in the world, is close to our doors, and has oil to burn and waste.

DANGEROUS WEALTH AT OUR DOORS.

All the oil field over which Russian and Turk, Germans and English, are now contending in European Asia can not compare in present or potential output with the oil fields on the Gulf of Mexico extending north and south 150 miles along the coast and 50 or 60 miles inland. A single oil well here, San Juan Casiano, of the Mexican Petroleum Co., has produced since 1910, 66,000,000 barrels, and its pressure is undiminished. Its flow of oil can not be restrained below 21,000 barrels a day without endangering the surrounding country. When further harnessed in, the earth begins to quake in rebellion. The Casiano well is surpassed by Cerro Azul, a few miles farther south, brought in two years ago.

The company owning these wells and many others is permitted production of only 55,000 barrels of oil per day, because the warring Governments have commandeered its steamers, built and building. This concern produced 18,000,000 barrels last year, only a part of which went into the United States. It has the pipe lines, pumping stations, storage facilities, and loading stations to increase its output to nearly 100,000 barrels a day, and it could again double that in a few months by increase of pipe-line facilities were there available shipping.

The English company—Lord Cowdray's—is the second producer of Mexico and is estimated to have made an output of 15,000,000 barrels last year, all of which went over the ocean, destined, it is understood, for the British Navy.

The total production in Mexico last year was only 55,000,000 barrels, or only 150,000 barrels a day. Three other American companies are building pipe lines, but their shipping problems are still unsolved.

I am informed that last year it was estimated a potential production from the then operating companies of 1,000,000 barrels per day, or an output equaling that of the United States if shipping facilities could be commanded. This was thought to be an extreme maximum estimate. Since that time the Mexican Government has published in detail an estimated potential production from drilled wells of 1,350,000 barrels per day.

THE GERMAN MENACE TO OUR OIL SUPPLY.

But these figures of potential production should not abate; they should rather emphasize our alarm over the United States oil situation.

The Germans knew before the war the potential production of this field. Their propaganda is so strong at Tampico that our Government has blacklisted and forbidden trade from this country with the German firms at Tampico. Before the war Germany was negotiating for a small section of this field, for which it would pay many millions. The destruction of this field, if it were possible, would cripple both the mercantile and naval marines of the world. Its possession or control by any maritime power might give command of the ocean.

There are oil fields from the Arctic Circle to South America and throughout Asia and the eastern islands, but there is no field so valuable for the world's commerce and defense as the Mexican oil field. It is the gem of Mexico's great wealth. It was pioneered and developed by American companies and American capital under charters from the Mexican Government that invited the development of natural resources that had been known for centuries only as a danger to man and beast.

Oil is rapidly superseding coal in both the naval and the mercantile ships of the world. The limit is only as to supply and distribution in bunkers at ports around the world.

ENGLAND MUST HAVE OIL AROUND THE WORLD.

When it was announced in the English Parliament that the expedition to the Persian Gulf was necessary to protect the Persian oil fields which had been acquired by the British Government, it was declared that bunker oil for ships of the future sailing the globe was as great a necessity as bunker coal for England's merchant marine.

I understand that only recently the English Government has bought the control of the Royal Dutch Petroleum Co.

Underneath all the war, all the tariff and commercial strife, and all ship contests in the world, is now the everlasting question of fuel; and the fuel of the future is oil. The coal-burning naval boat is no match for the oil-burning boat.

The future cost of a ton of oil need not be greater than a ton of coal, and it is the equal to 2 tons of coal when burned in place of coal. But burned in a Diesel or internal-combustion engine, 1 ton of oil is the equivalent of 6 tons of coal or 3 tons of oil in steam production.

This was the record before the war, but since that time there is reason to believe the Germans have made great progress in Diesel or internal-combustion engines for use in the submarines; and no man will be able to measure until after the war the future value of oil as compared with coal in internal-combustion engines. It may even be as 10 to 1.

The United States is putting two billions into mercantile ships, another billion into aeroplanes—$600,000,000 appropriated and $800,000,000 already spent, and altogether is putting a billion a month into the war. And success now and hereafter in war and peace must be based on fuel oil.

It has been privately stated that within five years after the close of this war there will not be a coal-burning ship on the ocean in international trade.

WHAT TITLES HOLD OUR OIL BASE IN MEXICO?

Yet, who owns the oil fields of Mexico? Do Americans or English, who bought them at high prices when they were regarded as worse than useless and took perfectly good private and Government title thereto? As fast as the change can be made the title of all these oil fields may pass to our enemies. Germany is the home of I. W. W. socialism, as this country well knows. German I. W. W. socialism has written a constitution for Mexico which forbids private or corporation title to all the mineral wealth of the country and permits whatever party is for the moment in power to confiscate mines of gold, silver, copper, or oil.

To-day the Government of Carranza claims right, in violation of all previous concessions, laws, Government and constitutional pledges, to tax without limit, or confiscate by appropriation, the oil wealth of the allies fighting for the world's democracy.

IS GERMANY WARRING UPON US FROM MEXICO?

Confiscated mineral properties in Mexico are resold to the Germans. The German propaganda was established at Tampico and the leading ports of Mexico through the Hamburg-American steamship organization, whose officers in these ports are declared to be German navy and military reservists.

Labor troubles and disorganization in the oil works and terminals at Tampico have been traced to the Germans. Indeed,

Germany is still making war upon American shipping right at the American shipping base in Tampico, while for 40 miles south, along the pipe lines, water lines, railroad, and in the oil fields contending military forces are burning bridges, cutting lines, and interrupting the oil supply.

How long must we contemplate 110,000,000 people plunging into war at the rate of $1,000,000,000 a month and their real power base in neighboring hands in close touch with the enemy and without local or international protection?

It seems to me that we should, as a Nation, be awake to the possibility and necessity of augmenting our supply of fuel for future use. We should not allow an enemy nation to gain a foothold in the vast territory lying to the south of us, and thereby to become a menace to the Panama Canal, which we built for the purpose of connecting the waters of the two great oceans as an advantage to our world trade in time of peace and as a means of greater protection to our commerce in time of war.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

COMMITTEE TO ATTEND FUNERAL OF THE LATE REPRESENTATIVE JONES OF VIRGINIA.

The SPEAKER pro tempore. The Chair appoints the following committee to attend the funeral of the late Representative JONES, of Virginia: Mr. HOLLAND, Mr. MONTAGUE, Mr. WATSON of Virginia, Mr. SAUNDERS of Virginia, Mr. GLASS, Mr. HARRISON of Virginia, Mr. CARLIN, Mr. SLEMP, Mr. FLOOD, Mr. GARRETT of Tennessee, Mr. SLAYDEN, Mr. AUSTIN, Mr. HELM, Mr. TOWNER, Mr. TALBOTT, Mr. COOPER of Wisconsin, Mr. ESTOPINAL, and Resident Commissioners DE VEYRA, YANGCO, and DAVILA.

PERMISSION TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I desire to ask unanimous consent that on Monday morning next the gentleman from Connecticut [Mr. TILSON], after the reading and approval of the Journal and the disposition of business on the Speaker's table, may be allowed to address the House for 45 minutes on the subject of the use of gas and gas masks in warfare, the date being the third anniversary of the use of gas in warfare.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that on next Monday, immediately after the reading of the Journal and the disposition of other matters on the Speaker's table, the gentleman from Connecticut [Mr. TILSON] be granted leave to address the House for 45 minutes on the subject mentioned by the gentleman from Wyoming. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I wish to say that I myself would be very glad, indeed, to hear the gentleman's remarks; but inasmuch as District day has been taken away on several occasions recently, and as Monday is the day set apart by the rules for the consideration of District matters, I shall be compelled to object.

The SPEAKER pro tempore. The gentleman from Kentucky objects.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STRONG for a week or 10 days, to attend to important business and to assist in the liberty loan campaign.

NATURALIZATION.

Mr. BURNETT. Mr. Speaker, I ask to take from the Speaker's table H. R. 3132, disagree to the amendments of the Senate, and agree to the conference asked for by the Senate on that bill.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to take from the Speaker's table H. R. 3132, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. MOORE of Pennsylvania. What is that bill?

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Alabama whether this bill includes the bill to validate certain certificates of naturalization?

Mr. BURNETT. It does.

Mr. MOORE of Pennsylvania. It includes that bill?

Mr. BURNETT. It does. The amendment incorporated by the Senate embraces all those naturalization propositions.

Mr. MOORE of Pennsylvania. Then the gentleman proposes to bring all the naturalization bills together?

Mr. BURNETT. That is the proposition exactly. That has been done by the Senate.

The SPEAKER pro tempore announced as conferees on the part of the House Mr. BURNETT, Mr. SABATH, Mr. RAKER, Mr. HAYES, and Mr. JOHNSON of Washington.

AGRICULTURAL APPROPRIATIONS.

Mr. LEVER. Mr. Speaker, I call up the conference report on the Agricultural appropriation bill.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

Mr. LEVER. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 44, and ask for a further conference.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I wish to make a preferential motion and offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. LEVER. Mr. Speaker, will the gentleman withhold that just a minute?

Mr. McLAUGHLIN of Michigan. I will withhold it.

Mr. LEVER. I think we had as well carry out the agreement made yesterday afternoon, to yield a certain amount of time to certain gentlemen on either side of the House, and I yield an hour in favor of the Senate amendment to the gentleman from Pennsylvania [Mr. LESHER], a member of the Committee on Agriculture.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The Chair understood that there were to be four hours of general debate on the amendment and amendments to the amendment, two hours to be controlled by the gentleman from South Carolina [Mr. LEVER] and two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN].

Mr. LEVER. With the further agreement that I should yield one hour of my time to some member of the Committee on Agriculture in favor of the amendment, and I yield that hour to the gentleman from Pennsylvania [Mr. LESHER].

Mr. CANDLER of Mississippi. That will leave an hour to the gentleman from South Carolina [Mr. LEVER] and an hour to the gentleman from Pennsylvania [Mr. LESHER].

Mr. MOORE of Pennsylvania. Mr. Speaker, who is to have control of the time on this side?

Mr. LEVER. I will say to the gentleman that I will control an hour on this side against the Senate amendment and amendments thereto and the gentleman from Pennsylvania [Mr. LESHER] will control an hour in favor of the Senate amendment.

Mr. MOORE of Pennsylvania. Who controls the time on this side?

Mr. LEVER. The gentleman from Iowa [Mr. HAUGEN] has not announced.

Mr. HAUGEN. I have had no requests. I am willing to yield to whoever desires it.

Mr. SMITH of Michigan. I should like 10 minutes.

Mr. HAUGEN. Is there anyone on this side who desires to control an hour?

The SPEAKER pro tempore. The Chair suggests that that arrangement be made privately with the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. There is no desire to deprive anybody of time.

Mr. MOORE of Pennsylvania. I will ask the gentleman from Iowa [Mr. HAUGEN] will he yield one hour of his time to some one in opposition to the bill?

Mr. HAUGEN. That is the desire, of course. Under the arrangement made and under the rule that is what I would be expected to do, and it is what I shall do.

Mr. MOORE of Pennsylvania. This was the clear understanding yesterday, that the gentleman from South Carolina [Mr. LEVER] would yield one half of his time to a gentleman in favor of the Senate amendment, for him to dispose of as he saw fit, and that the gentleman from Iowa [Mr. HAUGEN] should control the other half of the time, which was to be divided in the same way.

Mr. HAUGEN. Mr. Speaker, when the agreement was entered into yesterday, my understanding was that the gentle-

man from South Carolina [Mr. LEVER] would control time in opposition to these various amendments, and that we would control the time in favor of the amendments; but I understand that now another arrangement has been made, and that the gentleman from South Carolina is going to divide his time among those on his side, pro and con, and that I will be expected, of course, under the agreement to carry out the same arrangement here.

Mr. CANDLER of Mississippi. The gentleman from South Carolina [Mr. LEVER] made the statement on the floor yesterday that he would control one hour in opposition to the amendment. I am not questioning the action of the gentleman from South Carolina.

Mr. WALSH. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. Will the gentleman withhold that for a moment? The Chair understood that the gentleman from South Carolina [Mr. LEVER] was to control two of the four hours—that is, one-half of the time—but he announced to the House in answer to some question that he would give one hour of his time to gentlemen on that side who opposed his view, and that the gentleman from Iowa [Mr. HAUGEN] would control two hours, so it is a matter for gentlemen on that side to determine what arrangement they will make with the gentleman from Iowa [Mr. HAUGEN].

Mr. MOORE of Pennsylvania. Is this a unanimous-consent proposition?

The SPEAKER pro tempore. It is.

Mr. MOORE of Pennsylvania. I shall have to object unless the gentleman from Iowa——

The SPEAKER pro tempore. Unanimous consent was given yesterday.

Mr. MOORE of Pennsylvania. Was unanimous consent agreed to for the arrangement indicated by the Chair?

The SPEAKER pro tempore. Unanimous consent was agreed to yesterday that there should be debate on amendment 44 and all amendments thereto for four hours, two hours to be controlled by the gentleman from South Carolina [Mr. LEVER] and two hours by the gentleman from Iowa [Mr. HAUGEN]. Now, the gentleman from South Carolina in his generosity said that he would yield to some gentleman in the House who was opposed to his view one-half of his time.

Mr. LEVER. Mr. Speaker, with the permission of the House I will read what took place:

Mr. SHALLENBERGER. Mr. Speaker, reserving the right to object, is this time to be controlled by both gentlemen who are in favor of the lower price of wheat, or is it to be controlled half by those who are in favor of $2.50 wheat?

Mr. LEVER. I will say to the gentleman from Nebraska I propose to select some member of the Committee on Agriculture who is in favor of the Senate amendment and yield one-half of my time to him. I do not know what the gentleman on the other side will do.

Mr. HAUGEN. I understand the gentleman is going to divide his time; I shall follow the same rule as the other side.

Mr. HAUGEN. There is no misunderstanding about that. I do not question that.

Mr. LEVER. But the gentleman from Pennsylvania did not understand the situation.

Mr. MOORE of Pennsylvania. If there was an agreement, of course I have no objection; but all the time seems to be controlled by gentlemen in favor of $2.50 wheat.

Mr. HAUGEN. The gentleman from South Carolina has stated that the time should be divided equally. I stated yesterday and I state now that the time that I control shall be divided between the two views.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN].

The Clerk read as follows:

Mr. MCLAUGHLIN moves to concur in Senate amendment No. 44 with an amendment as follows: Page 99, line 10, strike out all of the Senate amendment No. 44 and in lieu thereof insert the following:

"That section 14 of the act entitled 'An act to provide further for the national security and defense by encouraging the production and conserving of the supply and controlling the distribution of food products and fuel, approved August 10, 1917,' be amended to read as follows:

"'SEC. 14. That whenever the President shall find that an emergency exists requiring stimulation of the production of wheat and that it is essential that the producers of wheat, produced within the United States, shall have the benefits of the guaranty provided for in this section, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit. The President shall thereupon fix such guaranteed price for each of the official grain standards for wheat as established under the United States grain standards act, approved August 11, 1916. The President shall from time to time establish and promulgate such regulations as he shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment, and differences in price for the several standard grades in the principal primary markets of the United States, adopting No. 1 northern spring or its equivalent at the principal interior primary markets as the basis. Thereupon, the Government of the United States hereby guarantees every producer of wheat produced within the United States, that, upon compliance by him with the regulations prescribed, he shall receive for any wheat produced in reliance upon this guaranty within the period, not exceeding 18 months, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. When the President finds that the importation into the United States of any wheat produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties or prices therefor made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty on wheat and to the value of wheat at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon wheat when imported, in addition to the then existing rate of duty the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon wheat under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any wheat for which a guaranteed price shall be fixed under this section, and to hold, transport, or store it, or to sell, dispose of, and deliver the same to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of wheat under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That the guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 2 northern spring, or its equivalent, at not less than $2.50 per bushel at the principal interior primary markets, and this guaranty of prices shall not be dependent upon the action of the President, but is hereby made absolute and shall be binding until May 1, 1919.'"

Mr. COX. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COX. Is it proper at this time to offer an amendment by way of substitute, to concur in Senate amendment No. 44, with an amendment to take the place of the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN]?

The SPEAKER pro tempore. While the point of order is pending, the Chair would think not.

Mr. LEVER. Mr. Speaker, I withdraw the reservation of the point of order.

The SPEAKER pro tempore. The Chair is of opinion that during the debate, according to the understanding had yesterday, gentlemen can send up their amendments and discuss them during the four hours of general debate; otherwise, under the rules, we would have no discussion specifically of any amendment.

Mr. COX. Then I desire to offer as a substitute the following for the amendment offered by the gentleman from Michigan.

Mr. MORGAN. Mr. Speaker, I offer also an amendment to concur in Senate amendment 44, in addition to the first amendment that I offered.

The SPEAKER pro tempore. The Clerk will report the first Morgan amendment.

The Clerk read as follows:

Amendment offered by Mr. MORGAN:

Mr. MORGAN moves to amend the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] by striking out in the proviso thereof the words "two dollars and fifty cents" and inserting in lieu thereof the words "two dollars and sixty-five cents."

Mr. LEVER. Mr. Speaker, I make the point of order against that amendment.

The SPEAKER pro tempore. The Chair will hear the gentleman from South Carolina on the point of order.

Mr. LEVER. Mr. Speaker, I withdraw the point of order.

Mr. LONGWORTH. Mr. Speaker, it seems to me that all this proceeding is irregular. Either the gentleman from South Carolina [Mr. LEVER] has the floor or the gentleman from Iowa [Mr. HAUGEN] has the floor, and in order to offer an amendment a gentleman must be recognized.

The SPEAKER pro tempore. The Chair understood yesterday that it was the understanding of Members, as expressed by the gentleman from South Carolina, that we would have four hours of general debate upon the amendment and all amendments thereto, and that amendments could be offered at any time during those four hours and be considered as pending.

Mr. LONGWORTH. But the gentleman offering the amendment must be first recognized by the Chair.

The SPEAKER pro tempore. The Chair did recognize the gentleman from Oklahoma to offer his amendment.

Mr. LONGWORTH. But he must get time.

Mr. GARNER. Mr. Speaker, how can the Chair recognize the gentleman from Oklahoma when the gentleman from South

Carolina and the gentleman from Iowa control the time? It is not in control of the Chair at all.

The SPEAKER pro tempore. The gentleman from South Carolina, as the Chair understood, yesterday made it plain to the House, and it was so agreed, that Members could send up their amendments to the Clerk's desk and have all amendments pending, if desired, and that then the discussion would be upon those amendments.

Mr. LEVER. Mr. Speaker, I think the Chair is in error about that. The statement I made was that amendments should be offered in the time yielded to the gentleman who offered the amendment.

The SPEAKER pro tempore. That to be taken out of the time of general debate?

Mr. LEVER. Yes.

The SPEAKER pro tempore. The Chair did not so understand it.

Mr. HAUGEN. Mr. Speaker, I yield now 10 minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. COX. Mr. Speaker, a parliamentary inquiry. When would be a proper time to offer the amendment?

Mr. GARNER. Whenever the gentleman gets the floor.

The SPEAKER pro tempore. According to the statement of the gentleman from South Carolina, when the time is yielded to the gentleman from Indiana; and time will be yielded, according to the gentleman's statement.

Mr. COX. That would be the time to offer the amendment.

The SPEAKER pro tempore. The gentleman would get the time from the gentleman from South Carolina or the gentleman from Iowa.

Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHALLENBERGER. At the close of yesterday's discussion it is in the RECORD that the gentleman from South Carolina stated in response to an inquiry from myself that the time should be divided equally between those who were opposed to the amendment and those who were in favor of it. I want to know whether any designation has been yet made of those gentlemen who are in favor of a higher price for wheat.

The SPEAKER pro tempore. The gentleman from South Carolina has agreed to yield one hour to the gentleman from Pennsylvania [Mr. LESHER], a member of the Committee on Agriculture.

Mr. SHALLENBERGER. Then, those who propose to offer amendments to raise the price shall get their time from the gentleman from Pennsylvania?

The SPEAKER pro tempore. Yes.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry. I should like to ask if, after the expiration of the four hours of general debate, an amendment can then be offered without debate?

The SPEAKER pro tempore. The Chair would think so.

Mr. MORGAN. It seems to me that the suggestion made by the Speaker would be fairer; that is, to let all these amendments be submitted and then have them discussed during the four hours.

Mr. LEVER. I would have no objection to such an arrangement as that.

The SPEAKER pro tempore. Suppose the gentleman make that in the form of a unanimous-consent request.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that all amendments and substitutes and everything else touching this proposition may be sent up and read now and be considered pending.

Mr. LONGWORTH. For information?

Mr. LEVER. Yes; have them pending.

Mr. WALSH. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that any Member may have the privilege of sending up an amendment to the desk at this time or at any time during general debate and have it read for information. Is there objection?

Mr. HELVERING. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Kansas objects. The Chair would inquire whether the gentleman from South Carolina desires to use his time now?

Mr. LEVER. The gentleman from Iowa [Mr. HAUGEN] has yielded to the gentleman from Michigan.

The SPEAKER pro tempore. The gentleman from Michigan was yielded 10 minutes by the gentleman from Iowa.

Mr. McLAUGHLIN of Michigan. Mr. Speaker and gentlemen, the amendment as read at the desk is long, but the points involved are few. Except as to the proviso at the very end of my amendment, it follows exactly and reenacts section 14 of the food-control act. The Senate amendment, as you know, would provide a guaranteed price for the 1918 crop of wheat of not less than $2.50 a bushel, based on grade No. 2 of northern spring wheat, and provides also that said price shall be paid to the producer of the wheat at the local railroad station or at the local elevator where delivered. My amendment approves the action of the Senate as to the price of $2.50, it approves the grade of No. 2 spring northern as the standard, but it does not approve the amendment of the Senate that would require the price to be paid at the railroad station or at the local elevator where the wheat may be delivered by the producer. My amendment would require the price to be paid, as the law now provides, at the "principal interior primary markets," of which there are 25.

Mr. SINNOTT. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. SINNOTT. Can the gentleman state what are the principal interior markets?

Mr. McLAUGHLIN of Michigan. I learn by inquiry at the Department of Agriculture that the principal interior primary markets, as fixed by the President and promulgated by the Food Administration, partly for the purpose of carrying out this provision in the law, partly for some of the other activities of the administration, and in the administration of the grain-standards act, are 25 in number. They are New York, Philadelphia, Baltimore, Newport News, Charleston, Savannah, New Orleans, Galveston, Fort Worth, Oklahoma City, Wichita, Omaha, St. Louis, Kansas City, Chicago, Minneapolis, Duluth, Salt Lake City, Great Falls, Pocatello, Spokane, Seattle, Portland, San Francisco, and Los Angeles. [Applause.] I shall not discuss at length——

Mr. LITTLE. Did the gentleman include Kansas City?

Mr. McLAUGHLIN of Michigan. I did. I shall not discuss at length the need, as I see the need, for increasing the price of wheat to $2.50. My time is very limited and I shall leave that phase of the subject to others, saying only at this time, as I have often expressed myself, that the increase ought to be made. As to the change of the law requiring the payment of price to be made on No. 2 instead of No. 1, I will say briefly that No. 1 is ideal wheat. It is the very top, and so high that very very few reach it. Very little wheat, comparatively speaking, reaches that grade. The real wheat, the high-grade wheat, generally produced is No. 2. There is no reason or justice in refusing to make No. 2 the standard by which the grain of the farmers of the country should be measured. If No. 1 should continue to be the standard, it means that at the very beginning of the transaction, almost invariably, 3 cents a bushel will be deducted from the price to be paid to the farmers for their wheat and 3 cents a bushel more will be deducted for every lower grade as we go down the scale, because, as I have said, a very large part of the wheat is No. 2, or a lower grade; very, very little is No. 1. As I stated, my amendment would provide also that the price to be paid is at the principal interior primary markets instead of at each and every railroad station and at every local elevator. I should like very much if a workable law could be passed to require the Government to pay this price wherever it would be most convenient and be most profitable to the farmer, but after a great deal of thought and after getting, I believe, a great deal of information from others who are much better posted than I am, I fear it is not a workable proposition to require the Government to buy wheat and pay this price wherever the farmer may happen to stop with his wagon; and besides, after learning the sentiment of the House, as I have been able, I am satisfied that the Senate amendment as to places of payment can not be adopted here, so I am offering and am asking the very best I think the House will give the farmers. My amendment would require the payment of this price, $2.50, at the principal interior primary markets, just as the law now requires the amount of $2.20 to be paid.

Mr. MORGAN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. MORGAN. I would like the gentleman to tell the House what difference there would be in the actual price which the farmer would receive under his amendment and the Senate amendment?

Mr. McLAUGHLIN of Michigan. I do not know just what difference it would make but it would establish a different price in several thousand different places in this country and make necessary an arrangement about rates and freights and prices almost interminable and, I am told, practically impossible of even a reasonable solution. I abandon the Senate provision as to places of purchase and payment reluctantly and only because it seems necessary for me to do so. The law, if it be

amended as I now propose, providing 25 places of purchase and payment, will be a great improvement over the present law and will I am sure be very advantageous to farmers who produce wheat.

Mr. MORGAN. Would not the gentleman's amendment make a change of about 15 cents in the price of a bushel of wheat?

Mr. McLAUGHLIN of Michigan. At some places more and at some places less, depending on the place of sale and delivery of wheat by a farmer and the distance to the nearest primary market.

Mr. LA FOLLETTE. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. For a question.

Mr. LA FOLLETTE. Does not the gentleman think that the word "interior" should be stricken out, when it includes the seaboard also, and have it at the principal primary points? It will answer the same purpose and does away with a seeming discrepancy.

Mr. McLAUGHLIN of Michigan. My idea is to amend the present law and deviate from the present law just as little as possible; and I may say to the gentleman from Washington that the administration in fixing the principal interior primary markets has fixed a number of places that are on the seacoast, like New York, Baltimore, Newport News, Charleston, Savannah, Galveston, Los Angeles, San Francisco, and Seattle on the Sound.

Mr. LA FOLLETTE. That was the reason I suggested the word "interior" to be stricken out, and it would answer the same purpose.

Mr. McLAUGHLIN of Michigan. "Interior" evidently does not mean the interior of our country, but I admit I do not know what meaning it has in this connection.

Mr. LA FOLLETTE. Then why not strike it out?

Mr. McLAUGHLIN of Michigan. Now, I would like very much if we could incorporate in this law a requirement that this price should be paid at every one of these 25 places, but if we say "principal interior primary markets" it can reasonably be expected, I think, that all, or a large number of the 25 places, will be used and made available as markets at which our wheat farmers may deliver their wheat and receive their money. It is fair to assume that the word "interior" has a meaning and is properly a part of the term "principal interior primary markets" as it appears in the law and as it is used by the department. And I may say that if I were permitted to write the law as I should like and to enforce it as I should like I should even go further, and I should write the law and enforce it so that this price would be paid at each place in the country at which a licensed inspector under the grain standard act is located, because at each such place there is now a Government inspector to represent the Government interests. He is an expert in grading wheat and he has all the machinery and apparatus necessary for the process of grading. But so much work would be involved, so much difficulty in figuring out the differentials, and it would cause so much confusion to the Government, to farmers, and all concerned that it is doubtful if it would be wise at this time to extend these places beyond the 25 that I have named. And as I have said, there is the difficulty of getting amendments through at this time.

Now, one unfortunate, and, as I believe, improper, action of the Food Administration in dealing with this law is that it interprets the word "markets" now in the law as singular, whereas the law provides the prices to be paid "at the principal interior markets," and the administration has selected only one—Chicago. I think if this is called to their attention and if it is possible or reasonable for them to work it out differently, more of the markets will be selected and the price will be paid at more of the markets than at Chicago.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KINCHELOE. I want to know if your committee had any hearings on the question that if the price of wheat is increased, the minimum price from $2.20 to $2.50, what price would be made extra on a barrel of flour? Is there any evidence of that kind; and if not, what is the gentleman's idea about it?

Mr. McLAUGHLIN of Michigan. The committee had no hearings at all on this amendment as it was adopted by the Senate nor was there discussion in the conference, because the chairman, Mr. LEVER, had promised the House to bring the amendment back for separate action.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. LESHER. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. Cox].

The SPEAKER pro tempore. The gentleman from Indiana is recognized for five minutes.

Mr. COX. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Mr. Cox moves to concur in Senate amendment 44 with the following amendment, to wit: In lines 7 and 8 strike out the following language: "local elevator or the local railway market" and insert in lieu thereof "principal interior primary markets"; and on line 22 strike out the word "two" and insert in lieu thereof the word "one." Strike out all of lines 24 and 25 and insert in lieu thereof "principal interior primary markets."

Mr. LEVER. Mr. Speaker, may I ask if that motion is offered as a substitute for the motion of the gentleman from Michigan [Mr. McLAUGHLIN]?

Mr. COX. It is offered to perfect the text of Senate amendment 44. It is immaterial to me how it is voted upon. I stated from the floor a while ago that when I got the floor I would offer it as a substitute to the amendment offered by the gentleman from Michigan, but I am rather of the opinion that it ought to be offered as an amendment to perfect the text of Senate amendment 44.

Mr. LEVER. My recollection of the rule is that he could only offer this amendment at this time in the nature of a substitute for the amendment offered by the gentleman from Michigan. I am not sure that I am right about that.

The SPEAKER pro tempore. The gentleman is right about that under the rules of the House, unless the understanding is that the will of the House changes that. Did the Chair understand that it was the will of the House that a gentleman could offer an amendment at any time he could get the time?

Mr. LEVER. If that is the impression, then I want to reserve all my parliamentary rights. Let amendments be offered, but I do not think we will make any progress here if we have a dozen amendments concurring and a dozen substitutes concurring with an amendment.

The SPEAKER pro tempore. The Chair understood from gentlemen a moment ago that gentlemen had the right to propose their amendments and have them read here in the time which they secured from the gentleman from South Carolina himself or from the gentleman from Pennsylvania [Mr. LESHER].

Mr. LEVER And read only for information?

The SPEAKER pro tempore. Yes; for information. Then the gentleman reserves his rights when it comes up.

Mr. COX. Mr. Speaker, I can not vote for Senate amendment 44 as it now stands in the bill. I do not understand how anyone can vote for it in the language in which it reaches us.

Amendment 44 provides that the price of wheat shall be fixed at the local elevator or railway market. I do not know how many local elevators there are in the United States, nor do I know how many local railway markets there are, but suffice it to say that there are many, many thousands of them. It looks to me that the language in Senate amendment 44, if it should be adopted, would work a very serious handicap against its administration, because they would have to have different prices for wheat, in all human probability, within a radius of 10, 15, or 20 miles.

The amendment which I offered, or will offer at the proper time, strikes out that language and inserts "principal interior markets." The same language as carried in the bill of last August, and is the language carried in the President's order of February 23, fixing the price of this year's wheat crop, the Senate amendment 44 fixes the base as "No. 2 northern."

My amendment proposes to strike out "No. 2 northern" and insert "No. 1 northern spring wheat," which would make, as I am informed, a difference of about 4 cents a bushel to the average wheat growers of the United States. My amendment leaves the discretionary power in the hands of the President to fix the price of wheat not to exceed $2.50 a bushel.

Now, I recognize that it is a very serious matter to undertake to interfere very much with the discretion of the President in fixing the price of wheat, but I want to call the attention of the House to this fact, and especially to call the attention of the President and the people who will administer this law to this fundamental fact, that you can not compel a farmer to grow wheat—a thing impossible to do.

I undertake to say that probably 50 per cent of the land in this country on which you grow wheat will grow corn. Now, the farmer is a scientific man to-day, as much as any other fellow, and when he comes to the conclusion that he can make more money by growing corn or rye or barley or timothy, he is going to stop growing wheat and is going to raise these other commodities. That is human nature. You can not get away from it. I recognize that we must look after the millions of consumers of wheat in this country as well as the millions of consumers abroad. But I want to say to you, in all candor and sincerity, beware lest you wake up next winter or a year from next winter, when you would be not only willing but

anxious to pay $2.50 a bushel for wheat. There is nothing to-day that I know of that stimulates production like price.

In my judgment something ought to be done to take care of the farmers, or at least to make them realize that they are being considered here in the way of just and equitable legislation. My amendment, if agreed to, would in all probability raise the price of wheat to the producer about 30 cents a bushel, depending upon the distance of his farm from the primary markets. It would raise the price of wheat in the principal primary markets, as fixed by the order of the President, about 30 cents a bushel. That would raise the price of flour to the people living in the cities and abroad about $1.20 and not more than $1.30 a barrel—a mere bagatelle. We know that the wheat crop is short to-day in the United States, and if you will give the farmer some inducement, like the small inducement which I have offered in my amendment, in my opinion, it will be enough to stimulate wheat production, and you will start every rusty plow to breaking wheat ground in every section of the country where they break ground for wheat in the early summer—June, July, or August. I am not troubling myself about the vote on any of these amendments at all. I am not the least embarrassed by voting on this measure one way or the other. We are told right and left by the administration that we must have bread, that we must have wheat, that all the entire war business is bottomed upon the production of wheat.

Now, I am afraid that if you let it go out to the country that the farmers are not being considered in this bill at all, that they have been shown no consideration in the way of the increased price of wheat, that instead of an increased production this year you will find it greatly decreased.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COX. May I have three minutes more?

Mr. CANDLER of Mississippi. I yield three minutes more to the gentleman.

The SPEAKER pro tempore. Before the gentleman uses his three minutes the Chair would like to call his attention to the fact that, as the Chair understands it, gentlemen were to offer their proposed amendments in their own time, and that those amendments were then to be considered as pending, to be voted on when the four hours are exhausted.

Mr. COX. Then I ask to have my amendment read and have it pending.

The SPEAKER pro tempore. The gentleman will have to do it in his three minutes.

Mr. COX. I will do that, Mr. Speaker. Another thing ought to be taken into consideration here, that the cost of producing wheat is different now from what it was when the price of wheat was fixed last year. The farmer's fertilizer that he bought two years ago for $20 a ton is to-day costing him $45 a ton. The wheat drills that he bought a year ago for $50 are to-day costing him $85 and $90 apiece. The price of farm labor has actually gone up on the wheat farms in this country from $25 a month to $50 a month. Yes; it has gone up to $60 a month in many instances.

Mr. DILLON. Will the gentleman yield?

Mr. COX. I can not do it. I have not the time. It has got to the point where they can scarcely get a man to work upon the farms in this country at all. It is going to be a question of getting wheat sowed and harvested, and unless you give the farmer some consideration along this line, by giving him some little increase, mark my words and keep them well in mind, instead of having an increased production of wheat this fall you are going to have a decreased production.

To win this war we must have soldiers, food, and cannon. We can get the soldiers with but little trouble. We can manufacture of cannon; but the growing of food to maintain the Army is quite a different proposition. I am of the opinion that the administration does not comprehend or realize the extreme shortage of labor on the farms. For the past 20 years or more there has been a mighty movement from the farm to the city. This is reflected by the abnormal growth and increase in city population, with a corresponding reduction in urban population.

Between 1900 and 1910 cities increased their population 34 per cent. During the same decade urban population increased but 11 per cent. Immediately following the outbreak of the European war hundreds of thousands of bright, active young men living in the country left the farms, went to the cities, sought work and labor in large munition factories and plants, where wages were abnormally high as compared to wages in the country. Already, with a depleted country population, the European war constantly draining the boys from the country, to-day there is a frightful, if not a dangerous, condition existing in the country as to farm labor.

Farmers are exerting their utmost to overcome this shortage by and through machinery, especially machinery that will do the work of three and four men.

We must not only raise food for our armies but must practically raise the food for the armies of England, France, and Italy. Practically the entire man power of these nations is either on the firing line, in the trenches, or in munition plants, leaving but the women and children to run and cultivate the farms. We must feed our own civilian population. They, too, must have bread. I am interested in having bread; as cheap bread as possible, but bread. I know of no way to get bread except by raising and growing wheat. I know of no way to raise and grow wheat except to induce the farmers to do it. I know of no way to induce the farmer to raise and grow wheat except give him a reasonable, fair profit upon his work and labor and investment he has in the enterprise. A small increase per bushel to the farmer will stimulate production as nothing else will. A small increase in price to the producer will be the means of growing more wheat than all the arguments and all the literature and all the appeals combined that you can make to the farmer. If the price of his wheat be increased a little, he will double his energy, work longer hours, crowd faster than he will if no inducement be held out for him in the way of increased price for wheat.

The war must be won at any cost and at all hazards, and as food will play as much importance in the winning of the war as will soldier boys in the trenches, I am afraid that we are going to make a serious if not a fatal mistake if we fail to recognize the wise, just, and never-failing law of compensation. Compensate the farmer for his extra work and labor and he will respond by increased acreage and increased wheat supply for next year.

The Clerk read as follows:

Amendment offered by Mr. COX: I move to concur in Senate amendment No. 44 with the following amendments, to wit: Page 100, in lines 7 and 8, strike out the following language: "Local elevator or the local railway market," and insert in lieu thereof "principal interior primary markets"; in line 22 strike out the word "two" and insert in lieu thereof the word "one"; strike out all of lines 24 and 25 and insert in lieu thereof "principal interior primary markets."

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. For the purpose of having the record correct, this amendment when it is voted upon will be considered as a substitute for the amendment of the gentleman from Michigan, will it not?

The SPEAKER pro tempore. It is understood that all points of order are reserved on these amendments, and when they come to be voted on questions of this kind can be raised.

Mr. CANDLER of Mississippi. I yield five minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Speaker and gentlemen of the House, a little less than a year ago we had before this body the new question of fixing prices on the products of the farm. At that time I was thoroughly convinced that we were about to embark on a dangerous proposition. I undertook to point out to the House the difficulties, as I saw them, and I did my best to avoid entering on such a new and dangerous field. At that time representatives from the wheat belt of the Nation brought before the Committee on Agriculture a bill, and advocated its adoption, by which the Government would take over the matter of fixing prices on the products that they grew. I combated that idea with all the power that I had and tried to point out the difficulties in which they would find themselves. The prophecies that I then made to the farmers who appeared before that committee have been demonstrated to be facts at this very hour.

We began on a wrong career when Congress undertook to commit itself to the question of fixing prices on the products of the farm. Once fixed, they are fixed for a year; they are unyielding, they can not give; they rule, they control, and wherever it has been attempted to fix the prices of agricultural products in the experience of other nations they have found the same results as we have found in entering on that field. These results proved wholly unsatisfactory and the system had to be abandoned.

When the price was fixed at $2 a bushel on wheat it was thought to be a high price, but conditions change. The coarser grains ran up in value until at this hour they are worth more than the finer grain wheat, and yet you have an unyielding price statute. The error has been made, and the point I want to make in the five minutes that I have is that we ought to back down from the proposition of undertaking to fix the price of agricultural products by statutory enactment. We made a grave blunder, and that blunder has risen up to confront us now, and it will continue to rise up as the months and years go by. Patchwork legislation will not cure the blunder. Repeal of the price-fixing statute is the sole remedy.

Gentlemen, it does not take any more printer's ink to print $4 a bushel for wheat than it does to print $2 a bushel for wheat. Human nature is the same the world over, and whenever a man thinks that he is getting the worst of the price he is going to agitate, and he has a right to agitate. In my judgment, if Congress would abandon this price-fixing business as to agricultural products, the farmer would be satisfied to get into the boat with the other people of the land and take the price the law of supply and demand justified him in receiving and would do his full duty in this war emergency, and the world would be fed.

Now, it is a simple proposition that the House is asked to vote on at this time. It is a question whether $2.20 shall be the price this year or $2.50 shall be the price this year. That is all there is before us, and each man of his own conscience must decide how he is going to vote on the proposition. But you have not solved the question, whether you raise it to $2.50 or leave it at $2.20, because there is going to be dissatisfaction. The wheat men are held by an iron-bound statute, whereas the coarser grain is left to go to the world unrestricted; and if you raise the price of wheat to $2.50 per bushel, the coarser grains will immediately soar in price, as they are unrestricted by law, and the wheat grower's price would still be out of line.

My judgment is that the only remedy which can be pursued is to do away with the price-fixing proposition. It is called a guaranty, but that is a misnomer. You can not fool the farmers any longer about the minimum guaranty. I told you less than a year ago that there was no such thing as a minimum price guaranteed with a maximum that could go sky high. It is written in the law. How do you control it by Federal administration? Under the license system, where the administration holds an elevator to the figures fixed and takes away the license if they violate the regulation. [Applause.] Should any millman or elevator concern pay more than the price fixed the Food Administrator at once cancels the license and puts the offending individual out of business. This is the course that has been pursued and will continue to be pursued, and thus your guaranteed minimum price becomes the absolute and sole price for which a wheat producer may dispose of his products.

In this state of facts let us not hold out false hopes to the wheat farmer, but say to him candidly that whatever the price named in this bill, whether $2.20 or $2.50 per bushel, that will be the only price the farmer may ever hope to obtain while this legislation remains on our statutes.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. MORGAN] 10 minutes.

Mr. MORGAN. Mr. Speaker, I have two amendments at the desk, which I offer.

The Clerk read as follows:

Mr. MORGAN moves that the House concur in the Senate amendment numbered 44.

Second amendment: Mr. MORGAN moves to amend the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] by striking out in the proviso thereof the words "two dollars and a half" and inserting in lieu thereof the words "two dollars and sixty-five."

Mr. MORGAN. It is well, at the outset, that we get in our minds the proposition before the House. Some weeks ago the House passed the regular Agricultural appropriation bill. It went to the Senate for action. The Senate placed on the bill some 44 amendments. A conference committee from each of the two Houses was appointed to consider the various amendments submitted by the Senate. The House conferees have reported back to the House an agreement upon all the amendments except Senate amendment numbered 44. This amendment relates to the price of wheat, and is an amendment to section 14 of the food-control act which was approved and became a law the 10th day of August, 1917. The chairman of the Committee on Agriculture, the gentleman from South Carolina [Mr. LEVER], has moved to concur in the report of the House conferees and to further disagree with Senate amendment numbered 44. The gentleman from Michigan [Mr. MCLAUGHLIN] has moved that the House concur in the Senate amendment with an amendment.

In order to understand the force of the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] it should be noted that Senate amendment numbered 44, sometimes called the "Gore amendment," amends section 14 of the food-control act in three important particulars: First, the guaranteed price for the 1918 wheat crop is changed from not less than $2 to not less than $2.50 a bushel; second, the grade of wheat is changed from No. 1 northern spring to No. 2 northern spring; and, third, the price fixed applies to the price paid to the farmer at the local market instead of the price paid at the principal interior primary markets. The only change made by the McLaughlin amendment to Senate amendment numbered 44 is that it fixes a price of $2.50 a bushel for wheat at the principal interior primary market instead of establishing that price for the wheat producer at the local market. In other words, under the McLaughlin amendment the farmer would not receive $2.50 a bushel for his wheat, because from this amount would have to be deducted the cost of transportation from the local market to the principal interior primary market to which the wheat would be transported.

Mr. Speaker, I have two amendments pending. The first is my motion to concur in the Senate amendment No. 44, known as the Gore amendment. I have also offered an amendment to the McLaughlin amendment which strikes out the figures $2.50 a bushel and inserts in lieu thereof the figures $2.65 a bushel. Under the parliamentary situation, when we have finished the debate the vote will be taken upon the McLaughlin amendment before the vote will be taken on my motion to concur in the Senate amendment No. 44. Under the Senate amendment No. 44, the price paid to the farmer at his local market would not be less than $2.50 a bushel for his wheat. The McLaughlin amendment, if adopted, would reduce this price, perhaps, 15 cents a bushel. My amendment would therefore amend the McLaughlin amendment by adding 15 cents a bushel and making the price $2.65. If my amendment to the McLaughlin amendment were adopted, the price the farmer would receive for his wheat would be substantially $2.50 a bushel, as is provided in the Senate amendment No. 44. If, therefore, the principal interior primary markets are to be substituted for the local markets, the price should be increased from $2.50 to $2.65, in order that the farmer may actually receive $2.50 a bushel for his wheat.

These amendments bring before the House the whole question involved in Government price fixing of wheat. It will be helpful if we shall fix in our minds a few brief facts or propositions. Among these, I wish to call attention to the following:

1. The food-control act did not by any specific language fix the price of wheat.

2. The food-control act did not by any specific language authorize the President, the Food Administrator, or any other Government official to fix the price of wheat.

3. The guaranteed minimum price of wheat established in section 14 of the food-control act did not apply to the wheat crop of 1917.

4. Section 14 of the food-control act provided that the producers of wheat in 1918 should receive not less than $2 per bushel therefor at the principal interior primary markets, based upon No. 1 northern spring or its equivalent.

5. The provisions of section 14 of the food-control act had two chief objects in view. These were as follows:

First. To stimulate the production of wheat; and

Second. To protect the wheat producers against loss in case the war should unexpectedly close or something else should happen to bring the price of wheat down below the actual cost of production.

6. Section 5 of the food-control act gave the President the power to license the importation, manufacture, storage, mining, or distribution of necessaries, and necessaries included wheat.

7. Section 10 of the food-control act authorized the President to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army and the maintenance of the Navy.

8. Finally, the food-control act authorized the President to purchase and sell for cash five articles, namely, wheat, flour, meal, beans, and potatoes.

Now, I have given careful thought to the question. My conclusion is that when the Government assumed a monopoly in the wheat business it should have adopted the price which had prevailed prior to the passage of the food-control act. The action of the Government was a war measure. But, in assuming the control of private property under the emergency of war, the Government respects the property rights of its citizens. Here, I think, was where the Food Administrator made the great mistake. Now, upon just what provision of the law the Food Administrator relies for the authority to fix the price of wheat for the 1917 crop I am not informed. Certainly the provisions of section 14 of the food-control act applied only to the 1918 crop. Certainly the law establishes no specific price. It simply declared the farmers should not receive less than $2 per bushel. It in no way and by no language limited the price to $2 per bushel.

The law plainly shows that Congress, while guaranteeing that the farmer should receive not less than $2 per bushel, intended that he would be entitled to receive any amount above this which the market price would offer. But whatever the law provided, the Food Administrator proceeded to fix the price of the 1917

wheat crop at $2.20 per bushel at the principal interior primary markets. Under this action of the Food Administration the farmers in my State received for the 1917 wheat from $1.75 to $1.90 per bushel for their wheat. This was from 75 cents to $1 less than the price they had been receiving for their wheat prior to the time the Government assumed a monopoly in the wheat market. The protest which the wheat farmers made does not indicate any lack of loyalty or patriotism, or any disposition to hinder or embarrass the Government in its prosecution of the war. The wheat farmers are as loyal and patriotic and as devoted to their country as any other class of citizens. They have done their part; they are now doing their part, and will continue to do their part until victory comes.

They are not asking Congress for special favors. They are not seeking to escape any burden which rightfully belongs to them. They are not trying to evade any duty, responsibility, or obligation of citizenship. Above all, they do not desire to embarrass the President as Commander in Chief of the Army and Navy in the successful prosecution of the war. They are ready, willing, and anxious to do their part in the winning of the war. They come to Congress as intelligent, loyal, patriotic American citizens. They ask from the National Government nothing but fair treatment. They seek simple justice. They ask only for their rights, under the Constitution, under the laws of the United States. In the spirit of supreme devotion to the flag they submit their cause to the Congress of the United States. The wheat farmers believe they have a just cause of complaint. They have been singled out and segregated from all other kinds of farmers, and from practically all other classes of producers.

What are some of the undisputed facts which demonstrate the correctness of my assertions? During the month of July, 1917, just prior to the passage of the food-control act, wheat was selling around $3 per bushel at the chief wheat markets of the United States.

The farmers at the local markets were getting from $2.75 to $2.90 per bushel. These were the market prices upon a market controlled entirely by the law of supply and demand. The farmers were in no combination to control the price. They had no voice in making these prices. They were selling to the millers and grain dealers in the usual and customary way. When the food-control bill passed, August 10, 1917, the wheat producers had in their bins or in the fields about 500,000,000 bushels of wheat. At $3 per bushel this wheat was worth $1,500,000,000. This wheat was the property of the wheat farmers of the United States. It was property, just as much so as their houses and lands were property. It was property, as much so as were the goods of the merchant property. This wheat was property, as much so as bonds or stocks were property.

At the market prices then prevailing this property was worth one and a half billions of dollars. Here the Federal Government steps in. It assumes a monopoly in the wheat business. It took charge of all the machinery, instrumentalities, and agencies through which wheat could be purchased, sold, stored, manufactured, or distributed. The Government established a price for the 1917 wheat crop. The price fixed was $2.20 per bushel at the principal interior primary markets. Under this Government price the wheat farmers received from $1.75 to $1.90 per bushel for their 1917 wheat crop. The Government, in round numbers, reduced the price of wheat from 75 cents to $1 per bushel. In effect, the Government requisitioned the property of the wheat farmers by compelling them to sell their property at approximately two-thirds of its market value. By this process the wheat farmers lost from $300,000,000 to $400,000,000 on the 1917 wheat crop.

IS WHEAT TOO HIGH?

It is asserted that wheat was too high; that the Government had to bring the price of wheat down in order to provide cheap bread for the nonfarming population. Cheap bread for the poor touches a responsive chord in the breast of every man. But let me remind you that the obligation to provide cheap bread for the poor is an obligation resting upon all alike. The wheat farmers alone should not have been taxed to provide cheap living for the needy masses in our great centers of population. You should not levy tribute upon a few million wheat farmers to meet an obligation resting upon the entire Nation. Why not call upon the corn farmers and the cotton farmers and the live-stock farmers to do their share? Why not call upon the merchants and bankers and manufacturers and the middlemen generally to do their part? Why not call upon the multimillionaires to do their part? This would have been more in harmony with the principles of fair play, right, and justice.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes; for a question.

Mr. FARR. The gentleman speaks about the farmers of the United States. What percentage of the farmers of the United States grow wheat?

Mr. MORGAN. I can not state accurately. We will say 10 per cent; and there is the point. Why should you tax 10 per cent of the people for the benefit of 90 per cent of them? Why should you ask the few wheat farmers to sell their chief product under the market price for the benefit of all the population of the United States?

CONSTITUTIONAL RIGHTS.

The fifth amendment to the Constitution provides that:

> No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

Our forefathers placed these provisions in the Constitution to safeguard the rights of the individual citizen against the action of local, State, or National Governments. These provisions were placed in the Constitution to protect the individual from Congress or the Executive power. Private property can not be taken without due process of law. Neither the President nor Congress, under the plain provisions of the Constitution, can take private property for public use without just compensation. The Constitution is the supreme law of the land, and the National Congress and the Chief Executive of the Nation are subject to its provisions.

Life and liberty are, indeed, dearer and more sacred than property; still our forefathers linked the three together. So a man's property is protected by the same provisions in the Constitution that protect his life and liberty. There was no provision made for the farmers to test their rights in the courts of the land. They were given no opportunity to prove what was just compensation for their wheat. The Government proceeded to fix a price, and the wheat farmers had to accept that price.

WHAT IS JUST COMPENSATION?

What is just compensation for private property taken for public use? The answer to this question is not within the realm of doubt, dispute, or controversy. It has been universally held that just compensation means full compensation. It means that when private property is taken for public use, the owner must be placed in as good financial condition as he would have been had the property not been taken. The Supreme Court of the United States has decided over and over again that when private property is taken for public use, the compensation to the owner must be ascertained by determining what was the market value of the property at the time of the taking. Whatever the emergency may have been, I have reached the conclusion that the wheat producers of 1917 were entitled to receive for their property the value thereof according to the market price at the time the Government assumed control. When the Government assumed a monopoly of the wheat market it placed itself in a position where, in good conscience, it was bound to compensate the wheat producers of 1917 for the loss they sustained based upon the difference between the market price of wheat and the Government price established through the Food Administration.

COMPENSATION TO WHEAT PRODUCERS.

Having reached this conclusion, I have introduced a bill, H. R. 10788, appropriating $300,000,000 for losses sustained by the wheat producers of 1917. I believe that the Government is justly indebted to the wheat producers of 1917 for the difference between the market price of wheat prior to the enactment of the food-control act and the price which the farmers were required to accept under the Government monopoly.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. SNYDER. The gentleman is familiar with the wheat proposition in Oklahoma. Will he state to me what he believes to be the average cost of production for a bushel of wheat in the State of Oklahoma?

Mr. MORGAN. That will depend upon many circumstances, but I can not take time now to go fully into the question of what it costs in Oklahoma or elsewhere to produce wheat.

Mr. SNYDER. I wish the gentleman would, because I think it is very important.

Mr. MORGAN. Well, it is not a question of what it costs to produce wheat. Certainly it is not now as profitable to produce wheat as it is to produce corn and cotton. The wheat farmers are not making the profits that are being made by merchants, manufacturers, and bankers.

Mr. SNYDER. It seems important to me.

Mr. MORGAN. The price of wheat, according to the law of supply and demand in the open market, was about $3 a bushel. The farmers had something like 500,000,000 bushels of wheat

on hand. That wheat was worth something like $1,500,000,000, but the wheat farmers received only about $1,000,000,000 for it.

WHY NOT CONTROL PRICES OF OTHER PRODUCTS?

If the Government had controlled the prices of other farm products, the wheat farmers would not have had the same reason to complain, but the wheat farmers were singled out, and they alone suffered from the price-fixing policy of the Government. The Government should have regulated the prices of farm products other than wheat, such as corn, cotton, rye, oats, barley, and live stock, and, second, it should have controlled the prices of the things which the farmer would have to buy, such as farm implements of all kinds, fertilizers, clothing, and things generally which the wheat farmers buy, and including also the price of labor. In other words, it seems unjust to the wheat farmers to fix a price below the market price for his chief product when he must pay excessively high prices for the things which he must buy and for the things which enter into the cost of producing that wheat.

President Wilson, in his message to Congress delivered before the joint assembly December 4, 1917 (see House Document No. 468), fully recognized all for which the wheat farmers contend. He said:

> The law of supply and demand, I am sorry to say, has been replaced by the law of unrestrained selfishness. While we have eliminated profiteering in several branches of industry, it still runs impudently rampant in others. The farmers, for example, complain, with a great deal of justice, that, while the regulation of food prices restricts their income, no restraints are placed upon the prices of most of the things they must themselves purchase, and similar iniquities obtain on all sides.

The President speaks in behalf of farmers generally. His language, however, applies to the wheat farmers as it does to no others, because there has been no limit to the price of cotton, to the price of corn, oats, rye, barley, or live stock. It is not, therefore, the farmers generally that have so much right to complain but the wheat farmers in particular. Their product alone, through governmental interference, has been kept below the price which the law of supply had established. The burden of the price fixing has thus fallen upon the wheat farmers in a way that it has not upon any other class of our citizens.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. WALSH. The gentleman has quoted the President in his message as to the discrimination practiced against the farmer. Has not the President sought to control that or eliminate that discrimination by fixing the price of wheat at $2.20?

Mr. MORGAN. I am not here to criticize or find fault with the President. I have given the President my loyal support. So far as he acted, I have no doubt he acted as he thought for the best. It is not in the spirit of faultfinding that I speak. But if a mistake has been made, the President will be willing to correct it. The President has no more loyal supporters than the wheat farmers.

PUBLIC POLICY DEMANDS HIGHER PRICE FOR WHEAT.

The price of wheat should be raised to at least $2.50 a bushel as a matter of sound public policy. This may be based upon two general propositions. These are as follows:

First. The price of wheat should be raised to at least $2.50 a bushel as a means to conserve the supply of wheat.

Second. The price of wheat should be raised to at least $2.50 a bushel as a means of stimulating the production of wheat.

What are some of the facts? Wheat to-day is the cheapest article of food on the market. It is cheaper than corn, cheaper than rye and oats and barley. Here is a proposition that is self-evident. You do not conserve the supply of an article by making it cheap. By making wheat cheap, cheaper than any of the substitutes for wheat, the Government has encouraged increased consumption of wheat. Consumers naturally buy more wheat when wheat is cheaper than corn and oats and rye and barley. As a result of the low price of wheat, farmers have been compelled to feed wheat to stock in place of corn and other feedstuff. The farmers have been severely criticized for this; but still the Government has at least been in part to blame, which has made it more profitable to feed wheat than it was to sell wheat at the Government price. The Government's policy has therefore not only not encouraged the conservation of wheat but has encouraged its consumption in an unusual and unnatural way.

In view of the extraordinary demand for wheat, and in view of the importance of wheat to enable ourselves and our allies to win the war, no one will dispute the fact that it should be the policy of our Government to stimulate the production of wheat to the very highest degree. It is well enough to conserve the supply, it is well enough to observe wheatless days, and wheatless weeks, and wheatless months, if necessary, when such a course will help us to win the war.

Every patriotic citizen is ready to help along this line, but if we can increase our production of wheat sufficiently there will be no need of stinting ourselves. Now, what is the most effective way to stimulate the production of wheat? Certainly you can not and will not stimulate the production of wheat when you fix the price of wheat so low that it is more profitable to the farmers to produce cotton and corn and oats and rye and barley than it is to produce wheat. So our Government price fixing of wheat has neither promoted the conservation of wheat or stimulated its production.

Mr. Speaker, in closing my remarks I wish again to assert that the wheat farmers and the people who reside in the wheat section of the United States are loyal, patriotic, self-sacrificing citizens. They have met fully every requirement made upon them. They have furnished their full quota of men for our Army and Navy, and these men will rank among the very best and bravest of our soldiers and sailors. They have subscribed their full share to the liberty loan bond issues. They have responded liberally to every call of the Red Cross and the Young Men's Christian Association and every other activity connected with the vigorous and successful prosecution of the war. They are ready to make any sacrifice that may be necessary to win this mighty war in which we are now participating. They are loyal to the President, the Commander in Chief of our Army and Navy. They are loyal to the boys in the trenches and to all our soldiers and sailors wherever they may be fighting our battles. To these brave boys who are making the supreme sacrifice they desire to render every aid, assistance, and support within their power. So it is in the spirit of service, in the spirit of supreme devotion to the country and its flag that the wheat farmers are acting. Whatever action Congress may take, the wheat farmers and the people in the great wheat sections of the country will continue to remain American citizens of the highest type and character.

The SPEAKER pro tempore. The question is on the adoption of the motion of the gentleman from Michigan [Mr. McLAUGHLIN] to concur in the Senate amendment with an amendment.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry. My amendment is to amend the McLaughlin amendment. I think the vote should be taken on that first.

The SPEAKER pro tempore. The gentleman is correct. The first vote is on the amendment of the gentleman from Oklahoma [Mr. MORGAN] to the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I believe a point of order was made on the amendment offered by the gentleman from Oklahoma, that it was beyond the power of the House to increase the price.

The SPEAKER pro tempore. That point was reserved. Does the gentleman make that point?

Mr. McLAUGHLIN of Michigan. I make that point.

Mr. MORGAN. I should like to be heard on that.

The SPEAKER pro tempore. The Chair is ready to rule. The point of order is overruled. The question is on the amendment of the gentleman from Oklahoma to the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. KREIDER. Let us have that amendment read again.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The Clerk read as follows:

> Mr. MORGAN moves to amend the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN] by striking out in the proviso thereof the figures "$2.50" and inserting in lieu thereof the figures "$2.65."

The question being taken, the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question recurs on the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. LEVER. Mr. Speaker, upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CANDLER of Mississippi. Mr. Speaker, will the Chair state that a vote "yea" means a vote to concur in the Senate amendment with this amendment, and that a vote "nay" is a vote not to concur with the amendment?

The SPEAKER pro tempore. That is correct. Those in favor of the motion of the gentleman from Michigan [Mr. McLAUGHLIN] to concur in the Senate amendment with an amendment will answer "yea" as their names are called, and those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 127, nays 180, answered "present" 3, not voting 120.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Oklahoma to concur in Senate amendment No. 44.

The question was taken; and on a division (demanded by Mr. MORGAN) there were 98 ayes and 167 noes.

So the motion was lost.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from South Carolina to disagree to the Senate amendment and ask for a further conference.

Mr. CRISP. Mr. Speaker, the House having voted to nonconcur, is not that tantamount to a disagreement?

The SPEAKER pro tempore. The gentleman is right.

Mr. LEVER. I ask unanimous consent that a further conference be asked for.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Chair appointed the following conferees: Mr. LEVER, Mr. LEE of Georgia; Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, in the first instance I deny the statement of the gentleman from Oklahoma [Mr. MORGAN] that the Government took from the farmer what he had without price. They paid him an enormous price for what they took. We have 10,000,000 more people living in cities in the United States than we have on the farms, and these men, women, and children earn their living in the industrial activities of the United States, and it is they who will be called upon to pay this additional cost of wheat in $18 a barrel flour. It will be an outrage to impose this new burden upon the industrial workers of America by fixing the price of wheat at $2.50 a bushel, and there ought to be too many men in this House who have sense enough and patriotism enough to prevent the enactment of any such iniquity. We ought to have some consideration for those who toil where there is no sunlight. The men who live on the farms can get their living no matter what the price of wheat is. The men who work in the shops can not. "Oh," but you say, "we are in war, and we are commandeering everything, and we must commandeer the labor and the sacrifice of these men who work in the factories, but while we are doing that we must pamper the farmer, and give him that to which he is not entitled." You say that it costs more money to raise wheat than it did before the war. The labor of one man will raise in the ordinary wheat territory 1,600 bushels of wheat. It takes about five months to raise a crop of wheat—all spring wheat crops for this year are in the ground. This increased price will not add one bushel to the wheat crop of 1918. What justification can there be for increasing the price of wheat if it will not increase the quantity? Those who favor this increased price say the farmer pays his men $10 a month more than he used to pay. Ten dollars a month for five months would be $50 additional for raising 1,600 bushels of wheat, while the increased price of wheat as proposed would be about 1,500 per cent over and above the increased cost of labor, a large interest rate on the outlay.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. LONGWORTH. The argument in favor of the artificial increase of the price of wheat seems to me to be based upon the proposition that wheat will go up to that extent and all other cereals will remain at their present level. Does the gentleman believe that?

Mr. MADDEN. Of course not; the price of all other cereals will go up in keeping with the price of wheat. You give no opportunity whatever to the man who toils in the shop to increase his income, but you demand——

Mr. SWITZER. Will the gentleman yield?

Mr. MADDEN. I can not yield. But you demand from him every sacrifice that is possible for the Government to lay upon him. These men in the shops go to the war, they fight the battles for America, and they are entitled to an equal show, and they ought to have it, and we men who speak for them on the floor of this House are going to demand equal rights for them. The people who work in industrial establishments are entitled to equal justice; people in every line of endeavor are entitled to the same consideration—not more, not less. Many here have been in the habit of catering to the farmer to get the farmer's vote. The farmer does not need to be pampered; he is able to take care of himself; he is qualified and patriotic; he knows how to make a living, and he needs no help from you and me; he is better off than any of us. The farmer to-day is better off than any other citizen. Why load this additional burden upon the remaining citizens of the country in order to add to the already great wealth which the farmer possesses as the result of present prices for farm materials? Oh, but, you say, we do not regulate the price of the things he has to buy. We regulate them as much as we regulate anything else. The men in the shops, other than those in zones where war materials are being made, are idle or only working part time. Why should we load them down with new burdens while we heap new favors upon a class already highly favored?

The war calls for sacrifice on the part of all. No one should be allowed to profiteer. All should join in the movement to win the war at any sacrifice. This House should not be instrumental in aiding any element of our citizenship to increase their own wealth at the expense of others. I hope the proposal to fix the price of wheat at $2.50 per bushel will fail.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I have the honor to represent quite a large agricultural community, as well as a manufacturing community. I am opposed to increasing the price of wheat at this time. I am also opposed to price fixing. I believe that a large number of working people are entitled to some consideration in this proposition. I tried a few moments ago to get from the gentleman from Oklahoma [Mr. MORGAN] his understanding of what it costs to produce a bushel of wheat in the State of Oklahoma. I have been told by good authority that it would not cost to exceed $1 per bushel to raise wheat out in Oklahoma. If that is a fact, while we want the wheat farmer to make a proper profit, he is certainly getting a greater per cent of increased profits since the war started than any class of men on earth, except, possibly, the United States Steel Trust. Well, we are glad he is getting this profit; but when he does that, he is putting an additional burden upon farmers in other sections of the country.

In my section we are largely a dairy country and an increase in the price of wheat makes an increase in the price of the by-product known as bran, which increases the price of milk. Milk has gone up in the markets of the State of New York and throughout the country more than double in the past year, so that I understand to-day in the city of New York the price of milk is from 12 to 15 cents, and many of the babies of the country are going without the required amount of milk. Now we must cover in this question the whole country, and while I believe the farmers of the West are just as patriotic as they are in any other part of the country, it seems to me that if they are getting a fair profit for their product they ought to be just as patriotic at $2.25 as they would be at $2.50 for their wheat. And it is my further belief that since we have started in the price-fixing business if we act now on the demands of the farmers and raise the price that it will be only a short time before they will be back for another raise, and we might as well stop first as last. I just want to call attention in the little time which is left me to this order of the Food Controller making it necessary for people to buy an equal number of pounds of substitutes for wheat. When I was home a few days ago a lady constituent of mine called my attention to a grocery bill which she had just received. She had purchased a 24½-pound sack of flour. In order to get that sack of flour she had to buy $5.40 worth of substitutes, including $1.65 for the flour. Now, it seems to me that is a very great injustice and some notice ought to be taken of it. It is all right enough, perhaps, to have to buy those substitutes, but the grocerymen of the country should be provided with substitutes so that a person having to purchase flour could make a selection of substitutes. Well, that is impossible to do. But this lady had to buy a certain amount of puffed wheat, a certain amount of puffed corn, so many pounds of rice, so many pounds of corn meal, because she could not get the things she wanted to buy.

Mr. LA FOLLETTE rose.

Mr. SNYDER. I can not yield; I have but five minutes. Now I want to suggest that the administration should take the bull by the horns on this proposition and ration the country on wheat. Let each individual have whatever amount of wheat can be spared to him; then he ought to be permitted to buy the balance of the foodstuffs he likes for his upkeep. [Applause.]

I think this is a very important matter. Demands for higher wages are being made all over the United States, due to the additional cost of living, brought about by just such orders as

this one that I have spoken of, and unless something is done to correct it I do not know where we are going, but we are on our way. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LESHER. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. AYRES].

The SPEAKER pro tempore (Mr. GARNER). The gentleman from Kansas is recognized for 10 minutes.

Mr. AYRES. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. AYRES. Mr. Speaker, I would like to agree with all my friend from Illinois said regarding the condition of labor in this country, and I think all that he did say with reference to the increase in the price of wheat being a burden on labor is absolutely true, but I do not agree with all he said with reference to the increased price of wheat, because he did not go far enough and admit the advance in the price of the things that enter into the production of wheat, the prices of which have not been fixed, and by reason of that fact it has naturally caused the producers of wheat to be at a greater expense in its production than would have been otherwise.

I am compelled to vote for this increase in the price of wheat, not because I feel that it is the proper method to solve the troublesome question of profiteering; nor am I voting for it because the wheat producers throughout my section of the country as a whole are demanding it; nor because I feel that it is just and right to all the people of the Nation and our allies, and our brave defenders at the front, who are making the real sacrifice.

Then, why am I voting for it? For one reason, and that alone; because the price of other grains and commodities has not also been fixed. I have grave doubts that increasing the price of wheat will by any means relieve the situation; I know it will not stop profiteering. In my judgment, prices of substitutes and nonessentials will increase in the same ratio as the advancement of the price of wheat.

I introduced House joint resolution 268 on the 22d day of March for no other purpose than to make it possible to equalize the burdens of this war as far as possible on all alike, producers as well as consumers of the necessaries to maintain the civil population of this country as well as that of our allies, and also our Army. I want to say at the beginning that I introduced this proposed amendment to the present law in absolute good faith. I never was more sincere in my life. I can not help but feel that something of this nature must be done, and that before long.

The President said in his address to Congress on December 5, 1917:

> The farmer, for example, complains, with a great deal of justice, that while regulation of food products restricts their incomes, no restraints are placed upon the prices of most of the things they themselves must purchase, and similar iniquities obtain on all sides.

I have heard considerable about the question of the loyalty of the farmer; that is to say, his lack of enthusiasm over this war. It may be, sir, that he has grumbled somewhat at the regulation of the price of wheat fixed by the Food Commission. I have reference to the wheat producer. But, notwithstanding this fact, he is just as patriotic as any American citizen, and is just as ready to make his sacrifice as any other American citizen; but he does feel, and rightfully so, that he should not as a wheat producer be the only producer of the necessaries called upon by the Government to make a sacrifice and others permitted to go on and on profiteering, not alone at his expense but at the expense of the great consuming class of which he is a large part.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. AYRES. Yes.

Mr. GOOD. The gentleman is aware of the fact that the average price of wheat for 10 years prior to the outbreak of the European war was 92.6 cents in the United States. The price now is $2.20. Does the gentleman think that is very much of a sacrifice that the wheat grower has been called upon to make, to produce wheat at $2.20 a bushel as compared with the average price of 92.6 before the war?

Mr. AYRES. Yes, sir; I do, when you take into consideration the price of other products, including your corn, that is raised in Iowa. Is it not a fact that the average price of corn for 10 years prior to the war was very small, as compared with what it is now?

Mr. GOOD. Last year we had an almost complete failure of the corn crop—in some places 80 per cent moisture. In the gentleman's State the man who rents the farm is paying the same rent now that he did before the war, and he is the man who is buying the twine and employing the labor.

Mr. AYRES. Why not fix the price of twine? Would the gentleman be willing to fix the price of corn raised in his State?

Mr. GOOD. I am in favor of fixing the prices of all commodities.

Mr. AYRES. So am I. [Applause.]

Mr. GOOD. I am opposed to fixing the price of steel products and commodities of that kind, but I do not see how the gentleman from Kansas can favor profiteering in wheat.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. AYRES. Yes.

Mr. SHALLENBERGER. While prices of wheat have advanced 90 per cent, the price of the things that the wheat grower has to buy have advanced more than 90 per cent. Is it not a further fact that last year the average farmer of both the gentleman's State and my State lost money on his wheat crop?

Mr. AYRES. Yes. There is no doubt about it.

The farmer has patiently waited since early last fall for others to feel the heavy hand of authority already provided for in the bill of August 10, which I am seeking to amend, and which provides ample power and authority to regulate and control other necessities in the line of food and feeds. He, as a wheat producer, has not only patiently waited, but has patriotically waited for this equalization of the burdens, and has seen others grow rich by profiteering on the product of his labor, instead of the great consuming class reaping the benefits of his sacrifice. He has had to buy the very product of his own wheat, to feed his family, at but a small reduction in price, compared with what the price of wheat was reduced. He has purchased the by-products of that wheat to feed his stock, at an abnormal price, comparatively speaking, because it was not regulated, but permitted to soar high, endeavoring to catch up with other food and feedstuffs which are not regulated.

This, Mr. Chairman and gentlemen, is like irritating an old sore and expecting no complaint. I want to say there has been but little complaint from the wheat producer of this country—I will say in my section of the country—about the price of wheat being fixed. Although they did not relish the idea of having their profits reduced over one-fourth, yet they have complained and are complaining about being singled out while all others go to the limit!

They say, and justly so, regulate the commodities we have to purchase which enter into the production of our wheat, so all can be treated on an equality, and we will be satisfied. Is there anything unreasonable about that? He has been promised this, and, I repeat, he has been patiently waiting, and as one of the representatives of a wheat-producing country, I feel it my duty, as best I can in justice to his claim, to insist on this equalization. I am for the power by this act of August 10 conferred and for further power and regulations, and insist that it be used or else abandon the whole proposition of regulating prices.

Nothing short of one or the other of these propositions will satisfy the great producing wheat industries of this Nation, and the Food Administration, whoever or whatever it may be, had just as well realize this, and the sooner the better. I am not an alarmist, or, at least, I do not want to be, but feel it my duty to call attention as best I can to conditions as they exist under the present law and its execution.

One of the strong arguments in favor of the price fixing of wheat was the fluctuation in this commodity on the boards of trade in the Nation. When the price was fixed this, of necessity, was stopped, but now, strange to relate, the speculator who had been dabbling in wheat as well as the speculator who had been speculating in corn turned his attention to corn and oats, and there have been times on the boards of trade that there has been a fluctuation in the price of corn of 10 cents on a single day. And it is a lamentable fact to-day, with the demand for corn as food and the absolute necessities of our people who, by patriotically denying themselves the essential wheat not only as prescribed by law but as a patriotic duty as well, that the great supplies of corn are not in the hands of the producer but in the hands of the speculator, and the same will apply as for that matter to other cereals.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. AYRES. Yes.

Mr. SNYDER. I asked the gentleman from Oklahoma [Mr. MORGAN] a few moments ago if he could tell us about what the average cost of producing a bushel of wheat was in the State of Oklahoma. Can the gentleman from Kansas [Mr. AYRES] answer that question?

Mr. AYRES. I could not give the exact figures, and I would not want to undertake it unless I could. The gentleman from Oklahoma might be able to give that information.

Mr. SNYDER. I have been told by some men who produce wheat in Oklahoma that it can be produced at about $1 per bushel.

Mr. AYRES. I do not think so, considering the price of everything that enters into the production of wheat.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. AYRES. Yes; I will yield for a question.

Mr. MORGAN. The gentleman has referred several times to the cost of producing wheat in Oklahoma. I have seen several statements by persons who have studied the subject very thoroughly, and they claim that it will cost absolutely more than $2 per bushel to produce wheat in Oklahoma on the average because of the fact that about every other year you produce nothing.

Mr. AYRES. That is as far as I can yield. [Laughter.]

Gentlemen, whether it be patriotic or not to make the statement I am now making, I will leave it to others to judge. I want to say it is too much, altogether too much, of a strain to put upon the loyalty and patriotism of the farmer, or, rather, the wheat producer of this country, for the Government to arbitrarily lay the strong hand upon this industry, single it out, and permit other industries to go the limit—yes; beyond the limits of profiteering. I have received a number of letters from wheat growers of my district which show the patriotic, unselfish spirit of these men. I might cite many and also many sets of resolutions to show this fact, but I will only incorporate one in my remarks, which was received a few days ago, which reads as follows:

CALDWELL, KANS., *March 25, 1918.*

W. A. AYRES, M. C.,
Washington, D. C.

DEAR SIR: Speaking as a farmer, who farms with a plow and not with theory (I have 250 acres of wheat), I would suggest that you use all of your energies to push through your bill for price fixing on the commodities named therein.

As a farmer, I care not a "red" for the amendment tacked onto the Agriculture appropriation bill by Senator GORE and others unless it fixes some of the other prices.

I donated my 60 cents per bushel when the price was fixed at $2 on some 3,000 bushels of wheat, and felt good because I thought some poor "devil" who was fighting to keep the wolf from the door would get the benefit of it.

The sacrifice was vain. Somewhere between me and the consumer it (the 60 cents) was lost.

Strength to your arm.

F. M. SNOWDEN, *American.*

Except for the purpose of being patriotic and desirous of doing his bit in the winning of the war, it is not an inducement for him to raise wheat, when its purchasing power is being diminished by reason of the fact that the prices of all other commodities which he has to purchase are permitted to increase by leaps and bounds. The wheat grower should not be penalized, because, as it has been said, his commodity is the most essential of all for winning the war. The very fact it is the most essential is all the more reason why everything should be done to encourage and not to discourage the production of it.

THE PRESENT LAW AND ITS EXECUTION.

The present law and its execution certainly tends to discourage, and, I fear in many localities where winter wheat will not be a full crop or stand by reason of the cold, dry winter, will be destroyed entirely by the raiser, and crops of some other kind planted instead, such as corn and other cereals, which are not limited in price, but are allowed to go the limit, the same as most all other necessities, such as cotton, wool, leather, and wearing apparel of all kind.

Under the present law and its administration I have not heard of any institution preparing foodstuffs going into the hands of a receiver. I noticed a few days ago that Loose-Wiles Biscuit Co. showed a surplus equal to $58.91 a share on the 2,000,000 of second preferred stock as against $27.98 a year ago. And why not? When wheat was $1 a bushel, crackers retailed at 5 cents per pound; when wheat was or is selling at $2 per bushel, crackers were retailing at 20 cents per pound. You can see while the increase in wheat has been 100 per cent, the increase in crackers has been 400 per cent, and this is only one of the many, many other illustrations I might give.

Let me say further, I have not heard of any milling institutions going broke by reason of the agreement made between the millers and the Food Administration. I am not familiar enough with the milling business to know whether the millers are making the profits as claimed or not. I have many reports from what I consider reliable source, which convince me that they have not suffered at all. I could produce some very interesting figures under the arrangements made by the Food Administration and the millers throughout the country, showing the immense profits made by the millers, but I do not care to take the time of the House, nor incumber the RECORD with columns of figures showing in detail just what it costs per barrel at the regulated or fixed price of wheat and at the same time show what the flour and the by-products are sold for; the best proof that the miller is fairly well taken care of is the fact that foodstuffs derived from wheat have not been reduced in proportion to that of wheat and the further fact that the mills over the country, to a large extent, are adding to their capacity, or building new mills and also seem to be able to declare reasonably fair dividends, in addition to paying immense salaries to presidents, vice presidents, and managers and other officers, all of which is denied by the millers. I would suggest that a thorough investigation be made and ascertain the facts, as no one should be wrongfully accused nor unfairly treated.

When the local Food Administration calls upon the people to be patriotic and save the wheat by eating substitutes for flour, these substitutes begin immediately to soar like an aeroplane until it is altogether out of the question for a consumer unless he has an income from an oil well or a mine, or a large stockholder in some of the profiteering establishments of this country which have not been regulated, to buy such a luxury as corn meal and some of the other substitutes. It might be that they could be regulated so as to be in reach of a man who has a limited income. It has not been done, notwithstanding the fact it seems to me the same power and authority exists to do so as to regulate wheat and flour. If it does not exist, then it is the duty of Congress to give that power and authority, and that is what I am attempting to do in the proposed amendment.

I received a letter from a railroad employee the other day, in which he said:

Before the war I received $55 per month. I could then buy a sack of flour for $1.15 to $1.25 and meat from 6 to 20 cents per pound, and I am now receiving $10 more per month, making $65 per month. I am paying $2.70 per sack for flour, 20 to 60 cents per pound for meat, and not only this, but the Food Administration says when you buy 50 pounds of flour you must also buy 50 pounds of substitutes for flour, which, at the present prices, unregulated, costs about $5—that is, I have to buy $7.70 worth of foodstuffs.

I received a letter from another railroader in another part of my district, which reads:

I want to submit to you some figures showing what it costs to buy a sack of flour:

48 pounds of flour	$2.70
2 packages of oat meal, weighting 3 pounds 6 ounces, at 30 cents a package	.60
1 package of cornstarch, 12 ounces	.10
1 sack of pancake flour, 4 pounds	.45
3 pounds of rice at 11 cents	.33
1 package of tapioca, 1 pound	.15
33 pounds of rice flour, at 10 cents per pound	3.30
	7.63

Two sacks of flour would have cost $5.40. Can you blame the people much for kicking when they have to pay such an awful price for substitutes that make inferior eatables?

I think the Food Commission has power to regulate these substitutes; they say they have not. Then, let us give the power so there can be no reason, so far as lack of authority is concerned, to deal with all classes of profiteers.

PRICES OF OTHER NECESSITIES.

I repeat, the wheat producer's main complaint is that other commodities have not been regulated. He does not understand that if you can fix the price of his product—and that is a good thing to do—why it is that the same authority can not say and does not say to the manufacturer of farm machinery, "You shall not be permitted to increase the price of your machinery to the farmer from 80 per cent to 125 per cent."

You gentlemen, no doubt, or at least most of you, have received letters and resolutions showing the astonishing increase in farm machinery. For instance, a gang plow weighing 700 pounds, which sold to the farmer for from $53 to $55 in 1916, is selling now for from $100 to $105. My information is that all farm implements are advanced just about as the item I have mentioned. Another item, for instance, a 7-foot wheat binder. In 1916 the retailer paid $120; now he pays $203, and no doubt it will be much higher this season. The 12-foot binder in 1915 cost the retailer $210. The same machine in 1918 costs $395, an increase of $185, or about 90 to 95 per cent. Take the small tractor plow, which is used very extensively by the wheat raisers of the Middle West and, I presume, elsewhere. I am informed that in 1915 the retailer bought this plow for $80, while to-day the manufacturers of this plow have put a price on it of $186, and the Lord only knows where it is going to. I might go on and mention many other implements, but do not think it necessary to take further time. Some experts will say farm machinery has not advanced any more than farm products. This is not a fact; but suppose it is, will such regulation make necessities any cheaper for the consumer? He should be taken into consideration, as well as the other fellow. So far as the consumer is concerned, there are two items in which he is especially interested—food and wearing apparel. Of course, it is not necessary to go into detail and discuss any further the doubling

and trebling of prices in the ordinary foodstuffs, because the average housewife can tell all about it; but what about wearing apparel?

Just a few items, made from cotton—and let me say in all fairness to the cotton producer, the enormous increase in wearing apparel is not by any means due to the cotton grower, as I will presently endeavor to show. But, first, I want to call attention to a few items. Take, for instance, cotton blankets. In 1916 they cost the retailer here in Washington $1.20. He sold them for about $1.75; in 1917 he sold them for about $2.50. This year they cost him $3.10, and he sells them for about $4.50.

Sheetings, which sold at retail here in Washington in 1916 for about 50 cents per yard, now sell, by reason of the increase, at 90 cents per yard.

Unbleached muslin, which sold here by the retailer in 1916 at 6 cents per yard, to-day is being sold for about 22½ cents per yard.

Cotton dress goods, such as "Lancaster" and "Amoskeag," which sold here by the retailer in 1916 at 9 cents per yard, to-day sells for 25 cents per yard.

Bates seersucker ginghams, which sold here in 1916 by the retailer at 12½ cents per yard, to-day sells for about 25 cents to 27 cents per yard. In many of these items the price has more than doubled and trebled.

I could call attention and give figures on various kinds of cotton underwear, of all grades, which are astounding when you compare them with prices two years ago. The ordinary work shirt, which sold a year ago for 50 cents, now sells for $1 to $1.25. The common blue overall, or jumper, which sold for 90 cents in all stores, now sells for $2.25. It would be so ridiculous to say that the increase in blue overalls is caused by the increase in price of cotton and labor that they do not attempt it. It is just a plain case of filching, because they can and are allowed to do it; and, as for that matter, the same is true of practically every other item I have mentioned.

Just think of common old calico—the old stand-by of the poor woman—increasing from 5 cents per yard to 25 cents per yard. How long, gentlemen, do you suppose the patient American laborer is going to stand such an outrage? I want to say that he, like the wheat producer, is willing to do his patriotic duty and make all the sacrifices necessary to win the war for a world democracy, but he, like the wheat producer, is beginning to ask the question: "Is it necessary for us to be filched and deliberately robbed of a decent living to satisfy the greed of a lot of profiteers?" And let me say these profiteers are not confined to any particular class of individuals. They may be found in many places, and in many instances they include the retailer as well as the manufacturer, jobber, and others. There is just one place for any and all of them, it matters not what class they belong to, and that is the penitentiary. There is absolutely no justifiable reason for this abnormal increase. It is not on account of the scarcity of the raw material—cotton—nor, as for that matter, because of the abnormal increase in the price of cotton. I believe one of the best reasons that can be given is set forth in the following letter received from Hon. W. B. Yeary, assistant in the Bureau of Markets, Department of Agriculture, State of Texas. This ought to be very interesting to you Texas Members, and as for that matter all Members from the cotton section:

THE STATE DEPARTMENT OF AGRICULTURE,
Austin, Tex., February 28, 1918.

Hon. W. A. AYRES,
Washington, D. C.

MY DEAR SIR: Attention to your bill fixing prices on necessities is called by the inclosed clipping from the San Antonio Express.

From what I get from this clipping, I agree with you. There are "higher-ups" than the farmer that need attention. Let me call your attention to a condition that exists with cotton. Take, for instance, 1912, when the average price of cotton to the farmer was 12 cents per pound. The price the spinner charged the retail merchant for 8-ounce duck was 9 cents per yard. You realize a yard of 8-ounce duck has half a pound of cotton in it, or 6 cents' worth. Now, taking 6 from 9 leaves 3, the amount the spinner required for making and selling a yard of duck. Now, let us grant that the spinner's expenses in making and selling a yard of duck has doubled, and I doubt it. The average price the farmers received for the 1917 crop will not be more than 27 cents. On this basis a yard of 8-ounce duck would have 13½ cents' worth of cotton in it; then, by adding double the cost of making a yard of duck before the war, or 6 cents, it would make a yard worth 19½ cents, but the spinner is charging the retail merchant 30 cents for it. If the spinner should have to pay 48 cents for a pound of cotton, he would have 24 cents' worth of cotton in each yard. This, added to 6, makes 30 cents, the price charged for a yard of 8-ounce duck.

In other words, the spinner has advanced the price of duck to where he can pay 48 cents per pound for cotton and double his expense and profits before the war. The price of cotton now is 32 cents. Basing the spinner's profits on the present price of cotton he is, besides doubling his expense and profits, getting 16 cents per pound, or $80 per bale on every bale of cotton consumed.

The American spinners will consume at least 7,500,000 bales of this crop, which is an excess profit of $600,000,000. The consumers, which include the Government, are paying it. The lighter grades of cotton cloth furnish a larger profit than duck.

The cotton farmer, like the wheat and corn farmer, has never received cost of production, basing his wages on the average wages of day labor of the country, including the depreciation of their farms, implements, etc.

I am inclosing you also a clipping from the Progressive Farmer on the cost of producing cotton for 1917, which is 34 cents or more. We were willing to take from 30 to 35 cents for it, because even at 30 cents we would be getting nearer cost than in former years, but we do not like to see this profiteering by the spinner. If we sell at 30 or 35 cents we want to see the consumer get the cloth at a corresponding price.

As to price fixing of cotton, corn, and wheat, my greatest fear is that we have men in charge of affairs of this kind in Washington who had rather take a New York gambler's advice about the cost of production than all the farmers in the country.

We are preparing for this by having thousands of farmers keep a record of the work and expense of making the 1918 crop. When those reports are in we are ready for price fixing, and will welcome it by the proper authorities rather than leaving the pricing to future gamblers, which I believe must be abolished

Yours, very truly,

W. B. YEARY,
Assistant in Bureau of Markets.

Gentlemen, I have figures relative to woolen wearing apparel that, to my mind, are more astounding than those relating to cotton wearing apparel. I call attention to only a few items, such as woolen dress goods—what is known as 42-inch serges, sold in 1915 and 1916 for about $1 per yard. To-day the same is selling from $2.20 to $2.30 per yard, and woolen underwear is out of sight as to prices, as well as otherwise. Woolen suitings of all kinds and grades have much more than doubled within the past year or so. I am told by one of the best tailors of the city of Washington that uniform goods—that is, Army and Marine uniforms—suddenly jumped $3.62 to $5 and $5.50 per yard; and, strange as it may seem, it did not make any difference, either, the fact we have a great many patriotic $1 a year woolen-goods men, active members of the Council of National Defense. It went up just the same, and in spite of all they could or did do. Many reasons are assigned for this, principally the old argument—scarcity of wool and increase in wages. It will be admitted there has been some increases in wages, but nothing, comparatively speaking, with the increase in prices of the commodities made from wool; as to the scarcity of raw material, I am not ready to admit that fact by any means.

Statistics show that the raw production of wool in the United States for the past three years is:

	Pounds.
1915	285,726,000
1916	288,490,000
1917	285,573,000

The imports of all grades of wool for the past three years has been as follows:

	1915	1916	1917
	Pounds.	*Pounds.*	*Pounds.*
Class I, clothing	222,017,420	403,121,585	278,842,548
Class II, combing	30,356,257	22,437,438	25,218,049
Class III, carpet	65,709,752	109,268,999	67,772,671
Total	318,083,429	534,828,022	371,833,268

The exports of wool in the grease for the past three years has been as follows:

	1915	1916	1917
	Pounds.	*Pounds.*	*Pounds.*
Unmanufactured	8,158,300	4,418,915	2,148,359

Consumption for the past three years of wool in the grease has been as follows:

	Pounds.
1915	578,391,195
1916	817,095,537
1917	653,427,544

But I do not care to go into detail concerning these matters; yet it might be interesting to know that at the close of the year, December 31, 1917, it was reported that the stocks of wool held by 582 manufacturers, in round numbers, was 575,133,470 pounds, of which it is estimated the city of Boston alone held about 107,133,847 pounds. There is no scarcity, nor has there been a scarcity, of the raw material, nor is there such an increase of exports nor a failure of imports nor an overconsumption of wool to cause any alarm or to cause the abnormal increase in price of woolen wearing apparel. It is another case of a lack of regulation, and I might say a lack of patriotism, on the part of a few or many, as the case may be, who have it within their power to filch and profiteer in the absolute necessities. I am informed by one of the great wool producers of this country that he can not get the woolen mills to make him a price on his wool, but he

must submit his offer to them through a go-between, who, without doubt, makes the first grab; then comes the remainder of the grabbers, all the way down the line, until finally, among them, they grab all the poor devil of a consumer has when he purchases the finished article.

HIDES, LEATHER, AND SHOES.

What has been said with reference to clothing can also be said of shoes. Again the same old stereotyped argument is used as to "scarcity of leather and the increases in wages." It is rather a difficult matter to get any positive figures on the production of leather, and there is some reason for this when you take into consideration the close corporation that controls the hide, leather, and shoe business of this country. When a packer, who produces the pelt or hide, sells that hide at a nice profit to a tannery, owned by himself, and again sells the tanned hide, at a nice profit, to a leather jobbing concern, owned by himself, and again sells the finished leather, at a nice profit, to a manufacturer of shoes, which is also owned by himself, and in some instances sells the manufactured product at a nice profit, you can understand to some extent, at least, why the ridiculous and unheard-of advance in prices of shoes.

Nor are these all the reasons, by any means, that can be assigned for the increase and outrageous prices of shoes. I was told by a manufacturer of shoes a few days ago that women's high-topped fancy shoes, which retail from $10 to $16, and sometimes more, cost about $4.75 to $5.25 to manufacture. That is to say, this included, as I remember it, the manufacturers' profit. Now, it is needless to say that somewhere between the manufacturer of the shoes and the actual consumer or wearer of them—there are some wood piles which contain Ethiopians, and it is up to somebody to locate them, and I, for one, want that somebody to have the power, good and plenty, to locate and deal with them, whoever they may be, whether they are jobbers, wholesalers, or if it be my own brother in the retail business—the sooner they are given steady employment, with board and clothing furnished, the sooner the defenseless and helpless purchasing public will be benefited.

It may be interesting to know that the statistics show that last year, 1917, there were slaughtered in the United States 2,000,000 more hide-producing animals, such as cattle, sheep, and goats, than in 1916. Never in the history of this Nation has there been such a large stock of packers' hides on hand. A preliminary report by the Federal Trade Commission shows that the quantity of hides stored by the five large Chicago packers, namely, Swift & Co., Armour & Co., Morris & Co., Wilson & Co., and Cudahy Packing Co., increased 45 per cent during 1916 and the first half of 1917. These concerns are the principal hide producers in the United States, and Swift & Co. and Armour & Co. are among the principal leather manufacturers. This report also discloses the fact that—

The imports of hides have increased. The attached chart shows that the total imports of hides into the United States increased from 342,000,000 pounds in 1912 to 612,000,000 pounds in 1916, an increase of four-fifths. In 1917, even with the scarcity of tonnage, the imports were about 380,000,000 pounds, or an increase of 70 per cent over 1912.

These great increases in imports have been principally from Argentina, Brazil, and Uruguay, where the large Chicago packers are very prominent factors in the hide business.

In speaking of excessive profits, the report shows that—

Financial reports secured from all the tanning companies of the country are now being compiled. The reports of a number of larger companies show that net profits in 1916 were in several instances two, three, four, or even five times as large as in 1915, and the 1915 net profits in turn showed increases of from 30 per cent to more than 100 per cent over those of 1914.

One striking instance is a company whose net profits were reported as follows:

1914	$644,390.90
1915	945,051.37
1916	3,576,544.27

These are only a few facts that can be produced to convince any reasonable man, it seems to me, that some steps should be taken, some power given, to deal with such institutions, and if need be empower and authorize the Government to take them over and protect the general public.

SHOULD STIMULATE AND PROTECT PRODUCERS.

There are a great many interests to take into consideration in framing such legislation as contemplated by this bill or proposed amendment. There is no question but all should be done that can be done to encourage and stimulate the production of all necessities, and as far as possible to protect the producers of those necessities, especially during this emergency. The lack of this protection is being most forcibly demonstrated at this time by the live-stock interests throughout the country. Both cattle and hog raisers have lost money, and as a result there is going to be a meat famine within the next year unless something is done and soon to remedy the mistake made. The Food Administration no doubt knows by this time that it is impossible for a hog raiser to stay in business by producing $13.50 or, as for that matter, $15.50 hogs and feed them on $1.85 to $2 corn and other feed even as high.

Nor will it be a paying proposition, as was first thought, to produce pork on the ratio of 13¾ to 1 or even 15 to 1. That, of course, might have been all right had they also fixed the price of both sides of the ratio, but it was not done, and by not paying any attention to corn it has continued to climb until the pork producer has found it more profitable to sell his pigs and even brood sows and also sell his corn, if he has it; if he has not any, then it is also more profitable to sell his stock hogs rather than buy expensive feed. So the result at the present time is that there is a surplus of pork, but a fearful shortage later on confronting the Nation, which means a calamity. It is a simple proposition to fix a price or a ratio for meat production, but it is absolutely necessary also to fix the price of feed. Any 12-year-old farm boy can solve the simple mathematical problem that you can not feed $1.85 and $2 a bushel corn to hogs, sell them for 15½ cents per pound, and stay out of the bankrupt court very long! I was told a few days ago by one of the best hog raisers in my section of the State that he took 100 head of 90-pound shoats, weighed them, so there could be no mistake, put a hundred pounds on them, which cost him 22 cents because of the high-priced feed, and sold them for 16 cents. It is needless to say he is not now dealing very extensively in raising hogs. I have within the past few days received information in my part of the State which indicates a decrease this year of about 30 per cent to 33 per cent of hogs from last year.

Last fall a call was sent out to the cattle producers of the Nation for an increased beef supply, and all over the Middle West the cattleman went out and purchased feeders. True, he paid a high price for them, as they were fat on grass, and they were forced to do this on account of the competition of the packer, who wanted them for cold storage, where not a pound would be added to their weights. The feed lots were filled, and nearly 300 pounds per head was added to their weight before they were sent back to the market, the only process by which increased tonnage of beef could be secured. After feeding them all winter on the highest-priced corn, cottonseed meal, and bran the West has ever known, and after the feeder had braved the storms of winter and performed the labors incident to the avocation, they were taken back to the market and sold for 2 cents per pound less than when they were purchased last fall; and, strange as it may seem, at the same dates of sales meat was higher to the consumer than it was when they were purchased prior to their entry into the feed lots.

At a cattlemen's convention, representing the largest association of any organized in any State, held in my own city, Wichita, Kans., the last days of February, the fact was developed that hundreds of thousands of dollars had been lost by the feeders who tried to perform this patriotic duty. It was hard for them to understand why this condition should exist. In 15 minutes' time over $15,000 was raised in cash to send a committee to Washington to lay the matter before the Food Administration. The committee has made their visit and left with the department hundreds of statements from reliable men showing the facts as I have stated. Does anyone suppose for a moment when the real necessity for meat will again stare us in the face at the close of the summer, that these feeders will respond when called upon to repeat the operation, especially so when they know that it was the profiteer who stood between their product and the consumer and received the benefits of their supreme efforts as patriotic citizens?

In this city at the present time is a committee called together representing the producers' interests of the Nation. Among that number is one of the largest stockmen not only in the United States, but the world as well. He produces the figures to show that he has lost the last year $72,000 producing and feeding sheep and cattle. This does not allow a cent of interest on his investment, where he has millions of dollars invested.

Gentleman, these conditions are bringing about a spirit of unrest. The producers of meat and bread in the Nation look today on the business world. They see those who toil not amassing fortunes, while they plainly realize that if these conditions are to continue, it is the bankrupt court for them and the sweeping away of the accumulation of their toil which has taken years of hardship to amass. The story of the cattleman—in fact, the meat producer—is the same wherever he be located. The story of the consumer, who to-day is purchasing meat at a higher price than was ever known in the history of the Nation, is a parallel to the story of the producers. So you can see, gentlemen, unless something is done, and that immediately, to not only encourage and stimulate the meat industry but to protect it as well, what the result will be.

Let me say, the live-stock producer is not whooping it up for higher prices. He is patriotic, but like the wheat producer he also says.

Regulate! Regulate! That's all. Don't let one line of necessities, such as food or feed, be regulated by law and the heavy hand of authority, and the other by the law of supply and demand. Let the same law, whatever it may be—the same authority—govern all.

That is fair and equitable to all, and nothing else will be. There is no such thing as a law of supply and demand at this time. That exists only in normal times; during abnormal times like the present, when all necessities are controlled by profiteers, the supply as well as the demand is whatever they dictate. This was most forcibly illustrated a few days ago when the various statesmen tumbled over each other to introduce bills to raise the price of wheat. It had a bullish effect on the Chicago market, especially after the solons at the other end of the Capitol passed that amendment to the Agriculture appropriation bill. The Chicago market, on the 22d of March, was bullish as to other cereals by reason of this fact, so by raising the price of this necessity it means going around in a circle, as all other necessities will reach the same level, as indicated by a telegram I receved yesterday from another railroader, as follows:

WICHITA, KANS., *March 20, 1918.*

Hon. W. A. AYRES,
House of Representatives, Washington D. C.:

Congratulations on your amended bill. It is the only solution of the economic problems facing the laboring classes to which most of us belong. If steps of this kind are not taken, a calamity in the prosecution of war activities awaits our Nation that will be a disgrace.

We do not want this to happen, but some action will have to be taken to prevent it. It is one thing to introduce bills to please a certain class of your constituents and make yourself popular with that class as appearing as the special champion of their cause, and it is another thing to undertake to legislate for the interests of all. There is bound to be conflicting interests, but it is the duty of a Representative to look first to the interests of his Nation as a whole and the greatest good to the greatest number at this time when the most trying period of the Nation's history is at hand. It seems that no man is justified in taking into consideration just what is best for his particular congressional district or his political future, but what is the best for his Nation as a whole. I repeat, I am compelled to vote for a higher guaranty price for wheat, because other products and necessities are not regulated. But it is, I must say, most emphatically not the correct solution of the difficulty nor the proper method of dealing with the subject.

TWO CLASSES OF CITIZENS TO BE CONSIDERED.

In conclusion, as my time is limited, let me say there are just two classes of American citizens to be considered in whatever is done. The first is the actual producer, and the other is the actual consumer. To fix the price and regulate one or two necessaries, or not to regulate and fix prices at all; either plan is in the interest of but one class—the profiteers. And I want to say further, with all due respect to the gentlemen who are clamoring for legislation for higher prices, it gives a great deal of encouragement to that class which needs no consideration whatever—the profiteers.

Mr. Speaker, the profiteers are willing to do anything and everything, will make most any kind of concessions, rather than see legislation enacted to empower the President to regulate all necessities, and they to-day are calling upon the wheat producer—the only one so far to be regulated—to bring all power and influence to bear to prevent legislation of this character. They have succeeded in getting gubernatorial candidates, senatorial candidates, and congressional candidates to fall to and proclaim by speech and editorials as their brave champions and avowed advocates. I have in my district four counties, which I believe produce as much wheat as any other four counties of the same size in the United States, and I am satisfied my wheat producers would be content with the guaranty price already fixed for the 1918 crop, with the distinct understanding that all other commodities and necessities be also regulated. This is fair and equitable, just and patriotic, and I feel that my constituency is made of that kind of American citizens, and I intend to act accordingly. [Applause.]

I yield back the remainder of my time.

Mr. CANDLER of Mississippi. Mr. Speaker, I yield to the gentleman from Ohio [Mr. OVERMYER] five minutes.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for five minutes.

Mr. OVERMYER. Mr. Speaker, I shall vote against the Senate amendment to fix a price of $2.50 per bushel on the 1918 wheat crop, just as I should vote against it if the price fixed in it were $1.50 or $5, or any other price. I shall vote against it on principle, because I do not believe that the legislative branch of the Government should go into the price-fixing business. I can not conceive how the Congress of the United States, consisting of more than 500 men, representing sections of the country whose interests in the question are so antagonistic, can, by any sort of reasoning, reach a fair conclusion in the matter of price fixing, no matter how patriotic those 500 men may be, and assuming that any price fixing by any governmental agency is proper, which I am beginning very seriously to doubt.

It is estimated that to increase the price of wheat from $2.20, as fixed by the President, to $2.50, as proposed by the Senate amendment, will cost the consumers of this country and our allies the sum of $400,000,000. However, I am not prepared to argue that a price of $2.50 for wheat is too high when compared with the prices of other grains and prices of machinery and labor necessary to produce the crop, but I do insist that we have already vested in a governmental agency the power to determine what is a fair and reasonable price for the wheat crop, and I believe that agency better qualified and less likely to be moved by local considerations in fixing the price.

As a member of the Committee on Agriculture of this House I took a more or less active part in framing the food-control legislation which passed the House last summer, and I made a speech on the floor in favor of the bill, but nowhere in that speech will you find that I advocated any price fixing by Congress. I still want to be consistent and stand by the policy adopted by our committee in that legislation. That policy was that it was entirely proper and necessary to vest in some governmental agency the power, at least, to fix prices on commandeered articles, and perhaps such other commodities as the Government might have to buy. We thought it best, however, to vest that price-fixing authority, such as was given in the bill, in the President of the United States and not in Congress, and I am sure that practically all the members of that committee understood at the time that we were granting only authority to fix a minimum guaranteed price and not a maximum price.

Mr. FESS. Will my colleague yield?

Mr. OVERMYER. Yes; with pleasure.

Mr. FESS. Am I mistaken in supposing that we fixed the price of wheat on the crop of last year?

Mr. OVERMYER. We did in conference, but not in the House originally. The Agricultural Committee of the House proceeded on the theory that if there was any price fixing to be done by any governmental agency it should be done by the President, and we granted him that power to fix a minimum guaranteed price on certain commodities. No maximum prices were contemplated, and it was not the intention of the Agricultural Committee to grant the power to fix maximum prices, and no such power was given. But so far as wheat is concerned, the result has been the fixing of a maximum price, because with a minimum price fixed and the Government the only buyer, the minimum price becomes the maximum price, for there is no competition in open market to force the price up.

When that legislation reached the Senate, as gentlemen will remember, some gentlemen of that body apparently became alarmed over the talk in certain quarters of $1.40 and $1.50 wheat, and they sought to prevent any such thing by inserting in the bill a price of $2. Quite recently, and while the present amendment was pending in the Senate, the President, exercising the authority conferred upon him by the food-control legislation, advanced the price of this year's wheat crop to a guaranteed minimum of $2.20. This price, so far as my knowledge goes, is satisfactory to the farmers of Ohio, for I have had but one letter asking me to vote for the $2.50 amendment. But I am not pretending to say that Ohio is a wheat-raising section as compared with some of the other States of the Union, and I have kept my mind open on this proposition, as I want to be fair with all sections of the country.

Mr. AYRES. Will the gentleman yield for a question?

Mr. OVERMYER. Yes.

Mr. AYRES. Was not the minimum price fixed for the sole purpose of stimulating production?

Mr. OVERMYER. Of course, that is the theory under which our committee acted in adopting any sort of price-fixing legislation. I take it that there is no excuse for vesting authority in any governmental agency to fix prices except to stimulate production.

Mr. REAVIS. Will the gentleman yield?

Mr. OVERMYER. Yes; I will yield to my colleague from Nebraska.

Mr. REAVIS. I entirely agree with the gentleman, but when the price fixed on wheat makes wheat the least profitable crop, would it not be a good idea to raise the price of wheat?

Mr. OVERMYER. That is the serious part of this matter; and I will say to the gentleman in all frankness that while I

have intended and do now intend to vote against this amendment, it has worried me more than my vote on the war resolution or on prohibition or on the suffrage proposition. [Laughter.]

The prices to which the coarser grains have advanced are such that it would probably be more profitable for farmers to raise them than to raise wheat, and if this question had come before us a month or two ago I might have voted differently from what my vote will be to-day.

Mr. AYRES. Is it not a fact that by not fixing the price of other cereals a great many acres that otherwise would be planted to wheat will now be planted to other cereals?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OVERMYER. Will the gentleman in control of the time yield me five minutes more?

Mr. CANDLER of Mississippi. I yield five additional minutes to the gentleman from Ohio.

Mr. OVERMYER. I will say to the gentleman from Kansas, as I stated a while ago, that that is one of the reasons why I shall vote against the Senate amendment, because I believe it is too late now to influence the wheat acreage of this country for this year by any legislation.

Mr. REAVIS. Will the gentleman yield?

Mr. OVERMYER. I fear gentlemen are taking advantage of my generosity and are making their speeches in my time, but I will yield once more.

Mr. REAVIS. In the hearings before the Agricultural Committee the statement was repeatedly made by practical farmers that wheat was the cheapest feed that a farmer could now feed to his stock.

Mr. OVERMYER. Yes; that was stated.

Mr. REAVIS. And that one-half of the wheat was being so fed to farm animals.

Mr. OVERMYER. Yes; there is evidence that this is being done.

Mr. REAVIS. If you increase the price of wheat so as to make it more profitable to sell it than to feed it, will not that result in a greater available supply of wheat?

Mr. OVERMYER. I will say to the gentleman that we may be forced to fix prices on other grains, because we have gone into the price-fixing business on wheat. We are now confronted with a condition which may require additional legislation to remedy, brought about by a program upon which Congress should not have embarked in the first place by fixing a price on wheat in the food legislation instead of leaving the question with the President and the Food Administration, where the House originally placed it.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. OVERMYER. I yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. The gentleman has just said that in his opinion it will not affect the acreage of wheat for this year to fix the price.

Mr. OVERMYER. Yes.

Mr. SHALLENBERGER. Does the gentleman have any idea that this war is going to be over this year?

Mr. OVERMYER. No; I fear not, unhappily.

Mr. SHALLENBERGER. Does it not follow that we must get ready to furnish wheat for next year?

Mr. OVERMYER. Yes; but we can not fix the price now for next year. We are undertaking to fix the price for this year, and I am sure it is too late to fix any price that will result in increased acreage of wheat for this year.

The food-control legislation of last summer was pioneer legislation of its kind in this country. All the nations engaged in the war have been forced to adopt legislation of this character, and public sentiment in this country demanded that the situation be taken in hand by the Government here. We all remember how the competitive buying of wheat and flour by the representatives of the allied Governments in the markets of this country a year ago forced wheat to unheard-of prices, giving it a fictitious value, which resulted in no benefit of consequence to the farmers, because the most of them had disposed of their wheat before this competitive bidding began. If the Food Administration had accomplished nothing else it would have justified its existence, and the legislation under which it is acting, by the elimination of this competitive and speculative buying and by creating a purchasing agent for all the allied Governments. But the Food Administration has accomplished other great things under the legislation referred to.

By cooperative arrangements, by the elimination of speculation and waste, the licensing of manufacturers, the punishment of hoarders, and proper distribution of food supplies, tremendous good has been accomplished in a general way. And high as prices now are, with conditions in general bad enough regarding food, yet every person who knows anything must know that conditions would be infinitely worse if we had no such legislation and no action under it.

I am sure not many men in Congress shared the erroneous impression entertained by the public that the food-control legislation was enacted to bring about a radical lowering of food prices, either wholesale or retail. No such results could be hoped for by anyone conversant with conditions. All prices naturally and inevitably have a tendency to higher levels in war time. All our prices had already reached high levels before we got into the war, and, as a matter of fact, conditions in this country regarding food prices might be just as bad by this time if we were not in the war, and might even be worse, because we would then have passed no food-control legislation, and speculation, waste, and hoarding would be going on unrestricted.

Leaving out the question of currency and inflation of money and all other theories we may assume this as an incontrovertible fact: Prices will continue to rise as long as the war continues, because war tends to lessen the supply of goods and services. That is clear and absolutely true. Another thing that is clear and equally true is that the simplest way to correct this condition is to increase the supply of goods and services by greater exertion and to decrease the demand by not buying the things you do not absolutely have to have and which you can very well get along without.

But our people do not like to do this. It is a simple remedy, but an unpopular one. It is much more popular to say, "Let the Government handle the situation," and the Government seems ready and willing in all cases to try, even when such governmental effort has the ill effect of relieving the individual from the spur to greater effort and greater economy which high prices would otherwise enforce upon him.

If the Government were to engage in a comprehensive scheme of price fixing, sufficient to bring all prices to a general lower level, under present war conditions, it would be embarking on a program which no Government has yet undertaken. To balance such a program and make it equitable it would have to include the fixing of wages and producers' prices for all sorts of agricultural and even manufactured products; for if consumers' prices are to be arbitrarily fixed, the elements that make the prices, including labor, must be arbitrarily fixed as well. A program so comprehensive would be assailed by a thousand difficulties.

What the United States Food Administration has been seeking to do and has done under the food-control legislation is the regulation of the world's food supply so that America and her allies in the war may be fed at as reasonable prices as it is possible to obtain. Reasonable prices are not necessarily low prices. They are the best that can be obtained under all conditions of the situation. And whatever may be said about the Food Administration operating under authority we have granted them, no one is heard to complain that our armies here and in France and Italy are not being well fed, and that is almighty important. [Applause.] Nothing else matters much at this moment. If they are fed they will hold out until we can get more men and airships and cannon and ammunition to them. What if our civil population is called upon to forego and sacrifice and practice self-denial, so long as our armies and allied armies are fed? And they are being fed or you would hear of it, I assure you.

I know that there are some just criticisms made of the Food Administration. I realize that perhaps men have been called in to assist in the administration of that law who probably know very little about the duties devolving upon them. I realize, for example, that they called in a young millionaire to assist in selecting farm tractors for our allies, who does not know any more about a farm tractor than a donkey knows about church music. [Laughter.] I realize that they called in a man to assist in the fuel end of it, who knows about as much about fuel and the production and transportation of fuel as I know about the divorce laws of South Dakota. [Laughter.] But these are matters of small consequence when compared to the tremendous big things that have been accomplished by keeping our armies well fed, securing a proper distribution of food supplies in this country and abroad, and eliminating speculation and waste.

Mr. SHALLENBERGER. Who fixed the price of wheat?

Mr. OVERMYER. The President; but it was fixed originally by the Senate. The other body of Congress was the one that started price fixing, so far as Congress is concerned. Congress ought never to have gone into that business under any circumstances, or we should go all the way and fix prices on everything—a program I am not yet ready to support. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker and gentlemen of the House, in order that we may judge of the reasonableness of the demand for the higher price of wheat it is well to recall the circumstances of the enactment of the food-control law. The Senate, as has been pointed out by the gentleman from Ohio [Mr. OVERMYER], first inserted the $2 guaranty of the 1918 crop with a view and purpose of encouraging production. At that time the prospects of peace were in many minds very bright, and in case of a cessation of hostilities in this world war it was anticipated that the price of wheat would go down, and therefore they should give a certain guaranty to the producers. That was the object of that. The law contained another provision authorizing the Government to buy and sell wheat, store it, and go into the wheat business, and to do that at a reasonable price. That was in section 11.

There was another provision in section 14 which authorized the Government to also guarantee the prices for future crops. These three provisions are in the law. The President, after appointing an advisory committee on the 31st day of August, 1917, determined that $2.20 for No. 1 at Chicago was the basic price at which he was going to purchase all the wheat in the country for this Government and the allies. That automatically determined the price of the wheat that then existed. At that time the winter wheat was all harvested; the spring wheat was all harvested but was not brought to market.

The spring wheat sold prior to that time had received in the neighborhood of $3 a bushel. The position between the neutrals and the allies was such at that time that it brought up the price of wheat to what was thought to be an unreasonable level.

The farmers of the United States are patriotic, as was demonstrated by the fact that when the President fixed the price at $2.20 for the then existing crop, which was 80 per cent spring wheat on hand, they accepted it without complaint. [Applause.] They said we want to cooperate with all the people of the United States to fight this war, and we are willing to sacrifice from the market price of our wheat and there was no objection against the action of fixing the price of wheat at $2.20. [Applause.]

That was the attitude of the farmers then. Why? Because in that same food law there was a provision that said you should fix the prices further. It was the honest belief on the part of the farmer that they were not to be the only victims of price fixing, but that it was to go all along. That law says that the prices shall be fixed on all the farmer uses. The farmer expected that the price fixing would not be confined to the things he had to sell to the world. The law expressly mentioned fertilizers and machinery. Things went along smoothly, so far as spring wheat was concerned, but on the 1st day of September following the Government put into effect a new standard of grain. We had a standard that had been worked out by learned gentlemen in the Department of Agriculture after consulting whom? The grain trade. They never consulted the farmers or the producers; they were formed in the interests of the buyer. That produced dissatisfaction more than anything I have known in the far Northwest, because every man takes some pride in his wheat crop and does the best he can. Now it is degraded. Here is 60-pound wheat to a bushel.

I have been in the wheat business 40 years, and it is graded on some imaginary reason that has no substantial basis, because you take it and compare No. 1 wheat, and it makes just as good flour and has as much in it as the other, so far as the production of food is concerned. There is only a slight difference. It is an excuse to penalize the farmer who sells the wheat from 10 to 15 cents a bushel. As I say, it produced dissatisfaction and reduced the price of wheat, because the price fixed is dependent upon the grade of the wheat.

As the result a demand sprang up for a higher guaranteed price. Bills were introduced in both Houses of Congress. It was discovered by the Food Administration that this great Department of Agriculture had overestimated the wheat crop 75,000,000 bushels, and suddenly we were put on rations and required to buy fifty-fifty substitutes. You remember that; it was not very long ago. The result was that the grains out of which the substitutes were produced advanced in price so as to leave wheat in the background.

Well, that is not the way to encourage the production of wheat. The farmers requested an increase in petitions to Congress. While that was under discussion in Congress the Government fixed the price of the 1918 crop by proclamation at $2.20, the same as they were then paying. Why? Some claim that the Food Administration was doing it to get ahead of Congress, but the law expressed it that the only reason for fixing a guaranteed price in the future was to encourage wheat production. The farmers were very much surprised. They were then required to sell their wheat at about 25 per cent less than a free market would have paid them, judging by the price of other grains, and here comes the Government and says, "We will encourage you to produce more wheat by promising that we will pay you for next year's crop the same price that we are now paying for wheat." That is a funny kind of encouragement.

The farmer would naturally say, "Yes, my Government, you love me all right; you say you love me; you say I produce the staff of life—the wheat, the bread—and you like me for that, and then you promise to encourage me, but you have an awful queer way of showing your love for me, you have a queer way of encouraging me by promising to pay me less in the future than my product is worth." He might well have exclaimed with the poet—

> Perhaps it was right to dissemble your love;
> But—why did you kick me downstairs?

That is the way he might have answered.

Mr. BARKLEY. Mr. Speaker, will the gentleman tell us who is the author of that?

Mr. STEENERSON. J. P. Kemble, who lived about a hundred years ago. It is found in a play called "The Panel."

That is the kind of encouragement they gave the farmer.

Mr. REED. A constituent of mine living in a village in West Virginia says that he is paying now $3 a bushel——

Mr. STEENERSON. I want to point out to you the reason for having a higher price in 1918 than in 1917. It costs more to raise the crop of 1918. The price of gasoline, the price of motors, the price of fertilizer, the price of labor have all risen. An editorial in a farm paper which I received this morning shows that the average price in farm labor has increased 22 per cent. Many men have been called to the military service and many have left for the industrial centers by reason of the high wages. That being the case, the wages demanded by labor are 300 and 400 per cent higher than the farmer had to pay in 1916.

Another thing, wheat is a very risky crop. In 1916 the North Dakota spring wheat crop promised 160,000,000 bushels, and during the summer, in a few days, the black rust came along and destroyed that crop almost wholly, so that the harvest was 39,000,000 bushels instead of 160,000,000. That is an element in the cost of raising wheat. As pointed out by Prof. Warren, of Cornell University, who testified before the Senate committee recently, the risk is so great that it justifies an expectation of fluctuation of more than 25 per cent. In 1917 he says that the farmers planted 14,000,000 acres more than they harvested. What became of that crop? It was either plowed under or left idle, and planted to new crops in the wheat area. If you put the price too low here, lower than the market justifies, you discourage production. I will insert here the testimony of Prof. Warren:

The CHAIRMAN. You mean grain lies at the foundation of meat?

Mr. WARREN. Largely; and if we have a poor grain crop we have poor crops in general and poor hay and pastures in general, so that almost the whole thing is poor, except that we have our reserve supplies of meat and grain from previous crops, the animals, of course, always being a reserve food supply.

Take a single one of these grains—wheat—in the United States for the 10 years. From 1910 to 1914 we averaged planting, according to the figures which I have worked out from the Government reports, 53,000,000 acres. On the average we harvested 49,000,000, and on the average we raised 728,000,000 bushels for the five years' average. In 1915 we planted 61,000,000 acres, harvested 60,000,000. We had a good year; planted heavily, and it being a good year, very little of it failed, so we harvested a large crop. The acreage the farmers planted might have been expected to yield, according to the previous experience, 838,000,000 bushels, but it did yield 1,026,000,000. In other words, the farmers' plantings, based on an expectation of 838,000,000 bushels, produced 1,026,000,000.

In 1916 they planted 57,000,000 acres. Based on past experience, they ought to have got 738,000,000 bushels; they did get 640,000,000.

For the year just past they planted 60,000,000 acres and harvested 46,000,000. So far as the farmers knew, they planted for 824,000,000 bushels of wheat for the last year; they got 651,000,000, or more than 20 per cent less; that is, we may plant for a billion bushels of wheat and get less than 800,000,000; we may plant for 800,000,000 and get a billion. This shows the margin of fluctuation, due to the weather.

Another factor in the situation at present is that the reserves are very low.

It is said here by the gentleman from Illinois [Mr. MADDEN], who is an eminent authority on farming, that this will not encourage production. That statement was reiterated by the gentleman from Ohio. It may not increase the acreage sown, because seeding is pretty nearly over, though not quite, in my district; but it will increase the supply of wheat—and why? Because it will discourage the use of wheat for stock food. They will not use it for stock food if it is more profitable to sell it and use corn for that purpose. I will here insert an extract from the testimony of Dr. Taylor, of the University of Pennsylvania:

Dr. TAYLOR. They have experimented with everything, and the maximum in Germany to the consumer has always been a failure, unless the Government possessed large stocks of commodities with which they clubbed the market; and when they did that, then they became the largest buyers, and that had the effect of putting the small buyer at a disadvantage. They never tried minimum prices properly adjusted to

stimulate production. They made the attempt to keep the cost of living to the consumer, as regards the staples, down to a plane that proved to be impossible; in other words, too low. They attempted to keep the price of bread, for instance, practically to a peace-time price; and the price of bread has been 78 pfennigs for the weekly loaf, which is less than 5 cents per loaf, through the entire period of the war. The quality of this bread has been reduced at different times by the addition of varying amounts of potatoes. At the present time it is a mixed-flour bread; but the present bread of Germany, made from mixed flour, without the addition of potatoes, is much cheaper than the bread in most of the surrounding countries, as I have said, less than 5 cents a pound on the standard valuation of bread. In order to do this they practically had not only to wipe out all of the intermediary profit but they had to hold the price of grain to a point that the producer found unprofitable which tempted him to divert the grains in other directions.

The CHAIRMAN. Could you tell us what that price was?

Dr. TAYLOR. I have them here. Converted into our measure of bushels, the price for the last year was, for wheat, $1.77 a bushel; for oats, $1.05 a bushel; for barley, $1.61 a bushel; and for rye, $1.37 a bushel. Oats were essential for the horses of the army. For barley the price was held high, partly through the influence of the brewer and partly for considerations that were apparently political.

The German agricultural classes regarded these prices, high as they are, as below the extraordinary costs of production in war time, and they have never equaled a normal crop in any one of them or an average of the normal crop. Of course, fertilizers were scarce, labor was very scarce, and all of the conditions were difficult, but the financial impulse was lacking.

They took from the farmer all his oats and half his barley; they took from him, theoretically, or could take from him all his wheat and rye, except certain portions left with him for his own family. But the relative prices tempted the farmer to sell barley as such and to feed the wheat and rye to his live stock. The farmer was requisitioned for half his barley and the other half of his barley left to him to do with as he pleased. He sold it and then turned around and fed wheat and rye to his stock instead of barley. The Government has each year discovered a difference of 1,000,000 or more tons of rye and wheat between the crop estimate and what they finally got. In theory they confiscated those grains; in practice they could not. They did not have anyone to send to the farmer for the grain; they did not have the wagons to bring the grain from the farm. They have no large elevator systems in Germany and had no places to store the grain. All they could do was confiscate on paper. They took so much and said, "We will get the rest of it in units of so much per month," and then at the end of the seventh or tenth month the man who came to get the month's unit found that the farmer had fed it to his live stock. What was to be done with the farmer? They could not fine or imprison him; he could not be penalized. They were helpless before the farmer. In other words, having failed to stimulate production by adequate encouragement, and having held the price of bread low, they defeated their own object in both directions, produced dissatisfaction with the producer, established little satisfaction with the consumer, and lost a large amount of human food that was diverted to the feeding of animals.

The CHAIRMAN. That very thing often characterizes oppressive measures of that sort.

Dr. TAYLOR. In other words, their management of the grain situation was, in their own terms, a "fiasco," except that it did guarantee to the consumer a maximum price for bread.

Then they made a fundamental mistake, and the curious fact is that the management of their food situation from the beginning to the end is a story of mistakes and inefficiency. The efficiency of Germany went into the production of munitions, into the army and transportation, and not into her agriculture. The normal bread ration in Germany was 40 per cent of her diet. It was about 365 grams of flour per day.

The CHAIRMAN. Can you reduce that to our terms?

Dr. TAYLOR. I should say 14 ounces. They decided that so much was not necessary; that it was too high a bread ration, despite protests of nutrition experts, so they cut it arbitrarily down to about two-thirds rations, about 9 ounces. If a people, whose diet is being temporarily restricted by crop conditions or by repressive measures, have in that diet the normal amount of bread to which they are accustomed, you can take out the sugar or the meat or other things; you can decrease and substitute to a very large degree without altering the psychology of the consuming class; but the moment you place the consuming class upon a definite and obviously insufficient bread ration you have shattered the entire structure of diet, and you can do nothing with them in any other direction. That is why it is so extremely important at present that our situation and that of our allies be so handled that we and they have as near as possible a normal bread ration, because when you have that you can "tinker" with the rest of the diet, if you will pardon the expression, to a large extent. If you have not a normal bread ration, then you can do little repressing.

The Germans made the fundamental mistake in the beginning, despite the counsel of all their expert advisers, their scientists, and nutritionists. They fixed the bread ration at a low price, which fixed wheat at a correspondingly low figure, and the result was that it was so low the farmer would not produce. They did not secure increased production, and were thus not even able to offer the people the normal bread ration. Then when the blockade was tightened scarcity became worse; they had their people already on a two-thirds' bread ration and then had to begin to cut off fats, meats, and sugar. That has been the source of their difficulties, all traceable to the initial failure to set a price for products that really repaid and stimulated the producer; and, secondly, the attempt to keep a fundamental commodity in war to a practically peace-time basis, which is obviously impossible.

Another thing. Take it in the winter-wheat regions. I am told that there are hundreds of thousands of acres that have been winter killed, so that it will not produce more than 3 or 4 or 5 bushels to the acre. If the price is as fixed now, it may not be profitable to harvest a crop as light as that and it would be more profitable to plow it up and sow it to corn. If we fix the price at $2.50, it will increase the supply in that direction. I say that this claim for a higher guaranteed price of wheat is justified because of the changed circumstances, the higher cost of production, and it is justified because labor is more scarce and because the risk is greater, and the wheat can not be produced at the same price that it was produced a year ago; and that must be taken into account. What was a fair price a year ago will not be a fair price this year.

To illustrate how this plan throws an unjust burden upon a few farmers who happen to raise wheat instead of other crops, I call attention to the following statistics:

WHEAT PRICES.

Wheat exports for the seven months ending in March, 1918, including flour reduced to bushels, are estimated at 75,000,000 bushels, of which 60,000,000 went to the allies and the remaining 15,000,000 bushels to neutrals.

Comparing the fixed price of wheat with other grains, the price of wheat was approximately 25 per cent, or 75 cents per bushel, below what it would have been in a free and open market. The wheat growers therefore were required to contribute about $56,000,000 to furnish a cheap loaf in the foreign countries, $45,000,000 of which was contributed to the allies and $11,000,000 to neutrals. But, in addition to this, they contributed at least 150,000,000 bushels to feed the domestic population, upon which the loss by controlled prices would be $112,500,000, making a grand total of $168,000,000 that the wheat growers of the United States have contributed toward furnishing cheap bread. To place such a burden upon a limited class of people who are engaged in producing the principal article of food is economically and morally wrong. If it is a duty to furnish cheaper bread than the market affords, that duty rests upon the Nation and not upon a limited few. Again, this price control, being limited to one item, has utterly failed of its object and we have not furnished the cheaper bread that was intended.

RETAIL BREAD PRICES.

	Cents.
Wheat bread:	
12-ounce loaf—9.32 cents per lb	7
1-pound loaf	10
3-pound loaf	25
Graham and whole-wheat breads:	
1-pound loaf	10
Rye bread:	
1-pound loaf	10
3-pound loaf	30

The only people who have been furnished cheaper bread by reason of Government interference with wheat prices are the populations of the allies, for there the governments have actually sold the wheat or flour to the bakers on condition that the bread should be furnished at a certain low price prescribed. Of the 15,000,000 bushels exported to neutrals the United States had no control over the price at which the wheat or flour should be sold. It was exported by consent of the War Trade Board, it is true, but it was distributed through the regular channels of trade, and hence we find that American flour in Haiti sold for $16.15 per barrel, wholesale; in Cuba for $15.68 per barrel; in Mexico for $14 per barrel; and at retail at higher prices still, so that the American farmer, instead of benefiting the ultimate consumer, was simply enriching the middleman.

The cost of raising wheat has nearly trebled in the past three years. Labor, which formerly could be obtained for $25 to $30 per month, now demands $90 per month. Binder twine, which formerly cost 7 cents a pound, now costs 21 to 27 cents. This reminds me of the remarkable difference in the treatment of the farmers of the United States by their Government, and the farmers of Yucatan by theirs. The Yucatan Government took over monopoly of export of binder-twine hemp and raised the price to the farmers of the United States 400 per cent; but the Government of the United States cut down the price of its farmers' wheat by 25 per cent, part of which in the shape of flour was exported to Yucatan to pay for the twine. Our Government forcibly reduced the price of our export grain, and the Yucatan Government, by monopoly methods, increased the price of the farm products they export.

WHAT HAPPENS WHEN THE FARMER GOES TO MILL?

Formerly, the farmer would take his grain to the mill and give one-eighth for the miller's toll, and he would get back the balance in flour and feed, making a charge of 14 per cent for the milling. Now, he takes 60 pounds of wheat, which he must sell for 3½ cents per pound, or $2 a bushel. He buys back 45 pounds in the shape of flour at 7 cents a pound, or $3.15, and 15 pounds in the shape of feed, at 2 cents a pound, making 30 cents, a total of $3.45. He brings in 56 pounds of corn, which he sells at 3 cents a pound, or $1.68 per bushel. He purchases back 36 pounds of meal, at 10 cents a pound, or $3.60, and 20 pounds of feed, at 2 cents, making 40 cents more. He brings in 32 pounds of oats and sells it for 3 cents a pound, or 96 cents, out of which he gets 16 pounds of oatmeal, at 12 cents a pound, or $1.92, and 16 pounds of feed, at 2 cents a pound, or 32 cents, making a total of $2.24. He brings 48 pounds of barley, which he sells at 3½ cents a pound, or $1.68 a bushel, and he purchases back 33 pounds of meal, at 7½ cents a pound, or $2.47, and 15 pounds of feed, at 2 cents a pound, or 30 cents, a total of $2.77. He sells his grain for $5.32 and buys back flour and meal made

from it at $12.46. He formerly paid 14 per cent toll; he now pays 74 per cent, an increase of more than 400 per cent.

The explanation of this abnormal rise in the middleman's charge is found, first, in the abnormal profits of the miller, which, according to recent investigations, are more than 100 per cent of what they were before the Food Administration took hold. Next is the abnormal profits of the jobbers and retailers, which have likewise increased in the same proportion. The next reason is that persons can not buy flour or feed at wholesale, but are compelled to buy in small quantities at retail, and the farmer must therefore pay for the containers. The farmers of Minnesota must pay for cotton sacks or bags covering the small packages of flour and meal which he is compelled to buy as substitutes. The price of cotton has increased nearly 400 per cent. I insert a list of these prices:

WHOLESALE PRICES OF COTTON FLOUR BAGS.		Cents.
12-pound bags	each	7
24½-pound bags	do	12
49-pound bags	do	20½
98-pound bags	do	28½

It will be observed that if you should buy the smallest packages it would cost at the rate of $1.12 per barrel of flour simply for the coverings.

WHO FEEDS YOU, PROFITEERS OR FARMERS?

The President says:

"The farmer, for example, complains, with a great deal of justice, that while regulation of food products restricts their incomes, no restraints are placed upon the prices of most of the things they themselves must purchase, and similar iniquities obtain on all sides."—(Message to Congress on Dec. 5, 1917.)

THE FARMERS AGREE WITH THE PRESIDENT.

Authentic figures prove that 345 12-ounce loaves are made from one barrel of flour, at 6 cents per loaf	$20.70
Of this the farmer receives	7.44
Somebody else receives	13.26

If the price of wheat is raised to $2.50 per bushel and the millers are still allowed their excess profits, it will not add one-half cent to a loaf of bread. With excess profits of the miller eliminated, bread will sell for one-quarter cent less per loaf.

The average consumption per capita for the United States is one barrel a year. Two-dollar-and-fifty-cent wheat will add $1.35 to each consumer in one year. If the Government will take the $1.94 excess profits of the millers each consumer will save 59 cents a year.

This saving will encourage production, so that the consumer will not have to buy the high-priced substitutes.

In his message of December 5 President Wilson said, "The law of supply and demand, I regret to say, has been replaced by the law of unrestrained selfishness." Doesn't the profiteering of the millers show what the President states? He further says, "While we have eliminated profiteering in several branches of industry, it still runs impudently rampant in others."

NATIONAL WHEAT GROWERS' LEAGUE,
JOHN A. SIMPSON, *Secretary.*

WHAT HAPPENS TO THE FARMER WHEN HE GOES TO MARKET?

In the first place, the farmer can not sell his own grain. He must employ a member of the grain exchange on commission. Before the Food Administration took hold the commission on wheat was 1 cent a bushel, and on coarse grains half a cent, but this was immediately increased to 1 per cent, or 2 cents per bushel, for wheat and a little over, making an increase of 120 per cent in the expense of selling. Then he was confronted with the new system of Federal inspection and grades, which was so stringent that the bulk of his wheat was graded down to No. 3, No. 4, No. 5, and sample grade. This meant a difference of 3 cents for No. 2, 6 cents for No. 3, and 10 cents for No. 4. The price was fixed by grade and not by value of the wheat. Before Government interference unjust inspection was universally corrected by competition, for when wheat was graded too low it was sold on sample for what it was worth, sometimes at the highest price. But this is not all. Spring wheat is liable to have foreign material in it, either separable or inseparable. The separable material is called dockage and consists mostly of oats, barley, flax, pigeon-grass seed, and other weed seeds. Most of these seeds are valuable for feed, and a great many cars were received with $40 or $50 and even $100 worth of foreign material, but under fixed prices for wheat this foreign material had to be given away to the purchaser. Inseparable foreign material had the effect of degrading the wheat. Four and one-half per cent of rye, worth $3 per bushel, would run No. 1 wheat down to No. 4, although for milling purposes its value was not affected. The grades imposed were so unjust that it created general dissatisfaction throughout the spring-wheat regions. Here are extracts from a petition presented to the President:

The application of these grades to spring wheat in particular has been and is injurious to the grain producers of the Northwest, and has caused a loss to the farmers aggregating many millions of dollars, and at the same time has shaken the confidence of the producers in the good faith and justice of the Government, and has created a feeling that the producers' interests have not been sufficiently considered in promulgating the grades.

Dissatisfaction with the present standards has been manifested by many meetings of protest which have been held throughout the States of Minnesota, North Dakota, and South Dakota, and has resulted in the selection of a committee of officers and representative men from these States to appear in Washington for the purpose of seeking the necessary relief.

This petition was presented to the President personally, and was signed by the governors of Minnesota, North Dakota, and South Dakota, and other State officers, the entire delegations in Congress, members of the Minnesota Public Safety Commission, and others. The signatures are as follows: O. P. B. Jacobson, B. R. Comormner, S. J. Cradall, R. J. Hornsdale, E. H. Rehnke, J. J. Murphy, William D. Scral, N. J. Mosley, Peter Norbeck, C. J. Lee, C. H. March, Sydney Anderson, C. R. Davis, N. Ferguson, Harold Knutson, C. H. Dillon, Ernest Lundeen, A. J. Volstead, Thomas Sterling, Knute Nelson, P. J. McCumber, Frank B. Kendrick, Harry L. Gandy, Thomas Johnson, Grant S. Yumans, P. D. Norton, Carl S. Van Dyke, John Lind, H. Steenerson, E. E. Elsworth, J. M. Baer, C. E. Londquist, George M. Young, A. J. Monny, J. A. A. Burnquist. So far our appeal for relief has been in vain. The Secretary of Agriculture kicked the farmer not downstairs, but clear down cellar.

One farmer wrote to me of his experience as follows:

I sold 600 bushels of durum wheat. It was No. 1 of the very best, but I was docked 8 per cent because it contained 5 per cent of barley and 3 per cent of weed seeds, mostly mustard and pigeon grass, and it really had value for feed. The barley was worth $1.15 a bushel, making a total value in the 600 bushels of $42, for which I got nothing. It was donated to the buyer. In Minneapolis they got from $50 to $100 worth of screenings in every car. The millers are making more money than they ever did. It is a sure thing for the middleman all along the line.

My correspondent, who had No. 1 wheat, weighing 60 pounds to the bushel, reports that, even when he shipped to Minneapolis in carload lots, it netted him only $1.96 a bushel, and he had been compelled to donate the valuable dockage besides. The farm price of spring wheat in the Northwest by these methods was reduced at least 10 cents per bushel, involving a loss of more than $15,000,000, for which the Department of Agriculture and the Food Administration are directly to blame. Now, if this $15,000,000 had gone to reduce the price of bread to the consumer the farmer would have been perfectly satisfied and contented, but it never reached him at all. The miller in figuring the cost of his flour has almost invariably used the basic price of $2.17 or $2.20. Before the wheat had reached the mill it had passed through the hands of elevator companies which were either independent or subsidiaries of the mills, so that the profits referred to did not go directly to the mill—and did not tend to reduce the price of bread.

If the people only had been willing to eat wheat, and the farmer had been equipped with facilities to deliver it to each consumer, then reduced farm prices would have reached the ultimate consumer, but, unfortunately, when the wheat left the farmer it was only started on a long journey to its final destination on the table of the bread eater. On this journey there are many middlemen, each one of whom seems to have been able to double, treble, and quadruple his profits, so that the benefit of the reduced price which was paid to the farmer has entirely disappeared, and we find that while the farmer receives less than 3 cents for the wheat used in a 16-ounce loaf of bread, the consumer has to pay from 9 to 10 cents for it, a price high enough to justify $3 wheat.

In some quarters Congress has been criticized for making the law. All that Congress did, however, by the enactment of the grain-standards act was to confer upon the Secretary of Agriculture the authority to fix grain standards. Congress had the right to assume that in the administration of this law the Secretary of Agriculture would have regard for the interests of the farmer as well as the grain trade. But the results appear to be, at least in the opinion of the farmers, this, that the Federal grain standards and grades as put in force operated against the interest of the grain producer, and in favor of the purchaser, the miller, the elevator buyer, and the middleman. The fault is not in the terms of the law, but in the administration of it, which rests wholly with the executive and administrative branches of the Government. I do not want to impugn the good intentions of the Department of Agriculture, but whatever their intentions were the fact remains the system of standards and grades promulgated and put in force by them appear to be satisfactory to the millers, the elevators, and the middlemen, and the grain trade in general, but unsatisfactory to the farmers and producers. The underlying thought of the Department of Agriculture seems to have been that by the enforcement of sufficient penalties to compel the farmer to improve the quality of his grain and to prevent mixture of different varieties of the same kind of grain. In his annual report for 1916 the Secretary of Agriculture says, with reference to the standards then in course of preparation:

Public hearings were held in four of the large grain-marketing and exporting centers and in Washington. The suggestions received by letter and at the hearings were fully considered in drafting the final form of the rules and regulations which were promulgated.

Mr. Brand, the chief of this bureau, before the Committee on Agriculture of the House of Representatives, on January 9, stated:

We make it a practice not to put any of these standards into effect without first having extended conferences with the trade, in order that it may have a full voice in the final enactment and in order that where mistakes occur in any of our standards they may be pointed out, so that the standards may be as good as possible.

For some reason or other the department officials have up to this time proceeded on the theory that the grain grower—the farmer—does not know his own best interest. Whether he likes it or not, these grain standards must be satisfactory to the grain trade, and especially to the exporter who seeks to establish a reputation either for a special kind of grain or a special kind of food product. Take, for instance, in the matter of the moisture test, where wheat is to be ground into flour. We are told that flour ordinarily contains 13½ per cent of moisture, which is the same as is required for No. 1 northern spring wheat. However, if No. 1 is to contain that percentage, in order to be ground the miller has to dampen it until it reach 15 or 16 per cent moisture, and then he again reduces the moisture in the flour to 13½ per cent in order to keep it in the best condition. Where the moisture is below 15 per cent it is practically impossible to tell the exact percentage without a test. A country elevator, even if equipped with the instruments for making the test, would require half an hour to an hour for every test. At many of these elevators hundreds of loads per day arrive, and it would be absolutely impossible to have an instrumental test made of each load. In order to play safe, therefore, the buyer must reduce the grade on the contention that it contains more moisture than the rule allows. The Minnesota inspection, which has been giving satisfactory service to the people of that State for many years, established 15 per cent as the maximum moisture to be allowed. Where wheat contains more than 15 per cent of moisture it can be detected by an experienced person without an actual chemical test.

Then, as to the mixture of different varieties of wheat, to penalize the farmer, as is indicated, for a small admixture of other varieties of wheat is not only unjust but useless. The country elevator is not equipped with sufficient bins to keep more than four or five kinds of wheat separated, and where the same grade of wheat is of a different variety it is necessary in almost all instances to put it in the same bin. The elevator equipment at the points to which the farmers bring their wheat is not sufficient to keep these varieties, classes, and subclasses of the same grade from being mixed. The object and purpose is said to be to establish a reputation for a particular variety of wheat, so that the manufacturer who desires it to mix with another kind of wheat or other material, or for some particular food product, may be able to get what he wants; but in nine cases out of ten wheat is necessarily mixed before it arrives at the terminals, and the penalty inflicted on the farmer does not follow the wheat to the terminal, but the profit by reason of the lower prices inures to the middleman.

The farther the wheat gets away from the farmers' hands, the more apt it is to be mixed. The value, therefore, of any particular locality's wheat is determined by its mixing value for milling purposes. A comparatively small proportion of the wheat ground into flour escapes the art of the mixer. Consequently the demand for a law which would prevent the mixing of grain would seem to be based on the assumption that the producer still has an interest in it after it has entered the channels of trade. Such appears, however, not to be the case, and any such law passed, presumably in the interest of the producer, would probably only add to the expense of distribution and throw the burden ultimately upon the consumer. (Report of Industrial Commission (1902), vol. 19, p. 182.)

Mr. H. N. Owen, publisher of Farm Stock and Home, a leading agricultural paper, testifying before the House Committee on Agriculture, referring to the grades, and Mr. Brand, Chief of Bureau of Markets, said:

Mr. OWEN. I want to say something here, not in the spirit of criticism but just the way it strikes me, and that is that Mr. Brand, while he may be all right, he got himself in very bad last December in Minneapolis and Fargo. Whether it is so or not, he gave the impression that these are the grades, and we would have to take them whether we want them or not. That is the impression he gave to the farmers. It was an unfortunate impression, both for him and the department.

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SYRACUSE, N. Y., *April 18, 1918.*

HON. H. STEENERSON,
Washington, D. C.:

The executive committee of the National Grange, in session at Syracuse, N. Y., unanimously indorse the Gore amendment fixing the price of the 1918 wheat crop at $2.50 per bushel, and urge support of the measure. We feel that everyone opposing this is working against the best interests of our country.

N. CADY, *Secretary.*

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. I insert in the RECORD the report of the Federal Trade Commission on milling and flour jobbing—just made public to-day. It explains the high cost of living all right, and shows that the farmer is not to blame. It shows that the profits of the millers last year increased from 11 cents to 52 cents per barrel. Jobbers in carload lots increased their profits from 22 cents in 1914 to 55 cents per barrel in 1917, and small jobbers' profits increased from 52 cents in 1914 to 86 cents per barrel in 1917. Millers operating profits increased 175 per cent and their investment profits increased more than 100 per cent. Read this report, and you will know why bread is high.

The matter referred to is as follows:

FEDERAL TRADE COMMISSION FOOD INVESTIGATION.

REPORT ON FLOUR MILLING AND FLOUR JOBBING.

The Federal Trade Commission presents herewith a report of findings in its investigation of wheat-flour milling and wheat-flour jobbing, the principal subjects covered being:

Costs and profits of millers and distributors of wheat flour for the last five years.

Marketing conditions and practices of millers and distributors of wheat flour.

The report does not cover conditions and practices in the retail-flour trade.

The commission finds that the net profits made by millers increased from 11 cents per barrel in the crop year 1912–13 to 52 cents per barrel in the crop year 1916–17. The commission also finds that the gross profits of car lot distributors increased from 22 cents per barrel in the calendar year 1914 to 55 cents per barrel in the first half of the calendar year 1917, and the gross profits of small-lot jobbers increased from 52 cents per barrel for the calendar year 1914 to 86 cents per barrel in the first half of the calendar year 1917.

This investigation constitutes a part of a general food investigation made by the commission pursuant to the direction of the President of the United States, contained in a letter dated February 12, 1917, which reads in part as follows:

"* * * Therefore, I direct the commission, within the scope of its powers, to investigate and report the facts relating to the production, ownership, manufacture, storage, and distribution of foodstuffs and the products or by-products arising from or in connection with their preparation and manufacture; * * *."

The funds appropriated by the Congress to carry on the food investigations became available on July 1, 1917. On April 5, 1917, the United States declared war against Germany and war legislation extending the activities of the Department of Agriculture with respect to the production and distribution of food and establishing the United States Food Administration with extensive powers over the principal foodstuffs produced in the United States, was immediately taken under consideration by the Congress, and was enacted into law in August.

Under these circumstances the commission deemed it advisable to conduct an investigation of the production and distribution of wheat flour, which is one of the most essential articles of food and one most vitally affected by war conditions, and to conduct this investigation along lines that appeared to be most serviceable in carrying out the policies of regulation contemplated in the above-mentioned legislation.

The results of the commission's investigation have been communicated to the United States Food Administration from time to time in a spirit of cooperation, and this report in particular has had the careful consideration of the various officials who have to do with this subject.

PRINCIPAL FINDINGS OF FACTS.

The investigation of flour milling and flour jobbing shows the following facts:

1. There are some 7,000 merchant wheat-flour mills in the United States, which during the last three years have produced on the average about 118,000,000 barrels of flour annually, but which have an aggregate capacity sufficient to produce approximately double this quantity. This output of flour has required the grinding of about 550,000,000 bushels of wheat per year.

2. The simple process of milling and comparatively small cost of milling equipment have resulted in the building of a large number of small mills throughout the country. In certain favorably located centers, however, there has been a natural development of flour mills of large capacity, which have some advantages over the small mills in the economy of production, but some disadvantages in the cost of distribution. In recent years, the mills of large capacity have increased in number while those of small capacity have decreased.

3. At least one-half of the total domestic output of flour in the United States is marketed at points commercially distant from the place of manufacture. Several of the larger mills have established branch houses for the distribution of their product and sell from 30 to 60 per cent of their output in this way, the remainder going to jobbers and wholesale grocers. The smaller mills, on the other hand, distribute most of their output, exclusive of local sales, through brokers and jobbers, and make very small use of the branch-house method.

4. The average cost of production per barrel of flour for mills covered by the investigation increased in the fiscal or crop year 1916–17 over the preceding year, due mainly to the increased cost of wheat, while operating profits per barrel as shown by their records increased nearly 175 per cent and their rate of profit on investment increased more than 100 per cent. The increase in profits was due in part to the enhanced value of unsold stocks carried over from the preceding year, which were disposed of on a rising market, and also to speculative profits on feed, the prices of which increased greatly during the year.

5. During the fiscal year 1912–13, which the available information indicates was a fairly normal year, the average net profit of mills covered by the investigation was 11 cents per barrel, which yielded nearly 10 per cent on the investment. During the fiscal year 1913–14, for which the closing inventories were affected by European conditions, the average net profit was 16 cents per barrel, which yielded 13 per cent on the investment. Under present regulations, millers are allowed a maximum net profit of 25 cents per barrel on their sales of flour, and also 50 cents a ton on their sales of feed, which is equivalent to about 1.7 cents per barrel of flour additional. The commission is informed that this maximum profit was based upon the needs of small mills, it being expected that competition among larger millers would reduce their profits below the maximum.

6. The expenses of flour distributors or middlemen covered by the investigation increased somewhat in the first half of 1917 over the preceding year, while their gross and net profits showed a very large increase. The average net profit per barrel of several large car-lot jobbers increased more than 125 per cent and the average rate of profit on investment nearly doubled. The average net profit per barrel of various small-lot jobbers and the average rate of profit on their investment showed a similar increase.

7. The average gross profit of car-lot distributors in 1914 was 22 cents per barrel and in 1915, 21.5 cents per barrel. The average gross profit of small-lot jobbers was 52 cents in 1914 and 51 cents in 1915. These were fairly normal years for flour jobbers. Under present regulations the maximum gross profit of car-lot distributors is fixed at 25 cents and of small-lot jobbers at from 50 to 75 cents per barrel.

8. Prior to 1914 competition in the milling industry was keen, but since the outbreak of the European war it has been restricted somewhat by the abnormal conditions that have resulted. Certain competitive practices, such as the operation of controlled companies without identifying them, forward selling, and guaranteeing customers against a decline in prices, etc., have been voluntarily discontinued or prevented by the present regulations. Association activities in some instances appear to have affected competition locally.

9. The price of flour to the public has been affected by two factors (a) the governmental fixation of the price of wheat, with the consequent elimination of speculation, and (b) the regulation of flour millers' profits by the Food Administration. The present regulation of flour millers' profits at a fixed margin above cost, however, has the inherent weakness of not encouraging efficiency in production and of affording to unpatriotic millers temptation to dishonesty in cost accounting, difficult to detect or prevent except by individual and detailed audits. While the actual profit which millers will make during the present crop year can not be finally determined until the end of the 12-month period, it appears from the information at hand that the regulations have reduced the profits of most mills below those made during the year 1916–17. This added to the larger reduction secured by the fixation of the price of wheat, which is part of the regulatory plan, has reduced the prices of flour to the consumer several dollars a barrel. In addition, the wheat and milling regulations have kept flour prices fairly stable in spite of an increasing shortage, due to the heavy shipments abroad. The regulations as a whole, therefore, have accomplished substantial results.

10. The regulations of flour jobbers' profits are free from the weaknesses inherent in the regulations for the millers, since they fix only the gross profits that may be made, leaving the jobber free to earn what he can by efficient operation. The gross-profit margins allowed the jobbers are also more nearly in line with their average margin under normal conditions than is the 25 cents per barrel allowed the millers, which, as is stated elsewhere in this report, is a maximum, but taken in connection with the less than normal volume of output is regarded by many millers as "allowable."

11. Consideration is now being given by the United States Food Administration to the improvement of the present regulation of millers' profits in the light of experience thus far gained. It is the opinion of the commission that maximum prices of flour might be established, which would cover the cost of wheat and all manufacturing, selling, and general expenses, and in addition would give the miller a reasonable profit. The standardization of flour by the Food Administration renders the plan of fixing flour prices much easier of accomplishment than was possible before the varied character of the output of different mills was eliminated. Maximum prices established for different sections of the country would, of course, recognize differences in the cost of wheat and also in the other costs of large and small mills. This, or some similar plan, would make it profitable for millers to operate efficiently and keep costs down.

12. The United States Food Administration has created an enforcement division, whose duty it is to prevent profiteering and infractions of the rules, and this division is already accomplishing positive results. The Federal Trade Commission is cooperating with this division in checking up the accounts of flour millers, and will make public in future reports the results of its investigations.

WHEAT-FLOUR MILLS.

According to census figures, there were in 1914 about 7,000 merchant mills grinding wheat flours. Figures obtained from the United States Food Administration and other sources indicate that 100 mills probably produce 40 per cent of the total output of wheat flour; 200 mills, 60 per cent; and 1,000 mills, 80 per cent, while the remaining 6,000 or more merchant mills only produce about 20 per cent of the total.

A classification of 1,171 of the largest mills, according to capacity, showed the following:

Daily capacity.	Number of mills.
5,000 to 10,000 barrels	21
1,000 to 5,000 barrels	121
500 to 1,000 barrels	156
250 to 500 barrels	260
100 to 250 barrels	613
Total	1,171

The manufacture of flour is a comparatively simple operation, and even in the largest mills the equipment is neither complicated nor expensive compared with the value of the product. The labor required in flour milling is also much less than in most other industries. This has made possible the construction and operation of small mills, which, except in New England and a few Southern States, still supply a considerable part of the local demand.

The total capacity of all merchant flour mills in the country is far in excess of what is needed to handle the wheat available for grinding, and except during the crop-moving season few mills are able to run at capacity. Notwithstanding this fact, new mills continue to be built each year. This excess of capacity has been facilitated by the small investment required, and is partly due to great local variations in grain production.

While merchant flour mills are found in almost every State in the United States, there has been a natural development of the industry and of large scale production in centers favorably located with respect to the principal wheat-producing regions. Minneapolis in the Northwest, Kansas City in the Southwest, and Buffalo on the Great Lakes are the largest of such milling centers. While the number of mills producing less than 100,000 barrels annually has declined noticeably since 1899, the number of mills producing more than this quantity has increased from 135 to 218, or more than 60 per cent.

There has been some concentration of the ownership of flour mills, but for the most part the industry is still characterized by a large number of relatively small concerns each operating a single mill.

PRODUCTION OF WHEAT FLOUR.

Census reports for 1914 show that 545,728,431 bushels of wheat were ground during that year. From this wheat 116,403,770 barrels of flour worth $543,839,568 were made. This represented a yield of about 1 barrel of flour and about 86 pounds of feed for each 4.7 bushels of wheat ground. The yield of flour varies somewhat from year to year and from mill to mill, depending upon the quality of wheat ground, the character of the equipment used, etc. During the 1917 crop year, for instance, some mills obtained a barrel of flour from about 4.5 bushels of wheat.

While complete figures for the domestic production of flour are not available for the years subsequent to 1914 the output is estimated to have ranged from 105,000,000 to 125,000,000 barrels with about 118,000,000 barrels as a yearly average. Of this quantity from 11,000,000 to 16,000,000 barrels have been exported annually. Imports of flour have been practically negligible, averaging only about 150,000 barrels a year.

DISTRIBUTION OF WHEAT FLOUR.

A considerable proportion of the flour milled in the United States is consumed at or near the place of production, but at least a half of the total output is sold in more distant domestic markets or exported. More than 75 per cent of the flour entering the competitive markets is produced by mills located in or near the three largest milling centers—Minneapolis, Kansas City, and Buffalo.

Many of the large flour mills maintain branch houses in the important distributing centers of the country for the marketing of their output to the grocery and bakery trade, but a considerable proportion of the domestic output of flour not sold at or near the place of production is distributed through the agency of middlemen, of which there are several classes, such as mill agents, brokers, and jobbers. The broker and mill agent usually sell flour in car lots on a commission basis, while the jobber buys flour for resale, and in most cases maintains a warehouse from which he delivers flour to his customers in small lots. There are a few large jobbers, however, who sell in car lots and do not maintain warehouses. The principal customers of the former type of jobber are the small bakers who buy on credit. The car-lot jobbers sell to larger domestic or export buyers, usually for cash.

COST AND PROFIT OF MILLING.

The commission obtained the costs and profits of some 75 milling companies operating 130 mills for the five fiscal years, 1912–13 to 1916–17. In most cases the fiscal year is the crop year ending in June, July, or August. A few companies, however, use the calendar year. In such cases the 1917 figures are for the first six months of the year only. The mills covered by the investigation include most of the larger and some of the smaller companies having a daily capacity of not less than 200 barrels. These mills are located in each of the important milling districts of the country, and together produce about 40 per cent of the total domestic output of wheat flour.

Great difficulty was experienced in obtaining accurate figures because of the unsatisfactory manner in which many companies kept their records. Even for the larger concerns it was often impossible to secure complete data, and this was generally true of the small companies investigated. In fact, very few millers were found who kept their records in a manner to show the actual and complete cost of making and selling their production of flour. Proper revisions of cost to correct these deficiencies were made, however, in the costs of production as determined by the commission.

The following tabulation shows in summary form the average results of operations of the mills covered by the investigation for the last five fiscal or crop years:

Summary of costs and profits of flour milling for fiscal or crop years 1912–13 to 1916–17.

Year	1912–13	1913–14	1914–15	1915–16	1196–17
Number of mills	118	128	133	132	128
Flour produced (in 1,000 barrels)	41,828	45,639	45,726	51,560	43,146
Feed produced (in 1,000 tons)	1,475	1,638	1,708	1,978	1,786
Wheat used (in 100,000 bushels)	1,867	2,026	2,071	2,349	1,988
Cost of wheat used per bushel	$0.89	$0.89	$1.20	$1.11	$1.79
Cost per barrel of flour:					
Wheat	$3.97	$3.93	$5.45	$5.03	$8.22
Packages	.26	.26	.23	.24	.30
Operating and repairs	.19	.19	.19	.19	.24
General expenses	.09	.09	.10	.10	.13
Selling expenses	.19	.20	.21	.21	.27
Total	4.70	4.67	6.18	5.77	9.16
Depreciation at 3 cents per barrel	.03	.03	.03	.03	.03
Total cost of flour and feed	4.73	4.70	6.21	5.80	9.19
Less value of feed produced	.69	.77	.85	.78	1.23
Net cost of flour produced	4.04	3.93	5.36	5.02	7.96
Sales and profits per barrel flour:					
Net sales	4.20	4.11	5.56	5.26	8.31
Cost of sales, including general and selling expenses [1]	4.06	3.92	5.31	5.05	7.77
Profit	.14	.19	.25	.21	.57
Less interest (except bond)	.03	.03	.03	.02	.05
Net operating profit	.11	.16	.22	.19	.52
Rate of operating profit on net sales.....per cent	2.7	3.9	3.8	3.7	6.2
Investment per barrel [2]	$1.21	$1.23	$1.35	$1.28	$1.63
Rates of profit on investment, per cent	9.4	13.2	15.8	15.1	31.8

[1] This is the net cost of flour produced, taking into account the difference between the opening and closing flour inventories and also including gains or losses on unfilled orders.

[2] The investment per barrel of flour as revised is the average investment for the year after deducting all outside investments where shown and also good will trade marks, brands, etc., but including the value of rented plants.

The total cost of flour and feed includes the cost of wheat, operating expenses, cost of containers for flour and feed, general expenses, and selling expenses. From the total cost is deducted the value of the feed or offal, which is a by-product of flour milling, to determine the net cost of flour.

In the case of many mills the value of the feed produced could not be ascertained except by going back to the invoices, since these mills failed to keep a separate record of the quantities sold or of the proceeds of flour and feed sales. In such cases the commission has used the average value of feed of mills in the same territory whose records were kept in a manner to show this amount separately.

The practice of millers with respect to depreciation was found to vary greatly. Some did not treat it as a cost item, but were accustomed to charge off an arbitrary amount at the end of the year, others did not charge any, while still others were charging off too much. Since the practice of companies regarding depreciation varied so greatly, the commission has included in its costs a uniform charge of 3 cents a barrel. This is based on a rate of 2½ per cent on a fair investment in buildings and a rate of 5 per cent on a fair investment in equipment. This provides an adequate allowance for this cost factor and was the best method available under the circumstances.

The cost of flour, as shown in the table, does not include the items income tax, excess-profits tax, and interest on borrowed funds, but before arriving at the net operating profit interest on borrowed funds other than bonds has been deducted from "profit."

The investment per barrel of flour as revised by the commission is the average investment for the year after deducting all outside investments where shown, and also good will, trade-marks, brands, etc., but including the value of rented plants. The brands of most companies, of course, have a value, some being very valuable, but as it is difficult to capitalize these values, and as most mills do not include them in their investment, the commission found it advisable to eliminate them altogether.

The above summary table and the supplementary detailed tables given in Exhibits A and B show, among other things, the following:

The cost of wheat used constitutes most of the total cost of milling and selling flour.

The net cost of flour, obtained by deducting the value of the feed from the total cost, is practically equal to the cost of the wheat used, since the value of the feed or offal under normal conditions equals roughly the sum of all expenses of milling and selling except the cost of wheat. In the fiscal year 1916–17 the net cost of flour was less than the cost of the wheat, owing to the high prices obtained for feed. The recent regulations of the Food Administration reducing feed prices should tend to restore the usual relation.

The costs for the fiscal years 1914–15 and 1915–16 were considerably above those for the two preceding years, while the cost for 1916–17 showed a large increase over the preceding year, due principally to the greatly increased price paid for wheat. The slight variation in the number of mills included in the different years does not materially affect the comparison, since only the smaller mills are missing in particular years, and the aggregate production of the mills included is large.

During the fiscal years 1912–13 to 1915–16 from 85 to 90 per cent of the total output of the mills covered by the investigation was made and sold at a cost, exclusive of wheat and sacks, ranging from 30 to 60 cents per barrel, while during the year 1916–17 only about 48 per cent was produced within these limits of cost. In that year 85 per cent of the output was produced at a cost ranging from 40 to 80 cents per barrel.

The average margin of profit per barrel for the first four fiscal years covered by the investigation was very remunerative, but in 1916–17 this margin of profit showed a tremendous increase, due in part to exceptionally favorable speculative opportunities afforded by the rapid rise in wheat, flour, and feed prices. Stocks of wheat not hedged and of flour and feed not sold, as well as supplies of sacks and other materials, showed a large increase in value.

It is the general practice of millers to inventory their stocks according to market value. The effect of writing up the inventories of wheat, sacks, etc., as prices rose was to decrease the average costs of these items per barrel of flour, and the effect of writing up the flour inventories in this manner was to decrease the cost of sales. Both operations resulted in a corresponding increase of profits for a given year by including profits that would have been shown in the results of the following years' operations had the inventories been based on actual cost. It is probable that the profit derived from the sale of stocks of flour on hand at the beginning of the fiscal year 1916–17 represented about a fourth of the total profit made during that year as shown by the books of the companies. A considerable profit was also derived from the sale of feed at a higher price than was used in determining the price of flour, especially that sold ahead. In making a price on flour sales it is customary for the miller to base the deduction for feed on average values. Hence, in a rapidly rising market, such as occurred in 1917, the difference between the amount actually obtained for the feed when it was made and sold and such average values represented additional profits.

The commission has undertaken to ascertain what the profits of millers would have been if they had inventoried their wheat and their flour at the average cost instead of at the market price. For this purpose the records of 42 companies operating 93 mills have been analyzed, revised, and averaged. These companies include the principal concerns east of the Rocky Mountains, their combined output ranging from 38,000,000 to 44,000,000 barrels per year. The results are as follows:

Year.	Net sales.	Cost of sales.	Profit per barrel.	Profit per barrel less interest.[1]	Rate of net profit on investment.	Rate of profit on net sales.
					Per cent.	*Per cent.*
1912–13	$4.24	$4.09	$0.15	$0.12	10.6	2.4
1913–14	4.10	3.98	.12	.10	8.9	2.0
1914–15	5.61	5.35	.26	.23	20.0	3.7
1915–16	5.24	5.13	.11	.09	8.6	1.6
1916–17	8.55	7.98	.57	.52	37.6	5.4

[1] Except bond interest.

The profits per barrel and rates of profit on investment and on net sales shown in the foregoing revised tabulation represent the profits realized on the operations for each year. It is interesting to compare these results with the profits shown by the books of millers given in the summary table, which include profits or losses accruing through change in the market value of flour and wheat held in stock. The method of inventorying at the market price showed its greatest effect in distorting the actual results of operations in the two years 1913–14 and 1915–16. At the close of the former year prices rose rapidly coincident with the outbreak of the European war. Consequently the closing inventories of wheat and flour made at the market price were considerably above the opening inventories, and the difference tended to reduce costs and increase profits. Instead of making on the average of 19 cents a barrel profit, as shown in the first summary table, the millers actually made only 12 cents a barrel in that year.

A similar condition existed in the year 1915–16. The exports of wheat to Europe were not as heavy as anticipated, while the production and sales of flour in the United States were very greatly increased over the year before. This caused the millers to sell their output at about the normal margin of profit and to carry over heavy stocks. Before the close of the year, however, the certainty of a short crop throughout the world caused a sharp rise in prices, and the writing up of inventories gave the millers a book profit of 22 cents instead of about 11 cents, which they actually earned during the year.

If we assume that the rate of profit on the sales of feed was the same as the rate on sales of flour, the margin of profit from this source would have amounted to the following:

Per barrel of flour:	Cents.
1912–13	2
1913–14	1½
1914–15	2½
1915–16	1½
1916–17	6

These figures indicate the increase in feed profits in 1916–17.

COSTS AND PROFITS OF FLOUR JOBBERS.

The commission obtained the costs and profits of five important car-lot jobbers and some 30 of the most important small-lot jobbers for the calendar years 1914 to 1916, inclusive, and for the first half of 1917. Less complete figures were also obtained for the year 1913. These jobbers were located in the principal distributing centers east of the Mississippi River. A summary of the results brought out by the investigation is shown in the tabulation below. More detailed figures are given in Exhibit C, where for convenience the jobbers are grouped according to size and the average results for each group are computed.

Summary of costs and profits of flour jobbers for the calendar years 1914–1917 (first half).

	1914	1915	1916	1917 (first half).
Car-lot jobbers:				
Number of jobbers	4	4	5	5
Gross profit per barrel	$0.222	$0.215	$0.281	$0.545
Expense per barrel [1]	$0.072	$0.083	$0.100	$0.135
Net profit per barrel [2]	$0.150	$0.132	$0.181	$0.410
Rate of profit on sales.....per cent	3.3	2.3	3.0	4.5
Investment per barrel	[3] $0.358	[3] $0.471	[4] $0.538	[4] $0.662
Rate of profit on investment, per cent	[3] 37.5	[3] 24.3	[4] 31.5	[4] 60.7
Small-lot jobbers:				
Number of jobbers	24	29	31	29
Gross profit per barrel	$0.524	$0.506	$0.591	$0.863
Expense per barrel [5]	$0.349	$0.353	$0.376	$0.388
Net profit per barrel [6]	$0.175	$0.153	$0.211	$0.475
Rate of profit on sales.....per cent	3.4	2.4	3.2	4.7
Investment per barrel	$0.793	$0.700	[5] $0.818	[5] $0.881
Rate of profit on investment, per cent	22.1	21.1	26.2	51.9

[1] Not including salaries of proprietors, partners, or officers.
[2] Before deducting salaries of proprietors, partners, or officers.
[3] 3 concerns.
[4] 4 concerns.
[5] 30 concerns.
[6] 25 concerns.

The gross profit per barrel of flour jobbers represents the difference between the selling price and the purchase price of flour handled. The expenses of flour jobbers consist of general office and selling expenses, bad debts, and for the small-lot jobbers, who maintain warehouses, cartage and storage in addition. No salaries of proprietors, partners, or officers are included in the expenses, since such salaries are not generally shown by the books.

The net profit per barrel of flour is obtained by deducting the expenses of doing business from the gross profit.

The summary table and the supplementary table given in Exhibit C show the following facts:

The gross profit, expenses, and net profit per barrel of flour of both classes of jobbers showed little change in 1914 and in 1915, but in 1916 and especially in the first half of 1917 there was a noticeable increase. The variation in the number of jobbers included in the average for each year does not materially affect the comparison except possibly in the case of the amount of investment per barrel for car-lot jobbers.

The average gross profit per barrel of car-lot jobbers increased from 28 cents in 1916 to 54.5 cents in the first half of 1917, while expenses, exclusive of salaries, only increased from 10 cents to 13.5 cents. Net profits per barrel therefore showed an increase from 18 cents to 41 cents, and the rate of profit on investment showed an increase from 31.5 per cent to 60.7 per cent.

The average gross profit per barrel of small-lot jobbers increased from 59 cents in 1916 to 86.3 cents in the first half of 1917, while the expenses exclusive of salaries increased only from 37.6 cents to 38.8 cents. Net profits per barrel of small-lot jobbers increased from 21 cents to 47.5 cents, and the rate of profit on investment increased from 26.2 per cent to 51.9 per cent.

MARKETING CONDITIONS AND PRACTICES.

The large number of flour mills in the country, absence of much concentration of ownership and overcapacity have always made competition keen in the flour-milling industry, but since the outbreak of the European war in 1914 competition has been increasingly reduced by the abnormal conditions which have developed. The foreign demand for both wheat and flour has greatly increased, so that, on the one hand, the millers have obtained a smaller proportion of the domestic supply of wheat for grinding, and on the other hand, have had a broader market for their output of flour.

The commission's investigation disclosed that competitive conditions in the industry had developed some marketing practices on the part of millers which were open to criticism but none that were particularly vicious. Such practices as did exist have been largely done away with for the duration of the war by the regulations of the United States Food Administration.

The Washburn-Crosby Co., the largest flour miller in the United States, was found to have been operating several controlled companies without identifying them, but voluntarily discontinued this practice after the investigation was begun, and is now marking all of its brands with the name "Washburn-Crosby." The operation of unidentified subsidiaries gives the controlling company an unfair advantage over its competitors in the distribution of its products and if allowed to continue is likely to spread from one company to another until a whole industry may become demoralized. (See report of the Federal Trade Commission on the Fertilizer Industry, Aug. 19, 1916.)

One of the worst evils of the flour business is the multiplication of brands, many of which are not identified by the name of any concern. Heavily advertised brands usually bear the name of the manufacturer or the distributor, but there are a large number of brands sold that bear no name to which responsibility for poor quality can be attached. It is on such brands that price cutting is apt to be most objectionable.

The pure-food law requires the correct weight to be put on the sack but does not require the name of the manufacturer or distributor. It would undoubtedly make for much better marketing conditions in the industry if such identification of all flour sold were required.

The worst practice found among distributors was that of contracting ahead for as large a quantity of flour as the mills would sell with the intention of calling for deliveries if the price went up but of repudiating their obligations if the price went down. This practice was almost entirely confined to more or less irresponsible concerns attracted into the business by the prospects of large profits. It has been effectually prevented for the duration of the war by the regulations of the Food Administration which forbids mills to sell flour more than 30 days ahead of actual delivery.

The flour-milling industry is characterized by a large number of trade associations, such as the Millers' National Federation, the Southeastern Millers' Association of Nashville, the Millers' Exchange of Kansas City, the Ohio Millers' State Association, Indiana Millers' Association, etc. Some of these associations publish daily price lists for flour based upon reports made by their members. It is probable that these price lists tend to modify competitive conditions in the selling of flour at least within the region covered by an association. This matter is now under investigation by the commission.

PROGRESS OF REGULATIONS.

The large profits made by flour millers and flour jobbers in the first half of 1917 emphasized the necessity for governmental control of the situation during the period of the war. Although only eight months have elapsed since the food-control bill became a law and the United States Food Administration was organized much has already been accomplished for the protection of the public. The guaranteed price of wheat for the 1917 and 1918 crops has been fixed and the distribution of wheat placed under the supervision of the Food Administration Grain Corporation, organized in August, 1917. The prices and profits of flour millers have been regulated through the agency of the milling division of the United States Food Administration, also organized in August, 1917.

The plan of regulation adopted provides, briefly, that each miller must have a Federal license to operate. Failure to comply with the regulations of the Food Administration makes the miller liable to have his license revoked. The different grades of wheat available for grinding are distributed pro rata among the millers by the Grain Corporation on the basis of the quantity ground during the years 1914, 1915, and 1916. Many of the millers have entered into a voluntary agreement not to pay more than the Government price for their wheat.

The maximum profits of flour millers have been fixed at 25 cents a barrel on flour and 50 cents a ton on feed, which is equivalent to about 1.7 cents per barrel on flour. The millers are required to file reports each month with the Food Administration showing their costs and profits.

The number of pounds of wheat that can be used in producing a barrel of flour has been fixed, and the miller is not allowed to separate the flour into high and low grades. Consequently, millers who have spent considerable sums in advertising special brands are no longer able to supply these brands to the trade. The maximum price of bran in ton lots at the mill door has been fixed at 35 per cent of the cost of a ton of wheat. Other feeds must be sold at fixed differentials above the price of bran.

All the important flour jobbers have been licensed and their profits regulated by the United States Food Administration, but in a somewhat different manner from those of the millers. The maximum gross profit of car-lot jobbers has been fixed at 25 cents a barrel and of small-lot jobbers at from 50 to 75 cents per barrel.

Before the above regulations became effective wheat prices had risen to about $3 a bushel, flour prices at the mill had risen in some instances above $16 a barrel, and bread prices had risen in some places to 10 cents for less than a 16-ounce loaf, with every indication of a continued rise in prices as a result of war-time conditions. Since the regulations have been effective wheat prices have been reduced to $2.20 per bushel for the best grade in the Chicago market, and wholesale flour prices to from $10 to $11 a barrel at the mill for most mills. Bread prices were reduced as low as 7 or 8 cents for a 16-ounce loaf in most of the larger cities, but have recently been quite generally increased, either by raising the price or reducing the size of the loaf.

While the regulation of millers' profits by the United States Food Administration has accomplished much for the protection of the public, the present system has certain defects which suggest the advisability of modification.

The plan of allowing each miller to make his own prices of flour on the basis of cost plus a maximum profit of 25 cents a barrel makes it possible for him to pass on to the public any increase in cost due to mismanagement or inefficiency or any padding of costs due to misunderstanding or dishonesty.

The monthly reports of costs and profits which the millers make to the United States Food Administration were intended to furnish a check on their operations and also to serve as a practical basis for the enforcement of the regulations and the detection of major violations. These reports, however, would be of more value if they were supplemented by a comprehensive plan of audit, for the only certain method of ascertaining whether millers are conforming to the regulations would be a continuous audit by a competent force of accountants.

The present regulations of flour millers' profits also appear to have given them a larger profit than they were accustomed to make under normal conditions, which, on the average, was not over 12 cents to 15 cents a barrel. The commission's investigation of costs and profits for recent months indicates that 25 cents a barrel is being taken by many millers as a guaranteed net profit after paying all income and excess-profit taxes, although the 25 cents is interpreted by the Food Administration as a maximum, and although the Food Administration has ruled distinctly that income and excess-profit taxes are not to be included in costs. The enforcement division of the Food Administration is charged with securing future compliance with this ruling and with the regulations in general.

A margin of 25 cents a barrel net would give the larger millers, at least, an excessive profit, as compared with that normally made, if they produce the usual quantity of flour this year. Many millers, however, will not be able to reach a normal production. The uncertainties as to the probable production have made it necessary for millers to estimate what they should make during the period of full production in order to obtain the allowable profit on their entire year's operations, including some slack months. Some have been less conservative in their estimates than others, and it is quite probable that they will make more than the regulations provide. The commission is informed that a plan has been devised for penalizing such mills.

Under the present regulations there are about as many different prices for flour as there are mills, which makes it impossible for the buyer to know whether he is paying a fair price or not. Furthermore, a considerable variation in prices charged by different mills in the same locality naturally arouses the suspicion—sometimes unjustified—that the higher priced mill is profiteering.

The control of flour prices could be much simplified by grouping the mills according to regions, and also according to size, and fixing a maximum price for flour for each group, based upon the wheat cost, and sufficient to cover manufacturing, selling, and general expenses, and also a fair profit to the miller.

If the selling price of flour were thus fixed and made a matter of public knowledge, any attempt to secure an excess price could be much more easily detected than at present. Furthermore, the elaborate monthly cost and profit reports, which have proved burdensome, especially to the small miller, and are of doubtful utility as a means of securing compliance with the regulations, could be simplified or done away with entirely. By eliminating them the overhead expenses of the millers would be reduced to that extent.

Arrangements have been made for the appointment of a special committee headed by Dr. F. W. Taussig, chairman of the United States Tariff Commission, to investigate the regulations of flour millers and make recommendations for the improvement of these regulations before the beginning of the next crop year.

WM. J. HARRIS, *Chairman.*
WILLIAM B. COLVER.
JOHN F. FORT.
VICTOR MURDOCK.

EXHIBIT A.

Summary of costs and profits of flour millers, by groups, 1912–13 to 1916–17.

[Footnotes at end of table.]

NEW YORK STATE.[1]

Year.	1912–13	1913–14	1914–15	1915–16	1916–17
Number of mills	14	15	15	14	10
Flour produced (in 1,000 bbls)	3,212	3,636	4,584	3,600	1,962
Feed produced (in 1,000 tons)	110	129	170	134	72
Wheat used (in 100,000 bushels)	143	163	208	163	89
Cost of wheat used per bushel	$0.98	$0.98	$1.27	$1.30	$2.11
Cost per barrel flour:					
Wheat	$4.39	$4.40	$5.74	$5.91	$9.61
Packages	.31	.30	.26	.29	.38
Operating and repairs	.20	.20	.19	.21	.27
General expenses	.14	.15	.14	.13	.18
Selling expenses	.15	.18	.16	.19	.30
Total	5.19	5.23	6.49	6.73	10.74
Depreciation at 3 cents bbl	.03	.03	.03	.03	.03
Total cost of flour and feed	5.22	5.26	6.52	6.76	10.77
Less value of feed produced	.83	.89	.93	.84	1.31
Net cost of flour produced	4.39	4.37	5.59	5.92	9.46
Sales and profits per bbl. flour:					
Net sales	4.59	4.67	5.83	6.10	9.62
Cost of sales including general and selling expenses [2]	4.41	4.40	5.58	5.87	9.20
Profit	.18	.27	.25	.23	.42
Less interest (except bond)	.04	.03	.04	.03	.07
Net operating profit	.14	.24	.24	.20	.35
Rate of operating profit on net sales per cent	3.0	5.1	3.7	3.4	3.7
Investment per bbl. produced [3]	$2.68	$2.46	$2.22	$2.59	$3.17
Rate of profit on investment per cent	5.2	9.7	9.2	7.9	11.1

ILLINOIS, MICHIGAN, AND OHIO.

Number of mills	7	9	9	9	9
Flour produced (in 1,000 bbls.)	1,712	2,140	2,242	2,274	1,790
Feed produced (in 1,000 tons)	62	77	82	82	65
Wheat used (in 100,000 bushels)	77	96	102	104	81
Cost of wheat used per bushel	$1.00	$0.96	$1.15	$1.23	$1.71
Cost per barrel flour:					
Wheat	$4.50	$4.31	$5.21	$5.60	$7.73
Packages	.19	.21	.17	.15	.19
Operating and repairs	.21	.20	.21	.22	.28

Summary of costs and profits of flour millers, by groups, etc.—Contd.

ILLINOIS, MICHIGAN, AND OHIO—continued.

Year.	1912-13	1913-14	1914-15	1915-16	1916-17
Cost per barrel flour—Con.					
General expenses	$0.11	$0.11	$0.11	$0.12	$0.15
Selling expenses	.10	.11	.10	.10	.13
Total	5.11	4.94	5.80	6.19	8.48
Depreciation at 3 cents barrel	.03	.03	.03	.03	.03
Total cost of flour and feed	5.14	4.97	5.83	6.22	8.51
Less value of feed produced	.92	.98	.98	.93	1.23
Net cost of flour produced	4.22	3.99	4.85	5.29	7.28
Sales and profits per barrel flour:					
Net sales	4.32	4.12	5.07	5.46	7.73
Cost of sales including general and selling expenses [2]	4.23	3.98	4.84	5.26	7.24
Profit	.09	.14	.23	.20	.49
Less interest (except bond)	.06	.04	.03	.04	.07
Net operating profit	.03	.10	.20	.16	.42
Rate of operating profit on net sales.....per cent	0.7	2.5	3.9	2.9	5.4
Investment per barrel produced [3]	$1.36	$1.41	$1.38	$1.42	$1.71
Rate of profit on investment.....per cent	2.4	7.3	14.2	11.1	24.2
NORTHWESTERN. [4]					
Number of mills	46	49	50	50	50
Flour produced (in 1,000 bbls.)	27,477	29,059	26,892	32,723	26,078
Feed produced (in 1,000 tons)	948	1,027	991	1,252	1,134
Wheat used (in 100,000 bu.)	1,220	1,281	1,211	1,489	1,217
Cost of wheat used per bu	$0.87	$0.87	$1.25	$1.08	$1.86
Cost per barrel flour:					
Wheat	$3.88	$3.85	$5.65	$4.94	$8.69
Packages	.26	.27	.23	.25	.32
Operating and repairs	.17	.17	.18	.18	.23
General expenses	.07	.07	.08	.07	.11
Selling expenses	.21	.22	.25	.23	.32
Total	4.59	4.58	6.39	5.67	9.67
Depreciation at 3 cents per barrel	.03	.03	.03	.03	.03
Total cost of flour and feed	4.62	4.61	6.42	5.70	9.70
Less value of feed produced	.62	.72	.82	.75	1.30
Net cost of flour	4.00	3.89	5.60	4.95	8.40
Sales and profits per barrel flour:					
Net sales	4.16	4.05	5.75	5.21	8.78
Cost of sales including general and selling expenses	4.01	3.87	5.53	4.98	8.19
Profit	.15	.18	.22	.23	.59
Less interest (except bond)	.02	.02	.03	.02	.04
Net operating profit	.13	.16	.19	.21	.55
Rate of operating profit on net sales.....per cent	3.2	4.0	3.3	4.2	6.2
Investment per barrel produced	$0.94	$0.98	$1.15	$1.03	$1.44
Rate of profit on investment.....per cent	14.1	16.8	1.65	21.0	37.9
SOUTHWESTERN. [5]					
Number of mills	29	33	37	37	36
Flour produced (in 1,000 barrels)	5,723	7,163	9,092	9,736	9,160
Feed produced (in 1,000 tons)	221	276	354	391	369
Wheat used (in 100,000 bushels)	260	324	412	449	417
Cost of wheat used per bushel	$0.94	$0.89	$1.11	$1.12	$1.68

Summary of costs and profits of flour millers, by groups, etc.—Contd.

SOUTHWESTERN—continued.

Year.	1912-13	1913-14	1914-15	1915-16	1916-17
Cost per barrel flour:					
Wheat	$4.27	$4.01	$5.04	$5.16	$7.65
Packages	.27	.28	.24	.24	.29
Operating and repairs	.23	.24	.22	.22	.26
General expenses	.12	.13	.13	.13	.16
Selling expenses	.16	.17	.16	.17	.21
Total	5.05	4.83	5.79	5.92	9.57
Depreciation at 3 cents per barrel	.03	.03	.03	.03	.03
Total cost of flour and feed	5.08	4.86	5.82	5.95	8.60
Less value of feed produced	.78	.86	.86	.84	1.19
Net cost of flour produced	4.30	4.00	4.95	5.11	7.41
Sales and profits per barrel flour:					
Net sales	4.39	4.18	5.20	5.32	7.87
Cost of sales, including general and selling expenses [2]	4.32	3.99	4.96	5.14	7.33
Profit	.07	.19	.24	.18	.54
Less interest (except bond)	.03	.03	.03	.03	.04
Net operating profit	.04	.16	.21	.15	.50
Rate of operating profit on net sales.....per cent	1.10	3.8	4.3	2.8	6.3
Investment per barrel [3]	$1.09	$1.15	$1.07	$1.15	$1.44
Rate of profit on investment.....per cent	4.0	13.6	20.9	13.1	34.4
PACIFIC COAST.					
Number of mills	22	22	22	22	23
Flour produced (in 1,000 barrels)	3,704	3,641	3,116	3,227	4,156
Feed produced (in 1,000 tons)	134	129	111	119	146
Wheat used (in 100,000 bushels)	167	162	138	144	184
Cost of wheat used per bushel	$0.80	$0.83	$1.04	$0.96	$1.37
Cost per barrel of flour:					
Wheat	$3.63	$3.71	$4.63	$4.27	$6.08
Packages	.22	.22	.20	.19	.23
Operating and repairs	.21	.21	.23	.24	.22
General expenses	.12	.13	.16	.16	.15
Selling expenses	.15	.15	.18	.16	.17
Total	4.33	4.42	5.40	5.02	6.85
Depreciation at 3 cents per barrel	.03	.03	.03	.03	.03
Total cost of flour and feed	4.36	4.45	5.43	5.05	6.88
Less value of feed produced	.76	.76	.87	.82	.89
Net cost of flour produced	3.60	3.69	4.56	4.23	5.99
Sales and profits per barrel flour:					
Net sales	$3.80	$3.83	$4.86	$4.47	$6.27
Cost of sales, including general and selling expenses [2]	3.65	3.69	4.41	4.32	5.66
Profit	.15	.14	.45	.15	.61
Less interest (except bond)	.04	.04	.05	.03	.07
Net operating profit	.11	.10	.40	.12	.54
Rate of operating profit on net sales.....per cent	3.0	2.6	8.1	2.8	8.5
Investment per barrel [6]	$2.02	$2.05	$2.67	$2.70	$2.40
Rate of profit on investment.....per cent	5.4	4.7	14.8	4.7	22.4

[1] Includes 1 mill in Maryland.
[2] Also includes gains or losses on unfilled orders.
[3] The investment per barrel of flour as revised by the commission is the average investment for the year after deducting all outside investments where shown and also good will, trade-marks, brands, etc., but including the value of rented plants.
[4] Includes 1 mill in Buffalo, N. Y., 1913-1917.
[5] Includes 2 mills in Indiana, 1 in Kentucky, and 1 in Tennessee.

EXHIBIT B.

Classification of flour mills on basis of cost of production (operating and selling cost only).

[Table shows number of concerns producing flour at each cost specified, number of barrels produced at that cost in thousands of barrels, and per cent these barrels are of the total.]

Cost in cents per barrel.	1913			1914			1915			1916			1917		
	Number of concerns.	Output in 1,000 barrels.	Per cent of total.	Number of concerns.	Output in 1,000 barrels.	Per cent of total.	Number of concerns.	Output in 1,000 barrels.	Per cent of total.	Number of concerns.	Output in 1,000 barrels.	Per cent of total.	Number of concerns.	Output in 1,000 barrels.	Per cent of total.
Less than 30	2	793	1.9	3	848	1.8	2	823	1.8	1	728	1.4			
30 to 39.9	13	4,545	10.8	17	6,966	15.2	14	6,763	14.8	8	3,089	6.0	4	2,004	4.6
40 to 49.9	31	27,476	65.7	21	26,179	57.4	19	13,053	28.6	31	23,606	45.8	12	3,621	8.4
50 to 59.9	15	6,096	14.6	19	6,744	14.8	22	18,882	41.3	19	18,625	36.1	25	15,295	35.5
60 to 69.9	3	1,122	2.7	11	2,172	4.8	13	4,688	10.2	14	3,519	6.9	13	3,616	8.4
70 to 79.9	4	950	2.3	3	1,080	2.4	2	798	1.7	2	1,060	2.0	14	14,115	32.7
80 to 89.9	1	364	.9	2	697	1.5	3	460	1.0	3	142	.3	5	3,203	7.4
90 and over	1	482	1.1	3	953	2.1	8	260	.6	4	790	1.5	6	1,292	3.0
Total	70	41,828	100.0	79	45,638	100.0	83	45,726	100.0	82	51,560	100.0	79	43,146	100.0

Jobbers' average receipts, costs, gross profits, expenses, and net profit per barrel; per cent net profits of receipts and investment per barrel, and rate of profit on investment, by groups 1914-1917 (first half).

	Number of jobbers.	Number of barrels handled.	Receipts per barrel.	Cost per barrel.	Gross profit per barrel.	Expense per barrel.[1]	Net profit per barrel.	Per cent net profit of receipts.	Investment per barrel.	Rate of profit on investment.
Group I (200,000 barrels and over):										
1914	6	2,300,880	$5.189	$4.662	$0.527	$0.350	$0.177	3.4	$0.852	22.6
1915	6	2,350,170	6.483	5.986	.497	.347	.150	2.3	.623	22.9
1916	6	2,317,804	6.949	6.380	.569	.378	.191	2.8	.752	25.2
1917 (first half)	4	1,078,092	9.782	9.105	.677	.369	.308	3.1	.797	41.1
Group II (100,000 to 200,000 barrels):										
1914	3	383,588	4.676	4.247	.429	.273	.156	3.7	.392	39.8
1915	3	355,434	5.869	5.423	.446	.292	.154	2.6	.476	32.2
1916	4	503,244	6.219	5.653	.566	.300	.266	4.3	.605	44.0
1917 (first half)	4	299,218	9.882	9.025	.857	.348	.509	5.2	.873	57.6
Group III (50,000 to 100,000 barrels):										
1914	4	238,494	5.046	4.595	.451	.286	.165	3.3	.508	32.5
1915	7	517,091	6.246	5.804	.442	.267	.175	2.8	.499	35.0
1916	7	490,847	6.562	6.003	.559	.274	.285	4.3	.531	53.7
1917 (first half)	7	264,960	10.224	9.214	1.010	.291	.719	7.0	.619	115.6
Group IV (30,000 to 50,000 barrels):										
1914	6	288,006	5.116	4.508	.608	.413	.195	3.8	1.326	14.7
1915	7	288,394	6.637	6.030	.607	.505	.102	1.5	1.541	6.6
1916	7	283,788	6.681	5.836	.845	.523	.322	4.8	1.789	18.0
1917 (first half)	7	177,608	10.883	9.517	1.366	.635	.731	6.7	1.890	39.4
Group V (less than 30,000 barrels):										
1914	5	145,109	4.797	4.114	.683	.514	.169	3.5	1.407	12.0
1915	6	142,311	6.432	5.665	.767	.559	.208	3.2	1.616	12.8
1916	7	154,809	6.613	5.978	.635	.651	[2].016	[2].2	[3]1.881	[3]3.9
1917 (first half)	7	86,547	10.285	8.578	1.707	.534	1.173	11.4	[4]1.048	[5]81.9
Groups I to V, combined:										
1914	24	3,356,077	5.097	4.573	.524	.349	.175	3.4	.793	22.1
1915	29	3,635,400	6.432	5.925	.506	.353	.153	2.4	.700	21.1
1916	31	3,750,492	6.766	6.175	.591	.376	.215	3.2	[4].818	[4]26.2
1917 (first half)	29	1,906,425	9.985	9.122	.863	.388	.475	4.7	[6].881	[6]51.9

[1] Not including owners', partners', or officers' salaries or interest on investment. [2] Loss. [3] 6 concerns. [4] 30 concerns. [5] 3 concerns. [6] 25 concerns.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker, it is perfectly hopeless for me to attempt a discussion of this very important measure in the time allotted. It is of such vital importance to the Nation and so far-reaching in its consequences that I can do little more than suggest the motives which inspire me to support the Senate amendment.

I trust that I may be given credit for speaking from a disinterested standpoint. I do not appear here as a special pleader, but, on the contrary, my purpose in addressing you is national in aspect and consequence as distinguished from local.

Wheat is not the principal crop in my district. Ordinarily it is raised there as a part of a crop rotation which time and experience have dictated as advisable. I have received but one request to support the Senate amendment, while, on the other hand, many farmers have written me requesting me to vote against it. My knowledge of the Nation's needs, however, and the voluminous testimony submitted to the committee leave me no choice but to urge the adoption of the amendment.

Mr. Speaker, my observation of life's philosophy has convinced me that no true thing is ever out of harmony with the incidents, the facts, the laws of existence, and no false thing is ever congenial to those elements which go to make up the general order. If it should be related to-morrow that at this hour and in this Chamber I addressed myself to this conference report, such statement would be corroborated by every fact of life. If, on the other hand, it should be related to-morrow that at this hour I was elsewhere and engaged in some other activity, such statement would be corroborated by nothing and disputed by everything. It would be out of harmony with every fact and incident relating to me as the speaker and to you as the listener.

When the conference report on the food-control bill was before this House last August I stated that never in the progress of time had the operation of natural law disturbed the equilibrium, for the reason that natural laws are founded upon the eternal equities and constitute the verities of life. So true are they that the harmonies are always preserved and conflicts are impossible. I then stated that legislative price fixing contrary to the natural law of supply and demand would prove mischievous and disappointing. Unfortunately my fears have been justified.

Every farm product has been submitted to the operation of this natural law save wheat. Corn, oats, barley, rye, and other grains, in response to an abnormal demand and uncontrolled by legislation, have ascended to dizzy heights, so that to-day wheat is the most unprofitable crop the farmer can raise. An acre of barley returns to-day approximately twice the financial return that an acre of wheat does. Corn and oats at the present price are more profitable than wheat. Consequently our experiment in price fixing to stimulate production has resulted in a condition involving the absurdity of an attempt to increase production by reducing the profit to the producer. The Nation needs wheat as one of the vital essentials to the successful prosecution of the war. My sole interest is the production of wheat to meet the needs of the Nation. Taking into consideration the personal equation and having some regard for the inherent selfishness of man, I can not resist the conclusion that if other crops are more profitable to the producer than wheat, then crops other than wheat will be planted. The testimony before the committee shows conclusively that an imperial domain in this country will be planted in grains other than wheat if the price of wheat does not approximate the price of other cereals.

There is nothing personal in my view, because the first district of Nebraska has a greater wheat acreage than ever before, but the testimony before the committee shows a far different condition throughout the Nation.

I regret that I am so limited in time. Anyone who attempts to discuss this question in the time I have should have a guardian appointed.

Mr. YOUNG of North Dakota. The gentleman is making a good job of it.

Mr. REAVIS. Let me hurriedly take another view of it. At the present price of farm products wheat is the cheapest feed for live stock on the farm. This statement was repeatedly made to the committee and conclusively proved. The Breeders' Gazette, a recognized authority on farming, contained an article in its issue last week that two-thirds of the wheat consumed in America during the past two months was fed to live stock. This is not true with those farmers I represent, but that it is approximately correct in many localities is amply sustained by the hearings. So that the result of this false thing we call price fixing is not only to curtail production but to materially reduce the supply provided for human consumption. So long as live stock can be fattened on wheat more profitably than it can on corn, just so long will wheat be fed.

Gentlemen, there is nothing worth while now but the country. Whatever of individual sacrifice is essential to the Nation's welfare must be endured. I would not vote for $2.50 wheat if the sole end to be obtained were to increase the profit to the farmer. I am too sensitive to the needs and the hardships of the poor to do that. But we must in some measure repair the evil of the price fixing in the food-control bill by bringing the price of wheat nearer to the price which the operation of the law of supply and demand would fix if not interfered with, if we are to have sufficient wheat to meet national needs. We must adjust the price of wheat to the price of other grains if we are to stimulate production and conserve the supply for human consumption. For these reasons I shall vote to increase the price to $2.50 a bushel, though I should greatly prefer to repeal the price-fixing act and leave wheat where cotton and powder and steel and other war necessities are to-day. [Applause.]

Mr. OVERMYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Speaker, the gentleman who has just preceded me stated that some farm paper has made the statement that two-thirds of the wheat that has been produced or is now in possession of the farmers was being fed to live stock. That paper, if it made that statement, is just simply mistaken as to the facts in reference to the matter. The Agricultural Department, in a recent statement, has furnished facts showing that statement to be absolutely incorrect. They have a survey and have reports from throughout the United States, and I assume the Government at this time is busying itself to find out exactly what the condition of the wheat supply is in the different sections of the country.

Mr. SHALLENBERGER. If the gentleman will permit, I would suggest that the gentleman who preceded the gentleman from Mississippi has just left the room, and I think what the gentleman said was that it was the cheapest food upon the farm, but not that they were feeding it.

Mr. CANDLER of Mississippi. He stated that this paper said the farmers were feeding it. The gentleman did not make the statement of his own knowledge. If he had I would have accepted it. He stated it only on the statement made in this farm paper.

Mr. STEENERSON. May I call the attention of the gentleman to the fact that the statement issued by the Department of Agriculture of the crop estimates, the last statement has not been printed, according to my recollection, shows a large amount, several million bushels——

Mr. CANDLER of Mississippi. Wheat may have been fed in a limited amount in isolated localities, but taking the country generally throughout the United States the statement is not in accordance with the facts furnished by the Agricultural Department. The department has issued a statement very recently showing the facts to be very different from the above statement. The statement of the department was made in March. Now, gentlemen, this Senate amendment is the question which is pending before the House.

The amendment is to guarantee the price of the several standards of grain of the crop of 1918, based upon No. 2 northern spring wheat, at not less than $2.50 a bushel at the local elevator or the local railway station where such wheat is delivered from the farm where produced. Now, I submit to you that there is no machinery of this Government that can administer that amendment if it should be put in operation in the country to-day. You could not administer it, because it would be an impossibility to have somebody at every local elevator and every local railway station and at every place where there was a wagon load of wheat, and for that reason certainly the amendment ought not to be agreed to, but should be defeated by a decisive vote.

Now, then, the food-control bill put it in the power and discretion of the President of the United States to fix by proclamation the guaranteed minimum price of wheat. He has done that, knowing all the conditions that exist throughout the country, because he has every means for obtaining information. The whole power of the Government is being used in order to ascertain not only what the quantity of wheat is, not only what the crop of wheat in hand is, but, in addition to that, to know what the plantings are, what the acreage is, and what the reasonable prospect of production is. Then, when the President of the United States knows all these facts and has them all in his possession, it is not reasonable to believe that he would fix a price that would absolutely destroy all stimulation of the production of wheat, realizing not only the necessity of having it for our own people but for our allies across the seas, to be utilized for the prosecution of the war.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CANDLER of Mississippi. I have not the time. I am very fond personally of my friend from Oklahoma [Mr. MORGAN] and I would yield if I had the time; but I have not, and hence must decline.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. CANDLER of Mississippi. Therefore it is absolutely inconceivable to me that the membership of this House would for one moment give credence to a proposition of that character. The President of the United States has his heart and soul absolutely bound up in the success of this war, as we all have. Every energy of our hearts and every fiber of our nature are bound up in bringing about victory and glory to the American flag. I say it is best to leave it in the hands of the President of the United States, because this law, which is upon the statute book to-day provides that from time to time, as the necessities of the case may require, he can fix the minimum price by proclamation and issue that proclamation to the country. [Applause.] When our boys are fighting and dying to save our country I would take my coat off my back and the shoes off my feet, if necessary, to help, and the President would, too, and therefore I beg you to trust him in this emergency, and if the facts require it he will do what is necessary. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. LEVER. Mr. Speaker, I yield two minutes more to the gentleman.

The SPEAKER pro tempore. The gentleman is recognized for two minutes more.

Mr. CANDLER of Mississippi. Therefore it is better to leave it in his hands and in his discretion than to attempt to nail it down by law.

That is the trouble with this whole situation to-day. Before our committee the wheat growers from all over the country came pleading with us to fix the price of wheat. We sat there day after day and gave them a patient hearing. They asked that we fix the price of wheat. When we refused to do it in the bill that came from the House Committee on Agriculture they went to the Senate.

I presume there they renewed their agitation and their solicitations and their persuasive powers with the Senate and with the Senate committee, and the Senate of the United States was the body that fixed the price of $2. I was a member of the conference committee, and I know I was appealed to day after day by the membership of the House representing wheat districts and by these same people who had been before our committee, and asked to agree to fix the price of wheat—to agree to that amendment to fix it at $2. We did it, and now some of them complain after it is done.

When you say the farmers of this country will not produce wheat, I say it is not fair and to do so is to question their patriotism. There is no more patriotic citizenship in the United States than those who are producing the necessities on which we live and the products required to sustain ourselves and our allies across the seas in the struggle in which we are engaged. [Applause.] The farmers in my country are patriots, God bless them. Their sons are in the ranks. They want them fed. They want wheat raised. They will do without biscuits. They will eat corn bread. Yes, they will, if necessary, live on the "crumbs that fall from the Master's table" to win this war. He who doubts the farmers of America has lost faith in the strength of the Republic. "Your right hand may forget its cunning," but let me appeal to you to never forget the patriotism of the producers from the soil. They have never failed the Republic from the Revolution to this date, and they never will. [Applause.] They live close to nature. They see the flowers bloom, hear the birds sing, and admire all that is beautiful, and work for all that is useful, and their hearts are with the country in this awful struggle, and they will do their full duty. The President has fixed the minimum guaranteed price. Stand by him and reject all amendments, and you will serve our country and our allies. [Applause.]

Recently there was a conference of the agricultural advisory committee of the agricultural producers, consisting of 23 members from all parts of the United States, and they unanimously recommended against any change in the guaranteed price of wheat. They were disinterested, and acted only in the interest of the whole country. They had all the facts.

The Secretary of Agriculture is in accord with them. Will you turn down the President when he has acted, the Secretary of Agriculture who agrees with the President, and this advisory committee, who is only interested in the welfare of the country, and all wanting to win the war as sincerely as you and I and every other real patriotic American? I can not believe you will.

Here is an article in the Scientific American of April 6, showing the wheat situation in the world of wheat supply entitled "Wheat and Ships." Listen to it:

WHEAT AND SHIPS.

We may perhaps, safely assume that it is now understood why our allies must have wheat instead of something else or nothing at all. So much has been written under this head that it seems hardly unfair to conclude that those who can not see are those who will not see. The essential facts are as portrayed graphically in the map on another page of this issue. Let us, then, accept the statement that England, France, and Italy between them must import 450,000,000 bushels of wheat before the next harvest, and that of this total 100,000,000 bushels are coming from Canada. Where will the balance of 350,000,000 bushels be found?

Now, in addition to Canada and the United States, and excluding Russia for obvious reasons, the world's great wheat-growing centers are those of Australia, Argentina, and India. Australia had, last year, such a prodigious crop that she had to store much of it in the open pending the construction of temporary cover. Her surplus available for export is 150,000,000 bushels. At the same time Argentina has a surplus of 100,000,000 bushels; and India can spare an amount which, in the absence of authenticated figures, we can only assume to be up to the mark of 100,000,000 bushels necessary to complete the tale.

Here, then, in these three places we have all the wheat the allies need. But shipping conditions are such that it is not possible to get it thence to them. From Australia and India the only route now available is that via the Cape of Good Hope, the Suez alternative being ruled out by the fact that the Mediterranean is the zone of greatest danger and least protection from the U-boats. On this basis, it is 12,500 miles from the Australian ports to Liverpool and 12,000 miles from Bombay; while the trans-Atlantic passage from Buenos Ayres is one of 6,250 miles.

It is obvious enough that it will take more ships and more time to haul a given amount of wheat 12,000 miles or 6,000 miles than to carry the same cargo 3,000 miles, the average distance of the North Atlantic seaports from western European points. But until we submit the situation to careful analysis we can get no adequate idea of how serious the difference is.

It takes 48 pounds of wheat to make a cubic foot, and 1¾ cubic feet to make a bushel. Accordingly, at 60 pounds per bushel, there are 33⅓ bushels of the grain in a ton. The amounts mentioned above as available in Australia, in India, and in Argentina reduce, on this basis, the first to 4,500,000 tons, the other two each to 3,000,000 tons. Multiplying each of these figures by the corresponding mileage, we discover that to move to Europe the wheat surplus of Australia would employ 56,250,000,000 ton-miles of shipping; of India, 36,000,000,000 ton-miles; of Argentina, 18,750,000,000 ton-miles. As a net result we have that in meeting the wheat needs of our allies from these quarters we would be obliged to use up 111,000,000,000 ton-miles of shipping.

If, on the other hand, we convert 350,000,000 bushels of American wheat into 10,500,000 tons, and ship this amount over the 3,000-mile route from Boston and New York and Montreal, we shall come off with an expenditure of barely one-quarter as much shipping—31,500,000,000 ton-miles, to be exact.

Comment is hardly necessary. Even the latter figure involves 3,150,000 miles of steaming by 10,000-ton ships, or 6,250,000 miles of service by 5,000-ton vessels—and the latter figure comes much nearer the average for the available bottoms than does the former. This is in itself a serious enough drain upon our resources; to multiply it by four would be quite out of the question. It would be out of the question if there were involved no element of exposure to hostile attack. But there is such exposure; and it is almost superfluous to point out that the danger zone is vastly wider for vessels approaching England from the south than for those sailing into port from the west.

It is true that we have no wheat left for export, save what can be got by reducing our normal consumption. But we can, in this fashion, get wheat; and we can not, in this fashion, get ships. So there is but one answer; we must save the wheat and ship it over the shorter and safer route to our allies. In no other way can they be fed; for multiplication of our available shipping by four is not merely inconvenient—it is impossible.

This shows we must furnish the wheat. Our great and beloved President, full of patriotism, will do all that is necessary to stimulate production. He knows the facts. We can trust him. Leave it to him. If it is necessary to fix a higher price, he will do it. To vote against what he has already done is to doubt him. You can not, you will not doubt him. If you do not, you will vote against all amendments and let us go back to conference. I am for the President and my country—are you? [Great applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. CANDLER of Mississippi. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. REAVIS. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LEVER. Mr. Speaker, I will ask the gentleman from Iowa [Mr. HAUGEN] to use some time.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. STERLING].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. STERLING of Illinois. Mr. Speaker, it seems to me that Congress made a very grave mistake when it started out to fix the price of farm products. I believe that it has been a failure. Every effort to fix prices of any commodities in the hands of the producer has been a failure, and I believe if this amendment as passed by the Senate is adopted it will fail of its purpose.

I have no doubt that if we had not attempted to fix the price of wheat a year ago there would have been a much greater acreage of wheat sown for the coming crop than there has been. Congress can fix the price of wheat, but it can not fix the worth of wheat. The worth of wheat is fixed by a law that is higher and more inexorable than any law that we can put upon the statute books. The law of supply and demand is just as infallible and just as inexorable as the law of gravity, and the Congress can not change it.

Now, if in fixing the price of wheat we fix it too low—that is, if we fix it at less than the wheat is worth at the time it is marketed, and no human intelligence can foretell at this time what wheat will be worth when the coming crop is marketed—if we fix the price of wheat too low, wheat will disappear from the markets. When we fix the price of anything too low, that commodity is bound to disappear from the markets. If we fix the price of wheat too low, the farmers will raise corn and oats and rye. If we fix it too high, then one of two things will happen. Either there will be no purchasers, or, if the people do continue to buy and consume wheat, then they are compelled by our act to pay more than it is worth, we have made them the victims of legalized extortion.

This question of value is not determined altogether by the cost of production. It is a relative term, and if the farmers can make more profit in producing some other crop than wheat at the price we fix they will produce something else; they will not produce wheat.

Two dollars and a half a bushel may be a very high price for wheat or it may be a very low price. When corn is 50 cents a bushel and rye and barley are 60 to 75 cents a bushel, then $2.50 is a very high price. It is much more than it is worth. When rye and barley are worth $2.50, then that would be a very low price for wheat. Under those conditions the farmer will produce rye and barley because it can be produced more cheaply. They are more certain crops and the yield is larger. Wheat would disappear from the market. We can not tell now what these commodities will be worth at harvest time, and, not knowing, we ought not to pass legislation that is bound to do harm either to the producer or the consumer of wheat. The farmer is entitled to receive for his products just what they are worth, no more and no less, and that is all he is demanding. He is willing to take his chance on the natural law of production and consumption. That position is entirely fair both to him and to the consumer.

Now, under the power we gave the administration, they undertook to fix the price of bran to help out the dairymen of the country, who were paying, it seemed to everybody, exorbitant prices for bran for their dairy herds. They fixed it, as I remember, at $27 a ton. The average dairyman can not buy a ton of bran anywhere in the country at $27 a ton.

Mr. KNUTSON. Forty dollars.

Mr. STERLING of Illinois. The price is $40 or $45. Wherever they go to buy they are told that the fixed price applies only to carload lots, and the average consumer of bran is paying from 30 to 50 per cent higher than the fixed price, and they are the people that were intended to be helped.

Now, I think if the law which we passed giving power to the administration to fix the price on certain commodities were administered along the line that it was intended to be administered by Congress, as I understood it would be administered and as everybody understood it would be administered, there would have been no attempt to fix the price of wheat or any other commodity in the hands of the producer.

The only time when the Government is justified in interfering with prices is when the price is monopolistic. There can be no monopoly prices of any commodity in the hands of the farmers. At no time can farmers fix a monopoly price on anything that they produce. The farmer never fixes the price of the commodity which he has to sell. The only time when the Government ought to interfere with the price of anything is when there is a monopoly. Now, it was thought by all of us, I believe, when we gave the administration the power to fix prices—at least it was so stated on the floor of this House, and Mr. Hoover said the same thing—that there was no intention to fix the price of wheat in the bins of the farmer. It was said that that should go to the market at what it was worth and what the market would pay for it, and that they would then undertake to regulate the price to the consumer by fixing the profit to the middleman. He is the man who may make monopolistic prices, and he is the man that we ought to seek to regulate. [Applause.]

I confidently believe the Food Administration would have proceeded along these lines if Congress had kept its hands off. If we had not fixed by legislation the minimum price of wheat at $2, the Food Administration would not have undertaken to interfere with the price which the farmer was to receive for his wheat. It would have permitted the wheat to flow from the farm to the elevator at just what it was worth, and it would have been more than $2. Then the administration would have said, under that law, to the middleman and the speculator that there shall be no monopoly; they would have said to these men, "You shall have a fair profit, and no more," and the flour would have flowed from the mill to the consumer at a less price than he has been paying. We should at least have given

them a chance to accomplish the purpose of the law as we intended it. We made a mistake when we fixed the price then, and we ought to correct it now by defeating this Senate amendment.

Mr. LESHER. I yield 10 minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, in the few moments I shall engage your attention I shall make no selfish or groveling plea for the American farmer. He neither expects it, desires it, or deserves it.

I repeat, in the few moments I shall consume on this $2.50 wheat amendment I shall not indulge in high-sounding phrases, silly flattery, or any vote-getting overtures to the American farmer. Such conduct on the part of Members here will neither deceive nor benefit the farmer. Neither will it beget his lasting friendship. His service in this great war entitles him to better treatment than to be cajoled, flattered, and held up as a patriotic screen between the Members of Congress and the fall election.

COMPARATIVE CROP YIELD PER ACRE IN BUSHELS AND DOLLARS.

The average yield of wheat per acre throughout the United States is 14 bushels. The average price of wheat per bushel under the Hoover regulation on April 1, 1918, was a little less than $2. Hence, with an average yield per acre of 14 bushels and an average price of $2 per bushel the yield in dollars per acre to the wheat grower would be fourteen times $2, or $28 per acre.

The average yield of corn per acre throughout the United States is 26 bushels. The average price throughout the United States on April 1, 1918, was $1.54. Hence, an acre planted to corn will yield twenty-six times $1.54, or $40.04.

The average yield per acre of oats throughout the United States is 36 bushels. The average price per bushel on April 1 was 89 cents. Hence, an acre of land planted to oats will yield thirty-six times 89 cents, or $32.

The average yield per acre of cotton throughout the United States is 160 pounds of lint cotton. The average price per pound on April 1 was 31.8 cents per pound. Hence, an acre of land planted to cotton by the farmer will yield one hundred and sixty times 32 cents, or $51.20.

Thus it will be observed that land planted to wheat will yield $28 per acre; corn, $40.04 per acre; oats, $32 per acre; and cotton, $51.20 per acre.

It does not require a philosopher, it does not require a logician, it does not require a Congressman or the combined judgment of a Congress to know that under this condition of affairs the farmer will plant the crop that yields him the largest return in dollars and cents. Hence, the regulation of the price of wheat, which was intended to stimulate and increase the production of wheat, has, in fact, stifled it; instead of assuring a high price to the farmer it has made certain a low price; instead of securing a big crop it has made certain a small crop; instead of supplying the world with bread it is denying it to the world; instead of wheat maintaining a value which will retain it as human food it has reduced the value until it has become stock food; instead of doing good, as was intended, it has done harm, as was not intended.

Mr. AYRES. And it is not too late yet to plow up wheat fields where the average will be 8 or 10 bushels to the acre and to plant that ground in corn, and so destroy that much of the wheat crop.

Mr. FERRIS. That is true, too, perhaps. I hope, however, no farmer will do that. Every hope that I have is that the farmer will be brave, will be self-sacrificing—will not only do his share but more than his share. Those at the front have the hardest time of it; we behind in all walks of life have the easiest time; they offer all; we behind the line, in the very nature of things can only offer a little. Let us all do that ungrudgingly, uncomplainingly. Let us all do our part and not expect the American farmer to do it all.

Mr. SHERLEY. Is it the gentleman's contention, then, that $2.50 is too little, and that we ought to fix the price at $3 or $4?

Mr. FERRIS. The gentleman can draw his own conclusion, and he does not embarrass me by asking that question. The figures, based on undisputed facts, will answer him more intelligently than I can, and more eloquently, as well.

Another thing, I have been told that it has been asserted hither and thither that even the farmers of America were not in favor of this increase. I do not know whether they are or not. The man who tries to quote anybody always does it at his own peril, but I have here a short letter from the president of the farmers' union. I do not know whether it represents them or not. He is their president and has been for a good many years. It is only a few lines, and I will read it:

WASHINGTON, D. C., *April 10, 1918.*

Hon. SCOTT FERRIS,
Washington, D. C.

DEAR MR. FERRIS: The question has arisen as to the attitude of organized farmers on the Senate amendment to the Agricultural appropriation bill, providing a price of $2.50 per bushel for 1918 wheat to the farmer. Personally I am in favor of the amendment, and know that more than 90 per cent of organized farmers are for it, regardless of location or what they raise.

Very respectfully,

C. S. BARRETT,
President Farmers' Union.

I repeat, I do not suppose Mr. Barrett either knows, or claims to know, all the wants of the farmer, but he does know a plain fact that everyone ought to know.

Mr. LEVER. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. LEVER. And yet Mr. C. S. Barrett was on the committee that fixed the price of wheat at $2.50.

Mr. FERRIS. That is very true. It is also true that Mr. Barrett did not have his way on the committee.

Mr. LEVER. The report of the committee was absolutely unanimous.

Mr. FERRIS. We often have unanimous reports that represent the views of very few of the men who are coerced to agree to them.

Mr. BAER. They fixed their price at $2.20 on a promise that they would get bread for 5 cents a loaf, and they have not gotten it yet, and they never will get it. They were promised that, but they were deceived.

WELL-MEANING MEMBERS OF CONGRESS FROM CITY DISTRICTS AND NONWHEAT-GROWING SECTIONS PURSUE SHORT-SIGHTED POLICY IN OPPOSING $2.50 WHEAT.

Mr. FERRIS. Members of Congress from city districts and nonwheat-growing sections are to-day opposing $2.50 a bushel for wheat. They do it on the theory that they are serving the consumer. Their purpose is well meaning, but, in effect, they are unwittingly betraying the consumer. They are supporting and advocating a policy that will diminish the opportunity of the toilers of the country to secure wheat bread at any price. Their course here to-day is one that will cause the 20,000,000 toilers of the country to pay a high price for corn bread they do not want, and render impossible of securement wheat bread they do want, at any price. Such a course while well intended will prove disastrous to the toilers they seek to serve; a discrimination and an unfairness to the farmer they seek to curb; and so far as I can observe render no good service either to producer or consumer.

AMERICAN FARMERS NOT DISLOYAL.

It has been hinted here and elsewhere, doubtless through lack of knowledge, or perhaps through political exigency, that the American farmer is less patriotic than the rest. This charge will strike no terror to the honest, patriotic farmer who is producing each year more than he himself consumes. This slanderous untruth heaped upon him will neither deter him nor disturb him in his patriotism to the country, his attention to duty, his continued tilling of the soil, and his undivided efforts to earn a livelihood for his family on the farm. It will not cool his patriotism, it will not retard his industry; it will only prove the lack of knowledge and the unworthiness of the charge made.

The more I think on the subject, the more I study the awkward working and operation of the law, the more convinced I am that the fixing of prices by legislative bodies on one commodity while all other commodities go free and unrestrained is economically unsound, if not entirely indefensible.

TOLL OF THE WAR HEAVY FOR ALL TO BEAR—ALL SHOULD CONTRIBUTE TO ITS SUPPORT.

The toll of the war has been heavy to endure. The end may or may not be in sight. We have seen our brave boys sent to the front to make their last offering in the cause of liberty; we have seen the tears of the mothers of the land anxiously bidding their boys a last good-by. We have seen our property burdened and taken by taxes. We have seen occasional American citizens disloyal to their flag and their country. Still amidst it all, and even if it be ten times worse, the six and a half million farmers of the Republic will go forward uncomplainingly with upturned faces in an effort first to serve the world; second, in an effort to feed the world, and the bickerings of the day will neither deter them nor interrupt them in the steadfast course of patriotism and service they have mapped out. [Applause.]

May we not, therefore, in justice this day humbly ask the Members from the city districts and nonwheat-growing sections to pursue no short-sighted and unfair policy to the American farmer? May we not, therefore, in justice appeal for your help to remove a burden and a regulation that has proven discouraging, disconcerting, uneconomic, and unworkable for the American farmer? The Republic has been so good to all of us, let us all in

turn be good to it. Let each one do his part, let each one make his sacrifice, let each one stand erect to duty the day that duty calls, but do not require any class of citizens to be singled out, regulated, and depressed, when to do so does not achieve the end sought.

The Nation wants wheat, the Nation must have wheat; the allies want wheat, the allies must have wheat. I will without quaver or hesitancy support any policy that will get wheat; I will without a tremor or a fear oppose any policy that will deny us wheat. Theories are good for debating societies. Practicability alone will stand the test of war. The Nation has a right to expect practicability of us. Nothing short of practicability will suffice, nothing else do our constituents ask or demand. [Applause.]

Mr. LEVER. Mr. Speaker, I yield to the gentleman from New York [Mr. LONDON] five minutes.

Mr. HAUGEN. I also yield him five minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. LONDON. Mr. Speaker and gentlemen, the fixing of the minimum price of wheat at $2.50 is wrong. The argument of the distinguished gentleman from Oklahoma shows the futility of the attempt to fix the minimum price of wheat at $2.50. If it is more profitable for the farmer to produce corn, if he can get $80 from an acre by producing corn, and with the increased minimum price he will get only $36 for wheat, it necessarily follows that we must increase his price somewhere near $80 to induce him to produce wheat. By his own figures the gentleman from Oklahoma showed that his argument is untenable. He can not get away from his own figures. The question addressed to him by the gentleman from Kentucky [Mr. SHERLEY] was to the point. If the farmer of Oklahoma could get $80 by producing corn and $36 based on a minimum price of $2.50, you will have no wheat at all from Oklahoma.

The claim is made that these measures are socialistic. They are nothing of the kind. The trouble with legislation of this kind is that it is the socialism of the fool. That is what it is. You can not take from one class to give to another. You can not take off a burden from one group and impose it upon the rest of the community. To do so is certainly not socialistic.

Mr. BLACK. Will the gentleman yield?

Mr. LONDON. No; I do not want to get into a controversy with the gentleman on socialism; I have only enough time to abuse and not to do anything more. [Laughter.] If the gentleman will get me more time, I will be glad to take it up. You can not fix the minimum price for a product so essential as wheat and refuse to fix prices for other necessaries without doing injustice to the great masses of the people. You must do one of two things. You must either permit the National Government to regulate the prices of all articles essential to sustain life or abandon the attempt to control the price of one article only. You can not attempt to fix arbitrarily the price of one commodity and leave everything else to chance. Every effort to fix prices arbitrarily for a few articles only has failed throughout the world. There is not a country which has succeeded; not even Germany has succeeded, and there is no place where the power of the State rules the entire life of the individual as it does in Germany.

When the old Russian Government tried to fix the price of grain the peasants refused to sell, preferring to lose it altogether rather than sell at what they thought a low price as compared with the prevailing prices for the things they had to buy.

It is impossible in the present flux of things to fix either a minimum or a maximum price. When you talk about the evil of profiteering you amuse me. Society to-day is based on profiteering. It is all profiteering. Business is organized for profit. You want a business man, a man who has something to sell to the rest of the world, you want him not to be inspired by profit and to be guided by the common weal. You want him to acquire a collective soul. He has none. He has not been trained to develop it. You have been telling him to go out into the world and get the better of the world if he can. Competition is your highest law. Individual against individual, group against group, class against class, all against everybody, everybody against all—such is the law of competition. To stop competition in one article and leave it unchecked in everything else is poor wisdom, indeed. Carlyle epitomized the situation when he said that out of the sum total of individual rascalities you can not produce a collective nobility. [Laughter.] Everyone for himself, although the world is on fire and whole nations are threatened with destruction. That is business, is it not? It is the law of business that you people support, you Republicans and Democrats. Not even to-day, when all the accumulated treasures of civilization are menaced with extinction, can the petty, commercial soul of the average man rise to the necessity of the hour. What you are trying to do is just to bribe a small group of society at the expense of the rest of the community by offering a specially attractive price.

The Government should be the exclusive purchaser of every article and product of the farm. The Government should have the power to determine what is a reasonable price. There is no other solution for it. The people must for once learn to act collectively, to act as a unit, as a people, not as an aggregation of petty, self-seeking, greedy individuals trying to devour the rest of the community. If this war will not teach them that elementary principle of the ethics and economics of cooperation, what will? The Government should be the exclusive purchaser of everything that the farmer produces, and the Government should sell it to the people at a price which will be suitable to the purchasing power of the masses. There is no other way out.

Mr. SHERLEY. Mr. Speaker, I should like to ask the gentleman a question.

Mr. LONDON. Very well.

Mr. SHERLEY. If, in the crucible of world war, with necessity forcing them, they are not able to rise above their selfish interests, how does the gentleman expect his socialistic state to exist in normal times, when the predicate of it is that you can get a collective unselfish conscience?

Mr. LONDON. If we would have men of the brilliancy of Mr. SHERLEY, of the ability of Mr. FERRIS, and of men of similar caliber take up seriously and earnestly the problem of industrial cooperation, if we could get them to see the moral and economic bankruptcy of the competitive system, we would not be up with our backs against the wall and with nothing but confusion in front of us. Then you would stop talking about the law of supply and demand as a natural law, an irresistible law, which can not be overcome. You would find that that law of supply and demand which you have been reading about in textbooks of economics of 30 years ago does not exist in fact.

There is no such thing as a natural, irresistible law of supply and demand, because every human act, every law, every incorporation of a new aggregation of capital, the action and interaction of new economic and social forces, modifies and changes the so-called law of supply and demand. There is no such natural law which is beyond the control of human agencies.

I do believe that we can out of this very fire, out of this very danger which faces the world, make a better humanity. Let us appeal to the better man, to his higher intelligence. If they do not respond, we must teach them to respond. We must teach them to subordinate their individual and selfish interests to the interest of the community. The truth is, that intelligent and enlightened selfishness must result in industrial cooperation and in coordination of effort. With the Government acting as the agent of the people, a way will be found to prevent exploitation in all branches of industry.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Speaker, will the gentleman yield me one minute more?

Mr. LEVER. I yield the gentleman one minute more.

Mr. LONDON. Mr. Speaker, I am opposed to this amendment fixing a minimum price of $2.50. I think it is bad class legislation. It should be left to the Food Comptroller to regulate the price of those products which are essential to the life of the people, not only the price of food but of every other article.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BLACK. If the gentleman thinks it should be left to the Food Administrator to do this thing, would not that give him the power to legislate by administering against a class just as much as if we passed a law?

Mr. LONDON. He would be compelled to take the interests of the entire community into account, and not the wheat producers only.

Mr. BLACK. Any more than the Congress would be compelled to do that?

Mr. LONDON. I would have him regulate the price not only of wheat but of every article that goes into the fixing of the price of wheat.

Mr. KNUTSON. What difference does it make whether Congress fixes the price or the Food Regulator does?

Mr. LONDON. It just makes this difference, that you fix a minimum arbitrary price of $2.50, while the reasonable price to-morrow may be $2.20. That is the difference.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FERRIS. I have a two-word amendment, which I desire to offer.

The SPEAKER pro tempore. The gentleman is recognized for one minute to offer his amendment.

Mr. FERRIS. I offer the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 22, after the word "eighteen" insert the words "and nineteen hundred and nineteen."

Mr. LEVER. Mr. Speaker, I reserve the point of order on the amendment, and I desire to say to the gentleman from Iowa that we will conclude in one speech.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of the section the following: *"Provided,* That hereafter it shall be unlawful for any miller, wholesaler, jobber, or retailer or other person to sell or offer for sale any rye flour, barley meal, barley flour, oatmeal, corn meal, or corn flour at a higher price than the price asked by such miller, wholesaler, jobber, retailer, or other person for wheat flour. Any person violating this provision shall upon conviction be fined not less than $1,000 or imprisoned not to exceed one year."

Mr. LEVER. Mr. Speaker, I reserve the point of order on the amendment.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, perhaps the most misunderstandable and exasperating thing that has occurred in this country during the whole administration of the Food Administration was the order promulgated some time ago requiring anyone who desired to purchase wheat flour to also at the same time purchase an equal amount of substitutes. Now, the fact of the matter is that the price of the substitutes is higher generally than the price of the flour, sometimes as high as $5 and $7 for 50 pounds when you can buy 50 pounds of wheat flour for $3.50 to $4. That has resulted in much dissatisfaction and, in my mind, injustice, and it grows out of the fact that we have undertaken to fix the price of wheat while we have not fixed the price of barley, rye, and corn. Therefore the millers in grinding corn, rye, and barley put their own prices upon the product, and when the consumers, the workmen of this country if you please, go to buy 50 pounds of wheat flour they are compelled to buy these substitutes at the same time and at a higher price. So the purpose of my amendment is to prevent that. It is to stop it and at least let the consumer have the substitutes for flour at the same price that he pays for the wheat flour, and in addition to that to encourage the growing of wheat rather than the growing of barley and rye and corn to be used as substitutes for flour.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. MCKENZIE. I will.

Mr. YOUNG of Texas. I would like to ask the gentleman if he does not believe if at this time in fixing the price for wheat at $2.50 a bushel and leaving the price of the coarser grains now as they are, will not that have the effect of at once jumping the price of those coarser grains?

Mr. MCKENZIE. There is no doubt about it. If we are going to permit the millers of this country to fix their price on these substitutes while at the same time you are arbitrarily fixing the price of wheat flour this condition which is intolerable is going to continue, and I hope that no man in this House will make a point of order against the amendment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, it is contended by those who are in favor of the Senate amendment that its adoption will increase the price of wheat 50 cents a bushel to the farmer. It is also contended that this will accomplish two things: First, it will stimulate the production of wheat, and, second, that it will prevent farmers from feeding wheat to their live stock.

It is idle for anyone to stand here on the floor of this House during the latter part of the month of April and contend that anything we may do now will stimulate or increase the production of this year's wheat crop.

Mr. AYRES. Will the gentleman yield just for a question?

Mr. GOOD. I have only five minutes and I can not yield.

But it is contended that our farmers are feeding their wheat in increased quantities to their live stock, and that to increase the price will prevent this practice and thereby save a great deal of wheat for human consumption. Because some irresponsible party made that statement before the Committee on Agriculture of the House does not prove the fact. I have before me the monthly report of the Department of Agriculture, which shows that during the month of March the Secretary of Agriculture sent out telegraphic requests for reports to ascertain the fact in this regard.

What are the facts as ascertained by him? Are our farmers feeding more wheat to their live stock now than formerly? No. According to this report they are feeding less wheat to their live stock than was formerly used for such purpose. This report shows, and I will append it to my remarks, that the farmers in Montana, where they are feeding a larger percentage of wheat to live stock than in any other State, are feeding only 7 per cent, and the farmers of Ohio are feeding but 2 per cent to live stock. But the interesting part of this report is that most of that fed is screenings and spoiled wheat, and a great deal of the wheat used in this way is fed to chickens and poultry. In Ohio 64 per cent of all the wheat fed to live stock is fed to the chickens and to poultry. And yet, on the strength of an unsupported and untrue rumor, gentlemen will stand here and contend that because of the low price wheat is being fed to live stock, and that this proposal to increase the price of wheat 50 cents a bushel will put a stop to this practice.

The answer is simple. The report of the Secretary of Agriculture conclusively disproves the statement, and even if it were true the increase in price would not stop the practice. Any practice of that kind should be summarily dealt with by the Food Administrator. He has power to limit the amount of wheat which a human being can consume, and will anybody contend here that he does not also have power to limit the amount of wheat which a farmer can use in feeding his live stock?

The increase in price of wheat will not, therefore, increase production, nor will it conserve that already produced. It will have one effect, and one effect only, and that is to increase the price of flour and of bread to the consumer. It takes practically five bushels of wheat to make a barrel of flour. You increase the price of wheat to the miller 50 cents a bushel, and you increase the wholesale price of flour to the consumer by at least $2.50 a barrel, to say nothing of a return on this increased cost.

Some of you may feel that you will hear from the wheat farmer in November if you do not support this amendment for an increase in the price of wheat. But my opinion is that more of you will hear from a consuming public that must buy flour and bread if you, without cause, arbitrarily raise the price of this prime necessary of life. When you come to explain to the consumer why you voted to increase the price of wheat to the farmer by 150 per cent over the average price of 10 years before the war, what will be your excuse? In normal times the average person consumes about a barrel of flour a year, and it is easy to compute how much the increase of 50 cents per bushel will mean to the average family, and it is also easily understood what the consumer's interest is in this legislation.

It is unquestionably true that the cost of production on our farms has been largely increased since the outbreak of the war. Everything which the farmer must buy has been increased in price, but I submit that the increased price of wheat which the farmer is guaranteed for his product is more than sufficient to cover the increased cost of the things he must buy.

In this connection it should be remembered that many of the wheat farmers—I was about to say a majority of them—are tenant farmers. They grow wheat by a system commonly called "on shares"; that is, the man who farms the land gets a part of the crop and the man who owns the land receives as his rent a part of the crop grown on the land. Everyone at all informed on this situation knows that our tenant farmers this year on wheat farms are farming on exactly the same basis that they farmed last year, so far as crop rent is concerned. The tenant furnishes all the labor, the machinery, and as a general rule all the binding twine, and so forth. He bears all of the expense and must pay all of this increased cost of production. But the landlord, who, as a general rule, bears none of this increased cost, comes in as a profiteer and receives an unfair and unjust profit during the war for the use of his land. If it is true that the cost of production to the wheat farmer is not fully provided for by the guaranteed price, then the tenant should force a modification of his lease and receive a larger share of the wheat which he raises.

Mr. CANDLER of Mississippi. The gentleman has had some personal experience, has he not? He raised some wheat himself?

Mr. GOOD. Yes; I raised some wheat last year, and it was a very profitable undertaking, notwithstanding the fact that the hail took half of the crop, and for a time the indications were that the drought would take the rest. Notwithstanding these discouragements, my experience was that wheat farming was more profitable than raising corn.

Mr. Speaker, the guaranteed price for wheat to-day is $2.20 per bushel. Not content with that, the Senate amendment fixes it at $2.50 per bushel, and then provides that the Government must pay the freight from the local elevators to the various points of shipment, which amounts to about 20 cents per bushel.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I have only five minutes.

Mr. DILLON. Will the gentleman state how many farmers of Iowa produce corn per year?

Mr. GOOD. I have not that information; and what is more, that is not a pertinent inquiry anyway. The average price for wheat for a 10-year period before the outbreak of the war was 96.2 cents per bushel. The Government has guaranteed a price of $2.20 per bushel, an increase of almost 150 per cent. And the effect of the Senate amendment for which we are called upon to vote would increase the price 30 cents per bushel and compel the Government to bear the expense of the freight allowances, averaging about 20 cents per bushel more, which would mean a guaranteed price at the primary markets of practically $2.70 per bushel for wheat.

Let us be fair in dealing with this amendment, not only to the man who raises wheat but to the man and the woman who buys wheat and bread. Do not be deceived. The man that does not raise wheat, the man who lives and supports his family by his day's labor, as well as the man who supports his family by his mental ability, is as much and as deeply interested in the cost of living as is the man who raises wheat.

The average wholesale price of spring patent flour at New York for five years before the outbreak of the European war was $5.22 per barrel. The wholesale price of flour in wood during the month of February this year was $12.30 per barrel. Adopt this amendment and the retail price of flour to your consumers and mine, who are just as much interested in what we do to-day as is the wheat farmer, will not be less than $15 or $16 per barrel. I represent almost wholly an agricultural community. I am interested in the prosperity of that community, and certainly would do nothing to retard the progress of the farmer or to deprive him of his legitimate profits. But I want to say to you that if we are to win this war we must commence to think of something besides profits. We must commence to think a little of sacrifices. [Applause.] This House opposed almost to a man the profiteering on the part of real estate men in the District of Columbia, whom we were told were profiteering to the extent of 100 per cent. Strange to say that many of my colleagues whose sense of justice was outraged by the discovery of this profiteering of 100 per cent in rents now favor a profiteering on the part of the wheat farmer to the extent of 150 per cent. The farmers are not asking for this, and the demand for it in their name does them a great injustice. They are opposed to profiteering in all its forms at this time, but the Senate amendment makes the wheat farmer the chief offender.

We will not win the war that way. We will win the war when all of us commence to think of sacrifices and cease to seriously consider the demands of unreasonable profiteers, for these excessive profits only add to the problem of our Government and to the burdens occasioned by the increasing high cost of living. [Applause.]

APPENDIX.

[From Monthly Crop Report published by authority of Secretary of Agriculture, March, 1918.]

A special telegraphic inquiry was made under date of March 2 to the field agents of the Bureau of Crop Estimates in the 15 leading wheat-producing States concerning the amount of the 1917 wheat crop fed to live stock.

The responses show that the amount of wheat fed to live stock is less than in former years, except in a few States or sections where there was difficulty in obtaining other feedstuffs.

The highest figure reported, 7 per cent, was from Montana, where in some sections feeding of wheat was necessary to prevent live stock from starving. In Oregon 6 per cent was fed. These two States together account for about 2,000,000 bushels thus fed. Washington reports 4.5 per cent, being 1,500,000 bushels against 2,300,000 usually fed. Moderately heavy feeding in western and west central Texas and Oklahoma, in sections where other crops were almost a total failure, in order to save live stock, has required about 800,000 bushels in the former State and 900,000 in the latter, being 5 per cent and 2½ per cent of the total crops of those States. Something over 1,000,000 bushels has been fed in North Dakota, about 2 per cent of the crop. Ohio has fed less than a million bushels, and less than 2 per cent of its crop. Pennsylvania reports almost 1,500,000 bushels, or about 6 per cent of the crop.

The remaining States report very small quantities of wheat being fed. It appears that the total quantity of wheat fed to live stock will not exceed 2 per cent, and that the sound wheat fed is probably within 1 per cent of the crop. A large part of the wheat fed is inferior or musty grain unfit for milling. A considerable amount of it represents the screenings from seed wheat. In Ohio it is reported that 49 per cent of the wheat fed was of grades 1 and 2, 15 per cent of grade 3, and 36 per cent of grade 4—screenings and spoiled wheat. Sixty-four per cent of that was fed to poultry, 26 per cent to hogs, and 10 per cent to other animals.

Except in some of the Western States named, the principal consumption of wheat fed has been to poultry.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, I do not like the element of speculation in this proposition. I do not like the element of price fixing, because if price fixing is to prevail we must go to other extremes with it.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Will the gentleman join with me in a motion to prevent anybody fixing the price of wheat in this country? We will have a unanimous vote in this House and the farmers will have much more for their wheat.

Mr. MOORE of Pennsylvania. I am not in favor of price fixing as a policy. I do not see how we can fix the price of wheat without fixing the price of cotton. [Applause.] I do not see how we can fix the price of wheat without also fixing the price of labor; and I venture to say that no friend of labor in this House will stand for a legislative enactment fixing the price of labor. Organized labor would not stand for that.

Why should we make the situation worse than it is? Congress has not yet fixed prices. It has authorized the President to do so, and he has done so as to wheat. But this ought to be the first and the last of it. Instantly we begin this scheme of price fixing the element of speculation steps in, and the man who gets so much this year will demand of the legislature that he shall get so much more next year and so much more the next. There will be no stopping when this proposition gets in full swing.

People who are skillful in the manipulation of prices and markets take advantage of the opportunity to make money under the price-fixing system. This price fixing was done for war purposes; but, even so, there is speculation in it. It necessitates the Government sending agents out to find out whether or not the law against hoarding is being enforced, resulting in reports that the law is being evaded.

I have in my hand a number of clippings on this subject. There are so many of them that I will not attempt to read them to you, but they show just how the human element of speculation crops out. Here is a paper published in my own State, announcing that large quantities of wheat are found stored on the farms. For what reason? To get higher prices. They will not sell now, because, perchance, sooner or later, the Government will fix the price higher and the producer will get more for his wheat. Therefore he does not sell now. Meanwhile the war is going on. The demands from the allies are coming in. Our own people are suffering from high prices, although there is plenty of food. Here is an article from the Evening Star of Friday, March 8, headed:

Farmers holding vast wheat stocks—10,622,000 bushels more on farms than for same time last year. Corn also held back. Speculators waiting for a rise in prices.

Yet people suffer for want of food on the other side and consumers suffer for food here. It is higher prices we are after.

March 31 appears this in one of the Washington papers:

Farmers pay little heed to appeal made for wheat. Mr. Hoover's appeals to the farmers in vain.

Human nature. I am not inveighing against the farmer; but he knows that the price of wheat is fixed, and he knows that if he has plenty of wheat and he can prevail upon his Member of Congress to get the price of wheat advanced he will get a higher price for his wheat, and he does not sell. Those of us who are consumers in the large cities of the country go without the wheat and our allies over yonder go without it.

The spring wheat crop will be the biggest since 1911 record—

Says one of the papers here in Washington the other evening.

Reports from all over the Nation show farmers responding to appeal for increased acreage.

I hope that is so. And then comes this:

North Dakota. Wheat ordered sold in a month.

Why? Are they holding their wheat?

Announced by the State food administrator to-day in an official order—

And this is dated April 13—

that wheat will be seized if not sold before a certain date.

In other words, there is wheat, but those who have it will not let it go. The Government actually proposes to seize the wheat if those who have it will not sell.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask for five minutes more.

Mr. HAUGEN. I have but 10 minutes left, and I have four requests for time. I ought to give those 10 minutes to the other four Members.

Mr. MOORE of Pennsylvania. How much time will the gentleman give me?

Mr. HAUGEN. I have just 10 minutes left against the proposition, and I have four more requests for time.

Mr. MOORE of Pennsylvania. I ask for two minutes.

Mr. HAUGEN. I yield to the gentleman two minutes.

Mr. MOORE of Pennsylvania. There is much information like this coming to the front all the time. I have taken the trouble to make some inquiries in my own State with regard to the price of wheat. I find the Commercial Exchange, with which I would like to agree, favors the fixing of the price. These are the business men who deal with the producers. One of our leading flour concerns, however, writes me against the fixing of the price. They are in touch with the consumers—and I also hear from the consumers. They see the retail price of flour going to $14 a barrel. This letter is so pertinent that I insert it here in full:

PHILADELPHIA, PA., *April 16, 1918.*

HON. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: We understand discussion of the advance of price of wheat from present $2.20 per bushel to $2.50 per bushel basis price will take place at an early date.

We believe that such an advance is unwise and would ask you to vote against it, because—

(1) It will discredit and hamper the work of the Food Administration.

(2) It will result in the hoarding of whatever wheat now remains upon the farms.

(3) It will make the retail price of flour to the consumer about $14 per barrel

The present outlook for the wheat crop is excellent. With 42,170,000 acres of winter wheat sown, the indicated yield is 560,000,000 bushels winter wheat. (Government crop report, April 8, 1918.) Reports from the Northwest state seeding there practically completed to large acreage. With only fair and average conditions, this should add not less than 250,000,000 bushels spring wheat, or a total of 810,000,000 bushels.

This wheat crop was undertaken and planted by the farmers under the guarantee of $2 per bushel price for the 1918 crop.

Can not see why it is necessary to turn over to the farmers now a subsidy of over $400,000,000 for supposed purpose of increasing a crop that is already planted and can not be greatly increased at this late date.

Further believe the price of wheat was impartially fixed by a representative committee of the consumers, laboring men, and farmers. Why should the consumer be so heavily taxed at this late date?

We hope for your favorable consideration of this question.

Yours, truly,

SAMUEL BELL & SONS,
By C. HERBERT BELL.

What are we to understand from this testimony? Is there plenty of wheat? Was it planted this season with the understanding that the farmer was to stand pat on prices? Is the farmer holding out now against his own agreement with the President. If so, the consumer must be taken into consideration. My constituents are consumers of wheat and they are paying heavily for what little they get of it. I do not want to put heavier burdens on them except it be to win this war. I am not persuaded at present that this increase in the grain price is a war measure. I do not believe the President thinks it is.

I am told the President is not for this proposition. I am told the Secretary of Agriculture, who ought to know the facts, is not for it, and I am quite sure the consumers are not for it. I want to treat the wheat producer fairly, but I do not think he should have an undue advantage over those who consume his products, whether in this land or in our service across the seas. [Applause.]

Mr. LESHER. I yield five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Speaker, I agree with the gentleman from Iowa and others who have expressed the idea that this war time is a time for rigorous sacrifice upon the part of the people; but we who are from those sections that produce the wheat, we from those sections that are agricultural, contend that we should not be the only ones to be required to make sacrifices. The gentleman from Pennsylvania [Mr. MOORE] read that much wheat was being held in the hands of the farmers. The Department of Agriculture states that the amount in elevators is lower than for years. The claim that large amounts are in farmers' hands has no foundation in fact. On the contrary, farmers are forbidden to hold wheat, and they obey the law and regulations of the Food Administration. I will say that no product in the United States except wheat is being required to be sold by those who hold it, or else subject them to punishment. In the State of Nebraska the farmers are being notified, and the gentleman from Pennsylvania referred to the fact that also in South Dakota the farmers are being notified by the Federal Food Administrator that they must sell their store of wheat immediately, retaining only that which they require for seed next year, or subject themselves to punishment. Men who have been holding crops are being haled into court and subjected to the law and to punishment because they have refused to sell the products of their labor. There is no other product that is produced in America that is subject to that sort of penalty. Great profits are being made by other men in other lines of business. The cotton producer is not being told that if he does not sell his crop, the product of his labor, he will be put in jail, and he is not being told that he must retain only enough for seed for next year. Tremendous profits are being made by people in the State of Pennsylvania out of this war, but they are not being threatened with prosecution if they do not sell at once at a fixed price the product of their labor.

Mr. AYRES. The corn producers of Illinois and Iowa are not subjected to that either, are they?

Mr. SHALLENBERGER. No. There are two things that the farmer has to sell to this Nation, upon which the price is being fixed. Those two things are the wheat, and the mules and horses that he has to sell. The farmer is receiving no benefit from the fact that the United States Government is purchasing 500,000 horses and mules. The only market he has is the Government, and the Government has fixed the price arbitrarily. Prices have been fixed on wheat. The only thing upon which the price has been arbitrarily reduced since war was declared is wheat. Everything else has been advanced.

The price of leather has advanced 200 per cent and nobody threatens prosecution. Locomotives have advanced 200 per cent in price to the Government, and enormous profits made upon them by the people in the gentleman's own city in Pennsylvania. Rifles have advanced 300 per cent in price to the Government, and nobody threatens prosecution. Cotton has advanced 200 per cent; harness, 200 per cent; wool and woolens, 300 per cent. Farm machinery has been advanced 100 per cent and nobody is threatening prosecution because of that fact.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SHALLENBERGER. I can not yield. I have here a letter from a merchant in Nebraska calling attention to the fact that the Federal Trade Commission states that the packers of the United States are hoarding 147,780,271 pounds of hides, holding up the price and the public. The price of hides to the farmer is reduced 300 per cent, and shoes advanced 200 per cent because the Government will not purchase any leather except from the packers' hides. The public is being held up and no one is punished for that monopoly.

I agree with the gentleman from Illinois [Mr. STERLING] who says that interference should only be had when a monopoly exists. No monopoly is possible upon the part of wheat farmers. When I asked the gentleman from Ohio who it was that fixed the price of wheat he replied the President. Everyone knows the President only acts upon the advice and information furnished him by the Food Administration. I am willing to take the gentleman's definition of the intelligence of the men on the Food Administration and the ones who advised the fixing of the price. The only reason that could be given for it was to stimulate production and at the same time to reduce the price to the consumer. As the gentleman from Nebraska [Mr. REAVIS] stated, that is an impossible thing to do. We have not stimulated production. The report of the Agricultural Department claims there is 1,000,000 acres increase in winter wheat, but when the returns come in it will result that with the losses from weather and other conditions there will be an actual decrease in production. As the gentleman from Illinois [Mr. MCKENZIE] stated, because of the advance in the prices of the substitutes which the Food Administration requires us to purchase, the flour price to the consumer is higher now than before it was regulated.

The letter which I will include in my remarks shows that the man in town, the laboring man, has to pay an advanced price of 100 per cent for his flour because he has to buy substitutes, that have gone up 200 per cent, that are not regulated. The final result of all this regulation has been to diminish the production of wheat flour and to impose a sacrifice upon the farmer that nobody else is asked to make.

It has been said that this price is only the price for the next year. Gentlemen, when we began to buy money for the war we started out to buy it at 3½ per cent per annum. It did not come fast enough and we raised it to 4 per cent. Then we raised it to 4¼ per cent. Does anybody think that if we have to buy money next year that it will be any cheaper than it is now? Does anybody think that if we fix the price at $2.50 a bushel it will be any cheaper next year? You will never lower the price of wheat during the period of the war. You fix the price at $2.50 and you fix it for the war and every farmer knows it.

The report of the Federal Trade Commission which is just published shows who is getting the increase of profits out of the flour produced in this country. This report states in its summary of conditions:

The average cost of production of flour increased somewhat during 1917, due chiefly to the advanced cost of wheat, while operating profits per barrel increased 175 per cent. Expenses of flour distributors and middlemen increased somewhat, while their profits, both gross and net, show a very large increase, several large car jobbers showing an increase of more than 125 per cent. The average net profits of small-lot jobbers showed a similar increase.

This report shows that middlemen and millers are permitted to make largely increased profits, while the farmer, the producer of the raw material, is permitted no increase in price over that received in 1917, although his expenses have greatly increased.

We give everybody else the inspiration of war profits upon war material and deny it to the farmer and say he must perform his part for patriotism alone. Why should we require him to take a lower price for his product than the market before regulation was established and require it of no one else? The farmer is patriotic always, and only asks a square deal with every other business. [Applause.]

GUIDE ROCK, NEBR., *April 1, 1918.*

Hon. A. C. SHALLENBERGER,
Representative of Fifth District of Nebraska, Washington, D. C.

DEAR SIR: I take this opportunity to write you in reference to the flour and substitutes, of which there is a great deal of complaint. It is costing the most of us around $8 to get a sack of flour. The 48-pound sack of flour costs $3; corn flour and barley flour sells over our counters at 10 cents per pound; corn meal, 6 pounds, 40 cents; 12 pounds, 75 cents; oatmeal, 9 cents per pound. The farmer can take 2 bushels of corn to the mill and get it ground and bolted for 30 cents; so he gets his meal at about 3 cents per pound. He gets a statement from the mill of his having the meal made and can present this at the stores and get 2 sacks of flour, at a total cost of about $9 for 200 pounds of flour and meal. The average laboring man and common folks in town can not do this. A number of my customers have told me that it cost them $8, as above stated.

Last week two farmers of Nebraska were indicted at Lincoln, Nebr., for allowing 500 or 600 bushels of grain to spoil. Then, how about the distillers, who rot a million bushels of grain each year to make liquor? Our Federal Trade Commission recently made a report to Congress finding that the packers of the country were hoarding 147,780,271 pounds of hides, which is a gain of about 60 per cent of this holding of hides. Now, at the same time, imports of hides was 70 per cent greater in 1917 than in 1912. There is a great deal of complaint along these lines. It looks as if there should be more price fixing than on wheat alone, and that our Government should confiscate these hoarded hides and make shoes for your boy and mine.

Yours, truly,

JOHN S. MARSH.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LESHER. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, there could have been but one reason and one reason alone for fixing the price of wheat—to reduce the cost of bread to the consumer. When wheat was selling at $2.65 to $3.46 a bushel the price of bread was 5 to 6 cents a loaf, possibly some places 8 cents. To-day it is 10 cents a loaf and not two-thirds of it is wheat. The price of bread is higher to-day than it was when wheat was selling at $3.46 a bushel. The way to reduce the price of bread is to increase the amount of wheat that is produced in the country. And you can not increase the production of wheat by reducing the price to the producer. You can not increase the zeal of the farmer to produce wheat by reducing the price of wheat below the cost of production or below the cost of producing oats, corn, barley, and other farm products.

Let me give you an illustration. A year ago potatoes were very high, beyond the pocket of the average consumer. The price was not fixed by the Food Administrator or by the President. It was left to the law of supply and demand. The farmers proceeded to take advantage of the high price of potatoes and produced potatoes, and to-day potatoes are within the reach of all. There was a large production because of the attractive prices offered for potatoes. Do the same thing with wheat, and you will increase the production of wheat and reduce the cost of bread to the consumer, just as the farmers by increasing the production of potatoes have reduced the cost of potatoes to the consumer. [Applause.]

But aside from the question of increasing wheat production by stimulating it, there is no more reason for fixing the price of wheat, which is a daily necessity in every family, than there is for fixing the price of cotton, which is a daily necessity in every family—not a bit. No one here says that cotton shall be 18 cents a pound. There would be a revolution on the Democratic side of the House if we were to undertake to fix the price of cotton. Many of you are in favor of fixing the price of wheat, however, and why?

Mr. AYRES. There would be a revolution on the Republican side of the House if we were to undertake to fix the price of corn, too.

Mr. CAMPBELL of Kansas. Yes.

Mr. AYRES. I am in favor of fixing the price of both cotton and corn.

Mr. CAMPBELL of Kansas. I am not in favor of fixing the price of either. I am in favor of giving the farmers who produce cotton and corn and wheat the benefit of the law of supply and demand.

Mr. AYRES. I mean to say that if we fix the price of anything, we should fix the price of all things.

Mr. CAMPBELL of Kansas. Oh, yes; I understand my colleague now. If we fix the price of one thing, then we should fix the price of all farm products. [Applause.] I agree with my colleague from Kansas. There is no reason why wheat should be selected and an arbitrary price fixed upon that. I shall vote for this amendment if I can not have an opportunity to vote to give the farmer the opportunity of getting all that his wheat will bring upon the market, just as he gets for his corn and barley and oats and potatoes all that they will bring, just as the southern farmer gets all that his cotton will bring. I do not understand why the farmer who produces wheat should have been selected and the price fixed and nothing said about the price of cotton and oats and other farm products or the hundred and one things the farmer buys. There is absolutely no hope to the consumer of reducing the price of bread by fixing the price of wheat at $2.20 or $2.50 while you leave the price of everything else as it is. When the price of wheat was fixed at $2.20 it was selling at $2.65 to $3.46. At that time, as I have said, white-flour bread was selling at 5 to 8 cents a loaf; shorts, a wheat product, was selling for $2.25 a hundred. Now the price of shorts is $2.75 to $3 a hundred, and bran is more than that. As no one can show any good purpose that has been served by reducing the price of wheat and fixing it at $2.20, the price should be increased or, better, wheat put along with other products where the law of supply and demand fixes the price.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection.

There was no objection.

Mr. KREIDER. Mr. Speaker, I have carefully listened to the arguments presented on the proposition before us, namely, whether we shall agree to the Senate amendment fixing the price of wheat at $2.50 per bushel or leave the matter as it now is in the hands of the President and allow him to fix the price as he may see fit. I wish to say that, in my judgment, it is a mistake to fix the price at all; I believe that it is a mistake and will not result in increased production.

This whole price-fixing proposition is based on the fact that the Government desires to stimulate the production of wheat, so we may raise not only enough for our own use, but enough to supply our allies.

The raising of a sufficient amount of food products is a gigantic and far-reaching proposition, affecting both producer and consumer; in fact, it affects every man, woman, and child in this country, as well as the countries of our allies who are depending at least in part on us for their food supplies, and is therefore worthy of our most careful and serious consideration.

In my judgment, the proposition to fix the selling price on any article, whether it be a food product, grown on the farm, or an article manufactured, when it is impossible to ascertain the cost, is fundamentally unsound, and only leads to disappointment and confusion.

Mr. Speaker, I contend that if the Government wants to go into price fixing on farm products, on one commodity, it should fix the price on all products of the farm, but before this is done—in fact, before it can be done intelligently—we must first ascertain the cost of production and, unfortunately, it so happens that the cost of production of farm products can not be ascertained until after the crops are harvested for the simple reason that we have no way of knowing what the yield will be per acre. It may be in the case of wheat that we will have a yield of 5, 10, 20, 30, or even 40 bushels per acre. We all know that should the yield be less than 10 bushels per acre the cost of production will be over three times as high as it will be if the yield is over 30 bushels per acre. In addition to this, we do not know what the labor cost will be; nor the cost of fertilizer, binder twine, nor any other expense connected with the raising of wheat. The cost of production, as I have said before, is determined entirely by the yield.

Again, I am firmly convinced that it is a mistake for the Government to attempt to control prices or values by legislation,

and I seriously question whether this bill, regardless of whether the amendment is agreed to or not, will have the desired effect, namely, that of stimulating production of wheat. In fact, in my opinion it will have directly the opposite effect. It is true that we are depending upon the patriotism of the farmer to raise wheat, because we need it to prosecute the war, but when he figures out and knows by experience that he can make more money by raising corn, barley, oats, or rye, it is only reasonable to suppose that he will cut down his acreage of wheat and raise more of the other cereals.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. KREIDER. Yes; for a question.

Mr. GOOD. Is not the gentleman aware that it was the Senator from North Dakota who, in the interest of a wheat grower, secured the adoption of the amendment guaranteeing the price of $2 last year?

Mr. KREIDER. I think that is true, but that does not prove that the Senator from North Dakota may not have been in error and made a mistake when he did so. I believe that the Congress was justified in the passing of the food-control bill last year upon the basis that it prevented the allies going into the open market and bidding up the price of American products. In that regard, and in that only, it was justified. However, the fixing of the price of any one farm product without fixing the price of others, especially those used in wheat productions as well as those that might be used as substitutes, is a very unfortunate blunder. It is unscientific and can not be justified upon economic grounds. The fixing of the price of wheat last year was done because it was believed that unless the grower could be assured a stable price he would not increase the acreage. The Government therefore fixed the price for this year's crop in order to secure the planting or seeding of a larger acreage. When this price was fixed, it was fixed on a comparative basis, and it was thought that the price was sufficiently high to guarantee a maximum amount of acreage. We have now one year's experience. The result is that the prices of other crops have advanced, so that it is more profitable now for the farmer to raise other crops rather than wheat, and this, in my judgment, will unquestionably result in a decreased acreage for wheat when seeding time comes in the fall of 1918.

It is perfectly foolish for men to stand on the floor of this House and appeal to the patriotism of the farmer and insist that he shall grow wheat, when he can raise other crops that in his judgment are far more profitable. There is no question about the good intention of the Government; but, unfortunately, good intentions do not always bring results, nor will they solve our problems. Possibly six or eight months ago the Government told the farmers of the country and the people that they should raise all the beef and pork possible. They inaugurated meatless days, and advised the conserving of fats, oils, and so forth. This request was complied with to a very large extent. Many farmers bought large quantities of steers last fall that were thin in flesh and fattened them during the winter months, and added from 300 to 500 pounds to the weight of each steer. When they came to sell them this spring, however, they found the market glutted with cattle and beef, and the result was that when they had sold their cattle and took account of the cost of the cattle, the cost of the feed, they found that they had received less than one-half for their corn and other feed than they could have realized by selling the grain. No sane man will contend that farmers will continue to do this year in and year out. The same is true of hogs. There is practically nothing that the farmer can buy or feed to his hogs which will enable him to get his money back when the hogs are sold. In fact, the price of the coarser cereals has advanced to such a point where many farmers, especially in isolated districts, have found it more economical to feed wheat to their live stock than to buy other grains or feed. The Government reports would indicate that the feeding of wheat has been practiced rather extensively and that millions of bushels of wheat have been fed to live stock and have not been conserved for human food.

I know there are those who contend that the fixing of the price of wheat is absolutely essential in order to protect our workingmen and wage earners from paying abnormally high prices. I think this is a mistaken idea, which can also be proven by present conditions. We all know that the Food Administration has restricted the sale of flour and no householder can buy flour unless they buy an equal amount of so-called substitutes and these substitutes have been advanced so that the price on those is out of all proportion to the price of flour, and yet they are compelled to buy them or do without flour. My contention is that it would be cheaper for the consumer to buy what he wants and needs, even though the price on that one commodity was a little higher than to be compelled to buy, at an exorbitant price, the things he does not need and does not want. [Applause.]

Mr. Speaker, the truth is that we have no settled program; we are drifting about in a slip-shod manner with no definite object. In my judgment, the Government should now give the agriculturists of the country an idea of the crop requirements for 1919—it is too late for 1918; should give the requirements for beef for 1920 and 1921, and dairy requirements for 1922. To follow the policy we have been following, a hand-to-mouth, makeshift proposition, is a mistake. We must have a program consistent, thought out, and with a vision of the future. We have passed through the first year, the second year's campaign is already either won or lost, and the campaign for the third year opens with this fall's plowing and planting of winter wheat and crop planting for 1919. If the Government and the country are satisfied with the results and with the sidestepping, cross-firing advice, illy digested council, and so forth, we, of course, have nothing further to say; but in my judgment the time has come when this program should be replaced by a program that is plain, clear, and straightforward; and in order to have such a program we must have men to formulate this program who are not only patriotic and who can be trusted, but they must be men who know the problems they are supposed to solve. Men who can see and have a true vision beyond the narrow limits of one growing season; men who can realize the need of a far-reaching program; men who have the strength of heart to call the farmers of America into council and let them share in the preparation, even as they must and shall share in the final victory which we all hope and believe we shall achieve.

Lawyers, statisticians, and college professors and college presidents are no doubt patriotic men, but they lack the essential qualifications and actual business experience to outline a program such as I have referred to.

When I see statements made by men high in official positions and articles written on the subject of farming in which they give advice and make suggestions, I am tempted to believe that all that they know about farming they learned by looking out of a Pullman-car window when they were riding upon a train going to Florida for their winter vacations and then, added to this valuable knowledge thus gained, by repeating the performance when they went to Maine or the seashore to spend the hot summer months, at the very time when the farmers to whom they were giving their valuable advice were harvesting the crops and were providing for the Nation's requirements. If, in conversation with some of these men and speaking of a well-known strain of live stock, you should mention the word "Holstein," they would not know whether you were referring to a breed of horses, cattle, hogs, or chickens; and should you speak of "Berkshires," they would probably think you were talking of a breed of dogs, sheep, or geese, or possibly cats. [Applause.]

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. KREIDER. I will.

Mr. YOUNG of North Dakota. I understand the gentleman represents a district which is largely a consuming district, and yet, I assume, he is now speaking from a national viewpoint.

Mr. KREIDER. I wish to say to the gentleman that I represent a district which contains a large consuming population; some of the largest manufacturing interests in the country, are located in my district; the greatest railroad on earth has its division headquarters in my district, and yet, at the same time, my district contains the richest agricultural lands in the United States. The Lebanon Valley, the Cumberland Valley, and the Lykens Valley are known throughout the State and even throughout the United States for their fertility of soil, but more particularly because of the scientific, up-to-date farming that is carried on. However, I am not viewing this matter from a sectional viewpoint, nor from a political viewpoint; my desire is to do what I can to assist in perfecting legislation which will produce the best results for the Nation as a whole.

Mr. Speaker, the time has come when we need to sink all political or sectional pride and everyone of us throughout the entire country stand together shoulder to shoulder for the winning of this war. I believe that we have been entirely too optimistic; I believe the attitude of the Government has been too optimistic; there are too many people in the country to-day who are taking it as a matter of course that we are going to win this war. The idea that there is a possibility of losing the war has never entered their minds. They simply feel that it is unthinkable, and no matter how many blunders are being made the war is going to be won just the same.

I, too, believe that we are going to win this war, but I also believe that by standing together and all interests standing by

the Nation and every individual doing his utmost will result in winning the war in the quickest possible time, with the least possible loss in life and treasure.

In short, we simply must stand together, and the quicker we realize this the better it will be. We have to-day too many slackers—yes, I may say traitors—in this country. In my judgment the time has come when any individual who for private gain will hold up or in any way retard the production, the manufacture, the mining, or the transportation of those things needed by the Government for the prosecution of the war should be regarded as a traitor to the country, and any individual, firm, or corporation who will refuse to manufacture goods needed by the Government simply because the profit is not satisfactory is a traitor and should be prosecuted as such and made to pay the penalty prescribed for treason. [Applause.]

I do not desire to say a single thing against the Government, but I do say that we must become more efficient, and the authorities must sooner or later come to the point where they will call to their aid men with experience and practical knowledge of the things they are to control. College presidents, professors, and theorists and scientists have all, no doubt, their missions to fulfill and duties to perform, but why they should be called to handle gigantic business propositions without an atom of practical experience or a scintilla of evidence that they know anything at all about it is more than I can understand.

It is, however, very gratifying indeed that we can see signs of awakening along this line, and the appointment of Charles M. Schwab as the Director General of the Emergency Fleet Corporation and Shipping Board a few days ago is one of the signs. It happens to be my good fortune to be personally acquainted with Mr. Schwab, and I want to say in my judgment it will be hard to find a man with a clearer mind or one more energetic and resourceful or one who has had more experience in handling propositions of gigantic proportions. I want to assure every Member of Congress from now on we are going to have an intelligent administration in the Shipping Board, and we are going to have results. In other words, we are going to have ships, and if we do not we will know the reason why. Would to God we had a Schwab to put at the head of every department, especially where the results have been so extremely distressing and disappointing. We must have these men if we want to win the war in the quickest possible time.

As I have said, politics must be relegated to the rear. I am proud to say that every bill that has been presented to this Congress since we are in this war and before we were in the war that has had for its object the speeding up of the war program has had my unqualified support, notwithstanding the fact that many of them might have been improved. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Speaker, I make the same request.

Mr. DILLON. Mr. Speaker, I make the same request.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that all gentlemen who speak on this subject may have leave to extend their remarks in the RECORD on this subject. That will save time.

The SPEAKER pro tempore. Well, for how long?

Mr. LEVER. For five days.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that all Members who have spoken on this subject have the privilege of extending their remarks on the subject under debate for five calendar days. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, will the gentleman ask unanimous consent to make it all Members?

Mr. LEVER. Mr. Speaker, I will modify the request by making it that all gentlemen have five days to speak on this subject.

The SPEAKER pro tempore. Is there objection to the modified request?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Does the gentleman object? Some gentlemen can not get time and others can. If the gentleman does that, I shall object to all extensions.

Mr. MOORE of Pennsylvania. I would not object to the gentleman——

Mr. JOHNSON of Washington. I am not asking for time.

Mr. HAUGEN. I trust the gentleman will withdraw the objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I will withdraw the objection.

Mr. HAUGEN. In view of the fact that I have so many requests for time——

Mr. MOORE of Pennsylvania. I withdraw it.

Mr. JOHNSON of Washington. Mr. Speaker, I renew the request, the objection having been withdrawn.

The SPEAKER pro tempore. Is there objection to the modified request of the gentleman from South Carolina?

Mr. FIELDS. Mr. Speaker, I want to amend the request of the gentleman from South Carolina by making it all Members instead of all gentlemen.

Mr. LEVER. I do not accept the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. MOORE of Pennsylvania. Mr. Speaker, in order that the matter may be settled, the rules provide that Members of the House shall be regarded as gentlemen, and I make the point of order against the suggestion of the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, the gentleman should bear in mind that we have a lady in the House, and every time that request is made that question is raised.

Mr. MOORE of Pennsylvania. If the gentleman puts it upon that ground, I have no objection.

Mr. FIELDS. That is exactly the ground. [Laughter.]

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Speaker, I was interested in the remarks and the attitude of the gentleman from Iowa [Mr. GOOD]. The gentleman from Iowa, of course, can vote on the side which he thinks has the most votes if he wants to, but I hope this House will consider this question from the standpoint of giving to the country and to those who raise wheat that measure of even-handed justice which all the circumstances and conditions under which we are now legislating justify.

I was also interested in the remarks of the gentleman from New York [Mr. LONDON]. He started out with the proposition that price fixing has been a failure the world over, and he proposes to correct this failure by more price fixing, and although he claims to be a modern Socialist, he seeks to enact into the law as a corrective of the ills and evils of this day the policy and the code of Diocletian.

If we had this year a crop of 850,000,000 bushels of wheat, which would give us an export surplus of 350,000,000 bushels; if we had an assured prospect of such a crop now, I venture to say there is not a man in this House who would not willingly, who would not gladly vote to repeal every section of the food-control law which authorizes the fixing of either maximum or minimum prices. [Applause.] We do not, however, confront that situation. We have dealt this year with a short crop. We are confronted with the possibility of having to deal next year with a short crop, and we must consider this question upon that basis.

I intend to support the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN]. That amendment reduces the proposition involved here to the single question of whether the minimum price for wheat shall be not less than $2.50 per bushel at the principal primary markets instead of $2 per bushel as now fixed by the law, which would require an increase of 30 cents per bushel over the absolute price fixed by the President. I think that the questions involved here are debatable, because no man and no set of men can determine absolutely that $2 or $2.20 or $2.50 or $2.65 represents the absolute of impartial justice touching the price which should be paid for this year's crop of wheat which every citizen everywhere in the United States would accept as such. But in determining that question—and we must determine it, for the question of wiping out the fixed price altogether is not here for consideration—we have a right to take into consideration that the price of wheat fixed last August was fixed at $2.20 a bushel, when the average price of wheat in the United States in the open market was $2.78 per bushel; we have a right to consider that the price of $2.20 was fixed at a time when there was the greatest demand for wheat, backed by the imperative necessity of war, that the world had even seen; we have a right to consider that when the price of $2.20 was fixed by the President, in August, corn and barley were both selling at a relatively higher price than wheat would represent at $2.20; we have a right to take into consideration the fact that the fixing of this price, or of any price, deprived the farmer of an open market for the commodity at a time when an open market would have given him a price far in excess of $2.20 per bushel; we have a right to consider that no action has been taken fixing or in any way controlling the prices of commodities which the producer of wheat must buy and use in raising his crop.

But, for the purpose of the argument which I propose to make here, I intend to assume that $2.20 was a fair price for wheat when it was fixed last August by the board established by the Food Administration under the President's direction, in view of all of the circumstances which then surrounded the question.

Now, then, that reduces the question to this: Has anything occurred since the price of $2.20 was fixed, last August, which justifies us now in enacting into law a provision which will require that price to be increased? In order to get at that proposition I want to submit some statistics which I have taken from the report of the Bureau of Labor Statistics in the Department of Labor. I take their statistics because no one can claim that the Bureau of Labor Statistics in the Department of Labor is interested in this question from the standpoint of increasing the price of wheat, and because these statistics must be recognized by everyone as impartial, so far as they relate to the question under consideration.

These statistics show that while the price of wheat has remained stationary since it was fixed at $2.20 last August, the price of other commodities has steadily increased. In order to get at this relative increase it is necessary to take figures representing relative increases rather than absolute price figures, and in the quotations I am going to make I shall quote figures representing relative increases rather than actual and absolute price figures. In other words, the table from which I quote takes the different commodities and represents the then existing price by the figure 100 and subsequent prices are represented by figures either higher or lower than 100 in the proportion in which there has been an actual increase or decrease.

The table shows that in August, 1917, the price of wheat was represented by the figure 310, and that in December, as a result of the fixing of the absolute price, the price of wheat was represented by the figure 241, a reduction of 50 points. During the same period, from August to December, 1917, the price index figure for oats increased from 161 to 204, barley from 244 to 276, rice from 133 to 146. During the same period, while the price of cattle and hogs remained practically stationary, the price index figure for beef increased from 126 to 137, on bacon from 186 to 223, on ham from 136 to 170, and on lard from 222 to 249.

These figures indicate that while during that period the farmer sold his cattle and hogs at a uniform price, he bought back the beef, the ham, the pork, and the lard made from the cattle and hogs at a relatively high price.

We now come to some of the articles in which many of the gentlemen who so insistently oppose an increase in the price of wheat are especially interested. During the period to which I have already referred, from August to December, 1917, the price of cotton increased, as shown by the index figures, from 197 to 233, cotton yarn from 204 to 230, cotton sheeting from 200 to 235, bleached muslin from 188 to 211, worsted yarn from 253 to 307, clay worsted suitings from 274 to 302, leather from 164 to 180, and sole leather from 296 to 303.

Relative index figures could be quoted almost indefinitely during the period I have referred to, showing by impartial authority that since August, when the price was fixed upon wheat at $2.20 and at which price it has remained stationary, there has been a relative increase in practically every article which the farmer has to consume, and that this increase has been equivalent to a percentage greater than is represented by the increase of 30 cents a bushel proposed by the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

If these figures could be projected into the months following December, 1917, they would show a still greater relative increase in the price of these commodities. I have some figures gotten up by the Food Administration which show the relative price of wheat and certain farm implements. These figures show that the price of wheat in May, 1917, as compared with 1911, is represented by the figure 291, and that the price of wheat in October, after it had been fixed by the Food Administration, is represented by the figure 237, and it will be represented by the same figure in May, 1918.

In the case of farm implements these statistics show that in May, 1917, the price of the selected farm implements was represented by the figure 126; in October that price was represented by the figure 151; and that in May, 1918, it will be represented by the figure 170. In other words, that while there will be during the period from May, 1917, to May, 1918, a reduction in the price of wheat equivalent to 54 points, there will be a relative increase in the price of farm implements of 44 points, and the implements selected have not been selected with a view of making a basis for an increase in the price of wheat.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ANDERSON. I yield for a question.

Mr. MOORE of Pennsylvania. Granted that the price of farm implements has gone up, is it not a fact that the farmer does not buy his implements with the regularity that he sells his products?

Mr. ANDERSON. I suppose that is true; but taking the country over, that statement, which only applies to individuals, has no bearing on the general argument I am attempting to make.

I intend to append to my remarks a statement showing the absolute average farm price of oats, corn, barley, rye, and wheat by 10-year periods from 1870 to 1913, during the period of the war prior to our entering it, and in 1917, and a second table showing the relation of the prices of other farm grains to corn represented by the figure 100 for each of these periods. The latter table shows that the price of wheat as compared with corn, represented by 100, during the 10-year period from 1870 to 1879 is represented by the figure 245; in the 10-year period from 1880 to 1889 the price of wheat in the same ratio is represented by the figure 205; during the following 10-year period by the figure 189, and in the following 10-year period by the figure 161; from 1909 to 1913, by the figure 151; from 1914 to 1916, the war period, by the figure 169; and in 1917, by the figure 142. To express the conclusions of those figures in general terms, they show that wheat was worth less in comparison with corn in 1917 than at any time since 1870, and this despite the fact that wheat has a certain and a peculiar value in time of war.

These figures show that wheat was worth less in 1917, in comparison with corn, than it was in the three preceding years of the war before we entered it, although during a part of the year 1917 the price of wheat was higher than it has ever been in the history of the country and the world's available crop so short that wheat rationing is resorted to over half of the entire world.

The conclusion is inevitable from the facts I have stated that the price of $2.20 fixed last August for last year's crop is not a fair price for this year's crop, everything considered.

It is argued that this whole matter should be left to the administration, and in the same breath the administration is lauded because in August last year the President increased the minimum guaranty of $2 established by Congress by fixing an absolute price of $2.20 per bushel, based upon Chicago. If it was a praiseworthy act for the administration to increase the price to $2.20 per bushel last August, how can it be a crime for Congress to increase the price to $2.50 per bushel when it is shown that no effort has been made to keep the price of other commodities which the farmer must buy and use upon an even level with the price so fixed on wheat?

Wheat is the most precarious of all staple grains to raise. On the basis of present prices it is less profitable than any other. The farmer is patriotic, and, notwithstanding this fact, he has put in a crop this year larger in acreage than any in the history of the country. Ought he to be penalized because of this patriotism in comparison with other industries and other fields of endeavor, whose commodities seek an unrestricted market and have increased in price during a period when the price of wheat has been kept stationary by law?

I append hereto the statistical tables upon which my argument is based:

Relative wholesale prices August, 1917, and December, 1917, compared with July, 1914, represented by 100.

Article.	July 1914.	July. 1917.	December, 1917.
Cattle	$100.0	$142.9	$143.6
Beef	100.0	126.7	137.0
Hogs	100.0	197.6	192.2
Bacon	100.0	186.5	223.4
Hams	100.0	136.2	170.6
Lard	100.0	222.5	249.0
Wheat	100.0	310.8	241.9
Corn	100.0	270.6	240.7
Corn meal	100.0	363.2	333.3
Oats	100.0	161.5	204.9
Rye	100.0	294.2	294.8
Rye flour	100.0	327.3	324.9
Barley	100.0	244.5	276.4
Rice	100.0	133.3	146.3
Cotton	100.0	197.7	233.6
Cotton yarn	100.0	204.7	230.2
Sheeting	100.0	200.0	235.7
Bleached muslin	100.0	188.2	211.8
Worsted yarn	100.0	253.8	307.7
Clay worsted suitings	100.0	274.8	302.9
Storm serge	100.0	247.5	247.5
Hides	100.0	164.9	180.4
Leather	100.0	196.4	203.6
Petroleum, crude	100.0	177.1	200.0
Petroleum, refined	100.0	100.0	116.6

Average farm value, per bushel, United States.

	Oats.	Corn.	Barley.	Rye.	Wheat.
1870-1879	33.7	40.5	71.3	66.4	99.4
1880-1889	32.0	40.6	58.2	60.8	83.5
1890-1899	27.8	34.5	43.3	52.4	65.4
1900-1909	35.5	47.6	47.9	62.2	77.0
1909-1913	38.1	57.1	61.0	71.6	86.0
1914-1916	44.1	70.2	64.7	97.3	118.9
1917	63.4	141.4	107.4	156.1	201.2

Ratio of price of corn, represented by 100.

	Oats.	Corn.	Barley.	Rye.	Wheat.
1870-1879	83.4	100	151	162	245
1880-1889	79	100	143	149	205
1890-1899	80	100	123	151	189
1900-1909	74	100	100.6	130	161
1909-1913	67	100	106	124	151
Average	76	100	125	143	193
1914-1916	62	100	92	138	169
1917	44	100	76	110	142

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman already has that right.

Mr. LESHER. Mr Speaker, I yield five minutes to the gentleman from Washington [Mr. DILL].

Mr. HAUGEN. Later, Mr. Speaker, I will yield five minutes to the gentleman from New Jersey [Mr. HUTCHINSON].

The SPEAKER pro tempore. The gentleman from Washington is recognized for five minutes.

Mr. DILL. Mr. Speaker, if the prices of the things which the farmer must buy and which he uses were fixed on a basis in proportion to the price of wheat at $2, I should be opposed to raising the price of wheat. But when the prices of everything else that the farmer uses, including the wages that he must pay the help with which to harvest his crop, not only have gone up but are going up and will continue to go up until this crop is harvested, it seems to me but proper and right that we should increase the price of wheat by the small amount of 30 cents a bushel, as is proposed by the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN].

The farmers are a more important factor in this war to-day than ever before. If they produce enough wheat for our own people and the peoples of the European allies, Germany will be whipped. If they fail to produce enough wheat, our people will be as bad off as the people of Germany and her allies. In short, the production of wheat is a military necessity.

Some Members here have said $2.50 wheat means profit to the farmer. I do not think so; but, even if it does, if it will bring about a larger production of wheat, why draw the line on farmers' profits? We do not hesitate to pay prices which mean big profits for more ships, more guns, more airplanes, more ammunition, and more war supplies. Why? Because we want enough of these military necessities with which to win the war.

It has been argued here that the fixing of the price of wheat at this time will not affect the amount of wheat for this year. I do not know whether that is true or not; but granting that it is, I believe it will affect the amount of wheat that will be put upon the market for the purpose of making bread, because with the price of meat-producing stock continually rising it becomes a question of a farmer making his expenses. Oftentimes it is a question whether he will feed his wheat to some meat-producing animal or whether he will sell it in the market, in order to make enough to pay expenses.

Why, Mr. Speaker, wheat to-day is one of the cheapest articles of food on the market. It is cheaper than corn, cheaper than rye, cheaper than oats, and cheaper than barley. Thus the very situation is an encouragement for farmers to feed wheat to their stock rather than the higher-priced foods. Either we should raise the price of wheat or let it be free on the market or regulate the price of other grains to a similar level.

Another point that it seems to me it is well to remember is that in fixing the price of wheat now we are really fixing the price of wheat for the farmers who are to sow in the fall. Congress will adjourn and will not meet until after all the fall wheat is planted, and there is little probability that any new price of wheat will be fixed next year. As the gentleman from Minnesota has so well shown, $2.50 for wheat during the coming fall, with all prices going up, will in the end be no more, if even as much as $2 when the price was fixed last year. In the light of these facts and conditions, with everything going up and no limit being put on the prices that do go up and with no proposition to put a price limit on those things, it seems to me the proposition of $2.50 wheat is proper, and I shall support it. [Applause.]

Mr. HAUGEN. I yield five minutes to the gentleman from New Jersey [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, to be consistent in this matter—and I am—the greatest thing this House could do to-day would be to eliminate price fixing. [Applause.] I was opposed to it in the framing of the bill in reference to food control. When that matter was brought before us the entire object was to increase production. Certain conditions were proposed, whereby the President had to give public notice and the farmer had to sign certain agreements in order to get the benefit of the law. Unfortunately the $2 amendment of the Senate last year was adopted, and that is something that is going to run away with the people. In the short time I have I want to explain just what this means, and I think we ought to be fair. This does not mean an increase of 30 cents only, but it means 80 cents for the people in the East. It costs 50 cents a bushel for freight and elevator charges to get a bushel of wheat from the far West over to New York, and this will increase the price of flour about $3.50 a barrel. Now, if we can take the estimates of the Government, we are going to have in the neighborhood of 850,000,000 bushels of wheat, and the millers in Chicago on last Friday estimated that we will have a crop of 1,000,000,000 bushels. If we have 850,000,000 bushels, we can have food for our allies, food for ourselves, and the Government will have 200,000,000 or 300,000,000 bushels left.

I feel confident that the Food Administration has been a great help to this country. It has kept the price of flour down; and while probably the farmer would have gotten a great deal more for his wheat, it has been a great benefit to the entire country. The next three months is going to be the crisis in food conditions. When we get the new crop we can handle the price, but we have not very much wheat now except what is in the hands of the farmers, because the millers and the dealers are selling it just as fast as it comes in. If we can regulate the supply for the next three months, and keep the price of flour down, we shall then have passed the most critical time. This provision affects the 1918 crop. It has nothing to do with the crop of last year.

The consequence is that if we are not careful we are going to have $15 or $16 flour and 200,000,000 or 300,000,000 bushels of wheat on hand. We want to consider this very carefully and try to avoid such a condition as that.

To give you an idea how farmers regard this proposition, I would like to read a letter in part received from a man who knows his business, and which, to my mind, expresses the feeling among farmers generally in my district.

The following is a copy in part of a letter received from Mr. Ward O. Collins, of Brookvale Farm, Califon, N. J., dated March 24, 1918:

Hon. E. C. HUTCHINSON, M. C.,
Washington, D. C.

DEAR SIR: Permit me to express my views regarding the proposed legislation in reference to $2.50 wheat. While I raise about 200 bushels of wheat, along with a large amount of other grains, I am opposed to a further artificial increase in the price of wheat for the following reasons:

First. At this date the amount of wheat to be planted this spring could not be materially increased, as all the farmers have made their plans for spring crops, and with the present inefficient transportation seeds could not be secured in time.

Second. The present price of $2.20 would give good returns if the crop is good; if the crop is bad, no amount of legislation could make it pay.

Third. An increase in price for the next crop will cause all wheat now in farmers' hands and in country dealers' hands to be held until the new crop is harvested.

Fourth. An increase in the price of wheat means an even greater increase in the price of unregulated grains, which means that no poultry or stock of any kind can be kept or raised at a profit.

My experience during the last year has shown that more money can be made by selling grains. As a consequence there will soon be a shortage of milk, poultry, and eggs, as the cost of production of these things, with grain prices as they are now, has actually exceeded the prices received.

Yours, truly,

WARD O. COLLINS,
Califon, N. J.

Producers have not asked for legislation of this character, but are perfectly willing to prove their patriotism and loyalty and give to the Nation a maximum crop regardless of the sacrifice involved, and they can not be fooled by the mere passage of a bill that pretends one thing and has absolutely no meaning in fact.

This section provides that the President must first find that an emergency exists requiring stimulation of production of wheat; he is then to give public notice from time to time, seasonably and as far in advance of seeding time as practicable,

that under specified conditions a guaranteed price will be paid to producers of wheat who comply with the specified conditions. Yet later on in the same section this arrangement is annulled by the positive statement which provides that—

This guaranty shall not be dependent upon the action of the President under the first part of this section, but is hereby made absolute and shall be binding until May 1, 1919.

For my personal benefit I would like to know how it is possible to stimulate production under specified conditions if there are no conditions specified.

No better evidence of the loyalty of the American farmer can be found than the statement published within the last few days by authority of the Department of Agriculture, which indicates that, as a result of increased acreage and intensive methods, the 1918 crop of winter wheat will be 142,000,000 bushels more than last year, and the prediction was unofficially made that if the spring wheat crop maintained the same ratio the total wheat crop will be 850,000,000 bushels, or enough to take care of the needs of this country and the allies next year. Last year the wheat crop was estimated at 651,000,000 bushels.

In addition, there is an increase of 26,000,000 bushels in the prospective rye crop, making an estimated increase of about 225,000,000 bushels of bread grain.

The bill also provides that the basis for grading wheat shall be the same as that established under the United States grain-standards act, which means that, in justice to both seller and buyer, it will be necessary to have an inspector at every local buying point, and, instead of appropriating $456,580, as provided for on page 84 of this bill, that amount will have to be increased to several million dollars.

The act approved August 10, 1917, provided that the guaranteed price of not less than $2 should be based on No. 1 northern spring wheat or its equivalent, delivered at the principal interior primary market, while this bill provides that the price shall be based on No. 2 northern spring wheat or its equivalent at not less than $2.50 per bushel, delivered at the local elevator or local railway market where such wheat is delivered from the farm where produced.

What this means to the consumer I do not feel free to predict; but when you take into consideration the fact that most of the wheat grown must pass through the hands of several parties before it reaches the mill, and each handling involves additional expense, it will be seen that flour prices must be figured on the basis of the total of these charges, or about $3 per bushel. The freight rate from the local elevator to the mill or terminal elevator, plus the elevator charges and commissions, will, no doubt, equal 30 cents per bushel, and if the wheat is then to be moved east the cost will be increased by an additional 20 cents. This will figure just 80 cents per bushel more than the present market price, or $3.52 more as the actual cost of wheat alone in a barrel of flour; and bread now costing 8 cents a loaf will be advanced to 10 cents, or just 25 per cent.

Therefore it will be seen that the bill not only fails to increase production but complicates the situation more by providing expensive and impracticable methods of handling what we do produce.

Mr. LESHER. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, the observations made by the gentleman from New Jersey are pertinent and rather convincing. He always speaks from personal investigation, and informs the House whenever he addresses it. However, I think the suggestion that we may have over 300,000,000 bushels of wheat unsold, under the stress of the demand in Europe, is hardly warranted. The demand from that quarter must increase with the continuance of the world war. Also I fear that the estimate of this year's crop which he has just announced is too high and that we will not have anything like the amount he suggests. We had better not proceed upon the basis of a surplus of wheat for the coming year.

I believe that the Congress was justified in the passing of the food control bill of last year, upon the basis that it prevented the allies going into the open market and bidding up the price of American products. In that regard, and in that only, it was justified. Price fixing by the Government when all the world was bidding for our products seemed necessary. I think, however, that the fixing of the price of any one farm product, such as wheat, without fixing the price of others, especially those used in wheat production as well as those that might be used as substitutes, is a very unfortunate blunder for the country. The fixing of a product of sale without fixing the product and articles needed for said production is unscientific and not justified from economic grounds. The fixing of the price of wheat was done because it was believed that unless the grower could be assured a stable price he would not increase the acreage. We therefore fixed a price for this year's crop to insure a greater acreage of planting, since the farmer would know that he would get a certain price if he planted it, no matter what the contingencies growing out of a world war might be. That was all right last year for this year's crop, but it will not do for next year, since the range of prices is not the same. This year, instead of his getting as good a price as last year in comparison with other products, which are not fixed by law, he finds wheat his least profitable crop. At the price of other farm products, which are the result of the law of supply and demand rather than legal enactment, there is no advantage at all in his sowing wheat, because he can get so much more for the substitutes for wheat. He will most certainly raise the crops which will yield the greatest profit at least risk and labor. I think it is perfectly foolish to talk about the raising of wheat if you can raise twice the amount of something else, like corn, and sell each bushel for as much or more than you can sell the wheat for. There is no doubt about that. It will not suffice to charge a lack of patriotism to the agriculturist if the Government, by its interference with the law of prices, makes wheat the least profitable crop the farmer raises. There is always great risk in the final outcome of a wheat crop. It must pass through the March period, when a good crop may be ruined by freezing. It must run the risk of the wheat pests. The farmer can never be sure of his wheat crop until he has it ready for the elevator. It must not be discouraged by a price below its comparative range with other products.

Mr. MADDEN. Will the gentleman yield for a single question?

Mr. FESS. I yield to my friend from Illinois.

Mr. MADDEN. Does the gentleman think that any legislation fixing the price of wheat or any other of these commodities now will add one bushel to the output this year?

Mr. FESS. It would add very little if anything this year. I admit that. It is too late to increase the yield. But a price fixed now will be a suggestion for another year, and if increase is necessary it will stimulate another year provided the price comparative will make wheat raising profitable. If it is not done then, wheat land will most certainly be abandoned for other crops more profitable. Instead of increasing the yield the Government has discouraged it.

My own opinion is that price fixing is an economic blunder. The year's experience has shown conclusively that it has been a palpable failure. The Food Administration, however sincere and arduous its labors, has completely broken down in the matter of prices.

Mr. OVERMYER. Will the gentleman yield?

Mr. FESS. I yield to my colleague.

Mr. OVERMYER. Following the question of the gentleman from Illinois [Mr. MADDEN], if that is true, as the gentleman from Ohio answered it, is it not a fact that the patriot who sold his wheat for what he could get is going to be the loser if this amendment is adopted, while the slacker who kept back his wheat will be the one who will make a profit on it?

Mr. FESS. The difficulty is here, that if the price is fixed by the Government as the minimum price, that minimum price becomes the maximum price to the producer. This is an economic principle so apparent that I need not press it. It is not the maximum price to the consumer, but it is the maximum price to the producer, because immediately the price announced becomes fixed whether the crop is purchased by the warehouseman or the Government becomes the buyer, the man selling it sells it for the price that is fixed by the Government. When that statement was made last year that the minimum price would become the maximum price many Members said it would not occur, but it certainly has occurred.

The wheat farmer for years past has followed the plan of thrashing his wheat from the field and taking it at once to the elevator. If the Government states a price, of course, the elevator will not offer more. The bulk of the wheat will be sold, and at the price named. It therefore becomes the maximum price to the grower. But before it is made into flour it passes through other hands, who may demand more than the grower's price. So the consumer of flour will find the minimum price to grower is not the maximum price to him. There is something in what my colleague says, if there is any interruption between the grower of wheat and the consumer of flour, as there generally is. In our fixing this price, if we pursue this policy, the wisdom of which I am greatly in doubt, we must fix it high enough in comparison with other articles to insure a profit in its growth, else we will be disappointed in the future wheat yield.

Mr. McLAUGHLIN of Michigan. The gentleman might further answer his colleague from Ohio [Mr. OVERMYER] by saying

that a farmer can not sell the crop of 1917 for this price without perjuring himself. This applies to the crop of 1918 only. When gentlemen talk about holding wheat they should remember that.

Mr. FESS. Now, let me give you some figures which were given to the Senate some days ago when this question was discussed. They are very suggestive as to the average yield and price of farm products for the 50 years preceding 1916. They include five standard articles, including wheat, corn, oats, barley, and rye. The average yield per acre of wheat was 12.94 bushels, realizing $11.34. The average yield per acre of corn, 25.4 bushels, realizing $11.28; that of oats was 28.22 bushels, yielding $9.54; that of barley was 23.53 bushels, yielding $13.66; while that of rye was 14.37 bushels, realizing $9.43.

It will here be noted that of these five articles the farmer realized as an average per acre about the same amount of money. When compared with wheat as the standard, they stood as 1 to 2 in the yield of corn. In other words, it was necessary for an acre to produce twice as many bushels of corn to make it as profitable as wheat. This was the comparison until we fixed the price of wheat. After that wheat stood stationary in price while corn doubled. This made it unprofitable to raise wheat. The increase of the other articles was due to an artificial legal demand for substitutes of wheat since the food-control authorities required the purchase of quantities of substitutes in order to secure flour.

The price of corn, for example, ranges so high that it will reach the market directly instead of the usual hog route. The farmer can not afford to feed his corn when he can get a better price for it when sold as corn rather than as live stock. There can be only one result of this situation, namely, a shortage of meat. This leads me to note the inevitable effect of such legislation upon the meat supply as a food. If we stimulate the price of feed by making it a food—in other words, if we require our people to substitute corn for wheat—we withdraw the feed for stock in the degree of the substitute. If the price of corn is thus shoved beyond that of wheat, as was the case this year, two things must follow: Farmers will either cease to raise hogs or will substitute wheat as a feed for corn. In this case the wheat supply for Europe must be lessened and the price of meat must be greatly increased. No farmer can afford to feed $2 corn to hogs unless he can secure an abnormal price for his pork. If it takes from 12 to 15 bushels of corn to produce 100 pounds of pork on the foot, that pork must be sold at prices prohibitive.

The cattle situation is similarly affected. The cattle feeders were assured that they could purchase safely stock for winter feeding and realize upon their corn and labor, but now they find, after having fed their corn into cattle for the corn-fed market, they are faced with competition that sees the corn-fed product sold at the same price that feeders are sold for. This discourages the cattlemen against corn feeding. It must be admitted that the Food Administration problem is stupendous. I have much sympathy for those attempting to work it out. Candor compels an admission that thus far it has been far from a success. The hit-and-miss method of price fixing, with the inevitable consequences, so palpable to anyone who is willing to observe, has been a serious procedure. I am in grave doubt about the wisdom of price fixing at all. I am sure that if it is justified at all, we should not single out one article and leave all others to be determined in the open market. I shall vote for the price of $2.50 on wheat, since if we omit all other articles wheat must be high enough to make it profitable to produce. If I followed my own judgment, I would leave the prices to the open market, and proceed to punish the speculator who hoarded any articles of food for speculative purposes. In this way we would secure the needed food products and maintain a reasonable price scale.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Speaker, I agree with the statements of some of my colleagues that what little we have attempted to do in price fixing has not been very advantageous to the general welfare of the country. I am not much of a believer in the fixing of prices on every article in the market by a bureau in Washington or by a public official located in Washington or elsewhere. I believe that the underlying natural principles of commerce will fix the prices of commodities in the markets much better than the judgment of one man or the judgment of a collection of men, especially if that collection of men or that individual has not the highest experienced minds or mind that there are or is in the Nation.

Much has been said about the Government fixing the price of wheat. As a member of the Committee on Agriculture I did not understand that we were reporting a bill to fix the price of wheat. I understood that we were reporting a bill and asking Congress to enact into law a minimum guaranteed price to the agricultural producer of wheat. [Applause.] A price that would guarantee him his harvested crop against loss. And yet a little over one year after that law was passed, and as demonstrated by actual application, we find to our surprise, or to mine, at least, that by manipulation and by misinterpretation which no man expected, the minimum guaranteed price thus established by that act became not only the minimum but the maximum price also.

I say to you, my colleagues, that the honest intent of the act, as I understood it, was that we were helping the American farmer, guaranteeing him against loss of his wheat crop that he might raise and harvest. [Applause.]

Now, what has been done? Under that act the President of the United States was authorized, as you all know, to create and use such agency, and so forth, as he saw fit to put into effect the provisions of that law. That being so, I suppose he created the agency and appointed a Food Administrator. And yet I do not know that such branch of this Government was actually created, although we have seen considerable of its work. The reason I say that is shown by the following correspondence:

NASHUA, N. H., *February 16, 1918.*

Hon. E. H. WASON,
House of Representatives, Washington, D. C.

BROTHER WASON: Mr. Spaulding, our New Hampshire Food Administrator, has asked me to act as his personal representative in Nashua, and I have been doing so for a week or 10 days. Although I am sure I am receiving from the Concord office all the information relative to food-administration work that the present working machinery allows, I find I am not getting all the information that is necessary to enable me to be as helpful locally or even as intelligent as I would like to be in this important and interesting matter.

If possible to get it, I want a copy of the law authorizing the President to create the food commission and a copy of the Executive order of the President appointing Mr. Hoover. Do you suppose I could also get all circulars or pamphlets issued from Mr. Hoover's office, including those relating to licenses of food dealers, hoarding of food, and methods of securing compliance with the orders of the State food administrators?

Truly, yours,

H. P. GREELEY.

—

WASHINGTON, D. C., *February 18, 1918.*

UNITED STATES FOOD ADMINISTRATION,
Washington, D. C.

GENTLEMEN: I would respectfully request that a copy of the Executive order of the President, appointing Mr. Hoover as administrator, be sent to Mr. H. P. Greeley, Nashua, N. H.

Thanking you in advance for your attention to this matter, I am,

Very respectfully,

EDWARD H. WASON.

—

UNITED STATES FOOD ADMINISTRATION,
Washington, D. C., February 25, 1918.

Hon. E. H. WASON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Acknowledging your favor of February 18, the request for sending the copy of the Executive order of the President to Mr. H. P. Greeley, Nashua, N. H., has been referred to the Secretary of State, in whose custody it remains.

Faithfully, yours,

HERBERT HOOVER.

—

DEPARTMENT OF STATE,
Washington, February 28, 1918.

The Hon. E. H. WASON,
House of Representatives.

SIR: In response to your request of February 18, referred to this department by the United States Food Administration, I have the honor to advise you that the Executive order of August 10, 1917, appointing Mr. Hoover as United States Food Administrator, has not been made public, and for that reason the department can not furnish Mr. H. P. Greeley, Nashua, N. H., with a copy thereof.

I have the honor to be, sir,

Your obedient servant,

ROBERT LANSING.

—

MARCH 2, 1918.

To the honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: May I ask you for a verbatim copy of the Executive order of August 10, 1917, appointing Mr. Herbert Hoover as United States Food Administrator? If there is any expense attached to the furnishing of the same, I will gladly reimburse your department.

I would like a copy of this order at as early a date as convenient.

Respectfully, yours,

EDWARD H. WASON.

—

DEPARTMENT OF STATE,
Washington, March 6, 1918.

The Hon. E. H. WASON,
House of Representatives.

SIR: In response to your request of March 2, I have the honor to advise you that the Executive order of August 10, 1917, appointing Mr. Hoover as United States Food Administrator has not been made public, and for that reason I regret to say that your request can not be complied with.

I have the honor to be, sir,

Your obedient servant,

FRANK L. POLK,
Acting Secretary of State.

WASHINGTON, D. C., *March 9, 1918.*

To the honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: Your letter of March 6 is at hand and contents noted, and I am surprised to learn that you can not furnish me with a copy of the Executive order appointing Mr. Hoover United States Food Administrator.

Mr. Hoover is a public official of this country. The law was passed by Congress creating this position. I desire to ascertain just what responsibilities and authority the order appointing him conferred upon him. As a Member of Congress I am unable to receive that information.

Can I be permitted to read this Executive order if I personally call at your office?

Your early attention is respectfully solicited.

Respectfully, yours,

EDWARD H. WASON.

DEPARTMENT OF STATE,
Washington, March 18, 1918.

The Hon. E. H. WASON,
Committee on Agriculture, House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of March 9, asking permission to read the Executive order of August 10, 1917, appointing Mr. Hoover as United States Food Administrator.

In reply I wish to say that inasmuch as the order is confidential, and as I have no authority to show it to you, it is regretted that I can not comply with your request.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING.

The author of the letter addressed me is a young lawyer residing in the city in which I live, a man of ability, of integrity, and solicitor of that city. He is also a personal representative of the State Food Administrator, and in connection with his duties as the local representative of the Food Administrator of the Nation and of my State, he evidently desired to ascertain the scope and power of his position in order that he might discharge the duties of his office properly. Being unable to obtain a copy of the Executive order appointing Herbert Hoover Food Administrator for Mr. Greeley for the reasons stated in the letter of the Department of State, signed by the Secretary of State, Mr. Lansing, I was surprised at such secrecy and began to wonder why, hence I turned to the act of Congress, dated August 10, 1917, and found that section 2 of the act provided as follows:

SEC. 2. That in carrying out the purposes of this act the President is authorized to enter into any voluntary arrangements or agreements, to create and use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of efforts or funds.

Knowing that the President had created a Fuel Administrator and appointed a distinguished citizen to that place, and that he had clothed him with certain powers and duties and had assigned certain other powers and duties authorized by that act to the Secretary of Agriculture, I wondered just what power and duty had been assigned to the Food Administrator to which, according to report and newspaper information, the President had appointed Herbert Hoover. His appointment, if made, the creation of that office, if created, became a matter of doubt in my mind; yet it seemed impossible that with such a large organization and as much advertising of the activities of the Food Administrator could be related in the press, in circulars, and in other ways, including the weekly page in the Literary Digest, with the picture of Mr. Hoover and sayings accredited to him relating to food conservation, that he was not exercising the duties of a legally created office or that he had not been legally appointed; and in order to understand clearly and comprehensively his powers and duties, I made the request personally for a certified copy, offering to pay the expense thereof, and later made the request for an opportunity to call at the office of the Secretary of State and read this heavily guarded, precious, secret document.

Mr. Speaker, for over a century our people have lived under a democratic form of government. Such a government has been our pride and the pride of our ancestors. In the early dawn of the twentieth century one can hardly understand and appreciate my amazement that a Member of a legislative branch of this Government is refused the opportunity of perusing an official document authorized by Congress. What subtle magic does this order contain? What secret that the American people or a Member of Congress should not know is therein? Is there anything in that document if made public would lend aid and comfort to our enemies? Is there anything in that document which, if made public, would be prejudicial to the administration or to our people or the peoples of our allies? And if that document does not contain some important secret above indicated, why should it be a confidential communication between the Executive of our people, the Department of State, and the man who is conserving the food resources of this Nation? There are no secrets in that act that Congress passed, and Congress intended no secrets in the administration of that act that the American people should not comprehend and know.

Mr. Speaker, I hope that that document contains no word, power, instruction, or prohibition that the loyal American citizen of this country can not be informed about, and I ask in all candor that the finger of suspicion may be dismissed by pitiless publicity and printing in full, or at least allowing Members of the legislative branch of this Government to be informed or read the contents thereof.

All over this broad land, in every State and in every community, are representatives of this Food Administrator. He is dealing directly with a hundred million souls to-day, and each of his subordinates and agents is entitled to know the powers, the duties, and the responsibilities of himself and his representatives; and I ask that the mantle of secrecy that enshrouds this sacred and important order be raised, thereby allaying and quieting any thought of suspicion or distrust of this important function of our Government at this time.

The proposition before the House relates to the modification or changing of the order of the President establishing a minimum guaranteed price of wheat for the 1918 harvest. The Senate amendment to this bill proposes the raising of that guaranteed minimum price of $2.20 per bushel at the primary markets to $2.50 per bushel at the local elevator or local railway market, where such wheat is delivered from the farm. The section of the country producing winter and spring wheat is the Northwest and Middle West. Here we find the great areas devoted to this important crop. We are told by some that it is essential to stimulate and encourage production to adopt this increased price. The winter wheat for 1918 was seeded long since, and is now nearing maturity, and the acreage thereof can not be affected by the proposed increase. Most of the area for the spring wheat is ready for seeding, and much of it has been seeded. Hence that argument is of no avail for this year's crop. Are our wheat areas limited in scope for the present crop? Statistics collected show that the winter wheat is about 67 per cent of our wheat production, and that the acreage planted last fall was 7,000,000 acres more than the average for the five years before the outbreak of the European war. With good climatic conditions there is no reason why this year's crop should not be a record-breaking crop. With unfavorable climatic conditions it will be otherwise, and a higher or lower minimum guaranteed price will not give us a greater or less production.

As bearing upon minimum guaranty affecting acreage planted, let me call your attention to the statistics of three States from the Northwest. For the five-year period from 1912 to 1916, inclusive, the States of Idaho, Oregon, and Washington averaged, for winter wheat, 1,950,000 acres, without any minimum guaranteed price. With a minimum guaranteed price of more than twice the average price of wheat prior to the establishment of the minimum price for this year's crop these same States seeded last fall only 1,286,000 acres. The American farmer is not satisfied with the minimum guaranteed price as provided in the act of 1917, for the reason that by interpretation and manipulation the Food Administration has arranged conditions surrounding the wheat crop so that the guranteed minimum price is the maximum price. It is one price. The Food Administration, by the license system and orders, control all the buyers of wheat, and those purchasers so controlled can not pay the market price of wheat, because if the market price of wheat exceeded the minimum guaranteed price these purchasers so licensed will lose their respective licenses. The theory, of course, in establishing a minimum guaranteed price was that it would induce the agriculturist to increase acreage and increase production of wheat and to protect that producer from overproduction or importation from other countries into our own.

The producer of wheat under the principle laid down by Congress was secure of a minimum price, which was much higher than the average price of wheat, against competition, overproduction, speculation, and manipulation. The farmer or producer had to take his chances only with the climatic or season's conditions with his crop. Once the crop was harvested and matured he was safe and secure against loss. How have that theory and that understanding and that act of Congress been administered? First, has the Food Administration been legally created? Do we know what its powers and duties are, and can we ascertain those powers and duties until the darkness and the mantle of secrecy is raised that now enshrouds it in safety in a Cabinet office? Second, what has the Food Administration done? They have licensed every miller in the country. They have prohibited and prevented competition by foreign countries from bidding for our wheat—and I do not complain about that. They have established the minimum guaranteed price as the maximum price of wheat by means of licensing the millers and others who buy wheat. A miller who pays more than the minimum guaran-

teed price loses his license. They being the great purchasers of this food product, when they are controlled it controls the price per bushel of the entire season's crop.

Under the law as passed by Congress every grower of wheat in this land is entitled to such price for his wheat as market conditions may regulate, free from manipulation and speculation. Under the administration of Mr. Hoover, by circumvention and manipulation and control of the purchasers of wheat, the act of Congress thus administered does not mean what Congress intended it should mean. Let this act be administered according to the purpose and intent of the lawmakers and the feeling of discrimination among the tillers of the soil will be dispelled. Let us assume the authority, or let us provide authority, for fixing the price of all articles of food, of raiment, and machinery needed for agricultural production and industrial essentials that are vital for war purposes. Let us have one rule for all. Let us not fix prices for one class for their protection and leave that class to the mercy of all other classes without price fixing for products that this class may have to buy from the others. Let this Congress follow the golden rule and fix a price on every commodity or abandon any price fixing by the Government. Let us oblige the Food Administration to administer this act fairly, and not allow it to change that act to price-fixing legislation by limiting the purchasing market by means of a license system. Let the Food Administration give all a "square deal"—the producer, the consumer, and Congress who enacts the law.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, when the food-control bill was before this House I favored its passage. I thought food regulation was a war necessity. I did not, however, favor the fixing of the prices of farm products, and I so stated in my remarks made at that time. I did not think that it was wise to attempt to control artificially the prices of wheat, corn, and other farm products. However, the majority of the Members of the House disagreed with me, and the bill as it was passed contained a provision to the effect that there should be a guaranteed minimum price for the 1918 crop of wheat of $2 per bushel at the principal interior primary markets. This act became effective August 10, 1917. Following the passage of this act, on August 30, 1917, the President issued an order to the Food Administration that the Government price to be paid for wheat would be $2.20 per bushel. The Government price, of course, fixed the price of wheat at Chicago at $2.20 per bushel. That price has secured to the wheat grower an average price of about $1.90 per bushel, and that price will continue unless some change is made in the law or by rule or order of the President.

The amendment proposed by the gentleman from Michigan is to incorporate into the food-control act a provision that the farmer shall receive, at the principal interior primary markets, a minimum price of $2.50 a bushel for his 1918 crop of wheat.

As I have said, I do not think it advisable to fix the price of farm products, but if the law is that a guaranteed price shall be fixed for wheat, then I believe this amendment to the law should be adopted. This view of the matter, I think, can be sustained by good and sufficient reasons.

The principal object of the passage of the food-control act was conservation of our food supplies. We early appreciated that food was to be a mighty factor in this contest, and that if we were to win the war and at the same time protect our people against the exactions of the profiteers, we must establish a control of food products. Wheat and wheat flour, it was known, were prime factors in the problem. For this reason a majority of the Congress thought it best to establish a minimum price on this product. From that time to this, every effort of our Government has been to conserve wheat and increase its production. We are told the allies must have a considerable, perhaps a major portion, of our wheat. The people of Italy, England, and France, not accustomed to the use of corn, demand and require wheat flour for their sustenance. Also, the corn products, which we have in abundance, do not stand shipment across the waters. Therefore we have saved and economized and cut down our use of wheat and are shipping every pound of wheat and wheat flour we can spare to our soldiers and allies across the seas. This is as it should be. No one objects to it. I have yet to hear the first American grumble at his deprivation. [Applause.] The Food Administration has issued order after order intended to conserve wheat. On April 14 every baker in the country, under orders from the Food Administration, began to use substitutes for wheat flour in his bakery products, varying from 15 per cent in crackers to 66⅔ per cent in such products as quick breads and waffles.

The average percentage of substitutes under that order is 33⅓ per cent. The amount of bread to be served to any one person at a meal at any public eating house was fixed at 2 ounces. Under rule 25, after February 24, 1918, a miller can not sell wheat flour to a baker unless the baker buys 1 pound of wheat-flour substitutes for every 4 pounds of wheat flour purchased. Under rule 31 of the same orders retailers must not sell wheat flour to any person unless such person buys at the same time an equal amount of wheat-flour substitutes. It will thus be seen that in one year's time the people of the United States have been artificially restricted to the purchase of one-third of the normal amount of wheat flour purchased by them. This has been done to conserve wheat. It is universally conceded that we must save and raise every pound of wheat we possibly can. It is claimed by our Food Administration that we must raise 1,000,000,000 bushels of wheat this year to maintain ourselves and our allies. This will necessitate an increase about 40 per cent over the past year's crop. I have no doubt the statement made is correct.

Conceding, therefore, that it is necessary to stimulate the production of wheat, the inquiry is whether the increase of the price of wheat to $2.50 a bushel will promote that object. It is not so much an object whether the wheat flour will thereby be increased in price to us as it is to produce more wheat. We can afford to pay a little more if we can thereby get something which will make it easier to win the war. I have no doubt this increase of price will produce the desired result of an increase in the supply of wheat.

I think I am stating an axiom when I say that nothing will so stimulate production as high prices. Fix a good price for a certain farm product and the farmer will naturally raise all he can of it. Fix a poor price and he will turn his attention to some other crop or product. What is true on the farm is true anywhere. It is a universal rule. If banking is more profitable than anything else, every man who can will be a banker. If the practice of criminal law is more remunerative than any other branch, every lawyer who can will practice in that field. If prices are to be fixed on wheat by law, if we would stimulate production to its highest, we must fix a high price for it to the producer.

Wherever you select any particular farm crop and discriminate against it by legislation, you automatically decrease production in that crop. The very fact that wheat is selected as an object of legislation, and a fixed return is established for the labor and means employed in making such a crop, discourages those who may be engaged in raising it, unless you place such a high price upon it that there is no chance of other crops being so profitable. So long as there is a chance of something else being more profitable, the ordinary man will, under ordinary circumstances, usually raise that other crop.

Another proposition I make, which I think must be conceded, is this: In order to make the maximum production of wheat, you must fix such a price that it is manifest the wheat crop will be more valuable to the producer than some other crop would be on the same land. I have said that about the average price paid to the farmer for the 1917 crop of wheat was $1.90 per bushel. At present prices of other farm products, wheat at this price is not as profitable a crop as is almost any other farm crop. Let me illustrate by some concrete examples from my own State. I live in the military tract of Illinois, where our farm lands are very productive and range from $100 to $300 per acre; I presume $175 per acre is about a fair average. It is not strictly a wheat country, but good wheat can be and is raised there. We also raise corn and oats, and some barley, but not much of the latter. An average crop of the farm products, at present prices, would produce the following results:

Wheat, 20 bushels per acre, at $1.90	$38.00
Corn, 50 bushels per acre, at $1.15	57.50
Oats, 50 bushels per acre, at $0.85	42.50
Barley, 40 bushels per acre, at $1.50	60.00

The slightest consideration of this statement will immediately convince anyone that the farmer who engages in wheat growing is not using his land to the best financial advantage. You must put wheat on equal grounds with other cereal crops, and to do so you must raise the price. No one can expect land to be used for the production of crops at a loss from its real money-producing value. In addition, to make the difference more pronounced, the farmer with his oats crop in my latitude usually starts a crop of clover with his oats, and thus accomplishes a double purpose. It will be understood, furthermore, that there are very large tracts of land in this country where spring wheat can be raised, but where its raising is a somewhat precarious proposition.

All through my section of the country, where an average crop of 20 bushels of wheat can be raised, we have learned to fear the chinch bug in connection with spring wheat. I remem-

ber to have seen them sweep through our country like a devouring demon and lay waste everything in their path. So serious was the blow to wheat raising in Illinois, that for many years, no spring wheat was raised in the greater part of the central Mississippi Valley. Just now, some return to spring wheat has taken place, and if this bill passes, in my judgment, it will have a tendency to stimulate more spring-wheat production in the central Mississippi Valley. However, the Illinois farmer knows when he embarks in the raising of spring wheat on a large scale, the chinch bug pest will return. There is no such discouraging prospect when he raises corn and oats.

The cost of raising and harvesting a crop of corn is not much more than the raising of a crop of wheat. During the years 1908–1912 the agricultural department of the University of Minnesota conducted a series of researches to ascertain the respective costs of producing cereal grains of various kinds. Their work is detailed in Bulletin 145 of that institution. The cost of producing and harvesting an acre of spring wheat was found to be $13.038; of corn, $16.207; and of oats, $13.07. A similar set of experiments was conducted by the College of Agriculture of the University of Missouri in 1913–14, a statement of which is found in Bulletin 125 of that institution. The respective cost is given as: Corn, $13.522; wheat, $12.30; and oats, $10.87. These results, of course, were obtained from medium-priced lands of a value of about $50 to $60 per acre.

It is manifest that there is not enough difference in expense to justify a farmer in raising wheat at $1.90 when he can produce corn at $1.25 or more, if it is entirely a question of financial return. Wheat must be put on a competing basis with corn and oats. I am speaking now of the general rule. I have no doubt that many farmers are this year raising wheat from patriotic motives, where something else will pay better, and that this will continue in the future.

I have recently received from Prof. W. J. Spillman, of the Bureau of Farm Management, a letter which is illuminating and which illustrates the proposition I have just been speaking of. It reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF FARM MANAGEMENT,
Washington, D. C., April 3, 1918.

Hon. W. J. GRAHAM,
House of Representatives, Washington, D. C.

MY DEAR MR. GRAHAM: Replying to your communication of March 6 concerning the cost of production of wheat, particularly of grade No. 2 of northern spring wheat, I will say that while we have considerable data on the cost of wheat production, very little of it is from the northern spring wheat area.

We find the cost varies so widely from farm to farm and from locality to locality—in fact, there is wide variation even on the same farm in different fields—we feel that the figures we have are not a sufficient basis for drawing conclusions. Under the circumstances, therefore, it is not believed to be desirable for the department to make public the fragmentary data it possesses on the subject. We could, of course, give you some data in confidence, which would make it of little value to you.

It may be of interest to you to know that in reports just received from our survey in West Virginia the farmers of that State report an increase of 28,000 acres of wheat, or 8 per cent of the acreage of last year, and of 20,000 acres of corn, an increase of 25 per cent over last year's acreage. We attribute this difference to the stronger economic position of corn at the present time.

These figures bear out an opinion which has been forced upon us by our study of this subject, that the cost of producing a single farm product is not the only, or even the most important, factor in determining the price of that product. If the price of a single product is fixed at a lower relative level than the price of other products, farmers, most of whom are free to choose between a number of crops, will naturally gravitate toward those crops that are most profitable. We believe, therefore, that very serious consideration should be given to factors other than cost of production when arbitrary price fixation is undertaken by governmental agency.

Yours, very truly,

W. J. SPILLMAN, *Chief.*

(Dictated by Prof. Spillman and signed after he left the office.)

But it is said that the amendment, concerning only the crop of 1918, will not increase the production of wheat for this year. I do not agree with this. Thousands of acres in the Northern States can still be seeded to spring wheat, if this bill promptly passes. I believe that those who are opposed to this amendment have attempted to delay its passage with this argument in mind. I believe, in the northern part of my own State of Illinois even, there are many areas that can yet be seeded to wheat. Again, there are thousands of acres of winter wheat, which for one reason or another may appear to promise only a meager yield of perhaps 5 or 10 bushels per acre, which will be plowed up and planted in corn unless this amendment is adopted. Two years ago I knew of one tract of 800 acres of wheat in my district which was treated exactly this way. The farmer is not apt to raise 10 bushels of $1.90 wheat if he can raise on the same ground 50 bushels of $1.25 or $1.75 corn. An increased price for wheat will save a great deal of this wheat acreage. An increased price also will prevent the feeding of wheat to live stock. How much of this has been done I do not know, but probably considerable. A price of $2.50 for wheat will promise conservation of every bushel of wheat. It is also no doubt true that if Congress passes this amendment it will be considered that the attitude of the Government is to favor a reasonable profit for wheat growing. This will induce farmers to plant a greater area to fall wheat than heretofore, and while the price fixed by the amendment immediately affects only the crop of 1918, it will have the effect to greatly increase the crop of 1919. Fail to pass it, however, and the farmer, believing the attitude of Congress is unfriendly to wheat, will be inclined to decrease his 1919 acreage.

It is generally thought that the farmers of the country are making untold profits out of their farming operations. We judge that to be true from the immense prices we pay for all farm products when converted into food and sold to us. But, as a matter of fact, it is not the farmer who makes the profit. The bulk of it is made by middlemen and jobbers.

Take a few concrete instances: Corn is selling at $1.25 or more per bushel of 56 pounds. One of the substitutes for wheat flour that is prescribed by the Food Administration is corn meal. Corn meal sells at 7 cents per pound; and while 56 pounds of corn is worth $1.25, 56 pounds of corn meal is worth $3.92. Who gets the difference of $2.67? Who gets two-thirds of the price? It is not the farmer. Hominy, another substitute, sells for 7½ cents per pound; while 56 pounds of corn sells for $1.25, 56 pounds of hominy sells for $4.20. A pound of corn will make a pound of hominy. Who gets the difference—$2.95? Again, who gets two-thirds of the profit? It is not the farmer. Oats sells for 85 cents per bushel of 32 pounds. Rolled oats, however, sells for 7½ cents a pound, and rolled oats is nothing but oats run through rollers. While 32 pounds of oats sells for 85 cents, 32 pounds of rolled oats sells for $2.40. Who gets the difference of $1.55? Who takes two-thirds of the profits? It is not the farmer. Barley sells for $1.50 a bushel of 48 pounds. Barley flour, another substitute, sells for 9 cents a pound. While 48 pounds of barley brings $1.50, 48 pounds of barley flour brings $4.32. Who gets the difference of $2.82? Who, again, makes two-thirds of the profit? It is not the farmer. Many other products might be thus compared.

I respectfully submit to the Food Administration that these are matters that present food for thought. By the order of the Food Administration, wheat alone is limited in price, and as a result wheat flour is cheaper than it otherwise would be, but at the same time our consumption of wheat flour is reduced to one-third of the normal, while we use two-thirds of substitutes. And these substitutes, which constitute two-thirds of our consumption, soar to the skies, and the profiteer plies his trade and imposes such burdens as he pleases upon the people. What does it profit our people to save money on wheat flour and spend vastly more on something else? Thereby they suffer a double privation—they deprive themselves of wheat flour and pay more because of it. The people are willing to go without wheat flour absolutely if it will help the country. But the point I make is that you should not place the blame for the high cost of living on the farmer. He is not responsible, nor does he make the profit.

Finally, I am certain in my own mind that the farmer can not under present conditions make a profit at wheat raising in many parts of the country. It is probably true that in the northern wheat countries, where large tracts are planted to wheat, the business may be profitable; but in the central Mississippi Valley, where diversified farming on smaller farms is practiced, wheat raising is not now profitable. A price of $1.90 a bushel for wheat five years ago would have promised great returns; now it does not. The difference arises from the difference in the cost of producing the crop. There are three factors in the problem that affect the high cost of production. They are labor, conscription, and the cost of machinery and living.

I presume the section of the country I live in is fairly typical of the balance of the farming country. The labor situation there is critical. Farm hands are almost unobtainable at any price. Three years ago farm hands received from $30 to $35 a month. Now, they are demanding and receiving $75 a month, their board, and a horse kept. One hand I know of specified $75 a month, his board, and gasoline for his Ford. He got it, and the farmer was glad to get him. Anyone who has been through that country knows the dire need of farm labor. It is not to be had. Recently we passed a bill for the mobilization of labor for the farms. The plan is to go into the cities and pick up men or go to the high schools and get boys and take them to the farms and let them farm. The gentlemen who preside over some of our departments evidently think that all you need to do is to take a man or boy to a farm and let him farm. To one who knows something of farming this is a joke. Farming to-day

is a science. The successful farmer must understand the chemistry of the soil; he must be somewhat of a veterinarian; he must unders and animal husbandry; he must understand the art of surface and deep cultivation. He must have an intimate knowledge of a thousand things which the city worker or the schoolboy never heard of. Most of these mobilized city or high-school workers will require a man each to watch them and tell them what to do. I have a mental vision of one of these mobilized workers pu ting in a crop or officiating as midwife at the birth of a litter of pigs or a colt some squally spring night. Somebody somewhere must enlarge his mental vision and appreciate that you can only farm successful with farmers.

I do not believe the general public appreciate how much the selective draft has affected the farmers of the country. The intention of the act and the intention of Congress was to keep farmers on the farms, where they could be more useful than in the field. Otherwise the provision would not have been inserted in that act permitting rules to be promulgated extending special exemptions to agricultural workers. But no such exemptions have been granted, except in very exceptional cases. I think the proportion of agricultural workers taken into the military service has been as great as that from any other walk of life. Recently I inquired of the Provost Marshal General as to the situation in my district. The district is mixed urban and country. In this district 18,159 men were registered; of these, 5,834 were agricultural registrants. From the district 1,417 men have been accepted for military service and of these 485 are agricultural workers. Thus it will be seen that only 0.321 of the total registrants are farmers, while 0.335 of those taken are farmers, a difference of 0.014 against the farmers.

Understand me, the farmers are not complaining. If the Nation needs their boys in the Army, the farmers are ready to give them willingly and ungrudgingly. Whatever is best for the Nation they want to do. But if we want our farms to run at full capacity, it would be wise to leave as many genuine farmers on the farms as is possible. The recent agricultural furlough act will help a great deal if properly administered.

Finally, the cost of farming operations is more than doubled over the days before the European war began. Farm labor has more than doubled. Everything the farmer buys has more than doubled. On February 27, 1918, the farm implements committee, representing the industry, made a report to the Secretary of Agriculture presenting the necessity of increased prices for their products. On page 9 of this report the following table is given, which is interesting in this connection:

Percentage of increase, 1918 over 1914.

14-inch walking plow	80 to 87½
16-inch sulky plow	85 to 92½
14-inch gang plow, 2 bottom	85 to 93
14-inch engine plow, 3 bottom	80 to 84
Riding cultivators	90 to 98
5-foot mowers	70 to 76
7-foot binders	65 to 71
70-bushel spreader	60 to 68
Farm tractor	45 to 60

The food that he eats, the clothes he wears, almost everything he uses has more than doubled. None of these prices are regulated by law. Thus the farmer finds that while he is restricted in the price he may get for his wheat, the people who sell to him are not restricted in their charges. This makes farming to-day a much more expensive and precarious business. In the early part of my remarks I alluded to certain estimates of crop costs made as a result of experiments in Minnesota and Missouri. I believe to-day, with our higher-priced lands, these estimates might be doubled. I feel certain this is true in my section. If so, instead of $13.038 as the cost of an acre of wheat and $16.207 for corn, and $13.07 for oats, the estimate would be $26.06 per acre for wheat, $32.40 for corn, and $26.14 for oats. Taking into account the chances a farmer takes with drought and storms and insect plagues, the business of farming under war conditions is not the bed of roses it is supposed to be.

These are my reasons, substantially, for supporting this amendment. I believe, if adopted, it will greatly increase our supply of wheat and help win the war.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from North Dakota [Mr. BAER].

Mr. BAER. Mr. Speaker, I have the honor to represent a State whose chief and fundamental industry is farming. My constituency includes a large proportion of people who live in the cities as well as farmers. I do not believe, however, that in supporting this measure for $2.50 wheat that I am voting against the interests of anyone in my district or any group of citizens in the United States. It is not a sectional matter with me. It is the principle of a square deal. The farmers want a fair field and no favor. Farming is the basis of our national credit and prosperity, and when the farmers prosper the people in cities also prosper.

Let us take this matter up from the standpoint of the increased cost of flour to the consumer. The average consumption of flour per capita in the United States is one barrel a year. If we raise the price of wheat 30 cents at the terminal markets, it will only be an increase of $1.35 a barrel for each citizen. Each consumer then would only have to pay an additional 11¼ cents a month for his flour. This is a small amount for the consumer and it means millions to the producer. On the other hand, if the Government will take the millers under control by eliminating their excess profits, the price of a barrel of flour would not be increased one cent. If we eliminate bread profiteering in all branches, the loaf can be sold for less than it is now.

Let me give you comparative prices for bread in the different countries which are now at war. In France and Italy one can buy from the Government about 4¼ ounces of bread for 1 cent. In England one can obtain 3 ounces for a cent, and poor, starving Belgium, after passing through three years of ruthless warfare, sells bread to its consumers at the rate of 3¼ ounces for 1 cent. Here in the city of Washington we are compelled to pay 1 cent for 2 ounces. Think of it! You can buy over twice as much bread with the same money in France and Italy as you can in the United States to-day. Yes, some one says that the Government pays part of this, but that only applies to England, and the amount which the Government pays in furnishing bread to its people is less than the additional cost of shipping in the wheat, most of which it imports from the United States. Accurate figures prove that there are 345 12-ounce loaves of bread in a barrel of flour. At 6 cents a loaf this means $20.70. I shall take bread in this case at the lowest price it has been sold for during war times. I understand, however, that a 14-ounce loaf is being sold for 10 cents in many communities. Figuring the loss of feed, the farmer only receives $7.44 out of each barrel of flour. Somebody else receives $13.26. The fact in the matter is that if we will eliminate the excess profits of the millers and those who handle the bread, a 12-ounce loaf could be sold for less than it is to-day, providing we do pay the farmers $2.50 for their wheat. Let us look for a minute at the profit the millers have been making. It has been as high as 175 per cent in one year. The flour millers' net profits increased from 11 cents a barrel in the crop year of 1912–13 to 52 cents a barrel in 1916–17; operating profits per barrel in 1916–17 increased nearly 175 per cent over the preceding year, and the rate of profit on investment increased more than 100 per cent it was pointed out in the first installment of the report of the Federal Trade Commission's general food investigation.

The investigation was a part of the general food inquiry made by the commission by direction of the President. The section made public to-day deals only with wheat flour milling and jobbing, but further installments will take up the packing industry and other branches of profiteering in food. Not only have the millers made big profits but prices were fixed on cattle and hogs, and as a result the packers made big profits also. In looking over Swift & Co.'s financial statement I find that its balance sheet, September 30, 1917, published on page 56 of its yearbook, reports a profit of dividends paid of $10,000,000; added to surplus, $24,650,000; profits for the year, $34,650,000; on a capital stock of $100,000,000 and a surplus of $59,965,000. In looking over the report for former years I find that Swift & Co.'s profits for 1913 were reported to be $9,250,000; for 1914, $9,450,000. According to the reports, profits have increased more than 300 per cent over those years.

If we are going to fix the price of the farmers' wheat, let us cut out the excess profits that the millers are still making. Let us fix the price of bran and shorts. Let us fix the price on implements, on harness, on clothing, shoes, and all the other commodities which the farmer and consumer are compelled to buy at extortionate prices. According to a statement made two or three years ago before the committee by Dr. Spillman, Chief of the Office of Farm Management, Department of Agriculture, one who has made a life study of the subject, the farmer, with his family, with an average of 4.6 persons, gets $142 in cash every year as the earnings of the family, in addition to $260 for food, fuel, and house rent. According to Dr. Spillman's statement, an average of $30.87 cash for a year's work to provide themselves with groceries, clothing, and other necessaries to maintain life.

In view of the liberal profits allowed the miller, the packer, the implement manufacturer, the munition manufacturer, and in view of the compensation guaranteed to railroads and the increased price in farm machinery, in wages paid farm labor, and the expenses all along the line incident to production, is it asking too much to allow the producer to sell in open, unre-

stricted markets and to give him the benefit of the law of supply and demand or that accorded to others; and if price fixing is to be resorted to, if he is to be singled out, can we not afford to grant this slight increase?

In North Dakota to-day they are selling hides for 7 cents a pound; a new harness costs $100. The farmer raises the leather and sells the 80 pounds in the harness for $5.60. He pays $94.40 for labor and profits—mostly profits. Similar injustices prevail in everything that the farmer and the consumer must buy.

From our own experience in buying we know how rapidly everything but flour has increased in price.

Mr. Speaker, this price fixing should be determined by the cost of production. I have mentioned the name of Dr. Spillman, of the United States Department of Agriculture, and read a letter from him in regard to the cost of production. Dr. Spillman appeared before the price-fixing committee last year and made the statement that in 1917 it cost $2.11 on the average to raise a bushel of wheat in the United States. Dr. Ladd, president of the North Dakota Agricultural College, showed figures before the price-fixing board proving that it cost $2.08 to raise a bushel of wheat in the Northwest. Senator Pendray, from North Dakota, made a statement that it cost $1.92 a bushel on his farm, and, by the way, this is a fair average price for what the farmer receives now for his wheat in North Dakota. Farm experts have shown that it costs $16.50 to raise an acre of wheat—this is from the time you put the seed in the ground until you dump the grain into the elevator, and, mind you, this does not include the loss of soil fertility, which is $4.50 on a 10-bushel crop.

I want to say here that in North Dakota we have an agricultural college which has better machinery for determining the cost of production and the milling value of wheat than we have in Washington. Dr. E. F. Ladd, the president of the college, has a flour mill on the campus and determines the milling of all grades of wheat. I can obtain more information from our agricultural college at Fargo than I can from the great Agricultural Department here in Washington, which costs the people of this country over $25,000,000 a year.

In 1916 we raised an average of 5½ bushels of wheat in North Dakota and in 1917 it was 7½. You can plainly see that with $2 or less at local elevator and a yield of 7½ bushels of wheat the farmer's gross receipts would be about $15. The cost of production is $16.50, and consequently the average farmer is losing money raising wheat at the price of $2.20. I admit, however, that the gentlemen from Kansas and Nebraska, where they raise 20 and 30 bushels of wheat each year, can make a profit out of $2.20 wheat, and so as not to reflect on my own State I want to say that with the average yield of 11 bushels, prior to the European war, the average farmer broke even in this wheat-raising game. But in spite of this loss I want to say that the farmers of the Northwest are ready and willing to patriotically serve their country and do their utmost to raise a bumper crop, and take $2.20 a bushel for it, if we go down the line and fix the price on everything they as consumers have to buy. In doing this the farmer is not only doing his bit but his all. If you do not fix the price of shoes, clothing, implements, fertilizer, and everything else that the farmer must buy, then I believe the Government should assure the farmer a better price for what he has to raise.

At the beginning of this Congress the President appeared before this body and delivered the following words, which I quote from his message:

> Recent experience has convinced me that Congress must go further in authorizing the Government to set limits to the prices. The law of supply and demand, I am sorry to say, has been replaced by the law of unrestrained selfishness.
>
> While we have eliminated profiteering in several branches of industry it still runs impudently rampant in others.
>
> The farmers, for example, complain with a great deal of justice that while regulation of food products restricts their incomes no restraints are placed upon the prices of most of the things they themselves must purchase, and similar iniquities obtain on all sides.

The President is right, and I thoroughly agree with him. When an effort has been made to fix the price of all other commodities in accord with his request, I shall be the first one to see that wheat is put on the same basis it is now.

Let me cite you a few prices on April 12. Take corn, which is selling at $1.70 a bushel—and you all know that corn has been much higher than this. Corn always brought about half as much as wheat on the open market; therefore wheat would be worth $3.40. In the corn belt they raise an average of 75 bushels of corn per acre, while wheat averaged 14 bushels per acre. Take it also from the standpoint of nutrition. Twelve bushels of wheat are equivalent to 20 bushels of corn in its feeding value; consequently wheat would be worth $2.83, as compared to corn. Barley sold for $1.78 a bushel. In North Dakota we can raise 3 bushels of barley to 1 of wheat; therefore wheat, at the same proportional price, would be worth $5.34. Rye sold on that day for $2.65. We can raise 2 bushels of rye to 1 of wheat; consequently, in the same ratio, wheat would bring $5.30 a bushel.

If we are to fix the price on wheat, why, then we should fix the price on all the substitutes also. The consumer goes to the market to-day and he pays a certain price for flour, and then he pays a higher price for every substitute that he is compelled to buy through the order of the Food Administration. Corn meal, oatmeal, barley flour, and all the substitutes are much higher than wheat flour. The consumer when he pays for his flour and his substitutes is required to pay more than he would for the equivalent in pure flour.

Cotton sold for 5 and 6 cents before the war. It is now selling as high as 31 cents. A short time ago it brought 40 cents. I would vote against $2.50 wheat with the same reluctance as the gentlemen who raise cotton would vote for 15-cent cotton in preference to 25-cent cotton, but if conditions were reversed and the farmers were receiving a high price for wheat and the price had been fixed on cotton at 15 cents, in all justice to the farmers of the South I would vote for higher-priced cotton.

It is unnecessary for me to call your attention to the enormous profits that are being made off of steel, off of guns, ammunition, and all the things, except flour, that the Government is buying. It would only be a repetition of the Hog Island incident, and Congress is well acquainted with these facts. One thing can be said though, even if we fix the price of wheat at $2.50, the farmers can not be classed as "profiteers." We must be consistent. We can not have a semiprice-fixing program, but it must be applied to all things alike. We should not discriminate against the wheat grower and penalize him for the product that is most needed to win the war. I would rather see the price of wheat stay at $2.20, providing that all other things were fixed in accord for the sake of the thousands of people in the cities whose salaries are already too small to reach the high cost of living, which is ever increasing. I spent the first six weeks of my official life in Washington trying to obtain a fair price for wheat.

If I can be assured right now by the committee that prices of all products will be fixed on the same basis as wheat, I shall not vote for $2.50 wheat. I feel that if we raise wheat 30 cents and do not curb the profiteers, the farmer will have to pay back the 30-cent raise with interest. In other words, the profiteers will get it if we do not restrain their uncurbed selfishness, to protect the farmers and consumers alike.

The farmer, however, is tired of reading in the reactionary newspapers that he is making all the money out of the cost of living. Just the other day I read that the New York department of foods and markets stated that out of the average dollar paid by the ultimate consumer the farmer receives 35 cents and the distribution system 65 cents. Think that over. For the farmer's produce the middlemen receive two-thirds of the consumer's dollar and the farmer only receives one-third for producing it. I do not claim it is illegitimately handled, but I do claim that it is legitimately mishandled. Our Government will be compelled to work out a plan before this war is over to eliminate all the unnecessary middlemen in the great marketing centers, as it has eliminated the gamblers in the wheat pits. In so doing it will carry out the program that the Nonpartisan League has been advocating for the past three years. The object of the Nonpartisan League is to bring the producer and consumer closer together, thereby giving the farmer a fair profit for what he produces and also reducing the price to the men who must buy the food that he raises. Two-thirds of the dollar gives plenty of margin for both adjustments.

Other industries do not take the chances that the farmer does. As you know, farming is one of the biggest gambles there is. He puts his time, labor, and money into his business in the spring, and then he takes the chances of hail, drought, rust, and other elements that may destroy his entire crop, while interest plus a generous profit is the worst that can happen to the profiteer. When the munition makers, the shipbuilders, and the manufacturers come down to Washington, the Government says to them, "How much money do you want to borrow? How much profit do you desire on your produce? Have you a labor shortage? Is there anything else we can do?" We guarantee them everything, including money, labor, and profits. But what do you say to the farmer? Nothing.

Our enormous exports for the last few years have been the wonder of the civilized world. We have surprised ourselves with their magnitude. Ships loaded with gold come from all nations to our shores. These things have contributed largely to the present prosperous conditions of certain sections of our country. It is well to pause and reflect upon the sources from which these exports come. Nearly 80 per cent of the products

that have produced these vast sums have been wrung from the soil by the producers. In faith the farmer has sown and planted. He has with industry cultivated and with rejoicing harvested the grain and cotton that has gone abroad to feed and clothe the people of other nations. He has reared, watched, cared for, and fed the herds and flocks which, together with the grain and cotton, have brought twice their value to the distributors and carriers of farm products.

To-day, with his products, the farmer stands as a breastwork against the possibility of the rule of autocracy. In the considerations of questions that affect the welfare of the Nation no group of citizens are entitled to greater or more candid attention, and yet, during all our deliberations here, the farmer, with his vast contributions to the general welfare, receives comparatively little consideration. His interests have not been directly attacked, but quietly ignored. I do not say this to complain. I realize that in an advanced state of civilization society will always be divided into groups. We have our business men, farmers, bankers, mechanics, and professional men. It is the function of government to see that no group is favored to the injury of other groups; that much government should do; the farmer does not expect it to do more. Nothing short of united, determined public opinion will bring the necessary relief. Because of their general isolated condition and want of organization, they have failed in the past to contribute their share toward molding public opinion in proportion to their numbers and magnitude of their contributions to society.

To-day the farmer is awake to the things that pertain to his own interests. The farmers' movement is inspired by patriotism, based on truth and justice, organized by reason, propagated by education, and perpetuated through sheer necessity. He has learned that the ballot box is the natural place for the American people to fight their economic troubles. They ask for no special favors, but demand even-handed justice and exemption from threatened dangers. They desire to live and let live. Their purpose is not to tear down but to build up. Their demands are not made solely for themselves, but in behalf of all the great interests of the Republic. Without a reasonably prosperous agriculture other interests can not prosper.

The farmer has ever been the mainstay of the Nation in times of peace and war. While he is a peace-loving citizen, he would rather fight than sacrifice principle. Since the time the Minute Man of Concord left his plow standing in the furrow, the farmers have been the vanguard in every movement for democracy. He has not and he will not fail the Nation in this crisis. He has increased his acreage this year in spite of discouragement and price fixing. The farming districts have met their quota of the third liberty loan with quicker response than in other sections of the country. I am proud to say that North Dakota oversubscribed the second liberty loan by 72 per cent, which was the greatest additional subscription for any State in the Union. This year the State legislature passed a law and have loaned the farmers over $4,000,000 to plant a large crop in order to feed ourselves and our allies. While he does not hold his views on public questions loosely, he does not question the loyalty or patriotism of those who simply differ with him on economic questions. The farmer fired the first shot in the great conflict that gave us liberty, independence, and power. That liberty they still prize, and to-day you will find the aged farmer, with his wife, daughters, and boys of tender years, toiling from early morn until late at night to help feed and clothe the world, while his first born, to whom he looked to be the stay and comfort of his old age, is in the trenches "somewhere in France" fighting to make the world safe for democracy and democracy safe for the world.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, I come from that part of the country where we can raise wheat and corn each with success. But if we raise wheat at $2.20 a bushel and corn, as we ordinarily produce it, we will make at least $2 from our corn where we make $1 from our wheat. That is true in our part of the country. I thought it was true over in eastern Iowa, where I was born and raised, the State from which the gentleman hails, who was talking about the rapacity of the wheat raisers trying to boost the prices, and how corn should be left immune—that old fifth district, where they raise 4 bushels of corn to 1 of wheat.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. SLOAN. They did that then, and they do it now, and hence the magnanimity of the good gentleman from Iowa who comes from a corn district.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. SLOAN. I have only three minutes.

Mr. GOOD. The gentleman does not want to be unfair.

Mr. SLOAN. I never was and am not now. I have not given it half as hard to the gentleman as he deserves. [Laughter.]

Mr. GOOD. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SLOAN. Not just now. I have only three minutes. I desire to say this: You must keep faith with the folks at home just as nations are required to keep faith with other nations. The one power in this country this year that sought until recently to adjust the price of wheat for the purpose of increasing the yield of wheat, not in our neighborhood but throughout the great spring-wheat areas of the country, was the body at the other end of this Capitol. There were frequent hearings by various farmer bodies here. They went before Mr. Hoover and others, endeavoring to obtain justice. They obtained nothing until they went before the Senate of the United States. That was over a month ago. It was determined, although not voted on until the 21st day of last month, that there should be granted to the farmers of the United States $2.50 for the wheat that they should raise and market. I think it is up to the Congress of the United States to say that we will redeem that promise which has been held out for more than 30 days now, not from the date of the vote but from when it was determined it should be so voted. During that time all over the great spring-wheat raising belt of the United States the farmers have been exerting every power they have to plow every additional acre they could and sow it to wheat, in response to the Senate of the United States guarantee to them of $2.50 per bushel. The question now is, Will the American Congress make good on that pledge, or will it repudiate it? The Senate made the pledge. Shall we keep it, or shall we repudiate it?

Wheat is the only product of the soil or factory for which the Government has named a price. It has denied opportunity of a supply-and-demand market, and this in utter disregard of production cost. Wheat is sowed and harvested by labor more than doubled in cost, on land enhanced in value by the production of other products whose prices are not fixed; it is bound with twine trebled in cost and controlled by a trust the Government is doing nothing to control; and the ground is prepared, harvesting conducted, and thrashing done with tools and machinery the height of whose prices are limited only by the blue arching dome.

If you would be fair, make the price correspond with other things which the farmer could raise instead of wheat, or take away the control of price altogether and let the farmers' wheat take its chances on a market thrown into governmental straitjackets. Let all crops be bond or all free. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, the big question before us is not the particular percentage of profit that some certain class shall receive, but the extent to which we can increase the production of such a vital necessity in our food supplies as wheat.

Gentlemen speak of the fixing of the price of wheat as if thereby a special favor had been conferred upon the wheat producer. Far from it. The wheat producer has been discriminated against as compared with producers generally. Inspired by a desire to encourage the production of wheat and by a realization of its vital importance as a food staple for ourselves and our allies, Congress last year passed the law guaranteeing a minimum price for wheat, guaranteeing the wheat producer against loss except by crop failure. The Food Administration has, in violation of positive assurances made to Congress, fixed a maximum price upon wheat, but has done nothing to regulate other agricultural products. The gentlemen from nonwheat producing States, parading the favoritism they allege is shown the wheat producers by that kind of price fixing, refer to the fact that corn growers and cotton growers are not asking similar action. Certainly not. The southern grower of cotton, with the sky the limit upon the price of raw cotton, with the wheat producer paying unheard-of prices for cotton goods for clothing or farm use, would certainly object to a guaranteed maximum price of 12 or 14 cents for raw cotton. The guaranty would not be objectionable, but the placing of such a maximum, one at which cotton can be profitably produced, would take all the pleasure out of the guaranty.

The question is not one of showing favor to the farmer, and it matters not whether 6 or 50 per cent of the farmers are wheat growers. We want this year and next the biggest possible acreage of wheat, because our people need the wheat and our allies need it, every bushel we can possibly raise. We should give the farmer more encouragement to increase his wheat acreage rather than his corn acreage, for it is wheat we want primarily. But we are doing the contrary. We limit the price of wheat, force the people to use many new and

strange substitutes, place no limit on the price thereof, run the price of such substitutes up out of reason by such new demand, and thereby encourage the farmer to increase his corn acreage and not the wheat.

Some gentlemen seem to fear that the consumers are going to be damaged by an increase in the guaranteed price of wheat to $2.50 a bushel, because of a possible increase in the price of flour. As a matter of fact, the consumer is interested at the present time not only in the price of flour but also in the price of substitutes, and in the extent to which he is obliged to buy substitutes that he does not want or does not know how to use in order to get enough flour. By reason of the unrestricted price of those substitutes, and because of the rise in the price of corn and other wheat substitutes, the farmer is led to plant more corn and less wheat, and thereby the fate of the consumer is a more or less critical one.

I will ask the Clerk to read in my time an expression from certain consumers as to the way they view this present unrestricted rise in the cost of substitutes, and to remind you that if we are able to encourage the farmers by way of a proper guaranteed price to increase their wheat acreage rather than their corn acreage, then the consumers will not be required to buy so much of substitutes. They can well afford the trifling increase in the cost of wheat flour if they do not have to buy as many pounds of high-priced substitutes which they do not want. I will ask the Clerk to read it in my time.

The SPEAKER pro tempore. The Clerk will read the letter in the time of the gentleman.

The Clerk read as follows:

PORT HURON TRADES AND LABOR COUNCIL,
Port Huron, Mich., April 12, 1918.

(Copy—Original to Food Administrator H. C. Hoover.)

DEAR SIR: At a recent meeting of the Port Huron Trades and Labor Council the ever-ready subject of food and food substitutes was brought up. To the wage earner the substitute proposition is one of no small account. A sack of flour in this city, together with the necessary amount of substitutes, costs the consumer in the neighborhood of $4, and this fact, together with other high prices charged for every-day necessities, prompted the writing of a request that the price of substitutes be put within reasonable reach.

To the ordinary observer it would seem that the farmer is going to raise corn at the present price before he will wheat, as he can, in most cases, double his yield per acre; and as has been shown by recent reports that there is grave danger of a wheat shortage, we are of the opinion that if the farmer was given to understand that he was expected to raise wheat instead of wheat substitutes, there would be a much larger yield and the need for such substitutes materially lessened and the price of these things forced down to a reasonable price.

The Food Administration has our hearty support in all that they are at present trying to bring about, but we do ask a reduction in the price of substitutes, if such a thing can be brought about.

Cordially, yours,

PORT HURON TRADES AND LABOR COUNCIL,
GEO. VAN NORMAN, *Recording Secretary.*

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the time be extended 15 minutes. I dislike very much to make that request, but I have a number of requests here for time, and I would like to accommodate them to the extent of two or three minutes each.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the time for general debate be extended for 15 minutes. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object——

Mr. HAUGEN. Let me say to the gentleman I would not make this request if it were not for the fact there are such urgent requests for time and this is a very important proposition, and I do not think that 4 hours and 15 minutes is too much time to give to a question of this importance.

Mr. COX. I may state to the gentleman that every Member has a right to insert in the RECORD his remarks.

Mr. HAUGEN. Oh, they have the right; but they would like——

Mr. COX. In view of the fact that all have the right to insert their remarks in the RECORD, I hate to object, but I think in the interest of time I shall have to object.

The SPEAKER pro tempore. The gentleman from Indiana objects.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Speaker, South Dakota in 1917 produced 97,150,000 bushels of corn, 52,024,000 bushels of wheat, 65,450,000 bushels of oats, 26,520,000 bushels of barley, and 5,600,000 bushels of rye. It is needless to say that the farmers of my State are deeply interested in this price-fixing movement.

I maintain that Congress never intended that the price of wheat should be absolutely fixed by congressional law. The food-control law was enacted as a war measure. There were not sufficient ships to carry the Argentine wheat to our allies in Europe. The Russian wheat supply was cut off by the armies of the central powers. Congress foresaw the shortage in food supply, and no one could tell how long the war would last. Wheat is an uncertain crop, and the object of Congress was to stimulate the production of wheat by saying to the farmer, "We want you to increase your wheat production, and we will guarantee you a minimum price."

The minimum price fixed for wheat in the food-control act for the 1918 crop was $2 per bushel. Under the powers granted in this law the President fixed the basic price of 1917 wheat at $2.20 per bushel.

The Senate amendment which we are now considering seeks to amend the original act by providing a minimum price of $2.50 per bushel for the 1918 wheat crop. The entire purpose of this legislation was to fix a minimum price for wheat, leaving the law of supply and demand in full operation. The Congress said to the farmer, "If you will increase your wheat acreage, the Government will guarantee you a reasonable minimum price" as an inducement in order to secure increased production and to relieve the farmer of some of the chances of loss.

Under the operation of the food-control act the minimum guaranteed price has become the sole price. The law of supply and demand has been suspended by the administration of this law. The farmer, in good faith, used every effort to increase wheat production, but he did not suppose that the guaranteed minimum price would become the maximum or sole price of wheat.

I shall support the $2.50 wheat proposition, not that I believe it will materially increase the production but rather as an act of justice and fairness to the American farmer. About a year ago, on a hearing before the Agricultural Committee, it was claimed that the Northwestern farmers were losing $340,000,000 a year through the manipulation of the markets. There is much truth in that statement. When wheat was put upon the market in the fall of 1916, it started at $1.50 per bushel; it rapidly increased until it reached $3 per bushel.

The Government being the principal dealer in wheat, making purchases of wheat for our allies, and under the administration of the food-control act by putting into force a system of licensing dealers of the products of wheat, has been able to absolutely fix the price of wheat.

Oats went upon the market in 1917 at a price a little less than 50 cents per bushel. The price gradually increased until it reached 93 cents per bushel. Then the Chicago Board of Trade, under its rules and regulations, undertook to fix a maximum price for oats by providing that the price should not exceed 93 cents per bushel. The grain exchanges have been able through their combinations to arbitrarily fix a maximum price for oats and other products.

When the Government established a fixed price for wheat the grain exchanges ceased their dealings in options, but they are now dealing in options on corn, oats, rye, barley, and other products. Let it be remembered that the Chicago Board of Trade, composed of 1,640 members, prior to the passage of the food-control act was selling 90,000,000,000 bushels of phantom wheat per year—wheat that was never owned or grown—and when the entire shipment of wheat to Chicago was about 36,000,000 bushels per year.

If we allow every bushel of wheat that went into the Chicago market to be hedged 25 times there would still be over 89,000,000,000 bushels of wind sold on the Chicago market. No wonder Chicago is called the "Windy City." A similar situation prevailed at the other exchanges. The food-control act gave power to control these exchanges, but according to my information but little has been accomplished toward bringing them under Government control. They are still engaged in speculating in food products. It is said that in 1917 on the Chicago exchange were sold 4,000 carloads of fictitious eggs, and each sale would register an increased cost of actual eggs to the consumer.

The farmer can not sell his own grain in these markets. It is said that a farmer can not personally sell a bushel of his own wheat to a miller in Minneapolis. He must employ a member of the grain exchange and pay a commission on every bushel sold. The commission charged for selling other grain has been raised since the price of wheat was fixed.

Twenty years ago South Dakota had 130 flour mills, but they have been practically driven out of business, as we now have not to exceed 30 in the State. The millers at the terminals and the boards of trade are still manipulating the markets. The profiteers are not on the farms; they are at the terminals.

I believe the farmers of my State are opposed to the fixing of the price of wheat, especially so when the price of everything the farmer must buy is governed by the law of supply and demand. The Government can not compel a farmer to raise wheat or to sell the wheat he has produced. If the price is too low the producer will not sell. Again, if the Government maintains a price that is too low the farmer will not produce wheat.

When the price of wheat is high, production will be increased. When the price is low, production will be decreased. Overproduction brings down the price, underproduction raises the price. Fixing the price is wrong in theory, and it can not be maintained for any great length of time. The farmer will produce the grain that brings him the best returns.

The cost of labor has trebled, and the cost of farm machinery has more than doubled. These products are subject to the law of supply and demand, yet the finished product is to be regulated by law without taking into consideration the price of other cereals. Corn yields about three times as much per acre as wheat, while rye and barley bring better returns per acre at present prices than wheat will at even $2.50 per bushel.

The farmer should not be expected to raise wheat at a loss. Farm labor is being employed at $60 to $100 per month; other labor at from $5 to $12 per day. The increase in the price of wheat should be in keeping with the increase in the cost of living. It is my belief that the open, honest market, from which speculators and manipulators are barred, will do more to produce fair and stable prices than any price-fixing device. Profiteering and gambling should be eliminated in favor of an open, honest market.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker, whether or not wheat at $1 per bushel is high and wheat at $2.20 per bushel is low depends entirely upon the purchasing power of the dollar. If barb wire could be bought at $2.10 per hundred pounds, as it could not many years ago; if shoes that you pay $10 for could be purchased for $5; if farm implements could be purchased at the price for which they could be bought before the European war; if farm labor could be employed at the prices that were current in this country prior to four years ago; and if the prices of everything else that enters into the production of wheat occupied a similar ratio, then $1 would represent a good price for that commodity.

On the other hand, with the prices of everything that the farmer has to buy raised enormously, wheat at $2.20 does not appeal to him as attractive as the production of other crops.

We may doubt the wisdom entirely of attempting by legislation to fix the price of any commodity; we may doubt it especially when at the same time we do not fix the price of all essential commodities; but that is not the question that is before the House at this time. The problem that we face is whether or not we owe it to the wheat grower to guarantee that he shall receive $2.20 per bushel for wheat, measured by prices fixed at certain markets and based upon almost a mythical standard, No. 1, or whether he shall be entitled to our guaranty of a price more nearly in harmony with the prices of other commodities.

In studying this question, I desire to call attention briefly to the following propositions:

First, the price of wheat when compared with the price of other grains.

Second, the comparative profitableness of growing wheat and other grains.

Third, the price of commodities the farmer must buy.

PRICE OF WHEAT COMPARED WITH THE PRICE OF OTHER GRAINS.

Now, let us consider for a moment the price of wheat when compared with the price of other grains. That this may be clearly before us, I have prepared a table which indicates the Chicago December prices for the past several years, and I am quoting only the highest price for each grain, and I am also comparing the price of wheat with the price of another great staple agricultural product—cotton. The wheat is No. 1 northern spring, with the exception of the quotation for 1917, which is for No. 2 red winter. The price of wheat for that year is that fixed by the market in August prior to the taking effect of the $2.20 price:

	Corn.	Barley.	Oats.	Wheat.	Cotton.
	Per bushel.	*Per bushel.*	*Per bushel.*	*Per bushel.*	*Per pound.*
1913	$0.73½	$0.79	$0.40⅜	[1] $0.93	$0.122
1914	.68¼	.75	.49½	[1] 1.31	.068
1915	.75	.77	.44	[1] 1.28½	.113
1916	.96	1.25	.54	[1] 1.90	.193
1917	1.90	1.40	.80⅜	[2] 2.60 to 2.75	.277
1917, September				[3] 2.20	
CHICAGO—FEBRUARY 15, 1918.					
1918	[4] $2.00 to $2.05	$1.80 to $1.92	[5] $0.89¼	[3] 2.20	[6] $0.3033

[1] No. 1 northern spring.
[2] No. 2 red winter (in August).
[3] Price fixed by Government.
[4] No. 2 yellow.
[5] White.
[6] New Orleans Cardam.

From the foregoing it will be seen that the farmer who had corn to sell received 98 per cent more for his corn in 1917 than he received in 1916 and 142½ per cent more than he received in 1915.

The grower of barley received almost double in 1917 what he received for his barley in 1915.

The grower of oats received practically double in 1917 what he received in 1915.

The grower of wheat received $1.90 a bushel in 1916, while in 1917, under the price fixed, he received an increase of 16 per cent. In comparison with the price received in either 1915 or 1914, he received a far less increase than did either the grower of corn or barley or oats.

The comparison is likewise striking when an examination is made of the price received by the cotton grower for his cotton. The crop of 1917 commanded 27.7 cents per pound; the crop of 1916 commanded 19.36 cents; 1915, 11.3 cents. The other day the price of cotton was quoted, New Orleans, Cardam (middling), at 30.63 cents per pound.

It will at once be seen from the foregoing that, generally speaking, the farmer who raises wheat—which, it would seem, is the most essential of all these commodities I have mentioned—is receiving the least encouragement instead of the greatest.

Again, remember that if $2.20 represents a fair value for wheat in September, 1917, the ratio of increase in cost of other commodities since that time abundantly argues in favor of $2.50 to-day.

Consider the question from another point of view—the relative value for food purposes of oats, corn, and wheat:

In 1915 oats were worth 44 cents per bushel, while wheat was worth $1.28½—almost three times the price of oats. In 1916 oats were worth 54 cents and wheat $1.90; or, in other words, between three and four times the price of oats. Last year oats were worth 80⅝ cents, while the price of wheat was fixed at $2.20.

From the foregoing it will readily appear that the price of wheat, with relation to the price of oats, should be from $2.50 to $3.

Again, making a similar comparison with corn, in 1915 corn was worth 75 cents per bushel; wheat, $1.28½, or about 50 per cent more than corn. In 1916 corn was worth 96 cents, as against $1.90 for wheat, or nearly twice the value of corn. Last year corn was worth $1.90, and you can readily see that with wheat arbitrarily fixed in price at $2.20 the arbitrary price was far below that which food values would suggest. From this comparison the price that could reasonably be fixed for wheat would be even upward from $3 per bushel.

Again, let me ask you to take the prices received for corn, barley, and oats for the years 1914, 1915, and 1916, which are the years immediately preceding the year in which the Government fixed a guaranteed price, and compute therefrom the price that wheat would have commanded in 1917. You will observe that, with the exception of years that are unusual, as where there is tremendous underproduction or overproduction of one of the grains that I have mentioned, the ratio of the price of wheat to the price of these other grains is almost constant. Upon the ratio of price that appears for wheat for each of the years 1914, 1915, and 1916 the price of wheat for 1917 would have been about $2.68 per bushel, instead of $2.20.

But some one says the price that we are guaranteeing is the minimum price. If the war should come to an end to-day the price of other commodities might fall however low, but the price of wheat to the farmer would remain fixed. In theory that is true, but the farmer would much prefer to carry his own risk and trust to the market for the price of his commodity than to be required to sell it at the price that is guaranteed.

THE COMPARATIVE PROFITABLENESS OF WHEAT AND OTHER GRAINS.

We are asking the farmers to grow wheat, and then more wheat. We have fixed a price as a guaranteed price that I think is clearly below the price of other grains that are in competition more or less with wheat. Let us consider the question from the standpoint of the yield per acre of wheat and other grains, of the prices paid per bushel for wheat and other grains, and the income per acre received by the farmer from growing corn or wheat or barley or some other crop. Take rye; the average yield of rye throughout the United States for a period of 10 years prior to 1917 was 16.3 bushels per acre. The average production of flax was 8.6 bushels per acre; of oats, 29.9 bushels; of barley, 25.2 bushels; of corn, 26 bushels; and of wheat, 14.7 bushels. Last year the average yield of these commodities was much the same; oats being somewhat larger, or 36.4 bushels per acre, while the yield of corn was 26.4 bushels, and wheat 14.2.

Now, if you will take the yield per acre that I have indicated and multiply the yield by the price for each particular grain

you will arrive at the gross income per acre to the farmer for the production of each of the commodities indicated: Corn, at 26 bushels per acre, at the rate of $1.90 per bushel, means $49.40 per acre to the farmer; rye, at 16.3 bushels per acre, upon the basis of $2.20 per bushel, means $35.86 per acre; barley, with a production of 25.2 bushels, at $1.40 per bushel, means $35.21 per acre; oats, on the basis of a production of 36.4 bushels, at 80§ cents per bushel, means $29.35 per acre, gross-receipt returns for the United States; wheat, upon the basis of 14.7 production, at $2.20 per bushel, means $32.34 gross returns to the farmer.

This is rather a rough analysis, but it seems to indicate that the farmer who is asked to produce wheat is asked to do so at a price that guarantees to him returns considerably lower than the returns that the market guarantees to the farmer who produces rye or barley or corn. Upon the theory that we need to encourage the production of wheat it would seem that the price fixed by the Senate amendment is not unreasonable.

THE PRICE OF COMMODITIES THE FARMER MUST BUY.

Now, let us consider the price of commodities the farmer must buy. I shall not dwell long upon this feature of the subject. It is perfectly obvious. A farm paper that I hold in my hand contains in an advertisement in red ink the cancellation of the words "50 cents per year." and in lieu thereof the substitution of the words "75 cents per year." The papers that you bought upon the streets of Washington last year for 1 cent you are paying 2 cents for to-day. You are paying more for all the commodities that you have to buy, and I want to call to your attention that this phenomenon is not limited to everybody else excepting the farmers; but he, too, is sharing the burden of paying high prices for that which he would buy in order to carry on his farm work.

During the five years preceding 1918 grain bags in the Pacific Northwest have sold as low as between 7 and 8 cents, while to-day they are about 25 cents each.

Binding twine likewise has increased in cost. Last year it was sold at 14 cents, to-day it is 25 cents.

Drills that could be purchased in 1917 for $180 have increased to $250.

Discs that could be purchased in 1916 for $75 and in 1917 for $100 have increased to $180.

Plows that could be purchased in 1917 at $135 have increased to $180. A pull binder that was sold in 1917 for $220, now commands from $260 to $325. A push binder that in 1916 sold for some $275 or $295, sold last year for $350, and this year the price is from $475 to $500.

Barb wire that a few years ago was sold for $2.10 per hundred pounds has increased more than 400 per cent.

Labor cost also has increased enormously. Under normal conditions in the Pacific Northwest, for spring work, farmers were accustomed to paying $1.25 to $1.50 per day, in addition to board. This continued up to 1916. Last year they were required to pay $2 per day, and this year it will be far more than that.

In the harvest season, up to 1916, our farmers were accustomed to paying from $2.50 to $3 per day for common labor, while last year they had to pay from $4 to $5 per day, and for some kinds of work as high as $8 and $10. This year in all probability the minimum price will be not far from $5.

CONCLUSION.

In the limited time that I have had I have tried to call attention to the condition that surrounds the farmer who is asked to produce wheat in comparison with the condition that would have been his if no minimum guaranteed price had been established. I have contrasted the returns to the farmer who is producing wheat with the returns to the farmer who is producing other of the great commodities that enter into the necessities of life. I believe that it must be apparent that the farmer who produces wheat is called upon to sell his wheat at a price lower than that which would be fixed in the market place if the law of supply and demand could control. If this is true, it means that the farmer is asked to bear a loss. Whatever that loss may be, it is a loss borne primarily for the Nation. I believe if the price shall be fixed, as indicated by the Senate amendment, the wheat farmer will still bear a loss in comparison with the farmer who produces cotton or corn or barley. However, to the extent of the amount indicated in the Senate amendment, shall not the people as a whole, who make up our country, bear the burden instead of placing it upon the shoulders of the grower of wheat? That is all there is to the proposition.

Mr. HAUGEN. Mr. Speaker, time will not permit a discussion in detail. However, I desire to say the question involved in the amendment offered by the gentleman from Michigan is, Shall the present price fixed for No. 1 wheat, at $2.20 per bushel at the principal interior primary markets, be increased to $2.50 per bushel for No. 2 northern spring wheat, or its equivalent? Now, gentlemen, what is the situation? A year ago when this question was under consideration wheat was then selling for about $3.42 a bushel. Mr. Hoover expressed the opinion that it might go to $7 a bushel. Nobody wanted it to go to $7. It was suggested that we should enact legislation that would make it possible to depress the price. Mr. Hoover later expressed the opinion that it would be his task to make flour $6.60 a barrel, which would net the wheat grower about $1.10 a bushel. Later he expressed the opinion that wheat might be fixed at $1.50 a bushel. In view of the conflicting reports as to Mr. Hoover's proposition in fixing the price, the Senate took the matter in hand and fixed the price at $2 a bushel. Later the commission fixed it at $2.20 a bushel. Now, the gentleman from Illinois [Mr. MADDEN] says that the farmers were compensated for their wheat. What happened? Wheat was worth $3 per bushel. The commission fixed the price at $2.20. The farmers were compensated to the extent of $2.20, less freight and expenses of marketing. But, I submit as to the rest, they have never been compensated.

That price has been determined for 1918 also. What were the results as to the 1917 crop? Certainly not satisfactory. With the low price fixed on wheat and the high prices on other cereals, as a result much of the wheat has been fed to stock instead of being ground for food. Naturally so, though the farmers, generally speaking, are patriotic; their stock has to be fed as well as food provided for their families, and if he has wheat in his bin, and no corn, and has pigs to feed, it means a considerable sacrifice for him to sack and haul his wheat and sell it at less than $2 per bushel and to buy and haul corn to his feed lot, paying $2.25 for a bushel of corn of less value for his purpose than the bushel of wheat which he sold. Hence we are confronted with this situation—the wheat grower has been denied the opportunity to sell in competition, to have the benefit of the law of supply and demand, and has been the loser to the extent of from one to two dollars a bushel, which in the aggregate would amount to several hundred million.

The consumer has and is paying more for bread than ever as a result of the unreasonable and extraordinary profit guaranteed the miller. The millers have been pocketing the millions. Not only have the millers made big profits, but prices were fixed on cattle and hogs, and as a result the packers made big profits also. In looking over Swift & Co.'s financial statement, I find that its balance sheet, September 30, 1917, published on page 56 of its yearbook, reports a profit of dividends paid, $10,000,000; added to surplus, $24,650,000; profits for the year, $34,650,000; on a capital stock of $100,000,000 and a surplus of $59,965,000. In looking over the report for former years I find that Swift & Co.'s profits for 1913 were reported to be $9,250,000; for 1914, $9,450,000. According to the reports profits have increased more than 300 per cent over those years. According to Mr. Cotton, Chief of the Meat Division, United States Food Administration, and assistant to Mr. Hoover, and particularly in charge of the meat and provision buying under the pooling system, who I understand was an attorney for the packers, packers were limited to a profit of from 9 to 15 per cent on their invested capital, including borrowed money. Certainly a satisfactory arrangement so far as the packers were concerned. What a splendid inducement for the packers to borrow money. Under such an arrangement there is, of course, no limit as to its profits. Take for instant, if one's capital stock is $100,000,000 and its profits are $100,000,000, as a 100 per cent on the capital, all that would be necessary to do to bring itself within the requirements would be to borrow a billion dollars, and it would be entitled to $990,000 profit, and by adding $10,000 to salaries and deterioration of the plant, the packer would have complied with every requirement of the Food Administration. But why stop at borrowing a billion when money can be borrowed at, say 4½ per cent with a guaranty of 9 per cent or 100 per cent profit? One hundred per cent profit may not attract the packer, but to the average business man it would appear as a profitable investment. Compare it, if you will, with the net income of the farmer. According to a statement made two or three years ago before the committee by Dr. Spillman, Chief of the Office of Farm Management, Department of Agriculture, one who has made a life study of the subject, the farmer with his family, with an average of 4.6 persons, gets $142 in cash every year as the earnings of the family or 4.6 persons in addition to $260 for food, fuel, and house rent. According to Dr. Spillman's statement, an average of $30.87 cash for a year's work to provide themselves with groceries, clothing, and other necessaries to maintain life.

In view of the liberal profits allowed the miller, the packer, the implement manufacturer, the munition manufacturer, and all along the line, in view of the compensation guaranteed to railroads, and in view of the increased price in farm machinery, in wages paid farm labor, and the expenses all along the line incident to production, is it asking too much to allow the producer to sell in open unrestricted markets and to give him the benefit of the law of supply and demand or that accorded to others, and if price fixing is to be resorted to, if he is to be singled out, can we not afford to grant this slight increase? What does it amount to? To the farmer in the aggregate it amounts, as I have before stated, to a few hundred million; to the consumer it is less than one-fourth cent per loaf of bread.

The American people consume about a barrel of flour per capita. Five bushels of wheat make a barrel of flour, including the miller's expense of grinding and sacking, and loading it for shipment. Thirty cents increase on 5 bushels equals $1.50 per barrel. The $1.50 will neither make or break anybody. If we are concerned about the consumer, there is a way of protecting and benefitting him; that is, by regulating charges and prices of combinations and price-fixing concerns. We now have laws upon our statute books which will make that possible, but so far no one seems to be concerned about them, and until laws are enforced, and profits restricted by the manipulators and the so-called profiteers, the consumer can, of course, look for no relief. The question of a quarter of a cent on a loaf of bread is, of course, a question that should be taken into consideration. But, gentlemen, it sinks into insignificance when compared with the importance of supplying our people and our allies with food. Owing to our proximity to the field of activity, our source of supplies, with that of Canada's, is practically the only supply available. Our wheat crop for 1917 was estimated by the Department of Agriculture at about 668,000,000 bushels. It is now believed to have been less than 600,000,000. Compare it with the average for five years, 1911–16, of 806,000,000, we had less than 75 per cent as compared with those years, and less than 60 per cent as compared with 1915. I have no desire to sound an undue alarm as to the food situation or disclose any secrets, but having given the matter considerable consideration, and having come in contact with a number of people who are familiar with our supply, as well as the conditions in general, it seems clear that special consideration should be given to questions of production, and encouragement.

I quote from the Washington Star:

GYPSY SMITH THRILLS THOUSANDS WITH APPEAL FOR BONDS TO WIN THE WAR.

The war is being fought in France, but it must be won right here in America. You can strike your blow for American freedom by supporting the third liberty loan.

DEPICTS CONDITIONS ABROAD.

The manner in which England is meeting its sorrows, its sacrifices, and its hardships was touched upon by the evangelist in a graphic manner. He told of the scarcity of food among the allies, and of the bread lines. He stated that in England an adult is allowed only 4 ounces of fat each week, three-fourths of a pound of meat each week, and 2 ounces of bread at a meal.

"The world is looking to us for salvation," he said. "Thank God this country is beginning to realize the gravity of the situation, and that its peoples will do everything to aid. We are fighting for the safety of all mankind—for our children, and our homes. No price is too great to pay for victory."

Gypsy Smith is fresh from the field and his statement is worthy of consideration and credit. With such a situation before us, this is no time to discuss or delay. Rather than to discuss the question of 30 cents a bushel on wheat, or a quarter of a cent on a loaf of bread, we had better devote our time to production and how to successfully prosecute this war.

Now, that we are at war, no matter what one's views as to our entering it, our President and a majority of Congress, the highest authority of our land, in a regular way, have declared war, and in so doing have pledged our national resources, blood, treasure, and credit, and our national honor is at stake.

Now, that our boys are on the firing line, all will, I am sure, do their duty in helping to redeem that solemn obligation in sustaining our national honor and our boys who have willingly taken their lives in their hands and are willing to lay them on their country's altar as a sacrifice defending it. Will we desert them? A thousand times, no.

There were honest differences of opinion as to our entering this war. There was a time when it was everyone's duty to voice his honest sentiments about entering the war, but that time has passed. That question has been settled for all time. Congress and the President have pledged the best that is in us; in fact, all that we have.

There is only one course to pursue and that is to uphold our national honor and dignity, our grand and glorious Government with its splendid and magnificent institutions, our boys going to the front and exposing themselves to shot and shell, the boys for whom every heart is filled with joy, hope, and aspirations. Rest assured that wherever they go, whoever they may encounter, they will acquit themselves like men, as did their fathers and their grandfathers some 50 years ago, who now part from their sons and grandsons that the work for which they rendered such valorous service may be carried into its fullest fruition.

This war can not be fought by debating societies, by boasting, or criticizing. No; it will require courage, statesmanship, patriotism of the highest type, money, and the united endeavor of all to win it.

If so, and with the profits which others are permitted to earn and with the sacrifices our allies are making, it is up to us to act and not quarrel about a quarter of a cent on a loaf of bread.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FARR].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for one minute.

Mr. FARR. Mr. Speaker, I do not think that the increased price for wheat suggested will increase the production of wheat. It will increase the price of flour; it will increase the price of bread; it will increase the price of eggs; it will increase the price of milk; it will increase the price of meat and every other food commodity that the consumer needs, and four-fifths of the farmers will suffer as the rest of the public do, because only about one-fifth of the farmers of this country grow wheat. In fact, only one-sixteenth of the farmers grow wheat as a principal crop. Wheat at $2.50 a bushel rather than at $2.20, the present price, would add about $1.50 to the price of a barrel of flour and increase the cost of all the products of wheat, so largely used in our billion-dollar poultry business and our vast dairy interests.

It is conceded that the 30-cent proposed increase per bushel to the producer will not have any bearing on this year's production. Under existing legislation the President has the authority to grant an increase to the wheat growers. The President did authorize an advance of the price from $2 to $2.20 per bushel, and if conditions later developed that made another increase necessary to stimulate production he would have the power to do so.

Startling instances of the injury to children because of the higher cost of milk due to the increased cost of feeding have been disclosed by an investigation made in Baltimore by the Children's Bureau of the Department of Labor, and I call the attention of the Members to the distressing facts presented in yesterday's Washington Times:

BABIES MENACED BY INCREASE IN PRICE FOR MILK.

That babies and little children are directly affected by decreased milk sales in American cities reported by dealers is shown by a study made by the Children's Bureau of the Department of Labor in Baltimore.

Of 756 children between 2 and 7 years old included in the study only 29 per cent are having fresh milk as a part of their daily diet this year as compared with 60 per cent a year ago.

This situation is serious from the standpoint of infant health and welfare, according to the Government authorities. Fresh milk, it is declared, is an essential part of the diet of the small child for healthy growth and development. Despite this, fewer and fewer children are getting milk as a result of rising prices.

One of the striking developments of the Baltimore inquiry was that foreign-born mothers, with a less income than native American mothers, continued to buy milk for their babies, while a large percentage of native American mothers bought none or else used the canned variety.

In cities all over the country these deplorable conditions exist, and in considering a further increase for a commodity which would aggravate them we should have regard for the health of the children. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. HAUGEN. Mr. Speaker, I yield the balance of my time to the gentleman from North Dakota [Mr. YOUNG].

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for one minute.

Mr. YOUNG of North Dakota. Mr. Speaker, something has been said here to-day in respect to farmers feeding wheat to stock. I do not know of a single instance where wheat has been fed to stock in North Dakota, though I have made careful inquiry. Our farmers are patriotic and would not do such a thing.

It seems to me that some of the excellent gentlemen who represent eastern districts are taking a short-sighted view of the proposal to increase the price of wheat. They are penny wise and pound foolish. One of these gentlemen had the truth forced home when he bought some flour last week. The first item in his bill was "Flour, $1.65," which was followed by certain other items for flour substitutes and which swelled the

total to $5.44. In other words, in order to buy $1.65 worth of flour he had to buy so-called flour substitutes of doubtful value which cost him $3.79. He is now convinced that it is unwise to oppose a small advance in the price of flour in order to encourage a larger production of wheat. Justice to the wheat growers will react to the advantage of the consumers of flour.

Mr. Speaker, the course which events have taken in respect to the supply of wheat were plain to thoughtful people of the West long, long ago when the price was first considered. Gen. A. P. Peake, of North Dakota, when he appeared before the wheat price-fixing committee last year, predicted that the bins in public elevators would be practically empty by May 1 of this year. He was a good prophet. Minneapolis, the greatest wheat market in the world, had at the end of the first week in April in its public elevators 278,000 bushels, as against 9,500,000 bushels the same date of last year. Again, the visible supply of wheat for the United States at the end of the first week of April, 1917, was 47,363,000 bushels, which dropped to 4,695,000 bushels the same date this year. In spite of the rosy, optimistic views of the Secretary of Agriculture, the visible supply of wheat is constantly decreasing. As explained by other speakers here to-day, the situation is serious and may become more so.

Mr. Speaker, when the price of wheat was fixed at $2.20 for the year 1918, I think it was understood that there was to be further price fixing of the things that the farmers buy. I would like to ask the chairman of the Committee on Agriculture what progress has been made in respect to the fixing of the prices of farm machinery and other things that the farmers buy?

Mr. LEVER. I would prefer not to answer that question, because I can not give the gentleman those facts. I stated to the committee some time ago that the matter was under consideration, but the bill has not been prepared as yet.

Mr. YOUNG of North Dakota. It has been considered by the Secretary of Agriculture.

Mr. LEVER. That is true.

Mr. YOUNG of North Dakota. And probably by the administration?

Mr. LEVER. Yes. I can say this to the gentleman: Whatever position may be taken by the administration on the proposition of freezing out the profiteering on farm machinery and the like will make no difference to me, as far as I am concerned. I propose to see to it that a bill of that character is introduced and passed, if I can secure its passage. [Applause.]

Mr. YOUNG of North Dakota. I commend the gentleman. As I understand it, our Committee on Agriculture, as far as the chairman of that committee is concerned, will go ahead with legislation of this kind, whether we get a recommendation from the administration or not?

Mr. LEVER. That is true. I can make that assurance to the gentleman.

Mr. YOUNG of North Dakota. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LESHER. I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of no quorum. I should like to have a quorum here to hear the gentleman from Alabama. They will have to come here anyhow sooner or later.

The SPEAKER pro tempore. The gentleman from Pennsylvania makes the point of no quorum.

Mr. BURNETT. If the gentleman will not do that I will waive the right to speak.

Mr. MOORE of Pennsylvania. The gentleman is going to make a good speech and he ought to have a quorum here to listen to him.

Mr. BURNETT. The gentleman is one of the hardest to convince that I ever struck yet. [Laughter.]

Mr. LEVER. Does the gentleman from Pennsylvania insist?

Mr. MOORE of Pennsylvania. I make the point of no quorum.

Mr. SLOAN. I ask unanimous consent that the point made by the gentleman from Pennsylvania be withdrawn.

The SPEAKER pro tempore. The gentleman from Pennsylvania makes the point of no quorum present. Evidently there is no quorum present.

Mr. LEVER. I move a call of the House.

The question being taken, on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 82, noes 28.

Mr. HASTINGS. Tellers, Mr. Speaker.

Tellers were refused, not a sufficient number seconding the demand.

Accordingly a call of the House was ordered.

The SPEAKER pro tempore. The Clerk will call the roll. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absentees.

The Clerk called the roll, when the following Members failed to answer to their names:

Alexander	Fairchild, G. W.	Kitchin	Scott, Pa.
Anthony	Flood	LaGuardia	Scully
Aswell	Flynn	Lazaro	Shackleford
Bacharach	Francis	Lehlbach	Sherwood
Barnhart	Freeman	Littlepage	Siegel
Booher	Gallagher	McArthur	Slayden
Borland	Gallivan	McClintic	Smith, C. B.
Brodbeck	Garrett, Tenn.	McCormick	Smith, T. F.
Campbell, Pa.	Gillett	McLaughlin, Pa.	Snell
Carew	Glass	McLemore	Stafford
Carter, Mass.	Graham, Pa.	Magee	Steagall
Chandler, N. Y.	Gregg	Mann	Stephens, Nebr.
Clark, Fla.	Hamill	Martin	Sterling, Pa.
Collier	Hamilton, N. Y.	Meeker	Stevenson
Cooper, Ohio	Hamlin	Montague	Strong
Cooper, Wis.	Haskell	Moon	Sullivan
Costello	Heflin	Nicholls, S. C.	Swift
Crago	Heintz	Nolan	Temple
Curry, Cal.	Helm	Norton	Thompson
Cale, N. Y.	Hensley	Platt	Towner
Dallinger	Hicks	Porter	Treadway
Davidson	Holland	Powers	Vare
Decker	Hood	Rainey, H. T.	Vestal
Delaney	Husted	Ramsey	Volstead
Dempsey	Igoe	Rankin	Ward
Dent	James	Robbins	Watkins
Dewalt	Johnson, S. Dak.	Roberts	Watson, Pa.
Dickinson	Jones	Rodenberg	Watson, Va.
Dooling	Kahn	Romjue	Weaver
Drukker	Kelley, Mich.	Rubey	Wilson, La.
Dupré	Kelly, Pa.	Rucker	Winslow
Dyer	Kennedy, Iowa	Russell	Wright
Edmonds	Kennedy, R. I.	Sanders, La.	
Estopinal	Kettner	Saunders, Va.	
Fairchild, B. L.	King	Scott, Iowa	

The SPEAKER pro tempore. On this call 293 Members, a quorum, have answered to their names.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to dispense with further proceedings under the call. Without objection, it will be so ordered.

There was no objection.

Mr. LESHER. Mr. Speaker, I have taken but very little time of the House since I have been a Member, but I think this is a very important question. I think we have to solve a problem before us to-day almost as serious as the battle that is being waged across the water. You see in all the advertisements that it will take food to win the war. Now, if food is needed let us have the food, and let us have that policy which will produce the food. The question has been asked how will this increase the crop of 1918. I will tell you how it will increase the crop of 1918. There is many an acre that will produce 2 to 4 bushels, and if the price is right that will be gathered. If the price is not right, they will let it go, and so in every little area if they can gather a bushel, they will do so.

My friend from Kansas referred to potatoes. Last year potatoes were $4 a bushel. It was not necessary to guarantee any price whatever to the farmer. They produced a great crop, and to-day you can buy potatoes for 75 cents a bushel. I think that will be the case with wheat if you give them the right price. That is all, gentlemen, that I wish to say at this time. [Applause.]

Mr. LEVER. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore. The gentleman from South Carolina has 32 minutes, and all other time has expired.

Mr. LEVER. Mr. Speaker, the question which confronts the House this afternoon is an important question and ought to be decided as nearly as possible without regard to self-interest or sectionalism. I desire in the time I have remaining to me to present, as nearly as I can, an unbroken statement of the facts touching wheat.

When this country entered the war, a year ago, we faced an abnormal situation with reference to wheat and flour. The average production of wheat in this country from 1910 to 1917 was 728,000,000 bushels. The crop of 1916, however, was only 630,000,000 bushels, while the crop for 1917 was 650,000,000 bushels. We therefore had had two years of abnormally low production.

Following upon that there was an abnormal demand for wheat to feed the armies of Europe, their civilian population, and our own population. The subnormally low yield coupled with the abnormally great demand, inevitably high prices followed. We faced this situation also; there was no unification of buying on the part of the allies. Italy was buying wheat wherever it could get it regardless of price. France was buying wheat wherever she could get it. England was buying wheat

wherever she could get it. It was not a question with these nations of price; it was a question of bread and the feeding of their armies and civilian populations. It might be compared to that of the condition of a father going out and undertaking to buy food for his little starving ones. If he has the money it is not a question of the price of food; it is a question of getting the food.

With this unrestrained competition in bidding on the part of the allies which gave rise, of course, to unrestrained speculation in our own market, the price of wheat in the spring of 1917 did rise to abnormal and unheard-of prices.

The fact of this abnormal condition made it absolutely imperative upon the part of the Government in behalf of its 90,000,000 consumers to undertake to do something to rid the country of these highly speculative values in wheat and flour, and I stand here to declare that if the Government had not stepped in and, by this unusual procedure—and it is unjustifiable in 99 cases out of 100—if the Government had not stepped in, the price of wheat would have gone to $5 or $6 a bushel and the price of flour would have gone to $30 or $35 a barrel. Those who criticize the Food Administration for its little mistakes should bear in mind its larger work in stabilizing the prices of this great war necessity, wheat and flour.

Mr. STERLING of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I desire not to be interrupted until I have finished my general statement. I would ordinarily yield, I would state to the gentleman, but I have only a few minutes. In addition to that, if there had not been some regulation of wheat and flour in this country, the strong probability is that the wealthy operator, the big man with unlimited funds, would have absolutely controlled the supply of wheat during the spring of 1917, and you would have had your bread famines in certain localities, while on the other hand you would have had a surplus of bread in other sections. Something had to be done. The situation was desperate. The food-control act was passed to meet the emergency, and it has to a great extent measured up to the expectation of its proponents.

Acting under section 11 of the food-control act the President on August 30, 1917, issued his proclamation fixing the price of wheat for the 1917 crop at $2.20 per bushel at Chicago, for the basic grade of northern No. 1. I call your attention to the fact that the President acted through a commission composed of men representing the producer, the consumer, the distributor, and every element in society. That commission after many weeks of deliberation unanimously agreed upon the price of $2.20 fixed by the proclamation of the President.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I can not yield.

Mr. STEENERSON. The gentleman is mistaken. There was no proclamation.

Mr. LEVER. What was it?

Mr. STEENERSON. It was simply fixing the price of what the Government had to buy.

Mr. LEVER. That is the difference between tweedledee and tweedledum. I shall correct my statement if it was not a proclamation, but I am sure that it was a proclamation. Acting under section 14 of the food-control act, on February 21, this year, the President issued his proclamation fixing, not a price on the 1918 crop—bear that in mind—not a price of $2.20, based on northern No. 1, but a guaranty to the farmer that if he produced the wheat, if he produced the wheat in the millions or billions of bushels, or if this war should cease to-morrow and the hundreds of millions of bushels of wheat stored in Australia, India, and Argentina should be turned loose into this country for sale in competition with his wheat, nevertheless out of the Federal Treasury he would be guaranteed $2.20 per bushel for every bushel he produced. That is the effect of the President's proclamation, and yet throughout this debate we have been going upon the theory that the President had fixed a basic price of $2.20 for the crop year of 1918. He has done no such thing. He has not fixed the price at all. It is certainly within the President's power under the law to fix a price on the 1918 crop above the $2.50 per bushel as proposed in the Senate amendment. I do not know that he will do it; I would rather think that he will not; but he has the power if he desires to exercise it.

What he has done is this: He has guaranteed the wheat producer, representing 22 per cent of the agricultural population—but only 6 per cent of this grow wheat as a principal crop—against any possible loss.

Mr. Speaker, I desire to emphasize two things in this connection. The first is this: Just a year ago the Congress of the United States, after months and months of deliberation and, I fear, unnecessary delay, wrote into the law a guaranty of only $2 a bushel. This represented the deliberate judgment of Congress as being a price that would guarantee the farmer a fair and reasonable profit.

The President, however, fixed the price at $2.20 a bushel at Chicago for the 1917 crop, which is 20 cents more per bushel than the congressional guaranty for the 1918 crop. The other point I desire to emphasize is that in fixing these prices, and in fixing these guaranties, the President acted under the full warrant of the law. He fixed this guaranty of $2.20 on February 21 for the crop to be harvested in 1918, and about that time this congressional agitation for a higher guaranty began. What was the result? I have the figures here to show. There was immediately a dangerous falling off in the marketing of wheat by the farmers. There was being held out to them this bait of $2.50 as against $2.20, and they did the very human thing of waiting to get the $2.50. They began to have visions of their congressional leaders shedding tears upon the floor of this House and pleading for this higher price for wheat. They had a vision of the transference of the wheat pit from Chicago, Ill., to the Capitol of the United States at Washington. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I can not yield now. A Senator introduced a bill on the 13th of February, 1918, in which he fixed the guaranty at $2.50 per bushel. Let us see what happens. Let us see how they get into action. Ah, you can not take a southern Senator and outdo a northwestern Senator—not much. On that same day another Senator introduced a bill and he made the price not $2.50—oh, no; he raised the ante a little bit—he made it $2.75 a bushel. But that was not all. No Senator can get the better of the House of Representative, I am glad to say. We lick them every time we go up against them; and, when this Senator introduced this bill making it $2.75, an athletic gentleman on this side, with flashing eye, with a heart throbbing for the downtrodden farmers of his State, introduced a bill, and he made it $3 a bushel! [Laughter and applause.] Oh, yes; and so on down the line, I hold in my hand a half dozen or more of these bills. Let us be serious with this big question, gentlemen. Are you willing to make the Congress of the United States the wheat pit of Chicago?

Are you willing to make this great war necessity the football of ambitious gentlemen of this body and out of it? [Applause.] Are you willing to do it? I represent an agricultural district. It does not raise a great deal of wheat, that is true; but I do not think any man can stand on the floor of this House and accuse me and my acts of ever being sectional. I think you will agree to that, and I do not want to be placed in the attitude of having week after week to take up again the question of whether or not we fixed the price of wheat too low, never too high.

Mr. STEENERSON. Will the gentleman yield?

Mr. LEVER. I have said to the gentleman that I am sorry I can not yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. LEVER. Now, gentlemen, let us analyze this claim for a higher guaranteed price than that fixed by the President's proclamation. There are only two reasons that can be suggested for raising the limit. One is that you will increase the production of wheat in this country for the crop of 1918. Will you do it? Every acre of fall wheat has already been sown. Will you increase the acreage in the spring wheat area? The highest increase that anyone thinks possible under any conditions is 5 per cent. The consensus of opinion is that if you should make the price of wheat $5 a bushel, you would not increase the production of spring wheat 2 per cent, which would amount to a matter of 40,000 acres and that would be in a section of the country where the production is ordinarily low per acre. Oh, no; you will have to dismiss that argument. But somebody said you may increase the acreage for 1919. Let us see about that claim.

Under a guaranty of $2 per bushel we seeded to wheat this last fall the largest area of winter wheat that has even been sown in this country. [Applause.] We seeded an area of 42,170,000 acres, as against 42,012,000 acres for the crop year of 1915, when we produced the bumper crop of this country—more than a billion bushels. So, then, if a guaranty of $2 a bushel will give the largest winter-wheat area ever seeded, does not it follow inevitably that a guaranty of $2.20 a bushel at Chicago and $2.28 at New York and $2.27 at Philadelphia will still further increase your planting of winter wheat this fall? My information is, reading the commercial reports and having other information, that the seeding of spring wheat promises to be the largest in our history. All things point to the fact that the area to be sown in wheat this year will be about

63,000,000 as against 60,000,000 acres in 1915, when we produced over 1,000,000,000 bushels of wheat. There are your facts. What, then, is the other claim for this higher guaranty? It is that the guaranteed price fixed by the President does not furnish to the producer thereof a reasonable profit. Let us analyze that, if you please. Let us compare the increase in the price of wheat under the guaranty with the price of wheat under prewar conditions, and then again compare the increase in the price of wheat under the guaranty with the price of some of the principal things that go into the production of wheat, and let us see where we come out. The average price of wheat from the 1st of March, 1910, to the 1st of March, 1914, was 88⅜ cents per bushel. The 10-year average from 1908 to 1917, inclusive, was $1.05½ per bushel, and this included the high prices resulting from the war. The increase in price from April 1, 1914, to April 1, 1918, is 140.6 per cent.

The guaranteed prices, therefore, were a little over 100 per cent greater than the 10-year average, and nearly 150 per cent greater than the 5-year average immediately preceding the war, and an increase of about 140 per cent since the outbreak of the war. And yet gentlemen stand here and tell this House—in dead earnest, too—that the producer of wheat has been singled out for slaughter by giving him an absolute guaranty against loss. The argument is ridiculous. You have taken his product out of the realm of speculation; you have given it a credit standing. It is the only farm product upon which this country does guarantee a profit. It does not guarantee a profit on corn, nor on rye, nor on barley, nor on cotton; it guarantees it only upon wheat. [Applause.]

Mr. CRAMTON rose.

Mr. LEVER. I am sorry, but I can not yield. Now, let us compare these later increases in the price of wheat with the increase in the prices of some of the more important elements that go into the cost of producing wheat. That is a fair comparison, is it not? Now, let us see. Take labor. Labor is a very important element in the production of wheat, and yet wheat, I may say as a practical man, is one of the cheapest crops to raise, and no wheat producer can deny that fact.

A MEMBER. Oh, yes.

Mr. LEVER. I do not think you could prove it; you might deny it. Take the increase in the price of labor. Since the outbreak of the war it has increased 35 per cent for the United States, but only 33 per cent in the Northwestern Central States. Take binder twine, and there is an increase of 111 per cent in the North Central West and an average of 106 per cent in the United States.

Cultivators have increased 54 per cent in the United States and 45 per cent in the North Central West. Fertilizer has increased 33 per cent in the United States and 23 per cent for the North Central West. Mowers have increased in the United States 40 per cent and in the North Central West 35 per cent. Wagons have increased 52 per cent for the United States and 26 per cent for the North Central West. Plows have increased 61 per cent in the United States and 47 per cent in the North Central West. Grain sacks have increased 84 per cent in the United States and 76 per cent for the North Central West. Gasoline has increased less than 100 per cent. Harrows have increased 69 per cent. Mules have increased scarcely at all, not over 10 per cent. Land values, average increase for the United States, 63.8 per cent.

Mr. MILLER of Minnesota. Does the gentleman——

The SPEAKER pro tempore. The Chair would suggest that gentlemen must not interrupt the gentleman on the floor without his permission.

Mr. MILLER of Minnesota. But these are most astounding statements.

Mr. LEVER. I take that in all good spirit, as the gentleman knows.

These figures demonstrate that the increase in the price of wheat since the outbreak of the war has been about twice the increase in the price of the principal articles which go into the production of wheat. They show further that an acre of wheat will buy more of these things under the guaranteed price than this same acre would have bought in 1914, before the war. [Applause.]

It must also be borne in my mind, when you are talking about the increase in the price of machinery, and the like of that, that the average life of farm machinery is five years, and you must divide your increased cost by four or five in order to get your actual increase to the farmer. The guaranteed price for wheat is an annual proposition.

More than that, if you can not make a profit under the guaranteed price of wheat, then it is certain that the wheat farmer of this country was headed into the jaws of bankruptcy before the war. There is no question about that.

Now, let us make another comparison. I want to compare the guaranteed price of wheat with certain other principal farm products. Corn, since the beginning of the war, has increased 117.3 per cent, oats 125 per cent, barley 229 per cent, rye 273 per cent. And barley and rye, you will understand, have an abnormal price at this time because they have been heavily called upon as substitutes for wheat. Buckwheat has increased 121 per cent, potatoes 32 per cent, hay 53 per cent, cotton 167 per cent, beef cattle 40 per cent, hogs 99.7 per cent.

On the list of articles enumerated, wheat stands fourth in increase of price since the beginning of the war. If you eliminate barley and rye, which have an abnormal value, as I explained, wheat would stand second from the top. The average increase of all of these products, 10 of them, since the war is 125 per cent plus. The average for wheat is 140 per cent plus. Yet gentlemen tell me that wheat has been singled out for slaughter! The facts and the figures do not prove it.

I am relying upon the Monthly Crop Reporter, issued by the Department of Agriculture from time to time. Their figures may be wrong; I do not know. But I am relying upon an official document.

Now, let me say this to you: If we are going to fix a price, or permit anyone else to fix a price, that price must be stable. If we are going to have fluctuations from time to time; if we are going to have wheat at $2.50 to-day and $2.60 to-morrow and $2.75 next month you will make it absolutely impossible for the 90,000,000 consumers of this country to know where they are from day to day. You will upset wage scales and disjoint the machinery of industry. You will do more than that; you will cause the Government of the United States to break its pledged word to the allies.

I say to you that the President has given his word, the word of the people of this country, to the allies that "If you will help me maintain this price, if you take over any surplus that may be on my hands at the end of a crop year, I will see to it that the people of this country will keep their faith with you." That is what the President has said. Our ally at the north, gallant little Canada, has already fixed the price on wheat—last week or week before—at $2.21, the exact ratio of $2.20 at Chicago for American wheat. She is following our lead. She regards that as a reasonable guaranty to the producers of wheat in Canada. Shall Congress upset this obligation? [Applause.]

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. COX. Mr. Speaker, I withdraw my amendment.

The SPEAKER pro tempore. The gentleman from Indiana withdraws his amendment. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the motion of the gentleman from Michigan [Mr. McLAUGHLIN] to concur in the Senate amendment with an amendment.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry. My amendment is to amend the McLaughlin amendment. I think the vote should be taken on that first.

The SPEAKER pro tempore. The gentleman is correct. The first vote is on the amendment of the gentleman from Oklahoma [Mr. MORGAN] to the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I believe a point of order was made on the amendment offered by the gentleman from Oklahoma, that it was beyond the power of the House to increase the price.

The SPEAKER pro tempore. That point was reserved. Does the gentleman make that point?

Mr. McLAUGHLIN of Michigan. I make that point.

Mr. MORGAN. I should like to be heard on that.

The SPEAKER pro tempore. The Chair is ready to rule. The point of order is overruled. The question is on the amendment of the gentleman from Oklahoma to the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. KREIDER. Let us have that amendment read again.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The Clerk read as follows:

Mr. MORGAN moves to amend the amendment offered by the gentleman from Michigan, Mr. McLAUGHLIN, by striking out in the proviso thereof the figures "$2.50" and inserting in lieu thereof the figures "$2.65."

The question being taken, the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question recurs on the amendment of the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McKENZIE. Mr. Speaker, I believe I have an amendment pending, with a point of order reserved against it.

Mr. LEVER. I ask that that amendment be reported, and I make the point of order on the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. McKENZIE: Amend by adding at the end of the section the following:

"*Provided*, That hereafter it shall be unlawful for any miller, wholesaler, jobber, retailer, or other person to sell or offer for sale any rye flour, barley meal, barley flour, oatmeal, corn meal, or corn flour at a higher price than the price asked by such miller, wholesaler, jobber, retailer, or other person for wheat flour.

"Any person violating this provision shall, upon conviction, be fined not less than $1,000 or imprisoned not to exceed one year."

Mr. LEVER. I make the point of order against that amendment.

The SPEAKER pro tempore. The point of order is sustained. The Clerk will report the motion of the gentleman from Michigan [Mr. McLAUGHLIN].

The Clerk read as follows:

Mr. McLAUGHLIN of Michigan moves to concur in Senate amendment No. 44, with an amendment as follows:

"Page 99, line 10, strike out all of Senate amendment No. 44 and in lieu thereof insert the following:

"'That section 14 of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, be amended to read as follows:

"SEC. 14. That whenever the President shall find that an emergency exists requiring stimulation of the production of wheat and that it is essential that the producers of wheat, produced within the United States, shall have the benefits of the guaranty provided for in this section, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit. The President shall thereupon fix such guaranteed price for each of the official grain standards for wheat as established under the United States grain-standards act, approved August 11, 1916. The President shall from time to time establish and promulgate such regulations as he shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment, and differences in price for the several standard grades in the principal primary markets of the United States, adopting No. 1 northern spring or its equivalent at the principal interior primary markets as the basis. Thereupon, the Government of the United States hereby guarantees every producer of wheat produced within the United States, that, upon compliance by him with the regulations prescribed, he shall receive for any wheat produced in reliance upon this guarantee within the period, not exceeding 18 months, prescribed in the notice, a price not less than the guaranteed price therefor a fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. When the President finds that the importation into the United States of any wheat produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty on wheat and to the value of what at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon wheat when imported in addition to the then existing rate of duty, the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon wheat under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any wheat for which a guaranteed price shall be fixed under this section, and to hold, transport, or store it, or to sell, dispose of, and deliver the same to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of wheat under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts: *Provided, however*, That the guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 2 northern spring or its equivalent at not less than $2.50 per bushel at the principal interior primary markets, and this guaranty of prices shall not be dependent upon the action of the President, but is hereby made absolute and shall be binding until May 1, 1919."

Mr. LEVER. Mr. Speaker, upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CANDLER of Mississippi. Mr. Speaker, will the Chair state that a vote "yea" means a vote to concur in the Senate amendment with this amendment, and that a vote "nay" is a vote not to concur with the amendment?

The SPEAKER pro tempore. That is correct. Those in favor of the motion of the gentleman from Michigan [Mr. McLAUGHLIN] to concur in the Senate amendment with an amendment will answer "yea" as their names are called, and those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 127, nays 180, answered "present" 3, not voting 120, as follows:

YEAS—127.

Anderson	Dillon	Jacoway	Reavis
Anthony	Dixon	Johnson, Wash.	Sanders, Ind.
Ashbrook	Doolittle	Keating	Sanders, N. Y.
Austin	Dowell	Kelley, Mich.	Schall
Ayres	Dunn	King	Scott, Mich.
Baer	Elliott	Kinkaid	Sells
Barkley	Ellsworth	Knutson	Shallenberger
Barnhart	Esch	Kraus	Shouse
Beshlin	Evans	Kreider	Sinnott
Bland	Fairfield	La Follette	Slemp
Bowers	Ferris	Larsen	Sloan
Brodbeck	Fess	Lesher	Smith, Idaho
Browne	Focht	Little	Smith, Mich.
Butler	Fordney	McArthur	Snook
Campbell, Kans.	Foster	McFadden	Steenerson
Cannon	Frear	McKeown	Sweet
Carlin	French	McKinley	Switzer
Carter, Okla.	Fuller, Ill.	McLaughlin, Mich.	Taylor, Colo.
Cary	Gandy	Mapes	Thomas
Chandler, Okla.	Graham, Ill.	Merritt	Tillman
Clark, Pa.	Green, Iowa	Miller, Minn.	Timberlake
Classon	Griest	Miller, Wash.	Van Dyke
Claypool	Hadley	Mondell	Voigt
Connelly, Kans.	Hamilton, Mich.	Morgan	Walton
Cooper, Ohio	Harrison, Va.	Mudd	Welling
Cox	Hastings	Neely	Wheeler
Cramton	Haugen	Osborne	Williams
Currie, Mich.	Hawley	Parker, N. Y.	Wood, Ind.
Davis	Hayes	Pou	Woods, Iowa
Denison	Helvering	Price	Woodyard
Denton	Hollingsworth	Purnell	Young, N. Dak.
Dill	Hutchinson	Ramseyer	

NAYS—180.

Almon	Freeman	Lobeck	Rogers
Bankhead	Fuller, Mass.	London	Rose
Beakes	Gard	Lonergan	Rouse
Bell	Garland	Longworth	Rowe
Black	Garner	Lufkin	Sabath
Blackmon	Garrett, Tex.	Lundeen	Sanford
Blanton	Glynn	Lunn	Sherley
Brand	Godwin, N. C.	McAndrews	Sherwood
Britten	Good	McCulloch	Sims
Browning	Goodall	McKenzie	Sisson
Buchanan	Goodwin, Ark.	Madden	Slayden
Burnett	Gordon	Maher	Smith, C. B.
Burroughs	Gould	Mansfield	Snyder
Byrnes, S. C.	Gray, Ala.	Mason	Steagall
Byrns, Tenn.	Gray, N. J.	Mays	Stedman
Caldwell	Greene, Mass.	Moore, Pa.	Steele
Candler, Miss.	Greene, Vt.	Moores, Ind.	Stephens, Miss.
Cantrill	Griffin	Morin	Sterling, Ill.
Caraway	Hardy	Mott	Stevenson
Church	Harrison, Miss.	Nicholls, S. C.	Stiness
Cleary	Hayden	Nichols, Mich.	Sumners
Coady	Heaton	Oldfield	Tague
Collier	Hersey	Oliver, Ala.	Talbott
Connally, Tex.	Hilliard	Oliver, N. Y.	Taylor, Ark.
Cooper, W. Va.	Houston	O'Shaunessy	Templeton
Copley	Howard	Overmyer	Tilson
Crisp	Huddleston	Overstreet	Tinkham
Crosser	Hull, Iowa	Padgett	Venable
Dale, Vt.	Hull, Tenn.	Paige	Vinson
Darrow	Humphreys	Park	Waldow
Dewalt	Ireland	Parker, N. J.	Walker
Dies	Johnson, Ky.	Peters	Walsh
Dominick	Jones	Phelan	Ware
Donovan	Juul	Polk	Wason
Doremus	Kearns	Pratt	Webb
Doughton	Kehoe	Quin	Welty
Drane	Key, Ohio	Ragsdale	Whaley
Eagan	Kiess, Pa.	Rainey, J. W.	White, Me.
Eagle	Kincheloe	Raker	White, Ohio
Elston	Kitchin	Randall	Wilson, Ill.
Fairchild, B. L.	Langley	Rayburn	Wilson, Tex.
Farr	Lea, Cal.	Reed	Wingo
Fields	Lee, Ga.	Riordan	Wise
Fisher	Lever	Roberts	Young, Tex.
Foss	Linthicum	Robinson	Zihlman

ANSWERED "PRESENT"—3.

Booher	Emerson	Nelson

NOT VOTING—120.

Alexander	Edmonds	James	Powers
Aswell	Estopinal	Johnson, S. Dak.	Rainey, H. T.
Bacharach	Fairchild, G. W.	Kahn	Ramsey
Borland	Flood	Kelly, Pa.	Rankin
Brumbaugh	Flynn	Kennedy, Iowa	Robbins
Campbell, Pa.	Francis	Kennedy, R. I.	Rodenberg
Carew	Gallagher	Kettner	Romjue
Carter, Mass.	Gallivan	LaGuardia	Rowland
Chandler, N. Y.	Garrett, Tenn.	Lazaro	Rubey
Clark, Fla.	Gillett	Lehlbach	Rucker
Cooper, Wis.	Glass	Littlepage	Russell
Costello	Graham, Pa.	McClintic	Sanders, La.
Crago	Gregg	McCormick	Saunders, Va.
Curry, Cal.	Hamill	McLaughlin, Pa.	Scott, Iowa
Dale, N. Y.	Hamilton, N. Y.	McLemore	Scott, Pa.
Dallinger	Hamlin	Magee	Scully
Davidson	Haskell	Mann	Shackleford
Decker	Heflin	Martin	Sears
Delaney	Heintz	Meeker	Siegel
Dempsey	Helm	Montague	Small
Dent	Hensley	Moon	Smith, T. F.
Dickinson	Hicks	Nolan	Snell
Dooling	Holland	Norton	Stafford
Drukker	Hood	Olney	Stephens, Nebr.
Dupré	Husted	Platt	Sterling, Pa.
Dyer	Igoe	Porter	Strong

Sullivan	Towner	Volstead	Weaver
Swift	Treadway	Watkins	Wilson, La.
Temple	Vare	Watson, Pa.	Winslow
Thompson	Vestal	Watson, Va.	Wright

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. FLOOD with Mr. EMERSON.

Mr. BOOHER with Mr. TREADWAY.

Mr. BORLAND with Mr. HUSTED.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. MARTIN with Mr. PORTER.

Mr. ROMJUE with Mr. JOHNSON of South Dakota.

Mr. DUPRÉ with Mr. CARTER of Massachusetts.

Mr. HEFLIN with Mr. DALLINGER.

Mr. LITTLEPAGE with Mr. KENNEDY of Iowa.

Mr. ALEXANDER with Mr. MEEKER.

Mr. HOLLAND with Mr. DYER.

Mr. GLASS with Mr. STRONG.

Mr. ASWELL with Mr. BACHARACH.

Mr. BRUMBAUGH with Mr. CHANDLER of New York.

Mr. CAMPBELL of Pennsylvania with Mr. COOPER of Wisconsin.

Mr. CLARK of Florida with Mr. CURRY of California.

Mr. DALE of New York with Mr. DAVIDSON.

Mr. DECKER with Mr. DEMPSEY.

Mr. DELANEY with Mr. GEORGE W. FAIRCHILD.

Mr. DOOLING with Mr. HASKELL.

Mr. GALLAGHER with Mr. HICKS.

Mr. GALLIVAN with Mr. GILLETT.

Mr. GREGG with Mr. KAHN.

Mr. WRIGHT with Mr. FRANCIS.

Mr. KELLY of Pennsylvania with Mr. KENNEDY of Rhode Island.

Mr. IGOE with Mr. LEHLBACH.

Mr. HAMLIN with Mr. PLATT.

Mr. HELM with Mr. RAMSEY.

Mr. KETTNER with Mr. ROBBINS.

Mr. LAZARO with Mr. SCOTT of Iowa.

Mr. McLEMORE with Mr. SCOTT of Pennsylvania.

Mr. MONTAGUE with Mr. SNELL.

Mr. MOON with Mr. STAFFORD.

Mr. OLNEY with Mr. POWERS.

Mr. HENRY T. RAINEY with Mr. TEMPLE.

Mr. RUBEY with Mr. TOWNER.

Mr. RUCKER with Mr. VOLSTEAD.

Mr. SCULLY with Mr. DRUKKER.

Mr. SEARS with Mr. HEINTZ.

Mr. SHACKLEFORD with Mr. LAGUARDIA.

Mr. THOMAS F. SMITH with Mr. CRAGO.

Mr. STERLING of Pennsylvania with Mr. NORTON.

Mr. SULLIVAN with Mr. McCORMICK.

Mr. WATKINS with Mr. WINSLOW.

Mr. WEAVER with Mr. HAMILTON of New York.

On this vote:

Mr. SAUNDERS of Virginia (for $2.50 wheat) with Mr. SWIFT (against).

Mr. WATSON of Pennsylvania (for $2.50 wheat) with Mr. SIEGEL (against).

Mr. MAGEE (for $2.50 wheat) with Mr. JAMES (against).

Miss RANKIN (for $2.50 wheat) with Mr. NOLAN (against).

Mr. ROWLAND (for $2.50 wheat) with Mr. GARRETT of Tennessee (against).

Mr. DICKINSON (for $2.50 wheat) with Mr. McLAUGHLIN of Pennsylvania (against).

Mr. WATSON of Virginia (for $2.50 wheat) with Mr. VARE (against).

Mr. McCLINTIC (for $2.50 wheat) with Mr. GRAHAM of Pennsylvania (against).

Mr. THOMPSON (for $2.50 wheat) with Mr. EDMONDS (against).

Mr. VESTAL (for $2.50 wheat) with Mr. COSTELLO (against).

Mr. EMERSON. Mr. Speaker, did the gentleman from Virginia [Mr. FLOOD] vote?

The SPEAKER pro tempore. He did not.

Mr. EMERSON. I am paired with Mr. FLOOD. I answered "no," but I withdraw that and answer "present."

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. FERRIS: To concur in the Senate amendment No. 44, with the following amendment: Page 100, line 22, after the word "eighteen," insert "and ninteen hundred and nineteen."

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Oklahoma to concur in Senate amendment No. 44.

The question was taken; and on a division (demanded by Mr. MORGAN) there were 98 ayes and 167 noes.

So the motion was lost.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from South Carolina to disagree to the Senate amendment and ask for a further conference.

Mr. CRISP. Mr. Speaker, the House having voted to nonconcur, is not that tantamount to a disagreement?

The SPEAKER pro tempore. The gentleman is right.

Mr. LEVER. I ask unanimous consent that a further conference be asked for.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Chair appointed the following conferees: Mr. LEVER, Mr. LEE of Georgia. Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. McLAUGHLIN of Michigan.

LEAVE OF ABSENCE.

Mr. WRIGHT, by unanimous consent, was given leave of absence indefinitely, on account of the death of his wife.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, this morning the gentleman from Wyoming [Mr. MONDELL] asked unanimous consent that on Monday next the gentleman from Connecticut [Mr. TILSON] might proceed for 45 minutes. I objected, because I felt compelled to protect District day, but I now ask unanimous consent that on next Monday, when the first bill for the District Committee is being considered, general debate be limited to two hours, and that the gentleman from Connecticut [Mr. TILSON] have 45 minutes of that time.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that on next Monday, on the first bill to be considered from the District Committee, general debate shall be limited to two hours, of which the gentleman from Connecticut [Mr. TILSON] shall have 45 minutes. Is there objection?

Mr. WALSH. Reserving the right to object, it seems to me that that is not a wise agreement to make at this time. A motion might be made to suspend business on District day, or the question of consideration might arise. If the first bill is on the Union Calendar, there will be no difficulty about yielding time. It seems to me it is tying the House up so that the gentleman might not get the time if the agreement was made, and I object.

ADJOURNMENT.

Mr. DIXON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, April 19, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," reported the same with an amendment, accompanied by a report (No. 497), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LITTLE, from the Committee on Claims, to which was referred the bill (H. R. 9018) for the relief of Ynchausti & Co., reported the same without amendment, accompanied by a report (No. 498), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10344) granting an increase of pension to Louis G. Murray; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11412) granting an increase of pension to Felix Beske; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHANDLER of Oklahoma: A bill (H. R. 11516) to increase the revenue and to levy a duty upon imports from foreign countries of lead and zinc ore and manufactured products containing lead or zinc; to the Committee on Ways and Means.

By Mr. EMERSON: A bill (H. R. 11517) to fix the price of cotton during the period of the war; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 11518) to amend the naturalization laws and repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. HARDY: A bill (H. R. 11519) to promote economy in the construction of vessels for the United States Shipping Board and Emergency Fleet Corporation, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SIMS: A bill (H. R. 11520) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. BARNHART: A bill (H. R. 11521) to amend and revise the laws relating to printing and binding and the distribution of publications for Congress; to the Committee on Printing.

By Mr. GODWIN of North Carolina: A bill (H. R. 11522) fixing the price of cotton during the war; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 11523) to further provide for the national security and defense and for the purpose of assisting the prosecution of the war, and to provide for the assistance and appropriations by the Federal Government for the repair and maintenance of such improved highways of the several States as may, because of the extraordinary circumstances of war, be declared to be military roads; to the Committee on Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 11546) to make April 6 in each year a national holiday to be called Liberty Day; to the Committee on the Judiciary.

By Mr. FORDNEY: Resolution (H. Res. 315) to increase the salaries of the messengers to the minority.

By Mr. DENT: Joint resolution (H. J. Res. 281) to amend the provisions of section 124 of the act of Congress approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOMINICK: A bill (H. R. 11524) for the relief of the Anderson Phosphate & Oil Co.; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 11525) to correct the military record of John H. Addleman; to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 11526) granting an increase of pension to Emery H. Bancroft; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 11527) granting an increase of pension to Samuel A. Berry; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 11528) for the relief of William Malone; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 11529) granting a pension to Blanche Luster; to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 11530) granting a pension to Jennie C. Rathbun; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11531) to authorize the President to award a medal of honor to Maj. B. F. D. Fitch for conspicuous bravery rendered on the man-of-war *Varuna* on April 24, 1862; to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 11532) granting a pension to Max Baruth; to the Committee on Pensions.

Also, a bill (H. R. 11533) granting a pension to Wilbur F. Hill; to the Committee on Pensions.

Also, a bill (H. R. 11534) granting a pension to Ira T. Aleshire; to the Committee on Pensions.

Also, a bill (H. R. 11535) granting a pension to Margaret Scholton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11536) granting a pension to Nellie B. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11537) granting a pension to Mattie Rowney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11538) granting a pension to Frederick D. Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11539) granting a pension to William Hixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11540) granting an increase of pension to Patrick F. Nealon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11541) granting an increase of pension to Charles E. Bonsall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11542) granting an increase of pension to Miss Cora E. Ruttinger; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11543) granting a pension to Rebecca Whiteacre; to the Committee on Invalid Pensions.

By Mr SHOUSE: A bill (H. R. 11544) to remove the charge of desertion from the record of John T. Lamar; to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 11545) granting a pension to Rebecca Strouther; to the Committee on Pensions.

By Mr. HUMPHREYS: A bill (H. R. 11547) to reimburse Hugh J. McKane for property destroyed by fire in the District of Columbia; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DOOLING: Resolutions of the Merchants' Association of New York, favoring the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Resolution of the foreign trade committee of the Cleveland Chamber of Commerce, in behalf of House bill 10366; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLINGSWORTH: Papers and five affidavits in support of House bill 11504, granting a pension to Martha Jane Griffin, helpless daughter of George Griffin, late of Company H, One hundred and tenth Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Resolution of the Baltimore Typographical Union, No. 12, favoring the Sherwood old-age pension bill; to the Committee on Pensions.

Also, petition of the Phelps Can Co., Baltimore, Md., favoring the payment of income taxes in installments; also, the petition of James E. Tyler, Baltimore, Md., opposing House bill 8565, to levy a tax of $25 on automobiles; to the Committee on Ways and Means.

Also, petition of Furst Bros. & Co. and Charles M. Stieff, Baltimore, Md., opposing House bill 10591, to regulate installment business in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of F. Garrison, Baltimore, Md., favoring the Edmonds bill (H. R. 5531) to create a pharmaceutical corps in the Army; to the Committee on Military Affairs.

Also, petition of E. D. Loane, Baltimore, Md., urging support of House bill 9414, granting increased pay to letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Edward F. Buchner, chairman education committee, Maryland State Federation of Women's Clubs, urging the passage of House bill 6490; to the Committee on Education.

Also, resolution of Department of Maryland, Grand Army of the Republic, urging increased pensions to Civil War veterans; to the Committee on Invalid Pensions.

By Mr. LONERGAN: Resolutions of the Cosmopolitan Club, of South Manchester, Conn., protesting against the postal increase on periodicals; to the Committee on Ways and Means.

By Mr. MILLER of Minnesota: Resolutions adopted by the Fifteenth Minnesota Volunteer Infantry, Spanish War Veterans, expressing loyalty and desiring vigorous action against all forms of pro-Germanism; to the Committee on the Judiciary.

By Mr. OSBORNE: Petition of members of Santa Rosa (Cal.) Woman's Club, protesting against the zone system of second-class postage and urging that Congress reconsider its action in the matter; to the Committee on Ways and Means.

By Mr. RAKER: Resolution adopted by the Cupertino Union Church of California, protesting against the zone system and asking for its repeal; to the Committee on the Post Office and Post Roads.

Also, a letter from Harold C. Forbes, protesting against the zone system and asking for its repeal; to the Committee on the Post Office and Post Roads.

Also, petitions of David N. Honn and 24 others, W. H. Lucas and 29 other citizens, and Rev. H. Newberry and 39 other citizens, all of Redding, Cal., asking that no food or grain should be used in the manufacture of alcohol, and that foodstuffs now in the hands of such manufacturers be appropriated by the Government; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profit taxes from Stern Bros.; Samstag & Hilder Bros.; Regal Silk Co.; Stroheim & Romann; Morse Bros.; Titus Blatter & Co.; Freid, Mendelson & Co.; Arnold, Constable & Co.; Pacific Novelty Co.; Fleitmann & Co.; Scheffer, Schram & Vogel; J. Kridel Sons & Co.; Liberty Loan Committee; B. Edmund David; Brooks Bros.; M. Lowenstein & Sons; A. Steinhardt & Bro.; Bonwitt Teller & Co.; Arthur G. Meyer & Co.; Pelgram & Myer; Robert Reis & Co.; Hager, Clark & Co.; William Iselin & Co.; Champlain Silk Mills; Hauser & Weil; G. V. Taylor & Sons; A. Wimpfheimer & Bro.; Campbell, Metzger & Johnson; John Dunlop's Sons; Empire Silk Co; Samuel Eismen & Co.; A. S. Rosenthal Co.; E. & H. Levy; Hermann, Aukmann & Co.; M. Marks Co.; L. F. Dommerich & Co.; H. B. Rubin; Bermard Ullman & Co; A. H. Sand & Co.; Ritter Bros.; Ginsberg Bros.; R. & G. Corset Co.; E. Siegel & Son; T. J. Mitchell & Co.; Joseph Corn; Borgenicht & Sons' Co.; M. L. Cohn Co.; D. Bloomberg & Co.; Kreeger Bros.; Reisman, Rothman, Bieber; Max Schlesinger; A. Schwartz & Co.; Lord & Taylor; Sipkin & Gorschen; B. Schwartz & Sons; Ben Erdman; and Jacobus Bros. & Co., New York City; C. C. Kellogg & Sons Co., Utica, N. Y.; Syracuse Supply Co., Syracuse, N. Y.; Chenango Silk Co., Binghamton, N. Y.; Akron Manufacturing Co., Akron, N. Y.; Henry Doherty Silk Co. and Katterman & Mitchell Co., Paterson, N. J.; Robert Treat Manufacturing Co. and Tonks Bros. Co., Newark, N. J.; R. & H. Simon Co., Union Hill, N. J.; C. E. Ashley, Hawthorne, N. J.; Glastebury Knitting Co. and Williams Bros. Manufacturing Co., Glastonbury, Conn.; American Hosiery Co., New Britain, Conn.; Arthur Weiss & Co., Chicago, Ill.; Santee Mills, Orangeburg, S. C.; Renfrew Manufacturing Co., Adams, Mass.; U. S. Button Co., Muscatine, Iowa; Thos. Wolstenholme Sons & Co., Philadelphia; Black Diamond Silk Co., Scranton, Pa.; Olyphant Silk Co., Olyphant, Pa.; Brancord Manufacturing Co., Concord, N. C.; Union Manufacturing Co., Frederick, Md.; to the Committee on Ways and Means.

By Mr. VARE: Petition of Keystone Division No. 1C, Sons of Temperance, asking prohibition for duration of the war; to the Committee on the Judiciary.

Also, petition of Integrity Council, No. 338, F. P. A. L., asking reduced rates for persons in the military and naval service on the railroads; to the Committee on Interstate and Foreign Commerce.